

# Appendices



## ***Appendix A: US Legislation 1996 – 2003***

In 1996, in response to issues associated with identification of the Internet as a medium through which child pornography may be distributed, the US senate introduced the Child Pornography Prevention Act 1996 (CPPA). This Act legislated against all forms of child pornography on the basis that such material may be used to compel minors to engage in sexual activity (Esposito, 1998). However, in early 2002, the US Supreme Court ruled in *Ashcroft v. Free Speech Coalition* that legislation prohibiting the distribution of child pornography that could not be proven to depict the actual sexual abuse of children unconstitutional and the legal equivalent to “prohibiting dirty thoughts”.

A few months after US Supreme Court ruling against the ban on virtual child pornography, the US Senate put forward a bill to introduce the Child Obscenity and Pornography Protection Act 2002 (COPPA). In support of this Bill (H.R.4623) it was argued that virtual or morphed child pornography is often indistinguishable from material depicting the sexual abuse of an actual child and that allowing the possession and distribution of virtual child pornography would allow defendants who produce or possess material depicting real sexual abuse of children to escape prosecution on the grounds of reasonable doubt regarding the origin of said material<sup>118</sup>. This view was reinforced by the assertion that much of what is currently claimed to be virtual child pornography is actually technologically disguised images of real children suffering sexual abuse. Furthermore, the Senate pointed out that, by definition, any example of child pornography circulating on the Internet will have been subjected to various transformation processes including either scanning or digitally uploading the image, copying and transferring the image between servers and file formats. In some cases, consumers of child pornography purposefully alter images that they receive to suit their own requirement or for the purpose of trading them as new images at a later date. The Senate states that examples of child pornography that are seized are rarely ‘first generation products’ and alterations made during scanning and retransmission alone can make it very difficult for image analysts to determine whether or not they are ‘the genuine article’.

These arguments are obviously controversial as they effectively call into question the presumption of innocence that underlies the US legal system. Nevertheless, the US Senate indicated that in order to curb the exploitation of children it is necessary to “dry up” the market for child pornography and the only way to achieve this is to prevent any form of child pornography distribution. In March 2003 the US Congress accepted the arguments of the COPPA bill as Amendment 25 of the Child Abduction Prevention Act 2003 (CAPA). As stated in Section XXOI of House Report 108-048 regarding the CAPA 2003, child pornography is a by-product rather than a cause of the abuse of children and there is no evidence that generating realistic virtual child pornography would stop the abuse of children or the practice of recording that abuse.

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<sup>118</sup> For a full transcript of the Findings of the report to congress see <http://thomas.loc.gov/cgi-bin/query/F?c107sMi3b5:e2919>:

This continued emphasis on the protection of actual children also underpins other legislation enacted in response to the increased role that the Internet has come to play in social communication and information seeking activities. In accordance with the First Amendment of the US constitution, the right to distribute other types of media content, virtual or otherwise via the Internet is afforded significant protection<sup>119</sup>, however, the ease of access that many American children have to the Internet has led to further steps to mediate the scope of this right through the introduction of legislation that focuses specifically on the use of the World Wide Web. In 1998, the Child On-line Protection Act 1998 (COPA) was enacted. This Act attempted to legislate against World Wide Web based material that could be considered “harmful to minors” according to the following criteria:

- a) The average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;
- b) Depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and
- c) Taken as a whole, lacks serious, literary, artistic, political, or scientific value for minors.

On the 1<sup>st</sup> of February 1999 COPA became subject to an injunction preventing its enforcement on the grounds that it burdened adults with processes limiting protected speech, and was therefore considered unconstitutional. However, in December 2000 an adapted version of this Act, the Children’s Internet Protection Act 2000 (CIPA) was enacted. CIPA states that schools and libraries have a responsibility to limit access by minors to material featuring child pornography, obscenity or any other material that is judged harmful to minors. In 2002 this Act was also challenged as unconstitutional, only to be reinstated in June 2003.

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<sup>119</sup> On June 20 2005 District Court Judge Gary L Lancaster ruled against US obscenity statutes prohibiting the distribution of obscene material, stating that “being prohibited from obtaining that which is legal to possess, amounts in effect, to a ban on possession”. As such, he found these statutes “unconstitutional”. (<http://en.wikipedia.org/wiki/obscenity>).

## ***Appendix B: 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 C: Pilot Censorship Offenders Checklist***

### **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):  
.....

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\* 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 3.2a: 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 3.2b: 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 3.2c: 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 3.2d: 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 3.2e: 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 3.2f: 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
<input type="checkbox"/> None				
• Non-violent, non-sexual offence (theft, burglary etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Minor offence of sexual nature (stealing underwear/peeping Tom, offensive behaviour etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Sexual offence with girl under 16 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Sexual offence with boy under 16 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Sexual offence against an adult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Other violent offence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Involvement with the sex industry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Not known	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
• Other (specify).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....

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) .....

45. Action taken  Prosecuted  
 Warned  
 Referred (Date of referral).....  
 Insufficient evidence

46. If prosecuted, were they convicted?  Yes  No

47. If convicted, what was their sentence? .....

48. If referred, what action was taken? .....

49. Additional comments regarding the potential danger posed by the offender: .....

50. Any other comments .....



## ***Appendix D: Discussion of Issues Arising During Piloting of the Censorship Offenders Checklist***

The profiling checklist provided in Appendix C was piloted for 35 offenders. The results of this pilot suggest a number of difficulties associated with its implementation, and possibilities for improvement. These are listed below:

### **Part 4: Nature of Objectionable Images and Material**

#### ***Individuals portrayed in objectionable material***

The pilot checklist included questions about the age, gender and ethnicity of ‘most’ (or ‘the majority’) of the individuals portrayed in the objectionable content selected by each of the censorship offenders identified in the current sample. It also included questions about the age, gender and ethnicity of the individuals portrayed as the subjects of the acts and actions shown in this content (e.g. those upon whom acts of sexual abuse, degradation and violence were being performed). This distinction was intended to differentiate offender preferences in terms of the types of individuals they chose to view as victims of the forms of abuse/degradation/violence described in the objectionable images and the types of individuals that they chose to view as either perpetrators of this abuse/degradation/violence. It was also intended to distinguish between images that portrayed the perpetration of acts of abuse (e.g. images showing the sexual penetration of children) and those that did not (e.g. posed images of children displaying the children’s genitals).

However, the results of the pilot study revealed that the CCU investigators who completed the checklists tended to select the same answers for both questions, despite providing evidence (often in qualitative form) that the individuals portrayed as the victims of the abuse/degradation/violence described by the objectionable material differed in age, ethnicity and gender from those portrayed as the perpetrators of this of abuse/degradation/violence. Furthermore, the qualitative comments made by CCU investigators suggested that their answers were biased towards only considering the age, gender and ethnic identity of individuals portrayed as victims of abuse/degradation/violence.

In discussion with the CCU investigators, it was suggested that the order and content of the questions presented in Part 4 of the CCU offender checklist contributed to this bias. Therefore, it was decided that future checklist questions would specifically ask about the perpetrators of acts portrayed in the objectionable material and about the individuals portrayed as having these acts done to them, or in the case that no acts were portrayed in the objectionable material, about those presented as the subject of the subjects of this material.

#### ***Qualitative comments regarding the content of objectionable material***

Although space was available for investigators to make comments about features of the objectionable material, accessed and/or distributed by censorship offenders, that they

perceived to ‘unusual’ or ‘striking’; this space was separated from individual questions regarding material classified under each Section of the Films, Videos and Publications Act (1993). In some cases, investigators noted that unusual or striking features of the objectionable material that was identified was limited to material classified under only one such Section. Therefore it was decided that, in future checklists, a space to comment on unusual or striking features of the objectionable material selected by individual offenders would be included immediately following questions about the nature of content of material classified under each individual Section of the Films, Videos and Publications Act (1993).

### ***Additional details***

In some cases the questionnaire did not provide space to collect data that could have provided significant insight into the preferences of individual censorship offenders because the importance of this information was not recognised at the outset of the research initiative. 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) Films, Videos and Publications Act (1993) frequently correlated with those from Section 3.2(d) resulted in the conclusion that an interest in material portraying bestiality may be related to an interest in material portraying the degradation or dehumanisation of human subjects. In turn, it was suggested that future checklists collect information about whether the sexual activities portrayed were being done to or done by the animals presented in the material classified under Section 3.2(e) of the Films, Videos and Publications Act (1993), and the age, gender and ethnicity of human subjects involved in these activities.

## **Parts 1 and 2: Demographic, Isolation and Lifestyle Variables**

A number of inconsistencies were identified with regards to the CCU investigator’s interpretations of the questions about censorship offenders demographic and lifestyle characteristics, as presented in the pilot CCU checklist. These are described as follows:

### ***Question 4: Date of Birth***

CCU investigators frequently left the checklist question regarding date of birth, and/or the checklist question regarding the date on which the warrant for investigation was served, blank. To aid analysis, and future comparison between results, it was therefore recommended that an additional question regarding the offender’s age at the time they were identified by the CCU be added to future checklists.

### ***Question 7: Type of residence***

Comparison across the results suggests that when responding to the pilot checklist question regarding the type of residence in which offenders lived, the word “Flat” may have been confused with the concept of shared rental accommodation. The question regarding type of residence was intended to distinguish between offenders who resided in apartment style accommodation and those who resided in detached houses or units.

Therefore, it was recommended that in future checklists the word “flat” be replaced with the word “apartment”.

#### ***Question 8: Description of residence***

The ‘Description of residence’ question included in the pilot CCU checklist provided a category labelled ‘poorly maintained’ and a category labelled ‘well maintained’. In response to the descriptions provided by Investigators it was recommended that the ‘poorly maintained’ label be changed to “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)” and that the ‘well maintained’ label be replaced with options for investigators to describe offender residences as demonstrating an ‘Average level of cleanliness/tidiness (e.g. nothing particularly notable about the levels of dirt or the tidiness of personal effects)’ or ‘Other (specify)’.

#### ***Question 10: Location of home address***

The results generated through use of the pilot CCU checklist revealed differences in the way in which individual CCU investigators classified towns and cities. In turn, it was recommended that the names of individual towns and cities be included in the checklist to assist CCU investigators to make these decisions, and that the concept of a city be broken down according to the geographical concepts of ‘Main Urban Area’ and ‘Secondary Urban Area’ (as defined in the New Zealand Government Census of Population and Dwellings).

#### ***Question 11: Household composition***

Few investigators 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 investigators indicate that it may be necessary to distinguish between those living with grown children and those living with young children. It was therefore recommended that an instruction to “tick all that apply” be added to the checklist question regarding household composition and that CCU investigators be encouraged to distinguish between individuals living with children aged less than 25 years old and those living with children aged 25 years and older.

#### ***Question 12: Work environment***

The results generated through use of the pilot CCU checklist yielded a number of ‘other’ responses to the question regarding offenders’ work environments. Many of these ‘other’ responses described the type of work undertaken by the offenders, or their work status. The purpose of the question regarding offenders’ work environments was to assess whether the individuals profiled using the checklist spent most of their time alone or with others. In order to distinguish this information from information about the type of the work undertaken by individual offenders, it was recommended that the ‘work environment’ question (Question 12) be moved to follow on from the question concerning the offender’s occupation (Question 33) and that the instructions for this

question be changed to include a request for investigators to record information about the environment in which offenders spent the ‘majority’ of their work time.

***Question 13: Other factors - Mental health problems***

When asked about the mental health of individual offenders, investigators often provided subjective assessments of what an interest in objectionable material means in terms of ‘normal’ mental functioning. Therefore, it was recommended that future questions about the mental health of individual censorship offenders specify that only clinically identified mental health issues should be referred to.

**Part 3: Questions relating to the Detection of Censorship Offences and Nature of Offending**

In the pilot CCU checklists, questions regarding the way in which individual censorship offenders were detected by the CCU tended to assume that associated offences involved electronic devices. As such, the response selection provided to CCU investigators precluded the collection of data regarding individual censorship offenders who committed offences that did not include computers and/or who were detected as a result of non-electronically mediated activities. It was therefore recommended that additional questions be developed to account for offending outside of the Internet environment.

***Question 15: Date of warrant***

In some cases the pilot checklist question regarding the date upon which the warrant for investigation was served was left blank. CCU investigators commented that where the case was referred to them by the Department of Customs or the Police as a result of evidence obtained under a pre-existing warrant, they were not required to serve an additional warrant for investigation. Therefore, it is recommended that in future checklists, questions regarding the date on which the CCU investigation commenced be modified to ask about the date on which either the warrant was served or the first interview with the offender was undertaken.

***Question 21: Nature of offending***

A number of issues were identified in terms of the CCU investigators responses to the question regarding the nature of offending demonstrated by individual censorship offenders. It was noted that many of the response categories in the pilot CCU checklist referred to more than one concept. For instance, responses regarding large collections and specific themes are grouped together, as were responses regarding collections containing a wide range of images and those containing all sorts of oddities. It was therefore suggested that in future checklists, these categories be broken down and presented as parts.

In addition, it was noted that some investigators described activities suggestive of the production of objectionable material for trade and/or exchange in their qualitative comments regarding individual offenders, but did not identify these activities in their responses to the question regarding ‘Nature of offending’. Therefore, it was suggested

that future checklists provide more detailed descriptions of the types of activities to be included under each response.

The results of the pilot checklist also suggested 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 was recommended that future checklists include these variables under separate questions.

## **Part 5: Details of the Objectionable Images and Material**

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

The results of the pilot checklist suggest confusion regarding whether the question regarding the age of the most recent images found in the possession of individual censorship offenders referred to the date the images were accessed or the date that they were produced. It was recommended that this question be reworded to specify information about when the images were made.

## **Part 6: Non-Objectionable Images and Material**

### ***Question 28: Please indicate the nature of the “non-objectionable” images and material identified***

Generally, the CCU investigators failed to answer question 28 of the pilot checklist. This question asked about the way in which offenders treated and/or managed their collections of ‘non-objectionable’ material. CCU investigators suggested that this question was too restrictive and indicated that they preferred to provide these details in qualitative form. Therefore, it was suggested that this question be discarded from future checklists.

## **Part 7: History, Occupation and Associates**

### ***Question 31: Criminal History***

The pilot checklist question regarding the criminal histories of individuals detected in relation to censorship offences was perceived by CCU investigators to be too complex. It was recommended that this question be simplified before being included in future checklists.

### ***Question 34: Access***

CCU investigators perceived the pilot checklist question regarding ‘access’ to be ambiguous and, consequently, it yielded variable results. Some investigators provided very specific information regarding offender’s access to children and other potential subjects of objectionable material, whilst others gave results that were inconsistent with other data (particularly with regards to work with the general public) or very general. It was recommended that response categories be separated according to whether the offender ‘works with’ or has ‘other access to’ subjects, and that instructions include reference to the concept that such access allows an ‘above average’ level of contact.

## **Part 8: Computer Use and Skills**

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

Question 39 (Where were the objectionable images stored?) was intended to identify the specific location of disks (etc) used to store objectionable material (i.e. under the floorboards), but the results largely replicate those of question 38 (Storage of objectionable images). Therefore, it was recommended that question 39 be discarded from future checklists.

## **Part 9: Apprehension and Prosecution**

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

The pilot checklist question regarding what offenders were doing at the time the warrant was executed yielded some interesting comments but most were irrelevant to the research being undertaken. Therefore, it was suggested that it be discarded from future checklists.

### ***Question 44: Reaction to warrant***

The results generated from the pilot checklist question regarding offenders' reactions to initial contact with the CCU investigators showed that few offenders threatened self-harm. However, a number of offenders were reported to completed suicide at a later date. Therefore, it was 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 found to be very similar and frequently co-existing. These included partly admitting the offence/admitting but minimising offence, completely denying the offence/trying to shift blame for the offence, and refusing to answer questions/not being prepared to admit skill level or provide details. It was recommended that these response categories be combined in future checklists.

## ***Appendix E: Modified Censorship Offenders Checklist***

### **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</u> activities done to them, were:</i>	<i><u>Perpetrators of activities</u> portrayed in the images were:</i>
<b>Gender</b>	<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)?

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

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><u>Perpetrators of activities</u> portrayed in the images were</i>
<b>Gender</b>	<input type="checkbox"/> Females <input type="checkbox"/> Males	<input type="checkbox"/> Females <input type="checkbox"/> Males
<b>Age:</b>	<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)?

.....

.....

.....

.....

.....

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 of images, or as having activities done to them were:</u></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)?

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

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 of images, or as having activities done to them were:</u></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)?

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

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 having sexual acts performed upon them by animals were:</i>	<i>Individuals performing sexual acts upon animals 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)?

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

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 of images, or as having activities done to them were:</u></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)?

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

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  
 Expressed feelings of shame and/or a desire to hide activities from loved ones  
 Asked for help/said that they had a problem  
 Became physically threatening and/or intimidating (how?).....  
 Attempted/completed self harm or suicide  
 Other (specify) .....

56. Action taken  
 Prosecuted  
 Warned  
 Referred (Date of referral).....  
 Insufficient evidence

57. If prosecuted, were they convicted?  
 Yes (what was their sentence?).....  
 No (what was the outcome?).....

58. Additional comments regarding the potential danger posed by the offender:  
.....  
.....  
.....

59. Any other comments:  
.....  
.....  
.....  
.....  
.....

## ***Appendix F: Descriptive Statistics***

Appendix F provides descriptive details of the statistical data used in the analyses presented in this thesis as well as statistical data regarding offender demographics, lifestyle and behaviours relevant to the interpretation of the results of these analyses. It also provides details of the qualitative comments made by CCU investigators during the process of completing the CCU checklists from which this statistical data were obtained.

The data presented in this Appendix includes details of:

- The method by which offenders were detected by the CCU investigators
- Offenders reactions to investigation by the CCU
- Offenders ages at the time of detection
- The gender of the censorship offenders identified in the current sample
- The occupation and work environment of these offenders
- The number of objectionable images found in the possession of individual censorship offenders identified in the current sample
- Objectionable material other than electronically accessed images found in the possession of these offenders
- The type of objectionable material found in the possession of offenders
- Material found in the possession of offenders that could not be defined as legally objectionable but was considered suspicious given the content of the objectionable material found in their possession
- The amount of time that individual offenders spent using the Internet during the week prior to investigation by the CCU
- The Internet applications used by offenders to access objectionable material
- The level of computer skill and literacy demonstrated by individual offenders
- The estimated resale value of the computers found in the possession of individual offenders
- The way in which offenders stored the objectionable material that they possessed
- The nature of individual offender's offence behaviour and related activities (including involvement in the production of objectionable material, the sale of objectionable material and activities aimed at ensuring that collections of objectionable material are well-maintained and accessible)
- Known associates of Internet censorship offenders
- Offender's access to children and other individuals similar to those portrayed in the objectionable material that they selected
- Offender's criminal histories

A total of 149 of the checklists completed by CCU investigators between 2000 and 2003 pertained to offences involving the trade, exchange and/or distribution of objectionable images using the Internet. In the case of two offenders identified by these checklists two separate offences, each occurring at least a year apart, were recorded and in the case of one offender three such offences were recorded. For the purpose of the analyses undertaken in this thesis, only the details of the most recent offence were included. As such, the statistics presented in Appendix F consider the contents of checklists completed for 145 separate individuals.

