

## *Part 3*

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### *Descriptive Results*



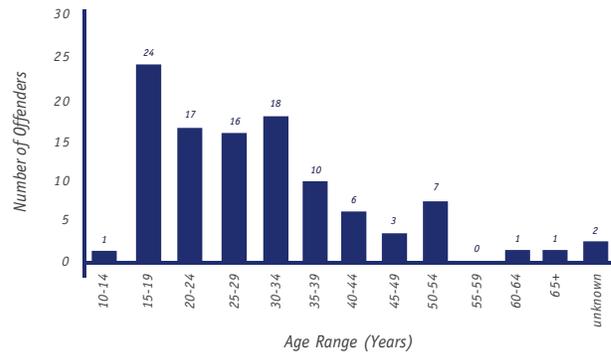
The results of all of the profiling questionnaires were collated together and those data fields containing null results were discarded. The remaining data were then analysed for frequency to obtain a general view of offending patterns. In the cases of the three offenders for whom more than one offence was recorded in questionnaire format, only the first offence was considered as part of the overall data analysis process. Details of the other offences committed by these offenders are provided later in this publication.

## Demographic details

One hundred and five of the cases involved male offenders and one involved a female offender. Across all of the cases, 57 offenders were identified as using one nickname during their Internet-based interactions, and 22 as using more than one nickname. No nicknames were reported for 27 of the offenders.

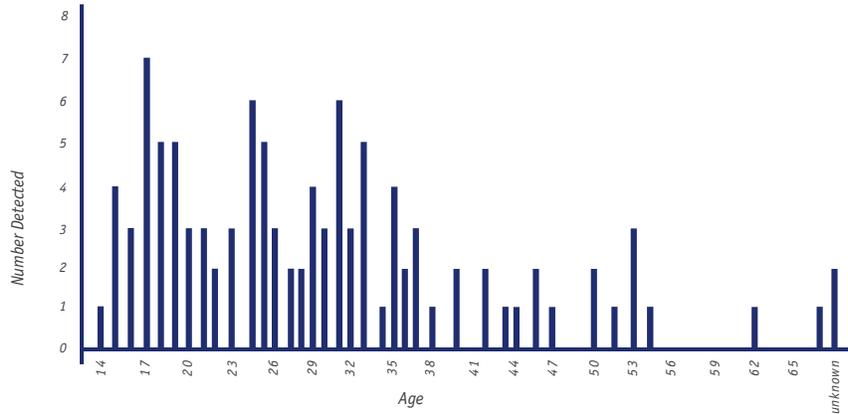
The offenders ranged in age from 14 - 67 years at the time the offences were investigated. The average (mean) age of offenders at the time the offence was investigated was 30 years and the middle (median) age was 28 years. Figure 3.1(a) shows the number of offenders according to age groups (the ages of two offenders were not identified).

Figure 3.1(a): Age At The Time The Warrant Was Executed



As demonstrated in Figure 3.1(b) the most common (mode) age of offenders was 17 years (7). Comparably high numbers of offenders were also observed in the 24 and 31 year old age brackets.

**Figure 3.1(b): Modal Ages Of Individuals Investigated In Relation To The Trade Of Objectionable Material**



The majority of offenders (91) were identified with the New Zealand European ethnic group and a further eight were Europeans born overseas. One offender was identified as Māori, and six offenders were described as Asian. A further eight offenders were identified with “Other” ethnic groups. Table 3 below compares the ethnicity of censorship offender with that of all people convicted of criminal offences between 1991 and 2000, according to Ministry of Justice (2001) statistics.

**Table 3.1: Comparison Of Ethnicity Of Censorship Offenders With Ethnicity Of General Offender Population**

Ethnicity	Percentage Of Censorship Offenders	Percentage of all Convictions for Criminal Offences
New Zealand European	93.40%	40.66%
Māori	0.94%	35.95%
Pacific	0%	7.60%
Asian	5.66%	Not recorded
Other	0%	1.92%
Unknown	0%	13.87%

Responses to the ethnic identity question were often based on the perceptions of the investigating officer using information collected from family, friends, the New Zealand Customs Service, and the offender’s name.

The great majority of offenders were New Zealand European. Māori and Pacific censorship offenders are significantly under-represented in censorship offending, when compared with general offending.

Table 3.2 shows the location of offenders' home addresses. Three quarters of the offenders resided in cities (81).

**Table 3.2: Location Of The Offenders Home Addresses**

Location of Home Address	Number of Offenders
City	81
Town	16
Semi-rural/Lifestyle Block	5
Rural	4

Just over two-thirds (75) of the offenders were reported to be residing in a house or unit, with just under one-third (28) residing in a flat or apartment<sup>5</sup>. Four of the offenders (including one who was also reported as residing in an apartment/flat) were reported to inhabit an "other" form of residence. These "other" forms of residence were: a commune, a room in the back of a commercial garage, premises attached to the offender's place of work (a dairy), and a converted bus with adjoining shed/outhouse.

Thirty-five of the offenders' residences were described as "poorly maintained". This definition included references to the residences being excessively unkempt, messy, filthy, and/or cluttered (for example, difficult to move through, layers of dirt, lots of food and personal effects left lying around).

Based on inspectors' observations of offender occupation and residence, most of the offenders were estimated as being of medium socio-economic status (72). A further 20 offenders were described as being of low socio-economic status, and 17 were described as being of high socio-economic status.

### ***Isolation Factors: Household composition, work environment and other factors***

Table 3.3 shows the household composition of 105 of the 106 offenders. The household composition of one offender was not described. Offenders were most commonly reported to be living with parents or grandparents (34), or living with a partner (27). Fourteen offenders were identified as living with children. Offenders were frequently identified in more than one household category (such as living with partner and living with children).

<sup>5</sup> It is likely that investigators may have confused the word flat with shared rental accommodation. This issue has been addressed in the modified questionnaire.

**Table 3.3: Offenders' Household Composition**

Household Composition Of Offenders	Number of Offenders
Living with Parents or Grandparents	34
Living with Partner	27
Living Alone	20
Living with Other (non-family) Adults	20
Living with Own Children	10
Living with Other (non-family) Children	3
Living with Step Children	1

Twelve offenders were not reported to be working or participating in an education/training course. Of those offenders who were working or participating in an education/training course, 26 were reported to work or study alone, and 28 were described as working in a team. In addition, 33 offenders were reported to experience working or educational environments other than those described above. These included a mixture of time alone and time with others (often customers), impending employment, teams of two, local education, and difficult to define work environments.

In terms of other factors that could affect relative isolation, seven offenders were reported to have physical health problems including:

- Crohn's disease (an inflammatory bowel disease)
- stress and heart problems
- short sightedness, tunnel vision and bad night vision
- obesity
- chronic asthma
- extreme halitosis and lack of hygiene regimens
- heart trouble.

Three offenders were reported as having suffered mental health problems. Evidence of mental health problems included offenders identified as having experienced:

- a head injury as a result of blow to head when 14 years young, resulting in slow speech and (reported) difficulty organising thoughts
- microcaephalus (small brain syndrome)
- time spent as a patient at mental health units.

In addition, one offender was described by the censorship compliance inspector as having "spun out" a bit since his parents' separation.

## *Detection*

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The majority of offenders (92) were identified as offending from a home location, with four of these also offending from a work location. Four offenders were solely offending from a work location and eight offenders were offending from locations “other” than home or work. These included the house of an aunt, a commune on which the offender resided (technically a home location), a previous address, parents’ homes (3), and friends’ homes. Of the two offenders offending at friends’ residences, one was also offending at home, and the other one also offending at work. In four cases, there was no computer involved in the offending, and in two cases it was unclear whether a computer was involved in the offending. In all six of these cases, objectionable material was found at the offender’s home.

Over half (61) of the computers found in offenders’ residences were located in a private space (where access was restricted to the offender). Of these 39 were in bedrooms. A further 41 offenders possessed computers that were located in communal or open living spaces, where access was available to persons other than the offender. Three of these computers were located away from the offender’s main work or living premises (two of these were located in sleep-outs and one was at a friend’s home). In four cases, the offender was not in possession of a computer.

The number of objectionable electronic images identified in the possession of offenders at the time of investigation ranged from zero to more than 55,000. In the case of nine individuals, no electronic images were reported. For three of these, the censorship inspectors stated that this was because the inquiries related to videotapes, photographs, magazines, letters, etc. Another three were also identified as only being involved in the use and distribution of video material.

The computers of two of the remaining individuals for which no images were reported showed evidence that images had recently been deleted. In one of these cases some images were able to be recovered as evidence but the inspector does not state how many. Similarly, four other individuals were only found to have a limited number of images on their system but evidence was obtained to show that many more had previously been stored there.

*Approximately 85 [images were found], but there had been over 1000*

*12 active [images were found] (40-50 deleted)*

*46 [images were found] (primary evidence drive had been ‘fragged’ prior to search warrant execution)*

*192 [images were found] (evidence of hard drive with at least 20,000 had been attached to the system)*

Finally, in the cases of seven individuals, the censorship compliance inspectors provided descriptive rather than numerical accounts of the number of images identified. These included:

*- 2 catalogues*

- A number of objectionable files found on computer, after which it was seized
- 1 diskette of objectionable images
- 2 printouts and 2 video recordings
- Small number sub 50
- Offender admitted to possession of thousands - no specific numbers
- 4 CD-ROMs containing thousands

For the purposes of this analysis, only the exact number of images found by censorship compliance inspectors was counted. Furthermore, in those cases where a description was provided, the data were excluded from initial analysis and then assigned a number on the basis of summary statistics from this analysis. The initial analysis revealed a total of 143,232 images recovered, averaging 1447 images per case investigated. However, analysis by quartile revealed a median (middle) count of 150 images per case with approximately one-fourth of cases yielding 14 images or less (including those in which no images were found) and one-fourth yielding in excess of 775 images. For those individuals for which 775 or more images were recorded (N=24), a median of 2,295 images was identified.

Given the size of the range, the median is clearly the best estimate of central tendency for the number of electronic images possessed by the offenders sampled in this research. Therefore, those cases in which a description was provided with no qualifying statement regarding the size of the collection, the overall median of 150 was assigned. In those cases where the collection was described as small, the overall lower quartile rating of 14 was assigned. Finally, for those cases where the description involved reference to a very large number of images (eg. thousands) the median of the upper quartile was assigned (2,295). Adding the descriptive cases to the analysis, Table 3.3(a) provides an overall picture of the number of images identified across individuals investigated by the censorship compliance officers.

**Table 3.3(A): Number Of Images Identified Across Individuals Investigated By The Censorship Compliance Officers**

	Number of Images
Total number of images identified across all cases	148,300
Average identified for each case	1,399.057
Median per case	150
Lower quartile of cases	14.25
Upper quartile of cases	787.5
Range	55,000

In the case of 29 offenders, objectionable material other than computer-based, electronic images was also found in their possession. This included:

- video recordings, including tapes, clips on file and video slicks (cassette box covers) which may have been downloaded or otherwise obtained from another party, or made by the offender
- portable storage devices (for computer files) including CDs and diskettes
- photographs and negatives, and other pictures (including printouts of image files)
- text files and publications including text stories and correspondence (electronic and handwritten), books, newspaper clippings, magazines and catalogues.

Most offenders (71) were detected as a result of trading objectionable material on the Internet (see Table 3.4). Other government agencies identified nine offenders. These government departments included the New Zealand Customs Service, New Zealand Police, the Norwegian Police Force, the Australian Police Force (Victoria), the United States Customs Service, and the German Police Force.

“Other” means of detection included identification of offenders by way of the following means:

- information provided by a computer repair shop
- a web site posting to a discussion group in E-circles
- from another offender’s letters and documents
- collaboration between the Department of Internal Affairs and the New Zealand Customs Service in response to a Customs search warrant regarding importation
- a bulletin board
- a subscription to a New Plymouth club which swapped objectionable video recordings
- as a result of a computer company finding child pornography on a trade-in PC
- participation in a private circle on a web site making material available
- discussion on Internet Relay Chat with a UK police officer about the manufacture of child pornography.

In addition, two offenders were caught after advertising in a trade newspaper, and one other was identified by the staff of the university in which he was employed. Ten offenders were apprehended as a result of more than one method of detection.

**Table 3.4: Details of Offender Detection**

Details of Detection	Number of Offenders
Trade of Objectionable Material on the Internet	71
Other	19
Complaint	14
Identified by other government agency	9
Identified from another Offender's computer log	2

Offenders were most commonly found in possession of what were described by the censorship compliance inspectors as large collections of objectionable material containing specific themes (58). Frequently these were indexed and well organised (49). Fewer individuals possessed collections of a wide range of images with no particular themes (11).

Although 15 of the 104 offenders were reportedly involved in the production of objectionable material for trade or exchange, this most frequently involved supplying existing images in a new or altered format (such as downloading and copying images to a CD ROM or floppy disk). Only three offenders were involved in producing new objectionable material but none of these produced images involving the sexual abuse of others. Just under a third (33) of offenders only possessed small amounts of material, and nine were involved in the development of websites or the sale of CD ROMs of images related to their offending.

Table 3.4(A) compares the size of collections of objectionable images found in the possession of those investigated by the censorship compliance inspectors, with the type of material identified in these collections (as defined by the Sections of the Classification Act). It also shows the relationship between collection size and organisation, as indicated by the use of index and categorisation methods. In this table, collection size is measured by the actual number of images found rather than the inspectors' judgements. Furthermore, it does not account for other types of objectionable material (such as a video). As such, where no images were found at the time the warrant was executed the collection was rated as 0, even if inspectors provided evidence that images had been present prior to that time or had been deleted. However, where inspectors found files and folders used to categorise collections of objectionable material, and were able to show that the material had been specifically deleted from these, the individual involved was defined as organised regardless of whether any images were recovered. For the remaining collections, size was rated according to quartiles with those holding 14 images or fewer (Quartile 1) being described as having small collections, those with between 15 and 788 images being described as having medium collections, and those with more than 789 images described as having large collections.

