

Research that is “Outdated and Inadequate?”

An Analysis of the Pennsylvania Child Predator Unit Arrests in Response to Attorney General Criticism of the Berkman Task Force Report

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January 26, 2009

On January 14, 2008, the Berkman Internet Safety Technical Task Force issued its report, *Enhancing Child Safety and Online Technologies*. The Task Force, a group of 29 leading Internet businesses, non-profit organizations, academics, and technology companies engaged in a year-long investigation of tools and technologies to create a safer environment on the Internet for youth. The Task Force was created in February 2008 in accordance with the Joint Statement on Key Principles of Social Networking Safety announced in January 2008 by the Attorneys General Multi-State Working Group on Social Networking and MySpace. This Task Force was formed as a result of pressure by some of the state attorneys generals upon the social networking sites to implement age verification technologies to separate adults from minors, ostensibly to protect minors from sexual predators.

The Task Force report has been criticized by some of the state’s Attorneys General:

- In a press release, Connecticut Attorney General Blumenthal stated: “The report unfortunately downplays the threat of predators -- in relying on research that is outdated or inadequate.”¹
- In an interview with the Wall Street Journal, North Carolina Attorney General Cooper stated: “We did not ask the task force to look at the bullying issues. We asked them to look at ways for us to fight child predators. I am concerned with some of the findings. I think it relied on outdated and inadequate research ...”²
- In a press release about the Task Force report by the Pennsylvania Attorney General Corbett stated:³ “I believe this report is incredibly misleading ... “The threat is real,” Corbett said. “In the last four years, my office has arrested 183 predators, all of whom have used the Internet for the purpose of contacting minors to engage in sexual activity.” “Outdated statistics and academic projections are of little comfort to the minors who have been sexually victimized by online predators,” Corbett said. “The mere fact that tens of thousands of registered sex offenders have been removed from MySpace should be sufficient to cause any parent concern.”

Although the Task Force’s Research Advisory Board reviewed and summarized the latest online-safety research available, including research that was published in 2008, much of the data on online sexual predation in the published articles predates the rise in popularity of social networking sites. However, it should be noted that the findings of various studies by different researchers have been highly consistent throughout the last decade.

The research demonstrates that sexual predation cases typically involve teens who willingly meet with adult men knowing they will engage in sexual activities. Deception about age or sexual intention is rare. Sexual abuse by family members and acquaintances remains a far more significant concern. The young people who are at the greatest risk online, in all areas of risk, are those who are at greater risk in the real world. These young people have significant psychosocial concerns, intentionally engage in risk taking behavior, and have disrupted relations with parents or other care givers. Young people face greater risks from their peers in the form of sexual solicitation, sexual harassment and cyberbullying. The majority of young people are generally making safe and responsible choices online, effectively responding to the negative incidents that do occur, and are not distressed by these incidents.

This nation’s Attorneys General are the ones who have access to the most up-to-date arrest data on online sexual predation - data that is critical to understanding the extent of the problem, as well as other site and risk factors. They did not provide any data to the Task Force that they created.

Analysis of Pennsylvania Child Predator Unit Arrest Data

Fortunately, there is a source of more recent data related to arrests for online sexual predation. The following analysis looks at a set of data that have been made available to the public in the form of press releases about arrests of online

¹ <http://www.ct.gov/ag/cwp/view.asp?A=3673&Q=431964>. (January 13, 2009).

² Steel, E. (January 13, 2009), The Case for Age Verification. *Wall Street Journal*. <http://blogs.wsj.com/digits/2009/01/13/the-case-for-age-verification/>.

³ <http://www.attorneygeneral.gov/press.aspx?id=4233>. (January 14, 2009).

sexual predators made in Pennsylvania. Attorney General Corbett has had an active Child Predator Unit since taking office in 2005. He received funding from the General Assembly in 2005 to retain 10 personnel in this unit. His office provides materials throughout the schools in Pennsylvania advising parents and young people to contact his office if they have any contact by a potential online sexual predator.

Although a single state's arrests in this area may not be a representative sample, this analysis does provide more current data related to the concern of sexual predation and the safety concerns associated with social networking sites, which can be compared with the insight presented by the Research Advisory Board.⁴

The following is an analysis of the press releases accessed through the Attorney General's site on January 15, 2009. They were identified by using the search term "predator" in the search engine for press releases on the site.⁵ The search yielded 143 responses. As noted by the Attorney General, 183 predators had been arrested. All of these arrests were described in the press releases dated from March 21, 2005 to January 13, 2009 - thus allowing for a full analysis of the arrests of sexual predators in the state Pennsylvania for the last 4 years by the Attorney General's Child Predator Unit.

