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Abstract | Although the full extent and nature of the sexual exploitation of children is only beginning to be recognised, it is a problem of global significance that requires strong and effective responses. The extent to which the viewing of child exploitation material (CEM) is linked to involvement in producing such material, sharing it and using it to groom and then assault children is a key concern. Most such material is held online, and it is important to understand how offenders use the internet to access CEM and to groom children for sexual exploitation.

This exploratory study examines data relating to a sample of offenders convicted of online child sexual exploitation offences under Australian Commonwealth law, to determine how online forms of child sexual exploitation and offline child sexual exploitation, or contact offending, are related. The majority of offenders in this study appeared to commit only online offences, although in a minority of cases there was a connection between exploitative material, grooming and contact offending.

This study is an important early step in improving our understanding of offenders and points to the need for further assessment of the nature of online child sexual exploitation and its relationship to other forms of sexual and violent offences.

Trajectories in online child sexual exploitation offending in Australia

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In responding appropriately to online child sexual exploitation (CSE), it is critical to understand whether online CSE offenders are, or may become, either repeat online offenders or contact CSE offenders. There are two distinct types of online CSE offences: grooming a child for sexual purposes ('grooming') and accessing, possessing or sharing child exploitation material (CEM; McGuire & Dowling 2013). CEM is the preferred term for sexually abusive images of children and refers to child pornography (see Box 1 for full details of the terminology used in this paper).

A number of studies have been conducted overseas on the offending trajectories of online CSE offenders, most concerning online CEM offenders (Rettinger 2000; Wolak, Finkelhor & Mitchell 2005; Eke, Seto & Williams 2011; Seto, Hanson & Babchishin 2011; Sheldon 2011). While some studies have compared cohorts of online and contact offenders (McCarthy 2010; Long, Laurence & McManus 2013), no comparable studies have been conducted in Australia (Henshaw, Ogleff & Clough 2015).

Research to date has identified three distinct categories of CSE offenders: contact-only offenders, online-only offenders, and dual offenders who engage in both contact and online offences



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over time (McGuire & Dowling 2013). There is an obvious connection between online grooming and seeking to commit contact CSE offences in the physical world.

There are also obvious connections between online CEM offences and the abuse of real children, whether depicted in images of CSE or in live-streamed media depicting CSE. The focus of this study was to determine whether an offender who is found to be engaged with such material online is, or is likely to become, a contact CSE offender.

Prior research

Research into CSE is complicated by the lack of common definitions in criminal law across jurisdictions and in wider discussion of the problem. Importantly, the definition of CSE in Australian federal criminal law is very broad and includes non-visual material. A child is defined as a person under the age of 18 years (Clough 2012). Much of the research on online CSE offending to date has also looked at either grooming or CEM offending, with more attention to the latter.

Box 1: Terminology

Child sexual exploitation (CSE) offending refers to the different ways sexual offending involving children is criminalised and divided into online and offline offences. This term is also used in this paper in place of terms such as sexual assault or sexual abuse.

Importantly, the legal distinctions imposed on CSE offending reflect jurisdictional limitations rather than clear boundaries between online and offline offending behaviour.

In Australia, CEM and grooming offences are prohibited under Commonwealth law as online offences involving a 'carriage service' or as offline offences involving the 'postal or similar service'. However, this offending behaviour may also be captured under co-extensive State or Territory laws.

All other offline CSE offences not involving 'postal or similar services' are the subject of State and Territory law in Australia.

Online CSE offences include grooming a child for sexual purposes and accessing, possessing, producing or distributing child exploitation material (CEM). In this study the index offending involves an online grooming or CEM offence under Commonwealth law.

Offline CSE offences are divided into contact offences and non-contact offences.

Contact CSE offences are physical acts committed on, with or in the presence of a child.

Non-contact CSE offences include grooming or CEM offences where it is not necessary to prove online activity was part of the offence.

Child exploitation material (CEM) refers to sexually abusive images of children (as broadly defined in Australian law). While the term child pornography is used in some legislation, this term is considered inappropriate and is not used in this paper.

The criminal history data for convictions for grooming and CEM offences did not differentiate between offences committed online or offline, and this paper's discussion of prior and post offending does not distinguish between online and offline offences.

