

Cyber "Pedophiles": A Behavioral Perspective

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Introduction

Throughout history, individuals who sexually victimize children have frequented the places where children gather. School yards, parks, and malls have been prime contact places. Offenders have also used technological advancements (e.g., cameras, telephones, automobiles, etc.) to facilitate their sexual interests and behavior. In the 1990's, home computers, online services, and the Internet have become new points of contact and new technological tools. We have historically warned our children about the dangers associated with strangers, but often neglected to help them understand that sex offenders are often people they have come to know either in person or now online.

Like many molesters, individuals attempting to sexually exploit children through the use of computer online services or the Internet tend to gradually seduce their targets with attention, affection, kindness, and gifts. They are often willing to devote considerable amounts of time, money, and energy to this process. They will listen to and empathize with the problems of children. They will be aware of the music, hobbies, and interests of children. Unless the victims are already engaged in sexually explicit computer conversation, offenders will usually lower any inhibitions by gradually introducing the sexual context and content. Some offenders use the computer primarily to collect and trade child pornography, while others also seek online contact with other offenders and children.

Children, especially adolescents, are often interested in and curious about sexuality and sexually explicit material. They will sometimes use their online access to actively seek out such material. They are moving away from the total control of parents and trying to establish new relationships outside the family. Sex offenders targeting children will use and exploit these characteristics and needs. Adolescent children may also be attracted to and lured by online offenders closer to their age who, although not technically "pedophiles," may be dangerous.

Illegal Sexual Activity

Computer-related sexual exploitation of children usually comes to the attention of law enforcement as a result of citizen/victim complaints, referrals from commercial service providers, or inadvertent discovery during other investigations. Cases are also proactively identified by undercover investigations that target high risk computer sites or utilize other specialized techniques.

Sexual activity involving the use of computers that is usually illegal and therefore the focus of law enforcement investigations includes:

1. Producing or possessing child pornography
2. Uploading and downloading child pornography
3. Soliciting sex with "children"

Using the computer to solicit sex with "children" could include communicating with actual children as well as with law enforcement officers taking a proactive investigative approach and pretending to be children or pretending to be adults with access to children. After using the computer to make contact with the "child," other illegal activity could involve traveling to meet the child or having the child travel to engage in sexual activity.

One problem area for the criminal justice system are cases involving adolescents who use the computer to solicit sex with other adolescents and to traffic in child pornography that portrays pubescent "children." For purposes of child pornography and illegal sexual activity, the Federal statutes and many local statutes de-

fine children or minors as individuals who have not yet reached their eighteenth birthday. Therefore, such behavior may be technically illegal, but may not be sexually deviant.

Legal Sexual Activity

Sexual activity involving the use of computers that is usually legal includes:

1. Validating sexually deviant behavior and interests
2. Reinforcing deviant arousal patterns
3. Storing and sharing sexual fantasies
4. Lying about one's age and identity
5. Collecting adult pornography that is not obscene
6. Disseminating "indecent" material, talking dirty, providing sex instructions, "cyber-sex," etc.
7. Injecting oneself into the "problem" of computer exploitation of children to rationalize one's interests

Although many might find much of this activity offensive and repulsive, and special circumstances and specific laws might even criminalize some of it, it is for the most part legal activity.

Understanding Behavior

The investigation of child sexual exploitation cases involving computers requires knowledge of the technical, legal, and behavioral aspects of computer use. However, because each of these areas is so complex, investigators must also identify experts and resources available to assist in these cases. Exploitation cases involving computers present many investigative challenges, but they also present the opportunity to obtain a great deal of corroborative evidence and

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investigative intelligence. This discussion will focus primarily on the dynamics of offender and victim behavior in the computer exploitation of children

Offenders

The general public, the media, and many child abuse professionals sometimes simplistically refer to all those who sexually victimize children as pedophiles. There is no single or uniform definition for the word "pedophile." For mental health professionals and as defined in the DSM-IV, it is a diagnostic term referring to those with recurrent, intense sexually arousing fantasies, urges, and behaviors involving prepubescent children (American Psychological Association, 1994). For most, however, it is just a fancy word for a child molester. Are all child molesters pedophiles? Are child molesters with adolescent victims pedophiles? Are individuals who use the Internet to collect and obtain both child and adult pornography pedophiles?