The analysis of the arrests that involved predatory actions, excluding the arrests for child pornography, revealed the following:⁶

- Only 8 incidents involved actual teen victims with whom the Internet was used to form a relationship.⁷
 - In 4 of these incidents, teens or parents reported the contact. The other 4 cases were discovered in an analysis of the computer files of a predator who had been arrested in a sting operation. Five of the cases had led to inappropriate sexual contact. The other situations were discovered prior to any actual contact.
- There were 166 arrests as a result of sting activities where the predator contacted an undercover agent who was posing as a 12 - 14 year old, generally a girl.
 - The vast majority of the stings, 144, occurred in chat rooms. Eleven stings occurred through instant messaging. Nine of the arrests failed to specify the location, but the description bore significant similarity to the chat room incidents. One involved an advertisement that had been placed on Craig's List.
 - There were only 12 reports of predators being deceptive about their age.

The descriptions of these chats incidents bear out what the research reviewed by the Research Advisory Board found - that online predators are rarely deceptive about their interests. Here are some examples of the interactions:⁸

During his initial chat Shorkey allegedly asked the girl, "are u all alone," and then proceeded to send a webcam video that showed him masturbating in front of his computer. According to the criminal complaint, Shorkey proposed meeting the girl for sex, telling her, "I could teach u how to do this, if you like." He is also accused of sending her additional webcam videos that showed him masturbating. (10/31/08)

Wilhelm quickly shifted the online conversation toward sex, asking the girl, "are u a virgin," and, "u looking to change that?" Wilhelm also allegedly proposed meeting the girl, telling her that he wanted to see her naked and added, "I've always wanted to have sex with a virgin." Corbett said that Wilhelm allegedly sent the girl digital photos of his penis and discussed taking pornographic photos of the child. (10/1/08)

Beck sent nude webcam videos of himself to the girls and instructed them to masturbate - commenting, "love to explore your body," and "I could teach you other things too." Beck is also accused of asking the girls to meet him for sex and describing in graphic detail the sex acts he wished to engage in. (7/15/08)

⁴ This author also sought data on predator arrests from Attorneys General Blumenthal and Cooper, as well as all of the Attorneys General who signed the agreement with MySpace for the formation of the Task Force. None of these offices had any data. In a telephone conversation on September 10, 2008, Connecticut Assistant Attorney General Anthony Janotta, suggested reviewing the news reports on <http://mycrimespace.com> and searching using the terms "abuse, mspace." North Carolina Assistant Attorney General Kevin West stated in a September 18, 2008 email: "I would be happy to share the information you are asking for with you...if the information existed."

⁵ <http://www.attorneygeneral.gov/presssearch.aspx>.

⁶ The other arrests were arrests of individuals found to have child pornography on their computers, all but one the result of an analysis of the computer owned by a person arrested in a sting.

⁷ One other incident involved the arrest of a police officer who had sexual relations with teens met in the course of duty, which mentioned that the officer also had a MySpace profile where he had linked to teens, but did not state that this profile had been used for the formation of any relationship that led to sexual abuse.

⁸ A review of the press releases will reveal that all of the descriptions of the sting operations were similar to these reports.

(A)n undercover agent was posing as a 13-year old girl and was contacted by Lord within 10 seconds of entering the chat room. Lord quickly turned the conversation to sex and indicated the sexual activity and which positions he wished to perform with what he believed was a 13-year old girl.

Because the attorneys general have been focusing their attention on the social networking sites, MySpace and Facebook, this analysis gave special attention to any case that mentioned any activity occurring on either of these two sites.

- One of the incidents involving an actual teen victim, communications took place on MySpace. This was a rearrest of a person who had already been arrested through a sting.
- A police officer who was arrested for sexual abuse of many teens with whom he had interacted with in the line of duty also had a MySpace account with friendship links to teen girl, but there was no assertion that these communications had led to sexual activity.
- One predator in a sting provided the agent with a link to his Facebook page.
- In 5 of the stings that took place in a chat room, reference was made to the fact that the predator had either looked at the teen's MySpace account or suggested the teen look at his profile. Several of these reports are illustrative of an important point:

Corbett said that Forbes initially used an Internet chat room to contact an undercover agent from the Child Predator Unit in November 2006. At that time, the agent was using the online profile of a 13-year old girl. ... Corbett said that during their initial chat, Forbes asked for pictures of the girl and allegedly created a MySpace profile in order to view the agent's undercover profile and additional photos on MySpace. (9/28/07)

Corbett said that on Feb. 5, 2007 Hackenberg used an Internet chat room to contact an undercover agent from the Child Predator Unit, who was using the online profile of a 13-year old girl. During their initial chat Hackenberg commented on the child's picture, which was posed on her MySpace account, telling her that it was "cute." (11/16/07)

(O)n March 5, 2007, Snodgrass used an Internet chat room to contact an undercover agent who was using the online profile of a 13-year old girl ... Corbett said that during their initial chat, ... Snodgrass ... indicated that he had researched the girl's MySpace profile, attempting to verify that she was a child.

