

Nonforcible Internet-Related Sex Crimes With Adolescent Victims: Prosecution Issues and Outcomes

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Law enforcement officials and the public are said to hold the stereotype that it is difficult to prosecute cases involving nonforcible sex crimes with willing adolescent victims. The authors examine prosecution outcomes in nonforcible Internet-related sex crimes with adolescent victims and extra-familial adult defendants. Data are from a national sample of law enforcement officers and prosecutors (N = 77). Most (91%) of the defendants are convicted, usually via a guilty plea (77%). Results show that even when victim cooperation is lacking or victims willingly engage in sexual activity, defendants are convicted. A small group of defendants are not convicted, and certain conditions appear to contribute to this, including victims' untruthfulness, defendants giving victims illegal drugs or alcohol, and lack of a confession from the defendant. Most defendants, however, are sentenced to incarceration and required to register as sex offenders. The findings show promise for holding defendants accountable for this type of crime.

Keywords: sex crimes; Internet; adolescents; prosecution

Adolescent victims of sex crimes who may appear to be sexually mature, even though they have not reached the age at which they can legally consent to a sexual relationship with adults, often pose special challenges for investigators and prosecutors, particularly if they have willingly engaged in sexual contact with defendants (Lanning, 2002). Some problems for law enforcement and prosecution are that victims of-

ten do not view themselves as victims and that teenage witnesses often lack credibility with jurors (Office for Victims of Crime, 2001). This article explores prosecution outcomes and issues, such as victim truthfulness, victim cooperation, and consent to sexual activity, for nonforcible Internet-related sex crimes with adolescent victims.

Laws Against Sexual Contact With Minors

Every state has criminal laws prohibiting sexual relations between adults and youth younger than certain ages, ranging in most states from 14 to 18 (Davis & Twombly, 2000). Although these laws arise from concepts of statutory rape criminalizing sexual intercourse with girls below specified ages, most laws are now gender neutral (Elstein & Davis, 1997). The laws vary considerably among states. Variations include providing more severe charges or penalties for crimes involving younger youth, youth under the influence of drugs or alcohol, adults employed in positions of trust with youth, and greater age differentials between the parties (Elstein & Davis, 1997). Furthermore, using laws pertaining to lewd conduct with minors, most states penalize sexual activities that fall short of intercourse between adults and minors. Most states also criminalize related activities, such as taking pictures of youth that constitutes child pornography and providing sexually explicit material to minors. The

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term *nonforcible* is sometimes used to refer to these types of crimes, simply because they are not accomplished by force. The federal law requiring states to maintain sex offender registries (42 U.S.C. 14071) requires the inclusion of any offender who commits a "criminal offense against a victim who is a minor," including many nonforcible sex crimes (Davis & Twombly, 2000).

Although historically there has not been a strong criminal justice response to allegations of illegal sexual activity between adolescents and adults (Office for Victims of Crime, 2001), more recently, there has been renewed focus on the enforcement of these laws from several fronts. One impetus has been concerns that older adult male partners have fathered a considerable number of children born to teenage mothers (Landry & Forrest, 1995). Another impetus has come from highly publicized cases in which adolescent boys and girls were victimized by adults in positions of trust to youth (e.g., teachers, priests, coaches, and volunteers with youth organizations; Goodstein, 2003; Hendrie, 2003; Nack & Yaeger, 1999). Internet-related sex crimes involving adult offenders who met young victims, both male and female, in chat rooms and other online forums have drawn more attention to this problem (Mitchell, Wolak, & Finkelhor, 2005; Wolak, Mitchell, & Finkelhor, 2004).

Dynamics of Sex Crimes With Adolescent Victims

Adolescence is a time when many youth begin exploring their sexuality. Many times, adult offenders capitalize on this by seducing or grooming the victim. This generally involves forming a bond with a victim and then introducing a sexual element into the relationship (Berliner & Elliott, 2002; Lanning, 2002). Some offenders target victims who are troubled or are searching for parental substitutes, and some find victims who are openly interested in sexual risk taking. Many adolescents, however, who do not fit these profiles may be vulnerable because of developmentally normal characteristics that make them curious about sex, easily aroused, susceptible to attention and flattery, and willing to take risks (Berliner, 2002).

Offender tactics often include showering potential victims with attention to gain their interest and trust; providing material benefits, such as gifts, to motivate youth to continue the relationship or to create a sense of obligation; testing potential victims' interest in sex by bringing it up as a topic of conversation; lowering inhibitions by touching victims casually and then more intimately; and giving victims alcohol, drugs, and pornography (Lanning, 2002). Dynamics of seduction apply to both female and male victims of nonforcible sex crimes, and they also occur in cases

that involve groups of victims who know each other. Offenders who meet victims online use similar methods, taking advantage of the privacy afforded by e-mail and instant messaging to develop relationships with youth, introduce sexual topics, transmit explicit images, and arrange meetings (Wolak et al., 2004). In some cases, the end result of the seduction process is that victims are willing to engage in sexual activity with offenders, although the willingness may range from reluctant to enthusiastic (Berliner, 2002).

