

Internet
Traders of
Child
Pornography
and other
Censorship
Offenders in
New Zealand

THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

Internet Traders of Child Pornography and other Censorship Offenders in New Zealand

Angela Carr

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Part 1

Introduction

Objectionable Material on the Internet

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Intervention

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

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

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

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

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

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

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

Defining the research

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

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

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

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

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

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

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

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

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

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

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

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

Offender Profiling

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

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

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

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

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

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

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

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

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

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

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

Research Purpose

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

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

Related Research and Hypotheses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part 2

Methodology

Background and Development

In early 2000 the Department of Internal Affairs Censorship Compliance Unit (CCU) sought to develop a tool for collecting specific information about Internet Censorship offenders. The CCU had identified the paucity of information in this area and anticipated that improved data collection and management procedures would enhance the operational capacity of the unit. CCU officers commented on the need to gain a better understanding of offender behaviour. This information would not only be useful in future investigations but would be valuable in prosecuting offenders. The officers also identified patterns of offender behaviour that they believed were indicative of an increased risk of re-offence or sexual offending. They suggested that being able to specifically target resources towards such cases, and provide evidence in support of their judgements, would enhance the effectiveness of their activities and increase recognition of the need for collaboration with other law enforcement agencies.

Despite this desire to gather information on offenders, CCU staff were concerned that any research process should not impinge on its operational or ethical responsibilities. While the small number of officers employed by the unit meant that any initiative could be easily communicated and monitored, it also meant that each officer was responsible for managing a workload that included detecting, identifying, investigating and processing offenders through the justice system. Apart from that which could be included in their day-to-day activities, they did not have time to spare for data collection. Neither did they possess significant experience in the collection of research data. Furthermore, the nature of their work together with the sensitivity of the information involved precluded the introduction of a third party to undertake data collection for them.

Therefore, it was decided that the data collection tool would take the form of a checklist/comment sheet that could be completed by CCU Inspectors during the investigation of offences. In designing the checklist, it was recognised that law enforcement officers are interested in different behaviours and activities than social science researchers. It was also accepted that neither the justice system, nor time, permitted the officers to obtain information about the offenders that was not directly relevant to legal prosecution. The information collected by the inspectors would need to be limited to that which could be observed during the investigation of the offence. It was also acknowledged that these observations would be subject to the inherent biases and biasing influences of the inspectors' roles. However, given the fact that they had access to significantly more information about censorship offenders than any research initiative was likely to obtain, these limitations were accepted. Indeed, given the credibility of previous research efforts using significantly less structured law enforcement data as the basis for analysis (see Canter, 1995), and the development of data analysis methods that account for the limitations inherent in such data, these limitations were justifiable.

Furthermore, a number of studies have criticised the assumption of objectivity implicit in research initiatives involving the types of criminal offenders generally made accessible to social scientists. The ethical limitations imposed on many university based research efforts mean that most offenders who are studied have already been convicted of the crimes that form the focus of the research initiative. Therefore, the research is automatically biased towards the constraints imposed by the criminal justice system and the constructs conveyed in the consideration of legal evidence.

The research process occurred largely within the offenders' natural environments rather than in clinical or experimental settings. Although not strictly naturalistic in nature, it was anticipated that lack of explicit research intervention, and the fact that many of the individuals identified in the current research had not yet been convicted, would yield data that better demonstrated the scope of the general offender population under consideration. While many offenders were convicted, other offenders were warned, diverted from the justice system, or absconded or died prior to prosecution². None were acquitted. Several others were still in the prosecution process at the time the research was undertaken. However, all were found to be trading and or in possession of material classified as objectionable, and therefore illegal, under the Classification Act. The remainder of the document refers to them as offenders, regardless of the legal outcome of their investigation.

The CCU is in a prime position to collect important information about what is currently an under researched and misunderstood area of offending. The CCU employs seven officers, all of whom work solely on the issue of censorship offending. This enables CCU staff to devote time to gathering detailed data about offenders and, given the specialised focus of their activities and the small number of officers involved, variation in the way in which they collect, categorise and assess data is kept to a minimum.

Materials

The data collection tool was intended to collect both qualitative and quantitative data. A range of academic literature and various professionals working in the fields of criminology, clinical psychology, justice administration, censorship regulation, law, and the prevention of international child sex trading were consulted during its development. Some of these resources are discussed in the introduction, however, of most significance in terms of increasing the reliability and validity of the tool was collaboration with the CCU inspectors themselves. All of the questions included in the data collection tool were reviewed by (and in some cases proposed by) the CCU. Where questions were generated as a result of other information and relevant literature, discussion regarding the importance of their application was ongoing. In all cases, inclusion of a question involved considering it in the light of known cases to check consistent interpretation of its meaning. Where appropriate, all possible answers were identified and included in tick lists.

Most commonly, data was elicited using a range of open and closed ended questions followed by a series of options from which inspectors could chose the answer that most closely fitted the information they possessed. Inspectors were also provided with open-ended question and answer options in which they could provide additional details regarding their responses.

The questionnaire was divided into sections, described as "parts" to avoid confusion with the various "Sections" of the Classification Act. These parts pertained to offender demographics, offender lifestyle and isolation factors, offence details including the nature of the objectionable material and its acquisition,

² See chapter 3 for further details of prosecution outcomes

organisation and storage, information about any other material that was found in the offender's possession that could not be classified objectionable but was deemed suspicious given the nature of the offending, offender reaction to the investigating officer and the outcomes of the investigation, prosecution and (where appropriate) conviction. In addition, questions relating to the nature of the objectionable material (Part 4) were organised according to the category identified in Section 3(2) of the Classification Act to which it pertained.

Because of the exploratory nature of the research, the questionnaire was quite extensive. It was anticipated that as data was collected, the relative usefulness of specific questions would become easier to gauge and those that were not useful could be discarded.

Procedure

The data were entered into the data collection tool by the inspectors on the basis of existing records, information obtained since prosecution, and notes taken by the investigators at the time of the offence investigation. Where information pertaining to prior convictions or legal outcomes was required, court and police records reviewed during the investigation and judicial proceedings were referred to. When describing the material and images upon which the prosecution was based, inspectors were required to apply general age estimates to those portrayed. There is a tendency to err on the side of caution and to ensure that certain indicators of age and activity will withstand scrutiny in a court of law. Visual indicators of age include the development of muscle tone and sexual characteristics, presence of body hair, physical size and facial characteristics of the subjects. Similarly, when assessing the nature of specific activities portrayed in objectionable material inspectors are required to refer to both explicit and contextual information, including notes and labels that had been attached by the offenders.

One of the main purposes of the research was to identify offender preferences and therefore description of the images was aimed at showing what the images appeared to portray, rather than what they actually portrayed. For example images that looked like they involved sex with or upon the body of a dead person were coded under Section 3(2)(c) of the Classification Act even if it could not be established that the subject of the image was dead. Supporting evidence for such classifications included written descriptions accompanying the material (for example "Jane's funeral") and the presence of props or imagery related to death (such as coffins, graves, wounds). In the case of the incest category, evidence included written descriptions of relationships (such as "father and son at play"), serial images conveying stories consistent with incest (for example, father making breakfast, father picking son up from school, father joining son in bed, father performing sexual act on son). Obviously, some classifications are extremely difficult to prove and where the nature of the image was ambiguous, images were not categorised. It is important to note that the Classification Act deems material to be objectionable if it promotes or supports certain activities rather than if it simply depicts or discusses the activities.

Furthermore, the data collection tool was designed to identify whether offenders demonstrated particular behaviours or conformed to particular social identities, but did not attempt to quantify the incidence of behaviours or the level of conformity. It focused on identifying general differences and similarities between offenders but did not measure these in degrees. By limiting responses to yes or no questions the

researcher hoped to reduce the scope for response discrepancies based on individual differences in qualitative interpretation of the significance of particular observations. Such differences will still affect the data and it is anticipated that readers will recognise this.

Much of the information collected using the data collection tool involved concepts that were defined by the Classification Act or consistently requested during prosecution proceedings (such as cost of computer equipment, applications and software employed during the commission of the offence, size of offenders' collections of objectionable material, way in which material was organised). The inspectors' familiarity with these concepts reduced the likelihood that they would be inconsistently interpreted. Although legal concepts and social concepts tend to be quite different in terms of the way they are applied, the primary purpose of the research was to serve the officers within the legal context. Furthermore, as indicated earlier, the fact that social scientists tend to rely on the justice system to provide them with access to criminal subjects, much social science research is implicitly influenced by legal definitions pertaining to the nature of offending.

In many cases, inspectors were required to make estimates or judgements regarding offender details such as socio-economic status, computer literacy and residential maintenance. These questions were deliberately left "vague" for the purpose of developing the questionnaire and inspectors were encouraged to provide feedback regarding their means of definition. This information was provided in a largely qualitative format and recoded by the research analyst. It was anticipated that following the pilot project, this detail could be used to further develop the questionnaire. Changes to the questionnaire resulting from the pilot research are identified in Appendix C. Ongoing data collection will employ the new questionnaire.

Across all questionnaires, inconsistencies exist in the reporting of ethnic data because this information is not routinely collected from offenders, and offenders are often loath to supply it. Therefore, 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.

For the purpose of assessing the reliability of the CCU officers' ratings regarding the nature of individual offending (part 4 of the checklist) a random sample of 20 case files³ was selected and their contents were re-rated by the researcher responsible for the study. During this process, case files were identified on the basis of offender names as opposed to the numbers used by the researcher during the analysis process. As a result, at the time of re-rating, the researcher was blind to the ratings given by the CCU officers. Upon examination of the ratings given by the CCU officers it was found that the one of the selected cases could not be used to test inter-rater reliability because the CCU officer who had originally submitted it had not provided sufficient details for comparison. The ratings given by the CCU officers and the research officer for the remaining 19 cases were each subjected to reliability analysis using Chronbach's Alpha as the measure of similarity. This analysis yielded an average (mean) Alpha correlation

³ Of note is that where large amounts of objectionable material were found in the possession of offenders, only a sample of it was included in the contents of the case files.

of 0.800774 (range = 0.5056 – 1, median = 0.8282) suggesting a high level of inter-rater reliability. Further examination of the individual cases revealed that for the six comparisons in which the Chronbach's Alpha correlation coefficient fell below 0.75 differences between the researcher's ratings and the CCU officers ratings were often due to the research officer categorising the objectionable material as falling under a greater number of sections of the Act than the CCU officers. The CCU officers tended to be more conservative in their categorisation than the researcher. This finding reflects the fact that the officers tended to focus on those sections of the act under which they believed they could definitely obtain a conviction. Additional comparison between the categorisations of the researcher and those of the CCU officers after the categorisations pertaining to the sections of the Act that were not identified by the CCU officers had been removed from individual checklists revealed an average (mean) Alpha correlation of 0.849121 (range = 0.6830 – 1, median = 0.8619).

Sample

In order to test the usefulness of the censorship offender questionnaire, it was piloted using the data from 109 out of 380 cases investigated by the CCU between 1996 and 2001, including three cases of re-offending. The subjects were all offenders who had been investigated by the CCU. Of the 106 offenders sampled, 100 had been involved in Internet-related offences and six had been investigated with regards to objectionable material in the form of video recordings (with two of these also found to be in possession of objectionable photographs, magazines, and letters/stories). Although the data pertaining to these individuals did not relate specifically to the issue of the Internet-based trade in objectionable material, the cases fell under the jurisdiction of the CCU and therefore the Unit wished to include them in the study. However, it should be noted that their cases were not included in the analysis of Internet-related issues such as computer use and skill levels.

Inspectors were asked to use existing cases to complete as many questionnaires as possible during the three-month period ending 31 December 2000. No specific criteria were used to select offenders for the pilot study. However, inspectors were encouraged to focus on recent offences and to use examples where investigation had resulted in ongoing involvement of the CCU (for example, investigations that generated sufficient evidence to support prosecution).

Table 2.1 provides details of the number of sampled offenders for whom warrants were executed between 1996 and 2000. One offender was charged without a search warrant being executed after he admitted his offending and voluntarily submitted to a search of his home and computer. In one case the date of the search warrant was not provided by CCU staff.

Table 2.1: Year That Censorship Compliance Warrants Were Executed For Sampled Offenders

| Year Warrant Executed | Number of Offenders |
|-----------------------|---------------------|
| 1996 | 5 |
| 1997 | 18 |
| 1998 | 19 |
| 1999 | 20 |
| 2000 | 24 |
| 2001 | 18 |
| No warrant | 1 |
| No details provided | 1 |

Table 2.2 shows the regional location of the Censorship Compliance Offices responsible for investigating the offenders that were sampled in the Internet Censorship Profiling Study. Comparison between the location of offenders and the regional distribution of the New Zealand population suggests an under-representation in the more urbanised areas of the upper North Island and a slight over-representation of offenders in the lower North Island and South Island.

Table 2.2: Regional Location Of The Sampled Censorship Compliance Offenders

| Location | Number of Offenders | Percentage of Offenders | Percentage of total New Zealand population residing in the area identified ⁴ |
|--------------------|---------------------|-------------------------|---|
| Upper North Island | 46 | 43% | 52% |
| Lower North Island | 31 | 29% | 24% |
| South Island | 29 | 27% | 24% |

All three of the repeat offenders were located in the South Island.

Data Analysis

The pilot research yielded information about the social, demographic and behavioural characteristics of Internet censorship offenders. This information was analysed using descriptive statistics, qualitative content analysis, and multidimensional scaling techniques. Multidimensional scaling techniques were chosen because they are able to represent non-metric relationships between relatively large numbers of

⁴ Percentages of New Zealand population based on Statistics New Zealand regional population data <http://www.statisticnz.govt.nz/domino/external/web/WebMapInfo.nsf/65783b5b213ea02fcc256b36007a0699?OpenView>. Accessed 7/2/2002.

variables across minimal dimensions, and because they have previously been applied to similar data sets (for example, data obtained from police records) (see Canter and Heritage, 1990). A more detailed explanation of the use of the multidimensional scaling techniques employed is provided in Chapter 4 of this publication.

Analysis of the pilot research findings resulted in a number of conclusions about offender behaviour. These are described in the following chapters.

Part 3

Descriptive Results

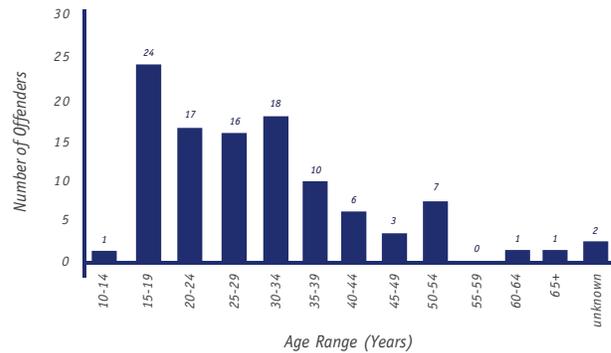
The results of all of the profiling questionnaires were collated together and those data fields containing null results were discarded. The remaining data were then analysed for frequency to obtain a general view of offending patterns. In the cases of the three offenders for whom more than one offence 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.

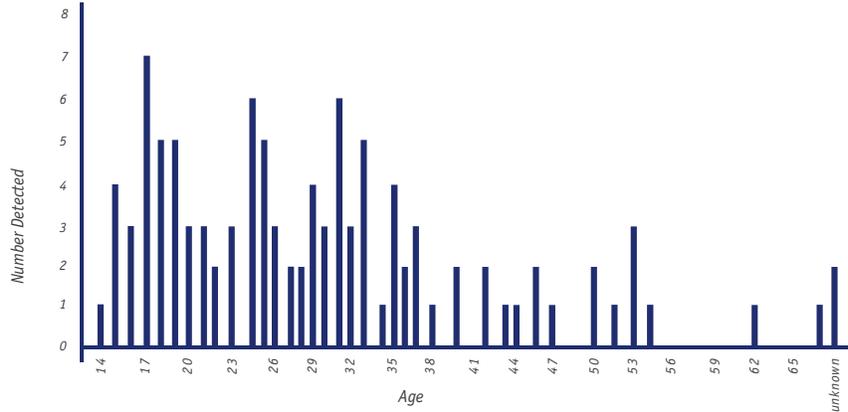
The offenders ranged in age from 14 - 67 years at the time the offences were investigated. The average (mean) age of offenders at the time the offence was investigated was 30 years and the middle (median) age was 28 years. Figure 3.1(a) shows the number of offenders according to age groups (the ages 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 apartment⁵. 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).

⁵ 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

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 |
| Total | 96 | 17 | 2 | 27 | 32 | 14 | 188 |

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)⁶.

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 |

⁶ 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 years⁷.

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.

⁷ 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 Hamilton⁸ 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

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

⁸ 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

Associates

Inspectors made comments about the known associates of 39 of the offenders. Ten were identified as having no known associates, or as being loners⁹.

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.

⁹ 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 |
|--|-------------------------|----------------------|-------------------------------------|----------------------------------|---|--------------------------------------|---------------------------|------------------------|----------------|----------------|------------|
| Section 3(2)(a): The exploitation of children, young people, or both, for sexual purposes | | | | | | | | | | | |
| 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=2 | % of 25 years and over n=106 | Total n=106 |
|--|-------------------------|----------------------|-------------------------------------|----------------------------------|--|---|--------------------------|---------------------------------|----------------|
| Posed nudity or partial nudity without display of genitals | 8 | 66.67 | 8 | 47.06 | 5 | 38.46 | 26 | 41.94 | 49 |
| Posed nudity or partial nudity with display of genitals | 10 | 83.33 | 11 | 64.71 | 7 | 53.85 | 45 | 72.58 | 74 |
| Explicitly sexual acts or actions | 12 | 100 | 13 | 76.47 | 10 | 76.92 | 53 | 85.48 | 90 |
| Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage | 0 | 0 | 2 | 11.76 | 0 | 0.00 | 2 | 3.23 | 4 |
| Physical and/or verbal expression of fear and/or distress | 0 | 0 | 2 | 11.76 | 1 | 7.69 | 3 | 4.84 | 6 |
| Incest or implied incest | 4 | 33.33 | 4 | 23.53 | 3 | 23.08 | 15 | 24.19 | 26 |
| 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 | 8 |
| Section 3(2)(b): The use of violence of coercion to compel any person to participate in, or submit to, sexual conduct | 0 | 0 | 2 | 11.76 | 2 | 15.38 | 12 | 19.35 | 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 and over 25 years and over | n=62 | Unknown | n=2 | Total | % 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 | 1 | 7.69 | 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 | % 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

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

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

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 FTP¹⁰ 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

¹⁰ 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 STOP¹¹ 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

¹¹ 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

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.

