

Child-Pornography Possessors Arrested in Internet-Related Crimes:

**Findings From the *National Juvenile
Online Victimization Study***

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Online Victimization Study***

2005

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Executive Summary

The goals of the *National Juvenile Online Victimization (N-JOV) Study* were to survey law-enforcement agencies within the United States (U.S.) to count arrests for Internet-related sex crimes committed against minors and describe the characteristics of the offenders, the crimes they committed, and their victims. This report focuses on a representative national sample of arrested offenders who possessed child pornography.¹ Key findings about the possession of child pornography (CP) include

- Law-enforcement agencies nationally made an estimated 1,713 arrests for Internet-related crimes involving the possession of child pornography during the 12 months beginning July 1, 2000.
- Almost all arrested CP possessors were male, 91% were white, and 86% were older than 25. Only 3% were younger than 18.
- Most had images of prepubescent children (83%) and images graphically depicting sexual penetration (80%).
- Approximately 1 in 5 arrested CP possessors (21%) had images depicting sexual violence to children such as bondage, rape, and torture.
- 39% had at least 1 video with moving images of child pornography.
- 53% of the cases involving child pornography arose in the criminal-justice system as CP possession or distribution cases, 31% arose as cases of child sexual victimization,² and 16% arose as Internet solicitations to undercover investigators (attempted child sexual victimization).
- Most arrested CP possessors (57%) came to the attention of law enforcement via complaints from individuals outside of law enforcement.
- CP possession cases originated at all levels of law enforcement, with 25% beginning in federal agencies; 11% in Internet Crimes Against Children (ICAC) Task Forces (which were not yet fully operational during the time frame of this study); 60% in other state and local agencies; and 3% in other agencies like international law enforcement.

¹ The term “child pornography,” because it implies simply conventional pornography with child subjects, is an inappropriate term to describe the true nature and extent of sexually exploitive images of child victims. Use of this term should not be taken to imply that children “consented” to the sexual acts depicted in these photographs. We have, however, retained the term because there is a history in the United States of court decisions and statutes that have used and developed the term, and it is the term most readily recognized by the public, at this point in time, to describe this form of child sexual exploitation. “Child pornography” is used in this report to refer to visual depictions of the sexual exploitation of a child under the standards developed by statute, case law, and law-enforcement-agency protocols. It is hoped that a more accurate term will be recognized, understood, and accepted for use in the near future.

² We use the term “child sexual victimization” broadly to mean the full range of sex crimes committed against minors that involve direct interaction with child victims. These include contact crimes such as child sexual abuse and molestation and noncontact crimes such as online sexual solicitation.

- 40% of arrested CP possessors were “dual offenders,” who sexually victimized children and possessed child pornography, with both crimes discovered in the same investigation. An additional 15% were dual offenders who **attempted** to sexually victimize children by soliciting undercover investigators who posed online as minors.
- One in six investigations beginning with allegations or investigations of CP possession discovered dual offenders.
- In the overall *N-JOV Study*, 39% of arrested offenders who met victims online and 43% of offenders who solicited undercover investigators were dual offenders.
- Almost all arrested CP possessors (96%) were convicted or plead guilty, and 59% were incarcerated.

Introduction

The possession or distribution of child pornography is illegal under federal laws and laws in all 50 states; however, researchers and law-enforcement officials believe this crime is increasing and the increase is related to growing Internet use. The U.S. Department of Justice has responded to this problem in several ways. It has funded the CyberTipline®, at www.cybertipline.com, which is operated by the National Center for Missing & Exploited Children to act as a national clearinghouse for reports of Internet-related child pornography and other Internet-related sex crimes committed against children. It has created regional Internet Crimes Against Children Task Forces to assist state and local law enforcement in handling these crimes and funded specialized Internet child exploitation units in federal law-enforcement agencies. Investigators in these specialized agencies and units monitor the Internet for child pornography; conduct undercover, proactive investigations to identify persons who seek to victimize children they encounter over the Internet; train other law-enforcement agencies to handle cases of child pornography; and conduct forensic examinations of computers to search for child pornography and preserve it as evidence when it is found.

While law enforcement has mobilized against CP possession, there has been little scientific data to track the extent of CP possession cases in the criminal-justice system and describe their characteristics. This report, on the findings of the *N-JOV Study*, addresses that need by estimating the number of arrests for CP possession and describing the characteristics of CP possessors, the nature of the images they possessed, and how and in what types of agencies their cases came to the attention of law enforcement. It also discusses how many arrested offenders who had child pornography distributed it and how many committed other types of sex crimes against minors.

Child-Pornography Laws Vary

The federal statute defines “child pornography” as the “visual depiction...of sexually explicit conduct” involving a “minor.”³ The federal statute also specifies sexually explicit conduct includes certain sexual acts such as intercourse, bestiality, and masturbation, as well as “lascivious exhibition of the genitals or pubic area”⁴; however, state statutes defining child pornography differ among jurisdictions. Definitions of child pornography vary from state to state, and state legislation may not mirror the language of the federal statute. Further disparity exists in the definition of “minor” or “child.” The federal statute defines “minor” as “any person under the age of [18] years.”⁵ While a majority of states follow

³ 18 U.S.C. § 2256(8).

⁴ *Id.* at § 2256(2).

⁵ *Id.* at § 2256(1).

the federal statute, some state laws define “minor” or “child” as a youth younger than 14, 16, or 17.⁶ Delaware law includes any person 18 years of age and younger in its definition of “child.”⁷

What Motivates CP Possessors?

There is not much research about the motivations of CP possessors, but what there is suggests CP possessors are a diverse group using child pornography for a variety of reasons (Klain, Davies, & Hicks, 2001; Taylor & Quayle, 2003). CP possessors include people who are

- Sexually interested in prepubescent children (pedophiles) or young adolescents (hebephiles), who use child-pornography images for sexual fantasy and gratification
- Sexually “indiscriminant,” meaning they are constantly looking for new and different sexual stimuli
- Sexually curious, downloading a few images to satisfy that curiosity
- Interested in profiting financially by selling images or setting up web sites requiring payment for access

⁶ According to research conducted by the National Center for Missing & Exploited Children in December 2004 on state statutes criminalizing **possession** of child pornography, 37 states define “minor” or “child” as a youth younger than the age of 18 (Alaska, ALASKA STAT. § 11.61.127(a); Arizona, ARIZ. REV. STAT. § 13-3551(5); California, CAL. PENAL CODE § 311.11(a); Colorado, COLO. REV. STAT. § 18-6-403(2)(a); Connecticut, CONN. GEN. STAT. § 1-1d; Florida, FLA. STAT. ch. 827.01(2); Georgia, GA. CODE ANN. § 16-12-100(a)(1); Hawaii, HAW. REV. STAT. § 707-752(2); Idaho, IDAHO CODE § 8-1507(2)(b); Illinois, 720 ILL. COMP. STAT. 5/11-20.1(6); Iowa, IOWA CODE § 728.1(4); Kansas, KAN. STAT. ANN. § 21-3516(a)(2); Kentucky, KY. REV. STAT. ANN. §§ 2.015, 500.080(9); Massachusetts, MASS. GEN. LAWS ch. 272, § 29C; Michigan, MICH. COMP. LAWS § 750.145c(b); Minnesota, MINN. STAT. § 617.246(1)(b); Mississippi, MISS. CODE ANN. § 97-5-31(a); Missouri, MO. REV. STAT. § 573.010(2); Montana, MONT. CODE ANN. §§ 45-5-625, 45-8-205; New Mexico, N.M. STAT. ANN. § 30-6A-3(A); North Carolina, N.C. GEN. STAT. § 14-190.13(3); North Dakota, N.D. CENT. CODE § 12.1-27.2-05(1); Ohio, OHIO REV. CODE ANN. § 2907.01(M); Oklahoma, OKLA. STAT. tit. 21, § 1024.1(A); Oregon, OR. REV. STAT. § 163.665(1); Pennsylvania, 18 PA. CONS. STAT. § 6312(d)(1); Rhode Island, R.I. GEN. LAWS § 11-9-1.3(c)(3); South Carolina, S.C. CODE ANN. § 16-15-375(3); South Dakota, S.D. CODIFIED LAWS § 22-22-24.1(3); Tennessee, TENN. CODE ANN. § 39-17-1002(3); Texas, TEX. PENAL CODE ANN. § 43.26(a); Utah, UTAH CODE ANN. § 76-5a-2(5); Virginia, VA. CODE ANN. § 18.2-374.1:1(A); Washington, WASH. REV. CODE § 9.68A.011(4); West Virginia, W. VA. CODE § 61-8C-1(a); Wisconsin, WIS. STAT. § 948.01(1); Wyoming, WYO. STAT. ANN. § 6-4-303(a)(i)); 3 define “minor” or “child” as a youth younger than the age of 17 (Alabama, ALA. CODE § 13A-12-192; Arkansas, ARK. CODE ANN. § 5-27-302(1); and Louisiana, LA. REV. STAT. ANN. § 14:81.1(A)(3)); 7 define “minor” or “child” as a youth younger than the age of 16 (Indiana, IND. CODE § 35-42-4-4(c); Maryland, MD. CODE ANN., Crim. Law § 11-208(a); Nevada, NEV. REV. STAT. 200.730; New Hampshire, N.H. REV. STAT. ANN. § 649-A:2(I); New Jersey, N.J. STAT. ANN. § 2C: 24-4(b)(1); New York, N.Y. PENAL LAW § 263.16; and Vermont, VT. STAT. ANN. tit. 13, § 2821(1)); and 1 defines “minor” or “child” as a youth younger than the age of 14 (Maine, ME. REV. STAT. ANN. tit. 17, § 2924(2-A)).

The age of a “child” in Nebraska depends on whether the child is a participant (younger than 18 years of age) or a portrayed observer (younger than 16 years of age). NEB. REV. STAT. § 28-1463.02(1).

In the District of Columbia, possession of child pornography with the intent to disseminate may be prosecuted under the general obscenity statute; however, mere possession is not mentioned. D.C. CODE ANN. § 22-2201(a)(1)(E). There are two criminal offenses that address “sexual performances using minors”: “using a minor in a sexual performance” and “promoting a sexual performance by a minor.” D.C. CODE ANN. § 22-3102. For these offenses, “minor” is defined as any person younger than 16 years of age. D.C. CODE ANN. §§ 22-3101(2), 22-3102.

⁷ DEL. CODE ANN. tit. 11, § 1103(e).

How Was the *N-JOV Study* Conducted?

Interviewers conducted detailed, structured interviews with investigators from a national sample of local, county, state, and federal law-enforcement agencies about cases involving Internet-related sex crimes committed against minors including CP possession. To qualify for the study cases had to end in arrests. The study was designed to gain

- An overall picture of arrests for Internet-related sex crimes committed against minors, including CP possession, in the U.S.
- An understanding of how these arrests emerged as cases and were handled in a diverse group of agencies
- Detailed data about the characteristics of the crimes; offenders; and, when possible, victims

We limited the study to cases ending in arrests rather than crime reports or open investigations because cases ending in arrests were more likely to involve actual crimes and have more complete information about the crimes, offenders, and victims. Using crimes ending in arrests also gave a clear standard for counting cases and helped us avoid interviewing multiple agencies about the same case. We interviewed law-enforcement investigators because investigators have been in the forefront of identifying and combating these crimes and were the best sources of accessible, in-depth information about them.