Prosecuting Sex Crimes With Adolescent Victims

Adolescent victims may pose special challenges that prosecutors do not face when dealing with sex crimes against younger children. As Lanning (2002) notes, adolescent victims often do not fit the notion of the innocent child victim. They may not want the incident reported to the police or may not view the defendant as having committed a crime. Often, the victims are physically mature, rebellious, and sexually aware. Some may refuse to cooperate with prosecutors because they feel they are in love with offenders or have close bonds with them. They may also be embarrassed about what happened with the offender or about others finding out. In addition, they may be concerned about responses from their peers or, if the perpetrator is of the same sex, the stigma of homosexuality (Lanning, 2002).

Adolescent victims are often seen as lacking credibility with jurors (Office for Victims of Crime, 2001), who may not view otherwise consensual sexual relations between adults and adolescents as criminal. Also, adolescents are often seen as uncooperative victims who make poor impressions in court (Elstein & Davis, 1997). Even though these victims cannot legally consent to sexual relations with adults, law enforcement officials and prosecutors may view victims' consensual sexual activity with offenders with disapproval and believe their conduct will have a negative impact on the outcome of the case.

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This article examines nonforcible sex crimes with adolescent victims and extrafamilial adult offenders using the National Juvenile Online Victimization (N-JOV) study, a national sample of cases involving arrests made for Internet-related sex crimes against minors. The N-JOV study was undertaken to assess the scope and types of investigative and prosecutorial activity undertaken in response to Internet-related sex crimes against minors. Both law enforcement officers and prosecutors were interviewed regarding each case in the subsample of cases examined in this

article, so the data provide a unique opportunity to assess prosecution issues and outcomes.

First, we examine characteristics of the crimes. Next, prosecutors' views are explored on whether and how issues about victim truthfulness, cooperation, and willingness to engage in sexual relations with defendants affected cases. Case examples and qualitative responses will be used to explore the different ways these issues had an impact on the prosecution. Finally, prosecution outcomes, such as whether defendants were sentenced to incarceration and required to register as sex offenders, are explored. The extent to which crime characteristics were associated with whether offenders were convicted is also explored.

METHOD

N-JOV Sample and Procedure

The N-JOV study gathered data about cases of Internet-related child sexual abuse or exploitation or child pornography ending in arrests for a 1-year period from a national sample of law enforcement agencies and from local and state prosecutors for a portion of the cases.

The current article primarily reports on data gathered from prosecutors, but much of the data describing the characteristics of the victims and offenders and the dynamics of the crimes were collected from law enforcement investigators, who were surveyed using a two-phase methodology. First, 2,574 state, county, and local law enforcement agencies were surveyed by mail asking if they had made arrests in Internet-related child pornography or sexual exploitation cases. It was a stratified sample that divided law enforcement agencies into three frames based on their specialization or training in investigating Internet sex crimes against minors. All agencies with federally funded programs for investigating Internet-related crimes were surveyed, half of the agencies that participated in other federally funded training for such crimes were randomly selected from lists acquired from training agencies, and 12% of other state and local agencies were randomly sampled.

Second, telephone interviews were conducted with investigators who reported making arrests in such cases. Eighty-eight percent of the agencies ($n = 2,270$) responded to the mail surveys. Seventeen percent of the responding agencies ($n = 383$) reported 1,723 cases that ended in arrests. If an agency reported between one and three Internet-related cases (85% of agencies), we conducted follow-up interviews for every case. For agencies that reported more than

three cases, we conducted interviews for all cases that involved identified victims (victims who were located and contacted during the investigation) and sampled other cases by assigning each case a number and randomly drawing 50% if the agency reported less than 16 cases and 25% if the agency reported 16 or more cases. In some agencies, we could not find out which cases had identified victims, so we sampled from all of the cases using the sampling procedure described above. To be eligible, cases had to (a) have victims younger than 18 years old; (b) involve arrests between July 1, 2000, and June 30, 2001; and (c) be Internet related. The data set includes 612 completed interviews about cases involving Internet-related sex crimes against minors, including crimes in which offenders met victims online or used the Internet to facilitate sex crimes against victims they already knew, in which solicitations to undercover investigators were made, and in which there was possession and distribution of child pornography. See Wolak, Mitchell, and Finkelhor (2003) for details about the methodology of the investigator interviews. A full methodology report is posted at www.unh.edu/ccrc. Trained interviewers conducted all interviews under the direction of the N-JOV study principal investigators.

Prosecutor interviews. Interviews were also conducted with prosecutors for 207 (of the 486) cases that were handled at the local or state level to determine what happened when cases entered the criminal court system. (Federal prosecutors handled 126 cases, but we were unable to resolve our request for permission from the U.S. Attorney Executive Office to interview federal prosecutors before the end of the field period of study.) Nineteen percent of the prosecutors interviewed ($n = 40$) had handled multiple cases in the sample. We used the following criteria to select one case as the subject of the interview. First, we selected the case with an identified victim. If more than one case had an identified victim or there was no such case, we asked prosecutors to select the case with the most interesting or novel legal issues. If that did not distinguish one case, we asked them to pick a case where the defense prevailed, followed by the case about which the respondent had the most information and the most recent case.