## Method of Detection

As shown in Table 22, offenders were most commonly detected by the New Zealand Department of Internal Affairs (DIA) CCU(CCU) as a result of trading and/or distributing objectionable material via the Internet. In turn, many of the comments made by the CCU investigators concerned the details of this activity:

Came to DIA attention three times during July 1999 trading child pornographic material via IRC channels #0!!!!!!dad&daughtersex2, #100%%preteenmovies, and 100%preteengirlsexpics.) Noted using a different Nickname in August 1999 then back using nickname 'Feiner' in September 1999. Each occasion showed the person to be after images of children, babies, and pre-teenagers. Inquiries continuing. Call to ISP placed from [address], but account password set by [another person]. Computer used by son, now living in [name of geographic location]. Son contacted by telephone and admitted using Nickname Feiner. Inquiry proceeding.

Identified in #0!!!!!!dad&daughtersex and traded images

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

This man was caught on IRC rooms devoted to child sex. He was trading pictures. He used his brothers account to access as he had been disconnected for non payment.

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

Located on #100%%preteengirlsexpics, and traded 8 young images.

In 23 cases, offenders were either initially identified by another government department and information supporting their investigation was passed on the CCU by this agency (N=22), or identified by another government agency at the same time as by the DIA CCU (N=1). Of these cases, an equal number were identified as being referred by other New Zealand Government Departments (N=11) as other International Government Departments (N=11). In one case, the government department that made the referral was not identified. Of the cases referred by other New Zealand Government Departments, six were referred by the New Zealand Police and five were referred by New Zealand Customs.

International units identified as referring information to the CCU included:

- German Police Department (3)
- Norwegian Police Department
- United States Customs Department (2)
- United Kingdom Police Department (2)
- United Kingdom National Crime Squad via Interpol
- Australian Police
- Belgium Police

Initial computer seizure/warrant as a result of IRC detection by DIA and also noting by German police at [name of location] (caught posting to newsgroup by PERKEO software). Had been using

company Internet account which he set up while doing contract work for them. Second warrant about four months later by police fraud unit resulted because [offender] kept using the company's Internet account and they detected it. Referred to Police who seized two further computers, one of which also had evidence of child porn and Jetico BestCrypt files on it. Directory structure and amount of child porn on second computer seems to suggest [offender] had access to large amounts of material quickly - possibly an X drive, a CDR we didn't get during the first warrant, or a mater into the same thing who allowed FTP download etc [in real words - he kept stuff from previous prosecution]

[Offender] was picked up by NZ Customs arriving in NZ just before Xmas 2001 and a laptop computer was taken from him. He kicked up a big stink and got the Aussie consulate involved. They have found child porn on his laptop - needless to say the Consulate have cut [offender] loose!!

A number of cases were also identified as a result of complaints from the general public. These included complaints from sources wishing to remain anonymous, from employers and several complaints from computer repair companies who discovered the objectionable material on hard drives brought to them by the offenders.

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.

In addition, one complaint was received by the New Zealand police from an American who believed that he had been “chatting with a girl who was being sexually abused by her father”, when in fact he had been chatting with the offender. As a result of the police investigating this matter the case was referred to the CCU.

An overseas complaint showed that this man was advertising for photos of small boys in sexual acts through hotmail type accounts

Of the five offenders detected as a result of a means other than public complaint, trade of objectionable material via the Internet, another offender’s computer log or another Government agency, one was “found in web site posting to a discussion group”, one was “identified from another offender's letters and documents”, and four were identified as a result of placing advertisements in local newspapers and contact magazines (one of whom was subsequently identified as creating objectionable material”.

**Table 22: Method of detection of Internet censorship offenders**

<i>Method of detection</i>	<i>Number of offenders</i>
Complaint	19
Trade of objectionable material on the Internet	109
Identified from another offender’s computer log	5
Identified by other Government agency	23
Other Form of Detection	5
<b>Total</b>	<b>162</b>

### **Multiple Methods of Detection**

In 16 cases more than one form of detection was identified as pertaining to a single offender. Most commonly, these cases involved a complaint being made to the CCU and the police and the police deciding to refer the complaint to the CCU (Table 23).

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

In the case in which three forms of detection occurred, the German police referred the case to the CCU at the same time that the New Zealand police received a complaint from the offender's employer.

**Table 23: Instances of multiple methods of detection for Internet censorship offences**

<i>Methods of detection</i>	<i>Number of offenders</i>
Detected via a public complaint to another government agency and to the CCU	5
Detected via another government agency and as a result of trading objectionable material via the Internet	5
Detected via another government agency and identified in another offenders log	2
Detected as a result of trading objectionable material via the Internet as well as a public complaint	2
Detected as a result of trading objectionable material via the Internet and identified in another offenders log	1
Detected as a result of trading objectionable material via the Internet as well as via another means	1
<b>Total</b>	<b>16</b>

### **Reaction to Investigation by the CCU**

As indicated in Table 24, when initially confronted by the CCU investigators, most of the offenders profiled in the CCU checklist freely admitted their involvement in the distribution and/or possession of objectionable material. However, more than a quarter tried to minimise or downplay the nature of their offending and just over a fifth completely denied the offence and/or tried to shift blame for the offence to another party.

Offenders who tried to minimise the nature of their offending commonly did so by under-estimating the number of objectionable images in their possession and/or extent of their involvement in the trade of objectionable images, over-estimating the ages of the children and young people portrayed in material classified under Section 3.2(a) of the Films, Videos and Publications Act, or by attempting to justify the offending by challenging the concept of "objectionable".

"People ask for[a] file", "you get invited to channels", "half the time I don't know where they go".  
"It's not my scene really"

Stated she was simply meeting her customers' demands

Went to [vomit] when confronted about his offending - Confessed in a roundabout way (parents in room), later (parents not in room) admitted more but still minimised and tried to say his interest was in older girls

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 pics would therefore not be objectionable.

Said he had about 100 images – [complained] about having been caught and how it was going to upset his career, his family etc.

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)

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

Indeed, several offenders stated that they were unaware that their involvement with the Internet based trade of objectionable material constituted an offence. Specifically, offenders referred to the fact that the material was "on-line" as a possible defence for their activities.

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

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 thought sex between minors was okay etc (later decided he was wrong to think that).

Stated that he did not believe that browsing pornographic websites was an offence

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

One of the offenders who refused to say anything to the CCU investigators was forbidden from doing so by his parents and solicitor, apparently out of their expressed concern that "he did not understand the seriousness of the offending or ramifications of an admission".

Given offenders' claims that they were unaware of the criminality of their actions, it is of note that in three cases CCU investigators referred to the "unconcerned" attitude of the offenders involved. This attitude appeared to contrast significantly with the fact that these individuals had also been identified as only partly admitting or attempting to minimise the nature of their activities. However, it may well be that they were unconcerned because they truly believed that the offending was inconsequential.

Showed some signs of distress when his cannabis stash was found and then the police found his special pot-plants in the greenhouse. Seemed much more concerned about this than about having been caught with child porn on his computer

Unusually calm about the whole matter, unconcerned about having been caught with child pornography (even though his mother was in the room at the time we discussed the material from his BBS). Overall a very blasé attitude.

Very unconcerned about having being caught, showed no emotion when told parents aware of contents of files. Blasé attitude about the whole thing

In contrast to offenders who claimed that they were unaware that what they had done was an offence, offenders who attempted to deny their involvement in the Internet based trade of objectionable material were obviously aware of the implications of such involvement. Several of these individuals attempted to blame the presence of objectionable material in their possession, or traded using their account, on other individuals. In two cases, the other individuals named were known censorship offenders.

Other offenders simply denied having anything to do with objectionable material, with one of these stating that as a result of his own alcohol abuse he was unable to remember what he had done. Nevertheless, many of those who originally denied involvement confessed when they were presented with the evidence that the CCU investigators had collected. Given that much of this evidence was obtained through electronic tracking, it would appear that the initial denial was based on the fact that offenders believed that their on-line activities are anonymous.

Thought disks had been wiped, unaware of objectionable images. Stated scrap book was given to him by a customer of the video store.

"I've been fu\*\*en stupid" - claimed others had access to his computer- blamed [another known offender]

Tried to blame flatmate (who later moved out and went overseas)

Stated that he had been given the Fserve application and files by direct copy from [another known offenders] computer

This boy came across as completely obnoxious, denying what he had done then attempting to blame us for not stopping him earlier

At first totally denied he was the offender, then frankly admitted when confronted with evidence Initial denial but later [confessed]..

Was open and stated that he did not keep child sex pics and had no interest in them

Denied responsibility followed by acknowledgement

Won't admit charges. Says he can't remember because of his alcohol problems

In a similar vein, one offender would not admit to regularly trading objectionable material but did admit to being a regular IRC user. Others implied that they had been 'lured' into accessing objectionable material as a means of accessing non-objectionable material. Statements made by these offenders commonly referred to the concept of objectionable material as currency. They did not deny accessing the material but rather denied responsibility for accessing the material.

- 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

- "Claimed interest lay with older teens" - "someone told me I had to do this to get teen images"
- 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)
- Did not admit to regularly trading images but did admit that he was a regular IRC user

Taking a more ‘imaginative’ approach, another two offenders claimed that they had accessed objectionable material for personal and social betterment. One of these indicated that his activities were aimed at improving his computer skill and the other stated that he had only traded child porn in order to catch others. He went on to say that he had saved the images to diskette to send to an organisation in the US which handled prosecution of child pornographers. No evidence was found to support his having any contact with any agency of this nature.

**Table 24: Offenders’ reactions to investigation by the CCU**

<i>Reaction to investigating officers at the time of being notified of the offence</i>	<i>Frequency</i>
Freely admitted offence	61
Partly admitted offence/admitted but minimised offence	41
Completely denied offence/tried to shift blame for offence	31
Refused to say anything about the alleged offence	7
Unknown reaction	5
Total	145

### ***Behaviours Exhibited During Investigation or Prosecution Proceedings***

In addition to noting each offenders reaction to investigation into their involvement with Internet based objectionable material, the CCU investigators also commented on a number of other behaviours exhibited by offenders during investigation or prosecution proceedings (Table 25). These behaviours most commonly included offenders refusing to answer questions and/or provide details of the skill level involved in their offences. Not surprisingly, offenders who denied having committed an offence or who tried to blame others for the offence committed, were significantly likely to demonstrate this behaviour<sup>120</sup>. All of the offenders who refused to comment when initially interviewed by the CCU investigators also refused to answer other questions posed by the investigators.

In contrast to the offenders who refused to answer questions or admit skill level, several offenders openly expressed a sense of shame with regards to their offending and/or a desire to hide the investigation from others. These individuals were found be significantly unlikely to have freely admitted the offence during their first contact with the CCU investigators<sup>121</sup>. Furthermore, one of these offenders specifically asked the CCU investigator involved in his case to help him to find a way to overcome his propensity to offend and another threatened suicide.

<sup>120</sup> Fishers exact test, p=0.023; 9 of 22 offenders who refused to answer questions attempted to deny the offence or blame someone else for it (e.g. 9 of 31 who denied the offence or attempted to blame someone else for it)

<sup>121</sup>  $\chi^2$  with Yates continuity correction (1, N=145) = 5.746, p=0.017

Two other offenders were also identified as asking the CCU investigators for help with one of these adding that he did not have anyone with whom he could “discuss his problem” and three offenders committed suicide within months of being investigated in relation to objectionable material. All of the individuals who committed suicide subsequent to being investigated in relation to objectionable material had freely admitted their offences to the CCU investigators when originally confronted with them. However, none of them were reported to have explicitly signalled their suicidal intent to the CCU investigators. Nevertheless, in one case the CCU investigator had commented that the offender seemed oblivious to the charges that he was facing and was experiencing a number of other problems in his life. The investigator advised the offender to talk to a psychologist about the problems he was experiencing. The offender’s partner also attempted suicide.

[The offender] appeared oblivious to the reality of the problem that faced him due to problems of his father being in hospital and having to run the four family companies. 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]. [His] partner [also attempted suicide but] did not succeed [sic]

Of the two remaining investigations that ended in suicide, one offender attempted twice and completed on the third attempt. The other, was prosecuted and convicted of the censorship offence in relation to which he had been investigated only to become the subject of a second investigation two years later. He committed suicide shortly after this investigation was initiated.

A fourth offender, described in Table 23 as demonstrating other notable activities, experienced a heart attack during a video interview at the police station and had to be taken to hospital. His wife was also reported to have suffered “a kind of ... fit”.

In contrast to the offenders who expressed a desire to hide their activities, the CCU investigators noted that one individual expressed significant pride in his offence related activities. During an interview with this offender, the investigator noted that the offender went to significant lengths to demonstrate his level of Internet related skill and ability to access highly specific objectionable material. Another two offenders, however, were described as being much less helpful. These individuals greeted the investigators with threats, verbal abuse and physical violence.

**Table 25: Other behaviours demonstrated by Internet censorship offenders during investigation or prosecution proceedings that appear to be related to the investigation**

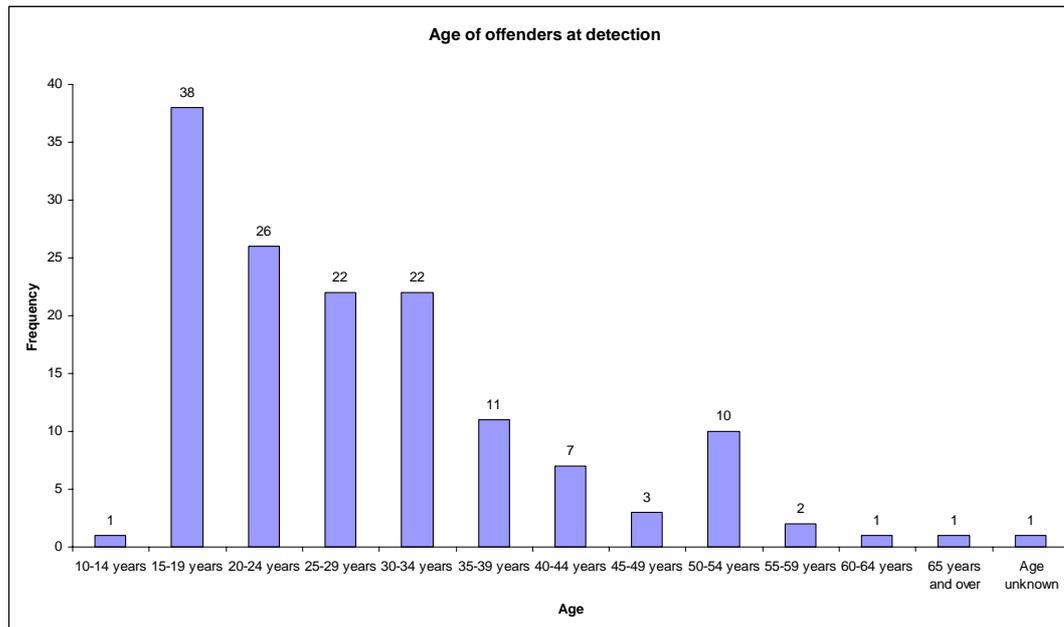
<i>Behaviours noted as occurring during investigation or prosecution proceedings</i>	<i>Frequency</i>
Refused to answer questions/not prepared to admit skill level or provide details	22
Expressed feelings of shame and/or a desire to hide activities from loved ones	20
Asked for help	3
Completed self harm/suicide	3
Became physically threatening and/or intimidating	2
Threatened self harm/suicide	1
Expressed pride in behaviour/abilities	1
Other notable activities	1
Total	53

### **Details of Offender Age, Gender and Ethnicity**

All but one of the offenders for whom the CCU investigators completed a checklist were male. As identified in Figure 9, the largest proportion of offenders were aged 15 to 19 years old. In the case of six offenders, the date upon which the warrant was served, and/or first interview undertaken, was not provided on the CCU checklist and therefore the exact age of the offender could not be calculated. However, for three of these the date of conviction was provided.

For offenders about who both a date of first contact and a date of conviction was recorded, a median number of 365 days passed between initiation of the investigation and conviction. Therefore, in the cases of offenders for whom a conviction date was provided in the absence of an initial contact date, this figure was subtracted from their age at conviction statistic to estimate their age at detection.

The mean age of the 142 offenders (excluding the three for whom no exact age statistic or estimate of age statistic could be generated) at the time of detection by the CCU investigators was 29.36 years. The median age of offenders was 26.76 years. Based on the age of each offender at the birthday immediately prior to detection, two modal ages were identified. Offenders were most likely to be either 17 (N=10) or 18 years (N=10) old at the time of detection. Offender age at the time of detection ranged from 14.78 years to 67.02 years.



**Figure 9: Age of offenders at detection**

A number of issues were identified in relation to the collection of data regarding offender ethnicity. Offenders were generally not asked their ethnicity by the CCU investigators and collection of this information was largely based on offender appearance and citizenship status (unless volunteered by the offender him or herself). Therefore, the results in Table 26 should be treated with caution. Bearing this in mind, Table 2 does suggest that the individuals investigated by the CCU in relation to Internet based censorship offences were overwhelmingly ‘European/Caucasian’ in origin. Of those identified in the category of ‘other [non-New Zealand] Caucasian, three originated from England, three from South Africa, two from Germany and one from the United States of America. In addition, one of those identified as being of ‘Other Ethnicity’ originated from Peru and another self identified as ‘Iraqi’. Of note is that one offender identified with the different ethnic groups of both of his parents, hence the total number of offenders listed in Table 26 exceeds the actual total number of offenders described.

**Table 26: Offender Ethnicity**

<i>Ethnic Identity</i>	<i>Number of Offenders</i>	<i>Percentage of Offenders</i>
NZ European/Caucasian	125	86.21
Other Caucasian	9	6.21
Indian	4	2.76
Other Asian	4	2.76
Other Ethnicity	2	1.38
Māori	1	0.69
Unknown ethnicity	1	0.69
<b>Total</b>	<b>146</b>	<b>100.69</b>

## Area of Residence

Table 27 shows the location of each offender's home address by the population density of the surrounding area. It also provides a comparison between the population based location of offenders and that of the total New Zealand population. As identified in this comparison, offenders were less likely to reside in rural (and semi-rural) areas or main urban areas than the general population but more likely to reside in provincial towns (minor urban areas).

**Table 27: Area of residence of Internet censorship offenders sampled**

<i>Area of Residence</i>	<i>Number of Offenders</i>	<i>Sample of Investigations (%)</i>	<i>New Zealand Population (%)</i>
Main Urban Area	90	62.1	71.00
Secondary Urban Area	29	20.0	6.30
Town/Minor Urban Area	15	10.3	8.40
Semi Rural	7	4.8	No statistic
Rural	4	2.8	14.25
Total	145	100	99.95

## Household Composition

Table 28 provides details of the composition of the households in which offenders were identified as residing at the time that their offending behaviour was detected. As indicated in this table, several (15) offenders were identified as residing in households that conformed to more than one of the categories listed in Table 28. Of these, five were identified as living with a partner and with their own children, four were identified as living with a partner and other adults, one was reported to be living with a partner and both his own and other children, one was reported to be living on a commune with non-family adults and children, and another was reported to be living with his parents and his own children. In addition, one offender was reported to usually live alone but at the time of the investigation his brother and nephew were staying with him. Another one was living with his father at the time of offending but moved out during the investigation and was subsequently living on his own, and a third was living alone in a unit located on his parents property. It was also noted that although one offender was identified as living alone at the time of the investigation, a search of his residence yielded credit cards and club cards in three different names. The household composition of three offenders was not identified.

**Table 28: Household composition of Internet censorship offenders sampled**

<i>Household composition</i>	<i>Number of offenders</i>	<i>Percentage of offenders</i>
Living alone	21	14.48
Living with partner	35	24.14
Living with own children	14	9.66
Living with step children	1	0.69
Living with other (non-family) children	3	2.07
Living with any children	17	11.72
Living with adult children	1	0.69
Living with parents or grandparents	51	35.17
Living with other (non-family) adults	29	20
Not Known	3	2.07
Total	176	121.37

As shown in Table 29, the majority of offenders identified as residing with parents or grandparents were aged under 25 years of age. Nevertheless, at almost one in five the number of these individuals who were aged 25 years or over and living with parents or grandparents appears noteworthy.

