

Part 1

Introduction

Objectionable Material on the Internet

Widespread public access to electronic communication, including the Internet, is a relatively recent phenomenon but it has contributed to significant changes in the manner in which society is structured, and how people interact. In many ways, these changes are positive. Access to the Internet allows access to information faster and more easily than has previously been possible. It also provides the opportunity for interaction across social and geographical boundaries.

Like any new development or medium of social change, the introduction of the Internet also poses threats. The exact nature of these is difficult to assess due to the relative novelty of the medium. However, a number of issues have been identified. The Internet transcends the social and legal jurisdictions of state and nation and, as a result, there are virtually no limitations to the type of information obtainable. Furthermore, the perceived anonymity of the Internet reduces the applicability of social and legal restrictions on individual activities that occur within its realm. It provides a means by which individuals interested in illegal activity may access information to support that activity, and make contact with other individuals involved in it.

Recently, the use of the Internet to access images portraying and/or advocating the sexual exploitation of children has become the cause of significant concern (Araji, 2000). Taylor (1999) argues that for some users the Internet may provide the only outlet for "intense and suppressed sexual feelings" towards children, and that such images directly serve this end.

Within the general context of pornography, a similar argument has been used to support the use of pornographic material. As such, pornography is advocated as a means of expressing sexual feelings in a manner that does not require them to be lived out through interpersonal contact (O'Toole, 1998). In response to this argument, Taylor (1999) suggests that while the relationship between collecting child pornography and sexual assaults on children is also not clear, the production of images used by consumers of child pornography frequently involves the abuse of children. Taylor, Quayle and Holland (2001) also argue that regardless of whether the children portrayed in objectionable images are physically abused during the creation of the images, victimisation occurs each time an image of a child is used for a sexual purpose (including sexual fantasy generation, arousal and masturbation). In effect, this activity encourages non-consensual use of individuals as sexual objects.

Furthermore, Taylor (1999) states that during the process of accessing child pornography over the Internet, individuals engage with a virtual community that provides them with "support, justification, information, and self help" with regards to their interest. This conclusion is significant given that the isolating nature of such activities has traditionally been viewed as a component in preventing their development.

Although the viewing of child pornography on the Internet does not necessarily produce sexual interest in children, the circumstances created during involvement with the medium do appear to reinforce the activities of individuals seeking material of this nature. Furthermore, there is evidence that for individuals

who obtain primary or significant sexual stimulation during interaction with the Internet, intensive Internet involvement may facilitate progression from adult pornography to child pornography (Taylor et al, 2001; Quayle and Taylor, 2001; Stewart, 1997).

Taylor (1999) suggests that the combination of providing social and sexual reinforcement imbues the Internet with "compulsive qualities", leading some individuals to spend increasing amounts of time involved with it. Taylor et al (2001) state that for some individuals increasing mastery of the Internet provides a sense of power and control that may be missing in other aspects of their lives. The rapid acquisition of images goes hand in hand with the rapid acquisition of technical skills. This behaviour is reinforced by the virtual community with which the individual is involved. This positive reinforcement increases the personal importance that the individual places on the virtual community, and it comes to be valued over other "real" communities.

Taylor (1999) proposes that such engagement can result in the development of a "collector syndrome", characterised by the compulsive acquisition of pictures. As such, he concludes that accessing illegal child pornography from the Internet actually increases the likelihood that some individuals will take measures to access more. This concept is supported by Young (1998), who describes a distinct clinical concept of Internet addiction characterised by:

- excessive online activity
- a sense of exhilaration and competency as technical mastery and navigational ability improves
- predominant use of two way communication functions (i.e. chat rooms, multi-user dimensions, newsgroups or email)
- significant academic, relationship, financial and occupational disruptions.

Ease of contact between individuals interested in illegal pornography not only increases the development of norms and acceptability regarding the subject matter, but also decreases the degrees of separation between those who access, those who create, and those who act out the images themselves. It is perhaps for this reason that much of the literature published about this subject does not distinguish between child pornography consumers and paedophiles. Indeed, a substantial body of literature indicates exposure to child pornography as a factor in the development of sexual offending against children, especially where the offenders are themselves children or adolescents (Araji, 2000).