Of the 486 state and local cases, 17% ($n = 82$) were ineligible for prosecutor interviews because prosecutors could not identify the cases. Another 17% ($n = 81$) were not selected for interviews because prosecutors had handled multiple cases in the sample. Twenty-eight percent ($n = 90$) of the prosecutors did not respond to our requests for interviews, and 8% ($n = 26$) refused to be interviewed. Of the 323 cases

that remained in the sample for prosecutor interviews, we completed interviews for 64% ($n = 207$).

Sample for Current Article

Cases with completed prosecutor interviews were included in this analysis if (a) at least one victim was between the ages of 12 and 17, (b) the case involved an extrafamilial defendant who was 18 or older, and (c) nonforcible sex crimes were alleged or charged ($n = 77$). A small number of cases included allegations of force (4%, $n = 3$) but were retained because defendants were not charged with forcible crimes. Cases with familial defendants were excluded because we expected that they would have different dynamics and issues than cases with extrafamilial defendants.

A unique aspect of this sample is that all the defendants were arrested for Internet-related crimes. Sixty-two percent of defendants met victims online, and 45% possessed child pornography downloaded from the Internet. The evidence may have been stronger in these cases, or prosecutors may have taken them more seriously. We explored this in two ways. First, we compared defendants who met victims online to those who had a face-to-face relationship with the victim. Second, we compared defendants who possessed child pornography with those who did not. To examine the extent to which these two factors, met online and possessed child pornography, were associated with case characteristics, prosecution issues, and outcomes, a series of chi-square analyses were conducted (not presented here). There were no significant differences in case characteristics, prosecution issues, or outcomes and whether the defendant and victim met online or whether the defendant possessed child pornography. This suggests that cases in which offenders met victims online or possessed child pornography were not substantively different from more conventional cases in this sample.

The 77 prosecutors interviewed in this sample came from 54 state, county, and local offices throughout 23 states. Just more than half (54%) of the prosecutors were male. The majority (82%) of the prosecutors were from offices with a policy of vertical prosecution. The prosecutors worked in sex crime units (39%), juvenile crime units (23%), general units (22%), or other types of units (15%).

Measures

The variables described in this article were derived from investigator and prosecutor interview instruments developed by the N-JOV study principal investigators and were pretested and piloted with investigators and prosecutors experienced in the area of Internet-related sex crimes against minors. (Copies of

the interview protocols are available from the first author.) The investigator instrument covered the characteristics of the offenders, victims, and crimes. The prosecutor instrument asked questions about case resolutions, sentencing, and issues that arose during prosecution. To assess the impact of victims' perceived truthfulness, cooperation, and apparent consent, we asked prosecutors the following questions: "Did the [truthfulness, cooperation, and consent to sexual activity] of the (any) victim have a significant impact on this case at any point?" and "How did it have an impact?"

Analyses

We used descriptive statistics to describe the characteristics of defendants, victims, and other aspects of the cases, such as crime characteristics, issues affecting prosecution, and case outcomes. Qualitative responses by prosecutors were coded to illustrate ways in which victim truthfulness, cooperation, and apparent consent to sexual activity had either a positive or negative significant impact on the prosecution. Both authors coded qualitative responses independently. Case examples are used to explore the different ways in which these issues had a significant impact on the prosecution. We used Pearson χ^2 tests to explore whether crime characteristics were associated with defendants being convicted.

RESULTS

Victim and Defendant Characteristics

The majority of the victims were female (61%), but a sizeable minority were male (39%; see Table 1). The majority of the victims were non-Hispanic White (81%). Eighty-one percent were 12 to 15 years old at the time the crimes were committed.

All the defendants were male, and most were non-Hispanic White (87%). They ranged in age from 19 to 69, with a median age of 35. In most cases, the age difference between the defendant and the victim was large, with 51% of cases involving age differences of 21 years or more. Aside from being White males, the defendants were diverse. Forty-five percent had never married, but many were married or living with partners (35%) when they committed their crimes, and 18% were divorced or separated. Almost half had at least some college education (49%). Forty-four percent had annual household incomes between \$20,000 and \$50,000, and 25% had incomes greater than \$50,000. Thirty percent of defendants had jobs or volunteer positions putting them in positions of trust with minors, mostly as teachers and coaches. More

TABLE 1: Victim and Defendant Characteristics (N = 77)

Characteristic	%	n
Victim characteristics		
Female	61	47
Male	39	30
Non-Hispanic White	81	62
Age		
12	9	7
13	18	14
14	25	19
15	29	22
16	12	9
17	8	6
Defendant characteristics		
Male	100	77
Non-Hispanic White	87	67
Age		
19 to 29	30	23
30 to 39	34	26
40 to 49	21	16
50 to 69	16	12
Defendant-victim age difference		
Less than 5 years	3	2
5 to 10 years	14	11
11 to 20 years	33	25
21 years or more	51	39
Marital status		
Single, never married	45	35
Married or living with partner	35	27
Divorced or separated	18	14
Highest education		
High school or less	38	29
Some college or technical training	18	14
College graduate or more	31	24
Don't know	13	10
Annual income		
Less than \$20,000	17	13
\$20,000 to 50,000	44	34
More than \$50,000	25	19
Don't know	14	11
Job or volunteer position was		
position of trust with minors	30	23
Prior arrest for nonsexual offenses	27	21
Prior arrest for sexual offense		
against a minor	9	7
Registered sex offender at time of crime	3	2

