

TESIS DOCTORAL

**Child Pornography and other Sexual Offenses:
A Criminological study**



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Eskerrik asko Mami, iparraldeko indarra (eta gosea) transmititzeagatik.

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Child Pornography and other Sexual Offenses: A Criminological study

Abstract

The aim of this thesis is to provide a criminological analysis of sexual offending, with a special emphasis on child pornography offenses. To this end, an in-depth study is proposed, offering a scientific and interdisciplinary approach—devoid of emotional biases and moral panics that have penetrated the public consciousness—to a criminal phenomenon that keeps attracting the attention of the scientific community.

First, focus is placed on the global study of sex offenders. Specifically, the differences and similarities between sexual and non-sexual offenders were analyzed in Study 1, focusing on two factors identified in the literature as closely related to criminal behavior: impulsivity and empathy. In addition, the existing meta-analytical evidence regarding the effect of treatment on sex offenders' recidivism was reviewed in Study 2.

Next, the scope of the study narrows to focus on sex offenders who physically contacted with their victims (i.e., contact sex offenders). First, their personality characteristics were analyzed in Study 3; second, distinctive characteristics of contact sex offenders were explored in Study 4, based on the age of their victims (i.e., adults or minors).

Finally, a differentiated and detailed analysis of online child sexual exploitation is provided; in particular, the study of child pornography offending is approached from different perspectives. First, the literature, historical and present-day, regarding the mechanisms by which offenders obtain and distribute child sexual exploitation materials was synthesized in Study 5. Second, a general description of the legal regulation of child pornography offenses in Spain is provided in Study 6, analyzing in detail the problem raised by the criminalization of pornography that alludes to children, in which no real minors appear (i.e., technical and virtual child pornography). Third, the criminological profile of arrested child pornography offenders in Spain was analyzed in Study 7, using an empirical approach. Fourth, a qualitative study of interview findings with child pornography offenders is provided in Study 8, providing an empirical validation (independent of language/cultural context) of Bartels and Merdian's theoretical model on the implicit theories of child pornography offenders. Fifth, a cross-cultural validation of a specific risk assessment tool for these individuals (Child Pornography Offender Risk Tool; CPORT) was conducted in Study 9. Finally, focus is placed on the need for an early therapeutic approach for this type of offender, analyzing the verbalizations of individuals under treatment in Study 10, and describing a pilot experience of individualized treatment in prison in Study 11.

Overall, the results of this compendium of studies point toward:

(1) Lower impulsivity levels in individuals who have conducted sexual offenses, in comparison with non-sexual offenders. Although, similar empathy levels between sexual and non-sexual offenders, when measured with the Personality Questionnaire I7.

(2) Low sexual recidivism rates among individuals who have conducted sexual offenses, but high general recidivism rates. Lower sexual, violent and general recidivism rates among treated sex offenders, in comparison with non-treated groups.

(3) The effectiveness of non-pharmacological treatment in reducing both sexual and general recidivism rates in sexual offenders (especially multi-systemic therapy, followed by interventions based on social support provided by volunteers, and cognitive-behavioral therapy), when the methodological quality of the studies is not considered. Greater effect of short-length (one year or less) treatment programs. However, no robust support for the effect of treatment on violent reoffending.

(4) No significant support for the effectiveness of treatment in the reduction of recidivism rates among sexual offenders, when analyses are restricted to the studies complying with the Collaborative Outcome Data Committee standards of good methodological quality.

(5) Considerable diversity in personality patterns among contact sexual offenders, when assessed with the Millon Clinical Multiaxial Inventory-III. In terms of personality profiles, this population may be divided in two subgroups, namely: *adapted/non-pathological* (highest scores on Narcissistic, Compulsive, and Histrionic personality subscales) and *pathological* (highest scores on all personality subscales, except for Histrionic, Narcissistic, and Compulsive subscales, as well as on all syndrome subscales). Overall, limited usefulness of this questionnaire for the assessment of sexual offenders as a group.

(6) Contact sexual offenders with adult victims peak on Drug and Alcohol dependence subscales. However, no clinically elevated scales are found among contact sexual offenders as a group.

(7) Medium predictive capacity for adult victims of Depressive, Antisocial and Paranoid personality subscales; while Dependent and Masochistic subscales are predictive of minor victims.

