

Offender Psychology

From 2016 to 2020, federal judges sentenced over 12,500 offenders for crimes related to the possession, distribution, and/or production of child sexual abuse materials (CSAM) and 2,900 offenders for the transportation or trafficking of minors for sexual purposes.¹ These numbers represent the tenacity and hard work of federal law enforcement, Internet Crimes Against Children Task Forces, and Offices of the United States Attorneys. Sadly, each of these numbers represents at least one victim, and in many cases, significantly more. While these statistics denote child sex offenders who were identified, apprehended, and prosecuted, they underestimate the totality of the offenders' concerning and deviant behaviors.

Consider "Steven," age 28, who is before the Court for the first time for trading CSAM: *Steven and another offender are accused of "repurposing" a seemingly benign platform to share material representative of their sexual interest in children. Steven saved his collection of CSAM, which depicts the lascivious display of genitals of prepubescent boys and anal sexual abuse of prepubescent boys by adult men, to his hard drive. A search of his home revealed non-pornographic photographs he surreptitiously took of boys in his town, magazines and catalogs depicting young boys, and numerous books and articles focused on the abuse and murder of children. He also possessed new pairs of boys' socks and underwear he admitted he uses during masturbation. When interviewed by federal law enforcement, he disclosed he regularly fantasizes about abducting, raping, and killing a young boy; at this time, however, there is no evidence he is a contact offender.*

Labeling Steven as a "CSAM offender," while technically accurate, does a disservice to those who need to understand the risks he poses. The label also creates a problem in the research setting, since academics often use convictions as a method for placing offenders in specific categories and samples. But clearly the term underestimates the totality of Steven's deviant behavior, fails to fully capture the time and effort he expends in support of his sexual interests, and mischaracterizes his criminal intentions.

Contrast Steven with "Rob," age 31:

Rob recently was charged with transportation of a minor for sexual purposes and sex trafficking of children. The Government alleges that Rob forced two teenagers, ages 16 and 17, to engage in sexual activity with adults in exchange for money, which they then were required to give to him. Rob used the money to buy extravagant clothes, as well as to fund his and the victims' travels to major cities across the U.S., where they stayed in luxury hotels. Rob also used the proceeds to support his and his girlfriend's cocaine habits. There is no evidence he engaged in sexual activity with either of the teens; however, there are indications he was physically abusive to them. He has a lengthy criminal history, dating back to when he was a juvenile, for crimes including theft, burglary, disorderly conduct, fraud, and resisting law enforcement.

Both Steven and Rob are child sex offenders and, if convicted, each might be required to register as sex offenders for the rest of their lives. Importantly, however, they possess differing

¹ Based on sentencing data captured by the U.S. Sentencing Commission for guidelines 2G2.1 & 2G2.2 (CSAM) and 2G1.3 (trafficking) respectively

motivations, and the risks they pose to society are dissimilar. Specifically, Steven’s actions are likely driven by a sexual attraction to prepubescent children (e.g., pedophilia), whereas Rob appears motivated by antisocial tendencies, such as the desire to control others and the willingness to exploit them for personal gain.

Determining what drives and influences sex offenders – their *motivational pathways* – is a complex task. It is best undertaken by experienced clinicians who possess not only the appropriate academic credentials but also sufficient experience interviewing, evaluating, and/or treating, and assessing the risk posed by sex offenders. Too often, expert witness testimony is provided by professionals who have advanced academic degrees but lack sufficient training or experience working with sex offenders. Armed with an unsophisticated understanding of this population, they unwittingly propagate myths, describe inaccurate “mitigators,” provide skewed or erroneous explanations about the origins of deviant predilections, and – perhaps most frequently – underestimate the risks these offenders pose.

Since sexual interests are enduring, it is important for investigators to consider any gaps in any offender’s known criminal history to discover previously undetected crimes and identify possible victims.

Persistence of Underlying Factors

It is important to note that deviant predilections and behavior – whether due to psychological disorders (e.g., pedophilia), hedonistic impulsivity, or antisocial traits – tend to persist across the lifespan. Currently there are no cures for these underlying conditions and attempts to manage sexual deviance have resulted in only modest success.^{2,3,4,5,6}

Typologies

Investigators, academics, and mental health professionals “type” offenders in various ways. The easiest method is to label them according to the criminal behavior they are known to have committed – “child molester,” “traveling sex offender,” and “trafficker” are examples of hands-on criminals, while “collector,” and “trader” refer to online conduct. Unfortunately, detected crimes are not always accurate representations of offenders’ sexual criminality. Known offenses typically constitute only the metaphoric tips of offenders’ criminal icebergs.

² Långström, N., Enebrink, P., Laurén, E-M, Lindblom, J., Werkö, S., & Hanson, R. K. (2013). Preventing sexual abusers of children from reoffending: Systematic review of medical and psychological interventions. *BMJ*, 347:f4630.

³ Dennis, J. A., Khan, O., Ferriter, M., Husband, N., Powney, M. J., & Duggan, C. (2012). Psychological interventions for adults who have sexually offended or are at risk of offending. *Cochrane Database of Systematic Reviews*, 12, Article number CD007507.

⁴ Lösel, F., Link, E., Schmucker, M., Bender, D., Breuer, M., Carl, L., Endres, J., & Lauchs, L. (2020). On the effectiveness of sexual offender treatment in prisons: A comparison of two different evaluation designs in routine practice. *Sexual Abuse*, 32(4), 452-475.

⁵ Mews, A., Di Bella, L., & Purver, M. (2017). Impact evaluation of the prison-based Core Sex Offender Treatment Programme. *Ministry of Justice Analytical Series*.

⁶ Schmucker, M., & Lösel, F. (2015). The effects of sexual offender treatment on recidivism: An international meta-analysis of sound quality evaluations. *Journal of Experimental Criminology*, 11, 597-630.

Alternatively, offenders can be typed by *modus operandi* (e.g., “grooming”), the criminal arena in which they operate (e.g., “online offender”), or victimology (“preferential offender”). These descriptors often are inconsistently applied, can be overused, and ultimately are imprecise since they fail to adequately account for criminal diversity.

One way to conceptualize sex offenders is using psychological/psychiatric classifications. While diagnostic terms (e.g., “pedophile,” “sadist,” “psychopath”) may most accurately describe the offender’s motivational pathway and are helpful in treatment and risk assessment settings, the diagnoses must be given by qualified mental health professionals, and the terms are commonly misused by laypersons.

From an investigative standpoint, no matter which framework is used to describe sex offenders, typologies end up being double-edged swords. For example, they can be useful to help law enforcement officers gain conceptual insight into what drives a given perpetrator. This knowledge can inform efforts to identify or apprehend them, as well as improve the efficacy of interview techniques following arrest. On the other hand, typologies may contribute to inferences that misguide or prematurely close investigations. For example, identifying a subject as targeting only girls may cause investigators to overlook potential male victims. Similarly, deciding an offender is “preferential” based on his CSAM collection may fail to identify teenaged or even adult victims.

It is important to recognize that many offenders depart from the categories in which they’ve been conceptually placed - they may assault victims outside their ideal victim pool, engage in adjunctive or spontaneous sexual acts, and/or experiment with alternative methods for accessing, abusing, or silencing their victims.

Crossover

The utility of “typing” offenders is diminished if crossover is not considered. As the name implies, crossover refers to offenders who commit crimes in multiple offense categories. Crossover among sex offenses has been studied for more than three decades. In one of the earliest examinations of sex offenders’ criminal diversity,⁷ researchers noted that while their offender sample had been assumed to fall into only one sexual offense category, most had “significant experience with as many as ten different types of deviant sexual behavior.” A study⁸ with samples of both incarcerated and paroled offenders reported similar findings: the majority of the nearly 500 sex offenders admitted assaulting both children and adults, and sexually assaulting victims of both genders. A third, more recent analysis of 251 CSAM offenders revealed that more than a third of the offenders engaged in crossover offending in which they attempted or engaged in other sexual exploitation crimes.⁹ Importantly, in the latter study it was

⁷ Abel, G. G., Becker, J. V., Cunningham-Rathner, J., Mittelman, M., & Rouleau, J.-L. (1988). Multiple paraphilic diagnoses among sex offenders. *Bulletin of the American Academy of Psychiatry and the Law*, 16(2), 153-168.

⁸ Heil, P., Ahlmeyer, S., & Simons, D. (2003). Crossover sexual offenses. *Sexual Abuse: A Journal of Research and Treatment*, 15, 221-236.

⁹ Owens, J. N., Eakin, J. D., Hoffer, T., Muirhead, Y., & Shelton, J. E. (2016). Investigative aspects of crossover offending from a sample of FBI online child sexual exploitation cases. *Aggression and Violent Behavior*, 30, 3-14.

the in-depth investigation by law enforcement that revealed the more egregious crimes, as more than half of the crossover offenders were referred to law enforcement for CSAM possession.

Researchers who rely on reviews of criminal records often report lower crossover in their samples than what law enforcement professionals and qualified treatment providers encounter “on the ground.” Even the best official records are typically poor proxies for offenders’ true history of exploitative behaviors – the best way to come reasonably close to learning the truth is through qualitative research conducted by experienced interviewers. Since the detection rates for sexual offenses is very low, it is not surprising that often the most accurate studies – those that do not underestimate risk and criminal diversity – include those conducted in treatment settings and/or that used polygraph verification. Not surprisingly, such studies tend to find much higher rates of crossover.

The Role of Adult Pornography

As a society we struggle to understand why otherwise normal people engage in child exploitation crimes. We seek logical explanations for why a local pastor would abuse children, a coach would send explicit photographs to underage athletes, or a teacher would download CSAM. We have a hard time reconciling the normalcy of the person we thought we knew with the “other” person that lurked beneath the surface.

