

**ONTARIO COURT OF JUSTICE
(Toronto Region)**

BETWEEN:

HER MAJESTY THE QUEEN

Applicant

- and -

BENJAMIN LEVIN

Respondent

AGREED STATEMENT OF FACTS

Agreed Statement of Facts

1. The Toronto Police Service, Child Exploitation Unit conducts coordinated global investigations into a various sexually themed Internet websites. One of these websites, “M¹”, describes itself as an ‘alternative’ sexual lifestyle social networking site. Among the topical discussion groups which the website offers are chat rooms labelled ‘incest’ and ‘teens’. International law enforcement members have identified the site as one wherein the discussion and propagation of child sexual abuse is common. For this reason, it is an area of the Internet which is regularly patrolled by undercover investigators.

2. Benjamin Levin created a profile on the website called “M” in 2010. Mr. Levin’s username in “M” was BandB. In his “M” profile, Mr. Levin indicated his gender as “couple”, and his sexuality as “nothing is taboo”, and his location as “Canada”. Mr. Levin included the following additional detail in his “M” profile: “couple, both in late 50s, 3 grown daughters” and “love to chat with other parents and daughters”. Levin had 144 Contacts on “M”, several of which had indications of a sexual interest in children within their profile information. Levin frequently visited the ‘incest’ chat room within “M” where he engaged in discussions with other users. Levin’s profile had been visited at least 5,103 times, had 29 subscribers, and had been marked as a Favorite of 44 users. Levin also used Yahoo Mail and Messenger, and his email address was chatline@rogers.com.

¹ Given that multiple investigations continue to be conducted in this website by Child exploitation investigators worldwide, the full name of the site has been redacted.

Attached as Appendix "A" is Mr. Levin's profile on the "M" website.

3. Detective Constable Janelle Blackadar is an undercover investigator with the Child Exploitation Unit of the Toronto Police Service. On August 7, 2012, D.C. Blackadar was conducting an online undercover investigation into the "M" website, using a covert "M" profile in which she was depicted as a sexually submissive, young single mother with a subversive interest in the sexualisation of children.

4. On August 7, 2012, Mr. Levin initiated a discussion with D.C. Blackadar's UC profile, and questioned her regarding the ages of her children. D.C. Blackadar indicated that she had two daughters, aged 8 and 14. Mr. Levin engaged in a sexualized discussion with respect to these two children, in which he normalized and encouraged the sexual touching of the girls by their mother. In this discussion, Mr. Levin said that he sexually abused his own daughters and other children when they were as young as 12 years old, and encouraged D.C. Blackadar to do the same. (There is no additional evidence that Mr. Levin sexually abused his own daughters and other children and he has not been charged with doing so.)

Attached as Appendix "B" is a copy of the online conversation between D.C. Blackadar and Mr. Levin in August of 2012.

5. In December 2012, D.C. Angela Johnson, an undercover investigator with the Child Exploitation Unit of the London (Ontario) Police Service was also patrolling the "M"

website in an undercover capacity. D.C. Johnson was investigating via an undercover profile which depicted her as a single mother of 3 children.

6. Sometime between December 3, 2012 and January 23, 2013, Mr. Levin engaged in a text based chat with the UC profile being operated by D.C. Angela Johnson. Mr. Levin engaged in an online discussion with D.C. Johnson that focused on the sexualisation and sexual abuse of children. Mr. Levin again normalized the subject of sexual touching of children, indicating that he and his wife had been sexually active with their own daughters when they were 12, 13 and 16 years of age.

7. Mr. Levin stated to D. C. Johnson that he wished that he had a son, but that he had nonetheless sexually abused a couple of boys as well as his own girls. Mr. Levin also stated that he hoped his daughters would “share” their own children (his grandchildren) with him and his wife.

8. Mr. Levin expressed his desire to have sexual intercourse with the three children D.C. Johnson claimed to have. D.C. Johnson claimed that these children were 12, 10, and 8 years old. Mr. Levin also introduced another “M” user to D.C Johnson. The user to whom Mr. Levin introduced D.C. Johnson had a username suggestive of a sexual interest in children, and who claimed to have children aged 12, 8 and 5. Once connected, all three participants discussed the sexual abuse of their children.

