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LIMINAL IMAGES

Criminality, Victimisation and Voyeurism

Introduction

On a Saturday night in August 2013, two young men, Trent Mays and Ma'lik Richmond, sexually assaulted a 16-year-old woman. According to court reports, one of the men had sent pictures and text messages from his iPhone, including one of the young woman naked and unconscious with what appears to be semen on her chest (Ohio Court of Common Pleas, 2012). Mays and Richmond, both also 16 and players on the high school football team, would later be charged and found guilty of rape. Mays would also be charged and found guilty of dissemination of child pornography in relation to images that were taken and distributed of the sexual assault (Oppel, 2013). Several witnesses had also taken images that they subsequently shared with others via mobile phone, email and social media. In addition to the images themselves, the perpetrators, witnesses and their peers posted commentary minimizing the rape, as well as laughing at and blaming the victim. In one photograph, Mays and Richmond are seen carrying the clearly unconscious young woman by her wrists and her ankles, as her hair trails on the floor. The image, posted on Instagram by an ex-boyfriend of the victim, Cody Saltsman, was accompanied by a tweet: 'Never seen anything this sloppy lol' (Levy, 2013). Others who heard of the rape joined in on the public commentary by posting vicious tweets about the victim, including: 'Whores are hilarious', 'If they're getting "raped" and don't resist then to me it's not rape', and 'Song of the night is definitely Rape Me by Nirvana' (see Powell, 2015). Meanwhile, a friend of the young men who perpetrated the assault, Michael Nodianos, was recorded that same night laughing hysterically along with his peers about the rape, describing the unconscious young woman as 'dead' and saying 'there isn't any foreplay with a dead girl' and 'she's dead-er than OJ's wife' (Levy, 2013). In the background of the video, which was uploaded to YouTube, one of the young men can be heard saying 'That's not cool bro. That's like rape . . . they could go to jail' (Baker, 2013). But the group keeps laughing throughout the 12 minute video, as Michael continues saying 'she is so raped' and 'they raped her quicker than Mike Tyson', among other remarks. The cameraman can also be heard laughing and saying 'I'm gonna watch this every single day'. Given the nature of social networking, it is not surprising, though nonetheless distressing, that the victim herself was very

much aware of what was being said about her and the sexual assault that she had experienced. According to media reports, she tweeted, 'I will officially never be able to trust a boy ever again,' and, 'If someone is dangerously inebriated you help them out not take advantage of them ...' and, 'Please everyone just drop it' (Levy, 2013). The images, video and remarks posted online suggest that the young men involved clearly understood that a sexual crime had been committed; they just didn't care — or didn't think anyone else would take it seriously.

That night in Steubenville, Ohio (United States), was not the first time, and nor would it be the last, that images of rape were taken by perpetrators and witnesses of the crime, then distributed via social media. Indeed, the distribution of images of violent crime by offenders themselves, as well as witnesses, peers and a wider public, has increased in prominence over the last ten years; arguably shifting in nature along with shifts in the digital tools available and emerging technosocial practices. There are a wide range of examples of crimes being recorded and/or distributed by offenders themselves, by peers and participatory bystanders, by non-offending eye-witnesses (as discussed in Chapter 4) and through citizen surveillance by police and other agents of the state. Such images are liminal because they are often situated at the boundaries between *criminality* and *legality*: the image itself may be criminal (such as in existing crimes of child exploitation material and emerging crimes of image-based abuse) or legally understood only as the depiction or evidence of a crime. Images may also be taken either with the purpose of, or at least the effect of, extending the harms to those depicted (such as by harassing and blaming a victim, as described above) or, alternately, documenting such harms for the purposes of justice (whether formal or informal, as discussed in Chapter 7). Moreover, such thresholds of harmful, or 'just', purposes and effects are not fixed but malleable and may change as the images shift between contexts and audiences. As such, many images of crime taken in the moment, or used in practices of deviance and/or the facilitation of further harms, arguably exist in a space between criminality, on one hand, and 'justice', on the other. These criminal, and sometimes liminal, images are furthermore characteristic of the everyday forms of image-based communications that are typical of digital society. This chapter examines the implications of such liminal images in crime, criminality and justice in a digital society. In doing so, the chapter focuses on two key questions: How are digital images being used in the perpetration and aftermath of crimes, particularly violent crimes? And how can we understand these practices, and their potential effects, in the broader context of image-sharing and image-based communications in digital society? In exploring these key questions, the chapter draws on case study examples that exemplify differing technosocial practices: in particular, the taking and distribution of sexual assault and other crime 'selfie' images.

When Crime Goes Viral: Sexual Offending and Other Criminal 'Selfies'

Once, the mainstream news media had effectively a monopoly on the photographic and video imagery of real crimes; this has fundamentally changed in the context of digital society.

In 2006, in Melbourne, Australia, 12 teenage boys aged between 15 and 17 years and calling themselves the 'teenage kings of Werribee', filmed the sexual assault of a 16-year-old woman. The video showed the young men raping and sexually assaulting the victim, urinating on her, setting her hair on fire and kicking her clothes into a nearby river. The young men edited and produced a DVD of the assault with the title 'Cunt: The Movie', in which they can be heard saying: 'What the fuck, she's the ugliest thing I've ever seen,' and, 'Everyone's scared to go first, they don't want any diseases' (Powell, 2010; Powell & Henry, 2017; Yar, 2012). The 'Werribee DVD' was initially sold in local high

schools for \$5 and later emerged for sale on internet sites for up to \$60; with excerpts also made freely available on YouTube (Powell, 2010). According to media reports, it took YouTube approximately three months to remove the video excerpts, with estimates that they had been viewed at least 9000 times (Ziffer, 2006). At the trial and sentencing of the young men responsible, the victim said she was terrified that she would be recognised in public after the distribution of the video and that her life had 'been changed forever' (Medew, 2007).