Part 4

Multidimensional Scaling

In order to establish whether relationships existed between the concepts identified in the data, two Multidimensional Scaling (MDS) procedures were employed: Smallest Space Analysis (SSA) and Multidimensional Scalogram Analysis (MSA). These techniques have been previously applied to data obtained from police records and were chosen on the basis of the similarity of such data to that presented here¹². Their use in this context allows the representation of non-metric relationships between relatively large numbers of variables across minimal dimensions, and compares these in a visually accessible manner.

Smallest Space Analysis is a technique used to represent correlations between variables in a statistically derived geometric space (Lundrigan, 2001). For dichotomous crime data, in which each variable under consideration is identified as either present or not present in relation to a specific offence, correlations are most commonly achieved using Jaccards Correlation Coefficient. Jaccards Correlation Coefficient is particularly useful in this context because it does test for "joint non-occurrence" of variables. As such, if two variables are both absent in a data set, their concurrent lack of representation does not result in an increased association between them.

Given that data collected by law enforcement agencies are often limited to the "observable", the lack of measurement of a particular variable in a particular case cannot be taken to mean that the variable was not present. Rather, it simply means that it was not observed. For instance, in the cases of those Internet censorship offenders who deleted their collections of objectionable material prior to investigation, lack of evidence regarding the collection of images portraying female children does not mean that selection of images portraying female children were not part of the offence behaviour. For non-dichotomous data, in which variables are ranked according to whether offenders demonstrated low, medium or high levels of a particular attribute (such as collection size, hours on the Internet or cost of equipment involved in the offence), Pearson's Product Moment Correlation coefficient is used.

Smallest Space Analysis of data results in a series of points plotted on a two or three-dimensional axis. Each of these points represents a variable. The proximity of points measures the strength of the relationships between the variables they represent, with points plotted close together having a stronger association than those plotted further apart. For instance, if most offenders who were found to collect images of female children were also found to collect images of bestiality, the points representing each of these variables would be plotted close together. In turn, if few of those collecting images of female children also collected images of male children, these points would be located further apart. SSA is particularly useful in exploratory analyses as it produces a solution of smallest dimensionality on the basis of the rank order of correlations rather than their absolute values. As such, it relates variables on the basis of *levels* of association rather than *degrees* of association.

A Coefficient of Alienation (C of A) accompanies each Smallest Space Analysis plot. The Coefficient of Alienation indicates the fit between the geometric representation portrayed in the SSA plot and the original correlation matrix from which the associations between the points on the plot are derived. A

¹² Canter, D., and Heritage, R. (1990). A multivariate model of sexual offence behaviour: developments in offender profiling. I. *Journal of forensic psychiatry*, 1: 185-212.

Coefficient of Alienation can range from zero to one, with zero representing a perfect fit and coefficients of less than 0.25 indicating a good fit.

The points represented on an SSA plot are commonly analysed according to Facet Theory¹³ (Lundrigan, 2001). Facet theory was originally developed, as a means of organising qualitative datasets so that they could be systematically analysed for the purpose of generating and testing hypotheses. As such, it implies formal definition of research data into mutually exclusive concepts, comprised of mutually exclusive elements, which can be used to define the constituents of a research domain.

In this research, facet theory was applied to the development of the profiling checklist. As such, each category (facet) identified in relation to the offence behaviours was designed to be mutually exclusive from every other category, and each category was made up of a number of variables (elements) that were mutually exclusive of each other, and of the variables making up other categories¹⁴. For instance, an offender could be found to be selecting material that was classified under sections 3(2)(a) and 3(2)(f) of the Classification Act. However, the mere fact that they were selecting material from one of these categories did not logically influence the likelihood that they were selecting material from the other. Neither did the fact that an offender was selecting material portraying the variable "female children" logically influence the likelihood that s/he was also selecting material portraying "male children" (hence, inclusion of the "both males and females" option). Similarly, selecting material portraying male children being exploited for sexual purposes did not logically influence the likelihood of an offender also selecting material portraying male children being tortured or subjected to cruelty. In terms of non-dichotomous or continuous variables, the likelihood that an offender spent a high number of hours on the Internet during the week prior to investigation did not logically influence whether s/he was found to be in possession of a high number of objectionable images or high cost computer equipment.

Use of facet theory in the analysis of SSA plots is similar to its use in the development of data collection methods. As such, facets (categories) and their elements (variables) are identified as being mutually exclusive from each other and any observed association between them is said to reflect interactions between the data and some external agent (Borg and Groenen, 1997¹⁵). By identifying elements that are associated during the SSA procedure, new facets may be identified for exploration and hypothesis generation during future research efforts. The employment of SSA to generate new facets for future analysis and hypothesis testing is referred to as exploratory SSA, whilst the use of SSA to test hypotheses that arise from this process is referred to as confirmatory SSA. However, implicit in all such analyses is the hypothesis that the data under consideration can be classified according to commonalities between the agents that influence it. Taylor (1999) suggested that differences between the types of objectionable images that individuals collect indicate important differences between the offenders themselves. The hypothesis implicit within the current research states that interaction between the elements of the

¹³ For further explanation of Facet Theory see Borg, I. (1981). *Multidimensional Data Representations: when and why*. London: Mathesis Press.

¹⁴ In some cases the questions provided on the checklist did not imply exclusivity (such as where inspectors were only asked to choose one of a number of options). However, this was done to ease checklist completion and the responses to these questions were recoded prior to analysis.

¹⁵ Borg, I., and Groenen, P. (1997) *Modern multidimensional scaling: theory and applications*. Springer-Verlag Inc, New York.

images selected by censorship offenders (such as the age, ethnicity, gender of the subject and the activity depicted) will differ according to the personal preferences of these individuals. The selection of variables for SSA analysis was made on the basis of these elements.

This hypothesis assumes that individuals select images that show the elements they prefer. Acknowledging this assumption, however, it was further anticipated that differences in personal preferences could be related to important aspects of offender behaviour. In order to identify differences between the preferences and behaviours of individual offenders a multidimensional scalogram analysis was employed.

As indicated earlier, the purpose of SSA analysis is to identify relationships between the variables. In order to test whether individual offenders could be distinguished according to these relationships a Multidimensional Scalogram Analysis (MSA) procedure must be applied to the data. MSA is based on the same theory as SSA but focuses on the associations between offenders as opposed to the associations between offence variables. As such, it conveys the conceptual space between offenders as determined by a selection of offence variables. Where the resulting plots show offenders located together, the analysis suggests that they share many offence variables in common.

In order to establish exactly which combinations of variables which offenders share, each MSA plot is supported by several underlying subplots, which locate offenders on a variable by variable basis. By overlaying these offender-variable plots onto the global MSA plot, any patterns observed in terms of offender and variable distribution suggest specific patterns of offender behaviour.

Clearly, in terms of the criminal context being able to discriminate between offenders on the basis of specific preferences and behaviours has greater functional value than merely being able to discriminate between the variables themselves. However, by undertaking initial SSA analysis, one is able to gain a better understanding of what combinations of variables might be used to distinguish between offenders.

Interpreting Smallest Space Analysis Plots

Just as questionnaire or checklist categories may be divided into those that relate to dichotomous variables demonstrating distinct preferences and continuous variables demonstrating transitional distinctions in behaviour, so too may the facets identified during SSA analysis. In the SSA plots shown in this report, three main types of facet are used to divide or partition the data points. These are:

- polarising facets – shown as lines separating the plotted points into distinct or opposing regions like cutting a cake
- axial facets – shown as partitioning lines cutting the space into dimensional subspaces like lines on a road
- modulating facets – shown as frequency contours portraying transitional distinctions between the points displayed within the plot.

Within this context, facet theory states that centrally located points tend to represent variables with the highest associative relationships to all other variables. These variables are considered significant in defining the entire “universe of observations” or area under study. In contrast, points located on the periphery of SSA plots tend to represent variables of significant value in differentiating between the various regions of the plot. Because the SSA configuration is derived from the associations between the variables, any emergent frequency structure represents an empirical finding with substantive meaning.

Smallest Space Analysis of Offender Selection of Objectionable Material

Section 3(2)(a) of the Classification Act

Most of the offenders were identified as selecting material found to be objectionable under section 3(2)(a) of the Classification Act (portraying the sexual exploitation of children and young people), and many offenders were not found to possess any other type of material. Therefore, analysis of the elements that comprised material of this nature was identified as a logical starting point for gaining an understanding of general offender preferences.

All of the variables identified as describing the material classified under Section 3(2)(a) were subjected to Smallest Space Analysis (e.g. age, gender, ethnicity, and location of individuals portrayed in the material, as well as the types of activities engaged in by these individuals). Table 4.1 provides details of variables included in this analysis, and percentage of offenders associated with each. The numbers preceding each of the labels listed in this table correspond to the number of the variable listed on the plot in Figure 4.1.

Only the data from those offenders who were found to select images classified under Section 3(2)(a) of the Act, and which included details of the material selected, were included in this analysis (N=96). In addition, some variables were recoded to facilitate effective comparison across elements. Specifically, data regarding images portraying both male and female children were counted under each of the “male” and “female” categories, and the “both males and females” category was discarded¹⁶.

Also, due to the low number of offenders found to select material portraying children with non-adult and non-child others, this variable was excluded from the analysis. Conversely, as all of the offenders were found to select material showing Caucasian children or young people, this variable was also excluded.

¹⁶ Recoding the gender variables also allowed for greater independence between them, such that selection of material portraying “males” did not preclude selection of material portraying “females”. Variable independence is a fundamental assumption of Smallest Space Analysis.

Table 4.1:

| Label | Image included pictures of | Percentage |
|------------------|--|------------|
| 1. Females | Female children and young people | 81 |
| 2. Males | Male children and young people | 39 |
| 3. Hispanic | Hispanic children or young people | 14 |
| 4. African | African children or young people | 6 |
| 5. Asian | Asian children or young people | 29 |
| 6. Alone | Children or young people shown on their own | 68 |
| 7. With child | Children or young people shown with other children or young people | 88 |
| 8. With adults | Children or young people shown with adults | 91 |
| 9. Babies | Babies aged under 2 years | 8 |
| 10. Young child | Children aged 2-7 years | 51 |
| 11. Old child | Children aged 8-12 years | 89 |
| 12. Teenagers | Teenagers aged 13-16 years | 45 |
| 13. Naturalist | Naturalist type nudity or partial nudity | 49 |
| 14. No genitals | Posed nudity without the display of genitals | 52 |
| 15. Genitals | Posed nudity with the display of genitals | 77 |
| 16. Explicit sex | Explicitly sexual acts | 94 |
| 17. Harm | Harmful acts (eg. those involving weapons, torture instruments and bondage) | 7 |
| 18. Fear | Children or young people demonstrating physical and/or verbal expression of fear or distress | 7 |
| 19. Incest | Incest or implied incest | 27 |
| 20. Degrading | Degrading/dehumanising activities (eg extreme close-ups, use of body as inanimate object) | 10 |
| 21. Commercial | Commercial environments | 20 |
| 22. Masked | Masked environments | 15 |
| 23. School | School environments | 11 |

The two dimensional solution shown in Figure 4.1 yielded a Guttman-Lingoes' Coefficient of Alienation equal to 0.207730, with 27 iterations (Figure 4.1).

Figure 4.1: {Refer to appendix at the end of this section}

Figure 4.1 shows an axial facet dividing the variables into three distinct subspaces. These subspaces correspond to:

Subspace 1. Erotica and “non-violent” sexual material (naturalist images, images showing posed nude children with and without the display of genitals, and images of “non-violent” sexual interaction involving children, images of children on their own, commercially produced “glamour” pictures of children)

Subspace 2. Material focusing on specific types of children (i.e. males, Asian, teenagers, African, Hispanic, babies, incest, masked environment, school, young children)

Subspace 3. Material portraying activities that are violent and/or degrading in nature (harm, fear, degrading).

The dense cluster of variables located in the first subspace is indicative of the finding that most offenders selected material including these elements. However, the fact that this cluster is significantly removed from the variables identified in subspace three suggests very little overlap between the collection of “general” images of the sexual exploitation of children and young people and “violent and degrading” images of the sexual exploitation of children and young people.

Axial facets are usually interpreted as representing ordering across dimensions (Borg and Groenen, 1997). As such, Figure 4.1 may suggest a continuum ranging from offender interest in general (non-violent) images through to violent and degrading images, that is mediated by an interest in specific types of individuals. The fact that material portraying incest was located in the second subspace is consistent with the fact that incest specifically focuses on the type of person portrayed (as a relative). Similarly, identification of an environment as a school implies specific roles and types of dress. Of note, is the relatively close association between images portraying incest and those portraying males.

Certainly, the way in which the variables spread out across the SSA plot, from those identified for most offenders to those identified for very few suggests a transition from images that portray general scenes (domestic, public, involving children with adults and other children), to those that portray specific subject preferences, through to those that imply an extreme power differential between the individuals shown. Furthermore, the fact that masked environments are associated with the second subspace and transition phase suggests that as the activities and people portrayed in the images become more specific, the environment in which it is portrayed assumes less importance.

Of significance in terms of the results presented in Figure 5 are the empty spaces in the visual plot; most notably between subspace 2 and subspace 3 and to the left of subspace 1. The gap between variables specifically associated with the sexualisation of children and those associated with violence and degradation, suggests that other variables may be needed to define the relationship between the two types of offending. Given the emotive nature of the latter, such variables may include other forms of emotional expression or inference portrayed in the images.

Other Sections of the Classification Act

In response to the results shown in Figure 4.1, an additional SSA analysis was undertaken to test whether the material selected by those who did not limit their offending to section 3(2)(a) of the Act could also be distinguished according to themes that transcended the sections of the Act itself. As such, it was expected that the elements of the images identified in relation to these individuals would group together in a similar way to the elements shown in Figure 4.1; with clear distinction between person specific images, images showing violent and degrading acts, and images showing non-violent deviant acts.

To compare these themes across all of the sections of the Act, specific variables were identified from each section as indicative of violent and degrading acts, non-violent acts, or person specific characteristics, and entered into the analysis. The variables identified as indicative of violent and degrading acts are described in Table 4.2(a). The numbers preceding each of the labels listed in this table correspond to the number of the variable listed on the plot in Figure 4.2. Similarly, the letter preceding each label corresponds to the section under 3(2) of the Classification Act from which the variable was derived.

Table 4.2(a):

| Label | Description (Material identified under...) | Percentage |
|------------------|---|------------|
| 7.(a) Harm | Section 3(2)(a) involving explicitly harmful acts or actions | 10 |
| 8.(a) Fear | Section 3(2)(a) involving the physical expression of fear or distress | 10 |
| 10.(a) Degrading | Section 3(2)(a) involving degrading or dehumanising acts or actions | 14 |
| 13.(b) Harm | Section 3(2)(b) involving explicitly harmful acts or actions | 14 |
| 14.(b) Rape | Section 3(2)(b) involving rape or forced sexual activities | 31 |
| 15.(b) Fear | Section 3(2)(b) involving the physical expression of fear or distress | 14 |
| 17.(b) Degrading | Section 3(2)(b) involving degrading or dehumanising acts or actions | 14 |
| 18.(d) Urine | Section 3(2)(d) as involving the use of urine or excrement | 64 |
| 22.(f) Torture | Section 3(2)(f) as involving acts of torture or the infliction of extreme violence or extreme cruelty | 33 |

Table 4.2(b) provides details of those variables identified as representative of non-violent acts.

Table 4.2(b):

| Label | Description (Material identified under...) | Percentage |
|------------------|--|------------|
| 3.(a) Natural | Section 3(2)(a) involving naturalist type nudity or partial nudity | 36 |
| 4.(a) No genital | Section 3(2)(a) involving posed nudity without the display of genitals | 31 |
| 5.(a) Genital | Section 3(2)(a) involving posed nudity with the display of genitals | 55 |
| 6.(a) Child | Section 3(2)(a) involving explicitly sexual acts or actions | 81 |
| 9.(a) Incest | Section 3(2)(a) involving incest or implied incest | 38 |
| 16.(b) Incest | Section 3(2)(b) involving incest or implied incest | 12 |
| 21.(e) Bestial | Section 3(2)(e) as involving bestiality | 76 |

Gender was identified as the person specific variable because it was the only such variable that was consistently collected across all of the sections of the Act (with the exception of section 3(2)(e) for which no person specific variables were collected). As in the previous analysis, the gender variables were recoded so that data regarding images portraying both male and female children were counted under each of the "male" and "female" categories, and the "both males and females" category was discarded. Details of the labels of the relevant gender variables are provided in Table 4.2(c).

