

**POLICING VIRTUAL WORLDS  
THE *WORLD* OF LAW ENFORCEMENT IS ABOUT TO CHANGE**

**by**

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**May 2009**

**COMMAND COLLEGE CLASS 44**

The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).



# POLICING VIRTUAL WORLDS THE *WORLD* OF LAW ENFORCEMENT IS ABOUT TO CHANGE

## A Glimpse into the Future

Illustration (Weber)

The year is 2018: Officer Mariposa just started her shift, but instead of heading to a patrol vehicle, she logs into her assigned computer, remotely attending her daily roll call before heading out on virtual patrol. Today, she is doing targeted enforcement on a couple of establishments in the



virtual world that are offering sex with children in exchange for a fee. Tomorrow, she will focus on two retail stores suspected of laundering ill-gotten gains by selling merchandise for virtual currency—currency with real world value that can be exchanged for real world currency.

Our virtual officer does not carry a gun. She did not attend a traditional police academy, and she will never participate in the real world arrests of the criminals tied to the crimes she investigates in the virtual world. She is, however, highly educated, well versed in technology and programming, and a valuable asset to her Department. A new dimension in policing now complements the traditional concept of policing. The era of policing the virtual world has begun.

### **Why Police Virtual Worlds?**

Technology use, particularly Internet use, is on the rise. Internet use experienced a growth of 119.4 percent in North America from 2000-2007; the world as a whole eclipsed this number, with a 284.3 percent growth in Internet use during the same period ([www.internetworldstats.com](http://www.internetworldstats.com)). Not all of these users come from the most honest segments of society; consequently, electronic crime is at an all time high.

A study conducted by John Kane and April D. Wall in association with the National White Collar Crime Consortium (NW3C) confirmed increases in technology-based crime (20). A United States Department of Justice survey found that one-in-five children have been sexually accosted online (Kirk). While testifying before congress, Philip Linden cited a study by Gartner group forecasting 80 percent of internet users being involved in virtual worlds by the year 2011 (Huffhines 2). As more and more of the population immerse themselves in the Internet, the line between the real world and the

virtual world (artificial environments created in the digital realm) is blurring. Nowhere is this more evident than in virtual worlds such as Second Life.<sup>1</sup>

Second Life is a free, downloadable software application available to anyone wishing to immerse themselves in this virtual environment. Those wishing to have a more in-depth virtual world experience, which can entail owning land, and receiving a weekly stipend in the world's currency (the Linden), must pay for the premium service.

Participants can occupy themselves in all of the activities available in the real world, or can immerse themselves in their fantasies, vicariously, through their avatar<sup>2</sup>; the user dictates much of the experience. With all of that freedom, these environments are rife with opportunities for social engagement with other avatars. Of course, there are also those that would prefer to engage in criminal enterprise.

In any given one-month period, there are a million residents within Second Life; the total number of residents is over 16 million ("What is..." Economic Statistics). In the third quarter of 2008, those residents exchanged almost 100 million dollars (U.S.) in user-to-user transactions. World of Warcraft, another virtual world, boasts 11 million subscribers, a population equal to that of Ohio (Snow 1). There is a human being behind each of the avatars inhabiting these virtual worlds; thus, there is bound to be criminal activity. After all, according to the theory of general deterrence, "People will engage in criminal and deviant activities if they do not fear apprehension and punishment" (Keel, "Rational Choice and Deterrence Theory").

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<sup>1</sup> According to the Second Life website, "Second Life is a 3-D virtual world entirely created by its Residents. Since opening to the public in 2003, it has grown explosively and today is inhabited by millions of Residents from around the globe" ("What is Second Life?").

<sup>2</sup> An avatar is a digital character representative of a virtual world participant's online personality, more or less a virtual alter ego.

In one's own jurisdiction, information indicating crime of all types occurring unchecked in a certain geographic area would prompt most law enforcement executives to immediately direct resources toward stemming this trend. Yet, mention crimes within a virtual world affecting a resident or business in their jurisdiction and one might find a good degree of skepticism. Many individuals view these environments as merely an entertainment medium with no real world connection. In fact, a search for the terms "Second Life" and "only a game" will yield in excess of 10,000 search hits in Google (Jenkins).

