

# **Child Exploitation Material in the Context of Institutional Child Sexual Abuse**

**Report for the Royal Commission into Institutional Responses to Child Sexual  
Abuse**

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The Royal Commission into Institutional Responses to Child Sexual Abuse commissioned and funded this research project. It was carried out by the following researchers:

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**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

## Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme one.

The research program means the Royal Commission can:

- obtain relevant background information
- fill key evidence gaps
- explore what is known and what works
- develop recommendations that are informed by evidence, can be implemented and respond to contemporary issues.

For more on this program, please visit

[www.childabuseroyalcommission.gov.au/research](http://www.childabuseroyalcommission.gov.au/research).

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## **Executive summary**

The child exploitation material (CEM) market has expanded dramatically with the advent of the internet and digital cameras; CEM is easy to access, and the risk of detection is relatively low when offenders take security precautions. Criminal laws differ between Australian jurisdictions, but generally they proscribe knowingly possessing, distributing and producing CEM. Definitions of CEM include footage, still images, written material, drawings and depictions of people who appear to be children. CEM varies from cartoons through to footage documenting the sadistic rape of real children. Prosecutions are now commonplace for CEM offences committed in Australia.

Compared with other areas of crime research, CEM research is relatively new. This report highlights where the current research base is limited. It is important these limitations are carefully considered before drawing conclusions based on this report.

### **CEM offenders**

Current evidence suggests that some offenders use CEM without ever directly sexually abusing children. There is no evidence to support a direct causal link between viewing CEM and committing hands-on sex offences. However, CEM is associated with child sexual abuse. Viewing CEM may be a strong risk factor for child sexual abuse for individuals already disposed to sexual aggression and sexual deviancy.

### **CEM in the workplace**

Very little research has examined CEM in workplace contexts. It may be accessed, distributed or produced in the workplace using a variety of technologies and for a variety of purposes (for example, personal fantasies, grooming children or financial gain). Arguably, red flags for the potential for current or future abuse of children include the possession, distribution or production of CEM; any CEM depicting children under an institution's care; and evidence that CEM has been shown to children. Within the literature, strategies highlighted for workplaces to counter CEM include:

- applying software filters that block inappropriate websites
- implementing IT systems that monitor or audit workers' internet use
- applying protocols for children and workers concerning smartphones, cameras, webcams, computers, content transfer and so on
- introducing online identify verification requirements
- situating monitors so they can be easily viewed by others
- implementing internet use policies that: (a) stipulate sanctions for inappropriate behaviour, including reporting CEM offences, and (b) influence workplace culture by explaining the harmfulness of CEM
- facilitating anonymous workplace counselling for problematic internet use.

With a view to developing clear protocols for workplaces, research is needed to clarify the legal context of these strategies and how workplaces can handle CEM discovered on a worker's IT equipment without committing additional offences.

## **Background**

This report was prepared for the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Commission). Its aim is to succinctly explain the relevance of child pornography, or CEM, to institutional child sexual abuse and the Commission's terms of reference. Primarily the report informs the Commission's first and second terms of reference (respectively, protecting children and reporting child sexual abuse) by:

- explaining the extent to which the viewing of CEM by employees (within institutions or governments) should be treated as a red flag for current or future sexual abuse of children
- suggesting prevention strategies for institutions and governments to: (a) reduce the risk of onset among employees or (b) assist employees to anonymously desist from viewing CEM.

The agreed scope of this report did not encompass original legal or empirical research, but rather a brief review of available scholarly literature concerning:

- evidence of the extent of access to CEM
- evidence of the factors contributing to onset
- evidence that links viewing CEM with contact child sexual abuse
- issues concerning institutions managing staff accessing CEM.

The authors<sup>1</sup> of the report have sought to objectively inform the Commission about available evidence, the quality of the evidence and its key messages. Scholarly literature and other relevant material were sourced through social science and psychology search engines (for example, PsycINFO, APAIS-Health, CINCH and CINCH-Health) and legal search engines (for example, Westlaw International, LexisNexis International, and AustLII).<sup>2</sup>

## **Structure**

There are six parts to this report. Part 1 explains the scope of the report and legal definitions of CEM in Australia. Part 2 presents available data on the prevalence of CEM offences. Part 3 examines factors that contribute to CEM onset – that is, an individual's first decision to use CEM. Parts 4 and 5, respectively, discuss: (a)

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<sup>2</sup> Search terms included topics (child exploitation material, child pornography, possession, prosecution, distribution, production, prevalence/pervasiveness/incidence, exposure, peer-to-peer, aetiology, causes/causal, pathways, onset, risk factor/factors, cognitive distortions, attitudes, subcultures, hands-on offence/offending, contact sex offence/offending, situational crime prevention, situational prevention) and authors (Wortley, Smallbone, Wolak, Finkelhor, Mitchel, Taylor, Holland, Quayle, Krone, Hurley, Leary, Beech, Elliot, Seto, Demetriou & Silke, Bourke, Hernandez, Marshall, Prentky, and Kingston).

evidence concerning the link between physically abusing children and viewing or distributing CEM and (b) approaches to managing CEM within institutional settings.



## 1.0 What is child exploitation material?

Child sexual abuse is not a recent phenomenon, within institutional contexts or otherwise. Similarly, historical records indicate that the portrayal of child sexual abuse through imagery as a topic of eroticism is not new (Ost, 2009) and in many countries only became the subject of specific criminal laws in recent decades. This sort of material is generally called 'child pornography'. Some commentators prefer to use other terms, such as CEM, arguing that the word 'pornography' treats the material as a legitimate subgenre of adult pornography (Beech et al., 2008).

It is an offence, typically indictable, in all Australian jurisdictions to knowingly possess CEM (Crofts & Lee, 2013; see overview by Gillespie, 2012:82–97; Warner, 2010). Other major categories of CEM offences include distribution and production.<sup>3</sup> Legal definitions of CEM differ between jurisdictions.<sup>4</sup> By way of example, the framework of the *Criminal Code* (Cth) proscribes:

- the production, distribution, control, obtaining or possession of offensive material that depicts people who are, or appear to be, under the age of 18
- among other things, engaging in sexual activity or posing sexually; depicting the breasts (if female), genitals or anuses of those under the age of 18 for a sexual purpose ('child pornography'); or depicting such people as victims of torture, cruelty or physical abuse ('child abuse material').<sup>5</sup>

The bulk of online CEM appears to involve real children of all ages, including infancy, ranging in severity from semi-nudity to rape, torture and bestiality (Niveau, 2010). Different means of categorising the seriousness of CEM are used in law, including the Oliver Scale and the COPINE Scale (Gillespie, 2012). The harmfulness of viewing CEM involving real children is a complex topic (Gillespie, 2011), and there are claims, particularly in the US, that the rationale for sentencing CEM users is flawed (Hessick, 2011). However, common explanations of the harmfulness of the possession and distribution of CEM include that it:

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<sup>3</sup> See for example *Criminal Code* (Tas.) ss 130A and 130B.

