

Child pornography offenders and practical research: an evidenced-based approach to prioritising the investigation

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To develop a common tactical approach in the protection of children, law-enforcement agencies are required to strengthen networks and relationships across Europe and the world (CEOP, 2010). What constitutes as a child pornography offence within Europe varies considerably, although there is a common understanding that a combined approach is needed to deal with the 'explosive growth in child pornography' (Schell, Martin, Hung & Rueda, 2007: 47). Detections in child pornography offences are increasing at an alarming rate (Wolak, Finkelhor & Mitchell, 2009) requiring law enforcement officials to find new ways to manage the sexual exploitation of children. Perhaps the simplest question that the police currently face is whether an indecent image offender is committing, or is likely to commit contact sexual abuse against a child? (Eke, Seto, Williams, in press). From a European perspective the further question is whether cultural specificity exists? Recent studies have begun to explore the specific relationship between possession of the actual child pornography and the likelihood of being a contact offender (Long, Alison, McManus, McCallum, under review; McCarthy, 2010). These studies were based on a corpus of knowledge which has effectively examined three questions: (1) what are the key features of 'Indecent Images of Children' (IIOC) offending? (2) how do offenders use IIOC within their offending? (3) how prevalent are contact sexual abusers within indecent image offender samples? This paper will therefore present an overview

of the three questions and then describe the current issues within contemporary studies around the ability to prioritise child pornography offenders.

Defining child pornography: indecent images of children

In terms of defining 'child pornography,' several researchers (e.g., Calder, 2004; Beech, Elliott, Birgden & Findlater, 2008) have adopted the definition proposed by Edwards (2000: 1): 'child pornography' is a record of the systematic rape, abuse and torture of children on film, photograph and other electronic means'. However, according to Beech et al. (2008: 219), abusive imagery of children can also include what they refer to as 'everyday or 'accidental' naked images of children'. Some individuals with a sexual interest in children possess images and videos that are legal (e.g. magazine photographs of children). Thus, it may be more productive to consider child imagery on a continuum, ranging from legal imagery to those at the extreme end, depicting sexual assault (Taylor, Holland & Quayle, 2001; Quayle, 2004). Indeed, solely concentrating on the illegal content of an individual's collection limits understanding of the meaning applied by the offender to specific material that may be indicative of a sexual interest in children. For instance, individuals may gain pleasure from obtaining legal images to complete a series or 'story' (Quayle & Taylor, 2002). It should be

noted that throughout this paper the preferred term indecent images of children (IIOC) is used as the authors believe this term best reflects the illegal and indecent nature of this crime.

There is significant variance in the legal definitions of child pornography within Europe and the world. In the United Kingdom (UK), the Sexual Offences Act (2003) extended the Protection of Children Act (1978) introducing new offences to deal specifically with

the exploitation of children through indecent images of children (Sentencing Guidelines Council, 2007). Formalised in a Court of Appeal case, the Sentencing Advisory Panel (SAP) introduced guidance on the levels of IIOC, which in ascending order depict the seriousness of the offence. Table 1 represents the five 'types' or 'levels' of IIOC (in ascending order) cited by the Sexual Offences Act 2003: Definitive Guideline (Sentencing Guidelines Council, 2007: 109).

Table 1
SAP Image levels indicating levels of indecent images of children (IIOC).

Level	Description
1	Images depicting erotic posing with no sexual activity
2	Non-penetrative sexual activity between children, or solo masturbation by a child
3	Non-penetrative sexual activity between adults and children
4	Penetrative sexual activity involving a child or children, or both children and adults
5	Sadism or penetration of, or by, an animal

Unlike other typologies (e.g. the COPINE scale ⁽¹⁾; see Taylor et al., 2001), the levels set out by the Sentencing Guidelines Council do not include legal images of children or material that does not depict erotic posing (but nevertheless portrays children either fully clothed or in their underwear). This is because, under UK law, such content is not illegal and would not be used for sentencing offenders (Beech et al., 2008).

In addition, the Sentencing Guidelines Council (2007) stipulates the importance of the victim's age when assessing the seriousness of the offence. It states that images which portray children under the age of 13 should incur a higher starting point for sentencing than those images featuring 13-15 year olds. Similarly, images possessed of victims aged 16/17 years carry a lesser starting point for sentencing than IIOC depicting children aged 13-15 years. Taylor et al. (2001) suggest that the age of the child, the amount of IIOC, the way it is organised and whether it contains private material should also be considered when defining IIOC. Indeed, these considerations are reflected within the

Sentencing Guidelines as aggravating factors within UK law (Sentencing Guidelines Council, 2007).