We used a two-phase process to collect data from a national sample of law-enforcement agencies. In Phase 1 we surveyed 2,574 local, county, and state law-enforcement agencies by mail asking if they had made arrests in Internet-related, child-pornography, or sexual-exploitation cases between July 1, 2000, and June 30, 2001. In Phase 2 interviewers conducted detailed telephone interviews with law-enforcement investigators about a sample of the cases reported in the mail surveys. In addition two federal agencies participated in the telephone interviews. The interviewers also asked for and recorded narrative descriptions of each case. The final data set, weighted to account for sampling procedures and other factors, included data from 612 completed interviews, 429 of which involved offenders who possessed child pornography. To be eligible for the study, a case had to

- Be a sex crime
- Have a victim who was younger than 18, including victims pictured in child pornography
- Involve an arrest occurring between July 1, 2000, and June 30, 2001
- Be Internet-related

Cases were Internet-related if

- An offender-victim relationship was initiated online (online-meeting cases)
- An offender used the Internet to communicate with a victim to further a sexual victimization or otherwise exploit the victim
- A case involved an Internet-related undercover investigation
- Child pornography was received or distributed online, or arrangements for receiving or distributing were made online
- Child pornography was found on a computer, on removable media such as floppy disks and compact disks (CD), as computer printouts, or in a digital format

The “Appendix” has more details about the sample and mail and telephone surveys including examples of the questions asked in interviews. An overview of the *N-JOV Study* findings, “Internet Sex Crimes Against Minors: The Response of Law Enforcement” is available online at the web site of the National Center for Missing & Exploited Children at www.missingkids.com or through the web site of the Crimes against Children Research Center at www.unh.edu/ccrc.

Key Questions

How Many People Were Arrested for CP Possession?

There were an estimated 1,713 arrests⁸ for Internet-related CP possession in the 12 months beginning July 1, 2000. This estimate has a 2.5% margin of error in either direction, which means the true number is between 1,578 and 1,847 arrests.

This estimate of 1,713 Internet-related CP possession cases ending in arrest is by no means a full measure of the number of Internet-related CP possessors or even the number of CP possessors reported to or otherwise known to law enforcement. It is only an estimate of the number of **arrests** for such crimes during the year covered by the *N-JOV Study*. The CyberTipline, operated by the National Center for Missing & Exploited Children to receive reports of child sexual exploitation, received 21,910 reports during the 12-month period covered by the *N-JOV Study* with 19,093 of those reports (87%) being reports of child pornography. Many of these reports were forwarded to the appropriate law-enforcement agency for possible investigation. In addition, when jurisdictional information about the offender is not available, the CyberTipline reports are provided to federal law-enforcement agencies in the United States. Further, it is likely most CP possessors never come to the attention of law enforcement, because the Internet allows them to commit their crimes privately and anonymously (Jenkins, 2001).

At the same time, to give some perspective on this estimate of 1,713 arrests for Internet-related CP possession, we estimate there were approximately 65,000 arrests in 2000 for all types of sexual assaults committed against minors. This is a rough estimate made from the Federal Bureau of Investigation's National Incident-Based Reporting System. Clearly the number of estimated arrests for CP possession is small in comparison; however, all indications are law-enforcement activity and consequently arrests for CP possession are growing as Internet use grows and law-enforcement agencies expand their resources and gain experience in responding to this crime.

Who Were the Arrested CP Possessors?

Virtually all of the arrested CP possessors were men (Table 1). They were predominantly white (91%) and older than 25 (86%). Only 3% were younger than 18. Most were unmarried at the time of their crime, either because they had never married (41%) or because they were separated, divorced, or widowed (21%). Thirty-eight percent were either married or living with partners.

Many of them had access to minor children. Forty-two percent had adult or minor biological children, and 34% were living with minor children at the time of their crime. Forty-six percent had direct access to minors because they lived with them or had access through a job or organized youth activity.

⁸ The researchers used a statistical technique called "weighting" to estimate annual numbers of arrests. See the "Appendix" for more information about weighting procedures.

As far as investigators knew, few CP possessors had histories of problem or criminal behavior. Few had been diagnosed with mental or sexual disorders (5% and 3%, respectively), and few evidenced deviant sexual behavior not involving minors such as bestiality and sadism (12%). Eighteen percent had known problems with drugs or alcohol. Not many had been violent to any extent known to law enforcement (11%) or had prior arrests for nonsexual offending (22%). Eleven percent had been previously arrested for sex offenses committed against minors.

These statistics apply to the overall group of arrested CP possessors. As individuals they were quite diverse. They ranged in age from 15 to 70. Some were well educated, and some had not finished high school. Some were wealthy. Some were poor. Some were middle class. Some were well known and well thought of in their communities. Some had high-profile jobs. Some seemed isolated and obsessed with the Internet. Some had long criminal histories. They came from cities, suburbs, small towns, and rural areas.

Table 1. Arrested CP Possessors: Characteristics

(Weighted n = 1,713; Unweighted n = 429)

Demographic Characteristics	% Internet-Related CP Possessors
<u>Gender</u>	
Male	100%
Female	< 1%
<u>Race</u>	
White	91%
Other	8%
<u>Age</u>	
Younger than 18	3%
18 to 25	11%
26 to 39	41%
40 or Older	45%
<u>Marital Status</u>	
Single, Never Married	41%
Married or Living with Partner	38%
Separated or Divorced	20%
Widowed	1%
<u>Type of Community</u>	
Urban	22%
Suburban/Large Town	41%
Small Town or Rural	33%
<u>Education</u>	
Did Not Finish High School	5%
High-School Graduate	38%
Some College Education or Technical Training	21%
College Graduate	16%
Post College Degree	4%
Don't Know	17%

Demographic Characteristics	% Internet-Related CP Possessors
<u>Employed Full-Time</u>	
Yes	73%
No	25%
<u>Income</u>	
Less than \$20,000	18%
\$20,000 to \$50,000	41%
More than \$50,000 to \$80,000	17%
More than \$80,000	10%
Don't Know	13%
<u>Had Adult or Minor Biological Children</u>	
Yes	42%
No	53%
<u>Lived with Minor Child</u>	
Yes	34%
No	65%
<u>Had Direct Access to Minors Through Job, Organized Youth Activity, or in Home</u>	
Yes	46%
No	48%
Don't Know	6%
<u>Diagnosed Mental Illness</u>	
Yes	5%
No	89%
Don't Know	6%
<u>Diagnosed Sexual Disorder</u>	
Yes	3%
No	87%
Don't Know	10%
<u>Evidence of Deviant Sexual Behavior Not Involving Minors</u>	
Yes	12%
No	84%
<u>Any Known Problems With Drugs or Alcohol</u>	
Yes	18%
No	75%
Don't Know	7%
<u>Any Known Incidents of Violence</u>	
Yes	11%
No	85%
<u>Any Known Prior Arrest for Nonsexual Offense</u>	
Yes	22%
No	73%
<u>Any Known Prior Arrest for Sexual Offense Committed Against a Minor</u>	
Yes	11%
No	87%

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Some percentages do not add to 100% because of rounding or missing data. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others. Missing data are shown when they exceed 5%. Most missing values are because investigators did not have complete information in every case.

To give readers an idea of the array of CP possession cases law-enforcement agencies faced, boxes throughout this report provide brief descriptions of cases that were part of the *N-JOV Study*. These cases arose among the full range of U.S. law-enforcement agencies, from small local agencies seeing such cases for the first time to specialized, experienced agencies with highly trained investigators. The cases also arose in different states and jurisdictions throughout the U.S. By describing court outcomes, the descriptions show the variety of responses by criminal courts to this offense. The case descriptions illustrate there is no stereotypical CP possession case and show the value of law-enforcement training programs and forensic resources for effective responses to the crime of CP possession.

Box 1: Description of a CP Possessor

CP possessors came to the attention of law enforcement in various ways.

A 54-year-old man who was a lawyer met an adult woman, a nurse, online. They agreed to an online sexual role-play, in which she would be a little girl and he would be her grandfather. According to the investigator, at times during their online fantasy, the lawyer would say to the woman, "I need you to be an adult now," and they would step out of the fantasy and discuss other matters. This relationship ended when the lawyer sent the woman child pornography and she reported him to law enforcement. The lawyer had a large number of child-pornography images. He told the investigator he had seen a doctor and been diagnosed as a "sex addict" about nine years before his arrest. After he was arrested he signed himself into a treatment program specializing in pedophilia. He pled guilty to CP possession, was sentenced to five years of probation, and was required to register as a sex offender.

What Kinds of Child-Pornography Pictures Did Arrested Offenders Have?

Broad definitions of sexually exploitive images of children raise questions about whether individuals are being arrested and labeled as CP possessors for images that do not picture child sexual victimization or which depict older adolescents. For example some controversial legal rulings have defined child pornography to include suggestive images of clothed children.⁹ The results of the *N-JOV Study*, however, show the vast majority of arrests involved CP possessors with images of young children and images explicitly showing sexual acts.

How Old Were the Children in the Pictures?¹⁰

According to investigators interviewed, most arrested CP possessors had images of children who had not yet reached puberty.

- 83% had images of children between the ages of 6 and 12 (Table 2)
- 39% had images of 3 to 5 year old children
- 19% had images of toddlers or infants younger than 3

⁹ See e.g., *United States v. Knox*, 32 F.3d 733 (3rd Cir. 1994).

¹⁰ The "Appendix" lists the questions asked about the children pictured in the images and the nature of the images.

Offenders typically had pictures of both prepubescent children and adolescents, but 17% had pictures of children ages 12 and younger exclusively and 8% had pictures of adolescents, ages 13 to 17, exclusively.

Were the Children in the Pictures Girls or Boys?

More girls than boys were pictured. Sixty-two percent of arrested CP possessors had pictures of mostly girls. Fourteen percent had pictures of mostly boys, and 15% had pictures showing girls and boys in about equal numbers.

How Graphic Were the Pictures?

Most arrested CP possessors had graphic images explicitly showing sexual acts performed by or on children.

- 92% had images of minors focusing on genitals or showing explicit sexual activity
- 80% had pictures showing the sexual penetration of a child, including oral sex

Most (71%) possessed images showing sexual contact between an adult and a minor, defined as an adult touching the genitals or breasts of a minor or vice-versa.

About one-fifth (21%) had child pornography depicting violence such as bondage, rape, or torture. Most of these involved images of children who were gagged, bound, blindfolded, or otherwise enduring sadistic sex.

Most arrested CP possessors (79%) also had what might be termed “softcore” images of nude or semi-nude minors, but only 1% possessed such images alone. Further some of those with softcore images only also had sexually victimized children. Overall the images the arrested offenders possessed were very graphic.

Table 2. Arrested CP Possessors: Nature of Child-Pornography Images Possessed

(Weighted n = 1,713; Unweighted n = 429)

Characteristics of Child-Pornography Images	% Internet-Related CP Possessors
<u>Had CP Images of Children Younger than 3</u>	
Yes	19%
No	69%
Don't Know	11%
<u>Had CP Images of Children 3 to 5 Years Old</u>	
Yes	39%
No	50%
Don't Know	11%
<u>Had CP Images of Children 6 to 12 Years Old</u>	
Yes	83%
No	8%
Don't Know	9%
<u>Had CP Images of Children 13 to 17 Years Old</u>	
Yes	75%
No	15%
Don't Know	10%
<u>Had Images of Children Younger than 13 Exclusively</u>	
Yes	17%
No	75%
Don't Know	9%

Characteristics of Child-Pornography Images	% Internet-Related CP Possessors
<u>Had Images of Children 13 to 17 Years Old Exclusively</u>	
Yes	8%
No	83%
Don't Know	9%
<u>Gender of Children Depicted</u>	
Mostly Girls	62%
Mostly Boys	14%
Both, About Equal Numbers	15%
Don't Know	9%
<u>Had Images Showing Genitals of or Sexual Activity by Minors (Graphic Images)</u>	
Yes	92%
No	1%
Don't Know	7%
<u>Had Images Showing the Sexual Penetration of a Minor</u>	
Yes	80%
No	8%
Don't Know	11%
<u>Had Images Showing Sexual Contact Between Adults and Minors</u>	
Yes	71%
No	15%
Don't Know	14%
<u>Had Images Showing Sexual Violence Committed Against Minors</u>	
Yes	21%
No	67%
Don't Know	12%
<u>Had Images Showing Nude or Semi-Nude Minors (Not Graphic)</u>	
Yes	79%
No	9%
Don't Know	12%
<u>Had No Graphic Images</u>	
Yes	1%
No	92%
Don't Know	7%
<u>Had "Morphed" Images</u>	
Yes	3%
No	78%
Don't Know	19%
<u>CP Images were on Hard Drive or Removable Media</u>	
Yes	96%
No	4%
<u>CP Images were on Videos</u>	
Yes	39%
No	53%
Don't Know	8%
<u>CP Images were Photographs or in Books, Magazines, or Other</u>	
Yes	18%
No	76%
Don't Know	6%
<u>Numbers of Graphic Still Images</u>	
None (Videos Only)	4%
1 to 100	37%
101 to 999	34%
1,000 or More	14%
Don't Know	10%

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Percentages refer to CP possessors, not child-pornography images. Some percentages do not add to 100% because of rounding or missing data. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others. Missing data are shown when they exceed 5%. Most missing values are because investigators did not have complete information in every case.

