

Chapter 4

Digital Child Pornography and the Abuse of Children in Cyberspace

Chapter Outline

I. Introduction

A. In the 1800s, children possessed fewer legal rights than children possess in today's society.

B. Minors were considered the property of their parents and were largely excluded from the safeguards of American Constitutional law.

C. Children could be utilized as workers by their parents, or the child could be subjected to a life of prostitution (especially younger girls).

1. Younger girls were popular because of the long-standing desire of men to have sexual relationships with virginal girls.

D. This perceived desire to develop a relationship with a child has come to be known as pedophilia, defined as the attraction of an adult toward the affections of a child.

E. Normally, the attraction of a pedophile consists of nonviolent sexual contact with a child.

1. Such contact would include genital viewing or fondling, oral-genital contact, penetration, and other forms of sexual contact.

F. Media coverage of criminal activities involving pedophiles and their child victims has even led some to consider this problem to be the most common victimization of children around the world.

G. The increasing desire to view and engage children in sexual relationships has led some individuals to begin manufacturing and distributing child pornography.

1. Child pornography—images depicting children engaged in various sexual provocative poses or activities.

2. The first recorded instance of child pornography is believed to have come from China in the late 1400s when a sex manual entitled *The Admirable Discourses of the Plain Girl* was released.

3. The production and manufacture of child pornography has steadily increased.

4. In the 1960s and 1970s European countries became mass producers of child pornography images.

5. Today individuals in countries such as Denmark and Holland have reduced their production while other countries such as Japan have emerged as leaders in the production and dissemination of child pornography.

H. Advances in technology have resulted in rapid increases in the manufacture and distribution of child pornography worldwide.

I. Individuals may perceive the chances of getting caught as being less today because of the widespread availability of the technology used in the production of such materials.

J. Traditional movies and still pictures have been commonly replaced with the use of .mpeg (motion picture expert group), .avi (audio-video), and .jpeg (joint picture expert group) to depict children engaged in provocative or sexual activities.

1. These videos can be downloaded from websites, traded via peer-to-peer (P2P) networks, or transferred to CD-ROMs or DVD-ROMs.

2. These electronic formats are considered to be superior to their physical counterparts in that copies can be mass produced at a speed and cost much better than traditional copies.

K. There is currently some ongoing debate about whether the possession of child pornography should be criminalized.

1. This question is raised as part of a broader discussion concerning whether the possession of child pornography allows pedophiles an outlet to fantasize about relationships with children without actually acting out on these fantasies.
2. It is commonly believed that the child pornography manufactured and disseminated is used to prepare other children to become involved in a sexual relationship.
3. This process of preparation is referred to as grooming.

II. The Grooming Process

- A. Pedophiles will often share and swap their collections of child pornography with others who share their desires.
- B. These images and videos are shared among collectors by means of message boards, chat programs, web pages, and P2P networks.
- C. Grooming refers to a process whereby a pedophile will attempt to prepare a child for a future physical relationship by breaking down any barriers they may have to such a relationship.
- D. Once a victim is picked, the pedophile begins a process designed to gain that child's trust.
- E. During the course of this process these individuals are in essence breaking down the child's defenses and then manipulating the child in such a manner that the child may feel that a physical relationship with an adult is an acceptable form of relationship.
- F. Various phases in the grooming process:

1. Friendship Phase

- a. An attempt by the pedophile to foster a form of pseudo-friendship with a potential child victim.
- b. Child victims may be selected from a variety of areas, but schools, shopping malls, and playgrounds have been historically popular places of recruitment.
 - i. The advent of content-based Internet chat rooms and online social networking sites have created additional areas that pedophiles may utilize to locate potential child victims.
- c. Child victims will often come from homes in which the child believes that he or she is either not loved or not given adequate attention.
- d. Pedophiles will often attempt to convince the child that he or she is respected by the pedophile, thereby convincing the child victim that he or she is loved and understood.

2. The Secrecy Phase

- a. With a growing sense of trust developing between the child and the pedophile, the child may then be convinced by the pedophile that the relationship must be kept secret.
- b. Approaches utilized:

- i. Convincing the child that his or her parents would be upset if they knew the child was having so much fun with a nonparent.
- ii. Convince the child that his or her parents would not approve and would end their friendship.
- iii. Providing the child with gifts, then attempting to convince the child that the parent would be upset or jealous that the child was receiving gifts.
- iv. Convince the child that the relationship must remain secret because if anyone found out people could get hurt—possibly the child or the child's parents.