**Table 3.4(A): Collection Size By Section Of The Act Under Which Images Were Classified And Organisation Of Images**

Collection Size	Section 3(2)(a)	Section 3(2)(b)	Section 3(2)(c)	Section 3(2)(d)	Section 3(2)(e)	Section 3(2)(f)	Total	Indexed
No collection or deleted collection: Minimum number of images (0)	9	1	0	2	4	1	15	3
% within category	9	6	0	7	13	7	9	6
Small collection: Number of images within the first quartile (1-15.5)	10	2	0	3	3	0	15	0
% within category	10	12	0	11	9	0	9	0
Medium collection: Number of images within the first and third quartile (15.5-787.5)	50	10	2	15	17	8	87	22
% within category	52	59	100	56	53	57	54	45
Large collection: Number of images within above the third quartile (787.5)	27	4	0	7	8	5	44	24
% within category	28	24	0	26	25	36	27	49
% within category	96	17	2	27	32	14	161	49

*\*No images found but evidence of images and their organisation according to files and folders*

The results displayed in Table 3.4(a) suggest that those individuals who collected images showing acts of torture or the infliction of extreme violence or extreme cruelty (Section 3(2)(f) of the Classification Act) tended to have the largest collections of objectionable material. As indicated in Table 3.4(b) these individuals were also the most likely to index or organise their collections.

Table 3.4(b) also shows that as the number of images in a collection increases, so too does the likelihood that they will be well organised and indexed. Of course, the results cannot show whether those who organise their collections do so because the collections are too large to otherwise be manageable or whether collecting large numbers of images is related to meticulous organisation by way of some pre-existing compulsive impulse.

**Table 3.4(B): Organisation Of Collections By Section Of The Act Under Which Images Were Classified**

	Section 3(2)(a)	Section 3(2)(b)	Section 3(2)(c)	Section 3(2)(d)	Section 3(2)(e)	Section 3(2)(f)	Total
Indexed	48	10	1	15	14	10	98
% within category	50	59	50	56	44	71	52
Not Indexed	48	7	1	12	18	4	90
% within category	50	41	50	44	56	29	48
<b>Total</b>	<b>96</b>	<b>17</b>	<b>2</b>	<b>27</b>	<b>32</b>	<b>14</b>	<b>188</b>

### *Nature of the Objectionable Material*

Table 3.5 shows the categories of section 3(2) of the Classification Act under which the material traded and/or possessed by each offender was classified.

**Table 3.5: Categories Of Section 3(2) Of The Classification Act Under Which Material Traded And/Or Possessed By Offenders Was Classified**

Categories Of Section 3(2) Of The 1993 Films, Videos, and Publications Classification Act	Number of Offenders
3(2)(a): The exploitation of children, or young people, or both, for sexual purposes	99
3(2)(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct	17
3(2)(c): Sexual conduct with on upon the body of a dead person	2
3(2)(d): The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct	27
3(2)(e): Bestiality	32
3(2)(f): Acts of torture or the infliction of extreme violence or extreme cruelty	14
Not identified	2

Almost all of the offenders (98) possessed and/or traded in some form of material classified under section 3(2)(a) of the Classification Act; involving the exploitation of children, or young people, or both, for sexual purposes. In addition, one individual was identified as discussing fantasies about making movies of children being forced into sexual interaction. He played out this fantasy for all people he spoke to on IRC and then deleted all records of these discussions. After a short time, he reloaded IRC and began seeking out new people to discuss the fantasy with.

After, section 3(2)(a), the most common category of offending (32) involved images classified under section 3(2)(e). In addition, 27 offenders were recorded as trading and/or possessing images classified under section 3(2)(d), and 17 were identified in conjunction with section 3(2)(b). Overall, 14 offenders traded and/or possessed objectionable material classified under section 3(2)(f) and two were identified in relation to images classified under section 3(2)(c).

As indicated in Table 3.5(a), just over 60 percent of those identified by censorship compliance inspectors were found to be trading and/or possessing objectionable material classified under only one section of the Classification Act. Most commonly (57.55%) this involved images portraying “the exploitation of children, or young people, or both, for sexual purposes”. In addition, three individuals (2.83%) were found only to be trading images concerned with bestiality and the collection of one individual (0.94%) focused solely on “sexual conduct with or upon the body of a dead person”.

Excluding the two cases in which the nature of the objectionable material was not described, only five individuals were identified as trading and/or possessing material that did not include portrayal of “the exploitation of children, or young people, or both, for sexual purposes”. Furthermore, only one of these was investigated for offending under more than one of the remaining sections of the Classification Act. This individual showed interest in material portraying “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”, and “acts of torture or the infliction of extreme violence or extreme cruelty”.

Of those who did trade and/or possess material portraying “the exploitation of children, or young people, or both, for sexual purposes”, 35.85% (38) were also found to trade and/or possess material classified under other sections of the Classification Act. Most commonly, this involved collection of material portraying both “the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct” and “bestiality” (28.94%). In addition, 21.05% of all those collecting material identified under both section 3(2)(a) and other sections of the Act were found to also trade and/or possess material portraying “the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct”, “the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct”, “bestiality” and “acts of torture or the infliction of extreme violence or extreme cruelty”.

**Table 3.5(A): Combinations Of Section 3(2) Of The Films, Videos, And Publications Classification Act 1993 Under Which Offenders Were Found To Be Trading And/Or Possessing Material**

Sections Of The Films, Videos, And Publications Act (1993)	Frequency	Percentage
3(2)(a)	61	57.55
3(2)(a), 3(2)(d), 3(2)(e)	11	10.38
3(2)(a), 3(2)(b), 3(2)(d), 3(2)(e), 3(2)(f)	8	7.55
3(2)(a), 3(2)(e)	5	4.72
3(2)(a), 3(2)(b)	3	2.83

**Table 3.5(A): Combinations Of Section 3(2) Of The Films, Videos, And Publications Classification Act 1993 Under Which Offenders Were Found To Be Trading And/Or Possessing Material cont...**

Sections Of The Films, Videos, And Publications Act (1993)	Frequency	Percentage
3(2)(a), 3(2)(d)	3	2.83
3(2)(e)	3	2.83
3(2)(a), 3(2)(b), 3(2)(f)	2	1.89
3(2)(a), 3(2)(d), 3(2)(e), 3(2)(f)	2	1.89
3(2)(a), 3(2)(b), 3(2)(d), 3(2)(e)	1	0.94
3(2)(a), 3(2)(b), 3(2)(e)	1	0.94
3(2)(a), 3(2)(c), 3(2)(d), 3(2)(f)	1	0.94
3(2)(a), 3(2)(e), 3(2)(f)	1	0.94
3(2)(c)	1	0.94
3(2)(b), 3(2)(c), 3(2)(d), 3(2)(f)	1	0.94
Unknown	2	1.89

As shown in Table 3.5(b) material portraying bestiality was more frequently matched with material portraying the exploitation of children, or young people, or both, for sexual purposes than any other type of objectionable material. However, in terms of the total number of individuals identified with each particular section of the Classification Act, those trading and/or possessing material portraying the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct were most likely to also trade and/or possess material portraying the exploitation of children, or young people, or both, for sexual purposes.

**Table 3.5(B): Cross Tabulations Within Section 3(2) Of The Films, Videos, And Publications Classification Act 1993**

Sections of the Films, Videos, and Publications Act 1993	% of total for											
	3(2)(a)	3(2)(a)	3(2)(b)	3(2)(b)	3(2)(c)	3(2)(c)	3(2)(d)	3(2)(d)	3(2)(e)	3(2)(e)	3(2)(f)	3(2)(f)
3(2)(a)	99	100.0	16	94.12	0	0.00	26	96.30	29	90.63	1	92.86
3(2)(b)	16	16.1	17	100.00	1	50.00	11	40.74	10	31.25	1	78.57
3(2)(c)	0	0.0	1	5.88	2	100.00	1	3.70	0	0.00		7.14
3(2)(d)	26	26.2	11	64.71	1	50.00	27	100.00	22	68.75	1	85.71
3(2)(e)	29	29.2	10	58.82	0	0.00	22	81.48	32	100.00	1	78.57
3(2)(f)	13	13.1	11	64.71	1	50.00	12	44.44	11	34.38	1	100.00
No other types of images	61		0	0.00	1	50.00	0	0.00	3	9.38		0.00

*Section 3(2)(a): The exploitation of children, or young people, or both, for sexual purposes*

Table 3.6 provides details of the types of children and young people portrayed in the material that the 99 individuals investigated under section 3(2)(a) of the Classification Act were found to trade and/or possess. It shows that most of these individuals traded and/or possessed images of children and young people who were female Caucasians, and aged between 8 and 12 years. This is not to suggest that the actual number of such images outnumbered those of male children, non-Caucasian children or children aged outside the 8–12 age range. However, of the 27 largest collections within this category, only three were identified as focusing solely on boys.

Table 3.6(a) only provides information about the types of children and young people portrayed as having sexual acts done to them in images showing explicit sexual interaction. It does not concern children and young people portrayed as perpetrating sexual acts against others or those portrayed in the absence of explicit sexual activity (e.g. posed nudity or naturalist type images).

Comparison between Table 3.6 and Table 3.6(a) reveals no major differences between the type of children and young people generally represented in images and those specifically identified as the subject of images (i.e. having sexual activities done to them as opposed to doing them or being unengaged)<sup>6</sup>.

In five cases, the Censorship Compliance inspectors did not complete details regarding the type of children or young people upon whom acts were being performed. However, in one of these cases the nature of all acts were described as “dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)”.

**Table 3.6: Specific Details Regarding The Individuals Portrayed In The Material Identified Under Section 3(2)(A), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed in material identified under Section 3(2)(a)	Number of Offenders (N=99)
<i>Gender: the children or young people shown in the images appear to be mainly:</i>	
Females/Girls	59
Males/Boys	18
Both Females and Males	19

<sup>6</sup> It is likely that the lack of notable differences identified between individuals portrayed generally in objectionable images, and those portrayed as subjects, was due to confusion regarding the questions asked of the Censorship Compliance Inspectors (see Appendix C). The modified questionnaire (Appendix D) has been designed to reduce ambiguity in this area.

**Table 3.6: Specific Details Regarding The Individuals Portrayed In The Material Identified Under Section 3(2)(A), By The Number Of Offenders Possessing And/Or Trading In Such Material**  
*cont...*

Individuals portrayed in the material identified under Section 3(2)(a)	Number of Offenders (N=99)
<i>Ethnicity: the children or young people shown in the images mostly look:</i>	
Caucasian	96
Hispanic	13
African	6
Asian	28
Other	1
<i>Age: the children or young people shown in the images appear to be mainly:</i>	
Babies (under 2 years old)	8
Young Children aged 2-7 years	49
Older Children aged 8-12 years	85
Teenagers aged 13-16 years	43

**Table 3.6(A): Specific Details Regarding The Individuals Portrayed As Having Sexual Acts Performed Upon Them In The Material Identified Under Section 3(2)(A), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed as the subject of sexual activity in material identified under Section 3(2)(a)	Number of Offenders (N=99)
<i>Where images involve a sexual act being performed on children or young people, what gender are most of the individuals upon whom these acts are being performed?</i>	
Females/Girls	63
Males/Boys	18
Both Females and Males	14
<i>Where images involve a sexual act being performed on children or young people, what ethnic group are most of the individuals upon whom these acts are being performed?</i>	
Caucasian	93
Hispanic	13
African	3
Asian	26

**Table 3.6(A): Specific Details Regarding The Individuals Portrayed As Having Sexual Acts Performed Upon Them In The Material Identified Under Section 3(2)(A), By The Number Of Offenders Possessing And/Or Trading In Such Material cont...**

Individuals portrayed as the subject of sexual activity in material identified under Section 3(2)(a)	Number of Offenders (N=99)
<i>Where images involve a sexual act being performed on children or young people, what age are most of the individuals upon whom these acts are being performed?</i>	
Babies (under 2 years old)	7
Young Children aged 2-7 years	42
Older Children aged 8-12 years	77
Teenagers aged 13-16 years	45

Table 3.7 shows the nature of the activities portrayed in material classified under section 3(2)(a). The frequency with which children and young people were portrayed with other children or young people is almost identical to the frequency with which they appeared with adults. The frequency with which they appeared alone is slightly less than when they appeared with others. In four cases, children or young people were shown with "other" subjects. In one of these the inspector indicated that there were some images involving children and young people in acts of bestiality. In another a dog was shown in the image, but was not involved sexually with the subject(s). In the third and fourth cases, the nature of the "other" was not specified.

Most frequently, the surroundings evident in the objectionable material classified under section 3(2)(a) were described as domestic environments. Public places also appeared relatively commonly. Schools, commercial/professional looking studio environments and masked/controlled environments appeared less often but with similar frequency to one another. The predominance of domestic settings may be indicative of the relative ease with which people can now produce images. Digital photography has removed the need to have photographs processed and makes their electronic transmission straightforward. This has made it easier for adults with a sexual interest in children to produce and disseminate objectionable images of children.

The most frequently represented activities or actions tended to be those involving explicitly sexual acts, posed nudity, and/or partial nudity with display of genitals. Posed nudity or partial nudity without display of genitals also occurred relatively frequently, as did naturalist type nudity or partial nudity. Incest or implied incest was evident in just over a quarter of cases involving material classified under section 3(2)(a).

**Table 3.7: Specific Details Regarding The Nature Of The Activities Portrayed In The Material Classified Under Section 3(2)(A), By The Number Of Offenders Possessing And/Or Trading In Such Material**

The nature of the activities portrayed in the material under Section 3(2)(a)	Number of Offenders (N=99)
<i>The children or young people were shown:</i>	
Alone	65
With other children or young people	84
With adults	87
Other	4
<i>What sort of surroundings were evident in the images?</i>	
Domestic environment	90
School	11
Public place	38
Commercial/professional looking studio environment	17
Masked/controlled environment	13
Other	1
<i>In the majority of the images, the children or young people appeared to be engaged in the following activities or action:</i>	
Naturalist type nudity or partial nudity	47
Posed nudity or partial nudity without display of genitals	49
Posed nudity or partial nudity with display of genitals	74
Explicitly sexual acts or actions	90
Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage	4
Physical and/or verbal expression of fear and/or distress	6
Incest or implied incest	26
Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)	8

In three cases, there was evidence that drugs and/or alcohol had been used in the creation of the images. In one case alcohol was obvious in some images. The other cases involved a series of images depicting young girls in various stages of undress involved in sexual poses/acts with cigarettes and alcohol. While some appeared drunk, in other images the alcohol was clearly just a prop.