Yet, it was in 2013 that the distribution of sexual assault images and the associated harassment of victim-survivors gained widespread media attention. Such was the case in Dartmouth, Canada, where 17-year-old Rehteah Parsons took her own life after two years of harassment following the distribution of an image of her sexual assault via social media (Dodge, 2016). Meanwhile, in San Jose, USA, 15-year-old Audrie Pott was sexually assaulted by three boys at a party, who wrote harassing comments on her body with a marker and distributed a photo on social media (Dodge, 2016). Pott, too, took her own life after ongoing harassment in relation to the image. Also in 2013, this time in Auckland, New Zealand, a group of young men calling themselves the 'Roast Busters' intoxicated underage girls, gang raped them and took photos and videos of the rapes, which they posted on Facebook (Powell & Henry, 2017; Sills et al., 2016). Finally, in a case that appears to parallel that in Steubenville (Ohio, USA), four Vanderbilt University footballers have been charged after allegedly gang-raping an unconscious young woman in a campus dormitory. According to media reports, the men took photos and videos of the assault and sent them on to three other men — who have been charged with 'tampering with electronic evidence' for allegedly deleting the photos rather than cooperating with the police investigation (Culp-Ressler, 2013). Since that time, numerous cases involving sexual offenders taking and distributing images of sexual assault have been reported in the news media (Wellman, Reddington, & Clark, 2017). As we wrote this book, the rape of a 15-year-old girl by multiple perpetrators was streamed on Facebook Live and shared via Facebook Messenger (Gallardo, 2017). It is estimated at least 40 people viewed the live video before it was taken down; and yet no one reported the crime to police.

While such examples might be dismissed as rare exceptions in the practices of sexual violence, emerging evidence suggests that, in fact, amateur images taken at the time of an offence, whether they be live-streamed, video or photographs, are increasingly featuring in the perpetration of 'everyday' sexual violence. For example, in a 2015 issue of *Strategies: The Prosecutors' Newsletter on Violence Against Women* (US), Attorney Advisor Jane Anderson argues that 'image exploitation' is becoming increasingly common in sexual assault cases (Redden, 2016). Empirical studies are few and far between, though one survey of approximately 3000 Australian adults found that between 8 and 10% reported ever experiencing an unwanted sexual incident where an image (photo or video) was also taken and/or sent onto others (Powell & Henry, 2016a). In a related qualitative study, meanwhile, interviews with Australian police and other legal stakeholders suggested that images taken by offenders were becoming a common feature of reported sexual assaults (Powell & Henry, 2016b). Meanwhile, a separate study by Norwegian criminologists Sveinung Sandberg and Thomas Ugelvik (2016) analysed court decisions that described offenders taking images as part of the offence. They found that a majority of such cases involved sexual violence, including multiple and individual perpetrator sexual assaults and other instances of sexual abuse, which were photographed or filmed by perpetrators (Sandberg & Ugelvik, 2016). While it is difficult to gauge the true extent of such sexual assault imagery, it seems apparent that the practice extends well beyond the growing number of high-profile cases reported in the mainstream media.

More recently — indeed, in the last year alone — a series of other violent crimes have been covered by the mainstream news media, in which the incidents were live-filmed by offenders, apparently with the intention that they be viewed by a broad social media audience. Among them was the live broadcast in April 2017 by a man in Thailand as he killed his baby daughter before committing suicide, with the content reportedly being available to view for 24 hours before being taken down (Solon, 2017). Ten days earlier, some Facebook users witnessed the killing of Robert Godwin Snr (74 years), on Easter Sunday 16 April 2017, by Steve Stephens (37 years) in Cleveland, USA. Stephens broadcast live his intention to kill someone, before recording and uploading the act itself. ‘I found somebody I’m about to kill,’ Stephens said, as he pulled his vehicle up next to his victim, got out and shot him. According to media reports, the video continued to be viewable on Facebook for almost three hours before it was removed (Dreyfuss, 2017). Later that day, Stephens broadcast a live confession before he was found dead, having taken his own life (Crossley, 2017). Facebook apparently had not foreseen that its powerful new tool would be used for the live-streaming of very serious, violent crimes, including both rape and murder. The social media giant was reportedly ill-prepared for the content monitoring and curation that would be required (Dreyfuss, 2017).

Understanding the Sociality of Image-based Practices

As already identified in Chapter 2, several of the key features of digital society — including perpetual contact (Katz & Aakhus, 2002), the production–consumption nexus (or ‘prosumption’), ‘ubiquitous photography’ and a blurring of public and private life — are themselves further enabled by the increasingly high-quality cameras integrated into smartphones. These camera and internet-enabled devices are carried about as a kind of ‘social and cognitive prosthetic device’ (Shanks & Svabo, 2014, p. 2): an extension of our embodied selves. It is through these technologies, as well as shifting social practices surrounding their use, that the spontaneous taking, sharing and redistribution of images of everyday life have become a normal part of the infrastructure and content of ‘the digital superpublic’ (Senft & Baym, 2015, p. 1589; Shanks & Svabo, 2014; van House, 2011). Indeed, like social media and user-generated content generally, some scholars suggest a democratising effect of widespread accessibility to cameras and internet-enabled devices in the palm of (almost) every hand; enabling citizen journalists to capture news and events that might otherwise go unreported (Allan & Peters, 2015; Gorin, 2015; Reading, 2011).

At the same time, the omnipresence of the camera-phone and associated image-sharing via social media has arguably extended the global mass media ‘spectacle’ (Couldry, Hepp & Krotz, 2009). Drawing on social theorist Guy Debord’s (1967) *Society of the Spectacle*, media and cultural scholars have problematised the capitalist motives of mass media in representing news, events and information in spectacular form for the purpose of maintaining audience attention (and therefore advertising revenue) for as long as possible in an increasingly competitive global and 24/7 marketplace (Kellner, 2004, 2010). In the context of citizen-journalism, and the digital photographs made available by everyday participants and witnesses to extraordinary events, the spectacle has taken on new forms. While the mass media spectacle may come to a close, the record is preserved through multiple digital archives of images and first-hand accounts on social media and other content-sharing platforms, enabling an ongoing witnessing, memorialisation and citizen participation through revisiting the content and through its redistribution. Thus, the digitised spectacle allows unending vicarious experiencing of traumatic public events repeatedly over both distance and time (as discussed in Chapter 4).