3. Physical Contract Phase

- a. After the pedophile is secure in their belief that the relationship will be kept secret, then the pedophile may attempt to determine the level of emotional bond developed between the two.
- b. Physical contact may begin if the pedophile determines that the bond is significant.
- c. The first of these contacts will be minor, often involving light touching or rubbing.
 - i. Child might not think this contact is negative or inappropriate.
 - ii. Many pedophiles may attempt to represent these first touches as accidental.
- d. Once the physical contact begins, then it is only a matter of time until the child becomes susceptible to a more advanced and physical contact such as sexual activity.
- e. This stage is often circumvented when dealing with grooming that takes place via electronic communications such as social networking sites or instant messaging programs.

1. The Pornography Phase

- a. Around the same time that the child and the pedophile begin engaging in physical interaction, the pedophile may begin introducing pornography into the grooming process.
- b. Pornography may often be used as a means of convincing the child that sexual behavior is an acceptable manner of expressing feelings.
- c. A pattern of grooming a child through the use of pornography could appear as follows:
 - i. First, images showing children merely standing around in various stages of undress
 - ii. Next, images of nude children touching each other
 - iii. Final, images of children having sexual intercourse with an adult

G. Traditionally, the grooming process was used in the sexual seduction of children.

- 1. There have been some reports of pedophiles modifying their approach and grooming parents before grooming the child.
 - a. The gaining of the child's trust may be expedited if the parents believe that the pedophile has a genuine interest in the well-being of the child.

- b. The pedophile will attempt to begin grooming the child without worry about the need for secrecy until such time as the physical and sexual interactions begin.
 - c. The pedophile may go so far as to convince the child that his or her parents are aware of their physical contact and are accepting of such behavior or that their parents would never believe them if they were informed.
- H. Today, there is a greater awareness of the grooming process, thanks in part to efforts to increase awareness and thanks in part to media coverage.
 - 1. There is still a need for parents of children to understand the grooming process and how to prepare their child for any potential child predators.
 - a. Through joint efforts by parents and law enforcement, children may become better acquainted with the warning signs of inappropriate behavior (both in person and online).
 - b. Parents must also know the warning signs and necessary responses should their child become a victim.

III. Child Pornography and the Internet

- A. During the 1980s, there was a crackdown on child pornography conducted by federal law enforcement officers.
 - a. As a result, the manufacture and distribution of child pornography was reduced to a level whereby many people believed that child pornography could be controlled and regulated.
 - b. Almost all of these efforts were undone within a couple of years of the Internet's public release.
- B. Part of the problem with controlling child pornography may lie in the fact that the pornography industry has been well established for centuries, with many believing the Internet to be merely another method of obtaining the materials.
- C. Another problem created by the Internet is that individuals who historically may not have had access to child pornography may now gain access to the materials through a digital medium.
- D. Early Methods of Child Pornography Distribution
 - 1. In the 1980s, traders of child pornography began using bulletin board services (BBS), which are today more akin to web forums.
 - a. Allowed users to log in and post messages for other members to read
 - b. Allowed users to see digital images of child pornography
 - c. One of the earliest series of child pornography to become popular on these message boards was the story of Helena.
 - i. Little girl who appeared to be 8 to 10.
 - ii. Series of photographs depicting Helena having sex with a boy her age and an older man who was assumed to be her father.
 - iv. Became known as "Hel-Lo," which stood for Helena- Lolita.
 - v. As of the last decade, still one of, if not the most, popular child pornography series available.
- A. Common methods used to transmit information of the Internet:
 - 1. Websites devoted to dissemination of child pornography.

