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Trends in Arrests for Child Pornography Possession: The Third National Juvenile Online Victimization Study (NJOV-3)

Janis Wolak, David Finkelhor & Kimberly J. Mitchell

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Abstract

Arrests for the possession of child pornography (CP) increased between 2006 and 2009 by one-third, continuing an increase that also occurred between 2000 and 2006. In 2009, a substantial proportion of arrested CP offenders used peer-to-peer (P2P) file sharing technology to access contraband images. These arrests may reflect the enhanced ability of law enforcement to monitor file sharing sites. CP possessors who used P2P technology tended to have more extreme images than other CP possessors, which may reflect police investigative methods. However, compared to 2006 arrests, those in 2009 turned up a somewhat smaller proportion of “dual offenders,” who had sexually abused children in addition to possessing child pornography.

This bulletin reports on trends in arrests for possession of child pornography. It discusses changes in the characteristics of arrested offenders, the images they possessed and outcomes of cases. The data come from 3 waves of the National Juvenile Online Victimization (NJOV) Study that examined arrests in 2000, 2006 and 2009. See the end of this report for a description of the methodology of the NJOV Study.

What is child pornography?

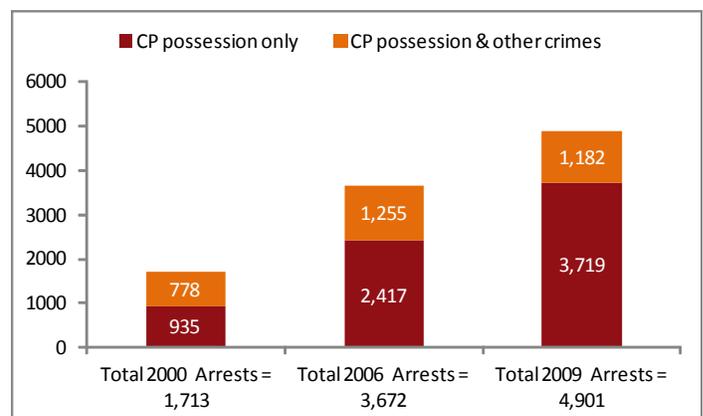
Possession of child pornography (CP) is a felony under federal law and in every state. The federal statutes that criminalize CP possession define “child” as age 17 or younger, and CP as the “visual depiction ... of sexually explicit conduct” (18 USCS 2256). The statute states that sexually explicit conduct includes acts such as intercourse, bestiality, and masturbation, as well as “lascivious exhibition of the genitals or pubic area.” Most states mirror federal law, although there is some variation in the definition of child and the content that is proscribed.

Arrests for crimes involving CP possession grew significantly between 2000 and 2006 and again in 2009.

Arrests for CP possession increased steadily between 2000 and 2009. In 2009, US law enforcement agencies made an estimated 4,901 arrests for CP possession, almost 3 times as many as in 2000 and a 33% increase over 2006 arrests. Some of these arrested offenders possessed CP in addition to committing other sexual offenses against minors, such as child molestation. Others were arrested for CP possession only (no additional sex crimes). Arrests that involved only CP possession increased almost four-fold between 2000 and 2009 and grew by about 50% between 2006 and 2009.

Overall, in 2009 there were 4,901 arrests that included charges for CP possession, compared to 3,672 in 2006 and 1,713 in 2000 (Figure 1). In 2009 there were 3,719 arrests for CP possession only, compared to 2,417 in 2006 and 935 in 2000.

Figure 1. Estimated number of arrests for child pornography possession, by year



CP possessors arrested in 2009 were more diverse ethnically and racially.

While the great majority of arrested CP possessors were non-Hispanic White in each year of the NJOV Study, in 2009 a higher proportion belonged to other ethnic and racial groups. In 2009, 16% of arrested CP possessors were members of minority groups (rather than non-Hispanic White), compared to 11% arrested in 2006 and 9% in 2000.

In most other respects, CP possessors arrested in 2009 were similar to those arrested in 2006 and 2000.

