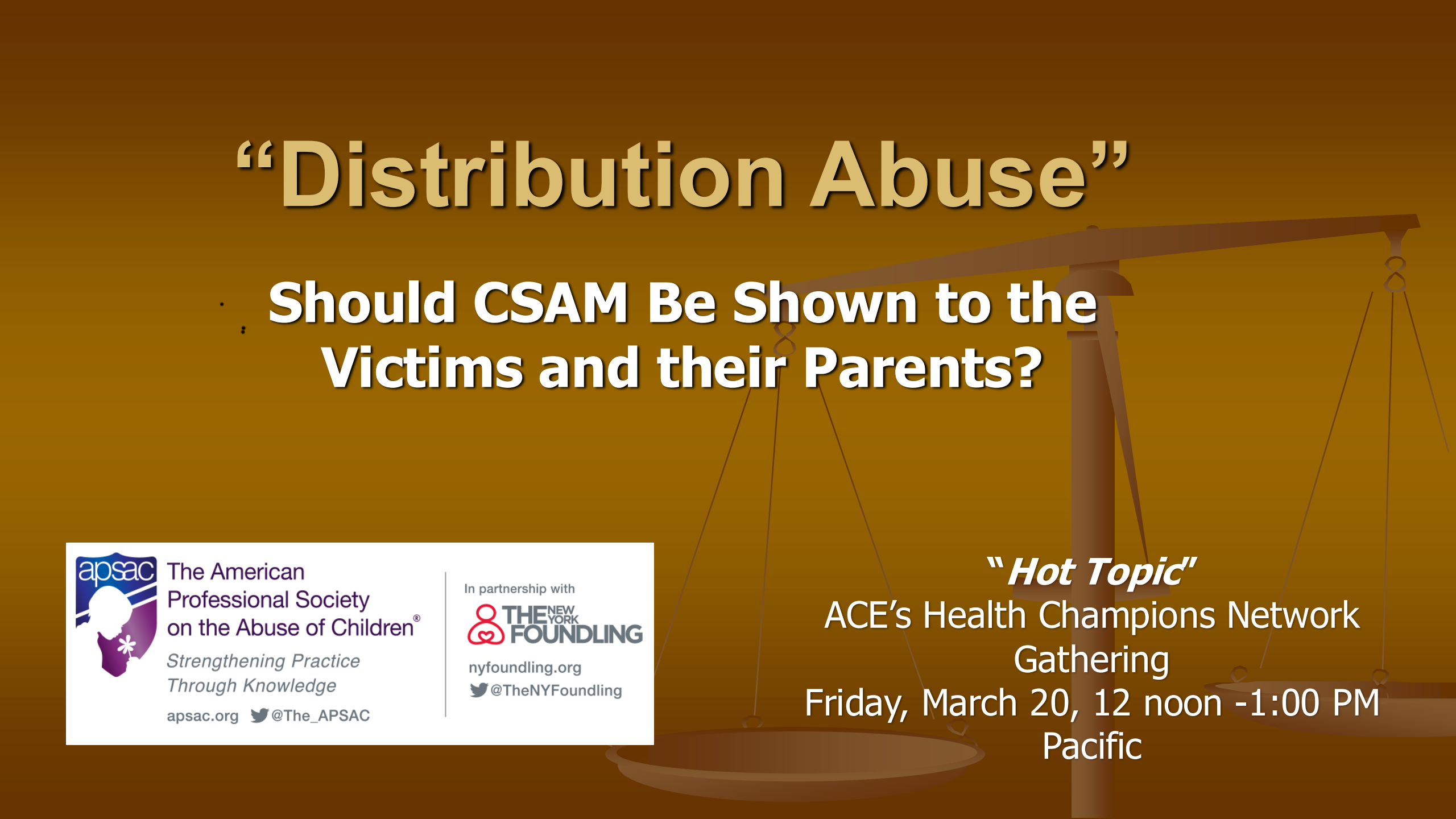





# “Distribution Abuse”

Should CSAM Be Shown to the Victims and their Parents?



 The American Professional Society on the Abuse of Children®  
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***“Hot Topic”***

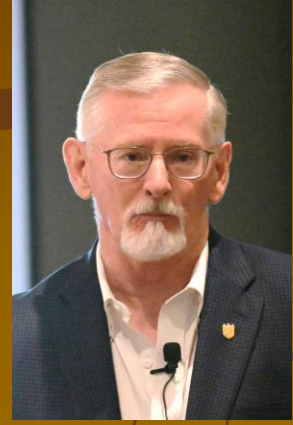
ACE’s Health Champions Network  
Gathering  
Friday, March 20, 12 noon -1:00 PM  
Pacific

# Today's Presenters



## **THEODORE CROSS, PHD, FAPSAC**

- *Clinical Psychologist and Research Full Professor, University of Illinois*
- Recipient: APSAC's "Mark Chaffin Outstanding Research Career Achievement Award"
- APSAC Board of Directors
- APSAC Fellow



## **PAUL GRAF, MS, FAPSAC**

- NCIS Sr. Special Agent (Ret.)
- Sr. Investigator, US Center for SafeSport (Ret.) - *43 years of child abuse investigation experience*
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- APSAC Board of Directors
- APSAC Fellow

# Why these topics?

- Began with a request from APSAC's Board of Directors to author an APSAC Practice Guideline on two concerning practices which concerned the Board...
  - Issue #1: "During any Law Enforcement investigation of CSAM, should the parent of a minor be shown photographs of their child engaged in sexual activity or lascivious posing?"
  - Issue #2: "Is there any reason for an uninvolved or peripherally-involved adult to view the sexual pictures of minors who voluntarily transmitted those photos to another person?"

# CSAM

- CSAM: “Child Sexual Abuse Material”
- Terminology referring to that evidentiary (largely digital) material (photos, video, objects) that documents, or is involved in, acts of child sexual abuse
- CSAM is increasingly used to replace the phrase “child pornography” in describing images and videos depicting the sexual abuse and sexual exploitation of children, largely because the term CSAM emphasizes that this material is both abusive and non-consensual.