In four cases, the Censorship Compliance inspectors did not complete details about the nature of the activities portrayed in material classified under Section 3(2)(a).

*Section 3(2)(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct*

Table 3.8 provides details of the types of individual portrayed in material classified under Section 3(2)(b). The data show that the majority of individuals portrayed in this type of material were female. Young people aged 17 – 20 years were represented with similar frequency to adults aged 21 – 65 years. No adults aged over 65 years were represented.

Table 3.8(a) only provides information about the types of individuals portrayed as having sexual acts done to them in images showing explicit sexual interaction. It does not concern individuals portrayed either more generally within the images, or as perpetrating sexual acts against others.

Comparison between Table 3.8 and Table 3.8(a) shows little difference between the types of people identified generally in the pictures and those identified as the subject of sexual activity. In two cases the inspector did not specify the age of the individuals portrayed as subjects.

**Table 3.8: Specific Details Regarding The Age And Gender Of Individuals Portrayed In The Material Identified Under Section 3(2)(B), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed in the material identified under Section 3(2)(b)	Number of Offenders (N=17)
<i>Gender: the individuals shown in the images appeared to be mainly:</i>	
Females/Girls	10
Males/Boys	2
Both Females and Males	5
<i>Age: the individuals shown in the images appeared to be mainly:</i>	
Youth aged 17-20 years	9
Adults aged 21-65 years	10

**Table 3.8(A): Specific Details Regarding The Age And Gender Of Individuals Portrayed As Subjects of Sexual Activity In The Material Identified Under Section 3(2)(B), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed as subjects of sexual activity in the material identified under Section 3(2)(b)	Number of Offenders (N=17)
<i>Where images involve a violent or coercive act being performed on one or more individuals to compel them to engage in sexual conduct, what gender are most of the individuals upon whom these acts are being performed?</i>	
Females/Women	14
Males/Men	2
Both Females and Males	1
<i>Where images involve a violent or coercive act being performed on one or more individuals to compel them to engage in sexual conduct, what age are most of the individuals upon whom these acts are being performed?</i>	
Youth aged 17-20 years	7
Adults aged 21-65 years	10
Other	1

Table 3.9 provides specific details regarding the nature of the activities identified in the material classified under section 3(2)(b). Most of the material involved the portrayal of rape or implied rape scenes (including all forced sexual activities). Relatively equal amounts of material were identified as involving explicitly harmful acts or actions (including, but not restricted to, involvement of weapons, torture instruments or bondage), dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object), incest or implied incest, and physical and/or verbal expressions of fear and/or distress. The majority of this material portrayed domestic surroundings, with public places appearing about a third as often. A masked/controlled environment was evident in one case, and the one 'other' background was described as "outdoors, woodlands, etc."

**Table 3.9: Specific Details Regarding The Nature Of The Activities Portrayed In The Material Classified Under Section 3(2)(B), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Nature of the activities portrayed in the material classified under Section 3(2)(b)	Number of Offenders (N=17)
<i>What sort of surroundings were evident in the images?</i>	
Domestic environment	14
Public place	5
Masked/controlled environment	1
Other	1
<i>In the majority of the images, the individuals appeared to be engaged in the following activities or actions?</i>	
Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage	6
Rape or implied rape scenes (including all forced sexual activities)	13
Physical and/or verbal expression of fear and/or distress	6
Incest or implied incest	5
Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)	6

**Section 3(2)(c): Sexual conduct with or upon the body of a dead person**

Only two offenders were identified as possessing and/or trading material identified under section 3(2)(c). In both cases, the images portrayed female adults (including young adults) aged 17 years and over. One of the cases focused mainly on material portraying subjects in public places and one focused on subjects in domestic environments.

**Section 3(2)(d): The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct**

Table 3.10 shows the types of individuals portrayed in material classified under section 3(2)(d). Table 3.10(a) only provides information about the types of individuals portrayed as having degrading or dehumanising acts done to them. It does not concern individuals portrayed either more generally within the images, or as perpetrating degrading or dehumanising acts against others.

Most commonly the material classified under section 3(2)(d) portrayed females, both generally and as subjects of degrading or dehumanising acts. However, two cases involved material portraying both males and females. Almost all of the cases focused on adults over the age of 17 years. In four cases, only partial or incomplete subject details were provided.

**Table 3.10: Specific Details Regarding The Age And Gender Of Individuals Portrayed In The Material Identified Under Section 3(2)(D), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed in the material identified under Section 3(2)(d)	Number of Offenders (N=27)
<i>Gender: the individuals shown in the images appeared to be mainly:</i>	
Females	23
Males	1
Both Females and Males	5
<i>Age: the individual shown in the images appeared to be mainly:</i>	
Children and/or young people aged 16 years and under	6
Adults (including young adults) aged 17 years and over	26

**Table 3.10(A): Specific Details Regarding The Age And Gender Of Individuals Portrayed As Subjects In The Material Identified Under Section 3(2)(D), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Individuals portrayed in the material identified under Section 3(2)(d)	Number of Offenders (N=24)
<i>Where images involve a degrading or dehumanising act being performed upon one or more individuals, what gender are most of the individuals upon whom these acts are being performed?</i>	
Females	19
Males	1
Both Females and Males	5
<i>Where images involve a degrading or dehumanising act being performed upon one or more individuals, what age are most of the individuals upon whom these acts are being performed?</i>	
Children and/or young people aged 16 years and under	2
Adults (including young adults) aged 17 years and over	21

Most commonly, material classified under section 3(2)(d) portrayed individuals in domestic environments, although just under a third of offenders also possessed and/or traded in material portraying individuals in public places (Table 3.11).

**Table 3.11: Specific Details Regarding The Nature Of The Activities Portrayed In The Material Classified Under Section 3(2)(D), By The Number Of Offenders Possessing And/Or Trading In Such Material**

Specific details regarding the nature of the activities portrayed in the material classified under Section 3(2)(d)	Number of Offenders (N=27)
<i>What sort of surroundings were evident in the images?</i>	
Domestic environment	23
Public place	8
Commercial/professional looking studio environment	2
Unknown/cannot be determined	1

#### *Section 3(2)(e): Bestiality*

For most of the thirty-two offenders possessing and/or trading in material involving bestiality, the surroundings evident in the images were described as domestic (25). Five cases involved images whose surroundings were solely described as farm or related buildings. One case involved images of bestiality in public places. The remaining cases involving farm or public environments also included domestic environments or a combination of all three surrounding types.

#### *Section 3(2)(f): Acts of torture or the infliction of extreme violence or extreme cruelty*

Fourteen cases were identified as involving material classified under section 3(2)(f), however one of these did not provide details regarding the age and gender of any of the individuals portrayed in the images. Of those remaining, 9 involved adult females (aged over 17 years), 2 involved both females and males aged over 17 years, one involved a male aged under 17 years and one involved a female aged under 17 years. The dominant type of surroundings evident in the material was domestic (13), three cases involved public places, one involved commercial/professional looking studio environments, and another focused on masked/controlled environments.

## ***Details of the objectionable material and images***

In 64 of the 106 cases, the Censorship Compliance inspectors reported identifying images that were new to the censorship team (i.e. had not previously come to their notice). In 55 of these cases they reported the number of images estimated to fit this description. In total, this estimate accounted for 43,949 images. In four of the cases where an estimate was not given, offending involved objectionable material other than images (i.e. videotapes, written material, etc). In eleven cases, it was not reported whether or not new images were identified.

The Censorship Compliance inspectors indicated that images from 63 of the cases appeared to have been obtained within the past five years<sup>7</sup>.

In eighteen cases, images were identified by the Censorship Compliance inspectors as being unusual or striking in some way. Collections of material typically revealed a particular focus for individual offenders. Preferences related to the age, gender, physical characteristics and (implied) sexual orientation of the subjects, and the activity in which they were involved.

*[The offender's] collection was mainly in relation to catching females unaware, in particular the upskirt type pictures and females urinating in a public place. He also had pictures of autopsies and impalings. He also had bestiality pictures.*

*There appears to be a clear preference for very young females and related incest material. There is also rape material, especially in text.*

*All pictures relate to the sexual behaviour of people with their dogs.*

*[The offender] has a particular liking for pictures of young girls, possibly aged 7-10 exposing their genitals.*

*The collection had a single unity of focus - all the images were of young males in the 6-16 age range. There was no other type of image, which suggests a very deliberate process of obtaining the images.*

*[The offender] had taken a number of images from the Web and altered them (e.g., removed the 'banner') then renamed them 'Joanne' and sent them as images of 'himself'. He had a directory called \Joanne in which he collected pictures of young blonde girls who appeared about the same but at different ages etc, and sent these with stories about where they were taken etc.*

*[The offender] has created files (clearview type folders) into which he had pasted pictures cut from baby magazines, naturalist mags, women's magazines etc of boys in various stages of undress etc.*

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<sup>7</sup> However, this question may have caused some confusion amongst those attempting to answer it. It was originally intended to identify whether or not images had been recently produced but may well have been interpreted as whether images were recently posted on the net or downloaded from it.

*This individual appears from his collection to have a particular interest in violence, etc involving torture and impaling of young girls.*

Some collections were also based on the accumulation of a particular series of images:

*... series depicting the sexual assault and rape of a young girl (aged about 8 years), offender had a significant collection of these. Also almost full collections of the [name] series, and the [name] series. Offender had been collecting for approximately 2 years.*

*In the bedroom papers were found showing that [the offender] was meticulously checking that he had received the full series of pictures, i.e. he would list the particular series of pictures... and then cross off the number of the picture as he received them.*

Large collections were often well organized:

*Stored in directory levels about 7 deep by age, physical attributes etc e.g.: \boys\7-10\blonde\pose\uncut\best\Peter. Collection highly organised and maintained - no copies, no incomplete or corrupted files etc.*

*Large collection and well-structured (by image file content).*

In some cases images were supplemented by explicit written material:

*Photographs taken by [the offender] of next-door neighbour's kids (e.g. running about with little or nothing on etc - photos taken through or over fence, often from his own rooftop), designed to go with his 'book' - the sexual exploitations of a young girl and her sister and friends (aged 9 to 16 years). [He] has created a photo index which appeared as though the images were designed to portray certain elements of his story - he denied this but stated that while he intended this, the images did not really match the story and he "kind of used his imagination!".*

*...a large number (approximately 200) text files describing explicit and incestuous sexual acts, most involving prepubescent children.*

*Besides the pictures were numerous stories and discussions that took place and were exchanged over the Internet.*

Other comments regarding objectionable images and material included:

*Had printed off, cut out, and pasted into a scrapbook, colour images from diskettes/computer. Some were of David Hamilton<sup>8</sup> variety (Black Cat Scan series), which the defendant stated he collected because they were artistic.*

*He titled the directory that contained the pictures "true deviancy" and it consisted of the above [images classified under every section except 3(2)(c)] plus pictures of impaling and sewing up the vagina.*

*The offender sent photocopied photographs of herself with "slave" letters instructing the recipient to perform various acts (or risk the wrath of his 'mistress'). The acts involved eating dog food, barking like a dog, walking around on hands and knees ("until your knees are really sore...don't complain JUST DO IT!!!"), defecating on themselves, drinking their own or her urine (sent to them in a special little bottle by courier) and so forth. And guys were paying \$180.00 for 6 weeks worth of letters.*

*Relatively new looking video clips featuring young girls between 12 and 16 posing/masturbating for the camera....*

## ***Non-objectionable images and material***

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In 52 cases the Censorship Compliance inspectors identified images and/or material obtained from the offender, or observed in his/her home or work environment, that could not be classified as objectionable, but which were considered suspicious in the context of the offending. Most commonly this involved other pornography/erotic images, or other images of children (Table 13). Other pornography was usually described as 'R18' material including image files, videos, magazines, photographs, pinups, etc. Images of children included:

*photographs of children in swimming costumes or at the beach*

*pictures...of other people's children as this couple had no children of their own*

*pictures of young boys clothed i.e. beginning of series pics*

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<sup>8</sup> David Hamilton is a professional photographer, well known for his eroticised images of young girls. The Black Cat Series is a collection of such images. This collection has been the subject of significant debate about whether it constitutes art or pornography.

Three offenders also possessed images portraying autopsies or dissection of body parts. "Other" non-objectionable but suspicious images, identified in the possession of offenders, included "commercially produced upskirt pictures"; a significant number of "pictures of [the offender's] own dog"; "a collection of older teen and adult females posing or engaged in sexual acts, also large collection of images of [a television star] (non-sexual and pseudo-sexual)"; videotapes and magazines of homosexual images; and a collection of comics and videos. Inspectors also reported the following examples of non-objectionable but suspicious material:

*...notebook found with various references to paedophilia, boylove, etc. Book contained English phrases of a type useful in 'grooming' a boy.*

*Karate, GI, and some instructional manuals; Numerous magazine clippings of boys in underwear (cut from clothing catalogues, women's magazines, baby magazines, etc) in plastic bags. Books on photographing children, dealing with disabled children, sexual counselling for youth etc.*

*Young girl sized white cotton panties which [the offender] sent to men he corresponded with - presumably after wearing them. Also junk jewellery - apparently sent to him by admiring male correspondents.*

For one offender, the presence of his partner's young brother was noted as suspicious. Also highlighted was another offender's discussion with overseas individuals of an inappropriate sexual relationship with a young person.