Attempts to analyse the incidence of, or patterns in, CSE offending are limited by the degree to which these offences are unreported and the fact that recorded convictions do not indicate the true incidence of offending (Gelb 2007). In an early internet-era study of CEM, Rettinger (2000) acknowledged that anecdotal evidence suggested a link between the possession of child pornography and paedophilia. Rettinger concluded that there was no causal link between viewing adult or child pornography and committing sexual crimes. CEM offenders were found to be heterogeneous, with some offenders reporting pornography aroused an urge to sexually assault someone while others indicated it reduced their impulse to offend sexually.

In a more recent study in the United Kingdom, Long, Laurence and McManus (2013) found the size and content of image collections was significantly associated with participation in, and the manner of, contact offending. Also in the United Kingdom, a police operation in June 2014 led to the arrest of 660 suspects for offences relating to indecent online images of children (NCA 2014). Of these, 39 (5.9%) were registered sex offenders; the majority had not previously come to police attention.

Not all sex offenders are alike, nor do they all consume adult and/or child pornography. The degree of interest in sexually explicit material varies widely among sex offenders. At one end of the continuum are sex offenders who have virtually no interest in pornography of any kind, while at the other end are offenders who are preoccupied with it. Of those who do use pornographic material, not all seek out the same type; some use materials depicting children, some use adult pornography and some use both. Paedophiles may also collect and sexualise images of children that are not overtly pornographic and use these as a source of stimulation (Krone 2005).

Wolak, Finkelhor and Mitchell (2005) noted differences between online-only CEM offenders and those who are both online CEM and contact CSE offenders. In those cases that began with the investigation of CEM possession, dual offenders were more likely to have access to children at home or work than CEM-only offenders. They were also more likely to be addicts or have problems controlling their use of drugs or alcohol. These dysfunctional characteristics may be criminogenic. Perhaps unsurprisingly, the dual offenders were also more likely to have a history of contact CSE offending.

Sheldon (2011) reported that online-only CEM offenders show many of the characteristics of paedophiles. However, at least some online CEM offenders appear to be 'desisters', who refrain from acting on their sexual interest in children. Sheldon therefore argued that those who both download CEM and offend directly against children are not entirely like either online-only or contact sexual offenders in their psychological make-up. A study by Seto, Reeves and Jung (2010) reported that contact CSE offenders sometimes used CEM as a substitute for contact offending.

In a limited survey of 107 male CEM offenders, McCarthy (2010) found 84 percent admitted to contact offending before possessing CEM. This gives rise to the question of how contact offending and CEM offending may be connected. As Beech and Elliot (2012) argued, while the characteristics of online offenders have increasingly been shown to be related to existing knowledge of contact CSE offenders, it is also important to understand the nature of wholly online offending, and the capacity of online CEM offenders to refrain from committing contact CSE offences in the physical world.

The nature and extent of online CSE offending is poorly understood because it is difficult to conduct reliable research. However, the work of Seto and Eke (2015) demonstrates the importance

of conducting such research—thus refining psychological tools for assessing offenders, further developing and refining research methods, and better establishing a firm basis for assessing risk.

The extent of the problem

It is difficult to gauge the incidence of child sexual assault, and both the Australian Law Reform Commission (2010) report into family violence and the Royal Commission into Institutional Responses to Child Sexual Abuse (Prichard & Spiranovic 2014) noted the need for further research to quantify the problem in Australia. The 2005 personal safety survey conducted by the Australian Bureau of Statistics (ABS) indicates the historical prevalence of sexual abuse of children younger than 15. The ABS (2005: 12) estimated that:

...women were more likely to have been sexually abused than men. Before the age of 15, 12% (956,600) of women had been sexually abused compared to 4.5% (337,400) of men.

The 2005 personal safety survey also found just 11.1 percent of respondents who reported experiencing sexual abuse before the age of 15 nominated a stranger as a perpetrator (ABS 2005: 42).

