
IMPROVING THE RESPONSE TO Victims of Child Pornography

Section 1: Introduction



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About the Project

Child pornography—the production, distribution, and possession of child sexual abuse images—has been a blight on the public landscape for many decades. Now, with the exponential growth of the internet and the ubiquitous availability of digital cameras, pocket video cameras, and cell phone cameras, we appear to be witnessing a dramatic increase in child pornography, with a disturbing trend toward more graphic and violent images of children being harmed by this insidious behavior.

The fields of victim services, law enforcement, and mental health have learned a great deal about meeting the needs of child sexual abuse victims. But what about victims whose abuse is photographed or videotaped, and those images may be circulated for many years over many jurisdictions? What are the additional mental health needs of those victims? How do we implement victims' rights in cases against the producer of the images, the distributor of images, and the possessors of images?

The Office for Victims of Crime funded this project as a first and significant step toward improving the responses and services to existing and future victims of child pornography. With their guidance, we looked for answers to these and other, related, questions.

The project involved a number of interconnected steps.

Assembling a national advisory committee of stakeholders. We reached out to researchers, advocates, clinicians, legal experts, adult survivors, and others with a range of experience and expertise to provide input as we developed our plan and various survey and interview instruments. Those experts also worked to raise awareness about the project and helped review our findings.

Analyzing the rights of child pornography victims. We looked at federal and state laws that provide rights to victims of child pornography, including special procedures and systems to implement those rights. These included rights to victim compensation, to be notified of case proceedings, to be heard at sentencing, to request restitution from convicted offenders, and to seek civil damages.

Analyzing the needs of victims and their families through surveys and interviews to discuss needs of victims, the response they receive, and suggestions for improvement. These included:

- an online survey of practitioners: law enforcement/prosecutors, clinicians/mental health professionals, social workers, victim service providers, 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; and
- an online survey of adult survivors of child pornography.

Identifying evidence-supported services and promising practices. This step involved a search for existing literature identifying the special needs and appropriate response to victims of child pornography, and interviews with expert clinicians.

Each of these steps then led us to the development of a series of recommendations to improve the response to victims of child pornography, including recommended policy changes, changes in practice, additional trainings, and research.

Project Partners

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, joined together to conduct an examination of the legal rights of child pornography victims, their service needs and barriers, evidence-supported interventions, and promising practices for responding to these victims. This partnership united the experience, expertise, and reputations of a national leader in crime victims’ issues, a national network of service providers working with victims of child abuse and exploitation, and leading researchers in crimes against children. The project also involved an advisory committee of experts to ensure widespread stakeholder input.

It is our hope that this report will promote an improved multidisciplinary response to victims of child pornography and a reduction in the ongoing trauma associated with this crime.

NOTE: The authors recognize that many professionals and researchers in the field prefer to use the term “child sexual abuse images” due to concerns that the term “child pornography” may imply victim compliance or mask or understate the harm to the victims. (ECPAT International 2008; Martin & Alaggia 2012). The authors of this report use the term “child pornography” both because that is the term used and defined in federal and state law and because it encompasses both images involving child sexual abuse and images that do not depict abuse but are child pornography under U.S. law, such as self-produced sexual images of minors.

What We Know about Child Pornography and Its Victims

What Is Child Pornography?

The federal statutes that criminalize child pornography define child pornography as the “visual depiction” of a minor who is “engaging in sexually explicit conduct” (18 U.S.C. § 2256). Sexually explicit conduct includes acts such as vaginal and anal intercourse, oral sex, bestiality, and masturbation, as well as the “lascivious exhibition of the genitals or pubic area.” The federal statute defines child to include youth ages 16 and 17. Because of this, teenagers who are old enough to consent to sexual intercourse in most states cannot consent to be depicted in sexually explicit images. Also, the courts have interpreted “lascivious exhibition of the genitals” broadly to include, in some cases, pictures that focus on the genitals of even clothed children. Because the statute classifies a wide range of content as illegal, images do not have to depict child sexual abuse to qualify as child pornography. The statute that defines production of child pornography is also broad. U.S. federal law states that “any person who employs, uses, persuades, induces, entices or coerces” a minor to engage in sexually explicit conduct for the purpose of producing an image of such conduct commits a felony (18 U.S.C. § 2251). Many states mirror federal law, although there is some variation in the definition of child and the content that is proscribed (Wolak, Finkelhor, Mitchell & Jones 2011).