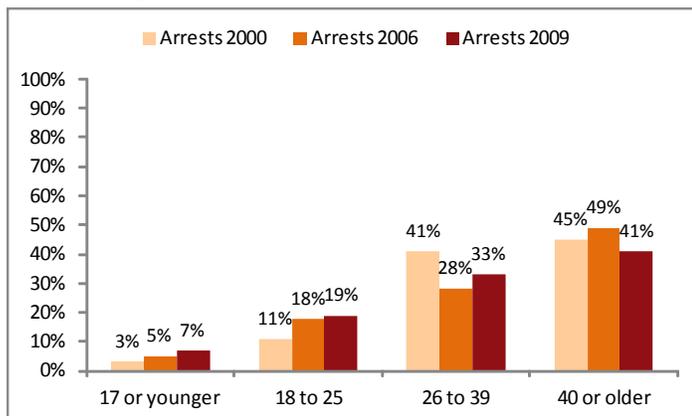
Almost all arrested CP possessors were men. Otherwise, they were diverse across all three years. They were not concentrated in any particular geographic location. Their levels of education and income ranged widely. In 2009, about two-thirds were single, about one-quarter lived with children younger than 18 and about one-quarter had problems with alcohol or drugs. Few had histories of mental illness or violence, or prior arrests for sexual offenses. Few cases involved multiple offenders. In both 2006 and 2009, 5% were registered sex offenders when they were arrested, compared to 3% in 2000.

In 2009 as in 2006, about 1 in 5 arrested CP possessors was age 18 to 25.

More arrested CP possessors in both 2006 and 2009 were young adults – ages 18 to 25 – compared to those arrested in 2000 (Figure 2). Nonetheless, the majority of arrested CP possessors, about 75% in 2009, were age 26 or older.

The proportion of juvenile offenders grew, but the increase was not statistically significant. In 2009, 7% of arrested CP possessors were age 17 or younger, compared to 5% arrested in 2006 and 3% in 2000.

Figure 2. Ages of arrested CP possessors, by year



In 2009, there was a jump in the percentage of arrested CP possessors who used peer-to-peer file sharing networks.

One change reflected in the trends was the technology used by arrested CP possessors to access CP. In 2009, 61% of arrested CP possessors used peer-to-peer (P2P) file sharing networks, compared to 28% in 2006 and only 4% in 2000.

Much of this growth may be attributable to law enforcement's increasing sophistication in conducting proactive investigations in P2P venues. In 2009, 42% of arrests began with law enforcement monitoring file sharing networks for contraband images.

Peer-to-peer file sharing networks

Peer-to-peer (P2P) file sharing networks allow users to search for and download electronic files directly from other computers. Participants download software that connects them to a network of users. They upload files into folders for sharing with others in the network and use search terms to find files to download. Media attention has focused on copyright violations when music and videos are exchanged in file sharing networks, but users also share pornography, legal and illegal.

The content of CP possessed by arrested offenders remained constant in most respects between 2000 and 2009.

Most arrested offenders had images of children ages 6 to 12, images of girls and images that depicted sexual penetration of a child.

Arrested CP possessors with images of children ages 6 to 12

- 87% in 2009
- 86% in 2006
- 83% in 2000

Arrested CP possessors with images of sexual penetration

- 82% in 2009
- 82% in 2006
- 80% in 2000

Arrested CP possessors with images that mostly depicted girls

- 67% in 2009
- 69% in 2006
- 71% in 2000

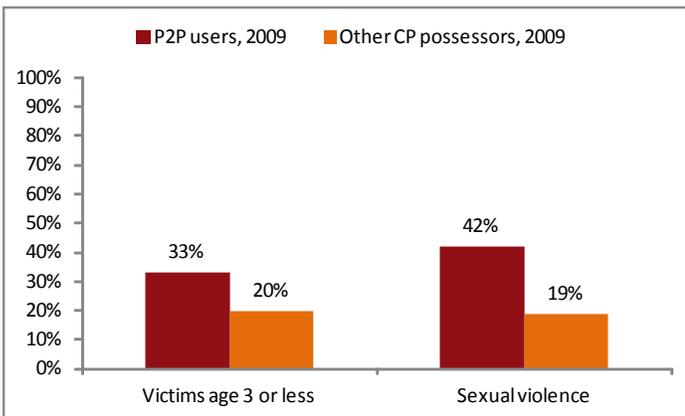
In 2009, more arrested offenders had CP videos.

