
IMPROVING THE RESPONSE TO Victims of Child Pornography

Executive Summary



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About This Project

With the exponential growth of the Internet and easy availability of digital cameras, society appears to be witnessing a dramatic increase in child pornography—the production, distribution, and possession of child sexual images—which has long been a concern to child advocates. While empirical information about child pornography production is scarce, recent years have witnessed a sharp increase in arrests for child pornography production: in 2009, U.S. law enforcement agencies made an estimated 1,910 arrests for crimes involving child pornography production, almost five times as many as in 2000 (Wolak et al. 2012a).

Working with limited information or research, victim advocates, law enforcement, and mental health professionals have struggled to identify and meet the special needs of the victims of child pornography. While much is known about the response to other victims of child sexual abuse, little is known about the added impact of that abuse when it is documented in images, or when those images are circulated. Victims of child sexual abuse, including victims of child pornography production, have many legal rights and protections, but questions remain about the applicability and implementation of those rights in cases limited to the dissemination or possession of child pornography. The Office for Victims of Crime funded this project as a first and significant step toward improving the responses to existing and future victims of child pornography.

The National Center for Victims of Crime, in partnership with the National Children’s Alliance and the Crimes Against Children Research Center at the University of New Hampshire, undertook this work through a series of interconnected activities:

- Assembling a national advisory committee of stakeholders;¹
- Analyzing the legal rights of child pornography victims at the federal and state levels;
- Analyzing the needs of victims and their families, the response they receive, and suggestions for improvement, through surveys and interviews with victims, families, and the professionals who work with them; and

¹ A complete list of members is attached as Appendix A. We are extremely grateful to these knowledgeable partners for their input throughout the project, and look forward to continued collaboration in future efforts to address the needs of victims of child pornography.

- Exploring the existence of evidence-supported services and promising practices through a literature search and interviews with clinicians.

The findings from these activities led us to develop a series of recommendations on changes in policy and practice, additional trainings, and new research to improve the response to victims of child pornography.

Project Findings

Legal Rights of Victims of Child Pornography

From an analysis of the legal rights of child pornography (CP) victims in production, dissemination, and possession cases at the federal and state levels, and interviews with practitioners about how those rights are being implemented, we found a carefully considered response at the federal level with special systems to identify and afford rights to victims in multiple cases of child pornography involving their images. Victims in federal CP cases have clear rights to notification, to be heard, to protection, and to restitution. At the state level, where CP victims have similar legal rights, there is generally no system to identify and notify victims in cases involving only dissemination or possession of their images. Even in state cases involving the production of child pornography, rights to a speedy disposition of proceedings and to protection are uneven. At both the state and federal levels, we found that existing avenues to provide financial recompense to victims—victim compensation, restitution, and civil actions—are limited in their ability to provide substantial recovery.

Surveys and Interviews

Because to date there has been relatively little research on the response to CP victims,² the project team gathered data from a variety of perspectives—victims, their parents/caregivers, and the professionals who work with victims. These efforts included:

- An online survey of practitioners: law enforcement, prosecutors, mental health professionals, social workers, victim service providers, and others;
- Telephone interviews with families served by child advocacy centers, in cases of sexual abuse both with and without images;
- Telephone interviews of victims (13 and older) in cases of sexual abuse, both with and without images;
- An online survey of adult survivors of child pornography; and

² This general lack of prior research was confirmed by the project’s literature review. Findings from that review are contained in the introductory chapter of the full report.

- Telephone interviews with mental health clinicians.