<sup>4</sup> See Warner (2010: n 6): *Crimes Act 1958* (Vic), s 70(1); *Crimes Act 1900* (NSW), s 91H(2); *Criminal Code* (Qld), s 228C (distribution of child exploitation material, maximum penalty 10 years), s 228D (possession of child exploitation material, maximum penalty 5 years); *Criminal Law Consolidation Act 1935* (SA), s 63 (production or dissemination of child pornography, maximum penalty 10 years; 12 years for aggravated offence), s 63A (possession of child pornography, maximum penalty 5 years; aggravated form 7 years); *Criminal Code* (Tas.), s 130B (distribution of child exploitation material), s 130C (possession of child exploitation material), s 130D (accessing child exploitation material); *Classification (Publications, Films and Computer Games) Enforcement Act 1995* (Tas.), ss 73A, 74B (summary offences for distribution and possession); *Criminal Code* (NT), s 125B (possession, distribution or production of child abuse material, maximum penalty 10 years imprisonment); *Classification (Publication, Films, Computer Games) Enforcement Act 1996* (WA), s 60(1) (sell or supply child pornography, maximum penalty 7 years), s 60(4) (possession of child pornography, maximum penalty 5 years).

<sup>5</sup> *Criminal Code* (Cth.) ss 273.1, 273.5, 273.6, 473.1.

- stimulates the demand for production and hence, arguably, child sexual assault (especially when the material is purchased, or exchanged for something of non-monetary value to the sender) (Mizzi et al., 2010)
- may encourage active child sex offenders (CEOPC, 2012)
- may be used to ‘groom’ children to convince them of the normality of sexual relations between adults and children (for example, with material involving children smiling; see Prichard et al., 2011)
- denigrates children as a class (Warner, 2010)
- may cause distress, even trauma, to the young people depicted in the material (in addition to the effects of the sexual abuse) (Henzey, 2011).<sup>6</sup>

### **1.1 CEM and legal pornography: teen and barely legal genres**

Importantly, unlike the US context, Australian criminal laws encompass images or footage involving real children as well as virtual CEM that does not involve real children.<sup>7</sup> In practice, there are two main types of virtual CEM. The first is computer-generated (for example, where the image of a child’s head is superimposed over the body of an adult engaged in a sex act). These appear to be relatively uncommon (see Wolak et al., 2005:6).

Another type of virtual CEM is pornography involving adult actresses that appear to be under the age of consent because of their physical stature; child-like clothing (such as school uniforms or pyjamas); child-like behaviour (for example, language and apparent sexual inexperience); visual cues (such as teddy bears and apparent bleeding from loss of virginity); and themes (for instance, storylines involving school teachers)(Paul & Linz, 2008). While such material – sometimes called barely legal pornography – is legal in the US on grounds of freedom of speech (Gillespie, 2011), its status under Australian criminal law appears ambiguous. It may constitute CEM on the grounds that it depicts people who appear to be under the age of consent (David Plater, personal communication, 04/03/2014).<sup>8</sup> Metrics on the consumption of such material in Australia are not available. However, the barely legal genre is well established; a US study of the most popular 150 teen pornography films found that 18 per cent (N=28) could be categorised as barely legal in that they concentrated on adult–minor relationships (Peters et al., 2013). It is therefore feasible that Australians also purchase and view such material.

### **1.2 Criticisms of CEM laws**

It is useful here to note two criticisms of CEM laws. These points are relevant to part 5.0, below, in terms of dealing with CEM in the workplace. First, CEM laws have been described as inconsistent with the age of consent to sexual relations and an encroachment upon adolescent sexuality (Crofts & Lee, 2013; Leary, 2010; Walker et al., 2011). For example, under certain circumstances in Australia, it may be legal

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<sup>6</sup> Wortley & Smallbone (2012) note that little research has specifically examined CEM victims.

<sup>7</sup> See for example, *Criminal Code* (Cth.) s 473.1; *Criminal Code* (Tas.) s 1A.

<sup>8</sup> Dr David Plater was formerly a public prosecutor in South Australia and currently teaches at the University of South Australia.

for two adolescents to be lovers but illegal for them to send images of themselves naked to each other via the internet or mobile phone (Albury & Crawford, 2012). Secondly, it has been publicly argued that the definitions of CEM are too broad because they can be read to encompass types of art (Simpson, 2011), literature (Richards, 2011), cartoons and drawings (McLelland, 2011).

## **2.0 How commonly is CEM accessed?**

The CEM market is experiencing unprecedented growth. Until relatively recently, CEM was difficult to produce and procure. But with the advent of the internet and cheap digital cameras, the CEM market has boomed in terms of both supply and demand (Bourke & Hernandez, 2009; Leary, 2007; Martellozzo et al., 2010). Electronic access to CEM can be facilitated through a variety of mechanisms, including mobile phones, emails, Usenet groups, websites, Internet Relay Chat and peer-to-peer (P2P) networks (Bourke & Hernandez, 2009; Leary, 2007).

### **2.1 Prevalence of access**

It is very difficult to accurately estimate the scale of the online CEM market. This is partly because of the clandestine nature of some CEM trafficking networks, which can use highly sophisticated technology to evade detection (McQuade, 2009). Svedin et al.'s (2010) study of almost 2,000 Swedes between the ages of 17 and 20 found that 4.2 per cent of participants had viewed CEM. Since that survey was conducted in 2003, it is feasible that prevalence levels may have increased, given improvements in technology and ease of access (Seto et al., 2014). Other indicators of the strength of demand include a hacked European website with 99 CEM images that reportedly received more than 12 million hits during its 76 hours of operation, including 2,800 from Australia (Allard, 2008).

Robust data have been obtained from studies of P2P networks. Wolak et al.'s (2013) study of the Gnutella network indicated that almost 245,000 US computers had shared 120,418 unique CEM files in a 12-month period. A similar study indicated that up to 9,700 CEM files are trafficked daily by 2.5 million distinct peers in more than 100 countries (Hurley et al., 2013). Because P2P networks tend to have highly efficient systems for sharing data, they appear to be significant distribution points (Prichard et al., 2011).

It seems that it is not difficult to find CEM on the internet, whether deliberately or accidentally. For example, accidental viewing can occur through responding to email spam (Krone, 2004) or by seeing images posted on website noticeboards (Rushkoff, 2009). Accidental exposure aside, both dedicated CEM websites and legal pornography websites may provide opportunities to deliberately view CEM (Wortley & Smallbone, 2012). In P2P settings, links to CEM may be intermingled with mainstream material from popular culture – movies, music, software and so on (Prichard et al., 2013).