Did CP Possessors Have “Morphed” Pictures?

Because computer software allows people to modify and even create images – a process called “morphing” – some have been concerned “morphed” pictures will become another source of child pornography. Only 3% of arrested CP possessors in this sample, however, had morphed images, defined as images created using computer graphics. This number may have increased subsequent to the *N-JOV Study* as software for creating these kinds of images has become more widely used.

How Many CP Possessors Had CP Videos?

Videos are a particularly graphic form of child pornography because they include motion and sound. Thirty-nine percent of arrested CP possessors had moving images in digital or other video formats.

How Many Pictures Did CP Possessors Have?

Some offenders had truly large numbers of pictures. Of those arrested for CP possession, law enforcement found about half (48%) had more than 100 graphic still images, and 14% had 1,000 or more graphic images. Thirty-seven percent of CP possessors had 100 or fewer graphic still images; however, the numbers of images possessed may be higher than this because investigators did not always do complete inventories since full forensic examinations of computers are time-consuming and expensive.

Box 2: Description of a CP Possessor

The amounts of child pornography possessed ranged from one item to many thousands of images.

A man in his 50s, who worked as a teacher’s aid for disabled students, ordered a child-pornography video from a distribution site operated by undercover investigators. This man lived alone in a mobile-home park where many children lived. He volunteered with organizations that helped disabled children. When law enforcement searched his home and computer for child pornography, they found only the one video he had ordered. The man had numerous teddy bears and children’s toys in his home and investigators were concerned he used them to entice children into his home. He had been accused of child molestation a few years previously in another state, but not arrested. He committed suicide soon after his home was searched in the current investigation.

Where and How Did CP Possessors Use Computers to View and Acquire Pictures?

Almost all of the arrested CP possessors (91%) mainly used home computers to access child pornography (Table 3); however, some (9%) mainly used computers at less private places like at work (7%) or other places (2%) such as libraries,

schools, and rental venues. These CP possessors may not have had computers at home or if they had them, they may have been unable or reluctant to use them for accessing child pornography. Also almost 1 in 5 arrested CP possessors (18%) used computers in more than 1 location to access child pornography, mostly at work as well as home.

Most arrested CP possessors did not have sophisticated equipment. Sixty-five percent had “a basic computer system that would be found in the average home.” Another 22% had a powerful system “an average person who was knowledgeable about computers might own.” Only 7% were described as having a “very sophisticated system an expert would own.”

CP possessors could have basic equipment, but be skilled Internet users who knew how to evade detection by using advanced technologies to hide their identities and pictures. Interviewers asked investigators to assess CP possessors’ degree of knowledge about the Internet. Investigators described 10% of arrested CP possessors as being “extremely knowledgeable” about the Internet. Three percent were described as “not at all” knowledgeable, and the rest were described as “somewhat” (40%) or “very” (44%) knowledgeable. These were subjective judgments by the investigators we interviewed, who had different degrees of knowledge about the Internet themselves.

Table 3. Arrested CP Possessors: Computer Use

(Weighted n = 1,713; Unweighted n = 429)

Characteristics of Computer Use	% Internet-Related CP Possessors
<u>Location of Computer Primarily Used in Crime</u>	
Home	91%
Work	7%
Other Place	2%
<u>Used Computer in More than One Place in Crime</u>	
Yes	18%
No	77%
<u>Ever Used Computer at Work in Crime</u>	
Yes	17%
No	79%
<u>Type of Computer System Used Most by Offender</u>	
Basic Home System	65%
Powerful Home System	22%
Very Sophisticated System an Expert Would Use	7%
Don't Know	6%
<u>Degree of Knowledge About the Internet</u>	
Not at All Knowledgeable	3%
Somewhat Knowledgeable	40%
Very Knowledgeable	44%
Extremely Knowledgeable	10%
<u>Used Sophisticated Methods to Hide Images</u>	
Yes	20%
No	62%
Don't Know	18%

Characteristics of Computer Use	% Internet-Related CP Possessors
<u>Used Password Protection</u>	
Yes	12%
No	71%
Don't Know	16%
<u>Used Encryption</u>	
Yes	6%
No	77%
Don't Know	17%
<u>Used File Servers</u>	
Yes	4%
No	78%
Don't Know	18%
<u>Used Evidence-Eliminator Software</u>	
Yes	3%
No	85%
Don't Know	12%
<u>Used Remote Storage</u>	
Yes	2%
No	81%
Don't Know	18%
<u>Used Partitioned Hard Drive</u>	
Yes	2%
No	86%
Don't Know	12%
<u>Used Anonymous Remailer</u>	
Yes	< 1%
No	81%
Don't Know	19%
<u>Used Peer-to-Peer Networks</u>	
Yes	< 1%
No	83%
Don't Know	17%
<u>Used More Than One Sophisticated Method</u>	
Yes	6%
No	76%
Don't Know	18%

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Some percentages do not add to 100% because of rounding or missing data. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others. Missing data are shown when they exceed 5%. Most missing values are because investigators did not have complete information in every case.

Were CP Possessors Using Sophisticated Technology to Hide Their Images?

Few arrested CP possessors (20%) had used any sort of method to hide the child pornography on their computers. The most popular method to hide images was password protection, used by 12% of CP possessors. A small number of arrested

CP possessors used more sophisticated methods, like encrypted files (6%), file servers (4%), evidence-eliminator software (3%), remote storage (2%), partitioned hard drives (2%), or anonymous remailers (< 1%). Less than 1% used peer-to-peer networks, although peer-to-peer technology was relatively new during the time frame of the *N-JOV Study*, so those numbers may have grown as peer-to-peer networks have become more common.

It appears most arrested CP possessors were not taking advantage of technology they could have used to hinder detection. One possible explanation for this is more technologically sophisticated CP possessors managed to avoid detection. Alternatively the explanation may be most CP possessors want easy access to their images and so are reluctant to use methods like encryption. Others simply may not be interested in or knowledgeable about the technology.

How Many CP Possessors Had Organized Child-Pornography Collections?

Some researchers have found CP possessors have different degrees of involvement in their child-pornography pictures with large, highly organized collections indicating greater fixation on the images (Taylor, Holland, & Quayle, 2001). CP possessors with organized collections may spend hours labeling, filing, indexing, and even maintaining databases of their child-pornography pictures. They may be selective about the images they download and search through large networks of online child-pornography sites looking for specific pictures. Some collect series of still images created from videos or images of particular children, sex acts, or age groups.

We determined if CP possessors were “organized CP collectors” by asking if they “had named and organized [their] files into a collection, such as by sex or age.” We found 27% of arrested CP possessors in the *N-JOV Study* fell into this category. (Table 4). Compared to other arrested CP possessors, organized CP collectors were more likely to have

- More than 1,000 graphic child-pornography images
- Child-pornography videos
- Child-pornography images in noncomputer formats like books, magazines, and photographs
- Child-pornography images of children younger than the age of 6
- Sophisticated computer systems
- Used sophisticated methods to store or hide images on their computers

Table 4. Arrested CP Possessors: Differences Between Organized CP Collectors and Other Arrested CP Possessors

(Internet-Related CP Possessors, Weighted n = 1,713 and Unweighted n = 429;
Organized CP Collectors, Weighted n = 465 and Unweighted n = 136;
Other CP Possessors, Weighted n = 1,248 and Unweighted n = 293)

Characteristics	% Internet-Related CP Possessors	% Organized CP Collectors	% Other CP Possessor
Had More than 1,000 CP Images***	14%	33%	8%
Had CP Videos***	39%	55%	33%
Had CP in Noncomputer Formats**	18%	28%	15%
Had Images of Children Younger than 6****	40%	65%	30%
Used a Sophisticated Computer System***	7%	13%	5%
Used Technology to Hide CP Images***	20%	31%	16%

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others.

*Results may be biased because variable has more than 5% missing data.

p ≤ .01, *p ≤ .001

These differences suggest the organized CP collectors devoted more time and attention to acquiring large numbers of images and images that exploited younger children and maintaining the images securely, than did offenders who had child pornography which was not organized into collections. The two groups did not differ, however, in terms of the personal characteristics of the offenders or other crimes they committed. Organized CP collectors were not more or less likely to have sexually victimized children than were other CP possessors.

Box 3: Description of a CP Possessor

Some CP possessors admitted they were sexually attracted to children.

A man in his 30s was involved in a traffic accident, and the responding officer sent him to the hospital to be checked out. The officer then did an inventory of the man's car because it was being impounded. He found a notebook of child-pornography pictures. Law enforcement got a search warrant for the man's house, seized his computer, and found much more child pornography. The man rented a room in a house with other adults from his church. He had been married briefly, but the marriage ended in divorce because the man was impotent with his wife. The man told the investigator he was consciously avoiding children because he was afraid he would be tempted to sexually victimize a child. He pled guilty to CP possession and was sentenced to 30 days in jail and 3 years of probation and required to register as a sex offender.

How Many Arrested CP Possessors Distributed Child Pornography?

Only 33% of arrested CP possessors were known distributors of child pornography; however, in a number of cases investigators believed offenders had distributed images but could not prove it. Some investigators noted it is difficult to prove distribution and offenders tended to deny it because admitting to distribution would have added more criminal charges. Like organized CP collectors, distributors were more likely than other CP possessors to have

- Possessed more than 1,000 graphic child-pornography images (20% of distributors versus 11% of nondistributors, $p \leq .05^{11}$)
- Possessed child-pornography images of children younger than the age of 6 (53% versus 33%, $p \leq .000^{12}$)
- Used sophisticated methods to store or hide images on their computers (25% versus 18%, $p \leq .01^{13}$)

Otherwise distributors did not differ from other arrested CP possessors in terms of the child pornography they possessed, the percentage that sexually victimized children, or other characteristics.

How Did Cases Involving CP Possession Arise in the Criminal-Justice System?

Cases involving CP possession started in several ways. Some began with reports to law-enforcement agencies by individuals who saw or found child pornography in someone's possession. Some began with reports to the CyberTipline by Internet users who received unsolicited electronic mail (E-mail) with child-pornography pictures. Some CP possession cases started with undercover investigations set up to catch people downloading or distributing child pornography online. Law enforcement, however, also discovered child pornography while investigating other crimes, especially other kinds of sex crimes committed against minors. In other words, investigations beginning with allegations of child sexual victimization sometimes uncovered offenders who also possessed child pornography. These cases involved offenders who sexually victimized children who were family members or acquaintances or adolescents they met online as

¹¹ Results may be biased because variable has more than 5% missing data.