In 2009, about two-thirds of arrested CP possessors (65%) had CP videos, compared to 58% arrested in 2006 and 39% in 2000. This increase is likely related to continuing increases in the capacity of computers to store and play large graphic files.

In both 2006 and 2009, P2P users had more extreme CP – images of very young victims and of sexual violence.

In both 2006 and 2009, users of P2P file sharing networks were more likely than other arrested CP possessors to have images of very young children and violent images. Among P2P users arrested in 2009, 33% had images of victims age 3 or younger and 42% had pictures that showed sexual violence (Figure 3). Among CP possessors that did not use P2P networks, 20% had images of victims age 3 or younger and 19% had images of sexual violence. These latter percentages are similar to the proportions of CP offenders that had such material in 2000.

Figure 3. Percentage of P2P users with extreme images compared to CP possessors who did not use P2P networks, 2009



While P2P users in general may have more extreme content, it is also possible that this difference reflects law enforcement policy and practice. In P2P venues, police typically can identify more CP traders than they have resources to investigate and arrest, and they usually can determine the types of files possessed by a target. They may choose to pursue users with more extreme images [1].

A higher percentage of CP possessors arrested in 2009 also distributed CP.

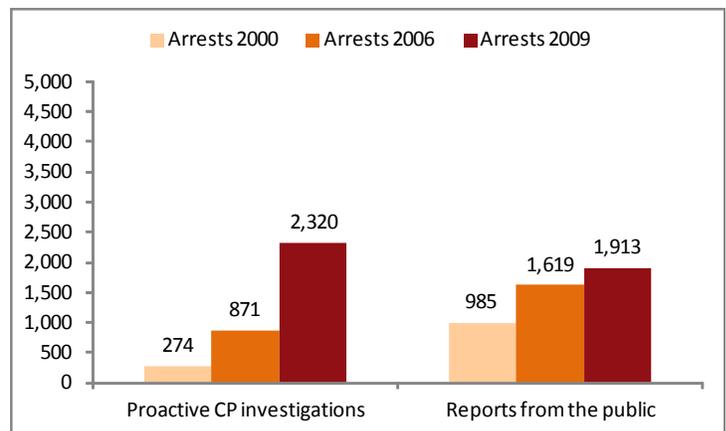
In 2009, a majority of arrested CP possessors (59%) also distributed CP, compared to 39% arrested in 2006 and 33% in 2000. This increase may be largely attributable to the increase in P2P use among arrested offenders, since many P2P users distribute CP by making files available for sharing with other network users.

In 2009, proactive investigations of online CP trading generated more arrests than reports from the public.

Law enforcement agencies are aggressively tackling the online CP trade by proactively targeting offenders through a variety of tactics – for example, posing online as traders, tracing suspects who transact business on commercial CP sites and monitoring file sharing networks. Arrests attributable to proactive investigations more than doubled between 2006 and 2009.

In 2009, for the first time, more CP arrests began with proactive CP investigations than with individuals reporting CP possession or other sexual offenses to police. In 2009, there were 2,320 arrests generated by proactive investigations of online CP trading, compared to 871 in 2006 and 274 in 2000 (Figure 4). There were 1,913 arrests generated by reports from individuals, compared to 1,619 in 2006 and 985 in 2000.

Figure 4. Estimated numbers of arrests originating with proactive investigations of CP trading and those originating with reports, by year



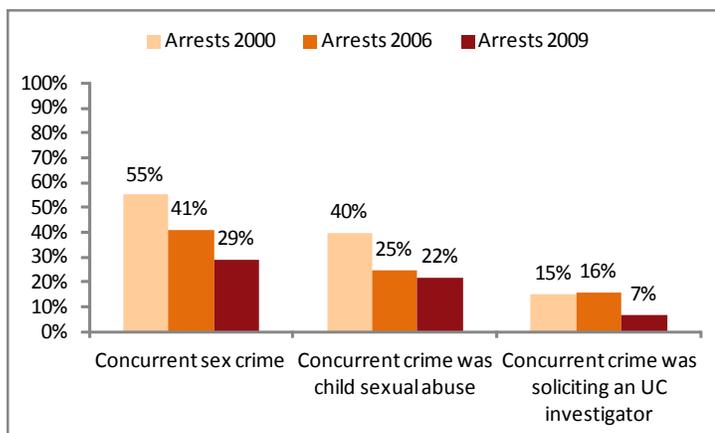
Note: The balance of arrests was attributable to CP found during other law enforcement activity, such as monitoring of offenders on probation or parole, welfare checks, traffic stops or CP found during investigations of other crimes.