In reality, the types of crime taking place in virtual worlds largely parallel real world crime. The point of contention lies in whether one considers such activity illegal when it takes place in a virtual environment. Few would dispute that activities such as hacking and identity theft should be illegal; those in dissent are steadfast in their opinion that virtual worlds are games, which are better regulated by the virtual world corporations providing the environment than by lawmakers (Kerr 4). Fewer understand that virtual property holds real world value and that when someone steals or vandalizes that property, it should be a crime. Those that do share in such an understanding would find themselves in the company of the citizens of the Netherlands, where "[a] 17-year-old Dutch teenager was arrested...on suspicion of stealing furniture worth £2,800 from a hotel room....The crime happened not in real life but in a [']virtual['] hotel in the three-dimensional world Habbo Hotel, a children's game that only exists on the internet" (Keegan). It does not take a leap of faith to recognize, virtual or not, someone paid for the furniture in the above-mentioned scenario. The theft of the virtual furniture directly translates to a real world

financial loss. Laws against theft were specifically created to provide consequences for such actions. What about laws designed to protect people rather than property?

### **It is about More than Just Money**

Whether a digitally created child engaged in illicit sexual activity is a crime sparks heated debate. Germany says yes<sup>3</sup>; the United States, currently, says no. There are those that would continue to defend the right of consenting adults (provided this is who is behind the virtual character) to act out fantasies involving minors. Of greater concern, however, is that such fantasies will transcend the boundaries of the virtual world and result in real life sexual assaults on children.

One must ask if a normal functioning adult engages in fantasies about sexual activity with children, or if one finds it appropriate to do so. After examining several surveys related to this issue, D. Richard Laws and William T. O'Donohue concluded that sexual fantasies about children are rare, "...occurring at a frequency less than 3%" (167). Laws and O'Donohue report that the majority of those that do engage in such behavior are men, rather than women (167). In an investigative report Jason Farrell points to an example of a subject transferring his online fantasies into real life crime: Archibald Wood was arrested after his fantasy life of abusing children in a virtual chat room led to similar real life abuse ("Wonderland"). During the same report, Jim Gamble, CEO of the Child Exploitation and Online Protection Centre in London expressed it is the transference of these fantasies from the virtual world to the real world that concerns his organization.

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<sup>3</sup> Mere possession of virtual child pornography can yield three years in a German prison ("Second Life 'child abuse' claim").

This is why, according to Jason Farrell, virtual detectives will be sent into Second Life to investigate crimes and related conduct. What about virtual murder? Japan recently arrested a woman for killing her virtual husband's avatar. While the thought of prosecuting this woman for murder might seem far-fetched, at least in the United States, tying the murdered avatar to a real world financial loss and prosecuting her for vandalism might seem more appropriate. Although these concepts seem foreign, just imagine how incomprehensible it was fifteen years ago to think of someone's identity being stolen.

Crime within virtual worlds is an emerging trend. Law enforcement cannot afford to ignore virtual world crime; the longer that it does, the further behind it will fall in building the technological knowledge and securing the necessary tools to address this concern. In his article, "Policing in America: Assessment and Prospects," David H. Bayley states, "...technology has raised the potential destructiveness of criminal actions" (6). Given these concerns, duty binds law enforcement to get more involved in technological crime; this will drive the policing of virtual worlds.

### **How Does Law Enforcement Prepare?**

Among the complex web of issues mentioned above lies the question of what law enforcement is going to do to police virtual worlds. According to legal experts from both the prosecution and defense, law enforcement and the judicial system in the United States are not prepared to deal with virtual world crime.<sup>4</sup>

Those representing the prosecutorial side are advocating for less restrictions to monitor and obtain information regarding the real-world identities of the online

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<sup>4</sup> Attorneys from both the prosecutorial and defense side participated anonymously in an expert group discussion conducted by the author on March 13, 2008, at the Burbank Police Department, in Burbank, CA.

population. The businesses that have fallen victim to virtual world crime tend to agree. There is a growing concern that the profitability of real world goods is being impacted by counterfeit virtual versions of real world manufacturers, such as Nike, Gucci, Rolex, Prada, etc.; the list goes on. In “Rampant Trademark Infringement in Second Life Costs Millions, Undermines Future Enforcement,” Benjamin Duranske explains that conservatively speaking, counterfeiting within Second Life costs a company like Rolex approximately two million dollars a year. Potential events such as legislation supporting the policing of virtual worlds or the elimination of privacy rights on the Internet would hugely benefit law enforcement efforts; however, the resistance is strong.

