Evidence analysis in child pornography cases: How much is enough?

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Abstract

Quebec courts seem to place a great deal of importance on the number and severity of images collected from child pornography offenders, particularly in sentencing, as compared to the United States. This emphasis may affect police activities: as part of the prosecution process, Quebec police organizations often analyze astronomical quantities of images and videos. In a 2014 child pornography case, Quebec investigators analyzed million images (SQ, 2015). Although image analysis techniques are improving, classifying images is time-consuming and costly. Wolak et al. (2005) suggest that in the United States the number of pictures reported for accused's computers must be adjusted upward, as examination is often inadequate due to the high cost of analysis in time and money.

The present study analyzes the link between number and severity of images and sentence, focusing on a sample of 112 cases where reports of image analysis were available. Results suggest the presence of a threshold beyond which the number of images is no longer relevant. We observed differences in such thresholds according to the jurisdiction and recidivism status of those convicted. Issues regarding sexual recidivism, minimum sentences, and child pornography collections are discussed. Methods of sampling in child pornography cases are also explored.