Table 4.2(C):

| Label | Description | Percentage |
|----------------|---|------------|
| 1.(a) Girls | Images identified under Section 3(2)(a) involving female children | 86 |
| 2.(a) Boys | Images identified under Section 3(2)(a) involving male children | 36 |
| 11.(b) Females | Images identified under Section 3(2)(b) involving females | 33 |
| 12.(b) Males | Images identified under Section 3(2)(b) involving males | 14 |
| 19.(d) Females | Images identified under Section 3(2)(d) involving females | 64 |
| 20.(d) Males | Images identified under Section 3(2)(e) involving males | 12 |
| 23.(f) Females | Images identified under Section 3(2)(f) involving females | 29 |
| 24.(f) Males | Images identified under Section 3(2)(f) involving males | 7 |

In this analysis only the data from those offenders who were found to select material classified under section 3(2)(b), section 3(2)(d), section 3(2)(e) or section 3(2)(f) of the Act were included. However, where these individuals were found to select material classified under section 3(2)(a) as well, the data regarding this material were also analysed. Cases where data regarding the elements of the material were missing were discarded. Due to the small number of individuals who traded and/or possessed images classified under section 3(2)(c) of the Act, data regarding this offence category were also discarded. In total, the data from 42 offenders were subjected to SSA.

Dichotomous data lists were generated for each offender on the basis of whether or not images traded or possessed by them contained any of the variables listed in Tables 4.2(a), 4.2(b) and 4.2(c). These lists

were analysed for correlation using Jaccards co-efficient of association and the resulting association matrix was subjected to the SSA procedure. The three dimensional solution yielded a Guttman-Lingoes' Coefficient of Alienation equal to 0.156700, with 23 iterations. Figure 4.2 shows the three-dimensional spatial projection for the resulting configuration. Each point relates to a single variable and the closer any two points are, the more likely the variables were found to co-occur in images.

As shown in Figure 4.2, those variables pertaining to the portrayal of violent and degrading acts and activities (as defined by the variables of harm, degradation, fear, rape and torture) are clearly distinguished from those pertaining to the portrayal of non-violent acts and activities (such as bestiality, child sex, and posed nudity with and without the display of genitals). Furthermore, given the absence of related gender variables, the strong association between images identified under section 3(2)(a) that portray harmful acts and those identified under section 3(2)(b) that portray harmful acts suggests that the violent theme is definitely the defining characteristic of this selection.

These findings are in line with the results displayed in Figure 4.1. Furthermore, although the variables specifying females as the subjects of the selected objectionable material tended to be closely aligned with variables indicating the Section from which the gender specific identification originated¹⁷, this pattern did not hold for variables indicating male subject selection. Moreover, all of the male subject variables were located in the region of the plot pertaining to violent and degrading activities. The area was also home to variables indicating the portrayal of incest or implied incest. Having said this, incest portrayed in images classified under section 3(2)(a) of the Act was found to be relatively polarised from incest portrayed in images classified under section 3(2)(b) of the Act, and much more closely aligned with variables portraying non-violent activities.

As in Figure 4.1, Figure 4.2 was also marked by gaps in the distribution of variables across the SSA plot. Most notably, a large space was evident in the mid upper part of the plot between variables portraying non-violent acts and those portraying degrading variables. Once again, this gap suggests that additional variables may be needed to fully explain the relationship between these regions. Of note, however, is that variables concerning the use of urine and defecation in relation to dehumanising, degrading and sexual activities was not associated with other variables indicating degrading and dehumanising activities. This finding suggests qualitative differences between the activities involved. Also worth attention is the fact that variables pertaining to bestiality and urination and defecation were very strongly associated with variables indicating female subjects.

Furthermore, despite the fact that most of the offenders identified in the sample used to generate Figure 4.2 had selected material classified under section 3(2)(a), and that most of this material portrayed explicitly sexual exploitation of children and young people, the variables associated with such activity were not located at the centre of the plot. As such, the analysis suggests that selection of material that could be classified according to section 3(2)(a) was not solely focused on the sexualisation of children. Rather, it related to the sexualisation of children within the context of other activities.

¹⁷ For example, section 3(2)(f) female classification strongly associated with section 3(2)(f) torture classification, section 3(2)(d) female classification strongly associated with section 3(2)(d) urination and defecation classification, section 3(2)(a) female classification strongly associated with section 3(2)(a) child sex classification, and section 3(2)(b) female classification strongly associated with section 3(2)(b) rape classification.

Figure 4.2: {Refer to appendix at the end of this section}

Multidimensional Scalogram Analysis of Offender Selection of Objectionable Material

In order to test whether the selection of objectionable material made by individual offenders could be distinguished according to the themes identified in Figures 4.1 and 4.2, an MSA analysis was undertaken using variables indicative of each of the three main preference groups identified in the SSA analysis. These variables were chosen from those identified in Tables 4.2(a), 4.2(b) and 4.2(c) as portraying violent acts, non-violent acts and person specificity. An attempt was made to choose variables from across all of the sections classified under the Classification Act. At the same time, variable choice was also influenced by the strength of the associations between them, as identified on the SSA plot. Furthermore, because of the large number of offenders identified as selecting material that was objectionable under section 3(2)(a) of the Act, only those variables demonstrating lower level frequencies were included in the analysis. However, to test whether individual selection patterns differed within section 3(2)(a), more variables from this section were included than from the other sections. Table 4.3 Provides details of the variables selected.

Table 4.3:

| Preference | Variables |
|----------------------|---|
| Type | |
| Violence | Portrayal of harmful acts in images classified under section 3(2)(a) and 3(2)(b) of the Act and portrayal of torture and cruelty in images classified under section 3(2)(f) of the Act. |
| Non violent deviance | Portrayal of urination and defecation activities in images classified under section 3(2)(d) of the Act, Portrayal of bestiality in images classified under section 3(2)(e) of the Act, portrayal of naturalist type nudity in images classified under section 3(2)(a) of the Act. |
| Person focused | Portrayal of males in images classified under section 3(2)(a), section 3(2)(b) and section 3(2)(d) of the Act. |

A two dimensional analysis procedure yielded a coefficient of contiguity of 0.943370 The results of this analysis are shown in Figure 4.3.

The analysis included the data from all offenders who were identified as selecting material showing at least one of these variables (78 offenders, also excluding those for which no details of the objectionable material under investigation was provided). Each offender was given an identification number for use during analysis. Where several offenders demonstrated the exact same pattern of offending, only the number and data from the first offender demonstrating the pattern were retained. In total, the data from 50 offenders were removed from the analysis due to duplication of results. Each of the numbers displayed on Figure 4.3 relates to an offender or group of offenders.

Although complex, Figure 4.3 demonstrates a clear distinction between those offenders who were found to trade and or possess images portraying harmful acts involving children (to the right of the far red vertical line), and those who traded or possessed naturalist type images of children (to the left of the blue semi vertical line). Bearing in mind that all of these individuals were investigated in relation to sexual images of children (in addition to the images identified in this plot), this finding suggests that interest in such material differs between offenders. All of the offenders who were conceptually located within the space pertaining to the selection of material classified under section 3(2)(a) as portraying harmful actions were also found to select material portraying torture and extreme cruelty classified under section 3(2)(f) of the Act (all of the area to the right of the dark green vertical line). Selection of torture and cruelty material also subsumed all of those who were found to select material classified under section 3(2)(b) of the Act that portrayed harmful acts (all of the area to the right of the bright green semi vertical line).

Offenders who selected material portraying males (all of the area above the violet horizontal line) were almost equally as likely to select naturalist type material as they were to select material showing harmful acts. Given that many more offenders were identified in relation to the trade or possession of naturalist type images than the trade or possession of images portraying harmful acts, however, this finding appears significant. Furthermore, the bulk of offenders found to select material portraying naturalist type nudity did not portray males, whereas more than half of those identified in relation to material showing harmful acts or torture did.

In contrast, very few of those who selected material portraying bestiality (all of those below the horizontal magenta dotted line) or urination and defecation (all of those to the right of diagonal dotted yellow line) were also found to select images of males. However, many of these did select material showing harmful acts. This finding appears to contrast the results of the SSA analysis. However, it is of note that offenders trading bestiality images were also frequently found to select naturalist type material. As such, the results infer that offender based associations between material portraying urination and defecation and non-violent objectionable material may be mediated by an interest in bestiality and a specific interest in the portrayal of females. Given the descriptive statistics discussed earlier, it is assumed that this interest would also involve images of female children engaged in sexually explicit activities. Therefore, this variable appears to provide a bridge between non-violent and violent material. This conclusion is in line with the description of material identified under section 3(2)(d) of the Act as involving the use of urination and defecation in relation to sexual or degrading activities.

Also of note is the fact that offenders who demonstrated an interest in material classified under section 3(2)(d) of the Act that portrayed males were distributed throughout the plot with not obvious pattern to their apparent interest. Furthermore, the distribution of those individuals who demonstrated an interest in bestiality and urination and defecation images was generally less consistent (e.g. these individuals were more likely to be associated with others who did not show an interest in such images), than the distribution of individuals identified in relation to other variables.

Figure 4.3: {Refer to appendix at the end of this section}

Smallest Space Analysis of Variables related to Risk of Re-Offence or Offence in Another Area

Although it is interesting that different offenders show different preferences in terms of the types of objectionable material that they trade and/or possess, this finding is of little investigative importance unless it can be tied to differences in other offence activities. Within the context of law enforcement, an issue of significant concern is the likelihood that an offender will re-offend or go on to commit other crimes.

Following on from the analysis undertaken thus far, it was hypothesised that different types of offender preferences may be related to the likelihood that individuals will re-offend or offend in another manner. However, before any such relationships could be examined it was necessary to identify variables that could be used to measure these risk factors.

Given that most of the material selected by the censorship offenders pertained to the visual depiction of sexual offences (especially the sexualisation of children), and that prior sexual offending is known to be statistically associated with an increased risk of future sexual offending (Nagin and Farrington, 1992; Nagin and Paternoster, 1991; Sampson and Laub, 1993), variables pertaining to prior convictions for a sexual offence (including investigations and warnings) were identified as a primary indicator of risk. In the same vein, prior convictions for the trade and/or possession of objectionable material were viewed as a primary indicator of risk for future convictions in this area. Research into the development of criminal offending has also shown that criminal offending is associated with interaction in and support from criminal relationships and networks (Sampson and Laub, 1993). Therefore, this factor was also considered as indicative of risk.

While it would be simple to say that those individuals who demonstrate any of these risk factors are at risk of future offending, most researchers agree that conviction rates form only part of the picture. When it comes to criminal offending of a sexual nature many more offenders are not reported or convicted than the number that are (McDonald, 2002). Therefore, an SSA analysis was undertaken to identify what other variables are associated with these factors. This analysis was undertaken in the hope of identifying specific trends in offender behaviour that might be associated with an increased risk of re-offence or offending in another area. Selection of the other variables included in this analysis was made on the basis of whether they suggested motivation or opportunity (including capability) to commit further crimes or offend in another area.¹⁸

¹⁸ For further discussion of the importance of these constructs see Wikstrom, P.H., Clarke, R.V., and McCord, J. (1995). Integrating crime prevention strategies: Propensity and opportunity. National Council for Crime Prevention, Sweden.

Opportunity Indicators

Given that most of the offenders were found to trade and/or possess images portraying the sexualisation of children, opportunity to obtain legitimate one on one access to children was considered worth including (described in Table 4.4 as professional access to children, voluntary access to children or caregivers, responsibility as sole caregiver of children). Similarly, the opportunities provided by social isolation and time to engage in the trade of objectionable material were also identified as notable (described in Table 4.4 as living alone). Finally, high level of offender capability was identified in terms of specific security applied to the objectionable material, portable storage methods (concealable), high estimated level of computer literacy, and interpersonal means of accessing the material (described in Table 4.4 as ICQ and email).

Motivation Indicators

In terms of motivation, variables suggesting a high level of offender involvement in the subject of the objectionable material were considered important. These were identified in terms of the collection of material that could not be defined as objectionable but was considered suspicious within the context of the offending, large collections, well indexed collections, the production and distribution of objectionable material, high levels of time engaged with the mode of offending, the collection of other objectionable material (apart from that under investigation) and the possession of 'unusual' objectionable material (material with very specific subject matter that is difficult to find). More information on this type of material is contained in the descriptive statistics section of this publication (Part 3). Also of note was whether the offender paid the same attention to other aspects of his/her environment. For this reason excessively untidy living conditions were also noted.

Dichotomous data lists were generated for each offender on the basis of whether or not images traded or possessed by them contained any of the variables listed in table 4.3. These lists were analysed for correlation using Jaccards Co-efficient of Association and the resulting association matrix was subjected to the SSA procedure. The three dimensional solution yielded a Guttman-Lingoes' Coefficient of Alienation equal to 0.199460, with 16 iterations. Figure 4.4 shows the three-dimensional spatial projection for the resulting configuration. Each point relates to a single variable and the closer any two points are, the more likely the variables were found to co-occur in images.

Table 4.4:

| Variable Label | Variable Description | Percentage |
|--------------------|--|------------|
| 1. CCU offence | Prior conviction for a censorship offence | 3 |
| 2. Sexcrime | Prior conviction for a sexual offence | 14 |
| 3. Work-child | Professional contact with children | 15 |
| 4. Sole-caregiver | Frequently sole-caregiver of children | 8 |
| 5. Other-accp | Voluntary contact with children | 15 |
| 6. Unusual | Unusual collection of objectionable material - highly specific themes or characteristics | 17 |
| 7. Nob_chn | Collection of legally non-objectionable images of children | 16 |
| 8. Nob_porn | Collection of legally non-objectionable pornography | 29 |
| 9. Nob_Other | Collection of legally non-objectionable "other" material | 12 |
| 10. Messy | Lives in excessively unkempt conditions | 33 |
| 11. Large-coll | Large collection of objectionable material | 14 |
| 12. Production | Involved in the production or distribution of objectionable material | 46 |
| 13. Organised | Well organised or indexed collection of objectionable material | 10 |
| 14. Wide range | Wide range of objectionable material | 8 |
| 15. Sells | Sells objectionable material | 8 |
| 16. CCU-associated | Associates with known censorship offenders | 3 |
| 17. Illegal-as | Associates with individuals identified as being involved in other illegal activities | 19 |
| 18. Alone | Lives alone | 33 |
| 19. High-liter | High level of computer literacy | 14 |
| 20. >30 hours | Spent more than 30 hours on the Internet during the week prior to conviction | 20 |
| 21. ICQ | Obtains objectionable images using ICQ | 28 |
| 22. Email | Obtains objectionable material using Email | 27 |
| 23. Floppy | Stores objectionable material on floppy disk | 16 |
| 24. Zip-CD | Stores objectionable material using a Zip-drive or CD-Rom | 5 |
| 25. Hardcopy | Prints objectionable material into hard copy | 5 |
| 26. Password | Password protects objectionable material files | 8 |
| 27. Encrypted | Encrypts objectionable material files | 6 |
| 28. High cost | Estimated cost of computer equipment over \$3,000 | 21 |

The spread of the variables across the plot presented in Figure 4.4 suggests an axial facet presenting three distinct subspaces. To the lower left are variables associated with prior censorship compliance offences (Subspace 1). These include: possession of objectionable material in hard copy, possession of “unusual” or highly specific objectionable material; possession of material showing children that could not be defined as objectionable, but was considered suspicious within the context of the censorship offending; other (non professional) access to children; sole caregiver of children; and possession of other material that did not specifically show children or sexual acts, but was considered suspicious within the context of the censorship offending (such as posed images of older females, images of the offenders own dog, numerous images of a specific media character). Of particular note is the close association between the collection of non-objectionable images of children and voluntary access to children. Furthermore, although these variables are located in the region pertaining to prior censorship offending, they are also relatively closely associated with the variable pertaining to prior sexual offences. Given the axial nature of the facets portrayed on the plot, this relationship may represent a link in the continuum from censorship offending to sexual offending. However, clearly, the separation of the two offence variables suggests that they represent different origins of interest.

The variable pertaining to prior sexual crimes is located in the middle region of the plot (Subspace 2). It is very near the variable representing large collections, which, together with well organised collections, appears to be central to most of the other variables displayed on the plot. Prior sexual offending is most closely associated with variables pertaining to offenders living alone and in unkempt conditions, and being in possession of costly computer equipment. Of note is that professional involvement with children is also located in this region, as is the use of encrypted computer security measures. However, the latter appears to be more closely associated with prior censorship offences than with prior sexual offences.

Significantly removed from the rest of the variables, in the upper right hand corner of the plot are the variables pertaining to offenders associating with other censorship offenders and offenders associating with other individuals identified as having committed other crimes (Subspace 3). The separation of these variables from the rest of the plot suggests that such involvement is related to a completely different set of behaviours than repeat censorship offending or sexual offending. As such, associating with censorship offenders and other individuals involved in illegal activity appears to be motivated by a different interest orientation than that which compels censorship and sexual offending. The fact that these variables were not at all associated with large collections of objectionable material, but fell within the same region as high levels of time spent using the Internet, suggests that this interest may be of a more social nature. Similarly, the observation that this region was also home to variables pertaining to the possession of a wide range of images, and was closely associated with the production and distribution of objectionable material, implies a much more interactive involvement with images serving primarily as the means for exchange.

Figure 4.4: {Refer to appendix at the end of this section}

Multidimensional Scalogram Analysis of Offenders by Variables related to Risk of Re-Offence or Offence in Another Area

In order to test whether the patterns identified in Figure 4.4 could be identified in the behaviour of specific offenders, an MSA analysis of those variables most closely associated with prior censorship offending, prior sexual offending and associations with known censorship offenders. A two dimensional analysis procedure yielded a coefficient of contiguity of 0.942310. The results of this analysis are shown in Figure 4.5. The analysis included the data from all offenders who were identified as with any of the variables listed below:

- previous censorship offence
- previous sexual offence
- other (non-professional) access to children (eg. as scout leaders, teacher aide volunteers, and holiday camp workers)
- objectionable images identified as being “unusual” (including highly specific subject matter, series, and supplementary written material)
- offender found in possession of images of children that could not be described as objectionable but were considered suspicious within the context of the offence
- offender’s living conditions described as excessively unkempt
- offender lives alone
- objectionable material saved to hard copy
- associates with other censorship offenders
- computer equipment valued over \$3,000.00.