# Poll Question 1

1. Are you in favor of showing parents their children's CSAM images during police interviews?
  - a. Yes
  - b. No
  - c. I don't know
  - d. It depends

# Poll Question 2

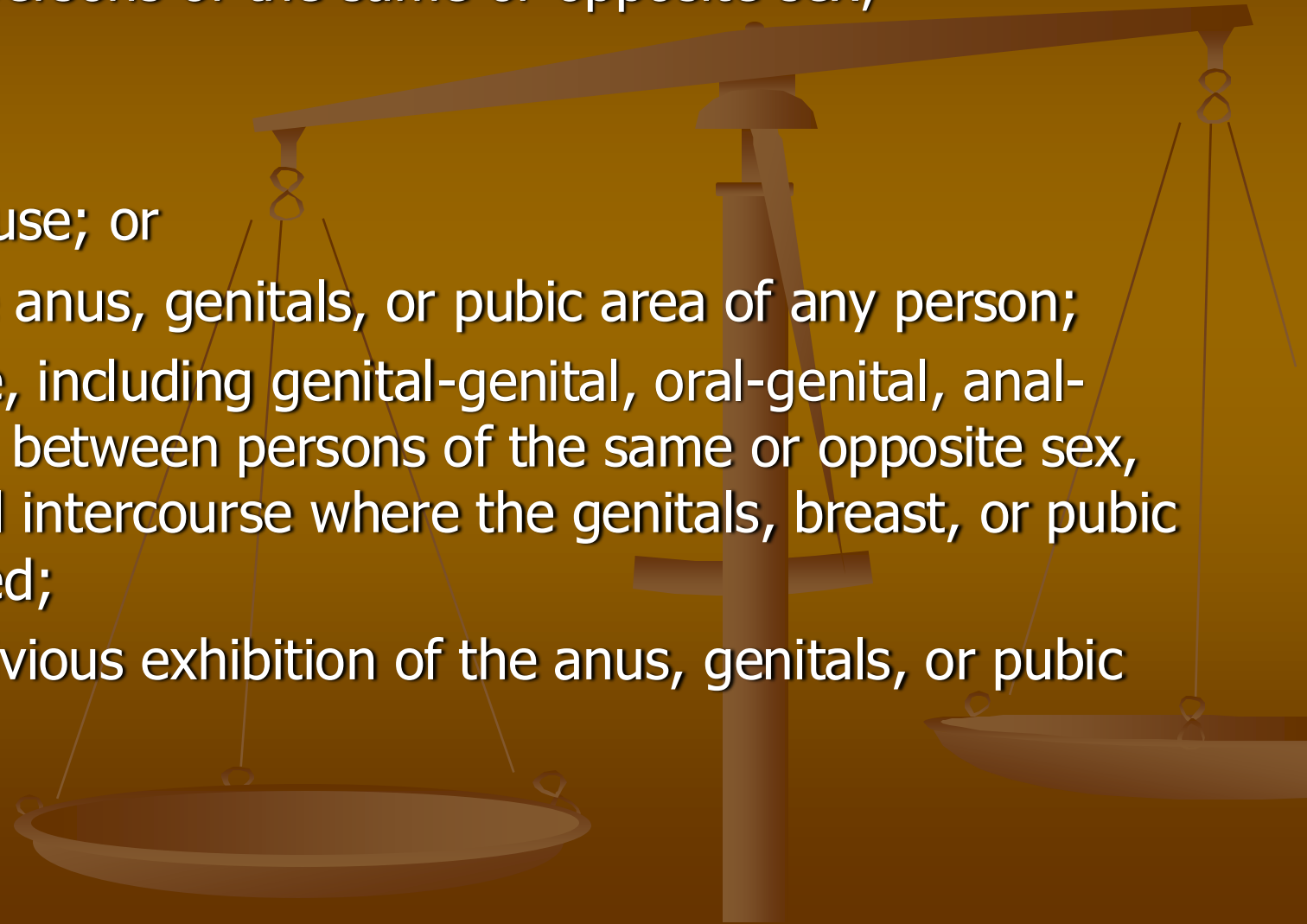
1. Are you in favor of showing victim-children their own CSAM during forensic interviews?
  - a. Yes
  - b. No
  - c. I don't know
  - d. It depends

# Child Pornography

- The term “Child Pornography” remains in use within the legal community, as criminal statutes carefully define what child pornography is, and is not.
- **Title 18 US Code Section 2256(8) (Definitions)**
- Child Pornography is:
  - any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” where...
    - (A) the production of such visual depiction involves the use of a minor engaging in “sexually explicit conduct” (also defined);
    - (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct;
    - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

# “Sexually Explicit Conduct”

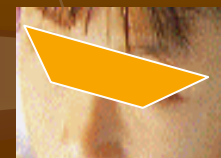
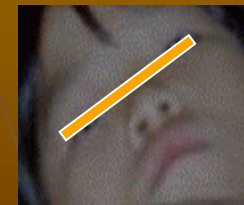
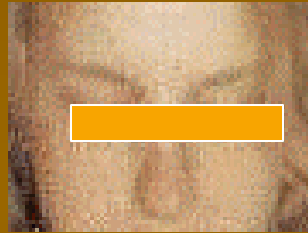
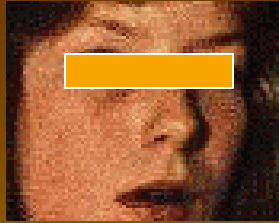
- (i)sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (ii)bestiality;
- (iii)masturbation;
- (iv)sadistic or masochistic abuse; or
- (v)lascivious exhibition of the anus, genitals, or pubic area of any person;
- (vi)graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;
- (vii)graphic or simulated lascivious exhibition of the anus, genitals, or pubic area of any person;