Some try to find answers in the psychological process of *operant conditioning*¹⁰ because it specifically addresses how many human behaviors can be shaped. Through this lens, perpetrators can be reframed from “monsters” to mere victims of their environment or some unknown circumstances (e.g., childhood abuse). Finding a cause for their deviant sexual interests allows us to avoid confronting disconcerting realities: that the world is not as safe as we would like, that we often fail to identify malevolence around us, that our maternal and paternal instincts are frighteningly insufficient at identifying threats to our children, and – most significantly – that people commit crimes against children for reasons we simply do not understand.¹¹

Unfortunately, the misapplication of key concepts found in behaviorism (e.g., *habituation*,¹² *normalization*,¹³ *desensitization*) has resulted in confusion about how deviant predilections develop and, in particular, about the role the internet plays. This includes “gateway theories”¹⁴ that suggest certain behaviors, over time, will lead to others - including acts that are illegal and/or undesirable. Gateway theories are not new; historically, seemingly logical paths have been drawn to “prove” that smoking cigarettes leads to heroin abuse, dancing leads to premarital sex, etc. The problem stems from causal misattribution - while it is true many addicts first used

¹⁰ Operant conditioning is the process by which behavior is learned and modified through reinforcement and punishment.

¹¹ Salter, A. (2004). *Predators: Pedophiles, rapists, and other sex offenders*. Basic Books.

¹² Habituation is an example of non-associative learning - no reward or punishment is associated with the stimulus. An example is people who live near airports who no longer notice the sounds of airplanes overhead.

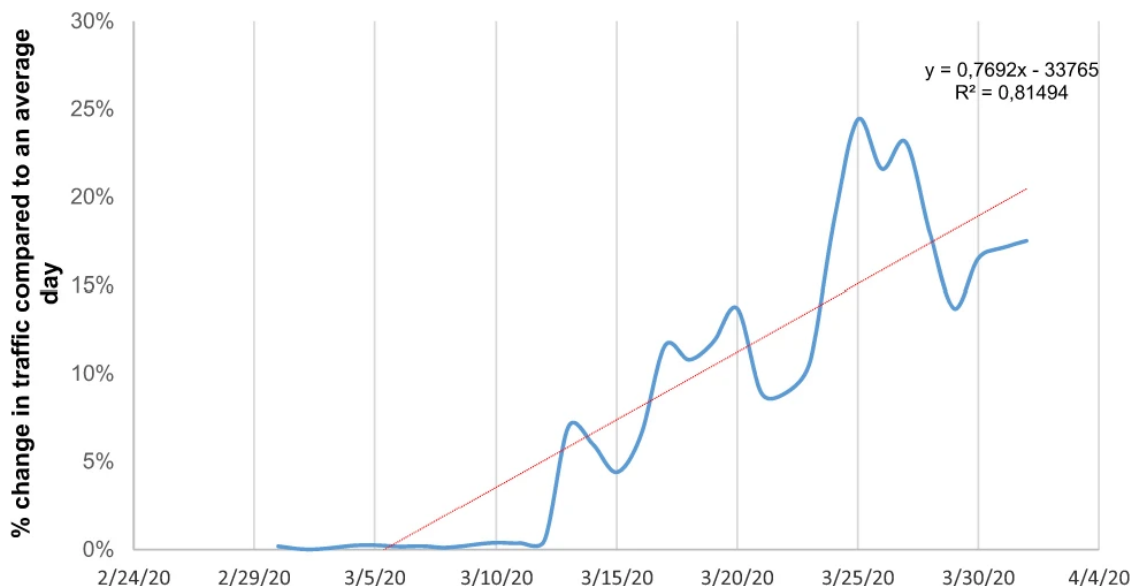
¹³ Normalization is the process by which things become more “okay” in a given context (e.g., wearing a facemask in public has become normalized during the pandemic). In the area of sexual exploitation, normalization can occur when offenders join a community of like-minded individuals who persuade him that crimes against children are less harmful and less morally repugnant than they are.

¹⁴ Also referred to as “stepping stone theories”

nicotine before they tried heroin, the vast majority of cigarette smokers do not progress down the path to opioid dependence. In short, there is strong empirical research that shows gateway theories do not occur in the way they are often presented.^{15,16}

The question of whether adult pornography “leads to” CSAM is analogous in that many individuals with sexual interests in children “started” with adult pornography. In other words, they encountered adult material before they found CSAM. This is not surprising – adult pornography is easier to find, it is legal, and the consequences for getting caught viewing it by a parent or significant partner are much less severe. But this does not mean pornography somehow starts people down a deviant path, or that it “pushes” people toward depravity.

According to PornHub, data shows a 25% increase in total traffic in late March 2020 compared to an average day in the past four years.



Source: Zattoni, F., Gül, M., Soligo, M. et al. The impact of COVID-19 pandemic on pornography habits: a global analysis of Google Trends. *Int J Impot Res* (2020). Available from: www.nature.com/articles/s41443-020-00380-w#citeas

15 National Institute on Drug Abuse (2020). Marijuana report. Author. Available from:

<https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-gateway-drug>

16 Nkansah-Amankra, S., & Minelli, M. (2016). "Gateway hypothesis" and early drug use: Additional findings from tracking a population-based sample of adolescents to adulthood. *Preventive Medicine Reports*, 4, 134–141.

<https://doi.org/10.1016/j.pmedr.2016.05.003>

Pornography consumption is relatively commonplace in society.¹⁷ According to recent research,^{18,19} a large percentage of men and approximately 25% of women view adult pornography on a regular basis (on average, about 20-30 minutes per week). Although estimates vary as to what percentage of our population views CSAM, all would agree the number is significantly smaller. Therefore, if we assume most people's first exposure to pornography consists of viewing explicit media of consenting adults, the question becomes why do a small fraction of people "move" from adult pornography to CSAM while others do not (incidentally, the same question can be asked of those who view media depicting any other deviant sexual interest).

The answer can be found by understanding sexual "end points." End points are the most reinforcing facets of people's sexual drives – the individuals and activities they find the most exciting.²⁰ According to behavioral psychology, a normal adult should obtain significantly more pleasure (i.e., "reinforcement") from pornography that is closer to or consistent with his or her end point, and should experience the opposite – boredom, anger, or disgust (i.e., "punishment") – the farther away he or she goes from the center ring of their arousal target. Thus, if an adult with normative sexual interests is shown images involving abusive acts committed against animals, corpses, or children, the experience will be upsetting and repulsive;²¹ for someone who possesses deviant interests involving those themes, however, the experience would be rewarding.

This explains why investigators, when viewing the computer search history of an offender with a sexual interest in children, often notice he²² first downloaded adult pornography. They may then observe that after a brief period he "moved" to viewing younger-appearing adults on "barely legal" sites, and then began searching the internet for images and videos of older teenagers. Perhaps he eventually moved to collecting media depicting younger adolescents, and so on, until he finally reached his end point. This progression is often consistent with offenders' self-reports.^{23,24}

To the inexperienced observer, it may seem this "progression" is the result of the offender becoming bored or "habituated" to the initial stimuli, which then causes him or her to "become

¹⁷ A comprehensive discussion of the merits and/or harms of adult pornography is beyond the scope of this work.

¹⁸ Castleman, M. (2020, October 31). How much time does the world spend watching porn? *Psychology Today*. Available from: www.psychologytoday.com/us/blog/all-about-sex/202010/how-much-time-does-the-world-spend-watching-porn

¹⁹ Ogas, O. & Gaddam, S. (2011). *A Billion Wicked Thoughts: What the Internet Tells Us About Sex and Relationships*. Plume.

²⁰ Bourke, M. L. (2019). Internet sexual offending. In V. B. Van Hasselt & M. L. Bourke (Eds.), *Handbook of Behavioral Criminology*, pp. 331-347.

²¹ Continued exposure would exacerbate these feelings and could even become traumatizing. Evidence for this can be found in the growing body of literature on vicarious traumatization and secondary traumatic stress among investigators and prosecutors who are exposed to this material.

²² Although female offenders certainly exist, the male pronouns "he/his" will be used for ease of reading.

²³ The most experienced interviewers in the field note a common pattern: following apprehension, CSAM offenders initially claim they became interested in CSAM only after they became bored from significant exposure to adult pornography. After further discussion, however, the offenders almost universally admit their sexual interest in children predated their use of adult pornography. They admit their "desensitization" story helped them deflect responsibility and avoid shame.

²⁴ Seto, M. C., Reeves, L., & Jung, S. (2010). Motives for child pornography offending: The explanations given by the offenders. *Journal of Sexual Aggression*, 16(2), 169-180. <http://dx.doi.org/10.1080/13552600903572396>

more deviant.” The offender is thus viewed as someone who was corrupted by unseen forces within the internet. In fact, offenders are not pushed into deviance – they are pulled into the abyss by their own desires to find material that matches their thoughts, attractions, and urges - fantasies that nearly always emerge during adolescence.^{25,26,27}

This explanation helps explain why it is inaccurate to describe someone arrested for downloading CSAM as a “hands-off offender.” The label not only reflects considerable naivete about the amount of deviance (including hands-on abuse) that goes undetected, but it erroneously implies the motivational pathways underlying CSAM offenses and hands-on abuse of minors are distinct. In other words, even if a so-called “hands-off” CSAM offender had not, at the time of arrest, sexually abused a child, it is reckless to assume he never will. From a motivational or “drive” standpoint, those arrested for CSAM offenses do not appear substantially different from those arrested for hands-on abuse, and there is no good evidence to support this contention.²⁸

Further evidence to support this theory can be found in studies that are conducted in conditions where offenders can disclose their offenses with protections against self-incrimination, and/or where their disclosures are verified via polygraph. For example, of a sample of so-called “child pornographers” in a prison-based treatment program, 85% admitted previously undetected hands-on offenses.²⁹ A similar study in which offenders were interviewed immediately after their arrest found a crossover rate of 57.5%.³⁰ In a third study, a sample of 119 paroled federal sex offenders were asked about undiscovered hands-on abuse during polygraph examinations, and 69% acknowledged committing hands-on offenses. At least 148 victims were not reflected in official records.³¹

Deviant interests manifest during human development and become apparent at precisely the same point as when everyone else is becoming aware of and sorting out their more normative sexuality – during adolescence.

