

Judith A. Reisman, Ph.D.
Key Flaws in the Preliminary OJJDP Report
on
“Pornography Crimes Involving Juveniles:
The National Incident Based Reporting System”

CRITIQUE ABSTRACT¹

“Pornography Crimes Involving Juveniles,” by David Finkelhor and Richard K. Ormrod of the Crimes against Children Research Center at the University of New Hampshire, provides flawed government “data” which the sex industry can use to proclaim its benign effect upon juveniles and society. Yet because neither “BJSAsk” nor the National Criminal Justice Reference Service could locate a publication address for F/O’s unprofessionally uncited NIBRS data, at this time F/O findings must be taken on faith, not on scientific merit. On point, although in past reports F/O defined family as “anyone with *a romantic or sexual involvement with a parent*,” this present report *excludes* definitions of family while claiming “family” commits 25% of child sex offenses. The report *title* further misleads. For despite F/O citing “pornography” 134 times, the NIBRS data cover only a narrow band of illegal “obscenity.” All *legal* pornography involved in *grooming* “voluntary” young victims are ignored by F/O when sexually *exploited* children become redefined as sexually *experienced* children. That is, F/O ignore the systemic role of pornography in sex crimes against prostituted and abducted children, while they trivialize a “200% increase in “pornography [sic] offenses.” Finally, having normalized mainstream pornography common to “family” abuse F/O recommend intrusive, governmental “**residential searches for child pornography**.” The report falsely implies that adult *pornography* is unassociated with child sexual abuse, thus facilitating acceptance of economically and politically powerful mainstream pornography agents in society at large and putting ever more children at risk.

--211 words—

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BULLET POINTS RE: DRAFT PEER REVIEW

By Judith Reisman, Ph.D.,

Of

“Pornography Crimes Involving Juveniles:
The National Incident Based Reporting System”
David Finkelhor and Richard K. Ormrod (F/O)

Key F/O Report Flaws:

1. **Where Is the NIBRS Cite?**
 - It is wholly unprofessional to exclude ones “publication” cite from any report. “Ask DoJ” failed to locate the pornography data. Without the NIBRS cite one cannot evaluate the data—therefore I have focused on other methodological flaws.
 - **The missing site requires that the F/O data be accepted “on faith” not on accurate scientific merits.**
2. **Where is the Definition of “Family”?**
 - In the OJJDP “Missing” report (1990), Finkelhor said family is anyone engaged in romance or *sex with a parent*.
 - In the OJJDP “Decline” report (2003) Finkelhor says “family” includes step, adoptive and “*parent substitute*.”
 - Although the OJJDP “Pornography” report (2003) does not define family, F/O says family are 25% of offenders.
 - **Flawed “family” definitions undermines the position of the genetic family in public policies and society at large.**
3. **Where are data on “Pornography Crimes” Versus Data on “Obscenity” Crimes?**
 - The word “pornography” is cited 134xs and “obscene” is cited 13xs (10:1 ratio).
 - Yet, F/O *never report on “pornography.”* F/O *only* report on *obscenity and child* pornography crimes.
 - **Eliminating major categories of pornography abuse dramatically deflates rates of “pornography” crimes.**
1. **What Are The Precise Ages Of Abused Juveniles & How is “Adult” Pornography Seen as Crime?**
 - The 16 to 18 year-old percentage is unclear and the AG’s (1986) counsel of *age 21 for pornography models is ignored*.
 - Also, explanations of how and what “adult pornography” is and how recorded in criminal cases are unclear.
 - **Deflating pornography and child abuse rates undermines public policy and societal resistance to pornography.**
4. **Why do F/O Repeatedly Caution Readers Not To Be Too Concerned About Harm Data?**
 - F/O “cautions” readers repeatedly not to think the data (on “obscenity”) reveal real harms.
 - Such “cautions” further trivialize the data that show harms of “soft” and “hard” forms of pornography.
5. **What is An Ideological/Methodological Kinseyan Bias?**
 - F/O redefine/undermine genetic family, “father,” trivializing “pornography” -- a Kinseyan bias.
 - F/O ignore their own data that “pornography...available at any drugstore” teaches “force” and child sexual abuse.
 - **The current F/O report would legitimize “pornography” in libraries, book stores, schools, general society.**
6. **Why Do F/O Ignore Hedonistic Habituation Effects on Moral Norms, Reporting and Prosecution?**
 - F/O only report on complaints prosecuted as associated with obscenity or child pornography.
 - Yet, normalizing sexual promiscuity reduces all sex crime reports except the most violent.
 - **F/O ignores the sadosexual culture that now redefines sexually exploited children as sexually experienced children.**
7. **Why do The F/O “Cautions” Ignore The Evidence of Media Involved in The Abuse of Prostituted Children?**
 - F/O ignore *at least* 25% of “pornography” abuse associated with roughly 350,000 prostituted, runaway children.
 - F/O say “pornography offenses jumped by 200%,” but don’t conclude this “implies more such criminal activity.”
 - **A prudent “Caution” would be that F/O ignore many of the media involved in the abuse of vulnerable children.**
8. **Why do F/O Ignore Media Involved in The Abuse of Roughly 58,200 Children Abducted Annually by Non-Family?**
 - F/O ignore the evidence of “mainstream” pornography abuse in child abductions.
 - F/O provide no data on obscenity/pornography abuse in the 115 plus, child abductees missing or dead.
 - **Ignoring crime data plus silence on mainstream, virtual and cartoon “pornography,” undermines public concern.**
9. **What Are Some Other Errors of NIBRS Data and Interpretation?**
 - F/O ignore socialization of sadosexual habituation that undermines data collection and analysis.
 - F/O, missing FBI and US Postal Inspector’s Office Internet Pornography data, call Internet abuse “modest.”
 - F/O ignore the data on influence of pornographers—“hard”- core earnings are now equal to legitimate Hollywood films.
 - **To any reasonable person, because family is badly defined and mainstream pornography in the home ignored, F/O’s recommendation of “residential searches for child pornography” appears imprudent and a distraction from root causes.**

DRAFT PEER REVIEW

Judith Reisman, Ph.D.,

The Institute for Media Education

May 2003

Of the following proposed report:

“Pornography Crimes Involving Juveniles: The National Incident Based Reporting System”

By

David Finkelhor and Richard K. Ormrod

Crimes against Children Research Center

University of New Hampshire

The following DRAFT peer review of the Finkelhor/Ormrod paper, “Pornography Crimes Involving Juveniles: The National Incident Based Reporting System” (**NIBRS**) is designed only to address those methodological flaws immediately evident to this reviewer. The limitations of NIBRS data are not addressed here. Although DoJ specialists Finkelhor/Ormrod (F/O) rightly identify public concerns about “pornography” and child sexual abuse below, this paper focuses on what may fairly be seen as a whitewash of pornography’s role in child sexual abuse.

Concerns about pornography and child exploitation have widened in recent years, as new electronic and imaging technology appear to have facilitated its production and dissemination. Such concerns have led to legislation, as well as additional initiatives involving federal and local law enforcement, aimed at inhibiting the production, sale and dissemination of *pornography* depicting juveniles. These are also directed at the dissemination and sale of *pornography* to minors. (p. 1) (Emphasis added)

Public concerns over “pornography” have “widened” recently mainly due to the direct public experience of its harm—to marriages, public safety and child welfare. The job of the “expert” who reviews data on any critical public issue is not just to *report* “survey” data but to suggest what may be *missing* from these surveys so as to reach below the surface information to arrive at causes and solutions. The goal of this short review is to identify both the problems with the surface, extant data and to indicate relevant data that are missing from this report.

2. Where is The Missing NIBRS Cite?

Although the authors state, “More information about NIBRS data collection can be found at these Web sites: www.fbi.gov/ucr/nibrs.htm, (2) www.search.org/nibrs/default.asp, (3) www.jrsa.org/ibrcc/,” none appear to source the author’s FBI National Incidence Based Reporting System (NIBRS) database for crimes involving “pornography” [sic] and child exploitation. My email requests to NIBRS and DoJ have brought some suggestions but no specific database as yet. If the cite is located I can try to *validate the actual NIBRS definitions and data cited in this report*. A *missing* publication citation constitutes a major flaw and suggests that the report be accepted on faith and not based on its scientific merits.

SUMMARY STATEMENT OF THE PROBLEM

This informal review focuses on key methodological problems inherent in the report wrongly defined by F/O as “Pornography Crimes Involving Juveniles.” For good or ill, “pornography” is sexually explicit material, legal for adult use. Beyond the missing NIBRS publication source, the two most glaring flaws are 1) the misleading definition of “family” and 2) that F/O are misleading in their title and alleged report. For, the NIBRS data on “pornography crimes involving juveniles” addresses only illegal “pornography/obscene crimes involving juveniles.”

