

CHAPTER 5

Internet Sex Offending and the Online Sting

Richard G. Wright

One of the most difficult struggles in American society is maintaining a constant balance between individual privacy and public safety. In our democratic, diverse, pluralistic society, we have the freedom to think our own thoughts, practice our beliefs, and ponder about various possibilities. The problem arises when our thoughts and beliefs encourage behaviors that flirt with criminality. In this clash, we turn to our policy makers to enact criminal laws that are supposed to reflect a moral consensus.

In the 21st century, much of American life has moved online. Parts of our finances, higher education, health information, and social circles have moved online. Naturally, for many people, part of their online persona includes their sexuality. From seeking information about safe sex, pregnancy, infertility, and healthy sexual practices, as well as fetishes and support groups, people use the Internet to explore (and in some cases extend) their sexuality. This can lead to a conflict between one's online sexual desires and one's private sexual practices.

This chapter analyzes numerous issues with Internet sex stings (ISS). ISS are tools used by the law enforcement to arrest adults who are interested in having sex with minors. Despite the seemingly simplistic intent of ISS (to arrest online predators before they assault a child), this practice is quite complex.

There are those who use the Internet for deviant sexual purposes. Some of these men and women go online with the intent to solicit a minor for an in-person sexual assault (also known as contact offending). There are also individuals who use the Internet as an exchange for child pornography. There are risks for children and young people who go online. One of those risks is unintentionally soliciting the attention of an adult sex offender.

However, there are also adults who go online exclusively to explore their sexual interests and fantasies. For example, some adults may explore sexual fetish sites (e.g., sadomasochism) out of curiosity to seek a fellow consenting adult. Owing to the fact that the Internet allows for anonymity and deception, some adults use it as a forum for exploring sexual ideas they are struggling with. Those ideas can and do include having affairs or engaging in nonnormative sexual practices with other adults (e.g., cybersex, voyeurism, exhibitionism, role-play, etc.). Online sexual behavior is quite complex. It requires an analysis that looks at differentiation, the research examining

online and offline sexuality, the role of government, and our important desire for privacy, especially in our sex lives. A central concern about ISS (consistent with the theme of this book) is that it can be a blunt sledgehammer, which captures real sexual threats as well as nonthreats to children, making little to no distinction between the two.

This chapter analyzes several issues associated with ISS. Specifically, it seeks to critically analyze the questions shown in Table 5.1.

TABLE 5.1 Analytical Questions on Enticement and Internet Sex Stings

1. How often online are young people sexually solicited by adults interested in physical sex?
2. What are the relationships between Internet sex offending, child pornography, enticement, and contact sex offending?
3. What is our policy approach to preventing online adult-child enticement?
4. Is this approach effective?
5. What are the strengths and weaknesses of our current approach?

Laws in the United States have been changed to allow police to conduct ISS as a method of crime prevention, as they have in Canada and the United Kingdom (Crowne Mohammed & McRoberts, 2008; Williams, Elliott, & Beech, 2013; Wright, 2009). Australia and Singapore have also recently changed their policies to prevent online solicitation of children (Urbas, 2010). In understanding both the problem of online sex offending and the policy approach of the United States, it is critical to examine the data on Internet sexual solicitation (also known as online enticement). Studies and situations that involve international dimensions (i.e., distribution of child porn, law enforcement collaborations, etc.) will also be briefly mentioned in this chapter.

STATEMENT OF THE PROBLEM

Data on Internet Sexual Solicitation

There is often hyperbole and emotion-laden rhetoric in our public debate about sex offenders. It is all the more difficult to advocate for a research-driven, critical analysis when the focus is on adults who seek children for sex. An honest approach would note that although some adults do use the Internet to identify, groom, and eventually sexually assault children, it occurs far less frequently than media reports and policy makers suggest. Wolak and her colleagues report that the stereotype of adult men stalking the Internet in pursuit of child sexual assault victims is overblown and not reflective of the safety issues adolescents face online (Jones, Mitchell, & Finkelhor, 2012; Wolak, Finkelhor, Mitchell, & Ybarra, 2008).

Jewkes has argued that cyberbullying and online sexual solicitation among adolescents are simply new technological variations of long-term patterns of childhood and adolescent misbehavior. In fact, she and Cassell both concur that adolescent girls, in particular, simply use the Internet to express normal developmental sexual desires (Cassell & Cramer, 2008; Jewkes, 2010).

Jones and her colleagues estimated that 66% of children aged 10 to 17 frequented chat rooms in 2010. This percentage was up from their 2006 Youth Internet Safety Survey (YISS), but down from their initial research in 2000 (Jones, Mitchell, & Finkelhor, 2013). Facebook and other social networking sites have replaced chat rooms for many youth. Some online enticements begin in chat rooms, although this may be lessening.

Social networking sites (e.g., Facebook and Twitter) appear to be a place where Internet sexual solicitations may occur. Mitchell and colleagues point out that adult men seeking adolescent sexual partners use a variety of online sites. In 2006, social networking sites were involved in 33% of all arrests for Internet sex crimes against minors. Nearly one fourth of these arrests were conducted by an undercover police officer using a social networking site (Mitchell, Finkelhor, Jones, & Wolak, 2010b).

In a trend analysis, the Crimes Against Children Research Center reported that between 2000 and 2010, there was a consistent decrease in the number of young people who received Internet sexual solicitation. Using the data from their third Youth Internet Safety Survey (YISS3), Jones and colleagues reported that in 2010, 9% of youth aged 10 to 17 were subjected to online enticement. This number is down from the 19% and 13% of minors who were enticed in 2000 and 2005, respectively (Jones et al., 2012).

In the YISS, minors aged 10 to 17 were asked about three categories of negative online experiences: sexual solicitation, unwanted exposure to pornography, and harassment. When focusing on enticement, the perpetrator needed to be at least 5 years older than the victim. The number of aggressive sexual solicitations experienced by minors in 2010 remained unchanged from their previous 2005 study. Aggressive sexual solicitations were enticement cases in which an in-person meeting was proposed. These are the cases that Internet stings primarily focus on. In 2010, Jones estimates that 3% of minors had this type of online experience (Jones et al., 2012).

Mitchell and her colleagues noted that there may be a disconnect between the media's and the public's concern about online pedophiles and about Internet sexual victimization. Noting a 50% reduction over a decade (2000–2010) in the number of online youth who were being enticed by adult men, they suggested several possible explanations. They proposed that youth might be changing their online behavior to reduce their risk of victimization. In addition, Mitchell reports that the ISS may be operating as a deterrent factor (Jones et al., 2012).

The Department of Justice (DOJ) reported that complaints of online enticement grew 230% between 2004 and 2008 (U.S. Department of Justice, 2010). Mitchell noted that ISS arrests increased 280% between 2000 and 2006. This increase was in part because of the expansion of ICAC Task Forces involved in online investigations (Mitchell et al., 2010b). ICAC Task Forces will be discussed later in this chapter.

Drawing from the first two waves of their *National Juvenile Online Victimization Study (N-JOV)*, Mitchell and colleagues conducted interviews with the police involved in Internet child sex crime cases in 2000 to 2001 and 2006. Over 3,000 offenders were arrested via ISS in 2006, up from the 826 arrests made in 2000 (Mitchell, Finkelhor, Jones, & Wolak, 2010a). The increase in arrests does not necessarily mean that there was an increase in offenders committing this crime. As scholars have noted, one modest factor that influenced arrest patterns during that time could have been the popularization of the ISS owing to the NBC television program "To Catch a Predator" (Mitchell et al., 2010b; Wright, 2009). The effect of "To Catch a Predator" is discussed in the third section of this chapter.

As Seto and Hanson note in their introduction to a special journal issue on Internet-aided sexual offending, not all offenders can be or should be treated the same. They note that there is ample research showing the heterogeneity of cybersex offenders (Seto & Hanson, 2011). One of the thematic concerns articulated in this book is that existing and new sex offender laws assume that sex offenders differ in

very few ways. Despite the broad popular support for ISS, the evidence suggests that only some online sex offenders represent significant risk for contact offending, whereas many others do not.

In the 2000 N-JOV study, Mitchell and colleagues noted that 63% of the time, ISS defendants brought sex paraphernalia to the intended meeting (which resulted in their arrest; Mitchell, Wolak, & Finkelhor, 2005). By 2006, all offenders arrested via an ISS had brought sex paraphernalia to the meeting place. According to Mitchell, these men were more often White, typically younger, and had never been married, when compared to the offenders arrested in 2000 (Mitchell et al., 2010a). In contrast, Jewkes notes that although it is likely to be underreported, documented incidences of young girls meeting adult men whom they encountered online appear to be quite low in the United Kingdom (Jewkes, 2010).

In their 2006 N-JOV survey, Mitchell and colleagues reported that more than three fourths of offenders arrested for online sex crimes were investigated via an ISS. In comparing these defendants to those arrested for child porn, Mitchell reports that Internet-based sexual solicitation offenders had a shorter criminal sexual history (Mitchell, Wolak, Finkelhor, & Jones, 2012). When charged, over 90% of the defendants were found guilty, with slightly more than half ($n = 57\%$) receiving a sentence of incarceration (Mitchell et al., 2010a). As will be discussed later, many of those sentenced to prison for enticement are receiving long mandatory prison sentences.

The early 2000s found not only media but also federal agencies and some researchers publicizing the stereotyped online pedophile image. A bulletin from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is worth highlighting. While describing the initial wave of data about online solicitation, it notes: "Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children seeking victims with little to no risk of interdiction. These offenders no longer need to lurk in parks and malls. Instead, they roam from chatroom to chatroom looking for vulnerable, susceptible children" (Medaris & Girouard, 2002, p. 2).

Using similar language to OJJDP, Marcum states: "Now in the age of technology children are being stalked and seduced online in the privacy of their own bedrooms. They are lured into a world of sexual maturity by predators using the techniques of manipulation and deception. . . . And many times these predators get what they want from these youth: Sex" (Marcum, 2007, p. 100). It is this type of emotive language that makes it difficult for the public to think critically about ISS.

In a study examining the intent of online enticers, Marcum argues that they are determined, methodical, deliberative offenders. By examining transcripts from online stings arranged by the advocacy group "Perverted Justice" (PJ), Marcum argues that these men have deviant sexual fantasies that may only be satisfied by contact offenses (Marcum, 2007).

Marcum acknowledges but minimizes the importance of the agency of the adolescent victims. Noting that most of the young people who showed up at the agreed location (with the intent to have sex) were adolescents who were fully aware of the sexual nature of the relationship and the expected encounter, she claims that they were simply naive (Marcum, 2007). In her study, Marcum does not discuss the limitations of relying on data from an advocacy organization such as PJ.

As I have noted previously, PJ has had numerous conflicts of interests, and a financial and ideological investment in ISS (Wright, 2009). Other scholars concur that stings conducted by people other than law enforcement personnel are fraught with legal, ethical, and moral problems (Gillespie, 2008).

Wolak, Finkelhor, and Mitchell, in their national study examining law enforcement practices and online sex offending, reported that, in 2006, 3,100 men were arrested via ISS where the recipient was an undercover police officer. This was an increase of 381% from their initial data collected in 2000 ($n = 644$ [2000], 3,100 [2006]; Wolak, Finkelhor, & Mitchell, 2009). This finding suggests that police agencies had become quite aggressive and successful with the ISS.

In the same report, they note that online sexual solicitation rarely involves violence or young children. Adolescents who were aware of the sexual nature of their online relationship were the most likely to receive requests to meet in person for sex. As it has in several other publications, this research team notes that the stereotype of the online pedophile stalking victims and seeking out young children for sex is exaggerated (Mitchell et al., 2012; Wolak et al., 2008, 2009).

The crime that most closely resembles online sexual solicitation, the Crimes Against Children Research Center argues, is that of statutory rape. In its 2000 and 2006 juvenile victimization studies, it notes that over 70% of the victims reported being between the age of 13 and 15. In most cases, both parties were aware of the sexual nature of their online relationship before an in-person meeting was arranged (Wolak et al., 2009). As others have noted, this generation of young people is very comfortable expressing sexuality online, whether the recipient is known or unknown (Dretzin, 2010).

Yet, in their analysis comparing the decline in child sexual assault with the increase in successful ISS, Wolak and colleagues do not explore the possibility that ISS are a form of crime creation. They argue that law enforcement has simply become more efficient at detecting potential online sexual abuse (Wolak et al., 2009).

In a high profile report sponsored by the 50 states' Attorney Generals, the Berkman Center for Internet and Society at Harvard University noted that the media often manipulate and mislead the public on the frequency of online enticement of minors. As they note in their literature review, the majority of online enticements that young people receive are from either their peer group or young adults 18 to 21. They also note that minors are generally able to rebuff online enticement while experiencing little or no emotional distress (Palfrey, 2008).