Crimes involving the online exploitation of children should be viewed as adjunctive manifestations of the same urges and fantasies as those that result in the hands-on abuse of children. Some so-called “just pictures” offenders may not have reached their end points when they were detected and apprehended by law enforcement. Others could very well be among the numerous hands-on offenders who managed to effectively groom, threaten, or otherwise silence their victim(s).

²⁵ Seto, M. C. (2012). Is pedophilia a sexual orientation? *Archives of Sexual Behavior*, 41, 231-236.

²⁶ Bernard, F. (1985). *Paedophilia: A factual report* [English edition]. Rotterdam: Enclave Press.

²⁷ Li, C. K. (1991). ‘The main thing is being wanted’: Some case studies on adult sexual experiences with children. *Journal of Homosexuality*, 20, 129–143.

²⁸ Any differences shown in studies between sex offender subgroups often can be attributable to other factors other than basic motivations, including intelligence, the presence of criminogenic factors, and degree of technological sophistication.

²⁹ Bourke, M. L. & Hernandez, A. E. (2009). The ‘Butner Study’ redux: A report of the incidence of hands-on child victimization by child pornography offenders. *Journal of Family Violence*, 24, 183-191.

³⁰ Bourke, M. L., Fragomeli, L., Detar, P. J., Sullivan, M. A., Meyle, E., & O’Riordan, M. (2014). The use of tactical polygraph with sex offenders. *Sexual Aggression*, 21(3), 354-367.

³¹ Delisi, M., Caropreso, D. E., Drury, A. J., Evans, J. L., Heinrichs, T., & Tahja, K. M. (2016). The dark figure of sexual offending: New evidence from federal sex offenders. *Journal of Criminal Psychology*, 6(1), 3-15.

It is important to mention that not all CSAM offenders intend to become hands-on offenders. There are many individuals with sexual interests in children who experience anxiety and self-loathing regarding their predilections.³² Some hope their use of CSAM as masturbatory stimuli will satisfy and sufficiently assuage their urges to act out with a child “in real life.” Unfortunately, masturbation does not mitigate sexual drives, and CSAM stimuli only enhances the poignancy of their fantasies. As their interest in acting on their drives strengthen and inhibiting factors erode, the individuals travel farther down the “Spiral of Sexual Abuse.”³³

It is worth noting that if human beings could be pushed into possessing a completely different sexual arousal pattern as the result of operant conditioning, this would be a relief to sex offender treatment providers. For the first time, therapists would have the opportunity to eradicate pedophilic impulses with simple counterconditioning, or by using behavioral extinction techniques. Sadly, it does not work that way. People do not “choose” their sexual orientations, sexual interests, or paraphilias. While most experts agree latent paraphilic urges (including pedophilia) can be strengthened with online stimuli, the predilections are not *created* by immersion in this material.

The Vampire Syndrome

A pervasive misconception about sex offenders is that they become sexually interested in children as the result of their own childhood abuse. This is known as the “Vampire Syndrome,” based on the legend that the bite of a vampire will cause an innocent person to turn into one. Unfortunately, some mental health professionals perpetuate this etiological myth, despite its incongruity with research surrounding sexual trauma³⁴ and well-established psychological principles.

The extant research clearly indicates most offenders have *not* been sexually abused. There is evidence that suggests sexual abuse, physical abuse, psychological/emotional abuse, and neglect are higher in sex offenders than “normal” adults, but the rates of abuse among sex offenders are statistically similar to other criminals. In other words, experiencing abuse (and many other kinds of adverse childhood experiences) places people at risk for engaging in criminality later in life, but not necessarily *sexual* criminality. An excellent longitudinal study examining the influence of abuse and neglect on future criminality recently was published in a *Journal of the American Medical Association*.³⁵ Researchers followed a large sample of maltreated children for approximately 45 years to examine how their lives differed from a control sample. The researchers concluded: “The idea that children who were sexually abused are uniquely at risk to

³² As one incarcerated federal offender told his treatment provider, “I never chose to be a pedophile. If there is any kind of therapy, medication, or surgery that can cure me, please give it to me. Because all this has ever done for me is cause me to hurt kids and end up in prison.”

³³ Sullivan, J. (2019). Child sexual abuse and molestation: The Spiral of Sexual Abuse. In V. B. Van Hasselt & M. L. Bourke (Eds.), *Handbook of Behavioral Criminology*, pp. 257-277.

³⁴ Just as most victims of rape do not become rapists, the overwhelming percentage of children who are victimized grow up to become survivors, not perpetrators.

³⁵ Widom, C. S. & Massey, C. (2015). A prospective examination of whether childhood sexual abuse predicts subsequent sexual offending. *JAMA Pediatrics*, 169(1). Retrieved from <https://amanetwork.com/journals/jamapediatrics/article-abstract/2086458>.

become sex offenders was not empirically supported.” In fact, the researchers found that subjects who were *physically* abused were at greater risk for committing a sexual offense than the subjects who were sexually abused.

Childhood abuse and neglect and the risk of being arrested for a sex crime			
	Total (N = 1575)	Males (n = 776)	Females (n = 799)
Variable	No. (%)	No. (%)	No. (%)
Total	1575 (6.7)	776 (11.3)	799 (2.1)
Control group	667 (4.5)	334 (7.5)	333 (1.5)
Abuse/neglect (overall)	908 (8.3)	442 (14.3)	466 (2.6)
Neglect	697 (9.0)	374 (14.4)	374 (2.8)
Physical Abuse	160 (8.1)	88 (13.6)	72 (1.4)
Sexual Abuse	153 (4.6)	24 (12.5)	129 (3.1)

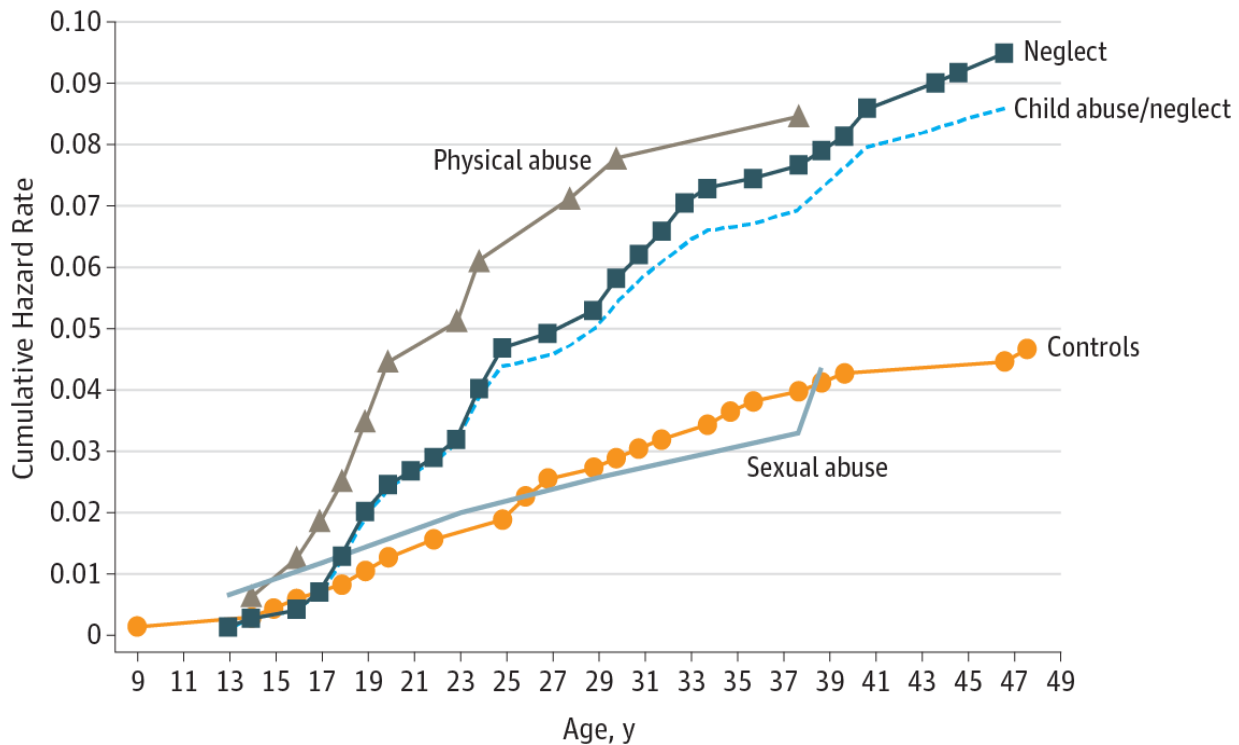
Individuals with histories of physical abuse and neglect were at increased risk for being arrested for sex offenses compared to the control group. For individuals with histories of childhood sexual abuse, the Adjusted Odds Ratios (AORs) were not significant. The AORs ranged from 1.82 to 2.50.

Source: Widom, C. S. & Massey, C. (2015). A prospective examination of whether childhood sexual abuse predicts subsequent sexual offending. *JAMA Pediatrics*, 169(1).

It is not uncommon for offenders to admit they lied and manipulated mental health professionals during court-ordered evaluations, and some purposefully “shop around” until they find one they feel is particularly naïve. Interestingly, many say they get a sense the evaluator would like them to say they were abused, and they simply tell the evaluator what he or she wants to hear. The offenders also know that overly-“empathic” professionals are more likely to testify on their behalf and inform the court they “need treatment, not prison.” Some mental health professionals have taken what they believe is an ethical high road by refusing to “pathologize” their clients. The offenders therefore make up an abuse history, knowing there is little risk in surrendering to the sympathies of the court.³⁶ Their logic is that it will be more difficult for their judge to give a lengthy sentence to a victim who made a poor choice, versus a sexual predator with no excuse for his behavior, and who cannot be cured.

³⁶ Hindman, J. & Peters, J.M. (2001). Polygraph testing leads to better understanding adult and juvenile sex offenders. *Federal Probation*, 65, 8 – 15.