In addition to communicating, and indeed reliving, public events, images have also become a central way in which we communicate personally. Through sharing images of ourselves and our daily lives, we engage in practices of self-identity, self-representation and relationality (Lee, 2016; van House, 2011) and tell 'visual stories' about our experiences (Shanks & Svabo, 2014, p. 1). Such 'visual conversations' (Katz & Crocker, 2017) are replacing, to a large extent, the written self-narratives of the pre-digital age. The visual is becoming so embedded in contemporary digital society that personal photographs are becoming more prolific, public and transitory — shifting in function from tools of memorialisation of significant people and events, to tools of instant and frequent communication of the mundane and the everyday (Shanks & Svabo, 2014; van House, 2011).

There has simultaneously been both celebration and denigration of the social function of the 'selfie' as a form of visual conversation in particular. Selfies, and to a lesser extent 'groupies', have been blamed for everything from youthful narcissism (Weiser, 2015), to low self-esteem and poor mental well-being (Wang, Yang, & Haigh, 2017), to reproducing harmful gender, race and class stereotypes (Senft & Baym, 2015; Williams & Marquez, 2015). Many selfies are undeniably purposefully curated: a tool in the social media practice of representing a partial and carefully constructed identity, with not all images 'making the cut' (Warfield, 2016). Certainly, selfies and groupies alike continue to represent aspects of the self-representation, family and friendship portraits, holiday snaps and significant life events that have typified the social practices of photography generally (van House, 2011). Perhaps more positively, self-images have also featured in counter-cultural practices of resistance to dominant social norms (Albury, 2015) and in digital activism (discussed further in Chapter 8). At the same, 'images can be made any time, any place, without prior planning ... support[ing] spontaneous, opportunistic image-making and experimentation' (Shanks & Svabo, 2014). Visual communication in digital society provides ample opportunity for immediate, unreflexive, 'in the moment' images to be taken and instantly shared.

The immediacy of visual communication has furthermore been examined by some media scholars as reflective of the spatial and embodied experience of both the production and consumption of self images in digital society (Pink, 2011). As communications scholar Paul Frosh (2015) identifies, there is a 'corporeal sociability' to the production and exchange of selfies; an invitation to one's network to share in a moment located in a particular time and place, as well as an invitation for viewers to respond not merely through 'likes' and comments but also through taking reaction selfies. Personal photography is increasingly 'live'; representing a real-time exchange between users in a network and, in doing so, simultaneously creating temporal and spatial connections that oscillate between 'now' and 'then', as well as 'here' and 'there' (Frosh, 2015).

The offering of video live-streaming tools within social media platforms is perhaps an inevitable development in the temporality and spatiality of visual communication. When launching *Facebook Live* on 6 April 2016, CEO Mark Zuckerberg described the live-streaming video application in this way:

Live is like having a TV camera in your pocket. Anyone with a phone now has the power to broadcast to anyone in the world. When you interact live, you feel connected in a more personal way. This is a big shift in how we communicate, and it's going to create new opportunities for people to come together.

(Zuckerberg, 2016)

The ability to broadcast live video was not itself new: Meerkat, Periscope and Facebook's earlier 'Mentions' service for premium users have allowed live video streaming since at least 2010. Yet,

the uptake of Facebook is such that any new tool integrated for general users into the near-ubiquitous social media platform quite literally puts new technosocial practices at the fingertips of millions of citizens globally.

Among the first viral videos streamed on Facebook Live was that of a 37-year-old Texan woman, Candace Payne, demonstrating a mask of the Star Wars character Chewbacca, which roars every time the wearer opens their mouth, that she had bought for her son. The video, shared on 19 May 2016 and also known as the 'Chewbacca Mask Lady', live-streamed approximately three minutes of Candace in fits of giggles, interrupted by periodic Chewbacca 'roars' (BBC, 2016; Hern, 2017). As described by journalist for *The Guardian* Alex Hern (2017):

In some ways, Payne's video set the precedent for how Live videos would evolve. For one thing, although the video was broadcast live, the overwhelming majority of its viewers came long after she had put the phone down and stopped broadcasting.

Indeed, it is largely through the function of Facebook's 'likes' and algorithms that content attracting user views and attention is rapidly pushed out through the social network to maximise user engagement and, in turn, advertising dollar potential (Bucher, 2017). In effect, it is a combination of human and technical agency that determines which content goes 'viral'.

Media scholar Nancy van House (2011), meanwhile, further suggests that images are not mere tools of human agency, but rather form part of a complex socio-technical system of human and non-human agents. Van House extends the work of Bruno Latour (1996, 2005), by suggesting that images such as photographs are not simply intermediaries, communicating or carrying a meaning as intended by human actants. Instead, such images:

... often transform the meaning they are supposedly carrying. Photographs have always had the ability to convey a meaning other than the owner intended. Their meanings may change over time, for different viewers, in different contexts, in different associations with text and other images ... photographs are potent agents of memory, relationship, self-presentation and self-expression across space and time, non-humans that are critical elements of important human activities.

(van House, 2011, p. 132)

Likewise, technology researchers Theresa Senft and Nancy Baym (2015) describe the taking and sharing of selfies, in particular, as both photographic *objects* and a social *practice*. Selfies, as a gesture, not only may be intended to send different messages to different audiences but also 'may be dampened, amplified, or modified, by social media censorship, social censure, misreading of the sender's original intent, or adding additional gestures to the mix, such as likes, comments and remixes' (Senft & Baym, 2015, p. 1589). Once selfies are shared within the 'digital superpublic' (Senft & Baym, 2015), they take on a life of their own in which the images themselves and the technologies that connect and distribute them — as well as the human actors who produce, view and reproduce them — all form part of a network of social relations: a 'selfie assemblage' (Hess, 2015). As we note in Chapter 2, criminology, and cybercriminologies in particular, have largely struggled to engage with such socio-technical concepts, particularly those concepts that fundamentally challenge analyses of offender agency and 'rational choice'. Yet, we would suggest that an analysis of 'criminal

selfies' within a digital criminology requires a technosocial approach that brings some of these key concepts together with more established critical, cultural and emerging 'visual' criminologies.

