

Overview of Technology-Facilitated Crimes Against Children

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Objectives:

After this session, you will able to:

- Describe how technology is used to facilitate crimes
- Summarize trends and statistics
- Identify the types of technology-facilitated crimes against children

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Technology-Facilitated Child Exploitation

Offenses include:

- Child pornography
- online enticement of children by sexual predators
- trafficking of children for sexual purposes, i.e., prostitution
- sex tourism

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TROUBLING STATISTICS



- **1996 – 2007:** 2062% increase in child exploitation investigations
- **2006 – 2009:** 40% increase in prosecutions
- **2004 – 2008:** 230 % increase in documented complaints by state & local authorities re: online enticement

What's Technology Got To Do With It?

- Enables predators to have virtual playgrounds: access to *real* children w/out much fear of being identified
- Ease of "tracking" victims via search engines, info posted by children.
- Grooming techniques used by predators aided by online profiles created by children - inside knowledge of potential victims' likes/dislikes, issues, etc.

CHALLENGES PRESENTED BY TECHNOLOGY-FACILITATED CRIMES:

- Anonymity of Internet makes offenders more difficult to locate
- Emboldens offenders' actions
- Provides offenders w/ online communities
 - share images
 - exchange information
 - validate members' behavior
 - remove social stigma
 - desensitize members to the physical/psychological damage being done to children involved

QUIZ #1

True or False:

Every Internet client service has been exploited for the purpose of victimizing children.

- A) True
- B) False

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TECHNOLOGY & CHILD PORNOGRAPHY

Creation & retention of cp. benefited by technology

- Ease of production / distribution via digital cameras
- Computer storage enables amassing of images
- Images can be uploaded & downloaded w/ great speed
- Enhanced distribution via file Peer-to-Peer file sharing techniques

THE INTERNET & CHILD PORNOGRAPHY

- Access to vast amounts of cp from around the world
- CP instantly available — anytime, anywhere
- Access w/ apparent anonymity in private

THE INTERNET (cont.)

- Inexpensive delivery of material
- High quality images in variety of formats
 - Pictures
 - Videos
 - Interactive & real-time experiences
- Images don't deteriorate

Statistics:

- Approx. 14 million cp websites, some containing up to 1 million cp images per site
- Over 20,000 cp images posted on Internet every week
- 116,000 daily requests for cp on file sharing service Gnutella alone
- Images more disturbing, more graphic, and more sadistic than ever before..."

USDOJ project safe childhood guide

CHALLENGES PRESENTED BY ON-LINE CP CASES:

- Single web-site can maintain all content on *different computers in multiple jurisdictions*
- Criminals operating sites can do so from yet another jurisdiction.
- One might report unlawful Internet activity (i.e., existence of c.p. website) to a local agency far from **apparent** location of the site.

WHY PROHIBIT CHILD PORNOGRAPHY?

- compelling state interest in safeguarding well-being of children
- distribution of CP intrinsically related to sexual abuse
- advertising / selling of CP: economic motive is part of abuse
- *de minimis* value of CP

VICTIMIZATION OF THE CHILD

- Initial victimization during abuse, production of image
- Continued victimization due to knowledge that images readily & permanently available to other offenders seeking sexual gratification
- Re-victimized with every viewing
- Victims often unable to achieve closure — prone to feelings of helplessness

LAW ENFORCEMENT SURVEY:



Images involving
Pre-pubescent teens



Images involving
sadism and violence

CHARACTERISTICS OF C.P. COLLECTORS:

- Store images on computer media
- Collect as many images as they can
- Tend to organize collections
- Keep collections for a long time

CHILD PORNOGRAPHY – CRIMES

- Producing
- Distributing
- Possessing
- Advertising

Images depicting the sexual abuse of children

QUIZ #2:

Which factors have led to an increase in child pornography?

- A) Online communities of collectors
- B) Peer-to-Peer file sharing programs
- C) Digital cameras
- D) All of the above

Pandering

“knowingly...advertises, promotes, presents, distributes or solicits...any material or purported material in a manner that reflects the belief, or is intended to cause another to believe, that the material or purported material is, or contains, CP.”

“Virtual” Child Pornography

Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002)

At issue, provision of definition stating CP is a visual depiction that is, *or appears to be*, a minor engaging in sexually explicit conduct.

Ct. rejected “*appears to be* a minor” language

- VCP not a record of crime
- VCP creates no victim by its production
- No evidence VCP used for “grooming” or to whet appetites of pedophiles
- Overbroad: could include artistic works, young adults



New Language:

Digital / computer image that is or is **indistinguishable** from a minor

“Indistinguishable” – ordinary person would conclude depiction is of actual minor engaged in sexually explicit conduct



State of Technology

Problems Creating Image of Person:

- correct form, proportions of body
- facial expressions
- color, texture of skin
- interaction of light with above ---

ECONOMICS OF TECHNOLOGY



Morphed Images:

“...created or modified to appear that an **identifiable minor** is engaged in the act.”