In 2009, a smaller proportion of CP possessors were “dual offenders” – CP possessors who also committed a concurrent sex crime against a minor.

In 2009, there was a decrease in “dual offenders” – those whose crimes involved both CP possession and concurrent completed or attempted child sexual abuse (e.g., child molestation or other sex crimes that directly victimized known minors or sexually soliciting an undercover investigator posing online as a minor). There was a corresponding increase in the proportion of offenders who were charged with CP possession only.

In 2009, 29% of arrested CP possessors were dual offenders, compared to 41% in 2006 and 55% in 2000. Seventy-one percent of arrested CP possessors were charged solely with CP possession or distribution, compared to 59% arrested in 2006 and 45% in 2000 (Figure 5).

Figure 5. Percentage of “dual offenders,” all CP arrests, by year



This decrease in the proportion of dual offenders is likely related to the decrease in CP possession cases that started with allegations of child sexual abuse. In 2000, close to half of CP possession cases started with allegations of child sexual abuse or solicitations to an undercover investigator and the offender was subsequently found to possess CP. In these situations, when police find CP, they generally know they are arresting a dual offender because they had specific allegations of abuse to investigate. However, when cases start with allegations or investigations of CP possession, police often find no evidence of child sexual abuse. In 2009, only about 20% of CP cases began with allegations of child sexual abuse and almost 80% started with investigations of or allegations about CP possession.

In 2009, 1 in 10 cases that *started* with CP possession found a dual offender.

When we isolated cases that started with allegations or investigations of CP possession, we found that the percentage that identified dual offenders decreased somewhat in 2009, to 1 in 10 cases compared to 1 in 6 in both 2000 and 2006.

Cases starting with CP possession that identified a dual offender

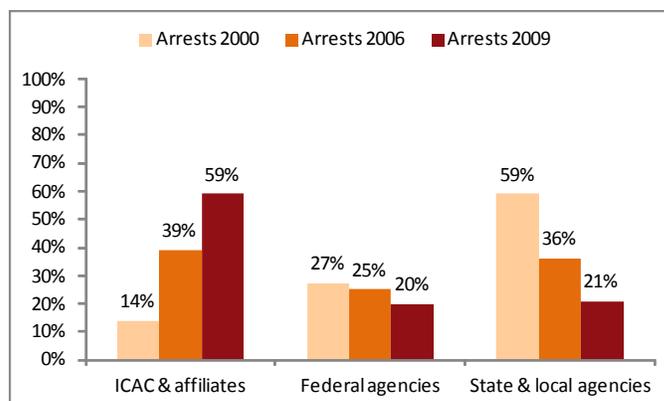
- 10% in 2009
- 16% in 2006
- 17% in 2000

Even though the proportion of dual offenders was smaller in 2009 than in previous years, the estimated number of arrests was similar to 2006 because there were more arrests overall. We estimate that in 2009 there were 383 arrests of CP possessors who were sexually abusing children among cases that started with CP possession, compared to 415 in 2006 and 150 in 2000. These numbers cover only three years, but they suggest that many hundreds of child sexual abusers may have been caught due to investigations of CP possession since we first measured this in 2000.

In 2009, ICAC Task Forces and affiliates made more than half of arrests for CP possession.

The percentage of arrests by Internet Crimes against Children (ICAC) Task Forces* increased sharply in 2009 (Figure 6). One factor in this increase may be the growing number of state and local agencies formally affiliated with ICAC Task Forces through written agreements. The percentage of arrests made by federal agencies remained about the same between 2006 and 2009, and the percentage by state, county and local agencies that were not affiliated with ICAC Task Forces declined.