A Technosocial Criminology of Crime Images

Cultural criminologists such as Hayward (2010) have alluded to the significance of the 'digital turn' (which we see as the broader 'digital society') in socio-cultural representations of crime and considered the complexities of images as both producers and reproducers of meanings about crime. Much cultural criminology has focused on the ways images of crime, criminality and criminals are produced and represented in news media, fiction and popular culture (Ferrell, Hayward, Morrison, & Presdee, 2004). Yet an emerging sub-field of visual criminology explores the increasingly blurred distinction between 'real' and 'imagined' images of crime in digital society:

While mug shots, surveillance photographs, and newspaper pictures of notorious criminals have long featured as part of the 'spectacle' of crime and punishment . . . Today, as criminals videotape their crimes and post them on YouTube, as security agents scrutinize the image-making of criminals on millions of surveillance monitors around the world . . . as images of brutality and victimization pop up on office computer screens and children's mobile phones . . . instead of simply studying 'images' we need a new methodological orientation . . . to understand and identify the various ways in which mediated processes of visual production and cultural exchange now 'constitute' the experience of crime, self, and society.

(Hayward, 2010, pp. 2–3)

Indeed, within cultural and visual criminologies, several themes emerge in the literature regarding the potential functions of images, which are applicable to our discussions here and which we explore further in the following section.

Extension of Harm

Few criminologists have specifically examined what appears to be a significant cultural trend: taking and distributing perpetrator and bystander imagery of sexual assault (Dodge, 2016; Powell, 2010; Powell & Henry, 2017; Sandberg & Ugelvik, 2016; Wellman, Reddington, & Clark, 2017; Yar, 2012, for exceptions). Indeed, the nature, impacts and broader socio-cultural influences of sexual assault imagery and its online distribution are currently under-examined. Yet, according to recent work by feminist criminologists, technosocial practices increasingly associated with sexual assault in digital society arguably both amplify the harms to individual victims and reproduce broader socio-cultural support of sexual violence (Powell & Henry, 2017).

Sandberg and Ugelvik (2016) provide an integrated digital criminological approach to understanding criminal images. In this notable paper, they examine offenders' own use of imagery in the commission of their crimes, including the perspective of the potential criminogenic role of images and offenders' motivations in taking them, as well as broader socio-cultural concerns about the images' impacts and interpretations. They note first that, of the cases studied where images were referred to as a feature of the crime, a majority were images of a sex crime and/or of a sexual nature; and, second, that most of the images of sexual assault were not shared beyond the offenders

themselves. This is not to suggest that because the image has not (yet) been distributed it is necessarily any less harmful to victims; indeed, following feminist theorist Judith Butler (2007), Sandberg and Ugelvik (2016) argue that the act of recording the assault is itself a way to further humiliate and extend the harm towards the victim:

Forcing the victim to pose in degrading positions for the camera and in front of everyone present is a way to demonstrate ultimate power. The victim has to suffer violence, threats and sexual abuse, and is also made aware that this is filmed. The cold, penetrating gaze of the camera lens is, in effect, like a 'double rape'. Victims have no control over the future dissemination of the footage. The result is that they not only must cope with the effects of the assault, but . . . 'a kind of promise that the event will continue' in other forms, 'an infinite reiteration of the abuse' . . .

(p. 8, citing Butler, 2007, p. 959)

Their analysis echoes that of previous feminist criminological research which has identified the harms to victims of sexual violence when images are taken as part of the offence (Dodge, 2016; Powell, 2010). Perpetrators of rape have long used various strategies to intimidate, harass and humiliate their victims, and arguably to prolong the experience of power and entitlement; recording and distributing images of the rape may, in some cases, represent an extension of these practices. Certainly, for many victims, the impact is both one of extended humiliation (Dodge, 2016; Powell & Henry, 2016b) and, as Sandberg and Ugelvik (2016) suggest, a 'second assault'. Thus, the very taking of photographs or video of a sexual assault compounds the trauma of the violence; regardless of whether the images are then circulated or how widely they are shared.

Criminogenic Technosociality and Memetic Deviance

That perpetrators are recording and distributing images constituting evidence of, and in some cases admission to, their crime itself warrants further explanation. It seems illogical for perpetrators of crimes to document evidence of their offence, and even less logical to make such images public. For crimes of sexual violence, such imagery may be used to facilitate a just outcome by the state by presenting evidence not only that the rape occurred (the imagery may demonstrate the victims' non-consent, for example) but also evidence of the perpetrators' state of mind. There can be no question of an accused not knowing that there was not consent (the *mens rea* element of which many rape cases fail to convince a jury, Larcombe 2011) if a photograph shows the perpetrator penetrating a clearly unconscious victim or he was found to be boasting about the rape to his peers on Twitter, Facebook or Instagram. Not only is there the possibility of inadvertently assisting police but, with sexual offences (more so, perhaps, than other criminal selfies), offenders are also exposed to the potential social stigma of outing themselves as 'sexually deviant'. Yet sexual offences occupy a contradictory space within public discourse. While some perpetrators are vilified as 'monsters' of heinous crimes, all too often the harms of sex offending are minimised in news media and popular discourse, while victims are routinely treated with suspicion and invalidation (Daly, 2014; Waterhouse-Watson, 2014).