Palfrey and the Internet working group proposed several measures to reduce and ameliorate the problem of online enticement, yet they adopted a curious position on the use or growth of the ISS. While justly noting the limitations of their recommendations for age-verification software for various social networking and related sites and for filtering and monitoring software, they call for "greater resources" for undercover law enforcement operations (Palfrey, 2008, p. 37).

The confounding part of this report is that it endorses a strategy (ISS) for which it does not provide any evidence of efficacy or any mention of its controversial implications. Perhaps because the intended audience was the chief law enforcement official of each state, it was not appropriate or politically wise to comment on this practice. However, another explanation may be plausible.

In much of the analysis and research on these sex stings, there appears to be a consistent assumption that these police activities "do no harm" and must have some utility. This passive, noncritical endorsement of ISS does not contribute to informed discussion, nor does it advance discourse about the balance between public safety and individual privacy that these stings require.

Not all minors are equally at risk of either being groomed for or for receiving Internet sexual solicitations. Whittle and her colleagues suggest that factors such as gender, questioning one's sexuality, disability, age, and a youth's level of resiliency

influence their susceptibility to online enticement (Whittle, Hamilton-Giachritsis, Beech, & Collings, 2013).

Nevertheless, there are data suggesting that law enforcement is reducing its use of the ISS and focusing instead on other Internet crimes against children (ICAC). Wolak and her colleagues report in their third wave of juvenile victimization data that police made over an estimated 8,000 arrests in 2009 for Internet-related child exploitation cases. Within their three categories of Internet-aided child sex crimes, they report that the only decrease during the past 3 years was in arrests made via an ISS. Arrests involving actual child victims (i.e., not undercover police) and crimes involving child pornography increased throughout the 2000s (Wolak, Finkelhor, & Mitchell, 2012).

Between 2000 and 2009, arrests for child pornography increased from 1,713 to nearly 5,000 ($n = 4,901$). According to their estimates in 2000, police made 644 ISS arrests. By 2006, that number had increased significantly to 3,100 arrests. Three years later (2009), only 1,317 men had been arrested for online enticement. Wolak and colleagues suggest that law enforcement have shifted their focus to child porn investigations (Wolak et al., 2012).

This may in fact be the primary explanation. Another possible factor could be the demise of the popularity of ISS. As I have noted previously, NBC's "To Catch a Predator" went off the air in 2007, in part owing to its role in the suicide of Assistant District Attorney Louis Conrardt, who was under investigation. The lawsuit settled by the victim's sister was a key factor in NBC's termination of the program (Wright, 2009).

During its heyday, it was a very popular television program reinforcing stereotypes about Internet predators and simultaneously promoting the online sex sting (Wright, 2009, pp. 131–133). At its zenith, the show also spurred copycat efforts in the United Kingdom (Gillespie, 2008). It is conceivable that as "To Catch a Predator" was taken off the air, police departments scaled back their use of the practice either because of the threat of litigation or public concerns about ISS. A more thorough discussion of "To Catch a Predator" is forthcoming.

At the core of the rationale for ISS is the concern about cases that involve online enticement and contact offending. In those cases, when an offender arranges and meets an actual (or would-be supposed) minor in person, presumably for sex, these individuals are termed "travelers." The research suggests some "travelers" are seeking contact offenses, whereas other online offenders are simply engaging in their sexual fantasies.

Internet Sexual Offending and Contact Sex Offending

Significant research has been conducted examining the relationship between Internet sexual solicitation and what is commonly known as a "contact" offense (the act of physically sexually harming a child). In a meta-analysis of 27 samples of mixed offenders (e.g., those who committed both online and in-person sexual offenses), Babchishin and colleagues reported that Internet sexual offenders were more often White, with higher levels of victim empathy than their contact counterparts.

They also noted that these offenders tended to have been married less often, and were younger and poorer than a normative group of peers (for a fuller understanding of the normative comparison, see Appendix A in their study). One of Babchishin's most interesting observations is that Internet sex offenders (ISOs) may have greater self and impulse control than their contact counterparts. In addition, they note that online offenders tend to have shorter criminal histories, if any at all, than contact offenders (Babchishin, Hanson, & Hermann, 2011).

In their study of online sex offenders, the majority of whom were arrested through an ISS, Briggs and colleagues suggest that many of these offenders were driven only by an online sexual fantasy and would not have progressed to an in-person sexual assault. Briggs and colleagues classify these offenders as “chat room sex” offenders (Briggs, Simon, & Simonsen, 2011). In their study, a convenience sample of 51 offenders convicted of online sexual solicitation was given mental health assessments as required by the court.

Within this sample, almost none of the offenders had been arrested for a felony prior to the sting. Only 10% were diagnosed with pedophilia or a sexual interest in children. Although these men did demonstrate high levels of sexual compulsivity, the “stalking” stereotype often portrayed in news accounts was incorrect (Briggs et al., 2011). This finding is consistent with other studies reporting these offenders as rarely having sexual criminal histories (Wolak et al., 2009).

The entire sample in Briggs’s study indulged in inappropriate sexual behaviors, including sending nude or sexually explicit images of themselves, though aware that the victim was a minor. Modestly surprising, these men were aware of the ISS strategy, demonstrating either a strong risk-taking persona or an exceptional belief in their secrecy (Briggs et al., 2011).

Two subgroups emerged within this population, Briggs observed. One group, the “contact-driven group,” consisted of men who were insistent upon an in-person meeting with the intent of a sexual relationship. Four men within the sample had sex with an adolescent they met online. The second subgroup was made up of offenders interested in “fantasy-only” sexual gratification online. Fifty-nine percent ($n = 30/51$) of the men were “contact-driven offenders,” whereas the remaining 21 men classified had “fantasy-only” interests.

As noted earlier, one implication of this finding is that a portion of the men convicted of online enticement are not interested in physically harming a child. These “fantasy-only” offenders were mainly interested in cybersex and masturbation as their forms of sexual gratification (Briggs et al., 2011). “Fantasy-only” offenders may represent those who may be the most damaged by ISS. These men, who have no intention to harm an actual child, are receiving long prison sentences for their virtual sexual interests. Tomak and colleagues also note that ISOs represent a different class of sex offenders, not warranting classification as a (contact) offender (Tomak, Weschler, Ghahramanlou-Holloway, Virden, & Nademin, 2009). “Fantasy-only” offenders are discussed more thoroughly later in this chapter.

In an exploratory study in Ohio examining the cognitive distortions “travelers” (offenders arrested via an ISS who went to an in-person meeting) exhibited, DeLong and colleagues reviewed police interrogation logs. One set of interrogations came from a police department that had participated in and popularized the program “To Catch a Predator” ISS (DeLong, Durkin, & Hundesmarck, 2010). DeLong’s study is worthy of examination as it analyzes this substratum of sex offenders.

These offenders’ explanations for their crimes were classified as “justifications, refutations, or minimizations.” DeLong and colleagues reported that the majority of the offenders ($n = 78\%$) primarily explained their crimes with justifications or rationalizations. Their classification schema organized justifications as reasons in which the offender minimizes the harm or the immorality of the act, or attempts to deflect blame. The most common of these rationalizations was the offenders’ claim that he thought the intended “victim” was over the age of 18. DeLong, however, noted that there may have been a “To Catch a Predator” effect on the offenders’ explanations, as many of them knew their criminal problems had become national television fodder (DeLong et al., 2010).

Seto and colleagues noted that online sex offenders often have little or no prior criminal history (Seto, Hanson, & Babchishin, 2011). In their meta-analysis examining the contact offenses of online sex offenders, 17.3% (n = 812) also had a prior contact offense against a child out of the nearly 4,700 Internet offenders.

However, in self-report patterns versus official criminal justice cases, more than 50% of the Internet offenders admitted having sexually abused a child (Seto et al., 2011). This distinction between a reoffense rate of 17% versus greater than 50% can be explained by the recidivism measure that is used. In studies using self-reported behavior, reoffending rates tend to be considerably higher than when rearrest is used.

In Seto's study, it is important to note that the population under review was primarily involved in child pornography, not necessarily Internet sexual solicitation (Seto et al., 2011). In fact, in a *New Yorker* article examining the civil commitment of child pornography offenders, Seto stated that there is likely an undetermined proportion of Internet "fantasy-only" offenders who would probably not sexually assault a child (Aviv, 2013).

Seto's meta-analysis also examined the recidivism rates of online sex offenders. As with virtually all recidivism studies, there are concerns about the underestimates of both official recidivism (viz., re-arrests) and even self-reported recidivism. Yet, consistent with numerous studies about sex offenders (Wright, 2009), Seto and colleagues also reported that online sex offenders had low reoffending rates. Less than 5% (4.6%) of these offenders recidivated within a 1.5- to 6-year window (Seto et al., 2011).

In a study comparing and contrasting child pornography offenders with contact offenders and online sexual solicitation offenders, Seto and colleagues reported that those arrested for solicitation represented a lower level of risk. Their study evaluated 146 sex offenders in Arkansas, with nearly half (n = 70) of the men arrested for online solicitation. Specifically, they noted that the solicitation offenders scored lower than child pornography offenders on two different validated risk-assessment tools. In addition, this subgroup reported lower levels of pedophilic interest (Seto, Wood, Babchishin, & Flynn, 2012).

Tomak and colleagues compared the personality characteristics of online sex offenders with their contact-offending counterparts. Examining treatment data from a facility in the Southwest United States, they reported that ISOs are more often White, and more likely to have been married than contact offenders. Utilizing the Minnesota Multiphasic Personality Inventory, 2nd edition (MMPI-2), a well-researched diagnostic tool, they reported that heterogeneity exists within this subgroup of ISOs. Within their sample, ISOs were diagnosed as having lower levels of deviance and less impulsivity (Tomak et al., 2009).

Although the vast majority of those arrested via an ISS are men; modest attention is being given to whether or not (and if so, how) female offenders use the Internet. One of the few published studies examining the online behavior of female sex offenders reported that it is unclear if a woman's history of being a victim of sexual violence is an influential factor in her online offending patterns (Elliott & Ashfield, 2011).

Elliott and Ashfield also note that some female offenders initiate their crimes at the behest of their male partner. This co-offending tandem may also commit sex offenses online. Women's roles, often as primary caregivers for children, confound our ability to recognize both online and contact female sex offending. They also note that for clinicians, the literature on female sex offending may be more effective in treatment than the research focused on Internet sex offending (Elliott & Ashfield, 2011).

Aslan explored the accuracy of existing typologies for ISOs. In reviewing both the United States and the United Kingdom typology efforts, Aslan notes that ISOs are particularly difficult to classify into concrete, mutually exclusive groups. Even within existing typologies (some of which go back several decades), ISOs remain a heterogeneous population. Some offenders thrive online, which allows them to combine their child pornography habits with solicitation of new victims and contact offending. Other offenders cease their behavior at the online chatting phase (Aslan, 2011).

Based on this brief review on the relationship between online and offline sexual offending, it is clear that Internet-aided sex offenders are not a homogenous population. Yet enticement and solicitation charges make no distinction between these individuals. One particular public safety concern with a subgroup of ISOs is that they are the ones who use the web to “groom” a child for a later contact sexual offense.

Grooming

“Grooming” is commonly known as the intentional behavior a sex offender will use to gain a child’s trust and loyalty. When successfully done, grooming allows the offender to have a significant psychological advantage over the child. Once trust has been acquired through this process, the offender will then initiate sex. Confused and fearful, the child will be very reluctant to tell authorities about the abuse owing to conflicted loyalties. Grooming is used by a subgroup of both online and offline sex offenders.

Williams explored the “grooming” patterns ISOs used to develop their relationships with children, examining the chat logs of eight men arrested via an ISS. They reported that these men used three different stages (viz., rapport-building, sexual content and assessment) to groom their victim. The “rapport-building” stage was the establishment of a nonsexual, emotionally supportive relationship (Williams, Elliott, & Beech, 2013). A sub-phase here is described as coordination. This is where the offender pretends to be either the same age as the child or a peer.

Next, the offender introduces sexual content in the narrative. The sexual content often involves self-gratification and boundary pushing. The final stage, according to Williams, is assessment. In this phase, the offender is evaluating his or her progress to date and determining if and how an in-person meeting should be offered. The offender is cognitively weighing the risks of getting caught or of being disappointed (Williams et al., 2013).

The most significant issue with this research is one that has been repeated in similar studies (Marcum, 2007). The use of chat transcripts posted by PJ, the online advocacy group, presents, arguably, a very biased sample.

With its financial relationship with NBC’s “To Catch a Predator,” PJ is a business dedicated to ISS. Its volunteers are trained by fellow PJ staff to act as decoys. Thus, the dynamic between offender and decoy may not truly reflect what would occur between an actual minor and an adult. In addition, it is not clear whether PJ posts chat transcripts of ISS that fail.

Arguably, the most significant concern involving online sex offenders are those individuals who engage and traffic in child pornography. A substratum of these offenders will use the web to entice new victims into child pornography. A high-profile example of this practice was the case of Justin Berry, which will be discussed shortly. The following is a brief review of the literature examining the co-occurrence of Internet enticement with child porn.

