



Production Child Pornography Offenses

In 2021, the United States Sentencing Commission issued two reports, which analyze fiscal year 2019 data to update and expand upon the Commission's 2012 report to the Congress on federal child pornography offenses. The reports separately analyze non-production and production child pornography offenses.

These reports are intended to provide updates to Congress, judges, and other stakeholders on the behavior and sentencing of child pornography offenders.

Overview

PREPUBESCENT VICTIMS

61.3%

INCREASE IN CASES OVER 15 YEARS

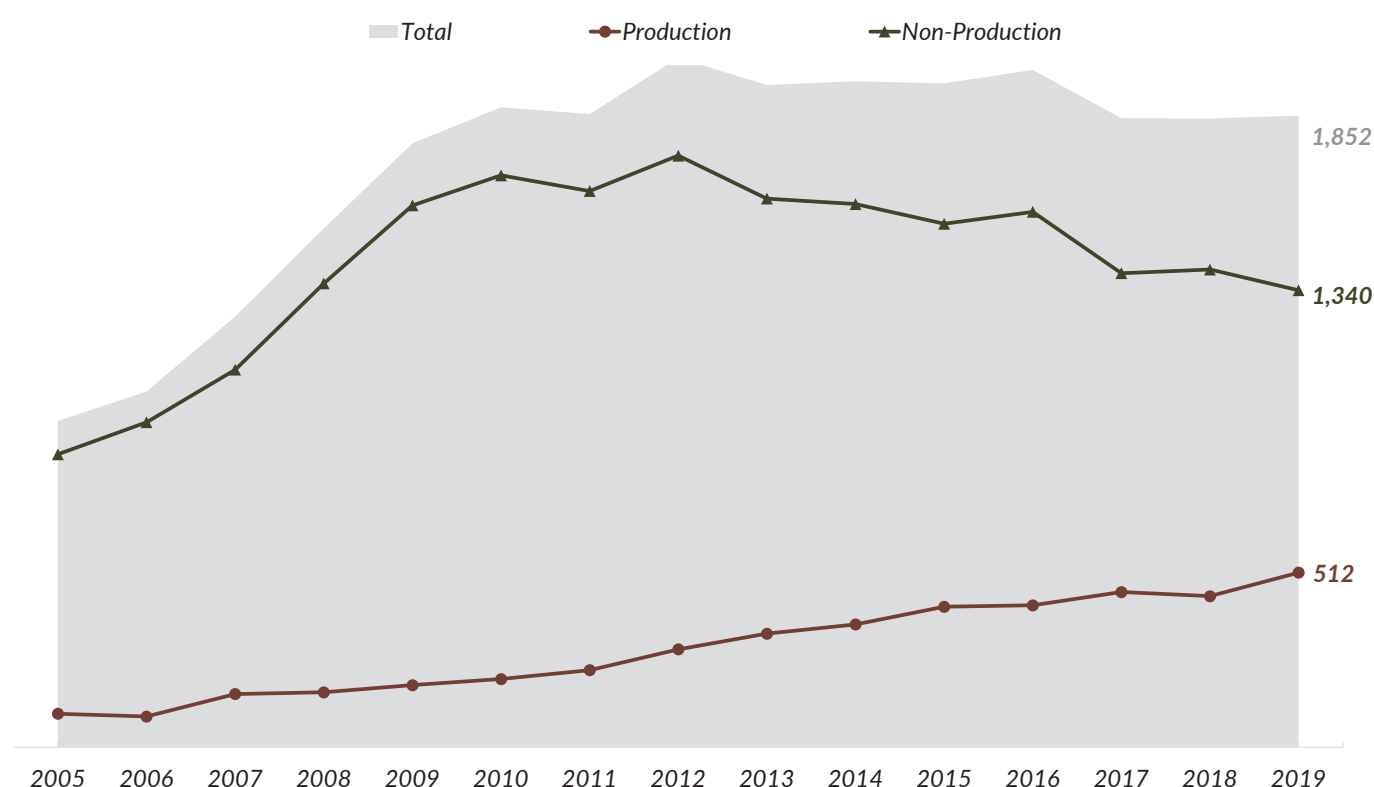
422%

OFFENDERS IN POSITIONS OF TRUST OVER VICTIM

60.3%

§2G2.1 Offenders

Although child pornography production cases comprise a small percentage of the overall federal caseload, the expansion of digital and mobile technology has contributed to a 422% increase in the number of production offenders sentenced over a 15-year period, from 98 offenders in FY 2005 to 512 offenders in FY 2019.