In total, 78 offenders were identified and each of these was given an identification number for use during analysis. Where several offenders demonstrated the exact same pattern of offending, only the number and data from the first offender demonstrating the pattern were retained. This process resulted in the data from 56 offenders being discarded due to duplication of results.

The results of this analysis demonstrated that offenders with previous censorship convictions were relatively well distributed across the plot, as were offenders who were living alone, living in excessively unkempt conditions, and in possession of computer equipment valued over \$3,000.00. However, specific groupings were identified for those who were found in the possession of highly specific or “unusual” objectionable material (right of the diagonal orange line), and those that had previously been investigated and/or convicted in relation to a sexual crime (left of the diagonal green line). These groups of individuals were clearly separated from each other. Furthermore, another group of offenders was specifically identified as associating with other censorship offenders (left of the violet diagonal line). Although this group included some individuals who had committed sexual crimes and some who collected highly specific or unusual objectionable material, it remained relatively distinct from these two other groupings.

Interestingly, more individuals identified as selecting highly specific or unusual objectionable material were found to have regular, non-professional access to children (to the right of the red diagonal line) than individuals identified as having been investigated in relation to a sexual offence. In contrast, individuals identified as having been investigated in relation to a sexual offence were more likely to possess objectionable material printed in hard copy (to the right of the blue diagonal line) and to collect images of children that could not be defined as objectionable but were considered suspicious within the context of the offending (to the right of the mauve diagonal line).

Considering these results, it appears that for some offenders the collection of highly specific or unusual objectionable material (including the attachment of supplementary written material) is the primary purpose of their censorship offending, and as such forms the focus for their activities. For others, however, censorship offending is merely part of a much wider interest in criminal offending, particularly that which involves children. The fact that these individuals are more likely to print out the material that they collect and to collect complementary non-objectionable material, suggests that their offence materials may be used to support sexual fantasy generation and development. In contrast, it is of note that those who were identified as collecting highly specific or unusual objectionable material either associated with other censorship offenders or maintained access to children. This finding suggests that the relationships themselves have a functional purpose to the offence activities.

Figure 4.5: {Refer to appendix at the end of this section}

Multidimensional Scalogram Analysis of Offenders by Risk and Selection Variables

An MSA analysis was undertaken to test whether the objectionable material selected by those who demonstrate specific risk factors is comparable with those who do not. Given the strong association between the variables identified as indicating a preference for “violent and degrading” objectionable material in Figure 4.2, it was decided to compress all of the “violence and degradation” variables identified in Table 4.2(a) into a single variable (“Violent”). Reliability analysis across the eight “violence and degradation” variables identified in Table 4.2(a) yielded a Chronbachs alpha of 0.7965. In response to the distinctions between variables identified as pertaining to bestiality and urination and defecation, and those pertaining to naturalist type nudity that were identified in Figure 4.2, it was decided to separate these variables in the current analysis. As such, naturalist type nudity was paired with posed nudity without display of genitals (“Nudity”, Chronbachs alpha = 0.8347), and urination and defecation was paired with bestiality (Chronbachs alpha = 0.7896). Because of the high incidence of images portraying explicitly sexual involvement with children and posed nudity with display of genitals, these two variables were excluded from the MSA analysis. Similarly, comparison of the “male” variables identified in Table 4.2(c) did not achieve significance when tested for reliability across categories (Chronbachs alpha = 0.3957). Therefore, person specific variables were also excluded from the analysis.

In terms of specific risk factors, those most closely associated with previous conviction for a sexual crime (offenders possessing large collections of objectionable material, possessing well organised collections of objectionable material, having regular non-professional access to children, possessing

collections of non-objectionable images of children, living in excessively unkempt conditions, and living alone) were subjected to reliability analysis (Chronbachs alpha = 0.9980) and compressed into a single variable ("Sexcrime"). As none of the other primary risk factors (prior censorship offence, associates with known censorship offenders and associates with individuals involved in other illegal activity) reliably demonstrated strong associations with any other variables, they were not included in the analysis.

Compression of variables within each of the four categories (violent objectionable material, objectionable material portraying nudity, urination and defecation and bestiality, and risk factors for sexual crime) involved obtaining average scores for the number of variables demonstrated by each offender within each category and coding these according to whether they were less than 0.01 (null), between 0.01 and 0.49 (low), or greater than 0.49 (high). The data for the 10 offenders who scored less than 0.01 across all categories were removed from analysis resulting in a sample population of 96. Where several offenders demonstrated the exact same pattern of offending, only the number and data from the first offender demonstrating the pattern were retained. This process resulted in the data from 60 offenders being discarded due to duplication of results.

The remaining data were subjected to a two dimensional MSA analysis procedure, yielding a coefficient of contiguity of 0.902130. The results of this analysis are shown in Figure 4.6. The facets identified in this analysis describe offenders who scored above 0.49 in each category.

As shown in Figure 4.6, offenders who were identified as selecting "violent" objectionable material, including at least four of the variables related to the portrayal of explicitly harmful activities, degrading activities, and the expression of fear (to the right of the red vertical line), were clearly distinguished from offenders who selected material portraying both naturalist type "nudity" or posed nudity without display of genitals (within the lower left hand blue left hand box). However, some of the offenders who selected material portraying both urination and defecation and bestiality (within the lower right hand green box) were also found to select material portraying more than half of the violent activities listed, and others were also found to select material portraying both naturalist and posed nudity.

Interestingly, it appears to be the interaction between the selection of urination, defecation and bestiality material with the selection of either violent or nudity material that defines those who were identified as demonstrating more than half of the factors associated with previous convictions for sexual crimes (below the pink horizontal line). Having said this, two offenders demonstrating a high proportion of high "sexcrime" related variables were only identified with nudity type material.

Figure 4.6: {Refer to appendix at the end of this section}

Multidimensional Scalogram Analysis of Offenders by Continuous Computer Related and Collection Variables

The vehicle that is used to commit an offence is widely recognised as having investigative significance in determining the psychological meaning that commission of the offence has for the offender.¹⁹ Most of the censorship offences described in this research involved the use of a computer. However, the SSA and MSA analyses undertaken thus far have failed to show any substantial relationship between risk of reoffence or offending in another area and computer related variables (time spent on the computer during the week prior to the investigation, security employed to protect objectionable material, financial investment in computer equipment, applications used to access objectionable material). Given that many of these variables were originally measured as points on a continuum (e.g. low medium or high number of hours on the Internet, low medium or high levels of security), it was decided to undertake one last analysis comparing them in a continuous manner. Collection size was also measured as a continuous variable and, given its association with prior investigation in relation to sexual offending (Chronbachs Alpha =0.375), it was identified as a means for estimating risk in relation to the variables listed below.

An additional MSA analysis was undertaken to compare individual offenders on the basis of whether they demonstrated low (1), medium (2) or high (3) levels of:

- computer literacy
- financial investment in computer and associated hard and software (1. Under \$1,000, 2. between \$1,000 and \$2,000, 3. over \$3,000)
- security (1. saved to ambiguous file name, 2. password protected, 3. encrypted)
- hours spent using the Internet during the week prior to investigation (1. under 10, 2. 10 – 30, 3. over 30)
- size of collection of objectionable images (1. under 17 images, 2. 17 - 785 images, 3. over 785 images).

The data for those offenders who did not use computers in their offences, together with those for whom data regarding their computer use were missing, were removed from the analysis. Where several offenders demonstrated the exact same pattern of offending, only the number and data from the first offender demonstrating the pattern were retained. This process resulted in the data from 28 offenders being discarded due to duplication of results.

Non-dichotomous data lists for each of these variables were generated and subjected to MSA analysis, yielding a coefficient of contiguity of 0.939420. The results of this analysis are shown in Figure 4.7.

¹⁹ Canter, D. (1994) *Criminal Shadows: inside the mind of the serial killer*. London: Harper Collins; Canter, D. (1989) *Offender Profiling*. *The psychologist*, 2: 12-16; Turvey, B.E. (2002) *Criminal profiling: an introduction to behavioural evidence analysis*. San Diego, California: Academic Press.

The main distinctions identified in Figure 4.7 are between those offenders who demonstrated low levels of the various attributes identified by the different variables and those who demonstrated medium or high levels of these attributes. Specifically, individuals who demonstrated low computer literacy (to the upper left of the orange diagonal line), and low financial investment in computing equipment (to the left of the pink vertical line), spent less time on the Internet (to the left of the red diagonal line) than those who demonstrated higher levels of these attributes. No obvious relationships were observed between size of offenders collections of objectionable material and hours, cost or literacy levels. However, it is of note that all of the offenders who took medium (password protected) security measures to protect their collections (below the blue horizontal diagonal line) were found in possession of medium to large numbers of objectionable images. In contrast, many of those found to employ high levels of security (encrypted – to the upper right of the yellow diagonal line) were found with very few images. This result suggests that the lack of objectionable material identified in the possession of some offenders may have more to do with their ability to hide or conceal the material than it does to do with their relationship to the material.

Of note is that high security was also associated with medium to high levels of computer literacy, investment in computer equipment, and hours spent on the Internet. This group of offenders appears to be highly committed to their offence activities. Therefore, the fact that large collections of objectionable material were associated with previous conviction for a sexual crime may suggest that individuals who demonstrate an interest in sexual offending use objectionable material to supplement that interest. They may be less concerned about the process of obtaining, collecting, or protecting that material than those for whom collecting images is the primary motivator of the offending.

Figure 4.7: {Refer to appendix at the end of this section}

Figure 4.2 (from page 110)

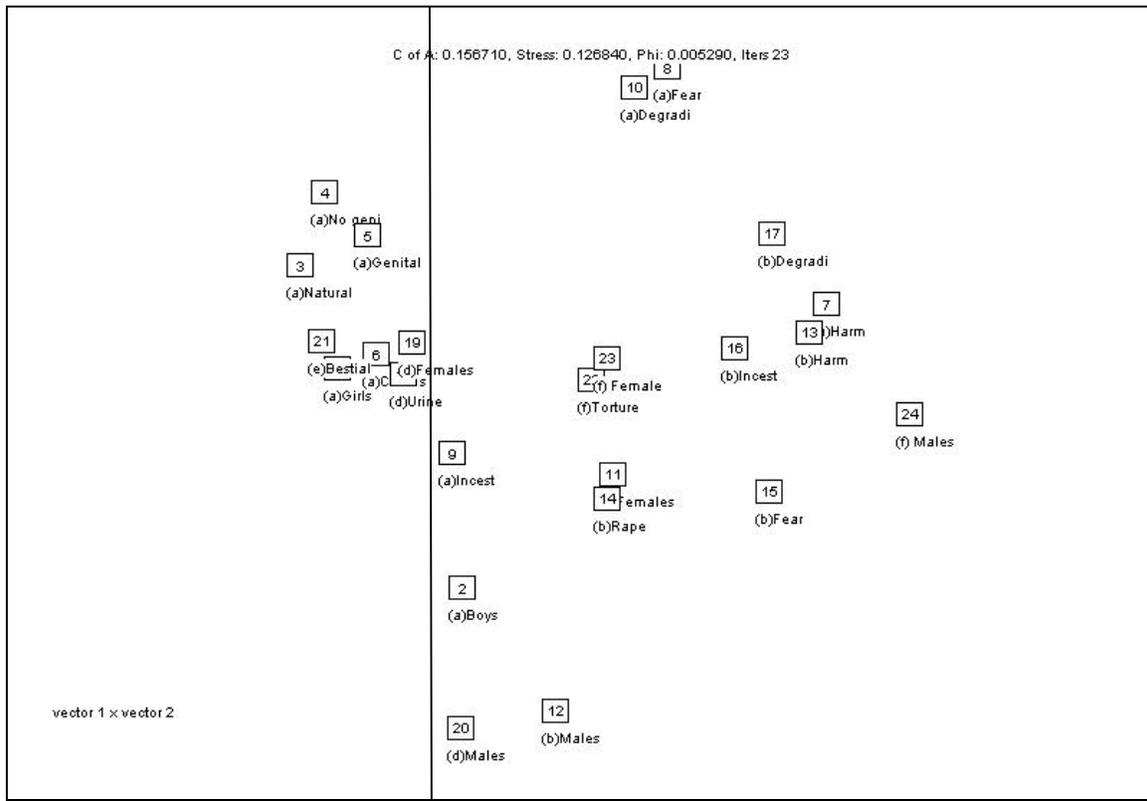


Figure 4.5 (from page 119)

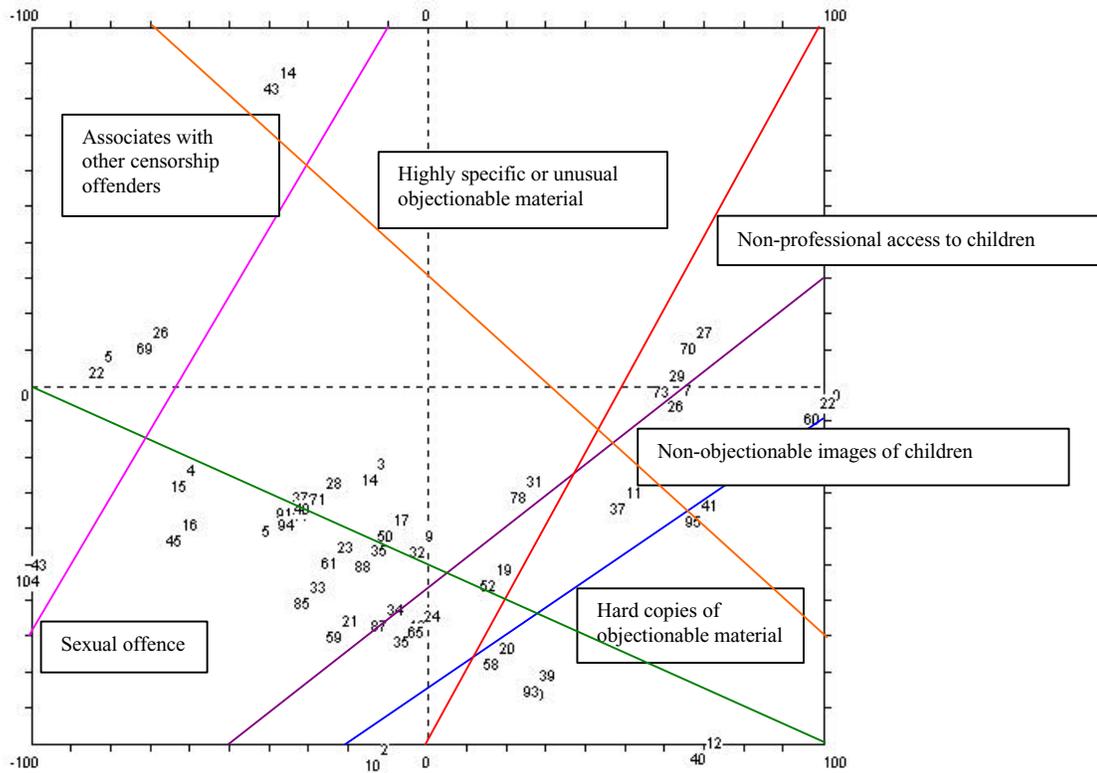


Figure 4.6 (from page 121)

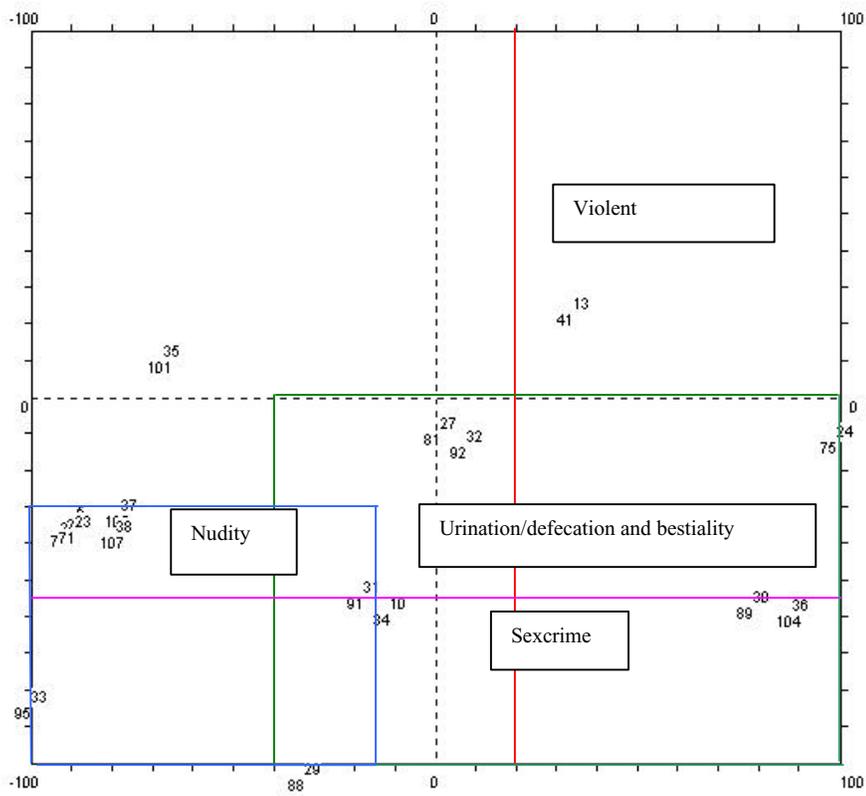
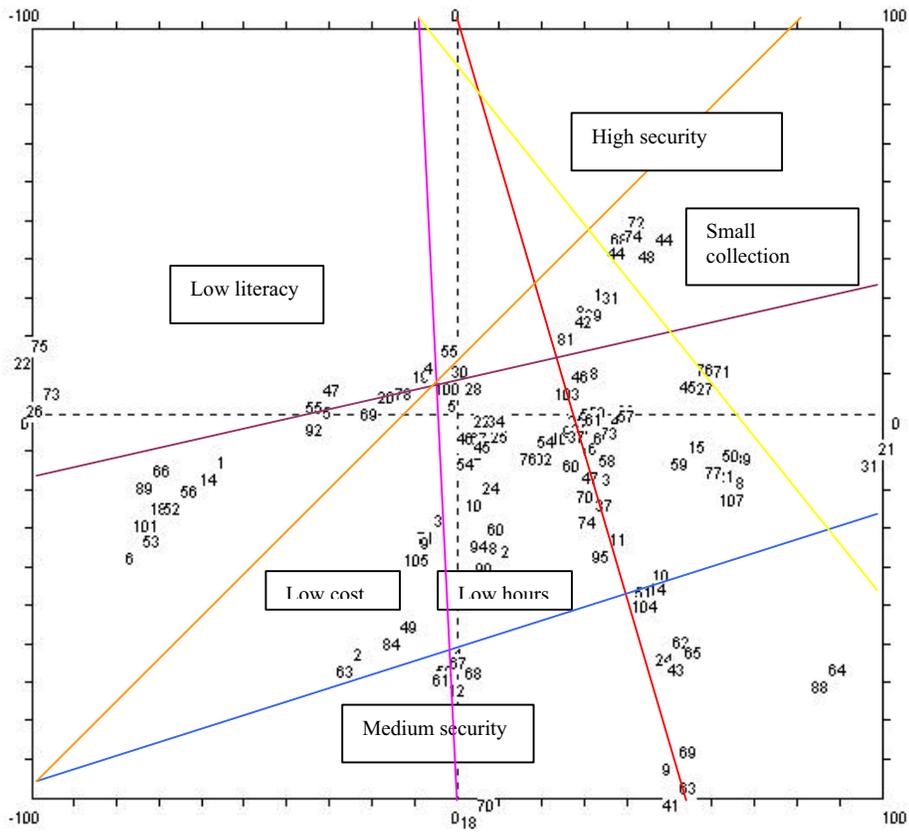


Figure 4.7 (from page 123)



Part 5

Discussion

The results of the profiling research should be treated with some caution. The generalisability of this research is limited by the fact that selection of subjects was neither random nor representatively stratified. Furthermore, only offenders who had been detected by the Censorship Compliance Unit were sampled and this population may well differ from offenders who have not been detected. However, given that this sample included offenders who had not been convicted of an offence, but for whom evidence of offending was verified, it remains broader than that employed in much of the research undertaken in relation to criminal offending.