**Table 29: Age of offenders identified as residing with parents or grandparents**

<i>Age range (years)</i>	<i>Number of offenders residing with their parents or grandparents</i>	<i>Proportion of total offenders residing with parents or grandparents</i>
10 – 14	1	1.96
15 – 19	33	64.71
20 – 24	7	13.72
25 – 29	7	13.72
30 – 34	2	3.92
35 – 39	0	0
40 – 44	0	0
45 – 49	0	0
50 – 54	1	1.96
55 – 59	0	0
60 – 64	0	0
65+	0	0
Not known	0	0
Total	51	100

## Occupation and Work Environment

Table 30 Provides details of the occupational categories in which offenders were employed. In 15 cases, offenders were reported to have two different occupations and in one case the individual concerned was employed in three different positions.

As shown in Table 30, the largest proportion of offenders were tertiary level students. Of these, one third (11) were enrolled in an Information technology course. In addition, one student was training to become a teacher and another was studying outdoor recreation. Tertiary students were also identified as the occupational group most likely to report a

second (or third) occupation<sup>122</sup>, especially those enrolled in Information Technology Courses<sup>123</sup>. Of the five Information Technology students identified as having second jobs, one was employed as a holiday camp labourer, one as a computer tutor, and one as a driver (taxi, metro bus, school, also tour bus driver, ice cream truck operator, and intermediate school bus) and provider of Information Technology support to an intermediate school stationery supplier.

The second most commonly identified occupation involved working in the field of Information technology. Indeed, in combination, individuals either working or studying Information technology comprised the largest occupational group of offenders.

In line with the large proportion of young offenders identified in the current sample, the third most commonly identified occupational group was that of secondary school student. None of the secondary school students were reported to be employed in other occupations. Individuals identified as recipients of an unemployment benefit comprised approximately eight percent of the overall sample of offenders. Adding to this the offenders who were identified as recipients of sickness benefits, the one retired offender, and the one offender who was identified as an overseas traveller (see other occupations), and the proportion of technically unemployed increases to more than 15 percent (22) of the sample. However, it is of note that one of the offenders identified as unemployed was also identified as a sheep farmer and farm contractor and another as also studying at local training schools. Similarly, one offender identified as a sickness beneficiary was also identified as a writer. Two other sickness beneficiaries were also identified as having second occupations, one as a part time video store employee and one as the primary caregiver of a 13-year-old child.

Of the offenders identified as engaged in 'other' occupations, one was recorded as "a traveller from Germany", and one was said to have claimed to have been a professional soccer player but the CCU investigator noted that "in fact all his dealings were as a con artist". Another was identified a worker at a major food producer but the nature of his work was not specified. One offender was described as a labourer and a property developer, one as a process worker on a production line (again the nature of the process was not specified) and one as a Naval Rating.

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<sup>122</sup> Fishers exact test,  $p=0.002$ ; 9 out of 16 individuals reporting more than one occupation were tertiary students (9 out of 33 tertiary students).

<sup>123</sup> Fishers exact test,  $p=0.003$ ; 5 out of 11 tertiary IT students reported having more than one occupation.

**Table 30: Offenders' occupations**

<i>Occupation</i>	<i>Number of Offenders</i>	<i>Percentage of Offenders</i>
Tertiary Student	33	22.76
Information Technology Profession	28	19.31
Secondary School Student	17	11.72
Unemployment Beneficiary	12	8.28
White collar/administrative	10	6.90
Educational Profession	9	6.21
Retail Profession	9	6.21
Sickness Beneficiary	8	5.52
Trade Profession	7	4.83
Labour Profession	6	4.14
Other Profession	6	4.14
Transport Profession	5	3.45
Farm/agricultural worker	4	2.76
Food and Hospitality Profession	4	2.76
Caregiver	2	1.38
Medical profession	1	0.69
Retired/super annuitant	1	0.69
Total	162	111.75

The CCU investigators were also asked to identify whether offenders were not working at all, worked or studied alone, or as part of a team. The concept of a team created some difficulties in the interpretation of this question, particularly as it related to individuals who were working with one other person, in loosely structured environments and/or studying. However, the investigators identified 48 offenders who worked, in paid employment, with one or more other people on a regular basis. They also identified 19 individuals who they described as not working or studying (excluding those who engaged in part time work), and 38 who were said to be working or studying alone. Of the offenders identified as working or studying alone, 17 were identified as tertiary students who were studying at a university (as opposed to distance learning), with 8 of these specifically studying in the Information technology field. As these individuals would have had access to other classmates and supervisors during their studies, only the 21 remaining individuals were actually classified as working alone.

### **Nature of the Objectionable Material Accessed by the Internet Censorship Offenders Sampled**

As identified in Table 31, the vast majority of offenders were identified as accessing and/or distributing in relation to images pertaining to Section 3.2(a)<sup>124</sup> of the New Zealand Films, Videos, and Publications Classification Act (1993).

Excluding the four individuals for whom no details of the objectionable material accessed or distributed was provided, only five offenders were not identified as collecting and/or distributing material of this nature and of these, only one of these individuals was

<sup>124</sup> The exploitation of children, or young persons, or both, for sexual purposes

identified as offending under more than one Section of the Act. This offender was identified in possession of material prosecutable under Sections 3.2(b)<sup>125</sup>, 3.2(c)<sup>126</sup>, 3.2(d)<sup>127</sup> and 3.2(f)<sup>128</sup>. Three other offenders were only found to be collecting and/or distributing material identified under Section 3.2(e)<sup>129</sup> and another was only found to be collecting and/or distributing material identified under Section 3.2(c).

**Table 31: Section of the New Zealand Films, Videos, and Publications Classification Act (1993) under which images found in the possession of individual offenders were classified**

<i>Section of the New Zealand Films, Videos, and Publications Classification Act (1993)</i>	<i>Frequency</i>	<i>Percent</i>
Section 3.2(a): The exploitation of children, or young persons, or both, for sexual purposes	136	93.78
Section 3.2(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct	24	16.55
Section 3.2(c): Sexual conduct with or upon the body of a dead person	2	1.38
Section 3.2(d): Other sexual or physical conduct of a degrading or dehumanising or demeaning nature including the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct	36	24.83
Section 3.2(e): Bestiality	42	28.97
Section 3.2(f): Acts of torture or the infliction of extreme violence or extreme cruelty	17	11.72
Section 3.3(c): Degrades or dehumanises or demeans any person	3	2.07
Unknown	4	2.76

**Offending Under Multiple Sections of the New Zealand Films, Videos, and Publications Classification Act (1993)**

Of the 136 offenders who were identified as collecting and/or distributing material identified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993), 78 (57.35 percent) were not identified as collecting/distributing any other type of objectionable material. Of the 58 (42.65 percent) offenders who were collecting and/or distributing both material identified under Section 3.2(a) of the Act and material classified under other Sections of the Act, more than half were in possession of, or distributing material identified under Sections 3.2(d) and 3.2(e) and most collected material classified under more than one other Section of the Act (Table 32).

<sup>125</sup> The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct

<sup>126</sup> Sexual conduct with or upon the body of a dead person

<sup>127</sup> Other sexual or physical conduct of a degrading or dehumanising or demeaning nature including the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct

<sup>128</sup> Acts of torture or the infliction of extreme violence or extreme cruelty

<sup>129</sup> Bestiality

**Table 32: Offenders who selected material classified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993) by other Sections of the Act under which offences were identified**

<i>Section of the New Zealand Films, Videos, and Publications Classification Act (1993)</i>	<i>Frequency of collection/distribution in conjunction with collection/distribution of material identified under Section 3.2(a): The exploitation of children, or young persons, or both, for sexual purposes</i>
Section 3.2(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct	23
Section 3.2(c): Sexual conduct with or upon the body of a dead person	0
Section 3.2(d): Other sexual or physical conduct of a degrading or dehumanising or demeaning nature including the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct	35
Section 3.2(e): Bestiality	39
Section 3.2(f): Acts of torture or the infliction of extreme violence or extreme cruelty	16
Section 3.3(c): Degrades or dehumanises or demeans any person	3

Analysis of the data pertaining to those offenders who were identified as collecting and/or distributing material classified under multiple sections revealed a positive association between collecting and/or distributing material classified under Section 3.2(b) and collecting and/or distributing material identified under Section 3.2(f)<sup>130</sup>. Similarly, a statistically positive association was identified between selecting material classified under Section 3.2(b) and selecting material classified under Section 3.2(e)<sup>131</sup>. In contrast, none of the offenders identified as collecting and/or distributing material classified under Section 3.2(a) were also identified as collecting and/or distributing material classified under Section 3.2(c).

Of all of the individuals identified in the CCU sample as offending under more than one Section of the Films, Videos, and Publications Classification Act (1993) (N=62), 26 were identified as offending under two Sections of the Act, 20 under three Sections, five under four Sections of the Act, 10 under five Sections of the Act and one under six Sections of the Act. The median and mean number of Sections under which these individuals were identified as offending was three.

***Offending Under Section 3.2(a): The exploitation of children, or young persons, or both, for sexual purposes***

In the cases of four offenders, no details were provided by the CCU investigators regarding the type of activity portrayed in the material classified under Section 3.2(a) of the Films, Videos, and Publications Classification Act (1993). Of the remaining 132

<sup>130</sup> Fishers exact test,  $p=0.000$ ; 12 of the 17 individuals identified as offending under Section 3.2(f) of the Act were also found to be offending under Section 3.2(b) of the Act.

<sup>131</sup>  $\chi^2$  with Yates continuity correction (1, N=141) = 6.875,  $p=0.009$

offenders identified as selecting objectionable material classified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993), the majority selected images showing explicitly sexual acts and actions (e.g. vaginal, anal and oral penetration) (Table 33). Images of posed nudity or partial nudity with display of the subjects genitals were also identified as relatively common. In terms of additional activities portrayed in the objectionable material identified under Section 3.2(a), more than a third of offenders were found to possess and/or distribute material showing naturalist type nudity and partial nudity and posed nudity or partial nudity without the display of genitals (although not necessarily illegal, this category was included because of its frequent identification during investigation). In addition, almost a third of offenders who selected images classified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993) were found to possess and/or distribute material portraying incest or implied incest.

Although, in each category, less than 10 percent of offenders identified as selecting material classified under Section 3.2(a) of the Act that was described by CCU investigators as either violent, degrading or portraying an expression of fear or distress on the part of the subjects of the images, overall 21 offenders (15.44 percent) were found to possess and/or distribute material that conformed to any one of these categories<sup>132</sup>. Of these, one individual was identified as possessing/distributing Section 3.2(a) material categorised as both violent and degrading or dehumanising activity, three possessed/distributed material that was categorised as violent and material in which subjects expressed fear and/or distress, one was collecting/distributing material that showed both a physical expression of fear and/or distress and degrading or dehumanising activity, and one was found to be in possession of and/or distributing material that was described as violent, degrading and dehumanising and portraying subjects expressing fear and/or distress.

A significant association was identified between offenders accessing and/or distributing Section 3.2(a) material that portrayed physically violent sexual assaults on children and material in which the children were identified as expressing fear and/or distress<sup>133</sup>. A similar association was identified between the acquisition and/or distribution of Section 3.2(a) material demonstrating incest or implied incest and described as degrading or dehumanising<sup>134</sup>. All of the individuals who accessed or distributed images portraying children involved in incest or implied incest were found to access or distribute material portraying explicitly sexual activity involving children<sup>135</sup>.

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<sup>132</sup> Material identified as showing ‘harmful’ activities most commonly involved the use of ‘bondage’ instruments and techniques during the sexualisation of children while that described as degrading often involved the use of urine, faeces or animals during the sexual act.

<sup>133</sup> Fishers exact test,  $p=0.000$ ; 4 of the 7 individuals who selected material portraying a physical expression of fear or distress also selected material showing physically harmful activities.

<sup>134</sup> Fishers exact test,  $p=0.004$ ; 8 of the 11 individuals found to possess material described as degrading or dehumanising were found in possession of material portraying incest.

<sup>135</sup> Fishers exact test,  $p=0.005$ ; all 42 of the offenders who selected material portraying incest selected material portraying vaginal, anal or oral penetration.

**Table 33: Activities portrayed in objectionable material classified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993), by offender**

<i>Activities portrayed in objectionable material classified under Section 3.2(a) of the New Zealand Films, Videos, and Publications Classification Act (1993)</i>	<i>Frequency</i>	<i>Percentage of offenders identified in relation to section 3.2(a)</i>	<i>Percentage of total offender sample</i>
Naturalist type nudity or partial nudity	52	38.24	35.86
Posed nudity or partial nudity without display of genitals	61	44.85	42.07
Posed nudity or partial nudity with display of genitals	103	75.74	71.03
Explicitly sexual acts or actions	121	88.97	83.45
Explicitly harmful acts or actions	10	7.35	6.90
Physical and/or verbal expression of fear and/or distress	7	5.15	4.83
Incest or implied Incest	42	30.88	28.97
Dehumanising and degrading activities	11	8.90	7.59
No details provided regarding the types of activities portrayed in the material	4	2.94	2.76

In the majority of images selected by individuals identified as offending under Section 3.2(a) of the Films, Videos, and Publications Classification Act (1993) the children who were identified as the subject of the sexualised material were portrayed together with adults (Table 34). A slightly smaller number of offenders were identified as selecting material portraying the subject together with other children or young people. Taken together, those who selected material classified under Section 3.2(a) that portrayed children with adults and/or with other children accounted for 125 (91.91 percent) of the 136 offenders identified as selecting such material. Indeed, a significant interaction was found between offenders selecting material portraying children with adults and selecting material portraying children with other children or young people<sup>136</sup>. No such relationship was found between the selection of material portraying individual children on their own and the selection of material portraying children with adults or children with other children and young people.

In five cases offenders were identified neither as selecting material in which children portrayed alone nor with adults or other children. In all of these cases, the material portrayed the subjects with animals, and in three of these cases the material showed sexual interaction between the children and animals. No relationship was found between the selection of material portraying children with animals and the selection of material portraying children alone, with adults or with other children. However, two of these offenders were found to also select Section 3.2(a) material identified as degrading and/or dehumanising.

<sup>136</sup> Fishers exact test,  $p=0.000$ ; 97 of the 106 individuals who accessed or distributed material showing children with other children also accessed and/or distributed material showing children with adults.

A positive association was identified between the selection of Section 3.2(a) material portraying incest or implied incest and the selection of material portraying children with adults<sup>137</sup>. Of note was that Section 3.2(a) material portraying posed nudity or partial nudity with display of genitals was almost as likely to include other children<sup>138</sup> as it was to include children portrayed alone<sup>139</sup>.

**Table 34: Who children portrayed in images classified under Section 3.2(a) were show to be interacting with, by offender**

<i>Children portrayed:</i>	<i>Frequency</i>	<i>Percentage of offenders identified in relation to section 3.2(a)</i>	<i>Percentage of total offender sample</i>
Alone	93	68.38	64.14
With other children or young people	106	77.94	73.10
With adult/s	116	85.29	80.00
With other (animal/s)	5	3.68	3.45
No details provided	5	3.68	3.45

As shown in Table 35, the majority of the sample identified as offending under Section 3.2(a) of the Films, Videos, and Publications Classification Act selected material that either portrayed mainly female children and young people as the subject of sexualisation, or mainly male children and young people. Less than 20 percent of these offenders selected material that portrayed the sexual abuse of both male and female children and young people. Furthermore, those who did were found to be significantly less likely than those who didn't to select material portraying naturalist nudity or partial nudity<sup>140</sup> or posed nudity or partial nudity without display of genitals<sup>141</sup>. No other significant relationships were identified between gender selection and selection of material portraying specific activities and/or groupings.

**Table 35: Gender of children portrayed in images classified under Section 3.2(a), by offender**

<i>Gender of children</i>	<i>Frequency</i>	<i>Percentage of offenders identified in relation to section 3.2(a)</i>	<i>Percentage of total offender sample</i>
Females	88	64.71	60.69
Males	24	17.65	16.55
Males and females	23	16.91	15.86
No details provided	4	2.94	2.76

Of those identified as offending under Section 3.2(a) of the Films, Videos, and Publications Classification Act, the vast majority selected material portraying Caucasian children (Table 36). Furthermore, of the five offenders who were not identified as selecting material portraying children who appeared to have Caucasian facial features and skin colouring, the checklists completed for four of them did not include data regarding

<sup>137</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 8.221, p=0.004  
<sup>138</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 12.564, p=0.000  
<sup>139</sup>  $\chi^2$  (1, N=141) = 19.639, p=0.000  
<sup>140</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 5.540, p=0.019  
<sup>141</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 6.287, p=0.012

the ethnicity of the children portrayed in the objectionable material. The fifth such offender was identified as only selecting material portraying children who appeared to have Asian facial features and skin colouring.

In addition to the selection of material portraying Caucasian children, however, almost a third of the offenders sampled as part of the current research had selected material portraying children who appeared to have Asian facial features and skin colouring, and more than ten percent were identified as selecting material portraying children who appeared to have Hispanic facial features and skin colouring. Offenders who selected material portraying Asian children were identified as more likely than others to select material portraying incest or implied incest<sup>142</sup>.

No relationships were identified between offender ethnicity and the ethnicity of the subjects of the material that they selected. Interestingly, however, those aged 30 years and older were found to be more likely than those aged less than 30 years to select material portraying the sexualisation of Asian children<sup>143</sup>.

**Table 36: Ethnicity of children portrayed in objectionable images selected by individual offenders**

<i>Ethnicity of children portrayed in objectionable images</i>	<i>Frequency</i>	<i>Percentage of offenders identified in relation to section 3.2(a)</i>	<i>Percentage of total offender sample</i>
Caucasian	131	96.32	90.34
Hispanic	15	11.03	10.34
African	8	5.88	5.52
Asian	41	30.15	28.28
Other Ethnicity	2	1.47	1.38
No details provided	4	2.94	2.76

Table 37 shows the estimated ages of the children portrayed in the objectionable material that was classified under Section 3.2(a) of the Films, Videos and Publications Act. These estimates were based on physical cues and written notes attached to the material. Most offenders were found to select material portraying children who appeared to be between 8 and 12 years old. In addition, almost half of the offenders were identified as selecting material portraying younger children aged 2 to 7 years old. All of the individuals who selected images of babies (aged less than 2 years) also selected images of young children. While a similar number of offenders were identified as selecting material portraying teenagers as selecting material portraying young children, those offenders who selected material portraying teenagers were significantly less likely than other offenders to also select material portraying younger children<sup>144</sup>. They were also less likely to select material portraying babies<sup>145</sup>.

Although no significant relationships were identified between the selection of material portraying teenagers and the selection of material portraying children in other age groups, most of those who did select teen images were also found to select material pertaining to

<sup>142</sup>  $\chi^2(1, N=141) = 9.971, p=0.002$

<sup>143</sup>  $\chi^2(1, N=140) = 5.684, p=0.017$

<sup>144</sup>  $\chi^2(1, N=141) = 5.535, p=0.019$

<sup>145</sup> Fishers Exact Test,  $p = 0.024$ ; only 1 of the 63 individuals who selected images of teenagers also selected images of babies.

other age groups. Overall, only seven offenders were found to primarily select material portraying individuals who appeared to be teenagers. Of these, three were also found to be offending under other Sections of the Films, Videos and Publications Act. Out of the remaining four offenders, two were aged 15 to 19 years. One of these was found in possession of 632 images, many of which involved explicit sexual activity (including anal penetration) between younger female teenagers and older male adults. This individual was discharged without conviction under section 19 of the New Zealand Criminal Justice Act 1985. The other was found to select material that was primarily homosexual in nature with a number of images portraying explicitly sexual acts and actions (including anal penetration) between young teenaged males and older adult males. This individual stated that he was homosexual but had not yet 'come out' to his family and friends. He was warned without prosecution.