3. Where is the Definition of "Family"?

On page 3, F/O originally wrote that 41% of the juvenile victims were "members of the offender's family" (incest) while their revised report reduces these (incest) victims to 25%. The radical difference in estimates between the first and the revised report need to be explained, especially in lieu of the absence of data on *who* in the "family" offended with what now appears to be illegal obscenity. "Family" is disturbingly undefined in this report for in their May 1990 OJJDP report "**Missing, Abducted, Runaway, and Throwing Children in America**" Finkelhor, Hotaling and Sedlak defined "family member" as "anyone" *sexually* involved with a parent. This would include boyfriend(s) of mother or dad, etc.

A "family member," in addition to the usual meaning, included anyone with *a romantic or sexual involvement with a parent.*" (p. ix)

Finkelhor's definition "in addition to the usual meaning" of "family" (like the redefinition of the "usual meaning" of parent) is gravely misleading as it uses the mislabeled data to unjustly slander and compromise the biological "family." Moreover, while the polity are led to interpret "family" as the single most dangerous institution for children, there is no concomitant attempt to collect data on the incursion of **pornography** (not "obscenity") into the home. The impact of such a view of "family" on public perception, public policy and decision-making is significant. Were the 41% or 25% of offenders boyfriends, *biological* fathers, brothers, uncles, female relatives, step or adoptive "family"? As child custody is now commonly allowed even to sexually promiscuous parents, were some offenders even paying for "sexual involvement with a parent"?

Absent a definition one is forced to ask if Finkelhor defines "family" offenders as in the March 2003 report on "**Explanations for the Decline in Child Sexual Abuse Cases.**" Here they are ideologically collapsed into, "**Other Parent and parent substitute**" or "**Two biological or adoptive parents**" or "**One biological or adoptive parent and one stepparent.**" What is a "**parent substitute**"? Is this a boyfriend, babysitter, neighbor? And while adoptive parents are commonly fine people, anecdotal data find these parents still more sexually problematic than are biological parents. Nowhere does F/O define "biological father and mother and biological siblings" as "family" or parents.

Such ideologically misleading terminology as methodology is especially confounding based on Finkelhor's reputable *Sexually Victimized Children* (1979), where he cites the sexual risks to children inherent in living with non-biological parents (pp. 122-123). He writes,

[T]he addition of a stepfather to a girl's family causes her vulnerability to skyrocket. *Girls who are merely without fathers were about 50 percent more vulnerable than the average girl, but girls with stepfathers were almost 150 percent more vulnerable* ... Clinicians have noted that in many cases of father-daughter incest the offender was really a stepfather.... *Indeed our data give support to this picture.* The rate of father-daughter incest is much higher in the families with stepfathers than in any other subgroup in the whole survey--almost five times higher....[G]irls in these families are more vulnerable to stepbrothers, stepsisters, step cousins...[and possibly] a coterie of friends and acquaintances who are not so protective toward a stepdaughter. (Emphasis added).

This flexible redefinition of "family" is misleading. F/O would know that their misuse of "family" inflates the "rates" of sexual abuse by the biological family. Moreover, in the Hotaling/Finkelhor report for OJJDP on "**The Sexual Exploitation Of Missing Children**" (October 1988), the researchers avoid defining children as "exploited" by pornography, generally preferring the term "participant" in its production; they ignore the role of pornography in the child's early grooming and abuse; they define "child sexual abuse" as requiring "force" unless by a "caretaker or a much older person." Additionally, the researchers opine that the "data" on runaways etc., show that religious and parental "harassment" of

what *the authors claim are* biologically homosexual children, are largely responsible for male runaways, prostitutes and suicides. Also, despite the recurrent theme of pornography in the runaway child's life, in their four-page "Research Agenda," the authors cite no need to study pornography's early or later influences and harms. Such biases seem to be similarly reflected in this F/O report.

Although there is no mention of "father" or "mother" in the F/O report, on F/O, although "adult pornography incidents" are unclear, as is the definition, again, of "family," F/O report that "female perpetrators were more likely to be participants in incidents with family offenders (23% of those incidents) and less frequently part of non-family cases (11% of those incidents)" page 13/14: What and who, again, are "family" offenders? Are they dads, boyfriends, adoptive or step family members? Page 16: F/O say, "it is possible that the cases currently in NIBRS are thus skewed toward those involving family abuse and non-commercial production." Perhaps, if we knew what "family" was. The final F/O Tables include no data on "family."

4. Where Are the Data on "Pornography" Crimes Versus "Obscenity" Crimes?

The following "footnote" in F/O Revised Report on page 3 should be the report headline.

The offense category in NIBRS is called "pornography/obscene material...In this bulletin the term pornography is generally used to mean obscene pornography or material that is criminal." That there is a world of difference for society between the F/O title and what the F/O report reports is most troubling. While that definition was missing from the draft document sent to OJJDP, the recent copy footnotes that definition on page 3:

Footnote 1) The offense category in NIBRS is called "pornography/obscene material." Normally pornography is only criminal when it is deemed obscene. In this bulletin the term pornography is generally used to mean obscene pornography or material that is criminal. See discussion below.

Although the F/O report analyses juvenile crimes associated with "pornography/obscene material" (page 2 footnote) **134 times** F/O *claim* they analyze juvenile crimes associated with "**pornography,**" mentioning "pornography/obscene material" 13 times, a 10:1 ratio.

It appears that the accurate title of the F/O paper should be "Obscenity Crimes Involving Juveniles," important preliminary data also as these findings should be significantly less than such crimes involving legal pornography. However, this measurably changes the nature of the F/O report and thus the analysis of the F/O data. While F/O now claim that pornography is only "modestly" associated with crimes against children, F/O *should* claim (should the data be accurate) that "obscenity" is only "modestly" associated with crimes against children. For in fact, F/O never addressed the involvement of common, *mainstreamed pornography* in crimes against juveniles. We define our key terms below.²

It is especially important that OJJDP accurately report data on the role of pornography and not just obscenity in sexual crime (especially in association with any OJJDP report of alleged reduction in child sexual abuse). If the F/O data are *not* about *pornography* but about *obscenity*, and if F/O thus

² **DEFINING OUR TERMS Family:** "people living together: a group of people living together and functioning as a single household, usually consisting of parents and their children." (A PC definition already, but still focused on parents and children). (Emphasis added) (Encarta® World English Dictionary 2003 Microsoft Corporation)

Pornography: sexually explicit material: films, magazines, writings, photographs, or other materials that are sexually explicit and intended to cause sexual arousal Mid-19th century. Via French from, ultimately, Greek *pornographos* writing about prostitutes, from *pornē* prostitute."

Obscenity: "Material which, taken as a whole, appeals to the prurient interest and lacks serious literary, artistic, political or scientific value. *Matter so classified is not protected by the "free speech" guarantee of the First Amendment.*" (Emphasis added) (Steven Gifis, Law Dictionary, Barron's Legal Guides, 1984).

incorrectly identify a “reduced harm” principal in *pornography* and child sex abuse, both reports will be widely publicized by the sex industry and sex “educators” nationwide as a clear mandate that their activities are not only harmless but probably beneficial for society, as they have long claimed. Since the myth of “value free social science,” is long exposed, the research methodology and the ideological bent of society at large and F/O must be considered in the data F/O address and in the conclusions F/O reach.

Unless I misunderstand the undefined data collection parameters then, F/O did *not* report on “pornography” crimes. For, collecting “pornography/obscenity” data would seem to *exclude* data identifying the use of *mainstream* legal pornography commonly seen as *Playboy*, *Penthouse* and *Hustler* magazines and videos in sexual crimes by or against juveniles. If so, this would invalidate these research findings and suggest a preeminent need for major training on the nature of “pornography” for law enforcement and OJJDP. Such a redefinition of pornography in research also raises serious questions of who redefined these sexuality terms and for whose benefit?¹

5. What Are the Precise Ages of Abused Juveniles & How is “Adult” Pornography Seen as Crime?

F/O note (footnote 2, page 3) that, “State statutes vary somewhat in their age definitions of a “child” or “juvenile” ... [as] 18, under 17, or even under 16 years of age....In this bulletin the terms “child” and “juvenile” refer to legally underage persons.” This definition leaves unknown how many “obscenity” (not pornography) associated crimes NIBRS excluded because the child was 16 to 18 years old (assuming perhaps incorrectly that under age 12 children were included here although they are not “juveniles.”)

