

## Research Article

# The Hype behind Child Pornography Cases: Recent Trends in Cases of Child Pornography in a Large Texas County

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**Keywords**

- Child pornography; Dark web; Sex cases; Internet; Pornography

**Abstract**

In recent years, sex trafficking has become increasingly recognized as a significant social problem—one that has been facilitated and sustained by the internet and the “dark web.” Concern among the public, policy makers, and law enforcement is heightened when victims are children, who are often subjected to force, fraud, and coercion for the purpose of sexual exploitation and forced labor, particularly with respect to offenses like child pornography. Accordingly, we examine trends over time in adjudicated cases of child pornography from a large county in Texas from 2010 to 2019 (N = 1,292). Results indicate that a moral panic is more likely to exist than not. We conclude that between 2010 and 2019 that very few cases existed and have actually decreased over the years even when computer technology has become more sophisticated.

**INTRODUCTION**

Child sexual abuse material (legally known as child pornography) refers to any content that depicts sexually explicit activities involving a child. Visual depictions include photographs, videos, digital or computer generated images indistinguishable from an actual minor. These images and videos that involve the documentation of an actual crime scene are then circulated for personal consumption (thorn.org). The invention of the camera and subsequent related technological advances (cell phones, movies, instant picture cameras and videotape) have provided new avenues for the exploitation of children by facilitating the distribution of pictorial representations of these children on a world-wide basis [1]. Commercial child pornography publications contain numerous pictures of children viewing child pornography, in some cases replicating the pose(s) depicted in the viewed material [2]. Although many jurisdictions have now prohibited child pornography, the need for a world-wide ban continues, as the remaining producers distribute their material throughout the world [1]. More recently, live-streaming sexual abuse has begun to surface. In these instances, individuals pay to watch the live abuse of a child via a video streaming service (thorn.org). This type of abuse is incredibly difficult to detect, due to its real-time nature and the lack of digital evidence left behind following the crime (thorn.org). One concern is that the accessibility of online CP has caused increases in child sexual abuse. Some research suggests that CP may trigger sexual abuse by activating and validating sexual urges in CP viewers that were previously suppressed or controlled [1,3,4].

**Is the Dark Web as a Haven for Child Pornography?**

The Dark Web is comprised of hidden internet websites that are visible to the public, but their Internet Protocol or IP address details are intentionally hidden [5]. These websites can be visited by anyone on Internet, but it is not easy to find the server details on which the corresponding site is running, and it is difficult to track the one hosting the site. The Dark Web concept is achievable with the help of anonymity tools. Some popular tools are The Onion Router (TOR). The Dark Web is popular for both black market and user protection, so it has both positive and negative aspects [6]. Most of the products and services found on the Dark Web are for sinister purposes. The Dark Web includes a wide range of networks, from small, friend-to-friend/peer-to-peer networks to large, popular networks such as Freenet, I2P and TOR, operated by public organizations and individuals [7].

The Dark Web has been cited as facilitating a wide variety of crimes. Illicit goods such as drugs, weapons, exotic animals, and stolen goods and information are all sold for profit. There are gambling sites, thieves and assassins for hire, and troves of child pornography [8]. Data on the prevalence of these Dark Web sites, however, are lacking. Tor estimates that only about 1.5% of Tor users visit hidden services/Dark Web pages [9]. The actual percentage of these that serve a particular illicit market at any one time is unclear, and it is even less clear how much TOR traffic is going to any given site. Law enforcement officials are getting better at finding and prosecuting owners of sites that sell and trade pornography [10]. According to the DOJ, use of the Dark Web by criminals to anonymize communications makes it

“impossible for law enforcement” to pursue criminal suspects [11].

This research examines sexual exploitation cases regarding child pornography and examines the question if this is a serious problem that is out of control or is it just hype. With the development of the dark web and other technologies to obtain pornography under the legal radar, charges and convictions in a large county were examined to see how big this problem really is.