NOTE: Percentages may not add up to 100% because of rounding and missing data. Missing data are shown when the figure exceeds 5%.

than a quarter had prior arrests for nonsexual offenses, and 9% had prior arrests for sexual offenses against minors. Three percent of defendants were registered sex offenders at the time of their crimes.

What Were the Characteristics of the Crimes?

The majority (62%) of the defendants had met their victims on the Internet (Table 2). These Internet-initiated crimes followed a common pattern

TABLE 2: Crime Characteristics (N = 77)

Crime Characteristic	%	n
Type of defendant-victim relationship		
Met online	62	48
Neighbor, family friend, or friend of victim	16	12
Teacher or coach	13	10
Other	5	4
Type of sex crime		
Penetration	64	49
Oral sex	13	10
Inappropriate touching or fondling	6	5
Noncontact ^a	17	13
Other crimes also committed		
Possessed child pornography	45	35
Produced child pornography	27	21
Exposed victim to adult or child pornography	39	30
Gave victim alcohol or drugs	34	26
Number of charges filed (n = 75)		
No felonies, misdemeanors only	4	3
One felony	24	18
Two felonies	31	23
Three felonies	17	13
Four or more felonies	21	16

NOTE: Percentages may not add to 100% because of rounding and missing data. Missing data are shown when the figure exceeds 5%.

a. Noncontact crimes include solicitation of minors and production of child pornography.

(Wolak et al., 2004) in which offenders met victims in chat rooms and developed relationships, which were often romantic or sexual, during a period of a month or longer, communicating via chat rooms, e-mails, and instant messages. Wolak et al. (2004) found that there was little deception by offenders in online meeting cases; most were open about being older men who were interested in sexual relationships with adolescent girls or boys.

In 38% of the cases used in this article, the defendants were face-to-face acquaintances of the victims, including neighbors, family friends, or adults the victims had met in various ways in their communities. Forty-six percent of the victims were perceived by police investigators to be in love with or feel a "close friendship" with the defendants in their cases. This was true both of the victims who met the defendants online (44% were in love or had a close friendship with the offenders) and of those who knew defendants as face-to-face acquaintances (52%). Most crimes had one victim and one defendant. More than half of the crimes involved sexual penetration.

Some of the defendants also committed other crimes related to the sex crime. Forty-five percent of the defendants possessed child pornography, and

27% produced child pornography by taking sexual pictures of their victims. Thirty-nine percent of defendants showed or gave adult or child pornography to victims, and 34% gave victims illegal drugs or alcohol.

The majority (60%) of the cases were first reported to police by the victim's parents or other caretaker. Often, parents read their child's e-mail and found out about the offenders. Nearly all (95%) of the cases were reported directly to the police.

How Many Charges Were Filed?

Because the cases came from 23 states, there was considerable variety in how crimes were defined and what they were called. We did, however, gather data about the severity of the crimes charged. We found that 4% of the defendants ($n = 3$) were charged solely with misdemeanors. In two of these cases, defendants met victims online, but parents intervened and reported the crime to the police before any face-to-face meeting occurred. A third case involved sexual relations between a 19-year-old man and a 14-year-old girl who had met online. It appeared that the state in which this occurred reserved felony charges in nonforcible sex crimes for defendants 21 years old and older.

Ninety-three percent of the defendants were charged with felonies (see Table 2). In another 3% of the cases ($n = 2$), the prosecutors did not know the specific charges, but the defendants were sentenced to more than 10 years in prison, so it can be concluded that they were charged with felonies.

What Kinds of Evidence Did Prosecutors Have?

We did not ask prosecutors to assess the strength of the evidence, but answers to other questions indicated that corroborating evidence existed in many cases. In most cases, computer-related evidence was seized, including computers (81%), CDs, disks, or other removable media (56%). In 14% of the cases, the victim's computer was seized or handed over. In many cases, other evidence was seized, such as child pornography (36%); illegal items, such as weapons or drugs (17%); and other items, such as letters, phone bills, and receipts from hotels (57%). Half of the defendants confessed to their crimes.

How Did Victims' Degree of Truthfulness Affect the Prosecution?

Truthfulness. Fifty-three percent of the prosecutors stated that the truthfulness of the victims had a significant impact on the case. In 65% of the cases in which truthfulness had an impact, the victim's truthfulness was viewed as an asset. Some prosecutors noted that victims in their cases were willing to admit mistakes

and that this gave them credibility. One case involved a 30-year-old man who was charged with producing child pornography and distributing drugs to a drug-dependent 17-year-old girl he met online. One prosecutor said the following:

The videotape corroborated her experience, she admitted upfront her mistakes such as meeting with him, so this helped establish her truthfulness, made her appear honest. The defense tried to say that the victim wanted to use drugs and wanted to have sex. The videotape showed so much graphic sadomasochism that the defense did not work.