Sentencing

AVERAGE SENTENCE LENGTH

275 months

CONVICTIONS TRIGGERING 15-YEAR MANDATORY MINIMUM

78%

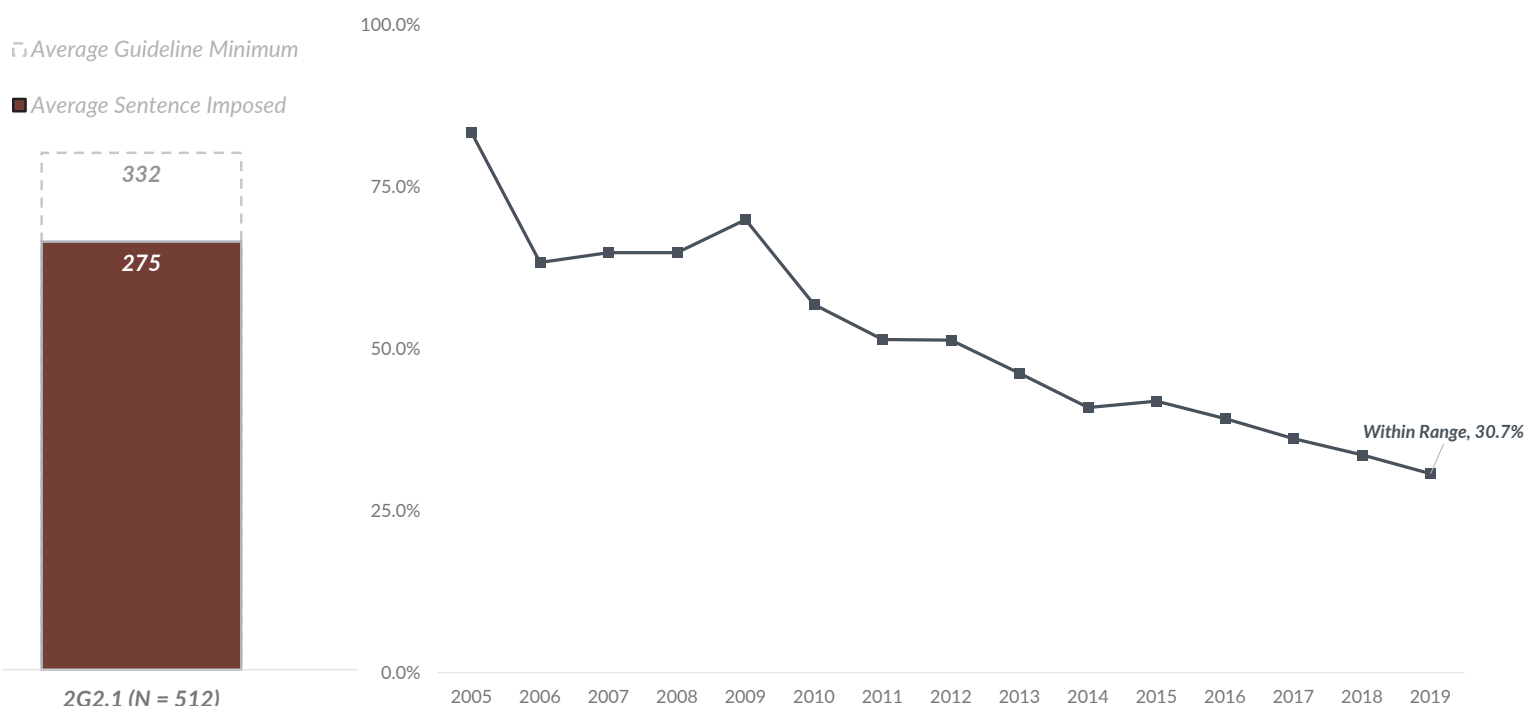
VARIANCES BELOW APPLICABLE GUIDELINE RANGE