Figure 6. CP possession arrests by type of agency and year

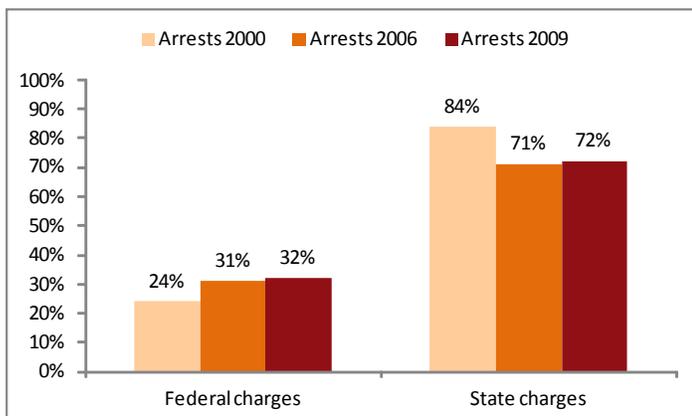


About one-third of CP possessors were charged with federal crimes in 2009 and 2006.

Federal agencies made arrests in about 1 in 5 CP possession cases in 2009, but about 1 in 3 cases resulted in federal charges. Many federally charged cases in which arrests were made by local or state agencies came from ICAC Task Forces, which often have working relationships with US Attorneys that facilitate referrals for federal prosecution. In 2009, 32% of arrested CP possessors were charged with federal crimes, compared to 31% arrested in 2006 and 24% in 2000 (Figure 7). Seventy-two percent of arrested CP possessors were charged with state crimes, compared to 71% arrested in 2006 and 84% in 2000.

* The ICAC Task Force program is funded by the US Department of Justice. Its aim is to provide training and technical assistance to state and local law enforcement agencies to enhance their ability to respond to technology-facilitated child sexual exploitation crimes.

Figure 7. Percentage of cases with federal and state charges, by year



Note: Some offenders were charged with both state and federal crimes.

Discussion

Arrests for possession of child pornography continued to grow in the latter part of the 2000s. It is not clear to what extent this reflects a growth in the population accessing contraband images and to what extent it reflects increasing law enforcement mobilization. Some technological advances in law enforcement practice have made investigating CP possession easier. This includes the ability to recognize and track illegal images in P2P file sharing networks. Law enforcement adoption of P2P monitoring technologies may help to explain why an increased portion of arrested CP possessors had used P2P file sharing programs.

Law enforcement monitoring of P2P networks may also explain why there has been some increase in the proportion of arrested CP possessors that have images depicting young children and sexual violence. Given that law enforcement can choose from a wide range of CP possessors using P2P networks, they may target CP possessors who have more extreme material. It may not be the case that material being downloaded itself has gotten more extreme, although this is also a possibility.

Perhaps the most interesting change noted in this bulletin is the decline in the proportion of arrested CP possessors who were discovered to be also molesting children, the “dual offenders”. The proportion of CP arrestees who were identified as child molesters in cases that started out as CP investigations dropped from 16% in 2006 to 10% in 2009.

Several points about this change merit more discussion. One concerns why the rate of dual offenders is lower in these estimates, when other studies have purported to show that many CP possessors are child molesters. One reason for the low estimate here is that these percentages apply to cases that *started out as investigations of CP possession*.

Other studies of this issue have looked at mixed samples of offenders many of whom may have been initially investigated for suspicions of sex offenses against children, and who were discovered to be in possession of CP. Including such cases tends to inflate the proportion of dual offenders. We formulate the estimate differently because it seems to us that the important social policy question is how to structure investigations of CP to identify the offenders who are actively molesting children. However, our estimate of dual offenders is almost certainly low because it is based only on what investigators find out in the course of their investigations and arrests. Additional information that is revealed through treatment, confessions and victims coming forward subsequently are not included because of how our data are gathered.

A second issue is why the rates of dual offenders may be declining. One possibility is that CP is increasingly coming into the hands of people who are not active child molesters. Another is that police are targeting a different population of CP possessors. For example, as they conduct more of their investigations through P2P environments, they may be accessing a population who are more focused on acquiring and trading CP than on molesting children. Still another possibility is that police are investigating CP cases less intensively. Perhaps, given the substantial sentences that are meted out for CP possession and high conviction rates, law enforcement is confident that offenders will be off the street and children will be protected, and they have less need for evidence of additional crimes.