Age at First Arrest for a Sex Crime by Group



The curve for sexual abuse is not significantly different from the control group. However, the curves for physical abuse, neglect, and child abuse/neglect are significantly different from the control and sexual abuse curves. Source: Widom, C. S. & Massey, C. (2015). A prospective examination of whether childhood sexual abuse predicts subsequent sexual offending. *JAMA Pediatrics*, 169(1).

The gamble often pays off. The professionals are more likely to describe their patients as confused rather than malevolent. They are more likely to try to ascribe blame for the offender’s actions on co-existing conditions such as depression, autism, or obsessive-compulsive disorder. They provide theories with just enough psychological jargon to seem plausible; for example, that the offenders never “processed” their own abuse. Not surprisingly, they have a significantly more difficult time trying to explain how unprocessed abuse leads to a desire to inflict that pain on another innocent person. Similarly, they cannot walk the jury through the process by which a victim with unresolved trauma would become the monster they once feared and loathed, or why a survivor of sexual abuse would seek out thousands - perhaps hundreds of thousands - of images and videos of other children being assaulted, when other victims of trauma do not behave in this manner.³⁷

Professionals and laypersons, alike, are desperate for an explanation for why otherwise “normal” individuals in their families, communities, and organizations are, in fact, sexually aroused by

³⁷ Survivors of serious automobile crashes do not collect footage of crashes, victims of house fires do not download images of burned people, etc. In fact, it is a criterion of posttraumatic stress disorder (and similar diagnoses) that the trauma survivor *avoids* any reminder of the trauma.

minors. Unresolved abuse appears to be the most comforting explanation for most people³⁸, and is easier to accept than the alternative: that there are people who abuse children for reasons we just do not understand.³⁹”

The Internet and Child Exploitation

Prior to the advent of the internet, individuals with odd predilections, and certainly those with sexually deviant desires, lacked global forums to openly discuss their impulses and fantasies with thousands of like-minded individuals. Any thoughts about abusing children, as well as all consequent shame, would have been dealt largely in isolation. Since cognitive dissonance and emotional discomfort can serve as inhibitory components of one’s conscience, unresolved guilt and shame that resulted from a would-be offender’s awareness of his predilections could have prevented him from acting on any morally repugnant fantasies.

The pseudonymous nature of the internet, however, caused a significant change. Online chatrooms became outlets for people with sexual interests in children - as well as those interested in rape, bestiality, and a multitude of other deviant sexual interests - to openly discuss the things they find arousing. In these forums they discover like-minded individuals who provide assurances they are not alone. Within the online communities, child abusers find acceptance and validation.^{40,41,42,43,44}

In these communities, offenders assuage each other’s guilt and shame, and tell each other their thoughts are not amoral, but rather simply misunderstood by a closed-minded society. They share their beliefs that sexual activity between adults and children is not harmful and can even be healthy. Over time, they reinforce the cognitive distortions that facilitate offending – twists in thinking that allow them to rationalize, intellectualize, minimize, deny, and justify abusive behavior. They provide advice and recommendations to their peers: ways to identify and access vulnerable victims, techniques to force or manipulate a victim to “comply” with sexual acts, tips to avoid leaving evidence, and methods to prevent disclosure. Some of these recommendations can be found in “how to” guides that have been circulated for years.⁴⁵ The internet provided

³⁸ In her 2018 book *Predators: Pedophiles, rapists, and other sex offenders*, Dr. Anna Salter notes: “We mute the realization of malevolence- which is too threatening to bear - by turning offenders into victims themselves and by describing their behavior as the result of forces beyond their control.”

³⁹ *Id.*

⁴⁰ Durkin K. F., & Bryant, C. D. (1999). Propagandizing pederasty: A thematic analysis of the on-line exculpatory accounts of unrepentant pedophiles. *Deviant Behavior: An Interdisciplinary Journal*, 20, 103-127.

⁴¹ Quinn, J. F. & Forsyth, C. J. (2013). Red light districts on blue screens: A typology for understanding the evolution of deviant communities on the internet. *Deviant Behavior*, 34(7), 579-585.

⁴² Steel, C., Newman, E., O’Rourke, S. & Quayle, E. (2020). An integrative review of historical technology and countermeasures usage trends in online child sexual exploitation material offenders. *Forensic Science International: Digital Investigation*, 33.

⁴³ van der Bruggen, M. & Blokland, A. (2020). A crime script analysis of child sexual exploitation material fora on the Darkweb. *Sexual Abuse (advance online publication)*. <https://doi.org/10.1177/1079063220981063>

⁴⁴ van der Bruggen, M. & Blokland, A. (2021). Profiling Darkweb child sexual exploitation material forum members using longitudinal posting history data. *Social Science Computer Review*. ISSN: 0894-4393.

⁴⁵ Blalock, J. R. & Bourke, M. L. (in press). A content analysis of pedophilic manuals. *Aggression and Violent Behavior*. <https://doi.org/10.1016/j.avb.2020.101482>. Advance online copy available at www.sciencedirect.com/science/article/abs/pii/S1359178920301865.

another feature that was game-changing in the area of sexual exploitation: the ability to send and receive images and videos. Offenders can quickly access highly arousing stimuli that brings their fantasies to life, perhaps in full motion and with sound. The sexual gratification they obtain while viewing these images and videos strengthens their sexual drives and reinforces their fantasies. They discover they can trade CSAM with like-minded individuals to acquire material that perfectly matches their desires. If they cannot find what they seek, they can encourage another anonymous group member to produce the desired material – thereby contributing to more hands-on abuse of minors and the proliferation of so-called “original content.”

Unique interpersonal dynamics are present in online communities that contribute to the sexual exploitation of children. First, the administrators of these offender communities compete with one another, and even attack one another, in attempts to “steal” members and illegal content. This competition appears to be a function of egos as well as the pragmatic desire to possess more fantasy-enhancing material. Second, some offenders within the community enjoy “showing off” and “one-upping” their fellow group members. This is usually done by having a larger collection than others, having access to a child, or by possessing rare or original content created by the user or an online friend.⁴⁶ Third, some groups require members to regularly make contributions to the trove of illegal material. While this serves as a means to ensure law enforcement is not in their midst, it also can create a form of “peer pressure” to acquire new material. Fourth, offenders can develop a sense of twisted pride from successfully carrying out acts of abuse and exploitation – experiences that subsequently are shared with and lauded by fellow members.

The internet does not “create” a sexual interest in children. These interests nearly always develop during adolescence; and, unfortunately, they do not go away. There are no cures for any of the underlying motivational pathways that lead to sexual exploitation of minors; instead, extant pharmacological and psychotherapeutic interventions attempt to help offenders manage their maladaptive urges and fantasies.

Anonymous Networks

Anonymous and encrypted networks (colloquially, the “Darkweb”) create a safe space for offender engagement and sharing of deviant fantasy material. A detailed discussion about these networks is beyond the scope of offender psychology and is addressed in detail in the Technology chapter section of this report.

“Non-offending pedophiles”

In recent years, communities of so-called “virtuous pedophiles⁴⁷” or “non-offending pedophiles” have emerged online. Members self-identify as having sexual interests in children but claim they have no desire to act on their fantasies. Many attempt to normalize pedophilia as an alternative sexual orientation.⁴⁸

⁴⁶ Carr, A. (2012). The social dimension of the online trade of child sexual exploitation material. In E. Quayle & K.M. Ribisl (Eds.), *Understanding and preventing online sexual exploitation of children* (pp. 96 - 115). Routledge.

⁴⁷ Cranney, S. (2018). Why did God make me this way? Religious coping and framing in the virtuous pedophile community. *Journal for the Scientific Study of Religion*, 56(4):852–868

⁴⁸ Seto, Michael C. 2012. Is pedophilia a sexual orientation? *Archives of Sexual Behavior* 41(1):231–36.

Several observations warrant consideration. First, while some mental health professionals and academics have advocated for a re-conceptualization of pedophilia and the risks “non-offending” pedophiles pose to children, their advocacy appears based on the assumption the self-identified pedophiles are as “virtuous” as they assert. Many appear to simply accept the claims of the anonymous group members that they have not acted on their impulses. Law enforcement authorities, however, have found the supposed non-offending pedophiles are in fact consuming CSAM online. The percentage who are also committing other hands-on or online offenses is not known.

Support groups and hotlines

In a related issue, some forensic psychologists support the concept of “support groups” where those with sexual interests in children can congregate and communicate about their desires on social media.⁴⁹ For both clinical and ethical reasons, this approach is contraindicated and may be dangerous. Unmoderated support groups can quickly devolve into inappropriate communications⁵⁰ or become *de facto* therapy groups as members attempt to “treat” one another in the absence of qualified clinicians. There is no way to confirm whether members in “self-help” groups are truly non-offending, and under the façade of providing help they may increase networking opportunities and facilitate offenders’ desires for ongoing immersion in the world of child exploitation.

Conducting group therapy with sex offenders can be challenging even for qualified mental health providers. As a result of their cognitive distortions, offenders tend to give each other misguided advice that must be immediately addressed by the therapist. The clinician must also watch for offenders who may be telling stories to obtain sadistic satisfaction; those who may be trying to arouse themselves, the therapist, or other group members; and those who are attempting to dominate the discussion to obtain a sense of power.

Unfortunately, other treatment options for these predilections are limited. Availability, cost, stigma, and confusion regarding mandatory reporting can stand in the way of individuals accessing professional, one-on-one therapy to address their sexual interest in children. While the implementation of hotlines could be a useful tool to assist with preventing exploitation, the hotline should serve only as a resource to direct the caller to qualified mental health professionals for appropriate assessment and treatment. Counseling or prolonged conversations about the caller’s fantasies and urges should be avoided due to the risks the offender is using the communication to increase his arousal.⁵¹

⁴⁹ Kernsmith, P. D., & Kernsmith, R. N. (2008). A safe place for predators: Online treatment of recovering sex offenders. *Journal of Technology in Human Services, 26*, 223-238.

⁵⁰ In a large sex offender treatment program in south Florida, clinicians had to prohibit offenders from congregating in the parking lot before their group therapy sessions because they would engage in inappropriate discussions to arouse one another and even prey on younger group members.

