

Child Pornography Users & Child Contact Offenders: Applications for Law Enforcement, Prosecution and Forensic Mental Health

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ABSTRACT: *Child pornography offenders are a new breed of sexual offender. Although they may present with similar characteristics and problems/issues of contact sex offenders, their ability to access child and deviant pornography is relatively easy. The research literature has begun to address the child pornography offender (CPO) and found many factors related to crossover from online to actual contact sexual offenses with children. Some offenders appear to limit their sexually offending behaviour to online only whereas others progress to contact sexual offenses- either way children are being victimized. My concerns are that law enforcement, prosecution and forensic mental health professionals need to take this data concerning the child pornography offender and use it to guide their interviews, interrogation and assessments. In addition, it is difficult and impossible to accurately identify which of the child pornography offenders will become contact offenders and which will limit their sexual offense behaviour to online only.*

Keywords: *Child pornography, Child pornography offender, Sexual offender, Child pornographer, Child sexual abusers, Child molesters*

The literature has become richer regarding different types of child sexual abusers. In addition to contact offenders, use of child pornography has introduced a whole new breed of child sexual abusers. Some users of child pornography appear to be content with viewing pictures or videos of child in sexually suggestive situations or children being directly sexually abused without crossing over to actually engaging in sexual contact with children (e.g., Quayle & Taylor, 2002). For others the use of any pornographic material, including child pornography, leads to the decision to actually sexually abuse children. Some may view sexual offenders who view child pornography as somehow being less dangerous or less harmful to children than contact child sexual offenders. However, this is clearly not the case.

Remember that the children depicted in pornography are victims. Regardless of whether they are being photographed clothed, partially nude, engaged in normal activities, or at the extreme- posing sexually or being directly and actively sexually abused, the children are being victimized. Viewing child pornography places a demand on the pornographers to produce ever increasing amounts of pornography thereby requiring unknown numbers of victims. To believe for a moment that using child pornography is not causing harm to children is simply not the case.

I will address two issues:

1. How to predict which offenders will progress from only viewing child pornography to contact offenders; and
2. Appreciating the impact of child pornography.

Definitions

I will use the term child pornography to refer to any sexually explicit material depicting or involving minors. Deviant pornography will be defined as any type of material that depicts or involves illegal or violent themes or acts, including but not limited to any nonconsensual act and/or any act involving a minor. Child pornography offenders

include those who view or collect any material related to or used for sexual activity involving children or teenagers.

This paper will not address the legal issues and policies related to child pornography as that is another topic in and of itself. The consensus in the sex offender research is that child who are portrayed in child pornography and in sexually explicit material are in fact being sexually abused. One concern not addressed here is that the children and teenagers in the pornography are at significant risk for being directly sexually abused. In addition, the consumption of child pornography has increased the need for more and more material, resulting in an ever increasing number of victims. This assumption will not be further addressed in this paper.

First, we cannot predict which offenders will move from online only to contact offenders. We can identify factors related to crossover, but cannot with any degree of accuracy predict which offenders will cross into contact sexual offenses.

Several researchers have identified factors related to child pornography offenders (CPO) who crossover into actual contact with children (be it online as soliciting or actual physical sexual contact). These factors include:

- Time spent online and number of child porn images collected- more time online generally lead to more deviant and severe child porn- correlated with contact offenses; imagery was not enough after some time. Prolonged time online lead more to habituation and increases need for more severe porn
- Larger collections sometimes found with contact offenders (themes)
- Not the number per se of images, but the type and severity of the material- images of explicit sexual contact more indicative for contact offenses
- Interacting with other pornographers increased likelihood of contact offense
- May lead to cybersex with children online

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- Access to children
- Having minimal to no offline contact with others who do not share pedophilic interests
- Low self-esteem.

(Houtepen, Sijtsema, & Bogaerts, 2014; Quayle & Taylor, 2002; 2003; Long, Alison, & McManus, 2013; Sheehan & Sullivan, 2010).