The authors say “Child exploitation pornography” involved “underage juveniles.” Since juveniles are, by definition “underage” the reader is left wondering if this somehow refers to the unclear age limits of 16-18 noted above. **Moreover**, the authors do not define “obscenity” in their report so that the definition, “**Adult pornography**” incidents involving “obscene pornography, but not child pornography or in conjunction with any crime against a juvenile” is left open to the reader’s own interpretation, and perhaps that of F/O and law enforcement as well. Additionally, F/O are unclear about what illegal “adult” obscenity has to do with the report on “pornography [sic] crimes involving juveniles” unless juveniles are involved.

For, most important, based on the definitions provided herein, largely mainstream “adult” magazines and videos like *Playboy*, *Penthouse* and *Hustler* are not identified in this “crime” category when children are sexually violated by adults or other juveniles. *Since these sexually explicit media appear to still be accessed by juveniles and commonly used to seduce children and juveniles*, if the database excludes mainstream pornography in sex crime collections, we are receiving a *wholly inaccurate* and *massively deflated* picture of “pornography [sic] crimes involving juveniles” as they are defined in the F/O report.

5 Why do F/O Repeatedly Caution Readers Not to Be Too Concerned About Harm Data?

Moreover, as this report should educate and inform the reader, in all fairness, one “cautionary” caveat could have noted that following extensive investigation of the issue, the Attorney General’s Commission on Pornography (1986), called for age-of-consent for *pornography* (not obscenity) models to be 21-years-old.³ These NIBRS findings (*often excluding crimes involving those age 16-21*) would *dramatically understate the pornographic [sic] exploitation of juveniles 16-18 and other vulnerable young people*.

³ *The Washington Post*, “Meese forms antipornography task force” by Howard Kurtz, October 23, 1986, p. A21.

Another important caveat could have been that “pornography/obscene” may or may not involve, as defined by the AG Commission, “sodomasochistic scenes, rape scenes, depictions of bestiality or excretory functions, and violent and degrading images of explicit sexual conduct.” Further on, the problem of these narrowed and liberalized definitions of “pornography” as obscenity, as well as associated habituation to mainstream pornography, will be addressed as deflating reports of *pornography*-associated crime and child sexual abuse.

The issues of concern that I examine are not centered on the limits of the NIBRS data in terms of its short existence and the few states reporting. However, considering the apparent dismissal of *pornography* associated crimes (i.e. “mainstream” pornography) and the elimination of unknown numbers of crimes against juveniles ages 16-18, one is confused by the repeated “cautions” in the F/O report telling the reader not to become overly concerned about the causal influence of “pornography.” Later I will elucidate further.

For now, note that in summarizing their findings, the authors may be said to disclaim their own data by saying “caution” should be observed in viewing the stated “200%” increase in “juvenile victim/child exploitation pornography [sic] offenses” as a real increase in such offenses. F/O opine that a 27% “association of pornography [sic] crimes with child victimization” is “modest” and provide two more warnings to exhibit “caution” should the reader conclude that there is a significant association between pornography (really “obscenity” for this database) and crimes against children.

6. What is An Ideological/Methodological Kinseyan Bias?

Finkelhor’s definition of “family” may be said to reflect an ideological bias toward Alfred C. Kinsey’s views of family and child sexuality. For although Finkelhor seems to understand Kinsey’s work as ideological, perhaps even harmful to children, in *Sexually Victimized Children* (1979), Finkelhor may be said to treat Kinsey in a somewhat benignly critical manner, citing to Kinsey’s “findings” more than eleven times.

On the other hand, while he references “pornography” (not obscenity) only twice in his book, one book reviewer quotes Finkelhor as warning that child sexual abuse “may have been aided and abetted by the availability of popular pornography. The world of pornography always needs new frontiers to conquer...exploit[ing] the theme of sex with children.”⁴ In this early book Finkelhor writes,

More evidence of this counterculture *is available at any drugstore*. In the last five years, the *pornography trade* has begun to cater heavily to fantasies of incest....Sexually oriented magazines often carry stories, ostensibly from readers, about experiences of incest described in graphic detail...the convention of the genre clearly is intended to allow readers to participate in fantasies without having to feel guilty about them (Emphasis added, p. 86).

It is then all the more confusing to find Finkelhor’s research concerns and “cautions” do not clearly identify the need for law enforcement to collect the data on mainstream pornography harms “*available at any drugstore*,” and now on the internet, in grocery stores, libraries, schools, malls, billboards, etc.

7. Why Do F/O Ignore Hedonistic Habituation Effects on Moral Norms, Reporting & Prosecution?

As I understand it, NIBRS only reports cases where the offender is caught and/or the juvenile reports obscenity use or where the obscenity or child pornography is actually found. Here F/O should

⁴ Haven Bradford Gow, “Child abuse: tragic result of sex revolution,” *The Washington Times*, December 18, 1984, (4B).

have noted that the harm data would be significantly undercounted since the data are not measuring increased use in *unreported cases* due to lowered sexual boundaries and higher sadosexual societal tolerance, impacting police and public alike.

That hundreds of thousands of children are now engaged in raw public and private sexual acts, both perverse and “normal” in pairs, groups and actual sex rings is public document. That these children are being brutally exploited and that all such acts were criminal and should be so again does not change the fact that society at large and juveniles in particular have been habituated via the pornographic climate to sexual promiscuity and thus to sexploitation, once understood as dehumanizing, dangerous, antisocial and yes, “criminal.”

A methodological flaw that dominates this paper is its failure to “caution” the reader to consider the neurochemical habituation of individuals and society to sexual stimuli in the general environment, from mass media to school sex education. As in Sweden in the 1970’s, such an alteration of the national brain-mind-memory would logically increase sexual exploitation while reducing sex abuse reports dramatically. In the groundbreaking 1980 book, *Take Back the Night: Women on Pornography*, Editor, Laura Lederer interviewed a Swedish feminist in “Who Is Hurt” (p. 77) on this issue of desensitization and habituation to the pornographic culture.

L: What are the rape statistics like in Sweden? Has any research been done comparing rape and pornography figures?

B: In Sweden everything is researched except rape, wife battering, prostitution, and pornography. This is due partly to our social climate. *For instance, you might not allow yourself to feel raped in Sweden because it is a very liberal country.* So far, the Swedish women’s movement does not have a clear-cut definition of what it is to be raped... Therefore, it is difficult to gather accurate figures. On the other hand, there are some good things about my country. A woman can get an abortion very quickly there, with no waiting or humiliation or monetary troubles. Also, there is no such thing as illegitimacy. There is little societal pressure to marry, and more and more women are not bothering to be wives. They are just having their children. But many people still promote pornography as healthy.... Young boys are insecure, uptight, and tense. They call young girls “cunt” even in kindergarten. Violent sex and pornography are things they learn about very early.... young females get kicked around and beaten up, and they suffer. Pornography helps entrench these male attitudes.

The social science data confirm that our current sexual climate closely resembles the Sweden of 1980, reflected in “the failure to report” sex crimes since these are not seen as crimes. In fact a recent LATimes.com essay by David Shaw “May 05, 2003 2:30 quotes Hugh Hefner (who calls himself “Kinsey’s pamphleteer”) in “After 50 years of Playboy, we all live in Hef’s world.”

We all now live, to some extent, in a Playboy world. I can see the effects of the magazine and its campaign for sexual openness everywhere... When George Will was here the other day, interviewing me, he said, ‘You won’ and he’s right. It’s nice to have gone through the battles with all those Puritans all those forces of repression and hypocrisy, and to live long enough to see the victory parade.

It can fairly be said that part of that “victory parade” is the inability of millions of youngsters to even identify sexual deviance or exploitation unless, perhaps, it is accompanied by major physical assault. Indeed youth workers say that young girls increasingly identify sex--including battery--as love. Finkelhor states “For a crime to be counted in the system, it simply needs to be reported and investigated. The incident does not need to be cleared or an arrest made, although unfounded reports are deleted from the record.”

However, as the sexual environment normalizes the Kinseyan/Hefner “sexual openness” of perversity, other destructive and self-destructive sexual conduct, failure to report “rape” and suchlike becomes more common. The rate of AIDS and other sexually transmitted disease among minors, oral, anal, vaginal, as well as the still tragic rate of “illegitimacy” commonly resulting from sex with adult men, should be cited as a “caution” to view the findings on “**Pornography [sic] Crimes Involving Juveniles**” as seriously underreported.

8. Why Do F/O “Cautions” Ignore Recorded “Obscenity” Abuse of Prostituted Children?

Although recent data identifies at minimum 350,000 children being prostituted in the USA, no mention of this glaring child abuse population exists in the F/O report.