<http://www.morphthing.com/#>

Dakota Fanning + Marilyn Monroe =



QUIZ #3:

True or False:

A morphed image that combines an image of an adult and a child may fall under the definition of child pornography.

- A) True
- B) False

C.P. Statutory Language

- Federal and state statutes proscribe the **knowing possession** of CP.
- Some state statutes prohibit **possession or control** of CP
- Only 3 states (Ohio, N.J. and Arkansas) criminalize the **viewing** of CP
- Recent Federal Amendment (Oct.8, 2008) Adds: **“or knowingly accesses with intent to view”** after **“possesses.”**

WHAT IS “POSSESSION”?

Divergence of view re: whether images stored in computer’s cache files are possessed.

Majority federal view: Yes

United States v. Tucker, 305 F.3d 1193 (10th Cir. 2002)

Minority federal view: No

United States v. Kuchinski, 469 F.3d 853 (9th Cir. 2006)

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Determining “Possession”

Different approaches yield different results:

•Dominion & Control:

Ct focuses on level of control user has over an image. Can he retain the image on screen? Enlarge it? Zoom in or out? Copy, Print, and Delete it?

•Seek and Obtain:

Ct looks at assertive steps taken by D. that led to viewing or downloading of CP. Often arises w/ images in cache files when D says he didn’t intend to download images

•Knowledge:

how computers work, that there is cp on computer, etc.

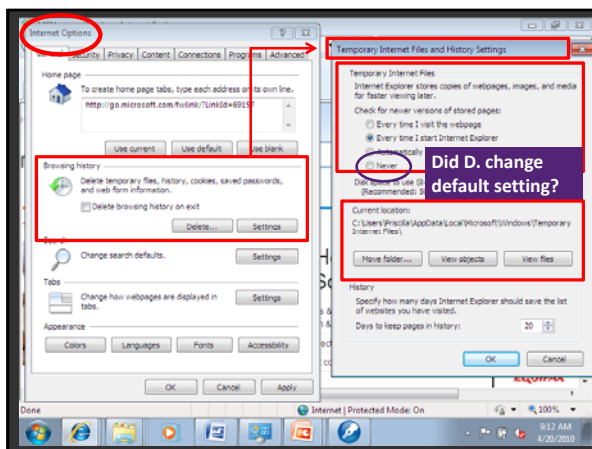
•Deletion:

knowing possession of CP inferred by D’s use of software to delete images.

What Is Cache?



- Speeds up repeat viewing of previously visited website Computers automatically make a copy of data from website in form of **temporary Internet files**
- Data from temporary Internet files - stored in **cache**.
- When user re-visits site, computer compares date on website to date on previously stored temporary file.
- If date is same, computer displays the cached file on screen;
- If website has been updated, computer displays data from website.



- User can **view** CP on Internet without downloading images to hard drive.
- Images from website are located:
 1. On the screen, and
 2. In cache via copy that computer automatically made
- User can control thumbnail image on screen: enlarge, zoom in and out, rotate, print, etc.

Split in Authority:

(Majority: "Yes.")

U.S. v. Tucker - 10th Cir.

- Said he didn't knowingly possess images: computer automatically stored them in cache.
- Admitted to **viewing** cp on computer but argued he didn't possess it: never downloaded or copied **and** he deleted cache files.

Held:

He possessed images because he could **control** them: enlarge, copy, delete them; and

Images were in cache b/c he **purposefully visited** cp sites and **reached out** for them.

305 F.3d 1193 (10th Cir. 2002)

U.S. v. Romm (9th Cir. 2006)

- Romm “knowingly possessed” images of cp in cache: He had **control** over images
- While on screen, (and simultaneously saved to cache) he could enlarge, print, email, and save images
- He could delete from cache.

455 F.3d 990 (9th Cir. 2006)

U.S. v. Bass (10th Cir. 2005)

Bass “knowingly possessed” cp images in cache despite stating he didn’t know images were automatically saved to cache.

Used programs to delete images from computer - WindowWasher and History Kill – must have known they were there!

411 F.3d 1198 (10th Cir. 2005)

Images in Cache not “Possessed”

Must know images viewed are stored to cache

U.S. v. Kuchinski 469 F.3d 853 (9th Cir. 2006)

D. downloaded 110 CP images, plus 18,000 images in cache

Held:

- Did not possess 18,000 images in cache
- Had no knowledge of cache files, therefore
- lacked access to / control over files in cache

Commonwealth v. Diodoro

PA. stat prohibits *possession* or *control* of CP.