⁵¹ An incarcerated offender once informed a DOJ psychologist he molested a child while speaking to a facilitator on a “pedophile hotline.”

Offender Gender

The gender of offenders committing online offenses continues to be predominantly male, with only a very small percentage of women arrested for online offenses each year.⁵² Gender does play an important role, however. Women are less likely to be reported for sexually motivated crimes against children and are less likely to be investigated or charged for these offenses. Convictions are harder to secure, and sentences are lighter than their male counterparts. This may be attributable to general beliefs that women are naturally more protective of children and less driven by sexual impulses. When a woman is accused of engaging in the online sexual exploitation of children, society is perplexed and often seeks novel explanations that do not apply to males (e.g., she was coerced by a man to do it). While not all acts of sexual exploitation and abuse committed by women are motivated by a sexual interest in children, it is important to recognize that such fantasies and urges can be present in either gender.^{53,54,55}

Risk to Law Enforcement and Others

Individuals with sexual interests in children are stereotypically seen as socially awkward and immature – men more likely to be described as odd or “nerdy” than aggressive or dangerous. Yet two federal agents lost their lives and other officers were wounded in Sunrise, Florida on February 2, 2021, as they attempted to execute a CSAM warrant – a tragic illustration of the dangers these offenders pose.⁵⁶

Sadly, this attack is not as anomalous as one would hope. While violence against police by sex offenders is not well-studied, in a sample of 1,107 significant incidents where a subject posed a serious threat to officers executing arrest warrants,⁵⁷ 11.2% involved a sex offender. In those situations, 61.3% threatened law enforcement officers with a weapon or attempted to run them over in a vehicle. And another federal law enforcement agency found that in a 10-year period, 17.4% of the law enforcement officers killed were murdered by sex offenders.⁵⁸

A related concern is offender suicide, including “suicide by cop” in which, for example, a suspect intentionally points a weapon at officers to force him or her to use deadly force. Research by one DOJ law enforcement agency examined more than 100 cases in which a subject under investigation for a child sex offense killed himself during an investigation; 10% of these incidents occurred in the presence of, or in close proximity to, law enforcement personnel.⁵⁹ In

⁵² Gottfried, E. D., Shier, E. K. & Mulay, A. L. (2020). Child pornography and online sexual solicitation. *Current Psychiatry Reports*, 22(3), 10.

⁵³ Tewksbury, R. (2004). Experiences and attitudes of registered female sex offenders. *Federal Probation*, 68(3), 30-34.

⁵⁴ Gakhal, B. K. (2011). A comparison of the general public's, forensic professionals', and students' perceptions towards female sex offenders. *Journal of Sexual Aggression*, 17(1), 105-116.

⁵⁵ Zack, E., Lang, J. T., & Dirks, D. (2016). It must be great being a female pedophile! The nature of public perceptions about female teacher sex offenders. *Crime, Media, Culture: An International Journal*, 14(1), 61-79.

⁵⁶ <https://www.fbi.gov/news/stories/honoring-fallen-special-agents-laura-schwartzberger-and-daniel-alfin-020821>

⁵⁷ Unpublished data (2004-2016), United States Marshals Service

⁵⁸ *Id.*

⁵⁹ Hoffer, T.A., & Shelton, J., (2012). *Suicide among child sex offenders*. Springer Briefs.

another DOJ agency, 16% of deaths determined to be “suicide by cop” were committed by sex offenders.⁶⁰

Child sex offenders, but particularly those offenders caught trafficking in CSAM, may be assessed as low risk for violence because most lack prior arrests for violent crimes; or indeed, any crimes.⁶¹ This finding places them squarely outside predictive heuristics that rely on past behavior to predict future behavior. But it is important to note that acts of violence can be precipitated by fear and desperation.⁶² Thus, while the majority of offenders caught trafficking in CSAM have no criminal history and may not otherwise present as aggressive, they dread the thought of going to prison, where they believe they will be at significant risk for violence.⁶³ Historical analysis of male sex offenders who completed suicide during child sex crime investigations revealed they killed themselves within 48 hours after becoming aware of the investigation in 25% of the cases.⁶⁴ A lack of prior contact with law enforcement could intensify the offender’s reaction due to inexperience with the investigative/legal process and an unforeseen future. It is likely the offenders also recognize the arrest may irreparably damage their reputation and carefully created self-image,⁶⁵ affect or destroy their relationships with friends and family, drain their life’s savings, and eliminate their means to earn a living. As their world starts to crumble, their normal coping strategies become overwhelmed, and they are left with panic, hopelessness, terror, and shame. They may decide the only way out is to end their lives – a state of mind that exponentially increases their risk to themselves and others.

Strategic Response

Short-Term Goals	Long-Term Goals
Educate legislators and the judiciary about child sex offenders, their psychology and means/methods of predation, and the long-term impact of their crimes on victims.	Explore the creation of a national child exploitation research center
Develop and implement a training program for foreign prosecutors, investigators, computer forensic analysts, and judges about child sex offenders, their psychology, and means/methods of predation, to include travel of U.S. citizens to foreign countries to exploit and abuse vulnerable children.	Reform the U.S. sentencing guidelines to better address offending behavior.

⁶⁰ United States Marshals Service

⁶¹ Shelton, J., Eakin, J., Muirhead, Y., Owens, J. (2016). Online child sexual exploitation: An investigative analysis of offender characteristics and offending behavior. *Aggression and Violent Behavior, 30*, 15-23.

⁶² In a study of 203 prison inmates, Taylor (1985) found that “high emotional arousal such as panic or retaliation triggered the greatest violence.” (p. 491).

⁶³ Acts of aggression against sex offenders in federal custody is exaggerated in movies and media. When inmates are managed appropriately, violence is very uncommon. For example, out of more than 1,000 inmates who participated in the BOP’s Sex Offender Treatment Program between 2000 and 2008, only two participants were ever assaulted, and the perpetrators were other sex offenders.

⁶⁴ Hoffer, T.A., & Shelton, J., (2012). *Suicide among child sex offenders*. Springer Briefs.

⁶⁵ *Id.*

Short-Term Goals	Long-Term Goals
Develop and deliver a curriculum designed to educate school administration, staff, childcare providers, and parents about child sex offenders, their psychology, and the means/methods by which they prey on children.	Develop and implement a training program for supervised release officials and administrators about child sex offenders, their psychology, and the means/methods of predation to better inform supervision protocols and techniques with this population of offenders.
Incentive mechanisms for Bureau of Prisons sex offender treatment programs to grow the number of offenders who access treatment.	Establish appropriate (ideally empirically-based) standards for the clinical assessment and treatment of sex offenders as well as coordinate with the mental health community to establish a standardized credentialing program for sex offender treatment providers that would apply across jurisdictions.
Examine the feasibility and most efficacious models for providing confidential services for those with a sexual interest in children.	Implement child safety standards and audits for any youth organization that receives federal funds or seeks not-for-profit tax exemption.

Gap: Recognition of the impact of child exploitation on our communities and our systems

Solution: Identify child sexual exploitation as a public health problem.

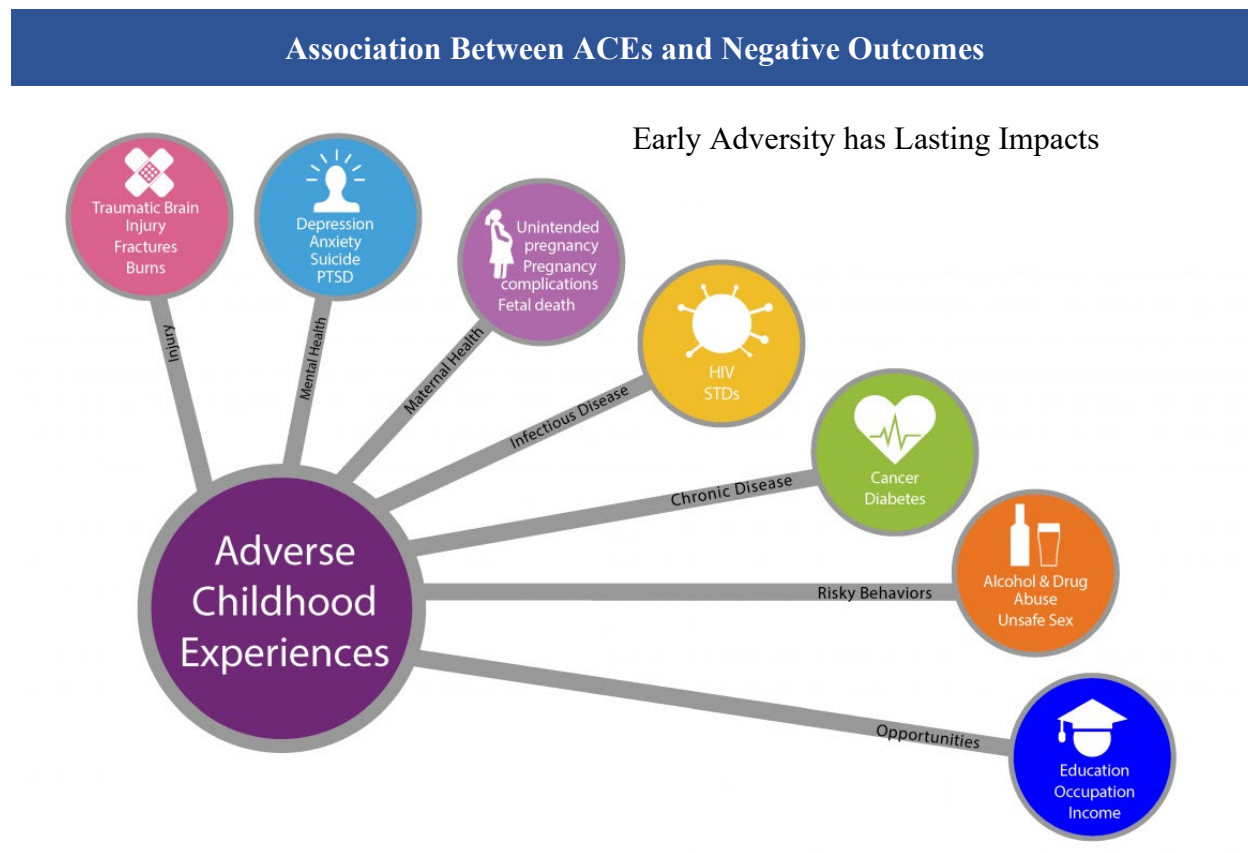
Approaching child exploitation as a public health problem, rather than a problem unique to the criminal justice system, is a more appropriate lens through which to view this form of abuse.

