

**Testimony Related to the Assessment & Treatment of Child Pornography Offenders  
and the Motivation to Collect Child Pornography  
Submitted by Dr. Jennifer McCarthy  
To the U.S. Sentencing Commission  
February 15, 2012**

Members of the U.S. Sentencing Commission, I would like to thank you for having me here today to testify on an issue of extreme importance to the protection of children.

***The Assessment of Child Pornography Offenders***

There is evidence to suggest that internet offenders share similar dynamic risk factors to child sexual abusers (offline) in the areas of sexual interest, sexual and emotional self-regulation, intimacy deficits, and offense-supportive cognitive distortions (Babschisin, Hanson, & Hermann, 2011; Elliot, Beech, Mandeville-Norden, & Hayes, 2009; McCarthy, 2010; Middleton, 2006; Neutze, Seto, Schaefer, Mundt, & Beier, 2011; O' Brien & Webster, 2007; Quayle, Erooga, Wright, Taylor, & Harbinson, 2006; Webb, Craissaiti, & Keen, 2007; Winder & Gough, 2010) As such, the psychosexual assessment of child pornography offenders is similar to that of child sexual abusers with the addition of an assessment of internet sexual activity. To this extent, the psychosexual assessment of a child pornography offender would ideally include:

- a comprehensive clinical interview;
- a psychometric measurement of personality and psychopathology;
- an assessment of sexual history (offline);
- an assessment of internet sexual history;
- an assessment of sexual interest;
- an assessment of social skills;
- an assessment of cognitive distortions;
- a review of collateral information (e.g., legal documents);\*
- a review of the forensic analysis of an individual's computer;\* and
- a review of an offender's child pornography collection.\*

\* In my experience with the Federal system, these reviews are not always possible. With regard to the PreSentence Report, I have been told that it is a Court document and therefore, not available to the treatment provider (though it is available to the half-way house). While Probation Officers provide a synopsis of the instant offense, the complete PreSentence Report would be more valuable to the assessment process. In my experience, the forensic analysis is never available. And, the only time (though inconsistently) that I can see an offender's child pornography collection is at the PreSentence stage of a case.

Other assessment measures may also be given to an offender based on necessity (e.g., measures of neuropsychological deficits). Additionally, a polygraph examination may be given at the

assessment level to determine the veracity of an offender's self-report, particularly when collateral information is unavailable.

### ***The Motivation(s) to Collect Child Pornography***

Legal and academic discourses contend that child pornography is collected by child sexual abusers and pedophiles (Bourke & Hernandez, 2009; Foley 2002). While some researchers have found that child pornography offenders seek pornographic content that is in keeping with their sexual proclivities (Quayle & Taylor, 2002; Seto, Cantor & Blanchard, 2006), other researchers have suggested that the motivation to collect this material be viewed along a continuum, and the nature of the behavior maybe symptomatic of pathological internet use or internet-enabled pathology (Cooper, McLoughlin & Campbell, 2000; Davis, 2001; Foley, 2002; Krone, 2004; Lanning, 2001; McCarthy, 2010; Quayle et al., 2006; Sullivan & Beech, 2004; Taylor, Holland, & Quayle, 2001; Young, 2001).

Quayle and Taylor (2003) identified six motivating factors for collecting child pornography, some of which are also been supported by Sheldon & Howitt, 2007; Seto, Reeves, & Jung, 2010; and Surjadi, Bullens, Van Horn, & Bogaerts, 2010:

