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# UPDATE

## From Fantasy to Reality: The Link Between Viewing Child Pornography and Molesting Children

By Candice Kim<sup>1</sup>

### Introduction

The act of viewing child pornography does not exist in a vacuum. The existence of images that sexually exploit children represents tangible evidence of past, present and, most likely, future abuse. Even those individuals who have not physically molested a child, and merely claim to "just" receive or collect child pornography produced by others, play a role in the sexual exploitation of children.<sup>2</sup> Indeed, a majority of circuits have held that the victim of the crime of transporting images of child pornography is not society at large, but the child depicted.<sup>3</sup> "[T]he victimization of the children involved does not end when the pornographer's camera is put away. . . the pornography's continued existence causes the child victims continuing harm by haunting those children in future years."<sup>4,5</sup> Moreover, one child's memorialized incident of sexual abuse is often used to victimize additional children in the future. Recent research concludes that there is a correlation between individuals who collect and disseminate child pornography and those who sexually molest children. This article intends to dispel the myth that viewing child pornography is merely looking at pictures and to alert prosecutors, investigators and front-line child abuse professionals to the significance of child pornography in predatory behavior patterns.

### The Statistics

Recent studies demonstrate that those who collect and disseminate child pornography are likely to molest an actual child. According to the United States Postal Inspection Service, at least 80% of purchasers of child pornography are active abusers and nearly 40% of the child pornographers investigated over the past several years have sexually molested children in the past.<sup>6</sup> From January 1997 through March 2004, 1,807 child pornographers were arrested and 620 of these individuals were confirmed child molesters.<sup>7</sup> Therefore, between 34–36% of these child pornographers were actual child molesters, defined as someone who had confessed to acts of molestation, someone who had a record for molestation, or someone who was involved in an overt act in order to procure children for sexual purposes.<sup>8</sup> The 620 confirmed child molesters led to 839 child victims who were identified and rescued.<sup>9</sup>

In a 2000 study issued by the Federal Bureau of Prisons, 76% of offenders convicted of internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement and had an average of 30.5 child sex victims each.<sup>10</sup> Furthermore, reports by state-based Internet Crimes against Children (ICAC) task forces confirm the positive correlation between the possession of child pornography and the commission of crimes against children, through its law enforcement and fieldwork.<sup>11</sup> For instance, the Pennsylvania-based ICAC task force reported that 51% of individuals arrested for pornography-related offenses were also determined to be actively molesting children or to have molested in the past. In Dallas, the ICAC task force found that 32% of offenders arrested over the course of one year for child pornography offenses

were also molesting children or had molested in the past.<sup>12</sup> In light of the documented link between individuals who view child pornography and individuals who actually molest children, each child pornography case should be viewed as a red flag to the possibility of actual child molestation.

### Using Child Pornography in the Grooming Process

Sexual predators frequently use pornography as a tool to assist them in the grooming process. "Grooming" is the term used to describe the process by which child molesters build trust with the child to transition from a nonsexual relationship to a sexual relationship in a manner that seems natural and nonthreatening.<sup>13</sup> Through the grooming process, the child molester seeks out, befriends and manipulates a targeted victim.<sup>14</sup> Similar to the adult courting process, the child molester "seduces" the child victim with attention, affection and gifts.<sup>15</sup> Grooming is a gradual process and a skilled child molester takes care in laying a foundation of trust, love and friendship before escalating the relationship to a sexual one. Ultimately, the seemingly healthy relationship is only a farce used to take sexual advantage of a vulnerable child.

Child molesters use both adult pornography and child pornography in the grooming process, albeit for different purposes. Adult pornography is most often used to arouse the victim and break down the child's barriers to sexual behavior. Child pornography is also used to break down the child's barriers to sexual behavior, but serves the additional purpose of communicating the child molester's sexual fantasies to the child. Repeated exposure to both adult and child pornography is intended to diminish the child's inhibitions and give the impression that sex between adults and children is normal, acceptable and enjoyable. The child pornography used for this purpose depicts children who are smiling, laughing and seemingly having fun, which in turn both legitimizes sex between adults and children and portrays these sexual activities as enjoyable. Of 1,400 cases of reported child molestation in Louisville, Kentucky, between 1980 and 1984, pornography was connected with every incident and child pornography was connected in a majority of cases.<sup>16</sup>