Like scores of perpetrators of other types of crimes, many child sex offenders do not stop engaging in criminal conduct after their first victim. Rather, perceived success from “getting away with it” can result in continued victimization of children until they are detected by investigators. Yet, even detection and apprehension by law enforcement may prove insufficient to quell the abusive conduct. Their crimes leave children and adults suffering for years – and for some victims, a lifetime. This victimization can impact educational achievements and affect later professional performance. Further, the mental health care often needed by victims and the treatment of offenders expected by the court taxes our already strained mental health systems. Finally, the data are clear—there is a relationship between adverse childhood experiences (known as ACEs) and the future presence of adult diseases and health risk factors.⁶⁶

⁶⁶ Felitti, et. al (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. *American Journal of Preventative Medicine*, 14(4), 245-258.

ACEs can result in billions of dollars in economic and social costs to individuals and our society.⁶⁷

Approaching child exploitation as both a criminal justice and a public health problem is a more appropriate lens through which to view this form of abuse. This parallel approach could prompt the formation of resources designed to learn more about the offenders and their conduct, improve prevention efforts, prompt legislation that is salient to the crime problem, create innovative law enforcement solutions, and encourage increased collaboration with the medical and mental health communities for more effective treatment of victims and offenders.



Source: Centers for Disease Control and Prevention, <https://www.cdc.gov/violenceprevention/aces/fastfact.html>.

Gap: Need for Additional Research

The field of child exploitation is dominated by quantitative studies, which typically require less work, use archival data or data that is relatively easy to acquire, and are less expensive to carry out compared to large-scale qualitative studies. As a result, some publications are written by researchers who possess excellent research skills but lack a comprehensive understanding of sex offenders. This results in published studies that are statistically impressive but conceptually off base. These articles minimize sexual offending, underestimate re-offending, and offer advice that is seriously misguided (e.g., suggesting that individuals with sexual interests in children should

⁶⁷ <https://www.cdc.gov/violenceprevention/aces/fastfact.html>

be given child sex dolls⁶⁸ or “virtual CSAM” to assuage their urges, when in fact these stimuli would enhance the poignancy of dangerous fantasies and reinforce deviant predilections).

Solution: Explore the creation of a national child exploitation research center

To better understand the dynamics of sexual offending against children and to advance investigative best practices, a national research center devoted to child exploitation could conduct research into currently unexplored areas of sexual offending against children with a primary focus on practical investigative matters. This center could partner with academic institutions and private researchers to conduct research and produce effective and timely training to law enforcement officers, prosecutors, and judges regarding the results of the research and its impact on investigations, prosecutions, and supervision. Beyond the various research questions posed in this document, a research center’s capabilities would be available for prosecutors, the judiciary, and law enforcement and delve into emerging research topics in this rapidly evolving space. A national research center could function as a multi-agency fusion center comprised of permanent staff, as well as outside partners, consultants, and contractors.

Solution: Increased use of qualitative research to learn more about the offenders and the criminal and non-criminal behavior that supports their sexual interest in children

Despite the vast amount of research that has been conducted on various facets of child sex offenders and their behavior, additional studies are needed to better understand their motivations, conduct, and techniques. *Quantitative research* uses numbers and statistics to help quantify constructs and behaviors. These studies are useful when testing hypotheses or examining trends within a larger population. *Qualitative research* is generally exploratory rather than confirmatory, and it often uses text-based information, such as information obtained from interviews. Both approaches are important.

Qualitative inquiries are the preferred method for gaining deeper insight into a particular issue. In the absence of a sound theoretical foundation, quantitative researchers may produce studies that are statistically sound but conceptually off base. For example, a researcher who is unaware of the extent to which criminal histories underrepresent true offending may inaccurately assume official records are an adequate proxy (or may erroneously assume the differences can be accounted for with statistical adjustment). As a result, his or her statistical analyses could underestimate rates of crossover or show inaccurately low rates for re-offense. On the other hand, without the benefit of statistical testing it would be difficult to refute or support certain theories or reap benefits derived from empirical methods (e.g., the development of actuarial risk assessment tools such as the STATIC-99R).

Methodological imbalances present risks. If research is skewed toward the quantitative side, qualitative studies that introduce new concepts or challenge the status quo are likely to be dismissed for being too dissimilar from extant statistical “averages.” This could restrict innovation and remove the very advantages qualitative research offers – greater insights into particular phenomena.

⁶⁸ Roper, C. (2020, January 9). "Better a robot than a real child": The spurious logic used to justify child sex dolls. ABC Religion & Ethics. <https://www.abc.net.au/religion/spurious-logic-used-to-justify-child-sex-dolls/11856284>

Currently, the field of child exploitation suffers from a knowledge chasm. There is a category of interviewers, investigators, treatment providers, prosecutors, and supervised release officers who work with offenders “on the ground.” They know what makes offenders “tick” and have an experiential understanding of the true risks the offenders pose. These professionals generally do not produce research, however, so their voices often go unheard in the literature. However, the loudest voices often come from academics and researchers who are accomplished at analyzing data and disseminating studies, but may lack a comprehensive and practical understanding of child sexual offending.

As Dr. Jakob Nielsen⁶⁹ noted:

“...quantitative studies are often too narrow to be useful and are sometimes directly misleading... It's a dangerous mistake to believe that statistical research is somehow more scientific or credible than insight-based observational research. In fact, most statistical research is less credible than qualitative studies.”

To fully understand the issues facing those in the field of child exploitation, we must support qualitative studies that explore issues of importance to those on the front lines. Put another way, “we need to go deep as well as wide.”

The following are examples of observations that are well-known to professionals who work with sex offenders but are ignored or awkwardly addressed in the literature – not because they are inaccurate, but because they cannot easily be assessed from “official records.” In most cases, the data can be obtained only by skillful interviewers, or by using time-consuming methodology.

- Based on the collective experience of professionals in this space, offenders initially minimize and deny just about everything. After sufficient rapport building by an experienced interviewer, significantly more information is revealed. For this reason, studies that find offenders engage in more crossover - or have a greater number of victims than records show - likely are not “outliers.”^{70,71}
- Offenders first became aware of their deviant sexual interests in adolescence. Their predilections are not caused by the internet.
- No one collects, distributes, or repeatedly views CSAM, or engages in sexual chat with a minor, because of “curiosity.”
- In general, offenders first engage in exploitative/abusive behavior at a much younger age than what is reflected in records (often before age 18).
- Offenders commit more criminal acts than is typically known at the time of their arrest, trial, and sentencing. Their crimes are broader in scope with more “crossover.”

⁶⁹ Nielsen, J. (2014). Risks of quantitative studies. Available from: www.nngroup.com/articles/risks-of-quantitative-studies/

⁷⁰ Bourke, M.L., Fragomeli, L., Detar, P., Sullivan, M.A., Meyle, E. & O'Riordan, M. (2014). The use of tactical polygraph with sex offenders. *Journal of Sexual Aggression: An international, interdisciplinary forum for research, theory and practice*, DOI: 10.1080/13552600.2014.886729

⁷¹ Owens, J.N., Eakin, J.D., Hoffer, T., Muirhead, Y., & Shelton, J.E. (2016). Investigative aspects of crossover offending from a sample of FBI online child sexual exploitation cases. *Aggression & Violent Behavior*, 30, 3-14.

- Most sex offenders were never sexually abused, and the vast majority of survivors do not become abusers.
- Offenders say (and evidence supports their claims) they can fool unskilled or naive professionals into believing a minimized version of events and/or convince them they are less dangerous than is the case. Many offenders feel clinicians are gullible and believe everything they are told.
- Most risk assessment instruments typically do not consider dynamic risk factors (e.g., unemployment, substance abuse), which are arguably the most important.
- Providing offenders with “virtual” CSAM and child sex dolls would not mitigate sexual predilections and drives.^{72,73,74} This material would strengthen and reinforce the desire to abuse children.⁷⁵
- The motivational pathways that underlie CSAM crimes also fuel hands-on crimes against children. Research suggests between 55% and 85% of CSAM offenders have committed undetected hands-on offenses,⁷⁶ and it is a dangerous practice for researchers to label an offender a “hands-off” offender simply because his “hands-on” crimes have never been detected.

Solution: Encourage and fund qualitative research to learn more about risk factors for suicidal and homicidal ideation among child sex offenders.

Qualitative research could inform strategies to reduce the potential risk for a violent interaction between a child sex offenders and others, to include law enforcement. Each nonviolent interaction between law enforcement and a child sex offender provides an opportunity to learn what prevented the interaction from turning violent. The same holds true for learning why an offender with suicidal ideations did not complete suicide during the criminal justice process. Exploring static and dynamic risk factors, as well as the emotional self-regulation and coping methods offenders use, can assist the criminal justice system in preventing loss of life. This research also would allow for exploration of the offender’s decision-making process during law enforcement interactions and identification of protective factors that may have mitigated the risk for harm to self/others.

⁷² 85% of individuals in the United Kingdom who were arrested for child sex dolls were actively using CSAM (Cox, 2018).

⁷³ “...female-bodied sex dolls reinforce women’s subordinate status and the sexual objectification of women and girls. Despite this reality, a number of academics *encourage* the manufacture of these products for men’s sexual use, and some actually herald child sex dolls as a therapeutic treatment for child rapists — an approach that I see as both misguided and irresponsible.” (Roper, 2020)

⁷⁴ Brown and Shelling (2019)

⁷⁵ The *Curbing Realistic Exploitative Electronic Pedophilic Robots (CREEPER) Act* passed the U.S. House of Representatives in June 2018 but was not passed in the U.S. Senate. It was later reintroduced as HR 8236. Section 2 of the Act raises questions about the relationship between doll ownership and CSAM, notes that they can be customized to represent actual children, observes that robot versions have settings that simulate rape, which can teach offenders how to overcome resistance, and suggests they normalize submissiveness and normalize sexual activity between adults and children. The authors also note that obscene material is often used to groom children, and that they can lead to the exploitation, objectification, abuse and rape of minors (Brown & Shelling, 2019).