1. As a means of achieving sexual arousal, wherein child pornography was used as either a stimulus for contact sexual offending or a substitution for this behavior;
2. As a source of pleasure by collecting a complete series of images – regardless of content – gratification is obtained by the collecting behavior itself, and not by the sexual content of the material;
3. As a means of avoiding real-life problems – essentially, the offender creates a new and different online reality that may be better than their life offline. While online, they experience positive feelings (e.g., sexual gratification) that may substitute for their offline negative feelings;
4. As a means of facilitating social relationships with like-minded individuals. Such relationships may substitute for unsatisfying offline relationships – these online relationships may be strengthened further by the exchange of child pornography;
5. As a therapy for exploring and dealing with one's problems; and
6. As a manifestation of the addictive properties of the Internet itself. In this context, Cooper (1998a) referred to the Internet as a "Triple-A Engine," suggesting that there are three factors that collectively make the Internet an attractive medium for the pursuit of child pornography. These factors include: 1) accessibility (i.e., the Internet is available

twenty-four hours a day, seven days a week); 2) affordability (i.e., based on the principal of supply and demand – child pornography is either free or available for a low fee); and 3) anonymity (i.e., individuals perceive that their identification is unknown and thus, feel free to express themselves sexually) (Cooper & Griffin-Shelley, 2002).

Surjadi et al. (2010) also suggested that at the core, Taylor and Quayle's first four motivating factors can essentially be interpreted as a means of avoiding real-life problems, given the reward experienced by achieving sexual gratification, completing a series of images, substituting negative feelings with positive feelings, and forming social relationships.

The notion that possessing child pornography may be used for sexual gratification, to alleviate negative affective states, and to avoid/escape the reality of life was also supported by Henry, Mandeville-Norden, Hayes, and Egan (2010). These authors identified three groups of child pornography offenders based on the scores of a pre-treatment standard psychometric screening battery. Three of the screening measures assessed pro-offending attitudes and five measures assessed socio-affective functioning. The three groups of offenders identified were:

1. *Normal* – the profile for this group was similar to that of the normal population;
2. *Emotionally inadequate* – for this group, pro-offending attitudes were within normal range, however, scores on socio-effective measures revealed deficits in self-esteem, emotional loneliness, personal distress, assertiveness, and external locus of control; and
3. *Sexually Deviant* – offenders in this group had mixed deficits on both socio-effective and pro-offending measures. While under-assertiveness, personal distress, and locus of control were within the normal range, emotional loneliness was high and self-esteem was low. Additionally, this group of offenders scored higher than the other two groups on all three of the pro-offending measures.

Beech, Elliott, Birgden, & Findlater (2008) identified four motivational factors for possessing child pornography. These include:

1. To fuel existing or developing sexual interests in children;
2. (For contact offenders) to use the material as part of a larger pattern of offending;
3. Impulsivity and curiosity (Seto et al., 2010, July); and
4. For financial gain

Elliott et al. (2009) also identified four types of child pornography offenders based on their motivation to offend. These include:

1. *Periodically Prurient Offenders* – these offenders are not exclusively sexually interested in children and access child pornography because of a general interest in pornography. The authors suggest that these offenders may either have an interest in extreme forms of sex and/or whatever pornography is available. The latter was discussed in the context of general curiosity, convenience or accidental access. Lanning (2001) described the periodically prurient offender as sexually indiscriminate and Surjad et al. (2010) described these offenders as paraphilic;
1. *Fantasy Only Offenders* – these offenders have a sexual interest in children, but have no history of having sexual contact with children;
2. *Direct Victimization Offenders* – these offenders use child pornography to groom potential victims online; and
3. *Commercial Exploitation Offender* – these offenders produce child pornography purely for financial gain.

Taylor, Quayle and Holland, (2001) identified six typologies of child pornography offenders, some of which are also supported by Wolak, Finkelhor, & Mitchell (2005):

1. *Confirmed Collector* – the individual has a large collection of child pornography which is often meticulously organized;
2. *Confirmed Producer* – the individual is actively involved in the abuse of children. Further, images of the abuse are given to others with similar sexual interests;
3. *Sexually Omnivorous* – the individual may not be primarily interested in child pornography but instead has a pornography collection that depicts a wide range of sexual activities, including child pornography;
4. *Sexually Curious* – the individual may download a few pictures because of curiosity. This could possibly lead to ongoing involvement in this behavior;
5. *Libertarian* – the individual downloads child pornography to assert a right to freedom of access to this material; and
6. *Entrepreneur* – the individual creates web sites containing child pornography for financial gain. He may also be involved in other types of pornography.