(8) Contact sexual offenders with adult victims are more likely to commit sexual assault offenses, use a weapon for their criminal purposes, offend exclusively against female victims, commit their offenses in public settings, serve other sentences in prison, and report substance abuse problems. In contrast, contact sexual offenders with minor victims are older and more likely to commit sexual abuse offenses, offend against relatives and commit their offenses in the victim's residence.

(9) The existence of four major stages of child pornography trafficking (i.e., commercial, computer-based, web-based, and hidden), reflecting a technological race between child sexual exploitation material users and law enforcement agencies over decades. Recently, child sexual exploitation material trafficking is characterized by the exchange of images between private users, without commercial or monetary purposes.

(10) An unfounded criminalization of pornographic materials that have not been created with real minors (i.e., virtual and technical child pornography), in light of the principles of Spanish criminal law and prior scientific findings.

(11) In general terms, most child pornography offenders arrested in Spain may be described as Spanish and working in predominantly skilled occupations; only a minority have advanced computer knowledge or worked in the computer sector. Most of them are single at the time of arrest and do not have biological children. They are usually arrested at the beginning of mid-adulthood and child pornography offending is their first crime. Predominantly, they are charged with child pornography distribution; in this regard, peer to peer platforms appear to be the preferred means to access the child sexual exploitation material. Only a minority contact other like-minded individuals. The most part of the content seized by the investigators depicts pre-pubescent victims (mostly females) and is classified as “nudity or erotic poses”.

(12) Significant differences among child pornography offenders, when classified according to their criminal history (i.e., child pornography-exclusive offenders, child pornography offenders with other nonviolent or non-sexually violent criminal involvement, and dual sex offenders):

(a) Child pornography-exclusive offenders have fewer previous criminal records. These individuals are also less likely to be arrested for child pornography production; although, they have greater access to children living in their residence. As for child pornography collections, this group has the lowest proportion of child pornography material categorized as “sexual activity between children and adults excluding the penetration of adult to child”. These individuals are also less likely to admit their sexual interest in children to other people online.

(b) Child pornography offenders with other nonviolent or non-sexually violent criminal involvement show similar characteristics to the other two groups. In particular, they are more likely than child pornography-exclusive offenders, but less likely than dual offenders, to be arrested for child pornography production.

(c) Dual offenders are more likely to have sexual criminal records and higher sexual recidivism rates. This group has the highest percentage of child pornography producers. Focusing on the content seized, they are more likely to have content depicting boys and sex stories involving children. These individuals have the largest proportion of materials classified as “non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources”. Additionally, they have greater access to children when compared to child pornography-exclusive offenders; specifically, they have greater access to child relatives (with no co-habitation).

(13) Extremely low recidivism rates among child pornography offenders arrested in Spain (especially low for violent recidivism). No evidence supporting a direct relationship between the commission of a child pornography offense and the commission of subsequent contact sexual offenses. No significant correlation between being employed in an occupation with high access to children and dual sex offending.

(14) The prevalence of boys in child pornography collections and the presence of child pornography content categorized as “non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources” and “sexual activity between children and adults excluding the penetration of adult to child” predicts contact sexual offending among individuals arrested for child pornography offenses.

(15) The existence of specific common thinking patterns and underlying implicit theories in child pornography offenders, both in the UK and in Spain (i.e., *Unhappy World*, *Self as Uncontrollable*, *Child as Sexual Object*, *Nature of Harm* [child sexual exploitation material variant], and *Self as Collector*; linked by an assumption about the *Reinforcing Nature of the Internet*), along with two implicit theories previously associated with individuals with contact sexual offenses (i.e., *Uncontrollability* and *Child as Sexual Beings*).

(16) Low CPORT scores among child pornography offenders arrested in Spain, lower for child pornography-exclusive offenders. Some predictive ability of this tool (small effect sizes) for child pornography recidivism outcomes; specifically, CPORT total scores may help predict new child pornography offending among child pornography-exclusive offenders. Furthermore, the Correlates of Admission of Sexual Interest in Children could be arguably useful as a stand-alone risk assessment tool for child pornography recidivism among this group.

(17) The unsuitability of the CPORT for those practitioners who do not have access to objective information about the characteristics of the child pornography material used by the offenders.

(18) Non recommended use of the CPORT for applied risk assessments in Spain without further independent validation research with larger samples.