⁷⁶ Bourke & Hernandez, 2009; Bourke, et. al (2014); Delisi, et al. (2016); Seto, Hanson, & Babchishin (2011)

Solution: Qualitative and quantitative research to better identify risk factors for offending/re-offending behavior

Qualitative and quantitative research is needed to identify risk factors that may assist with prevention and prioritization efforts. Such research can ascertain factors associated with re-offense – for both online and offline offenses – including those related to criminal diversity (i.e., “crossover”).

Our criminal justice system has become reliant on referring to criminal history records to ascertain risk. Although this data is relatively easy to obtain, many individuals with few or no past arrests pose a significant risk to children. Researchers should examine dynamic factors as well as offenders’ modus operandi, impulsivity, noncriminal behaviors, and underlying motivational pathways. Also, studies are needed to examine the correlation between certain CSAM themes (e.g., incest, bestiality, sadism) and offender risk. This inquiry may better inform whether current methods for “categorizing” media into levels of seriousness are meaningful. Further, it will assist in prioritizing, for investigative and prosecutive attention, those offenders who may be at higher risk for offending behavior.

Solution: Qualitative research to better identify best practices in community supervision of child sex offenders.

Incarcerated sex offenders should be prioritized for supervised release based on clinically informed, empirically supported risk factors. Supervision of sex offenders can be challenging. Given their ability to engage in criminality that is difficult to detect and their adeptness at avoiding detection, additional research is needed to identify best practices for safely managing this unique offender group in our communities.

The way forward is to support a robust mix of qualitative and quantitative research. Qualitative research should be conducted by experienced interviewers; ideally, a mix of seasoned investigators and experienced qualified mental health professionals who can collaboratively find answers to some of the more salient questions facing the field.

Gap: An understanding of child sex offender psychology and their means/methods of predation

Solution: Educate the judiciary about child sex offenders, their psychology and means/methods of predation, and the long-term impact of their crimes on victims.

Despite the efforts of law enforcement and prosecutors to educate members of the judiciary about the dangers of CSAM and its impact on victims through affidavits, testimony, motions, and arguments, it is not uncommon for some judges to minimize the offender’s conduct as “just pictures” or “mere possession.” Not only do these statements directly contradict what is known about CSAM and its impact on child victims, but it enables and reinforces offenders’ cognitive distortions and offense-supportive thinking. Greater efforts and resources to educate the judiciary about these offenders, their psychology, and their means/methods of predation are needed.

Solution: Educate legislators about child sex offenders, their psychology, and the means/methods they use to prey on children.

Legislators can propose and enact legislation that impacts how child sex offenders are investigated, prosecuted, sentenced, and supervised in the community. A comprehensive understanding of these offenders and how they behave is crucial to enacting legislation that will meaningfully address the nuances of this complex offender group while balancing the rights of victims.

Solution: Reform of the U.S. sentencing guidelines to better address offending behavior.

The U.S. sentencing guidelines as they exist today are antiquated when compared to how offenders currently commit their crimes. For example, an offender engaged in trading of CSAM can receive a two-level increase for the use of a computer in the commission of the crime. While perhaps not as commonplace when the guidelines were last updated in 2004, today nearly every offender uses a computer or electronic device to commit child exploitation crimes. Similarly, an offender's guideline calculation can be increased by five levels if he possessed more than 600 images. For those offenders who maintain collections of CSAM on their digital devices, 600 images would represent only a small fraction of their material. As a result of these and other enhancements, the offenders often appear similar, presenting challenges for prosecutors, judges, and defense counsel, alike.

These guidelines and the sentences that result from them are important considerations as the community's and justice system's responses to deviant criminal acts can either dissuade future offending, or support and facilitate offenders' cognitive distortions. Recently, offenders charged with the production, possession, or trafficking of CSAM have been more likely to receive sentences below the guideline range than offenders who commit other federal crimes against children.⁷⁷ The departures from sentencing guidelines unfortunately sends a message to offenders that their exploitative and abusive behaviors are less egregious than the reality (as communicated by mental health professionals, victim advocates, and law enforcement personnel). Some offenders, after experiencing or hearing about "slaps on the wrist" from the judiciary, may conclude that the victims, as well as those who advocate for them, are making much ado about nothing.

In 2012, the U.S. Sentencing Commission published their Report to Congress⁷⁸ on CSAM offenses wherein they focused on U.S. Sentencing Guideline § 2G2.2, the guideline applied to cases involving the possession, receipt, transportation, and distribution of CSAM. The Commission opined that the guidelines with respect to these non-production crimes warranted an update due to the "outdated and disproportionate enhancements related to offenders' collecting behavior." Additionally, they noted the guideline "fails to account fully for some offenders' involvement in child pornography communities and sexually dangerous behavior." As mentioned previously, many CSAM offenders are engaged in behavior far more deviant than is represented in the guidelines or in the size of their collection of deviant material. The Commission suggested that updates to the guideline could address the "full range of an offender's collecting behavior,

⁷⁷ United States Sentencing Commission (2021). Preliminary USSC Child Exploitation Results.

⁷⁸ <https://www.ussc.gov/research/congressional-reports/2012-report-congress-federal-child-pornography-offenses>

the degree of his involvement in a child pornography community, and any history of sexually dangerous behavior” to represent the specific behavior of the offender and promote more proportionate sentences.

Aside from minor changes made in 2016 by the Commission to address circuit conflicts and issues with the application of §2G2.1 and §2G2.2 under Amendment 801,⁷⁹ the guidelines issued in 2014 remain largely unchanged. As these offenders are better understood through ongoing research, a closer look at—and reform of—the sentencing guidelines will be in order.

Solution: Training program for foreign prosecutors and judges about child sex offenders, their psychology, and means/methods of predation, to include travel of U.S. Citizens to foreign countries to exploit and abuse vulnerable children.

While U.S. law enforcement has substantially improved techniques to identify and apprehend individuals who act on their desire to engage in sex with a child, many countries around the world have difficulties developing appropriate legislation and maintaining adequate enforcement resources to address the problem; this is particularly true in developing nations with struggling economies. Offenders who lack access to children within the U.S. and/or those concerned with law enforcement detection within our country may travel to developing nations to capitalize on legislative and enforcement inadequacies. In these countries offenders can easily identify vulnerable children and families for victimization. Further, offenders are aware the likelihood for disclosure among this population of victims is low, which results in relative security and facilitates continued access by the offender.

Should foreign law enforcement or a non-governmental organization (NGO) identify a perpetrator operating in their territory, disparities in law enforcement practices – including interviewing and evidence collection techniques – could result in challenges during attempts to prosecute the offender on U.S. soil for a violation of Title 18 U.S.C. § 2423. Offering comprehensive training programs to our foreign law enforcement and justice partners, such as those currently conducted by the International Centre for Missing and Exploited Children (ICMEC), can bridge gaps currently being exploited by these offenders. Such training programs would result in established relationships among stakeholders as well as increased collaboration on best practices to combat this problem.

Solution: Training programs for supervised release officials and administrators about child sex offenders, their psychology, and the means/methods of predation to better inform supervision protocols and techniques with this population of offenders

Community supervision officers face significant challenges with managing sex offenders in the community. Risk assessment procedures vary from one state to another, and the instruments and algorithms that are used to categorize offenders can be pragmatically uninformative, inaccurate, and even misleading. Unfortunately, there is a lack of resources available to conduct the comprehensive evaluations needed to truly ascertain each offender’s level of risk.

⁷⁹ <https://www.ussc.gov/guidelines/amendment/801>

While the task of supervision officers is always daunting – helping to keep offenders from reoffending – the work becomes even more challenging with sex offenders. The behaviors that indicate potential relapse are often difficult, if not impossible, to detect. Sex offenders can engage in criminal conduct in near secrecy and can easily begin grooming children, guardians, and organizations without causing alarm. Further, since there is no cure for the predilections and motivations underlying most forms of sexual assault, and since some offenders may be unmotivated to change, therapeutic interventions may be ineffective or counterproductive.

With comprehensive training, probation and parole officers and administrators can develop a better understanding of the offenders they are tasked with supervising, identify salient intelligence they encounter in the field, and more fully appreciate the effectiveness, benefits, and shortcomings of sex offender treatment. Further, they can be made aware of accepted best practices and policies that treatment providers should follow, as well as the necessary credentials the clinicians should possess. While law enforcement and supervision officials do not conduct treatment, uncertainty surrounding how treatment works could cause some authorities to assume an offender is “doing well” on supervision solely because they are “treatment compliant.”⁸⁰

Solution: Educate school administration, staff, childcare providers, and parents about child sex offenders, their psychology, and the means/methods by which they prey on children

By the time someone with a sexual interest in children engages in their first act of abusive conduct, they have often spent many hours and significant effort manipulating those around the child to believe they are upstanding, trustworthy, and benevolent. In so doing, the offender attempts to ensure any outcries by children regarding concerning behavior will be dismissed as misunderstandings, exaggerations, or even lies. Disclosures about abusive conduct are much more likely to be ignored or overlooked by those who have developed a favorable impression of the accused, and these opinions can be very difficult to change. People often become entrenched in their decision to “stand behind” someone accused of misconduct because the alternative may cause them significant guilt; alternatively, they may fear others will view them as naïve, easily fooled, or vulnerable, themselves. By offering comprehensive training, society will be better informed about these dynamics, and how offenders use grooming techniques to gain trust and access to children. Such knowledge may be the key to prevention efforts.