There is a dearth of data on the extent of online CSE—although it is clear that Australians are avid users of the internet, with 12.7 million subscribers in Australia in 2014 (ABS 2014). A proportion of these users will seek to download CEM and use the internet to groom children for sexual purposes. This is a relatively new problem, taking the year 2000 as a starting point for increasingly widespread internet access. The internet is a transformative and rapidly changing space for the commission of crime; it is likely to disrupt general conceptions of sex offenders based on research conducted prior to the advent of the internet.

The Office of the Children's eSafety Commissioner (OCeC) report for 2014–15 (OCeC 2015) indicates the potential scale of the problem. The Office investigates Australian internet user reports of 'child sexual abuse material' found online (<http://www.esafety.gov.au/about-the-office/corporate-reporting/esafety-hotline-outcomes-infographic>). In 2014–15, over 5,000 investigations were completed into confirmed 'child abuse material' that breached particular classification standards.

Research indicates CSE offending behaviour does not necessarily fall neatly into strict categories of either online or offline activity (Henshaw, Ogleff & Clough 2015). Some CSE offenders clearly engage in both online and offline criminal behaviour simultaneously, while others appear to offend exclusively (either offline or online). Offending behaviour may also transition between online and offline activity over time. In addition, some CEM offenders may store and distribute images using digital storage technology (constituting an offline CEM offence), without engaging in online activity.

This research used Australian data to increase awareness and understanding of the relationship between online and offline CSE offending, for a cohort more likely to consist of online-only offenders. Ongoing monitoring of online offending, and further research into mixed online and offline CSE offender cohorts with other Australian law enforcement agencies, will help fill the gaps in our knowledge of other aspects of CSE offending. Whether any relationship exists between the use of CEM obtained online, online grooming and contact offences committed by an offender is critical—in particular, whether offenders progress from accessing or possessing CEM, to grooming a child online for sexual purposes or committing a contact CSE offence.

This study

Aims

This study aimed to improve our understanding of the risks posed by those investigated by the Australian Federal Police (AFP) for online-only CSE offences, principally online CEM offences with some grooming offences. The criminal trajectories of offenders were examined to determine whether there were any features that distinguished those with more extensive criminal convictions from those with fewer. While convictions are an imperfect measure of actual offending, they provide the best readily-available guide to confirmed offender behaviour.

Research in this area poses a number of major difficulties. One is that criminal histories are unlikely to be a good indicator of actual offending (Gelb 2007). It is also difficult to discern how decisions made in relation to investigation and prosecution have shaped a particular cohort of offenders (Bibas 2003; Luna 2012; Copsey 2013).

Data

A cohort of 152 federal offenders initially investigated by the AFP for online CSE offences was examined. The majority of these offenders were convicted of online CEM offences only (131), and a small number were convicted of online grooming offences only (four). Nine were convicted of online grooming and CEM offences and eight of online CEM and contact offences.

This study examined whether these online CSE offenders were likely to be:

- convicted of contact CSE offences;
- convicted of reoffending; or
- at risk of moving to commit contact CSE offences.

The cohort also demonstrated how offenders may be engaged in both online grooming and online CEM offences, as suggested by McGuire and Dowling (2013).

The AFP investigations are of interest because the AFP enforces the Commonwealth Criminal Code Act 1995 (Criminal Code Act) which prohibits online child sex offences, but does not deal with offline child sex offences, except for CEM and grooming offences involving the use of a ‘postal or similar service’ in Sub-Division 471 (B) and a limited number of cases involving offences committed by Australians overseas. This means that AFP investigations are likely to be based on suspected online offending in Australia. No postal offences were included in this study.

The AFP’s Child Protection Operations (CPO) unit provided de-identified data from case files related to offenders convicted following CPO investigations conducted between 1 March 2005 and 31 December 2011 (the study period). There were some changes to the scope of information collected in this period, and these were the only available data accessible in a common format. As such, these data constitute a convenience sample of offenders convicted of CSE offences—principally Commonwealth online CSE offences—in Australia during the study period. These data do not include all offenders who initially came to the attention of the CPO in that period, as some matters were transferred to state or territory police agencies for action; the AFP’s jurisdictional limits require the transfer of investigations likely to involve contact offending, and resourcing issues may prompt the transfer

of investigations that do not arise out of an active AFP investigation into online CEM offending. Disposition data were not available for transferred investigations.