Child Pornography

One reason for the growth of ISS is the associated issue of child pornography. A segment of those arrested via ISS are also convicted on child pornography charges (Jenkins, 2001). Once the individual has been arrested, law enforcement often secures a warrant for home and work computers, occasionally finding virtual and/or “real” child pornography. In those cases, the individuals will often be prosecuted on child pornography charges in addition to the enticement charges. Yet, Jenkins notes, there are no definitive data examining the relationship between child porn use and child molestation (Jenkins, 2001, p. 129).

In his 2001 study of child pornography users on the Internet, Jenkins argued that the subculture organized itself like any other deviant subculture, with its own mores, rules, jargon, and rationalizations. He noted that child porn users often invoked a rationale similar to those arrested in ISS, that of passive curiosity. Child porn users often argue that they are simply interested in viewing the material, not actually harming a child (Jenkins, 2001, pp. 120–131).

Holt and colleagues examined public Internet forums that pedophiles used to determine what subcultural norms promoted their sexually violent behavior. They report that pedophiles used four framing schemes to rationalize their behavior: “marginalization, sexuality, law and security” (Holt, Blevins, & Burkert, 2010).

These offenders ascribed their marginalization to society’s disdain for their sexual behaviors. Much of their cognitive distortions focused on how they saw their sexual behaviors as not abusive but a form of “love.” Given our social disapproval of their rationalizations, a secondary focus of their discussions centered on the need for secrecy and security in evading law enforcement.

One of the important findings of their study is that the Internet is clearly allowing some offenders to find others who will reinforce their deviant sexual feelings. Within these forums, rationalizations abound, with numerous references to “real sex offenders.” As noted by Holt, pedophiles venturing online differentiate themselves from child rapists and molesters. Yet their cognitive distortions can run so deep as to justify infant sexual abuse (Holt et al., 2010).

Interestingly, these men were aware that law enforcement was likely posing undercover to monitor and investigate their activities. Some offenders took to providing technical details as to how “not to get caught” (e.g., how to erase hard drives, use of a proxy server; Holt et al., 2010). Holt’s study emphasizes the critical role of online sexual discussions in sustaining a pedophile culture. They also note that undercover law enforcement efficacy is in part related to how well it understands the online pedophile culture (Holt et al., 2010).

Evidence suggests that some ISOs who are enticing children for contact crimes are also involved in creating, distributing, or possessing child pornography (Bazelon, 2013). In 2010, the U.S. Department of Justice (DOJ) asserted that federal prosecutors handled more than 8,500 child pornography cases between 2004 and 2008. The DOJ stated that two law enforcement and research initiatives have resulted in the documentation of nearly 290,000 child porn images in circulation traded over peer-to-peer networks (U.S. Department of Justice, 2010).

In the initial NJOV 2000 study, 41% of offenders arrested through an ISS also had downloaded child pornography (Mitchell et al., 2005). By 2009, there were over 4,900 arrests for child pornography, with nearly half (46%) possession charges solely (Wolak et al., 2012). What these various sources do affirm is that there is a subpopulation of ISOs who use that medium to create and distribute child pornography.

The harms of child pornography are significant. As Bazelon reports, child porn in the digital age is even more harmful given that photographs and videos are copied and transmitted hundreds, if not thousands, of times. Victims are completely unaware who has seen these images (Bazelon, 2013). They may experience a high degree of powerlessness realizing that the images could be anywhere and last indefinitely. The helplessness of being perpetually fearful that anyone could find sexual gratification in his or her abuse is a unique dimension of the harm of digital child porn (Leonard, 2010).

Leonard examined the experiences of victims of online sexual abuse in both a sexting case and a case involving a parent “directing” the child to sexually gratify herself while he filmed it (child porn). In both cases, Leonard notes there is another level of anxiety that these victims may experience. For these children, the Internet itself creates a sense of vulnerability, as it is a vehicle that aids in the dissemination of their abuse. Instead of experiencing the Internet as a tool for social connection and positive change, they feel it is a never-ending vortex in which their abuse is replicated, sold, and transferred with impunity (Leonard, 2010).

In these cases, the sexual abuse victims are in a perpetual state of anxiety not knowing who has viewed their photos/videos. Knowing that anyone could be aware of their sexual abuse images causes these children a high level of distrust and social isolation. Leonard also notes that these victims may have an exceptionally difficult time with closure as the electronic replication of their abuse serves as a source of re-victimization (Leonard, 2010).

Child pornographers can come from a variety of occupations and nations and every socioeconomic class. Police officers, upper class suburban housewives, doctors, priests, and parents have all been accused and/or convicted of possessing child pornography (Bazelon, 2013; Goodstein, 2012). Consistent with the heterogeneity of ISOs, child pornographers represent a diverse population.

Long and colleagues analyzed offenders who were convicted solely of child pornography possession and offenders who had both a contact offense and a possession offense. In analyzing these 120 offenders in the United Kingdom, Long reported that both categories had a mean of more than 700 images/child porn videos at the time of their arrest. Dual offenders (those who possessed child porn and who had committed a contact offense) were more likely to have a previous criminal history and had greater access to children (Long, Alison, & Michelle, 2012).

Long and colleagues also examined whether or not (and how) these offenders groomed potential victims. Noncontact offenders had longer histories of accessing child porn than did their dual-offending counterparts. Internet-only offenders reported accessing child porn for over 5 years. Clearly, within this sample, this behavior is quite entrenched. In contrast, dual offenders were 26 times more likely than Internet-only offenders to groom children (Long et al., 2012).

Although the research team does not take a position on ISS, their study suggests that there is a subset of online offenders who represent a significant risk to children. Eke and colleagues also noted that a portion of convicted and released child pornographers violated their parole/probation by going online to chat with (and presumably entice) minors (Eke, Seto, & Williams, 2011).

Eke and colleagues analyzed the recidivism rates of child pornography offenders over a 4-year period. Consistent with much of the literature, they found that these men have relatively low rates of reoffending, especially with sex offenses against children. Thirty-two percent of the offenders had some form of recidivism, with 4% reoffending with a new contact sex offense and 7% committing another child pornography offense. Combining child porn with new contact offenses, slightly more

than one out of ten (11%) offenders committed another sex crime (Eke et al., 2011). As noted throughout the reoffending literature, owing to the limitations of most models (conviction vs. arrest vs. self-report), it is likely that their findings are underestimations. However, they do demonstrate that child pornographers have only a small history of perpetuating more offenses.

Magaletta and colleagues compared the clinical and personality traits of federal offenders convicted for Internet child pornography with those convicted of child molestation only (Magaletta, Faust, Bickart, & McLearn, 2012). This study analyzed the similarities and differences of these two populations. Of the 61 offenders in their study, 35 had been convicted of Internet child porn only, whereas the remaining 26 had contact molestation charges. These offenders were also compared to a community-based sample of men.

Using the *Personality Assessment Inventory (PAI)*, Magaletta reported that child porn offenders had higher levels of depression than both child molesters and a community-based no-treatment sample. Despite less depression, child molesters reported a greater prevalence of alcoholism and drug abuse problems than their child porn counterparts. Consistent with other findings, child porn offenders in this study tended to have shorter criminal histories than those convicted of contact crimes (Magaletta et al., 2012).

Our primary policy effort to capture the ISOs who have entrenched violent, abusive histories of child pornography and/or contact offending is a broad, overly inclusive net. Discussed below, ISS are capturing dangerous offenders as well as people who have arguably nothing more than deviant sexual fantasies.

POLICY SOLUTION

Enticement and ISS

History, Intent, and Structure

The federal government has played a leadership role in responding to the problem of online sexual solicitation and in utilizing the ISS. Marion and Oliver have argued, however, that the federal government often passes crime control policies that are primarily “symbolic” and that have little empirical impact (Marion & Oliver, 2006, p. 169). Although federal policies designed to prevent online sexual solicitation may be symbolic, they require review. Despite their symbolism, federal law has tremendous implications for state and local communities that are charged with their implementation, which can include financial, legal, and ethical problems.

Congress has enacted numerous laws focused on sexual assault prevention and response. As related to online enticement, they include the following.

Protection of Children From Sexual Predators Act of 1988

This central law, which charges federal offenders captured via ISS, was enacted in 1988. Public Law 105-314 creates an offense in the U.S. Code of “enticement and coercion.” The specific language of the law is as follows:

Whoever, using the mail or any facility of means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly persuades, induces, entices or coerces any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both. (105th Congress of the United States, 1998)

Additional related crimes created in the 1998 bill include transporting a minor for sexual purposes and corresponding child porn charges. Although the actual law is uninformative regarding the crime of enticement, the underlying policy rationales can be gleaned from a review of the Congressional Record, prior to the bill's passage. The following are telling excerpts from this report:

Rep. Dunn from Washington State claimed: . . . "The McCollum-Dunn bill tells cyber predators that the information superhighway is not a detour for deviant behavior, but, rather a dead end. . . . Our message is clear. We will not stop until every mother and father has the peace of mind that their children are safe from sexual predators." (U.S. House of Representatives, 1998, p. H4492)

Rep. Weller from Illinois modestly stated: ". . . I particularly want to compliment the gentleman from Florida (Mr. McCollum) and the gentleman from Michigan (Mr. Conyers) for their bipartisan efforts in bringing this important legislation to the floor, legislation designed to protect children from the weirdos, the wackos and slimeballs who use the latest technology to prey on children and their families." (U.S. House of Representatives, 1998, p. H4494)

Rep. McCollum, co-sponsor of the bill, crystallized the problem the bill attempted to solve.

Current laws at the Federal level do not allow for the arrest and the conviction of somebody until they have actually induced in some manner the child to actually go meet with them somewhere to engage in a sexual activity. The key portion of this bill, and there are a lot of other things in it, is to make sure when there is contact made over the Internet for the first time by a predator like this with a child, with the intent to engage in sexual activity, whatever that contact is, as long as the intent is there to engage in that activity, he can be prosecuted for a crime. (U.S. House of Representatives, 1998, p. H4497)

It is worthwhile to note that the law's focus is on the individual's intent. One of the central purposes of this law is the focus on not what an offender did, but on what he or she might do. In a free, democratic society, there should be a critique when the government criminalizes possible conduct.

Libertarian-leaning Rep. Ron Paul of Texas opposed the bill. Apart from the question of whether or not it was appropriate for the federal government to become involved, he raised the questions of efficacy and political popularity.

In the name of the politically popular cause of protecting children against sex crimes, the Members of Congress will vote on whether to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with those embracing some politically popular cause. . . . *Who, after all can stand on the House floor and oppose a bill which is argued to make the world safer for children with respect to crimes?* It is a sad commentary when members of this body only embrace or even mention federalism when it serves their own political purposes and, at the same time, consciously ignore federalism's implications for these politically popular causes. *It seems to no longer matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. . . . All that now seems to matter is that Congress pass a new law* (U.S. House of Representatives, 1998, p. H4499). [Emphasis added]

Once enacted, the enticement charges would later be enhanced in 2006 through the Adam Walsh Act.

Adam Walsh Child Protection and Safety Act of 2006

In June 2006, President George W. Bush signed into law the Adam Walsh Child Protection and Safety Act. As discussed elsewhere in this volume, this is the most comprehensive and far-reaching set of sex offender laws the nation has ever passed. Specific to the issue of enticement and ISS, the new legislation requires that offenders convicted of the enticement charge be registered as “Tier II” sex offenders, with a minimum registration period of 25 years. In addition, federal sex offenders convicted of the enticement charge are subject to a mandatory minimum 10-year sentence (Wright, 2008a). Discussed in the final section of this chapter, this mandatory 10-year federal sentence is a warranted source of concern.

Then Senator Joseph Biden of Delaware made several claims about the bill’s purpose and origin:

The Adam Walsh Child Protection and Safety Act takes direct aim at this problem [sex offenders]. Plain and simple, this legislation I can say will save children’s lives. . . . This has to be a bittersweet moment for John Walsh. For what we are doing here today? We are naming a bill that will save the lives of hopefully thousands of other young people after a beautiful young boy who was victimized and killed. (U.S. Senate, 2006, p. S8014)

Then Senator Allen from Virginia repeated the often-used, but totally false mantra about recidivism rates to support the law:

Some may wonder, why there is such a focus on sex offenders? Why is there such a focus on pedophiles and sex offenders and rapists? The reason is, if you look at the statistics—and it is not unique to Virginia, it is that way it is across the country—the highest recidivist rate, or the highest repeat offender rate of any crime—even higher than murderers, even higher than armed robbers—is sex offenders. (U.S. Senate, 2006, p. S8018)

One provision in the 2006 bill required the expansion of the ICAC Task Forces. ICAC Task Forces are the primary way in which law enforcement agencies are trained to conduct ISS. In 2006, then Attorney General Alberto Gonzales created Project Safe Childhood, which included the ICAC program. Gonzales depicted the problems of Internet sexual solicitations and child pornography as a war (U.S. Department of Justice, 2006). Utilizing the war metaphor creates a dramatic frame justifying increased police powers.