As I use the term, pedophiles are individuals whose erotic imagery and sexual fantasies focus on children. They do not "settle" for child victims, but, in fact, prefer to have sex with children

Not everyone using a computer to facilitate having sex with children or trafficking in child pornography is a pedophile. There is no legal requirement to determine that a subject or suspect in a case is a pedophile and often it is irrelevant to the investigation or prosecution. As will be discussed, such a determination may be useful in developing a variety of investigative approaches. To avoid confusion with a mental health diagnosis and possible challenges in court, however, use of the term "pedophile" by law enforcement should be kept to a minimum. In my work and case analysis, a pedophile is just one example or sub-category of what I refer to as a "preferential sex offender." The term preferential sex offender is merely a descriptive label used only to identify, for investigative purposes, a certain type of offender.

The advantages of law enforcement using the term preferential sex offender include: (1) it is descriptive, not diagnostic; (2) it is probative, not prejudicial; (3) it can include both offenders who sexually molest children and those who "just" collect child pornography; (4) it can include offenders whose child pornography is only a small portion of their large pornography collections; and (5) it can include those with preferences for adolescent victims and for adolescent pornography (e.g., hebephiles, ephebophiles). How to recognize and identify such offenders will be discussed shortly.

Computer Offenders

Offenders using computers to sexually exploit children usually fall into two broad categories:

1. Situational Offender (Dabbler) - Usually either a typical adolescent searching online for pornography and sex or an impulsive/curious adult with a newly found access to a wide range of pornography and sexual opportunities. When they break the law, such dabblers can obviously be investigated and prosecuted, but their behavior is not as long-term, persistent, and predictable as that of preferential offenders.

2. Preferential Offender - Usually either a sexually indiscriminate with a wide variety of deviant sexual interests or a "pedophile" with a definite preference for children. The main difference between them is that the pornography/erotica collection of the sexually indiscriminate preferential offender will be more varied, usually with a focus on their particular sexual preferences or paraphilias, whereas a pedophile's collection will focus predominantly on children. Also, the sexually indiscriminate offender is less likely to directly molest children, especially prepubescent children.

Other miscellaneous "offenders" include: media reporters who erroneously believe they can go online and traffic in child pornography as part of a news expose; pranksters who disseminate false or incriminating information to embarrass the targets of their "dirty tricks"; older "boyfriends" attempting to sexually interact with adolescent girls or boys; and

concerned citizens who go overboard doing their own private investigations into this problem. As will be discussed, investigators must be cautious of all overzealous citizens offering their services in these cases. Only law enforcement officers involved in official, authorized investigations should be conducting proactive investigation or downloading child pornography on a computer

Although a variety of individuals sexually victimize children, preferential sex offenders are the primary sexual exploiters of children. They tend to be serial offenders who prey on children through the operation of child sex rings and/or the collection, creation, or distribution of child pornography. Using a computer to fuel and validate interests and behavior, to facilitate interacting with child victims, or to possess and traffic in child pornography usually requires the above average intelligence and economic means more typical of preferential sex offenders. The computer sex offenders discussed here tend to be white males from a middle class or higher socioeconomic background.

Recognizing Preferential Sex Offenders

An important step in investigating sexual exploitation of children is to recognize and utilize, if present, the highly predictable sexual behavior patterns of these preferential sex offenders. If the investigation

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identifies enough of these patterns, many of the remaining ones can be assumed. However, no particular number constitutes "enough" - just a few may be enough if they are especially significant. Most of these indicators mean little by themselves, but as they are identified and accumulated through investigation, they can constitute reason to believe a suspect is a preferential sex offender.

You cannot hope to determine the type of offender with whom you are dealing unless you have the most complete, detailed, and accurate information possible. The investigator must understand that doing a background investigation on a suspect means more than obtaining the date and place of birth and credit and criminal checks. School, juvenile, military, medical, driving, employment, bank, and sex offender and child abuse registry records can also be valuable sources of information about an offender.