¹² *Id.*

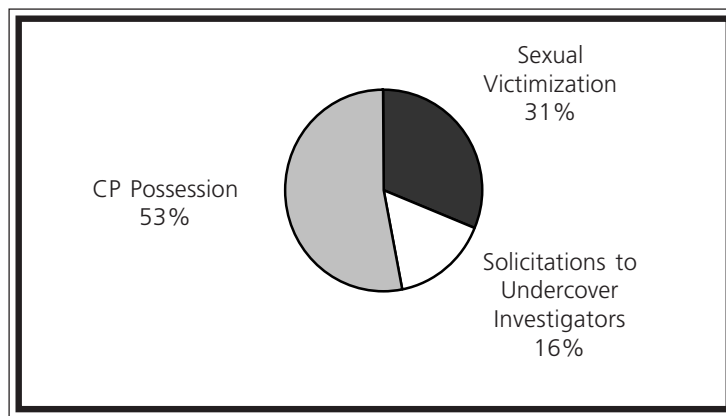
¹³ *Id.*

well as offenders who solicited undercover investigators posing online as minors. Overall, of cases involving CP possession and ending in arrests (Figure 1)

- 53% originated as CP possession or distribution cases
- 31% arose as cases of child sexual victimization
- 16% arose as solicitations to undercover investigators posing online as minors (attempted child sexual victimization)

Figure 1. Arrested CP Possessors: Type of Case When It First Came to the Attention of Law Enforcement

(Weighted n = 1,713 and Unweighted n = 429)



Note: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001.

How Often Did Cases Start With Reports From the Public, and How Often Did They Start With Investigations by Law Enforcement?

More than half of cases involving CP possession came to the attention of law enforcement through complaints by individuals (57%), but a sizeable number also originated with investigations by law enforcement (43%) (Table 5).

Table 5. Arrested CP Possessors: Involvement of Law-Enforcement Agencies Based on Whether the Case Originated as Child Sexual Victimization, Solicitation to an Undercover Investigator, or CP Possession

(CP Possession Cases, Weighted n = 1,713 and Unweighted n = 429;
 Originated as Child Sexual Victimization, Weighted n = 530 and Unweighted n = 135;
 Originated as Solicitations to Undercover Investigators, Weighted n = 277 and Unweighted n = 69;
 Originated as CP Possession, Weighted n = 906 and Unweighted n = 225)

	% Internet-Related CP Possession Cases	Originated as Child Sexual Victimization	Originated as Solicitation to UC Investigator	Originated as CP Possession
<u>How Case Originated</u>				
Report by Individual	57%	98%	3%	50%
Law-Enforcement Activity	43%	2%	97%	50%
<u>Type of Agency Where Case Originated</u>				
Federal	25%	2%	31%	38%
ICAC Task Force*	11%	9%	23%	8%
Other State or Local	60%	87%	41%	51%
Other Type	3%	3%	5%	3%
<u>Numbers of Agencies Involved in Case</u>				
1	17%	15%	14%	18%
2	35%	37%	39%	32%
3	34%	35%	35%	33%
4 or More	15%	13%	12%	17%
<u>Types of Agencies Involved in Case</u>				
Federal	53%	35%	68%	60%
ICAC Task Force*	37%	32%	38%	39%
Other State or Local	81%	93%	71%	77%
<u>A Federal Agency or ICAC Task Force* Was Involved</u>				
Yes	70%	59%	85%	72%
No	30%	41%	15%	28%
<u>Arrest by > 1 Agency</u>				
Yes	23%	21%	25%	23%
No	77%	79%	75%	77%
<u>Jurisdiction Bringing Charges</u>				
State Only	75%	82%	75%	72%
Federal Only	15%	7%	17%	19%
State and Federal	9%	11%	7%	8%

* ICAC Task Forces were not yet fully operational during the time frame of this study.

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Some percentages do not add to 100% because of rounding or missing data. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others. Missing data are shown when they exceed 5%. Most missing values are because investigators did not have complete information in every case.

Cases Starting With Reports by Individuals Fifty-seven percent of cases began with reports by individuals either through allegations of CP possession or child sexual victimization. In cases **beginning with allegations of CP possession**, reporters tended to be spouses, roommates, or others who came across child pornography on computers. Some reporters came across child pornography during activities like casual sex or cybersex with individuals they did not know well and were disturbed enough to report the incidents to law enforcement. Other complaints came from businesses or organizations that either found child pornography on a computer they were repairing, renting, or reselling or discovered an employee had used a business computer to download or store child pornography.

In CP possession cases **beginning with allegations of child sexual victimization**, reports to law enforcement often arose from disclosures by victims or observations by alert family members or other individuals. In some cases victims told parents, other adults, or friends, who reported crimes to law enforcement. Concerned individuals who noticed suspicious or troubling relationships between adults and youth also reported some cases.

Cases Starting With Law-Enforcement Investigations The remaining 43% of CP possession cases arose from law-enforcement activity. More than one-third (36%) of all cases studied arose from 2 types of Internet-related undercover investigations, solicitations to undercover investigators posing online as minors and undercover investigations of the child-pornography trade.

- Law-enforcement investigations involving drugs, weapons, or other nonsexual crimes accounted for 5%
- Investigations by parole or probation supervisors accounted for 1%

Where in the Criminal-Justice System Did CP Possession Cases Arise?

CP possession cases ending in arrest involved a wide range of law-enforcement agencies. These cases arose at all levels of law enforcement, with

- 25% originating in federal agencies
- 11% in ICAC Task Forces (which were not yet fully operational during the time frame of this study)
- 60% in other state, county, or local agencies not connected to an ICAC Task Force
- 3% in other agencies such as international or administrative agencies

State and local agencies were vital responders to CP possession crimes and active in Internet-related undercover operations. Cases originating as child sexual victimization or CP possession investigations started most often in state and local agencies (87% and 51% respectively). Also 41% of the CP possession cases beginning as solicitations to undercover investigators started at this level.

While most CP possession cases began at the state and local level, however, it appears these agencies often looked to federal agencies and ICAC Task Forces for assistance and support

- The great majority of CP possession cases (84%) involved more than 1 law-enforcement agency
- More than half (53%) involved a federal agency, and 37% involved ICAC Task Forces (which were not yet fully operational during the time frame of this study)
- In 23% of cases CP possessors were arrested by more than 1 agency
- Most CP possessors were charged with state crimes only (75%), but they were charged with federal crimes in approximately a quarter of cases (24%)

So while most cases began at the local and state level, they almost always expanded to include other agencies and slightly more than half involved at least some assistance from federal agencies.

Dual Offenders: How Often Did Offenders Both Sexually Victimize Children and Possess Child Pornography?

Many CP possessors were what we have termed “dual offenders.” They sexually victimized children and possessed child pornography, with both crimes discovered in the course of the same investigation. Some of these dual offenders were discovered in cases starting as investigations of child sexual victimization and turning up child pornography. Others were discovered in cases starting as investigations of child pornography and detecting a sexually victimized child.

Law-enforcement agencies active in investigations of Internet-related sex crimes committed against minors have reported the proportion of arrested offenders who both sexually victimized children and possessed child pornography was high, ranging from 35% to 51% when prior offenses also were counted (Armagh, 2002). We found 40% of the cases involving CP possession in the *N-JOV Study* involved dual offenses of CP possession and child sexual victimization detected in the course of the same investigation. All of these offenders had identified child victims. An additional 15% both possessed CP and **attempted** to sexually victimize children by soliciting undercover investigators posing online as minors. When these cases of attempted child sexual victimization are counted, 55% of the CP possessors were dual offenders (unweighted n = 241, weighted n = 936).

How Many Dual Offenders Were Found in Investigations Beginning As Allegations or Investigations of Child Pornography?

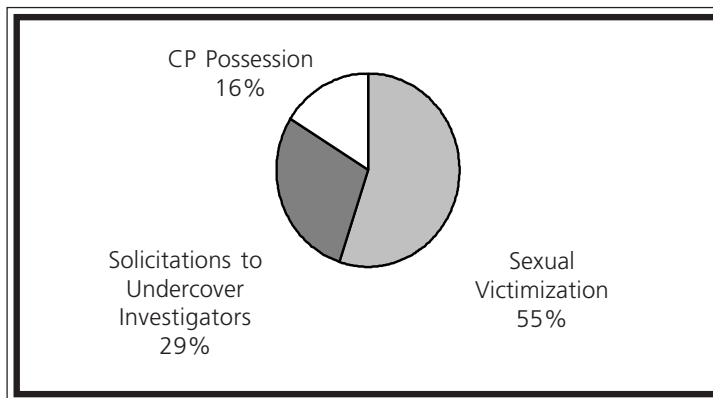
Most of the dual offenders (55%) were detected in investigations beginning as allegations of child sexual victimization (Figure 2). Twenty-nine percent were

detected in investigations beginning with undercover investigators posing online as minors. When we looked at all of the cases originating as allegations or investigations of CP possession and examined how many resulted in the arrests of dual offenders, we found

- In 14% of cases investigators found dual offenders who both possessed child pornography and sexually victimized children
- In 2% of cases investigators found offenders who possessed child pornography and attempted to sexually victimize children by soliciting undercover investigators posing online as minors
- 84% of cases involved CP possession but investigators did not detect concurrent child sexual victimization or attempts at child victimization

Figure 2. Arrested Dual Offenders: Type of Case When It First Came to the Attention of Law Enforcement

(Weighted n = 936 and Unweighted n = 241)



Note: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001.

This means one out of six cases originating with an allegation or investigation of child pornography discovered a dual offender who had also sexually victimized children or attempted to do so. This was a high rate of detection, especially considering this is a conservative number. We only counted cases where charges for child sexual victimization were pursued concurrent to CP possession charges. We did not count cases where investigators had strong suspicions about sexual victimization but could not prove them or where victims came forward but charges were not pressed because of the passage of time or for other reasons. Also it is likely some of the CP possessors sexually victimized children in crimes that were unknown to the investigators at the time they were interviewed. For example some victims may have come forward in other jurisdictions or during prosecution phases of cases. Also some CP possessors who were evaluated and treated as sexual offenders may have revealed child sexual victimizations during

treatment. Further some of the law-enforcement agencies in these cases may not have had protocols triggering investigators to assess the possibility CP possessors had also sexually victimized children. Given these factors, the number of dual offenders among arrested CP possessors could be considerably greater than one in six.

Box 4: Description of a CP Possessor

Some dual offenders came to the attention of law enforcement in cases that began with allegations or investigations of CP possession.

A 28-year-old man came to the attention of law enforcement from 2 sources on the same day. He was the target of an undercover investigation through which he ordered child pornography, and his employer reported finding child pornography on his work computer. Law enforcement also found child pornography on his home computer. He had hundreds of images, including videos, mostly of girls in the 6- to 12-year-old range. The man was a girls' gymnastics coach. Further the investigation stirred memories in the man's sister that he had sexually victimized her in her childhood, which he was charged with and confessed to. He received three years of probation after pleading guilty to CP possession. The sexual victimization charges were treated as a separate case, for which he was sentenced to 12 years in prison. He will be required to register as a sex offender upon his release.

How Many Dual Offenders Used Child Pornography to Seduce or Groom Minors?

Many people are concerned those who sexually victimize children are using child pornography to seduce or groom their victims. To assess this interviewers asked whether offenders had shown or given child pornography to any minors. We found

- 27% of dual offenders had shown or given child pornography to identified victims
- An additional 9% of dual offenders had sent child pornography to undercover investigators posing online as minors
- Overall 36% of dual offenders showed or gave child pornography to identified victims or undercover investigators posing online as minors

When offenders had shown or given child pornography to victims or undercover investigators, interviewers also asked whether they had used the child pornography to "groom" victims, defined as to "interest a victim in or overcome inhibitions about sexual activity." We found 25% of dual offenders had used child pornography to groom. In the remaining cases, while investigators knew an offender had shown child pornography to a victim, they did not know whether an offender's purpose was to groom.

How Many Dual Offenders Were Found in Other Types of Internet-Related Sex Crimes Committed Against Minors?

There were two types of inherently Internet-related sex crimes committed against minors described in the *N-JOV Study*. The first type was Internet-initiated crimes or “online meeting” cases involving identified victims who met offenders online. The second type involved offenders who used the Internet to solicit undercover investigators posing online as minors. These solicitations were attempts at child sexual victimization. Child-pornography possession was common among offenders in both of these types of cases.