On September 10, 2001 University of Pennsylvania researchers reported an estimated 350,000 U.S. children age 17 or under used as “prostitutes, performers in pornographic videos” and as victims of other “commercial sexual exploitation.” The three-year, \$400,000 study covered 17 cities and interviews with 200 child victims as well as 800 state, federal and local officials. Juvenile law experts claim this is the deepest investigation yet into the extent of U.S. commercial sex abuse of children. Richard Estes, a professor of social work at Penn and primary author found that among the 72 million U.S. children age 17 or under. As many boys as girls were identified as being commercially abused.⁵

In 1974, Senator Birch Bayh, former Chairman of the U.S. Senate Subcommittee to Investigate Juvenile Delinquency, cited investigative journalist Robin Lloyd for his excellent work documenting the growing problem of prostitution and murder of boys. In *For Money or Love*,⁶ Lloyd reported on runaways⁷ and high school students marketed in boy prostitution rings.⁸ Bayh found Lloyd’s data “frightening in its accuracy.”⁹ Decades before the current “pedophile priest” scandal, Bayh disclosed that the expanding “homosexual world”¹⁰ was largely responsible for the “growing abuse and murder of boys.” Since 1976 the national influence of the so-called gay rights movement has fueled the burgeoning child sexual exploitation underground.¹¹ Said Lloyd:

Perhaps half of the million runaway boys in this country (aged 10 to 16) are peddling their bodies to “chicken hawks”—older men who lust for “chicken” [boys]¹²... There are tightly run organizations... geared to provide wealthy clients with both pornography and boys... their boys will entertain movie stars, prominent athletes, politicians, and in some cases, heads of state.¹³

And, in the Hotaling and Finkelhor OJJDP, “Sexual Exploitation of Missing Children: A Research Review,” the authors did cite the known pornography and child sex abuse connection. Even in 1988, their NCJRS Abstracts conclude that the “Findings indicated that between 11 and 23 percent of runaways become involved in prostitution... **About 25 percent of male and female juvenile prostitutes take part in [sic] the production of pornography**” (page 1).

⁵ Reisman, *How the FBI and DOJ Minimize Child Sexual Abuse Reporting*, 2002. Dr. Richard Estes, The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico, U.S. Department of Justice/National Institute of Justice). See *The Courier-Journal, USA Today*, “325,000 U.S. children in sex trade, study says,” September 10, 2001.

⁶ Robyn Lloyd, *FOR MONEY OR LOVE*, Bantam, New York, 1976, p. 38.

⁷ Id., Lloyd, p. 17.

⁸ Id., Lloyd, p. x.

⁹ Id., Lloyd, p. ix.

¹⁰ Id., Lloyd, Id.

¹¹ See Judith Reisman, “Crafting Gay Children,” The Institute for Media Education, Crestwood, KY, May 2000.

¹² Id., Lloyd, p. book cover.

¹³ Id., Lloyd, p. 17.

As cited in my July 2002 paper "*How the FBI and DOJ Minimize Child Sexual Abuse Reporting*," it does not appear that the DOJ or FBI data on child sexual abuse reflect the abuses sustained by prostituted and runaway children. Sexual libertarian Richard Green, in *Sexual Science and the Law* (1992), writes of the existence of at least 600,000 prostituted children, whose average age is reported as "fourteen (two years after the first experience with intercourse)."¹⁴

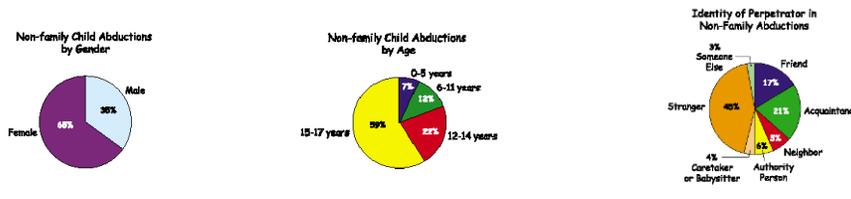
A proper methodological "caveat" by F/O would then include some warning that these data excluded the huge prostituted child population. Indeed, it seems to me that any child sexual abuse report that avoids pondering how prostituted children impact the research at hand is improperly ignoring a critical segment of the child sex abuse population. Moreover, the authors state that "offenses tracked in NIBRS include crimes against society (e.g., drug offenses, gambling, prostitution). So, the F/O report could and should logically have at least remarked on the missing child prostitution data.

It seems that the above are sufficient flaws in this report falsely addressing "pornography" but I will pinpoint a few other items.

9. Why do F/O Ignore Media Involved in the Abuse of Roughly 58,200 Children Abducted Annually Non-Family Members

Page 3-4: While F/O notes 2,000 crime incidents involving "pornography" [sic] with child/juvenile involvement reported nationwide to police in 1999, also in 1999 "approximately 58,200 "non-family [child] abductions"" were reported of children who returned home within 24 hours, roughly half of whom were sexual abused. The research question that F/O might raise is what percentage of those kidnapers were pornography users--in my professional experience the answer would be almost every one. Hence, the "2,000" crime incidents cited by F/O should reflect roughly ten times that number from these abducted children alone. The public has a right to consider these possibilities, so that they may request better reporting on "pornography associated crimes" as well as other societal changes.

58,200 "NON FAMILY" ABDUCTIONS IN 1999: "PERSONAL SAFETY FOR CHILDREN," NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN Roughly 11,100 of These Kidnapped Victims Are Children Under 12



On August 27, 2002 *The New York Times* reported that "[c]hild abduction by strangers, the experts continue to say, is not a growing menace. The number of cases — 115 or so a year, according to the most recent federal statistics — has remained steady." However, the 115 abductions reflect *only the most violent cases involving ransom or death*. The NCMEC website, "Personal Safety for Children" cites "approximately 58,200 "non-family [child] abductions"" in 1999," versus Finkelhor's May 1990 OJJDP report identifying only 3,200 -to

¹⁴ Richard Green, *Sexual Science and the Law*, Harvard University Press, Cambridge, 1992. p. 192.

4,900 non-family abductions of children (also absent killing, ransom, etc).¹⁵ These abduction differentials require a thorough explanation, especially since most would have involved *pornography* use by offenders.

Abductions in this category involved forcibly moving or detaining the child for a relatively short period of time, usually in connection with another crime . . . Over 50% of the children kidnapped in non-family abductions were taken from the street, in a vehicle, or from a park or wooded area.¹⁶

10. What Are Some Other F/O Errors of NIBRS Data and Interpretation?

Page 3/4: As discussed earlier, if 41% of the victimizers reported by F/O were “members of the offender’s family,” was this biological, step, adopted, or someone “sexually” involved with a parent?

Page 4/5: As discussed in my FBI/DOJ critique, F/O notes that the UCR gathers few details on each crime event except in the case of homicide. It would have been relevant to tell the public that until NIBRS, *no federal data on rape or other sex crimes reflected crimes against children under age 12, since the FBI gutted “statutory rape” from its laws. From my FBI/DoJ report:*

This short discussion paper challenges the judgment of the 1957-1958 FBI “committee of experts” who “lightened” the harm measures of child sexual abuse by demoting statutory rape from “rape” into a catch-all category of “Sex Offenses” that lumps statutory rape together with adultery, fornication, indecent liberties, indecent exposure, seduction, incest and sodomy while categorizing burglary (even “Theft from Coin-Operated Device or Machine”) as a “violent” crime.¹⁷

Page 6-8: It appears that the F/O crime data do *not* reflect child sex abuse cartoons, illustrations, virtual pornography or pseudo children as “obscene” even if these accompanied sexual abuse of a child. Although these forms of pornography are not “real” photographs of victims, my experience is in harmony with that of others in the child protection field, that cartooned and other simulated material are regularly used to seduce and groom the child for sexual access. F/O explain that what they labeled “child exploitation pornography [sic] incidents” include most incidents involving the possession, distribution and sale of child pornography.” F/O add that they “have juvenile victims,¹⁸ but not ones who could be identified.” The F/O footnote to this statement reads as follows:

New graphic technology permits the creation of “simulated” children in pornography, that may be difficult to distinguish from real children. Such images **were previously criminalized by the federal Child Pornography Prevention Act, but that ban has been invalidated by the Supreme Court.** It is not known exactly how much child pornography **may have** involved such simulated images, but most authorities see it as a small part. NIBRS had no provision for distinguishing such simulated child pornography from other child pornography.

There are no data extant to confirm F/O, that simulated child pornography is a “small part” of our problem, nor do I see why its “legality” would affect its collection at the crime site and as part of proofs

¹⁵ Hearing: Committee on the Judiciary, One Hundred First Congress, Second Session on HR 4404, “National Child Search Assistant Act of 1990” September 5, 1990, citing to the report by Finklehor, Hotaling and Sedlak, “Missing, Abducted, Runaway, and Thrownaway Children” OJJDP, Executive Summary, p. 56 and pp. 64-67.

