#cyberoffenses: Understanding Online Sexual Offense Behavior

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Agenda

- Today's Focus Child Pornography / CSEM Offenders
- Expert Basics
- Psychology of Technology
- Comorbid Conditions (Mitigating Factors)
- Risk Assessment
 - Pedophilic Disorder Assessment
- LGBTQ+ / Risk / Sex Offending

Expert Basics

- ✓ Michael Seto (many articles, books, CPORT, CASIC, SSPI, etc.)
- ✓ Other Names: Babchishin, McPhail, Quayle, Hanson, Henshaw, Andrews, Bonta,
- ✓ U.S. Sentencing Commission Report on Child Pornography (CP/Non-Production)
- ✓ Appropriate Risk Assessment Tools for Child Pornography Offenders
- ✓ Research on Pedophilia
 - Assessments of Sexual Interest (Abel, The Look, PPG, Polygraph, etc.)
- ✓ Association for the Treatment and Prevention of Sexual Abuse (ATSA)
- ✓ Psychology of Technology
 - Digital World (Suler, Rimer, Quayle, Delmonico & Griffin, Aboujaoude, etc.)

Psychology of Technology

- It is recognized that these features of technology cannot be ignored as a factor in sexual offense behavior in the online world. (Quayle et al., 2010; Rimer, 2019)
- Function of the Internet is a crucial aspect of some types of online sexual offending (Merdian et al. 2016; Sheldon and Howe, 2007; Surjadi, 2010)
- Internet can facilitate sexual offending through the Triple A Engine (Cooper, 2000)



Psychology of Technology

• Easy to lose track of time, consequences, and real life relationships • Form pseudo relationships – approximate reality without risk of emotional vulnerability/intimacy. •The internet intoxicating and difficult to resist. Multiplied since the reward is sex. Cyber-hex Delmonico and Griffin •Anonymity: You Don't Know Me/You Can't See Me •Escape: See You Later •Fantasy: It's All in My Head Online •Familiarity: We're Equals / Friends Disinhibition Suler • Narcissism: We are the center of the universe/Shadow: Technology releases and nurtures • Regression: Toward immaturity/Impulsivity: Urge driven lifestyle • Reinforced sensation seeking behavior The E-Personality Adapted from • Distancing (Rimer, 2019)/Detachment/Dissociation (Quayle et al., 2002; Rimer, 2019) • Anonymity /Moral Flexibility/Restricted view of harm (Burke et al., 2002) Online • Children are more like characters (Elliott et al., 2009) Objectification •"Only Images" (Leonard, 2010; Winder et al., 2010)

Contributing and Mitigating Factors

Adolescent Brain Development (up to 27/28 years old)

Early Exposure to CP/Sexualization/Sexual Abuse

- Significant Mental Health Issues
 - Mood Disorders (Anxiety, Depression, Bi-Polar)
 - Substance Use Disorders
 - Post Traumatic Stress Disorder
 - Schizophrenia Spectrum Disorder
 - Neurodevelopment Disorder
 - Autism Spectrum Disorder/Intellectual Disabilities/ADHD
 - Hypersexuality
 - Pedophilic Disorder



Psychology of Technology + Contributing Factors = Perfect Storm

Helps Contextualize Why Individuals with:

- No significant criminal history
- No history of contact offending
- No sexual interest in children (many)

...are viewing child pornography

What I am seeing....

More complex psychopathology...

- OCD/Hoarding
- Traumatic Brain Injury
- Bipolar Disorder/Psychosis
- Drug Intoxication

Lots of Trauma

- Not limited to sexual abuse
- Family of Origin
- Military Trauma

Younger Offenders

- Is this the spirit of the law?
- Autism Spectrum Disorder

What I do...

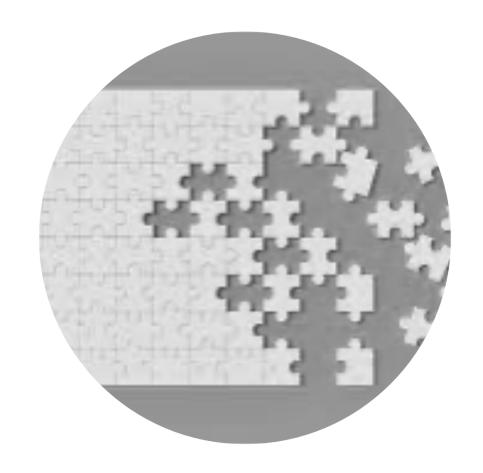
- Psychosexual Evaluations
- Mitigating Factors
- Sexual Interest Testing
- Psychological Testing
- Review Medical Records
- Risk Assessment
 - Static
 - Dynamic (?)
- "Sexual Crimes Have Sexual Motivations"
- Explanations, Not Excuses
- Discovery, Discovery
- Collateral Sources
- Why did he do this? Will he do it again?
- Educating Judges, Prosecutors (and Jurys) on what e-Sex is like in 2022