Criminologist Majid Yar (2012) makes a persuasive case for considering the impacts of images shared via social media as potentially themselves a *motivator* of criminality. In other words, emerging

technosocial practices may become criminogenic to the extent that they play a key role in causing an individual or groups to engage in crime. In discussing the practice of ‘happy slapping’, for instance, Yar (2012, p. 252) argues that ‘crucial to understanding this phenomenon is the role played by participants’ desire to be seen, and esteemed or celebrated, by others for their criminal activities’. ‘Happy slapping’ refers to a physical assault upon an unsuspecting victim, which is video recorded and subsequently distributed among peers and/or via online video-sharing platforms such as YouTube (Palasinski, 2013; Powell, 2010). Though many examples typify the namesake and literally involve running past and slapping the victim, more extreme incidents have included grievous bodily harm, rape, arson and murder (Palasinski, 2013). While some scholars have pointed to the replication of popular television culture encapsulated by programmes such as *Jackass* and *Bumfights* (Willett, 2009) as a cause for the social media trend, Yar (2012) identifies a deeper motivation. Drawing on the example of the Australian Werribee DVD case (discussed above), Yar suggests the recording of the sexual assault was not merely a replication, nor an accidental circumstance, of the offence but rather a key driver and cause of it. He considers the very purposeful way in which the perpetrators recorded, edited and distributed the video imagery of their crime; selling the ‘film’ on DVD complete with a self-ascribed ‘R’ rating and credits that listed the ‘actors’ involved on the back cover (2012, p. 253).

Meanwhile, in a highly publicised 2015 case, images of the rape of a 16-year-old woman in Houston (Texas, USA) were circulated via social media; extending the harm experienced by the victim and possibly, following Yar (2012), playing a motivating role in the offence itself. However, in this case, the circulation of images by witnesses, peers and then a broader online community went even further: becoming the subject of an internet meme. As discussed in Chapter 2, internet memes can be understood as a unit of cultural imitation and transmission, serving as sites of collective cultural meaning-making. Some images may ‘go viral’, being viewed and redistributed throughout a network without significant change or adaptation (Shifman, 2012). A meme, however, encapsulates a different structure of participatory culture, inviting ‘*extensive creative user engagement* in the form of parody, pastiche, mash-ups or other derivative work’ (Shifman, 2012, p. 190, emphasis in original). In this case, the 16-year-old had been sexually assaulted by several men during a house party. The original images, which showed the unconscious and half-naked victim sprawled on the floor after the assault, were subsequently mimicked by an online community who posted photos of themselves in similar positions; along with the hashtag #JadaPose (see Bates, 2014; Powell, 2015). The narrative ridiculing that accompanied the images, such as ‘hit that’ and #THOT (‘that hoe over there’, Bates, 2014), further marked the memes’ function as communicating a collective social and cultural norm. The #JadaPose meme minimised the rape and humiliated the victim through a process of imitation and transmission that served to remake the meaning of the sexual assault into a prank or joke.

A further observable feature of such mediated engagements with crime in digital society, then, is a kind of *memetic deviance*. More than the traditional ‘copy-cat’ crime, which is similarly inspired by emulating crimes depicted in the media (Surette, 2002), we use memetic deviance to refer to the rapid replication of a deviant, sometimes criminal, practice through a social network. Within this concept, ‘happy slapping’, as discussed above, can be understood not merely as a desire to be seen and celebrated by a community of online peers but reflecting the social and participatory logics evident in the ‘... popularity of mimicking in contemporary digital culture’ (Shifman, 2012). In other words, it is not just the representation of a deviant identity, or the status that may be associated with it, but also the pleasure of participating in a movement, a wave of activity, that is experienced collectively over time and place. Yet, such memetic deviance facilitates an amplification of harm — whether it is

the harm to the ridiculed victim (as in #JadaPose), the escalation of assaults as the meme spreads (as in happy slapping) or the encouragement of dangerous risk-taking behaviours (such as in #NekNominate or #Planking).

Memetic deviance also functions to communicate social and cultural norms such as dominant masculinities, sexism and racism. Take, for example, a 2013 internet meme, #Trayvoning, where young white men posted photos of themselves mimicking the deceased body of 17-year-old Trayvon Martin, an African-American boy who was fatally shot by George Zimmerman, a nightwatchman who was later acquitted of murder, claiming that that he used lethal force in 'self-defence' against the unarmed boy. The case prompted public outrage and exacerbated already poor race relations in the United States, adding to a series of cases of brutality and misuse of force by police or other authorities towards African-American citizens (discussed further in Chapter 8). The function of the meme was not only to mock the unjust death of Trayvon but to further communicate racist norms, transforming the injustice into 'a spectacle of white pleasure that further denies the humanity of black people' (Guerrero & Leonard, 2012, n.p.). In each of these cases, the wider social gender and racial norms combined with the nature of media spectacle and lax law enforcement response to provide an inverse deterrent to offending. In other words, within the current social practice of how images are used within specific parts of digital society, there exists a perverse incentive to document and share one's crimes.

Mediated Witness and Speaking Truths?

Scholars such as Michelle Brown (2014), Eamonn Carrabine (2011, 2012, 2014) and Alison Young (2014) have taken the further step of examining offender motivations and spectator engagements with photographic and video images of crime — amateur images often taken by offenders themselves that capture moments in horrific violent and other offences. Such images, their work suggests, can still be understood in terms of cultural artefacts that represent crime and are, in turn, interpreted within broader socio-cultural discourses in response to crime: the dominant cultural criminological 'frame'. Importantly, they can also be understood within the social context that leads to images being taken during a violent crime in the first place, as well as the meanings and impacts of societal spectatorship and engagement when the images come to be viewed more broadly.