- Appellant knowingly accessed CP sites / viewed CP on computer
- Did not save or download images
- Argued he couldn't knowingly possess images in cache since he didn't know images were automatically saved to cache.

Held:

- Accessing and viewing CP on website constituted control
- Reached out for images on sites, opened sites, closed sites
- When viewing images , he could download, print, copy. Etc

932 A.2d 132 (Sup. Ct. PA. 2007)

U.S. v. Stulock

308 F.3d 922 (8th Cir. 2002)

D. charged w/ knowingly possessing CP 3 images in cache

Held:

D. did not possess images located in cache file
Must purposely save or download image:

- Viewing image from site on screen not enough
- fact that computer automatically saves images to browser's cache file not sufficient to est. possession.

Quiz #4:

True or False:

A computer user must download an image in order to save the image in his cache file.

- A) True
- B) False

THE INTERNET & SEX PREDATOR:

- Internet offenders posed as teenagers in only 5% of crimes studied
- Majority of cases: girls 13-15 targeted online by adults who made intention of sexual encounter clear.
- 75% of victims who met offenders face to face did so more than once.

SCOPE OF PROBLEM:

- 75% of children: willing to share psnl info online about themselves / family in exchange for goods and services
- 1 in 5 teenagers who regularly log-on to the Internet have received unwanted sexual solicitation via the Web
- Only 25% of these teens told a parent



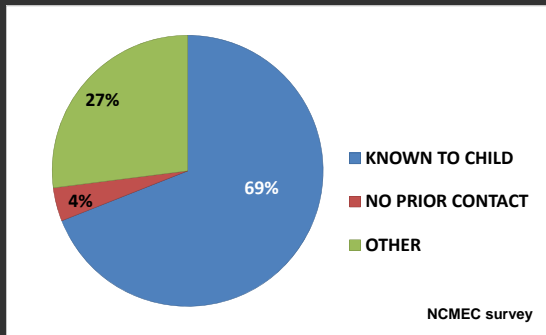
Quiz #5:

True or False:

Most cases of online child exploitation arise from risky behavior and interactions (e.g., talking online to strangers about sex, having strangers on buddy lists).

- A) True
- B) False

WHO ARE THE EXPLOITERS?



REPORTING OF ABUSE:

- Exploited children rarely report abuse
 - > Relationship with abuser
 - > Shame
 - > Guilt
- Most abuse occurs in private, typically in the privacy of a home

ON-LINE ENTICEMENT:

2004 – 2008: ICAC received:

- 20,562 complaints of online enticement
- 7,879 involved “travelers”

25% of CP images attributed to online enticement

- 14% coerced
- 11% self-produced

“TRAVELER”

- Traveler investigation: one in which at least 1 person travels for purpose of sexual encounter w/ a minor
- Specific federal prohibition applicable
- Most “traveler” cases also involve online enticement which precedes the travel

“TRAVELER” RISKS:

- Kidnapping, rape, torture, murder
- Primary motivation for non-familial abduction is sexual
 - 64 % non-familial abductions result in sexual abuse
 - 36% non-familial abductions result in death

National Strategy and NCMEC data

INTERNET FACILITATED TRAFFICKING

18 U.S.C.A § 2422(b) criminalizes use of any means of foreign/interstate commerce to coerce, entice, induce one under 18 to engage in prostitution or criminal sexual activity

D. must only believe victim is a minor

2422(B) & "ATTEMPT"

What is necessary to prove attempt?

- Substantial step: looks at what D. has done
- Proximity: looks at what remains to be done

2422(b) targets D's attempts at persuasion, *not* his attempts at performance of sexual acts.

One violates 2422(b) by attempting to persuade a minor to engage in illegal sexual activity.

Concrete actions beyond talking

U.S. v. Zawada (7th Cir.)

D. Moved beyond "mere talk" in chat room when he had relatively concrete conversation about making a date, i.e., time of day, etc.

Encouragement

U.S. v. Bailey (6th Cir.)

- D. contacted minors online
- Urged minors to meet him
- Used graphic language to describe what he wanted to do to them

"GROOMING"

- Manipulative process whereby predators break down the child's barriers and resistance
- Normalization of sexual activity
- Often involves introduction of child pornography to normalize sexual conduct between adult and child

18 U.S.C. § 2252A(A)(6)

- Developing relationship with child with intent to later have sexual contact
- Sets heightened prison term for those who knowingly provide or offer CP to a minor w/ purpose to induce a child to participate in an illegal activity

GROOMING IN 10 EASY STEPS

1. Offender meets child in public chat room geared toward teens
2. Moves conversation to private chat room / IM
3. Est. rapport & trust through conversation, photos
4. Determines child's vulnerabilities: self-esteem, problems @ home
5. Considers if child would be good victim
6. Weighs chances of being caught
7. Blackmails child to produce sexual photos
8. Talks to child on phone
9. Face to face meeting
10. Sexual abuse