PROTECT Act of 2008

Public Law 401 of the 110th Congress, entitled the “Providing Resources, Officers and Technology to Eradicate Cyber Threats to Our Children Act of 2008” (PROTECT Act of 2008), among other provisions formally established a National ICAC Task Force. Expanding the program, originally created in 1998, the intent of this provision was for the federal government to organize, help facilitate, and provide training and technical assistance to state and local law enforcement agencies on online enticement, child exploitation, and pornography (110th Congress, 2008). One of the explicit goals of the ICAC Task Forces is to conduct proactive investigations of ICAC (including enticement).

Child Protection Act of 2012

In the winter of 2012, Congress passed, and President Obama signed, the Child Protection Act of 2012. This new sex offender law primarily expanded previous laws,

including the PROTECT and Adam Walsh Acts. Among other provisions, the new law increased the maximum federal penalty for child porn from 10 to 20 years. The law also increased the training funding for ICAC from \$2 million to \$4 million (112th Congress, 2012).

In an associated House of Representatives report, ICAC Task Forces claimed to represent over 3,000 law enforcement agencies and to have trained over 338,000 police since its inception in 1998. The House report also declared that 30,000 individuals had been arrested since 1998 for various Internet child sex crimes through ICAC initiatives (Smith, 2012).

The Child Protection Act was intended, in part, to make the federal government's effort to fight Internet sex crime more aggressive. As Aviv notes, prior to the passage of this new law, federal sentences for child pornography had increased significantly, averaging nearly 10 years (Aviv, 2013; Bazelon, 2013). Sentences for child pornography offenders have increased more than 300% from the mid-1990s. In some cases, child porn possessors are receiving sentences equal to murderers and longer than child rapists (Bazelon, 2013). One judge found possessing child porn so offensive that he sentenced the defendant (with no prior criminal record) to life without the possibility of parole (Goode, 2011).

Under the Adam Walsh Act, the federal government has increasingly sought civil commitment for ISOs who did not commit contact offenses (Aviv, 2013). Mitchell and colleagues report that men convicted of sexual solicitation were just as likely to be incarcerated as those convicted of possessing or distributing child pornography (Mitchell et al., 2012). Despite the rhetoric of the House Report supporting the Child Protection Act, it can be argued that the federal response was once again too broad and too aggressive and treats sex offenders as a homogenous group (112th Congress, 2012; Wright, 2008a).

ICAC Task Forces

Federal law enforcement agencies have a significant role in the use of the ISS in addressing enticement and solicitation charges. When it was created in 1998, the purpose of the ICAC program was "to help State and local law enforcement develop an effective response to cyber enticement and child pornography cases" (Medaris & Girouard, 2002, p. 3). Among the many initiatives that these task forces conduct are ISS.

ICAC Task Forces are becoming more common among police agencies. The specialized training and collaborative processes involved in the ICAC Task Forces are not unfamiliar. Similar models emerged 30 years ago focused on joint drug investigations. After the terrorist attacks of 9/11, numerous law enforcement agencies became a part of anti-terrorism/homeland security task forces. Wolak reports that by 2009, ICAC Task Forces and affiliated agencies had conducted 4,698 arrests, significantly up from 345 arrests in 2000 (Wolak et al., 2012). In analyzing Internet-aided sex crimes, the majority of arrests in 2009 were conducted by ICAC-related agencies.

By 2007, through federal funding, all 50 states had a state or local task force, with 59 throughout the nation. In 2007, the OJJDP provided \$17 million to these task forces (U.S. Department of Justice, 2007). In addition to ICAC, the FBI runs the "Innocent Images" program that investigates the child pornography trade, including individuals who may be arrested via an Internet sting (Jenkins, 2001).

Since its creation in 1989, ICAC has grown to include 61 Task Forces representing over 2,000 law enforcement officers. It is unclear how many law enforcement officials receive ICAC training. As mentioned earlier, a report by the House of

Representatives (Smith, 2012) estimated that over 338,000 police have been trained by ICAC. In contrast, a report by the DOJ estimates that ICAC Task Forces have trained 100,000 criminal justice personnel in Internet policing issues (U.S. Department of Justice, 2010). Despite these discrepancies, it is clear that numerous police personnel are being trained for Internet sex investigations.

Mitchell and colleagues note that between July 1, 2000, and June 30, 2001, many ISS were conducted without the aid of ICAC (Mitchell et al., 2005). However, between 2000 and 2006, ICAC Task Forces arrests increased by over 1000%, from 159 arrests made in 2000, to over 1,700 by 2006 (Mitchell et al., 2010a). By the end of the decade, ICAC Task Forces received over 10,000 accusations of online enticement in fiscal years 2010 and 2011 (U.S. Department of Justice, 2010).

ICAC Task Forces also investigated nearly 2,500 accusations of “travelers” involved in Internet sexual solicitation. It is not clear from ICAC data how many of these individuals were found guilty of these accusations. Federal prosecutors accepted over 2,200 cases of Internet sex crimes initiated by ICAC task forces in FY 2010 and 2011 (Roberts, 2012).

The U.S. DOJ claims that abduction and rape of children occur because of online solicitation, although Wolak reports that this is a very low frequency event (U.S. Department of Justice, 2010; Wolak, Finkelhor, & Mitchell, 2009). In addition, the DOJ states that online offenders spend time grooming their child victims in an eventual attempt to commit sexual assault. The DOJ states that although complaints and investigations of online enticement increased dramatically between 2004 and 2008, they acknowledge that there is no definitive assessment of what behaviors constitute online enticement (U.S. Department of Justice, 2010). Before expanding on the legal and ethical issues associated with ISS, it is important to understand the popularity and evolution of the strategy.

Public Awareness and Popularization of ISS

Although the intent of ISS is to catch would-be pedophiles before they meet with children, it is arguable that this technique is not particularly secretive. Much of the public has been exposed to the ISS through television and the news. Yet, there were several events in the mid 2000s that raised public attention on the ISS. These include the 2004 to 2007 television show “To Catch a Predator,” the advocacy group PJ, and the case of Justin Berry as portrayed by the *New York Times* and several dramatic Congressional hearings.

“To Catch a Predator”

In 2004, executives at MSNBC first aired this derivative of their “newsmagazine,” “Dateline.” In this variation, the television show identified an adult male who developed an online relationship with a fictional child. The fictional child was actually an adult member of an online-advocacy group known as PJ, posing as this underage child.

Once this online relationship became sexual, an in-person meeting would be scheduled. At this stage, local law enforcement would then arrest the adult male at the agreed-upon location. “To Catch a Predator” would film the entire scene with the on-screen moderator, Chris Hansen, acting as the alleged offender’s moral compass, just prior to his arrest.

“To Catch a Predator” became a major success for both MSNBC and Hansen. The 2006 to 2007 series attracted an average of 11 million viewers, a significantly larger audience than MSNBC’s other “Dateline” programs (Stelter, 2007). Through the show, Hansen became a frequent public speaker about online child sexual

solicitations, including providing testimony to Congress. Perverted-Justice.com gained significant financial benefits and international recognition for their assistance in the show. Among the many controversial issues the show raised, the most complex revolved around the case of Louis Conradt Jr. In November 2006, Mr. Conradt, then an assistant district attorney for Rockwall County, Texas, shot himself in his home as he was about to be arrested in an ISS, facilitated by “To Catch a Predator,” PJ, and the local police (Eaton, 2006). The episode, including the aftermath of Conradt’s suicide, aired in February 2007.

The effect of the Conradt case may have facilitated the demise of the popular show. The victim’s sister, Patricia, argued that “Dateline” was directly responsible for her brother’s death, launching a \$100 million lawsuit (Cohen, 2008). In allowing the suit to proceed, Federal Judge Denny Chin stated that “a reasonable jury could find that NBC crossed the line from responsible journalism to irresponsible and reckless intrusion into law enforcement” (Reuters News Service, 2008).

On June 24, 2008, the *Los Angeles Times* reported, prior to trial, that the parties reached an undisclosed settlement (Gold, 2008). According to the *Times* report, the show ended its run in December 2007, in part owing to this type of litigation. Despite the end of the show, one of its lasting impacts was the promotion of Hansen as an expert in pedophiles and Internet sexual solicitation.

In a hearing of the House Committee on Energy and Commerce, Rep. Bart Stupak (D-MI) cited Hansen’s testimony that studies underestimate the prevalence of online sexual solicitation. According to Rep. Stupak and Hansen, as many as one out of every three children are sexually solicited when online (C-SPAN, 2006). This complete distortion of the data, as discussed earlier, fueled the perception of an increased prevalence, thus enhancing the “need” for the stings.

Perverted Justice

Next to the television show “To Catch a Predator,” perhaps the most controversial aspect of ISS is the advocacy group PJ. Founded in 2003 by Xavier Von Erck, the online organization consists of tens of thousands of registered users and dozens of volunteers who act as underage decoys in aiding law enforcement in ISS. As discussed earlier, the group developed a business arrangement with NBC’s “To Catch a Predator,” in which PJ provided the “decoys” (e.g., volunteers performing as underage minors) aiding law enforcement in their online stings. Reports have estimated that NBC paid PJ about \$70,000 per episode and \$2 million in total (Salkin, 2006; Zetter, 2007).

As described in their web biography, PJ argues that their goal is to “create a ‘chilling effect’ in regional chat rooms and other easy targets of opportunity online such as through social networking sites.” In addition, their self-described intent is to turn “the website into a conviction machine with as many first agreements with police as possible” (Perverted Justice, 2008).

Critics of the organization argue that these volunteers have no training in police work, psychiatry, sexual assault prevention, sexual offending, the law, or due process (Salkin, 2006). One of the many questions raised by the role of PJ is that of vigilantism. Several studies have documented that vigilantism against sex offenders has led to their harassment, victimization, and even murder (Human Rights Watch, 2007; Levenson, 2005; Wright, 2008b; Zevitz & Farkas, 2000).

Yet, according to Jenkins, PJ is not the first web group of its kind. A few years prior to the creation of PJ, Jenkins reports that several private web-based advocacy groups took on the charge of stopping electronic child pornography. A few of these

groups collaborated with local law enforcement (similar to PJ), whereas some operated alone. Several of the groups took to launching denial-of-service (DOS) attacks on known child pornography bulletin boards. Jenkins notes that, although it was a short-term victory, these web groups had more success eliminating child pornography than did law enforcement (Jenkins, 2001, pp. 169–177).

Justin Berry and the New York Times

Online child sexual solicitation becomes more complex and potentially dangerous when it involves the use of a webcam or a smartphone. These cameras allow real-time photography and video to be broadcast over the Internet, add a level of graphicness and explicitness, and may fuel sex offenders' fantasies. In late 2005, the front-page story of Justin Berry had an effect similar to that of "To Catch a Predator," by providing a real-life case study of criminal adolescent–adult online sexuality.

As reported by then *New York Times* reporter Kurt Eichenwald, from the age of 13 to 19, Berry became both a victim and a perpetrator of child abuse and pornography. After setting up a webcam in his home bedroom, Berry was sexually solicited numerous times online by adult men. These sexual solicitations included not only sexual demands and requests for in-person meetings but specific, graphic sexual requests, which Berry, would comply with via his webcam (Eichenwald, 2005).

Over the years, Berry met various men from his online encounters. In a Congressional hearing, called as a result of the *New York Times* investigation, Berry testified that he had been molested by several adult men he had originally met online (U.S. House of Representatives Energy and Commerce Committee Investigations Subcommittee, 2006). According to the *New York Times*, Berry also organized an online business involving sexual exposure of himself and in the process violated numerous federal anti–child pornography laws (Eichenwald, 2005).

After initially identifying himself as a "fan" of Berry's, Eichenwald requested a meeting with him. After meeting Berry, Eichenwald developed a nonsexual relationship with him. Eichenwald, whose methods and actions would later raise concerns about the role of journalists in crime control, intended to aid Berry to get out of the Internet child pornography trade, although he was simultaneously reporting the news story and aiding federal prosecutors in investigating and prosecuting these cases (France, 2007).

Through the assistance of Eichenwald, Berry cooperated with federal law enforcement authorities, releasing information on numerous "clients" (i.e., adults who had purchased or aided in production and distribution of child porn). In describing Berry's role and the nexus of Internet child pornography, online sexual solicitation and adolescent sexual exposure, Eichenwald's article initiated tremendous political response. Shortly thereafter, Eichenwald and Berry would appear on national programs, including "Oprah," "Larry King Live," and "Today" (France, 2007).