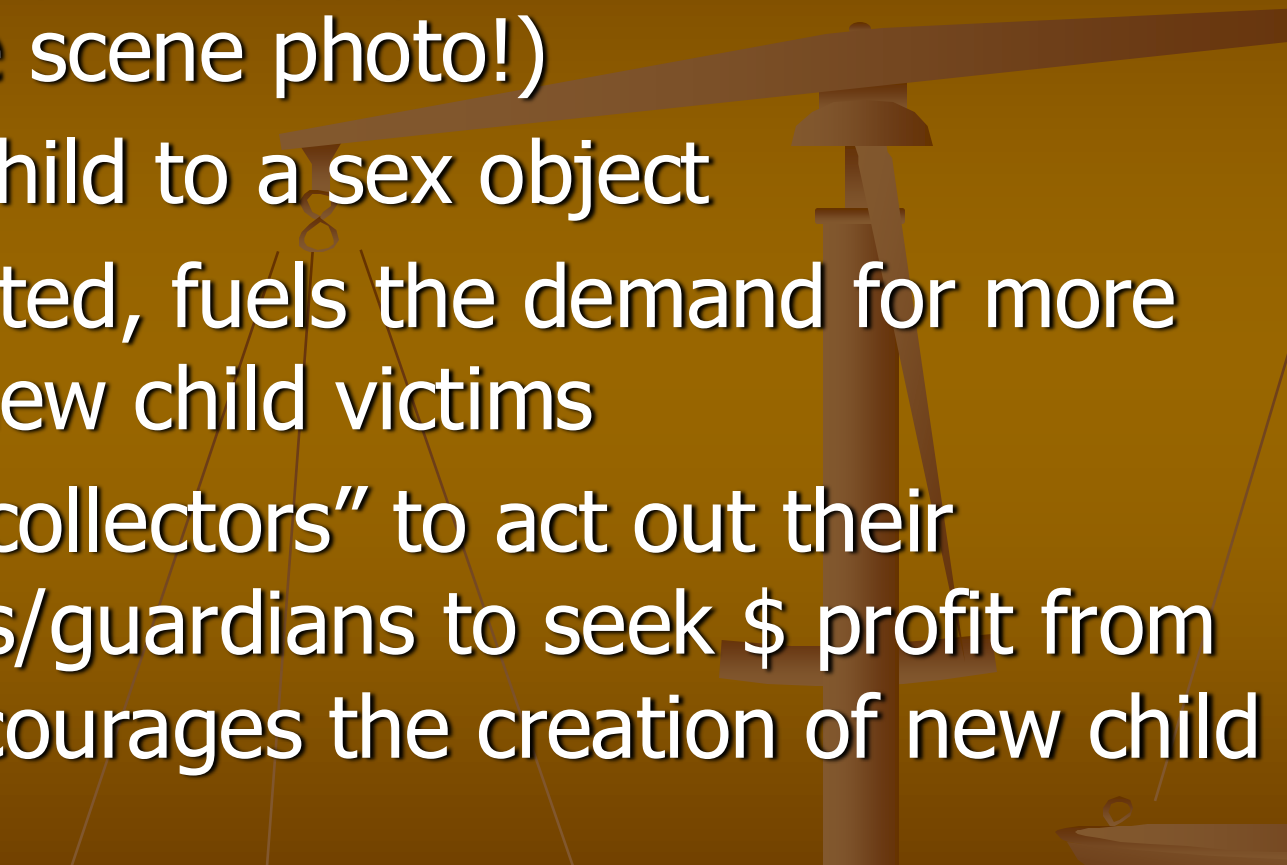
# Child Sexual Abuse Material

Once on the Internet, Children are re-victimized with each view/possession/transfer

- It never goes away!



## NOT “...just dirty pictures!!”

- A CSAM image is very often a picture of a crime in progress! (...a crime scene photo!)
  - CSAM reduces the child to a sex object
  - CSAM, once distributed, fuels the demand for more CSAM and creates new child victims
  - CSAM encourages “collectors” to act out their fantasies, or parents/guardians to seek \$ profit from their children; it encourages the creation of new child molesters!
- 

# Possession of Child Pornography - 18USC2252

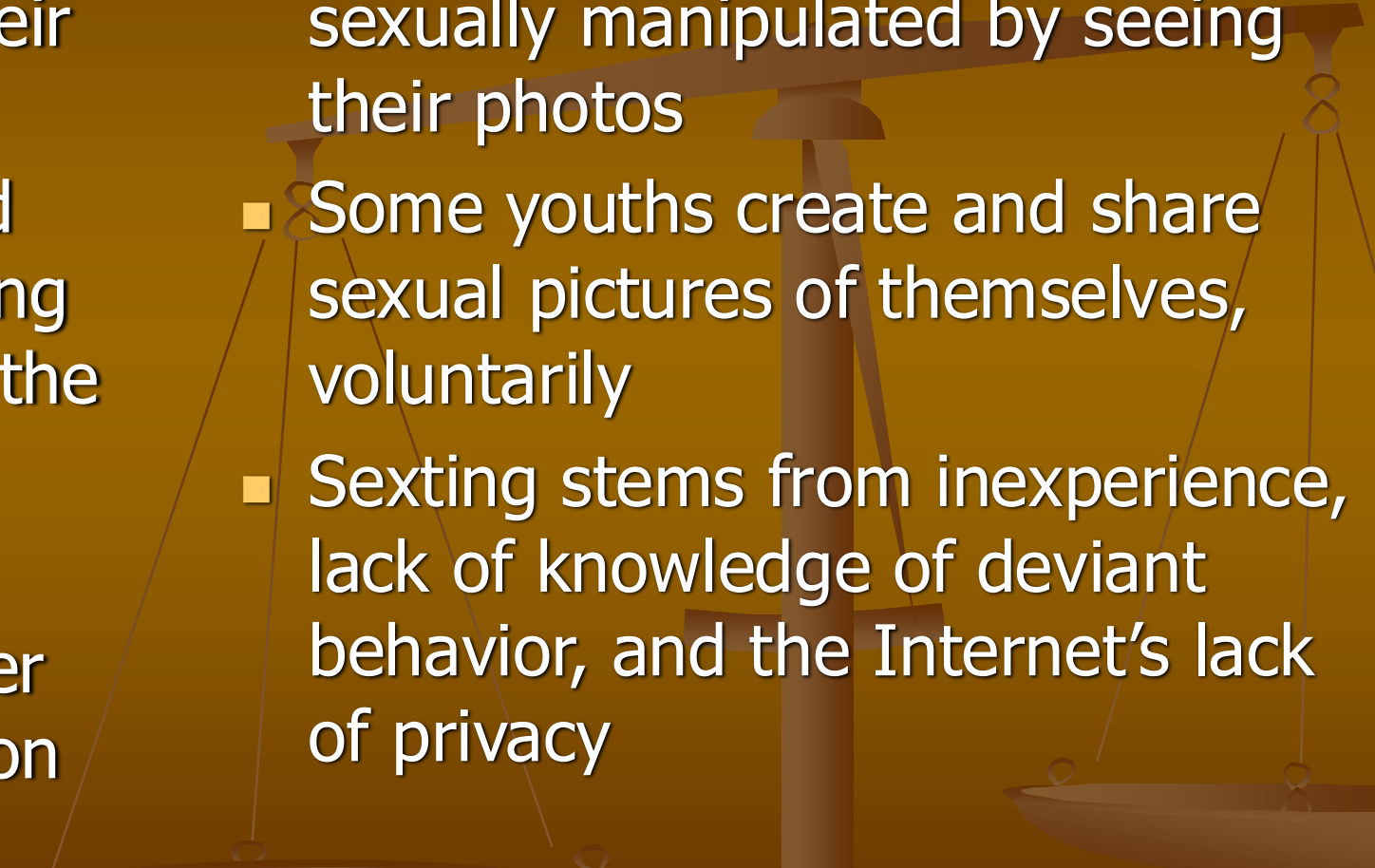
(4) Any person who either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