Due to the small sample size of the family interviews (13), these data should be considered exploratory. Similarly, we were able to reach only a very small number of child victims of sexual crimes (11), only three of whom indicated they were victims of child pornography. Thus, the responses from those child victims are not generalizable to the larger population, but instead reflect the views of this group.³

Online Survey of Law Enforcement Officers

More than 70 percent of the 245 law enforcement investigators completing the Law Enforcement section of the Practitioner Online Survey had more than five years' experience in law enforcement and had handled cases involving victims depicted in child pornography (CP). Their recent (past five years') experience with CP production ranged from one or two to ten or more cases. Most of these respondents were part of an Internet Crimes Against Children (ICAC) Task Force, and most had worked with a child advocacy center or multi-disciplinary team. Finding highlights include the following:

- **Training:** Almost all had received specialized training in investigating CP cases, and about 40 percent had training in working with victims of CP production. Most wanted additional training in responding to victims and families and regular training regarding technological advances relating to child pornography.
- **Concerns about Victims:** CP production cases that caused difficulties for law enforcement respondents included questioning non-disclosing victims about images, working with uncooperative adolescent victims in cases of youth-produced sexual images, and explaining the impact of online distribution of images to victims and their families.
- **Victim Notification:** About one in five investigators stated victim notification laws applied to their most recent case; about half of those victims had opted to be notified if their images were discovered as part of a child pornography possession or distribution case.
- **Distribution:** About 40 percent of respondents did not know whether online distribution of images had occurred in their most recent CP case.

³ For more about our recruitment efforts, see the methodology section regarding the parent and child interviews, p. 58.

Online Survey of Mental Health Professionals

The online survey involved a convenience sample⁴ of 42 mental health practitioners recruited through child-serving organizations such as child advocacy centers. Sixty percent had handled 5 or fewer cases in the last five years.⁵ Finding highlights include the following:

- **Experience with CP Victims:** About one-third had worked with victims whose images were distributed online. One-third had worked with a victim who was unwilling or reluctant to disclose images or abuse shown in images. One-third had noticed differences in trauma symptomatology in victims depicted in CP compared to victims of other types of child sexual abuse.
- **Training:** The majority had no training specific to working with victims of child pornography. Although most were comfortable talking to victims about images, they wanted more training, especially on the technical aspects of the internet.
- **Observations on Parents:** Most mental health practitioners felt that parents in CP cases—as compared to cases without child pornography production—were angrier toward perpetrators and felt more emotional distress. However, most respondents did not believe that parents had more difficulty supporting their children or following up on treatment, and many felt that parents were quicker to believe that the abuse happened when images existed. Almost two-thirds of respondents had encountered child and family strengths that helped to improve victim outcomes.
- **Notification or Restitution:** Most mental health practitioners had not seen cases involving notification or restitution. The few that had said the notification process was traumatic for victims.
- **Challenges in Working with CP Victims:** One-third of mental health respondents considered working with victims depicted in child pornography more difficult or emotionally challenging than working with other victims of child sexual abuse.

Parent Interviews

Working with two child advocacy centers and a parent support group, we recruited and interviewed 13 parents whose children were depicted in sexually explicit photographs or videos (i.e., child pornography production, which we abbreviate as CPP).⁶ Highlights of findings include the following:

⁴ A “convenience sample” is a non-probability sampling technique where subjects are accessed due to their convenience or availability. Such samples often are used to carry out research about populations that are difficult to reach. Research results derived from convenience samples apply only to the sample used in the research and cannot be generalized to a larger population.

⁵ Because most surveyed mental health practitioners worked on multidisciplinary teams responding to crimes against children, their responses reflect their own experiences but do not represent those of all mental health practitioners who work with victims depicted in child pornography.

⁶ For comparison purposes, we also interviewed parents of children who experienced sexual abuse but were not photographed for child pornography. However, the sample size was too small to analyze whether statistically