According to Taylor et al. (2001), the *Confirmed Producer* is the only individual who possibly engages in child molestation.

Other studies have also provided explanations with regard to why offenders possess child pornography – see Cooper et al., 2000; Krone, 2004; Taylor et al., 2001; and Sullivan & Beech,

2004. Based on all studies to date on this issue, however, it is apparent that an offender's involvement with child pornography stems from a variety of motivating factors.

### ***The Treatment of child pornography offenders.***

As with the treatment of any individual, the treatment of child pornography offenders is based on individual needs and goals. Results of an offender's psychosexual assessment and an understanding of the motivating factors that led to the offense will serve to inform not only treatment needs and goals, but also the interventions required to prevent reoffense and assist the offender in living a healthy and fulfilled life. Of note, however, identifying treatment needs, goals, and types of intervention is dynamic, owing to the ongoing process of disclosure and progress in treatment.

As with sex offenders in general, cognitive-behavioral frameworks have been used in the treatment of child pornography offenders (Craig, Browne, & Stringer, 2003; Nicholaichuk & Yates, 2002; Quayle & Taylor, 2003). Modifications, however, have been implemented that consider the role that the internet plays in the offense process (Burke, Sowerbutts, Blundell, & Sherry, 2001; Davis 2001; Henry et al., 2010; O' Brien & Webster, 2007; Winder & Gough, 2010). For example, treatment with child pornography offenders should also consider:

- the dynamic process of an offender's use of the internet for sexual gratification as it relates to both legal and illegal activity. According to Quayle et al. (2006) individuals "move along a range of potential continua, related to satiation of sexual arousal, process of engagement with both collecting and communities, and the exploration of different online personas" (pg. 33). These authors suggest that it is crucial for the offender to identify the trajectory of his online offending in order to understand the Internet processes that facilitated the offense;
- the extent to which an offender's online behavior extends offline, e.g., does he engage in deviant sexual fantasies offline or view/masturbate to child pornography offline?; is he in contact offline with individual's that he communicates with online?;
- the extent to which the internet played a role in the escalation of sexual fantasy;
- the levels of engagement in internet communities, from passive downloading of child pornography from a website to active participation in a private egroup;
- the function of collecting child pornography as it relates to fulfilling emotional, psychological, sexual and social needs. E.g., was it purely for sexual gratification or did it serve as a method of coping with or avoiding negative affective states or the reality of life and relationships? Did it provide a sense of connectedness to others if trading was involved or if the offender was a member of an online community? Is it indicative of a

compulsive tendency in general? What positive reinforcements were gained by downloading child pornography? and

- the level of emotional disconnection from the child pornographic material – for some offenders, the act of collecting is used to distance themselves from the content of the material (Quayle et al., 2006).

### ***Treatment Interventions***

Treatment interventions with child pornography offenders are based on the needs and goals of the individual offender. These interventions can include but is not limited to:

- Cognitive restructuring
- Relapse Prevention
- Empathy development
- Education regarding victim impact awareness
- Sexual and emotional self-regulation interventions
- Relationship skills training
- Anger management skills training
- Social skills training
- Behavior modification techniques addressing sexual arousal control
- Arousal management/urge control
- Life enhancing training (Based on the Good Lives Model)

Additionally, psychopharmacologic treatment may also be used with individual who displays pronounced compulsivity and have been assessed as particularly resistant to behavioral interventions.

Treatment is usually delivered in a group format; however, some programs also include individual therapy.