Clinical Distinctions I've Worked On

- How does impulsivity and criminal behavior from traumatic brain injury, ADHD, etc... differ from antisocial personality disorder?
- Number of images relating to OCD/Hoarding/Collecting Behavior
- Sexual violence defined by the government vs. true sexual sadism
- Pedophilia vs. Pedophilic Voyeurism
- Incest Offenders vs. Stranger Offenders
- Young/Old Brain Neurodevelopment/Degeneration
 - Sexting
 - Disinhibition
- Pathways: Trauma + Psychopathology + Drugs + Current Life Stressors

How did we get here?

Where do we go from here?



Risk and Sentencing Considerations

Pedophilic Disorder + Antisocial Personality Disorder Equals High Risk

- Risk Assessments
 - Cannot use Static 99R. Can only use....
 - Child Pornography Risk Tool (CPORT) (Seto, 2015)
 - Age/Past Criminal History/Failure on Conditional Release/Contact Sexual Offending with Formal Response/Pedophilic or Hebephilic Sexual Interest/More Boy CP/More Boy Other Material
 - Risk Matrix 2000
 - Age/Past Sexual Offense Convictions/Past Criminal History/More Male CP/No Cohabitation for 2 or More Years/Non-Contact Sexual Offense Conviction

Terminology

Pedophilia (Pedophilic Disorder)

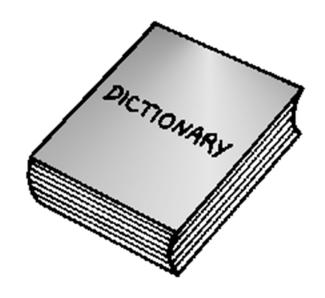
- Prepubescent (Exclusive/Non-exclusive)
- Minor Attracted Person (MAP)

Hebephilia

- Pubescent/Just beginning sexual maturity
- Tween
- **NOT** an official Diagnosis

Teleiophilia

Sexual Mature Body (Adult & Adolescent)



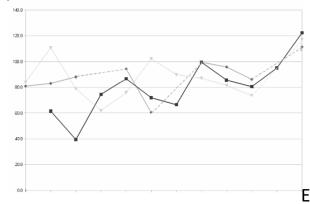
Testing and Assessments

Pedophilic Disorder

- Diagnosis
 - Prepubescent Children (Physical Development vs. Age Tanner Scale)
 - Typically Considered a Life-Long Diagnosis with Early Onset
 - Exclusive vs Non-Exclusive
 - Girls versus Boys as Focus
- In 2022 More Complicated Diagnosis
 - Some Child Pornography Clients Clearly Not Life Long
 - May meet criteria at one time and not later
 - Transient disorder

Testing and Assessments

- Research
 - 50% Pedophilic / 50% Non-Pedophilic
 - Motivation-Facilitation Model
 - Latest Research
 - Non-Exclusive Individuals with Pedophilic Interest (Interest in Children & Adults)
 - Low rates of sexual recidivism (Exclusive 5X that of Non-Exclusive)
 - Significant lower rates of contact sexual offenses
 - Treatment Works
- Pedophilic Disorder is not "the kiss of death"

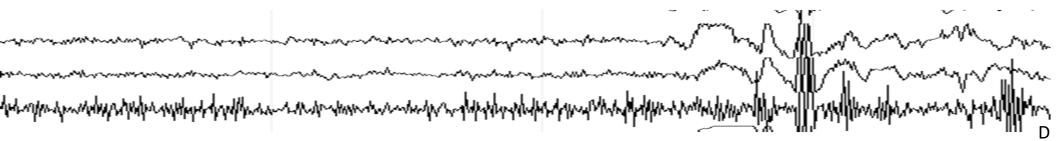


Testing and Assessment

- Pedophilic Disorder
 - Sexual Interest Testing (Abel/Affinity/Look)
 - Penile Plethysmograph (PPG)
 - Correlates of Sexual Interest in Children (CASIC)
 - Never Married or 2 year co-habitation
 - Child Pornography Videos
 - Child Pornography more than 2 years
 - Volunteering in role with high access to children
 - Engaging in Online Sexual Communication with a minor/Law Enforcement posing a minor
 - Deceptive Measures and Expert Scored
 - Self-Report

Testing and Assessments

- Lie Detection
 - Polygraph
 - EyeDetect
 - Latest technology on truth verification
 - Eye Dilation, Eye Movement, Other Eye Behaviors
- Conduct outside of formal psychosexual evaluation process
- Can add to report if court would perceive a concern, if no concerns....