More specific behaviours for Crossover can include the following:

- Antisocial behaviour
- Lack of victim empathy
- Cognitive distortions
- Fantasy-only group- if connecting with like-minded offenders
- Most important- a willingness to have sexual contact with children
- Access to children offline- often choose victims that are easy to access
- Having minimal or no offline nonabuse support people
- Willingness to engage in behaviours that will harm a child
- Sexual preference for children
- Poor problem solving problems (especially externalization) and problems with self-regulation
- Sexual preoccupation
- Offense supportive cognitions
- Socio-affective deficits (e.g., negative emotions, social inadequacy, grievance thinking/hostility towards women, lack of emotional intimacy, intimacy deficits, loneliness)
- Problematic or absence of an intimate relationship

(Houtepen, Sijtsema, & Bogaerts, 2014; Babchishin, Hanson, & Hermann, 2011; Neutze, Grundmann, Scherner, & Beier, 2012; Quayle & Taylor, 2002)

All of the above factors appear to lessen inhibitions and lead to a choice to engage in contact sexual offense behaviour. None of the above factors are new in and of themselves, they are also related to why sexual offenders and violent offenders choose to engage in offense behaviour. How each offender experiences the above factors may be unique and therefore place a heavier burden on law enforcement, prosecutors and mental health professionals to ask the right questions, administer the appropriate tests and tools, and question people close to the offender to obtain the most clear and accurate picture of the factors a specific offender presents with. Being aware of course that the offender is likely to portray a distorted picture to present themselves in the best possible way they can. Also, many people surrounding the offender may not have seen first-hand some of the above factors or symptoms, remembering that offenders are good at image control and at hiding their deviant interests and behaviours.

When an offender appears to present with any of the above factors (usually several though no specific number) they would be considered high risk for crossover- that is, for engaging in contact sex offenses. Regardless of the above factors, the offender must still make the decision to engage in contact sex offense behaviour- a conscious, weighing the risks decision. Offenders may state that they feel that they are driven to act-out sexually by the pornography they view or that they unable to control their sexual urges or fantasies. However, it is very difficult to prove that someone is unable to control their sexual and other violent behaviour or that they are unwilling to do so. In my opinion, nothing makes these men act out

sexually but they themselves. Many offenders delay gratification by postponing an offense, or by carefully planning the offense for days or months before acting it out. Even Jeffery Dahmer (who was clearly mentally distressed and deviant) only offended on a Friday, if the perfect situation and victim presented itself. Sexual offenders, like physical abusers, typically do not commit crimes daily, but rather when specific situations are in place or when stressed enough to do so. The bottom line is that they make a calculated decision to commit their offense, nothing makes them do it but their own self!

All of the above identified factors have been demonstrated to increase the risk for the CPO to cross-over into contact behaviour. It is also important to consider cognitive-behavioural and social learning theories to help understand how the CPO or any other offender may move to contact offenses. In summary, behaviour that is reinforced is more likely to be repeated than behaviour that is punished. Unfortunately many offenders are rewarded most of the time for their use of child and deviant pornography use. They are able to view the material when they want in secrecy and may be further rewarded by sexual arousal and orgasm. Contact offenders are also rewarded every time they commit a violent and/or sexual offense without being detected. In addition, habituation occurs with repeated exposure to deviant and child pornography which may lead to an acceptance not only of the material, but acceptance of the theme and behaviour depicted. This may result in the offender normalizing the behaviour demonstrated or depicted in the pornography which may fuel the offender's belief that the behaviour is acceptable and possibly interesting enough to want to try- the offender may then feel more comfortable in their decision to engage in the deviant sexual contact.