A preferential sex offender can usually be identified by the following behaviors:

1. Long-Term and Persistent Pattern of Behavior
 - A) Begins pattern in early adolescence
 - B) Is willing to commit time, money, & energy
 - C) Commits multiple offenses
 - D) Makes ritual or need-driven mistakes
2. Specific Sexual Interests
 - A) Manifests paraphiliac preferences (may be multiple)
 - B) Focuses on defined sexual interests and victim characteristics
 - C) Centers life around preferences
 - D) Rationalizes sexual interests
3. Well-Developed Techniques
 - A) Evaluates experiences
 - B) Lies and manipulates, often skillfully
 - C) Has method of access to victims
 - D) Is quick to use modern technology (e.g. computer, video) for sexual needs & purposes
4. Fantasy-Driven Behavior
 - A) Collects pornography
 - B) Collects paraphernalia, souvenirs, videotapes
 - C) Records fantasies
 - D) Acts to turn fantasy into reality

On an investigative level, the presence of paraphilias often means highly repetitive and predictable behavior focused on specific sexual interests that goes well beyond a "method of operation" (MO). The concept of MO — something done by an offender because it works and will help him get away with the crime — is well known to most investigators. An offender's MO is fueled by thought and deliberation. Most offenders change and improve their MO over

time and with experience.

Preferential sex offenders' repetitive patterns of behavior involve some MO, but are more likely to also involve the less-known concept of sexual ritual. Sexual ritual is the repeated engaging in an act or series of acts in a certain manner because of a sexual need; that is, in order to become aroused and/or gratified, a person must engage in the act in a certain way. Other types of ritual behavior can be motivated by psychological, cultural, or spiritual needs. Unlike MO, ritual is necessary to the offender but not to the successful commission of the crime. In fact, instead of facilitating the crime, it often increases the odds of identification, apprehension, and conviction because it causes the offender to make need-driven mistakes.

Ritual and its resultant behavior is fueled by erotic imagery and fantasy and can be bizarre in nature. Most important to investigators, offenders find it difficult to change and modify ritual, even when their experience tells them they should or they suspect law enforcement scrutiny. Understanding sexual ritual (i.e., need-driven behavior) is the key to investigating preferential sex offenders.

Investigators must not over- or under-react to reported allegations. They must understand that not all computer offenders are stereotypical "pedophiles" who fit some common profile. Keeping an open mind and objectively attempting to determine the type of offender involved can be useful in minimizing embarrassing errors in judgment and developing appropriate interview, investigative, and prosecutive strategy. For example, the fact that preferential offenders as part of sexual ritual are more likely to commit similar multiple offenses, make need-driven mistakes, and compulsively collect pornography and other offense related paraphernalia can be used to build a stronger case.

In computer cases, especially those involving proactive investigative techniques, it is often easier to determine the type of offender than in other kinds of child sexual exploitation cases. When attempting to make this determination, it is important to evaluate all available background information. The following information from the on-line computer activity can be valuable in this assessment. This information can often be ascertained from the online service provider and through undercover communication, pretext contacts, informants, record checks, and other investigative techniques (i.e., mail cover, pen register, trash run, surveillance, etc.).

- Screen Name
- Screen Profile
- Accuracy of Profile
- Length of Time Active

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- Amount of Time Spent Online
- Number of Transmissions
- Number of Files
- Number of Files Originated
- Number of Files Forwarded
- Number of Files Received
- Number of Recipients
- Site of Communication
- Theme of Messages & Chat
- Theme of Pornography

A common problem in these cases is that it is often easier to determine a computer is being used than to determine who is using the computer. It is obviously harder to do a background investigation when multiple people have access to the computer. Pretext phone calls can be very useful in such situations.

Exaggerated Example: An investigation determines that a suspect is a 50-year-old single male who: does volunteer work with troubled boys; has two prior convictions for sexually molesting young boys in 1974 and 1986; has an expensive state-of-the-art home computer; has a main screen name of "Boylover" and one screen profile that describes him as a 14-year-old; has for the last five years daily spent many hours online in chat rooms and the "alt.sex.preteen" newsgroup justifying and graphically describing his sexual preference for and involvement with young boys; and brags about his extensive pornography collection while uploading hundreds of child pornography files all focusing on preteen boys in bondage to dozens of individuals all over the world. If such a determination were relevant to the case, these facts would constitute more than enough probable cause to believe this suspect is a preferential sex offender.