## 2.2 CEM and criminal justice statistics

Criminal justice system (CJS) data do not reflect the true prevalence of crime because of multiple factors, including the impact of police resources on the capacity to detect criminal behaviour (see Willis et al., 2011). It is highly likely that CJS data under-represent the scale of the CEM market. However, CJS data are presented here because they show that CEM offences are now a consistent feature of criminal justice systems in this country and others (Beier & Neutze, 2012; Rashid et al., 2012). In the US in 2009, an estimated 4,901 CEM possession arrests were made (Wolak et al., 2012). Available Australian CJS data also indicate a steady volume of CEM:

- Annual reports of the Commonwealth Director of Public Prosecutions show that, since the 2009–10 financial year, more than 200 charges have been laid annually under the *Criminal Code* (Cth) section 474.19 (using a carriage service for child abuse material). In 2011–12, almost 700 charges were laid (Office of the Commonwealth Director of Public Prosecutions, 2010, 2011, 2012 and 2013).
- The NSW Local Court dealt with between 50 and 100 child pornography offenders annually in the period between 2005 and 2008 (Mizzi et al., 2010).
- Between 1 January 2010 and 31 December 2012, the Victorian Magistrates' Court sentenced 200 CEM possession offences and 64 CEM production offences (SACStat, 2014a, 2014b).
- Data extracted from the Tasmanian Sentencing Database revealed that the Supreme Court found 32 individuals guilty of CEM offences between 2006 and 2011, representing 10 per cent of all sexual cases and 1.2 per cent of all cases (Tasmanian Law Reform Institute, personal communication, 07/02/2013).

## 2.3 Characteristics of CEM access, including access from the workplace

Wolak et al.'s (2012) large study of US arrestees provides useful indicators of the types of CEM accessed. Within this cohort of arrestees, they estimated that:

- 87 per cent possessed images of children aged six to 12 years
- 20 per cent possessed images of children aged less than four years old
- 82 per cent possessed images of sexual penetration
- 65 per cent possessed CEM video footage (as opposed to still images).

Of the arrestees who had used P2P networks, 42 per cent possessed images of sexual violence against children; the rate was 19 per cent for those who had not used P2P networks. Almost two-thirds of the arrestees (59 per cent) appeared to have distributed CEM. Earlier work by the same research team examined US arrestees in the period between 2000 and 2001 (Wolak et al., 2005). Most of the cohort (91 per cent) accessed CEM from home. Interestingly, 7 per cent accessed CEM at work and 2 per cent accessed it at other places, such as libraries and schools (see section 5.1).

Tehrani (2010) indicated that the rate of workplace CEM access might be higher than 7 per cent. She cited a 2004 survey of UK workplaces conducted by the Chartered Institute of Personnel and Development (CIPD) in which 71 per cent of workplaces reported dealing with a staff member for accessing CEM in the preceding two years. However, since the original CIPD report is no longer available, the efficacy of the survey is unclear. No subsequent peer-reviewed study has examined the prevalence of workplace CEM access.

### **3.0 What factors contribute to CEM onset?**

As acknowledged by other scholars in the field (for example, Jung et al., 2012), the knowledge base pertaining to the aetiology of CEM offending is in its infancy. Various theories of aetiology have been developed to explain contact sex offending, but there is no evidence as yet to support the validity of these theories in explaining CEM offending. Hence, the following sections pertaining to individual and situational risk factors are based on research that has specifically explored risk factors in CEM offenders. Onset refers to an offender's first deliberate interaction with CEM. Because the legal definition of CEM is broad, there are a wide variety of contexts in which onset might occur. Among other things, it might encompass writing text that constitutes CEM online or in a hard copy; viewing pornography that is legal in other countries yet illegal in one's own country; or generating cartoons depicting child abuse (see sections 1.1 and 1.2). Some of these behaviours may be relevant to the Commission, and they will be discussed further in part 5.0, below. However, this section of the report concentrates more heavily on CEM that involves images and footage of real children because of the seriousness of this material and because it constitutes the bulk of the CEM market.

In addition to the different forms of CEM, it is important to recall that there are three broad types of CEM-related behaviour: viewing, distributing and producing CEM. Risk factors for CEM onset can be classified as either individual (including the psycho-social backgrounds of offenders) or situational (such as environmental factors that, interacting with personal factors, increase the risk of criminal decision-making) (Smallbone et al., 2013; Wortley, 2009; Wortley & Smallbone, 2012 and 2014).

#### **3.1 Individual risk factors**

The primary individual risk factor for CEM offending is being male (see CEOPC, 2012). Others identified by research include: any prior criminal history; committing an offence before the age of 25; a high frequency of offending; a history of treatment for sexual offending; a self-reported sexual interest in children; low educational achievement; being single; and substance use problems (Eke & Seto, 2012 citing Eke et al., 2011; Faust et al., 2009). However, research has also suggested that sexual deviance may be a significant risk factor for CEM offending. For instance, research conducted by the United States Sentencing Commission (2012) – based on the pre-sentence reports of 2,696 non-production CEM offenders – indicated that, prior to

their current conviction, approximately one-third had engaged in sexually dangerous behaviour (such as contact sex offences or CEM offences) and many others had engaged in a variety of sexually deviant non-criminal behaviours (such as collecting children's underwear). It is not surprising that individuals who sexually abuse children are at risk of using CEM. Indeed, some individuals start using CEM *after* they have begun sexually abusing children (McCarthy, 2010). Section 4.1 and 4.2, below, provide further details about the individual characteristics of different CEM offender profiles.

### **3.2 Situational risk factors**

Little research has focussed directly on the circumstances of CEM onset. However, the key situational risk factors discussed by researchers include the anonymity the internet provides (Meridian et al., 2009) and the lessening of inhibitions this perceived anonymity may facilitate (Demetriou & Silke, 2003); the ease of access to online CEM; and the low risk of detection (Wortley, 2009). It has been argued that the *situation* the internet (and private digital cameras) provides has driven the extraordinary expansion of the CEM market over the last 20 years – rather than some sort of large-scale increase in the *individual* risk factors outlined above in section 3.1 (Wortley, 2012).

This view is consistent with criminological concepts that: (a) the more criminal opportunities that exist, the more crime there will be and (b) previously law-abiding individuals can be 'drawn into committing specific forms of crime if they regularly encounter easy opportunities for these crimes' (Clarke, 2008:180). More importantly, the view that situational factors have driven the expansion of the CEM market is consistent with the fact that 'hands-off offenders' – that is, CEM offenders who have not also been convicted of child sexual assault – come from diverse backgrounds. Commenting on the variety of backgrounds from which hands-off offenders hail, Wortley (2012:193) stated 'it is the ordinariness, not the deviance, of many online child pornography users that is striking'.

People without pre-existing sexual attraction to children may choose to deliberately view CEM for the first time 'impulsively and/or out of curiosity' (Beech et al., 2008:255; Lanning, 2010). For others, the process leading up to this decision may have been gradual and involved crossing a 'significant psychological threshold' (Wortley & Smallbone, 2012:121). It may be that the decision to view CEM is simpler in a sexually aroused state – for instance, after watching non-deviant, legal pornography; evidence indicates that sexual arousal is associated with increased risk-taking behaviours and lower perceptions of negative consequences (Taylor & Quayle, 2008). It is also feasible that a gradual loss of excitement in legal pornography may lead to an escalation in the severity of the material sought and provide a pathway to CEM (Wortley & Smallbone, 2012).