Risk and Sentencing Considerations

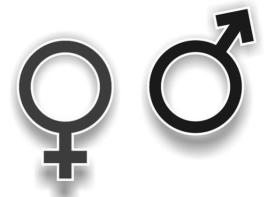
- Large groups of CP Internet offenders pose a low risk
 A small subgroup does appear to move on to a....
 - A contact sex offense 2% (Seto & Eke, 2010)
 - A new CP Charge 5% (Seto & Eke, 2010)
 - A contact sex offense 2.7% after 13 years (Elliott et al., 2019)
 - Any sexual offense 5.7% (Faust et al, 2009) (US Federal Bureau of Prisons)
- CP Offenders with a prior or concurrent violent or contact sexual offense were significantly more likely to be reported for a sexual re-offense (Eke et al., 2011)



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Testing and Assessments

- Child Abuse Material Inventory (CAMI) (Parsons, Honyara, Delmonico, & Griffin 2013)
 - Focused on Forensic Evidence
 - Developed Based on Research
 - Boys versus Girls
 - Larger versus smaller collections
 - Smaller age range versus larger age range
 - Etc....



2021 U.S. Sentencing Commission Report CP Non-Production Offenses vs Production or Solicitation Offenders

- In fiscal year 2019, non-production child pornography offenses involved a median number of 4,265 images, with some offenders possessing and distributing millions of images and videos.
- Over half (52.2%) of non-production child pornography offenses in fiscal year 2019 included images or videos of infants or toddlers, and nearly every offense (99.4%) included prepubescent victims.
- In 2019, 84% of non-production child pornography offenses involved sadistic or masochistic conduct of an infant or toddler.

2021 U.S. Sentencing Commission Report CP Non-Production Offenses vs Production or Solicitation Offenders

- The Commission cautioned that while the culpability of offenders may be affected by their degree of participation in online child pornography communities and their use of sophisticated technology to share child pornography....
- Existing social science research was inconclusive regarding whether an offender's degree of community involvement was associated with an increased risk of committing other sex offenses.

2021 U.S. Sentencing Commission Report CP Non-Production Offenses vs Production or Solicitation Offenders

CP Offenders who have a history of a contact offense (mixed-Offender) are higher risk than those who don't have a contact Offense.

Risk and Sentencing Considerations

- Factors that Positively Impact Risk
 - Age/Age/Age
 - Protective Factors (de Vries, Mann, Maruna, and Thornton, 2015)
 - Healthy Sexual Interests
 - Capacity for Emotional Intimacy
 - Constructive Social/Professional Support
 - Goal Directed Living/Good Problem Solving
 - Engaged in Employment/Constructive Leisure
 - Sobriety
 - Hopeful, Optimistic, and Motivated Attitude to Desistance
 - Treatment
 - 5% to 8% Impact on Recidivism
 - CP Offenders
 - Significantly less likely to miss treatment appointments and or drop out of treatment
 - · Significantly less likely to fail in the community



Risk and Sentencing Considerations

- The Risk Principle
 - High Risk = High Intensity Consequences/Treatment
 - Low Risk = Low Intensity Consequences/Treatment
- Research Indicates that...
 - The system creates a higher risk for sexual recidivism if consequences/treatment doesn't match risk level.
- One of the more misunderstood groups...

Notes:

- Gay men are <u>not</u> more likely to have pedophilic disorder than "straight" men
- A majority of my cases involve offenses against girls by adult men
- Age discordancy is not a proxy for condoning pedophilic behavior
- Stigma and shame still exist and can play a role in some cases

Lesbian Gay

A woman who is primarily attracted to women.

Bisexual

An indi-A man who is primarily vidual attracted attracted to people of to men; their own sometimes and oppoa broad site gender. term for individuals primarily attracted to

the same

sex.

Trans-

gender

A person

whose gen-

differs from

their as-

signed sex

at birth.

Transexual An out-

dated term that originated in the medical and psychologimunities for people who have permanently changed their gen-

der iden-

tity through surgery

and hor-

mones.

Queer

An um-BTO+ com-

Question-Intersex ing An individ-

ual whose cess of sexual anatomy or chromosomes do not fit with the traditional markers of "female" and "male."

Ally

Typically a non-queer person who supports and advocates for the queer community; an individual within the LGBTO+ community can be an ally for another member that identifies differently than them.