Various design issues were also identified in relation to the questionnaire used to collect the data. These issues are listed in Appendix C and have been used to modify the questionnaire for future use (Appendix D). However, bearing these limitations in mind, a number of observations can still be made. These suggest potential avenues for ongoing research.

Most of the offenders were detected whilst trading objectionable material on the Internet. The results show that overwhelmingly, these individuals were male. Furthermore, the sole female offender demonstrated very different offence behaviours from her male counterparts, in that her involvement was focused primarily on the distribution of objectionable material for financial gain. As such, the results are in line with national crime statistics showing males as the primary perpetrators of crime within New Zealand (Spier, 1999).

In contrast to New Zealand National Crime Statistics (New Zealand Police 2002), however, the majority of offenders were also found to be of New Zealand European or other European ethnicity, and of medium estimated socio-economic status. Even accounting for the non-representative sampling methods, the relative paucity of offenders from other ethnic groups is notable, especially given that Māori and Pacific peoples tend to be over represented in other New Zealand crime statistics (Spier, 1999). These findings could possibly be explained by the fact that Māori and Pacific peoples tend to be of lower average socio-economic status than other New Zealanders. If this is so, it does not appear to be the cost of computer equipment that prevents offending amongst these groups. Within the context of the current research, socio-economic status was not found to correlate with cost of computer equipment. The most likely reason for this is the lower levels of access to the Internet amongst Māori and Pacific peoples. The 2001 census found that approximately 40 percent of New Zealand households have Internet access, while only 25 percent of Māori and 20 percent of Pacific households have Internet access (Statistics New Zealand, 2001A). It is also worth noting that Pacific peoples have been found to hold more conservative views of the depiction of sex and nudity in broadcasting (Broadcasting Standards Authority, 2001). This may represent a cultural 'control' that mitigates against censorship offending by Pacific peoples.

Also, in contrast to national demographic statistics (Statistics New Zealand, 2001), the identified offenders were over represented in the 35 years and under age range, and in terms of living with parents or grandparents at the time of the offence. Of note was that the most common age of offending was 17 years. The research does not provide any evidence that these individuals were also involved in the commission of physical sexual offences against children. However, given that most of the objectionable material identified in the study pertained to the sexual exploitation of children, it is noteworthy that the literature concerning child sexual abuse shows offence behaviour frequently beginning in adolescence or preadolescence (Araji, 2000). Yet, law enforcement officials and the judiciary frequently treat offences

committed by young people as less serious than those committed by adults. The literature also shows that most adolescent sexual offenders do not persist beyond adolescence, however, some do. While it is important that juvenile and young offenders are not stigmatised or socialised within the criminal justice system, the development of specific treatment and preventative measures targeting this population would appear to be potentially very beneficial. In order for it to be effective, such intervention would need to differentiate between younger and older offenders on the basis of interest and motivation for their offending behaviours.

The results of the current research suggested that offenders identified as secondary school students were more likely than others to collect large numbers of images that were well indexed. They were also more frequently associated with the collection of images of older children and teenagers, portrayed with other children, and much less likely to collect images of adult rape or the torture of adults or children. Their interest in objectionable material often falls within the realm 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, together with the relatively high proportion of these individuals found to reside in semi-rural locations, supports the concept of a sexually curious group of adolescents with few local alternatives for sexual exploration. What is worrying is that their Internet based exploration has led them to subject matter involving largely deviant activities at a time when they are most likely to be influenced by the message it conveys.

In contrast, those offenders who were identified as tertiary students were more likely than others to be residing in cities. Despite this, they were also more likely to be described as social loners who worked or studied alone. Furthermore, the nature of the material identified in relation to a small but notable subgroup of these offenders emphasised the portrayal of extreme power differentials within the context of sex with children, sex with babies, and the rape and torture of women. These individuals also appeared to be more likely than secondary school students to collect non-objectionable images of children, and equally as likely as older offenders to be involved in regular voluntary contact with non-familial children. Given the small numbers involved, it is unclear exactly what these results convey. However, an apparent lack of other social interaction suggests that social isolation may also be a factor in the development of their interest in objectionable material.

Up to a quarter of all offenders were found to demonstrate one or more behaviours suggestive of social isolation (living alone, not working or studying, being identified as loners, and working or studying alone). Identification as an unemployment or sickness beneficiary was one of the more frequently recorded occupation categories. It is probable that different types of individuals become involved with trading objectionable material over the Internet for different reasons. As a result of their circumstances, unemployed individuals tend to be more socially isolated and have more discretionary time than the general population. These factors may contribute to the likelihood that they will become involved in Internet based activities. However, the fact that all of those identified in the sample of unemployed

offenders were New Zealand European, and yet Māori and Pacific Island peoples tend to be more highly represented in New Zealand unemployment statistics (Statistics New Zealand, 2003), suggests that other factors are necessary in order for offending to occur.

Individuals who were employed or training in the information technology (IT) industry, and in professional/administrative positions, were also relatively frequently identified in the sample of offenders. These individuals may have a higher likelihood of Internet involvement purely because the technology is more familiar to them, and a greater part of their lives, than for the general population. However, the fact that no women were identified in the sample, despite being reasonably represented in professional positions, and to a lesser degree in IT training and employment, suggests that this factor is also insufficient in terms of explaining offending. Taylor et al (2001) show that the act of acquiring images actually facilitates the acquisition of technical skills and prior knowledge of information technology is not necessary for the development of offending behaviours. Of course, it is possible that acquisition of such skills by way of Internet involvement could lead to an interest in an IT career.

It is unclear whether offenders were isolated prior to their engagement with the Internet. However, in a study of individuals convicted for offences involving child pornography accessed and distributed over the Internet, Taylor et al (2001) found that all of the offenders had experienced a steady increase in on-line behaviour and a reduction in other outside social engagement. Taylor et al (2001) also found that many offenders demonstrated significant pride in their computer abilities and were willing to assist others to develop computer skills that enhance their ability to collect and 'protect' objectionable material. Indeed, Taylor et al (2001) suggested that for some, on-line reinforcement of their abilities and knowledge provides significant motivation for their ongoing involvement in the trade and production of child pornography.

Within the current research, those offenders who demonstrated the highest numbers of hours spent on-line during the week prior to investigation were also found to demonstrate the highest levels of computer literacy, security and investment in computer equipment. This finding infers the existence of a highly committed group of offenders whose primary focus is the collection and protection of objectionable material. Given that socio-economic level was not associated with computer investment, it can be assumed that some of these offenders probably had difficulty affording the level of commitment they displayed.

It appears that for some people, commitment to the acquisition of objectionable material using the Internet occurs to the detriment of other aspects of their lives. This conclusion is supported by the finding that one-third of the offenders were identified as living in excessively unkempt, messy, filthy, and/or cluttered conditions. Inspectors commented that in some cases it was difficult to move through the offender's residence and that layers of dirt, food and personal effects prevented access to most surfaces except those on which the computer was placed. This, despite the fact that just under half of the total sample of offenders had taken the care to index and organise their collections. Such dedication was most apparent for those offenders who were found to possess large collections of objectionable material with specific themes.

The possession of large collections of objectionable material with specific themes is in line with what Taylor (1999) describes as "confirmed collectors" of objectionable material.

Of note is that in the current sample, the majority of offenders fell within this category. This finding, together with comments regarding the highly striking or unusual aspects of some offenders' collections, supports the conclusion that images were aligned with specific preferences and were not just randomly accumulated. Similarly, the results of the MSA analyses undertaken as part of this research show that offenders can be distinguished according to the specific characteristics of the objectionable material that they select. Although almost all of the offenders were found to be in possession of, or trading in, images identified under section 3(2)(a) of the Act (pertaining to the sexual exploitation of children or young people), a large proportion of these were also identified as selecting material classified under other sections of the Act. The results of the MDS analyses suggested that, where present, material identified under these other sections may be as important as the material identified under section 3(2)(a) (if not more so) in defining the nature of an offender's interest in objectionable material.

The results demonstrated that offenders' selections could be defined according to whether they focused on non-violent deviance (sexual interest in children, animals, and urination and defecation activities), violent and degrading activities (harm, fear, torture, rape and degradation), or person-focused activities (portraying a specific type of individual). These characteristics appeared to transcend the legal categories of the Classification Act. For instance, individuals who selected material pertaining to the sexual exploitation of children and young people could be differentiated according to whether the imagery they chose focused primarily on the violent or degrading sexual exploitation of children or young people, or the non-violent sexual exploitation of children or young people. Of note was that, while bestiality and urination material was relatively strongly associated with the non-violent selection of child sex imagery, it was still slightly distinguished from the selection of material portraying naturalist or posed nudity, involving children. This finding suggests that while some offenders are likely to choose material that includes children and young people in activities involving bestiality and urination and defecation, others are primarily focused on the sexualisation of young people.

To some degree, these groupings conformed to the general roles that Canter (1995) describes all offenders assigning to their victims. Those portrayed in objectionable material are seen as "objects" to be used and controlled or vehicles of the offender's own emotional state (as seen in images categorised as rape, torture, degradation, incest fear and harm), or as "people" of interest to the offender (as seen in images categorised as involving children, animals, males, familial relationships). However, within the current research, these roles were much less well differentiated than in the research undertaken by Canter, and such differentiation was clouded by the fact that the data were structured according to the legal definitions imposed by the Classification Act. Furthermore, the personal and behavioural elements identified in the material selected by individual offenders appeared to exist on a continuum. As such, an interest in images focusing on a particular type of person was linked to interest in particularly violent or degrading images by an interest in material that showed female subjects engaged in bestiality and urination and defecation activities. Of interest, is that this link appeared to be associated with offenders demonstrating characteristics and behaviours associated with prior conviction of a sexual offence.

In comparison with national crime statistics, the censorship offenders sampled in the current research showed a much higher rate of prior sexual offending than the general population. In the 2001/2002 financial year, New Zealand national crime statistics recorded sexual offences at a rate of 0.089 percent (nine per 10,000 population, New Zealand Police, 2002). Amongst the censorship offender sample

population (N=106) sexual offences were recorded at a rate of 11.32 percent (or 13.21 percent including offences that were still under investigation or where the offender had been warned). The largest proportion of these offences was committed against boys aged less than 16 years and a slightly smaller number were committed against girls.

One of the most striking aspects of the sample of censorship offenders examined in the current research was their level of involvement with children through their work activities, voluntary activities (such as work as a soccer coach or as a volunteer at a local school), or personal circumstances. The number of offenders with access to children is of particular concern, particularly in light of the higher rate of sexual offending amongst censorship offenders. While the research cannot be said to show that collecting objectionable material leads to the sexual offending against children, it certainly shows a relationship between the two factors. Given this relationship, the number of censorship offenders who have put themselves in positions where they have access to the subjects of their collections of objectionable material is a serious concern. As noted previously, child pornography fuels and affirms the sexual fantasies of adults with a sexual interest in children (Lanning 1992). The collection of such material often involves contact with other paedophiles, further normalising collecting behaviour and sexual interest in children (Quayle, Linehan, Holland and Taylor, 2000). Furthermore, a study of child molesters (Marshall, 1988 quoted in Quayle and Taylor 2000) reported that 53% of an offender sample deliberately used pornography as a stimulant prior to their offending. The proportion of offenders who have also committed sexual offences (12) and the number considered likely to commit such offences (19) represent a dangerous subset of censorship offenders.

The occupational data collected for offenders were notable in the fact that it demonstrated how many occupations could be adapted to facilitate access to children (and other subjects portrayed in the objectionable images traded by them). Examples of professional access included offender involvement in:

- driving a school bus and an ice cream van
- supplying stationary to schools
- providing landscape and gardening services to schools
- work as a school holiday camp labourer
- providing services to funeral directors
- providing IT tuition to children
- working as a teacher aide.

In addition, a number of offenders were identified as volunteering for activities that provided them with access to children. This included offender involvement in:

- leading a Scout group
- soccer coaching
- teaching and teacher aiding
- outdoor pursuits centres

- babysitting
- CYPFS caregiving.

In their comments, the censorship compliance inspectors also noted a range of behaviours indicating a desire amongst individual offenders to engage with children and other subjects on a more personal level. These included:

- use of nicknames involving concepts of interest to children
- placement of a telescope to observe passing children
- photographing passing children
- showing sexualised images of children, interspersed with non-objectionable images of children in social situations, to real children in order to normalise the activities portrayed in the objectionable images
- reproducing personal images of sexual acts on the Internet
- detailing related offences and describing personal victories in accessing subjects for these
- producing sexually suggestive videos and images of known children and animals, and including these in collections, scrapbooks and written fantasy material
- creating methods to covertly observe other adults in various states of undress.

Similarly, several of the offenders were identified as having engaged in sexual discussion with children and young people on the Internet. Also of note was the close association between the identification of material involving children that could not be identified as objectionable, but was considered suspicious in the context of the offending, and “other” access to children (in the form of voluntary activities and associations). The collection of non-objectionable material concerning the same subject matter as the objectionable material for which the offenders were investigated, suggests a more than casual interest in the contents of the images. This is all the more concerning when one considers the fact that several of the offenders included images of children who were known to them in their “non-objectionable” collections, often as part of fantasy story lines.

Indeed, both the collection of non-objectionable material portraying children and offender involvement in voluntary activities facilitating regular access to children were identified as being closely associated with offenders having being convicted of a prior sexual offence. Given that previous convictions are recognised as a predictor of ongoing offending (Nagin and Farrington, 1992; Nagin and Paternoster, 1991; Sampson and Laub, 1993), this association may well be important in assessing the risk of ongoing offending or offending in another area. Other variables identified as being associated with prior sexual offending included offenders possessing large collections of objectionable material, possessing well-organised collections of objectionable material, living in excessively unkempt conditions, and living alone. Furthermore, offenders demonstrating more than 50 percent of these variables (including the variable indicating prior sexual offending) were found to be highly selective in their acquisition of objectionable material. While most of these selections pertained to naturalist type and posed nudity without the display of genitals, those that chose such material in combination with bestiality and urination and defecation material and

those that chose bestiality and urination and defecation material in combination with violent and degrading material were also noted as demonstrating high levels of risk. This finding is of particular interest given that the results of the Smallest Space Analysis undertaken to test for associations between these variables suggested that their co-occurrence was relatively weak.

With the exception of the possession of objectionable material in hard copy and the collection of highly specific or unusual objectionable material (for example all 'up-skirt' material, all pertaining to dogs, all pertaining to incest, all pertaining to the torture and impaling of young girls), no other behaviours were strongly associated with having more than one conviction for a censorship offence. Furthermore, MSA analysis revealed that offenders who collected highly unusual or specific material were clearly distinguished from offenders who had previously been convicted of sexual offences. As such, the interests of these two types of offender appear to be quite different. Whereas those who demonstrate behaviours associated with prior sexual offending may use objectionable material to complement a more physical interest in the subject of their offending (such as fantasy generation), those that collect highly unusual material appear to be primarily motivated by the collection of such material. Of note is that those offenders who were found to have the highest levels of computer literacy, computer security, time spent on the Internet and investment in computer equipment were also found to have the smallest collections of objectionable material. These results suggest that the lack of objectionable material, found in the possession of some offenders may have more to do with the offenders skill and commitment in hiding and protecting the objectionable material than with the actual amount of objectionable material collected by them. This conclusion is supported by the fact that, although some offenders were found to possess no objectionable material, their computers showed evidence of the organisation and indexing of objectionable material.