Sadly, child molesters tend to target children who are neglected or come from dysfunctional homes. For these children, the child molester offers an alternative relationship that makes the child feel special and loved. As a result, children who are abused frequently exhibit fierce loyalty to their abusers. Sexual predators are skilled at identifying children who are vulnerable, needy and/or lonely. Sexual predators themselves admit that they seek out children who are vulnerable:

"Choose children who have been unloved. Try to be nice to them until they trust you very much and give you the impression that they will participate with you willingly. Use love as bait. . . Give her the illusion that she is free to go with it or not. Tell her she is special. Choose a kid who has been abused. Your victim will think that this time is not as bad."<sup>17</sup>

Part of the grooming process is developing a trust relationship with the child and often, the child's family. In actuality, the seemingly "trustful" relationship is one of deception and manipulation.<sup>18</sup> As the child molester gains the trust and loyalty of the child and the child's family, he will often engage the child with pornographic images as he escalates the relationship into actual sexual molestation. Child pornography used in this context is often an indicator of the child molester's sexual fantasies as well as a tool used in the grooming process of a victim. Partaking in child pornography is a common precursor to practicing sexually deviant behavior with live victims.

"Many pedophiles acknowledge that exposure to child abuse images fuels their sexual fantasies and plays an important part in leading them to commit hands-on sexual offenses against children."<sup>19</sup>

### Child Pornography Collections

Data gathered from law enforcement investigations conclude that child molesters often collect child pornography. The term "collection" goes beyond mere viewing to systematic saving, categorizing and fantasizing about the pornographic images.

In a 1984 study conducted by the Chicago Police Department, it was found that in almost 100% of their annual child pornography arrests the arrested individual was engaging in sex acts with the children in the photos, films, and videos confiscated.<sup>20</sup> As such, possession of child pornography should alert investigators and prosecutors to the high likelihood of past, present or future child sexual abuse.

Preferential sex offenders are particularly obsessive about collecting, organizing and categorizing pornographic images. Preferential sex offenders are those offenders who have a clear sexual preference for children; whereas situational sex offenders do not have a compulsive sexual preference for children, rather engage in sex with children for varied and complex reasons. Unlike situational sex offenders, preferential sex offenders do not molest children because of situational stress or insecurity but because they are sexually attracted to and prefer children. These are the offenders who have erotic fantasies about children and collect pornographic images that depict their sexual fantasies with them.<sup>21</sup> Preferential sex offenders can be extremely meticulous about categorizing, labeling and organizing their child pornography collection according to age, gender, sex act and fantasy. These collections are a direct indication of the sexual fantasies the offenders have experienced or intend to experience.

"Especially for preferential-type sex offenders, **collection** is the key word here. It does not mean that they merely view pornography.

They save it. It comes to define, fuel, and validate their most cherished sexual fantasies."<sup>22</sup>

Viewing child pornography reinforces fantasies and drives the predator toward acting out those sexual fantasies with actual children. Therefore, even if an individual is not actively molesting at the time he is investigated for possessing child pornography, an extensive collection indicates his sexual preference for children, and is a red flag for possible future plans to molest. A pedophile's pornography and erotica collection is the single best indicator of what he **wants** to do.<sup>23</sup>

Furthermore, the act of trading child pornography within the community of pedophiles on the internet reinforces the idea that pedophilia is acceptable. With the technology of computers and the vast community through the internet, pedophiles can easily feed their sexual desires with the click of a mouse and locate other individuals with similar interests. By communicating with other pedophiles on the internet, they exchange information and validate their deviant interests and behavior.<sup>24</sup>

### Conclusion

The notion that viewing pornographic depictions of children has no relation to child molestation is without basis. While statistical absolutes are impossible to draw in an arena such as this, evidence from actual investigations and experience tells us it is a small leap from viewing child pornography to molesting children. Individuals who find pleasure in viewing images of children engaged in sexual activities have already violated social norms with their deviant sexual interests. Therefore, it is not a farfetched

idea that a viewer of child pornography will emulate the crimes being committed in those images. Possessing child pornography is a red flag to deviant sexual interest in children. Perpetrators should be pursued with vigilance, based on the assumption that where there is child pornography there is child abuse.