In contrast, an argument in support of mainstream (legal) pornography is that many users are not actually interested in committing the acts that they view. One example of this is the interest that many homosexual men and women demonstrate for heterosexual pornography (O'Toole, 1998). However, given the fact that much of the Internet trade in illegal images is based on mutual exchange (rather than financial gain), logic suggests that sooner or later the compulsive collector may be enticed to produce material of his/her own. Evidence of this is seen in such cases as the "wonderland club", an international Internet child pornography ring that required aspiring members to contribute thousands of new images. This requirement led to the abuse of children specifically to meet membership criteria. This concept of objectionable material as a type of "currency" is an important one in legitimising activity and creating

social cohesion amongst collectors of child pornography (Taylor et al, 2001).

The process of habituation compounds the attraction of personally producing images. Taylor (1999) states "adults with a sexual interest in children collect child pornography to facilitate fantasy generation and sexual arousal". After repeated exposure to an image, an offender will fail to become sexually aroused in response to it, and will begin to seek out new material. As illustrated by a quotation from a paedophile bulletin board:

"...With this hobby we get bored after a while with the usual and we risk a bit to get new stuff or actual experience. It's a natural progression. Like stealing. You start small. Get bored. Go for bigger stuff..." (Taylor, 1999; p. 5),

Clearly, these findings are of significant concern, especially as the production of much child pornography involves sexual abuse of children. However, the presence of other types of objectionable images is also worrying. If it is possible for an individual with an interest in child pornography to abuse a child in order to create new images for trade and or consumption, it is equally possible that someone who is attracted to images of extremely violent acts might try to re-enact them for the same purposes.

For these reasons, a number of countries have introduced laws to regulate the Internet, enforcing limitations on the type and nature of information that individuals are legally allowed to access or distribute via the Internet.

Intervention

In New Zealand, under the Films, Videos, and Publications Classification Act 1993 (Classification Act), it is an offence to produce, possess, advertise, display or trade in "objectionable" publications. The definition of publications includes electronic publications obtained from or distributed via the Internet and includes images and text. An objectionable publication, as defined in Section 3 of the Classification Act (see Appendix A), is that which:

...describes, depicts, expresses or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

Material deemed to be automatically objectionable under the Classification Act includes that which promotes or supports, or tends to promote or support:

- the exploitation of children, or young persons, or both, for sexual purposes
- the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct

- sexual conduct with or upon the body of a dead person
- the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct
- bestiality
- acts of torture or the infliction of extreme violence or extreme cruelty.

The Censorship Compliance Unit of the Department of Internal Affairs (CCU) is responsible for enforcing the Classification Act in New Zealand. Since July 1996, this unit has been proactively investigating and prosecuting individuals who trade objectionable material via the Internet. The Unit monitors Internet Relay Chat (IRC) channels and investigates New Zealand Internet websites and newsgroups. Between July 1996 and January 2003 Censorship Compliance Inspectors investigated over 500 cases involving possession or supply of objectionable material. These investigations resulted in 103 convictions with approximately 25 cases still before the courts. In addition, a small number of offenders have committed suicide or left New Zealand prior to the prosecution process. For those that have left the country, warrants for their arrest remain outstanding.

In many respects New Zealand's methods of enforcing censorship compliance on the Internet are unique. In New Zealand, the Classification Act covers the classification, labelling and enforcement aspects of censorship. In most other countries, provisions for illegal pornography and related material are dealt with under criminal or child protection law. Therefore, the law regarding these offences is enforced by general law enforcement agencies, commonly the Police. Often this method of organisation results in investigation of such offences being given a reduced priority in relation to other crimes that are perceived to be "more serious" (Ritchie, 1999). Because the CCU investigates a relatively narrow range of offences, it is better placed than many general law enforcement agencies to develop specialist skills in detecting and investigating offenders and in gathering specialist intelligence regarding the nature of these offences. This intelligence has the potential to provide valuable insight into offender behaviour, possibly contributing to increased efficiency in investigation, prosecution and treatment as well as providing a sound empirical base on which to develop censorship policy.

Defining the research

Given the current lack of existing research in this area, the potential value of developing a knowledge base about the trade of objectionable images over the Internet is almost impossible to assess. Therefore, the main purpose of the current research was to develop a tool for the collection of information about CCU offenders. Obviously, such a tool would need to collect information about offender demographics, offence related behaviour and judicial processing. However, in order to determine what other data should be collected by this tool, a range of literature concerning the trade of objectionable material and related research processes was examined.