The defendant pled guilty and was sentenced to 69 months in prison and 30 years probation, along with the requirement of registering as a sex offender.

Untruthfulness. In 35% of the cases in which victim truthfulness had an impact, prosecutors described victims as harming cases by being untruthful or withholding details. The only two cases ending in acquittals at trial both involved issues with the victim's lack of credibility. One case involved a 29-year-old man from another country who met a 13-year-old girl online and traveled to meet her in person. The girl was described as an honor student and a good athlete. The extent of the defendant's sexual activity with the victim was unclear. He was charged with contributing to the delinquency of a minor, taking indecent liberties, and abduction for immoral purposes. The latter charge arose from a daytrip the defendant took with the victim, who lied about her whereabouts to her parents, who then reported her missing to the police. According to the prosecutor, the defendant was acquitted at trial because the "victim was inconsistent in testimony from statements given to police, i.e., failure to report and reporting later also changes, and she admitted she lied about something." After the trial, the defendant was deported.

In one online meeting case, charges against a 34-year-old defendant were dropped because the prosecutor found that the 14-year-old victim was not truthful about what transpired. The investigator said that the victim was afraid of her father, who was abusive. The charges were dropped because the victim lied to her parents about how she knew the defendant and also to the police about her sexual history, plus the police could find no physical evidence to corroborate her story.

In some cases, however, defendants pled guilty or were convicted even when victims were less than truthful. In one case, a 37-year-old defendant, who was charged with the aggravated sexual assault of a 13-year-old boy, made an issue of the victim's credibility. The victim was described as vulnerable and looking

for a father figure. He lived in the same building as the defendant. The boy said the defendant showed him pornography on the Internet, gave him alcohol, and then sexually abused him. According to the prosecutor, the defendant was "very persistent and trying to confuse [the victim] and picking at details trying to find some point where his testimony conflicted . . . calling him a liar." Despite this, the defendant was found guilty and sentenced to 20 years in prison and will be required to register as a sex offender when he is released.

How Did Victims' Cooperation Affect Prosecution?

Cooperation. Sixty-five percent of the prosecutors indicated that the victim's cooperation with the prosecution had a significant impact on the case. When cooperation had an impact, it was about just as likely to be positive (43%) as it was negative (51%). In one of the cases with a positive impact, a 14-year-old boy admitted to soliciting adult sexual partners in a gay chat room. He told his mother when she confronted him after finding suspicious e-mails. The mother reported the case to the police, who located and arrested the defendant. The defendant, who worked in a youth facility, claimed he was helping the victim deal with his sexual orientation.

No cooperation. Half of the prosecutors (51%) said that the victim's lack of cooperation had a negative impact. In these cases, one common theme (37%) was the victim's reluctance to testify. This reluctance arose from several sources. Some victims were psychologically fragile, and their families did not want them subjected to the stress of a trial. Some male victims were gay and were concerned that their peers would find out. Some male victims were not gay but feared being viewed as such because the defendants were male.

Some victims were hostile and did not believe that what happened should be considered a crime. One case involved a 21-year-old defendant who met a 13-year-old girl online. Police discovered them engaging in sexual activity in a car. As the prosecutor said, "[the victim] talked to me but wouldn't testify, and she told me where to go. She didn't understand what the big deal was." In this case, the defendant was sentenced to 3 years probation and was required to register as a sex offender.

Other victims were uncooperative because they were in love with the defendants. One case involved a 24-year-old high school teacher who had sexual encounters with a 15-year-old student after school and on weekends. They used the Internet to communicate with each other. As the prosecutor said, "[The victim]

wrote a statement saying she was in love with [the defendant], wanted to keep seeing him, wanted to marry him. And her parents approved, although at first they were very angry." The teacher in this case pled guilty to two felonies, statutory rape and sexual assault against a person enrolled in school. He was sentenced to 120 days at a detention center and 10 years probation and was required to register as a sex offender.

How Did Victims' Willingness to Engage in Sexual Activity Affect Prosecution?

One out of three prosecutors (33%) said that a victim's willingness had a significant impact, and nearly all (96%) indicated that it had a negative impact on the prosecution. Several prosecutors noted that a victim's consent to sexual activity lessened the severity of the crimes charged, meaning that defendants were charged with nonforcible crimes, which are less severe in terms of potential punishment than forcible crimes. Several prosecutors said that defense attorneys had brought up the extent of a victim's participation in sexual activity as a mitigating factor in sentencing and noted that some defendants had received more lenient sentences because of this. Also, one prosecutor said that it lessened the jury appeal of a case when victims willingly engaged in sex with defendants and made prosecutors more amenable to plea bargaining.

Even though about one third of prosecutors viewed the victims' willingness as having a negative impact, 92% of the defendants in these cases pled guilty or were convicted at trial, and 76% of them were sentenced to incarceration. Forty-four percent received 1 year of incarceration or less, and 12% were sentenced to more than 10 years.