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- <sup>2</sup> Kenneth V. Lanning, **Child Molesters: A Behavioral Analysis** 86 (National Center for Missing & Exploited Children 4th ed. 2001).
- <sup>3</sup> All these circuits rejected the defense claim that, for sentencing purposes, a violation of 18 U.S.C. § 2252 (a) (1), had no victim or the victim was society. They all concluded the victim was the child depicted in each image possessed and received. *United States v. Tillmon*, 195 F.3d 640 (11th Cir. 1999); *United States v. Hibbler*, 159 F.3d 233 (6th Cir. 1998), *cert. denied*, 526 United States 1030 (1999); *United States v. Norris*, 159 F.3d 926 (5th Cir. 1998), *cert. denied*, 526 United States 1010 (1999); *United States v. Boos*, 127 F.3d 1207 (9th Cir. 1997); *United States v. Ketcham*, 80 F.3d 789 (3d Cir. 1996); *United States v. Rugh*, 968 F.2d 750 (1992). *But see United States v. Toler*, 901 F.2d 399 (4th Cir. 1990).
- <sup>4</sup> *Norris*, 159 F.3d at 930-931 (quoting *Osborne v. Ohio*, 495 U.S. 103 (1990)).
- <sup>5</sup> Disturbingly, this recognized fact is ignored by some local courts. See *State v. Myrland*, 681 N.W.2d 415 (Minn. Ct. App. 2004) (Court reversed a child pornography possession conviction on a sufficiency of evidence claim and states that it is prosecutorial misconduct for a prosecutor to argue that "once an image of a child reaches the internet, that child is victimized again and again every time the image is viewed." Further, the court found it an error for the prosecutor to argue that in order for child pornography to exist, "there had to be a kid who either had to be sexually abused, who was required to perform some type of sexual act." The court notes that these statements are irrelevant to the facts of the possession case and are highly inflammatory, designed to appeal to the jury's disgust over the contents of the images and to divert the jurors' attention from weaknesses in the evidence.)
- <sup>6</sup> *Stopping Child Pornography: Protecting our Children and the Constitution: Before the Senate Comm. On the Judiciary*, 107th Cong. (2002) (statement of Ernie Allen, Director, The National Center for Missing and Exploited Children).
- <sup>7</sup> Telephone Interview with Ray Smith, Agent, United States Postal Inspection Service (April 30, 2004).
- <sup>8</sup> *Id.*
- <sup>9</sup> See *Id.* (Please note that the data compiled by the United States Postal Inspection Service are based upon evidence derived from child pornography crime scene investigations and police reports.)
- <sup>10</sup> *Internet Child Pornography: Before the House Subcomm. on Crime, Terrorism, and Homeland Security, Comm. on the Judiciary*, 107th Cong. (2002) (statement of Michael J. Heimbach, Crimes Against Children Unit, Criminal Investigative Division, FBI).
- <sup>11</sup> *Stopping Child Pornography: Protecting our Children and the Constitution: Before the Senate Comm. On the Judiciary*, 107th Cong. (2002) (statement of Ernie Allen, Director, The National Center for Missing and Exploited Children).
- <sup>12</sup> *Id.*
- <sup>13</sup> *Not With My Child* 87 (Roger Castillo, Jr. ed., United Youth Security, 1998).
- <sup>14</sup> Anna C. Salter, Ph.D., **Predators** 66 (Basic Books 2003).
- <sup>15</sup> Lanning, *supra* note 2, at 27.
- <sup>16</sup> *Before the Senate Subcomm. Juvenile Justice, Comm. on the Judiciary*, 94th Cong. (1984) (statement of John B. Rabun, Deputy Director, National Center for Missing and Exploited Children).
- <sup>17</sup> Salter, *supra* note 10.
- <sup>18</sup> Brown, Duncan, **Developing Strategies for Collecting and Presenting Grooming Evidence in a High Tech World**, *Update*, Vol. 14, No. 11 (2001).
- <sup>19</sup> John Carr, *Child abuse, child pornography and the internet: Executive summary* (NCH 2004).
- <sup>20</sup> *Stopping Child Pornography: Protecting our Children and the Constitution: Before the Senate Comm. On the Judiciary*, 107th Cong. (2002) (statement of Ernie Allen, Director, National Center for Missing and Exploited Children).
- <sup>21</sup> Lanning, *supra* note 2, at 27.
- <sup>22</sup> *Id.* at 61.
- <sup>23</sup> *Id.* at 85.
- <sup>24</sup> Kenneth V. Lanning, *Cyber "Pedophiles": A Behavioral Perspective*, 11(4) **The APSAC Advisor** 12 (1998).

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