Knowing the kind of offender with whom you are dealing can go a long way in determining investigative strategy. For example, it might be useful in developing offender interview strategy, evaluating the consistency of victim statements, proving intent, assessing the admissibility of prior acts, learning where and what kind of corroborative evidence might be found (i.e., the existence and location of other victims and child pornography or erotica), etc. It might even be included in a search warrant affidavit to add to the probable cause, to expand the nature and scope of the search, or to address legal staleness problems.

With either of the preferential types of computer offenders (the sexually indiscriminate offender or the pedophile), the characteristics, dynamics, and techniques (i.e. expert search warrant) previously discussed concerning preferential sex offenders should be considered.

"Concerned Citizens"

Many individuals who come to authorities to report deviant sexual activity they have discovered

on the Internet must invent clever excuses for how and why they came upon such material. They often start out pursuing their own sexual or deviant interests, but then decide to report to the police either because it went too far, because they are afraid they might have been monitored by authorities, or because they need to rationalize their perversions as having some higher purpose or value. Rather than honestly admitting their own deviant interests, they make up elaborate explanations to justify finding the material. Some claim to be journalists, researchers or outraged, concerned citizens trying to protect a child or help the police. In any case, what they find may still have to be investigated.

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Investigators must consider that these "concerned citizens" reporting such activity may:

1. Be motivated by a need to rationalize or deny their deviant sexual interests and so have embellished and falsified an elaborate tale of perversion and criminal activity on the Internet.
2. Whatever their true motivations might be, have uncovered individuals using the Internet to validate and reinforce their bizarre, perverted sexual fantasies and interests (a common occurrence), but who are not engaged in criminal activity.
3. Whatever their true motivations might be, have uncovered individuals involved in criminal activity.

One especially sensitive area for investigators is the preferential sex offender who presents himself as a concerned citizen reporting what he inadvertently "discovered" in cyberspace or requesting to work with law enforcement to search for child pornography and to protect children. Other than the obvious benefit of legal justification for their past or future activity, most do this as part of their need to rationalize their behavior as worthwhile and to gain access to children. When these offenders are caught, instead of recognizing this activity as part of their preferential pattern of behavior, the courts sometimes give them leniency because of their "good deeds." Preferential sex offenders who are also law enforcement officers sometimes claim their activity was part of some well-intentioned, but unauthorized investigation.

Use of Computers

The great appeal of a computer becomes obvious when you understand sex offenders, especially the preferential sex offender. The computer provides preferential sex offenders with an ideal means of filling their needs to: (1) organize their collections, correspondence, and fantasy material; (2) communicate with victims and other offenders; (3) store, transfer,

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manipulate, and create child pornography; and (4) maintain financial records. The sex offender using a computer is not a new type of criminal. It is simply a matter of modern technology catching up with long-known, well-documented behavioral needs. In the past they were probably among the first to obtain and use, for their sexual needs, new inventions such as the camera, the telephone, the automobile, the Polaroid camera, and the video camera and recorder. Because of their traits and needs, they are willing to spend whatever time, money, and energy it takes to obtain, learn about, and use this technology

Organization

Offenders use computers to organize their collections, correspondence, and fantasy material. Many preferential sex offenders seem to be compulsive record keepers. A computer makes it much easier to store and retrieve names and addresses of victims and individuals with similar interests. Innumerable characteristics of victims and sexual acts can be easily recorded and analyzed. An extensive pornography collection can be catalogued by subject matter. Even fantasy writings and other narrative descriptions can be stored and retrieved for future use.

One problem the computer creates for law enforcement is determining whether computer texts describing sexual assaults are fictional stories, sexual fantasies, diaries of past activity, plans for future activity, or current threats. This problem can be compounded by the fact that there are individuals who believe that cyberspace is a new frontier where the old rules of society do not apply. They do not want this "freedom" scrutinized and investigated. There is no easy solution to this problem. Meticulous analysis and investigation are the only answers.

Communicate to Fuel and Validate

Many offenders are drawn to the Internet and other online activity as a way to communicate and validate their interests and behavior. This is actually the most important and compelling reason that preferential sex offenders are drawn to online services. Through the Internet, national and regional online services, or specialized electronic bulletin boards, offenders can use their computers to locate individuals with similar interests. The computer may also enable them to obtain active validation (i.e., from living humans) with less risk of identification or discovery. The great appeal of this type of communication is its perceived anonymity and immediate feedback. They feel protected as when using the mail, but

get immediate response as when meeting face to face.