What little data has been collected has primarily concerned the issue of child pornography. This information points to a number of possibilities for ongoing enquiry.

Taylor (1999) proposes that in order to understand the nature of child pornography, it is necessary to understand the activity from the collector's perspective. He states that the kinds of pictures that individuals collect from the Internet are not homogenous, and that the differences between them indicate important differences between the offenders themselves. These differences include the nature of the images (for example nude, explicitly sexual, violent), what and whom they depict, how the subjects are depicted (for example happy or distressed), whether the subjects are aware of the photographic process, and whether or not the image has narrative qualities.

In terms of the latter, Taylor (1999) identifies the narrative qualities of images as relating to the "potential fantasy content of the pictures". Such qualities are particularly evident in images that form part of a series. They also include aspects of images that are important in "legitimising, normalising and sanitising what are at worst pictures of serious sexual assault", commonly achieved by portraying the children as enjoying the experience, as evident by smiles and active participation. Interestingly, Taylor (1999) states that images created more than 10 to 15 years ago are less likely to have series-based narrative qualities than newer ones and, similarly, new images are more likely to use the subject's real name. He suggests that these differences indicate the development of increasingly sophisticated methods for producing child pornography, combined with a greatly reduced threat of detection. The fact that many of the images that have recently become available show domestic settings suggests that these methods are widely accessible to the general public and that individuals are taking advantage of them to produce images in the safety and comfort of their own homes.

In many ways, the increasing number of images produced as part of a series may be due to the widespread availability of digital cameras and the increased capacity to capture digitised video footage as still images. These technological advances make it easier to create, distribute and collect child pornography. However, this development is particularly concerning given the compulsive nature of some individual's Internet activities and the effects this has on their desire to complete each collection. As quoted from interviews with individuals convicted of downloading child pornography (Quayle and Taylor, 2001):

"Well like I said I was very good at finding people to trade with. I was a good negotiator so to speak and I would tend to find pictures... I managed to find the whole series from somebody and I let the channel operators know and ... they were deeply grateful. It's kinda like an art collector who finds a lost Picasso" (p. 14)

"We were trading pictures... kinda like trading baseball cards" (p. 10)

"...and there was also a thrill in collecting them. You wanted to get complete sets so it...was a bit like stamp collecting as well" (p. 10)

The CCU reports that in New Zealand some offenders have been found to have a clear preference for completing collections of series of pictures (CCU personal communication, 28 November 2002). In

addition to preferences, Taylor (1999) identifies differences between the motivations of child pornography consumers. He states that confirmed collectors of child pornography differ from those who are merely curious in that they tend to have specific preferences and make choices in their collecting behaviour. Therefore, it is particularly important that images be considered in terms of the specificity of the fantasy they represent. This includes images that may not be overtly sexual (or objectionable) in nature, but are part of the offender's fantasy relationships.

As part of this process, Taylor (1999) proposes distinguishing between five main types of behaviour associated with the trade of child pornography:

- confirmed collector - large collection of objectionable material containing specific themes
- confirmed producer - engaged in the production of objectionable material for trade and/or exchange
- sexually omnivorous - wide range of images containing all sorts of sexual images with no particular theme
- sexually curious - small amounts of material
- entrepreneur - develops web sites, or sells CD-ROMS of images etc.

Offender Profiling

The collection of information about the differences between the types of images traded by censorship offenders, and the nature of their offending behaviour, is consistent with the concept of "behavioural profiling". As described by David Canter¹ (2000), profiling is about identifying "psychologically important variations between crimes [or offences] that relate to differences in the people who commit them". It involves the systematic analysis of information collected during the investigation of a range of crimes to identify behavioural elements specific to a particular criminal action.

In terms of criminal behaviour, elements may be conceptualised along a continuum, from the differences between criminal versus non-criminal behaviour, through to criminal signatures specific to a single offender (Canter, 2000). However, it is most commonly the patterns of criminal behaviour (such as opportunistic versus planned offending), modus operandi, and individual differences that are considered in profiling exercises. As such, profiling attempts to answer the following research questions (Canter, p. 28):

- the salience of offenders' behaviours: what are the important behavioural features of a crime that may help to identify the perpetrator?
- distinguishing between offenders: what are the most appropriate ways of indicating differences between crimes and between offenders?
- inferring characteristics: what inferences can be made about the characteristics of the offender that may help to identify him or her?

