

## **‘Paedophile hunters’ must know the law if they are to help police**

LNB News 18/09/2017 127

**Lawyers are wary about the suggestion police in the UK could form a formal relationship with vigilante groups aiming to catch child sex offenders. Figures obtained by the BBC reveal that in 2016, 44% of court cases involving the crime of meeting a child after sexual grooming used vigilante evidence—up from 11% in 2014. Police have conceded they may look at working with vigilante groups in future. However, Louise Sweet QC, from 2 Bedford Row, says doing so could involve a real danger of loss or evidence or even further crime. Sweet believes any police force accepting vigilante help must begin by setting out clear guidelines.**

Vigilante groups known as ‘paedophile hunters’ seek to catch paedophiles in the act of encouraging children into sexualised behaviour. Their methods often involve baiting an adult by posing as a child and filming the people they arrange to meet.

Louise Sweet QC says entrapment can be a legitimate enforcement tool, however the law is clear that the technique of providing the opportunity to commit crime should not be applied in a random fashion or be used for wholesale virtue-testing without good reason. Sweet notes: ‘The greater the degree of intrusiveness, the closer the court will scrutinise the reason for using it.’

Official police policy is to not condone, but actively discourage vigilante groups. Sweet says this is because such groups put themselves at personal risk, and may even interfere with ongoing investigations or give an offender the opportunity to destroy evidence.

However, Sweet observes that public resources are limited and the web is ‘too vast to comprehensively police’.

### **Using vigilante evidence**

Louise Sweet says the ultimate legal consideration for a judge, when determining whether to allow entrapment evidence, is whether the conduct is so seriously improper as to bring the administration of justice into disrepute.

If it is, Sweet says the court has discretion to exclude the evidence pursuant to section 78 of the Police and Crime Evidence Act 1984 or stay the proceedings altogether as an abuse of process. She says: ‘If it is not, then the prosecution will be permitted to rely on the evidence whether gathered by a law enforcement agency or vigilante group.’

### **Potential police partnership with vigilante groups**

When considering whether to work with vigilante groups on a formal basis, Sweet says police must ensure any group they give any approval of, by using the evidence gathered, understands the difference between affording an opportunity and encouraging an offence that would otherwise not have been committed.

Above all, Sweet believes they must not encourage civilian confrontation of a suspect. She says: ‘There lies the danger of loss of evidence or even further crime. Any police force accepting vigilante help must begin by setting out clear guidelines.’