¹⁶ The Second National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children, known as NISMART, The Department of Justice’s Office of Juvenile Justice and Delinquency Prevention, National Center for Missing & Exploited Children, “Personal Safety for Children” (2002); NISMART, “Nonfamily Abducted Children,” (Oct. 2002).

¹⁷ *FBI Uniform Crime Reporting Handbook*, Washington, DC, 1984, p. 26.

¹⁸ See footnote in F/O paper.

of harm and the like. I would expect a more thoughtful caveat from F/O. Also, since police collect data on legal and illegal firearms, in any crime case as well as the presence of alcohol, it is difficult to see why data on all pornography, on all sexually explicit material, is not similarly automatically collected in any crime case. The presence or absence of sexually explicit materials would seem to be as relevant in understanding the crime as the standard MO of collecting the time and location of an assault.

Page 11: Without the prior discussion of societal sexual disinhibition and habituation, kidnapping, prostitution and such, the statement “Pornography [sic] offenses come to police attention *infrequently*, making up less than .03% of all the crimes known to police in the period 1997-2000,” misleads the public at large as well as those state agencies responsible for child protection. Until these agencies receive accurate data on the nature and effects of pornography they will continue to ignore these toxic media and thus continue to legitimize the sociosexual cultural climate that normalizes child sexual abuse. These agencies need to be sensitized and trained in the data regarding the cognitive, emotional and neurological effects of sexually explicit material on individuals and society within the following context—all cited in “How the FBI and DOJ Minimize Child Sexual Abuse Reporting.”

- Proliferation of “Playboy” pornography, mainstreamed in ads, entertainment, etc.
- Proliferation of unreported peer-peer sexual abuse and seduction
- Proliferation of unreported sibling incest
- Proliferation of unreported child prostitution
- Proliferation desensitizes the exposed, and causes psychopharmacological adaption
 - 67% of child sex abuse victims children under 18 reported
 - 253,000 serious in-school crimes reported
 - More than 4,500 annual in-school sex crimes reported
 - 1,300% to 15,000% increase in child sex abuse '79-'99 reported
 - Juvenile “illegitimacy,” STD’s, depression, suicide, violence....
 - Child sex abuse unreported during a child homicide, and so on.....

Page 12: F/O note

[T]he total number of crime offenses recorded decreased 2% from 1997 to 2000 [while] pornography [sic] offenses increased by 68% and juvenile victim/child exploitation pornography offenses jumped by 200% [so that] ...pornography [sic] offenses that involved child exploitation or juvenile victims increased from 15% to 26% over this time period.”

Having thus indicted to some extent “pornography” (that is “obscenity”) F/O quickly urge “caution” against “concluding that the [200%] increase implies more such criminal activity.” F/O diligently ignore police burn out and their subsequent reporting of only the most obscene and vile crimes. Instead, F/O casually remark that there is a “lack of prosecution” unless “sex offenses occur along with pornography that documents them” so that “police may be particularly confident about the crime.”

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Page 14/15: Here F/O *should* “caution” against ‘concluding that the lower rate implies little criminal activity.’ Instead, F/O casually say,

[A] *considerable* amount of the activity around *Internet pornography* has occurred within federal agencies such as the FBI and the US Postal Inspector’s Office, and *these data are not currently encompassed by NIBRS.*” (Emphasis added)

Eroticized violence by and to children and juveniles continues to explode as more youngsters obtain on-line access. In fact, The National Coalition for the Protection of Children & Families, in its brochure “Tips and Talking Points: An Age-Appropriate Guide Book for Discussing The Harms of Pornography With Your Family” states “The San Diego Police department in California reports that

solicitation of minors for sex online is growing at a rate of 1000% per month.” This increase in child sexual solicitation should be seen in concert with the fact that “stealth” sites abound to seduce children into viewing pornography and that “80% of [children’s] first time hits on pornography sites are accidental.”¹⁹ The Internet acts to trap children into pornography where pedophiles recruit them into deviant conversation and too often later, into injurious, even fatal sexual conduct. Writing in *“With pot and porn outstripping corn, America’s black economy is flying high...”* Duncan Campbell, (May 2, 2003, *The Guardian*) notes “*Marijuana, pornography and illegal labour have created a hidden market in the United States which now accounts for as much as 10% of the American economy...hardcore porn revenue is equal to Hollywood’s domestic box office takings*” while in “Agents Wade in Filth to Find Predators” *The Washington Post* (January 20, 2003) notes “**“It often takes less than a minute [posing as a minor] to get a response in an adult chat room -- no matter the time of day.”** That the Finkelhor/Ormrod pornography report announce law enforcement is not “finding” pornographically associated cases (as seen in the un-located NIBRS data) is remarkable since “**Within minutes, at least eight people [adults] sent Timberlake [child] messages.**”

Page 15: Elsewhere I address the alleged “decline in reported cases of sexual abuse of children and sex crimes in general that occurred during the middle and late 1990s (Jones & Finkelhor, 2001),” while it is clear to those of us dealing with victims that “The rise in juvenile related pornography [sic] is notable” and should be seen largely in concert with child sex crimes.

Page 15: It is misleading, based on the above, to claim “The data suggest only a modest association of pornography [sic] crimes with child victimization,” since “the data” critical to such an association with pornography are largely *excluded* by the F/O analysis since the F/O data apparently reflect obscenity crimes.

Page 16: F/O say “states may be able to increase identification of such crimes by making concerted efforts.” True. However, this will only occur if law enforcement is retrained to understand all aspects of pornography and to identify their own neurochemical adaption and habituation, including among pornography investigators. Until such training takes place they are “rearranging the deck chairs on the Titanic.”

Page 18: Also, since F/O did not include *any* literature review of the extensive public research on pornography, their “REFERENCES” should certainly have included some bibliography on pornography and on the psychopharmacology of its’ processing.

See my Endnotes on page 24, at the conclusion of this paper....The following is the F/O report.

¹⁹ The National Coalition for the Protection of Children & Families in its brochure “Tips and Talking Points: An Age-Appropriate Guide Book for Discussing The Harms of Pornography With Your Family,” Cincinnati, OH, 2000, p. 11.

**Pornography Crimes Involving Juveniles:
The National Incident Based Reporting System**

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**Pornography Crimes Involving Juveniles:
The National Incidence Based Reporting System**

David Finkelhor and Richard Ormrod

Concerns about pornography and child exploitation have widened in recent years, as new electronic and imaging technology appear to have facilitated its production and dissemination. Such concerns have led to legislation, as well as additional initiatives involving federal and local law enforcement, aimed at inhibiting the production, sale and dissemination of pornography depicting juveniles. These are also directed at the dissemination and sale of pornography to minors (Klain, Davies, & Hicks, 2001).

One of the tools that may prove useful in the efforts of law enforcement to control this problem is the FBI's National Incidence Based Reporting System (NIBRS). NIBRS, the crime statistics system that is designed to replace the present Uniform Crime Report (UCR) system, allows for the first time the tracking of crimes that involve pornography and child exploitation. Ultimately, using NIBRS, the numbers, locations and characteristics of such crimes may be followed over time and across the nation to monitor trends and the potentially changing nature of these crimes.

Even though NIBRS data is only currently available from a small fraction of the law enforcement jurisdictions in the country (covering about 14% of the population), a substantial number of pornography offenses have already been catalogued by the system. Given the policy interest in this crime and how little information about it is currently available from other sources,

these cases merit examination to provide a rudimentary profile of the nature and extent of this crime as known to police.

NIBRS data for 1997, 1998, 1999 and 2000 on 2,469 pornography²⁰ related crime incidents reveal that:

- approximately 2,900 crime incidents involving pornography with child/juvenile²¹ involvement were reported nationwide to police in 2000.
- of all pornography incidents reported to police, those with child/juvenile involvement increased in share from 15% in 1997 to 26% in 2000.
- pornography offenses with child/juvenile involvement were most often committed by a lone adult offender.
- the juvenile victims identified in pornography incidents were 62% female, 25% members of the offender's family, 59% teens (12-17 years of age), 28% elementary school age (6-11 years of age) and 13% preschoolers (under 6 years of age).

²⁰ The offense category in NIBRS is called "pornography/obscene material." Normally pornography is only criminal when it is deemed obscene. In this bulletin the term pornography is generally used to mean obscene pornography or material that is criminal. See discussion below.