Carrabine (2011) presents a compelling and insightful analysis of images depicting the sexual abuse and torture of prisoners at Abu Ghraib. The amateur 'trophy' snapshots of US soldiers torturing Iraqi prisoners were widely distributed through mainstream news media, as well as social media, blogs, wikis and other online platforms, evoking political debate within the United States and globally. Numerous research articles have since sought to make sense of the photographs themselves as simultaneously extending the humiliation and abuse of the prisoners, and opening a window onto the truth of the culture and practices of torture at the centre of US military action in foreign states (Andén-Papadopoulos, 2008; Carrabine, 2011). The images, Carrabine argues, are significant not only because 'they speak the truth of torture' (2011, p. 18) in ways that are remarkably consistent both with other wartime 'trophy' snapshots and with American lynching images, but also for what they reveal about the complexity of moral responses to such 'spectacles of suffering' (p. 19). Carrabine explores why the response to the images, once they became widely available via the global media, was not a consistent moral outrage. While previous studies have identified that we are increasingly desensitized to violence and atrocity in the context of contemporary media saturation (Mirzoeff, 2005),

Carrabine argues that ‘grotesque violence is deeply embedded in human storytelling’ (2011, p. 9). Indeed, as Carrie Rentschler (2004, p. 298) further identified, ‘people can take voyeuristic pleasure or puerile interest in images of others’ suffering . . . closely resembling the appetite for vicarious sex in pornography’.

Similarly, Young (2007, 2010) noted that, as spectators, we are simultaneously repelled and compelled by crime and its images. Young (2010) suggests that criminology must attend to:

The matrix of intersections between the spectator, the image, and the context of reception, with perhaps the most important factor in any instance being the possibility that the subject — including the legal institution as well as the individual — feels *addressed* by the image and thus bound up in a relation with it (p. 86, emphasis in original).

What Young (2007, 2010) suggests is an analytical approach taking account not only of the social meanings of images of crime (including cinematic representations and imagery of shared traumatic events such as 11 September 2001) but also of the affect and ethics of looking. She proposes that our spectatorship of images of crime should always be ‘on trial’. How do we, the spectators, *feel* and *act* in response to viewing images of crime (whether fictitious or real)? ‘There is of course a sense of ethical demand involved in witnessing – the demand that the *witness interpret what she sees*’ (Young, 2007, p. 44, emphasis added). Young’s (2007) analysis further suggests that there is a tension inherent in the meditated witnessing of crime ‘selfie’ images circulated via social media. As such, viewing crime images constitutes itself a virtual witnessing of a harm (Peelo, 2006; van Krieken, Hoeken, & Sanders, 2015), with an ensuing ethical demand to recognise that harm and to take action to mitigate or correct the injustice of it. At the same time, such is the cumulative impact of the crime and violence media spectacle that audiences become numbed, desensitized and/or indifferent to the harsh realities of violence and human suffering, lessening the call to empathy and action (Bushman, Chandler, & Huesmann, 2009; Dean, 2003; Scharrer, 2008).

A further complicating tension is that the torture and abuse at Abu Ghraib, as well as the various incidents of sexual assault described above, have not necessarily been responded to as serious criminal events of which the image itself is evidence. Rather, there remains a socio-cultural interpretability of such images of sexual violence and injustice.

On the one hand, like Carrabine’s (2011) analysis cited earlier, the images can be read as ‘speaking the truth’ of violence. Sexual violence in particular, so often a hidden crime occurring in private space, is made brutally public when images of the crime are exposed. In a digital society, the widespread accessibility of camera and internet-enabled smartphones, and distribution of self-generated content in public or quasi-public networks, have combined to blur the public and private in ways that arguably open a window onto the extent of practices and cultures of sexual assault and abuse (Powell & Henry, 2017). The injustices of these largely gendered crimes are brought painfully into view, subjected to public scrutiny and are capable of motivating a shared response. In a discussion of sexual violence survivors’ online truth-telling practices, Rentschler (2004, p. 68) describes a ‘feminist response-ability’ to respond to the evidence of rape culture that such disclosures represent. Following feminist philosopher Kelly Oliver (2001, p. 15) ‘response-ability’ refers to both ‘the condition of possibility of response . . . and the ethical obligation to respond and enable response-ability from others.’ Arguably, though there is additional harm to victims when images of sexual assault are distributed, there is also the possibility and obligation to respond — to

acknowledge the harm, to denounce it and to challenge the values of a society in which the actions of perpetrators are too often tolerated and condoned, while victims are overwhelmingly disbelieved and silenced.

On the other hand, images of sexual violence can be read as entertaining, humorous and/or a call to participate in commentary about the ‘events’ of a night out: not as a sexual assault at all. Indeed, as criminologists Keith Hayward (2010) and Chris Greer and Robert Reiner (2015) have suggested, it is often difficult to make clear distinctions between ‘real’ and ‘imagined’ images of crime; in this case, the similarities between amateur and non-consensual pornography may further obscure the interpretation of images of sexual assault. Arguably, for some spectators, images of sexual assault committed by their peers or those in their broader social network may well resemble other images consumed and interpreted as pornography and/or entertainment. Criminologists and sociologists alike have highlighted the ways in which much mainstream pornography simultaneously produces and reproduces cultural norms that fetishise and normalise violence against women (Dekeseredy & Corsianos, 2015; Dekeseredy & Olsson, 2010; Flood, 2009). The growth of amateur or user-generated pornography as a sub-genre means it may sometimes be difficult for someone receiving an image to determine whether a circulated nude or sexual image was originally taken and/or distributed with the consent of those depicted (Powell, 2010). And such difficulty in interpreting consent, or perhaps even thinking about the potential non-consensual nature of an image, occurs in a cultural context in which sexual autonomy is itself subject to wide interpretation (Powell & Henry, 2017). The prevailing societal norm — whether by police, other first responders, judiciary, news media or popular culture — is to presume that the victim consented, rather than to presume non-consent in the absence of clear and active communication otherwise. The multiple interpretations of sexual assault images, and the affective and (anti)ethical responses of many spectators, may further reflect and reproduce this societal norm in regard to consent (Powell, Henry, Henderson, & Flynn, 2013). Of course, this interpretability of acts of violence and injustice is not restricted to sexually violent crimes. As articulated by Butler (1993), the now famous video footage of police assaulting Rodney King in 1991 was not universally interpreted as evidence of state authorities’ misuse of force, despite the footage becoming a key source for community protest and activism (discussed further in Chapter 8). Nor was it universally connected to the wider racist social structures of white supremacy that normalise and enable such crimes.