The third offender identified as primarily selecting teenaged material was aged 20 to 25 years old. He was only found in possession of 33 images, most of which portrayed females and few of which were sexually explicit in nature. However, he had also been identified as engaging children and young people in online discussion and interaction regarding sexual activity. He was warned without prosecution. Finally, the fourth offender to only select material portraying teenaged subjects was aged 30 to 35 years old. This individual was found in possession of 131 images, most of which portrayed juvenile males involved in explicit sexual activity with adults and other children and young people, or explicitly sexual posing. He was prosecuted, convicted and fined.

In terms of the 'age appropriateness' of material selected by different offenders, those aged under 25 years were found to be more likely than those aged over 25 to only select material classified under Section 3.2(a) of the Act<sup>146</sup>. However, they were less likely than others to select material classified under section 3.2(a) showing the sexualisation of children in the presence of other children<sup>147</sup> and more likely than other offenders to select material portraying the sexualisation of babies<sup>148</sup>. This interest in children aged under 2 years was most significant for those aged 20 to 24 years old<sup>149</sup>, and most pronounced for offenders in this age group who were residing away from parents<sup>150</sup>. Individuals in the 20 to 24 year old age range were also identified as significantly likely to be found in possession of images showing the sexual and non-sexual torture of females<sup>151</sup>, while offenders aged 15 to 19 years were more likely than others to select material portraying children in the presence of animals<sup>152</sup>.

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<sup>146</sup>  $\chi^2(1, N=141) = 5.793, p=0.016$

<sup>147</sup>  $\chi^2(1, N=141) = 6.523, p=0.011$

<sup>148</sup> Fishers Exact Test,  $p=0.023$ ; 8 out of the 10 offenders who selected images of babies were aged less than 25 years.

<sup>149</sup> Fishers Exact Test,  $p=0.002$ ; 6 of the 10 offenders who selected images of babies were aged 20 – 24 years old.

<sup>150</sup> Fishers Exact Test,  $p=0.004$ ; 5 of the 10 offenders who selected images of babies were aged 20 – 24 years old and living away from parents.

<sup>151</sup> Fishers Exact Test,  $p=0.040$ ; 5 of the 12 offenders who selected images of females classified under Section 3.2(f) of the Films, Videos and Publications Act (1993) were aged 20 – 24 years old.

<sup>152</sup> Fishers exact test,  $p=0.016$ ; 4 of the 5 offenders who selected images of children with animals that were classified under Section 3.2(a) of the Films, Videos and Publications Act (1993) were aged between 15 and 19 years old.

Offenders who selected material portraying younger children were more likely than others to select material portraying these children posing nude or partially nude without display of genitals<sup>153</sup>. These offenders were also significantly likely to select objectionable material in which children were sexually engaged with adults<sup>154</sup>. In contrast, offenders who selected material portraying older children were most significantly likely to also select material portraying children sexually engaged with other children<sup>155</sup>. The selection of images portraying older children was also more commonly associated with the selection of material portraying posed nudity or partial nudity with display of genitals<sup>156</sup>. Offenders who selected material portraying younger children were more likely than others to select material that portrayed both males and females<sup>157</sup> while those who selected images of older children were more likely to also select images portraying non-Caucasian children<sup>158</sup>. Those who specifically selected images of teenagers were significantly likely to select material portraying incest or implied incest<sup>159</sup> and portraying children identified by the CCU investigators as Asian<sup>160</sup>.

**Table 37: Age of children portrayed in the images classified under Section 3.2(a), by offender**

<i>Age of children</i>	<i>Frequency</i>	<i>Percentage of offenders identified in relation to section 3.2(a)</i>	<i>Percentage of total offender sample</i>
Babies (under 2 years old)	10	7.35	6.90
Young Children (2-7 years old)	67	49.27	46.21
Older Children (8-12 years old)	118	86.76	81.38
Teenagers (13-16 years old)	63	46.32	43.45
No details provided	4	2.94	2.76

**Section 3.2(b): The use of violence or coercion to compel any person to participate in, or submit to, sexual conduct**

The CCU investigators did not provide details regarding the nature of the offences committed by two of the individuals that they identified as offending under Section 3.2(b) of the Films, Videos and Publications Act. Of the remaining 22, the majority were found to select material portraying acts of forced sexual penetration (Table 38). However, three individuals were specifically identified as offending under Section 3.2(b) but not selecting material of this nature. One of these was identified as selecting material showing other forced or coerced sexual activities employing explicitly harmful methods and involving degrading and/or dehumanizing activity, one was identified as selecting material portraying forced or coerced sexual activity within the context of incest, and the

<sup>153</sup>  $\chi^2(1, N=141) = 5.700, p=0.017$

<sup>154</sup>  $\chi^2(1, N=141) = 19.029, p=0.000$

<sup>155</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 21.514, p=0.000

<sup>156</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 10.479, p=0.001

<sup>157</sup>  $\chi^2(1, N=141) = 5.357, p=0.021$

<sup>158</sup>  $\chi^2$  with yates continuity correction (1, N=141) = 9.659, p=0.002

<sup>159</sup>  $\chi^2(1, N=141) = 5.332, p=0.021$

<sup>160</sup>  $\chi^2(1, N=141) = 6.210, p=0.013$

remaining offender selected material portraying forced or coerced sexual activity within the context of incest that degraded and/or dehumanized those involved. More than one third of those identified as offending under Section 3.2(b) of the Films, Videos and Publications Act (1993) were found to specifically select material in which the subjects physically expressed fear and/or distress. In addition, a notable association was identified between offenders selecting material classified under Section 3.2(b) showing incest or implied incest and selecting material portraying explicitly harmful acts or actions<sup>161</sup>.

**Table 38: Activities portrayed in objectionable material classified under Section 3.2(b) of the New Zealand Films, Videos, and Publications Classification Act (1993), by offender**

<i>Activities portrayed in objectionable material classified under Section 3.2(b) of the New Zealand Films, Videos, and Publications Classification Act (1993)</i>	Frequency	Percentage of offenders identified under section 3.2b	Percentage of total offender sample
Explicitly harmful acts or actions	8	33.33	5.52
Rape or implied rape scenes	19	79.17	13.10
Physical and/or verbal expression of fear and/or distress	9	37.50	6.21
Incest or implied incest	7	29.17	4.83
Dehumanising and degrading activities	8	33.33	5.52
No details provided	3	12.50	2.07

The largest proportion of offenders selecting material identified under Section 3.2(b) of the Films, Videos and Publications Act (1993) selected material portraying females as the subject of sexual force and/or coercion (Table 39). No significant relationships were identified between the gender of the subjects portrayed in the material and the type of activity shown.

**Table 39: Gender of individuals portrayed in material classified under Section 3.2(b), by offender**

<i>Gender of individuals portrayed as the subject of the images</i>	Frequency	Percentage of offenders identified under section 3.2b	Percentage of total offender sample
Females	16	66.67	11.03
Males	2	8.33	1.38
Males and females	5	20.83	3.45
No details provided	2	8.33	2.07

Individuals offending under Section 3.2(b) of the Films, Videos and Publications Act (1993) were found to select material portraying youth aged 17 to 20 years almost as frequently as they selected material portraying adults (aged 21-65 years). None of the material portrayed elderly subjects (Table 40). A number of offenders (7) were identified as selecting material portraying both youth and adults. Only six offenders solely selected material portraying youth. No significant associations were identified between the age of offenders and the age of individuals portrayed in the material classified under Section 3.2(b) of the Films, Videos and Publications Act.

<sup>161</sup> Fishers Exact Test,  $p=0.000$ ; 5 of the 7 offenders who selected material portraying incest that was classified under Section 3.2(b) were also found to select material classified under Section 3.2(b) that portrayed explicitly harmful acts

**Table 40: Ages of the individuals portrayed as subjects of images classified under Section 3.2(b), by offenders**

<i>Ages of the individuals portrayed as subjects of images classified under Section 3.2(b)</i>	<i>Frequency</i>	<i>Percentage of offenders identified under section 3.2b</i>	<i>Percentage of total offender sample</i>
Youth	13	54.17	8.97
Adults	15	62.50	10.34
No details provided	3	12.50	2.76

**Section 3.2(c): Sexual conduct with or upon the body of a dead person**

Only two offenders were identified as selecting material classified under Section 3.2(c) of the Films, Videos and Publications Act. Both were found to only select material portraying adult females (aged over 16 years).

**Section 3.2(d): Other sexual or physical conduct of a degrading or dehumanising or demeaning nature including the use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct**

The majority of the current sample of offenders who were investigated in relation to Section 3.2(d) of the Films, Videos and Publications Act were found to select material portraying the sexual or physical degradation of female subjects (Table 41).

**Table 41: Gender of the individuals portrayed as subjects of images classified under Section 3.2(d), by offender**

<i>Gender of the individuals portrayed as subjects of images classified under Section 3.2(d)</i>	<i>Frequency</i>	<i>Percentage of offenders identified under section 3.2(d)</i>	<i>Percentage of total offender sample</i>
Females	29	85.56	20
Males	2	5.71	1.38
Both males and females	4	11.43	2.76
No details provided	1	2.86	0.69

In most cases, those portrayed in the images classified under Section 3.2(d) of the Films, Videos and Publications Act were aged over 16 years (Table 42). However, 10 offenders were identified as selecting material involving children aged 16 years and under. Only one of these was also identified as having selected Section 3.2(a) material involving the degradation and dehumanisation of children within a sexual context. The material selected by the remaining nine offenders did not involve sexual content. No significant relationships were identified between the gender and ages of subjects portrayed in material classified under Section 3.2(d).

**Table 42: Age of the individuals portrayed as subjects of images classified under Section 3.2(d), by offender**

<i>Age of the individuals portrayed as subjects of images classified under Section 3.2(d)</i>	<i>Frequency</i>	<i>Percentage of offenders identified under section 3.2d</i>	<i>Percentage of total offender sample</i>
Children	4	11.11	2.76
Adults	26	72.22	17.93
Both Children and Adults	6	16.67	4.14

**Section 3.2(e): Bestiality**

Of the 42 offenders investigated in relation to Section 3.2(e) of the Films, Videos and Publications Act, in 12 cases data regarding the age and gender of individuals involved in the material was collected (e.g. in 12 cases the modified checklist was used). The data from these 12 cases suggests that subjects portrayed as having acts of bestiality performed upon them are more likely to be adult females (Table 43). In two of these twelve cases, offenders only selected material portraying subjects performing acts with or upon animals and in six cases they only selected material portraying subjects having sexual acts performed with or upon them by animals.

**Table 43: Details of humans portrayed in images classified under Section 3.2(e), by offender**

<i>Details of humans portrayed in images classified under Section 3.2(e)</i>	<i>Subjects shown having sexual acts performed with or upon them by animals</i>	<i>Subjects shown performing sexual acts with or upon animals</i>
Males	0	2
Females	10	1
Both Males and Females	0	3
Children (aged 16 years and under)	1	0
Adults (aged over 16 years)	10	6

**Section 3.2(f): Acts of torture or the infliction of extreme violence or extreme cruelty**

Of the 17 individuals investigated in relation to Section 3.2(f) of the Films, Videos and Publications Act, 12 were identified as primarily selecting material portraying females being subjected to torture, extreme violent and/or cruelty (Table 44).

**Table 44: Gender of individuals portrayed as the subject of images classified under Section 3.2(f), by offender**

<i>Gender of individuals portrayed as the subject of images classified under Section 3.2(f)</i>	<i>Frequency</i>	<i>Percentage of offenders identified under section 3.2f</i>	<i>Percentage of total offender sample</i>
Female	12	70.58	8.28
Male	2	11.76	1.38
Both male and female	3	17.64	2.07

Most of the offenders chose Section 3.2(f) material portraying adults as the subject of torture, extreme violence and cruelty (Table 45) and in the majority of cases the content of the material was set in a domestic environment.

**Table 45: Age of individuals portrayed as the subject of images classified under Section 3.2(f), by offender**

<i>Age of individuals portrayed as the subject of images classified under Section 3.2(f)</i>	<i>Frequency</i>	<i>Percentage of offenders identified under section 3.2f</i>	<i>Percentage of total offender sample</i>
Children	2	11.76	1.38
Adults	15	88.24	10.34

**Section 3.3(c):Degrades or dehumanises or demeans any person**

Three offenders were identified as selecting material pertaining to the degradation, dehumanization and demeaning of subjects in a manner different to that described in Section 3.2(d). However, all three were also identified as selecting material classified under Section 3.2(d) as involving the degradation and dehumanization of subjects in conjunction with the use of urine and/or excrement.

CCU investigator descriptions of the type of material identified under Section 3.3(c) were as follows.

Asian females subjected to vaginal and/or anal 'examination'

Adult Caucasian female in extreme bondage scenario (leather bag over head), with arms bound, breasts tightly bound, the words slut, cunt and whore written across her chest

Videotapes and text stories about the degradation/humiliation of adult males and females. This was in the context of Domination (Slave letters) and BDSM [bondage, discipline, sadomasochism] generally.

**Interactions between the image variables across sections**

Analysis of the type of material collected and/or distributed by individual offenders revealed significant consistency both within and across the different sections of the Films, Videos, and Publications Classification Act (1993). Those individuals who were identified as selecting material classified under Section 3.2(a) that portrayed physically violent (harmful) sexual assaults on children were more likely than others to also select material classified under Section 3.2(b)<sup>162</sup>, particularly that portraying physically violent (harmful) sexual assaults on adults<sup>163</sup> and the use of force or coercion to compel an adult to participate in sexual conduct in which the subject of the image was identified as expressing fear and/or distress<sup>164</sup>. Offenders who were identified as selecting material classified under Section 3.2(a) that portrayed physically violent (harmful) sexual assaults

<sup>162</sup> Fishers exact test,  $p=0.001$ ; 6 of the 10 offenders who selected material classified under Section 3.2(a) that portraying physically violent (harmful) sexual assaults on children also selected material classified under Section 3.2(b)

<sup>163</sup> Fishers exact test,  $p=0.001$ ; 4 of the 8 offenders who selected material classified under Section 3.2(b) that showed physically violent (harmful) sexual assaults on adults also selected material classified under Section 3.2(a) that portrayed physically violent (harmful) sexual assaults on children

<sup>164</sup> Fishers exact test,  $p=0.001$ ; 4 of the 9 offenders who selected material classified under Section 3.2(b) in which subjects demonstrated physical signs of fear or distress also selected material classified under Section 3.2(a) that portraying physically violent (harmful) sexual assaults on children

on children were also identified as more likely than others to access and/or distribute material identified under Section 3.2(f), portraying acts of torture or the infliction of extreme violence and cruelty<sup>165</sup>. Similarly, offenders selecting material identified under Section 3.2(f) were significantly likely to select material identified under Section 3.2(a) that involved subjects expressing fear and/or distress<sup>166</sup>, as were those identified as selecting material classified under Section 3.2(e)<sup>167</sup>.

Offenders who were found to collect and/or distribute Section 3.2(a) material that was identified as degrading or dehumanising towards children were found to be more likely than others to also collect and/or distribute Section 3.2(b) material portraying adults being subjected to degrading or dehumanising activities during forced or coerced sexual activity<sup>168</sup>. In addition, the collection and/or distribution of Section 3.2(a) material portraying the degradation or dehumanisation of children was significantly associated with the collection and/or distribution of material portraying bestiality (Section 3.2(e))<sup>169</sup>. The selection of material classified under Section 3.2(a) that was considered dehumanising and/or degrading was also significantly related to the selection of any material classified under Section 3.2(f)<sup>170</sup>.

Of note was that no significant relationships were identified between selection of Section 3.2(a) material portraying explicitly sexual activity and material identified under any other Sections of the Act. However, offenders who selected Section 3.2(a) material portraying incest or implied incest were found to be significantly likely to also select Section 3.2(b) material showing forced or coerced sexual activity involving physically violent (harmful) acts and actions<sup>171</sup>, rape<sup>172</sup>, expressions of fear and/or distress<sup>173</sup>, and

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<sup>165</sup> Fishers exact test,  $p=0.000$ ; 6 of the 10 offenders who selected material classified under Section 3.2(a) that portraying physically violent (harmful) sexual assaults on children also selected material classified under Section 3.2(f)

<sup>166</sup> Fishers exact test,  $p=0.035$ ; 3 of the 7 offenders who selected material classified under Section 3.2(a) in which subjects demonstrated physical signs of fear or distress also selected material classified under Section 3.2(f)

<sup>167</sup> Fishers exact test,  $p=0.017$ ; 5 of the 7 offenders who selected material classified under Section 3.2(a) in which subjects demonstrated physical signs of fear or distress also selected material classified under Section 3.2(e)

<sup>168</sup> Fishers exact test,  $p=0.015$ ; 3 of the 11 offenders who selected material classified under Section 3.2(a) that portrayed children being subjected to degrading or dehumanising acts or actions during sexual activity also selected material classified under Section 3.2(b) that portrayed adults being subjected to degrading or dehumanising acts or actions during forced sexual activity

<sup>169</sup> Fishers exact test,  $p=0.014$ ; 7 of the 11 offenders who selected material classified under Section 3.2(a) that portrayed children being subjected to degrading or dehumanising acts or actions during sexual activity also selected material classified under Section 3.2(e)

<sup>170</sup> Fishers exact test,  $p=0.026$ ; 4 of the 11 offenders who selected material classified under Section 3.2(a) that portrayed children being subjected to degrading or dehumanising acts or actions during sexual activity also selected material classified under Section 3.2(f)

<sup>171</sup> Fishers exact test,  $p=0.008$ ; 6 of the 8 offenders who selected material classified under Section 3.2(b) that showed physically violent (harmful) sexual assaults on adults also selected material classified under Section 3.2(a) that portrayed incest

<sup>172</sup>  $\chi^2$  with yates continuity correction (1,  $N=141$ ) = 10.585,  $p=0.001$

<sup>173</sup> Fishers exact test,  $p=0.018$ ; 6 of the 9 offenders who selected material classified under Section 3.2(b) in which subjects demonstrated physical expressions of fear or distress also selected material classified under Section 3.2(a) that portrayed incest

incest or implied incest<sup>174</sup>. In addition, offenders selecting Section 3.2(a) material portraying incest or implied incest were significantly likely to select material showing bestiality, as classified under Section 3.2(e) of the Act<sup>175</sup>, and material showing acts of torture or the infliction of extreme violence or extreme cruelty as classified under Section 3.2(f) of the Act<sup>176</sup>.

In contrast to the association between Section 3.2(a) material portraying incest or implied incest and Section 3.2(b) material, offenders who selected Section 3.2(a) material portraying posed nudity or partial nudity without display of genitals were less likely than others to also select Section 3.2(b) material<sup>177</sup>. Also of note, neither of the offenders who selected material classified under Section 3.2(c) were identified as selecting material classified under Section 3.2(a).