Gap: Lack of credentialing for clinicians who treat child sex offenders

Solution: Coordination with the mental health community to establish a credentialing program for sex offender treatment providers

The mental health community is comprised of individuals who possess a variety of credentials, academic degrees, and professional titles. This array is confusing, and it is relatively easy for unscrupulous professionals to provide “expert” testimony that surpasses their level of education and training. Unfortunately, there are no credentials clinicians can obtain that attests to their proficiency in evaluating or treating sex offenders. The Association for the Treatment of Sexual

⁸⁰ “Treatment compliant” often simply means the offender is attending group therapy, is not disruptive in sessions, and is not behind on his payments.

Abusers (ATSA) provides ethical standards they suggest treatment providers follow, but it does not certify or accredit practitioners.

The field would benefit significantly if such credentials were offered. Such a credential should be universally understood across U.S. jurisdictions and offered nationwide by a standardized licensing body. With a credentialing program in place, triers of fact could have confidence the expert witness not only adheres to important ethical principles, but also that he or she is using the most valid assessment measures and up-to-date clinical practices. Any professional who violates the professional guidelines or departs from appropriate standards could lose their credentials.

Gap: Accountability of Organizations who Serve Youth

Solution: Implementation of child safe standards and audits for any youth-serving organization (YSO) that receives federal funds or requests a not-for-profit tax exemption.

Some YSOs have taken significant steps –indeed, steps that have imperiled their own survival as an organization – to ensure youth are kept safe. They have implemented mandatory training – for youth and adults – and are enforcing tough policies to make their activities inhospitable to offenders. However, more work is needed on the development of organizational governance guidelines that encourage reporting and foster child safety.

A committee including YSO youth protection representatives, law enforcement personnel, NGOs (e.g., NCMEC), and victim services/child advocate professionals should be convened to establish child youth protection standards. Any youth-serving organization wishing to receive federal funding, or a not-for-profit tax exemption would demonstrate their commitment to these child safety standards and provide evidence of comprehensive abuse prevention plan. Audits of organizations should be conducted to ensure the documentation of said measures, violations by volunteers/employees and the dispositions thereof, and evidence of compliance with mandatory reporting requirements.

Policies such as those recommended above are not unprecedented at a federal level. In 2017, Australia’s Royal Commission into Institutional Responses to Child Sexual Abuse recommended the implementation of child safe standards in response to an inquiry of organizations which failed to protect children.⁸¹

Gap: Need for Targeted Prevention Efforts – Existing Offenders and Individuals with a Sexual Interest in Children

Solution: Incentivize mechanisms for Bureau of Prisons sex offender treatment programs to grow the number of offenders who can access treatment

The Federal Bureau of Prisons (BOP) offers two levels of treatment to offenders with a history of sexual offending: residential and non-residential. These programs are provided at facilities with a Sex Offender Management Program (SOMP). Eligibility for participation in a treatment program

81 <https://aifs.gov.au/cfca/2019/11/06/child-safe-organisations-information-organisations-how-keep-children-safe#:~:text=The%20Australian%20Human%20Rights%20Commission,of%20children%20and%20young%20people>

depends on an offender's evaluated risk of future sexual offending. Treatment is entirely voluntary. SOMP institutions have a higher proportion of sex offenders in their offender population than non-SOMP institutions. This higher concentration of individuals with a history of sexual offending within an institution helps create an environment conducive to seeking treatment. Individuals interested in and found appropriate for treatment are placed in the program based on their projected release date or other factors such as an immediate need for treatment. Upon arrival to an institution, inmates are provided information on available psychology programs, to include sex offender treatment programs. Sex offender treatment programs are located in all six BOP regions. In total, there are nine institutions that offer sex offender treatment. An additional treatment program is scheduled to activate in fiscal year 2022. There are multiple occasions during an individual's sentence when they are encouraged to consider sex offender treatment. This includes the initial intake with a doctoral-level psychologist upon arrival at a BOP facility as well as routine meetings with their Unit Team staff.

Criminogenic needs are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to re-offend and commit another crime.⁸²

The sex offender treatment programs offered in the BOP are rooted in cognitive-behavioral theory and were modeled after existing programs of the same nature. They address distorted thinking and deficits in emotion regulation, sexual self-regulation, and intimacy, as well as any evidence-based criminogenic factors identified in a comprehensive psychosexual evaluation. SOMP staff evaluate each offender's level of risk to determine their need for residential or non-residential sex offender treatment. This is assessed through actuarial risk assessments (such as the STATIC-99R) when appropriate, an initial risk assessment interview, and a review of dynamic risk factors. The individual's level of risk is continually monitored throughout their incarceration and is reassessed if new clinically significant information is gathered. This allows treatment to be individualized and tailored to specific treatment needs.

Residential Sex Offender Treatment Program

The Residential Sex Offender Treatment Program was developed to provide treatment to moderate and high-risk sex offenders. The residential treatment program is a high intensity program where participants engage in treatment five days per week for approximately 12 to 18 months. There are currently facilities that offer this program, and approximately 1700 individuals have completed treatment.⁸³ Approximately 120 beds are allocated for the Residential Sex Offender Treatment Program. Participants benefit from engagement in a therapeutic community, and treatment is individually tailored for each participant. Longitudinal research is currently underway to evaluate the impact of this program.

⁸² "Criminogenic Needs: Definition & Risk Factors." Study.com, 11 April 2016, www.study.com/academy/lesson/criminogenic-needs-definition-risk-factors.html

⁸³ This number captures only offenders who have completed treatment and does not include those who are actively undergoing treatment today or began and withdrew from treatment for a variety of reasons, including medical issues.

Non-Residential Sex Offender Treatment Program

The Non-Residential Treatment Program is a 9- to 12-month program where outpatient groups occur two to three times per week for several hours. Eight facilities currently offer these services, and another is in the process of being activated. Approximately 252 inmates can participate at any given time in the Non-Residential Sex Offender Treatment program nationwide. Participants learn basic concepts to help them understand their past offenses, manage emotions, address deviant sexual interests, and build skills with the goal of reducing their risk of future offending. Individuals are offered treatment groups based on identified needs. This treatment is offered to offenders who are considered low to moderate risk of re-offense. One goal of the non-residential treatment program is to prepare offenders for participation in additional treatment programs upon release.

An additional component of SOMP institutions is their ability to identify and manage individuals who engage in risk-relevant behavior during their incarceration. Risk-relevant behavior refers to any conduct related to a sexual offender's history that is associated with a potential risk of future sexual offending. These behaviors often align with dynamic risk factors. For example, an individual who continues to possess child sexual abuse images, writes sexual stories with or without deviant sexual themes, or attempts to contact potential child victims, would be identified as potentially having a greater risk for re-offending. Risk-relevant behavior is documented, summarized, and provided to the assigned United States Probation Office to assist in the identification of individuals with greater needs while on supervised release. When staff are aware of risk-relevant behavior, they work to engage the inmate in treatment and continue to assess their risk of sexual re-offending throughout their incarceration.

Today, a portion of the sex offenders held in federal custody are participating in these rehabilitation programs. The BOP is expanding its programming to new prisoners in the coming months, targeting low-level offenders, which make up the largest share of sexual offenders currently in BOP custody.

However, one hurdle to expanding access to rehabilitation programming to more federal inmates convicted of a sexual offense against children is securing their willing participation in the program. BOP rehabilitation programming for sexual offenders is completely voluntary. While judges may direct offenders to enroll in rehabilitation programming at sentencing, they cannot be forcibly compelled to participate. Part of the program's success – both in terms of enrollment and offender engagement with the programming – relies on the offender's motivation to participate. BOP staff makes frequent contact with sexual offender inmates at multiple points during incarceration to remind them of the availability and benefits of rehabilitation, and in some cases, First Step Act credits are made available to offenders that participate. Other motivational incentives for participation will be needed to expand the reach of these programs to all sex offenders in BOP custody.

Research is currently underway to evaluate the long-term effectiveness of these rehabilitation programs. If these programs are proven effective, it would be prudent to examine avenues that may encourage more offenders to take rehabilitative programming while they are incarcerated.

Depending on the results of the research, funding may prove beneficial to both better understand the impacts of this work and implement any changes revealed by existing research.

Solution: Targeted Campaign Offering Free and Confidential Services for Those with a Sexual Interest in Children

Individuals with a sexual interest in children often experience internal conflict, shame, and embarrassment about their sexual predilections. As a result, they may be reticent to request help from others for fear of scrutiny and rejection. Additionally, they may lack experience in seeking appropriate mental health care or be constrained by a lack of financial resources. These factors may prevent someone from seeking help to address their deviant sexual interests—a potential prevention point for future abusive conduct.

In 2004, the German government, in conjunction with the Volkswagen Foundation and others, created an extensive media campaign to specifically target those with a sexual interest in pre-pubescent and pubescent children to inform them of an opportunity to receive help free of charge. The program, called the Berlin Prevention Project Dunkelfeld (PPD), used phrases such as, “You are not guilty because of your sexual desire, but you are responsible for your sexual behavior. There is help! Don’t become an offender!”⁸⁴ to garner interest. Within 38 months of launch, 808 individuals contacted the program and requested assistance. A little less than half traveled to the outpatient clinic for a full assessment - representing potential intervention for these individuals. Similarly, Stop It Now! is an organization that offers various prevention programs aimed at helping adults take responsibility to prevent and stop CSA.⁸⁵

Implementation of a similar program that offers mental health treatment by experienced and qualified providers⁸⁶ for those with a sexual interest in children or other deviant sexual interests supports a prevention effort. Doing so also would allow for research into what motivates an individual to seek help, follow through with recommended treatment, and treatment outcomes.

⁸⁴ Beier, M., Neutze, J., Mundt, I.A., Ahlers, C.J., et al. (2009). Encouraging self-identified pedophiles and hebephiles to seek professional help: First results of the Prevention Project Dunkelfeld (PPD). Preprint version of the Brief Communication, *Child Abuse & Neglect*, 33, 545–549.

⁸⁵ Stop It Now!, “[About Us](#),” 2021.

⁸⁶ The emphasis on experience and qualifications of these mental health providers cannot be overstated, as referenced previously in this section.