**Table 3.12: Details Of Other Images Were Obtained From The Offenders That Could Not Be Classified As Objectionable But Which Were Considered Suspicious In The Context Of The Offending**

Nature of non-objectionable images	Number of Offenders
Other pornography/erotic images and material	31
Other images of children	17
Other non-objectionable but suspect images and material	13
Children's toys, appliances and/or articles of clothing	5
Images of autopsies or dissection of body parts	3

The inspectors were asked to comment on any "unusual or striking features of the non-objectionable images or material." Specific references made to the 'R18' pornographic/erotic material revealed that offenders often had preferences for particular types of image or subject:

*Individual had a small number of Asian porn Penthouse etc.*

*Had a collection of "red head" images (any pornographic image (non-objectionable) featuring a woman/girl with reddish coloured hair), but no similar collection of blondes or brunettes etc.*

*The offender had a significant collection of R18 lesbian images.*

*Some images from the computer show woman on woman wrestling and male domination by females (face sitting and being stood on).*

This fixation with a specific theme was evident in other non-objectionable material. One offender demonstrated a "...fixation with [television star], sticking images printed off or cut from magazines to walls, furniture etc."

Some offenders who collected objectionable images of young boys were found to supplement their collection with other, more 'innocent' photos of young boys:

*Found amongst his collection were pictures of young boys taken at a local school... The images are purely those of children playing in the local playground of the school.*

And also not-so-innocent but nevertheless non-objectionable material:

*Substantial collection of images featuring young boys in togs, underwear etc (likely to have been collected from boylove websites), many in naturalist type poses.*

*The non-objectionable material found consisted of newspaper and magazine clippings which depicted young boys. It included advertising matter, pictures, stories and articles. It also included news coverage of 2 sexual abuse cases in the newspaper.*

Comments regarding the features of the non-objectionable material revealed a trend amongst offenders to pose as young boys and girls, represent themselves to others in this way, develop detailed persona, and correspond with others 'in character'. This occurred despite the fact that in some cases both parties to the correspondence were aware of the charade.

*...large number of naturalist magazines also (through which he obtained 'penpals' to correspond with as a young girl). [The offender] came to attention as a correspondent with an Australian man (age 50) who wrote as a 13 year*

*old girl...when told about this [the offender] stated that he suspected that the person he had been corresponding with, and sending pornographic stories of his character's sexual exploits to, was an adult male...he said that he 'got off' on the idea of it, not actually doing anything.*

*A background check of the offender's system showed multiple contacts with IRC users with the offender using names indicating young females (cassie10, megan11, karin11). Fragments of sexually explicit conversations were also found. These included questions about sexual activity, acts and experience, etc.*

This trend was also evident from information provided in the "general comments" section of the profile questionnaires:

*[The offender] posed as a 14 yr old girl on IRC [and talked] to men about sex etc. He said he did this because he wanted to see what other people would believe.*

*[The offender] created...a whole family (including 2 girls, a boy, their friend - a young girl, a dog and their father). He entered into chat sessions and corresponded by electronic and hard copy letter as all of them (except the dog). He wrote stories about the sexual exploits of this family (including incest between the father and girls and father and boy, lesbian relations between the girls and their friend, bestiality between the girl and her dog, and an orgy which involved everyone). He backed his stories and emails with images pulled off the Internet and one scanned picture from his lounge wall of him and his wife, which he sent (while speaking as 'Joanne- a 13 yr old girl) and saying it was (her) parents. [The offender] involved great detail in his stories including the feelings of the girls about sex and relationships generally. He had clearly given it a great deal of thought. [The offender used] his previous incestuous behaviours to create the profiles/stories he came up with.*

*During an interview [the offender] admitted posing as a young girl (aged from 14 to 18) which he claimed made trading pictures easier. [He also talked 'dirty' with] other males on IRC who thought he was a girl.*

Other miscellaneous comments were made by inspectors regarding the non-objectionable material:

*The pictures of children and the toys in the home were of concern as this couple did not have any children. No confirmation was able to be made in regards to the origin of this type of material.*

*...pictures of her husband dressed up in women's clothing, wearing lipstick etc.*

*Collection of adult pornography which [the offender] and his father had both contributed to and which both of them viewed etc.*

## ***History, occupation and associates***

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### **Associates**

Inspectors made comments about the known associates of 39 of the offenders. Ten were identified as having no known associates, or as being loners<sup>9</sup>.

*Very much a loner. A visitor from Germany who hated dark skinned people, thus he was left very much on his own.*

*A total loner. No friends or associates.*

*A loner with no known associates. His wife had died one year before these offences.*

In addition, eight individuals were identified as associating with other known censorship offenders (four of these individuals were two sets of brothers). One of these associates was also identified as a sex offender known for perpetrating sexual acts against young boys.

Three censorship offenders were identified as associating with individuals involved in other (non-censorship) illegal activities. Information provided as "additional comments" (Question 50) indicated that penetration of one of these offender's email systems led to the arrest of several European-based criminals who targeted children for sexual reasons. The offender also associated with individuals who were similar to the subjects in the images that he traded and possessed. The inspector's comment regarding this offender is provided below:

*Has lived in the business world of a large security company but prefers to act out his sexual fantasies alone. According to his wife he goes to public toilets, masturbates with strangers, and is suspected of sexually abusing the family dog. He was a policeman for some time.*

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<sup>9</sup> Most of those described as loners were identified during the pilot profiling study. It is unclear whether this is due to the nature of the offenders, or differences between the classifications used by the inspectors during phase two of the research.

Three other offenders were also identified as associating with individuals/subjects who were similar to those portrayed in the objectionable images in which they showed interest through trade and/or possession. The censorship compliance inspectors provided comments regarding two of these:

*Was the headmaster of a local primary school. Is well known within the teaching profession.*

*Since birth ... [the offender has associated with individuals] convicted for sexually abusing children.*

Comments regarding the "other" associates of another 18 offenders were also made. Often these were the names of friends suspected to be involved with or knowledgeable about the offending, or other persons whose relevance as an associate was not specified.

*Works in the computer industry as a salesman.*

*Not known. He is a boy at ... High School so it is possible that other youths are involved.*

Comments about "other associates" also often related to family.

*Works... with his father. Lives with wife... and 7 year old daughter.*

*Lived with sister.*

*Wife also used computer to 'chat' with, and was aware it had child pornographic images on it.*

*Prefers Philippine women and is presently obtaining one to marry.*

#### *Criminal History*

The majority of offenders (88) were not formally identified as having a criminal history. However, at the time of their involvement with the Censorship Compliance inspectors, five offenders had already been charged and convicted of a sexual offence with a boy aged under 16 years old and two were being investigated regarding sexual offences with boys aged less than 16 years old. (Table 3.13(b)). One of those individuals who had been charged and/or convicted of a sexual offence with a boy aged under 16 years old had also been charged and/or convicted of a "minor offence of a sexual nature" (such as stealing underwear, Peeping Tom, offensive behaviour etc.), as had three other individuals investigated

by the Censorship Compliance Unit.

In addition, three offenders had been charged and convicted of a sexual offence with a girl under 16 years old (including one case of permitting a girl under 5 to perform an indecent act), and one had been accused (but not convicted) of such an offence by his daughter and warned in relation to similar offences in relation to his granddaughters.

Table 3.13(a) shows the relationship between prior charge/conviction for a criminal sexual offence and the sections of the Classification Act involved in the investigation of these individuals by the Censorship Compliance Unit. In the case of the individual who had prior convictions for both a "minor" sexual offence and a sexual offence against a boy aged under 16 years old, the relevant statistics are only listed under the latter offence category.

As shown in Table 3.13(a) all of the individuals who had previously been charged and/or convicted of sexual offences were found to trade and/or possess material portraying the exploitation of children, or young people, or both, for sexual purposes, as classified under section 3(2)(a) of the Act. The results also infer that those who had committed "minor" sexual offences and offences against boys demonstrated an interest in material portraying "the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct" and "acts of torture or the infliction of extreme violence or extreme cruelty" that was not evident for those who committed sexual offences against girls. Of course, the small size of this sample of offenders precludes any definite statements being made with regards to this observation.

**Table 3.13(A): Criminal Histories Of Offenders Who Had Been Previously Charged With Sexual Offences By The Sections Of The Act Pertaining To Their Investigation By The Censorship Compliance Unit.**

Sections of the Films, Videos and Publications Classification Act (1993) to which censorship investigation pertained	Minor Offence of sexual nature	Sexual Offence with girl under 16 years old	Sexual Offence with boy under 16 years old
3(2)(a): The exploitation of children, or young people, or both, for sexual purposes	3	3	5
3(2)(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct	1	0	2
3(2)(c): Sexual conduct with or upon the body of a dead person	0	0	0
3(2)(d): The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct	1	2	1
3(2)(e): Bestiality	1	1	1
3(2)(f): Acts of torture or the infliction of extreme violence or extreme cruelty	1	0	1

Another two offenders had been convicted of “non-violent, non-sexual” offences (such as theft, burglary, etc). Two offenders had been prosecuted in relation to drug possession (including one offender who had also been convicted of a sexual offence with a boy), and two offenders had been prosecuted in relation to possession of objectionable video for supply. One other offender had been warned in relation to trading child pornography.

**Table 3.13(B): Criminal Histories Of Offenders**

Criminal History	Number of Offenders
Sexual offence with boy under 16 years old	5 (+2 under investigation)
Sexual offence with girl under 16 years old	3 (+1 warning)
Minor offence of sexual nature (stealing underwear/Peeping Tom, offensive behaviour etc)	4
Non-violent, non-sexual offence (theft, burglary etc)	2
Historical offence involving objectionable material	2 (+1 warning)
Drug possession/offence	2
<i>Other current offence involving objectionable material</i>	<i>(3 under investigation)</i>

In addition, three of the offenders identified in the current sample had been investigated for possessing or trading in child pornography on at least two occasions (at least six months apart) during the five-year sample period. They have since been prosecuted. Questionnaires were completed for each offence, but, in order to avoid skewing the results of this research, only the data relating to their first offence were used in the overall data analysis. Comparison of both offences pertaining to each of these offenders is provided at the end of the results section of this publication.

#### *Travel*

Four of the censorship offenders had passports recorded with Customs Intelligence. One of these was also reported to be a frequent traveller who visited what were described as “suspect destinations”. This offender’s last travel date was recorded in April 1998 (he absconded to avoid prosecution). Another censorship offender was reported to be a frequent traveller with his last date of travel recorded as 1999. This man absconded to Australia before “his date in court”. A third offender, identified as a frequent traveller, was an overseas student. However due to the circumstances of his offending, he was thought not to pose future danger. Two other offenders were identified as travelling to suspect destinations: identified as Malaysia and Thailand.

#### *Occupation and Access*

Table 3.14 shows the occupations of offenders. The occupational data add up to more than 106 because some offenders were identified in more than one category.

The largest group of offenders were identified as students (33). As shown in table 3.14(a), 12 of these were secondary school students, eight were tertiary students studying information technology related

subjects and one was a tertiary student studying a subject related to the subject matter of his censorship offending (training to be a teacher). The remaining students were identified across a range of disciplines including law (2), psychology (2), philosophy, mathematics, engineering (2), biochemistry and accounting. In the case of three tertiary students, the discipline being studied was not identified. In addition, two students were identified as engaging in non-institutional training. One of these was an apprentice electrician and the other was a trainee pilot. Of particular note is that most of the students who were aged 25 years and over were studying information technology related subjects.

All of the "mature" age students and five of the other students were reported to have more than one occupation. The findings included identification of four students working in an information technology related position (with one of these also working as a driver), one working in retail, one in hospitality, one in a security related profession, one as labourer, and one in an educational institution.

In total, nineteen offenders were employed as information technology professionals and another 10 were employed in professional/administrative positions. Fourteen of the offenders were identified as being unemployed, sickness beneficiaries, or retired. In addition, six offenders were employed as education/training professionals and four were employed in caregiving positions (one in the medical profession). The two offenders identified as engaging in another occupation were:

- a traveller from Germany on holiday in New Zealand
- an individual who claimed to be a professional soccer player but, in fact, all his dealings were as a con artist.

**Table 3.14: Occupations Of Offenders**

Occupation	Number of individuals
Student	33
Information Technology	19
Professional/administrative	10
Trade	9
Unemployment beneficiary	7
Retail	7
Sickness beneficiary	6
Labour	6
Educational profession	6
Transport	4
Food and hospitality	4
Caregiver	3
Farm/agricultural worker	3

**Table 3.14: Occupations Of Offenders (cont...)**

Occupation	Number of Individuals
Other	2
Medical profession	1
Retired/superannuitant	1
Security	1

**Table 3.14(A): Types Of Students**

	Under 25	25 and over
Secondary School Student	12	0
Tertiary Student studying Information technology/computing	4	3
Tertiary student studying another discipline	9	1
Tertiary student studying both information technology and another discipline	1	0
Tertiary student studying in an area related to the subject of the objectionable images	1	0
Non-institutionally based training	2	0
<i>Total</i>	29	4

Table 3.14(b) uses a range of demographic and offence related variables to compare those aged under 25 who are attending school and tertiary/training with those aged under 25 who are engaged in other occupations and those aged 25 and older. These categories were selected on the basis of observed differences between the proportions of individuals within each of the age/occupation ranges. Despite the small number of individuals in some of the age/occupation categories, some interesting trends are apparent. Of note is the relatively higher proportion of school students found to be residing in semi-rural locations. These individuals were also identified as most likely to have their computer located in a private place where access was limited to them and to collect large numbers of images that were well indexed. In contrast, individuals identified as tertiary students aged under 25 years were found to be most likely to live in a city, most likely to work and/or study alone and more likely to be identified as a loner than all other age/occupation categories except those aged under 25 years who were not studying.