In terms of the relationship between objectionable image selection and content, some consistency was also identified in terms of the gender of the subjects portrayed in collections of objectionable images. Offenders identified as selecting Section 3.2(a) material portraying females were found to be significantly likely to also select section 3.2(d) material portraying females<sup>178</sup>. Similarly, a significant association was identified between offenders selecting section 3.2(a) material portraying males and offenders selecting section 3.2(b) material portraying both males and females<sup>179</sup>. While these findings suggest some consistency in offender selection as it pertained to the gender of individuals portrayed as the subject of objectionable material, no such consistency was found between the ages of subjects of objectionable material selected by individuals who committed offences classified under multiple Sections of the Films, Videos and Publications Act (1993). While all of those who selected material portraying children or young people engaged in activities classified under Sections 3.2(d), 3.2(e) and 3.2(f) were also identified as selecting Section 3.2(a) material, not all of those who selected 3.2(a) material limited their selection of other types of material to that which showed children.

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<sup>174</sup> Fishers exact test,  $p=0.002$ : 6 of the 7 offenders who selected material classified under Section 3.2(b) that portrayed incest within the context of forced sexual activity between adults also selected material classified under Section 3.2(a) that portrayed incest

<sup>175</sup>  $\chi^2(1, N=141) = 7.609, p=0.006$

<sup>176</sup> Fishers exact test,  $p=0.008$ ; 10 of the 17 offenders who selected material classified under Section 3.2(f) also selected material classified under Section 3.2(a) that portrayed incest

<sup>177</sup>  $\chi^2(1, N=141) = 5.322, p=0.021$

<sup>178</sup>  $\chi^2(1, N=141) = 4.047, p=0.044$

<sup>179</sup> Fishers exact test,  $p=0.032$ ; 3 of the 5 offenders who selected material classified under Section 3.2(b) that showed both males and females as the subjects of forced sexual activity also selected material classified under Section 3.2(a) that showed male children as the subjects of sexual activity

## **Comments Regarding the Objectionable Material Accessed and/or Distributed**

As part of the CCU checklist the CCU investigators were invited to comment on any features of the material selected by specific offenders that they considered unusual or striking. Such comments were provided in relation to the material selected by 23 offenders.

### ***Unusual Objectionable Material***

The majority of comments (14) made by CCU investigators about the content of objectionable material accessed and/or distributed by Internet censorship offenders pertained to the specific and/or unusual nature of the images 'collected' by many of these individuals. Notably, however, this 'specificity' did not preclude many such images being classified under multiple sections of the Films, Videos and Publications Act (1993).

[Offender] has a particular liking for pictures of young girls, possibly aged 7-10 (system has 6-12) with the girls posing naked with legs spread wide open and a number of views of the girls holding their vaginas open to view. -bestiality and insertion of objects

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

He titled the directory that contained the pictures "true deviancy" and it consisted of the above plus pictures of impaling and sewing up the vagina

[Offenders] 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'.

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

Clear preference for homosexual images

Pictures of girl show a label on her top which shows her to be a Christmas present for sexual purposes

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.

Relatively new looking video clips featuring apparently willing young girls between 12 and 16 posing/masturbating for the camera...Substantial interest in material featuring incest. Text, video, and image files depicted or described father/daughter, mother/daughter and brother/sister acts of incest.

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

### **Organisational Practices**

For two of the offenders identified as possessing highly specific or unusual material, comments were also made about the organisation of their collections. In total, comments regarding the meticulous organisational practices of individual offenders accounted for four of the 23 comments made regarding the objectionable material selected.

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

Number of images and text files described/depicted acts of incest - 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. [Offender] has created files (clearview type folders) into which he had pasted pictures cut from Treasures magazines, Naturalist mags, Women's Weekly etc of boys in various stages of undress etc.

Large collection and well-structured (by image file content) - collection typical of a 'boylover'.

The collection is very unified in the type of material and quite well collated (all males all children) - 'Neto' and 'Wendell' series

### **Narrative Qualities**

In 15 cases, the material selected by offenders was described as having a narrative quality. Primarily, definition of material as having a narrative quality referred to the identification of specific series' of images.

"Neto" and "Wendell" series

The "tied" series and the 'party girls' series

Series of pictures of 8 year old boy and girl posing, oral sex, 'fellating' adult male

Series of 11 year old boy in sexual acts with another boy

One series of 6 pictures showed girl posing and then involved in sexual activity with an adult male

Series of images show girl being undressed and sexually abused – "Hea" series  
"Hel" series and another (unnamed) series

[Material] showed progression of sexual activities between 8 to 10 year old girl and man

Possessed 2 series of images "Amber" and "Sal"

Had partial collections of several series including "Amber", "Hel", "Joy" and "Hea".

Show progression from posing to penetration

"Black Cat Scan" series

"Hea" 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 "Hel" series, and the "Sabban" series. Offender had been collecting for approximately 2 years.

Of the offenders identified as collecting series of objectionable images, 14 were found in possession of series classified under Section 3.2(a) and one was found in possession of series classified under both Section 3.2(a) and 3.2(b). In addition, almost half (7) of those identified as possessing series of objectionable images were also identified as possessing material classified under sections of the Act that were different from that under which of the series' were classified. Most commonly, these offenders were identified as also selecting material classified under Section 3.2(e) of the Act.

### ***Size of Offenders' Collections'***

In the case of two offenders, the CCU investigators comments related to the size of the individuals collection of objectionable material and his dedication to it.

[Offender] is committed to the collection of child porn in any form and the image collection ranges from boys clothed to sexual activity. Images are primarily boys under 15 years of age.

### **Number of Objectionable Images Identified in the Offender's Possession**

As part of the CCU checklist, investigators were asked how many objectionable images were identified in each offender's possession. In most cases, CCU investigators provided an exact number of images identified as objectionable (N=103). In cases where more than 1000 images were identified, this number was often provided in the form of a range (eg. 2000 – 3000 images) (N=3) or minimum (eg. 1000+) (N=9). On occasion CCU investigators simply reported that offenders' collections of images were either small or large (N=2).

In a number of cases, investigators reported that no images or only a small number of images were found at the time the warrant was executed but that upon examination of the computers involved, electronic evidence of previously held images was obtained (N=6). In other cases, no images were found and although evidence of previously held images was indicated, the number of previously held images was not (N=6). Ten offenders were not found with images in their possession and the CCU investigators were unable to obtain evidence of previously held images could be obtained<sup>180</sup>. In six other cases, no details regarding the number of images found in possession of individual censorship offenders was recorded.

In order to increase the consistency of the data supplied regarding the number of images found in each offender's possession, in cases where a range was supplied the middle number of that range was selected as an estimate of the total number of images. In cases where the minimum number was provided, that number was taken as the estimate. For

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<sup>180</sup> Investigation of these cases (and, where applicable, prosecution) proceeded on the basis of the material traded over the Internet by the individuals in question.

cases in which no images or only a small number of images were found but electronic evidence revealed the prior possession of a larger number of images, the larger number was selected.

Using the resulting figures, but excluding those that pertained to cases in which no images or evidence of images was found, those in which the size of the collection had simply been described as small or large, and those for which no data regarding collection size was provided, the median number of images found in possession of offenders was estimated as 250. The size of offenders' collections ranged from two to 55,000 images, with 25 percent of offenders collecting in excess of 979 images each (including 7 who were found in possession of more than 10,000 images) and 25 percent collecting less than 48 images each. The mean number of images collected was 2110.

For the purpose of analysis, the number of images found in the possession of offenders (and associated estimates of this number) was used to classify each offender's collection into one of five categories.

- No images
- Small number of images (less than 48)
- Number of images falls in the lower middle quartile range (between 48 and 250 images)
- Number of images falls in the upper middle quartile range (between 251 and 979 images)
- Number of images falls within the upper quartile range (in excess of 979 images)

Table 46 provides details of the number of offenders identified within each of these categories.

**Table 46: Number of objectionable images found in the possession of individual Internet censorship offenders**

<i>Number of Images found in the possession of Censorship Offenders</i>	<i>Frequency</i>
No Images	16
Lower Quartile	31
Lower Middle Quartile	32
Upper Middle Quartile	29
Upper Quartile	29
Unknown	8 <sup>181</sup>
Total	145

Analysis of the data regarding the size of individual offenders' collections of objectionable material revealed that those found in possession of more than 979 images were more likely than others to select material that only showed male subjects<sup>182,183</sup> and

<sup>181</sup> Including the two cases in which the collection was merely described as being 'small' or 'large'.

<sup>182</sup>  $\chi^2$  with yates continuity correction (1, N=137) = 4.543, p=0.033

<sup>183</sup> When all offenders identified in possession of more than 250 images were included in this analysis the significance level increased ( $\chi^2$  (1, N=137) = 12.422, p=0.000).

that showed children aged between two and seven years<sup>184</sup> (chi square,  $p=0.000$ , 13.037). They were also significantly likely to possess Section 3.2(a) material portraying the degradation and/or dehumanisation of children and young people during sexual activity<sup>185</sup>.

In addition, individuals found in possession of more than 250 images were identified as more likely than others to select Section 3.2(a) material portraying naturalist type nudity or partial nudity<sup>186</sup>, nudity or partial nudity without display of genitals<sup>187</sup>, incest or implied incest<sup>188</sup> and/or penetrative sex with children<sup>189</sup>. They were also identified as more likely than those possessing lesser amounts of objectionable material to select images portraying children whose facial and body features suggested that they were of non-Caucasian ethnic origin<sup>190</sup>.

### **Other Objectionable Material**

In addition to static computer images of objectionable content, 43 offenders were identified as being in possession of other types of objectionable material. As shown in Table 47, such material most commonly included either moving computer images or text. The latter included saved electronic and hard copy stories, letters and articles discussing child abuse, rape, necrophilia, degradation and dehumanisation, bestiality, and extreme cruelty and torture. According to the Films, Videos and Publications Act (1993) these text items were considered objectionable because the activity was either described out of context or in much greater detail than was necessary to convey the central idea of contextualised items. In at least two cases these text items were proven to have been written by the offender under investigation. Furthermore, several other offenders were also found to have produced examples of objectionable text. However, these are not reported because the production process occurred during on-line interaction and the text was not saved. The following section discusses these ‘productions’ in further detail.

Just under a third of offenders found in possession of objectionable material other than static computer images were identified as consuming associated video material, including four offenders who produced videos themselves. In addition, a quarter of these offenders were identified as possessing hard-copy images of objectionable material. In some cases these were photographs obtained from non-Internet sources, including one offender who produced his own objectionable images by cutting out images of adult penises and sticking them onto images of male children obtained from non-Internet sources and four offenders who produced other forms of static objectionable images in hard copy. In most cases in which offenders possessed hard copy images of objectionable material, however,

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<sup>184</sup>  $\chi^2(1, N=137) = 13.910, p=0.000$

<sup>185</sup> Fishers exact test,  $p=0.035$ ; 5 of the 10 offenders who selected material classified under Section 3.2(a) that showed children being subjected to degrading or dehumanising acts or actions during sexual activity were found to possess more than 979 objectionable images

<sup>186</sup>  $\chi^2(1, N=137) = 12.471, p=0.000$

<sup>187</sup>  $\chi^2(1, N=137) = 9.926, p=0.002$

<sup>188</sup>  $\chi^2(1, N=137) = 13.221, p=0.000$

<sup>189</sup>  $\chi^2$  with Yates continuity correction (1,  $N=137$ ) = 5.871,  $p=0.015$

<sup>190</sup>  $\chi^2(1, N=137) = 12.307, p=0.000$

these images were printed versions of material that the offenders had originally obtained via the Internet. The CCU officers noted that several offenders used such material to decorate their places of residence.

**Table 47: Types of objectionable material found in the possession of individual Internet censorship offenders**

<i>Types of objectionable material found in the possession of Internet censorship offenders</i>	<i>Frequency</i>	<i>Percentage of total sample of offenders (N=145)</i>
Static Computer images	143	98.62
Moving Computer Images	17	11.72
Other Static Images (eg. Photographs, magazines, printouts)	11	7.59
Other Moving Images (eg. Video)	13	8.97
Text	17	11.72
Other	5	3.45

As shown in Table 48, 13 of the 43 offenders identified as possessing material other than static computer images were identified as possessing at least two such ‘other’ types of objectionable material.

**Table 48: Number of forms of objectionable material found in the possession of individual Internet censorship offenders**

<i>Forms of objectionable material found in the possession of Internet censorship offenders</i>	<i>Frequency</i>	<i>Percentage of total sample of offenders (N=145)</i>
No objectionable material other than static computer images	101	69.66
One form of objectionable material other than static computer images	30	20.69
Two or more forms of objectionable material other than static computer images	13	8.97
Not Specified	1	0.69
Total	145	100.01

### **Nature of Offending and Offence related activities**

The CCU investigators were asked to indicate whether the offenders that they profiled using the CCU checklist demonstrated any of the behaviours listed in Table 49. In addition, they were provided with the opportunity to note any other offence specific behaviours that did not conform to the categories offered in this table.

### **Collecting Objectionable Material Containing Specific Themes**

In the majority of cases, where CCU investigators identified specific behaviours associated with offending (104) they identified the collection of objectionable material containing specific themes (77). In 29 of these cases the CCU investigators added comments regarding the themes identified. As indicated below, many of these comments mirrored comments made with regards to the content of objectionable material found in the possession of individual offenders. Specifically, CCU investigators referred to an

apparent focus by individual offenders on the age, gender, activities and, in some cases, species of those portrayed in the images.

Offender traded young 'pose' type pics in DCC operating in the IRC channel #100%%preteengirlsexpics. Admitted to having used IRC for 12-18 months, and regularly visiting sex channels to get pictures. Stated he was after 'younger ones' to him meaning 12-14 year posing. Without prompting stated "I was just looking I wouldn't do anything about it"

Had over 1500 child sex pictures on a CD-ROM which he burnt himself. Likes very young girls. Lives with wife who seems to be a heavy drinker.

Has engaged in sexual conduct with other males. Logs found in a computer in Dunedin shows a conversation with [another offender]. Has a preference for 15 year old boys. Has now registered with Auckland Regional Alcohol and Drug Services. Has told a lot of lies.

Denied interest in little girls, has a clear interest in urolagnia and child pornography.

Questions about content relate to image files, however [offender] had a significant collection of text files, mostly incest and underage sex stories but also several involving non-consensual sex and a couple of very hard core rape/debasement ones. Approximately 100 stories in total, some on PC, some on CD and some on ZIP disk. Most were 'last accessed' dated months or even years after initial download - showing probably repeat viewing. Also had over 200 chat logs, about 70 of which recorded cybersex with young girls (amy\_11, sars\_13 etc) or 'parents' of young girls in channels such as dad&daughtersex, familysex, younggirlsexchat, Itlgirlsex etc

[Offender] has shown an ongoing interest in images of children. This interest seems to have progressed over time toward younger children and babies. He previously indulged in sexual fantasy about sex with animals and children. Current case shows continuation of sexual fantasy about child sex.

This man, who professes to be only a homosexual, has an intense interest in small boys. His flatmates say he has been bailed out by his parents, who are wealthy, from other complaints.

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

[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! He included many 'every day' events and many of the chats from the 'boy' did not include sexual references etc at all - when asked about it he said he did this as an amusement and also because he was 'excited' by the idea of the sexual scenarios as experienced by the boy - and discussing them as the boy! The other material made it more real to them (even though they both knew they were really chatting with adult males at all times. 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 DIA 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 [OFFENDER]'s history and called DIA. [OFFENDER] has the dubious honour of being the first New Zealander to be convicted twice for trading child pornography via Internet.

### ***Collection is Indexed and Well Organised***

Many of the comments made by CCU investigators in relation to the collection of objectionable material demonstrating specific themes, made reference to the degree of organisation inherent in the collections of objectionable material found in the possession of individual Internet censorship offenders. These comments also often included reference to the size of individual offenders' collections of objectionable material. Indeed, of the 77 offenders identified as possessing themed collections, 47 were also identified as possessing well organised/indexed collections and 51 as possessing collections of more than 250 objectionable images with 27 found in possession of in excess of 979 objectionable images). Given that only 59 of all of the cases profiled were deemed by CCU investigators to be well organised, the number who were also found to collect material containing specific themes represented a sizable proportion (79.66%).

Investigator descriptions regarding the 59 cases in which the offender's collection was deemed to be well organised included reference to the use and management of file structures and systems to ensure that objectionable images were accessible and to avoid duplication of images.

Identified in \$!!!!rape\_sex\_pics and traded one rape image. [Offender] had a large well organised collection - images categorised by letter.

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

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).

### ***Classifying and Offering Objectionable Material for Trade and/or Exchange***

In addition to identifying offenders who collected specific types of objectionable material and who organised the objectionable material that they acquired, the CCU investigators also identified 37 offenders who classified and/or offered the objectionable material that they acquired for on-line trade and/or exchange with others. However, no distinction was made between classifying and offering objectionable material and/or how such material was offered. This variable was not included in further analysis.

### ***Generating New Objectionable Material for Trade and/or Exchange (Involving Photographing, Writing, Filming, Recording)***

In 11 cases the CCU investigators either identified offenders as being involved in generating/producing new objectionable material for trade or exchange or provided evidence of such involvement through comments made with regards to the offence behaviour and associated activities of offenders. In terms of the latter, the material was most commonly identified as text. Six offenders were identified as providing written

accounts of the sexual abuse of children which they shared with other offenders in the on-line environment. In three of these cases the offenders admitted to actually posing as a child during some of their on-line interactions with one of them stating that this eased the effort needed to acquire objectionable images from others. At least two of these offenders were also found to have presented themselves as having committed the abuse that they described in their objectionable publications. However, no evidence of this abuse was uncovered and the offenders denied ever having sexually assaulted children when confronted by the CCU investigators. Nevertheless, both of these offenders admitted that real children and actual events were used as inspiration for their stories. Furthermore, in at least two cases, the names and images of real children were employed as part of the story telling process<sup>191</sup>. In these and at least one other case, offenders used objectionable material downloaded from the Internet or manipulated seemingly 'innocent' images of children known to them in a way that allowed them to 'fit' them into the fantasy scenario that they had developed<sup>192</sup>.

[The offender] stated he had written stories which were 'his fantasies' - 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. 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. 6 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. [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. [The offender] had also obtained and used picture editing applications to 'improve' the images that he had obtained.

[The offender] had created (very successfully if the chat sessions and replies to emails from other men are to be believed) 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 (well, except the dog obviously). 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, sent (while speaking as 'Joanne- a 13 yr old girl from [location name]) saying it was (her) parents. [The offender] involved great detail in his

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<sup>191</sup> This phenomenon was also demonstrated by an offender who was investigated by the CCU for offences that were committed outside of the Internet environment.

Defendant B admitted being sexually aroused by having other men thinking they were corresponding with a sexually active young teenager, also by sending images and text describing sex acts with young girls. He claimed to be deeply ashamed of having used footage of his friends' daughter [in one of his stories] and said he would never even 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 Naturalist 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.

<sup>192</sup> In one case an offender also produced a video by manipulating images obtained from other videos and providing a 'voice-over' detailing a story regarding sexual abuse. However, this video was not shared on-line with other offenders.

stories including the feelings of the girls about sex and relationships generally. He had clearly given it a great deal of thought.

In addition to the 'stories' of sexual abuse of children written and shared by Internet censorship offenders, two offenders produced objectionable images (both moving and still) that were later used as evidence that they had in fact committed sexual offences against children. At least some of this material, and/or text based descriptions of it, was also found to have been shared during on-line interactions with other offenders<sup>193</sup>.

2 years after the initial warrant and prosecution etc, 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 [date] 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.

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

As well as stories and images of child sexual abuse produced and shared on-line by Internet censorship offenders, the CCU investigators also identified three offenders who produced photographs of adults, presented in ways that emphasised their degradation of humiliation, and shared these with other offenders. In two cases, this material was also accompanied by text based descriptions of the activities portrayed and in one, the subjects of these photographs were unaware of their part in the production process.