Despite a lack of strong association between other censorship offences and voluntary access to children and animals, access to children and animals was associated with the collection of highly specific or unusual objectionable material. Furthermore, all of the offenders who collected highly specific or unusual objectionable material were found to associate with children and young people or with other known censorship offenders. This finding suggests that such interpersonal relationships may play a functional role in the way they obtain objectionable material.

Lanning (1992) has provided evidence that individuals convicted of sexual offences against children are frequently found in the possession of collections of child pornography or child erotica. He identifies the process of collecting such material as an important part of their activities, stating that they do not simply view such material, but take particular care to save and categorise it. The results presented here suggest that collection of child pornography and other objectionable material may be associated with child abuse in different ways, depending on the motivations of the offender. For some, the physical sexual act may be the primary motivator, with collection of objectionable material merely providing an alternative to actual contact or a means of generating fantasies related to actual contact. For others, however, sexual acts may be motivated by the desire to generate new objectionable material. Given the highly specific nature of the material selected by some offenders, this would appear to be an effective way of ensuring that the image conforms precisely to the offender's specifications. Of course, given that many of the offenders identified in the current research did not demonstrate high levels of behaviours associated with sexual offence, or propensities towards the collection of highly specific objectionable material, there also appear to be other motivations for the trade or collection of objectionable material.

Hartman (1984) proposes four main types of collecting behaviour in relation to child pornography:

Closest Collectors focus almost exclusively on their collection and engage in little or no interpersonal interaction regarding their collections. They do not share their collections with others, and are not actively involved with their subject of choice. Closet collectors tend to obtain their material through discrete commercial channels.

Isolated Collectors collect material to complement their interest in sexual involvement with children and are usually also involved in some form of activity with their chosen subject. These individuals avoid contact with other collectors and tend to keep the material a secret that they share only with their victim/s. Isolated collectors are likely to include images of their victim/s in their collection.

Cottage Collectors share their collection and/or engage in discussion regarding the subject of their collection with other collectors. This interaction serves to validate their collecting behaviour and provides them with recognition for the value of their collections and collecting skills.

Commercial Collectors focus on the monetary gain to be made from producing, reproducing and selling their collections, and are actively involved in this activity. Physical offending against children is likely to occur during the production process.

The results of the current research suggest that censorship offenders are distinguishable according to these "collector types". In particular, the research reveals the existence of two groups of offenders whose behaviours were directly comparable with those of isolated collectors and cottage collectors. In terms of the latter, it is also of note that within the current study, a small group of offenders were primarily defined by the fact that they associated with other known censorship offenders. Associating with other known censorship offenders was not closely related to any other behaviour, apart from associating with individuals involved in other illegal activities. As such, it would appear that the focus of these offenders' censorship offence activities was largely social.

Research undertaken by Taylor et al (2001) indicates that for some individuals the rapid acquisition of technical skills that accompanies the acquisition of images from the Internet actually facilitates increasing levels of involvement in on-line communities. Through the development of such skills, individuals gain a sense of confidence, mastery, and power that may not be present in other aspects of their lives. These skills are recognised by others with whom they interact on the Internet and this recognition provides reinforcement regarding their activities. In order to maintain these reinforcing relationships, they are likely to increase their efforts to acquire image-based "currency" to trade with others. As described by Young (1998), this process may contribute to the development of compulsive or addictive behaviours.

The age of children depicted in images in the offenders' collections shows a clear preference for pre-pubescent children. There is some overseas evidence that the preferences of people who collect child pornography 'drift' towards increasingly younger children as they become satiated by images of older children and seek out more arousing images (Taylor, 1999).

Conclusions

The purpose of the current research was to obtain a profile of the offenders investigated by the New Zealand Department of Internal Affairs' Censorship Compliance Unit. The results revealed that a high proportion of these offenders were aged under 25 years, almost all were male, most were New Zealand European, and the majority were involved in the trade and collection of material showing the sexual exploitation of children or young people. However, a good proportion of these people, were also trading and collecting material identified under other sections of the Classification Act as pertaining to adult rape and sexual coercion, sex with the body of a dead person, sexual and degrading acts involving urination and defecation, bestiality, and torture or extreme cruelty. Furthermore, analysis of the data showed that offenders could be differentiated according to the type of objectionable material that they selected using criteria that transcended the sections of the Act. These criteria included the selection of violent and degrading material and the selection of material showing non-violent sexually "deviant" acts or interests. As such, while some offenders only selected material portraying the non-violent sexualisation of children, others only selected material portraying violent acts or actions, often including but usually not restricted to the sexualisation of children. Furthermore, those that selected material portraying bestiality and acts involving urination and defecation were also found to select material portraying both non-violent sexualisation of children and violence and degradation, but only when this material focused on females.

To date, most of the research conducted in the area of objectionable material available on the Internet has focused on that which relates to the sexual exploitation of children and young people. However, the results of this research suggest that ongoing investigation of this area should continue to examine as full a range of objectionable material as possible.

The amount of time and resources that offenders were found to dedicate to pursuing and organising their objectionable material implies that this activity is important to them, and may have compulsive qualities. In support of this conclusion, it was found that even offenders who were considered to reside in an environment of disarray took the time to index and organise their collections. A number of parallels were discovered between the current offenders' behaviour patterns and individuals identified in other research as suffering from Internet dependency. These included high levels of on-line activity, predominant use of two-way communication functions and reduced relationship and occupational activity (offenders were frequently identified as living alone, loners or unemployed).

The results also suggest that censorship offenders' interest in the subjects of the material they selected was often more than voyeuristic. This was reflected in the fact that a number of offenders had taken steps towards more personal interaction with types of individuals portrayed as the subject of the objectionable material that they traded or collected. In comparison with national crime statistics, a high proportion of the current sample of censorship offenders had been previously convicted of a sexual offence. Furthermore, most of these offences were committed against children. The research identified associations between prior conviction for a sexual offence and possession of large, well-organised collections of objectionable material, having regular non-professional access to children, collections of

non-objectionable images of children, excessively unkempt living conditions, and offenders living alone. Of note was that many offenders were found to have regular legitimate contact with non-familial children, either by way of their jobs or as a result of voluntary work undertaken in children's clubs, recreation centres, or schools. A relationship was also identified between offenders demonstrating more than 50 percent of the behaviours associated with prior sexual offending (including prior sexual offending) and the type of objectionable material that they selected. Specifically, those individuals who selected material showing children in naturalist or posed nudity were most likely to demonstrate high levels of sexual offence related behaviours. However, this relationship was most pronounced when offenders were also found to select material portraying bestiality and activities involving urination and defecation. Similarly, although only a small number of those offenders who were specifically identified as selecting violent and degrading material demonstrated high levels of sexual offence related behaviours, all of these were also found to select material portraying bestiality and activities involving urination and defecation. As such, prior sexual offending appears to be primarily related to the selection of a diverse range of non-violent but sexually deviant material.

In line with this conclusion, those offenders who demonstrated high levels of behaviours associated with prior sexual offending were clearly distinguished from those offenders who demonstrated a highly specific interest in the type of material that they collected (for example all images of young females being impaled, all images of incest, all images of dogs, all 'up-skirt' images). The interest in censorship offending demonstrated by those who display a propensity for physical sexual offending appears to be motivated by a wider interest in sexual offending, and objectionable material either serves as an alternative to this or a means of generating associated fantasies. In contrast, those who collect highly specific or unusual material appear much more focused on the collection process itself, and their voluntary associations with children other known censorship offenders serve primarily as a means of accessing or creating the material they are interested in. Of note is that, within the context of the current research, lower numbers of images found in the possession of offenders were actually associated with higher levels of security, time spent on-line and computer literacy. As such, lack of objectionable material found in the possession of some offenders may have as much to do with increased offender care and ability in protecting or hiding such material, as it does with a lack of collecting behaviour.

In addition, a small group of offenders were identified as not demonstrating any consistently observable behavioural patterns other than associating with other known censorship offenders. This group may be primarily focused on the social nature of the trade in objectionable material, gaining reinforcement for their activities from their on-line associates.

The results of the current research indicate that there are at least three different types of censorship compliance offender, with each being motivated by different interests in relation to their offence behaviour. These differences relate to inter-offender variations in collecting behaviour, levels of commitment and compulsive behaviour, efforts made to access subjects, and levels of specificity in image preferences. Differences were also noted between the characteristics and offence behaviours of those offenders who were aged under 25 years and those who were 25 years and older.

Differences in offending behaviour have implications in terms of the management and treatment of offenders, as well as the development of censorship policy and the dedication of resources to pursuing censorship offenders. Although the current research has been largely exploratory, and the findings reflect this, the results suggest a number of issues of importance in terms of current censorship operations. In particular, the research shows that juvenile offenders are dealt with less seriously than adult offenders, despite the fact that relevant literature reveals sexual offending as often beginning during youth, and exposure to child pornography as a major component of this. Possible threats posed by the Internet are often perceived in terms of "older persons" using it to lure children and young people for sexual purposes. The current research acknowledges this threat, and recognises the importance of proactively responding to it. However, it also highlights the threat that Internet involvement poses in terms of fostering paedophilic and abusive behaviours in young people (see Araj, 2000). Of particular concern is that young people, in the process of learning about sex and relationships, may be exposed to material that advocates demeaning, degrading, and using others for their own arousal. Those who are marginalised as a result of their emerging sexual identity or a lack of options regarding its expression, may be most at risk of fostering negative Internet associations. There appears to be a significant need for appropriate referral, assessment, counselling and sentencing options for these individuals.

In conclusion, this research supports and extends the current knowledge base regarding Internet censorship offending and offender behaviour in relation to a range of objectionable material (including, but not limited to, child pornography). It also provides information that can be used practically to enhance operational and policy activities in this area. It offers significant support for ongoing implementation of the modified profiling questionnaire and highlights a number of issues for future investigation and analysis in relation to this process.

Part 6

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Part 7

Appendices

Appendix A: Section 3 of the Films, Videos, and Publications Classification Act 1993

3. Meaning of "objectionable"—(1) For the purposes of this Act, a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

- (2) A publication shall be deemed to be objectionable for the purposes of this Act if the publication promotes or supports, or tends to promote or support:
- (a) the exploitation of children, or young persons, or both, for sexual purposes; or
 - (b) the use of violence or coercion to compel any person to participate in, or submit to, sexual conduct; or
 - (c) sexual conduct with or upon the body of a dead person; or
 - (d) the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct; or
 - (e) bestiality; or
 - (f) acts of torture or the infliction of extreme violence or extreme cruelty.
- (3) In determining, for the purposes of this Act, whether or not any publication (other than a publication to which subsection (2) of this Section applies) is objectionable or should be given a classification other than objectionable, particular weight shall be given to the extent and degree to which, and the manner in which, the publication:
- (a) Describes, depicts, or otherwise deals with
 - (i) acts of torture, the infliction of serious physical harm, or acts of significant cruelty
 - (ii) sexual violence or sexual coercion, or violence or coercion in association with sexual conduct
 - (iii) other sexual or physical conduct of a degrading or dehumanising or demeaning nature
 - (iv) sexual conduct with or by children, or young persons, or both
 - (v) physical conduct in which sexual satisfaction is derived from inflicting or suffering cruelty or pain:
 - (b) exploits the nudity of children, or young persons, or both
 - (c) degrades or dehumanises or demeans any person
 - (d) promotes or encourages criminal acts or acts of terrorism
 - (e) represents (whether directly or by implication) that members of any particular class of the public are inherently inferior to other members of the public by reason of any characteristic of members of that class, being a characteristic that is a prohibited ground of discrimination

specified in Section 21 (1) of the Human Rights Act 1993.

- (4) In determining, for the purposes of this Act, whether or not any publication (other than a publication to which subsection (2) of this Section applies) is objectionable or should be given a classification other than objectionable, the following matters shall also be considered:
- (a) the dominant effect of the publication as a whole
 - (b) the impact of the medium in which the publication is presented
 - (c) the character of the publication, including any merit, value, or importance that the publication has in relation to literary, artistic, social, cultural, educational, scientific, or other matters
 - (d) the persons, classes of persons, or age groups of the persons to whom the publication is intended or is likely to be made available
 - (e) the purpose for which the publication is intended to be used
 - (f) any other relevant circumstances relating to the intended or likely use of the publication.

Appendix B: Pilot Censorship Offenders Questionnaire

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Part 1: Demographics

1. Name
2. Nickname/s
3. Gender
4. Date of Birth
5. Ethnicity NZ European
 Māori
 Pacific Island
 Asian
 Other (please specify):.....
6. Address
7. Type of residence Flat/apartment
 House/unit
 Other (please specify):.....
8. Description of residence (tick all those that apply):
 Well maintained
 Poorly maintained
9. Estimated socio-economic level Low
 Medium
 High

Part 2: Isolation

10. Location of home address
- City (specify):
 - Town (specify):
 - Semi-rural/lifestyle block (specify):
 - Rural (specify):
11. Household composition
- Living alone
 - Living with partner
 - Living with own children*
 - Living with step children*
 - Living with other (non-family) children* (please specify):
.....
 - Living with parents or grandparents
 - Living with other (non family) adults (please specify):
.....
 - Other (please specify):
.....
12. Work environment
- Not working and not participating in an education/training course
 - Works/studies alone
 - Works in a team
 - Other (please specify):
.....
13. Other factors
- Physical health problems (please specify):
.....
 - Mental health problems (please specify):
.....

* Also relates to Access

Part 3: Detection

15. Date of warrant

16. Location of offending Home
 Work
 Other (please specify):
.....

| 17. Location of computer in residence | Private (access limited to the offender) | Open and/or communal space | Other (please describe): |
|---|--|----------------------------|--------------------------------|
| • Bedroom | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Office space | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Communal space (i.e. living or dining room) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Removed from main premises (where?) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

.....

18. At the time of investigation, how many objectionable images were identified in the offenders possession?

19. Was any other objectionable material discovered in the possession of the offender at the time of investigation? Yes (what?).....
 No

20. Details of detection Complaint
 Trade of objectionable material on the Internet
 Identified from another offender's computer log
 Identified as creating objectionable material
 Identified by other Government agency (specify):
.....
 Other (please specify):
.....

21. Nature of offending (tick as many as applicable)
- Large collection of objectionable material containing specific themes
 - Engaged in the production of objectionable material for trade and/or exchange
 - Collection is indexed and well organised
 - Wide range of images containing all sorts of sexual/objectionable oddities (no particular theme)
 - Small amounts of material
 - Develops web sites, or sells CD-ROMS of images etc.

Part 4: Nature of Objectionable Images and Material

22. Nature of the **objectionable** material: under which of the following sections of the Films, Videos and Publications Classification Act (1993) is the material deemed objectionable (for each section tick all of the subcategories that apply).

- Section 3(2)a: The exploitation of children, or young persons, or both, for sexual purposes (tick all that apply)

Gender: the children or young people shown in the images appear to be mainly (tick one):

- Females/Girls
- Males/Boys
- Both Females and Males

Ethnicity: the children or young people shown in the images mostly look (tick as many as apply):

- Caucasian
 - Hispanic
 - Māori/Pacific
 - African
 - Asian
 - Other (please specify):
-

Age: the children or young people shown in the images appear to be mainly (tick as many as apply):

- Babies (under 2 years old)
- Young Children aged 2 - 7 years
- Older Children aged 8 - 12 years
- Teenagers aged 13 - 16 years

Were the children or young people shown (tick as many as apply):

- Alone

With other children or young people

With adults

Other (please specify):

.....

What sort of surroundings were evident in the images? (tick as many as apply)

Domestic environment

School

Public place

Commercial/professional looking studio environment

Masked/controlled environment

Other (please specify):

.....

Was there any evidence that drugs and/or alcohol had been used in the creation of the images?

No

Yes (please specify):

.....

.....

In the majority of the images, the children or young people appeared to be engaged in the following activities or actions (tick as many as apply):

Naturalist type nudity or partial nudity

Posed nudity or partial nudity without display of genitals

Posed nudity or partial nudity with display of genitals

Explicitly sexual acts or actions

Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage

Physical and/or verbal expression of fear and/or distress

Incest or implied incest

Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)

Other (please specify):

.....

.....

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** (tick one)?

- Females/Girls
- Males/Boys
- Both Females and Males

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** (tick as many as apply)?

- Caucasian
- Hispanic
- Māori/Pacific
- African
- Asian
- Other (please specify):
.....

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** (tick as many as apply)?

- Babies (under 2 years old)
- Young Children aged 2 - 7 years
- Older Children aged 8 - 12 years
- Teenagers aged 13 - 16 years

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

Gender: the individuals shown in the images appeared to be mainly (tick one):

- Females/Women
- Males/Men
- Both Males and Females

Age: the individual shown in the images appeared to be mainly (tick as many as apply):

- Youth aged 17 - 20 years
- Adults aged 21 - 65 years
- Elderly aged over 65 years
- Other (please specify):
.....

What sort of surroundings were evident in the images (tick as many as apply)?

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):

.....

Was there any evidence that drugs and/or alcohol had been used in the creation of the images?

- No
- Yes (please specify):

.....

.....

In the majority of the images, the individuals appeared to be engaged in the following activities or actions (tick as many as apply):

- Explicitly harmful acts or actions including involvement of weapons, torture instruments or bondage
- Rape or implied rape scenes (including all forced sexual activities)
- Physical and/or verbal expression of fear and/or distress
- Incest or implied incest
- Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)
- Physical expression of fear and/or distress
- Other (please specify):

.....

.....

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** (tick one)?

- Females/Women
- Males/Men
- Both Females and Males

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** (tick as many as apply)?

- Youth aged 17 - 20 years
- Adults aged 21 - 65 years
- Elderly aged over 65 years
- Other (please specify):
.....