**Table 3.14(B): Sections Of The Classification Act Under Which Students Were Investigated**

	School Students n=12	% of School Students	Tertiary/ Training Students n=17	% of Tertiary/ Training Students	Under 25 year olds not studying n=13	% of Under 25 year olds not studying	25 years and over n=62	% of 25 years and over	Unknown n=2	Total n=106	% of Total
High socio economic	5	41.67	5	29.41	0	0.00	7	11.29	0	17	16.04
Resides in city	8	66.67	16	94.12	1	7.69	44	70.97	2	81	76.42
Resides in semi-rural location	3	25	0	0	6	46.15	1	1.61	0	5	4.72
Living with parents or grandparents	12	100	8	47.06	3	23.08	8	12.90	0	34	32.08
Living with other (non-family) adults	0	0	7	41.18	0	0.00	10	16.13	0	20	18.87
Works/studies alone	2	16.67	10	58.82	0	0.00	14	22.58	0	26	24.53
Described as having no known associates or being a loner	0	0	3	17.62	3	23.08	3	4.84	1	10	9.43
Computer in private location (access limited to the offender)	9	75	12	70.59	6	46.15	33	53(2)3	1	61	57.55
Detected during trade of objectionable material on the Internet	10	83.33	16	94.12	13	100.00	31	50.00	1	71	66.98
Large collection of objectionable material containing specific themes	8	66.67	5	29.41	8	61.54	35	56.45	2	58	54.72
Collection is indexed and well organised	7	58.33	5	29.41	7	53.85	29	46.77	1	49	46.23

These findings are of particular interest when one considers Table 3.14(c), which shows the sections of the Classification Act under which individuals in each of the age/occupation categories were investigated. It also provides details of a selection of image/material attributes that were found to vary proportionately across age/occupation categories.

Table 3.14(c) shows that while the collection of material portraying the exploitation of children, young people, or both, for sexual purposes was common across all of the age/occupation categories, those individuals identified as school students were much more likely to trade and/or possess images of teenagers and older children than any other group of individuals. They were also most likely to select material showing children and young people with others of their age. Indeed, even when they chose images pertaining to other categories of the Act, school students tended to select material portraying youth aged under 17 years. As such, it appears that their interest was within the realms of “age appropriateness”. Of course, the fact that all of the school students were found to trade and/or possess images of children and young people engaged in explicitly sexual activity, and given that more than half of them were found to trade and/or possess images of children aged between 2 and 7 years, still leaves cause for significant concern about their activities. The finding that these individuals were proportionately more likely to trade and/or possess images of children and young people that suggested or implied incest only serves to increase this concern. However, the data do provide some clues as to where the motivation for initially accessing the objectionable material may come from. Indeed, the fact that school students were also the most likely to be found in the possession of R18 pornography (Table 3.14(d)) supports the concept of a sexually curious group of adolescents.

**Table 3.14(C): Sections Of The Classification Act Under Which Students Were Investigated**

	School Students n=12	% of School Students	Tertiary/ Training Students n=17	% of Tertiary/ Training Students	Under 25 year olds not studying n=13	% of Under 25 year olds not studying	25 years and over n=62	% of 25 years and over	Unknown n=2	Total n=106	% of Total
<b>Section 3(2)(a): The exploitation of children, young people, or both, for sexual purposes</b>											
Females	12	100	16	94.12	11	84.62	58	93.55	2	99	93.40
Males	8	66.67	9	52.94	0	0.00	32	51.61	2	59	55.66
Both males and females	1	8.333	4	23.53	2	15.38	13	20.97	0	18	16.98
Babies (under 2 years old)	3	25	1	5.882	4	30.77	13	20.97	0	19	17.92
Young Children aged 2 - 7 years	0	0	3	17.65	7	53.85	0	1.61	0	8	7.55
Older Children aged 8 - 12 years	7	58.33	6	35.29	10	76.92	27	43.55	2	49	46.23
Teenagers aged 13 - 16 years	11	91.67	10	58.82	2	15.38	52	83.87	2	85	80.19
With other children or young people	10	83.33	7	41.18	9	69.23	24	38.71	0	43	40.57
School	12	100	11	64.71	0	0.00	50	80.65	2	84	79.25
Commercial/professional looking studio environment	2	16.67	3	17.65	4	30.77	6	9.68	0	11	10.38
Naturalist type nudity or partial nudity	3	25	2	11.76	8	61.54	8	12.90	0	17	16.04
	7	58.33	6	35.29	5	38.46	28	45.16	1	47	44.34

Table 3.14(C): Sections Of The Classification Act Under Which Students Were Investigated  
cont...

	School Students n=12	% of School Students	Tertiary/ Training Students n=17	% of Tertiary/ Training Students	Under 25 year olds not studying n=13	% of Under 25 year olds not studying n=62	25 years and over n=62	% of 25 years and over	Unknown n=2	Total n=106	% of Total
Posed nudity or partial nudity without display of genitals	8	66.67	8	47.06	5	38.46	26	41.94	2	49	46.23
Posed nudity or partial nudity with display of genitals	10	83.33	11	64.71	7	53.85	45	72.58	1	74	69.81
Explicitly sexual acts or actions	12	100	13	76.47	10	76.92	53	85.48	2	90	84.91
Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage	0	0	2	11.76	0	0.00	2	3.23	0	4	3.77
Physical and/or verbal expression of fear and/or distress	0	0	2	11.76	1	7.69	3	4.84	0	6	5.66
Incest or implied incest	4	33.33	4	23.53	3	23.08	15	24.19	0	26	24.53
Dehumanising or degrading activities (including extreme close-ups, use of body as an inanimate object)	1	8.333	1	5.882	1	7.69	5	8.06	0	8	7.55
<b>Section 3(2)(b): The use of violence of coercion to compel any person to participate in, or submit to, sexual conduct</b>	0	0	2	11.76	2	15.38	12	19.35	1	17	16.04

Table 3.14(C): Sections Of The Classification Act Under Which Students Were Investigated

	School Students n=12	% of School Students	Tertiary/ Training Students n=17	% of Tertiary/ Training Students	Under 25 year olds not studying	n=13	% of Under 25 year olds not studying	25 years and over n=62	% of 25 years and over	Unknown n=2	Total n=106	% of Total
Section 3(2)(c): Sexual conduct with or upon the body of a dead person	0	0	0	0	0	0	0	3	3.23	0	2	1.89
Section 3(2)(d): The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct	1	8.333	3	17.65	1	7.69	21	33.87	33.87	1	27	25.47
Children and/or young people aged 16 years and under	1	8.333	1	5.882	0	0	4	6.45	6.45	0	6	5.66
Section 3(2)(e): Bestiality	2	16.67	3	17.65	5	38.46	21	33.87	33.87	1	32	30.19
Section 3(2)(f): Acts of torture or the infliction of extreme violence or extreme cruelty	0	0	3	17.65	1	7.69	10	16.13	16.13	0	14	13.21
Females	0	0	3	17.65	1	7.69	6	9.68	9.68	0	10	9.43
Adults aged 17 years and over	0	0	3	17.65	7	53.85	7	11.29	11.29	0	11	10.38

**Table 3.14(D): Other Types Of Material Found In Possession Of Students**

	School Students n=12	% of School Students	Tertiary/ Training Students n=17	% of Tertiary/ Training Students	Under 25 year olds not studying	n=13	% of Under 25 year olds not studying	25 years and over n=62	% of 25 years and over	Unknown n=2	Total n=106	% of Total
In possession of non-objectionable, but suspect, images of children	1	8.333	4	23.53	1	7.69	11	17.74	0	17	16.04	
In possession of non-objectionable pornography/erotic images	6	50	5	29.41	2	15.38	18	29.03	0	31	29.25	
Unusual or striking features of the "non-objectionable" images or material	1	8.333	5	29.41	2	15.38	12	19.35	0	20	18.87	
Demonstrated non-professionally related access to children	1	8.333	3	17.65	1	7.69	11	17.74	0	16	15.09	

In contrast to the results of the school students, those individuals who were identified as tertiary students aged under 25 years and non-students aged under 25 were found to demonstrate a much greater range of image preferences and were identified as being proportionately the most likely to collect images portraying babies as the subject of sexual exploitation. Non-students aged under 25 also demonstrated the greatest propensity for trading/possessing bestiality images while tertiary students were most likely to select material that showed the exploitation of male children and young people, children and young people being harmed and demonstrating fear, and adult females being tortured or subjected to extreme cruelty. Given that these individuals were found to be proportionately more likely to collect "non-objectionable but suspect images of children" (Table 3.14d), many of these images were described as particularly unusual or striking, and that they were as likely as those aged 25 and over to have voluntary access to children, the small size of these findings makes them no less worrying.

Table 3.15 provides information about variables related to offender access to children, animals, other subjects and computers. Sixteen offenders were said to work with or have frequent contact with children and another eleven were reported to be mobile in their job. Ten offenders were described as working primarily with computers and thirty-one of the sample were said to work or have frequent contact with the general public. Examples of individuals who had frequent contact with children and/or animals, and other subjects through their jobs included:

- driver (taxi, metro bus, and intermediate school bus), provider of IT support to intermediate school, tour bus driver, ice cream van operator, and school stationery supplier
- teacher aide
- holiday camp labourer
- gardener (whose contracts included local schools).

**Table 3.15: Variables Related To Increased Offender Access To Children, Animals And Other Subjects**

Access to children, animals and other subjects	Number of Offenders
Works or has frequent contact with the general public	31
Works or has frequent contact with children	16
Other access to children or animals	16
Works primarily with computers	12
Is mobile in job (job involves frequent travel of any type)	11
Frequently sole caregiver of children/dependants	9
Access to other subjects	3
Works or who has frequent contact with animals	1

Sixteen offenders were reported to have "other access to children or animals". One of these was also identified as working with children or animals. Types of "other" access were identified as:

*Through the offender's own participation as a school/university student.*

*Older sister's children come to stay at home with the offender's mother.*

*Through the offender's local school. The offender was involved in assisting school events etc, similar to a teacher aide.*

*At the time of Warrant, the offender had a child to a current partner and two children from an earlier marriage.*

*The offender's partner's young brother.*

*As a soccer coach.*

*Has been active in Boy Scouts for many years.*

*Family [with whom the offender was staying] has two other children aged 9 and 14.*

*Babysitter for neighbour's 4yr old boy (who, two years later, disclosed that [the offender] had been molesting him).*

*Involved in the [an outdoor activity centre] - used by youth groups and schools.*

*Was listed as a caregiver, had children over to play games on his computer.*

*Assistant coach of 8 yr old soccer team, Scout leader; applicant to youth aid services and the Big Brother scheme (mentors for boys whose fathers are in prison).*

*Had limited access to 6 yr old son, also had 12 yr old 'boyfriend' whom he had taken camping and whom he 'babysat' (for the boy's parents).*

*Neighbour had three daughters aged from 6 to 12, and a boy aged about 9.*

*[The offender] photographed them covertly. [He] had made a video tape using segments of a homemade porn video he found at his friend's house while 'house-sitting', a video tape of their 6 year old daughter (in the bath etc), and regular R18 porn videos.*

*Had limited access to granddaughters.*

## ***Computer use and skills***

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Most of the offenders were reported to have high (35) or medium (33) levels of computer literacy. Descriptions of high computer skill levels included:

*Has reputation as a hacker.*

*Familiar with encryption and hiding files.*

*Is able to copy and send anything. Is able to understand technical questions.*

*Uses computers to assess ...[resource] quality.*

*NT operator.*

*Is conversant with all applications.*

*Self stated "computer expert".*

*Sets up and hosts business web sites.*

Descriptions of medium level computer skill included:

*His job requires skill on computers.*

*Has removable drives and is adept at saving and emailing pictures.*

*Spends all his time on the computer.*

*Able to create CD-ROMs and access Internet areas easily.*

*Knows how to set up an Fserve [fileserver application].*

*Home taught. Uses newsgroups to advertise websites.*

A similar proportion of offenders (27) were shown as having medium to low levels of computer literacy. Descriptions of computer skill level were provided for eight of these:

*Average skills on Internet Relay Chat.*

*No sophisticated software but he is very good at graphics.*

*Basic school skills.*

*Had laptop only.*

*Can only do basic file saving.*

*Had encryption [software].*

*No sophisticated software.*

*Capable of gaining access to and operating effectively in various areas IRC, Yahoo chat etc.*

Another seven were described as having low levels of computer literacy. One of these did not have a computer. Descriptions of computer skill level were provided for three of these:

*Old computer; little software.*

*Has difficulty understanding most applications.*

*Has no sophisticated software.*

For six offenders, computer literacy levels were not reported.

Table 3.16 shows the amount of time offenders had spent using the Internet during the week prior to the Censorship Compliance warrant being executed. The number of Internet hours spent by eight of the offenders was not reported (all but one of these offenders was aged 25 years and over, the other was of an unknown age). Analysis of this data by age/occupation category revealed that 60% (25) of those aged under 25 years spend less than 10 hours per week using the Internet, compared with just under 40% of those aged 25 years and over (24).

**Table 3.16: The Amount Of Time Offenders Spent Using The Internet During The Week Prior To The Warrant Being Executed**

Time spent using the Internet during the week prior to the warrant being executed	Number of Offenders
Less than 10 hours	49
10-30 hours	34
More than 30 hours	15
No computer used or unknown	8

Table 3.17 shows the types of Internet application used for offending. Half of the offenders (52) were found to use more than one application, with 45 using only one. Of the remaining nine cases, six offenders did not use computers in their offending. Of these, four cases related exclusively to videotapes and the other two to videotapes, photographs, magazines, and letters/stories. In the other three cases where Internet application use was not recorded, two involved computer-generated material (i.e. CD-ROMs, printouts) that may not have been accessed via the Internet, and in one case the application used was “not specifically known but most likely IRC.”

The most frequently used Internet application was Internet Relay Chat (IRC). Furthermore, almost all of the individuals aged under-25 years used this method to access objectionable material (95% compared with 60% of those aged 25 years and older). Websites and Newsgroups were the next most common form of access. Offenders using IRC also frequently used email. Those using ICQ (electronic messaging system) also tended to engage in Newsgroups and email. Offenders whose Internet application was described as “other” used bulletin boards and postings to newsgroups.