Only cases leading to conviction for an online CSE offence were included. Cases where a person under investigation was not charged, or charges were not proceeded with, were removed, thus reducing the initial possible dataset of 186 individuals investigated to 152 convicted offenders.

The AFP also provided data from responses to the Online Child Sex Offenders Questionnaire (OCSOQ), which was completed for 68 of the 152 offenders. The OCSOQ is divided into seven parts covering demographics, offender detection, the nature of any CEM or other sexual material accessed, offender history and associates, computer use and skills, and details of apprehension and prosecution.

The project also drew on sentencing case notes that the AFP was able to anonymously match to a number of offenders. Some of the CEM-only sentencing narratives refer to assertions by the offender that they were not sexually interested in CEM, that the material was not used for sexual purposes or that the offender was not aroused by CEM.

Offence categories

The *Criminal Code Act 1995* (Cth; the CCA) creates CEM and online grooming offences under the telecommunications power in sub-section 51(v) of the Australian Constitution. These offences capture only a narrowly defined aspect of CSE offending involving online behaviour.

Relevant offences in the CCA are framed in terms of 'child pornography material', which is defined in section 473.1 and includes depictions of a child (or representations of a child) who is or appears to be engaged in sexual activity.

Results

The offences

Of the 152 offenders, 148 (97%) were CEM offenders convicted of at least one CEM index offence, as shown in Table 1. There were 131 (86%) offenders convicted of index offending that involved only a CEM offence (CEM-only offenders). Seventeen offenders (11 percent) were convicted of index offending involving both CEM offending and either grooming or contact offences (dual CEM offenders).

Table 1: Offenders by child sexual offence(s) committed as part of the index offending

| | CEM only | CEM and grooming | CEM and a contact CSE offence | CEM grooming and contact | Grooming only | All |
|-------------------|----------|------------------|-------------------------------|--------------------------|---------------|-------|
| Number | 131 | 9 | 8 | 0 | 4 | 152 |
| Percentage | 86.2 | 5.9 | 5.3 | 0.0 | 2.6 | 100.0 |

Source: AIC AFP CEM Project, 2013 [computer file]

Nine offenders (5.9%) were convicted of a CEM offence and a grooming offence. Eight (5.3%) were convicted of a combination of a CEM offence and a contact CSE offence. Four (2.6%) were convicted of one or more grooming offences, but not a CEM or other offence. No offenders were convicted of index offending involving a combination of CEM, grooming and contact offending.

The offenders

All offenders in the sample were men; most were described as Caucasian, and most were aged between 46 and 55 years. The offenders had amassed large collections of CEM, with a median collection size of 1,000 files (a file being a single item like an image or a video); 25 percent had collections of more than 10,000 files and five percent had collections of over 100,000 files. In one case, the offender was found in possession of 74,081 image files and 177 video files. The offender's online activity involved the use of peer-to-peer programs to access some of the material eventually found to be in his possession (CDPP Case 12).

Over half the offenders (52.9%) were identified by a government agency. The majority either freely admitted to committing an offence (32.4%) or partly admitted to the offence (42.6%). Following conviction, one offender committed suicide, and three offenders mentioned self-harm or suicidal ideation after they were arrested. Nearly half expressed shame or a desire to hide their activities, while one in four asked for help or admitted that they had a problem.

Prior offending

Sixty-seven of the 152 offenders (44%) had been convicted of a criminal offence (excluding traffic matters) prior to the index offence. The study found the rate of any type of sex offending prior to the index offence was 13.8 percent (21 offenders; see Table 2). Eleven offenders had been convicted of a CEM offence; 10 had been convicted of a contact CSE offence; and four had been convicted of a sexual offence against an adult (the victims' ages were not specified). This rate is similar to the rate for prior sex offending found in Canadian research by Seto, Hanson and Babchishin (2011) of 12.2 percent. This suggests that, at least for this cohort, there were persistent CEM-only offenders as well as dual offenders, whose index CEM offending followed a history of contact CSE offending.