However, viewing child pornography and/or deviant pornography does not cause anyone to engage in sexual offense behaviour. How each person is impacted by the material is unique to that person. More importantly, the person has to make a conscious decision to engage in the criminal sexual behaviour, it is a choice, not something that the offender was "out-of-control- to decide. Of importance here is self-regulation. The offender decides how to react to the pornographic material (e.g., ignore it, view it, masturbate to it, act out what is being depicted, or act-out in some other way). Only the offender can make the decision to commit a sex crime. How the offender justifies their deviant and violent sexual behaviour has much to do with the offender's coping skills and how they engage in self-regulation. I have heard from many sex offenders how they believed and felt that they were tempted and even encouraged to engage in their sex crime behaviour after viewing deviant or child pornography. The offender may justify their criminal behaviour and may blame outside factors, but only they themselves made the decision to engage in the deviant sexual behaviour (see Johnson, in press).

Second, it is important not to minimize the criminal sexual behaviour of the child pornography user (CPO) nor the consequences on the children depicted in child pornography.

It is of concern that CPO offenders may appear to be less violent and therefore less damaging to the children depicted in the pornography. However, the children depicted are obviously victims of sexual abuse and many are likely being directly sexual abused as well. The consumption or use of child pornography creates a stronger market and need for more and more child pornography, thus requiring more and more children and teenagers to be sexually abused. In addition, approximately half of the CPOs reported having at least one contact sex offense (Seto, Hanson, & Babchishin, 2011).

Many CPOs attempt to distance themselves from their crime by denying that they were attracted to, interested in, or deliberately accessing child pornography or other deviant material. They pled their case to the police, prosecutors, mental health professionals, and to jurors in hopes of being found less culpable for their actions. Many basically minimize their own culpability and blame circumstance

and unwanted material being sent to them or having been spammed with unwanted material that they began to look at and collect. Many even claim to have got “caught-up” in the pornographic material by accident and that they subsequently became addicted to it, again by no choice of their own. Some even blame mental health conditions and addictions thereby claiming a sense of being “out-of-control”. For some they portray their own childhood victimization as reasoning for their own involvement with child pornography. Some even claimed that by viewing child pornography they were less likely to engage in sexual contact with a child, therefore substituting child pornography for actually molesting a child. However, research has been clear that the above excuses are not valid. In fact, cognitive distortions and fantasy play a significant role in the use of child pornography and contact sex offenses behaviour (e.g., Bourke & Hernandez, 2009; Carich & Calder, 2003; Neutze, Grundmann, Scherner, & Beier, 2012; Quayle & Taylor, 2002; Taylor & Quayle, 2003). The vast majority of CPO’s have preexisting and long standing sexual interests in children that predated their use of child pornography (e.g., Abel & Harlow, 2001; Bourke & Hernandez, 2009; Quayle & Taylor, 2002; Wolak, Finkelhor, & Mitchell, 2005).

The Butner Study (Bourke & Hernandez, 2009) was an important study that found that 74% of incarcerated sex offenders (CPO) had no known prior contact sex related offenses yet by the end of treatment it was found that nearly 85% subsequently admitted having at least one contact sex offense. The average number of victims per offender was approximately 13 to 14 undetected victims. The authors went on to state that subjects with known prior sex offense histories disclosed having twice as many victims as those whose prior contact sex offenses were not known. In addition, they discovered that nearly 2/3 of their sample admitted having abused both pre-pubescent and post-pubescent victims and at least 25% abused both males and females. Lastly, the authors found that the majority of their sample reported having engaged in child molestation prior to their use of child pornography. These study results have been supported by other researchers as well especially in that the CPO tend to report far more contact offenses than what was previously known (e.g., Ahlmeyer, Heil, McKee, & English, 2000; English et al., 2000; Seto, Hanson, & Babchishin, 2011).

What is important here is to understand that though some research suggests that some CPOs do not crossover into committing contact sex offenses, it is likely that many do and are simply undetected. It would be naïve to believe that most CPOs are harmless or that they have not or will not engage in contact sex offenses with children or adolescents. On risk assessment tools, the CPO may score lower than their true risk deserves as a result of having few if any previous sex offenses or other offense convictions.