(19) The existence of common themes related to the voluntary access to psychological services by child pornography offenders (i.e., previous positive experiences, secrecy and stigma, difficulties in access and adherence to psychological treatment, lack of specialization of the professionals, and psycho-social problems related to the offense).

(20) The promising results of individualized interventions for imprisoned child pornography offenders.

Pornografía infantil y otros delitos sexuales: un estudio criminológico.

Resumen

Esta tesis tiene como objetivo el análisis criminológico de la delincuencia sexual, con un especial énfasis en los delitos relativos a la pornografía infantil. Para ello, se propone un estudio en profundidad que permita acercarnos, desde un punto de vista científico e interdisciplinar –alejado de la histeria social y los pánicos morales que han calado en el imaginario colectivo de nuestra sociedad–, a un fenómeno delictivo que sigue suscitando grandes preguntas entre la comunidad científica.

En primer lugar, nos centraremos en el estudio global de los delincuentes sexuales. En concreto, en el Estudio 1 se analizaron las diferencias y semejanzas entre delincuentes sexuales y no sexuales, con un especial foco en dos factores considerados en la literatura científica como estrechamente relacionados con la delincuencia: la impulsividad y la empatía. Por otro lado, en el Estudio 2 fue revisada la evidencia meta-analítica existente respecto al efecto del tratamiento sobre la reincidencia de delincuentes sexuales.

A continuación, acotaremos el ámbito de estudio de esta tesis a aquellos delincuentes sexuales que han tenido un contacto físico con sus víctimas (es decir, los delincuentes sexuales de contacto). Por un lado, en el Estudio 3 se analizaron sus características de personalidad; y por otro, en el Estudio 4 se exploraron sus características distintivas en función de la edad de sus víctimas (víctimas adultas o menores de edad).

Por último, la complejidad del estudio de la explotación sexual infantil a través de Internet, exige dedicar un análisis diferenciado y pormenorizado de este fenómeno a lo largo de este trabajo. En esta misma línea, abordaremos el estudio de los delitos relativos a la pornografía infantil desde distintas perspectivas. En primer lugar, en el Estudio 5 sintetizamos el conocimiento científico existente sobre los principales mecanismos empleados para la obtención y distribución de estos materiales de explotación sexual infantil a lo largo de la historia. En segundo lugar, en el Estudio 6 se proporciona una descripción general de la regulación jurídica de los delitos relativos a la pornografía infantil en España, analizando en detalle la problemática suscitada por la criminalización de la pornografía alusiva a menores, en la que no aparecen menores reales (pornografía infantil técnica y virtual). En tercer lugar y desde un enfoque empírico, se analizó en el Estudio 7 el perfil criminológico de aquellas personas detenidas por delitos relativos a la pornografía infantil en España. En cuarto lugar, el Estudio 8 ofrece un análisis cualitativo de las entrevistas realizadas a diversos penados por delitos relativos a la pornografía infantil, que permitió validar en distintas culturas el modelo teórico de Bartels y Merdian sobre las teorías implícitas de los consumidores de material de explotación sexual infantil. En quinto lugar, en el Estudio 9 se ofrece una validación intercultural de una herramienta

específica para la evaluación del riesgo de reincidencia de estos sujetos (Child Pornography Offender Risk Tool; CPORT). Finalmente, nos centraremos en las necesidades de un abordaje terapéutico temprano para este tipo de delincuentes, analizando de forma pormenorizada en el Estudio 10 los testimonios de penados en tratamiento, y describiendo en el Estudio 11 una experiencia piloto de tratamiento individualizado en un centro penitenciario.

Las principales conclusiones derivadas de este compendio de estudios se destacan a continuación:

(1) *Diferencias entre delincuentes sexuales y no sexuales.* Se analizaron los resultados obtenidos por 80 penados (74 varones y 6 mujeres) en el Cuestionario de Personalidad I7, cuyas escalas evalúan el nivel de irreflexión, temeridad y empatía de los sujetos evaluados. En términos generales, las puntuaciones obtenidas por la muestra de delincuentes fueron comparables a las de muestras normativas. Al comparar los resultados obtenidos por el grupo de delincuentes sexuales ($n = 42$) con los del grupo de delincuentes no sexuales ($n = 38$), se observaron puntuaciones significativamente más bajas en las escalas de impulsividad (irreflexión y temeridad) y un menor porcentaje de antecedentes penales en el grupo de delincuentes sexuales. No obstante, no se observaron diferencias estadísticamente significativas en los niveles de empatía entre ambos grupos.