What Were the Prosecution Outcomes?

The great majority of these cases ended in guilty pleas (77%) or convictions at trial (14%). Of the cases that went to trial, 46% were jury trials. There was no difference in conviction at trial based on whether it was a jury trial or not. Charges were dropped in only 3% of the cases, and only 3% of the defendants were acquitted. Outcomes were pending at the time of the interview for 4% of the cases (see Figure 1).

Most of the guilty pleas involved some reduction in charges or severity or some leniency in sentencing. The plea agreements involved dismissing some charges (59%), reducing the severity of charges (34%), and recommending more lenient sentences (32%).

Most of the convicted defendants (85%) were sentenced to incarceration. In all the cases in which sentences did not include incarceration, defendants pled

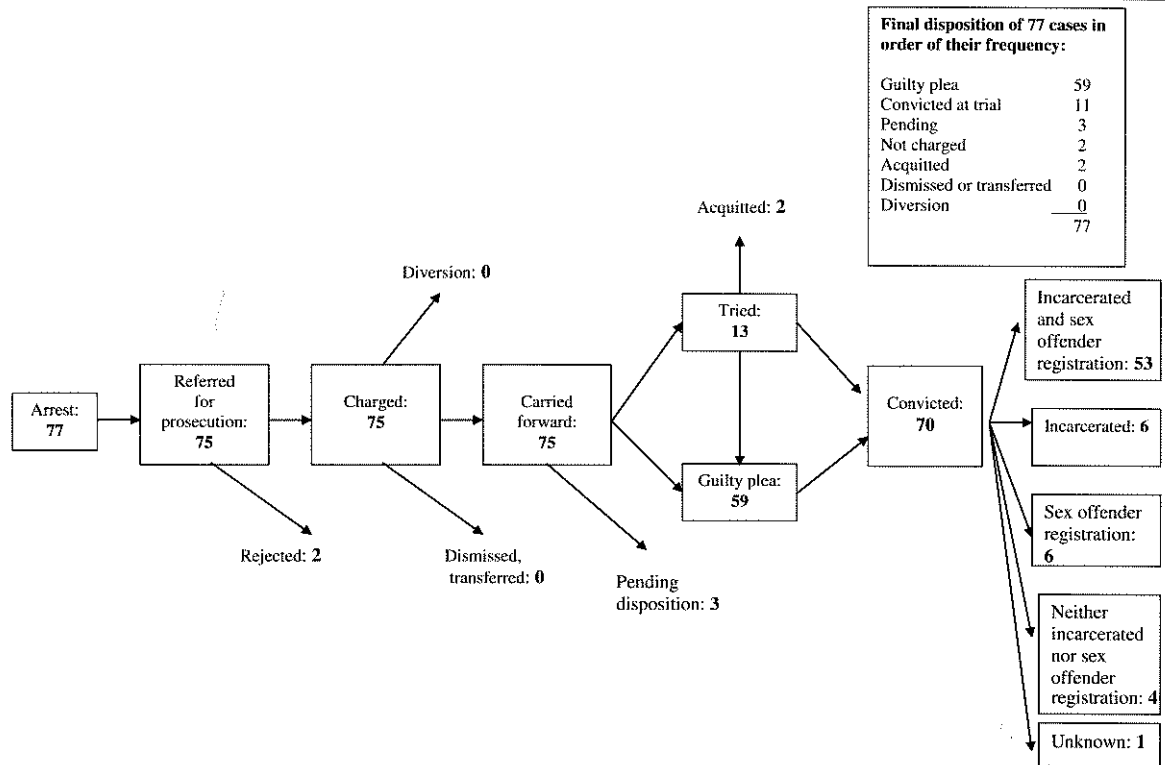


FIGURE 1: Case Flow of Prosecution Outcome

SOURCE: Chart adapted from Cross, Walsh, Simone, and Jones (2003).

guilty to either one felony or one misdemeanor or were found guilty of one felony at trial. In a third of the cases with no incarceration, the charges were noncontact crimes, such as the dissemination of matter harmful to juveniles, whereas in the remaining cases, the charges were contact sexual offenses.

There was a range in the lengths of incarceration. Thirty-eight percent of the defendants were sentenced to 1 year or less, 21% were sentenced to between 1 and 5 years, 15% were sentenced to between 5 and 10 years, and 22% were sentenced to more than 10 years. Typically, the sentences included a number of provisions, including restrictions on contacting victims (78%) or minors (55%) and being required to provide DNA samples (67%). More than half (54%) of the defendants received mental health treatment. Less than a third of the defendants had restrictions on Internet use (30%), access to pornography (27%), or access to alcohol or drug use (26%).

The majority (85%) of the defendants were required to register as sex offenders as a result of their crimes. Nearly all of the defendants not registered as sex offenders were guilty of noncontact crimes, such as solicitation of a minor or disseminating harmful material to a child. Half were in their 20s. In most

cases (69%), the length of the sex offender registration was lifetime or indefinite. In a minority of the cases (12%), the length was unknown, 12% received 10 years or less, and 7% received 11 to 45 years.