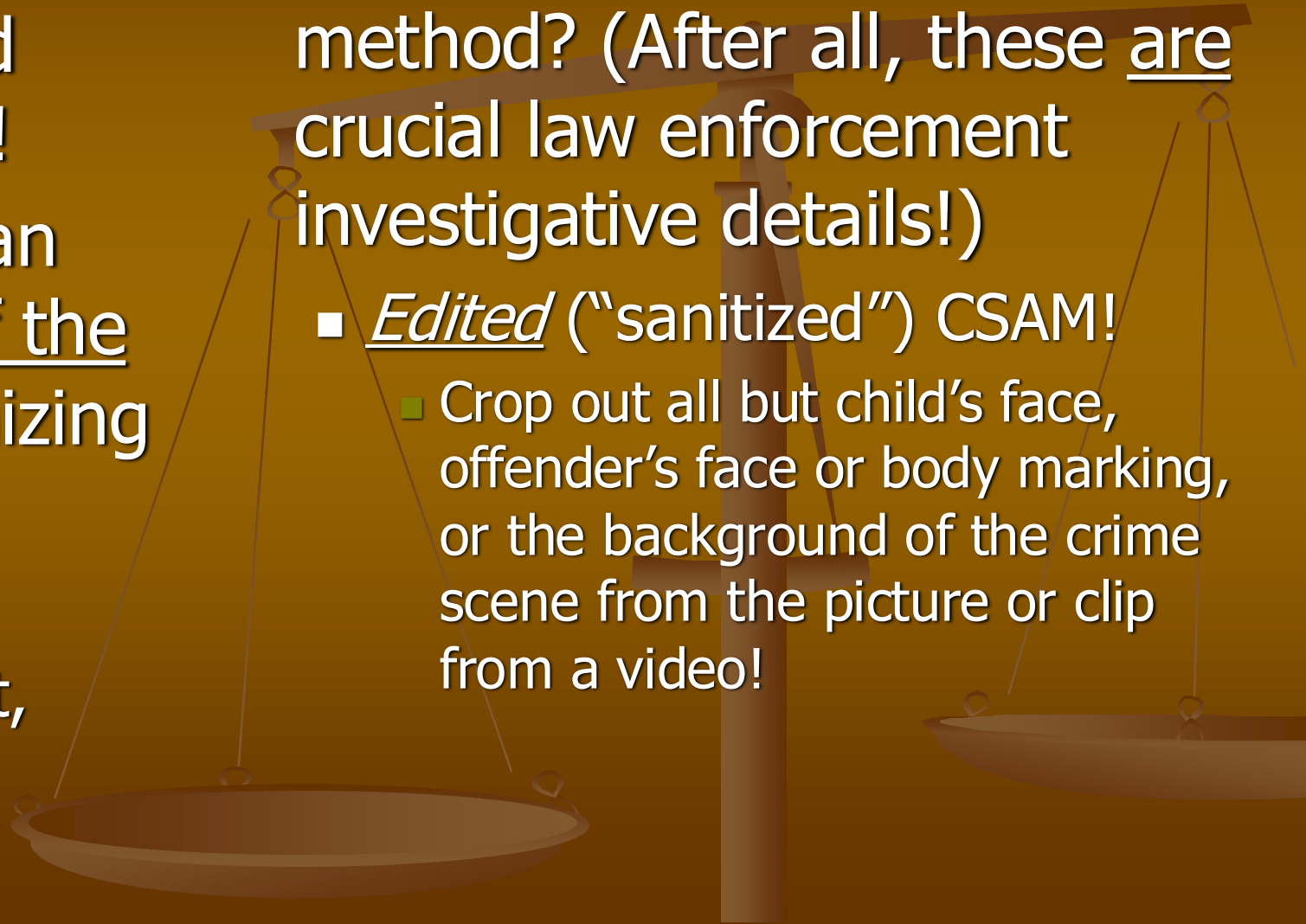
(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (ii) such visual depiction is of such conduct; shall be fined under this title or imprisoned **not more than 10 years, or both**, but *if any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, **such person shall be fined under this title and imprisoned for not more than 20 years...***

# Impact: What we know...

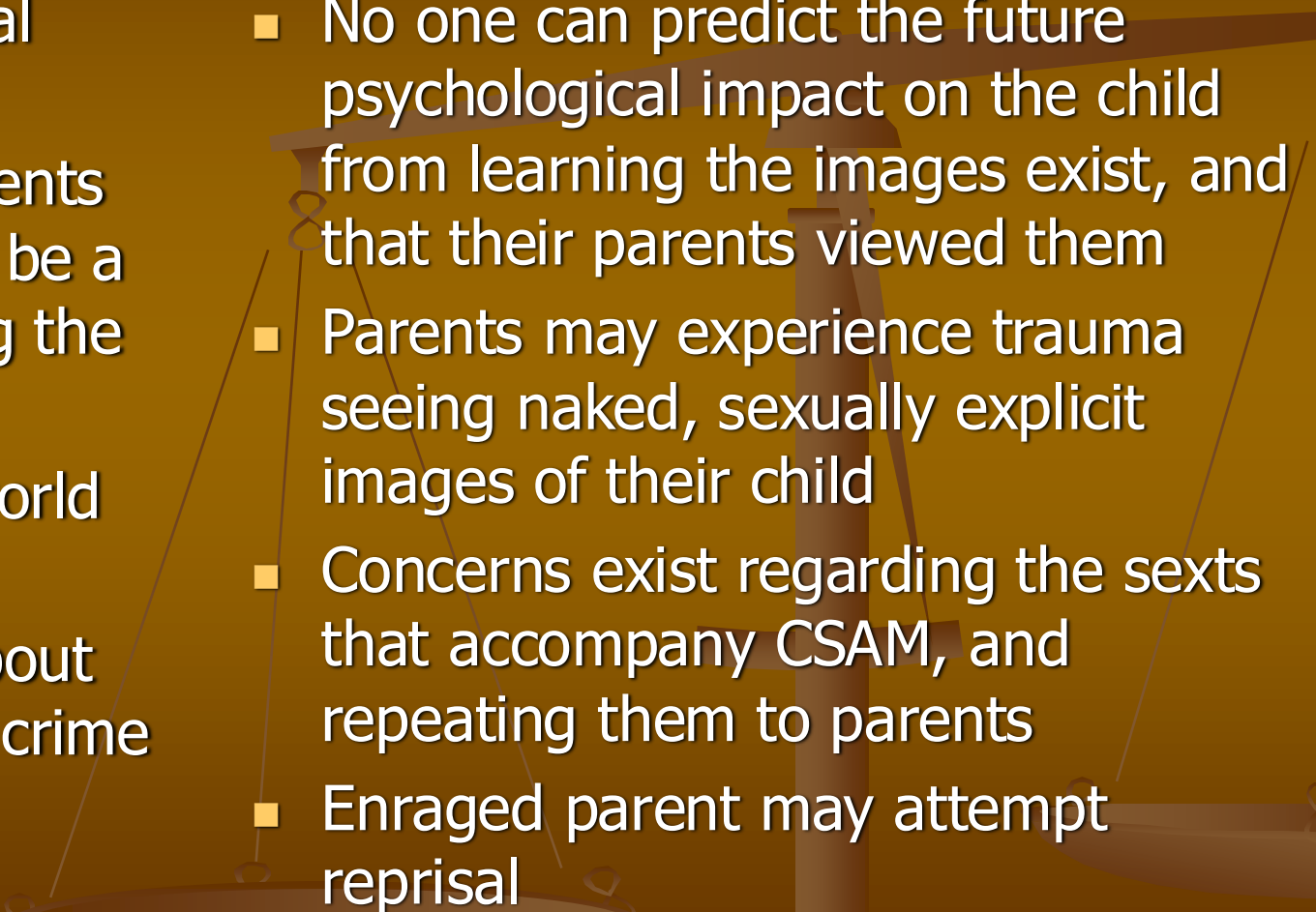
- Children suffer increased vulnerability from having their abuse filmed
  - They experience shame and embarrassment from knowing the images are available to the world
  - Fear of being identified
  - Victimization can persist over decades as images remain on the Internet
  - Some fear other kids could be sexually manipulated by seeing their photos
  - Some youths create and share sexual pictures of themselves, voluntarily
  - Sexting stems from inexperience, lack of knowledge of deviant behavior, and the Internet's lack of privacy
- 