- 39% of arrested offenders who met victims online possessed child pornography
- 43% of offenders who solicited undercover investigators posing online as minors possessed child pornography.¹⁴

Box 5: Description of a CP Possessor

Some dual offenders came to the attention of law enforcement in cases that began with allegations or investigations of child sexual victimization.

A 15-year-old girl met a man in a chatroom. They talked online for about one month, and then he asked her to meet him, offered her money to have sex with him, and sent her pornography. The girl told a friend, who persuaded her to tell her mother, who notified law enforcement. The girl helped law enforcement arrange a meeting with the man, who was arrested when he showed up at the meeting place. His computer was seized. He had a large collection of child pornography, including many video clips of adult men sexually victimizing young girls. Law enforcement also found evidence he had communicated with many other young girls on the Internet throughout the U.S. and Europe, although they could only identify 1 other girl, who was 16. The offender was 25 and a wealthy business owner who had a longtime girlfriend. He was charged with several felonies, convicted at trial, sentenced to 68 months in prison and 4 years parole, and fined \$5,000. He will be required to register as a sex offender when he is released.

How Did CP Possession Cases Fare At Prosecution?

Overall, prosecutions in CP possession cases were very successful. The prosecutorial outcomes were known in 88% of the CP possession cases examined (Table 6). Because we thought the judicial system would treat dual offenders more severely than the other CP possessors, we compared those two groups to see if outcomes differed. In cases with known outcomes, almost all of the CP possessors who were not dual offenders (94%) were convicted of or pled guilty to crimes in either state or federal courts, although we do not know exactly what crimes they were convicted of or pled to. Ninety-seven percent of the dual offenders were convicted or pled guilty. Charges were dropped or dismissed in 5% of the CP possessor-only cases and 3% of dual-offender cases. Sometimes

¹⁴ These percentages are based on the 508 (weighted) arrested offenders involved in online meeting crimes and the 702 (weighted) who solicited undercover investigators posing as minors.

charges were dropped in one jurisdiction because cases were being pursued in other jurisdictions. None of the CP possessors was acquitted at trial, whether or not they were dual offenders.

Fifty-nine percent of arrested CP possessors were incarcerated for some period, with dual offenders more likely than other CP possessors to be incarcerated (68% versus 48%, respectively). Eighty-four percent of arrested CP possessors were required to register as sex offenders as a result of their convictions. Rates of required sex-offender registration were higher among dual offenders (94%) than CP possessors who were not dual offenders (71%).

While dual offenders were more likely to be sentenced to incarceration than arrested CP possessors only, similar numbers were sentenced to less than 1 year (15% of dual offenders and 17% of other arrested CP possessors, as shown in Figure 3) and to between 1 and 5 years (22% of dual offenders and 25% of others). Dual offenders, however, were considerably more likely to receive sentences of 5 years or longer (28% versus 4% of others, $p \leq .000$). It is hard to generalize about the sentencing differences and similarities because these cases represent the full spectrum of law-enforcement jurisdictions in the U.S. and the crimes committed by the dual offenders vary greatly in terms of the types of sexual victimizations perpetrated, ages of victims, and nature of offender-victim relationships. It is notable, however, that arrested CP possessors rarely escaped conviction and most were incarcerated for some period, with more than one-quarter of dual offenders serving five years or more.

Table 6. Arrested CP Possessors: Prosecutorial Outcomes in Cases With Known Dispositions

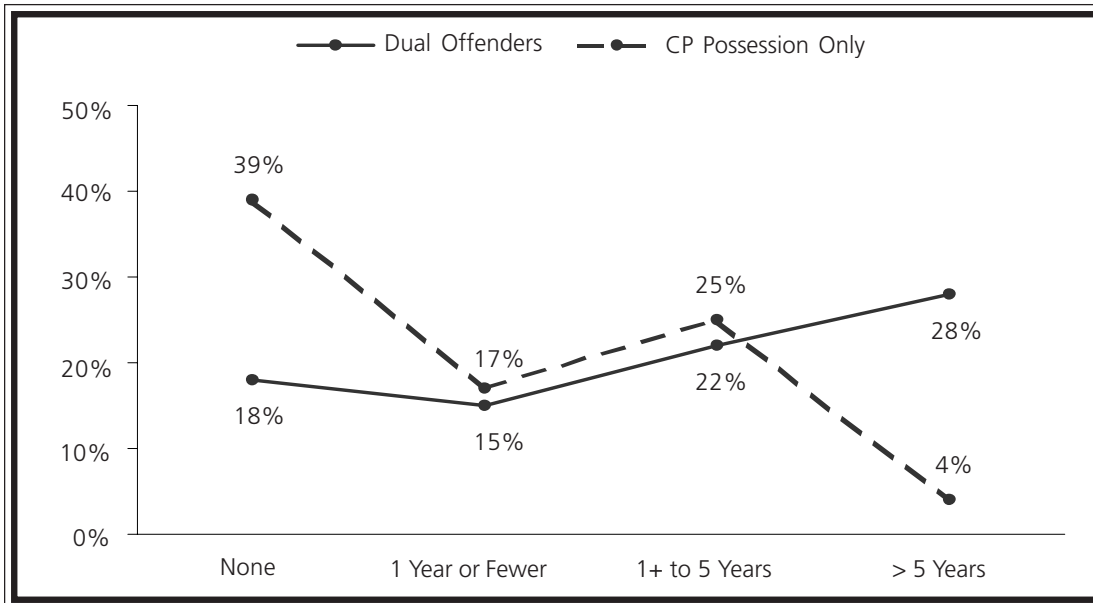
(CP Possessors With Known Outcomes, Weighted $n = 1,510$ and Unweighted $n = 375$;
Dual Offenders With Known Outcomes, Weighted $n = 833$ and Unweighted $n = 210$;
CP Possessors Only With Known Outcomes, Weighted $n = 677$ and Unweighted $n = 165$)

Characteristics	% Internet-Related CP Possessors With Known Outcomes	% Dual Offenders With Known Outcomes	% CP Possessors Only With Known Outcomes
<u>Outcome of Arrest</u>			
Guilty Plea	88%	86%	90%
Convicted at Trial**	8%	11%	4%
Dropped or Dismissed	4%	3%	5%
Acquitted	0%	0%	0%
<u>Sentence</u>			
Any Incarceration***	59%	68%	48%
Any Probation***	53%	41%	68%
Required to Register as Sex Offender***	84%	94%	71%

Notes: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Case outcomes were pending or unknown for 12% of cases. Some percentages do not add to 100% because of rounding or missing data. Ns and percentages may not be proportionate because results are weighted to reflect selection probabilities and some cases have more influence than others.

** $p \leq .01$, *** $p \leq .001$

Figure 3. Arrested CP Possessors: Length of Time Incarcerated for Dual Offenders Compared to CP Possessors Only
(Weighted n = 1,270 and Unweighted n = 306)



Note: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001. Note: We did not know the length of the sentence in about 16% of cases.

What Impact Has the *Ashcroft vs. Free Speech Coalition* Decision Had on State and Local Prosecutions for Possession of Child Pornography?

The *N-JOV Study* collected information about arrests for CP possession occurring before the April 2002 U.S. Supreme Court ruling in *Ashcroft vs. Free Speech Coalition*. Prior to the *Free Speech Coalition* ruling, prosecutors had to prove CP images met statutory requirements regarding the ages of the children depicted and the sexual explicitness of the pictures. The *Free Speech Coalition* ruling added an additional requirement. Now prosecutors must also show that the children depicted are real and not “virtual” images generated by computer. This virtual-image defense has raised consternation among some law-enforcement agents and prosecutors, who worry it will be difficult to counter, hamper efforts to combat child pornography, and result in fewer arrests and prosecutions.

The *Free Speech Coalition* ruling applied to federal prosecutions, but it also affected state and local prosecutions in a number of states because many state CP possession laws are modeled after the federal statute questioned in the case. Moreover, the *N-JOV Study* found 75% of arrested CP possessors were prosecuted at the local and state level. We were able to assess the initial impact of the *Free Speech Coalition* ruling by speaking with state and local prosecutors.

Prosecutor Interviews

In addition to interviewing law-enforcement investigators, the *N-JOV Study* conducted supplemental interviews with 207 state and local prosecutors about how cases described by investigators fared at the prosecution level. Of these prosecutors, 102 stated they were familiar with the *Ashcroft vs. Free Speech Coalition* decision and could answer questions about how it affected the prosecution of CP possession cases in their offices. These prosecutors were from 61 jurisdictions in 27 states. Eighty-four percent of their interviews were conducted in April, May, and June of 2003 about 1 year after the *Free Speech Coalition* decision was rendered. The other interviews were done earlier, between December 2002 and March 2003.¹⁵

The *Free Speech Coalition* ruling did not affect all state and local prosecutors equally. Some said the ruling did not apply to them because the CP possession statutes in their states were not worded similarly to the federal statute. Some prosecutors came from states where the virtual-image defense had been in effect prior to the *Free Speech Coalition* ruling.

About 1 year after the ruling, 40% of the state and local prosecutors said the virtual-image defense had been raised in CP possession cases in their offices, but only 5% had seen cases go to trial (Table 7). In the cases that went to trial, the prosecutors used several strategies to counter the virtual-image defense including

- Having a federal law-enforcement agent testify to the origins of the images
- Having a forensics expert compare CP images to virtual images and testify that the CP images were not virtual
- Presenting a doctor's affidavit that the children were real and having the jury decide whether the pictures depicted real children

¹⁵ More details about the prosecutor interviews can be found in the *N-JOV Methodology Report*, available online at the web site for the Crimes against Children Research Center at www.unh.edu/ccrc. We did not interview federal prosecutors because we were unable to resolve our request for permission from the U.S. Attorney Executive Office before the end of the field period of the study.

Table 7. Impact of *Free Speech Coalition* Decision on State and Local Prosecutors' Offices

(Unweighted n = 102*)

Since <i>Free Speech</i> Decision, Prosecutor's Office...	% Prosecutors
Has Had Cases Involving Virtual-Image Defense	40%
Has Had Such Cases Go to Trial	5%
Is Prosecuting Fewer CP Possession Cases	4%
Is Not Pursuing Some Cases It Would Have Previously Pursued	9%
Is Using These Tactics For Dealing With <i>Free Speech</i> Decision	
Consulting With Federal Agencies to Identify Children	64%
Consulting With Other Sources to Identify Children	56%
Using Obscenity Laws to Prosecute CP Cases	25%
Using Experts to Testify That Images Are Not Computer Generated	30%
Letting The Jury Decide	11%
Has Been Affected by Judges' Decisions Interpreting <i>Free Speech</i>	15%
Policies, Experience, and Training	
Office Has Specific Policies for Handling CP Possession Cases	28%
These Policies Include Requirement of...	
Threshold Number of Images	1%
Defined Level of Development of Children Depicted in Images	12%
Defined Level of Explicitness	12%
Identification of Children in Images	1%
Other Requirement	13%
Experience With Prosecutions of Internet-Related Sex Crimes Committed Against Minors	
1 to 6 Cases	27%
7 to 15 Cases	27%
16 to 40 Cases	29%
More Than 40 Cases	18%
Respondent Has Received Training About Prosecuting Internet-Related Crimes	75%
Training Was From...	
National District Attorneys Association or American Prosecutors Research Institute	36%
NCMEC or U.S. Department of Justice	39%
Other Federal Agency	16%
State or Local Agency	34%
Other	25%

*Statistics derived from interviews with prosecutors are not weighted. No variable has more than 5% missing data.

Only 4% of state and local prosecutors said their offices were pursuing fewer CP possession cases because of the *Free Speech Coalition* ruling. One of these said the CP possession statute in his state had been essentially voided and was not yet replaced at the time he was interviewed. Nine percent of prosecutors said their offices were not pursuing some cases they previously would have pursued. Some noted that many CP possessors had committed other sex crimes against minors, and charging was now focused on these other crimes. (These are the dual offenders referred to earlier in this report.) One of the prosecutors whose

office was bringing fewer cases said having to identify a child “takes a lot of resources we don’t have. Often we go with other charges and [don’t] bother with possession of CP charges.”