What Was Associated With Conviction?

To assess whether crime characteristics were associated with conviction, Pearson χ^2 tests were conducted. Although the majority of the cases ended in conviction, three variables were associated with conviction. Cases in which victim truthfulness was a problem were less likely to result in conviction (71%) than cases in which victim truthfulness was not a problem (95%), $\chi^2 (1, N = 77) = 7.86, p = .018$. Cases in which victims were given illegal drugs or alcohol were less likely to result in conviction (81%) than cases in which this did not happen (96%), $\chi^2 (1, N = 77) = 4.88, p = .04$. Cases in which the offender did not confess were less likely to result in conviction (81%) than cases with an offender confession (100%), $\chi^2 (1, N = 77) = 8.32, p = .004$.

DISCUSSION

The findings indicate that the great majority of nonforcible sex crimes with adolescent victims in this

sample that were prosecuted ended in conviction, usually by a guilty plea. Historically, there has not been a strong criminal justice response to allegations of illegal sexual activity between adolescents and adults (Office for Victims of Crime, 2001). These types of cases are often described as difficult to prosecute even after an arrest has been made because of the willingness of the adolescent to go along with and actively participate in the sexual activity. In many cases, prosecutors described victim truthfulness and cooperation as having a positive impact on prosecution. Prosecutors indicated that adolescents' alleged consent to sexual activity made the case more difficult and had a negative impact on the prosecution. The majority of the defendants in these cases, however, were also convicted. In the minority of the cases that did not end in conviction, certain conditions appeared to contribute, including the victim's lack of truthfulness, the defendant's giving victims illegal drugs or alcohol, and lack of a confession from the offender.

Victim, Offender, and Crime Characteristics

There was a wide variety of case dynamics. Thirty-nine percent of victims were teenage boys, some of whom were exploring their sexuality via the Internet. National data indicate that 86% of all victims of forcible sexual assault known to law enforcement are female and that males are most likely to be sexually assaulted at 4 years of age as compared to 14 for females (Snyder, 2000). The findings of this study, however, suggest that the nonforcible sexual assault of teenage boys needs further study.

Although most of the offenders did not have a criminal record, 27% had a prior arrest for nonsexual offenses, 9% had a prior arrest for sexual offending a minor, and 3% were registered sex offenders at the time of the crime. These results indicate that although most of these offenders were first-time arrestees, there was some range in past experience. Some retrospective research shows that 52% of convicted rapists in one state had previous convictions for burglary (Stevens, 2001). Other prospective research indicates that arrestees in nonsexual assault have between 1% and 2% rearrests for sex crimes (Sample & Bray, 2003), suggesting that very few of those arrested for nonsexual crimes go on to commit sex crimes. A meta-analysis of reoffending patterns for sex offenders found that only a minority (13%) of the offenders committed a new sexual offense within the 4- to 5-year follow-up (Hanson & Bussiere, 1998). This suggests that holding offenders accountable for the first sexual offense is good policy.

Prosecution Issues and Outcomes

The majority (91%) of the defendants were convicted. This is a high rate of conviction given that these cases were followed through from arrest. This could reflect some bias in the sample. As we noted in the Method section, 17% of the cases were ineligible for prosecutor interviews because prosecutors could not identify the cases. Some of these cases may have been dropped or rejected for prosecution. Also, the prosecutors who consented to interviews may have been more successful than those who did not want to participate in the study. Based on the interviews with law enforcement investigators about the full N-JOV sample, outcomes were known for 87% of the cases, and of these, 96% of the offenders arrested for Internet-related crimes against identified victims pled guilty or were convicted of a crime (Wolak et al., 2003).

Research on child sexual abuse finds that a high percentage of those charged are convicted (Cross, Walsh, Simone, & Jones, 2003; Cross, Whitcomb, & DeVos, 1995). A recent meta-analysis of 21 studies of the prosecution of child abuse found that of those cases carried forward and not dismissed or diverted, 94% ended in conviction, mostly by a guilty plea (Cross et al., 2003). Cross et al. (2003) also examined 12 studies on other types of crimes and found high conviction rates for those cases carried forward. Conviction rates included 96% of all felonies, 94% of violent felonies, and 93% of rape and other sexual assault. It is important to note that most studies of prosecutions of child abuse use samples of cases referred to prosecutors from child protective service agencies (Stroud, Martens, & Barker, 2000). This study is different because it follows cases from the point of arrest, and only 3% of these cases were rejected for prosecution or diverted or dismissed. Much more research is needed on the referral decision process.

Few cases went to trial. This mirrors other research (Cross et al., 2003; Cross et al., 1995) that indicates that child abuse trials are relatively rare. This is similar to the small percentages of all felonies, violent offenses, or rape and sexual assault cases resolved through a trial (13%, 19%, and 24%, respectively; Cross et al., 2003). Most (76%) offenders were both sentenced to incarceration and required to register as sex offenders. There appears to be wide variation in the extent to which child sex offenders are incarcerated (Champion, 1988; Cheit & Goldschmidt, 1997; Cross et al., 2003). It is important to note that differences also have to do with differences in standards of punishment and differences across judges and juries.