²¹ With regard to child pornography, State statutes vary somewhat in their age definitions of a "child" or "juvenile", with some States designating under 18, under 17, or even under 16 years of age as their thresholds (US Department of Health and Human Services - National Clearinghouse on Child Abuse & Neglect Information - National Center for Prosecution of Child Abuse, 1999). In this bulletin the terms "child" and "juvenile" refer to legally underage persons.

Begin Box 1

The National Incident Based Reporting System

The Department of Justice is replacing its long-established Uniform Crime Report (UCR) system with a more comprehensive National Incident-Based Reporting System (NIBRS). While UCR monitors only a limited number of index crimes and gathers few details on each crime event (except in the case of homicide), NIBRS collects a wide range of information on victims, offenders and circumstances for a greater variety of offenses. Offenses tracked in NIBRS include violent crimes (e.g., homicide, assault, rape, robbery), property crimes (e.g., theft, arson, vandalism, fraud and embezzlement), and crimes against society (e.g., drug offenses, gambling, prostitution). Moreover, NIBRS collects information on multiple victims, multiple offenders, and multiple crimes that may be part of the same episode.

Under the new system, as with the old, local law enforcement personnel compile information on crimes coming to their attention, and this information is aggregated in turn at the State and national levels. For a crime to be counted in the system, it simply needs to be reported and investigated. The incident does not need to be cleared or an arrest made, although unfounded reports are deleted from the record.

NIBRS holds great promise, but it is still far from a national system. Its implementation by the FBI began in 1988, and participation by States and local agencies is voluntary and incremental. By 1995, jurisdictions in 9 States had agencies contributing data; by 1997 the number was 12, and by the end of 2000, jurisdictions in 19 States submitted reports, providing coverage for 14 percent of the Nation's population and 11 percent of its crime. Only three States (Idaho, Iowa, South Carolina) have participation from all local jurisdictions, and only three cities

with a population greater than 500,000 (Austin, TX **Memphis, TN** and Nashville, TN) are reporting. The crime experiences of large urban areas are thus particularly underrepresented. The system, therefore, is not yet nationally representative nor do its data represent national trends or national statistics. Nevertheless, the system is assembling large amounts of crime information and providing a richness of detail about juvenile victimizations that was previously unavailable. The patterns and associations these data reveal are real and represent the experiences of a large number of youth. For **2000**, the **19** participating States²² reported a total of **2,115,980** crimes against individuals, with at least **215,030** occurring against juveniles. Nevertheless, these patterns may change as more jurisdictions join the system.

More information about NIBRS data collection can be found at these Web sites:

(1) www.fbi.gov/ucr/nibrs.htm, (2) www.search.org/nibrs/default.asp, (3) www.jrsa.org/ibrcc/.

End Box 1

²² **Arkansas**, Colorado, Connecticut, Idaho, Iowa, **Kansas**, Kentucky, Massachusetts, Michigan, Nebraska, North Dakota, Ohio, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia.

Begin Box 2

Pornography Involving Child Exploitation and Juvenile Victims

Much pornography is not criminal and is protected by the First Amendment to the constitution. Its possession, production, distribution or sale only becomes criminal when that pornography is considered “obscene.” Obscene pornography involves more extreme depictions of sexual activity, generally described in statutory language with the following criteria: 1) to the average person, applying contemporary statewide standards, it appeals to the prurient interest, 2) taken as a whole, it depicts or describes sexual conduct in a patently offensive way, and 3) it lacks serious literary, artistic, political, or scientific value (e.g. California Penal Code #311). Because of statutory vagueness and because community standards and law enforcement practices vary, what is “obscene” pornography may differ considerably from community to community. It can involve depictions of bestiality, incest, sadomasochistic practices or many other things. When it is acted upon by law enforcement, NIBRS has a category, pornography/obscene material offenses, for such crimes.

Pornography that depicts actual juveniles has a very different status under the law from other kinds of pornography. It is considered automatically “obscene” and thus not subject to the ordinary and generally more contentious standards that apply to other pornography. It is also regarded as having “victims,” the children who are depicted. Although such material is usually referred to as “child” pornography, the criminalization applies to depictions of all underage juveniles, including teenagers.

NIBRS treats child pornography within its general category of pornography offenses which are deemed crimes against society (rather than persons or property) and no option is provided **in the system** of designating individual pornography “victims.” However, NIBRS

collects incident information that allows two types of juvenile involvement with pornography offenses to be recognized.

First, several types of criminal activities incorporated in the pornography offense can be coded by police, one of which is “child exploitation.” NIBRS training materials, discussions with NIBRS officials and police confirm that “child exploitation” designates pornography in which children are depicted, including commercially distributed magazines, home videos, personal photographs, and computer images.²³ This category of child exploitation in principle includes the sexual depiction of any underage juvenile, but is probably skewed toward depictions of pre-adolescents and young adolescents because judgments about precise age and hence the criminality of the material are harder in portrayals of older teens.

Second, NIBRS allows the coding of multiple offenses that are part of the same criminal incident. Thus crimes against persons (individual victims) can occur in the same incident in which a pornography offense was recorded. For these crimes, NIBRS collects victim information that can reveal the presence of juvenile victims in a pornography incident.

We have labeled these latter cases--where a pornography offense is reported in NIBRS in conjunction with another criminal offense against a juvenile--as juvenile victim pornography incidents.²⁴ Such incidents can include several kinds of criminal circumstances. One is where pornography is being produced with the involvement of a child, and that child can be specifically identified (and thus recorded as a victim with a specified age and relationship to the

²³ Child exploitation is also used in other contexts to refer to children involved in prostitution. Here it refers only to children involved in sexual depictions.

²⁴ For these cases, a juvenile is any victim under 18 years of age.

offender). Another is where criminal pornography is being used as part of the seduction and molestation of a child. There may also be a variety of other complex crimes in this category, such as a child molester (or a child abuser), who upon arrest was found to be in possession of criminal pornography, even though the pornography may not be involved directly in the offense against the child.

For purposes of analysis, this bulletin distinguished three types of pornography incidents, two of which involve juveniles. The first were the **juvenile victim pornography incidents**, just described, which included an identifiable victim. Cases involving the production of child pornography using identifiable children are included in this category (the child victimization is usually regarded as sexual abuse, recorded in NIBRS as a forcible sex offense). The second category involves pornography incidents where “child exploitation” had been recorded, but did not include additional offenses against specified juveniles victims. Our assumption is that these pornography offenses involved the depiction of juveniles who could not be identified (and recorded as individual victims)—for example, the confiscation of a magazine containing sexual depictions of children or a computer with such images downloaded from the Internet. We have labeled these offenses as **child exploitation pornography incidents**. They include most incidents involving the possession, distribution and sale of child pornography. They have juvenile victims,²⁵ but not ones who could be identified and whose victimization could be made part of the criminal incident being reported. (When an incident was recorded in NIBRS as “child

²⁵ New graphic technology permits the creation of “simulated” children in pornography, that may be difficult to distinguish from real children. Such images **were previously** criminalized by the federal Child Pornography Prevention Act, **but that ban has been invalidated by the Supreme Court**. It is not known exactly how much child pornography **may have** involved such simulated images, but most authorities see it as a small part. NIBRS had no provision for distinguishing such simulated child pornography from other child pornography.

exploitation” and also had a victimization against an identifiable juvenile victim recorded, this incident was counted as “juvenile victim pornography” and NOT as “child exploitation pornography,” this latter category being reserved for child exploitation alone with no identifiable victim.) Finally, there remained those pornography offenses where no juvenile involvement was indicated (either as identifiable victims or with the code for child exploitation). We have labeled these cases as **adult pornography incidents**. They include cases of “obscene” pornography.

These categories can reflect, but do not systematically record, some of the different ways in which pornography crimes are uncovered. For example, police can conduct undercover operations and purchase or obtain illegal pornography from adult stores, mail order outlets, Internet sites or Internet correspondents. Suspicious images can be reported to the police by photo developers, computer repair personnel, abused spouses or other private citizens. Victims of sexual abuse, assault or prostitution may disclose being photographed in the course of their victimization. In addition, illegal pornography may be identified when searches are conducted as part of a police investigation of crimes as diverse as stolen property or securities fraud.

Terminology

Child exploitation pornography: incidents involving predominantly the possession or distribution of pornography that depicts underage juveniles.

Juvenile victim pornography: incidents involving obscene pornography (not just child pornography) in conjunction with a crime against a juvenile. It includes production of child pornography and the use of obscene pornography in the seduction of a child.

Juvenile involvement pornography: incidents with any indication of juvenile involvement; that is, either child exploitation pornography or juvenile victim pornography.

Adult pornography: incidents involving “obscene” pornography, but not child pornography or in conjunction with any crime against a juvenile.