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

Gender: the individuals shown in the images appeared to be mainly (tick one):

- Females
- Males
- Both Females and Males

Age: the individual/s shown in the images appeared to be mainly (tick as many as apply):

- Children and/or young people aged 16 years and under
- Adults (including young adults) aged 17 years and over

What sort of surroundings were evident in the images (tick as many as apply)?

- Domestic environment
- Public place
- Medical location (please specify):
.....
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):
.....

Where images involve an act being performed upon a body of a dead person, what gender are most of the individuals **upon whom these acts are being performed** (tick one)?

- Females/Women
- Males/Men
- Both Females and Males

Where images involve an act being performed upon a body of a dead person, what age do most of the individuals **upon whom these acts are being performed** (tick as many as apply)?

- Children and/or young people aged 16 years and under
- Adults (including young adults) aged 17 years and over

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

Gender: the individuals shown in the images appeared to be mainly (tick one):

- Females
- Males
- Both Females and Males

Age: the individual shown in the images appeared to be mainly (tick as many as apply):

- Children and/or young people aged 16 years and under
- Adults (including young adults) aged 17 years and over

What sort of surroundings were evident in the images? (tick as many as apply):

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):
.....

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** (tick one)?

- Females
- Males
- Both Females and Males

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** (tick as many as apply)?

- Children and/or young people aged 16 years and under
- Adults (including young adults) aged 17 years and over

Section 3(2)e: Bestiality

What sort of surroundings were evident in the images (tick as many as apply)?

- Domestic environment
- Public place
- Farm or related buildings
- Veterinary or medical establishment
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):
.....

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

Gender: the individuals shown in the images appeared to be mainly (tick one):

- Females
- Males
- Both Females and Males

Age: the individual shown in the images appeared to be mainly (tick as many as apply):

- Children and/or young people aged 16 years and under
- Adults aged 17 years and over

What sort of surroundings were evident in the images (tick as many as apply)?

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):
.....

Where images involve an act of torture, violence or cruelty being performed upon one or more individuals, what gender are most of the individuals **upon whom these acts are being performed** (tick one)?

- Females
- Males
- Both Females and Males

Where images involve an act of torture, violence or cruelty being performed upon one or more individuals, what age are most of the individuals **upon whom these acts are being performed** (tick as many as apply)?

- Children and/or young people aged 16 years and under
- Adults aged 17 years and over

- Section 3.3c: Degrades, dehumanises or demeans any person (other than those identified under section 3(2))

Please describe the nature of the images including the age, gender and ethnic group of those individuals being degraded, dehumanised, or demeaned:

- Section 3.3d: Promotes or encourages criminal act or acts of terrorism (other than those identified under section 3(2))

Please describe the nature of the images including the type or act being promoted:

- Section 3.3e: Represents that members of any particular class of the public are inherently inferior to other members of the public

Please describe the nature of the images including the class of public identified and the way in which members of this class are represented as inferior:

Part 6: Non-Objectionable Images and Material

26. Nature of any **non-objectionable** images: please indicate what, if any, other images were obtained from the offender that could not be classified as objectionable but which were considered suspicious in the context of the offending?

- Other images of children
- Visibly physically or mentally impaired individuals
- Autopsy or dissemination of body parts
- Other pornography/erotic images
- Other (please specify):
.....

27. Nature of any other **non-objectionable** material: please indicate what, if any, other material was observed in the offenders home or work environment that could not be classified as objectionable but which, **by its nature**, was considered suspicious in the context of the offending

- Children's toys, appliances and/or articles of clothing
- Articles indicating an interest in weaponry, martial arts and/or bondage (please specify):
.....
- Erotic/pornographic material other than images (please specify):
.....
- Other (please specify):
.....

28. Please indicate the nature of the "**non-objectionable**" images and material identified (tick as many as applicable):

- Large collection of objectionable material containing specific themes
- Engaged in the production of objectionable material for trade and/or exchange
- Collection is indexed and well organised
- Wide range of images containing all sorts of sexual oddities (no particular theme)
- Small amounts of material
- Develops web sites, or sells CD-ROMS of images etc.

Part 7: History, Occupation and Associates

30. Known associates
(frequent, direct contact)

31. Criminal History

| | Police intelligence | Charge | Conviction | Date of charge |
|--|---------------------|--------|------------|----------------|
|--|---------------------|--------|------------|----------------|

None

- Non-violent, non-sexual offence (theft, burglary etc.)
- Minor offence of sexual nature (stealing underwear/peeping Tom, offensive behaviour etc.)
- Sexual offence with girl under 16 years old
- Sexual offence with boy under 16 years old
- Sexual offence against an adult
- Other violent offence
- Involvement with the sex industry
- Not known
- Other (specify).....

32. Customs Intelligence (tick as many as apply)

- Passport recorded in Customs Intelligence
- Travel to suspect destinations (where?)
.....
- Frequent traveller (please specify last travel date):
.....
- Recorded overseas for offending (please specify offence/s):
.....
- Associations with suspect individuals (please specify):
.....
- Associations with suspect organisations (please specify):
.....

33. Occupation
- Student (specify course):
 - Information Technology (specify job):.....
 - Educational profession (specify job):.....
 - Medical profession (specify job):.....
 - Other Caregiver (specify job):
 - Farm worker (specify job):
 - White collar/administrative (specify job):.....
 - Clergy (specify job):.....
 - Unemployment beneficiary (please specify how long they have been a beneficiary and what their usual occupation would be if they were employed):
.....
 - Sickness beneficiary (please specify what their usual occupation would be if they were not a beneficiary):
.....
 - Retired/superannuitant (please specify former occupation):
.....
 - Other (please specify):
.....

34. Access
- Works or has frequent contact with children
 - Works or has frequent contact with animals
 - Works or has frequent contact with the general public
 - Is mobile in job (job involves frequent travel of any type)
 - Works primarily with computers
 - Frequently sole caregiver of children/dependants
 - Other access to children or animals (specify).....
 - Access to other subjects (specify).....

Part 8: Computer use and Skills

35. Computer literacy level (need to operationalise ask censorship) High (i.e.define)
 Medium (i.e. define)
 Medium low (i.e. define)
 Low (i.e. define)
36. Approximately how much time did the offender spend on the computer during the week prior to the warrant being served? Less than 10 hours
 10 - 30 hours
 More than 30 hours (how much?):
.....
37. Internet application used for offending IRC
 Websites
 ICQ
 Newsgroups
 Email
 Other (specify).....
38. Storage of objectionable images Hard drive
 Floppy
 Zip drive
 CD ROM
 Hard copy
 Other (please specify):
39. Where were the images stored?
40. Security of images None
 Saved to ambiguously named directory
 Password protected
 Encrypted application used (please specify):
.....
 Other (please specify):.....

41. Does the individual possess
- Camera (mechanical, including video)
 - Camera (digital)
 - Scanning equipment and/or software
42. Estimate total cost of all computer and imaging equipment in the possession of the offender (VUW)
-
-
-

Part 9: Apprehension and Prosecution

43. What was the offender doing at the time the warrant was executed?

.....

.....

.....

.....

.....

.....

44. Reaction to warrant
- Expressed intent to continue offending and/or commit other crimes (what?).....
 - Expressed pride in behaviour/abilities
 - Freely admitted offence
 - Partly admitted offence
 - Not prepared to admit skill level/provide details
 - Tried to shift blame (how?).....
 - Admitted but minimised offence (how?).....
 - Pleaded ignorance in relation to offence (how?).....
 - Completely denied offence
 - Refused to answer questions
 - Expressed feelings of shame and/or a desire to hide activities from loved ones
 - Became physically threatening and/or intimidating (how?).....
 - Threatened or completed self harm/suicide
 - Other (specify)

Appendix C: Discussion of issues arising during piloting of the Censorship Offenders Questionnaire

The profiling tool provided in Appendix B was piloted for 35 offenders. The results of this pilot suggest a number of difficulties associated with its implementation, and possibilities for improvement.

A range of issues were identified in the development of the profiling tool. The fact that the data were collected by the inspectors, rather than directly from the offenders, provided greater scope for error and misinterpretation. It is also likely that, due to the very nature of their work, and their personal circumstances, the inspectors were biased against specific types of offenders. Such biases may have led them to pay more attention to certain offence types than others.

However, data collection by the inspectors also provided the research with a level of objectivity and consistency that would not otherwise have been possible. The inspectors are generally aware of a wider range of offence activities than individual offenders and are therefore better able to identify distinctions between them and similarities across them. Furthermore, given that the inspectors are very familiar with the subject matter, they are well placed to notice subtle differences between images, circumstances and attitudes.

Even if offenders had been given the opportunity to provide input, their data would have been subject to problems of recall and demand characteristics influencing the way that they interpret their activities. By employing inspectors to provide information about them, the scope for motivational inference was greatly reduced and the data were refined to that which was immediately visible and measurable.

Of course, because of the secondhand nature of the data, it was impossible to obtain direct information about what attracted the offenders to the images and therefore assumptions were made on the basis of salient features. The quantitative nature of the data collection makes qualitative differences hard to interpret.

The fact that questions frequently referred to most of the images, or to the majority of images, also affected the level of detail available regarding qualitative differences between them. One problem arising from this was that the inspectors frequently identified the majority of individuals portrayed in images as female and the majority of people to which actions were being done as female.

This distinction was intended to account for the lack of activity being performed upon the subjects of some pictures. However, it meant that only the subjects of the pictures tended to be identified and it was not clear who was performing any activities in the images, or how. As such, no detail could be obtained about possible differences in the way different types of individuals (i.e. females and males, older and younger children, Caucasian and Asian) were viewed by the same offender. It is therefore recommended that in future questionnaires, the questions pertain to the subject and object of the images.

Although space was available for inspectors to make comments about the images, the questions asked specifically about unusual or striking features of the images. Given the desensitisation that inevitably results from exposure to significant amounts of this type of information, it is impractical to expect inspectors to have provided other observations about less salient features.

In some cases the questionnaire did not provide space to collect data that could have provided significant qualitative interpretative function because the importance of this information was not recognised at the outset. For instance, in the case of bestiality, it was assumed that the offender's interest focused on sexual activity with animals. However, the finding that variables classified under section 3(2)(e) frequently correlated with those from section 3(2)(d) suggests that this type of activity also serves a degrading or dehumanising function. As such, it would have also been useful to collect information about whether the sexual activities were being done to or done by the animals and upon whom. Similarly, the type of animal might also be significant within this context.

The results of the SSA analysis also suggest that there are a number of variables that define offender interest in objectionable material that were not identified in the data. It is recommended that additional qualitative questions regarding specific details of images be included under each of the section categories of Part 4, so that insight might be obtained regarding the nature of these variables.

It is also clear that, because more questions were asked about images classified under section 3(2)(a), the variables associated with this section were more salient across the factors, while the variables associated with section 3(2)(e) were largely hidden. Given that the largest proportion of offenders were identified in possession of, or trading in, images associated with section 3(2)(a), the over representation of these variables is acceptable. However, it is recommended that in future questionnaires, additional questions be included under the other sections.

It was also found that inspectors completed the questionnaire in a range of ways. In some cases inspectors only completed variable details under those sections for which the offender was formally prosecuted. In others they completed all sections to which the images applied. Furthermore, some images were associated with more than one section, but variables were only identified under the section that was prosecuted. As section 3(2)(a) was most commonly prosecuted, data from images pertaining to this Section were over represented.

In terms of providing a representative analysis, the sample was less than ideal. The offenders were selected on the basis of ease of access to information and the Censorship Compliance Unit identified them all. Given these limitations, it is recommended that future analyses include a minimum of 50 subjects. An increase in offender sample size would not only increase the generalisability of results, but would also strengthen the conclusions that could be drawn from the MDS analysis. Furthermore, a greater number of subjects would allow effective MSA analysis regarding individual offender preferences and associations between their lifestyle and demographic details.

In terms of the demographic and lifestyle variables identified in the questionnaire, a number of

difficulties were also identified regarding their interpretation. These include:

- the word “flat” being confused with shared rental accommodation (that could be a house), rather than apartment
- the definition of “poorly maintained” and the absence of an average category regarding maintenance level
- distinction between towns and cities and the separation between cities and regions.

Few inspectors identified more than one category when indicating who an offender was living with. Given that “with partner” was the first option provided, this could well have led to a decrease in the number of times offenders were recorded as living with children. Furthermore, comments from the inspectors indicate that it may be necessary to distinguish between those living with grown children and those living with young children.

There was also an abundance of “other” responses to the question regarding whether offenders worked or studied alone or with others. It is recommended therefore that this question be more clearly defined in terms of whether or not offenders spend most of their employed/study time with other professionals/students.

Some of the categories regarding the nature of the offending (Question 21) were difficult to answer because they covered more than one concept. These need to be simplified and defined according to whether they are part of the offending (i.e. collecting large amounts of images) or offence-related activities (organising and classifying images).

In addition, a number of questions were found to be relatively redundant in terms of yielding relevant information. These have been excluded from the modified version of the questionnaire (Appendix D).

Despite the difficulties with the pilot research, use of the profiling tool yielded a number of insights into offender behaviour that would not otherwise have been available. Most importantly, it facilitated the systematic collection of potentially significant information in terms of comparing offenders across time and offences. It is recommended that the questionnaire be modified and that inspectors continue to use it.

The following notes provide additional explanation regarding changes made to the questionnaire presented in Appendix D.

Question 2: Nickname/s

In cases where the nickname was not known, inspectors frequently wrote “Unknown”. It is recommended that where nicknames are not known the question be left blank as “Unknown” could actually be a nickname.

Question 4: Date of Birth

To aid analysis and future comparison between results, it is recommended that an additional question regarding the offender's age at the time they were identified be added.

Question 7: Type of residence

Comparison across the results suggests that the word "flat" may have been confused with the concept of shared rental accommodation. The question was aimed at distinguishing between whether offenders resided in apartment-style accommodation as opposed to detached houses or units. Therefore, it is recommended that the word "flat" be removed from future questionnaires.

Question 8: Description of residence

The question provided a category labelled "poorly maintained" and a category labelled "well maintained". In response to the descriptions provided by inspectors it is recommended that the poorly maintained label be changed to "excessively unkempt, messy, filthy, and/or cluttered". The well maintained label could similarly be replaced by "excessively well kept, tidy, clean and uncluttered". In order to account for the responses of those inspectors who wrote "average" onto the questionnaire at this point, an additional average category could be included.

Question 10: Location of home address

The results showed significant confusion over the difference between towns and cities and between cities and regions. It is recommended that in future, this information be determined from the data pertaining to the offender's address.

Question 11: Household composition

The results suggested that inspectors were only ticking one option within this category, regardless of how many applied. It is recommended that an instruction to "tick all that apply" be added. It is also recommended that individuals living with children aged under 25 years be distinguished from those living with children aged 25 years and over.

Question 12: Work environment

The results yielded a sizable number of "other" responses to this question. Many of these concerned the type of work undertaken by the offenders, or their work status. The purpose of this question was to assess whether the individual spent most of their time alone or with others. In order to distil this information from information about the nature of the work undertaken by the individual, it is recommended that question 12 be moved to follow on from question 33 (concerning the occupation of the individual).

Question 13: Other factors - Mental health problems

A number of responses were made regarding the inspector's opinion of the offender's mental health. It is recommended that the question indicate that only clinically identified issues should be reported.

Part 3: Detection

These questions are largely targeted at electronic offences. They were very limiting in terms of information regarding non-electronic offences. It is recommended that additional questions be developed to account for such offences.

Question 15: Date of warrant

In some cases the files indicate that no warrant was executed. It is recommended that this question be modified to "Date of warrant/interview".

Question 21: Nature of offending

A number of issues were identified in response to this question. In particular, many of the categories included more than one concept. For instance, large collections and specific themes are grouped together, as are collections containing a wide range of images and those containing all sorts of oddities. These categories need to be broken down and presented as parts.

Inspectors recorded individuals engaged in a wide range of activities as "producing" objectionable material. These included trading and scanning as well as actually making, photographing, writing, or filming. It is recommended that these variations be identified separately.

The results also suggest a difference between the nature of various offending types (i.e. the size and scope of collections) versus offence-related activities (i.e. the way in which offenders organise offence related material). It is recommended that these be developed as separate questions.

Question 22: Nature of objectionable material and images

Section 3(2)(e): Under bestiality, it is recommended that a list of who is engaged with the animals be included, e.g. females, males etc. It is also recommended that the data be defined according to whether these individuals are perpetrating the sexual act, or having the sexual act done to them.

Greater definition is also required regarding multiple classification. It is recommended that images portraying activities that can be classified under more than one section be coded under all of those that are appropriate (i.e. section 3(2)(a) and 3(2)(e)), except where it relates to section 3.3(c) and 3.3(d).

Question 24: How old are the most recent of the images obtained?

The results suggest confusion regarding whether this question refers to the date the pictures were accessed or the date they were produced. It is recommended that the question be reworded to specify information about when the images were made.

Question 25: Please comment on any unusual or striking features of the images

In order to target this question it is recommended that it be asked separately after each of the categories identified in Part 4.

Part 6: Non-Objectionable images and material

In order to focus this part, it is suggested that it begin with a question about whether or not there were any images or material that could not be classified as objectionable but were considered suspicious within the context of offending.

Question 28: Please indicate the nature of the "non-objectionable" images and material identified

This question largely reflects the result of the question regarding the nature of the objectionable material. It is suggested that it be left out of the final questionnaire.

Question 31: Criminal history

This question is quite complex and was not completed well during the pilot. It is recommended that it be simplified.

Question 34: Access

This question yielded variable results. Some inspectors provided very specific information regarding offenders' access to subjects, whilst others gave results that were inconsistent with other data (particularly with regards to work with the general public) or very general. It is recommended that response categories be separated according to whether or not the offender "works with" or has "other access to" subjects.

Questions 38 and 39: Storage of objectionable images and Where were the images stored?

Question 39 was intended to identify specific location of disks etc, i.e. under the floorboards, but the results largely replicate those of question 38. Therefore, it is recommended that question 39 be deleted from the final questionnaire.