Within the academic literature three key questions were addressed in an attempt to explain the relationship and whether IIOC offenders constitute a new type of offence or new way of offending (Bourke & Hernandez, 2009).

(1) What are the key features of IIOC offending?

Internet World Stats (2008) state there are currently over 1.5 billion Internet users across the world. Since there is no single, regulatory body governing its use, the ability to control its content is limited (Beech et al., 2008). Individuals who have a sexual interest in children are free to form social networks, referred to as virtual communities (Renold, Creighton, Atkinson & Carr, 2003) with other like-minded people. Quayle and Taylor (2002) state that this can potentially empower and justify sexual interest in children. The internet also functions in such a way that it allows individuals to engage with others who share the same pro-offending attitudes (Beech et al., 2008). The quantities and ease of access to indecent images and other like-minded individuals around the world enables an offender to normalise child sexuality, and subsequently they

⁽¹⁾ The COPINE Scale is a rating system created in Ireland and used in the United Kingdom to categorise the severity of child pornography.

begin to objectify the child and the actual harm that takes place (Beech et al., 2008). The immediacy of the internet may act as reinforcement with the behavioural response likely to develop. If this is combined with masturbation the behaviour can become highly reinforcing (Gifford, 2002) and can encourage an individual to further disengage in social interaction with the real world, potentially increasing any social problems that originally existed (Morahan-Martin & Schumacher, 2000; Quayle, Vaughan & Taylor, 2006).

(2) How do offenders use IIOC within their offending?

The role of IIOC within an individuals' offending behaviour (i.e. in terms of its function and relationship to contact offending) has been the subject of much debate, with no conclusive answers being drawn (Taylor & Quayle, 2003). One argument postulates that IIOC are part of the development of offending potentially leading to contact sexual behaviour with a child (Buschman, Wilcox, Krapohl, Oelrich & Hackett, 2010; Sullivan, 2002), while others state that the IIOC act as a diversion from escalating their behaviour (Riegel, 2004). Another perspective considers that some offenders are already contact abusing children and use IIOC as another part of their paedophilic lifestyle, when for example, access to children is restricted (Bourke & Hernandez, 2009).

IIOC as part of development of offending

Quayle and Taylor (2002) suggest IIOC may provide a blueprint educating an offender how to abuse a child. It has been argued that those who view pornography can become de-sensitised to the material with repeated viewing conditioning arousal resulting in the individual seeking out more violent, explicit images (Zillman & Bryant, 1986). Sheehan and Sullivan (2002) refer to this within IIOC as fantasy escalation effect. It has been suggested that IIOC are an aid to fantasy enabling internet offenders to search and select material they find most arousing (Quayle & Taylor, 2002). One aspect of the fantasy is the creation of an unrealistic expectation of child sexual encounters. The images often portray children smiling and somewhat complicit in the activity enabling offenders to cognitively distort children as sexual beings (Howitt & Sheldon, 2007). This can increase cognitive distortions reducing inhibitions to contact abuse against a child (Print & Morrison, 2000), or

as Sullivan (2002) posits, spiral their offending behaviour by fantasising with images. The images may serve as a motivational factor 'triggering subsequent grooming behaviours' (Buschman et al., 2010: 208).

IIOC as diversion from contact offending

Riegel (2004) conducted an anonymous survey and found that 84.5 per cent of participants stated that viewing erotica did not increase any desires to contact abuse, with 83 per cent believing it acted as a substitute for contact abuse. More generally, research agrees that not all offenders who use IIOC to facilitate arousal will inevitably develop into contact offenders (Seto, Hanson & Babchishin, in press; Sullivan & Beech, 2004; Osborn, Elliott, Middleton & Beech, 2010).

The increased ability of IIOC offenders to relate to fictional characters may somewhat hinder them from progressing onto contact abusing a child regardless of their failure to desist collecting (Elliott, Beech, Mandeville-Norden & Hayes, 2009). A recent meta-analysis by Babchishin, Hanson and Hermann (in press) examining characteristics of IIOC offenders stated that increased self-control and other psychological barriers may be the difference between offender groups that inhibits these offenders from acting out their paedophilic fantasies.