Table 2: Prior and post-criminal history by CSE and other sexual offences (n=152)

| Offence type | Prior criminal history | | Post-criminal history | |
|--|------------------------|------------|-----------------------|------------|
| | N | Percentage | N | Percentage |
| No criminal history | 131 | 86.2 | 142 | 93.4 |
| CEM offences | 11 | 7.2 | 7 | 4.6 |
| Grooming offences | 0 | 0.0 | 1 | 0.7 |
| Sexual offences against a child | 10 | 6.6 | 1 | 0.7 |
| Minor offences of a sexual nature | 2 | 1.3 | 1 | 0.7 |
| Sexual offences against an adult | 4 | 2.6 | 0 | 0.0 |
| Sex industry-related offence | 1 | 0.7 | 0 | 0.0 |
| Total individuals with one or more CSE offending or other sexual offence conviction | 21 | 13.8 | 10 | 6.6 |

Source: AIC AFP CEM Project, 2013 [computer file]

Recidivism

Ten offenders in the sample were convicted of one or more sexual offence after their conviction for the index offence; this is a recidivism rate (for any type of sexual offence) of 6.6 percent. Seven offenders were convicted of a CEM offence; one of a contact CSE offence; one of a grooming offence; and one of a minor offence of a sexual nature (the age of the victim was not specified). This rate is similar to that found by other studies (Eke, Seto & Williams 2011; Seto & Eke 2015).

Because of the need to check the identity of each offender against national and state and territory records, it was necessary to compile the criminal history data manually for each offender. This requirement limited the practicality of conducting survival analyses at the national level. Indeed, as an experimental study, the present sample size reduced the applicability of more detailed analysis of survival rates. Further research is needed to explore this aspect more fully. In New South Wales, for example, the Bureau of Crime Statistics and Research (BOCSAR) has a Reoffending Database for offenders in that state (Hua & Fitzgerald 2006).

Conviction histories were compiled from the national database. It was not possible to determine whether a conviction following the date of conviction for the index offence was for offending that took place before or after that date. The median follow-up period from the conviction date for the index offence was 3 years and 5 months. This limits the conclusions that may be drawn about recidivism rates.

The general recidivism rate for any offence of this sample of offenders was lower than that found in other studies reviewed. This might be due to the inclusion of offenders who fell within the jurisdiction of the AFP for a limited category of Commonwealth offences. Given the particular circumstances of CEM and grooming cases investigated by the AFP, the sample is likely to be skewed, and these findings should therefore not be taken as indicative for all CEM and grooming offenders in Australia.

The average length of follow-up in this study (four years) limits the conclusions that may be drawn about recidivism rates.

Because of the small sample size and the lack of a consistent follow-up period, this study did not analyse the impact of opportunity to re-offend due to incarceration.

Trajectories of offending

CEM offending

Offenders with a history of CEM offending were no more likely than those with no history of CEM offending to also have a history of contact or grooming offences. However, a criminal history of CEM offences was significantly related to having no criminal history of grooming offences (Pearson $\chi^2(1)=43.9252$ Pr=0.000; Cramer's V= -0.5376; Fisher's exact=0.000; 1-sided Fisher's exact=0.000).

Contact offending

The study found the following offender characteristics were significantly related to having a record of contact offending:

- low socio-economic status;
- an index offending conviction for producing CEM;
- undertaking a networking role in CEM offending—that is, being responsible for the administration of a website, or facilitating online contact or the exchange of material between offenders;
- providing CEM;
- having a criminal history of charges for producing CEM.

No significant relationship was found between having a criminal record for contact offending and age at time of identification ($p<0.026$ Pearson $\chi^2(6)=14.3028$ Pr=0.026; Cramer's V=0.3068; Fisher's exact=0.074).

Grooming

The low number of offenders in the sample did not allow for robust statistical analysis of grooming offences. There were insufficient data to determine whether and how the offenders may have been related to or known their victims. Five of the six offenders convicted of a grooming offence lived with a partner, and four of them lived with their own children. Of the three offenders convicted of CEM-related offences and grooming-related offences, all lived with their own children.

Some of these offenders appear to have targeted children on a seemingly random basis. However, two cases involved offenders grooming the daughter of someone known to the offender. The example in Box 2 describes how an offender targeted a child with whom he already had a close association.