Prosecutor Tactics

We asked state and local prosecutors what tactics they were using to counter the virtual-image defense. Most were consulting with federal agencies (64%) or other agencies (56%) to attempt to identify the children depicted in the images. Thirty percent were using experts to testify images were not computer generated. One-quarter of the offices said they had used obscenity laws to prosecute child-pornography cases. Prosecutors described some specific tactics including

- Using investigating officers to testify they had determined the identities of victims, including images belonging to known series
- Using investigating officers to testify images dated back to before virtual images were possible
- Using experts in computer graphics software to testify CP images were not virtual
- Bringing charges based on videos because it was easier to show videos were not computer generated
- Training investigators to elicit statements from CP possessors that they were looking at images of real children
- Using the assistance offered by NCMEC about known images
- Giving preference to cases with victims who had been previously identified
- Pursuing CP possession as an aggravating factor in cases of child sexual victimization
- Treating labels with the names and ages of children written on pictures by CP possessors as admissions the children were real

Some state and local prosecutors expressed confidence in the basic strength of CP possession cases and the reluctance of many defendants to go to trial. One said, “We have experts lined up to testify, but then the [defendants] always plead.” Another said, “When [the] defense has brought [the virtual-image defense] up, we say, ‘Our guy says they’re not fake,’ and that’s the end of it.”

Protocols for CP Possession Cases

Only 28% of the state and local prosecutors said their offices had specific protocols for CP possession cases. Most of the protocols incorporated statutory standards that detailed the types of images and ages of victims required before images could be defined as child pornography. The protocols also often specified how CP images were to be handled, including safeguards about access to images and procedures governing discovery. A few of the state and local prosecutors said they had to make an initial assessment that the images appeared to be of real children before they could proceed with a case.

Early Conclusions About the Impact of the Ruling in State and Local Courts

This information about state and local prosecution tactics after the *Free Speech Coalition* ruling provides a snapshot of how prosecutors reacted to the ruling. This picture may have changed considerably based on how courts have interpreted the decision since our interviews. Also this was not a representative sample, and many of the prosecutors we interviewed had specialized training in and considerable experience with Internet-related, child-exploitation prosecutions. They may have responded more quickly and confidently to the ruling than other prosecutors. Nonetheless we have drawn some tentative conclusions from their reflections about the initial impact of the *Free Speech Coalition* decision

- Child-pornography images are still strong and disturbing evidence
- It is doubtful the virtual-image defense will encourage large numbers of offenders to go to trial; most will still plead guilty
- Eliciting statements from CP possessors about the realness of images is one way to counter the virtual-image defense
- Some jurisdictions interpreted the *Free Speech Coalition* ruling to mean children must be identified by name, but some used forensic evidence and other means to show CP images were not virtual
- Some states are not affected by the ruling, which could mean that some prosecutions may shift from federal jurisdictions to state, if federal prosecutors are hampered by the *Free Speech Coalition* ruling
- While some fear the virtual-image defense will impair the ability of prosecutors to bring CP possessors to justice, there may be a beneficial consequence to the *Free Speech Coalition* ruling. A number of the prosecutors we interviewed were frustrated that some judges did not view CP possession as a serious crime. Hearing testimony about the realness of the pictures and the names of the children victimized by CP possession may underscore to judges the reality of the crimes these children suffered and counter the tendency of some to minimize the severity of CP possession.

These reflections about the impact of the *Free Speech Coalition* ruling are optimistic and suggest the ruling may be less of a problem than some have predicted because of the resourcefulness of the state and local prosecutors involved in these cases and the resiliency of the litigation process. It is too soon to evaluate the overall impact of the *Free Speech Coalition* decision, particularly because we did not have feedback from federal prosecutors, who are most likely to be affected by the first effects of the decision. The case law is developing rapidly (Kreston, 2004).

Major Findings and Conclusions

The *N-JOV Study* estimates there were 1,713 arrests for Internet-related sex crimes involving CP possession in the 12 months beginning July 1, 2000. While this number is small compared to our estimate of 65,000 arrests in 2000 for sexual assaults of all types committed against minors, indications are that law-enforcement activity and consequently arrests for CP possession will increase. The growth of this crime is linked with the growth in use of the Internet, which has allowed the widespread and anonymous distribution of child pornography and permitted CP possessors to easily access illegal images from their homes.

As Internet use continues to grow, so does law-enforcement activity. Since the time frame of the *N-JOV Study*, the expertise and specialization in Internet Crimes Against Children Task Forces has continued to expand and more state and local law-enforcement agencies have received training in investigating Internet child sexual exploitation crimes through programs funded by the U.S. Department of Justice and other sources. These factors may be increasing the number of arrests for CP possession in Internet-related crimes.

At the same time some factors may be hampering the law-enforcement response to child pornography. One such factor may be a movement of resources in federal and other agencies from combating child exploitation to anti-terrorism. Another may be the Supreme Court decision in *Ashcroft vs. Free Speech Coalition*, which occurred after the time frame of the *N-JOV Study*. This decision, which requires prosecutors to prove child-pornography images are pictures of real children and not computer generated, may have made child-pornography cases harder to prosecute, which could decrease arrests. The *N-JOV Study* establishes a baseline number of arrests against which future growth or declines attributable to these and other factors can be measured.

CP possession is a serious crime. The *N-JOV Study* documents the inherent seriousness of CP possession. More than 80% of arrested CP possessors had images of prepubescent children, and 80% had images of minors being sexually penetrated. Approximately 1 in 5 (21%) arrested CP possessors had images of children enduring bondage, sadistic sex, and other sexual violence. More than 1 in 3 (39%) CP possessors had videos depicting child pornography with motion and sound.

Although their identities are often unknown, many of the children in these graphic images were sexually victimized and assaulted. Those who possess these pictures – for sexual gratification, curiosity, as a means of profit, or for other reasons – are adding to the burdens of these young victims, whose trauma may be increased by knowing their pictures are circulating globally on the Internet with no hope of permanent removal or could be entered into circulation in the future.

CP possessors were a diverse group. While the great majority were men older than 25 who had graphic images and images of prepubescent children, there was considerable variety among arrested CP possessors. Many were older than 40, but some were juveniles. Their incomes ranged from poverty to wealth and their levels of education ran the gamut. Many had fewer than 100 graphic images, but some had more than 1,000. More than one-quarter maintained organized child-pornography collections, but most did not. One-third were known child-pornography distributors, but investigators noted that distribution was often hard to prove. Some committed other sex crimes against minors besides CP possession. A few were diagnosed as being mentally ill or had diagnosed sexual disorders, some had identified drinking or drug problems, and there was evidence that some were involved in other kinds of deviant sexual activities not involving children like bestiality and sadism. But many were not in any of these categories. The *N-JOV Study* does not provide data about the motivations of CP possessors or the sequences of their offenses, but it does give a picture of diversity suggesting a variety of motives and varying levels of involvement with child pornography among arrested CP possessors. Any profiling of such offenders needs to take such diversity into account.

Use of sophisticated technology was uncommon among arrested CP possessors. Most CP possessors in the *N-JOV Study* did not use sophisticated methods to hide their images or identities; however, these findings pertain only to arrested CP possessors. Some argue law enforcement is nabbing the newest, least sophisticated, or most impulsive CP possessors while the technologically savvy go undetected (Jenkins, 2001). Not all CP possessors, however, may be technologically savvy. Researchers simply do not have enough information to evaluate the relationship between technological sophistication and detection.

In a considerable number of cases law enforcement found “dual offenders” who both sexually victimized children, or attempted to, and possessed CP, with both crimes discovered in the same investigation. Dual offenders were particularly likely to be uncovered in investigations involving online meetings with youth and solicitations to investigators posing online as minors. Further, one out of six CP possession cases beginning with an investigation of or allegation about CP possession discovered a dual offender who had also sexually victimized a child or attempted to do so.

Reports from individuals outside of law enforcement played an important role in bringing CP possession to the attention of law enforcement, including cases coming to light as sexual victimizations of children and CP possession. More than half of CP possession cases began with reports from individuals to law enforcement. This response from individuals underscores the importance of education to create public awareness and encourage reporting of CP possession. It is also important to note some of the reporters in these cases discovered child pornography while engaged in what many would consider aberrant sexual situations. Awareness should be promoted

not just among law enforcement, child-welfare advocates, parents, and guardians, but also among people who may come across child pornography because they are exploring Internet sex sites or engaged in unconventional sexual situations.

Internet-related CP possession cases arose at all levels of law enforcement. CP possession cases both arose at all levels of law enforcement and tended to involve multiple jurisdictions, multiple agencies, and cooperation between federal and state or local agencies. Agencies at all levels need to keep up with advances in technology and maintain staff trained in specialized investigation methods to respond to these cases. Further, federal agencies or ICAC Task Forces were involved in 70% of CP possession cases indicating state and local agencies were making good use of the resources afforded by the U.S. Department of Justice.

Conviction rates may be higher for Internet-related CP possession cases than for conventional child-sexual-victimization cases. Almost all of the CP possessors in cases with known outcomes were convicted of crimes in either state or federal courts. This was true of both CP possessors who were dual offenders (97%) and those who were not (94%). None of the CP possessors were acquitted. In comparison “conventional” child-sexual-victimization cases not involving the Internet average 22% dismissals before prosecution and 6% acquittals. Rates of incarceration for CP possessors (59%) are similar to those for conventional cases of child sexual victimization, about 56%, although there is wide variation among jurisdictions (Cross, Walsh, Simone, & Jones, 2003). More of the dual offenders, 68% versus 48% of CP possessors only, served time. This certainly suggests the criminal-justice system is treating CP possession seriously.

Advances in technology do not necessarily give advantages to criminals over law enforcement. Some observers have emphasized how the Internet has provided new opportunities for criminal activity such as easier access to both children and child pornography. As technology evolves at a rapid speed, law enforcement is concerned about products being developed that are specifically designed to provide a greater degree of anonymity for offenders and decrease their risk of detection. Recognizing that while evolving technology may raise additional challenges in law enforcement’s investigation of these cases, technological developments also have given new tools and advantages to law enforcement. Examples include the complex databases and software that scan for child-pornography images, increased ability to engage in undercover activity, and the ability to track electronic trails and evidence left by offenders as they communicate and surf online. The high conviction rates for arrested CP possessors observed in this study may be testimony to the quality of evidence law enforcement is able to accumulate in Internet-related cases. Graphic images depicting the sexual penetration of children provide conclusive criminal evidence in CP possession cases. They may also strongly reduce ambiguity about offenders’ motives and actions as well as corroborating victim testimony in some cases of child sexual victimization.

Limitations

The *N-JOV Study* is the first research gathering information about a national sample of arrested CP possessors. Data from a national sample is a strength of the *N-JOV Study*, but like every scientific survey, the study also has limitations. Readers should keep some of these important things in mind when considering the findings and conclusions of this study.

First, some errors and biases may have been introduced because we interviewed law-enforcement investigators. We regarded these respondents as the best sources for in-depth information about the nature of Internet-initiated crimes because their professional responsibilities require them to gather extensive information about these cases. The information they provided, however, could be biased by training, professional attitudes, or the adversarial nature of their roles in some of these cases.

Second, the findings of the study apply only to CP possessors who were arrested for Internet-related sex crimes committed against minors. We do not know if these arrested CP possessors were representative of all Internet-related CP possessors. It is highly likely there were Internet-related CP possessors during that period of time who were undetected by law enforcement. It is also possible some Internet-related CP possessors were detected during that period of time but not arrested. Because of this, our findings, particularly those regarding dual offenders and CP possessors who used sophisticated technical methods to store child pornography cannot be interpreted to apply to offenders who were not detected or arrested or those who committed sex crimes that were not Internet-related. Moreover, the arrests for Internet-related sex crimes committed against minors examined in the *N-JOV Study* comprised only a small portion of the overall number of arrests for sex crimes committed against minors that happened during the time frame of this study, making it impossible to draw any conclusions about relationships between CP possession and sex crimes committed against minors overall.