GROOMING:

- Affection
- Empathy
- Generosity
- Interest in music, video games, child’s toys
- Promotes inter-family conflict and alienation
- Introduce sex toys, demonstrates use
- May use fear, intimidation once compromise has been gained

CHILD SEX TRAFFICKING

- Trafficking of Children – 3rd most profitable industry in the world
- At least 100,000 American children each year are victims of commercial child prostitution and child trafficking. (NCMEC)
- Girls – entry age is 12-14
- Boys – entry age is 11-13

[Playground](#)

INTERNET FACILITATED CHILD SEX TRAFFICKING

- Traffickers post pics on escort service websites
- Sexual services sold via websites, chat rooms, Craigslist etc.
- Those who exploit children share their experiences via Internet

CHILD SEX TRAFFICKERS

- Any child under 18 who engages in commercial sex act is a victim of trafficking
- Often use Internet to find vulnerable minors, i.e. ads for modeling opportunities
- Use force, threat of force, psychological manipulation, threat of exposure
- Advertise via websites where and when child will be available for sexual service

PIMPING AND TRAFFICKING

- Illegal to recruit, entice a minor or benefit from such activities knowing that the minor will be caused to engage in commercial sex acts. 18 U.S.C.A. 1591
- Neither victim nor defendant have to travel.

18 U.S.C.A § 2251A selling, buying, transferring custody of child (or offering to do so) knowing or w/ intent that child will be used in production of cp

QUIZ #6:

True or False:

A child under the age of 18 who engages in a commercial sex act is guilty of committing child prostitution.

- A) True
- B) False

CHILD SEX TOURISM

- Technology, including websites facilitates child sex tourism
- Sex tourists use Internet to share photos and info on planning sex tours
- Use chat rooms, message boards, websites to get info on potential sex tourism destinations
- Travel agents publish sex tour brochures on Internet

CHILD SEX TOURISM

18 U.S.C. A. § 2423(b) and (c) prohibits U.S. citizens and permanent residents to travel in Interstate or foreign commerce with intent to engage in illicit sexual conduct, and penalizes those who do engage in illicit sexual conduct

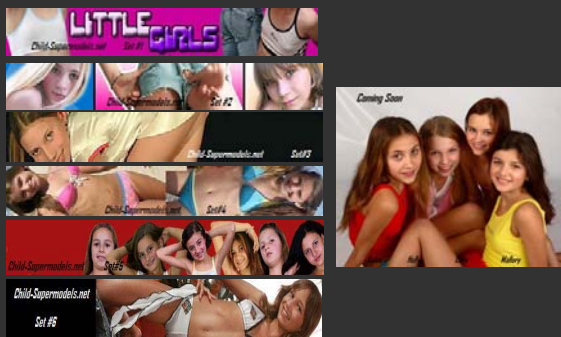
2423(d) prohibits arranging or facilitating for financial gain, another person's travel to engage in illicit sexual conduct.

CHILD MODELING WEB SITES

Webe Web Corp designs and hosts sites

"Does your child or client have an interest in being a model on the Internet? Webe Web Corp. offers an easy Cost Free way to get started. Here's how it works. All we need from you are quality images! We build and manage the site. You get paid based on the orders the site receives."

[HTTP://CHILD-SUPERMODELS.NET/](http://CHILD-SUPERMODELS.NET/)



- Each girl has her own sub-site
- Includes her bio
- Most are girls in tweens
- Girls pose in costumes, swimsuits, underwear
- Subscribers pay monthly memberships
- Can also purchase videos
- Includes online forum where fans post comments and requests for her to pose in certain garments
- [laurie](#)

LEGITIMATE SITES: NEWFACESTALENT INC.

- Displays thumbnails
- Visitor clicks to see portfolio
- Portfolio contains model's experience, region, type of work for which model is available
- No memberships
- Contains boys
- All fully clothed
- One must send for booking information
- Testimonials from models and agencies

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***Cummings v. State*, 110 S.W.3d 272**

2003 conviction in Arkansas of parents for their daughter's website:
cindysworld2000.com

- Producing, directing, or promoting a sexual performance, and
- Permitting a child to engage in sexually explicit conduct for use in visual or print medium.

Court rejected argument that videos and website were for modeling, not sexual purposes

Ct found that 2 of the images (exposed breast and pubic area) depicted sexually explicit conduct under Ark. law

PROSECUTION UNDER FED. CP LAWS:

- Distasteful, probably not illegal
- First Amendment Concerns
- Abundance of clear cut cases to prosecute instead
- Bills aimed at child modeling websites have failed

Thank You!

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