Known to police: The offenses being counted are simply ones that have been reported to the police or discovered by the police as part of an investigation or routine policing. They do not presume an arrest, indictment or conviction for the crime.

End box 2

Pornography Offenses Known to Police

Pornography offenses come to police attention infrequently, making up less than .03% of all the crimes known to police in the period 1997-2000. In only 4% (111) of the 2,469 incidents containing a pornography offense was there an identifiable child victim (Figure 1), but in an additional 23% (566) of the incidents “child exploitation” was coded, meaning that the pornography likely involved depictions of juveniles. This leaves nearly three-quarters of the pornography incidents known to police that involved no juvenile victim or recorded child exploitation, and thus concerned the illegal possession, manufacture, or sale of non-child-related forms of obscene material.

NIBRS is far from a nationally comprehensive data set, and the jurisdictions covered still exclude most of the major urban areas of the US. Nonetheless, it is possible and useful to make some crude extrapolations based on NIBRS in light of the virtual absence of any other available information about the scope of the problem. NIBRS in 2000 was estimated to include jurisdictions containing about 11% of all national crime. On the assumption that pornography offenses are distributed in rough proportion to other crime, this would suggest that approximately 8,900 pornography offenses were known to police in 2000, of which approximately 2,900 involved juvenile victims or child exploitation.

Since the NIBRS system is itself expanding, it is not feasible to accurately gauge real increases in the problem across time. However, for those law enforcement agencies that reported NIBRS data for both 1997 and 2000, while the total number of crime offenses recorded decreased 2% from 1997 to 2000, pornography offenses increased by 68% and juvenile victim/child exploitation pornography offenses jumped by 200%. One of the things this reflects is that the proportion of pornography offenses that involved child exploitation or juvenile victims

increased from 15% to 26% over this time period. This disproportionate increase supports the notion that more such crimes are coming to police attention. However, caution should be observed against concluding that the increase implies more such criminal activity (for example, as a result of the Internet), because such a rise could also stem simply from more aggressive police effort against such crimes or even the improvement of record keeping within NIBRS. For example, the late 1990s saw the inauguration of the Cybertipline and the Internet Crimes against Children Task Forces, among whose goals was increased law enforcement activity against child pornography found on the Internet (Klain et al., 2001).

Pornography Incidents with Juvenile Involvement

Pornography offenses that were associated with identifiable juvenile victims (juvenile victim pornography incidents) tended to be different from other pornography incidents, including pornography offenses with child exploitation only (i.e. that had no identifiable juvenile victim). For one thing, the juvenile victim pornography episodes all included additional offenses besides illegal pornography, the vast majority of them sexual or violent offenses (Table 1). Adult pornography incidents and even child exploitation pornography incidents rarely included additional crimes.

Perhaps connected to the presence of additional violent offenses, the frequency of arrest for juvenile victim pornography incidents was substantially higher than that for other pornography incidents. Over half (55%) of the juvenile victim pornography incidents resulted in an arrest, much higher than the arrest frequencies for adult pornography incidents (24%) or child exploitation pornography incidents (27%). It was also higher than the arrest rate typical for all

violent crimes against juveniles (32%). It seems likely that when sex offenses occur along with pornography that documents them, police may be particularly confident about the crime.

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There were differences, as well, in the locations where the offenses occurred. Juvenile victim pornography incidents occurred overwhelmingly in private residences and homes (Table 2a), which is also where sexual abuse tends to occur. By contrast, other pornography incidents quite often occurred in outside locations, in stores, in schools, colleges and other buildings. The child exploitation pornography incidents were more residence based than adult pornography incidents, but less so than juvenile victim pornography incidents.

Since pornography can be associated with commercial distribution through stores, it is interesting to examine the kinds of commercial establishments associated with pornography offenses (Table 2b). Not surprisingly specialty stores and convenience stores accounted for about half of the adult pornography incidents. The association of child exploitation incidents with department and discount stores and supermarkets may be due to the fact that such businesses often have discount film processing centers, which may identify and report to police suspicious photographs.

Pornography incidents of all types tended to involve a lone offender, typically an adult male (Table 3). In contrast, there were only a small number of juvenile offenders and female offenders in each category. In cases where females participated in child exploitation pornography incidents, however, 45% of the time it was in conjunction with a male offender, whereas that was the case in only 32% of the adult pornography incidents. (This collaborative pattern on the part of female offenders also appears true for juvenile victim pornography (50%), but there are relatively few cases (only 16) on which to base a generalization.) In addition, in those cases where a juvenile victim was identified, female perpetrators were more likely to be

participants in incidents with family offenders (23% of those incidents) and less frequently part of non-family cases (11% of those incidents).

A great deal of interest has been focused on the use of computers and the Internet in conjunction with pornography offenses, because they may facilitate both the dissemination as well as the detection of such material. NIBRS does allow the police to indicate whether computers were used in the commission of criminal acts. In fact, a small minority of all the pornography offenses known to police were coded as involving computer use (Table 4). This may indicate that the majority of pornography crimes up through 1999 still had no computer or Internet connection, or it may reflect a lack of police familiarity with some of the coding options NIBRS provides. In addition, a considerable amount of the activity around Internet pornography has occurred within federal agencies such as the FBI and the US Postal Inspector's Office, and these data are not currently encompassed by NIBRS.

Juvenile Victims in Pornography Incidents

Most pornography incidents with identifiable juvenile victims involved a single victim rather than multiple victims (71% of incidents), but looked at from the perspective of **victims** rather than the perspective of **incidents**, half (50%) the victims experienced multiple victim incidents. The juvenile victims identified in pornography incidents were 62% females and 38% males. For juvenile victims whose offender could be identified, 25% were members of the offender's family, 64% were acquaintances and 11% were strangers. In terms of age, 59% of the victims were teens (12-17 years of age), 28% were elementary school age (6-11 years of age) and 13% were preschoolers (under 6 years of age).

State-to-State Disparities

There is reason to think that states and even local jurisdictions may vary a great deal in the number of pornography offenses coming to police attention. Local factors such as state statutes²⁶, community standards, the availability of pornography and initiatives undertaken by police and prosecutors could all play a role in explaining these differences. NIBRS does reveal considerable variability at the state level (Table 5). For example, South Carolina and Vermont all recorded less than one juvenile involvement pornography offense for every 100,000 offenses of all types reported to NIBRS during 1997-1999. By contrast, Utah, recorded more than 12 such pornography offenses for every 100,000 offenses reported, while Michigan, Idaho and Iowa also had rates well above the average.

Implications

Crimes involving pornography and juvenile victims or child exploitation are relatively infrequent in the NIBRS data. They are still only a minority of all pornography related crimes. Moreover, the estimated 2,900 incidents in 2000 are dwarfed by reports of overall sex crimes against juveniles, whose level could be crudely estimated at 269,000 for the same period. Nonetheless, the data showing a rise in the numbers of such crimes between 1997 and 2000 is consistent with perceptions that more such crime is being uncovered, either because it has been increasing or police are cracking down on it, or possibly both. If the Internet is a major factor in such an increase or even increased detection, this is not clearly reflected yet in the NIBRS data, which show a small number of pornography offenses involving a computer. The rise in juvenile related pornography is notable because it occurs in the context of an overall decline in reported

²⁶ For example, in some states simple possession of child pornography is not a crime or just a misdemeanor, while in others it is a felony (Klain et al. 2001).

cases of sexual abuse of children and sex crimes in general that occurred during the middle and late 1990s (Jones & Finkelhor, 2001).

The data suggest only a modest association of pornography crimes with child victimization. In 73% of all pornography incidents known to the police, there was no child involvement – either child pornography or child victimization. And even in a majority (92%) of the child exploitation pornography offenses, police were unable to link the offender with an identifiable victim. This means that in most of the cases where police were investigating an offender for possession or distribution of child pornography, they were unable to connect the offender to a crime against an actual child. Of course, offenders may have committed such crimes or may have been at risk to do so, but the connection was remote enough that it eluded detection.

The pornography offenses with juvenile involvement tend to occur in homes and residences more often than in commercial establishments, and the offenders tend to be lone adult males. When victims are identified, they include a preponderance of girls and of teens, with both family and non-family relationships to the offender. Such findings highlight the utility of conducting residential searches for possible child pornography in connection with a wide range of criminal and child maltreatment offenses. The variability in state identifications of crimes involving pornography with juvenile involvement suggests that states may be able to increase identification of such crimes by making concerted efforts.