Thus, it is evident that in a small number of cases, the social network site did play a minor role. The predator checked the agent's fake MySpace profile to obtain more information about the person with whom he was communicating. But these limited number of cases clearly demonstrate that social networking sites are not the primary environment for sexual communications with adult sexual predators. Young people face far more risk in chat rooms.

It is important to note that these press releases establish that the Child Predator Unit agents had, by November 2006, established one or more teen profiles on MySpace. These MySpace sting profiles clearly did not take advantage of the protective features on MySpace that the majority of teens use, because the predators were easily able to look at the pictures.⁹

Despite the establishment of one or more public profiles on MySpace, there has apparently not been one successful sting operation initiated on MySpace in the more than two years during which these sting profiles have been in existence.¹⁰

Further, on October 12, 2007, a press release contained the following information:

"Agents and attorneys from the Attorney General's Child Predator Unit are currently reviewing information concerning 133 registered sex offenders from Pennsylvania identified as having profiles on MySpace.com, and who used the MySpace messaging system to contact other members of that popular social networking site," Corbett said.

⁹ A Pew Internet and American Life report issued in April 2007 revealed that 66% of teens with profiles on social networking sites say they limit access to their profile in some way so that it is not visible to all internet users. Lenhart, A., et. al. (December 19, 2007) Teens and Social Media. Pew Internet and American Life. http://www.pewinternet.org/PPF/r/230/report_display.asp.

¹⁰ The author's daughter is a 15 years old and has had a profile on MySpace for two years. She uses the site protective features. In the period of time she has been on MySpace, she has received one message from an unknown adult - the older brother of a friend, who she promptly blocked. She has received sexual solicitations from both male and female peers, which she knows how to handle in an effective manner.

A number of the arrests described in the press releases described rearrests that were the result of analysis of computer files of the individuals arrested through a sting. The lack of any arrests of registered sex offenders whose profiles were found on MySpace, following the analysis of those profiles by the Child Predator Unit, indicates the probability that none of these individuals were found to be interacting with teens on MySpace. If any of the 133 registered sex offenders had been found to be in violation of the terms of their parole and probation, which for sex offenders includes a requirement of no contact with minors, these offenders would have been arrested and these arrests would most likely have been reported.

Lastly, although it was not possible to find data on the Pennsylvania Attorney General's site on arrests for child sexual abuse, an April 9, 2008 press release from the Pennsylvania Coalition Against Rape that discussed a rally held to bring awareness to the lack of funding for the rape crisis centers throughout the state was located. The release noted:¹¹

In Fiscal Year 2006-07, Pennsylvania rape crisis centers and Sexual Assault programs provided confidential and free services to ... **9,934 children who were sexually abused.**

A conversation with the Director of Communications of the Coalition also revealed that in a growing number of the cases the Coalition has been responding to the family or acquaintance abuser was found to have been using Internet communications and/or using digital media to create child pornography which was disseminated further.¹²

Discussion

The insight gained through an analysis of the Pennsylvania Attorney General's press releases on arrests for online sexual predation provide strong support for the validity of the conclusions of the Berkman Research Advisory Board and demonstrate the need for greater collaboration between law enforcement and researchers to address the actual risks to young people from sexual predators online.

A statement on the Pennsylvania Attorney General's site set forth the following information:¹³

Corbett said, "The growth of the Internet has been astronomical, and regrettably, predators are using the Internet as their primary means of contacting and communicating with their young victims." And, he said, with the growth of the Internet, the problem of sexual predators has increased tremendously. "

Despite the fact that for the last 4 years, the Child Predator Unit has 10 staff members diligently pursuing online sexual predators, primarily through sting operations, only 8 reported incidents actually involved actual teen victims. This number should be compared with the 9,934 victims of sexual abuse served by the Pennsylvania Coalition Against Rape during one fiscal year. Clearly, based on its own data, the Internet is not the primary means that predators are using to contact and communicate with child and teen victims.