Other studies have suggested that cognitive distortions may increase the risk that an individual begins and continues interacting with CEM. Examples of cognitive distortions include beliefs that looking at CEM is harmless and that adult-child

sexual contact is appropriate (Merdian et al., 2009; Quayle & Taylor, 2002). Online paedophilic subcultures promote such distortions by encouraging and legitimising sexual interactions between adults and children (Broadhurst & Jayawardena, 2011; D'Ovidio et al., 2011; Holt et al., 2010). Our own research has suggested that the small but persistent presence of CEM intermingled with mainstream P2P material – mainly pirated movies, music, software and legal pornography – may work to normalise CEM for some groups of internet users, including young people (Prichard et al., 2013). This possibility appears to be supported by recent calls for the decriminalisation of the possession of CEM (Falkvinge, 2012).



## 4.0 The links between viewing CEM and contact child sexual abuse

CEM offenders are a very diverse group and, as such, a number of typologies have been proposed to attempt to explain and account for the diversity within this group. The diversity of CEM offenders is relevant to understanding the risk they may pose with respect to contact child sexual abuse. In particular, this diversity makes it difficult to estimate the risk of contact sex offending in CEM offenders. The diversity of CEM offenders also presents challenges with respect to treatment and management, as what works for one CEM offender may not work for another. The following section of the report outlines some of the major typologies proposed.

### 4.1 Types of CEM offenders

A variety of typologies have been developed to categorise the contexts in which CEM is used. The first of these, by Krone (2004), sets out nine categories of CEM offenders, including browsers, secure collectors and those who used the material for grooming children. Merdian, Curtis, Thakker, Wilson and Boer (2013) listed dimensions by which CEM offenders could be differentiated, namely: according to the degree that they networked with other CEM offenders; whether they were motivated by paedophilic interests, general deviant sexual interests or financial gain; or whether their CEM use was driven by personal sexual stimulation or by the physical sexual abuse of children. Other key typologies are presented below in Table 1. This table is not an exhaustive list, but it does summarise some of the predominant typologies in the literature.<sup>9</sup>

Table 1. Summary of CEM offender typologies proposed in the peer-reviewed literature

Publication	Proposed CEM offender types
Beech, Elliott, Birgden & Findlater, 2008	(1) 'Curious' and impulsive users, (2) users who access and share images to fuel their sexual interests, (3) hands-on offenders who also use child pornography and (4) users who distribute images for non-sexual motivations (e.g. financial gain).
Lanning, 2010	Three broad types comprised of one or more subtypes: (1) situational offenders (includes 'normal' adolescents, impulsive or curious adults, morally indiscriminate offenders who commit a range of offences, and profiteers), (2) preferential offenders (including paedophiles/hebephiles, diverse/sexually indiscriminate offenders, and offenders with latent sexual preferences) and (3) miscellaneous offenders (including media reporters, pranksters, older 'boyfriends' and overzealous citizens).
Wortley & Smallbone, 2006	Proposed a psychological typology for CEM users: (1) recreational users who access CEM out of curiosity, on impulse or for short-term purposes, (2) at-risk users who are vulnerable and have developed an interest in CEM and (3) sexual compulsives who have a specific sexual interest in children and actively search for CEM <sup>10</sup> .

<sup>9</sup> For a detailed overview of CEM user typologies, see Merdian et al.'s (2013) recent paper.

<sup>10</sup> This typology was originally developed by Cooper et al. (1999) to account for different users of adult web sites.

It is clear that there is no agreed-upon framework for capturing the diversity observed in CEM offenders, and many of the proposed ‘types’ of CEM offenders may overlap considerably. Nonetheless, it is also clear that the typologies tend to distinguish between those who may be considered situational offenders and those who are preferential offenders. With respect to situational offenders, the majority of typologies acknowledge that some CEM users may access CEM for reasons other than sexual interests or deviancy, such as curiosity, impulse or financial gain.<sup>11</sup> Preferential offenders, on the other hand, are driven by a sexual interest in children and may exclusively use CEM or may use CEM in conjunction with or to facilitate hands-on offending. It is plausible that these two broad types may differ in their risk of contact sex offending given that preferential offenders appear to be more sexually deviant and, as noted in the following section of this report, sexual deviance is a major predictor of recidivism in contact sex offenders. However, there is no evidence as yet to support the validity of sexual deviance as a predictor of contact offending in CEM users.

#### **4.2 Research on the relationship between CEM and child sexual abuse**

In section 3.1 it was noted that some individuals start using CEM after they have begun sexually abusing children (McCarthy, 2010). However, the reverse situation is an issue of intense interest in this field – namely, whether viewing CEM might cause some individuals to start sexually abusing children. Work on this topic has led to the study of three groups:

- CEM-only offenders who have not sexually abused children (also called ‘**hands-off**’ offenders)
- child sex offenders who have not used CEM (also called ‘**hands-on**’ offenders)
- ‘**dual**’ offenders who have engaged in both child sexual abuse and CEM (Elliott & Beech, 2009).

The relationship between these offender profiles is complex, and available evidence is inconsistent, even conflicting. Table 2 summarises a number of studies that have explored differences between hands-off offenders, hands-on offenders, dual offenders and, in some instances, community controls.

Table 2. Summary of findings from peer-reviewed research exploring differences between hands-off offenders, hands-on offenders and dual offenders

<b>Publication</b>	<b>Cohort</b>	<b>Key findings</b>	<b>Conclusions</b>
Armstrong & Mellor, 2013	32 online hands-off offenders, 32 hands-on offenders and 47 community controls	Hands-off offenders were more likely to possess an insecure attachment style and poor sense self-worth than the other two groups and more avoidance and distress than community controls.	The internet is an attractive medium for hands-off offenders to explore sexual interests. Social avoidance and interpersonal distress may act as protective factors

<sup>11</sup> Berlin and Sawyer (2012, p.31) argue that ‘...some individuals appear to be experiencing compulsive urges to voyeuristically view such images, devoid of any motivation to actually approach a child sexually’.