2. The use of electronic mail (e-mail) traded between users and collectors of child pornography.
 - B. Pedophiles and child pornographers are aware of the popularity of these electronic forms of communications and still can utilize the grooming process, replacing physical communications with e-mails and chat sessions on these social networking sites.
- IV. The Criminal Justice System's Response to Digital Child Pornography
- A. There have been significant strides taken to control the manufacturing and distribution of child pornography.
 - B. Today there are a number of software companies to develop software related to investigation and prosecuting computer related crimes.
 1. Range from software to assist officers in tracing online offenders to software to assist officers in retrieving evidence from computers.
 - C. The Evolution of Anti-Child Pornography Legislation
 1. 18 U.S.C. 2252A—regulates the possession, manufacture, and distribution of child pornography.
 - a. covers the manufacture of videos, images, and documents containing children engaged in sexually explicit activity.
 2. Protection of Children Against Sexual Exploitation Act of 1977—allowed for the prosecution of individuals found to manufacture or deliver child pornography.
 3. Child Abuse and Pornography Act of 1986—made it illegal to advertise for child pornography and provided civil penalties for victims.
 4. Child Protection Restoration and Penalties Enhancement Act of 1990—require the “knowing” possession of three or more images of child pornography.
 5. Adam Walsh Act of 2006—enhanced criminal penalties in cases in which the defendant can be shown to have provided child pornography to a child with the intent of encouraging the child to engage in sexual behavior.
 - D. The Supreme Court and Child Pornography Investigations
 1. It was only during the early 1980s that the courts upheld statutes banning the manufacture and distribution of such materials.
 2. *New York v. Ferber* (1982)—The Supreme Court ruled that the regulation of child pornography did not violate the First Amendment because there is such a great need to protect the emotional and physical well-being of children who are depicted in child pornography.
 - a. extended to include not just displays of nudity of children but also images that display the genital areas of children in sexually suggestive poses.
 3. *Ashcroft v. Free Speech Coalition* (2002)—Supreme Court ruled that law enforcement officers who investigate the crime of child pornography are responsible for providing proof that the images seized are those of an actual child.
 - a. when dealing with pictures involving child pornography, investigators are required to prove that the child in the picture is actually a child and not a morphed computer image of an adult actor.

- b. Two methods used by law enforcement to verify the authenticity and accuracy of photographs and videos:
 - i. Pixel examination—using digital equipment to ensure that the image originally included in the picture has not been modified nor had additional images added.
 - ii. Comparing the image to a database of images collected by the United States Customs Service.
- c. One technological advancement that is helping with this endeavor is the development of computer forensics software that allows users to compare images they obtain from a digital storage medium with images from a known child pornography database.
 - i. Few are using these techniques, however, because many agencies report that the same images continue to turn up on the suspect's computer, so once an image has been deemed child pornography, it does not have to be verified again.

V. Combating Child Pornography

A. How do we handle child pornography?

- 1. Law enforcement cannot deal with the problem alone due to budget cuts and increased operational duties.
- 2. According to some, the answer to controlling child pornography lies in educating users of the Internet and potential victims—a process referred to as target-hardening.
 - a. Training seminars and publications for parents and potential victims are considered the best method of education.
 - b. Numerous anti-child pornography agencies provide publications and seminars addressing the dangers of child pornography and unsolicited contact online.
 - c. Law enforcement may work with these agencies to inform potential victims.
- 3. Another recommendation has involved the use of Internet monitoring programs to protect children from predators who seek out online targets.
 - a. Programs work by denying children access to certain websites and preventing them from accessing certain software on a computer.

VI. Current Issues in Child Pornography—The Sexting Phenomenon

- A. Sexting involves sending provocative and sexually suggestive images, videos, and text via cellular phone texting programs.
- B. Currently, there are a number of states that are trying to determine whether the time has come to modify child pornography legislation to take into account these activities.
- C. The problems with texting have focused around the issue of whether behavior committed by a teenager should be criminalized merely because adults may gain access to the materials.
 - 1. Beyond merely criminalizing behavior that is legal among teenagers, the use of child pornography statutes to regulate sexting could lead to consenting teenagers being labeled as a sex offender.
- D. It is important for individuals who engage in sexting to understand that while the

images they are sending out may be intended for one person, there is a great likelihood that the images will be viewed by others.

- E. While there needs to be something done to educate potential sexters, the use of child pornography legislation seems to be counterproductive, as such actions do not protect children, which is the intent of the majority of anti-child pornography legislation.

VII. Conclusion

Key Terms

Child Pornography: images depicting children engaged in various sexually provocative poses or activities.

E-mail: electronic mail.

Grooming: A process whereby a pedophile will attempt to prepare a child for a future physical relationship by breaking down any barriers they may have to such a relationship.

Internet monitoring programs: Programs that deny children access to certain websites or prevent children from accessing certain software on a computer.

Morphed child pornography image: A picture that appears to be a child engaged in some form of sexual activity but upon closer inspection the image is found to be a false image that involved no child in the production of the image.

Pedophilia: The attraction of an adult toward the affections of a child.

Peer-to-peer (P2P) networking: The linking of two or more computers in order to share digital files.

Pixel examination: The process of examining enlarged images and comparing the pixel to ensure that there is no blurring or smudging that would indicate doctoring.

Sexting: Sending provocative and sexually suggestive images, videos, and text via cellular phone texting programs.