¹ David Canter is identified by Egger (1999) as a significant figure in the development of scientifically rigorous profiling techniques and is one of the individuals responsible for establishing the graduate programme in investigative psychology at Liverpool University.

- linking offences: are there any other crimes that are likely to have been committed by the same offender?

These questions are traditionally targeted to obtain information during the investigation of crimes in which the offender is not immediately evident. However, the profiling process also provides important information about offenders that can be used to establish their likelihood of re-offending, and/or committing other crimes. Furthermore, evidence from a range of profiling studies has shown that the way in which offenders commit their crimes is frequently related to the way in which they operate in other aspects of their day to day lives (Wilson and Donald, 1999; Davies, Wittebrod and Jackson, 1997; Canter and Fritzon, 1998; Salfati and Canter, 1999). As stated by Canter (2000, pp. 42-43):

...the style of criminality is an integral, natural part of the criminal's general lifestyle, not some special, atypical aspect of it.

Effective profiling results in the identification of consistencies in crime scene behaviours. These may include the way in which the offender interacts with the victim, the method used to commit the crime, the types of material selected during the process of committing a crime, the location of the crime, and the time it was committed. According to Egger (1999), profiling should also consider the personal world that the offender inhabits, the degree of care the offender takes in avoiding capture, the degree of experience the offender shows in the crime, the unusual aspects of the criminal act that may reflect the type of person who committed it, and the habits of the offender that may carry over to his or her daily life. Furthermore, Turvey (1995) states that behavioural clues necessary to committing a crime should be distinguished from those that reflect the fantasy component of the crime.

In order to yield such results, the practice of profiling incorporates two important processes. First, because the range of behaviours that can occur in relation to a specific crime is practically infinite, specific knowledge regarding those behaviours that frequently have significance in relation to the specific class of crime being studied is very important. This knowledge is usually obtained from those most familiar with the range of crimes being considered; the investigating officers.

Second, identification of consistencies between different behaviours must occur in a manner that accurately represents the inter-related nature of those behaviours. Rather than looking for particular types of offender, analysis involves examining the way in which different offence behaviours relate to each other as parts of the larger set of behavioural variables. Generally, such relationships are not discreet but exist along a continuum of interaction. Therefore, the profiling process facilitates the identification of frequently co-occurring behaviours. In turn, the salience of such behaviours for specific offenders may be interpreted as themes in their offending patterns.

In order to facilitate effective analysis of profiling data, profiling practitioners employ a range of methods. These include the use of multi-dimensional scaling (MDS) procedures to calculate the correlations between a set of variables and represent these as proximities in a notional space. The advantage of this method is that the location of variables along the offence continuum is shown as a visual pattern, and better represents their inter-related nature than the production of discrete numbers.

Research Purpose

Offender profiling does not involve consideration of the mental processes or personality characteristics that may motivate an offender to commit a crime. However, the results of specific offender profiles may lead to theories regarding these aspects of an individual.

The literature reviewed to date suggests the need to examine any data collected in terms of the behavioural consistencies in censorship offending. Where such consistencies are found, they may be used to gain insight into the nature of censorship offences. This information could then be used to improve the way in which offenders are identified, processed and treated, and to proactively respond to the issues surrounding the prevention of offences of this nature. In order to facilitate this process, the findings will be compared with the findings of other research concerning more general criminal behaviour.

Related Research and Hypotheses

Research undertaken by Canter (1995) suggests that despite differences in offence types, similarities exist in the way that offenders conceptualise their offences. He describes general roles that offenders assign the victims of their crimes; defined as follows (p.37):

- victim as object: something to be used and controlled through restraint and threat
- victim as vehicle for the offender's own emotional state: e.g. anger and violence demonstrated through extreme violence and abuse
- victim as person: some level of pseudo intimacy, with attempts to create some sort of rapport or relationship.