IIOC used as part of an already established paedophilic lifestyle

An American study by Bourke and Hernandez (2009) suggested that a new type of offending exists where the child sexual offender uses IIOC as an extension of their already paraphilic lifestyle. Their self-disclosure data suggested that most offenders were already contact abusing before becoming involved in IIOC. Similarly, Sheehan and Sullivan's (2010: 164) recent study on producers of IIOC also concluded that the internet may provide 'post-hoc justification rather than a primary precipitating factor' for contact abuse. Nevertheless, the 2 369 % increase in the overall number of contact sexual offences disclosed within Bourke and Hernandez's (2009) study may suggest that sexual fantasies using IIOC to stimulate and reach masturbatory fantasy are rarely limited to fantasy.

(3) How prevalent are contact sexual abusers within indecent image samples?

Contact sexual abusers do exist within IIOC offenders. The ongoing debate is in what proportion and at what stages. A recent meta-analysis found approximately 12 % of IIOC offenders have historically contacted offended against a child, increasing to 55 % when using self-report data (Seto et al., in press). Interestingly, they found the Bourke and Hernandez (2009) self-reporting data that 84.5 % of IIOC offenders had contact offended against a child was a statistical outlier. European studies have reported significant variance with 4.8 % of child pornography offenders having previous convictions for contact abuse of a child (Endras, Urbaniok, Hammermeister, Benz, Elbert & Rossegger, 2009), however when using self-report data this has increased to rates such as 47.8 % (Quayle & Taylor, 2003). This questions whether the differences in prevalence rates of contact offenders is due to methodological variations or whether there are cultural differences. It could be argued that there is a subgroup of IIOC offenders who pose a high risk of contact offending. The task for the police, irrelevant of geographical boundaries, is to determine who poses significant risk, and prioritise the protection of those children.

Can offenders be differentiated according to their use of IIOC?

There is a lack of research that has examined the differences between contact and non-contact offenders in terms of their IIOC possession. Research that does exist has tended to concentrate on IIOC offenders without contact offences rather than comparing them to contact offenders. In a recidivism study with a follow-up period of 1.5 to 4 years, Osborn et al. (2010) used the risk matrix 2000 revised and found none of their internet sex offenders went on to sexually re-offend regardless of their risk categorisation. None of the high-risk offenders were found to possess images at SAP level five. They concluded that the level of image possessed had no impact on their potential risk of re-offending. This finding may not be surprising as Gallagher et al. (2006: 63) found the 'most serious images were the least numerous'. Furthermore, they found when examining video IIOC, level-four IIOC as the highest percentage with level five the lowest, indicating the format of the image may have an

impact on possession. Conversely, Laulik, Allam and Sheridan (2007) reported that the majority of internet offenders possessed images at level four or five. These two studies illustrate the variety of findings in emerging research in relation to IIOC type and level. Larger studies concentrating on the level of IIOC available for offenders have reported a continuing trend with a significant proportion of websites (58 %) showing images at levels four and five (Internet Watch Foundation, 2008). Although it is unclear whether these trends are related to risk, research has acknowledged the importance of understanding how the possession of images at any image level relates to risk of harm to children (Carr & Hilton, 2009).

Does cultural specificity exist?

There is no research which has compared child pornography offenders across several countries distinguishing contact offenders from non-contact offenders. However, it is accepted that an understanding of potential cultural differences is required to effectively protect children from harm (CEOP, 2010). Studies are only now emerging which examine how child pornography possession relates to risk of contact sexual abuse within their own countries. A recent American study that has examined how IIOC possession relates to risk is McCarthy (2010). She sampled 110 offenders (56 non-contact offenders; 51 contact offenders) convicted of IIOC offences in the aim of identifying potential risk factors associated with contact sexual abuse. She found that contact offenders were significantly more likely to possess larger child pornography collections than non-contact offenders. She also concluded that contact offenders were more likely to engage in grooming behaviour than non-contact offenders (such as sending adult pornography to potential victims; however this would constitute a different offence within the UK). Usefully, McCarthy (2010) has attempted to establish that differences between the offender groups and their IIOC offending behaviour exist however, as with Long et al. (2010) caution should be exercised with small effect sizes.