Third, there is an additional caution to our findings about dual offenders. Knowing a considerable number of dual offenders were discovered during investigations of Internet-related, child-sexual-victimization and CP possession cases does not explain how possessing child pornography is related to child sexual victimization or whether it causes or encourages such victimization. We did not have the data to determine this. In particular we had no information about the sequencing of the crimes committed by dual offenders or about undetected crimes they may have committed and little information about their criminal histories and how they used the child pornography they possessed.

Recommendations

CP possession investigations should be aggressively pursued on all fronts on behalf of child victims. CP possession is a serious crime meriting continued and increased law-enforcement activity. Most arrested CP possessors had images explicitly showing children being sexually victimized by adults and sexually penetrated. The children in such images are crime victims, and CP possessors who use their images for sexual gratification or other purposes are further victimizing these children. That many of these images circulate online adds a new dimension of injury to the victims in these cases. Part of the potential trauma of being pictured in child pornography is that depicted children may know their images are on public display and it is unlikely the images can be completely and permanently removed from online circulation. Law-enforcement efforts against CP possessors are made on behalf of real child victims, and the crime of CP possession should not be minimized simply because the children in the images are often nameless and cannot speak for themselves.

But there are additional reasons these investigations should be aggressively pursued, including

- **The investigations were highly successful.** These child-pornography investigations had highly successful outcomes. Almost all of the CP possessors were convicted and most were incarcerated and required to register as sex offenders. There was no evidence the child-pornography investigations involved trivial images or images questionably defined as child pornography by authorities.
- **CP possession was a common thread running throughout investigations of Internet-related sex crimes committed against minors.** Considerable numbers of arrested offenders who met victims online or solicited undercover investigators posing online as minors, were dual offenders who possessed child pornography in addition to the other sex crimes they committed. Investigators also found some offenders in “conventional” child-sexual-victimization cases that did not involve the Internet whom had downloaded child pornography from the Internet in addition to sexually victimizing children. Child pornography and the Internet may be factors in sex crimes committed against minors more often than investigators currently know or expect, and the connection between these crimes may be growing.
- **A considerable number of investigations beginning with allegations or investigations of child-pornography possession resulted in the arrest of dual offenders.** One in six investigations beginning with CP possession led to a dual offender, one who both possessed CP and sexually victimized children. This is a sizeable number, and the dual offenders who were apprehended likely would not have been caught otherwise, since most sex crimes committed against minors do not come to the attention of law

enforcement (Finkelhor & Dzuiba-Leatherman, 1994; Finkelhor & Ormrod, 1999; Kilpatrick & Saunders, 1999). These investigations should be given high priority.

■ **Arrests of CP possessors may prevent future sexual victimization.**

At this point there is little information about the relationship between viewing child pornography and sexually victimizing children. Researchers do not know how many arrested CP possessors might be undetected child sexual victimizers or how many might go on to victimize in the future. Even if some of them never go on to sexually victimize a child, it is reasonable to view and treat arrested CP possessors as at high risk for victimizing children. Arrested CP possessors can and should receive evaluation, diagnosis, and treatment. They can and should be monitored through probation and sex-offender registration. Because of their prior arrests, arrested CP possessors may face enhanced penalties if they do go on to sexually victimize children. Some may even be deterred from greater crimes by the embarrassment and disruption arrest and conviction caused in their lives, even if they are not incarcerated. It is impossible to measure the amount of child sexual victimization prevented by the arrests of CP possessors, but it is likely there is a prevention effect.

■ **Arrests of CP possessors put needed pressure on the online, child-pornography trade.** The trade in child pornography has created a market for images of children being sexually victimized. Criminals who photograph and videotape the sexual victimization of children feed this market. CP possessors promote the market each time they acquire an illegal image. Law-enforcement investigations put pressure on this market that may reduce the number of images produced and children sexually victimized.

Publicity about enforcement efforts should be aggressively promoted as a deterrent. Aggressive messages about the penalties imposed on CP possessors and humiliation and life disruption resulting from arrest could have deterrent value for some CP possessors. These messages should be delivered through conventional sources – media advertising, reports, and news stories – as well as through Internet sources like the major Internet Service Providers.

Reporting of CP possession and of all types of child sexual victimization should be promoted, particularly online. The public played an important role in reporting CP possession and related child-sexual-victimization crimes to law enforcement. The use of online reporting mechanisms, like the CyberTipline, run by the National Center for Missing & Exploited Children to receive reports of Internet-related crimes, should continue to be aggressively promoted, along with reporting of child sexual victimization in general.

Reporting of child pornography should also be promoted in other online venues, particularly sites attracting or serving as portals to people who are interested in child pornography or who might develop such interests. For example

“peer-to-peer” software is used to transmit child pornography. The companies that develop this file-sharing software maintain widely used web sites where prevention messages could be posted. These companies should be urged to clearly admonish users against transmitting child pornography, warn them of the consequences, and provide a mechanism for reporting illegal images. Other portals such as Internet Relay Chat and Bulletin Board Services could similarly assist in prevention efforts.

Venues attractive to sexual adventurers or the “sexually indiscriminant,” should be urged to run anti-child-pornography messages to create awareness of the boundaries between legal and illegal material and behavior. Internet Service Providers, search engines, and web businesses profiting from the public’s interest in pornography should be urged to aim awareness and prevention messages about the harms of child pornography and child sexual victimization at their users and fund and participate in other dissuasion and deterrence campaigns. These messages can be respectful of users’ rights to access sexual material, while emphasizing the boundaries between legal and illegal material and actions and the aggressive stance of law enforcement with respect to these crimes.

Internet undercover operations targeting online sex offenders should continue. Undercover operations in which investigators posed online as minors accounted for a substantial number of arrests for CP possession and attempted child sexual victimization. These play an important role in deterrence. That more than 40% of solicitors to undercover investigators posing online as minors were dual offenders strengthens the argument for continuing to conduct these investigations. As with other anti-child-pornography, law-enforcement efforts, advertising a law-enforcement presence online and emphasizing the consequences of arrest and prosecution enhance the prevention value of law-enforcement activity.

Law-enforcement agencies should always investigate CP possessors to determine if they have sexually victimized minors. A considerable number of investigations beginning as CP possession detected child sexual victimization. This number might have been higher if every agency followed protocols treating CP possessors as possible child sexual victimizers and provided guidelines for risk assessment and investigation.

Law-enforcement agencies should always investigate child sexual victimizers to determine if they possess child pornography or used the Internet or a computer to facilitate the sexual victimization of children. In the *N-JOV Study* a considerable number of cases beginning as investigations of conventional child sexual victimization not involving the Internet expanded to include child pornography found on computers. Protocols for handling cases of child sexual victimization should prompt law enforcement to routinely evaluate the possibility of Internet-related child pornography and other evidence.

Protocols for computer searches in nonsexual crimes should account for the possibility child pornography may be found. Child pornography was also found on computers during investigations of nonsexual crimes. In fact 5% of the CP possessors came to the attention of law enforcement through investigations not involving sex crimes, for example, in cases where computers were searched for evidence of drug sales. Law-enforcement protocols for searching and seizing computers in all crimes should recognize the potential for finding and provide guidelines for handling child pornography. Protocols should also encourage referrals to ICAC Task Forces and other agencies with expertise in child pornography and Internet-related sex crimes committed against minors.

Law enforcement needs for training and resources to conduct multijurisdictional investigations, undercover operations, and computer forensics in child-pornography cases should be supported. Law enforcement must keep abreast of advances in technology. Legislators must make long-term commitments to invest in sophisticated equipment and technologically skilled staff members for law enforcement. These cases and the agencies responding to them require financial resources to acquire, maintain, and upgrade equipment; pay and keep staff with expertise in computer technology; provide training in specialized investigation methods; and promote interjurisdictional cooperation. Because of the ongoing advancements in computers and the Internet, investments in sophisticated equipment and technologically skilled staff members are and will continue to be necessary for law enforcement, not just in regard to CP possession, but to other forms of Internet-related crimes that are likely permanent side effects of widespread Internet use such as identity theft, hacking, and Internet-related fraud. Further, protocols and guidelines for interagency collaborations, like those developed by the ICAC Task Forces, should be widely disseminated and used.

Law-enforcement officials at all levels also need to be sensitive to the psychological reactions of investigators in CP possession cases. These cases can be emotionally difficult. Many of the investigators who were interviewed remarked about how disturbing it was to view child pornography. The agencies with units specializing in CP possession cases often provide counseling and other resources to investigators, but many CP possession cases arose in agencies that probably do not frequently see such cases. It is important for law-enforcement agencies to monitor and develop ways to mitigate the impact on investigators working these cases.

Law-enforcement efforts to identify, locate, and assist victims pictured in child pornography should be promoted and supported. Procedures for evaluating the possibility of identifying, locating, and assisting victims shown in child-pornography images should be part of law-enforcement protocols and training. These investigations require expertise balanced with sensitivity in order to protect the child. Protocols should call for coordination of these efforts through the National Center for Missing & Exploited Children's

Exploited Child Unit (ECU),¹⁶ which is responsible, by federal law, for coordinating and referring reports of child pornography to appropriate law-enforcement agencies and which maintains information pertaining to identified children featured in child pornography. Also it is critical for law enforcement to provide feedback to ECU about the disposition of CyberTipline referrals they have received.

Law-enforcement policymakers should support coordinated efforts to respond to the *Free Speech Coalition* ruling creating a virtual-image defense in CP possession cases. Proactive responses to the *Free Speech Coalition* ruling should be encouraged and supported. In particular the identification of child victims pictured in child pornography should be coordinated among federal agencies, NCMEC's Exploited Child Unit, and the ICAC Task Forces. A more streamlined process should be created to better assist investigators and prosecutors, in all jurisdictions, needing assistance when proving to courts that children pictured in images are real children. Access to other resources, such as training and expert witnesses, should also be supported, expanded, and broadly coordinated to assure that law-enforcement agencies and prosecutors have easy access to means of responding to the requirements of the *Free Speech Coalition* ruling.

Law enforcement must be sensitive to civil-liberties issues arising in CP possession cases. Law-enforcement activity in this area is vulnerable to criticism on civil-liberties grounds; particularly in regard to targeting or entrapping innocent individuals. For example because the possession of adult pornography is legal and it is sometimes difficult to determine whether sexually explicit images depict minors or adults, child-pornography investigations could investigate individuals engaged in constitutionally protected conduct. In addition, given the easy availability and large trade in legal pornography on the Internet, individuals may unknowingly or unwittingly access and download child pornography. If investigators pursuing undercover sting operations are untrained or do not follow appropriate guidelines, they could prompt targeted individuals to engage in criminal activity they might not otherwise engage in.

The information accumulated in the present study does not suggest law enforcement is trampling on civil liberties in this area. In particular the Internet Crimes Against Children Task Forces funded by the U.S. Department of Justice have protocols crafted to avoid violations of civil liberties. But the present study interviewed only law-enforcement sources, and not offenders or defense attorneys who might have highlighted more problems from a civil liberties point of view.

¹⁶ The National Center for Missing & Exploited Children has established and implemented a protocol for identifying victims of ongoing abuse depicted in child pornography. For assistance, NCMEC's Exploited Child Unit can be contacted at 1-800-843-5678. In addition to their protocol the ECU assists law enforcement in the review of images and movies to determine if they appear to contain children identified in past law-enforcement investigations. Established by the U.S. Congress, the ECU serves as a resource center for law enforcement and others regarding child sexual exploitation.

