Criminal Sexual Behavior in Children’s Cyber Technology Use

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ABSTRACT

There is a growing trend of children engaging in hurtful and abusive sexual behavior using cyber technology (Lewis, 2018). Legally, these cases are approached by determining the crime (e.g., statutory rape, child pornography, cyber-bullying, sexual abuse, sextortion/extortion, or sexual harassment) and considering the child’s level of intent to inflict harm (Bowker & Sullivan, 2010; Karaian, 2012; Rao, 2012; Salter, Crofts, & Lee, 2013; Wolak, Finkelhor, & Mitchell, 2012). This review will highlight an urgent need for more research, support and intervention that might reduce future criminalization and victimization, and reinforce the need for forensic psychologists to work in this area.

INTRODUCTION

Technology-assisted sexual behavior that can be considered criminal remains underrepresented in the psychological literature (Lewis, 2018), yet the frequency steadily rises. The burgeoning sexual urges and curiosities of children and youth, combined with their proclivity to act impulsively and take risks, amplify the likelihood of harmful behavior (Quayle, 2007). Technology-based interactions can leave one with a distorted view of reality, where acceptable behaviors and boundaries are unclear, and a sense of a lack of repercussion reigns (Angelides, 2013).

This readily accessible social space can offer platforms through which children and youth can exploit other children through sexting, sexual bullying, and sharing child pornography (Ashcraft, 2015; Karaian, 2012). These messages can be, and often are, widely disseminated (Renold & Ringrose, 2016; Subrahmanyan & Greenfield, 2008). Youth cite platforms for this behavior as including Snapchat, TikTok, Kik, Instagram, WeChat, and WhatsApp, among others.

RESEARCH SUPPORT

Researchers have found online sexual offenses are as injurious and damaging as those committed offline (Wolak & Finkelhor, 2013), and can have lasting effects on the victim (Fox & Aldred, 2013; Salter, 2016).

RESEARCH SUPPORT (CONT.)

• It is not uncommon for children to behave in sexually harmful ways, or to sexually abuse, other children (Bannister & Gallagher, 1996).

• 1 of 3 females and 1 of 10 males engaged in sexual abuse as children, and of those abusers 35% were adolescents and youth under the age of 18 (Rao, 2012).

• 13.7% of sexually abusive children grow up to commit criminal offences as adults, and of those, 37% were for non-sexual infractions (Hanson & Morton-Bourgon, 2005).

• Over one-tenth of children who sexually abuse other children become adult sexual offenders (Caldwell, 2002).

• In one survey, 39% of teens (ages 10-17) admitted to sending or posting sexually explicit photos or videos (National Centre for Missing and Exploited Children, 2016).

IMPORTANCE AND CONCERNS

• There is concern that some charges laid against children are overreactions and violate free speech (Humbach, 2010).

• Children with sex offender status may endure the effects well into adulthood (typically 10 years).

• Some have proposed alternative charges to be laid for sex offenses committed online by children (Corbett, 2009).

• At the same time, these offenses can have grave consequences.

• Victims can be branded or labeled and bullied harshly both on and offline (Wolak, Finkelhor, Walsh, & Treitman, 2018).

• Young victims have committed suicide over sexual abuse online (Quaid, 2009).

• If the abuse is survived, victims can develop anxiety, depression, PTSD, social stigma and deeply felt shame (Wolak et al., 2018).

FORENSIC EXAMPLES

• Intent to Harm: In the case of A.H. v. State (2007), A.H. was ultimately deemed too young to understand the ramifications of her choices in producing pornography of herself that her ex-boyfriend disseminated widely upon their break-up. The ex-boyfriend was charged, because he was judged to have harmful intent in his actions.

• Causal link to suicide: Three teen boys settled with Pott family on wrongful death charges in the 2012 suicide of Audrie Pott whose nude photos and alcohol-induced sexual abuse was circulated online. California’s “Audrie’s Law” resulted (Sulek, 2015).

• Self-generated child pornography: Three teenage females (14 and 15 years of age) in Pennsylvania were charged with child pornography for sending semi-nude photos of themselves to two underage males (Hamill, 2009).

• Receiving child pornography: The boys in the above Pennsylvania case were charged for having received and stored the photos on phones (Hamill, 2009).

• Sextortion by a minor: In 2010, a Wisconsin teenager was charged with extortion of over 30 boys from his school. The victims were blackmailed with their nude photos.

FORENSIC IMPLICATIONS

• Perpetrators of these behaviors can be charged with sexual abuse, statutory rape, child pornography, sexual harassment, sextortion/extortion, or cyber bullying (Charteris & Gregory, 2018; Karaian, 2012; Salter et al., 2013; Wolak et al., 2012) and sometimes the victims are also culpable.

• While discrepancies exist across states, leniency may be given to unintended offenders versus intentional offenders (Caldwell, 2002; Salter, Crofts, & Lee, 2013). Often the case is that the child was not aware of the legal ramifications of their choices (Bowker & Sullivan, 2010).

• In cases where victims have committed suicide, perpetrators have been charged more severely.

• Many courts uphold child pornography convictions of minors due to the serious implications (Eraker, 2010).

CONCLUSION

• Sexuality is a normal human function that children and teens experience and explore

• Using technology to cause harm can have lasting and serious consequences.

• Existing laws have not fully developed to adequately direct and guide on the handling of cyber-sexual offenses among minors.

• Measures such as empathy training, time delays, reflective messages, and algorithm flagging on social media platforms may curb the behavior.

• Further educational programming is needed in schools and communities to inform children of risks, and to provide support.

• There is limited discussion, training, and intervention strategies to support these children (both victims and perpetrators), and clinicians around the world are increasingly struggling in this area.

FURTHER RESOURCES

• High Technology Crime Investigation Association: https://htcia.org/

• National Centre for Missing and Exploited Children and their CyberTipline: http://www.missingkids.org/gethelpline/cybertipline

• Stop It Now!: https://www.stopitnow.org/obc-content/healing-and-support-for-children-and-parents

REFERENCES


CORRIGENDUM: In 2010, a Wisconsin teen was charged with extortion of over 30 boys from his school. The victims were blackmailed with their nude photos.

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