Like advertisements in "swinger magazines," computer online services are used to identify individuals with mutual interests concerning age, gender, and sexual preference. The offender may use an electronic bulletin board to which he has authorized access, or he may illegally enter a system. The offender can also set up his own or participate in other surreptitious or underground online bulletin boards.

In addition to adults with similar interests, offenders can sometimes get validation from the children they communicate with online. Children needing attention and affection may respond to an offender in positive ways. They may tell the offender he is a "great guy" and that they are grateful for his interest in them. In communicating with children, and in a few cases with adults, offenders frequently assume the identities of children.

Validation is also obtained from the fact that the offenders are utilizing the same cutting edge technology used by the most intelligent and creative people in society. In their minds, the time, technology, and talent it takes to engage in this activity is proof of its value and legitimacy.

Sadly, I have come to suspect that some individuals with potentially illegal, but previously latent sexual preferences have begun to criminally act out when their in-

hibitions are weakened after their arousal patterns are fueled and validated through online computer communication.

Offenders' need for validation is the foundation on which proactive investigative techniques (e.g. stings, undercover operations, etc.) are built and the primary reason they work so often. Although their brain may tell them not to send child pornography or not to reveal details of past or planned criminal acts to a stranger they met online, their need for validation often compels them to do so.

Child Pornography

Because of computers utilizing online services, child pornography is now more readily available in the United States than it has been since the late 1970's. An offender can now use a computer to transfer, manipulate, and even create child pornography. With the typical home computer and modem, still images can easily be digitally stored, transferred from print or videotape, and transmitted, with each copy being as good as the original. Visual images can be stored on hard drives, floppy disks, CD-ROM's, or DVD's. With newer technology, faster modems, digital cameras, and

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better computers, similar things can now be done with some moving images. For now, however, it is still difficult to transmit the most preferred child pornography format—high quality, lengthy moving images (e.g. videotape, films).

The other invaluable modern inventions for pornographers, the video camera and recorder, are now being integrated into and through the computer. Multimedia images with some motion and sound and virtual reality programs can provide an added dimension to the pornography. The information and images stored and transmitted can be encrypted to deter detection.

Some of these uses are now small problems that can eventually become big problems. Computer software and hardware is being developed so rapidly that the potential of these problems is almost unlimited. In the future, most communication systems in a home (e.g., telephone, television, fax, videotape, music, newspapers, financial records, etc.) may be funneled through a computer.

The ability to manipulate digital visual images may make it difficult to believe your own eyes. Television commercials now make it appear that Paula Abdul is dancing with Gene Kelly and John Wayne is talking to a drill sergeant. Halfway through the movie "Forrest Gump," Lt. Dan's legs are no longer visible. With computer graphics programs, images can be easily changed or "morphed." This is similar to the technology that is used to "age" the photographs of long-missing children.

Computer-manipulated and, soon, computer-generated visual images of "children" engaging in sexually explicit conduct may call into question the basis for child pornography laws. Under the Child Pornography Prevention Act of 1996, the Federal definition of "child pornography" has been expanded to include not only a sexually explicit visual depiction using a minor, but also any visual depiction that "has been created, adapted, or modified to *appear* (emphasis added) that an identifiable minor is engaging in sexually explicit conduct." Although this new law makes prosecution of cases involving manipulated computer images easier, it also means that it is no longer possible in every case to argue that child pornography is the permanent record of the abuse or exploitation of an actual child. This law is currently being challenged in a variety of cases and jurisdictions, which will ultimately establish its constitutionality (see article by Toth and McClure in this issue). If this law is found unconstitutional, only existing obscenity laws may apply to such manipulated/simulated child pornography.

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Investigators must also recognize and understand that not all collectors of child pornography physically molest children, and not all molesters of children collect child pornography. Not all children depicted in child pornography have been sexually abused. For example, some have been photographed without their knowledge while undressing, others were manipulated into posing nude. Depending on the use of the material, however, all can be considered exploited. For this reason, even those who "just" download or collect child pornography produced by others play a role in the sexual exploitation of children, even if they have not physically molested a child.