- **Impact of Crime on Children:** The majority of CPP victim parents reported changes in their child's social behavior after the abuse. A small number of parents said their child suffered from abuse-related problems (e.g., fighting and aggression, inappropriate sexual behavior, and eating problems) sometimes or often in the past month.
- **Priority Concerns:** When asked what was hardest to handle about their child's victimization, most CPP victim parents did not refer to the images, but rather to other aspects of the crime, such as a trusted person being the perpetrator, frustration with the criminal justice system, and feelings that they failed to protect their child. Most parents did not feel their children were very worried about the images, for a variety of reasons.
- **Child Counseling:** All CPP victim parents said their children received counseling, which most parents thought was helpful. Most had suggestions to improve counseling (e.g., providing counseling on issues other than sexual abuse, such as substance abuse, and more accessible, affordable and longer-term options for counseling).
- **Parent Counseling:** Most CPP victim parents went to counseling, which they all found helpful for learning coping skills and providing a non-judgmental environment. However, many parents wanted additional counseling, financial assistance for their counseling, and more convenient scheduling and locations.
- **Criminal Justice System:** Criminal charges were filed in most cases, and families had victim advocates whom most parents described as helpful. CPP parents' concerns about the criminal justice system included: lack of compensation when parents had to take time off from work, lack of help to deal with children's fears about testifying, a need for more explanation of court-system terms, and a need for greater sensitivity to child victims' mental health issues and developmental delays.
- **Handling of Images:** Nearly all CPP parents were comfortable with how law enforcement, social workers, and others talked about and handled images. Still, about half saw problems, including images not stored securely, lack of sensitivity by law enforcement during interactions with children and parents about images, and children being required to identify themselves in images.
- **Restitution, Compensation, and Notification:** Most CPP parents had heard of their children's right to restitution, and about half had received awards, with fewer actually having collected awarded money. About half had received victim compensation funds. One parent had retained an attorney for a civil suit. About one-third of families had made decisions regarding victim notification laws, and all of those had opted to be notified if their children's images were found in cases of CP possession or distribution.
- **Value of Research:** Nearly all respondents said that it was very important to participate in research like this and that, knowing the questions, they would still agree to participate.

significant differences existed between parents whose children were depicted in child pornography (n=13) and those whose children were not (n=33). Although these data should be considered exploratory due to the small sample size, no survey we are aware of has asked parents of child pornography production victims these types of questions.

Child Interviews

We conducted telephone interviews with a convenience sample⁷ of 11 girls ages 13 to 17 who had experienced sexual abuse, including three who (according to their parents) had been photographed in child pornography (CP), to get their opinions about helpful and unhelpful ways that professionals (e.g., counselors, law enforcement, medical practitioners), parents, and friends responded to them after the abuse was disclosed.⁸ While this sample is small, we believe inclusion of the voices of these victims is instructive for consideration of the response to CP victims. Highlights of findings include the following:

- **Family and Friend Support:** Teens particularly valued support from friends and family, including encouragement to disclose the crime, warm gestures (e.g., hugs, comforting statements), support at court hearings, being listened to, and positive distractions that helped them feel “normal.” Religious youth appreciated prayers. Teens wanted parents to believe them, be comforting, avoid anger or over-reaction, respect their privacy, and refrain from pressuring them to talk about what happened.
- **Counseling:** Most teens found counseling helpful and, in particular, appreciated not feeling judged and learning helpful techniques to relieve anxiety, such as journaling and breathing exercises. But some teens felt counseling did not help them and were uncomfortable answering questions about the crime, worried about confidentiality, or still felt considerable distress despite the counseling.
- **Forensic Interviews:** Teens described mixed experiences: some said law enforcement interviewers were understanding and supportive, but several said the interviews were distressing because they had to describe crimes in great detail, were interviewed on multiple occasions, were videotaped, or were treated rudely. Teens wanted to be treated more gently, given more time, be questioned by someone they felt they could trust, and not feel forced.
- **Medical Exams:** Most teens had undergone medical exams and, while noting these were uncomfortable, most did not have complaints about how medical practitioners treated them.
- **Media:** Several teens said their cases were the subject of media reports, and all of them described distressing experiences with the media coverage.
- **Self-help:** Most teens said they had made changes to help themselves, including becoming more active at school and finding new friends.
- **Advice for Peers:** When asked to advise other kids how to help teens in situations like theirs, the respondents emphasized how important it was for friends to advocate for disclosure and honesty. They also advised friends not to ask a lot of questions, but to offer comfort, cheer, and distraction.