Some treatment programs subscribe to the Containment Model with regard to the management of sex offenders. According to the California Coalition on Sexual Offending (CCOSO) (2010), the Containment Model is “an interdisciplinary strategy to manage sexual offenders that combine elements of treatment, supervision, monitoring, and risk management” (p. 4). Under this model, interventions are designed to promote behavioral changes that are supported by modifications in the offender’s daily lifestyle and psychological condition. The model is implemented on a case-by-case basis through the collaboration of all parties involved in the management of the offender in the community, e.g., Probation Officer, Treatment Provider, polygraph examiner, etc. Each

party is familiar with the offender's pattern of offending, engages in regular communication with regard to risk factors, and collaboratively strategizes and coordinates services (CCOSO, 2010).

### ***The Use of Polygraph Examinations in Treatment***

Polygraph examinations are utilized on an intermittent basis throughout the course of treatment to gain more information with regard to the instant offense and past offending behavior, to break through denial and monitor risk factors. Information gleaned from polygraph exams is used to develop and/or modify treatment needs and goals. As noted in a research report submitted to the National Institute of Justice, polygraph examinations “do not stand alone in the sex offender management process [but] occur in the context of a very important synergistic process that results from close, consistent collaboration among the polygraph examiner, the treatment provider and the supervising officer” (English, Jones, Pasini-Hill, Patrick, Cooley-Towell, 2003: p. 16).

According to English et al. (2003), there are three types of clinical polygraph examinations:

1. *Sexual History Polygraph Exam* – this exam is used to verify the accuracy and full disclosure of sexual history information provided by the offender. The time frame covers history prior to arrest. In most cases, a sexual history questionnaire is completed prior to the exam. This questionnaire covers a host of sexual behaviors including but not limited to, sexual contact with minors, paraphilic behaviors, and internet sexual activity. With regard to the disclosure of prior contact offenses, offenders are instructed not to provide identifying information with regard to victims or the relationship to the victim (beyond known or unknown – this minimizes or eliminates the risk of the offender being prosecuted for past sexual crimes.
2. *Denial and other Specific-Issue Polygraph Exam* – this exam is usually utilized when the offender's version of his offense differs from that reported in official documents. Additionally, specific-issue exams are used to address a single concern that may arise in treatment or in connection with probation, e.g., unauthorized contact with a minor or unauthorized Internet use. Specific issue exams are also used as a follow-up to deceptive results on prior exams; and
3. *Maintenance or Monitoring Polygraph Exams* – these exams are utilized to verify compliance with probation conditions or the requirements of treatment. With regard to the requirements of treatment, issues pertaining to the disclosure of inappropriate sexual fantasies (or masturbation to same), inappropriate sexual urges, or the use of inappropriate sexual material would be appropriate issues to explore on a maintenance polygraph exam. As with the sexual history polygraph, a questionnaire is completed prior to the maintenance or monitoring exam.

Buschman, Wilcox, Krapohl, Oelrich, & Hackett (2010) did a post-conviction sexual history polygraph on first offense child pornography offenders. Results revealed that all participants in the study who had first denied masturbating to child pornography admitted to engaging in this behavior during the polygraph. Additionally, offenders who denied masturbating to sexually explicit images of minors (i.e., sexual contact between adults and children) admitted to engaging in this behavior during the polygraph. Polygraph data also revealed information (that was not previously reported by the offenders) pertaining to contact offenses, the grooming of children on the internet, taking pictures of children, public masturbation, and involvement in other paraphilic behaviors. The authors concluded that the self-report of child pornography offenders “presents an incomplete picture of the significance that downloading child abuse images plays in the sexual repertoire of such offenders” (p.206). They also noted the utility of the polygraph exam in breaking through denial, and assisting in the accurate assessment of risk.

The use of the polygraph has emerged as a useful clinical tool to obtain information that offenders are otherwise unlikely to reveal (Almeyer, Heil, McKee, & English, 2000; Buschman, Wilcox, Krapohl, Oelrich, & Hackett, 2010; English, Jones, Pasini-Hill, Partrick, & Cooley-Towell, 2000a; Wilcox & Sosnowski, 2005). Without accurate information about past sexual history and current sexual behavior, treatment providers are at a disadvantage in their attempts to assess risk, develop treatment plans, and assess progress in treatment.