What Do We Know about Child Pornography Production?

Empirical information about child pornography production is scarce. Some knowledge has been derived from the content of images collected in databases by law enforcement agencies or found in the possession of offenders arrested for child pornography possession. Based on these sources, it is clear that much of the child pornography found online graphically portrays children and adolescents being sexually abused. In 2012, 53 percent of online CP domains investigated by the European Internet Watch Foundation included images of children being sexually penetrated or subjected to sadism or bestiality (Internet Watch Foundation 2013). Most offenders arrested in the U.S. for possessing child pornography downloaded from the internet had images that showed penetrative child sexual abuse and more than 20 percent possessed images depicting violence, such as bondage, aggressive rape, or torture (Wolak, Finkelhor & Mitchell 2005a; Wolak, Finkelhor & Mitchell 2011). The few empirical reports about child pornography production indicate considerable diversity in ages of victims, circumstances of production

and motivations of offenders. Victims range from infants and toddlers to adolescents (Collins 2007; Wolak et al. 2011).¹²

Commercial production motivated by profit appears to account for a relatively small proportion of CP production in the U.S. (Collins 2007). When child pornography portrays the sexual abuse of pre-adolescent victims, it is generally produced by perpetrators who know and have intimate access to victims (e.g., family or household members; acquaintances such as neighbors, family friends, baby sitters) (Collins 2007; Mitchell, Wolak & Finkelhor 2005a; Wolak, Finkelhor & Mitchell 2012a). However, some child pornography is also created by offenders who target and solicit images from underage adolescent victims, by pimps trafficking in adolescents, and by strangers using covert methods such as cameras hidden in changing rooms (Wolak, Finkelhor & Mitchell 2005b). A common context for pornography with adolescent victims is statutory rape (Wolak, Finkelhor & Mitchell 2005b). Such violations of age of consent laws constitute a substantial proportion of sex crimes against adolescents in general (Troup-Leasure & Snyder 2005). Victims in these cases often have romantic attachments to offenders. Crimes involving online predators who use the internet to meet victims and solicit “youth-produced” images often follow a similar pattern. They generally involve adolescent victims with attachments to offenders and violations of age of consent laws (Wolak, Finkelhor & Mitchell 2009; Wolak et al. 2008).

How Prevalent Is Child Pornography Production?

There is fear that, with the exponential growth of the internet and the ubiquitous availability of digital cameras, pocket video cameras, and cell phone cameras, we may be witnessing a dramatic increase in child pornography production. Data from the National Juvenile Online Victimization (NJOV) Study, which comprises three systematic surveys of national samples of law enforcement agencies about arrests for technology-facilitated child pornography production, have shown large increases in estimated numbers of arrests (Wolak et al. 2012a). 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 (an estimated 402 arrests) and more than twice as many as in 2006 (an estimated 859 arrests). Much of the growth in arrests is attributable to a sharp increase in cases involving adolescent victims, from 47 percent of arrests in 2000 to 70 percent in 2009. Although the proportion of teenage victims increased more than other age groups, the absolute numbers of arrests grew in each age group. The estimated number of arrests involving victims ages five and younger increased from 39 arrests in 2000 to 123 in 2009; estimated arrests involving victims ages 6 to 12 increased from 173 in 2000 to 413 in 2009; arrests involving victims ages 13 to 17 increased from 190 in 2000 to 1,255 in 2009.

¹² Among the images attached to known victims in NCMEC’s Child Victim Identification Program (CVIP), approximately about half of the victims were boys (43 percent) and half were girls (57 percent). Seventy-six percent of these images depicted the abuse of prepubescent children, of which 10 percent were infants and toddlers; and 24 percent depicted pubescent children (children who show signs of sexual maturation). (Collins 2012).