			against hands-on offending for hands-off offenders.
Babchishin, Hanson & Hermann, 2011	Meta-analysis of 4,844 offenders, including hands-off offenders and hands-on offenders	Hands-off offenders were younger; less likely to belong to a racial minority; and had higher sexual deviancy, greater empathy and lower cognitive distortions. Hands-off and hands-on offenders experienced higher rates of physical and sexual abuse than the general population.	Hands-off offenders are a unique subtype, but a notable study limitation is that it was not possible to isolate pure groups of hands-on and hands-off offenders, so there may have been considerable overlap between these groups.
Elliott, Beech & Mandeville-Norden, 2013	526 hands-on offenders, 459 hands-off offenders and 143 dual offenders	Dual offenders had higher empathy levels than the other two groups and poorer self-management than hands-off offenders. Hands-on offenders had lower victim empathy levels, greater cognitive distortions, externalised locus of control and greater impulsivity.	Dual offenders represent a unique group with differing treatment needs to hands-on offenders. Poor self-control may be the factor that leads dual offenders to commit hands-on offences.
Jung et al., 2013	50 CEM users, 45 non-contact offenders and 101 child molesters	Hands-off offenders had greater academic and vocational achievements but were less likely to be married at the time of offending and, on average, had less biological children.	Hands-off offenders are a low risk for hands-on offending due to having higher internal inhibitions and less likelihood of access to children.
Lee et al., 2012	113 hands-off offenders, 176 hands-on offenders and 60 dual offenders	Hands-off offenders were more likely to be employed in a professional occupation, had lower levels of antisociality and were less likely to commit a hands-on offence, but the odds of doing so increased as scores on an antisocial behaviour scale increased.	Hands-off offenders have characteristics that inhibit antisocial behaviour and are a lower risk for committing hands-on offences. However, hands-off offenders are heterogeneous and the risk for hands-on offending increases significantly for those who exhibit antisocial behaviour.
Long et al., 2013	60 hands-off offenders and 60 dual offenders	Hands-off offenders were less likely live with a partner, have children or prior convictions. Hands-off offenders possessed more CEM images overall but fewer images at the serious end of the scale (e.g. penetrative or sadistic material).	Hands-off offenders are a lower risk for hands-on offending as they are less likely to have access to children and they have a sexual preference for non-touching/non-penetrative activity (measured by an analysis of CEM image possession).
Marshall et al., 2012	30 hands-off offenders and 28 hands-on offenders	Preliminary findings from an ongoing study showed that hands-off offenders had greater obsessions and	Preliminary findings point towards hands-off offenders having unique treatment needs.

		compulsions, as well as loneliness.	
McCarthy, 2010	56 hands-off offenders and 51 dual offenders	Dual offenders were more likely have a diagnosis of paedophilia, use the internet to locate and groom potential victims, network with others who share deviant interests and possess larger proportion of CEM than adult pornography.	Hands-off offenders are a heterogeneous group. It appears CEM does not play a causal role in hands-on offending – 84% of dual offenders reported committing hands-on offences prior to CEM offences.
Seto, Hanson, & Babchishin, 2011	Meta-analysis of 4,697 online offenders	12% of CEM offenders had a history involving a hands-on offence based on official data, whereas the figure was 55% based on self-report. The recidivism rate for CEM offenders was low – 2% for a hands-on offence and 3% for a CEM offence (based on a follow-up period of less than 4 years on average).	Police and prosecution data suggest hands-off offenders as a combined group are a low risk for hands-on sex offences even though they are likely to have a sexual interest in children. However, self-report data suggests that risk may be higher. Individual traits and life circumstances may distinguish between those who refrain from hands-on offending and those who do not.
Webb, Craissati & Keen, 2007	90 hands-off offenders and 120 hands-on offenders based on index offence	Hands-off offenders were younger and had higher contact with mental health services as an adult, fewer live-in relationships and fewer substance issues. Based on an 18-month follow-up period, hands-off offenders were less likely to re-offend.	Hands-off offenders are a heterogeneous group, with a small minority likely to commit new CEM offences but not hands-on offences. The majority of CEM offenders pose a low risk for sexual reconvictions.

The research summarised in Table 2 suggests that hands-off CEM offenders are a distinct subtype of offender who demonstrate considerable diversity but appear on the whole to pose a low risk for hands-on offending. It is worth noting here that studies of hands-off offenders have relied primarily on criminal histories. Official criminal records may underrepresent offence prevalence (regarding criminal histories, see Neutze et al., 2011). For instance, it seems that when subject to polygraph testing, hands-off offenders are more likely to reveal a greater sexual preference for extreme CEM and for material depicting pre-pubertal children (Buschman et al., 2010). However, in the absence of further studies of this nature, it is not possible to draw firm conclusion for the Commission about the efficacy of criminal history or self-reported data.<sup>12</sup>

<sup>12</sup> Buschman et al. (2010) also found that participants admitted to a higher rate of hands-on offending under polygraph testing, which was highlighted by the CEOPC (2012). However, the use of polygraph testing to disclose offence history is not without its critics (for example, Rosky, 2013).

### **4.3 CEM and child sexual abuse: key findings from research to date**

The point of consensus is that, at present, there is no evidence to support a direct causal link between viewing CEM and committing hands-on sex offences (Fishe et al., 2013; Webb et al., 2007). Still, there is an association between the two behaviours since, taken as a whole, a significant percentage of CEM offenders appear to have committed hands-on offences. Seto et al.'s (2011) large meta-analysis found that 12 per cent of CEM offenders had a criminal history for hands-on offending (see Table 2). The percentage of CEM offenders who self-reported hands-on offending was much higher: 55 per cent. Similarly, 22 per cent of those arrested for CEM offences in the US in 2009 were also charged with child sexual abuse (Wolak et al., 2012).

The extent to which hands-off offenders pose a risk of progressing to hands-on offences against children remains a major issue of contention.<sup>13</sup> The research presented in Table 2, above, indicates that hands-off offenders are a unique group, distinct from both hands-on and dual offenders. Some characteristics of hands-off offenders may actually work to reduce the likelihood that they progress to hands-on offending, including higher levels of education, lower levels of access to children, higher levels of empathy, lower cognitive distortions and a tendency to avoid interpersonal distress (as might be encountered from the aftermath of child sexual abuse, for example). An alternate proposal is that viewing CEM provides a sexual outlet for some individuals that enables them to resist physical offending against children (Ost, 2009; Wolak et al., 2008; Wortley, 2010). However, there does not appear to be any empirical evidence to support this statement.

Scholars still accept that viewing CEM may lead some people to hands-on offending because the conditional pairing of CEM with deviant sexual fantasies, masturbation and orgasm may reinforce their sexual attraction to children (Quayle et al., 2006; Sullivan & Beech, 2004; Taylor & Quayle, 2008). Relevant to this perspective is the fact that hands-off offenders have been found to have higher levels of sexual deviancy than hands-on offenders (Babchishin et al., 2011).<sup>14</sup> This is pertinent

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<sup>13</sup> There are a number of reasons why we would recommend caution before concluding that hands-off offenders pose a low risk for committing hands-on offences. First, most studies that have examined recidivism in hands-off offenders have employed short follow-up periods. Yet, related research has shown that, on average, extrafamilial child molesters who offend against unrelated victims tend to be older and their risk for recidivism remains elevated until they reach their 50s (see Hanson, 2002) – thus short follow-up periods may not be adequate to accurately gauge recidivism for hands-on offences in CEM offenders. Furthermore, the majority of studies have relied upon official data (convictions) and thus may only be examining a small subset of CEM offenders given that the majority of CEM offenders are not apprehended (see Wortley & Smallbone, 2012). Other limitations of the evidence base, as noted by the independent reviewers of this report, include but are not limited to: the small sample sizes on which the majority of studies are based; selection biases with respect to not only the prosecution of CEM offenders but also the selection criteria for the inclusion of CEM offenders in various studies; and differences in CEM definitions, which may influence the findings obtained in studies conducted in different jurisdictions.