### ***The Importance of Digital Evidence***

In an article for ABC News about an FBI terrorism case, Sandell (2012) discussed how through forensic/digital evidence, government agents can get information from computers and other electronic devices. Reportedly, as per an affidavit written in the case by FBI Special Agent Donald Hale, a forensic analysis of an individual’s computer can do the following:

- Recover computer files or fragments of such files long after they have been downloaded, deleted, or viewed on the Internet;
- Based on the operating system, access records of deleted files in what is called a “swap” or “recovery” file;
- Access records of how the internal drive was used, who used it, and when it was used;
- Provide information about when a memory stick or external hard drive was connected, and how and in what sequence files were created;
- Provide information that was once on a hard drive or memory stick, but was later altered or deleted; and
- Provide online nicknames and passwords by looking at web browsers, email and chat rooms.

Glasgow (2010) reported that in his experience with child pornography cases, the forensic analysis of an offender’s hard drive (and any other technological device in their possession) can provide a more complete picture of an offender’s involvement with child pornography. For example, he indicated that such an analysis could provide information pertaining to:



- Searches typed into search engines;
- The duration and chronological pattern of the offender's use of child pornography, e.g., when the material was first accessed, the duration of child pornography activity, the frequency of downloading images, and how recent the images were viewed;
- The content of the child pornography in an offender's possession, and the prevalence of images representing different ages and each gender, and sexual activity;
- Whether the offender used the internet to solicit potential contact victims;
- Whether offender had contact with others sharing similar sexual interests, and the nature of those exchanges; and
- The trajectory of internet use, both with respect to content of images and temporal pattern.

Troy Stabanow is currently an Assistant Federal Public Defender in the Western District of Missouri, although, he previously worked as a prosecutor. In his 2011 article, he discusses how as a prosecutor, he “employed a more refined means of assessing unusual deviance and danger” (p. 127) in child pornography cases in order to guide sentencing recommendations to the court. Stabanow (2011) states that he would initially review a defendant's entire collection of child pornography to gain perspective with regard to the content. He would then use “metadata” (gleaned from a forensic analysis) such as the dates that the files were created, accessed, and modified to identify patterns in the files. And finally, he would review what he called “secondary materials” such as diaries, online chat logs, e-mails, etc., for contextual information. Stabanow reportedly theorized that an offender who indiscriminately used the Internet, i.e., viewing whatever he encountered for free, “was less concerning than the offender who focused on increasing violent conduct, involving increasingly vulnerable children” (p. 127).

Stabanow (2011) encourages the adoption of a more holistic approach to forensic analysis in child pornography cases while at the same time, acknowledges that this approach would be more labor and resource intensive. He also highlights, however, the elevated allotment of FBI manpower that investigate simple fraud cases (which can yield a lesser sentence than a child pornography case) as compared to that in child pornography cases. Essentially, Stabanow is questioning whether FBI resources can be utilized to collect as much forensic evidence in child pornography cases as they do in other cases.

Based on the above, one wonders why such a thorough forensic analysis is not done in child pornography cases as such an analysis would produce a treasure trove of valuable information that could inform sentencing, risk assessment, treatment, and community supervision.

### ***Summary***

Child pornography offenders are a heterogeneous group and thus, a “one-size fits all” approach to the assessment, treatment and management of these offenders will not work. It is apparent from the literature that child pornography offenders collect this material for various reasons, some of which are sexually motivated and some of which are not. Further, various typologies of

child pornography offenders have been identified. Thus, any intervention with this type of offender needs to be individually based.

In the context of assessing and treating child pornography offenders, the need for collateral information cannot be overstated. As polygraph testing reveals, there is a tendency by these offenders to under-report crucial information that facilitates the process of identifying risk factors as well as treatment needs, goals and interventions. Additionally, there is also a significant failure to appreciate the importance of digital evidence in child pornography cases despite the potential value of this evidence.