[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 offenders] 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 laying 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 a pin hole camera in his shoe and over a period of time in picking his victims. He managed to collect film of up to 3500 females in the [location name] region. [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

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<sup>193</sup> A third offender was also identified as having made a video of a sexual interaction between himself and a young boy, however, this was not shared on-line with other offenders and therefore was not counted in the data regarding the production of objectionable material for this purpose. It was, however, counted as an example of a form of objectionable material other than an electronic image found in the possession of an offender.

Video tape made by the offender depicting a youth asleep while the offender/'cameraman' pulled down his pants/underpants...

Similarly, another offender produced objectionable images by pasting 'cutouts' of an adult's erect penis on pictures of young boys obtained from magazines and advertising material. Because these images were produced as hard copies and the offender did not have a scanner, they were not shared on-line and therefore also not counted as examples of objectionable material produced for this purpose.

impalings. The subdirectories were titled bizarre, toilet and were under a directory called Cabinet. He also had bestiality pictures.

Identified as creating objectionable material; corresponded with covertly after discovery of an advertisement in a Contact magazine for "bizarre" material – [The offender had produced] videotapes and [written] text stories about the degradation/humiliation of adult [and teenaged] males and females [as well as] R18 type photographs of her husband dressed as a woman. This was in the context of Domination ("Slave" letters) and BDSM generally.

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 perverts".

Notably, three of the individuals identified as generating objectionable material for online trade or exchange were also found to be involved in developing websites for the distribution of such material and/or selling it.

### ***Developing Web Sites, or Selling CD-ROMS, of Objectionable Images Etc. for Financial Gain***

Of the 10 offenders identified as being involved in developing objectionable websites and/or selling objectionable material, the majority simply supplied material that they themselves had obtained either via the Internet or in hard copy. However, in three cases, the offenders had actually set up businesses that were dependent on the distribution of objectionable material. At least two of these businesses involved international customers. Perhaps most notable is that one of these business people was female and this offender was the only female in the current sample. She was also the only one of the business owners to be definitively identified as producing her own material. Interestingly, she was also found to produce material that she did not offer publicly.

[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 usually 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. Guys were paying \$180-00 for 6 weeks worth of letters. [She also supplied images of degrading acts being performed on adults and teenagers]

Is well organised and makes money by setting up members only areas on websites. [The offender] was a member of a trio who supplied to the public pictures of small boys through two websites. The other two are residents of the USA. He established a clientele of about 700 persons who paid into a website account in New Mexico, USA. The US Customs are presently investigating their citizens who offended by accessing these websites.

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

### ***On-Line Sexual Interaction with Children***

Six offenders were identified as having engaged in on-line sexual discussion with individuals who the offender perceived to be children and young people. These cases included one offender who had sent an example of child pornography to an 'underage

user'. In two of the comments made in relation to these offenders, deception was identified as a component of the interaction involved.

Chatting with young girls as a "schoolboy" trying to arrange purchase of "used panties" and to meet

Made CD of material for himself, made chat logs recording cybersex with young girls. Had over 200 chat logs, about 70 of which recorded cybersex with young girls (amy\_11, sars\_13 etc) or 'parents' of young girls in channels such as dad&daughtersex, familysex, younggirlsexchat, ltlgirlsex etc

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. Because of his huge size, which he lies about when talking to women on the internet, 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 addresses of 12436 females on his computer

In chat logs found on computer found [offender] to have fantasised about sex with children, incest and bestiality fantasies, and to have tried 'cybersex' with both young girls and youthful males!!

Despite the relatively small number of images involved in this case I felt prosecution is 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 [offender] as to the reason behind his offending. Unallocated clusters (system background) indicate multiple contacts with IRC users employing names indicating gender and age (cassie10, megan11, karin11). Extracts: "yao> when did u first have sex? \_\_" " so have you experienced sex ?" " does it feel very nice\_up inside you?\_" " was it nice?" " did it hang down or hard and standing up?\_" " how many fingers do u put inside you ?" " does it feel very nice" "yes they do" "what do you think?" "what else he ?\_you ?" " what did u do with it ?\_(\_" " did he touch you between legs ?\_" " was he big?" [Offender] also had some access to babysitting grand children. Parents of children told of reason behind warrant. MO of the offender seems to indicate downloading files and deleting them after a short time

### ***Other Behaviours***

Of the three remaining offenders identified as demonstrating 'other' types of offence behaviour, one was identified as engaging in online discussion regarding the production of videos showing child pornography, one was identified as a Bulletin Board Systems operator, and one was identified as showing child pornography (interspersed with non-objectionable material showing children playing and engaging in everyday activities) to non-family children with whom he resided.

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.

**Table 49: Nature of offending and offence related activities of individual offenders**

<i>Behaviours demonstrated by individual offenders</i>	<i>Frequency</i>
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)	77
Collection is indexed and well organised	59
Classifying and offering objectionable material for trade and/or exchange	37
Collecting a wide range of images containing all sorts of sexual/objectionable oddities (no particular theme/s)	17
Generating new objectionable material for trade and/or exchange (involving photographing, writing, filming, recording)	11
Developing web sites, or selling CD-ROMS, of objectionable images etc. for financial gain	10
On-line sexual interaction with children	6
Other behaviours	3
No behaviours identified	41

### **Non-Objectionable Images and Material**

The CCU checklist invited censorship compliance investigators to provide details of any material found in the possession of offenders that could not be legally described as objectionable, but which was considered suspicious within the context of individual's offence behaviour. The censorship compliance investigators identified 76 (52.41 percent) offenders as being in possession of material that they considered to be related to the censorship offence but could not legally be defined as objectionable (Table 50). Of these, the largest proportion (54), were found to possess material that the investigators identified as 'mainstream' or legally available 'pornography' and 'erotica'.

[Offender] ran an Fserve offering teenage material but had a large collection of popular 'stars', 'pinup girls' and so forth - Large collection showing specific themes – indexed

[Collection of] urination and lactation [pictures]

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.

Individual had a small number of Asian porn Penthouse etc

R18 images (about half of [offenders] porn collection), tending to be mostly teenaged girls or women in early 20's

R18 style images, usually of females posing or engaged in sexual acts with adult males, however the offender had a significant collection of R18 lesbian images (in dir \Lez)

There was a collection of written material all homosexual but tending towards the younger age, eg teens. There was also a large collection of cuttings and images such as the catalogue type materia - Indexed and well organised

Mainly lesbian images of adults

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

All of the offenders who were found in possession of material that the investigators identified as 'mainstream' or legally available 'pornography' and 'erotica' were also found in possession of objectionable material classified under Section 3.2(a) of the New Zealand Films, Videos and Publications Act<sup>194</sup>. In addition, 20 were found in possession of material classified under Section 3.2(d)<sup>195</sup> and 21 were found in possession of objectionable material classified under Section 3.2(e)<sup>196</sup>. Only 12 of these offenders were identified as selecting material classified under Section 3.2(b) as portraying the sexual abuse of adults and only 7 were identified as selecting material classified under Section 3.2(f) as showing extreme violence, torture or cruelty. While most of the non-objectionable material found in the possession of these offenders took the form of images or publications, two of those found in the possession of legal pornographic or erotic images were also found in possession of other pornographic or erotic material. This material took the form of sexual toys and aids.

In addition to, and including some (N=15) of the offenders found in possession of legally available pornography and erotica, 36 (24.83 percent of all offenders) offenders were identified by the censorship compliance investigators as being in possession of other types of material that could not be considered legally objectionable but that they considered suspicious within the context of offending. Most commonly (N=24; 16.55 percent of all offenders), this material took the form of images (often noted to be in the thousands) of children<sup>197</sup>. These images were frequently identified as originating from magazines, newspapers, advertising material, and the Internet. However, in at least seven cases, offenders were also identified as having personally photographed or videoed children.

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

Images of boys clothed i.e. Beginning of series type pictures

The non objectionable material found consisted of newspaper and magazine clippings which depicted young boys. It included advertising matter, pictures stories and articles. All of the material was well secured in file folders

Pictures of young boys clothed i.e. beginning of a series pictures.

Large numbers of pictures taken by defendant of girls leaving the local school just down the road. Most photographed at the roundabout by his work.

Found amongst his collection were pictures of young boys taken at a local school. They had been loaded from a digital camera to the computer and placed in a directory titled as per the

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<sup>194</sup> Fishers exact test,  $p=0.027$

<sup>195</sup>  $\chi^2(1, N=141) = 6.873, p=0.009$

<sup>196</sup>  $\chi^2(1, N=141) = 4.118, p=0.042$

<sup>197</sup> 10 of the offenders identified as collecting non-objectionable images of children were also found in possession of legally available pornography and/or erotica

name of the school. The names given to the pictures did not match the true identity of the boys. The images are purely those of children playing in the local playground of the school.

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 name] for many years. There is a 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. 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. 6 of the video recordings have been made by filming pictures of the boy scouts [with whom he worked]. 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). 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

Photographs of children in swimming costumes or at the beach

Video recordings of his students with camera concentrating on girls targeting the skirt line

All of the offenders identified as collecting non-objectionable images of children were found to also select objectionable images of children, classified under Section 3.2(a) of the Films, Videos and Publications Act. Few of these individuals were found to select objectionable material classified under any other Section of the Act. Of those who did select material classified under other sections of the Act, most common was material classified under Section 3.2(e) (N=5), followed by Sections 3.2(b) (N=3) and 3.2(d) (N=3), and 3.2(f) (N=1). In total, only three of the 24 offenders identified as possessing collections of non-objectionable images of children were reported to reside with children. Similarly, only in cases where offenders did not reside with children did the censorship compliance investigators note the presence of children's toys, appliances and/or articles of clothing as suspicious. Seven such cases were identified. Another seven cases in which offenders were found in possession of reference material relevant to accessing and/or abusing children were also identified.

Notebook found with various references to "paedophilia", "boylove", etc.

Book contained English phrases of a type useful in 'grooming' a boy (e.g.: "those are nice pyjamas", "the keys are in my pocket, can you get them for me", and so forth)

Textbooks on photographing children

Books on child rearing, books and articles on child abuse cases (eg. name of specific case), 'treasures' [disposable diapers]

Youth Group material (Church, Scouts)

News coverage of 2 sexual abuse cases in the [regional newspaper].

Perhaps not surprisingly, four of the seven offenders identified as possessing non-objectionable but suspicious images of children were also found in possession of children's toys, appliances and/or articles of clothing. Similarly, five of the seven offenders found in possession of reference material relevant to accessing and/or abusing children were also identified as possessing non-objectionable but suspicious images of children. In addition, two offenders were found in possession of both children's toys, appliances and/or articles of clothing and reference material relevant to accessing and/or abusing children.

All of the offenders identified as possessing children's toys, appliances and/or articles of clothing and/or reference material relevant to accessing and/or abusing children were also identified as being in possession of objectionable material classified under Section 3.2 (a) of the Films, Videos and Publications Act. Notably, offenders identified as being in possession of children's toys, appliances and/or articles of clothing and collecting non-objectionable images of children appeared to account for almost all of the later who also selected objectionable material classified under Sections 3.2(d) (N=3), 3.2(e) (N=3) and 3.2(f) (N=1). Offenders identified as possessing reference material relevant to accessing and/or abusing children were also identified as relatively likely to be found in possession of objectionable material classified under Section 3.2(e) (N=3).

In the case of three other offenders, images showing autopsies and dissected body parts were identified by CCU investigators as being of concern to them. These included material showing crime scenes and documenting the process of forensic autopsies. One of these offenders was found to limit his collection of objectionable material to that classified under section 3.2(c) of the Films, Videos and Publications Act. The other two were identified as selecting objectionable material classified under Sections 3.2(a), 3.2(b), 3.2(d), 3.2(e), and 3.2(f). Both of these offenders consistently selected material identified as degrading to those portrayed. One offender was also identified as selecting material classified under section 3.2(a) showing children being subjected to explicitly harmful acts and action and demonstrating expressions indicative of fear, as well as selecting material classified under section 3.2(b) showing adult women being subjected to harmful acts or actions.

Other cases in which non-objectionable images were considered by the CCU investigators to be suspicious included one in which the individual concerned was identified as offending under Section 3.2(e) of the Act and found in possession of hundreds of pictures of his own dog. All of the objectionable material selected by this offender showed individuals engaged in sexual acts with dogs. Another offender was found to possess "a large collection of cuttings and images" of men. These appeared to have been taken from catalogues. The CCU investigator commented that this collection was indexed and well organised. The objectionable material selected by this offender focused solely on the sexual abuse of male children.

A third offender was found in possession of a video in which he was depicted penetrating himself anally with a "large dildo", a fourth with pictures of "woman upon woman" wrestling and images in which males were being sat on, stood on and "dominated" by

women, and a fifth was identified with images of himself being subjected to bondage and “extreme torture”. All three of these offenders were identified as selecting objectionable material selected classified under Section 3.2(a) and two were also identified as selecting material classified under Section 3.2(e). In addition, one was identified as selecting material identified under Section 3.2(f) of the Films, Videos and Publications Act and one was identified as selecting material classified under Section 3.2(d). The fifth offender was also identified as possessing bondage “gear”. Similarly, one offender who was identified as selecting material classified under Sections 3.2(a, b, d, e, and f) and as offering female domination services for sale that involved the degradation of males, was identified as possessing numerous images of her husband dressed up in women’s clothing and make-up. Another offender, identified as selecting material classified under Section 3.2(a) was also found to possess a large collection of “Xena” (warrior princess) images.

Finally, on the computer of one offender the CCU investigators found a curriculum vitae detailing previous censorship and child sexual abuse investigations. In addition, documents advocating the legalisation of paedophilia and describing its current treatment as prejudicial were also uncovered. These documents and the remaining contents of the offenders computer showed significant interaction between the offender and others involved in censorship offending and/or the sexual abuse of children.

His CV was on an old computer that was seized and this had been compiled by [the offender] with an extra area at the end. It was titled '[offender's surname] v The Powerful Ones' and detailed the search warrants, charges, arrests, decisions, appeals, restraining orders, media articles, press complaints, judicial review, death of witness, etc..... 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

**Table 50: Non-objectionable material found in the possession of individual offenders that was considered suspicious in the context of the offending**

<i>Non-objectionable material found in the possession of the offender that was considered suspicious in the context of the offending</i>	<i>Frequency</i>	<i>Percentage of offenders</i>
R18 pornography or other erotic images	54	37.24
Images of children	24	16.55
Children’s toys, appliances and/or articles of clothing	7	4.83
Reference material relevant to accessing and/or abusing children	7	4.83
Other collections	4	2.76
Images of autopsies or dissection of body parts	3	2.07
Other non-objectionable images relevant to the objectionable material selected	7	4.83
Articles indicating an interest in weaponry, martial arts and/or bondage	2	1.38
Erotic/pornographic material other than images	2	1.38
Other items of personal clothing and accessories not expected to be found in the offenders residence	1	0.69
Other non-objectionable but suspicious material	1	0.69

All of the offenders who were found in possession of non-objectionable but suspicious material were also found to be in possession of objectionable material. That is, they were all '*collectors*' and none had deleted, destroyed or in any other way hidden their collections. Furthermore, four offenders were found in possession of material supporting the conclusion that their propensity to collect was not limited to objectionable images:

Collector of comics and videos

Collection of model aircraft

Had a collection of service clothing army uniforms, a Kendo sword and firearms. The living room is decorated with a large collection of different calibre bullets

The subject is a typical collector, evidenced by the image collection and his other hobby trainspotting. When found leaving the address to go trainspotting the subject had a collection of child porn stories with him. After the warrant information was obtained that he was using a local internet café to access text stories from [www.Nifty.org](http://www.Nifty.org), in the teen area.

### **Known Associates**

Twenty-five (17.2%) of the offenders for whom CCU checklists were completed were identified as associating with other censorship offenders. Of these, 21 were identified as having engaged in Internet based interaction with at least one other individual who had been investigated and or prosecuted by the New Zealand Department of Internal Affairs CCU. In 18 of these cases, checklists had been completed for the on-line associate identified. These checklists revealed that six of the offenders also maintained personal offline relationships with their on-line associates; including four relationships involving siblings and two involving school based friendships. None of these offenders were identified as associating with any other known censorship offenders on-line. Furthermore, out of all of the 21 cases in which offenders were identified as associating on-line with other censorship offenders known to the DIA CCU, in only one was the offender detected as a result of their name occurring in another offender's logbooks.

60 charges have been laid under our act against [the offender] however he left for Thailand a few days after the search warrant was carried out on his home in 1997. He is believed to be living in Thailand close to [other censorship offender A] and regularly travels (thought to be Cambodia to renew passport entrance to Thailand)... It is thought that [other censorship offender B] who was a friend of [the offender] had an association with [other censorship offender C]. [Other censorship offender C] had stated that a person had dropped off pictures to his house for copying and description was roughly similar to [other censorship offender B]. [Other censorship offender B]'s computer and [the offender's] both showed signs of an additional hard drive being attached that held child porn... Later on, [other censorship offender C] was found in possession of a number of hard drives, one of which held 15000 pictures... It was thought that these drives may have been one of those that we believed at that time was being moved around by this group... [representative of the New Zealand Man-Boy Love Association] came forward, after [the offender] left New Zealand, and stated that he was [his] legal representative.

[Offender] had acquired a lot of objectionable files from [another censorship offender] when he took a copy of material on [the other offender's] HDD. [The offender] however had deleted a lot of the images etc. depicting children. Unlike [the other censorship offender], [this offender] showed genuine remorse and regretted having been involved in making child pornography available.

[Offender] set up and ran an Fserve which he used to collect chiefly child pornography. He copied his files to his friend's [other censorship offender] computer however while [the other offender] deleted the 'hard-core' material of younger children etc. [This 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.

Immediately referred self to local mental health team and is receiving counselling to deal with his predilection. This is however the 2nd time he has been 'caught' - offended again during active period of suspended sentence. Evidence from examination of computer showed [the offender] to have had contact with [another censorship offender] and also to have set up a group in IRC. Also that he had met some of them (in real life) - potential for 'boylovers' group to exist within the group considered strong. Though only one bedroom at first warrant, son at separate bedroom at the time of this warrant

Identified in \$!!!!rape\_sex\_pics. [Offender] had a large well organised collection - images categorised by letter. This person was involved in sending pictures to another person in the [geographic location] area however he was not identified. He was also involved in swinging with the Internet, and the husband of the couple that they were in contact with in [geographic location] was also picked up on the internet trading.

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

This person had been aware of me by name as he had spoken with two people that we had caught previously. His attitude was that he would not talk to me and stated that his computer would tell us all we needed to know.

Of the four offenders who were identified as associating on-line with censorship offenders who had not been investigated or prosecuted the DIA CCU, two were detected as a result of their involvement with internationally located Internet censorship offenders. Their details were supplied to the CCU by law enforcement officers operating in the geographic areas in which they resided.

