

Child Pornography and the Internet

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KEYWORDS

• Child pornography • Internet • Sex offender • Risk assessment

KEY POINTS

- Possession of child pornography is a felony crime in the United States.
- The incidence of child pornography offenses has increased as a result of the availability, affordability, and anonymity provided by the Internet.
- Several types of offenders have been proposed based on behavior and motivation.
- Child pornography offenses are indicators of pedophilia.
- Child pornography offenses increase the risk of contact offenses in individuals with a prior history of contact offenses.

INTRODUCTION

There are few crimes that carry almost universal condemnation and are viewed as despicable by society as a whole. Sexual contact with children is one of them. Pedophiles do not elicit sympathy or compassion, unlike other criminals may. Adults engaging in sexual activity with children inspire an innate disgust in most people.¹ In addition, the public tends to perceive sex offenders who victimize children as more dangerous and in need of more supervision in comparison with those charged with other sexual offenses, like nonconsensual spousal intercourse or statutory rape.²

While the actual number of reported instances of sexual abuse in the United States has decreased steadily over the past 2 decades,^{3,4} the number of cases involving the possession and production of child pornography are on the rise.⁵ Over the past 15 years, as the Internet has become an almost essential part of our lives, pornography has increasingly shifted from videotapes and DVDs, magazines, and photos to a variety of electronic formats. Today, movies and pictures of all kinds can be streamed to desktop and laptop computers, personal tablet devices (iPad), and mobile phones. It is no surprise that child pornography has undergone a similar transformation. Once a difficult to find and rather costly possession for individuals with

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Psychiatr Clin N Am 35 (2012) 821–835
<http://dx.doi.org/10.1016/j.psc.2012.08.004>

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sexual interest in children, child pornography is now available free of charge from any mobile phone with data access.

CHILD PORNOGRAPHY OVERVIEW

The definition of what constitutes child pornography varies depending on jurisdiction. Federal law in the United States defines child pornography as any visual depiction of sexually explicit conduct involving a minor (someone under 18 years of age).⁶ The US Code further establishes that “visual depictions” include photographs, videos, digital or computer-generated images indistinguishable from an actual minor, and images created, adapted, or modified, but appearing to depict an identifiable, actual minor. United States law does not require that a minor be involved in sexual activity to meet the definition of child pornography. In fact, a photograph of a naked child may constitute child pornography if it is suggestive enough. Furthermore, the definition also includes virtual child pornography: computer-generated images of children that meet the criteria described.

In the United States the production, distribution, and possession of these images are considered criminal behaviors. Images of child pornography are not protected under First Amendment rights and are illegal contraband under federal law.⁶ Most cases of possession and production are prosecuted in US Federal court, as they usually involve the Internet or other means of interstate commerce (ie, postal service or couriers). Penalties for these crimes are severe: the production of child pornography in an individual with no prior record carries a minimum sentence of 15 years. The distribution of child pornography via the Internet or interstate commerce carries a 5-year mandatory minimum sentence. The penalties may increase if aggravating factors are present. Examples of these include the presence of sadistic, masochistic, or violent images, sexual abuse of the child at the hands of the convicted individual, and prior convictions for child sexual exploitation.

Images and movies depicting sexual abuse of children are easily obtained online. The actual amount available is exceedingly difficult to ascertain, given the decentralized nature of the Internet and the disparate types of network where these images and movies can be found. Most users are familiar with email, the Web, and using browsers to access the Web. Internet relay chat (IRC), Usenet newsgroups, and peer-to-peer (P2P) networks are also part of the Internet, and have come to constitute common sources of child pornography.

CHILD PORNOGRAPHY AND INTERNET COMMUNICATION METHODS

Internet Relay Chat

IRC is a system that allows users to talk to each other in real time. IRC is organized into “channels” where users share a common interest. A good analogy to these channels is a CB radio: a user tunes into a channel by logging in and is then able to see the real-time messages posted by other users.⁷ In addition, IRC allows for private communication between users, as well as transfer of files. Common chat programs, such as MSN or Yahoo messenger, are similar to IRC as they allow group chats, private chats, and file transfers.

An early survey of IRC networks found that there were 55 channels with titles related to child pornography.^{7,8} The names of these channels can be very descriptive at times (eg, #babysex, #kinky_preteensex) but they may also use monikers that are not indicative of child pornography. In addition, the number channels that are publicly viewable is dwarfed by the number of so-called private channels: unlisted forums that can be accessed via invitation only.

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