Masculinity, Entertainment and the Criminal Spectacle

Rather than functioning as ‘bearing witness’ to crime and injustice, the distribution of sexual assault images, in particular, often appears to function as a form of ‘entertainment’, inviting a broader audience to participate in the crime. In the *Georgetown Law Journal*, Legal scholar Kimberly Allen (2011) describes a 2009 case of sexual assault:

... a 15-year-old student left her homecoming dance to join a drinking session on school property. She quickly became intoxicated and, over the next two hours, was attacked by as many as ten assailants who “laughed and took photos as they took turns” raping her. Detective Ken Greco, who had been in law enforcement for 29 years, called the incident “the worst thing [he’d] heard of” and a crime that “shocked the conscience of responding officers.” Equally shocking, however, is the fact that as many as two dozen bystanders witnessed the gang

rape, but none called the police. Some onlookers took photos with their cell phones, which suggests that they viewed the gang rape as a *spectacle* (p. 837, emphasis added).

Each of these cases speaks to the actions of participants, bystanders and witnesses to sexual assault. They had the capacity to directly intervene or to condemn the actions of the direct perpetrators, but instead contributed to the harms of the assault through taking and distributing images of it. In these examples, an audience appeared to view the sexual assault as though it was simply entertainment. There is little criminological research that has explored the individual motivations of such social media ‘bystanding’, or perhaps more aptly ‘participation’, in sexual assault or other violent crimes. In the case of sexual assault imagery, it is possible to draw some parallels with the more established literature on multiple perpetrator rape (Horvath & Kelly, 2009) and the role of ‘spectators’ to sexual violence (Allen, 2011; Horvath & Woodhams, 2013; Woodhams, Cooke, Harkins, & Silva, 2012).

Sexual violence scholars have long argued that multiple perpetrator rape is, in its essence, a group-oriented crime; it is a medium for direct perpetrators and their participating ‘audience’ to interact in a collective performance of masculinity which is based on the othering, humiliation and ridicule of the feminised victim (Franklin, 2013). As Anderson (in Redden, 2016, n.p.) describes: ‘witnessing or videotaping a rape is not just being bystander. It’s much more like buying a ticket to an event’. As such, the role of the audience is not merely incidental to the crime; it is a core motivator of it. As psychologist Karen Franklin (2013) further argues, ‘admiring spectators’ play a crucial role in multiple perpetrator rape:

... cheering, snapping photos, and shouting encouragement ... similar to the role of the fan at an athletic event, who — whether present in the spectator stand or learning of “their” team’s victory from others — plays an important role in publicly affirming the players’ dominance, or masculinity (p. 54).

Such analyses parallel feminist criminological scholarship on male peer support for violence against women (Dekeseredy & Schwartz, 2013, 2016; Schwartz & Dekeseredy, 1997) and performative masculinities. As Walter Dekeseredy and colleagues have argued, violence against women is more likely to occur in contexts in which male peer cultures minimise or actively condone violence and reinforce relations of male dominance and female objectification.

In a somewhat different example, criminologist Stephen Tomsen (2011) further presents a gendered analysis of *Felony Fights*, a series of DVDs with accompanying website and social media pages presenting ‘ultra-violence at its finest’. Tomsen (2011) suggests the ‘no rules’ fighting between predominantly white, male, former convicts represents an internet-enabled shift towards serious, real, violence as, simultaneously, entertainment, public spectacle and ‘protest masculinity’ (Connell, 1995, p. 116). The celebration, consumption and cultural reproduction of underclass and violent masculinities extends its reach through a broader, willing audience who take ‘evil delight in criminal acts’ (Tomsen, 2011, citing Katz, 1988). While there may, on the one hand, be a pleasurable attraction to violence as a criminal spectacle (Carrabine, 2011; Young, 2010), what Tomsen (2011) further identifies is the role of online communities as host to an overwhelmingly masculine fascination with both sex and violence. Group participation in producing, recording and distributing fight videos represents not only a ritualised performance of a particular script of masculinity but one which explicitly seeks and receives the validation of a community of peers. Likewise, criminologist

Mark Wood (2018) draws on a related analysis of Facebook amateur fight pages, noting the codes of respectable masculinity and associated normative violence that are reproduced and celebrated by user commentaries on the sites; at the same time as 'fighting dishonourably' is constructed as feminine. Though gender, power and masculinity are central to these fights, their peer endorsement is not exclusively an all-male affair. Women also cheer on these violent performances, just as women and girls also participate in excusing perpetrators of sexual violence, and shaming and blaming their victims.

The Banality of the Criminal Selfie

Following the social functions of personal photography discussed above (van House, 2011; van House, Davis, Ames, Finn, & Viswanathan, 2005), we suggest that criminology must not overlook the far more banal roles of self- and life-imagery in the day-to-day. For example, Science and technology scholar Nancy van House identifies key social motivations for photo taking and sharing practices, including: personal and group memory, relationship creating and maintenance and self-representation. Each of these motivations carries particular significance for the issues discussed here. One might extrapolate, for instance, that photos of a shared crime might be motivated by shared group memory or 'memorialisation' of the event, in a similar way to other shared experiences that become reference points in peer group memory. Such imagery might also serve to build trust within the group: if the images are taken and shared among a group, they may imply that no one who was present at the time of the offence will report to police, since the images may implicate everyone. These are only speculations, though they have some resonance in the visual communication literature regarding the function of social image taking and sharing generally. Indeed, for van House (2011), self-representation through making, showing, viewing and talking about images forms part of how we enact ourselves and contributes to the construction of social norms. Such motivations might also be extrapolated to the motivations of offenders who photograph and/or video their crimes. Photography is not merely an act of documenting and representing an experience, scene or event; it is itself an act of social and cultural production (Carney, 2010). Though early photography required perhaps greater, or more deliberative, curation and construction, the function of photography as a medium of communication and meaning-making is by no means lessened in digital society. Rather, it is an embedded feature of everyday life through which norms, values and practices are both produced and reproduced — as much for crime and injustice as for any other feature of society. Though familiar criminal motivations may underlie the new trend of taking and sharing images of crime, at the same time, it is difficult to ignore the banality of image-taking and sharing as a social and communicative practice of everyday life in general — one that is simply extended to everyday crimes.