There are several possible explanations for these increases. First, CP production may be growing as a standalone crime. Data showed a considerable growth in arrests for CP production that did not involve contact sexual abuse, including growth in cases of youth-produced images (i.e., sexual images created by minors that meet legal definitions of child pornography, sometimes also called “sexting”) (Wolak, Finkelhor & Mitchell 2012b). Most arrests for youth-produced images involve adult sex offenders soliciting images from minors, or juveniles committing serious offenses such as using images for purposes of blackmail. However, some law enforcement agencies have arrested youth for creating and exchanging explicit images of themselves during romantic relationships or other non-criminal contexts. Second, the proportion of contact child sexual abuse cases that include child pornography production may be increasing. If this were true, however, one would also expect to see evidence of rising rates of child sexual abuse or sexual assaults against adolescents. In fact, evidence from a range of sources, including data from child protective service agency statistics, criminal justice sources, and victim self-report surveys has found that rates of sexual abuse have declined substantially since the mid-1990s (Jones & Finkelhor 2012; Finkelhor et al. 2010). Third, the probability of detecting child sexual abuse that includes child pornography may be higher in comparison to the probability of detecting other sex crimes against children because these cases often come to light when images are found. In both 2006 and 2009, about 40 percent of arrests for child pornography production were triggered by the discovery of pictures that child pornography producers had taken of victims (Wolak et al. 2012a). Finally, much of the growth in arrests could be explained by increasing law enforcement activity to identify and arrest child pornography producers. In particular, cases that involved pre-adolescent victims and family member perpetrators were more likely to be detected via law enforcement activity, for example in the course of an investigation of child pornography possession (Wolak et al. 2012a). Due to federal training initiatives, law enforcement may also be more sensitive to and able to recognize the potential for child pornography production when it investigates other online child sexual exploitation crimes.

How Often Do Child Pornography Producers Distribute Images Online?

Data from the NJOV Study about arrest cases has consistently shown that about one-quarter of child pornography producers distributed images they created (Wolak et al. 2012a). Almost all distribution was online. Similar rates of distribution were found in 2000, 2006 and 2009. However, in each year of the NJOV Study considerable minorities of investigators answered “don’t know” when asked if child pornography producers had distributed images.

Certainly arrests provide a very incomplete count of child pornography production. We do not know the total number of child pornography producers in the U.S. or the total number of victims. The most visible results of child pornography production are the images circulated online by child pornography traffickers from across the globe. These images multiply and accumulate as they are traded on the internet. Currently there is no way to determine how many individual victims are depicted in online child pornography and how many children and adolescents enter the online stream of victims each year.

Nonetheless, it is somewhat reassuring that data from arrest cases suggest many child pornography producers did not distribute images online.

In fact, child pornography production is unique in that offenders actually record, preserve and sometimes distribute to others the evidence of their criminal acts. While this may exacerbate harm to victims who know or fear that their images will be seen by others, child pornography producers may also be making themselves more visible to law enforcement and easier to prosecute than other child sexual abusers. Research shows that child pornography produced by arrested offenders is a source of detection when pictures depicting sexual abuse are found by third parties. Thus, the images created by producers can result in the identification and rescue of children whose victimizations might not otherwise become known. However, the full consequences of the technological changes that have made child pornography easy to create are still hard to assess fully.

What Do We Know about the Effects of Child Sexual Abuse and Child Pornography?

An enormous number of studies have examined the effects of child sexual abuse, with research suggesting that many sexually abused children display moderate to serious psychological symptoms at some point. Psychiatric effects associated with child sexual abuse may include major depression, borderline personality disorder, somatization disorder, substance abuse disorders, posttraumatic stress disorder, dissociative identity disorder, and bulimia nervosa. Child sexual abuse has also been linked to problematic behaviors—including overt sexualized behaviors, increased arrest rate for sex crimes and prostitution, and teen pregnancy—and neurobiological alterations, such as negative effects on the hypothalamic-pituitary-adrenal axis (HPA) and the sympathetic nervous system (Putnam 2003) (Finkelhor 1990). Child sexual victimization—especially victimization in adolescence—also appears to significantly raise the risk of sexual revictimization (Lalor and McElvaney 2010). While boys and girls both suffer from child sexual abuse, research suggests that boys have worse outcomes for depression, anxiety, and other disorders. (Putnam 2003; Australian Inst. for Family Studies 2013). Importantly, a substantial number of victims appear to have no ongoing trauma symptoms (Finkelhor 1990). The extent to which child sexual abuse victims experience ongoing trauma are complex and dependent on a number of factors, including how supportive their primary caregiver is, the victim's relationship to the perpetrator, their gender, their age, whether they received counseling, and whether they have strong informal support systems.