(2) *Eficacia de los programas de tratamiento para delincuentes sexuales.* Los resultados de la revisión meta-analítica de 17 estudios recientes evidenciaron bajas tasas de reincidencia sexual (15,3%; comisión de nuevos delitos sexuales) y altas tasas de reincidencia general (49,31%; comisión de nuevos delitos de cualquier tipo) en la muestra de delincuentes sexuales incluida ($N = 6681$). Por otro lado, las tasas de reincidencia general, violenta y sexual fueron inferiores para los sujetos en tratamiento, frente a los grupos control (sin tratamiento). En este sentido, los resultados (sin tener en cuenta la calidad metodológica de los estudios analizados) apoyaron la eficacia de los tratamientos no farmacológicos para delincuentes sexuales en la reducción de sus tasas de reincidencia sexual y general (especialmente la terapia multi-sistémica, seguida por las intervenciones basadas en el apoyo social de voluntarios, y la terapia cognitivo-conductual). Asimismo, se apreció un mayor efecto de los programas de tratamiento de corta duración (un año o menos). No obstante, no se encontró apoyo empírico suficiente para el efecto del tratamiento en la reducción de las tasas de reincidencia violenta. En todo caso, en base a los resultados de los estudios de buena calidad metodológica (según los criterios del Collaborative Outcome Data Committee), se apunta hacia una falta de evidencia significativa respecto al efecto del tratamiento en la reducción de las tasas de reincidencia en delincuentes sexuales; destacando la necesidad de nuevos estudios de calidad que analicen la eficacia de este tipo de programas.

(3) *Características de personalidad en delincuentes sexuales de contacto.* Se pudo apreciar la existencia de una diversidad considerable en las características de personalidad de los delincuentes sexuales de contacto ($N = 97$), en base a las puntuaciones obtenidas en el Inventario Clínico Multiaxial de Millon – III. En primer lugar, la muestra no obtuvo puntuaciones clínicamente significativas en ninguna de las escalas. En cuanto a sus perfiles

de personalidad, esta población fue dividida en dos subgrupos, en base a los resultados del análisis de clúster jerárquico; en concreto: el grupo *adaptado/no-patológico* (sujetos con las puntuaciones más altas en las sub-escalas de personalidad Narcisista, Compulsivo e Histriónico) y el grupo *patológico* (sujetos con las puntuaciones más altas en todas las sub-escalas de personalidad, excepto Narcisista, Compulsivo e Histriónico; así como en todas las sub-escalas sindrómicas). En términos generales, se destaca una utilidad limitada (evaluación de la responsividad de los integrantes del grupo de tratamiento o evaluación preliminar general de la presencia/ausencia de psicopatología) de este cuestionario para la evaluación grupal de delincuentes sexuales de contacto.

(4) *Diferencias entre delincuentes sexuales de contacto en función de la edad de sus víctimas.* Por un lado, los análisis de regresión logística evidenciaron una capacidad predictiva media de las sub-escalas de personalidad Depresivo, Antisocial y Paranoide para víctimas adultas; mientras que las sub-escalas Dependiente y Autodestructivo predijeron víctimas menores de edad. Por otro lado, los delincuentes sexuales de contacto con víctimas adultas ($n = 22$) presentaron una mayor probabilidad de cometer delitos de agresión sexual (atentados contra la libertad sexual con violencia o intimidación), usar un arma durante la comisión del delito sexual, victimizar únicamente a mujeres, cometer sus delitos en espacios públicos, cumplir otras condenas en prisión (por otros delitos no sexuales) y presentar problemas de abuso de sustancias (asociados con las altas puntuaciones observadas en las sub-escalas de Dependencia del alcohol y Dependencia de sustancias). Por su parte, los delincuentes sexuales de contacto con víctimas menores ($n = 75$) se caracterizaron por tener una edad superior y presentar una mayor probabilidad de cometer delitos de abuso sexual (atentados contra la libertad/indemnidad sexual sin violencia o intimidación), victimizar a familiares y cometer sus delitos en la residencia de sus víctimas.