Had emailed child pornography to [name of associate] - a censorship offender in Wales

Part of a trio supplying objectionable images through websites – [name of associate], an American who appears to be his business partner

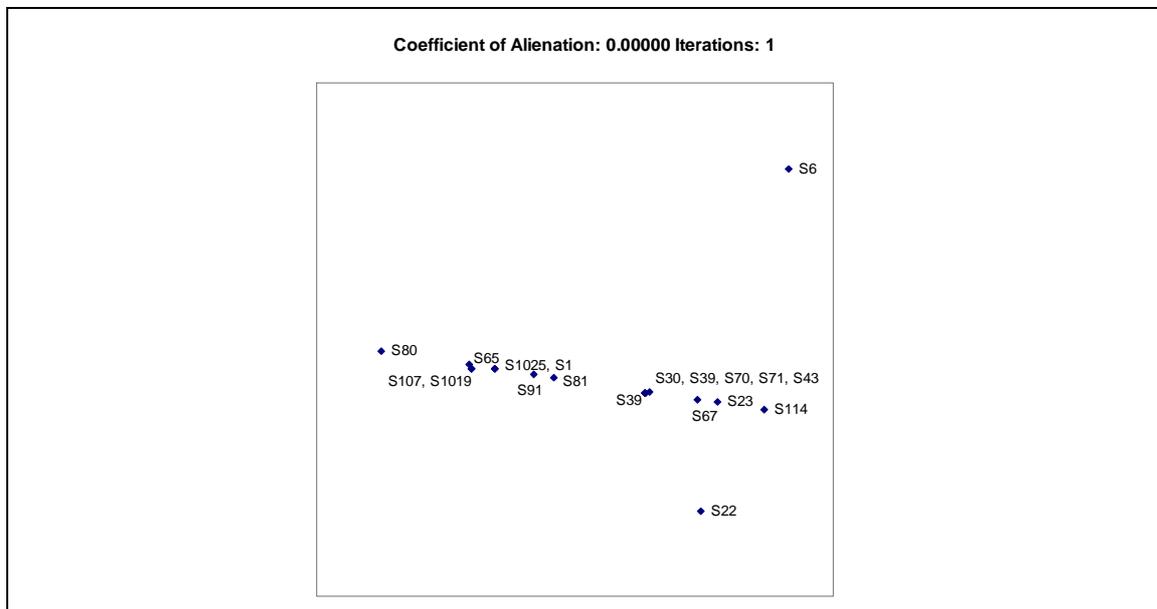
In turn, one offender was detected in response to a local complaint and “as a result of penetrating his email system, many criminals who targeted children for sexual reasons were arrested in Europe”. Finally, one offender was identified as the operator of an IRC channel primarily used by individuals with an interest in trading and discussing objectionable material.

In the majority of cases (N=14) in which the names of the on-line associates were given (N=21), the offenders to whom the checklists pertained were only identified as associating on-line with one other known censorship offender. However, two offenders were identified as associating with at least two other known offenders, three with at least

three other offenders, and two with more than three other offenders. Overall, 27 different known censorship offenders were named as associating with those about whom checklists had been completed. In most cases the associate/s identified in relation to each offender about whom a checklist was completed were not identified as associating with any other offender about whom a checklist had been completed (N=21). In four cases, the names of known offenders were associated with at least two different offenders for whom a checklist had been completed. One known offender was identified as associating with at least three offenders for whom a checklist had been completed, and another as associating with at least four.

Figure 10 presents, in two dimensional form, the relationships between each of the censorship offenders who were profiled using the CCU checklist and were identified as associating on-line with other New Zealand based known (**and named**) censorship offenders. Specifically, it relates these offenders by way of their associations to each other and to known censorship offenders to whom they share common ties. In this figure, each of the numbers preceded by an ‘S’ represents a different profiled offender.

As shown in Figure 10, despite the small number of known censorship offenders identified as engaging with more than one of the censorship offenders profiled using the CCU checklist, significant crossover existed between the relationships involved. Clusters of up to six offenders who had been profiled using the CCU checklist were identified as having interacted with each other or with one of the other known censorship offenders who maintained multiple on-line contacts.



**Figure 10: Two dimensional representation of on-line associations between known censorship offenders**

In addition to individuals who were identified as associating with known censorship offenders, another six were identified as engaging in on-line ‘chat’ based activities that suggested interaction with others who shared an interest in the sexualization of children.

These activities often demonstrated significant 'creativity' on the part of the identified offender.

This person spends most of 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

[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! He included many 'every day' events and many of the chats from the 'boy' did not include sexual references etc at all - when asked about it he said he did this as an amusement and also because he was 'excited' by the idea of the sexual scenarios as experienced by the boy - and discussing them as the boy! The other material made it more real to them (even though they both knew they were really chatting with adult males at all times).

[Offender] posed as a 14 yr old girl on IRC because he wanted to see what other people would believe. He had a general interest in sexual images (including some gay ones) but most files were of young girls. He [said he] 'got off' on the conversations and trading as much as the image content per se.

During an interview [offender] admitted posing as a young girl (aged from 14 to 18) which he claimed made trading pics easier.

Only one of the offenders identified as associating on-line with other known censorship offenders was also identified as engaging in this form of chat based activity.

### **Access to Children and Other Individuals Similar to the Subjects of the Objectionable Material**

Given the subject matter of much of the objectionable material involved in the offences investigated by the CCU investigators (eg. child pornography), the degree to which offender occupation facilitated access to children and young people was considered particularly important to the current research. Overall, 36 offenders were identified as having some form of regular physical contact with children and/or young people. In addition, six offenders, including four who had been identified as having regular physical contact with children or young people, were found to actively seek out children and young people on the Internet (Fishers exact test,  $p=0.030$ ).

Including those identified as being employed in school based teaching professions, a total of 12 (8.28%) offenders were found to work in positions that also involved frequent, direct contact with children.

[He was] the headmaster of a local primary school and is well known in the teaching profession. He had a telescope in his lounge pointing at the street where school children passed.

Was employed as teachers aid

Provider of IT support to intermediate school,

House in strange - it has one way glass in all the windows. [Offender] was a photographer and admitted taking 'girly' shots but said it was in the past.

Holiday camp labourer

In addition, 18 (12.41%) offenders were identified as frequently being the sole caregiver of children and/or young people. In 13 of these cases, the children were identified as residing with the offenders and in 12 of these cases at least one of the children residing with the offender was identified as his own. In addition, in two of the 13 cases in which the children identified as frequently in the sole care of the offender were also residing with him, at least one of the children concerned was neither the offenders nor his partners. Furthermore, only in five cases were these offenders identified as residing with a partner.

His wife has left him with the custody of his young children. Police are looking at this situation

Police/CYFS [Child, Youth and Family Service] looked into question of his providing solo care to a 13 year old girl

Identified on 4 preteen and celebrity channels and traded some images. [Offender] has 2 pre-school aged children

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.

Fourteen offenders (9.66%) were found to have some other type of regular physical contact with children or young people. The latter included identification of five offenders who were actively involved as Boy Scouts leaders. Of these, one was also involved with a church youth group, another taught martial arts to young people, and yet another volunteered as a soccer coach for 8 year olds. This last offender had also applied to the Youth Aid Service to become a mentor for boys whose fathers were in prison. In addition, one other offender was a soccer coach, one was registered as a Department of Child, Youth and Family Services Caregiver and was known to invite children back to his home<sup>198</sup>, one assisted with a children's theatre group, another babysat for a neighbour, and one had been involved in children's photography.

Police advised of stated preference for young girls. [Offender] stated in interview that he helped his wife with her theatre group and that through it he had access to children and teenaged girls. Wife and [Offender] both advised that [Offender] would be excluded from the children's theatre group. Later found chat log showing that [Offender] stated having sex with 15 year old girl from the theatre group and stated several times that he would like to have sex with younger girl down to age 11. Police advised.

The CCU investigators also commented on the finding that one offender had limited access to his grandchildren, one was observed playing with his partners' younger brother, another lived with a host family that had two children, and one had created a peep-hole to observe other household teenagers while they were in the shower. Similarly, other offenders were not identified as having direct contact with children or young people but as placing themselves in positions where they could observe them:

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<sup>198</sup> Indeed, during the period immediately prior to his court appearance, this person was warned by his local police regarding inviting boys back to his flat.

Lived across the road from private girls school. Wife worked in childcare centre

A video camera was found in the front room on the window seat. The house looked out onto a road along which intermediate and primary school children travelled on their way to a nearby school

Of those offenders who were frequently the sole caregiver of children, two maintained some 'other' form of access to children and one worked with children and maintained an 'other' form of access. In addition, another three offenders who were identified as working with children also maintained some 'other' form of access to them.

This person was heavily involved in Boy Scouts. He was martial arts, in particular the training of young persons. He was a Teacher's Aid and was found to be extremely good with problem children.

Four offenders were reported to maintain regular access to 'subjects', other than children, who were similar to those portrayed in the objectionable material that they selected and/or distributed. One of these individuals was identified as only offending under Section 3.2(c)<sup>199</sup> of the Films, Videos and Publications Act (1993). This individual worked with funeral directors and had frequent access to cadavers. A second offender was found in possession of numerous 'upskirt' images that he had created with the use of a 'shoecamera'. Another used a peephole that he had built into his house to spy on teenagers that boarded with him and a fourth, who was found in possession of images classified under Section 3.2(f) (Extreme torture and cruelty) of the Act, was also identified as the subject of many of the images collected. In addition, a number of offenders, many of whom also selected images classified under Section 3.2(e), were identified as having access to pet animals.

While carrying out the search of the premises pictures of his dog were found, (large number) he referred to his Malamute dog as his sweetie. The dog is extremely friendly for a female Malamute

## **Criminal History**

Criminal histories were obtained for 137 of the 145 Internet Censorship offenders sampled in the current research. Of these, 22 (16.06 percent) had been convicted of a criminal offence, including five who had been convicted of more than one offence. These five individuals included one who had been convicted of a censorship offence, as well as an offence of a non-violent, non-sexual nature and one who had been convicted in relation to two different sexual offences against females who were aged less than 16 years old. The other three had all been convicted of a sexual offence against a male aged under 16 years old. One of these individuals had also been convicted of a sexual offence against an adult, another had been convicted of a drug related offence, and the third had been convicted of an additional 'minor' sexual offence as well as wilfully attempting to obstruct an investigation. None of the CCU offenders were identified as having been convicted of a (non-sexual) violent crime.

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<sup>199</sup> Sexual activity with or upon the body of a dead person

As indicated in Table 51, most of the convictions identified in relation to the current sample of Internet censorship offenders were for sexually related offences. Furthermore, most of these offences had involved children age under 16 years old. Out of the 137 offenders for whom criminal histories were obtained, 12 (8.76 percent) had been convicted of a sexually related offence. In contrast, between the 1996 and 2002 financial years, the conviction rate for all sexual offences for the entire New Zealand population ranged between 0.046 and 0.072 percent<sup>200</sup>. Furthermore, this range assumes each conviction is against a different offender. Although the range of years in which sexual offence convictions against the current sample of offenders were recorded reduce the comparability of this statistic, it suggests a significantly higher rate of such convictions amongst the individuals in this sample than amongst the general New Zealand population.

In addition to convictions, consideration of previous contact with law enforcement agencies showed that another two offenders had been investigated, and warned, in relation to a sexual offence with a female aged less than 16 years. Similarly, another four offenders had been investigated in relation to sexual offences involving males aged less than 16 years. Of these, one had been charged but not convicted, one had been warned, one case was under investigation in another country. In another case the charges were in the process of being pursued at the time that the CCU began investigating the offender.

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

Deported to [country name] 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.

Offender is a 'boylover' and says he does not see any problem with adult males wishing to have sex with young boys - if the boys also say they want it (I.e. if not forced on the boys) then it is OK and society should accept it as a legitimate form of sexuality like homosexuality - Not convicted but charged with sexual assault on 6 and 12 year old boys - Highly computer literate, eg. Has written own Fileserver script for IRC client, has written WebPages, used high level encryption, IRC Channel Operator

Similarly, at least two of the CCU offenders who had never been investigated in relation to a sexual offence of any type admitted to having engaged in some form of sexual contact or activity with young people.

Offender has admitted to touching children but no penetration

This person had recently been involved in an incident with an 11 year old girl. The co owner and partner in the business of the Café talked the father into accepting [offender] could be dealt with by the Stop Programme rather than the Police. In addition to this the complaint regarding child porn that we received had been in Police hands for over a year and no action had been taken. It was

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<sup>200</sup> Department of Justice, 2004, Conviction and sentencing of offenders in New Zealand: 1994 to 2003, Department of Justice: Wellington, New Zealand.  
<http://www.justice.govt.nz/pubs/reports/2004/convictions-sentencing-2003-04/prosecut...> (accessed 30/03/06).

considered that due to the small amount of material, jukes admission and the age of the complaint that the best course of action would be to reinforce the need for [offender] to complete the STOP programme

For the purpose of the current analyses, only those who had actually been convicted of a previous offence were included.

**Table 51: Prior convictions for individual Internet censorship offenders**

<i>Prior convictions</i>	<i>Convictions</i>	<i>Percentage of total convictions</i>	<i>Percentage of total Internet censorship offenders N=145)</i>
Censorship Conviction	5	17.86	3.45
Conviction for a non-violent, non-sexual crime	4	14.29	2.76
Minor offence of a sexual nature	3	10.71	2.07
Sexual offence against a female aged under 16 years	6	21.43	4.14
Sexual offence with a male aged under 16 years	5	17.86	3.45
Sexual offence against an adult	1	3.57	0.69
Drug related offence	3	10.71	2.07
Other Criminal offence (Wilfully attempting to obstruct)	1	3.57	0.69

None of the offenders who had been convicted of a sexual offence had been convicted of a previous censorship offence, let alone a censorship offence involving the Internet. Indeed, in some cases, recorded convictions for sexual offences preceded widespread access to the Internet (eg. convictions recorded in 1973, 1985 and 1988). Indeed, all but one of the convictions recorded preceded detection for Internet censorship offending by at least a year.

In terms of the five offenders who had been convicted of prior censorship offences, the median number of days between the start of the investigation for which the CCU checklist was completed and the most recent previous censorship conviction of each individual offender was 473. Time between prior convictions and current investigations ranged from 21 days to 1247 days. In addition to the five individuals who had previously been convicted of censorship offences, three offenders had previously been warned in relation to accessing and/or trading objectionable material and one had been in contact with the Department of Internal Affairs as a result of connections to an individual involved in another case. None of these offenders had been previously convicted of a sexual offence. However, since his most recent contact with the CCU, the material identified in the possession of one of these individuals had resulted in him becoming the subject of an ongoing investigation in relation to suspected physical sexual offending.

### **Computer Literacy**

The CCU checklist invited investigators to estimate the computer literacy of each Internet censorship offender and provide information pertaining to how the estimate was arrived at. No estimate was given for the computer literacy of five offenders. Of the remaining 140 offenders, 57 (41.71 percent) were described as demonstrating a high level of

computer literacy, 47 (33.57 percent) as demonstrating a medium level of computer literacy, 28 (20 percent) as demonstrating a medium-low level of computer literacy and 8 (5.71 percent) as demonstrating a low level of computer literacy.

Descriptions of what was meant by high computer literacy 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 timber quality
- NT operator
- Is conversant with all applications
- Hacker [well known]
- Self stated "computer expert"
- Professional "expert"
- Sets up and hosts business web sites
- Runs own pay websites. Home taught. Uses newsgroups to advertise websites
- Well versed with computer and software/hardware
- Works as a computer tech
- Operates BBS, built own computer
- Linu 'guru'. Pearl script writer, programmer for ISP (Earthlight)
- Highly literate, eg. Has written own Fileserver script for IRC client, written webpages, used high level encryption, IRC Channel Operator

In line with the descriptions provided by the CCU investigators, 22 of the offenders described as demonstrating a high level of computer literacy were employed in the Information Technology profession and six were identified as students of information technology.

In contrast to the frequent reference to computer related 'expertise' provided in their descriptions of the highly computer literate censorship offenders, the CCU investigators descriptions of medium computer literacy tended to focus on amount of time and experience associated with an offenders computer activity.

- 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
- Repairs computer for friends
- Can set up message data
- Student of technology
- No directory structure established on pc, did create a number of zip files storing image files
- Ability to access and download images from different Internet sources, IRC, newsgroups etc
- Is computer literate and appears to spend a lot of time on computers mostly at night
- Ran Fserve, but did not know enough to 'clean up' the computer he had been using
- Regular user at work, aware of programme setup issues, user of ICQ, IRC, into computer gaming

The CCU investigators descriptions of what they defined as low and medium low computer literacy related primarily to the type of software and computers used by offenders and the way in which they used 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  
 No sophisticated software  
 Capable of gaining access to and operating effectively in various areas irc, yahoo chat etc  
 Old computer, little software  
 Has difficulty understanding most applications.  
 Has no sophisticated software  
 Low level computer knowledge, no directory structure developed  
 No directory structure on system

### **Time the Offender Spent on the Internet During the Week Prior to the Warrant being Served**

In 24 cases the CCU investigators were unable to establish how many hours that offenders had spent ‘on-line’ during the week prior to CCU warrant being served (or the first CCU interview). Of the remaining 121 cases, 55 (45.45 percent) were identified as spending less than 10 hours on-line during the week prior to the investigation commencing proper. Another 45 (37.19 percent) spent between 10 and 30 hours on-line during the week prior to the warrant being served and 21 offenders (17.36) were identified as being on-line for more than 30 hours during that time.

### **Internet Application/s Used for Offending**

Overall, the most common Internet application used by the current sample of censorship offenders to access and/or distribute objectionable material was Internet Relay Chat (IRC) (Table 52).

**Table 52: Internet applications used to access objectionable material, by offender**

<i>Internet applications used to access objectionable material</i>	<i>Frequency</i>	<i>Percentage of total sample of offenders (N=145)</i>
Internet Relay Chat	116	80.00
Websites	50	34.48
ICQ	21	14.48
Newsgroups	46	31.72
Email	34	23.45
Bulletin Board Service	2	1.38
Unknown	4	2.76

Despite being the most commonly used Internet application, IRC was found to be the least likely to be used in combination with other applications, with only 51.72 percent of IRC users employing one or more other applications<sup>201</sup> (Table 53). As such, 38.62

<sup>201</sup> IRC users were, however, identified as using other applications within IRC. Specifically, 14 were also identified as employing File Transfer Protocol (FTP) to exchange files with other IRC users and 4 were

percent of the entire sample of CCU Internet offenders only used IRC to access objectionable material.

**Table 53: Percentage of offenders using two or more Internet applications to access or distribute objectionable material by the applications used**

<i>Application used</i>	<i>N Using at least one other application</i>	<i>% Using at least one other application</i>	<i>N using at least two other applications</i>	<i>% using at least two other applications</i>
IRC	60	51.72	37	31.9
Websites	47	94	38	76
ICQ	20	95.24	15	71.43
Newsgroups	43	93.48	33	71.74
Email	31	91.18	27	79.41

Across the entire sample CCU of Internet offenders, 77 (53.1 percent) were identified as using more than one Internet application to access and/or distribute objectionable material. Furthermore, 28.28 percent (41) were found to use more than two applications to access objectionable material, with 14.48 percent (21) using more than three.

The most common combinations of Internet applications used to access and/or distribute objectionable material were IRC and Websites and Newsgroups and Websites (Table 44). However, ICQ was the application most likely to be used in combination with any other application and Email was the application most likely to be used in combination with at least two other applications (Table 54).

**Table 54: Combinations of Internet applications used by individual offenders to access and/or distribute objectionable material**

<i>Internet Application</i>	<i>IRC</i>	<i>Websites</i>	<i>ICQ</i>	<i>Newsgroup</i>	<i>Email</i>	<i>BBS</i>	<i>DCC</i>	<i>FTP</i>
IRC	-	37	16	31	28	0	3	14
Websites	37	-	13	37	25	1	0	4
ICQ	16	13	-	14	10	0	0	0
Newsgroup	31	37	14	-	20	1	0	3
Email	28	25	10	20	-	0	0	2
BBS	0	1	0	1	0	-	0	0
DCC	3	0	0	0	0	0	-	0
FTP	14	4	0	3	2	0	0	-

### **Storage of Objectionable Material**

Offenders sampled in the current research most commonly stored objectionable material on the hard drive of their computer (Table 55). However, of the 113 offenders who stored objectionable material on their computers, 40 were found to also employ at least one other method of storage. These other methods frequently included ‘floppy’ disks and CD Rom or VCD Rom. Those offenders who kept hard copies of objectionable images were

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identified as using Direct Client to Client Protocol (DCC) to engage in private conversations with other IRC users.

also identified as significantly likely to use floppy disks to store objectionable images<sup>202</sup>. All of the offenders who were identified as keeping hard copies of the objectionable material that they selected were also found to store material on the hard drives of their computers.