<sup>14</sup> Jung et al. (2013, pp. 296–297) note that, although CEM offenders appear to be more sexually deviant, police practices may be such that only the more deviant CEM offenders are prosecuted.

because deviant sexual interests (including paedophilic interests) are the strongest single predictor of recidivism in both adult and adolescent contact sex offenders (Hanson & Morton-Bourgon, 2005). It may be that antisocial personality traits are important in moving from 'viewing' to 'doing'. Lee et al.'s (2012) findings indicate that hands-off offenders are more likely to progress to contact offending if they possess antisocial personality traits. This is consistent with meta-analytic findings that recidivism among contact sex offenders is best predicted by sexual deviance and antisocial personality or criminal lifestyles (Hanson & Morton-Bourgon, 2005).

Broader research on sexual aggression is also noteworthy. Studies have shown that pornography use is a risk factor for sexually aggressive behaviour among people who possess other risk factors that predispose them towards sexual aggression. This is true for adult males (Kingston et al., 2009), children and adolescents (Alexy et al., 2009). In other words, pornography use<sup>15</sup> appears to increase the risk of sexual aggression in adults, adolescents and children who are predisposed to that type of behaviour. It is possible that these risks are elevated if such people view deviant pornography, including CEM, as opposed to legal pornography (Hanson & Morton-Bourgon, 2005; Kingston et al., 2008).

In conclusion, there is no direct evidence to support a causal link between viewing CEM and committing hands-on sexual offences. However, there is an association between hands-on sexual offences and CEM. A consistent finding within the literature is that CEM offenders are a very diverse group. As a combined group, CEM offenders possess some characteristics (for example, they are less likely to have access to children and exhibit greater levels of social or interpersonal distress and avoidance) that would inhibit them and/or lessen their likelihood of progressing to contact sex offending. Yet, the evidence also suggests that vulnerable individuals who are already predisposed to sexual aggression have a greatly increased risk of engaging in contact offending as a result of viewing CEM.

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<sup>15</sup> Research conducted in a laboratory setting, using a lexical decision-making task, also revealed that the exposure of undergraduate male and female students to virtual CEM (sexually explicit material depicting models that appear underage) resulted in a cognitive schema linking youth with sexuality (Paul & Linz, 2008). The study's authors acknowledge that attitudes are not necessarily linked with action, but this study indicates CEM's potential to alter viewers' beliefs about the sexual nature of children.

## **5.0 CEM in institutional contexts: issues relating to staff**

This final part of the report has three sections. The first section (5.1) overviews available information on CEM in institutional settings as they relate to staff. The second section (5.2) addresses the extent to which CEM can be treated as a red flag for child sexual abuse. Section 5.3 of the report outlines prevention strategies for institutions to: (a) reduce the risk of onset among employees or (b) assist employees to anonymously desist from viewing CEM. Terms such as ‘employee’ and ‘worker’ are meant to encompass all institutional contexts relevant to the Commission, including volunteer and religious contexts. While we have focused on primary sources, we have included some relevant secondary material that is not otherwise accessible, particularly as cited by Tehrani (2010). Since this report’s terms of reference focused on the issue of staff accessing CEM, the management and prevention of CEM offences by adolescents or children under the care of institutions fell outside the report’s scope. However, there appear to be good reasons for future research to address this since: (a) adolescents and children can be perpetrators of sexual violence (see section 4.3; Alexy et al., 2009) and (b) evidence indicates that adolescents can use CEM (see section 2.1; Svedin et al., 2010).<sup>16</sup>

### **5.1 Background on CEM in institutional contexts**

Although researchers have rarely focused on the use of CEM in institutional settings, some literature does discuss its occurrence. A study of US arrestees from 2000 to 2001 found 7 per cent had accessed CEM from their workplace (see section 2.3). It is unclear what percentage of offenders in 2014 might access CEM this way, given the proficiency of modern internet access in the home. In the UK, unverified claims have been made that CEM use is increasing in workplace settings, with employees using CEM to groom children, generating CEM images at work or accessing CEM at work. The same source suggested that offenders may be motivated to engage in such behaviours in the workplace because it: (a) is easy, (b) avoids the risk of detection by family members at home and (c) is perceived as having a lower risk of detection than accessing CEM at home (Gamble, 2005; cited in Tehrani, 2010).

These serious suggestions await empirical investigation. It is certainly accepted that employees are willing to use the internet in the workplace for private purposes, including online shopping, social interaction and so forth (Greenfield & Davis, 2002). Perhaps as many as 16 per cent view legal pornography at work (Websense, 2006; cited in Cameron, 2012). Anecdotal reports occasionally link CEM with institutional or workplace settings. Examples of such cases are worth considering:

- A 28-year-old teacher was discovered with CEM on his workplace computer. His employer contacted the police. The same man was already the subject of a police investigation. CEM was also found on the man’s home computer. The investigation

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<sup>16</sup> Prichard et al. (2013) estimated that, of 162 persistent search terms recorded over a three-month period on a P2P network, three related to CEM and 36 catered to a youth market (for example, ‘Harry Potter’).

triggered allegations of child sexual abuse. The man was convicted of sexual assault and CEM offences (Wolak et al., 2005).

- A woman who worked in a day care centre began sending a friend photographs of the infants under her care undressed and, later, being penetrated with objects. She took the photographs with her mobile phone as workplace rules against the presence of phones had relaxed (Quayle, 2012).
- A man was convicted for downloading thousands of CEM images, which shocked his colleagues at the small charity for which he worked. He was highly regarded by the workplace. The case's media coverage affected the charity's ability to operate in the local community for several years (Tehrani, 2010).
- An organised crime group allegedly targeted 30 Victorian children in out-of-home care for prostitution. Some of the abuse was filmed to generate CEM (ABC, 2014).
- Police recovered a stolen council-issued laptop belonging to a Tasmanian alderman. On it they found legal pornography in addition two CEM files: a cartoon strip and a portion of literature that depicted children engaged in sexual acts. The alderman claimed that he deleted the CEM files as soon as they were downloaded and that his sexual interests laid in adult pornography (ABC, 2011; News.com.au, 2011).

These examples, in addition to the background provided by sections 1.0 to 4.0 of this report, suggest that institutionally linked CEM may vary greatly according to its:

- **form** – electronic or hard copy, video footage, still images, written material, drawings and virtual representations of children (section 1.1)
- **severity** – for example, semi-nudity though to sadistic rape (1.1)
- **means of access and generation** – for example, mobile phone, digital cameras and multiple internet mechanisms (2.0)
- the **motivation or purpose** of the use – for example, whether it was the result of accidental exposure, browsing, paedophilic sexual fantasy, facilitating child sexual abuse or seeking financial gain (4.1).