# Why Do Investigators Show CSAM to Parents?

- Perhaps the parent(s) can identify an unidentified child, or the offenders!
- Perhaps the parents can identify the location of the crime scene by recognizing room features, or background!
  - Wallpaper, unique paint, objects
- Is there an alternative method? (After all, these are crucial law enforcement investigative details!)
  - Edited ("sanitized") CSAM!
    - Crop out all but child's face, offender's face or body marking, or the background of the crime scene from the picture or clip from a video!



# Should Investigators Ever Show Parents CSAM of their Child?

- Unedited CSAM risks emotional trauma to the child
  - When (if) the child learns parents have seen their CSAM, it may be a betrayal of trust, traumatizing the child
  - Child now knows the whole world can see him/her on Internet
  - Parents may question child about why he/she did not avoid the crime (victim blaming)
  - No one can predict the future psychological impact on the child from learning the images exist, and that their parents viewed them
  - Parents may experience trauma seeing naked, sexually explicit images of their child
  - Concerns exist regarding the sexts that accompany CSAM, and repeating them to parents
  - Enraged parent may attempt reprisal
- 

# Should Peripherally Involved Adults be Allowed to View “Sexted” CSAM?

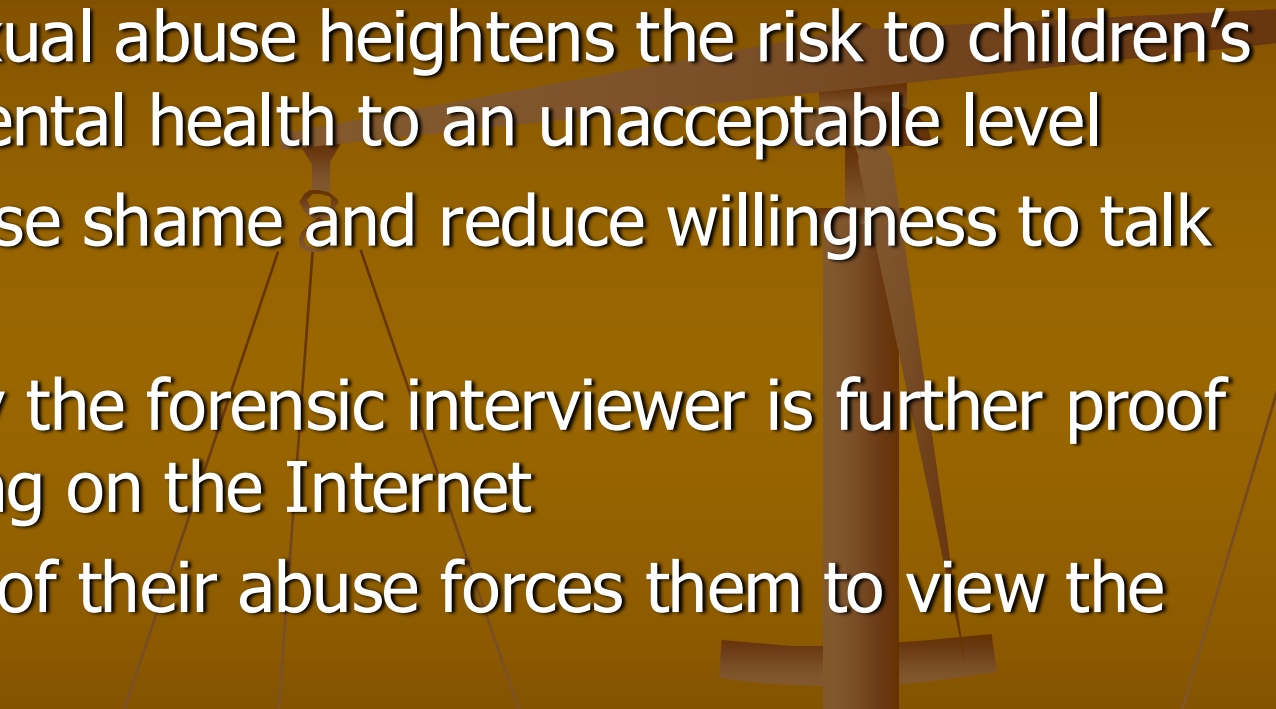
## Hypothetical Example:

- ❑ Juvenile takes a photo of her/himself, partially/fully nude, displaying sensitive/genitalia/parts of the body, or genitalia penetrated, or engaged in explicit sexual conduct...and sends/“sexts” it to another minor. A parent or teacher recovers it. Parents become angry and want the school (board) to take discipline on one of the minors. Either or both juveniles are brought before the School Board, with their parents.
- ❑ Juvenile boyfriend or girlfriend receives the (above) picture and forwards it to a dozen friends. Teacher discovers it. Teacher needs direction and displays the photograph to the Principal, who downloads a copy to his computer to show to the Board.
- ❑ One of these (above) adults is developed as suspect in an (unrelated) police “possession of CSAM” investigation. The original photo becomes part of that case; police interview everyone involved, including the Parents.