Behavioural features associated with these roles are described in a study of serial killers undertaken by Hodge (in press; cited in Canter, 2000). She identified three main types of crime scenes relating to such offences. Those that showed few emotional cues and tended to reflect a ritualised script (often including behaviours such as post-mortem violence and sexual acts, excessive violence and body dismemberment), she identified as presenting the victim as an object. Where the crime scenes suggested a substantial level of interpersonal interaction with an apparent concern for the sort of people the victim represented to the offender, however, she ascribed the label of victim as vehicle. The role of victim as person was only ascribed to those crime scenes where obvious importance was placed on the victim being a particular person, and the style of interaction tended to involve more "normal" sexual activities and rarely involved violence other than that directed towards very specific areas of the body such as the facial features.

These behavioural distinctions may also be likened to differences in offender victim interaction identified in relation to child sexual abuse offences. Canter, Hughes and Kirby (1998) define three themes in child sexual abuse crime scene behaviours. They describe these themes as *aggressive*, *intimate* and *criminal-opportunistic* modes of offender-victim interaction.

The intimate style of offender-victim interaction may be likened to the role of victim as person. As

indicated in the research undertaken by Canter et al (1998) those offenders who engage in intimate control styles employ a range of grooming or desensitising strategies. These occur over time and stages, ranging from non-sexual physical contact (such as play wrestling), through sexual touching while the child is fully clothed, to genital fondling in various states of undress, and finally mutual masturbation, oral sex and intercourse. Canter et al (1998) state that intimate offenders respond to a pathological attraction to children and they seek to develop a consenting relationship with the child.

This description is consistent with the more general identification of clinically defined paedophilia. In comparing paedophilia with incest, Davison and Neale (1990) state that these offence categories differ along two important dimensions. Firstly, incestuous behaviour occurs between members of the same family, and secondly it tends to involve older victims. While incest offenders become interested in their victims as they begin to physically mature, paedophiles are interested in their victims precisely because they are immature (Davison and Neale, 1990).

Incest offenders are comparable to what Canter et al (1998) describe as the criminal opportunist mode of offender-victim interaction. This mode of interaction is characterised by being “opportunistic in nature with little emotional attachment or expression”. Such offences appear to be purely motivated by the offender’s desire for sexual gratification and the availability of the victim to meet this end. Therefore, these offences reflect the offender’s view of the victim as an object.

In contrast to the criminal opportunist and intimate modes of offender-victim interaction, aggressive engagement techniques are defined by the use of force that is “expressive rather than instrumental in nature and greater than that necessary to subdue the child”. Canter et al (1998) state that:

Children are described as objects of prey in these offences, and become a target for the offender’s rage and cruelty. The sexual activity is characterised by domination and anger, and necessarily involves degradation of the child through forcible acts such as sodomy (p. 536).

Canter et al (1998) suggest that aggressive offenders seek to express “anger, hostility, rage and resentment carried out against weak and vulnerable victims” possibly as a way of increasing their own sense of personal power. In line with this conclusion, Davison and Neale (1990) state that it is rare for paedophiles to “inflict serious bodily harm on the object of their passion”. Rather, they cite Groth et al (1982) in defining such offenders as child rapists and “fundamentally different from paedophiles by virtue of their wish to hurt the child physically, at least as much as to obtain sexual gratification”. These offenders appear to view victims as vehicles for the expression of their own emotional state.

Given the apparent generalisability of the way in which offenders conceptualise the victims of their crimes it is reasonable to expect that the individuals portrayed in objectionable material may also be conceptualised in this way. Indeed, given that objectionable material classified under Section 3(2)(a) of the Classification Act is usually representative of child sexual abuse, it is likely that such material will be distinguishable on the basis of differences in offender victim interactions identified from clinical and

profiling data regarding convicted child sexual offenders. Therefore it was decided to include information regarding the nature and actions of the individual portrayed in the objectionable material in the CCU data collection tool and to analyse the results of the pilot study (used to test this tool) for similarities regarding the way that such individuals are portrayed within offender collections.

Given Taylor's (1999) suggestion that the Internet fosters compulsive qualities, the current research aimed to examine the interactions between different factors in offenders' behaviour for indicators of the importance of the offence activities within individual offender's lives. These factors included the nature of offenders' collections, lifestyles, methods of offending (crime scene), computer literacy, degree of care taken to avoid capture, experience that the offender shows in the crime, and commitment to offending.