57.2%

The rate of within-range sentences for production offenders has decreased since FY 2005, from 83.3% to 30.7% in FY 2019. Despite the low within-range rate, the serious nature of these offenses generally leads to lengthy sentences of 23 years on average.

On average, longer sentences in excess of 300 months were imposed for offenders who:

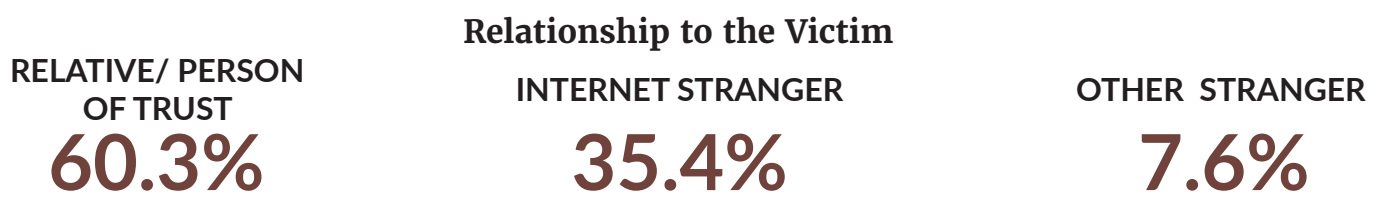
- victimized infants or toddlers;
- were parents of victims;
- engaged in or facilitated the sexual contact of a minor during the offense; or
- incapacitated victims



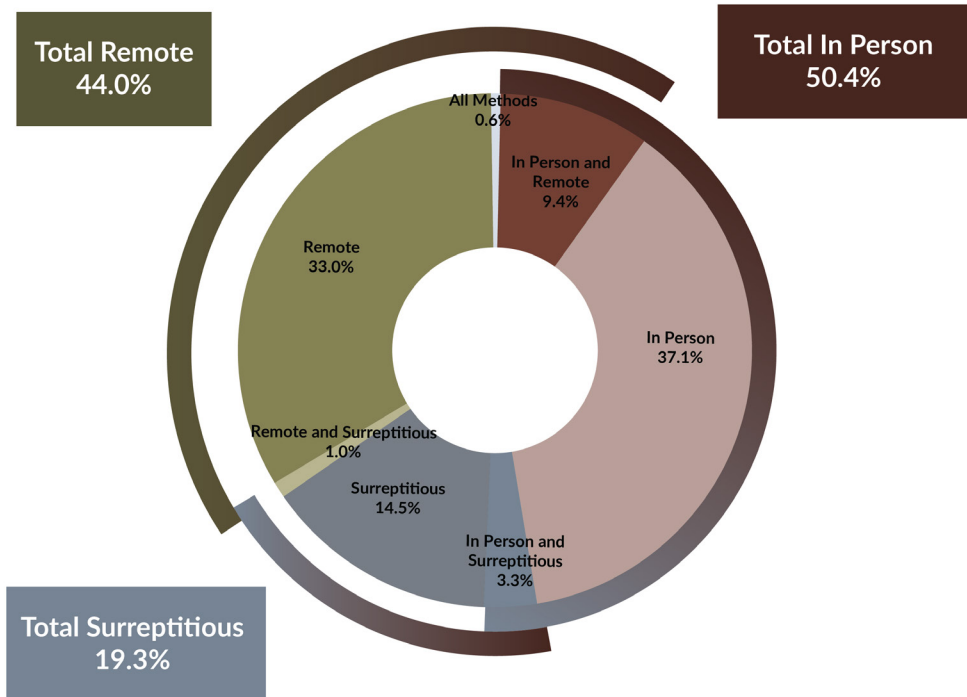
Sentence lengths vary based on the presence of aggravating factors relating to the offenders' proximity to the victim, participation in the offense, and propensity to engage in exploitive behavior.