Of significant concern is the report by the Coalition, that they are seeing increasing reports in cases involving real victims of family or acquaintance abusers who are using interactive technologies for communication or digital media to create child pornography. The Pennsylvania Attorney General's strong focus on setting up stings to catch online sexual predator strangers appears to be misplaced in light of the concern of the growing use of technologies by a significantly larger number of family and acquaintance abusers. It is essential to gain a better understanding of how family and acquaintance abusers are now using communication and media technologies for sexual abuse. This issue must have very high priority for data collection, analysis, and prevention. It also must be recognized that it is highly unlikely that age and identity verification will be at all helpful in addressing this significant concern.

A press release issued January 14, 2008 set forth:¹⁴

"My office has seen the number of arrested predators using MySpace nearly double over the past year," Corbett said. "Today's agreement makes it harder for adults to sexually solicit children online."

¹¹ Pennsylvania Coalition Against Rape (April 9, 2008) *Rally Brings Awareness to Funding Shortfalls*. http://www.pewinternet.org/PPF/r/230/report_display.asp.

¹² Telephone conversation with Jill Morris, Director of Communications PCAR, January 21, 2009.

¹³ <http://www.attorneygeneral.gov/kidsparents.aspx?id=56>.

¹⁴ <http://www.attorneygeneral.gov/press.aspx?id=3293>. The Attorney General was basically correct in this statement. In 2006, there was the arrest of one predator who was communicating with a teen on MySpace. In 2007, two predators were arrested who had checked the Child Predator Unit fake teen profile on MySpace during the course of a chat room sting.

Despite the fact that since November 2006, the Child Predator Unit has apparently maintained one or more public sting profiles on MySpace, not one arrest has taken place as a result of communications through the social networking site. This compares to 144 successful sting operations in chat rooms. This finding is consistent with the research insight that chat rooms are the most common location for sexual solicitation. The social networking sites have dedicated significant attention to improving the protective features on their sites, protective features that were not used by the agents.

Attention must be paid to the obvious risks related to chat room communications, as well as the risk factors that are being manifested by the young people who may still be frequenting these chat rooms, especially the chat rooms where sexual relations are being discussed. It appears that rather than seek ways to discourage teens from participating in social networking sites, these sites are destinations that should be encouraged as much safe as the alternatives. A focus must be placed on improving the protective features of chat rooms that are frequented by minors.

The descriptions of the sting incidents raise important questions:

- What kinds of chat rooms were these sting operations conducted in? In one press release, it was noted that the communications had occurred in an "Internet romance chat room." In another press release, the chat room was described as a "hidden chat room which has been used by predators arrested in previous investigations by the Child Predator Unit." The kind of chat room that the undercover agents were entering could be highly related to the manner in which the predators interacted with the supposed teen. Not that the behavior is justified, the speed with which the conversations turned to sex and apparent assumption that such attentions were welcomed may be highly related to the kind of chat room these communications took place in. Thus, it is important to pay attention to the risk factors that could lead a teen to venture into one of these kinds of sites, as well as what the sites that provide chat rooms are doing to increase the level of protections in these online locations.
- What kind of material was included in the sting profile of the young teen girls? The research has documented that the teens who do engage in sexual activity with men who they meet online often post material that leads to the assumption that they welcome such approaches. Are the agents posting material that indicates a sexual interest? While this does not justify criminal sexual abuse, it is clearly necessary to focus on the risky behaviors of the teens themselves to develop effective prevention programs and it would be helpful to know what kinds of profiles are attracting men with illegal sexual interests.
- How many actual teens are entering these kinds of chat rooms and/or sticking around to communicate with men who are sending them webcams of their private parts? Clearly, if you toss a small fish on a hook into shark-infested waters, it is highly probable that you can hook a shark. What insight does this provide about the dangers faced by the small schools of fish swimming in the more protected reefs? The overwhelming majority of teens are likely not attracted to such webcams, thus while at clear risk of being "grossed out to the max," they would likely have no inclination whatsoever to meet with such a person - and therefore should not be considered at risk of sexual predation. In a study of online sexual solicitations conducted by the Crimes Against Children Research Center, it was noted that recipients of online sexual solicitations demonstrated very effective approaches of responding to the solicitations.¹⁵

The apparent lack of any arrests of any of the 133 registered sex offenders whose profiles were provided to the Attorney General and carefully reviewed by the Child Predator Unit presents a situation that clearly requires more disclosure by this, as well as all other, Attorneys General. Much fear has been generated by the disclosure that registered sex offenders have registered on MySpace. Frequently, the public is told that these registered sex offenders are "lurking" or "prowling for victims."