⁷ See note 4, *supra*, for definition.

⁸ Because of the size and nature of this sample, the findings reported here are not generalizable to the larger group of teen survivors of child sexual abuse, but portray the experiences of this specific group. We do not provide separate information about the teens depicted in CP to avoid disclosing possibly identifying information and because the number is too small to result in meaningful comparisons.

- **Value of Research:** All teens said it was very or more than a little important to “participate in research like this to help other kids with these kinds of problems.” They all answered yes when we asked, “Knowing now what was in the survey would you still have agreed to do it?” and they all said no when we asked if answering the questions in the survey was upsetting.

Online Survey of Adult Survivors

One hundred thirty-three adult survivors of child pornography completed an anonymous online survey. Sixty-four percent of the sample was female, 33 percent was male, and 2 percent was transsexual or other. Participants ranged in age from 18 to 75, with most age 35 or older (63 percent).⁹ Highlights of findings include the following:

- **Adult Survivor Experiences:** The adult survivors in this convenience sample had a wide range of experiences with sexual abuse, but most suffered prolonged abuse that started when they were age 9 or younger and that happened 10 or more years ago. Most cases were not reported to authorities. (Because many respondents were photographed before the internet and digital technology were widely used, their experiences may differ from those of more recent victims.)
- **Respondents’ Views on Images:** When asked what upset them most or was hardest to handle about the crime they had suffered, the majority of adult survivors did not refer to being depicted in child pornography. Rather, they described impacts of being sexually abused, frustration with the criminal justice system, and distress about the destruction of family relationships and lasting personal and psychological problems that resulted. But about one-third of respondents said the images were the most difficult aspect of what happened, citing anxiety about whether images still exist, knowing that images cannot be recovered, fear of who might see images, and disgust about people using them for sexual purposes.
- **CP-Related Difficulties:** About half of respondents had specific difficulties related to being depicted in child pornography, including avoiding being photographed, fear of being recognized, shame that images showed them smiling or responding physically to sexual abuse, and worry that images might be used to abuse other children in the present. Yet most reported that, over time, they had healed emotionally (e.g., less shame, anxiety, preoccupation), achieved greater understanding of the crime, and felt less concern that images would surface or they would be recognized.
- **Counseling:** Most respondents had received mental health counseling, but only about one-third said a counselor specifically addressed the images. Respondents appreciated counselors that validated their concerns about images, affirmed the crime was not their fault, and helped them find techniques to diminish trauma symptoms. Many respondents stated therapy helped them

⁹ Participants were recruited through their affiliation with or visits to the websites of victim services (e.g., FBI’s Child Pornography Victim Assistance, Male Survivor, National Center for Victims of Crime) or support groups. Therefore their responses do not represent the experiences of all adult survivors who were depicted in sexually explicit images as children, but rather a subgroup that was using the Internet to advocate for victims, seek support, or other related reasons during the time the survey was conducted. Although our findings are not generalizable to the larger group of all adult survivors of child pornography production, no survey we are aware of has asked adult survivors of child pornography production these types of questions.

to cut off contact with abusers or unsupportive family members, to volunteer and advocate for victims, and to disclose their histories to trusted friends and family members. Some noted the need for therapists who understand male victims and victims' desires to find ways to confirm whether their images have been distributed online. Many respondents had encountered barriers to receiving therapy such as the lack of financial resources, the lack of a consistent therapist, and the inability to find a therapist trained in responding to trauma.

- **Compensation and Restitution:** Few respondents had applied for crime victim compensation through state programs, received restitution from perpetrators, or retained a civil attorney to sue perpetrators for damages.
- **Value of Research:** Almost 90 percent believed that this type of research was more than a little or very important. Virtually all respondents said "knowing now what was in the survey" they would still agree to participate.

