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Problem-Oriented Guides for Police
Problem-Specific Guides Series
No. 41

Child Pornography on the Internet

by
Richard Wortley
Stephen Smallbone



www.cops.usdoj.gov



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About the Problem-Specific Guides Series

The *Problem-Specific Guides* summarize knowledge about how police can reduce the harm caused by specific crime and disorder problems. They are guides to prevention and to improving the overall response to incidents, not to investigating offenses or handling specific incidents. The guides are written for police—of whatever rank or assignment—who must address the specific problem the guides cover. The guides will be most useful to officers who:

- **Understand basic problem-oriented policing principles and methods.** The guides are not primers in problem-oriented policing. They deal only briefly with the initial decision to focus on a particular problem, methods to analyze the problem, and means to assess the results of a problem-oriented policing project. They are designed to help police decide how best to analyze and address a problem they have already identified. (A companion series of *Problem-Solving Tools* guides has been produced to aid in various aspects of problem analysis and assessment.)
 - **Can look at a problem in depth.** Depending on the complexity of the problem, you should be prepared to spend perhaps weeks, or even months, analyzing and responding to it. Carefully studying a problem before responding helps you design the right strategy, one that is most likely to work in your community. You should not blindly adopt the responses others have used; you must decide whether they are appropriate to your local situation. What is true in one place may not be true elsewhere; what works in one place may not work everywhere.
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- **Are willing to consider new ways of doing police business.** The guides describe responses that other police departments have used or that researchers have tested. While not all of these responses will be appropriate to your particular problem, they should help give a broader view of the kinds of things you could do. You may think you cannot implement some of these responses in your jurisdiction, but perhaps you can. In many places, when police have discovered a more effective response, they have succeeded in having laws and policies changed, improving the response to the problem.
 - **Understand the value and the limits of research knowledge.** For some types of problems, a lot of useful research is available to the police; for other problems, little is available. Accordingly, some guides in this series summarize existing research whereas other guides illustrate the need for more research on that particular problem. Regardless, research has not provided definitive answers to all the questions you might have about the problem. The research may help get you started in designing your own responses, but it cannot tell you exactly what to do. This will depend greatly on the particular nature of your local problem. In the interest of keeping the guides readable, not every piece of relevant research has been cited, nor has every point been attributed to its sources. To have done so would have overwhelmed and distracted the reader. The references listed at the end of each guide are those drawn on most heavily; they are not a complete bibliography of research on the subject.
 - **Are willing to work with others to find effective solutions to the problem.** The police alone cannot implement many of the responses discussed in the guides.
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They must frequently implement them in partnership with other responsible private and public entities including other government agencies, non-governmental organizations, private businesses, public utilities, community groups, and individual citizens. An effective problem-solver must know how to forge genuine partnerships with others and be prepared to invest considerable effort in making these partnerships work. Each guide identifies particular entities in the community with whom police might work to improve the overall response to that problem. Thorough analysis of problems often reveals that entities other than the police are in a stronger position to address problems and that police ought to shift some greater responsibility to them to do so.

The COPS Office defines community policing as “a policing philosophy that promotes and supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships.” These guides emphasize *problem-solving* and *police-community partnerships* in the context of addressing specific public safety problems. For the most part, the organizational strategies that can facilitate problem-solving and police-community partnerships vary considerably and discussion of them is beyond the scope of these guides.

These guides have drawn on research findings and police practices in the United States, the United Kingdom, Canada, Australia, New Zealand, the Netherlands, and Scandinavia. Even though laws, customs and police practices vary from country to country, it is apparent that the police everywhere experience common problems. In a world that is becoming increasingly interconnected, it is important that police be aware of research and successful practices beyond the borders of their own countries.



The COPS Office and the authors encourage you to provide feedback on this guide and to report on your own agency's experiences dealing with a similar problem. Your agency may have effectively addressed a problem using responses not considered in these guides and your experiences and knowledge could benefit others. This information will be used to update the guides. If you wish to provide feedback and share your experiences it should be sent via e-mail to cops_pubs@usdoj.gov.

For more information about problem-oriented policing, visit the Center for Problem-Oriented Policing online at www.popcenter.org. This website offers free online access to:

- the Problem-Specific Guides series
- the companion Response Guides and Problem-Solving Tools series
- instructional information about problem-oriented policing and related topics
- an interactive training exercise
- online access to important police research and practices.



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The principal project team developing the guide series comprised Herman Goldstein, professor emeritus, University of Wisconsin Law School; Ronald V. Clarke, professor of criminal justice, Rutgers University; John E. Eck, professor of criminal justice, University of Cincinnati; Michael S. Scott, clinical assistant professor, University of Wisconsin Law School; Rana Sampson, police consultant, San Diego; and Deborah Lamm Weisel, director of police research, North Carolina State University.