Proximity

offender's physical proximity and personal relationship with the victim



Method of Communication with Minor Victims



Participation

nature of victimization during the production

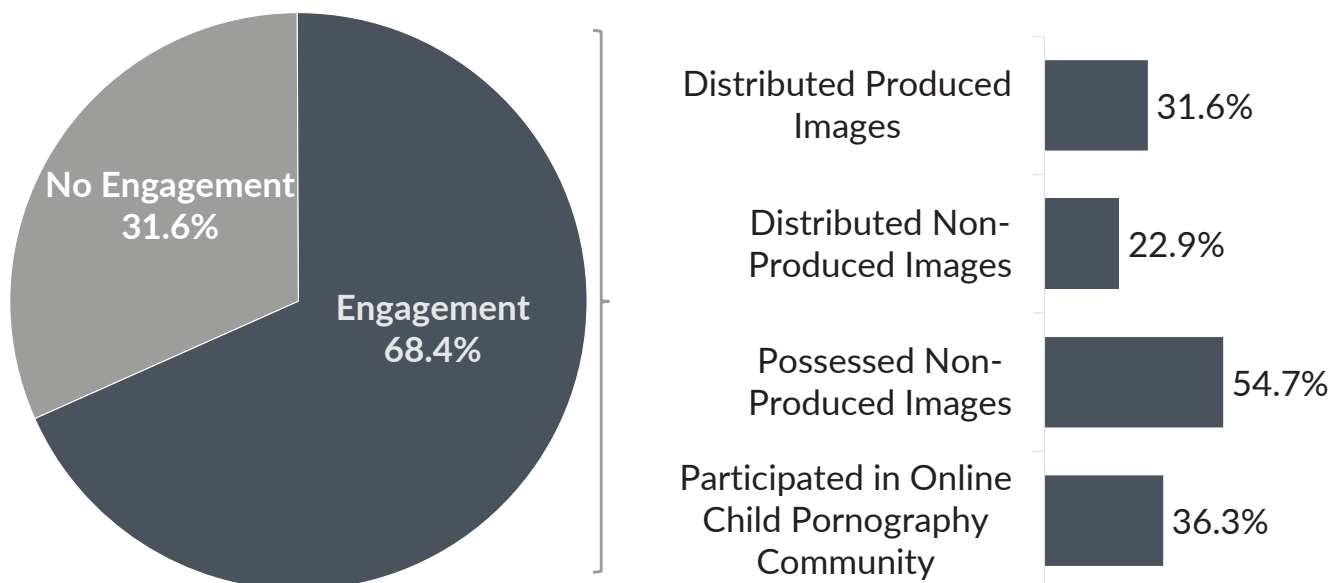
Sexual Contact During Production	N	%
Total §2G2.1 Offenders	512	100.0%
Offenses Involving Sexual Contact	414	80.9%
Offender sexually contacted a victim	262	51.2%
Co-participant sexually contacted a victim	23	4.5%
Victim(s) engaged in sexual contact	129	25.2%
No sexual contact of a victim	98	19.1%

Method of Production	N	%
Total §2G2.1 Offenders	512	100.0%
Smartphone or Tablet	241	47.1%
Victim Produced	187	36.5%
Other Camera	66	12.9%
Live Stream or Webcam	61	11.9%
Other	11	2.2%
Unknown Method or Attempted Production	55	10.7%

Propensity

to engage in child pornography conduct or sexual exploitation outside of the production offense

More than two-thirds of child pornography production offenders also engaged in additional child pornography conduct or sexual exploitation.



The full reports for Federal Sentencing of Child Pornography Non-Production and Production Offenses are available at ussc.gov