Eichenwald's role, which included giving Mr. Berry \$2,000 (which would later be repaid by Berry's family), drew comparisons to Hansen's role in "To Catch a Predator" in that instead of reporting the news, journalists were influencing the news (France, 2007). Compounding the problem was that his editors at the *New York Times* were unaware of the financial relationship between the two parties, apparently in violation of ethical standards of the newspaper (Eichenwald, 2007). The Justin Berry case grew in importance, in part owing to his testimony before Congress (discussed next).

Congressional Hearings on Sex Crimes and the Internet

Congress has played a leadership role in the problem of enticement and in the use of the ISS. One vehicle at Congress's disposal is the Congressional hearing. These hearings often have multiple goals, functions, and motivations. They may provide oversight to an existing problem. They may be used as an information-gathering process. They may be used to support or defeat forthcoming legislation. They may also be used to grandstand or win symbolic political points in the arena of public opinion.

Congress held several hearings on Internet sexual solicitations in 2006 and 2007. The House Judiciary Committee held a hearing on "Sex Crimes and the Internet" on October 17, 2007. In his introductory remarks, Representative Bobby Scott (Georgia) tried to offer moderate and reasonable criticism of new responses to the problem of online sexual solicitation. Immediately after, Rep. Ric Keller (Florida) lauded the efforts of "To Catch a Predator," taking the stereotypical "tough on crime" control position (Judiciary Committee of the U.S. House of Representatives, 2007)

Following testimony from law enforcement officials, Internet providers, and others, the most dramatic moments occurred with the testimony of Alicia Kozakiewicz. Kozakiewicz was a 13-year-old girl, who eventually met Scott Tyree online. Tyree would later be convicted for the kidnapping, rape, and torture of Kozakiewicz (Jaffee, 2007).

The then 19-year-old Kozakiewicz described her experience and her belief that the ICAC Task Forces saved her life. She claimed that at the moment when she expected to be killed, she "saw the most beautiful letters in the alphabet, FBI, in bold yellow on the back of their jackets and I knew that I was safe." She described the FBI and ICAC as her "angels" and said that they could "walk on water" (C-SPAN, 2006).

Toward the end of her testimony, she said that the "bogyman is real and he lives on the Net. He lived in my computer and he lives in yours. While you are sitting here, he's at home with your children." At the end of her 10-minute testimony, Rep. Debbie Wasserman Schulz, a member of the Committee, cried (C-SPAN, 2006). The dramatic effect of Kozakiewicz's testimony was clear.

Justin Berry testified to Congress on April 4, 2006, in a hearing held by the Investigations Subcommittee of the House Committee on Energy and Commerce. Among the numerous issues Berry testified about was the allegedly slow response from the Child Exploitation and Obscenity Section (CEOS) of the DOJ to his case and to his offer of assistance. Berry claimed that after his (and the *New York Times*) disclosure about his crimes and the adult predators, he wanted to work with prosecutors to shut down other child porn rings. During the negotiations, in which his lawyer sought immunity for him, he claimed that the CEOS seemed very slow and uninterested in the case:

I informed them that I had names, credit card numbers, and IP addresses, of approximately 1,500 people who paid to watch child pornography from my websites. . . . Weeks passed seemingly without progress. I cannot describe the agony of that time. Each night I wondered where the children I knew were being molested that night. Were they being filmed? Why was no one stopping this? I knew it would take time to grant me immunity. But why couldn't they rescue the children in danger? (U.S. House of Representatives Energy and Commerce Committee Investigations Subcommittee, 2006)

Once immunity was granted and an initial prosecution conducted, Berry stated that he was still afraid: "I wish I could say the prosecution story had a happy ending. It did not. At that time I was afraid that I would be killed by the adults who would be harmed by my testimony and who were frantically searching for me. . . . I do not

trust CEOs to protect me” (U.S. House of Representatives Energy and Commerce Committee Investigations Subcommittee, 2006).

At the very end of his testimony, there was an exchange stunning in its simplicity and brevity. The exchange occurred between Rep. Greg Walden from Oregon and Justin Berry:

Rep. Walden: Mr. Berry is there anyone in this room that you believe molested you?

Berry: Yes. Ken Gorelay.

Rep. Walden: Thank you.

(U.S. House of Representatives Energy and Commerce Committee Investigations Subcommittee, 2006)

It is important to understand the significance of that interchange. In a Congressional hearing with one person alleging a violation of federal and state law, an elected official (not a prosecutor, judge, or police officer) asked a witness under oath whether anyone present had criminally sexually molested him. The alleged molester (Ken Gorelay) had no opportunity to respond, was not placed under oath, nor was he being criminally prosecuted. No evidence was offered. No due process provided. The exchange, which presumably should have been conducted in a courtroom but instead was made live on national television, could have easily been misinterpreted as a scene out of a Hollywood television show.

Griffin and Miller argue that policies aimed at high-profile cases of stranger-child abductions (which ISS are theoretically designed to prevent) are simply no more than crime-control theater, often replete with unintended consequences and little efficacy (Griffin & Miller, 2008).

Griffin and Miller propose the following definition of crime control theater: “a public response or set of responses to crime which generate the appearance but not the fact of crime control” (p. 167). The focus of their study was the impact of the AMBER alert system, a broadcasting system in which the notification of a missing or abducted child is broadcast regionally and nationally.

Enacted in 1996 after the abduction and murder in Texas of Amber Hagerman, Griffin and Miller argue that proponents of the law (most notably law enforcement, child advocacy programs, and the National Center for Missing and Exploited Children [NCMEC]) repeatedly use the infrequent, sensational success of the program as evidence of its overall impact. Their assessment of the policy also argues that it has a racialized component, focusing heavily on the symbolic victimizations of young, White girls (Griffin & Miller, 2008, p. 169).

Using Griffin and Miller’s model, it is reasonable to view ISS as another form of crime control theater, and it is instructive to add the Congressional crime hearings as another demonstration of their concept. There is no question that these graphic public testimonies are very dramatic and emotional. Again expanding Griffin and Miller’s concept, dramatic depictions of actual violence may fuel the desire for crime control theater policies. The theatricality of the Congressional hearing, which often leads to new legislation, is an important factor in the drive for new and expanded sex offender laws.

As is documented throughout this book, sex offender policies are often disproportionately influenced and illuminated by rare high-profile tragedies. The *New York Times*, NBC and PJ, and Congressional hearings have played significant roles in the glamorization of the ISS and its associated issues.

Legal Issues

The criminal justice system may not be as “tough” on sex offenders as public perception suggests. Patrick and Marsh analyzed the sentencing outcomes of convicted child sexual offenders over a 7-year period in Idaho. Despite our admonitions against child sexual abuse, more than half (59.3%, $n = 484$) of those, for whom sentencing information was available, were sentenced to probation (Patrick & Marsh, 2011). This counterintuitive finding suggests a disconnect between our public vilification of sex offenders and our penal policies. Nevertheless, those offenders convicted of enticement or solicitation may receive a mandatory state or federal prison sentence of up to a decade or more.

As others and I have written previously, defendants charged with enticement face a high bar when seeking acquittal (Mitchell et al., 2005; Wright, 2009). The courts generally have been unresponsive to the several legal defenses that those arrested in ISS may utilize. The most prominent defenses are those of entrapment, free speech, and factual impossibility.

Entrapment

One legal argument made by those arrested via ISS is that they were entrapped. For a defendant to successfully argue that they were entrapped into the commission of a crime, the defendant must address two issues, inducement and predisposition.

Inducement is the argument that the government’s (viz., law enforcement’s) actions persuaded, manipulated, or coerced the defendant into commission of the crime (Boggess, 2007). An inducement argument needs to demonstrate not only that the government provided an opportunity to commit the crime but that the government provided an excessive opportunity.

A hypothetical example of inducement may be helpful. An undercover narcotics agent for a local police department is involved in a drug buy in an attempt to arrest a suspected dealer. The “true” or real street price for two kilograms of heroin is (roughly) \$2,000. If the officer offers to buy the heroin from the suspected dealer for \$2,200, he has not induced the defendant. If the officer offers the suspect \$10,000 for the same heroin, inducement may have occurred.

One of the central findings in the overturned ISS conviction in the 2000 case of *U.S. v. Poehlman* indicated that the law enforcement officer’s responses to Poehlman were “excessive” in their initiation and sexual explicitness (*United States v. Mark Douglas Poehlman*, 2000).

Predisposition shifts the focus from the government’s behavior to the defendant’s. Generally, predisposition can be established when the defendant has taken active steps to commit a crime before coming in contact with law enforcement agents (Hay, 2003). For example, in ISS cases, child pornography on an offender’s computer is often introduced as evidence of predisposition. E-mails or website visits looking for child sexual activity, prior to contact with the law enforcement officer, may also demonstrate predisposition. Prior convictions for child sexual assault or enticement may be allowed as evidence of predisposition.

Inducement and predisposition have an inverse relationship with one another. For an entrapment defense to be successful, the defendant must prove that the government induced him and that he did not have predisposition. The reverse of the above, along with widespread acceptance of ISS, often makes this defense unsuccessful.

Federal appellate courts are generally upholding convictions won through ISS. Both on the question of entrapment and the defendant’s “intent,” the courts have generally rejected the defendant’s arguments.

Case law finds that the use of the entrapment defense does not appear to be very successful in reversing convictions. In one study, Internet enticement defendants were the most likely to use an entrapment defense as their legal strategy (Mitchell et al., 2005). As Crowne and colleagues discuss, this is rarely a successful strategy in ISS (Crowne Mohammed & McRoberts, 2008). Entrapment defenses have generally not been successful in the United States courts or those in the United Kingdom (Gillespie, 2008).

Moore, in his analysis of entrapment and online enticement, argues that most offenders chatting with minors online (and undercover officers) intend on establishing a physical sexual relationship. This assertion is made with no supporting data (Moore, Lee, & Hunt, 2007). What is clear from numerous psychological studies referenced in this chapter is that there are men interested in “fantasy only” who will not escalate to child sexual assault. The challenge is distinguishing those who want to assault a child from those who won’t. ISS makes the distinction irrelevant, as now all these convicted offenders are guilty of enticement.

Moore and colleagues also note that one of the reasons the entrapment defense proves ineffective in enticement cases is from the limited time span that passes between the initial contact and the in-person meeting. Moore interprets the Supreme Court’s 1992 decision in *Jacobsen v. the U.S.* to mean that if government agents continue a sting relationship for a prolonged period of time, it may disprove that the defendant had any disposition to commit the crime. Disposition is a critical portion of an entrapment defense (Moore et al., 2007).

Free Speech

The intent of these stings is to capture and arrest alleged offenders before they have sex with a minor. Some defendants argue that what is actually being criminalized is speech, namely, the sexually explicit dialogue between an adult and the make-believe “minor” (e.g., a police officer). This argument raises the question: do ISS prosecutions punish sexual expression, a protected form of free speech?

During these investigations and prosecutions, a central point of evidence is the chat room logs, transcripts, e-mails, and instant messages. The prosecution presents the written words of the defendant as evidence that he intended to have sex with a child (had the recipient of the e-mails been an actual child). The prosecution argues that only the proactive and ingenious work of law enforcement prevented the defendant from finding an actual potential victim.

One legal scholar has argued that words are exactly what is being prosecuted and that the speech itself, outside of any action taken by the defendant (e.g., showing up at an arranged meeting place), should be criminalized. Utilizing the previously discussed case study of Justin Berry, Lovejoy argues that cybersex between adults and minors, in and of itself, is harmful enough to warrant a federal and/or state statute. Not surprisingly, Lovejoy supports the use of the ISS as appropriate and necessary (Lovejoy, 2008).

Lovejoy further argues that the Supreme Court decisions dismissing the “free speech” defense of child pornography would allow for the prohibition of cybersex between adults and perceived minors. He also acknowledges, though, that the Court ruled in *Ashcroft v. Free Speech Coalition* (2002) that the “government cannot prohibit speech on the ground that it may encourage pedophiles to engage in illegal conduct” (p. 31). These concerns constitute a central reason why law enforcement agencies conduct the arrest at an arranged meeting. A defendant’s actions, when taking steps to meet with a believed minor, bolster the prosecutors’ efforts to demonstrate criminal intent.

Paralleling the distortion of the media coverage and federal laws on Internet child sexual abuse, Lovejoy does not take into account the fact that much of the sexual communication a minor receives originates from other minors or young adults (Wolak, Finkelhor, & Mitchell, 2006). Given this, should adolescents be prosecuted for sending sexually provocative e-mails and instant messages to their peers? As mentioned previously, assuming that the person sexually soliciting a minor is always an adult predatory sex offender is erroneous and problematic.

Factual Impossibility

A 2005 case from the Tenth Circuit Court of Appeals presents a different legal argument against ISS. Stanley Howard Simms of New Mexico met with and engaged in sexually explicit chat and e-mails with two (assumed) underage girls. The "girls" were not law enforcement agents but Michael Walker, a resident of Missouri.