## MATERIALS AND METHODS

The data from the Harris County originated with the Harris County District Clerk's office in Houston Texas. The researchers started with their monthly dispositions report and collected data from there. The data was recoded to make it easier to read. It was Geocoded to the home address fields and adjusted them to obscure the exact location for mapping. The data was calculated and the Age at Filing by subtracting the Date of Birth from the Filing Date. The data than cross referenced the Court Number and fill in the Judge Name who presided over that court in the year of filing Date. The Sentence Length was standardized and coded into units of days. In the report, it is a text field that contains units of years, months, or days. Bail amounts that are greater than 2x standard deviation from the mean are not represented. This is to prevent charting extreme outliers and skewing the visual representation of bail trends. Only the original sentence is represented in the data. The data includes some of the original data from the Harris County District Clerk, as well as some of the transformed data. We have attempted to protect personally identifiable information in this data. Offense Category: the type of charge. You can search by category, and then refine by individual charges. For the purposes of this data the offenses that were included are promotion of child pornography, possession of child pornography, Display harmful matter to a minor and attempted possession of child pornography. Race: Harris County criminal court data doesn't include Hispanic or Latino as a racial category. Hispanic or Latina individuals are generally classified as White. Disposition: how the case was resolved. This includes dismissals, convictions, acquittals, and others.

### Variables Analyse

- Filing Date: the date charges were filed.
- Offense Category: the type of charge. You can search by category, and then refine by individual charges.
- Gender: the gender of the defendant.
- Race: Harris County criminal court data doesn't include Hispanic or Latino as a racial category. Hispanic or Latino individuals are generally classified as White.
- Disposition: how the case was resolved. This includes dismissals, convictions, acquittals, and others.
- Arresting Agency: Harris County has 100+ law enforcement agencies with arresting authority. Use this category to sort by the law enforcement agency that filed the complaint leading to the criminal case being filed.

To define what child pornography is we used Texas law. Under Texas law, a person commits the offense of possession

of child pornography if the person knowingly or intentionally possesses visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct; and the person knows that the material depicts the child as described by Subdivision (1).

### Harris County Demographic Data

As of the 2010 Census, the population was 4,092,459, making it the most populous county in Texas and the third most populous county in the United States (2010 Census). Its county seat is Houston, the largest city in Texas and fourth largest city in the United States. White Americans made up 56.6% of Harris County's population; non-Hispanic whites represented 33.0% of the population. Black Americans made up 25.9% of the population. Native Americans made up 0.7% of Harris County's population. Asian Americans made up 6.2% of the population (2.0% Vietnamese, 1.2% Indian, 1.1% Chinese, 0.6% Filipino, 0.3% Korean, 0.1% Japanese, 1.0% other). Pacific Islander Americans made up just 0.1% of the population. Individuals from other races made up 14.3% of the population; people from two or more races made up 3.2% of the county's population. Hispanics and Latinos (of any race) made up 40.8% of Harris County's population. As of the 2010 census, there were about 6.2 same-sex couples per 1,000 households in the county (2010 U.S. Census).

## RESULTS AND DISCUSSION

When examining these cases, we found that 20% of the cases are sentenced to probation or some sort of community supervision. Jail time might have been ordered as a condition of probation. Approximately 40% of these cases were sent to jail and around 40% were sentenced to the State Prison system. The jail cases could have been cases that were pled from a felony to a misdemeanor. Bail was given most of the time to these offenders. The average bail that a child pornography suspect received was around \$20,000. While on bond we found that 37.32% of the cases the offender waited in jail until trial or completion of the case. The median sentence for a person convicted of child pornography was 10 years in the State Prison system. The average age of an offender that is charged under these laws is 37 years old.

We examined 4 specific charges that were Promoting Child pornography, Possession of Child Pornography, Display Harmful Material to a Minor and Attempted Possession of Child Pornography. 95.67% of the sample were charged and convicted of Possession of Child Pornography (N=1,236). Each count of child pornography is generally charged as a third-degree felony. The penalties for a third-degree felony are a sentencing range of two to ten-year range as set out in section 12.34(a) of the Texas Penal Code. See Tex. Penal Code Ann. § 12.34 [12].