Nonetheless, because of the potential for civil-liberty violations and because this is a rapidly changing new domain both from a technological and law-enforcement perspective, an active dialogue must be maintained with those concerned about civil liberties. A public perception that law enforcement is using investigations of child pornography and other Internet-related crimes to infringe on civil liberties even in a few cases might do serious damage to the ability of law enforcement to effectively pursue cases involving child pornography. Thus it is important for the various forms of civil liberties infringements to be anticipated in advance and proactively avoided as law-enforcement practice develops in this area.

A second *N-JOV Study* should be planned for the near future.

A second *N-JOV Study* to track changes and trends in law-enforcement responses to child-pornography possession and other Internet-related sex crimes committed against minors should be planned for the near future to provide needed information to policymakers and law-enforcement agencies dealing with this new and expanding crime domain.

Resources for Law-Enforcement Investigators and Prosecutors

The organizations noted below provide training about the Internet and Internet-related sex crimes committed against minors to law-enforcement agencies. This publication provides information about the services offered by certain organizations as a public service without sponsorship or endorsement of them.

National Center for Missing & Exploited Children
<http://www.missingkids.com>

Internet Crimes Against Children Training & Technical Assistance Program
<http://www.icactraining.org>

U.S. Department of Justice, Office of Juvenile Justice & Delinquency Prevention,
through Fox Valley Technical College in Appleton, Wisconsin
<http://dept.fvtc.edu/ojjdp>

National Consortium for Justice Information and Statistics
<http://www.search.org>

National White Collar Crime Center
<http://www.nw3c.org>

American Prosecutors Research Institute of the National District Attorneys Association
<http://www.ndaa-apri.org>

Appendix: More About the Methodology of the *N-JOV Study*

Overview

First we surveyed a national sample of 2,574 local, county, and state law-enforcement agencies by mail asking them if they had made arrests in Internet-related, child-pornography, or sexual-exploitation cases. Then we conducted detailed telephone interviews with investigators who had such cases. Two out of the four federal agencies specializing in Internet crimes participated in the telephone interviews, but not the mail survey. The methodology was modeled after the one used in the second *National Incidence Study of Missing, Abducted, Runaway, and Thrownaway Children* to survey law-enforcement agencies about child-abduction cases.

How the Mail Survey Sample Was Created

We created a stratified sample of law-enforcement agencies to get information from agencies specializing in Internet-related sex crimes committed against minors and still allow every agency a chance to be selected in the sample. To do this the agencies were divided into the three groups noted below.

- Agencies specializing in investigating Internet-related sex crimes committed against minors. These included 75 investigative agencies that made up the 73 Internet Crimes Against Children Task Forces and satellites, in operation when the sample was drawn, funded by grants from the U.S. Department of Justice. (Some of the Task Forces and satellites were just beginning operations and were not yet fully operational during the time frame of this study.)
- A random sample of 833 agencies known to have sent staff members to training classes addressing Internet-related sex crimes committed against minors drawn from lists provided by training organizations.
- A random sample of 12% of all other U.S. local, county, and state law-enforcement agencies (n = 1,666) drawn from an annually updated directory of all U.S. law-enforcement agencies.

Eighty-eight percent of the agencies (n = 2,270) receiving mail surveys responded. Seventeen percent of the agencies responding (n = 385) reported a total of 1,723 arrests (unweighted) for Internet-related sex crimes of all types.

Follow-Up Telephone Interviews

We conducted telephone interviews on all eligible cases with known victims or coming from agencies reporting three or fewer cases. When agencies reported four or more cases, we selected a random subsample of cases for telephone interviews. To be eligible cases had to have victims younger than 18; involve arrests between July 1, 2000, and June 30, 2001; and be Internet-related.

Of the 796 cases in the sample, interviews were completed for 79% (n = 630). Of the 21% not completed, 13% involved agencies that did not respond to

requests for interviews, 3% involved respondents who refused to be interviewed, and 5% involved duplicate cases or cases that could not be identified. The 630 completed interviews were reduced to 612 cases because 18 interviews duplicated other completed interviews.

Weighting Procedures

Weighting takes into account sampling procedures and nonresponse, allowing use of the data to project estimated annual arrest totals with 95% confidence that the accurate number will fall within a specific range. The arrest estimate and the other weighted estimates shown in the figures and tables and described in the text were projected from 429 cases multiplied by weights calculated based on the sampling procedures and response rates from both the mail and telephone surveys described above. Table 8 provides the unweighted and weighted numbers, with confidence intervals, for the sample and subsamples used in this report. Details of the weighting calculations are available from the authors through the Crimes against Children Research Center web site at www.unh.edu/ccrc.

Table 8. Arrested CP Possessors: Numbers of Cases in Sample and Subsamples, Weighted and Unweighted

Sample or Subsample	Unweighted n	Weighted n	95% Confidence Interval*
Internet-Related CP Possessors	429	1,713	1,578-1,847
Organized CP Collectors	136	465	389-542
CP Distributors	142	566	474-657
<u>Origin of CP Possession Cases</u>			
Originated as CP Possession	225	906	805-1,008
Originated as Child Sexual Victimization	135	530	459-601
Originated as Solicitation to Undercover Investigator	69	277	188-365
Dual Offenders	241	936	822-1,050
Offenders Who Met Victims Online**	129	508	418-599
Offenders Who Solicited Undercover Investigators Posing Online as Minors**	143	702	392-1,012
<u>CP Possession Cases With Known Outcomes</u>	<u>375</u>	<u>1,510</u>	<u>1,417-1,602</u>
Dual Offenders	210	833	742-924
CP Possessors Only	165	677	586-767
<u>No Incarceration</u>	<u>88</u>	<u>416</u>	<u>316-516</u>
Dual Offenders	25	150	66-234
CP Possessors Only	63	266	201-331
<u>CP Possessors Sentenced to Incarceration</u>	<u>231</u>	<u>891</u>	<u>801-983</u>
Dual Offenders	154	565	504-627
CP Possessors Only	77	326	268-385

Note: Estimate based on a survey of 2,574 local, county, and state and 2 federal law-enforcement agencies involving arrests between July 1, 2000, and June 30, 2001.

*The confidence intervals constitute margins of error. They are calculated separately for each group using a statistical formula based on the weighted number of cases in the group. Lower and upper limits for subgroups will not sum to group lower and upper limits.

**Some of these offenders were not CP possessors.

How *N-JOV* Researchers Asked About Child Pornography

To determine whether cases involved Internet-related child pornography, *N-JOV* interviewers asked law-enforcement investigators, "At any point, did this case involve the possession, distribution, or production of child pornography," followed by a series of questions about how the child pornography was related to the Internet. ("Was the child pornography found on a hard drive; on removable media like CDs or disks; ordered, bought, sold, or distributed online; or was the Internet used in some other way?") A second similar series of questions determined whether the case involved production, possession, and/or distribution.

To determine whether cases involved child sexual victimization, *N-JOV* interviewers asked two questions. First, if the crime involved the distribution or production of child pornography, interviewers asked, "At any point, did the production (or distribution) involve crimes against one or more specific identified minor victims? (I mean a victim who was identified, located, and contacted.)" Second, in all cases, interviewers asked, "At any point, did this crime involve a sexual offense against an identified minor (in addition to the victim[s] of the child-pornography charges already mentioned)? I mean a victim who was located and contacted." Cases where investigators gave affirmative answers to either of these questions were considered to involve child sexual victimization.

Researchers asked a series of follow-up questions about all cases described by law-enforcement investigators as involving possession or distribution of child pornography. Examples of questions used to ask about characteristics of arrested CP possessors include

- At the time of the crime, did the offender have a diagnosed mental illness, as far as you know?
- Has the offender ever been clinically or medically diagnosed as a pedophile or as having another sexual disorder, as far as you know?
- Was there any paraphernalia or other evidence that the offender is sexually deviant in ways that don't involve children? I mean things like bestiality, bondage, or sadism to name a few.
- At the time of the crime, did the offender have any problems with drugs or alcohol, as far as you know? (If yes) What type?
- Did the offender have any prior arrests for nonsexual crimes, as far as you know? (If yes, describe.)

The questions determining the genders and ages of the children depicted in the child pornography asked

- Were the children depicted in the child pornography...Mostly girls? Mostly boys? About equally both sexes?
- What age groups were depicted? Were there children...Under 3 years old? 3 through 5 years old? 6 through 12 years old? 13 through 17 years old?

- The questions about the nature of the child pornography **possessed** asked
- Did the child pornography include graphic sexual images? By graphic sexual images, I mean images that focused on genitals or showed explicit sexual activity.
 - Did any of these images show sexual contact between an adult and child? I mean the adult was touching the child's genitals or breasts or vice versa.
 - Did any of the pictures, whether or not they included an adult, show acts involving penetration of the child, including oral sex?
 - Did any of the child pornography feature violence? I mean violence beyond sexual assault, such as bondage, brutal rape, or torture.
 - Did any of the child pornography feature nudity or semi-nudity, but not graphic sexual images?

A copy of the detailed *N-JOV* Methodology Report is available online at the Crimes against Children Research Center web site at www.unh.edu/ccrc.

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National Center for Missing & Exploited Children

The National Center for Missing & Exploited Children, established in 1984 as a private, nonprofit organization, serves as a clearinghouse of information about missing and exploited children; provides technical assistance to the public and law-enforcement agencies; offers training programs to law-enforcement and social-service professionals; distributes photographs of and descriptions about missing children worldwide; creates and coordinates child-protection education and prevention programs and publications; coordinates child-protection efforts with the private sector; networks with nonprofit service providers and state clearinghouses regarding missing-child cases; and provides information about effective legislation to help ensure the protection of children per 42 U.S.C. §§ 5771 *et seq.*; 42 U.S.C. § 11606; and 22 C.F.R. § 94.6.

A 24-hour, toll-free telephone line, **1-800-THE-LOST® (1-800-843-5678)**, is available in Canada, Mexico, and the United States for those who have information regarding missing and exploited children. The “phone free” number when dialing from other countries is 00-800-0843-5678. The CyberTipline is available worldwide for online reporting of these crimes at www.cybertipline.com. The TTY line is 1-800-826-7653. The NCMEC business number when dialing in the United States is 703-274-3900. The NCMEC business number when dialing from other countries is 001-703-522-9320. The NCMEC facsimile number is 703-274-2200. The NCMEC web-site address is www.missingkids.com.

For information about the services offered by our other NCMEC offices, please call them directly in California at 714-508-0150, Florida at 561-848-1900, Kansas City at 816-756-5422, New York at 585-242-0900, and South Carolina at 803-254-2326.

A number of publications, addressing various aspects of the missing- and exploited-child issue, are available free of charge in single copies by contacting the National Center for Missing & Exploited Children at



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Crimes against Children Research Center

The Crimes against Children Research Center (CCRC) seeks to combat crimes committed against children by providing high-quality research, statistics, and program evaluation to the public, policymakers, law-enforcement personnel, and other child-welfare practitioners. CCRC maintains a publication list of articles concerning the nature and impact of crimes such as child abduction, homicide, rape, assault, property crimes, and physical and sexual abuse of children written by researchers associated with the CCRC. Current activities funded by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice include developing questionnaires to assess juvenile crime victimization, evaluating children's advocacy centers, assessing barriers to greater reporting of crimes committed against children, and studying the incidence of and factors related to child abduction. The CCRC also draws on funding from grants, individual gifts, revenues from publications and programs, and state and federal sources.

The Crimes against Children Research Center was created in 1998 at the University of New Hampshire. It grew out of and expands upon the work of the Family Research Laboratory, which has been devoted to the study of family violence, child victimization, and related topics since 1975. Associated with the CCRC is an internationally recognized group of experts who have published numerous books and articles concerning the incidence and impact of violence committed against children.

More information about CCRC publications and activities is available from the Program Administrator



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**Child-Pornography Possessors
Arrested in Internet-Related Crimes:
Findings From the *National Juvenile Online Victimization Study***

Executive Summary

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