Simms was convicted on three charges, two of which were related to the issues of enticement. The third charge, of child pornography, stemmed from sexually explicit electronic images of him and other children (*United States of America v. Stanley Howard Simms*, 2005). On appeal, Simms contended that the conviction on the two counts of enticement should be overturned owing to the "factual impossibility" argument.

Defendants arguing factual impossibility state that because the underage minor receiving the sexual solicitations is actually an adult, there can be no violation of "enticing a minor." The minor, in fact, does not exist. They argue that they could not break the law, because there was no actual minor or victim.

The 10th Circuit, consistent with other federal court rulings, has found that as long as the defendant "believed a minor to be involved," factual impossibility is not a valid defense (*United States of America v. Stanley Howard Simms*, 2005). The court affirmed Simms' conviction but vacated his 37-month sentence and remanded it to the original trial court for resentencing.

Boggess argues that a consensus has emerged among the federal circuit courts that a minor is not necessary for an enticement/inducement conviction to be sustained and that the argument of factual impossibility is not a successful strategy to reverse ISS convictions. She reports that 9 of the 11 federal circuit courts have upheld enticement convictions acquired via ISS. She also notes that states (including Missouri) are modeling state enticement laws consistent with recent case law (Boggess, 2007).

Boggess notes the distinctions between factual and legal impossibility defenses. Specifically, she notes that under the factual impossibility argument, the defendant claims that the act cannot be physically accomplished. Legal impossibility, she argues, claims that a crime could not have occurred because an element of the crime has not been satisfied. She also notes that factual impossibility cannot be applied to "attempt" or "intent" charges as those focus on the defendant's preliminary actions and thoughts (Boggess, 2007).

Although case law appears to be clear, it raises ethical questions. Is it just to argue that a law can be broken although the intended crime cannot be accomplished? When the intended actual victim of a crime does not exist, are arrests and convictions an act of netwidening or an act of punishment? These important ethical questions are ignored by the courts' routine dismissal of the factual impossibility argument. Finally, it is time to assess the positives and negatives of our policy approach to online sex offending.

STRENGTHS AND WEAKNESSES OF ISS

Arrests in Cases Involving Enticement and Child Pornography

As discussed earlier, online enticement at times co-occurs with the creation and dissemination of child porn. In some situations, these child porn cases will involve large-scale production and distribution, and may include sex trafficking of children. In these cases, ICAC Task Forces in collaboration with the Justice Department and their international counterparts have investigated and disrupted child pornography and trafficking rings. In these cases, where there is evidence of harm to actual children, ISS represents an effective means of crime control. It is important and instructive to examine some of these types of crimes detected by online sex stings.

Attorney General Eric Holder claimed that the collaboration model of ICAC Task Forces and interagency coordination was responsible for the disruption of numerous criminal networks. In its 2010 report to Congress, the Justice Department stated that ICAC initiatives resulted in 3,000 arrests in FY 2008. Through forensic investigations, the DOJ claimed that over 1,000 real children were victims of abuse from the arrested offenders (U.S. Department of Justice, 2010, p. 59). The Department also reported that in FY 2010 and 2011, ICAC agencies investigated 65,857 cases of Internet sex offending. Upon further examination, they determined that nearly 3,000 children were victims of abuse or neglect in these cases (Roberts, 2012).

The interagency collaboration inherent in Internet sex crime investigations extends to key partners like the U.S. Postal Service. In the aforementioned report, DOJ notes that since 1997, postal inspectors arrested over 2,700 sex offenders with 931 being “directly responsible for the sexual abuse of a child” (U.S. Department of Justice, 2010, p. 87).

Some of these cases were international in scope. In a 2011 arrest of a U.S. citizen accused of operating a Chinese child porn business from his New York apartment, the Manhattan U.S. Attorney Prett Bharara credited the undercover work of the FBI. This particular felon, Yong Wang, was convicted of creating and maintaining 18 different child porn websites in China (U.S. Attorney’s Office Southern District of New York, 2011).

The Justice Department cites its 2010 National Strategy for capturing a man who traveled to several European countries to arrange and videotape the sexual abuse of 20 children (U.S. Department of Justice, 2010, pp. 17–18). European police recently promoted Operation Atlantic, a collaboration between the FBI and several European Union Member States. This initiative was responsible for a 2012 sting resulting in the arrest of 37 child pornography offenders. Through further analysis, eight child victims were identified (Europol, 2012). Much of the federal effort focused on international Internet sex crimes is coordinated through the Justice Department’s “Innocent Images Initiative,” a subdivision of the FBI’s Cyber Crime Unit.

However, most of the ICAC Task Forces’ work is on domestic cases. These investigations may or may not begin with a focus on child porn but are focused on solicitation and enticement. In a particularly disturbing case, a school bus driver pled guilty to the creation and possession of child (U.S. Attorney’s Office District of New Hampshire, 2012).

Led by the ICAC Task Force in New Hampshire, John Allen Wright was convicted of sexually assaulting disabled children onboard his bus and videotaping these sexual assaults. Wright was sentenced to 160 years in federal prison (U.S. Attorney’s Office District of New Hampshire, 2012).

Using the traditional conception of an ISS, ICAC Task Forces and federal, state, and local law enforcement captured several men trafficking in child pornography. The arrest of Kyle Burriss in Montana in 2008, by that state's ICAC Task Force, led to the arrest of men in four other states trafficking in child porn. Each of the five was sentenced to a minimum of 10 years in prison (Federal Bureau of Investigation, 2011).

ISS can detect and disrupt sexually violent crimes against children. However, given the breadth of the enticement charge and the ISS, some men will be arrested and punished for nonviolent sexual behavior.

In a case from 2012, the Kentucky ICAC Task Force, Louisville Police, and the Louisville FBI Branch collaborated to uncover and arrest a defendant only disclosed by the name "Real." In this case, the Indiana native developed a relationship with an actual 14-year-old girl. After exchanging 2,500 messages with her, the 21-year-old offender drove to her home in Kentucky, picked her up, and drove back to Indiana where they had sex. As her parents had reported her missing, various police agencies became involved. The defendant was convicted and sentenced to 10 years in prison and lifetime supervision (U.S. Attorney's Office Western District of Kentucky, 2013).

This particular case closely resembles the type of situation that the Crimes Against Children Research Center notes is the most common Internet solicitation. As they note, this type of case involves an adolescent under the legal age of consent apparently engaging in nonforced sex with a slightly older adult. They argue that these crimes are more of the statutory rape variety, not that of the predatory, violent child molester (Wolak et al., 2009).

One final example of ISS arrests comes from a 2010 case in Texas. George Musick, age 73, was convicted of online solicitation of a minor when he engaged with an undercover detective and attempted to lure two fictional children for sex. In this case, the Corpus Christi police detective pretended to be a 41-year-old mother of a 12- and 13-year-old.

The jury convicted Musick based on the online chats in which he graphically described his sexual desire for one of the fictional children, the 13-year-old (U.S. Attorney's Office Southern District of Texas, 2010). An important but not unusual outcome of this case was his sentence. Musick received slightly more than the mandatory minimum of 10 years for a crime that involved no physical harm to anyone (U.S. Attorney's Office Southern District of Texas, 2010).

Online sex offenders who are simultaneously involved in child pornography and contact offending are likely to be charged with multiple offenses, including child porn, when arrested. As discussed earlier, child porn mandatory sentences are increasing in length, with some judges giving out life sentences (Goode, 2011; U.S. Attorney's Office Southern District of Texas, 2010). Offenders whose sole charge is "solicitation or enticement," some of whom have no criminal history, are often receiving sentences of a decade or more.

A nuanced analysis of ISS demonstrates that there are cases in which real children have been significantly harmed or are at imminent risk and cases in which there is no real risk to children. To have an honest discussion about the benefits and problems of ISS, it is critical to examine both the real harm and the *possibility* of harm. As critical as the investigations focused on child porn or co-occurrence noted above are, there are ISS cases that involve no children and an offender interested in "fantasy-only" online sexual behavior. The research suggests there is a subpopulation of ISS defendants who would never have harmed an actual child. Their offense is the solicitation of an undercover officer, posing as a child. For that, they are serving long mandatory prison sentences of a decade or more.

Fantasy-Only Offenders

As has been shown, evidence exists that there are individuals interested in online child sexual fantasies whose behavior will not escalate to child porn or contact offending. These people may nonetheless be punished, and punished severely, simply for deviant thoughts. Fulda's 2002 study reported that those arrested in ISS were far more likely to have no criminal history and no concurrent charge other than "intent to recruit or solicit." Fulda argues that the intended targets of these stings (pedophiles) are not being captured by this law enforcement strategy (Fulda, 2002).

Sheldon and Howitt studied the sexual fantasies of convicted sex offenders. Their exploratory work provides us some insight into the relationships between sexual fantasies and sexual offending. One of their surprising findings was that most common sexual fantasies of these sex offenders consisted of adult women and consensual acts, not forced child sex (Sheldon & Howitt, 2008, p. 151). Even in the case of pedophiles, the most common sexual fantasy involved a consenting adult female in normative sexual acts (Sheldon & Howitt, 2007, p. 195). This finding undermines the causative relationship that supporters of ISS assume: that an offender's deviant fantasies are fed by online chats that escalate their desire to commit an in-person offense.

Studying the relationship between sexual fantasies and offending is very problematic, Sheldon and Howitt note. They cite earlier research documenting that nonoffending adults often have sexual thoughts that include the use of force and involve children, yet they do not act on those feelings (Kirkendall & McBride, 1990, as cited in Sheldon & Howitt, 2008). Finally, they report that "we are unable to say how many, or if any, Internet offenders will go on to contact offend against children" (Sheldon & Howitt, 2008).

In their study contrasting the sexual fantasies of contact offenders, Internet-only offenders, and mixed offenders, Sheldon and Howitt speculate that because Internet-only offenders have higher levels of formal education, they may be *less* driven to contact offending. In essence, their higher cognitive and imaginative processes make the Internet fantasy sexually satisfying (Sheldon & Howitt, 2007, p. 203). Even when examining offenders convicted of child porn, Sheldon and Howitt note that the often-claimed causative relationship between fantasy and contact offending is exaggerated (p. 204).

Those in the therapeutic field erroneously report the causative relationship (Sheldon & Howitt, 2007, p. 205). Given that sex offender clinicians can and do misreport this finding, it is quite understandable why laypersons, prosecutors, police, and politicians would believe that the Internet fuels a sex offender's drives (Goode, 2012; *The New York Times*, 2013).

In contrast, Carabellese and his colleagues found some support for the relationship between fantasy and sexual offending. In their case study of an offender who committed 39 sexual assaults over several years, they report that the man's fantasies of dominance, aggression, and coercion were central in his offending patterns (Carabellese, Maniglio, Greco, & Catanesi, 2011). Although serial sexual offenders do represent a greater public safety concern, it was not clear whether Internet-aided sexual fantasies were a part of this man's patterns.

Young reported on the clinical underpinnings of 22 men arrested via ISS. All of the felons were first-time offenders, not involved with child pornography, and with no known history of contact offending. In her assessment, these men were fantasy-only offenders significantly differing from contact offenders using the Internet to identify potential victims. Unlike their contact-offending counterparts, these men had no

previous histories involving sexual activities with or in pursuit of children. Young also notes that these offenders vary in the type of online chats they conduct with potential victims as well as their online pseudonym (Young, 2008).

Deception in Policing

Critical to the success of the ISS is law enforcement's success in deceiving an offender. The police must convince the offender that he is communicating with a child for a meeting to be arranged. One of the training foci of the ICAC Task Forces is how to deceive offenders into believing they are talking to a minor.

Law enforcement has long used deception as an aid in policing and crime control. As Marx notes in an older article on undercover policing, traditionally this strategy was used after a crime was committed to gather further evidence and/or collaborating defendants. He also notes that an increase in undercover policing (and its requisite stings) was, in part, an alternative developed because of the restrictions the courts placed on the police in the late 1960s and early 1970s. The Warren Court rulings, the Church Committee revelations, and the COINTELPRO fallout resulted in restrictions on police discretion, procedure, and power. Marx argues that the coercive power police lost in response to those crises was regained in the form of permitted deception (Marx, 1982).

Today law enforcement is asked to be proactive and to prevent crime from occurring. This is obvious with the ISS, as its intent is to prevent a child rape from happening. Although courts have accepted law enforcement deception and it has become a common technique used throughout policing, this does not mean it should be free from ethical scrutiny.

One prime area in which deception is institutionalized is the undercover sting. Since the "War on Drugs" started in the late 1970s, it is common for police to undertake drug stings. Some of these have caused significant issues of corruption. One notorious example occurred at the end of the millennia. In 1999, the majority of African-American residents in Tulia, Texas, were wrongfully arrested by a corrupt police officer who had a long history of undercover drug stings (Blakeslee, 2005).