Attached as Appendix “C” is a copy of the online exchange between D.C. Johnson and Mr. Levin between December, 2012 and January, 2013.

9. Sometime between January 29, 2013 and July 4, 2013, Mr. Levin engaged in a series of text based chats on "M" and in Yahoo! with Russell Joe Gray, a covert internet investigator for Internal Affairs in New Zealand. In these instances, Gray posed as a single adult female, interested in incest fantasies.
10. During his exchanges with Gray, Mr. Levin professed to having sexually abused children as young as 12 years old and expressed his desire to sexually abuse more children in the future. Mr. Levin also discussed knowing other fathers who said they were sexually active with their own children.
11. While engaged in the chats with Gray, focused on the subject of achieving sexual contact with children, Mr. Levin transmitted an image to Gray. This image depicts a female under the age of 18 who is clothed in a short skirt and black top, covering only her breast area. The child is depicted as being bound, with her hands behind her back, ankles are bound with handcuffs, there is a leash hanging down the front of her body and a gag in her mouth. An adult woman is standing over this child. This image is entitled "old young bond6f9f9d_500.jpg". Mr. Levin commented on this photo to Gray, stating:
"mmm, so hot to imagine a mother doing that to her girl to please her lover".
12. Mr. Levin also transmitted a number of additional images to Gray. These included:

- An image of a female who is wearing a blindfold, chain collar and nipple clamps. The female's vagina is exposed and an adult male hand is holding a whip to her vaginal area;
- An image of a female child showing her face and shoulders. The child is crying and has black makeup smeared on her face. Mr. Levin indicated that he found this image "hot", and opined that the girl may have been crying because she was "used somewhat roughly by her mother's lover".
- An image of two girls wearing bikinis with the words "fuck me" and "I'm sexy" written on their abdomens in a white creamy substance.

Attached as Appendix D are copies of these images.

13. In Mr. Levin's chats with Gray, he referred to his belief that many users online are "fakes". He referred to online chatting as "fantasy", which is "diff't fro reality".

14. Mr. Levin also told Gray that he had been in contact with parents, relatives, and others adults who told him that they have access to children and are sexually abusing them. Mr. Levin told Gray that he met these people online and that he had several contacts around the world, including girlfriends in various countries. Mr. Levin claimed that he had a girlfriend in New Zealand who has a 13 year old daughter whom he has fantasized about, and introduced Gray and another undercover officer to two online contacts so they could further discuss the sexual abuse of children.

15. Sometime between June 17 and June 21, 2013, Mr. Levin had an online chat with Gray. At Gray's request, Levin created a written story detailing the violent sexual assault of a 10 year old child.

Attached as Appendix "E" is a complete record of the online conversations between Mr. Levin and Gray. The portions of the chat which constitute child pornography will be excerpted, and tendered as a separate exhibit, to be sealed, as Appendix "F".

16. On June 12, 2013, D.C. Blackadar logged onto the incest themed chatroom of the "M" website using another undercover profile claiming to be the mother who was sexually attracted to her 8 year old daughter.

17. D.C. Blackadar contacted Mr. Levin and the two engaged in a sexualized chat regarding D.C. Blackadar's daughter. D.C. Blackadar expressed an interest finding someone to guide her on how to make sexual contact with her child. Mr. Levin instructed D.C. Blackadar on how to groom the child to get her "used to" sex. Mr. Levin instructed D.C. Blackadar to expose her daughter to pornography, to be nude and to masturbate in front of the child.

18. In subsequent chats, D.C. Blackadar advised Mr. Levin that she had followed his instructions and had shown her daughter images of pornography and that she had sexually assaulted her child as a result of the instructions provided by him. The officer indicated her pleasure in doing so and her desire to do more, as well as her feelings of guilt and hesitation at hurting her own child.

19. Mr. Levin instructed D.C. Blackadar to “play” with this child in order to “prepare her for being fucked”. He also instructed D.C. Blackadar to spank this child for her own pleasure and digitally penetrate her. Mr. Levin asked D.C. Blackadar if she would hurt her child to “please him”.