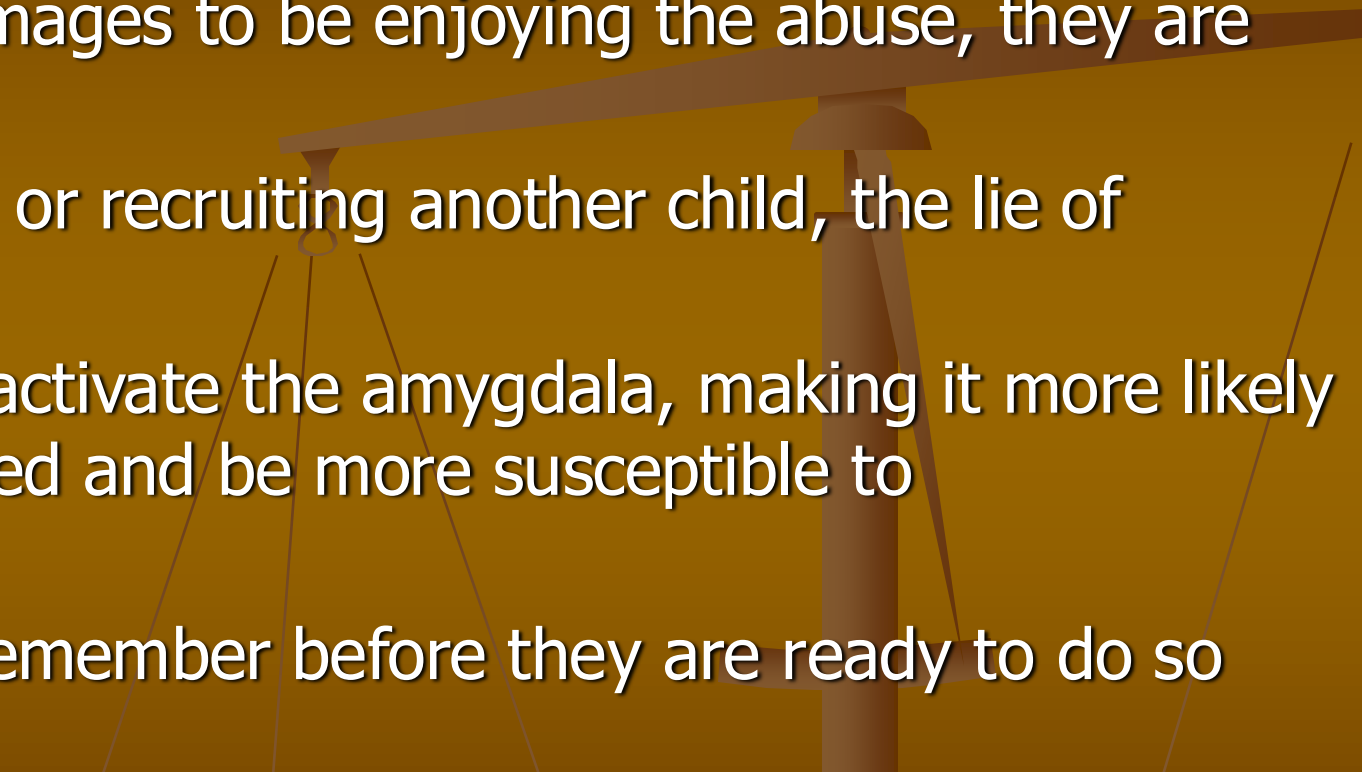
# APSAC's 2025 Practice Guidelines

1. Showing un-edited CSAM images to parents is entirely contrary to APSAC's 2013 position statement on the emotional distress suffered by children involved in the production of CSAM.
2. The first, bedrock rule of any child abuse investigation is to enhance or maintain a child victim's emotional and physical safety.
3. *APSAC's Code of Ethics*: "...members recognize their special responsibility to children, whose inherent vulnerability and powerlessness, combined with the betrayal, and trauma (of child sexual abuse)...make relationships between the child and professionals all the more critical."
4. Parents/Guardians must **never** be shown *unedited* CSAM images that depict their child or others'. Edited images must only display suspect's face, body features, face of unidentified child, or background environment. Great care should be used re: repeating Sexts to parents.
5. Sexual images of child/youth that they created and distributed must **never** be distributed to any other person, other than in the immediate reporting to law enforcement as required by law.
6. Law Enforcement agencies and prosecutors should create protocols to limit access to CSAM images **only** to persons directly involved in the law enforcement or prosecutorial process.