Cynthia Pappas oversaw the project for the COPS Office. Katharine Willis edited the guide. Research for the guides was conducted at the Criminal Justice Library at Rutgers University under the direction of Phyllis Schultze.

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The Problem of Internet Child Pornography

The guide begins by describing the problem and reviewing factors that increase the risks of Internet child pornography. It then identifies a series of questions that might assist you in analyzing your local Internet child pornography problem. Finally, it reviews responses to the problem and what is known about these from evaluative research and police practice.

The treatment of children as sexual objects has existed through the ages, and so too has the production of erotic literature and drawings involving children. However, pornography in the modern sense began with the invention of the camera in the early nineteenth century. Almost immediately, sexualized images involving children were produced, traded, and collected.¹ Even so, child pornography remained a restricted activity through most of the twentieth century. Images were usually locally produced, of poor quality, expensive, and difficult to obtain. The relaxation of censorship standards in the 1960s led to an increase in the availability of child pornography, and, by 1977, some 250 child pornography magazines were circulating in the United States, many imported from Europe.² Despite concern about the extent of child pornography, law enforcement agencies had considerable success in stemming the trafficking of these traditional hard-copy forms. However, the advent of the Internet in the 1980s dramatically changed the scale and nature of the child pornography problem, and has required new approaches to investigation and control.



Internet child pornography is unlike most crimes local police departments handle. Local citizens may access child pornography images that were produced and/or stored in another city or on another continent. Alternatively, they may produce or distribute images that are downloaded by people thousands of miles away. An investigation that begins in one police district will almost certainly cross jurisdictional boundaries. Therefore, most of the major investigations of Internet child pornography have involved cooperation among jurisdictions, often at an international level.

However, within this broader scheme, local police departments have a crucial role to play. By concentrating on components of the problem that occur within their local jurisdictions, they may uncover evidence that initiates a wider investigation. Alternatively, they may receive information from other jurisdictions about offenders in their districts. Because of the increasing use of computers in society, most police departments are likely to encounter Internet child pornography crimes. Therefore, it is important that all police departments develop strategies for dealing with the problem. Larger departments or districts may have their own dedicated Internet child pornography teams, but most smaller ones do not, and the responsibility for day-to-day investigations will fall to general-duties officers.³ It would be a mistake to underestimate the importance of local police in detecting and preventing Internet child pornography offenses. One study found that 56 percent of arrests for Internet child pornography crimes originated from non-specialized law enforcement agencies.⁴



Related Problems

Internet child pornography is only one of a number of problems related to either child abuse or the Internet. Other related problems not directly addressed by this guide include:

§ See the POP Guide on *Identity Theft*.

Child Abuse

- violence and fatalities
- neglect
- abandonment
- exposure to hazardous materials (e.g., clandestine drug labs)
- trafficking of children and babies and illegal adoption agencies
- juvenile runaways.

Internet Crime

- online solicitation of children for sexual activity
 - identity theft (sometimes known as phishing)[§]
 - hacking.
-



Defining Child Pornography

Legal Definitions

The idea of protecting children from sexual exploitation is relatively modern. As late as the 1880s in the United States, the age of consent for girls was just 10 years.⁵ In 1977, only two states had legislation specifically outlawing the use of children in obscene material. The first federal law concerning child pornography was passed in 1978, and the first laws that specifically referred to computers and child pornography were passed in 1988. Since that time, there has been a steady tightening of child pornography laws⁶ (see Table 1).



Table 1: Development of child pornography law in the United States

Date	Legislation/Ruling ⁷	Comment
1978	Sexual Exploitation of Children Act	First federal law specifically dealing with child pornography. Prohibited the manufacture and commercial distribution of obscene material involving minors under 16.
1982	<i>New York v. Ferber</i>	Child pornography not protected by the First Amendment. Child pornography separated from obscenity laws, to be judged on a different standard.
1984	Child Protection Act	Age of minor covered by child pornography legislation was raised to 18, and distinction between child pornography and obscenity codified.
1986	<i>United States v. Dost</i>	Expanded the definition of child pornography to include sexually suggestive depictions of a lascivious nature.
1988	Child Protection and Obscenity Enforcement Act	Illegal to use a computer to depict or advertise child pornography.
1990	<i>Osborne v. Ohio</i>	Private possession of child pornography ruled to be illegal.
1996	Child Pornography Protection Act	Definition of child pornography expanded to include virtual images of children and images that appear to be of a minor.
1998	Child Protector and Sexual Predator Punishment Act	Internet Service Providers (ISPs) required to report known incidents of child pornography to authorities, but not required to actively monitor customers or sites.
2002	<i>Ashcroft v. Free Speech Coalition</i>	Virtual images ruled not to be pornography; 'appear to be a minor' ruled to be too broad.