20. Mr. Levin encouraged D.C. Blackadar to continue to show pornography to her child, to masturbate in front of her, and to continue to sexually assault her on a regular basis by penetrating the child with her fingers and sexual implements.

21. Mr. Levin also told D.C. Blackadar to spank the child. Mr. Levin stated that it was fine if the child cried and that the child should understand that more would be done to her. Mr. Levin emphasized that was important to make the child cry.

22. The discussions between D.C. Blackadar and Mr. Levin included references to prospective sexual acts between Mr. Levin, the undercover officer, and the undercover officer’s fictitious child. The theme of these discussions was the sexualisation of the officer’s child, for the purpose of her being ‘used’ sexually, both by her mother, and Mr. Levin as their ‘master’.

23. On July 2, 2013, Mr. Levin told Gray in an online chat that he did not think D.C. Blackadar’s profile was “real”. However, Mr. Levin also offered to introduce Gray to D.C. Blackadar’s profile. At no point during the duration of his online discussions with

D.C. Blackadar's profile did Mr. Levin directly ask or suggest that she or her daughter were fake. Nor was it explicitly suggested that their exchanges were intended to be pure "fantasy".

24. Mr. Levin displayed a conscious disregard of the substantial and unjustified risk inherent in his counselling of D.C. Blackadar's undercover profile to perform various sexual assaults on her child. In other words, he knowingly counselled D.C. Blackadar to sexually assault her daughter while aware of the unjustified risk that the offence counselled was in fact likely to be committed as a result of his conduct. **Attached as Appendix "G" is a complete record of the online conversations between Mr. Levin and D.C. Blackadar, from June to July, 2013**

25. Mr. Levin regularly participated in online discussions with various interlocutors in sexually themed Internet chat rooms while he was travelling abroad for business purposes. As part of her investigation, D.C. Blackadar tracked Mr. Levin as he logged into the "M" website from various IP addresses around the world. D.C. Blackadar observed that Mr. Levin logged onto the "M" website from Victoria, British Columbia. Mr. Levin also logged onto the "M" website from Norway, shortly after posting on Facebook "En route to Bergen, Norway, for the first of two workshops with Norwegian municipal leaders in education". While in Norway, Levin continued his exchanges with D.C. Blackadar in "M" on the topic of child sexual abuse.

26. A *Criminal Code* search warrant was executed at Mr. Levin's home on July 8, 2013, at which time Mr. Levin was placed under arrest.
27. Several items were seized from Mr. Levin's home. The police seized 3 laptops, 11 thumb drives, an XD Olympus memory card, a Samsung cell phone, and an external hard drive. All of these items were forensically examined.
28. Police discovered 79 files of child pornography, which were located on 2 laptops and the external hard drive. Of these, only 15 images and 2 videos remained plainly accessible to Mr. Levin. The rest were found in computer system-generated folders which were automatically created without Levin's knowledge while he was using the Yahoo! Messenger program.
29. The forensic examination of Mr. Levin's computer also recovered a Word document which Levin had created and labelled "aa3". This file created by Mr. Levin is a detailed compilation of information related to approximately 1750 people with whom Mr. Levin had been communicating online on the subject of subversive sexual interests, primarily those related to sexual contact between parents and children. Mr. Levin included detail related to others' usernames, chat platforms, ages, the ages of their children, location, pets, and the particular nature of their sexual desires and proclivities with respect to children. In this document, Levin also noted "fake" beside the names of some users, as well as annotations detailing the basis for his conclusion that certain users were likely not

real. No such annotations were made in relation to D.C. Blackadar, DC. Johnson, or Joe Gray's undercover profiles.

Attached as Appendix "H" is a copy of the document labelled "aa3".

30. Mr. Levin never believed that he was chatting directly with an underage child. Mr. Levin never had or sought to have a video chat with Gray, D.C. Blackadar or D.C. Johnson — or with their children. And Mr. Levin never scheduled an in-person meeting with Gray, D.C. Blackadar or D.C. Johnson — or with their children.

31. Upon Mr. Levin's arrest, the police issued a press release calling for anyone who may have been victimized by Mr. Levin to come forward. To date, no one has come forward.