In seven cases, a meeting was arranged following increasingly sexually explicit online chat. These meetings involved either real children or undercover police operatives.

Box 2: CEM and grooming case study

In one case, the offender was involved in ‘continuous conduct over a lengthy period’ in which he sent increasingly sexualised emails to the 14 year old daughter of friends. At one point the offender apologised to the parents of the victim. However, he continued to communicate with the child, and five months later asked her to visit him and to send photos. The offender was described as having an adjustment disorder and as being depressed. The court accepted that he had no reported paedophilic fantasies and that he had good prospects for rehabilitation.

Source: CDPP Case No 115.

Networking

The role of networking in offending and the overall criminal trajectories of offenders with multiple convictions for CSE offences were further analysed. The question of whether some offenders might begin by accessing CEM online and then use the internet to engage children sexually or procure children for sexual purposes, and finally commit a contact CSE offence, was of particular interest. No clear transition from online to physical offending was observed, although the study found that offender networking played an important role in dual offending involving CEM and contact CSE.

The OCSOQ captured information on whether the offenders were part of a network and, if so, what their role within the network was. More than half the offenders had no network involvement. Just over a third participated in a network, and others provided or produced CEM. One offender managed a network (Table 3).

Table 3: Network role (n=34)

| Category | N | % |
|--|----|------|
| No involvement in any network | 19 | 55.9 |
| Receiving material as a passive participant in a network | 12 | 35.3 |
| Provider of images | 8 | 23.5 |
| Producer of images | 3 | 8.8 |
| Management/administrative (eg webmaster, security, membership secretary) | 1 | 2.9 |

Source: AIC AFP CEM Project, 2013 [computer file]

Note: more than one category could be selected for each offender

There was a significant relationship between involvement in a CEM network and contact offending. Contact offending was significantly associated with:

- passive participation in a network ($df=1, p<0.025$);
- providing images to others ($df=1, p<0.019$); and
- producing images ($df=1, p<0.006$).

There was also a significant relationship between contact offending and undertaking a CEM networking role ($df=1, p<0.025$). Table 4 shows the relationship between having a criminal record for a contact offence and participating in a network.

Table 4: Contact offences and network role participation (n=34)

| Contact offender | Network participation | | Total |
|------------------|-----------------------|-----------|-------|
| | Yes | No | |
| Yes | 5 (2.5) | 2 (4.5) | 7 |
| No | 7 (9.5) | 20 (17.5) | 27 |
| Total | 12 | 22 | 34 |

Source: AIC AFP CEM Project, 2013 [computer file]

Note: Expected frequencies are shown in parentheses

Note: $p<0.025$ Pearson $\chi^2(1) = 5.0398$ Pr=0.025; Cramer's V=0.3850; Fisher's exact=0.070; 1-sided Fisher's exact=0.038

Conclusions

Continuing rapid change in information and communication technologies and how these are used raise the prospect that the characteristics and offending patterns of offenders will continue to change over time. The role of CSE offending behaviour as a predictor of ongoing sexual threat is an important area for research. However, while a history of online non-production CEM offending alone may indicate online non-production CEM recidivism, it does not necessarily predict contact or grooming offending.

Effective responses to online CSE involving CEM or grooming offences, will require efforts to, initially, minimise the opportunities for criminal behaviour and disrupt notions of the apparent ease and anonymity of offending. The extent to which offenders can hide their offending from law enforcement on the internet is a major threat to achieving these outcomes.

In addition, the creation of communities of interest for CEM offenders and the promotion of criminal CEM must be minimised. The results of this study emphasise the importance of offender networking in connection with contact offending. The possible role of networking in escalating offending behaviour from non-production CEM offences to the production of CEM and grooming or contact offending would be a potentially valuable area for intensive study. Such research is particularly important, given law enforcement agencies are now seeing the emergence of a trend involving the production of 'new' CEM as a means to gain access to CEM offender networks.

Despite the limitations of the data used in this study, the findings are an important starting point for increasing our understanding of online CSE offending, and how such offending fits into the larger and more complex mosaic of CSE offending on a global scale.

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