A third issue concerns the increase in extreme images, those depicting very young victims and sexual violence. It is perhaps surprising that extreme images increased as the percentage of dual offenders fell. Some in law enforcement may be targeting those with more extreme images in the belief that these offenders are also more likely to be molesters. Our data, unfortunately, cannot speak confidently to the issue of exactly how law enforcement should prioritize CP investigations if they want to catch active molesters. But there is at least a possibility that the new techniques and priorities that police are using are not increasing the likelihood of discovering dual offenders. This does not mean that those priorities are inappropriate for the goal of protecting children since child pornography possession has its own corrosive dynamics. But it should spur the search for additional data to evaluate the best police strategies for protecting children.

How the National Juvenile Online Victimization (NJOV) Study was conducted

The National Juvenile Online Victimization (NJOV) Study collected information from a national sample of law enforcement agencies about the prevalence of arrests for and characteristics of technology-facilitated sex crimes against minors during three 12 month periods: July 1, 2000 through June 30, 2001 (NJOV1), and calendar years 2006 (NJOV2) and 2009 (NJOV3).

We used a two-phase process of mail surveys followed by telephone interviews to collect data from a national sample of the same local, county, state, and federal law enforcement agencies. First, we sent mail surveys to a national sample of more than 2,500 agencies. The surveys asked if agencies had made arrests for technology-facilitated sex crimes against minors during the respective 12 month timeframes. Then we conducted detailed telephone interviews with law enforcement investigators about a random sample of arrest cases reported in the mail surveys. In NJOV2 and NJOV3 “technology-facilitated” was defined to include Internet use and electronic technologies such as cell phones used for texting and taking and sending photographs.

The data, weighted to account for sampling procedures and non-response, include 612 cases from NJOV1, 1,051 cases from NJOV2 and 1,299 cases from NJOV3. Having weighted data that is based on a representative sampling of law enforcement agencies and arrest cases allows us to estimate the incidence of arrests for specific types of crimes during the timeframes of the three NJOV Studies.

NJOV1 includes 429 interviews about CP possession cases ending in arrests that occurred between July 1, 2000 and June 30, 2001; NJOV2 includes 605 interviews about such cases ending in arrest in 2006 and NJOV3, 768 interviews about arrests in 2009.

Table 1 provides details about the dispositions of the mail survey and telephone interview samples. Study procedures were approved by the University of New Hampshire Human Subjects Review Board and complied with all Department of Justice research mandates.

NJOV Study papers, methodology and other reports are available at the website of the Crimes against Children Research Center: <http://www.unh.edu/ccrc/internet-crimes/papers.html>.

REFERENCES

1. Wolak, J., Finkelhor, D., Mitchell, K.J., & Jones, L. (2011) Child pornography possessors: Trends in offender and case characteristics. *Sexual Abuse: A Journal of Research and Treatment* 23(1), 22-42.

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Table 1. Final dispositions and response rates for the National Juvenile Online Victimization (NJOV) Study

	NJOV1	NJOV2	NJOV3
# agencies in sample	2,574	2,598	2,653
No jurisdiction	65	282	190
Eligible agencies	2,509	2,316	2,463
Responded to mail survey	2,205 (88%)	2,028 (87%)	2,128 (86%)
Reported cases	383 (15%)	458 (20%)	590 (24%)
# cases reported	1,723	3,322	4,010
Not selected for sample	646 (37%)	1,389 (42%)	1,522 (38%)
Ineligible	281 (16%)	276 (8%)	459 (11%)
Total # cases in sample	796	1,657	2,029
Non-responders	101 (13%)	446 (27%)	471 (23%)
Refusals	25 (3%)	118 (7%)	159 (8%)
Invalid or duplicate cases	40 (5%)	30 (2%)	100 (5%)
Completed Interviews	612 (79%)	1,051 (64%)	1,299 (64%)
Did not involve CP possession	183	446	531
Subsample of CP possession cases	429	605	768

We welcome inquiries about our research. Please contact Janis.Wolak@unh.edu.



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