Thirteen offenders were found to only store objectionable material on a portable storage device. These offenders were found to commonly choose medium to large capacity storage devices (N=7) such as CD ROMs (N=5) and/or removable Zip drives (N=3) for this purpose. None of the offenders who only used portable storage devices were found to have kept hard copies of objectionable material. Two of the offenders who used an ‘other’ method to store objectionable material were identified as keeping the material that they selected on video tapes. The nature of the storage used by the third offender was not described by the CCU investigator involved with the case.

**Table 55: Storage of objectionable material by offenders**

<i>Means used to store objectionable images</i>	<i>Frequency</i>
Hard drive/large capacity fixed storage device	113
Floppy disk/small capacity portable storage device	33
CD Rom or VCD Rom/medium capacity portable storage device	19
Zip drive/large capacity portable storage device	6
Hard copy	7
Other	3
Unknown	19

### **Resale Value of all Computer and Imaging Equipment in the Possession of the Offender at the Time of Seizure**

Based on measures obtained during analysis of the first 34 checklists completed by the CCU investigators, 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 56 shows the number of offenders from the current sample that possessed equipment corresponding to each of three value categories.

**Table 56: Replacement value of individual offenders’ computer equipment**

<i>Replacement value of computer equipment</i>	<i>Number of offenders</i>
Low value computer equipment (\$0-\$999)	20
Medium value computer equipment (\$1,000-\$2,999)	65
High value computer equipment (\$3,000+)	28
No value given	32

In addition to computer equipment, seven offenders were identified as possessing digital cameras and 11 offenders were found in possession of scanning equipment and software.

### **Additional Comments**

To conclude the checklist, the CCU investigators were invited to provide qualitative comments regarding their perception of the potential danger of re-offence or other types

<sup>202</sup> Fishers exact test, p=0.013; 5 of the 7 offenders who kept hard copies of objectionable images also used floppy disks to store objectionable images

of offending posed by the offender. Although it was recognised that the investigator's perceptions of the potential danger posed by censorship offenders would be subjective, the question was included as a means of facilitating their conscious reflection on the details of the case as they related to other cases that they had investigated. Given that legal officers and representatives of law enforcement agencies are often asked similar questions in court, this question was identified by CCU investigators as the optimal way of encouraging this process. In addition to this question each CCU investigator was also asked to provide any other information that they considered important in terms of understanding the nature of the offending.

Overall, the CCU investigators made comments regarding the danger posed by and/or other case details in relation to 108 of the individuals profiled using the CCU checklist. As three of these individuals were profiled on more than one occasion and comments were provided in relation to each, these comments were spread across 112 checklists. Comments regarding the most recent offences of individuals identified in the current sample of Internet censorship offenders have been integrated into the analysis presented in this thesis. Additional examples of comments made by CCU investigators are provided below. These comments are organised by themes.

### ***Personality***

A number of comments (14) made by CCU investigators related to the 'personality' of the Internet censorship offenders sampled using the checklists. Individual offenders were described respectively as being devious, lonely and sullen, arrogant and of an edgy disposition. While some of these comments related to the way in which the offender reacted to the investigation, in most comments pertaining to offender reactions (of which a total of 25 were made), the disposition of the offender was described in terms of a response rather than a disposition. In contrast, CCU investigators comments about offender personality tended to be more focused on attempting to 'explain' and/or 'predict' former and ongoing offence behaviour.

A quiet but devious youth

Extremely nervous, edgy disposition. The computer was in the living room of the house and appears to have been used (outside of IRC) primarily for family email, games and some educational Internet searching. Two or three versions of MIRC have been deleted and all subdirectories and contents. It is believed that [wife] found the adult material and instructed him to remove it all. This has been done but [offender] has reinstalled MIRC and commenced again. At the time of the search warrant [offender] was in the garage of the premises smoking cannabis with a friend. The police did not pursue this any further. The [offender and his wife] have two children, a boy aged 11 and a girl about 2, and one on the way.

Seems to be an unemotional man...could be a danger to children.

He is a completely closed person.

An unsavoury man who was caught trading child sex pictures in relay chat rooms. Had a massive collection of child sex pictures on his computer. Very much a loner. A visitor from [outside of New Zealand] who hated dark skinned people, thus he was left very much on his own). Left for [his

country of birth] 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 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 continued to offend in that area because of us! As a point of interest his mother wanted to know why we had not phoned up and made an appointment to execute the search warrant on their home! It appears that the boy's logic comes from his mother. The boy comes across as very arrogant. I would not be surprised to see him involved in other sexual offences in the future.

*A man of 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 perverts. As a result of our penetration of his email system, many criminals who targeted children for sexual reasons were arrested in Europe. Lived in the business world of a large security company but prefers to act out his sexual fantasies alone. His wife says he goes to public toilets, masturbates with strangers, and is suspected of sexually abusing the family dog. Was a policeman

Offender identified in #family sex, #gaywelli, and gaysm channels and traded objectionable material. [Offender] presented as a very physically intimidating person but had very poor interpersonal skills and fully confessed the offending. On [date] [offender] committed suicide after being caught in possession of a large collection of 13000 images of child porn on a hard drive. The collection is believed to have been transported from user to user and installed to their computers.

### ***Maturity***

The age and maturity of offenders was also frequently commented on by CCU investigators. These comments commonly described the likelihood of re-offence as a function of age. Indeed, young offender age was one of the most commonly identified (8) grounds for concluding that there was little reason to believe that re-offence would occur. Offender age was also often referred to in a discriminatory manner. Despite the high number of youth offenders identified in the sample, CCU investigators expressed surprise when young offenders expressed a physical interest (such as that expressed by many of the older offenders) in the subject of the material that they selected. Also of note, the CCU investigators were more likely to comment on the sexuality of young offenders than older ones. In fact, four of the five comments made about offender sexuality referred to offenders aged less than 25 years and the remaining comment pertained to an offender aged between 25 and 29 years. Three of these young offenders were identified as having initiated homosexual relationships either since the investigation, since counselling as a result of the investigation, or as part of their on-line activities. In these cases, the comments of the CCU investigators suggest that the offending may have been part of the offenders' attempts to explore or confirm his sexuality.

No danger of offending again. A very immature 15 years old

Offending occurred when aged 18 years - do not believe that he poses a threat and hope that he will not re-offend

Was detected in [date] trading objectionable publications through DCC chat. Offender is son of [name of law enforcement officer]. Due to his age [offender] has been issued a warning letter.

No danger. Still a growing youth. Crown decided that in view of his age and low rate of offending he should be warned and not prosecuted.

Young homosexual male. Search warrant and interview occurred while family was away on holiday. Insistent on not telling family (likely to have not told family of sexual preference yet either). Prosecution not considered.

This youth accessed child sex channels on the IRC sessions. He put FTP 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.

Although only a youth, [offender] was involved in the Scout movement (Venturer) and admitted having a sexual interest in images of young boys

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

[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. [Offender] has a boyfriend that he met on the internet. I am unsure if he has actually met this person. In the bedroom papers were found showing that [offender] was meticulously checking that he had received the full series of pictures, i.e. he would list the particular series of pictures like 'Broluv' or 'bros' and then cross off the number of the picture as he received them.

Counsellor suggests that given the youth's tendency to lie and minimise the offending etc, there is potential for future offending [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 [offender] seems to be pretty immature and has obviously caused the parents a bit of grief in their time.

### ***Personal Relationships and Lifestyle***

In 27 cases, the Internet censorship offenders' personal relationship and lifestyle factors were commented on by the CCU investigators. Specifically, the presence of a family was frequently stated as a significant factor in decisions regarding prosecution and sentencing, although this factor was only usually considered if the offender was relatively young. Of note, however, while the presence of a supportive family environment often contributed to decisions not to prosecute offenders, the presence of family members who attempted to take responsibility for or protect offenders from the consequences of their offending was viewed quite differently.

Reason for warning: 1. The type of material found on [offenders] computer system is at the lower end of the offending and there was only a reasonably small number of images located on the system. 2. There has been no indication of [offender] physically offending – [host mother] has two young sons (14 and 9). 3. During the execution of the search warrant [offender] was fully co-operative and gave a full statement about his offending. He freely admitted to the offences and to other areas of concern i.e. accessing the 'boylinks' web pages. 4. The support shown by the host family suggests that [offender] 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.

Consider DIA should have 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!

The offender received good support from his family who were keen to assist

The boy had been collecting pictures over a three month period and had 130 on the system. Approximately half were considered to be objectionable with approximately 16 being very explicit and involving the age of 10 to 14 year olds. In discussion with him and his parents it was decided to issue a warning and leave the parents to deal with his situation. As a matter of interest I followed up on this case some few months after the warning and the father explained that the son was spending more time in sports and was showing a better responsibility around the home.

[Lawyer] defended [offender] on the grounds that he was in all (other) respects an excellent young man of great ability, in the [military] as a trainee cadet and doing well at university. His father was a [high ranking community member] and the Judge before whom [offender] was first to appear had to excuse himself as he was a personal friend of the family. [Offender] also claimed to have been sexually abused as a child - something [his lawyer] exploited to the max, yet something about which no actual corroboration or evidence was supplied at any stage. In an interview [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. 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, especially as he is intelligent enough to make detection difficult and, being a lawyer and from a wealthy and well-connected family, will be in a position to exploit victims.

Other lifestyle and relationship factors that were noted by the CCU investigators included the complete lack of personal relationships held by some offenders and the propensity for these individuals, and others, to use the Internet to avoid others or to escape from difficult life situations. In at least one of these cases, the CCU investigators reported previous contact with the offender involved, although no checklist was completed to record this contact. In 14 cases, the CCU investigators described to the individual being investigated as a 'loner'.

Flatting in house with two others - each has own room and [offender] is reported to have spent almost all of his time in his room

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

A loner. Will not offend again in this area.

This man was picked up trading child sex pictures on the relay chat rooms. He is an accomplished "hacker" and will most probably offend again, but will be more difficult to catch. A total loner, no friends or associates.

[Offender] was using the same method he used previously by using female nicknames. He was downloading and I presume as previous that he was masturbating and then deleting the pictures. He would not talk directly about the offence however he did state during the interview that he lapsed about the time of trading. He stated that there were problems with the son of the woman who owned the house in that he had not taken medication and the stress from trying to deal with the boy led him to slip into his old ways.



## ***Appendix G: Conceptual Justification of Item used as an Indicator of High or Low Offence Involvement in the Current Analyses***

**Table 57: Conceptual justification of items used as variables indicating high (relatively unconstrained) involvement in offence (and offence related) activities**

<b><i>Indicators of high (relatively unconstrained) involvement in offence (and offence related) activities</i></b>	<b><i>Question in the Modified Checklist to which item relates</i></b>	<b><i>Justification for this items inclusion as an indicator of high (relatively unconstrained) involvement in offending and offence related activities)</i></b>
Possessing multiple forms of objectionable material	15 (Other objectionable material discovered in the possession of the offender)	Possession of multiple forms of objectionable material, indicates greater desire for such material than the possession of objectionable material from only one source. Multiple forms may also indicate greater risks taken to acquire the material and/or a longer history of censorship offending (e.g. pre-Internet)
Possessing a large number (>979) of objectionable images (upper quartile range)	18 (Number of objectionable images identified in the offender's possession)	Possession of a large number of objectionable images suggests greater involvement in (and investment of time in) behaviours needed to acquire these images, specific desire to keep (as opposed to simply view) these images, and an increased willingness to take the risks associated with downloading and storing these images.
Being involved in generating new objectionable material	22 (Nature of offending)	Offender involvement in generating objectionable material demonstrates a desire for offence behaviour to extend beyond on-line access and exchange. It also suggests a willingness to take the risks associated with generating objectionable material and, in the case of material shared online, a desire to extend sharing behaviour from accessed images to highly personal fantasies and activities.
Being involved in developing websites or selling	22 (Nature of offending)	Offender involvement in developing websites or selling objectionable material suggests skill in developing means to market objectionable material and a willingness to take the risks associated with doing so. It also suggests financial and/or social motives for accessing objectionable material and the desire to extend offence behaviour beyond simply viewing or trading. It may also suggest a desire for recognition from other Internet censorship offenders.
Demonstrating high computer literacy	47 (Computer literacy)	Having high levels of computer literacy suggests the investment of time and energy (and possibly financial resources) in formal or self training.

**Table 57 (continued): Conceptual justification of items used as variables indicating high (relatively unconstrained) involvement in offence (and offence related) activities**

<b><i>Indicators of high (relatively unconstrained) involvement in offence (and offence related) activities</i></b>	<b><i>Question in the Modified Checklist to which item relates</i></b>	<b><i>Justification for this items inclusion as an indicator of high (relatively unconstrained) involvement in offending and offence related activities</i></b>
<p>Organising their collections of objectionable material</p> <p>Possessing material that could not be classified objectionable but was considered suspicious within the context of offending</p>	<p>23 (Offence related activities)</p> <p>36 and 37 (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)</p>	<p>The indexing and organising of objectionable material suggests significant time dedicated to the subject of offending. This behaviour also suggests that the reinforcement obtained from the material extends beyond simply viewing it and that the offender’s perception of the value of this material is such that s/he believes its storage warrants care. This type of behaviour also suggests a willingness to take risks as it is clearly more difficult to explain away the presence of material that one has carefully sorted and ordered. Indexing and organising of objectionable material may also suggest that the offender wants to be able to quickly access material that he or she has a special relationship to or that he or she may wish to share with others. Indeed, given the identified association between organisation of objectionable material and online trading activities (Quayle and Taylor, 2002a) this behaviour also implies social reciprocity in relation to offence activities.</p> <p>The possession of non-objectionable material related to the objectionable subject matter suggests breadth in the offender’s interest in the content of such material and the range of mechanisms used to obtain material to satisfy the associated interest. Given that offenders are likely to have to seek out such material manually, it also suggests investment of time and energy in associated activities and vigilance in identifying potential sources of such material.</p>
<p>Regularly engaging with children or other subjects similar to those portrayed in the objectionable material that they select in a manner that is contextually or thematically related to the focus of said material</p>	<p>46 (Access to children and other individuals similar to the subjects of the objectionable material)</p>	<p>Cultivating and maintaining opportunities for regular legitimate physical contact with children and other human subjects similar to those portrayed in the objectionable material selected by an offender, requires significant investment of time and energy and, in many cases, the development of specific skills and trusting relationships with those involved. It also suggests a desire to extend involvement with the subject group beyond the realms of the Internet.</p>

**Table 57 (continued): Conceptual justification of items used as variables indicating high (relatively unconstrained) involvement in offence (and offence related) activities**

<b><i>Indicators of high (relatively unconstrained) involvement in offence (and offence related) activities</i></b>	<b><i>Question in the Modified Checklist to which item relates</i></b>	<b><i>Justification for this items inclusion as an indicator of high (relatively unconstrained) involvement in offending and offence related activities</i></b>
Being on-line for more than 30 hours during the week prior to investigation	48 (Time the offender spent on the Internet during the week prior to the warrant being served)	Spending more than 30 hours on-line per week suggests a significant personal (and financial) investment in Internet related activities. It also suggests that Internet time is valued above other ways of spending time.
Using multiple applications to access objectionable material on-line	49 (Internet application used for offending)	Use of a greater number of Internet applications is likely to provide access to a wider range of objectionable material and provide the offender with the means to obtain material that precisely meets his or her needs. Such use indicates greater relative desire to explore a range of opportunities provided through the Internet and to seek out material from as many sources as possible.
Storing objectionable material in an easily movable form	50 (Storage of objectionable material)	Storage of objectionable material in moveable forms suggests that the use of the material extends into aspects of the offenders life that extend beyond their time at the PC. It may also suggest a desire to hide and protect objectionable material and, consequently, a willingness to take risks despite recognition of the consequences and/or a special relationship with the material stored.
Possessing a computer that has a resale value of more than \$3000.00	53 (Resale value of all computer and imaging equipment in the possession of the offender at the time of seizure)	Higher cost computer allows better use of the Internet and associated applications than low cost computer equipment. Therefore, investment in higher cost computer equipment suggests a desire for enhanced Internet access and utility and a willingness to pay to achieve this. It also suggests more regular updating of computer resources.
Having previous convictions for other offences	40 and 41 (Convictions for other offences)	Given the established positive relationship between previous and on-going offence behaviours (Langevin et al, 2004), identification of the censorship related activities of those who have physically offended in the past could provide useful indicators of the scope of Internet censorship offenders' on-going involvement in other forms of criminal activity. Although not all individuals who have been convicted of an offence will go on to re-offend, a significant number of them do.

**Table 58: Conceptual justification of items used as variables indicating low (relatively constrained) involvement in offence (and offence related) activities**

<b><i>Indicators of low (relatively constrained) involvement in offence (and offence related) activities</i></b>	<b><i>Question in the Modified Checklist to which item relates</i></b>	<b><i>Justification for this items inclusion as an indicator of low (relatively constrained) involvement in offending and offence related activities</i></b>
Possessing a small number (> 48) objectionable images (lower quartile range)	18 (Number of objectionable images identified in the offender's possession)	Low number of images may be taken to suggest limited offence activity and/or unwillingness to take the risks associated with saving objectionable material.
Demonstrating low computer literacy	47 (Computer literacy)	Offenders who demonstrate low computer literacy may have limited experience in on-line offending and/or may be unwilling to invest time, energy and resources in increasing their computer literacy for the purposes of offending. Therefore, they are unlikely to be able to access as wide a range of objectionable material as offenders who demonstrate higher literacy levels.
Spending less than 10 hours on-line during the week prior to investigation	48 (Time the offender spent on the Internet during the week prior to the warrant being served)	Individuals who spend less than 10 hours of a week on-line demonstrate lower levels of commitment to the Internet and associated offence activities, and greater desire to spend time in other pursuits, than individuals who spend more than 30 hours of a week online.
Storing objectionable material to their hard drive only	50 (Storage of objectionable material)	Lack of a moveable/disposable or concealable storage facility increases suggests that offenders' activities are limited to the time they spend on the computer. It suggests little desire to protect and/or hide objectionable material and, in turn, lower perceptions of the risks taken to store this type of material.
Possessing a computer that has a low resale value (\$0-999)	53 (Resale value of all computer and imaging equipment in the possession of the offender at the time of seizure)	Lower cost computer equipment is likely to limit the range of application and the speed of applications available to offenders. This may reduce the range of offence activities in which they are able to become involved. Possession of lower cost computer equipment suggests little commitment to exploring all available avenues for acing objectionable material and little desire for quick reliable access to such material.

**Table 58 (continued): Conceptual justification of items used as variables indicating low (relatively constrained) involvement in offence (and offence related) activities**

<b><i>Indicators of low (relatively constrained) involvement in offence (and offence related) activities</i></b>	<b><i>Question in the Modified Checklist to which item relates</i></b>	<b><i>Justification for this items inclusion as an indicator of low (relatively constrained) involvement in offending and offence related activities</i></b>
Only using one Internet application during offence related activities	49 (Internet application used for offending)	The fewer applications an individual uses to access objectionable material the greater the limits on the type and number of images that he or she is likely to obtain and the more restricted he or she will be in terms of the range of offence related activities in which they may become involved. Failure to use more than one application suggests limited commitment to accessing and/or distributing objectionable material beyond that which is easily available via that application.