Where CEM is generated in a workplace, it may: (a) involve physical abuse or be developed without the child's knowledge, and (b) be distributed to others or kept for private use (Quayle, 2012). It is also likely that, as new technologies are developed, new ways of generating, distributing and accessing CEM in the workplace will emerge (Quayle, 2012).

## **5.2 To what extent should CEM be treated as a red flag for current or future sexual abuse of children?**

Many workplaces have policies to regulate the use of pornography.<sup>17</sup> However, the discovery of CEM is different because, among other things, it is illegal and may be evidence of an offence. It is outside the scope of this report to examine how institutions should respond to CEM in terms of appropriate administrative procedures and whether new legislative mechanisms could be introduced to stipulate certain responses. Yet, on this broad point, it is important to consider

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<sup>17</sup> Cameron (2012) has explored the effectiveness of these policies vis-à-vis Australian unfair dismissal cases. It is unclear whether legal obligations currently exist for workplaces to report the discovery of CEM.



Howell (2009), who warned from the American standpoint that managers could commit offences by deleting discovered CEM, sending the material to others for advice or checking websites visited by the worker concerned. Although Australian legal scholars have not yet examined these possibilities, it does seem feasible that at least some of the acts described by Howell (2009) could satisfy the elements of national criminal laws. By way of example, an IT manager who, after finding CEM collected by a worker, deleted the material without contacting the police may have possessed child pornography for the purposes of the *Criminal Code* (Tas.) (s 130C) without being able to rely on any of the defences set out in section 130E, such as acting for the public benefit. Clarification of these areas of law by the Commission may encourage institutions to treat CEM appropriately.

The rest of this section of the report discusses situations where the discovery of CEM should be treated as a red flag indicating the potential for current or future child sexual abuse. We suggest differentiating between contexts to some extent.

#### **CEM and children under the care of institutions**

Because of the evidence that some hands-on offenders groom children by showing them CEM (see section 4.1), any indication that a worker has shown or distributed CEM to children ought to be treated as a red flag for current or future abuse.<sup>18</sup> Naturally, material discovered that depicts children under the care of institutions ought to be treated as a red flag as it may constitute evidence of current abuse.

#### **CEM depicting children not under the care of institutions**

Based on current scholarly knowledge (see sections 4.1 and 4.2), it cannot be assumed that an employee discovered with CEM: (a) has sexually abused children, (b) will ever progress to sexually abuse children or (c) has a strong sexual interest in children. However, studies of offenders collectively demonstrate an association between child sexual abuse and CEM. An unknown portion of hands-off offenders are at risk of sexually abusing children, particularly if they possess other risk factors for sexual aggression. Dual offenders use CEM and sexually abuse children. Consequently, our view is that the discovery of CEM ought to be treated as a red flag within institutions because of the potential that the worker concerned may progress to contact offending or may already be abusing children. Discovery not of CEM but of other types of deviant pornography (for example, bestiality) might also constitute a red flag because of the links between such material and sexual aggression. However, the evidence underpinning this view is less compelling (see section 4.3).

#### **CEM in other scenarios**

Generally, institutions' use of discretion in situations relating to child abuse involves the risk that extraneous issues will sway decision-making. It is feasible that, when exercising discretion regarding the discovery of CEM, an institution might be

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<sup>18</sup> Likewise, any evidence that a worker has shown indecent images (for example, legal pornography) to children should be treated with great concern, although that scenario is beyond the scope of this report.

concerned about potential damage to its reputation or to the reputation of the worker concerned; consider the example above (in section 5.1) of the repercussions experienced by a charity when one of their popular workers was convicted of CEM offences.

However, in our view, discretion is necessary because of the definitions of CEM that exist in Australian law (see section 1.1). For example, section 473.1 of the *Criminal Code* (Cth) refers to 'offensive material' depicting people who are, 'or who appear to be', under age. This means that, in borderline cases, an institution may need to judge whether material is offensive or whether the people involved appear to be under age. Equally, the section's definition of 'child pornography' might invite an institution to decide whether the depiction of a naked child was 'for a sexual purpose'. Institutions may legitimately form the view that discovered material is not CEM. For example, parents sharing photographs of their children at the beach may be neither offensive nor have a sexual purpose.

In other circumstances, institutions may discover CEM that does not involve real children. Examples noted in this report include cartoons or artwork, literature and some genres of teen or barely legal pornography. Available literature suggests that, although such material can be found within the collections of hands-off and dual offenders, insofar as child sexual abuse is concerned, the dominant association is with footage or still images of real children, often engaged in sexual activity. However, arguably, there is still sufficient reason to treat this as a red flag for current or future abuse. This is because: (a) possession of such material is an offence and (b) it seems rational that the discovery of any sort of CEM should lead to a thorough examination of the IT equipment used by the worker concerned – a process best undertaken by police services. Subject to the clarification of criminal laws, workplace managers, among others, should take care to avoid committing offences in the way they handle the discovered CEM.

### **5.3 CEM and institutional prevention strategies**

Only a handful of scholars have discussed CEM prevention strategies for institutions. It should be noted that: (a) little evidence exists as to the effectiveness of the strategies forwarded in the literature and (b) legal research would be required to assess the implications of the strategies discussed below in each Australian jurisdiction.

Quayle (2012), a clinical psychologist and expert on different forms of online child exploitation, discussed the value of screening and vetting procedures. In her opinion, these strategies are useful for identifying individuals with a history of sexual crimes against children, which would appear to include CEM offences as well as child sexual assault. However, Quayle warns that screening procedures will be of little help in identifying people who may develop an interest in CEM. This view is based on the fact that hands-off (CEM-only) offenders are a heterogeneous group. It is also consistent with Wortley and Smallbone's (2012) argument that situational factors have driven the increase in CEM offending, rather than individual factors (see section 3.2).

Principles from an established criminological theory called situational crime prevention (Cornish & Clarke, 2003; Clarke, 2008; Wortley, 2012) have been forwarded as a framework for preventing CEM (Wortley & Smallbone, 2012; Quayle, 2012) and child sexual abuse (Terry & Ackerman, 2008) in institutions. Among other things, this framework recommends CEM prevention strategies that increase the effort required for workers to use CEM, increase the risk of detection, and remove excuses or cognitive distortions that workers might use to justify their actions. These strategies are intended to be integrated and not used independently of each other. Their value is in reducing the influence of situational factors that encourage criminal decision-making – especially for otherwise law-abiding people. Predatory or committed offenders are less likely to be influenced by situational crime prevention strategies (Clarke, 2008).