To summarize the current federal legal situation in the United States:

- A child is defined as any person under the age of 18. Legislation has attempted to broaden the law to include computer-generated images (virtual images that do not involve real children) and people over 18 who appear to be minors. However, the court overturned both of these provisions. Congress has subsequently made a number of amendments to tighten federal law in these areas. Because of the evolving nature of legal provision with respect to Internet child pornography, the reader is advised to obtain up-to-date legal advice on the current situation.
- A different and more stringent standard is applied to images involving children than to images involving adults. Pornography involving a child does not have to involve obscene behavior, but may include sexually explicit conduct that is lascivious or suggestive. For example, in *United States v. Knox* (1993)⁸ a man was convicted for possessing videos in which the camera focused on the clothed genital region of young girls.⁹
- Possession of (not just production and trading of) child pornography is an offense. In the case of the Internet, images do not have to be saved for an offense to have occurred—they simply need to have been accessed.

Most states have followed the federal lead with specific legislation, allowing state police to join federal agencies in the fight against child pornography.¹⁰ However, the exact nature of the legislation varies considerably among states. There is also a wide variation in international laws covering child pornography, and this can have significant implications for law enforcement.



Non-legal Definitions

Because legal definitions of both child and pornography differ considerably among jurisdictions, for research purposes child pornography is often defined broadly as any record of sexual activity involving a prepubescent person. Pornographic records include still photographs, videos, and audio recordings. The images themselves vary considerably in their graphic content. In some cases individuals may collect images that do not involve overt pornography and are not technically illegal. There are 10 levels of image severity:¹¹

1. **Indicative:** non-sexualized pictures collected from legitimate sources (e.g., magazines, catalogs).
 2. **Nudist:** naked or semi-naked pictures of children in appropriate settings collected from legitimate sources.
 3. **Erotica:** pictures taken secretly of children in which they reveal varying degrees of nakedness.
 4. **Posing:** posed pictures of children in varying degrees of nakedness.
 5. **Erotic posing:** pictures of children in sexualized poses and in varying degrees of nakedness.
 6. **Explicit erotic posing:** pictures emphasizing the genitals.
 7. **Explicit sexual activity:** record of sexual activity involving children but not involving adults.
 8. **Assault:** record of children subjected to sexual abuse involving digital touching with adults.
 9. **Gross assault:** record of children subjected to sexual abuse involving penetrative sex, masturbation, or oral sex with adults.
 10. **Sadistic/bestiality:** record of children subjected to pain, or engaging in sexual activity with an animal.
-



The Role of the Internet in Promoting Child Pornography

The Internet has escalated the problem of child pornography by increasing the amount of material available, the efficiency of its distribution, and the ease of its accessibility. (See Appendix A for a summary of key terms and concepts relating to the Internet.) Specifically, the Internet:

- permits access to vast quantities of pornographic images from around the world
- makes pornography instantly available at any time or place
- allows pornography to be accessed (apparently) anonymously and privately
- facilitates direct communication and image sharing among users
- delivers pornography relatively inexpensively
- provides images that are of high digital quality, do not deteriorate, and can be conveniently stored
- provides for a variety of formats (pictures, videos, sound), as well as the potential for real-time and interactive experiences
- permits access to digital images that have been modified to create composite or virtual images (morphing).

Components of the Problem

The problem of Internet child pornography can be divided into three components—the production, distribution, and downloading of images. In some cases, the same people are involved in each stage. However, some producers and/or distributors of child pornography are motivated solely by financial gain and are not themselves sexually attracted to children.



Production

This involves the creation of pornographic images. Collectors place a premium on new child pornography material. However, many images circulating on the Internet may be decades old, taken from earlier magazines and films. Images may be produced professionally, and, in these cases, often document the abuse of children in third-world countries. However, more commonly, amateurs make records of their own sexual abuse exploits, particularly now that electronic recording devices such as digital cameras and web cams permit individuals to create high quality, homemade images.¹² With the advent of multimedia messaging (MMR) mobile phones, clandestine photography of children in public areas is becoming an increasing problem.