However, with the advent of the Internet and the significant concerns post 9/11, undercover stings have taken on numerous forms. Federal, state, and local police have increasingly made arrests in stings focused on terrorism, tax evasion and other white collar crimes, extortion, environmental and international computer crimes, prostitution, and Internet sex solicitation (Fitzgerald, 2012; Johnson, 2013; Newman, 2007; Schwartz, 2012; U.S. Department of Justice, 2007; Wayne, 2012).

Undercover stings have become so common that they have been used to arrest corrupt cops, a United States senator, and a former United Nations weapons inspector (Belluck, 1998; Duke, 2010; Fitzgerald, 2012; Hulse, 2007). Scott Ritter, the high-profile U.N. weapons inspector who repeatedly asserted that Saddam Hussein, the former dictator of Iraq, did not have stockpiles of weapons (which was the primary claimed reason for the 2003 invasion), was convicted of enticement of a minor in 2009 (Bai, 2012). Ritter, a first-time felon, could arguably be an example of a fantasy-only offender, as there was nothing in his record to suggest he would commit a contact offense.

The broad use of sting operations in terrorism cases (some of which include confidential informants, some of which involve law enforcement personnel going undercover) has begun to receive some modest scrutiny on the question of entrapment (Schmitt & Savage, 2010). As previously discussed with respect to ISS, judges

and juries have been very reluctant to accept an entrapment defense in these types of cases. Judges and case law provide police wide latitude in using deception. However, one must question whether this approach tilts our adversarial system of justice.

Prosecutors are pressured legally and ethically to adhere to requirements on sharing exculpatory evidence. One of the lasting legacies of 1963's *Brady v. Maryland* is the expectation that the legal system is fundamentally tilted unfairly toward the government if the prosecutor can withhold exculpatory evidence (Acker & Redlich, 2011, pp. 216–218). This basic staple governing prosecutorial conduct is essential in our justice system. Criminal defendants simply cannot have a fair trial if they do not know what evidence condemns them, nor the evidence that supports their innocence. Theoretically, our system of justice does not reward prosecutorial deceit.

Judges are governed by judicial ethics commissions and oversight boards to ensure that their fairness and neutrality stay central in the administration of criminal justice. Numerous canons exist for judges to avoid conflicts of interest and appearances of impropriety, and to recuse oneself, when those conflicts exist. By their primary role within the criminal justice system, judges should have an accentuated awareness of deception and its possible negative impact on the fairness of the system. Yet police deception is routinely upheld in the appellate and federal court decisions.

A common argument for the ethical acceptability of undercover police work is that this type of deception is needed to infiltrate, detect, and disrupt various criminal networks. Given the widespread usage of undercover policing, the intent here is not to argue that all undercover policing is suspect, but to challenge the assumption that it does not tilt the system in favor of the government.

Shipler, in a critique of the FBI for its use of undercover stings and informants in terrorism investigations, raises some very intriguing points that appear applicable to ISS. He notes, "Without the FBI, would the culprits commit violence on their own? Is cultivating potential terrorists the best use of the manpower designed to find the real ones? . . . Typically, the stings initially target suspects for pure speech. . . ." (Shipler, 2012).

In his analysis of over 500 terrorism cases, Aaronson, in his important book, *The Terror Factory: Inside the FBI's Manufactured War on Terrorism*, reports that the use of confidential informants and undercover stings have been central in the FBI's approach to terrorism prevention. In addition, he notes that several targets of FBI undercover investigations are often mentally ill and/or are on the fringes of society. In a rare but courageous approach, Aaronson suggests that the \$3 billion the Bureau receives for antiterrorism initiatives must be justified and that these stings are often a form of crime creation (*Russia Today*, 2013).

The critical point here is that ethical issues are raised even in as sensitive a setting as post 9/11 terror plots. Online sex offenders (even with all of their heterogeneity) are presumably lower on the scale of exigent public safety concerns. There is very little discussion on the ethics of ISS.

Alpert and Noble argue that undercover police work encompasses a series of "justifiable lies" (Alpert & Noble, 2009). One recent area of criticism for police deception has been what lies they are able to tell suspects during an interrogation. Largely through the study of wrongful convictions and false confessions, courts and state legislators are placing modest restraints on the use of police deception during this part of the criminal process (Acker & Redlich, 2011). Yet, this type of scrutiny generally does not apply to ISS investigations.

It is commonly agreed that police intervention can be (and is) the beginning of the criminal justice processes. Without a police response, investigation, and arrest,

there is no case to prosecute, no offender to put on trial, no defense attorney needed, nor any functional need for a judge, jury, nor, obviously, prisons. An argument often heard for allowing ISS deception is that defendants will still have their “day in court.” They will have ample opportunities to cross-examine the undercover officer and raise their fantasy defense, or likely fail arguments of entrapment or factual impossibility. This is all true.

Yet, ISS capture a range of offenders. Some men are using the Internet to merge their pursuit of child porn, and/or contact offending with children, with the anonymity and flexibility of the virtual world. Nevertheless, the broad use of this deception captures both the uberbad guys and those who represent very little risk. Coupled with the statutes that make online enticement of a minor (virtual or real) a state and federal crime with 10-year mandatory sentences, a very broad net has been created to capture ISOs.

Jewkes notes that online sexual solicitation stings represent a moral panic in line with the majority of sex offender legislation. She also raises the same concerns that I have raised about whether ISS punish thoughts or actions (Jewkes, 2010; Wright, 2009). Other scholars have noted that the central question in online enticement is whether the adult would have had sex with a minor had there been a child on the other end of the line, not law enforcement. U.S. courts often side with the government on the basis that ISS are a form of crime prevention, not crime creation (Crowne Mohammed & McRoberts, 2008).

Our already overcrowded prisons are being filled with first-time offenders serving long mandatory sentences for crimes in which there was no victim and no violence used, along with violent child predators, who should be the primary target of ISS. This type of policy pattern has been repeated before, most notably with the “War on Drugs.” States, local communities, and families have been left struggling with the unintended consequences of overly broad, punitive, one-size fits all crime policies. Whether it is the costs of incarceration, problems with felons leaving prison and re-entering society, or the effects of prison on the children of offenders, crime policies such as these deserve reexamination. ISS represent another policy that is far too broad; do not differentiate among real and potential threats, and provide the government with tremendous discretion in the name of crime prevention.

In a society that values privacy, especially sexual privacy, ISS, which do have some utility in sexual assault prevention, deserve public scrutiny. The type of debate ISS warrant is not just one for the legal sphere focusing on issues such as factual impossibility, entrapment, and so on, but for the public at large. By engaging in a discussion about the role of the Internet in sexual development, the ethics of police deception, and the importance of exploratory adolescent sexuality, we increase our ability to distinguish between real harm and the possibility of harm. This type of analysis can only enhance our efforts to balance public safety with freedom.

REFERENCES

- Protection of Children from Sexual Predators Act of 1988, Pub. L. No. 105-314, H.R. 3493, 105th Cong. (1998).
- PROTECT Act of 2008, Pub. L. No. 110-401, 110th Cong. (2008).
- Child Protection Act of 2012: Report together with dissenting views, 112th Cong. (2012).
- Acker, J. R., & Redlich, A. D. (2011). *Wrongful conviction: Law, science, and policy*. Durham, NC: Carolina Academic Press.

- Alpert, G. P., & Noble, J. J. (2009). Lies, true lies, and conscious deception: Police officers and the truth. *Police Quarterly*, 12(2), 237–254.
- Aslan, D. (2011). Critically evaluating typologies of Internet sex offenders: A psychological perspective. *Journal of Forensic Psychology*, 11(5), 406–431.
- Aviv, R. (2013, January 14). The science of sex abuse. *The New Yorker*, pp. 36–45.
- Babchishin, K. M., Hanson, R. K., & Hermann, C. A. (2011). The characteristics of online sex offenders: A meta-analysis. *Sexual Abuse: A Journal of Treatment and Research*, 23(1), 92–123.
- Bai, M. (2012, February 22). Scott Ritter's other war. *New York Times Magazine*.
- Bazelon, E. (2013, January 24). The price of a stolen childhood. *The New York Times*, p. 17.
- Belluck, P. (1998, January 22). 44 Officers are charged after Ohio sting operation. *The New York Times*.
- Blakeslee, N. (2005). *Tulia: Race, cocaine and corruption in small Texas town*. New York, NY: Public Affairs.
- Bogges, B. (2007). Attempted enticement of a minor: No place for pedophiles to hide under. 18 USA 2242(b)r. *Missouri Law Review*, 72, 909–930.
- Briggs, P., Simon, W. T., & Simonsen, S. (2011). An exploratory study of Internet-initiated sexual offenses and the chat room sex offender: Has the Internet enabled a new typology of sex offender? *Sexual Abuse: A Journal of Research and Treatment*, 23(1), 72–91.
- Carabellese, F., Maniglio, R., Greco, O., & Catanesi, R. (2011). The role of fantasy in a serial sexual offender: A brief review of the literature and a case report. *Journal of Forensic Sciences*, 56(1), 256–260.
- Cassell, J., & Cramer, M. (2008). High tech or moral risk: Moral panics about girls online. In T. McPherson (Ed.), *Digital youth, innovation and the unexpected*. Cambridge, MA: MIT Press.
- Cohen, A. (2008, March 10). What's on TV tonight? Public humiliation to the point of suicide. *The New York Times*.
- Crowne Mohammed, E., & McRoberts, S. C. (2008, Fall). How to really catch a predator: A comparative look at online sexual predators & the defences made available to them. *Journal of Technology Law and Policy*, 9.
- C-SPAN. (2006, June 26). *Making the Internet safe for children, day 2*. Washington, DC.
- DeLong, R., Durkin, K., & Hundesmarck, S. (2010). An exploratory analysis of the cognitive distortions of a sample of men arrested in Internet sex stings. *Journal of Sexual Aggression*, 16(1), 59–70.
- Dretzin, R. (Producer & Director). (2010). *Frontline: Digital nation* [Motion Picture]. USA: Frontline.
- Duke, J. W. (2010, June 14). *Fomer Tulsa police department officer waives indictment and pleads guilty to theft of government funds*. Washington, DC: U.S. Department of Justice.
- Eaton, T. (2006, November 7). Prosecutor kills himself in Texas raid over child sex. *The New York Times*.
- Eichenwald, K. (2005, December 19). Through his webcam, a boy joins a sordid online world. *The New York Times*.
- Eichenwald, K. (2007, March 6). Reporter's essay: Making a connection with Justin—editor's note appended. *The New York Times*.
- Eke, A. W., Seto, M. C., & Williams, J. (2011). Examining the criminal history and future offending of child pornography offenders: An extended follow-up study. *Law and Human Behavior*, 35(6), 466–487.
- Elliott, I. A., & Ashfield, S. (2011). The use of online technology in the modus operandi of female sex offenders. *Journal of Sexual Aggression*, 17(1), 92–104.
- Europol. (2012, February 29). European police and FBI dismantle network of child sex offenders. Retrieved March 10, 2013, from <https://www.europol.europa.eu/content/press/european-police-and-fbi-dismantle-network-child-sex-offenders-1361>
- Federal Bureau of Investigation. (2011, September 9). *FBI in Montana Part 3: Online operation reveals network of predators*. Press Release, U.S. Department of Justice, Federal Bureau of Investigation, Washington, DC.
- Fitzgerald, P. J. (2012, June 7). *U.S. indicts 10 defendants arrested for allegedly trafficking millions of unstamped, untaxed cigarettes in undercover sting*. Washington, DC: U.S. Department of Justice.
- France, D. (2007, October 28). *Saving Justin Berry*. Retrieved September 13, 2013, from <http://www.nymag.com/guides/money/2007/39957/index4.html>
- Fulda, J. (2002). Do sting operations directed at pedophiles capture offenders? *Sexuality and Culture*, 6(4), 73–100.
- Gillespie, A. (2008). Cyber-stings: Policing sex offences on the Internet. *The Police Journal*, 81(2), 196.
- Gold, M. (2008, June 24). NBC resolves lawsuit over "To Catch a Predator." *The Los Angeles Times*.
- Goode, E. (2011, November 4). Life sentence for possession of child pornography spurs debate over severity. *The New York Times*.