Caution needs to be observed in the interpretation of all the conclusions in this bulletin because of some uncertainty about the full reliability of NIBRS data in this crime domain on which police information has not previously been aggregated across jurisdictions. The data come from a group of jurisdictions that may not be representative of the nation as a whole. In

particular, they do not include federal agencies which have been particularly active in combating child pornography and which tend to be involved in cases that have larger scale and commercial dimensions. It is possible that the cases currently in NIBRS are thus skewed toward those involving family abuse and non-commercial production.

The analysis is also limited by some of the data categories in NIBRS, which do not capture distinctions that are generally treated as important by child pornography researchers. For example, it would be helpful for future efforts if the NIBRS codes could be developed to better delineate the exact connection that juvenile victims had in pornography crimes: whether the victims were subjects in the images, or alternatively were solely victims in sex crimes in which pornography was used.

Caution is also warranted because of the highly variable nature of community standards and law enforcement practices with regard to pornography. Perhaps the most important and practical suggestion that this bulletin can inspire is for increased training of law enforcement officials so that information about pornography involving juveniles is clearly, accurately and uniformly recorded in NIBRS as it becomes the major national source of national information on crime. This will certainly enhance its utility as a tool for identifying and combating crimes against children in the future.

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Table 1

Pornography Offense and Any Accompanying Offense by Incident Type

Accompanying Offense in Incident?	Type of Incident:		
	Juvenile Victim Pornography Incident	Child Exploitation Pornography Incident	Adult Pornography Incident
	%	%	%
	(N = 111 incidents)	(N = 566 incidents)	(N = 1,792 incidents)
Any Accompanying Offense?			
yes	100%	4%	4%
no	0%	96%	96%
total	100%	100%	100%
Any Accompanying Violent or Sexual Offense?			
yes	95%	1%	1%
no	5%	99%	99%
total	100%	100%	100%

Source: NIBRS 1997, 1998, 1999, 2000.

Table 2

Location of Pornography Offenses by Incident Type

Location Type	Type of Incident:		
	Juvenile Victim Pornography Incident	Child Exploitation Pornography Incident	Adult Pornography Incident
	%	%	%
a. All locations	<i>(N = 111 incidents)</i>	<i>(N = 566 incidents)</i>	<i>(N = 1,792 incidents)</i>
residence/home	83%	61%	45%
outside	5%	10%	17%
store	0%	7%	12%
other building	3%	6%	11%
school/college	2%	7%	8%
other/unknown	7%	9%	7%
	—	—	—
total	100%	100%	100%
b. Store locations	<i>(N = 0 incidents)</i>	<i>(N = 38 incidents)</i>	<i>(N = 206 incidents)</i>
specialty store	-	21%	30%
dept/discount store	-	37%	22%
convenience store	-	8%	19%
grocery/supermarket	-	16%	11%
drug store/Dr. off/hosp	-	10%	9%
service station	-	5%	6%
liquor store	-	3%	3%
	-	—	—
total	-	100%	100%

Source: NIBRS 1997, 1998, 1999, 2000.

Table 3

Offenders in Pornography Offenses by Incident Type *

Offender Pattern	Type of Incident:		
	Juvenile Victim Pornography Incident	Child Exploitation Pornography Incident	Adult Pornography Incident
	%	%	%
a. Age and number	<i>(N = 108 incidents)</i>	<i>(N = 428 incidents)</i>	<i>(N = 1,201 incidents)</i>
lone adult	71%	81%	76%
multiple adults	12%	9%	8%
multiple mixed age	3%	2%	2%
multiple juveniles	4%	1%	3%
lone juvenile	10%	7%	11%
	—	—	—
total	100%	100%	100%
b. Gender and number	<i>(N = 108 incidents)</i>	<i>(N = 452 incidents)</i>	<i>(N = 1,291 incidents)</i>
lone male	75%	81%	80%
multiple males	10%	5%	7%
multiple mixed gender	7%	6%	4%
multiple female	1%	0%	1%
lone female	7%	8%	8%
	—	—	—
total	100%	100%	100%

* Incidents with offender information only.

Source: NIBRS 1997, 1998, 1999, 2000.

Table 4

Computer Use in Pornography Offenses by Incident Type

Computer Use	Type of Incident:		
	Juvenile Victim Pornography Incident %	Child Exploitation Pornography Incident %	Adult Pornography Incident %
	<i>(N = 111 incidents)</i>	<i>(N = 566 incidents)</i>	<i>(N = 1,792 incidents)</i>
computer used	7%	13%	7%
no computer use	93%	87%	93%
total	100%	100%	100%

Source: NIBRS 1997, 1998, 1999, 2000.

Table 5

Pornography Offenses with Juvenile Involvement
Reported to NIBRS, by State, 1997-2000

State	Rate per 100,000 Offenses *
Utah ^b	12.8
Michigan ^b	10.3
Idaho ^a	9.9
Iowa ^a	9.7
Virginia ^b	9.5
Ohio ^c	9.4
North Dakota ^b	9.4
Massachusetts ^c	8.6
Tennessee ^b	7.8
West Virginia ^b	5.5
Texas ^c	5.3
Kentucky ^c	4.5
Connecticut ^c	4.3
Colorado ^b	3.9
Nebraska ^c	2.1
South Carolina ^a	0.8
Vermont ^b	0.0
All States	7.3

Source: NIBRS 1997, 1998, 1999, 2000. **Arkansas and Kansas are excluded because their recent addition to NIBRS creates uncertainty about the stability of their rates.**

* Rate is the number of pornography offenses with juvenile involvement per 100,000 offenses of all types for each state. (For all states: total offenses, N = 8,79,296; pornography offenses with juvenile involvement, N = 646)

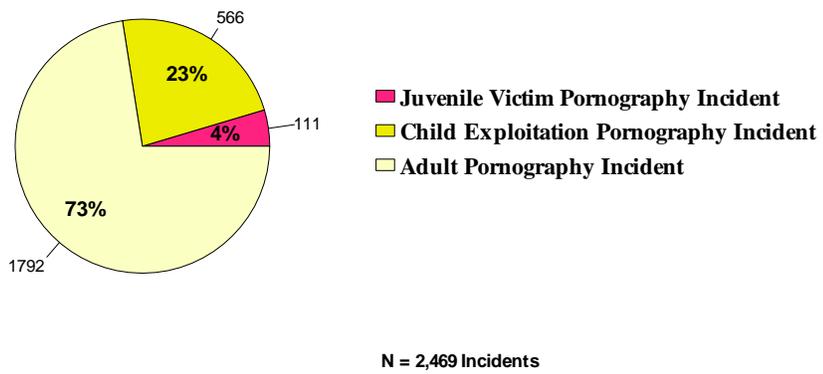
^a 100% of population represented by NIBRS data;

^b over 50% of population represented;

^c less than 50% of population represented. (as of October, 2000)

(note new values in this figure)

Figure 1
Types of Pornography Incidents



Source: NIBRS 1997, 1998, 1999, 2000

ENDNOTES

ⁱ A BRIEF BACKGROUND RE: "PORNOGRAPHY" RESEARCH & OJJDP

On point, the following background seems to this analyst, to be relevant to the nature of the F/O report. In 1983, as principal investigator of "Images of Children, Crime and Violence in *Playboy*, *Penthouse* and *Hustler*," my research team was mandated to content analyze these three magazines (1953-1983) since, *at that time*, these media were *commonly* found associated with sex crimes by and against juveniles. Despite significant political obstruction, that research succeeded and identified systemic child pornography cartoons, illustrations and photos in all three magazines—with the resulting consumer pressure causing *Playboy* to remove their child images from the magazine. However, the interdisciplinary team (FBI, OJJDP, law enforcement and pornography researchers) similarly organized to collect and analyze *all* pornography associated crimes, was spiked by some unknown "higher" special interests, surely still at work today.

That, after the Reisman OJJDP study, no federal organization has conducted serious research on the connection between crime and "mainstream" pornography, and that veteran child abuse researchers have given no *investigative* attention to pornography harms, despite decades of federally funded studies, may be seen as a systemic ideological/methodological failure to forcefully examine the sexually discriminatory medium that differentially targets women and children for sexploitation.

The avoidance of pornography research is especially befuddling when the F/O principal investigator, David Finkelhor wrote in several of his *books* that mainstream pornography taught men that women (and children) enjoy being "forced to have sex." It is inexplicable that one would observe that pornography encourages men to copy-cat sadosexual acts of brutality toward women and children (see especially Finkelhor and Yllo, *License to Rape*, 1985) while ignoring the role of these pornographic toxins in ones federally funded research. Indeed, one assumes F/O were tasked to analyze the pornography issue herein since, beyond computer solicitations, pornography research has largely been abandoned until this F/O report. The following discussion should be reviewed within this context.