Asexual

An individual who generally does not feel sexual desire or attraction to any group of people. It is not the same as celibacy and has many subgroups.

Pansexual

A person who experiences sexual, romantic, physical and/or spiritual attraction to members of all gender identities/expressions, not just people who fit into the standard gender binary.



"... sexual orientation concerns who one wishes to go to bed WITH, whilst gender identity is who one goes to bed AS."

Identity

How a person defines their sexual orientation and/or gender identity

Attraction

Type of person an individual is attracted to

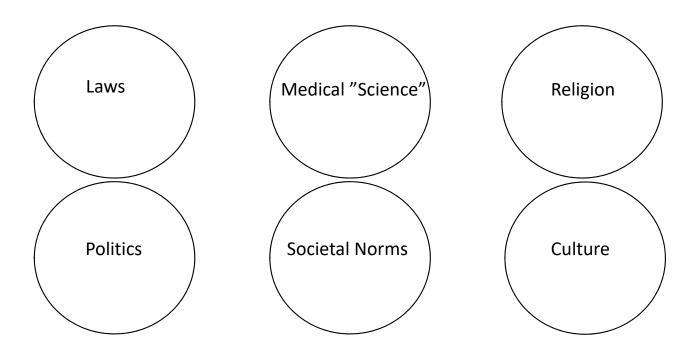
Behavior

Actions by which a person expresses sexuality and gender identity

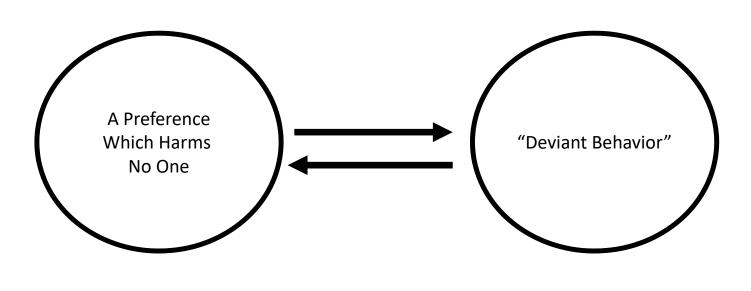
What am I seeing?

- In some communities, families (or some defendant's minds) it is still not ok to be gay.
- Psychosexual development delays
- Transgender Cases
- The government always paints the worst possible picture of the defendant's sexual behaviors
- It is critical to understand "normal" and "diverse" sexual practices so that we do not over pathologize consensual sexual activity we don't approve of or understand

Who is a Sex Offender?



Sexuality: The Dialectic?



Human Diversity

Psychopathology

What ordinary people do

Masturbation

Pre-marital sex

Pre-marital "virginity"

Extra-marital sex

Pornography

Romance novels

Internet sexuality

B/D-S/M

Non-monogamy

Role-playing; fantasies

Piercings

Anal sex

Shave/wax pubic area

Makeup sex

Costumes

Commercial sex

Adult entertainment

Sex toys

Sex games

Sex clubs

Cross-dress

Voyeurism/exhibitionism

Same-gender sex

Risk-taking

Threesomes

Fetishes, paraphilias

Friends w/benefits

Post-breakup sex

Posting sexual pictures to amateur porn sites

LGBGQI+ Offenders

- LGBTQ+ people appear to be disproportionally charged and more harshly punished than their non-LGBTQ+ counterparts
- Where the age gap between the parties is narrow, charges for violations of age of consent laws are much more likely to be filed when the partners are of the same sex (Kansas v. Limon, 122 P.3d 22 (Kan. 2005))
- LGBTQIA+ Youth Are More Likely to be Labeled as Sex Offenders
- Prosecutorial discretion influenced by unconscious bias, politics, societal pressures

Some facts about gay men....

- Gay men have significantly more lifetime partners than heterosexual men and women at all ages (Glick, et. al., 2012)
- Open relationships are not uncommon and do not necessarily indicate poor relationship health (Forssell, 2006)
- Age discordant (adult) relationships are not uncommon and do not necessarily represent exploitation
- Risk taking behaviors are not uncommon particularly in younger gay men and in the context of drug use
- A lot is changing... Prep, U=U, Apps > Bars/Bathhouses

What I do...

- Tease out sexual/gender orientation, identity and behaviors...
- Explore social, moral, and religious context of the defendant...
- Identify what is normal/healthy sexual behavior and what is not...
- Explore where in psychosexual development the individual presents...
- Contextualize risk assessment
- Offer resources and treatment goals
- Educate the judge, prosecutor (and jury) on LGBTQI+ sexual health