**Table 3.17: Internet Applications Used By Offenders To Access Objectionable Images**

Internet application used for offending	Number of Offenders
IRC	78
Websites	42
Newsgroups	39
Email	30
ICQ	21
Other	4

Table 3.18 shows the methods used by offenders to store objectionable images. Thirty-four offenders stored images in more than one form. For five offenders the nature of storage was not reported (no images were found in their possession at the time the warrant was executed). Four of these offenders were identified as trading objectionable material on the Internet, and the fifth did not appear to be a collector of objectionable images but was regularly engaging in discussion on IRC regarding the manufacture of child pornography. The majority of offenders stored objectionable images on the hard drive of their computer. Individuals who saved images onto CD were less likely to save them in any other form.

**Table 3.18: Methods Used By Offenders To Store Objectionable Images**

Storage methods	Number of Offenders
Hard drive	86
Floppy	29
CD ROM	14
Other	10
Hard copy	5
Zip disks	3
Other	10

The ten offenders whose images were stored in "other" formats did so mainly on videotapes (7). One of these also had images in the form of photographs, negatives, and magazines. Two offenders stored their objectionable material on zip disks, and the one on video compact disks. Of those who used Zip disks, two were school students.

The majority of offenders (Table 3.19) did not add any form of security to the still images they possessed. However, one of these was reported to use an encrypted application for movies held on CD ROM. Those individuals who employed "other" methods of security, used such things as a hidden CD ROM; an invisible directory, and "system files." For one offender, most of the images on the computer were open but the most graphic and extreme images were password protected in zipped up files on floppy disks. This individual was also identified under the password protected category.

In a similar case, images were saved to ambiguously named diskettes (e.g. ABC EGH), on which zipped up files were password protected. In two cases, the offenders' partners had access to the computer however they did not use it or did not know how to use it. In one of these, visiting grandchildren also used the offender's computer but only under his supervision. One offender used a DOS based menu programme (DA5) that could be password protected, to prohibit his children accessing certain material. In another case, the offender used another person's computer and Internet account, and one offender stored images on his laptop, which he either kept with him or secured in his room.

For one of the offenders who used an encrypted application, the inspector reported that:

*He (the offender) had a condensed drive which we could not open. Indications are that it held at least 500 objectionable pictures of children. Only the titles were visible on search.*

Other encrypted applications reported by the inspectors were BestCrypt, Safehouse, and PGP. No information was provided about security measures taken by the two offenders who only stored images as video recordings and printouts, nor about the four cases where no images were found on the computer and one where the images had been deleted. In one case no security information was given, though the reason was not evident.

Of note is that, in comparison with older offenders, those aged under 25 years were found to be more likely to employ password protection (12%) and encryption (10%) methods.

**Table 3.19: Methods Of Security Used By Offenders To Protect Or Hide Objectionable Images**

Security of images	Number of Offenders
None	75
Other	10
Password protected	8
Encrypted application used	6
Saved to ambiguously named directory	6

Sixteen of the offenders were found to possess mechanical cameras (including video), six were found to possess digital cameras, and ten had scanning equipment and/or software.

The replacement cost of all computer and imaging equipment found in the possession of individual offenders (N=93) was estimated to range from \$500 to \$4000. Thirteen offences did not include any cost estimate. In two of these cases the offender did not own the computer used to offend. In another four of these cases a computer was not involved. Most estimates were based on the used replacement cost of the equipment at the time it was seized. Table 21 shows the number of offenders who possessed equipment in each of three value categories. Based on the range, low value of computer equipment was defined as between \$0 and \$999, medium cost as between \$1,000 and \$2,999, and high value as being in excess of \$2,999.

**Table 3.20: Used Replacement Value Of Offenders Computer Equipment**

Value of computer equipment	Number of Offenders
Low value computer equipment (\$0-\$999)	15
Medium value computer equipment (\$1,000-\$2,999)	56
High value computer equipment (\$3,000+)	22
No value given	13

## *Apprehension and prosecution*

When confronted by the Censorship Compliance inspectors, the largest proportion of offenders (52) freely admitted their offence (Table 3.21). Four of these also “expressed feelings of shame and/or a desire to hide activities from loved ones”, one asked for help as he said that he had no one to turn to or to discuss his problem with (identified as an “other” reaction), four also attempted to minimise their offending, and one offender freely admitted his offending and “expressed pride in his behaviour/abilities.”

Of the 25 offenders who partly admitted their offending, almost half (11) attempted to minimise it. Eight “expressed feelings of shame and/or a desire to hide activities from loved ones,” and eight were “not prepared to admit skill level/provide details.”

In approximately 20% of cases (23) offenders reacted to the warrant by admitting their offending but attempted to minimise it. The majority of these reactions can be sorted into three general categories of offender behaviour:

Minimising the seriousness of their actual offending – by understating their interest in child pornography and/or the number of files or amount of material they had, and/or increasing the ages of preferred subjects.

*...claimed interest lay with older teens.*

*... minimised and tried to say his interest was in older girls.*

*Understated amount of material, and increased ages of preferred subjects.*

*Stated passing 'interest' and only a few files (had used Safehouse and the number of files involved was not discovered until later when the password had been obtained).*

*Claimed the tapes... didn't have hard core child pornography on them.*

*Stated they were only pictures and he had no interest in boys really.*

*[Offender stated] "It's not my scene really".*

*Minimising the seriousness of the offence itself, usually by claiming that they were not aware that what they were doing was illegal, etc.*

*Pretended not to know that having child porn was illegal (later admitted he knew).*

*Suggested that he thought it was OK as long as he didn't print out the pictures. He stated that he had not looked at all the pictures he had downloaded.*

*Initially stated that he thought material on Internet was okay, stated [that he] thought sex between minors was okay etc (later decided he was wrong to think that).*

*Stated that a 12-14 yr old boy being sodomised would be objectionable but a 12-14 yr old girl engaged in a sexual act would not. Claimed most of his pictures would therefore not be objectionable.*

*Stated it was only fantasy and didn't hurt anyone. Also what he chose to do in his own time and his own home was no one's business but his own.*

*Denied the videos were objectionable but later admitted that they contained child pornography and that he knew child pornography was illegal.*

*Stated lack of knowledge regarding possession as an offence, only trading.*

Minimising relationship to the offending (by maximizing distance from it), through the introduction of third party involvement:

*Claimed the tapes ... were only for close friends, not sold, ... (actually gave out tapes to anyone who asked).*

*Stated he had collected child pornography in order to swap with a person who had offered him a collection of 'adult pinups' in exchange - the 'person' was never identified nor was any evidence of such an offer substantiated.*

*Stated he had only traded child porn in order to catch others and that he saved the images to diskette to send to some organisation in the US which handled prosecution of child pornographers.*

*Stated that he had been trying to collect the images for another person who had promised to give him some game software in exchange for kiddie porn pics (no evidence of the alleged contact found or supplied).*

*"people ask for file", "you get invited to channels", "half the time I don't know where they go".*

*"I did not know how to get out of the areas", "I have never seen pornography before and was curious".*

Six offenders attempted to shift blame for their offending more directly, e.g. one offender tried to blame his flatmate (who later moved out and went overseas) while another blamed a known censorship offender. One offender, pleaded ignorance in relation to the offence by claiming others had access to his computer. One offender who completely denied the offence, also pleaded ignorance in relation to evidence. He said that he "thought [the] disks had been wiped, [and was] unaware of the objectionable images". This offender "stated [that a] scrap book [containing objectionable images and found in his possession] was given to him by a customer of the video store" in which he was employed. One offender's reaction was classified as 'physically threatening and/or intimidating' and the inspector commented that he was "initially abusive".

Eleven offenders were described as having an "other" reaction to the search warrant.

Two of these concerned the reaction of family members:

*Wife went into a kind of fit.*

*His Mum however became very upset (because she said her son couldn't possibly be a child pornographer) and [appeared to faint] (we even called an ambulance) - she 'passed out' a couple of times and flopped about on the floor ....*

Other reactions included vomiting, attempting to blame the Department for not stopping the offending earlier following initial denial, and extreme indecisiveness, (for example "20 minutes to decide to have a lawyer, 30 minutes to not find one"). One offender suffered a heart attack during video interview at the Police station and had to be taken away in an ambulance.

Three of the offenders were described as having "threatened or completed self-harm or suicide." Two of these did not threaten to do so at the time of the warrant, but one twice attempted and eventually committed suicide, and the other also committed suicide within months of the Censorship Compliance inspectors executing the warrant. The censorship inspector responsible for the case reported that at the time the offender was confronted with the warrant:

*He (the offender) appeared oblivious to the reality of the problem that faced him due to family problems. [I was] concerned that this person was likely to consider suicide.*

This response was included under the "other" reaction to warrant category.

**Table 3.21: Reaction To Warrant**

Reaction to warrant	Number of Offenders
Freely admitted offence	52
Partly admitted offence	25
Admitted but minimised offence	23
Completely denied offence	15
Not prepared to admit skill level/provide details	14
Expressed feelings of shame and/or a desire to hide activities from loved ones	14
"Other" reaction	11
Refused to answer questions	10
Tried to shift blame	6

**Table 3.21: Reaction To Warrant (cont...)**

Reaction to warrant	Number of Offenders
Pleaded ignorance in relation to offence	4
Threatened or completed self harm/suicide	3
Became physically threatening and/or intimidating	2
Expressed pride in behaviour/abilities	1

Of the 106 offenders identified in Phase Two of the Internet Censorship Profiling Project, 85 entered into the prosecution process, 17 were warned and three were referred. Two offenders died before prosecution could proceed. No details were provided regarding the prosecution of the two remaining offenders.

Of those who were prosecuted, 61 had been convicted at the time the data were analysed (February 2002), three were discharged without conviction (one of these was also referred for counselling), and one had the charges against him withdrawn. No data were provided regarding the prosecution outcomes of 22 offenders. One of these left for Germany before he could be prosecuted and another absconded to Australia before his day in court. A bench warrant has been issued for his arrest. Another warrant has been issued for one offender whose whereabouts in New Zealand is not known. Two offenders were awaiting hearings and seventeen other cases were in progress/being prosecuted at the time of analysis.

Table 3.22 shows the frequency with which different types of sentences were imposed on each of the 61 offenders who were convicted. Most offenders (44) received more than one penalty. The most frequently imposed sentences involved fines over \$1000, forfeiture of computer and periodic detention. For two convicted offenders the type of sentence given was not specified.

In seventeen cases, inspectors made "other" comments about offender sentencing. Thirteen of these concerned convicted offenders, and comments related to name suppression (3), counselling (2), completion of the sexual offender treatment programme (1), and conversion of fine/imprisonment to Periodic Detention on appeal (2), order for the destruction of objectionable material (4), and deportation from New Zealand (1). The four "other" sentencing comments concerned the reasons that offenders were not convicted. They pertained to the one offender who absconded to Germany, the two offenders who committed suicide prior to prosecution, and another offender who was given diversion, and failed to continue the sexual offender treatment programme he was involved in.

Table 3.22: Sentencing Of Offenders

Sentence	Number of Offenders
Fined under \$1000	11
Fined \$1000 +	27
Court Costs	16
Forfeiture of computer/s	24
Probation under 12 months	0
Probation 12 months or more	1
Periodic detention	20
Supervision	12
Community Service	5
Imprisonment	4
Suspended imprisonment sentence	2
Discharged without conviction	3
Deported from New Zealand	1
Counselling	2
Other	9

Seventeen offenders were warned rather than prosecuted. All except one, who was found to be regularly discussing the manufacture of child pornography on IRC, had been detected through the trading of objectionable material via the Internet. Of these 17 offenders, 13 had objectionable images in their possession at the time of the search warrant. The total number of images was 2972. The mean age of these offenders was 19.75 (median and mode 17). In most cases, the inspectors seemed satisfied with the warnings given. Reasons for issuing a warning were evident in the general comments section and tended to relate to young age, low seriousness of offending, and family support:

*Crown decided that in view of his age and low rate of offending he should be warned and not prosecuted.*

*He claimed that he was just looking for sex pictures and when he found child sex pictures had been sent to his download directory, he immediately deleted them. This is borne out by the encase search of his computer.*

*The type of material found ...is at the lower end of the offending and there was only a reasonably small number of images located on the system. There was no indication of physically offending... During the execution of the search warrant [the offender] was fully co-operative and gave a full statement ... [He]*

*freely admitted to the offences and to other areas of concern ... The support shown by the family [with which he was staying] suggests that [he] will be in a much more suitable environment to benefit from professional help with a view to preventing any re-offending or any physical offending.*

*Appears that this case may be a one-off as most of the pictures were downloaded during the one period. He continued downloading other material and appeared not to show any other interest in child porn. His excuse was accepted and warning given.*

*A very immature 15 year old.*

*In discussion with him and his parents it was decided to issue a warning and leave the parents to deal with his situation.*

However, in two cases, the inspectors expressed concern about potential re-offending:

*This boy is of concern as he comes across as very much the macho male with little sense of responsibility. He will attempt to shift the blame to the maximum. Like his mother, he believes that we are to blame for not picking him up at an earlier date and warning him away from the area. Therefore in his strange logic he [believes he] continued to offend in that area because of us ... The boy comes across as very arrogant. I would not be surprised to see him involved in other sexual offences in the future.*

*This person appears not [at] any time to collect pictures but spends most his time talking about making child porn on videos in particular forcing the children to have sex. It appears to be the same story over and over again and has gone on for at least several months. This to me appears to be a serious problem and, if the person is not helped, could develop into a very serious threat to children.*

## ***Danger posed by offenders***

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Censorship Compliance inspectors were asked for any additional comments regarding their perception of the danger posed by the offender. In the majority of cases where comments were made here, the offender was believed likely to re-offend. Inspectors identified 19 offenders that they suspected could commit further offences, either on the Internet or in some other form. Comments regarding some of these individuals included:

*He had a telescope in his lounge pointing at the street where school children*

*passed. I think he may offend against children (girls) in the future.*

*[I think that he] will always be a danger to children due to his early indoctrination by ...[convicted child sex offender].*

*This man is presently being questioned by the ... CIB over sexual offences against a small boy.*

*Eventually admitted sexual interest in images of young girls. Denied sexual interest in actual young girls but could not explain the difference.*

Several comments regarding offenders identified as likely to re-offend indicated that they demonstrated an established sexual interest in young boys and/or young girls, which had developed over a significant period of time (and the inspectors considered was likely to develop further):