Question 43: What was the offender doing at the time the warrant was executed?

Question 43 yielded some interesting but largely useless comments. It is suggested that it be deleted from the final questionnaire.

Question 44: Reaction to warrant

The results showed that few offenders threatened self-harm but a number were reported to have undertaken such steps. Therefore, it is recommended that this question be separated according to the offenders reaction to the warrant and notable activities during or since the warrant was executed. Furthermore, several of the reaction types that were identified were very similar or frequently co-

existing. These included partly admitting offence/admitting but minimising offence, completely denying offence/trying to shift blame for offence, and refusing to answer questions/not being prepared to admit skill level or provide details. It is recommended that these be combined in the final questionnaire.

Appendix D: Modified Censorship Offenders **Questionnaire**

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Part 1: Demographics

1. Name
2. Nickname/s
3. Gender
 - Male
 - Female
4. Date of Birth
5. Age at time of identification
 - under 10 years 36-45 years
 - 10-15 years 46-55 years
 - 16-17 years 56-65 years
 - 18-25 years over 65 years
 - 26-35 years
6. Ethnicity
 - NZ European Pacific Island
 - Māori Asian
 - Other (please specify):.....
7. Address
8. Type of residence
 - Apartment
 - House/unit
 - Other (specify):
9. Description of residence
 - Average level of cleanliness/tidiness (*e.g. nothing particularly notable about the levels of dirt or the tidiness of personal effects*)
 - Residence is excessively unkempt, messy, filthy, and/or cluttered (*eg. difficult to move through, layers of dirt, lots of food and personal effects left lying around*)
 - Other (specify):
10. Estimated socio-economic level
 - Low
 - Medium

High

Part 2: Isolation

11. Location of home address

- Main Urban Area – e.g. Auckland, Wellington, Christchurch, Hamilton, Dunedin (specify):
- Secondary Urban Area – e.g. Palmerston North, Tauranga, Hastings, Rotorua, Napier, Invercargill, New Plymouth, Nelson, Whangarei, Wanganui, Gisborne, Timaru, Whakatane, Taupo, Blenheim, Masterton (specify):
- Town – e.g. Gore, Thames, Foxton, Clutha, Westport (specify):
- Semi-rural/lifestyle block (specify):
- Rural (specify):

12. Household composition (tick all that apply)

- Living alone
- Living with partner
- Living with own children
- Living with step children
- Living with other (non-family) children (specify):
- Living with parents or grandparents
- Living with other (non family) adults (specify):
- Other (specify):

13. Other factors

- Clinically identified physical health problems (specify):
- Clinically identified mental health problems (specify):

Part 3: Detection

14. Date of warrant/interview

.....

15. Method of offending (tick all that apply)

- Static Computer images
- Moving Computer Images
- Computer Audio files
- Other Static Images (specify):
- Other Moving Images (specify):
- Other Audio (specify):
- Other (specify):

16. Location of offending (tick all that apply)

- Home
- Work
- Other (specify):

17. Location of computer, or other vehicle of offending

| | Private <i>Access limited to the offender</i> | Open <i>Individuals other than the offender also have access</i> | Other <i>Describe:</i> |
|---|--|---|--------------------------------|
| Bedroom | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Office space | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Communal space <i>(i.e. living or dining room)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Removed from main premises (where?) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

18. How many objectionable images were identified in the offender's possession?

.....
.

19. Was any other objectionable material discovered in the possession of the offender?

- Yes (what?).....
 No

20. Details of detection

- Complaint
 Trade of objectionable material on the Internet
 Identified from another offender's computer log
 Identified as creating objectionable material
 Identified by other Government agency (specify):
 Other (specify):

21. How would you describe the offender's collection of objectionable images and/or material?

- Small
 Medium
 Large

22. Nature of offending (tick as many as applicable)

- Collecting objectionable material containing specific themes (eg. images where subjects appear obviously distressed, images of very specific age groups, images portraying the subject being caught unaware)
 Collecting a wide range of images containing all sorts of sexual/objectionable oddities (no particular theme/s)
 Classifying and offering objectionable material for trade and/or exchange
 Generating new objectionable material for trade and/or exchange (involving photographing, writing, filming, recording)
 Developing web sites, or selling CD-ROMS, of objectionable images etc. for financial gain
 Other (specify):

23. Offence related activities (tick as many as applicable):

- Collection is indexed and well organised
- Offender deletes/disposes of objectionable material after viewing
- Offender hides objectionable material after viewing
- Other (specify):

Part 4: Nature of Objectionable Images and Material

Nature of the **objectionable** material: under which of the following sections of the Films, Videos and Publications Classification Act (1993) are the images and material deemed objectionable (complete all of the sections to which they apply, not just those that were prosecuted)

24. Are any of the images deemed objectionable under **Section 3(2)(a)** of the Films, Videos, and Publications Classification Act (1993): **The exploitation of children, or young persons, or both, for sexual purposes?**

- Yes (complete all of the following questions)
- No (proceed to question 25)

24(i). In the majority of the images, the children or young people appeared to be engaged in the following activities or actions (tick as many as applicable):

- Naturalist type nudity or partial nudity
- Posed nudity or partial nudity without display of genitals
- Posed nudity or partial nudity with display of genitals
- Explicitly sexual acts or actions
- Explicitly harmful acts or actions (eg. Physical violence, involvement of weapons, use of torture instruments, bondage)
- Physical and/or verbal expression of fear and/or distress
- Incest or implied incest
- Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)
- Other (please specify):

24(ii). Were the children or young people shown: (tick as many as applicable)

- Alone
- With other children or young people
- With adults
- Other (please specify):

24(iii). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

24(iv). Individuals portrayed in the images (tick all that apply)

| | <i>Children or young people portrayed as the <u>subject</u> of images, or as <u>having activities done to them</u>, were:</i> | <i>Perpetrators of activities portrayed in the images were:</i> |
|---------------------|---|---|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males | <input type="checkbox"/> Females <input type="checkbox"/> Males |
| <i>Ethnic group</i> | <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> Māori/Pacific <input type="checkbox"/> African <input type="checkbox"/> Asian <input type="checkbox"/> Other (specify):..... | <input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> Māori/Pacific <input type="checkbox"/> African <input type="checkbox"/> Asian <input type="checkbox"/> Other (specify):..... |
| <i>Age</i> | <input type="checkbox"/> Babies (under 2 years old) <input type="checkbox"/> Young Children aged 2 - 7 years <input type="checkbox"/> Older Children aged 8 - 12 years <input type="checkbox"/> Teenagers aged 13 - 16 years | <input type="checkbox"/> Babies (under 2 years old) <input type="checkbox"/> Young Children aged 2 - 7 years <input type="checkbox"/> Older Children aged 8 - 12 years <input type="checkbox"/> Teenagers aged 13 - 16 years <input type="checkbox"/> Young adults 17 - 25 years <input type="checkbox"/> Adults over 25 years |

24(v). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- School
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (please specify):

24(vi). Please comment on any unusual or striking features of the images identified under section 3(2)(a).

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25. Are any of the images deemed objectionable under Section 3(2)(b) of the Films, Videos, and Publications Classification Act 1993: **The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct?**

- Yes (complete all of the following questions)
- No (proceed to question 26)

25(i). In the majority of the images, the individuals appeared to be engaged in the following activities or actions (tick as many as applicable):

- Explicitly harmful acts or actions (eg. Physical violence, involvement of weapons, use of torture instruments, bondage)
- Rape or implied rape scenes (including all forced sexual activities)
- Physical and/or verbal expression of fear and/or distress
- Incest or implied incest
- Dehumanising and degrading activities (including extreme close-ups, use of body as an inanimate object)
- Other (specify):

25(ii). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

25(iii). Individuals portrayed in the images (tick all that apply)

| | <i>Individuals portrayed as the <u>subject</u> of images, or as <u>having activities done to them</u> were::</i> | <i>Perpetrators of activities portrayed in the images were</i> |
|---------------|---|---|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males | <input type="checkbox"/> Females <input type="checkbox"/> Males |
| <i>Age:</i> | <input type="checkbox"/> Youth aged 17 – 20 years <input type="checkbox"/> Adults aged 21 – 65 years <input type="checkbox"/> Elderly aged over 65 years <input type="checkbox"/> Other (specify): | <input type="checkbox"/> Youth aged 17 – 20 years <input type="checkbox"/> Adults aged 21 – 65 years <input type="checkbox"/> Elderly aged over 65 years <input type="checkbox"/> Other (specify): |

25(iv). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (specify):

25(v). Please comment on any unusual or striking features of the images identified under section 3(2)(b).

.....

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.....

.....

26. Are any of the images deemed objectionable under **Section 3(2)(c)** of the Films, Videos and Publications Classification Act (1993): **Sexual conduct with or upon the body of a dead person?**

- Yes (complete all of the following questions)
- No (proceed to question 27)

26(i). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

26(ii). Individuals portrayed in the images (tick all that apply)

| | <i>Individuals portrayed as the <u>subject</u> of images, or as <u>having activities done to them</u> were:</i> | <i>Perpetrators of activities portrayed in the images were:</i> |
|---------------|--|--|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males | <input type="checkbox"/> Females <input type="checkbox"/> Males |
| <i>Age</i> | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over |

26(iii). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- Public place
- Medical location (please specify):
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other
(specify):.....

26(iv). Please comment on any unusual or striking features of the images identified under section 3(2)(c).

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27. Are any of the images deemed objectionable under **Section 3(2)(d)** of the Films, Videos, and Publications Classification Act (1993): **The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct?**

- Yes (complete all of the following questions)
- No (proceed to question 28)

27(i). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

27(ii). Individuals portrayed in the images (tick all that apply)

| | <i>Individuals portrayed as the <u>subject</u> of images, or as <u>having activities done to them</u> were:</i> | <i>Perpetrators of activities portrayed in the images were:</i> |
|---------------|--|--|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males |
| <i>Age</i> | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over |

27(iii). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (specify):

27(iv). Please comment on any unusual or striking features of the images identified under section 3(2)(a).

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28. Are any of the images deemed objectionable under **Section 3(2)(e)** of the Films, Videos, and Publications Classification Act (1993): **Bestiality**?

- Yes (complete all of the following questions)
- No (proceed to question 29)

24(i). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

28(ii). Human individuals portrayed in the images

| | <i>Individuals <u>having sexual acts performed upon them by animals</u> were:</i> | <i>Individuals <u>performing sexual acts upon animals</u> were:</i> |
|---------------|--|--|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males |
| <i>Age</i> | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over |

28(iii). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- Public place
- Farm or related buildings
- Veterinary or medical establishment
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (specify):

28(iv). Please comment on any unusual or striking features of the images identified under section 3(2)(e).

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29. Are any of the images deemed objectionable under **Section 3(2)(d)** of the Films, Videos, and Publications Classification Act (1993): **Acts of torture or the infliction of extreme violence or extreme cruelty?**

- Yes (complete all of the following questions)
- No (proceed to question 30)

29(i). Were series' of related images with narrative qualities identified: (tick one)

- No
- Yes (please specify):

29(ii). Individuals portrayed in the images (tick all that apply)

| | <i>Individuals portrayed as the <u>subject</u> of images, or as <u>having activities done to them</u> were:</i> | <i>Perpetrators of activities portrayed in the images were:</i> |
|---------------|--|--|
| <i>Gender</i> | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males | <input type="checkbox"/> Females <input type="checkbox"/> Males <input type="checkbox"/> Both Females and Males |
| <i>Age</i> | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over | <input type="checkbox"/> Children and/or young people aged 16 years and under <input type="checkbox"/> Adults (including young adults) aged 17 years and over |

29(iii). What sort of surroundings were evident in the images? (tick as many as applicable)

- Domestic environment
- Public place
- Commercial/professional looking studio environment
- Masked/controlled environment
- Other (specify):

29(iv). Please comment on any unusual or striking features of the images identified under section 3(2)(f)?

.....

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.....

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31. Are any of the images deemed objectionable under **Section 3(3)(c)** of the Films, Videos and Publications Classification Act (1993): **Degrades, dehumanises or demeans any person** (other than those identified under section 3(2))?

- Yes (complete the following question)
- No (proceed to question 32)

31(i). Please describe the nature of the images, including the age, gender and ethnic group of those individuals being degraded, dehumanised, or subjected to demeaning activity:

.....
.....
.....
.....

32. Are any of the images deemed objectionable under **Section 3(3)(d)** of the Films, Videos and Publications Classification Act (1993): **Promotes or encourages criminal act or acts of terrorism** (other than those identified under section 3(2))?

- Yes (complete the following question)
- No (proceed to question 33)

32(i). Please describe the nature of the images, including the type of act being promoted:

.....
.....
.....
.....

33. Are any of the images deemed objectionable under **Section 3(3)(e)** of the Films, Videos, and Publications Classification Act (1993): **Represents that members of any particular class of the public are inherently inferior to other members of the public?**

- Yes (complete the following question)
- No (proceed to question 34)

33(i). Please describe the nature of the images, including the class of public identified, and the way in which members of that class are represented as inferior:

.....
.....
.....
.....

Part 5: Details of the Objectionable Images and Material

34. Are any of the images new to the censorship officer? (i.e. not previously come to their notice)

- Yes (how many?):.....
- No

35. Estimate when the most recent of the images were made?

- less than 5 years ago
- 5 - 10 years ago
- more than 10 years ago
- cannot tell

Part 6: Non-Objectionable Images and Material

36. Were any other images or material obtained from the offender that could not be classified as objectionable, but which were considered suspicious in the context of the offending?

- Yes
- No

37. Nature of any **non-objectionable** images and material: please indicate what, if any, other images or material was obtained from the offender that could not be classified as objectionable but which were considered suspicious in the context of the offending?

- Other images of children
- Images of autopsies or dissection of body parts
- Other pornography/erotic images
- Children's toys, appliances and/or articles of clothing
- Articles indicating an interest in weaponry, martial arts and/or bondage (specify):
.....
- Erotic/pornographic material other than images (specify):
.....
- Other (specify):

38. Please comment on any unusual or striking features of the “**non-objectionable**” images or material?

.....
.....
.....
.....
.....

Part 7: History, Occupation and Associates

39. Known associates (frequent, direct contact)

.....
.....

40. Previous censorship convictions (DIA)?

- Previous DIA censorship convictions (date of conviction):
.....
- Previous detection by censorship enforcement officers without conviction
(date of detection):
- Any other previous contact with the censorship enforcement unit
(what?):

41. Criminal History – police intelligence (tick as many as applicable)

Date of conviction

- None
- Non-violent, non-sexual offence (theft, burglary etc.)
- Minor offence of sexual nature (stealing underwear/peeping
Tom, offensive behaviour etc.)
- Sexual offence with girl under 16 years old
- Sexual offence with boy under 16 years old
- Sexual offence against an adult
- Other violent offence
- Involvement with the sex industry
- Not known
- Other (specify).....

42. Customs Intelligence (tick as many as applicable)

- Passport recorded in Customs Intelligence
- Travel to suspect destinations (where?)
- Frequent traveller (specify last travel date):
- Recorded overseas for offending (specify offence/s):
- Associations with suspect individuals (specify):.....
- Associations with suspect organisations (specify):

43. Occupation

- Student (specify course):
- Information Technology (specify job):.....
- Educational/training profession (specify job):.....
- Medical profession (specify job):.....
- Other Caregiver (specify job):
- Farm worker (specify job):
- Other professional/administrative (specify job):.....
- Clergy (specify job):.....
- Retail (specify job):.....
- Trades-person (specify job):.....
- Unemployment beneficiary (specify how long they have been a beneficiary and what their usual occupation would be if they were employed):
- Sickness beneficiary (specify what their usual occupation would be if they were not a beneficiary):
- Retired/superannuitant (specify former occupation):
- Other (specify):

44. Work environment (Is the majority of the offender's work/study time spent alone or with other workers/students?):

- Not working and not participating in an education/training course
- Works/studies alone
- Works/studies with others
- Other (specify):

45. Does the offender engage in any known voluntary activities?

- Yes (specify):
- No

46. Does the offender have **above average** access to subjects or computer time through his job or voluntary activities?

- Works with children
- Works with animals
- Works with the general public
- Is mobile in job (job involves frequent travel of any type)
- Works primarily with computers
- Frequently caregiver of children/dependants
- Other access to children or animals (specify)
- Access to other subjects (specify).....

Part 8: Computer use and Skills

47. Computer literacy level

- High (*define*).....
- Medium (*define*).....
- Medium low (*define*).....
- Low (*define*).....

48. Estimate how much time the offender spent on the Internet during the week prior to the warrant

being served?

- less than 10 hours
- 10 - 30 hours
- more than 30 hours (specify):.....

49. Internet application used for offending

- IRC
- Websites
- ICQ
- Newsgroups
- Email
- Other (specify):.....

50. Storage of objectionable images

- Hard drive/large capacity fixed storage device
- Floppy/small capacity portable storage device
- CD ROM/medium capacity portable storage device
- Zip drive/large capacity portable storage device
- Hard copy
- Other (specify):

51. Security of images

- None
- Saved to inconspicuously named directory
- Password protected
- Encrypted application (specify):.....
- Other (please specify):.....

52. Does the individual possess any of the following? (tick all that apply)

- SLR Mechanical Camera
- Film or Video Camera
- Digital Camera
- Scanning equipment and/or software

53. Estimate the resale value of all computer and imaging equipment in the possession of the offender at the time of seizure

.....

Part 9: Apprehension and Prosecution

54. Reaction to warrant

- Freely admitted offence
- Partly admitted offence/admitted but minimised offence
- Completely denied offence/tried to shift blame
- Refused to answer questions/ not prepared to admit skill level or provide details
- Other (specify)

55. Notable offender activities during or since executing the warrant

- Mentioned self harm/suicide