In the late 1980s, Mimi Silbert reported on her clinical experiences with a hundred people used to make pornography as juveniles, many of whom were paid to participate. She noted varying impacts between those involved in production for a short time versus a longer period, with those involved over a longer period describing intense isolation, growing anxiety, and fear (Silbert 1987). She also noted debilitating long term impacts of participating in the production of child pornography (Silbert 1987).

Silbert also noted the feelings of powerlessness among the victims she treated. “They felt there was absolutely nothing they could do about the victimization.” She suggested that the excessive victimization, coupled with a lack of understanding of the causes of the abuse, and the sense that they were powerless to change the situation, resulted in a sense of psychological paralysis. “They maintain a belief that bad consequences would occur to them no matter what new steps they would take. They have lost any sense of control over their lives, and have accepted feeling trapped and victimized.” (Silbert 1987). Victim feelings of powerlessness and helplessness may also result from or be affected by an inability to gain control over child pornography images that have been distributed. (von Weiler et al. 2010).

Others have observed the sense of shame exhibited by victims in child pornography cases. In a 1990 study of 10 young child victims of sex rings that involved pornography, researchers noted that being photographed while being sexually abused exacerbated the victims’ experience of shame and humiliation (Hunt & Baird 1990). In a review of interviews of victims identified in several child pornography cases in Sweden, all of the children described how a sense of shame and guilt predominated their feelings at the time of disclosure of the abuse (Svedin & Back 2003).

While feelings of shame and powerlessness may also be experienced by victims of child sexual abuse in cases that do not involve images, the capturing and circulation of child pornography may cause a unique harm in some cases. Some victims may feel they are subjected to a permanent and ongoing victimization.

In two case studies of victims depicted in child pornography that was distributed online (one involving images that showed sexual conduct and the other involving images of the victim in a state of undress), both victims were continually traumatized when they thought of how many people were looking at their images on the internet at any minute of the day. They were consumed by the realization that they did not know anything about the identity of those viewing the images, and had a general feeling of being unsafe, sexualized, and victimized. To those victims, everyone was a potential perpetrator. They were both withdrawn, unable to socialize, and were reluctant to venture outside (Leonard 2010).

Similarly, counselors who worked with child pornography production victims have reported that for some victims, once they grasped the permanence of the images – usually after the age of 13 or as adults – they felt a loss of control, powerlessness, helplessness, shame, and fear. The counselors believe this fact of permanence was a heavy extra burden in trying to cope with and find closure (von Weiler et al. 2010). Another author has noted that unlike other victims of sexual abuse, for whom the abuse is usually completely in the past, victims depicted in child pornography can suffer ongoing, daily experiences of victimization for which they have to develop coping strategies (Leonard 2010).

What Do We Know about Victim Disclosure of Child Pornography Production?

Many victims of child pornography production never disclose their abuse or the fact of the images, just as many victims of child sexual abuse do not disclose their abuse. In fact, the discovery of child pornography created or solicited by a sex offenders is often a key factor in uncovering the sexual abuse in cases where such images have been produced. For example, of arrests for child pornography production in 2006 and 2009, approximately 40 percent of the cases began when someone discovered the images (Wolak, Finkelhor & Mitchell 2012b).

Some of the existing literature suggests that victims of CP production may be particularly reluctant to disclose that they were photographed. One study examined the experiences of 23 child victims of child pornography in Sweden who were deemed capable of disclosing their sexual abuse (based on their maturity, age, and seriousness of the abuse) but who did not tell anyone prior to the discovery of the images. The average length of time between the creation of the image and its discovery, during which the child had stayed silent, was 41 months. None of those children spontaneously disclosed the abuse prior to its discovery. Even after discovery of the images, some children remained reluctant to disclose the abuse. Of those interviewed, only two began to talk spontaneously about the abuse during the interview, and five others eventually gave a full account without either being shown the images or the investigator saying that he/she know what had happened from seeing the images. Five of the children denied that anything had happened (Svedin & Back 2003).

Similarly, in the case of a UK investigation of child pornography distribution cases named Operation Ore, 102 children were identified that required protection. Some of those children interviewed in Operation Ore categorically denied they had been abused, even when investigators explained that they knew about the abuse because they had seen the photographs or videos of the abuse. For some victims, “There seems to be an element of silencing which is over and above that of the perpetrator/victim dynamic when photography is not involved – another dimension is introduced to the sexually abusive situation.” (Palmer 2005).