# Arguments against showing victims their CSAM images in the forensic interview (Singer & Farrell, 2023)

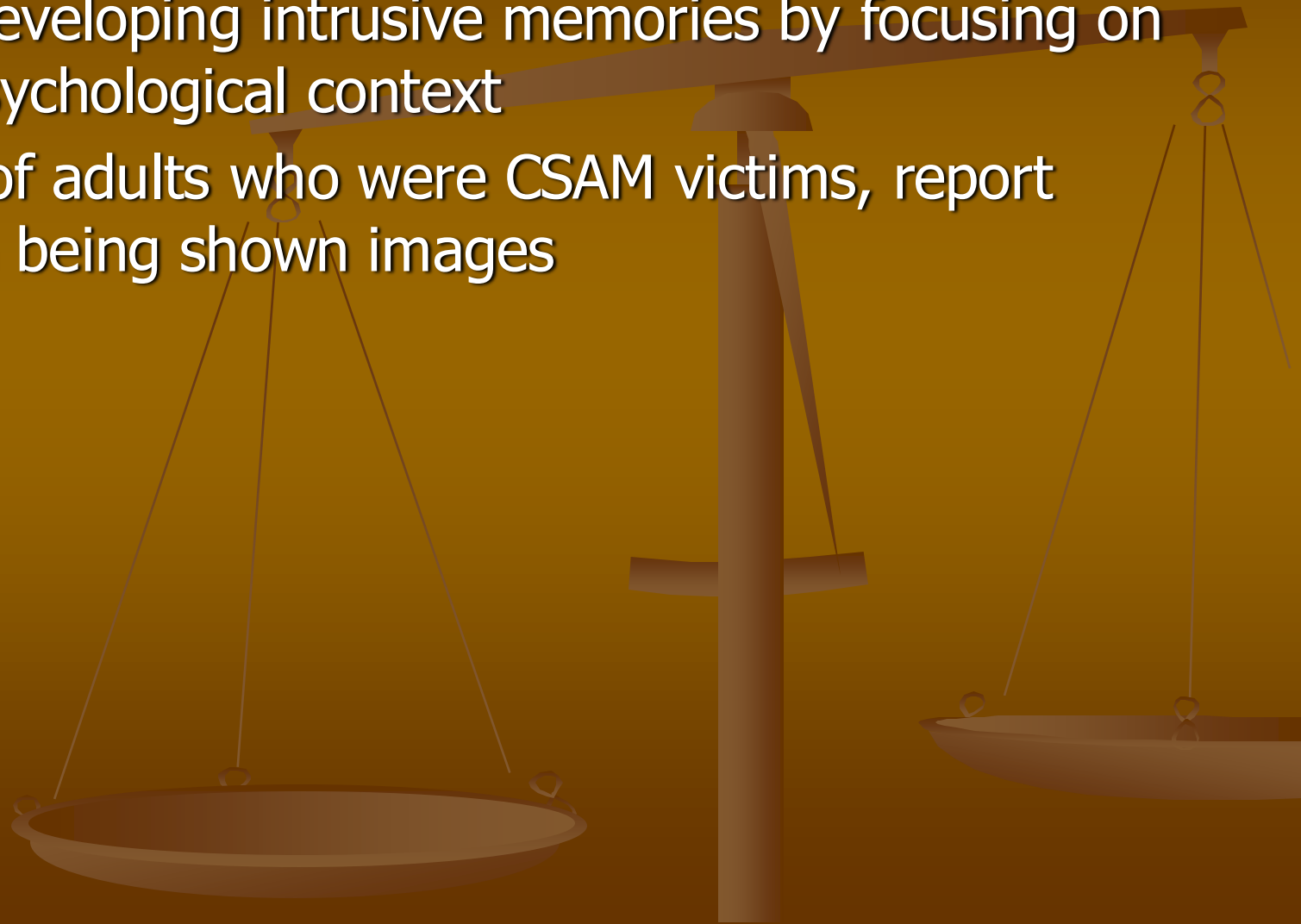
1. Seeing images of their sexual abuse heightens the risk to children's memory formation and mental health to an unacceptable level
  2. Seeing images may increase shame and reduce willingness to talk about the abuse
  3. Being shown the image by the forensic interviewer is further proof that the image is circulating on the Internet
  4. Showing the child images of their abuse forces them to view the images as a consumer
- 

## Arguments against showing victims their CSAM images in the forensic interview (continued)

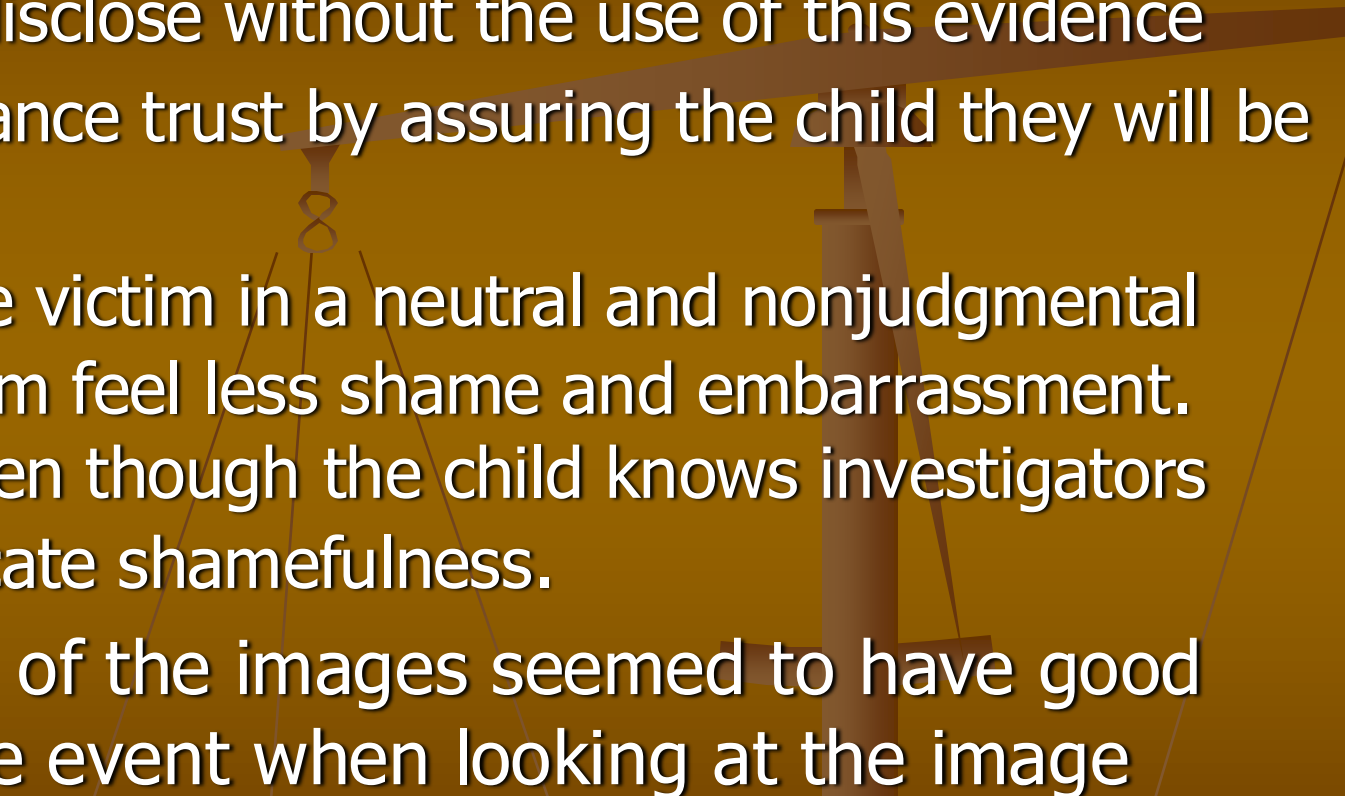
5. If the child seems in the images to be enjoying the abuse, they are left with that impression
  6. If they are shown abusing or recruiting another child, the lie of complicity is reinforced
  7. Images more than words activate the amygdala, making it more likely the child will feel threatened and be more susceptible to retraumatization
  8. Images may make them remember before they are ready to do so safely
- 