Distribution

This involves the uploading and dissemination of pornographic images. These images may be stored on servers located almost anywhere in the world. Distribution may involve sophisticated pedophile rings or organized crime groups that operate for profit, but in many cases, is carried out by individual amateurs who seek no financial reward. Child pornography may be uploaded to the Internet on websites or exchanged via e-mail, instant messages, newsgroups, bulletin boards, chat rooms, and peer-to-peer (P2P) networks. Efforts by law enforcement agencies and Internet Service Providers (ISPs) to stop the dissemination of child pornography on the Internet have led to changes in offenders' methods. Child pornography websites are often shut down as soon as they are discovered, and openly trading in pornography via e-mail or chat rooms is risky because



of the possibility of becoming ensnared in a police sting operation (e.g., undercover police entering chat rooms posing as pedophiles or as minor children). Increasingly those distributing child pornography are employing more sophisticated security measures to elude detection and are being driven to hidden levels of the Internet (see Table 2).

Table 2: Distribution methods of child pornography on the Internet.¹³

Method	Use
Web pages and websites	Specific child pornography websites may be created, or child pornography images may be embedded in general pornography sites. However, there is debate about how much child pornography is available on the web. Some argue that it is relatively easy to find images. ¹⁴ Others argue that, because of the vigilance of ISPs and police in tracking down and closing child pornography websites, it is unlikely that a normal web search using key words such as childporn would reveal much genuine child pornography. ¹⁵ Instead, the searcher is likely to find legal pornographic sites with adults purporting to be minors, 'sting' operations, or vigilante sites. One strategy of distributors is to post temporary sites that are then advertised on pedophile bulletin boards. To prolong their existence these sites may be given innocuous names (e.g., volleyball) or other codes (e.g., ch*ldp*rn) to pass screening software. The websites may be immediately flooded with hits before they are closed down. Often the websites contain Zip archives, the password for which is then later posted on a bulletin board.
Web cam	Images of abuse may be broadcast in real time. In one documented case of a live broadcast, viewers could make online requests for particular sexual activities to be carried out on the victim. ¹⁶
E-mail	E-mail attachments are sometimes used by professional distributors of child pornography, but more frequently they are used to share images among users, or they are sent to a potential victim as part of the grooming/seduction process. This method is considered risky by seasoned users because of the danger in unwittingly sending e-mails to undercover police posing as pedophiles or as potential victims.



E-groups	Specific child pornography e-groups exist to permit members to receive and share pornographic images and exchange information about new sites. Some of these groups appear on reputable servers and are swiftly shut down when they are detected. However, they may use code names or camouflage child pornography images among legal adult pornography to prolong their existence.
Newsgroups	Specific child pornography newsgroups provide members with a forum in which to discuss their sexual interests in children and to post child pornography. This is one of the major methods of distributing child pornography. Some child pornography newsgroups are well known to both users and authorities (for example, the <i>abp-p-t</i> or alternative binaries pictures erotica pre-teen group). Most commercial servers block access to such sites. Some servers do provide access to them but a user runs the risk of having his/her identity captured either by the credit card payments required for access, or the record kept by the server of his/her IP address. However, a computer-savvy user can access these groups by using techniques that hide his/her identity by concealing his/her true IP address.
Bulletin Board Systems (BBS)	Bulletin boards may be used legally to host discussions that provide advice to seekers of child pornography, including the URLs of child pornography websites and ratings of those sites. These bulletin boards may be monitored by system administrators to exclude bogus or irrelevant postings, such as from vigilantes.
Chat rooms	Chat rooms may be used to exchange child pornography and locate potential victims. Chat rooms may be password-protected. Open chat rooms are avoided by seasoned child pornographers because they are often infiltrated by undercover police.
Peer-to-peer (P2P)	P2P networks facilitate file sharing among child pornography users. These networks permit closed groups to trade images.



Downloading

This involves accessing child pornography via the Internet. The images do not need to be saved to the computer's hard drive or to a removable disk to constitute downloading. In some cases a person may receive spam advertising child pornography, a pop-up link may appear in unrelated websites, or he may inadvertently go to a child pornography website (e.g., by mistyping a key word). In most cases, however, users must actively seek out pornographic websites or subscribe to a group dedicated to child pornography. In fact, it has been argued that genuine child pornography is relatively rare in open areas of the Internet, and, increasingly, those seeking to find images need good computer skills and inside knowledge of where to look.¹⁷ Most child pornography is downloaded via newsgroups and chat rooms. Access to websites and online pedophile groups may be closed and require paying a fee or using a password.

Extent of the Problem

It is difficult to be precise about the extent of Internet child pornography, but all of the available evidence points to it being a major and growing problem. At any one time there are estimated to be more than one million pornographic images of children on the Internet, with 200 new images posted daily.¹⁸ One offender arrested in the U.K. possessed 450,000 child pornography images.¹⁹ It has been reported that a single child pornography site received a million hits in a month.²⁰ As noted above, one problem in estimating the number of sites is that many exist only for a brief period before they are shut down, and much of the trade in child pornography takes place