*Consider that we will encounter this person again. He has successfully indulged his preference (for children) for at least 2 years and is unlikely to change.*

*[The offender has] shown an ongoing interest in images of children. This interest seems to have progressed over time toward younger children and babies.*

*This man, has an intense interest in small boys. His flatmates say he has been bailed out by his parents, who are wealthy, from other complaints.*

Just over a third (20) of comments relating to danger were classified as "other". Often, the inspectors did not specify a belief that the offender would reoffend, but such a belief was implied by their comments. These "other" comments fell into three main categories (listed below):

The offender had actively involved himself in situations facilitating legitimate contact with, and access to, children:

*Police intelligence shows [the offender ]to have ... created situations where he has legitimate access. Known to have created a 'peephole' through from his wardrobe to a shower room so he could spy on his teenage flatmates.*

*Involved in [an outdoor pursuits centre] and has access to children through that. .*

*...was involved in the Scout movement.*

*Involved in the [an outdoor pursuits centre] where schools and youth groups take kids for holiday programmes.*

*Tracked by Customs through Australia to Chile. Police there notified of his predilection for little boys etc, and likelihood of getting into situations where he had legitimate access.*

A depth of fantasy that sexualised children was evident in the size and nature of the collections of some offenders' images, written fantasies, and Internet correspondence with the objects of their fantasy. Concern about the danger posed by such offenders was related to the potential likelihood that these fantasies would be realised in the form of physical offending. Past histories of suspected and actual physical abuse by several of the offenders reinforced this belief. Other offenders denied that they would act on their fantasies:

*Is a person who has constantly contacted women and girls at random on the Internet and asked them details about their breasts and sexual behaviour.*

*Offender has admitted to touching children but no penetration.*

*... stated he had written stories which were 'his fantasies' - [these were] highly sexually explicit stories involving the real names of scouts he has had access to; he denies any physical offending, offering that he found images of boys 7 and 8 years old attractive.*

*He previously indulged in sexual fantasy about sex with animals and children. Current case shows continuation of sexual fantasy about child sex. Consider significant risk if given an opportunity.*

*This person had recently been involved in an incident with an 11 year-old girl.*

*Information from PC showed [the offender] to have sexually abused his son and to have had sex with a 12 year old 'boyfriend'.*

*Given the offender's previous history [of incestuous activity] and his clear sexual interest in incest, and images/text stories/videos depicting it, the risk is considered only limited by his access to suitable subjects.*

Several offenders demonstrated a history of reoffence or, as in one case, demonstrated a belief that what they were doing was not wrong:

*He is a dedicated sexual offender and [I believe he] will offend again. He [has indicated that he] is well aware of his problem.*

*This person was warned by the police regarding inviting boys back to his flat during the period just prior to his court appearance.*

*This is the 2nd time he has been 'caught' - he offended again during period of suspended sentence.*

*Is heavily involved in child pornography and associates with known paedophiles in the local area. Previous conviction for inducing a boy aged between 8 and 9 to do an indecent act with him.*

*[The offender]- got imprisonment because the probation officer doing the [pre-sentencing] report for Court said [the offender] did not believe he had done anything wrong.*

In cases where the offender was not believed likely to re-offend, the age of the offender was of particular importance. Younger offenders appeared to be judged less likely to re-offend on the basis of their age.

In two cases, the inspectors did not make any comments regarding the danger posed by the offender. However, they wrote the following statements under question 47 (If convicted, what was their sentence) and question 29 (Comment on any unusual or striking features of the "non-objectionable" images or material) respectively.

*Deported to Germany where he was wanted for escaping from prison during a release for medical purposes. The prison sentence was in relation to fraud but he was also under investigation in relation to sex with underage boys.*

One inspector commented that it was hard to tell what level of danger the offender posed as he was "a completely closed man". However, in the question regarding "other comments" he wrote:

*This man was picked up trading child sex pictures on the relay chat rooms. He is an accomplished "hacker" and [I believe that he] will probably offend again, but will be more difficult to catch.*

Another inspector also commented that it was difficult to tell what danger the offender posed. He wrote:

*[It is] Hard to tell, [the offender] is completely private about his life.*

For 12 of the offenders, the inspectors wrote that they perceived little, if any, danger of ongoing offences. Comments were:

*[I think that he is] unlikely to offend again. Was picked up in relay chat rooms associated with torture and other violence.*

*Seems to have changed his life and does not now enter Internet, according to him.*

*[I perceive] no danger. Still a growing youth.*

*I don't believe the individual poses a threat. I believe he has homosexual tendencies, which he has not explored for himself....*

Two inspectors made "other comments" regarding the danger posed by the offenders:

*Left for Germany before he could be prosecuted. He has not returned. He was a lonely and sullen character who has continued his addiction to children on the Internet since he left New Zealand.*

*This man absconded to Australia before his date in court. A bench warrant has been issued for his arrest.*

Regarding the offender identified above, the inspector also made "additional comments" (question 50), and comments regarding the offender's associates (question 30) that were considered to relate to the danger posed by the offender:

*A man [who appears to have] very low morals. His wife, who subsequently left for Australia with him, said he frequented public toilets for sex, and photographed her committing sexual acts which he posted to newsgroups and emailed to [others]. As a result of our viewing of his email system, many criminals who targeted children for sexual reasons were arrested in Europe.*

Other comments regarding future danger:

*Denied interest in little girls, has a clear interest in urolagia and child pornography. Given opportunity consider likely to re-offend.*

*Given open admission of sexual interest in images of prepubescent girls and general demeanour, I consider that the [offender] poses significant risk of re-offending or physical offending.*

*The counsellor suggests that given the youth's tendency to lie and minimise the offending etc, there is potential for future offending.*

## ***Other Comments***

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Finally, the Censorship Compliance inspectors were asked to make "any other comments" regarding the offender or the offender's case. In total, 63 such comments were made. These were organised according to whether they concerned offence behaviours and detection, suspicious activities related to offending, or outcomes of the investigation and offenders perceptions of their offences:

### *Offence behaviours and detection*

Of the 63 additional comments made about the offenders sampled in this research, 13 concerned the subject matter, circumstances and/or nature of detection.

*This youth was caught trading child porn pictures in relay chat rooms on two occasions.*

*The [offender] took his computer in for repairs where it was noticed that he had child pornography on it. He then transferred the child sex pictures to disks where they were found when the search warrant was executed.*

*Was caught twice on Internet swapping pictures involving rape, violence, and urination.*

*Was caught on two occasions under different nicknames trading pictures on the Internet Relay Chat sessions.*

*This man was caught on the Internet relay chat channels trading in sexual pictures involving boys. He has denied that he is responsible.*

*This man was caught trading child sex pictures on Internet Relay Chat child sex channels. Has yet to appear in court.*

*This man was caught on IRC rooms devoted to child sex. He was trading pictures. He used his brother's account to access as he had been disconnected for non-payment by Telecom.*

*This youth accessed child sex channels on the IRC sessions. He put FTP<sup>10</sup> sex messages on many sex channels including the child ones. He claimed that he was just looking for sex pictures and when he found child sex pictures had been sent to his download directory, he immediately deleted them. This is borne out by the encase search of his computer.*

*Computers used by [the offender] were checked but he had made a good job of removing all incriminating data. [The offender] protested his innocence and claimed he would provide evidence that he was working for some US agency. The evidence never arrived and he pleaded guilty to all charges. [The offender] used a computer at his workplace which others had access to and was later found to have used a computer at a friend's house.*

*Had set up a business selling adult CD-ROMs. Information for the warrant was obtained from an anonymous letter and from police.*

Three comments gave additional information about the nature and methods of offending:

*[The offender] set up and ran an Fserve (file server application) which he used to collect chiefly child pornography. [He] copied his files to his friend's...computer however while [the friend] deleted the 'hard-core' material of younger children etc. [the offender] increased his collection of this type of material and stated in an interview that he had a sexual interest in such images. Has been noted by Customs subsequently as an importer of a significant number of blank CDs - possibly involved in burning material to CD for others.*

*Despite the relatively small number of images involved in this case I felt prosecution was warranted due to the specific, focused nature of the Internet action. Repeated access to the young girl sex channels, repeated trades, and no clear statement from [the offender] as to the reason behind his offending. Unallocated clusters (system background) indicate multiple contacts with IRC*

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<sup>10</sup> File Transfer Protocol application, used to download items from the Internet.

*users employing names indicating gender and age (cassie10, megan11, karin11). [The offender] also had some access to babysitting his grandchildren. Parents of children told of reason behind warrant.*

*Claimed his computer had crashed and been rebuilt (explaining the absence of image files etc). Hat logs showed his to have had between 80 and 200 image files of child pornography. Work computer and laptop also showed he spent a lot of time 'surfing' adult sites and viewing pictures of adult women, often featuring urination or lactation. Also appears to have been a regular visitor to a number of bestiality websites and chatrooms.*

Three of the general comments also specified details of the objectionable images, material or collection that were considered noteworthy:

*Was caught trading child sex pictures in relay chat rooms. Had a massive collection of child sex pictures on his computer.*

*The defendant has amassed a collection of pictures of young boys in a wide variety of formats: on his PC, CD-ROM, floppy disk, handwritten stories, folders into which he has secured photos, slides, negatives, newspapers clippings, advertising material, video recordings. The defendant was active in the Boy Scout movement in [location] for many years. There is a large quantity of material in his collection that he has taken of the boys in the Scout group to which he belonged. None of the images could be considered objectionable. The video recordings range from commercial product to video he has created by filming still images in his collection, and focusing on the genitals of the subjects. On one video his heavy breathing can be heard. He has also taken covert footage of the milk boy during his delivery, and taken a number of covert photos of the paperboy. Images of this footage have been looped to repeat specific scenes. He has also created video recordings solely consisting of TV adverts that depict young boys. Six of the video recordings have been made by filming pictures of the boy scouts. For these he has created covers detailing the subject and the activities engaged in. He has created 12 folders using file folders into which he has stuck pictures of young boys (in excess of 1000 pictures). The CD-ROMs contain about 55,100 image files, exclusively of young boys. Images ranged from fully clothed to engaged in sexual activity. [The offender] has written extensively about sexual activity within the cub packs, naming actual cubs he supervised. He states that it is his fantasy, and he would never physically offend. He has also created 2 lists he has called sightings in which he details the occasions when he had observed boys that were attractive to him. One log contains an entry to the effect that it took an effort of will not to kidnap and have his way with the 8 year old boy. [The offender] had also obtained and used picture editing applications to 'improve' the images that he had obtained and create fakes of celebrities. During the interview [he] stated that he could not draw a link between his*

*collecting images and the acts occurring in the images, nor could he identify the demand role in creating supply.*

*The offender also had videotapes which featured bestiality, schoolgirl spankings, and urination. One tape featured rape and torture.*

#### *Suspicious activities related to offending*

In addition to describing the nature of detection, and the type of images concerned, one comment provided details of the offender's nicknames. These names involved concepts of interest to children and the salience of the comment suggests that he may well have been trying to attract young people to engage with him:

*Was caught on the Internet Relay Chat trading child porn under the nicknames Dad and Jingles.*

One comment provided details regarding the way in which an offender used the objectionable images. This comment suggests that the offender was trying to influence children to participate in the acts depicted:

*This man took the communal computer at the commune and copied child sex pictures on to it. He interspersed them with social pictures to give them credence to the children watching them.*

Another three comments provided details regarding other "questionable or suspicious" activities or circumstances involving the offenders. One of these has already been quoted under the perceived "Danger" section of this report. The three remaining comments are listed below:

*[The offender] detailed his offending over a 20 year period to a friend on the Internet. The friend was also into upskirt material and on receipt of [the offender's] tapes would add them to his tapes and sell copies over the Internet. [The offender] started as a Peeping Tom and gradually improved his abilities in viewing people in various situations. From peeping in windows and caravans he progressed to lying under the floor of bathing changing rooms. He then became involved in using a camera in a banana bag to film upskirts but found that finding subjects with no underwear was rather hit and miss. He therefore used a monitor in a second bag at waist height but this was seen by some people and resulted in his arrest (I understand that he was assaulted by some of the crowd in this situation). He then progressed to upskirt video and over a period of time found that he could guess which females were not wearing underwear which saved him considerable time in picking his victims. He managed to collect film of up to 3500 females.*

*This person was heavily involved in Boy Scouts. He was also involved in martial arts, in particular the training of young persons. He was a Teacher's Aide and was found to be extremely good with problem children. He has accepted our advice and attended a STOP<sup>11</sup> programme.*

Related to involvement in other suspicious activities, five comments described offenders posing as children in their correspondence with others. Three of these comments were detailed under the preceding section regarding non-objectionable material. The following two comments provide additional information about offenders whose behaviour was also described under the section regarding the collection of non-objectionable material:

*The offender had chatted to an American boylover as a 15 year old schoolboy. He invented sexual scenarios about which he (as himself) corresponded to the person, and then corresponded about the same event as the boy.*

*The offender admitted being sexually aroused by having other men thinking they were corresponding with a sexually active young teenager, also by images and text describing sex acts with young girls. He was deeply ashamed of having used footage of his friend's daughter and said he would never ever dream of doing anything to her, or any other young child, but later acknowledged that having written a book describing prepubescent girls as sexually active and photographed his neighbour's prepubescent children, one could be forgiven for not believing him! He clearly spent a great deal of time writing letters and sending pictures/panties etc to naturist club 'penpals', he admitted to being a bit socially inept and not having had any successful relationships with a woman, this was a way for him to keep busy and have a social life.*

In addition to describing suspicious activities related to making contact with children and other subjects of objectionable material, three comments concerned the offenders fascination with the material itself, indicating that they were likely to re-offend. One of these comments has been listed under the preceding section regarding perceived danger of re-offence, and the others are listed below:

*An overseas complaint showed that this man was advertising for photos of small boys in sexual acts through hotmail type accounts. [I believe he will] re-offend.*

*... He had a general interest in sexual images (including some gay ones) but most files were of young girls. Although [the offender's] collection was not*

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<sup>11</sup> STOP adolescent programme: provides a comprehensive treatment programme for adolescent males aged 13-18 years who have engaged in sexually abusive behaviour.