Clinician Interviews

We conducted interviews with a convenience sample¹⁰ of 40 clinicians who had worked in a variety of settings and had experience providing counseling services within the past five years to child victims or adult survivors of CP production. The majority had provided mental health services to 6 or more victims of child pornography in the past 5 years.¹¹ Highlights of findings include the following:

- **Clinician Training:** Only about one-third of clinicians had received training that addressed providing therapy to child pornography production victims, and even fewer knew of resources (e.g., websites, research articles) that specifically addressed this population in a useful way.
- **CPP Assessment Practices:** Close to half of respondents reported that it was standard practice in their agencies to assess for child pornography production in cases of child sexual assault. Some assessed for images themselves, and others had access to records of assessments by other professionals (e.g., forensic interviewers).
- **Views on Distinctions between CPP and CSA victims:** Most clinicians believed that victims of CP production were different from other victims of child sexual abuse in terms of presenting concerns and the need for modifications in treatment approaches. Specifically, victims were more concerned about others finding out about what happened to them and who would see the images. Most clinicians noted that victims were fearful of online distribution even when it was not confirmed. Most clinicians believed that known or possible online distribution of images presented distinct challenges and exacerbated victims' emotional difficulties. Yet some noted that child pornography production was often only one element of prolonged and complex child sexual abuse victimization (often with a perpetrator who was a parent or close family member).

¹⁰ See note 4, *supra*, for definition.

¹¹ Clinicians were recruited through a section of the Practitioner Online Survey, as well as through e-mail invitations from the National Children's Alliance (NCA), members of the Advisory Board, and professionals from other organizations (child advocacy centers, rape crisis centers, etc.) with connections to the researchers. Findings are based on respondents' generalizations about clients depicted in child pornography, which may not accurately represent clinicians' full experiences. Our findings portray only the opinions and experiences of this specific group of respondents and cannot be generalized to others who have treated this victim population.

Responses were split as to whether differences exist in reactions to treatment for CPP victims compared to other victims of child sexual abuse. Some clinicians believed that victims of CP production need longer treatment because they stay in a heightened trauma state for a longer time and have more triggers and ongoing anxiety, which take longer to address.

- **Views on Victim Disclosure:** Respondents said victims' willingness or ability to disclose the existence of images and to discuss them varied considerably based on factors such as age, cognitive abilities, stage of psychological processing of the victimization, relationship with the perpetrator, shame, and even a lack of awareness of the existence of images. Clinicians noted that establishing trust and rapport with victims facilitated disclosure.
- **Views Where Images Were Youth-Produced:** Clinicians had seen a number of cases involving youth-produced sexual images (i.e., sexual images created by a minor, often self-produced, which meet legal definitions of CP). Many described these as raising distinct issues. Many clinicians thought that clients in such cases had some degree of responsibility for what happened. In addition, while some victim clients were experiencing negative consequences, others were adamant that they should be able to decide what to do with their own bodies.
- **Impact of Criminal Justice Proceedings on Victims:** Most clinicians had provided therapy to a client involved in criminal proceedings against a defendant who created or possessed CP depicting the client. Many reported that criminal proceedings caused distress due to drawn-out and invasive court procedures, which often needed to be mediated by enhanced mental health services.

Recommendations—Mental Health

Reducing the Mental Health Impact of Child Pornography

Victims and therapists both noted that victims' fear that their images have been distributed has a negative effect on their mental health of victims, even though only a portion of CP images are widely distributed. Such fears can be reduced if victims have more accurate information about the actual likelihood of distribution. This can be accomplished by:

- Ensuring that in any investigation of child pornography, law enforcement thoroughly investigates the likelihood that CP images have been disseminated and communicates the results of investigations to victims and families, through the standardization of investigation and specialized law enforcement training. This effort should be led by the Office of Crime Control and Delinquency Prevention (OJJDP) through its efforts to train and support Internet Crimes Against Children (ICAC) task forces.
- Creating a mechanism to enable victims to request information from the National Center for Missing and Exploited Children (NCMEC) about any known dissemination of their CP images. This effort should involve both NCMEC and a group of stakeholders, including adult survivors, victim advocates, mental health providers, and criminal justice professionals.