### **Increase effort**

Some have suggested using workplace filters that block inappropriate websites as a means of making CEM difficult to access online (Wortley & Smallbone, 2012; Quayle, 2012). Because workplaces own IT equipment and provide internet services, they appear to have much greater flexibility to implement effective internet filters than internet service providers or government regulators, for example, (Wortley & Smallbone, 2012). Recent research would suggest that blocking P2P networks might reduce opportunities to access CEM as well as distribute it (see section 2.1). Institutional filters will not prevent workers from viewing or distributing CEM through private internet connections – including home desktop computers and smartphones (which can be used at the workplace). Nonetheless, institutional filters can reduce the regularity with which workers encounter ‘easy opportunities’ (Clarke, 2008: 180) for CEM offending. It has been suggested that, at times, workplaces simply fail to install filter software (Tehrani, 2010). This highlights the importance of institutional support for CEM prevention.

Behavioural strategies may also be important in terms of increasing effort. Quayle (2012, citing BECTA, 2008) referred to the importance of protocols governing computers, cameras, mobile phones, web cams and content transmission – providing these were promoted among children and workers (and parents where appropriate). Logically this would, for example, increase the difficulty of generating CEM in the workplace. Recalling the example of the day care worker who generated CEM with her mobile phone (5.1), it is tempting to conclude that the crimes would not have occurred if the workplace’s protocols disallowing the use of mobile phones were properly enforced.

### **Increase risk**

By increasing the chance of detecting CEM offences, fewer workers will feel tempted to engage in such behaviours (Wortley & Smallbone, 2012). Punishments (that is, sanctions for breaching workplace regulations) are also relevant, including reporting the discovery of CEM to police services.<sup>19</sup> However, H. Li et al.’s (2010) empirical research on workplace internet policy compliance suggests that the risk of detection is more important than sanction severity. In fact, it appeared from their study that increasing sanction severity could reduce compliance by some staff members. It is important to differentiate between the actual and perceived risk of detection; the latter is more important for preventing criminal decision-making in specific situations (Clarke, 2008).

Monitoring staff Internet use tends to be considered the best method by which the perceived risk of detection might be increased in the workplace. It is possible that institutions’ IT managers could undertake monitoring, perhaps using automated processes or through auditing internet use (Wortley & Smallbone, 2012;

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<sup>19</sup> Reporting CEM discovery to police services seems advisable even if the CEM cannot be linked to individual workers. Legal research may need to clarify organisational obligations pertaining to data retention following the discovery of CEM.

Quayle, 2012). Establishing identity verification to use computers may promote the perception of risk while simultaneously reducing the sense of anonymity typically experienced online (see section 3.2; Wortley & Smallbone, 2012). Wolak et al. (2005) estimated that more than 40 per cent of US CEM arrestees were very knowledgeable about the internet. This suggests that IT strategies would have to appear credible and robust to increase the perception of risk. Monitoring systems would also be heavily reliant upon IT managers. An unpublished survey of firms conducted by the Internet Watch Foundation (IWF, 2005; cited in Tehrani, 2010) suggested that the majority of IT managers (74 per cent) would not report workers if they discovered that they had accessed CEM. However, the veracity of this unpublished survey is unclear. Finally, monitoring policies would need to consider issues relating to workers' confidentiality (Tehrani, 2010) and privacy.

With respect to behavioural strategies that increase perceived risk, Quayle (2012) recommended that, where possible, computers should be situated so that it is easy for others to see the monitors. In our view, the BECTA protocols referred to above – concerning cameras, mobile phones, webcams and content transmission – could also increase perceived risks in relation to: (a) producing CEM in the workplace and (b) using CEM to groom children. This is because there would be a greater likelihood that children or colleagues reported such behaviours if the protocols were adequately promulgated.

### **Removing excuses**

Much has been written about criminal decision-making and techniques that offenders might employ to neutralise their consciences and justify their actions (Sykes & Matza, 1958). If a crime is perceived as morally ambiguous because, for example, it is easy to commit and is committed by lots of other people, individuals may be more ready to commit that crime; the perception of permissibility or 'excusability' acts as a situational cue (Cornish & Clarke, 2003: 64). Therefore, situational crime prevention considers strategies that remove excuses to be valuable for otherwise law-abiding people but less effective for predatory offenders.

Wortley and Smallbone (2012) see workplace codes of conduct as a means of tackling excuses relating to CEM, and they refer to empirical evidence of the effectiveness of codes in reducing things like workplace theft and bullying. In their view, workers ought to be required to sign codes of conduct that proscribe the use of workplace IT equipment or internet accounts for CEM-related behaviours.

Quayle (2012) forwarded similar views and recommended that workplaces regularly remind staff about appropriate conduct. She also referred to research on internet use policy (IUP) compliance. As noted, one of those studies found that the risk of detection appeared to be more important than sanction severity in influencing workers' (N=246) intended compliance with IUP (H. Li et al., 2010). However, the strongest indicators of compliance were workers' perceptions of the benefits of the IUP and their personal norms regarding internet abuses. More recently, a different research team's empirical study underscored the influence of

neutralisation techniques on IUP compliance (W. Li et al., 2013). These findings suggest that, because of their influence on workplace culture, strategies that 'remove excuses' through codes of conduct (or IUPs) are potentially more important than strategies that 'increase risks' or 'increase effort'.

In our view, the evidence presented throughout this report indicates that there would be considerable benefit in workplace codes (or IUPs) 'removing excuses'. The starting point should be to explain what CEM is and how it can take different forms. This is because some workers may not be aware that CEM definitions may cover cartoons, literature, types of pornography that is legal in other countries and so forth (see section 1.1). Institutions may also wish to express why CEM is inconsistent with their ethics (Erooga, 2012). However, the most critical step to remove excuses would be to explain the harms associated with CEM. This will counter the sorts of cognitive distortions that appear to facilitate CEM onset, including beliefs that viewing CEM is harmless and that adult-child sexual relations are appropriate (see section 3.2). This step may be particularly important if online CEM is becoming normalised as we have suggested elsewhere (Prichard et al., 2013). Since some offenders have reported that they begun using CEM out of curiosity, workers should be advised not to access CEM even to investigate it or to find out how bad it really is (see Lanning's (2010) references to overzealous citizens). Finally, subject to clarification of criminal laws, workplace codes should stipulate how discovered CEM should be handled.

#### **5.4 Systems for workers to anonymously desist from using CEM**

Very little research has addressed how to assist worker desistance. Quayle (2012) recommended that institutions provide avenues for workers to anonymously seek help if they become aware of a personal sexual interest in children. An organisation that she and others have referred to is Stop It Now ([www.stopitnow.com](http://www.stopitnow.com)), which aims to facilitate early recognition of problems in abusers and potential abusers. It is unclear whether other similar anonymous services exist. Alternatively, institutions may facilitate anonymous counselling for workers concerned about their attraction to children or behavioural problems relating to the internet, including CEM offending, online gambling and so forth (Tehrani, 2010). As yet, no specific treatment model has been developed for CEM offending (Tehrani, 2010).

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