## Arguments against showing victims their CSAM images in the forensic interview (continued)

9. Images heighten risk of developing intrusive memories by focusing on sensory details without psychological context
10. The Phoenix 11, a group of adults who were CSAM victims, report negative experiences with being shown images



# Arguments for showing victims their CSAM images in the forensic interview (e.g., Connell & Finnegan, 2013)

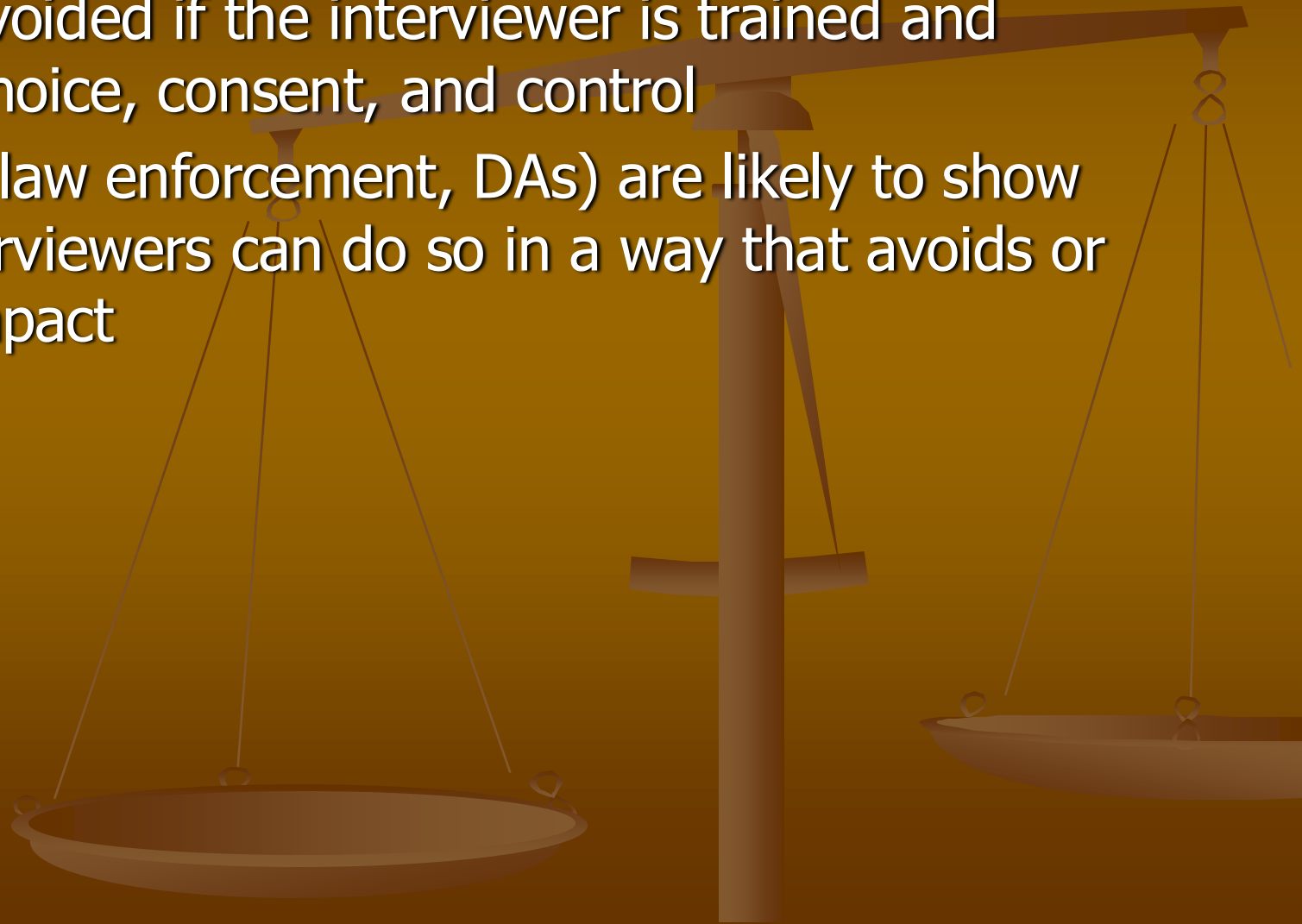
1. Some victims may fail to disclose without the use of this evidence
  2. Showing images may enhance trust by assuring the child they will be believed
  3. Showing the images to the victim in a neutral and nonjudgmental manner may help the victim feel less shame and embarrassment. Refusing to show them even though the child knows investigators have them may communicate shamefulness.
  4. Victims who were aware of the images seemed to have good cognitive recall about the event when looking at the image
- 

# Arguments for showing victims their CSAM images in the forensic interview (e.g., Connell & Finnegan, 2013)

5. Victims identify other perpetrators and victims present for the picture or video that were previously unknown to law enforcement
6. Seeing images gives the victim the benefit of knowing that investigators have found the images and the victim no longer has to keep this secret, even if they are not ready to disclose
7. Interviewers who are trained to do this report few if any negative child experiences. Untrained professionals have caused the negative experiences that have been reported

# Arguments for showing victims their CSAM images in the forensic interview (e.g., Connell & Finnegan, 2013)

8. Negative effects can be avoided if the interviewer is trained and follows the principles of choice, consent, and control
9. Other professionals (e.g., law enforcement, DAs) are likely to show the child the images. Interviewers can do so in a way that avoids or minimizes the negative impact



# Repeat of Poll 1

1. Are you in favor of showing parents their children's CSAM images during police interviews?
  - a. Yes
  - b. No
  - c. I don't know
  - d. It depends

# Repeat of Poll 2

1. Are you in favor of showing victim-children their own CSAM during forensic interviews?
  - a. Yes
  - b. No
  - c. I don't know
  - d. It depends

# References

Connell, S.S. & Finnegan, M.J. (2013). A picture is worth a thousand words: Incorporating child pornography images in the forensic interview. *APSAC Advisor*, 4, 23-24.

[https://apsaclibrary.org/publications\\_all.php?dir=2013%20Number%204#](https://apsaclibrary.org/publications_all.php?dir=2013%20Number%204#)

Singer, P. & Farrell, R. (2023). *The use of images during forensic interviews of children who have been sexually abused*. Zero Abuse Project. <https://www.zeroabuseproject.org/wp-content/uploads/2022/04/The-Use-of-Images-During-FIs-1.pdf>

# QUESTIONS?

## **THEODORE CROSS, PHD, FAPSAC**

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**Thank you!**