According to Esther Dyson in a recent issue of *Scientific American*, “The U.S. administration is breaching people’s privacy right and left, while conducting more and more of its operations in obscurity. It has become hard to act anonymously if someone—particularly the government—makes any effort to find out who you are” (50). Somehow, government must strike a balance between its duty to protect the public and the desire of those it serves to preserve their individual rights and freedom. Concerns such as terrorists utilizing virtual world environments to recruit and conduct training might aid in tipping the scales toward monitoring and regulation. According to Natalie O’Brien in her article “Virtual Terrorists,” there are already jihadist terrorist groups operating within Second Life (1).<sup>5</sup> Amongst the challenges of walking this delicate path, law enforcement will face other obstacles.

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<sup>5</sup> For further information on this topic refer to Rohan Gunaratna’s book *Inside al-Qa’ida*

## **Overcoming the Obstacles**

Roles, philosophies, and perceptions of policing will change over time; this constant has been proven over the past 350 years (North Carolina Justice Academy). The concept of policing virtual worlds is yet another evolution in policing, one that will be born out of necessity.

How will law enforcement police virtual worlds? The legislature and political climate will be partly decisive on this. Laws will need to be enacted and revised; constitutional amendments might even be required. Some legislators have already demonstrated a commitment to task the law enforcement community with police responsibilities in the virtual world. In an April of 2008 press release, Congressman Mark Kirk proclaimed, "If sites like Second Life won't protect kids from obviously inappropriate content, the Congress will" (1). After an April of 2008 hearing for the House Subcommittee on Telecommunications and the Internet, Aldon Huffhines quoted Congressman Cliff Stearns as stating, "...Congress needs to be vigilant about crime in virtual worlds, particularly fraud and sexual predators" (1). Nevertheless, law enforcement will rely more than ever on technology and those with the skills to use it. Each agency will maintain its own identity and policing style, while simultaneously maintaining a state of interdependence with other agencies in an effort to minimize the challenges of cross-jurisdictional investigations.

The increasing diversity of demographics in virtual worlds, the virtualization of currency, and the rate at which technology outpaces government's response will continue

to challenge policing.<sup>6</sup> The issue of jurisdictional unenforceability will compound this challenge, as will a dearth of qualified personnel to police these environments. In addition to cooperating at the local, state, federal, and international level, agencies wishing to overcome such challenges might consider developing partnerships with virtual world corporations. In one instance, FBI investigators created avatars at the request of Linden Labs, Inc. (creators of Second Life) to ensure their virtual casinos complied with the law (Sipress 2). Currently, Linden Labs tracks every financial transaction over ten United States dollars so that pattern recognition may be used to identify fraud, money laundering, etc. (Huffhines 2). While aiding law enforcement to navigate these environments and identify offenders, these partnerships may also serve as an avenue to recruit personnel. The Vancouver Police Department in Canada has already seized on this opportunity with the goal of “...targeting a generation who are extremely web-savvy” to recruit new members of staff (O’Hear 1). Other police agencies across the globe may find the virtual world a new and rewarding recruiting ground as well.

There are many issues for law enforcement to address with respect to policing virtual worlds. These recommendations are not exhaustive by any means; however, they offer opportunities to exam current practices as agencies prepare to transition from a law enforcement community largely unprepared to police virtual worlds, to one that is formidably ready to attend to the emergence of a new area of criminality.

### **Conclusion**

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<sup>6</sup> Experts from the legal, education, technology, corporate security, and law enforcement fields, along with high school students, participated anonymously in an expert group discussion conducted by the author on March 13, 2008, at the Burbank Police Department, in Burbank, CA. During this discussion, the group forecasted several trends, including those mentioned here, that were likely to impact the policing of virtual worlds within the next ten years.

Virtual worlds are environments with endless possibilities. One can teleport instantly from one place to another. One can take on any appearance (human, animal, or other) and change it on a whim. One can even write code to change the environment itself. Policing such an environment will undoubtedly require new tools and skill sets. However, in the midst of all of this possibility and uncertainty, law enforcement must remain mindful that the mission, however, remains the same, "...to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice" ("Law Enforcement Code of Ethics").

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