Although the CPO without known histories of contact sex offenses appear to reoffend once caught and in treatment at a significantly low rate (e.g., Seto, Hanson, & Babchishin, 2011; Webb, Craisatti, & Keen, 2007) the limitation of the research is a short follow-up time span (up to six years). Unless significantly longer follow-up periods occur in conjunction with polygraph was used, serious caution should be made about CPOs having a low recidivism rate. CPO offenders tended to admit to having more contact victims that were previously undetected and few if any will admit to having contact victims until well into the treatment process. Relying on self-report poses a serious limitation especially when the offender has recently been caught, they have nothing to gain to admit to having contact offenses at that point in time. Given that risk assessment is a serious matter, more effort should be made to utilize long-term follow-up and polygraph.

Some suggest and I strongly agree that child pornography offending is a strong indicator of Pedophilia, regardless of whether contact occurs between the offender and victim (Seto, Cantor, & Blanchard, 2006). The DSM-V (American Psychological Association,

2013) mentions that the criteria include 1) having recurrent, intense sexually arousing fantasies, sexual urges, or behaviours involving sexual activity with a prepubescent child or children; and 2) that the individual has acted on these sexual urges, or that the sexual urges or fantasies cause marked distress or interpersonal difficulty; and 3) that the individual is at least 16 years of age. The collecting, viewing, or masturbating to child pornography appears to more than meet the above criteria for Pedophilia. In addition, two additional categories to consider, Hebephilia (attraction to 12 to 15 year-olds) and Ephebophile (attraction to 15 to 19 year-olds) (Prentky & Barbaree, 2011). Though to have a sexual attraction towards adolescents is not considered deviant, perhaps it is when one chooses to act on their interest and attraction. Some people are preferential in that they prefer children or adolescents, while others are situational in that they prefer age appropriate sex partners but will engage in sexual contact with children or adolescents for other reasons (e.g., substitution, anger, attachment problems, or just because they can). Hebephilia and Ephebophile are not formal DSM-5 diagnosis but do help to describe offense behaviour and attraction and fantasy involving children and adolescents.

Implications

For law enforcement, prosecutors and forensic mental health, it is important to understand the limitations of the literature. It is difficult to fully understand how many CPOs are undetected child molesters/contact offenders. In treatment many CPOs admit to having numerous contact victims while other CPOs limit their deviant and illegal behaviour to viewing child pornography- at least during the current assessment period. However, from my own experience as well as what the literature has to offer, CPOs should never be viewed as being at lower risk for contact offending simply because of not yet being detected for contact offenses.

Also important is for law enforcement to find the child pornographers and contact sexual offenders pornography collection. The collection represents the themes of what the offender prefers and likes, and it is important in understanding the motives for a sex crime. Contact offenders often will have large pornography collections that may not involve direct child pornography, for example they may collect pictures of clothed children or adolescents but use these for sexual purposes. Other themes of what the offender prefers and enjoys or finds sexually arousing include themes of rape, power, control, or for some, an imaginary sexual relationship (e.g., fantasizing that the children or adolescents depicted in the pornography are in a relationship with the offender). Finding the pornography collection is important. In addition, it is common for sex offenders to mix home-made pornography with the commercial pornography, often assuming that law enforcement will not review all of the images found.

The researchers in the sexual offender field do an excellent job gathering data. However, my main concern is the limitation of the often short-term follow-up of any sexual or violent offender as well as the lack of utilizing polygraph with most if not all offenders. There are financial limitations to conducting research, understandable. But polygraph is a necessary assessment tool that offers reliability to what offenders claim as their offending history. In addition, habituation and a lessening of moral and empathetic response towards those depicted in any type of pornography is likely to occur with repeated exposure to the pornographic material. Add to this that several dynamic factors occur with those offenders that crossover from online to soliciting to actual contact offenses that can change on a daily basis (e.g., stress, relationship problems, mood, use of drugs or alcohol, degree and impact of mental health disorders, as well as daily events). Therefore it is impossible to know or predict which CPO will move from online only to contact sexual offenses and which will not. At any time, the CPO can and many have actually become contact sexual offenders.

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