From a UK perspective, Long et al. (under review) examined the differences between contact and non-contact offenders within their IIOC offending behaviour and possession. This study examined 60 offenders, 30

contact and 30 non-contact offenders who had been convicted of possession, making, or downloading IIOC in both still and video format. The aim of the study was two-fold. First, was to examine whether there were difference between contact and non-contact offenders in terms of their IIOC possession. Second, was to examine whether images possessed by contact offenders related to their contact offence. Contact offenders were found to have significantly less IIOC (still and video IIOC). This pattern was also found when analysing still images and videos separately. Contact offenders possessed a significantly lower proportion of level-one videos (i.e. IIOC depicting erotic posing with no sexual activity). On the other hand, contact offenders were significantly more likely to own a greater proportion of level-three still IIOC (i.e. images depicting non-penetrative sexual activity between adults and children) and level-four IIOC (penetrative sexual activity between adults and children). In summary, contact offenders possessed more severe imagery proportionally. The Long et al. (under review) hypothesis is that the behaviour depicted in the IIOC could relate to the offences known to have been committed. This may suggest that contact offenders preferred IIOC at similar levels of abuse to those offences they are committing, a notion hypothesised by Quayle and Taylor (2002). In terms of whether images possessed by contact offenders related to their contact offence, the more severe the contact offence committed, the higher the level of IIOC in the offender's possession. The gender and age of the children in the IIOC was associated with the gender and age of the contact offence victims. Furthermore, contact offenders were more likely to display polymorphic behaviour (those who possessed IIOC depicting children of both genders also contact offended against both genders) and a smaller age range within their IIOC possession. Finally, when examining criminal histories, contact offenders were significantly more likely to have a conviction for non-sexual offences (i.e. theft) when compared with non-contact offenders. Similar results have been found with stranger rapists (Davies, Wittebrood & Jackson, 1998). In summary, contact offenders appeared more specific in their IIOC possession and it related to their contact offending.

Conclusions

A clear European and global picture is needed to understand cultural specificity and the links between child pornography and contact offending. This paper has described the three questions relating to IIOC: (1) what are the key features of IIOC offending? (2) How do offenders use IIOC within their offending? (3) How prevalent are contact sexual offenders within IIOC samples? It has also examined whether cultural specificity exists and concluded that significant further research is required.

The conclusions of this paper are that child pornography is widely available, affordable and has global social networks associated with it. Due to the criminogenic environment that the internet often represents (Wortley & Smallbone, 2006), these social networks frequently ignore geographic boundaries. In these cases diplomacy, continual liaison and understanding of differences in legislation will assist in protecting children from harm (CEOP, 2010). There are debates as to how child pornography is used but essentially they are used as part of the contact offending, to complement it or to divert from it. This focuses law enforcement responses to build and develop networks to tackle those offenders that commit the most serious offences.

Finally, in terms of prevalence of contact offenders in IIOC offender groups, while there is little agreement in how many IIOC offenders are contact offenders it is agreed that a subgroup exists that presents a real risk to children. In terms of policing, the real question is how do the police identify those that present a high risk? Any empirical research that can assist with this will allow the police to deliver the requirement to 'focus the available resources in a way which best protects the public from serious harm' (MAPPA, 2009, p. 32).

In many respects the fact that the high-risk subgroups do exist may encourage further research and police activity to try to ascertain and understand where the risk lies. This is increasingly important where laws may differ, but research is needed to understand if the behaviours remain the same. Whatever the conclusion, research of this type will assist a European and potentially international approach to safeguarding and multi-jurisdictional law enforcement. As Glasgow (2010) emphasises, police and researchers have a rich

source of data available with a golden opportunity to develop risk assessments. The exploratory studies outlined in this paper have taken tentative steps towards identifying factors that suggest likelihood of contact offending. These studies have only reviewed a single country perspective. The obvious gap that needs to be filled is empirical research that considers cross-border, European and international offending. By examining the details of child pornography cases and identifying factors that suggest the likelihood of contact offending, there is the possibility of preventing and ceasing contact sexual abuse. It is acknowledged that there are difficulties in using such data with issues of undetected contact offences (Buschman et al., 2010; Bourke & Hernandez, 2009) and differences in recording information (Alison & Canter, 2005).

The need to manage risk may be one of the most significant changes in policing and law enforcement generally in recent years (Ericson & Haggerty, 1997). Policing now has a tighter focus on risky offenders (Kemshall & Wood, 2008). Practical police-led research has begun to assess likelihood factors and, with increased research and understanding, will hopefully progress to the development of risk assessments. In the meantime, such studies provide policing with an empirical basis to assist and inform decisions with the aim of safeguarding children. The issue of cultural specificity and working together to identify contact offenders Europe-wide is now a focus of the European partnerships. At present, projects are under way between countries such as the United Kingdom, Estonia, Ireland and the Netherlands to explore these research questions and hopefully provide likelihood factors that may protect children across Europe.

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