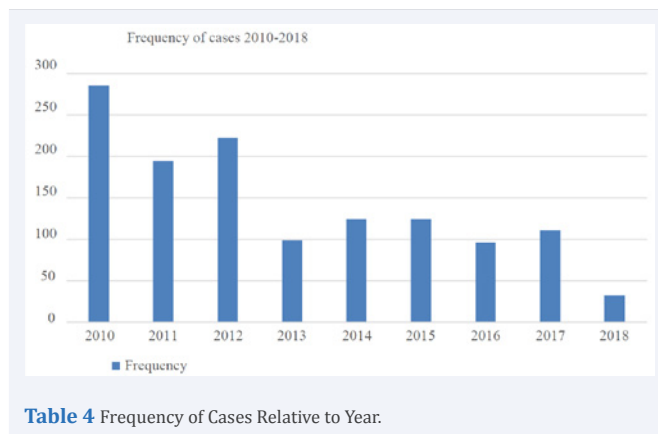
The law defines the possession of child pornography and states that it is a third-degree felony. This is punishable as 2-10 years in the state penitentiary. Additionally, under the Texas Penal Code, the trial court is permitted to order the sentences to run consecutively. See Tex. Penal Code Ann. § 3.03. Attempted Possession of Child Pornography, Promoting Child Pornography and attempted possession made up of less than 5% of the cases.

The dismissal rate on these cases was 34.37%. This means the State found reason to dismiss the case and not further

charges against the offender. This can be because of numerous reasons such as insufficient evidence or the offender pleads guilty on another charge. In examining race the research shows that Blacks made up 7.9% of the population of offenders. Whites made up 90% of the offenders charged under these statutes. Other minorities made up the remaining percentages [Table 1-4].

**CONCLUSION**

As stated above accessibility of online child pornography has caused increases in child sexual abuse. Research has suggested that child pornography can trigger sexual abuse by activating and validating sexual urges in child pornography viewers that were previously suppressed or controlled [1-3]. Society also believes that sexual predators are roaming all over the community in mass amounts. This could not be farther from the truth. Sex offenders are often tracked by registrations from state and local governments. These registered offenders often make up a



**Table 1:** Frequency Distribution of Cases in Sample (N=1,292).

Name	Frequency	Percent
PROMOTE CHILD PORNOGRAHPY	1	0.08
POSS CHILD PORNOGRAPHY	1236	95.67
DISPLAY HARMFUL MATTER-MINOR	29	2.24
ATT POSS OF CHILD PORN	26	2.0

**Table 2:** Race Distribution of Sample (N=1,292).

Race	Frequency	Percent
White	1166	90.6
Black	7.93	
Asian	14	1.09
Other	0.39	

**Table 3:** Output 2010 to 2018 - Frequency of cases.

		Year			
		Fre-quency	Per-cent	Valid Percent	Cumula-tive Percent
Valid	10.00	285	22.1	22.1	22.1
	11.00	194	15.0	15.1	37.2
	12.00	222	17.2	17.2	54.5
	13.00	99	7.7	7.7	62.2
	14.00	124	9.6	9.6	71.8
	15.00	124	9.6	9.6	81.4
	16.00	96	7.4	7.5	88.9
	17.00	111	8.6	8.6	97.5
	18.00	32	2.5	2.5	100.0
	Total		1287	99.6	100.0
Miss-ing	Sys-tem	5	4		
Total		1292	100.0		

small part of the sex offenders in society. It is often the ones that have never been caught or under reported that might make up the greater number of offenders. With this in mind, the amount of offenders that are arrested on child pornography charges is often low. The panic is that these offenders are out there lurking around wanting to harm children. These cases that make their way through the court system often come out with low sentences in prison often getting probation or a probated sentence. So these offenders make their way back to the community relatively soon. The median sentence for a person convicted of child pornography was 10 years in the state prison system. They are often paroled even earlier.

So examining the data over a period of 18 years we find the prosecution rate of offenders to be dropping from 2010 to 2018. This could be for numerous reasons such as lack of enforcement or the offenders are now moving in to the dark web to hide from law enforcement agencies. So this might conclude that the hype might be bigger than the actual problem itself. Child pornography does pose a danger in society but when looking at these offenders we find the problem is much smaller than the hype. Future research needs to look at this trend of prosecution of offenders over a longer period of time.

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