MySpace has implemented a process to review the data on its site and identify registered sex offenders. The profiles are provided to the appropriate law enforcement agency. A news report on MySpace's cooperative efforts to provide law enforcement with this material noted the interest of the Attorneys General in receiving this material for use in investigations.¹⁶ Connecticut's Attorney General Blumenthal stated: "Many of these sex offenders may have violated their parole or probation by contacting or soliciting children on MySpace." North Carolina's Attorney General Cooper stated the information "could potentially be used to look for parole violations or help in investigations." Mississippi's Attorney General Hood stated: "I think once we find out the content of the messages ... we may very well find that some of the messages included illegal enticement of a child"

It is curious that there have been no follow-up press reports stating something like, "We received the profiles of X number of registered sex offenders from our state, closely investigated the material, and identified Y number of

¹⁵ Wolak, J., Mitchell, K., and Finkelhor, D. (2006). Online victimization of youth: Five years later. National Center for Missing & Exploited Children Bulletin - #07-06-025. Alexandria, VA. <http://www.unh.edu/ccrc/internet-crimes/papers.html>;

¹⁶ http://seattletimes.nwsourc.com/html/nationworld/2003715867_webmyspace21.html.

registered sex offenders who were acting in violation of the terms of their parole or probation by establishing communications with minors, and Z number of those offenders were engaged in the illegal enticement of a minor.” This clearly is data that is readily available to the Attorneys General and should be provided publicly in a prompt manner so that the true extent of concerns related to the activities of registered sex offenders on the social networking sites can be more accurately ascertained.

In sum, the arrest reports on the Pennsylvania Attorney General’s site fully support the insight and conclusions of the Berkman Task Force Research Advisory Board. The incidents of online sexual predation are rare. Far more children and teens are being sexually abused by family members and acquaintances. It is imperative that we remain focused on the issue of child sexual abuse - regardless of how the abusive relationship is initiated.

It appears that chat rooms are far less safe than social networking sites and that there is limited inclination and ability of predators to use social networking sites to contact potential teen victims. However, some predators are apparently looking at non-protected social networking profiles to obtain more information about victims. The sexual predators are clearly not hiding evidence of their sexual intentions - the conversations and disturbing images make these intentions abundantly clear. Deception about age is rare. The young people who could find these kinds of interactions to be at all enticing are likely few, and clearly should be considered at high risk due to preexisting psychosocial concerns. Sexual abuse by family members and acquaintances continues to present a much more significant concern, with the added concern that these abusers are now using communication and image recording technologies to groom their victims and create and disseminate child pornography.

Clearly, there is a need for more research in this area, as well as a need to increase the speed with which such research is reviewed to ensure accuracy and then made available to guide prevention and intervention efforts. Collaboration between researchers and law enforcement is essential. Full and complete disclosure of arrest data by the Attorneys General, as well as federal law enforcement authorities, would facilitate this research. Initially, the Attorneys General should promptly disclose the actual numbers of registered sex offenders who they found were interacting with minors on the profiles provided to them by MySpace, as well as the number who were attempting or had successfully enticed a minor to engage in sexual activity.

The next, most important, step is to coordinate the activities of the researchers, Internet safety experts, industry representatives responsible for online safety, law enforcement with professionals in mental health and risk prevention. Thanks to the excellent work of the Task Force’s Research Advisory Board, we are now in an excellent position to begin to develop more effective approaches to educate all young people and their parents to reduce the potential of unsafe online behavior or negative incidents. Further, we can develop more effective risk prevention and intervention approaches to address the concerns presented by the young people who are at greater risk online.

As a former U.S. Attorney General, Dick Thornbough stated in the preface of another report addressing youth risk online, *Youth Pornography and the Internet*:

[This report] will disappoint those who expect a technological “quick fix” to the challenge of pornography on the Internet. ... It will disappoint parents, school officials, and librarians who seek surrogates to fulfill the responsibilities of training and supervision needed to truly protect children from inappropriate sexual materials on the Internet.¹⁷

The Berkman Task Force Report has apparently disappointed some Attorneys General, hopefully a minority, who were expecting a technological “quick fix” to the challenge of online sexual solicitation and other online risks. This Report will clearly disappoint anyone thinking that age and identity verification can serve as surrogate for the implementation of a comprehensive approach that involves effective technology protections, education, parent involvement, and comprehensive risk prevention.

Fortunately, the Berkman Task Force Report, especially the high-quality research analysis provided by the Research Advisory Board, will provide a solid foundation for collaboration among professionals who understand the importance of implementing a research-based comprehensive approach to address these concerns.

¹⁷ Thornburgh, D & Lin, H., (2002) *Youth, Pornography and the Internet*. National Academy Press. [http:// books.nap.edu/openbook.php?isbn=0309082749&page=R1](http://books.nap.edu/openbook.php?isbn=0309082749&page=R1).