Challenges and Implications

Cultural criminologies have long identified people's fascination with crime, criminality and the criminal spectacle (Ferrell & Sanders, 1995; Hayward, 2010; Jewkes, 2015). The literature has examined, for example, the popularity and impacts of crime news reporting (Chibnall, 2013; Palmer, 1998), crime fiction in popular culture (Gever, 2005; O'Brien, Tzanelli, Yar, & Penna, 2005) and crime evidence, photography and artefacts as 'artistic' exhibition (Biber, 2006; Carney, 2010). Has this fascination shifted as the digital camera has become embedded in everyday life? How have

digital imagery as ‘visual conversation’ and social media networking combined with constructions of masculinity that celebrate men’s physical and sexual violence? Though this chapter has focused foremost on the case study of criminal selfies in the context of sexual assault, the examples provided here raise broader challenges and carry implications for other crime imagery in digital society.

There may well be some positive implications of the visibility that crime selfies and other user-generated images of crime and injustice create. At a restorative level, there is the capacity to ‘speak the truth’ to harms and social injustices that are either poorly understood or denied. At the level of criminal procedure, there is capacity for images of sexual assault, for instance, to be used as evidence in criminal trials and secure convictions of perpetrators who might otherwise have gone unpunished. Yet, there may also be a need to consider the taking and distribution of images of a violent offence as an aggravating factor at sentencing in order to recognise the extended harm towards victims (Powell, 2010). As discussed earlier, it cannot be ignored that spectatorship is a key motivator of some assaults, particularly multiple perpetrator assaults (Allen, 2011). Further elaborating, Allen (2011, p. 841) argues that: ‘drag races, dogfights, and gang rapes are audience-oriented crimes . . . Just as states have held spectators criminally liable in drag racing and dogfighting, so too should states extend spectator liability to spectators in gang rapes’. Indeed, several jurisdictions in the United States have passed Witness Responsibility statutes, creating a misdemeanour offence for a witness failing to report a sexual assault or homicide to police (Allen, 2011).

A further implication of criminal selfies in the ‘digital superpublic’ (Senft & Baym, 2015), is that viewers are endlessly invited to participate and reparticipate in extending the harm to the victim through consuming images of the violence perpetrated against them. As Powell and Henry (2016b) have identified in relation to sexual assault imagery, once an image is distributed online, for victim-survivors, the violence has no finish; there is no end point to the trauma. This feeling of perpetual revictimisation brings into sharp focus the importance of a ‘right to be forgotten’. The endless circulation of images of harm may perpetuate an experience, even an identity, of being forever a victim. A related argument is poignantly made by digital technology scholar Tonia Sutherland (2017) in her article, *Making a Killing: On Race, Ritual, and (Re)Membering in Digital Culture*, where she discusses the empowerment/disempowerment nexus of images of victimisation and injustice towards black bodies. In particular, though Sutherland notes the important role of images as evidence of racial injustice and of ‘bearing witness’ to black suffering, she argues that ‘in digital spaces these practices have been appropriated to reinforce systems of white supremacist power and racial inequality, re-inscribing structural and systemic racism’ (2017, p. 33). When images of violence and injustice come to be misappropriated, as in the example of #Trayvoning discussed above, they cease to function as mediated witnessing and, instead, function as reproducers of social norms of inequality and a means of exerting power and control over marginalised communities.

Conclusion

The harms of the distribution of sexual assault images, then, extend beyond that experienced by each individual victim of violence. Collective harms are caused when images of sexual assault and other violent crimes are circulated in ways that minimise the harms and reinforce sexist, racist and other social norms of inequality. How might such representations of the original crime come to influence how the broader digital society feels and acts in response to such crimes? There may well appear to be an amplification of concern and a call towards social justice activism (as further discussed in

Chapter 8); but there is also an amplification of the systems of inequality that produce such violence in the first place (Moore & Singh, 2015).

To build further on the concept of the *digitised spectacle*, social media algorithms are designed to amplify popular and engaging content in order to hold audience attention. The algorithms are not designed to recognise harm — they do not discriminate between content that elicits a positive or negative response; any content which initially draws user attention is automatically and rapidly disseminated throughout the social network. The digitised spectacle is a *networked spectacle* at the same time as it is an *algorithmic spectacle*; an automated amplification of users' own fascination with violence and power. Yet, as Wood (2017) argues, such a process is not merely a mirror reflecting back to society its own values and norms through a series of 'likes', reposts and comments. Rather, there is 'algorithmic deviancy amplification' as more and more users are invited to witness, vicariously experience and/or revisit violent transgressions (Wood, 2017). In effect, the algorithms that actively push content into the view of human users form a core component of the power relations produced and reproduced throughout the network. While conventional cybercriminologies have considered the criminogenic function of online criminal networks of association, such analyses focus on associations between human actors within the network; there is little criminological engagement with non-human actants, namely the interaction of human and technical agency within online networks, in seeking to understand emerging structures, cultures and practices of crime (for exceptions, see Robert & Dufresne, 2015; Wood, 2017).

This chapter has explored the intersection of norms, technology and networks that promote the circulation of images of violent and sexual assault taken at the scene of the crime. It is our contention that such images cannot simply be understood as the actions of motivated offenders or as incidental documentation of crime. Rather, they should be understood as a cultural commodification of harm that is produced by operative gender and racial norms when channelled through the dominant practices of social networks. To take full account of practices of crime, criminality and justice in digital society, then, criminology is challenged to integrate analyses of the social and the technological; the cultural and the structural; the intangible and the experiential. Such is the project of an emerging digital criminology.

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