*large, I believe that given more time it would have grown (he was not a skilled user and had only been on the Internet about 4 months). He seems to have 'enjoyed' the conversations and trading as much as the image content per se.*

Similarly, three comments related to individuals with whom the offender was known to associate, who were themselves involved with, or related to, the offending in some way; or other relevant associates:

*Video tapes seized from [the offender] and featuring a smorgasboard of bestiality, matched almost identically, material found on videotapes in possession of [another offender] (prosecuted in 2001 for child porn and bestiality image possession). Both men possibly known to [two other known censorship offenders], one of whom was prosecuted in 2000 for possession and trading child pornography and bestiality images.*

*This person was involved in sending pictures to another person in the area. He was also involved in swinging on the Internet, and the husband of the couple that they were in contact with was also picked up on the Internet for trading objectionable material.*

*[Offender] is a student who resides in [location] with his sister at a home purchased by his parents. I understand that his parents spend most of their time overseas. [The offender] has a boyfriend that he met on the Internet. I am unsure if he has actually met this person [face-to-face].*

#### *Outcomes of the investigation and offenders perceptions of their offences*

A range of comments made by inspectors concerned the outcomes of the cases that they had investigated. Two comments specifically concerned juvenile offenders and the judicial and personal implications of their cases:

*The boy has now said that he accepts that he is homosexual and has started up a relationship with an adult male. The report on the boy expresses some concern as to his problem, however he has withdrawn from the STOP programme and is now being dealt with by the probation people.*

*[The offender] is an adopted child. His parents have had a pretty hard time keeping him "on the rails". They are a very caring family but [he] seems to be pretty immature and has obviously caused the parents a bit of grief.*

Two comments described how offenders denied or lied about the implications of their criminal actions:

*Up to the date of the last interview [the offender] continued to deny that his admitted (but past) interest in images of prepubescent and young teenage girls was something that needed addressing. He claimed that his sexual interest in the images had “gone away”.*

*The offender refused to accept culpability in this matter. Even in the second interview he minimised his ability and lied about his actions.*

And another two showed how offenders' parents and/or lawyers assisted them to minimise the implications of their offending:

*[Lawyers name] defended [the offender] on the grounds that he was in all other respects an excellent young man of great ability. [The offender] also claimed to have been sexually abused as a child - something [the lawyer] exploited to the max, yet something about which no actual corroboration or evidence was supplied at any stage. In an interview [the offender] admitted having a sexual interest in the images of young girls engaged in sexual acts and described himself as a “disgusting little man”. He had collected and burned to CD child pornography for at least 2 years and had a collection focusing on the rape and sexual molestation of children.*

*[I] consider [that] the Department of Internal Affairs should have its own psychologist assess this guy as his parents and lawyer will be doing their utmost to paint a picture of a severely intellectually disabled person who didn't know what he was doing (evidence of this attempt already). Parents minimising what the boy has been up to.*

Two other comments also described offenders' attempts to justify their behaviour:

*Self confessed boylover (believes that sexual activity with boys is good for them, OK because the Greeks used to do it, and that society has got it all wrong).*

*He feels he will never get a woman. He lives in a dream world, 'expertly' interviewing women he contacts about sexual matters. He had the e-mail addresses of 12,436 women on his computer.*

Whilst, another comment clearly showed that the offender was proud of his offending behaviour, and suggested that his ability to avoid prosecution provided him with additional reinforcement for that behaviour. He associated with a number of other known censorship offenders who were suspected of circulating amongst themselves:

*Charges have been laid under our Act against [the offender]. However, he left New Zealand a few days after the search warrant was carried out on his home. He is believed to be living overseas close to [Offender A]. It is thought that [Offender B] who was friends with [the offender] had an association with [Offender C]. The offenders' computers showed signs of an additional hard drive being attached that held child porn...Later on, [Offender C] was found in possession of a number of hard drives, one of which held 15 000 pictures... It was thought that these drives [were] being moved around by this group. An agent for the Aotearoa Man Boy Love Association came forward, after [the offender] left New Zealand, and stated that he was [the offender's] legal representative. Documents found in his possession discussed the persecution of paedophiles by the public and compared it to the burning of witches at Salem. It further went on to suggest that homosexuals had got their freedom and that soon paedophiles would be next to freely pursue their sexuality.*

In contrast, one of the comments communicated the inspector's concerns regarding an offender's mental and physical well-being, and his attempts to intervene. Sadly, his efforts were not successful:

*When interviewed he was considered a likely case for suicide. During a second interview, he was advised to obtain support by talking to his solicitor or a friend to find an organisation/psychologist to discuss his problem with. He was pointed in the direction to get some assistance and also his partner was advised of this need. However, it appears that a few months later [he took his own life].*

## ***Re-offence Data***

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Six of the offenders identified in Phase Two of the Internet Censorship Profiling Project were reported to have been investigated by the Censorship Compliance Unit on at least two different occasions during the five year sample time period. For three of these offenders, data regarding both their first and second offences were provided as part of the research. In order to maintain a discrete data set, only the details of their first offences were subjected to the overall analysis process. However, the following section of this report considers all of the data pertaining to these offenders and describes the development of their offence behaviour over time.

Of the three offenders for which data pertaining to more than one offence were available, two were identified as having re-offended within a year of their first offence being recorded, and one was identified as re-offending within three years of his first offence. Age details for these offenders are provided in Table 3.23.

**Table 3.23: Age Details For Repeat Offenders**

	Age at first offence	Age at second offence
Offender A	51	52
Offender B	24	25
Offender C	35	38

All three of these repeat offenders were New Zealand European males, two of whom resided in cities and one of whom resided in a rural location. The home address of these offenders did not change between offences and all were reported to live in poorly maintained, messy, filthy and/or excessively unkempt conditions.

Two of the offenders were reported to be living alone and offending from privately located computers. The third offender was living with his son and offending from a computer located in an open, communal space. At the time of the first offence, this offender was also sharing a bed with his son. However, by the time of the second offence his son had acquired his own room.

Objectionable images identified in the possession of these repeat offenders ranged from 40 to 10,000 at the time of the first offence, and from 40 to 15,000 at the time of the second offence. All three were identified as being in possession of objectionable material other than electronic images. These are described in Table 3.24.

**Table 3.24: Objectionable Material Other Than Electronic Images Identified For Repeat Offenders**

	Other objectionable material identified at first offence	Other objectionable material identified at second offence
Offender A	67 video clip files	Files on CD and diskettes, 10 video clip files and 20 text stories
Offender B	Videotapes, folders of 'boylove' pictures	A video tape of a young boy posing sexually for the camera
Offender C	Printouts of image files (collages)	Videotapes, folders of 'boylove' pictures

At the time of the first offence, two of the offenders were detected through trading images and one was identified by the Police Child Abuse Unit. In relation to their second offences, one offender was identified as a result of trading images, one was identified from a complaint by a computer repair person, and one was detected by the New Zealand Police Child Abuse Unit.

All three of the offenders were found to possess large collections of objectionable material with specific themes, and one of them was engaged in developing websites and/or selling CD-ROMS of images etc. These variables remained constant across offences. However, by the second offence, one of the offenders had also begun producing images. This offender had legitimate access to his own child.

The collections of two of the offenders were described as well indexed and organised. Indeed, in both cases the inspector commented on the well-structured and referenced nature of the offenders' computer and image files.

The nature of the images collected by the three repeat offenders remained relatively constant across offences. All of the offenders were in possession of images pertaining to section 3(2)(a) of the Classification Act (the exploitation of children, or young persons, or both, for sexual purposes). Similarly, all of these images portrayed male children. Table 3.25 shows the type of children portrayed in the images across offences.

**Table 3.25: Types Of Children Portrayed In The Images Collected By The Three Repeat Offenders Across Offences**

Individuals portrayed in material identified under section 3(2)(a)	First Offence (N=3)	Second Offence (N=3)
<i>Gender: the children or young people shown in the images appear to be mainly:</i>		
Females/Girls	0	0
Males/Boys	3	3
Both Females and Males	0	0
<i>Ethnicity: the children or young people shown in the images mostly look:</i>		
Caucasian	3	3
Asian	3	3
Hispanic	2	1
<i>Age: the children or young people shown in the images appear to be mainly:</i>		
Babies (under 2 years old)	1	1
Babies (under 2 years old)	2	1
Young Children aged 2-7 years	3	3
Older Children aged 8-12 years	1	1

The nature of the activities portrayed in the images collected by the repeat offenders also remained remarkably constant across offences (Table 3.26). However, by the second offence; the offender who resided with his own child, and who had started producing images, had also developed an interest in images portraying incest.

**Table 3.26: Nature Of The Activities Portrayed In The Images Collected By The Three Repeat Offenders Across Offences**

The nature of the activities portrayed in material classified under section 3(2)(a)	First Offence (N=3)	Second Offence (N=3)
<i>The children or young people were shown:</i>		
Alone	3	3
With other children or young people	3	3
With adults	3	3
<i>What sort of surroundings were evident in the images?</i>		
Domestic environment	3	3
School	1	1
Public place	2	2
Masked/controlled environment	1	1
Other: Outdoors	1	2
<i>In the majority of the images, the children or young people appeared to be engaged in the following activities or action:</i>		
Naturalist type nudity or partial nudity	3	3
Posed nudity or partial nudity without display of genitals	2	1
Posed nudity or partial nudity with display of genitals	3	3
Explicitly sexual acts or actions	3	3
Physical and/or verbal expression of fear and/or distress	1	1
Incest or implied incest	1	1

Only one of the three offenders was found in possession of any other type of objectionable image, and only during his second offence. This other type of image pertained to section 3(2)(e) of the Classification Act (bestiality).

All three of the repeat offenders were found to be in possession of material that could not be defined as objectionable, but was considered suspicious within the context of the offending (Table 3.27).

**Table 3.27: Material (Found In The Possession Of The Repeat Offenders) That Could Not Be Defined As Objectionable But Was Considered Suspicious In The Context Of Their Offending**

Nature of non-objectionable material	First Offence	Second Offence
	(N=3)	(N=3)
Other images of children	2	3
Other pornography/erotic images	1	0
Children's toys, appliances and/or articles of clothing	1	1
Other non-objectionable but suspicious material	2	3

In addition, at the time of the second offence, one of the repeat offenders was found to have created a fictitious 16-year old boy with whom he pretended to meet and engage in sexual exploration. This fantasy was acted out during Internet chat sessions with an American contact.

At the time of their first offences, none of the offenders were identified as having any notable associates. By the time of the second offence, one of the offenders had been identified as interacting with a number of other Internet censorship offenders. Only one of the offenders possessed a known criminal history prior to his first offence, and that was in relation to a minor non-violent crime. However, another offender was identified as frequently travelling to overseas locations commonly associated with the child sex trade.

At the time of the first offence, all three offenders had legitimate access to children, two as babysitters and one as a result of frequently being the sole caregiver of his son. During investigation of his second offence, this last individual was also identified as being involved with a Scout group and a church youth group.

For two of the offenders, the amount of time spent on the Internet during the week prior to the warrant being executed increased between their first and second offences. The other offender's computer had broken down shortly before the warrant for his second offence was executed.

At the time of the first offence, the repeat offenders were identified as making equal use of websites, newsgroups and email to access objectionable material. However, by their second offences, their level of e-mail use had increased and their use of other applications had decreased.

Only one offender took security measures to protect the images on his computer at the time of the first offence. At the time of the second offence, two offenders had password protected their objectionable files. Similarly, during the first offence, two of the offenders were identified as being in possession of scanning equipment, but by the second offence all three of them were.

In relation to the first offences, none of the offenders freely admitted their offending behaviour. During investigation in relation to the second offence, only one offender admitted that he had committed a crime. At the time of the first offence, all three offenders were identified as being likely to re-offend, and all three were convicted. Comments made by the inspectors included:

*Information from PC showed [the offender] to have sexually abused his son and to have had sex with a 12 year old 'boyfriend'. Police prosecuted but the jury found him not guilty.*

*After this warrant served, Police and CYFS interviewed the son. However he did not disclose any offending (although when we first visited there was only one bedroom).*

After the second offences, the inspector added to these comments:

*Two years after the initial warrant and prosecution, the boy in the flat behind [the offender] (which he owns and has rented out) disclosed to his Mum that [the offender] had been touching him up. A second search warrant in March 2001 located a (hidden) videotape showing [the offender] and the boy together posing for the camera, then the boy is shown displaying his genitalia and anus for the camera. Police are pursuing charges of making an objectionable publication as well as sexual assault.*

*Surprised to have caught him a second time actually as he thanked me for having caught him the first time - he had great concern that his life had shrunk to the Internet world and was (after seizure of his PC) then free to check out his farm again etc. He was very unlucky to have been caught a second time as he avoided IRC after his first encounter with the Department of Internal Affairs and only traded with known persons or in e-groups where you had to send image files first to join (i.e. unlikely to have enforcement officers in them). He had taken his PC to a repair shop and in trying to fix it they noted a child porn file, and called the Police. They knew [the offender's] history and called the Department of Internal Affairs. [This offender] has the dubious honour of being the first New Zealander to be convicted twice for trading child pornography via Internet. [The Offender] Immediately referred himself to local mental health team and is receiving counselling to deal with his predilection. This is however the 2nd time he has been 'caught' as he offended again during active period of suspended sentence. Evidence from examination of computer showed [the offender] to have had contact with [other Internet censorship offenders] and also to have set up a [discussion] group in IRC. It also indicated that he had met some of them (in real life) - the potential for 'boylovers' group to exist within the IRC group [is] considered strong.*

Furthermore, at the time this research was conducted, one of the repeat offenders was being investigated in relation to a third offence. The inspector commented:

*[Offender is] very sure there will be no objectionable material found on the latest computer seized during a third warrant. [It is] possible he has arranged 'off-site' storage for his collection.*

Subsequently, inspectors found objectionable publications on the computer and laid charges against the offender.