Nonetheless, the fact that two thirds of defendants in this sample were sentenced to incarceration and were required to register as sex offenders is notable for a number of reasons.

First, these offenders, many of whom were arrested for the first time, were being held accountable once the case reached the criminal justice system. The high rates of requirements for sex offender registration are encouraging given that some research shows lower rates of recidivism among offenders who are registered as sex offenders (Langan & Levin, 2002; Sample & Bray, 2003). Second, half of the defendants were sentenced to mental health treatment. This is heartening because many meta-analytic reviews on the effectiveness of psychological treatment for sex offenders suggest that sexual offense recidivism is lower for those in treatment groups as compared to those in control groups (Grossman, Martis, & Fichtner, 1999; Hall, 1995; Hanson et al., 2002). The fact that half of the defendants, however, did not receive mental health treatment raises the question of whether they would also benefit from such treatment.

It is notable that cases lacking victim cooperation and cases in which the victim willingly engaged in sexual activity were just as likely to result in conviction as cases that did not have these challenges. Cases, however, in which victims lied and were given illegal drugs or alcohol or in which there were no offender confessions were less likely to result in conviction. In some ways, these issues mirror those by prosecutors, who resist processing acquaintance rape, in that a prior relationship increases ambiguity (Albonetti as cited in Bryden & Lengnick, 1997). The results suggest that there may be a small group of cases, similar to Lanning's (2002) description of the less-than-innocent victim, that may be more difficult to successfully prosecute. It is also notable that whether property was seized or not, as well as the type of property, was not associated with conviction.

It is important to note that alternatives to prosecution may be appropriate in some cases (e.g., when the victim and defendant will have contact after adjudication because they live in the same community). In contrast to traditional criminal justice practices that focus on punishment, restorative justice emphasizes active participation by both the victim and the offender in the process, which could include mediation and family group conferencing (Umbreit, 1989; Wemmers, 2002). One advantage of restorative justice is the opportunity to facilitate the healing process for crime victims; one disadvantage is that victims may not want to confront the offender (Wemmers, 2002). Restorative justice may or may not be an option for

adolescent victims of sex crimes, but it could provide an alternative option for some.

Limitations

These findings have limitations. First, these cases may have been somewhat atypical of nonforcible sex crimes in that they all had connections to the Internet. This could make these cases unique in two ways. First, the quality of evidence may be higher. Second, many defendants met victims online, and this type of case may be particularly dismaying to investigators, prosecutors, and the public. Although analyses indicated that case characteristics, prosecution issues, and outcomes were not associated with the presence of either of these two factors, more research is needed on the larger population of adolescent victims of sexual assault. Second, many of the prosecutors who were interviewed had specialized training in and considerable experience with Internet child exploitation prosecutions. The prosecutors who consented to interviews may have had a greater interest in and expertise with these types of cases, and they might have had higher conviction rates than the prosecutors who did not participate in the study. The case identification procedure in which prosecutors selected cases may have further limited the generalizability of the findings. Third, the cases examined here likely represent a small portion of all adolescent nonforcible sex crimes, most of which are never reported to police (Finkelhor & Ormrod, 1999).

Implications and Future Research

We need to better understand the filtering process in the criminal justice system before cases are prosecuted. Which cases are referred for prosecution, and which are not referred? Some research suggests that certain types of cases seen at child abuse assessment centers compared to matched cases not seen at centers had more cases filed at the district attorney's office (Joa & Edelson, 2004). Research is needed on whether multidisciplinary teams, such as those at child abuse assessment centers and children's advocacy centers, have an impact on which cases are referred for prosecution.

Second, we need to broaden our concept of willing adolescent victims of nonforcible sexual assault cases. In many of the cases, the extrafamilial offenders were much older, many times at least 20 years older, than the teenage girls and boys with whom they were sexually involved. Yet in many of these cases, the teenagers indicated that they had a close relationship and sometimes were in love with the offender. Education and prevention programs need to focus on educating teenagers about the dangers of older adult men who

show sexual interest in them. We need to teach people with high accessibility to teenagers about appropriate boundaries with clients and students and that it is the responsibility of the adults to establish appropriate boundaries and that it is a crime to have sex with minors.

Third, prosecutors, judges, law enforcement professionals, and other professionals should have access to training on the challenges of prosecuting cases in which an adolescent has willingly engaged in sex with known offenders. Team training would also be helpful so that law enforcement, child protective services, prosecution, and victim advocacy could develop collaborative investigative and prosecutorial strategies for handling these cases.

CONCLUSION

Lack of victim cooperation or victim willingness to engage in sexual activity did not negatively affect prosecutions in Internet-related nonforcible sex crimes with adolescent victims. A small group of cases, those in which the victim was untruthful and was given illegal drugs or alcohol or in which there was no offender confession, was less likely to result in conviction. In the majority of the cases, however, defendants were sentenced to incarceration and required to register as sex offenders. The findings show promise for holding defendants accountable for this type of crime.

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