- Supporting additional research on methods to identify CP and remove images from circulation. This effort should involve public and private experts in technology working in collaboration.

Improving the Mental Health Response to Victims of Child Pornography

Victims and professionals noted a need for more trained counselors, better identification of those counselors, and increased access to counseling. We recommend the following:

- State victim advocates and policymakers should examine and, if necessary, amend state victim compensation laws, regulations, and policies, to ensure: that victims of child pornography and their families are explicitly eligible for crime victim compensation—which is not always clear, especially when images do not include the sexual abuse of a child by others; that benefits include long-term counseling for victims when necessary; that benefits include counseling for nonoffending family members both to meet their own mental health needs relating to the crime and to improve their ability to support the direct victim; and that claim deadlines recognize the recurring counseling needs of many CP victims;
- Existing training programs in the areas of traumatic stress, criminal justice, and victimization should increase and expand trainings regarding the treatment of CP victims (responding to complex trauma, working with male victims, assessing for CP production); reporting mandates (especially in cases of self-produced CP not previously reported); the technical aspects of CP production and dissemination; and supporting victims in the criminal justice process (including the rights, protections, and options of victims and coping with the media attention). This recommendation includes increasing the availability and use of existing trainings;
- A national mental health nonprofit should convene a cadre of mental health experts in traumatic stress to develop new guidance for mental health professionals responding to the complex mental health needs victims of CP crimes may have;
- A national mental health or victim assistance nonprofit should create a national referral list of qualified therapists for CP victims seeking services. In so doing, that nonprofit should work with national, state, and local organizations to include the therapists they have already identified;
- National and local victim service organizations should expand the availability of in-person and online support groups for victims and families, moderated by qualified victim service providers or therapists; and
- Federal and private funders should support additional research on: the short and long term mental health impacts of CP on victims; identifiable differences in symptomatology and whether they are related to elements of the offense (content of the images, distribution of the images, etc.); effective treatment approaches for victims of child pornography; mental health implications for victims of ongoing victim notification in cases involving their images; and factors to consider in determining whether, when, and how to inform victims of CP images created when they were very young.

Recommendations—Criminal Justice System

Although the criminal justice system is taking significant steps to address the problem of child pornography, criminal justice proceedings often have a negative impact on victims. More can be done to promote a victim-sensitive approach to these crimes, to ensure and protect victims' exercise of their rights, to improve the investigation and prosecution of these crimes through continued training of law enforcement professionals, and to expand knowledge on all these issues. We recommend the following:

- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should work with stakeholders to develop victim service standards for Internet Crimes Against Children (ICAC) task forces. Such standards should include the use of trained child forensic interviewers, linking victims and families to supportive services, and training requirements in victimology and victims' rights for ICAC members;
- Policymakers and criminal justice officials should improve CP victim notification by: developing a system to allow victims to request notice by state and local criminal justice agencies in cases of CP dissemination or possession involving their images, building on the currently existing system for federal notification; modifying the federal victim notification system to give victims a choice of receiving notice of ALL case events and proceedings, or only MAJOR events and proceedings; and notifying victims of their right, in federal cases, to be represented by an attorney and where to seek assistance;
- National prosecutor organizations, or nonprofits dedicated to victim-related training of prosecutors, should provide training and technical assistance to state and local prosecutors to promote the use of victim impact statements in cases involving dissemination or possession of the victims' images;
- Federal funders should support research regarding the current application of state laws that give victims—especially child victims—a right to a speedy disposition of proceedings, to guide future work to shorten the length of time children must endure the criminal justice process;
- Policy experts should assess the scope and implementation of state laws to protect child victims—including protecting the confidentiality of their personal information and CP images—to guide efforts to reduce the risk of trauma to child victims participating in the criminal justice process; and
- Federal and state law makers should pass legislation to provide a presumptive minimum amount of restitution to be ordered to every identified victim in a case involving their image.