Computer offenders who "just" traffic in child pornography are committing serious violations of the law that do not necessarily require proving that they are also child molesters. If it is relevant and the facts support it, such individuals can be considered preferential sex offenders because such behavior is an offense. Some computer offenders who traffic in child pornography, especially the sexually indiscriminate preferential sex offender, may have significant collections of adult pornography as well. In some cases,

they may even have far more adult than child pornography. Such offenders may not be "pedophiles," but can still be preferential sex offenders.

Maintenance of Financial Records

Offenders who have turned their child pornography into a profit making business use computers the same way any business uses them. Lists of customers,

dollar amounts of transactions and descriptions of inventory can all be recorded on the computer. Because trafficking in child pornography by computer lowers the risks, there may be an increase in profit-motivated distribution.

Victims

Offenders can use the computer to troll for and communicate with potential victims with minimal risk of being identified. The use of a vast, loose knit network like the Internet can sometimes make identifying the actual perpetrator difficult. On the computer, the offender can assume any identity or characteristics he wants or needs. Children from dysfunctional families and families with poor communication are at significant risk for seduction. Older children are obviously at greater risk than are younger children. Adolescent boys confused over their sexual orientation are at particularly high risk of such contacts. By no reasonable definition can an individual with whom a child has regularly communicated online for months be called a "stranger"

The child can be indirectly "victimized" through

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conversation ("chat") and the transfer of sexually explicit information and material or can be evaluated for future face-to-face contact and direct victimization. The latest technology even allows for real-time group participation in child molestation by digital teleconferencing by computer.

Investigators must recognize that many of the children lured from their homes after online computer conversations are not innocents who were duped while doing their homework. Most are curious, rebellious, or troubled adolescents seeking sexual information or contact. Investigation will sometimes discover significant amounts of adult and child pornography and other sexually explicit material on the computer of the child victim. Nevertheless, they have been seduced and manipulated by a clever offender and do not fully understand or recognize what they were getting into.

Investigators and prosecutors must understand and learn to deal with the incomplete and contradictory statements of many seduced victims. The dynamics of their victimization must be considered. They are embarrassed and ashamed of their behavior and rightfully believe that society will not understand their victimization. Many adolescent victims are most concerned about the response of their peers. Investigators who have a stereotyped concept of child sexual abuse victims or who are accustomed to interviewing younger children molested within their family will have a difficult time interviewing adolescents molested after online seduction. Many of these victims will be troubled, even delinquent children from broken homes.

Although applicable statutes and investigative or prosecutive priorities may vary, officers investigating computer exploitation cases must generally start from the premise that the sexual activity is not the fault of the victim even if the child:

- Did not say no
- Did not fight
- Actively cooperated
- Initiated the contact
- Did not tell
- Enjoyed the sexual activity
- Accepted gifts or money

Investigators must also remember that many children, especially those victimized through the seduction process, often:

- Trade sex for attention, affection, or gifts
- Are confused over their sexuality and feelings
- Are embarrassed and guilt-ridden over their activity
- Describe victimization in socially acceptable ways
- Minimize their responsibility & maximize offender's

- Deny or exaggerate their victimization

All these things do not mean the child is not a victim. What they do mean is that children are human beings with human needs and not necessarily "innocent angels God sent us from heaven." Sympathy for victims is inversely proportional to their age.

When law enforcement officers are pretending to be children as part of authorized and approved proactive investigations, they must remember that the number of potential offenders is proportional and the appeal of the case is inversely proportional to the "age" of the "victim." Because there are far more potential offenders interested in older children, pretending to be a 15- or 16-year-old will result in a larger online response. The resulting case, however, will have far less jury appeal.

After developing a relationship online, offenders who are arrested attempting to meet with children (or individuals they believe to be children) to engage in illegal sexual activity, often claim that they were not really going to

have "sex." They claim the discussed sex was just a fantasy, was part of an undercover "investigation," or was a means of communicating with a troubled child. In addressing this issue of intent or motivation, investigators must objectively weigh all the offender's behavior (i.e., past history, honesty about identity, nature of communications, who was notified about activity, overt actions taken, etc.). Ultimately, a judge or jury will decide this question of fact.

Summary

Investigators must be alert to the fact that any offender with the intelligence, economic means, or employment access might be using a computer in any or all of the above ways, but preferential sex offenders are highly likely to do so.

As computers become less expensive, more sophisticated, and easier to operate the potential for abuse will grow rapidly.

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