Aside from these examples, information regarding the rates of disclosure in cases involving the creation of child pornography is largely lacking. Information is also lacking regarding whether the rates of disclosure of child pornography production cases differ from disclosure rates of other child sexual abuse. In cases of child sexual abuse that do not involve images, surveys of adult survivors indicate that the majority of victims do not disclose to anyone during their childhood, and that only about 10 percent of abuse is reported to authorities. (Lyon & Ahern 2010; see also London et al. 2005). Factors that appear to influence disclosure of sexual abuse in general include the relationship of the victim to the perpetrator (with closer relationships leading to lower rates of disclosure), embarrassment and shame, expectation that the person receiving the disclosure would blame the victim or not believe the victim or not be helpful, not wanting to upset anyone, protecting the abuser, and fear of the abuser (Lyon & Ahern 2010).

At least one expert has suggested that, in cases involving child pornography, additional factors might limit disclosure, including (Palmer 2005):

- The children feel they are being seen to let the abuse happen.
- They might be smiling and therefore appear to be “enjoying” the activity, when in fact they may have been required to smile. (Leonard 2010).
- They may have been encouraged to introduce other children to the perpetrator and thus feel responsible for letting it happen to others.
- They may have been encouraged to be pro-active in their own abuse or that of other children.
- They may have been shown images of their abuse by the perpetrator with threats to reveal the images to parents or others if they do not cooperate.

Both the Swedish study and Operation Ore cases involved non-disclosing children being confronted with images that showed they were victims of sexual assault or abuse. This is a unique aspect of child pornography production cases that become known when images are found. Non-disclosing victims find themselves being questioned about crimes they have previously been unwilling to divulge by law enforcement or other interviewers who have undisputable photographic evidence about at least some of what occurred. The practitioners involved in these cases may find victims’ unwillingness to disclose perplexing, but it is not clear that such unwillingness is attributable to the existence of images rather than to other factors that keep victims silent in child sexual assault and abuse cases.

What Do We Know about Treatment of Child Pornography Victims?

Few treatment strategies specific to victims in child pornography cases have been identified. One form of treatment already used to treat traumatized children – the use of drawing and art therapy—has been suggested for victims depicted in child pornography. Artistic forms of expression could work to help the child regain a sense of bodily integrity lost when exploited by others, or reestablish the victim’s sense of self-worth (Hartman, Burgess & Powers 1984).

In cases where victims feel shame, there is a specific need to address such feelings. Not only has shame been linked to long-term psychological issues, but children who exhibit high levels of avoidance and shame sometimes deny or minimize PTSD symptoms, which reduces the likelihood of adequate treatment (Deblinger & Runyon 2005). While there does not appear to be any research on the treatment response to alleviate shame in cases of child pornography, studies have pointed to focuses of treatment for shame related to child sexual abuse. Because the victim’s coping style, and the support of the victim’s family, are among the factors influencing the risk of shame that are the most amenable to change, they have been identified as appropriate targets for treatment (Deblinger & Runyon 2005). Cognitive restructuring can shape the victim’s coping style. It is important in helping the victim

overcome shame and challenge dysfunctional beliefs supporting the shame (Feiring & Taksa 2005). Trauma-focused cognitive behavioral therapy (TF-CBT) to reduce self-blame and shame may also prevent subsequent sexual problems (Feiring, Simon & Cleland 2009). Family support can be strengthened when therapists help parents work through their own distress and shame in individual sessions so that they don't convey a sense of shame to the child. With therapeutic guidance, parents can help alleviate the child's self-condemnation and reduce their shame (Deblinger & Runyon).

No treatments have been identified in the literature to help victims whose images have been distributed—or who fear the images have been distributed—deal with the potential permanence of those images in circulation. More than half the clinicians in the von Weiler study did not prioritize dealing with images during counseling, reasoning that the children weren't yet fully conscious of those aspects of the abuse and other matters relating to the sexual abuse had to be dealt with first. The few counselors who could identify such strategies for addressing image distribution mentioned “fighting to get the images back” and “accepting losing control over the images forever.” Some thought that trauma therapeutic techniques might be useful for victims as they deal with overwhelming emotions (von Weiler et al 2010).