- Goode, E. (2012, June 28). Researchers see decline in child sexual abuse rate. *The New York Times*.
- Goodstein, L. (2012, August 1). Missouri: Priest to plead guilty in child pornography case. *The New York Times*.
- Griffin, T., & Miller, M. (2008). Child abduction, AMBER alert and crime control theater. *Criminal Justice Review*, 33(3), 159–176.
- Hay, B. (2003, October). *Sting operations, undercover agents and entrapment*. The Harvard John M. Olin discussion paper series, p. 63.
- Holt, T. J., Blevins, K. R., & Burkert, N. (2010). Considering the pedophile subculture online. *Sexual Abuse: A Journal of Research and Treatment*, 22(1), 3–24.
- Hulse, C. (2007, September 1). Senator to quit over sex sting, officials say. *The New York Times*.
- Human Rights Watch. (2007). *No easy answers: Sex offender laws in the U.S.* Human Rights Watch. New York, NY: Author.
- Jaffee, M. (2007, October 17). ABC news: Teen tells of online sex pred nightmare. Retrieved July 8, 2008, from <http://www.abcnews.go.com/Politics/Story?id=3742297>
- Jenkins, P. (2001). *Beyond tolerance: Child pornography online*. New York, NY: NYU Press.
- Jewkes, Y. (2010). Much ado about nothing? Representations and realities of online soliciting of children. *Journal of Sexual Aggression*, 16(1), 5–18.
- Johnson, K. (2013, January 31). Oregon man convicted in holiday bombing plot. *The New York Times*.
- Jones, L. M., Mitchell, K. J., & Finkelhor, D. (2012). Trends in youth Internet victimization: Findings from three youth Internet safety surveys 2000–2010. *Journal of Adolescent Health*, 50(2), 179–186.
- Jones, L. M., Mitchell, K. J., & Finkelhor, D. (2013). Online harassment in context: Trends from three youth Internet safety surveys (2000, 2005, 2010). *Psychology of Violence*, 3(1), 53–69.
- Judiciary Committee of the U.S. House of Representatives. (2007, October 17). *Sex crimes and the Internet*. Washington, DC, USA.
- Leonard, M. M. (2010). “I did what I was directed to do but he didn’t touch me”: The impact of being a victim of Internet offending. *Journal of Sexual Aggression*, 16(2), 249–256.
- Levenson, J. (2005). The effect of Megan’s Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49–66.
- Long, M. L., Alison, L. A., & Michelle, M. A. (2012, November). Child pornography and likelihood of contact abuse: A comparison between contact child sexual offenders and noncontact offenders. *Sexual Abuse: A Journal of Research and Treatment*, 1–12.
- Lovejoy, T. P. (2008, Winter). Comment: A new playground: Sexual predators and pedophiles online: Criminalizing cybersex between adults and minors. *St. Thomas Law Review*, 20(2), 311–358.
- Magaletta, P. R., Faust, E., Bickart, W., & McLearn, A. M. (2012, November 22). Exploring clinical and personality characteristics of adult male Internet-only child pornography offenders. *International Journal of Offender Therapy and Comparative Criminology*, 1–18.
- Marcum, C. (2007). Interpreting the intentions of Internet predators: An examination of online predatory behavior. *Journal of Child Sexual Abuse*, 16(4), 99–114.
- Marion, N., & Oliver, W. (2006). *The public policy of crime and justice*. Upper Saddle River, NJ: Prentice Hall.
- Marx, G. T. (1982). Who really gets stung? Some issues raised by the new police undercover work. *Crime and Delinquency*, 28, 165–193.
- Medaris, M., & Girouard, C. (2002). *Protecting children in cyberspace: The ICAC Task Force program*. U.S. Department of Justice, Office of Juvenile Justice Delinquency and Prevention, Washington, DC.
- Mitchell, K. J., Finkelhor, D., Jones, L. M., & Wolak, J. (2010a). Growth and change in undercover online child exploitation investigations 2000–2006. *Policing & Society*, 20(4), 416–431.
- Mitchell, K. J., Finkelhor, D., Jones, L. M., & Wolak, J. (2010b). Use of social networking sites in online sex crimes against minors: An examination of national incidence and means of utilization. *Journal of Adolescent Health*, 47(2), 183–190.
- Mitchell, K. J., Wolak, J., & Finkelhor, D. (2005). Police posing as juveniles online to catch sex offenders—Is it working? *Sexual Abuse: A Journal of Research and Treatment*, 17(3), 241–267.
- Mitchell, K. J., Wolak, J., Finkelhor, D., & Jones, L. (2012). Investigators using the Internet to apprehend sex offenders: Findings from the second national juvenile online victimization survey. *Police, Practice and Research*, 13(3), 267–281.
- Moore, R., Lee, T., & Hunt, R. (2007). Entrapped on the web? Applying the entrapment defense to cases involving online sting operations. *American Journal of Criminal Justice*, 32, 87–98.
- Newman, M. (2007, April 2). 28 Arrested in Florida online sex sting. *The New York Times*.

- Palfrey, J. (2008). Enhancing child safety and online technologies: Final report of the Internet safety technical task force to the multi-state working group on social networking of state Attorney Generals of the United States. Harvard University, The Berkman Center for Internet & Society, Cambridge.
- Patricia Conrardt, as Administrator of the Estate of Louis William Conrardt, Jr., Deceased, Plaintiff against NBC Universal, Inc. Defendant, 1:07 Civ 6623 (U.S. District Court Southern District of New York, February 26, 2008).
- Patrick, S., & Marsh, R. (2011). Sentencing outcomes of convicted child sex offenders. *Journal of Child Sexual Abuse*, 20(1), 94–108.
- Perverted Justice. (2008, January). Frequently asked questions: Partially submitted by readers (January 2008). Retrieved September 3, 2013, from <http://www.perverted-justice.com/index.php?pg=faq#cat1>
- Reuters News Service. (2008, February 28). Judge approves “Predator” lawsuit against NBC. Retrieved September 3, 2013, from <http://www.freerepublic.com/focus/f-news/1977823/posts>
- Roberts, M. (2012). Review of the Internet crimes against children task force program: Interim report to the attorney general fiscal years 2010 and 2011. Government report, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, Washington, DC.
- Russia Today*. (2013, February 14). Terrorism: Manufactured threat—Interview with Trevor Aaronson. Retrieved September 7, 2013, from http://www.youtube.com/watch?v=pv7D_t7zDiw
- Salkin, A. (2006, December 13). Web site hunts pedophiles and TV goes along. *The New York Times*.
- Schmitt, E., & Savage, C. (2010, November 29). In U.S. sting operations, questions of entrapment. *The New York Times*.
- Schwartz, N. D. (2012, June 26). F.B.I. says 24 are arrested in credit card theft plan. *The New York Times*.
- Seto, M. C., Hanson, R. K., & Babchishin, K. M. (2011). Contact sexual offending by men with online sexual offenses. *Sexual Abuse: A Journal of Research and Treatment*, 23(1), 124–145.
- Seto, M. C., Wood, J. M., Babchishin, K. M., & Flynn, S. (2012). Online solicitation offenders are different from child pornography offenders and lower risk contact sexual offenders. *Law and Human Behavior*, 36(4), 320–330.
- Seto, M. S., & Hanson, R. K. (2011). Introduction to special issue on Internet-facilitated sexual offending. *Sexual Abuse: A Journal of Research and Treatment*, 23(1), 3–6.
- Sheldon, K., & Howitt, D. (2007). *Sex offenders and the Internet*. West Sussex, UK: Wiley & Sons.
- Sheldon, K., & Howitt, D. (2008). Sexual fantasy in pedophile offenders: Can any model explain satisfactorily new findings from a study of Internet and contact sex offenders? *Legal and Criminological Psychology*, 13, 137–158.
- Shipler, D. K. (2012, April 28). Terrorist plots, hatched by the F.B.I. *The New York Times*.
- Smith, L. (2012). Child Protection Act of 2012 Report. U.S. House of Representatives. Washington, DC: Government Printing Office.
- Stelter, B. (2007, August 27). To Catch a Predator is falling prey to advertisers’ sensibilities. *The New York Times*.
- The New York Times. (2013, February 15). Rabbi arrested after trying to lure teenage girl. *The New York Times*.
- Tomak, S., Weschler, F. S., Ghahramanlou-Holloway, M., Virden, T., & Nademin, M. E. (2009). An empirical study of the personality characteristics of Internet sex offenders. *Journal of Sexual Aggression*, 15(2), 139–148.
- U.S. Attorney’s Office District of New Hampshire. (2012, September 11). New Hampshire man sentenced to 160 years in prison for child pornography offenses. U.S. Department of Justice, Federal Bureau of Investigation. Boston: FBI.
- U.S. Attorney’s Office Southern District of New York. (2011, August 22). Manhattan U.S. attorney charges Queens-based operator of 18 Chinese language child pornography websites. Press Release, U.S. Department of Justice, Federal Bureau of Investigation, New York.
- U.S. Attorney’s Office Southern District of Texas. (2010, June 10). Jury convicts “Seniorloverman” of attempted solicitation of a minor. Press Release, U.S. Department of Justice, Federal Bureau of Investigation, Houston.
- U.S. Attorney’s Office Southern District of Texas. (2010, August 27). “Seniorloverman” sentenced to prison for attempting to solicit a minor for sex via the Internet. Press Release, U.S. Department of Justice, Federal Bureau of Investigation, Houston.

- U.S. Attorney's Office Western District of Kentucky. (2013, February 6). Indiana man sentenced to 10 years in prison for online enticement of a minor female and transporting the female across state lines to engage in illegal sexual activity. Press Release, U.S. Department of Justice, Federal Bureau of Justice, Louisville.
- U.S. Department of Justice. (2006). *Project safe childhood*. Washington, DC: U.S. Department of Justice.
- U.S. Department of Justice. (2007, September 7). *Undercover sting nets five individuals for illegal trade of protected sea turtles and other wildlife*. Washington, DC: U.S. Department of Justice.
- U.S. Department of Justice. (2007, October 15). *Department of Justice announces Internet crimes against children task forces in all 50 states*. Press Release, Washington, DC: U.S. Department of Justice.
- U.S. Department of Justice. (2010). The national strategy for child exploitation prevention and interdiction: A report to Congress, August 2010. U.S. Department of Justice, 2010.
- U.S. House of Representatives. (1998, June 11). Child protection and sexual predator punishment act of 1998. Congressional record. Washington, DC: THOMAS—Library of Congress.
- U.S. House of Representatives Energy and Commerce Committee Investigations Subcommittee. (2006, April 4). *Exploitation of children over the Internet day 1*. Washington, DC.
- U.S. Senate. (2006, July 20). Children's safety and violent crime reduction act of 2006. Congressional record. Washington, DC: THOMAS—Library of Congress.
- United States of America v. Stanley Howard Simms, 03-2151, 03-2177 (United States Court of Appeals, Tenth Circuit, November 9, 2005).
- United States v. Mark Douglas Poehlman, 98-50631 (United States Court of Appeals, Ninth Circuit, June 27, 2000).
- Urbas, G. (2010). Protecting children from online predators: The use of covert investigation techniques by law enforcement. *Journal of Contemporary Criminal Justice*, 26(4), 410–425.
- Wayne, L. (2012, February 23). Bribery case falls apart, and tactics are doubted. *The New York Times*.
- Whittle, H., Hamilton-Giachritsis, C., Beech, A., & Collings, G. (2013). A review of young people's vulnerabilities to online grooming. *Aggression and Violent Behavior*, 18(1), 135–146.
- Williams, R., Elliott, I. A., & Beech, A. R. (2013). Identifying sexual grooming themes used by Internet sex offenders. *Deviant Behavior*, 34, 135–152.
- Wolak, J., Finkelhor, D., & Mitchell, K. (2006). *Online victimization of youth: Five years later*. Crimes Against Children Research Center of the University of New Hampshire. Washington, DC: National Center for Missing and Exploited Children.
- Wolak, J., Finkelhor, D., & Mitchell, K. (2009). *Trends in arrests of "online predators."* Crimes Against Children Research Center. Durham, NH: University of New Hampshire.
- Wolak, J., Finkelhor, D., & Mitchell, K. J. (2012). Trends in law enforcement responses to technology-facilitated child sexual exploitation crimes: The third national juvenile online victimization study (NJOV-3). University of New Hampshire, Crimes Against Children Research Center, Durham, NH.
- Wolak, J., Finkelhor, D., Mitchell, K. J., & Ybarra, M. L. (2008). Online "predators" and their victims. *American Psychologist*, 63(2), 111–128.
- Wright, R. G. (2008a, December). From Wetterling to Walsh: The growth of federalization in sex offender policy. *Federal Sentencing Reporter*, 21(2), 124–132.
- Wright, R. G. (2008b). Sex offender post-incarceration sanctions: Are there any limits? *New England Journal of Criminal and Civil Confinement*, 34(1), 17–50.
- Wright, R. G. (Ed.). (2009). *Sex offender laws: Failed policies, new directions* (1st ed.). New York, NY: Springer Publishing Company.
- Young, K. (2008). Understanding sexually deviant online behavior from an addiction perspective. *International Journal of Cyber Criminology*, 2(1), 298–307.
- Zetter, K. (2007, November 7). NBC contracted to pay "Perverved Justice" vigilantes nearly \$2 Million to pose as children for online stings. Retrieved September 3, 2013, from <http://www.wired.com/2007/11/perverted-justi/>
- Zevitz, R., & Farkas, M. (2000). Sex offender community notification: Assessing the impact in Wisconsin. National Institute of Justice, U.S. Department of Justice. Washington, DC: U.S. Department of Justice.