(5) *Evolución del fenómeno de la pornografía infantil.* La revisión sistemática de 37 estudios permitió identificar cuatro grandes etapas del tráfico de pornografía infantil (comercial, informatizada, Internet, y oculta), que reflejarían la carrera tecnológica existente entre los usuarios de material de explotación sexual infantil y los cuerpos policiales durante décadas. Con el transcurso de los años, los usuarios de pornografía infantil han migrado hacia tecnologías que les resultan más atractivas y adecuadas para sus fines (v.g., *DarkNet, Whatsapp, Telegram*). En este sentido, en los últimos años, el tráfico de material de explotación sexual infantil se ha caracterizado por el intercambio de imágenes entre usuarios privados, sin motivaciones económicas ni comerciales. Sin embargo, un sistema descentralizado como Internet impide la adopción de reglas jurídicas firmes para el control de los contenidos que circulan por la Red, lo cual dificulta enormemente el control de este fenómeno.

(6) *Criminalización de la pornografía virtual y técnica.* Las innovaciones tecnológicas han permitido la creación de materiales pornográficos mediante el uso de menores virtuales (pornografía infantil virtual) o menores simulados (pornografía infantil técnica). Se trataría de materiales pornográficos que no han sido creados con menores reales y que, por tanto, carecerían de la lesividad necesaria para la puesta en peligro de bienes jurídicos

individuales que sustente su criminalización, en base a los principios del Derecho Penal español (ofensividad, proporcionalidad, prohibición de exceso e *in dubio pro reo*). En este sentido, ni los estudios poblacionales analizados demostraron una relación causal entre la disponibilidad de pornografía infantil y los delitos sexuales contra menores, ni se ha encontrado un vínculo directo entre el uso de este tipo de materiales y la comisión de delitos sexuales de contacto en la literatura científica reciente (un riesgo, al parecer, moderado por factores individuales, independientes de la exposición a la pornografía).

(7) *Características criminológicas de los detenidos por delitos relativos a la pornografía infantil en España*. En términos generales, el perfil del detenido ($N = 347$) es el de un español sin antecedentes policiales, con un trabajo cualificado y sin conocimientos informáticos avanzados (o un empleo dentro del sector de la informática). La mayoría son solteros en el momento de la detención, con una edad media de 42 años, y no tienen hijos biológicos. El delito investigado suele ser mayoritariamente el de distribución de pornografía infantil, siendo las plataformas *peer to peer* su medio de preferencia para la obtención de material de explotación sexual infantil. Solo una minoría contacta con otros individuos interesados en este tipo de materiales. Con respecto al material incautado por los cuerpos policiales, predominan las imágenes de víctimas pre-púberes (principalmente niñas), clasificadas como “desnudos o poses eróticas” según la Clasificación Española de Imágenes de Explotación Sexual Infantil. No obstante, se detectaron diferencias estadísticamente significativas entre los detenidos por delitos relativos a la pornografía infantil, en base a sus antecedentes penales (detenidos especializados en delitos de pornografía infantil; detenidos con versatilidad delictiva; y detenidos duales). Las tasas de reincidencia (nuevas detenciones), para un período de seguimiento promedio de 6,5 años, fueron de 9,2% para la reincidencia general; 2,6% para reincidencia violenta; 5,5% para reincidencia sexual, y 3,5% para nuevas detenciones por delitos de pornografía infantil.

(a) Detenidos especializados en delitos de pornografía infantil ($n = 283$; sujetos detenidos únicamente por delitos de pornografía infantil): este grupo presentaba la proporción más alta de delincuentes primarios (individuos sin antecedentes penales), así como las menores tasas de reincidencia general y violenta. A pesar de tener una mayor convivencia con menores, estas personas eran detenidas en menor medida por delitos de producción de pornografía infantil. En cuanto a las características del material incautado, este grupo presentaba las proporciones más bajas de material pornográfico infantil clasificado como "actividad sexual entre niños y adultos excluyendo la penetración de adulto a niño" según la Clasificación Española de Imágenes de Explotación Sexual Infantil. Por otro lado, se observó un menor reconocimiento a otros internautas de su interés sexual por los menores, aunque no se observaron diferencias estadísticamente significativas en la proporción de detenidos que se pusieron en contacto con otros usuarios de pornografía infantil.

(b) Detenidos con versatilidad delictiva ($n = 46$; sujetos con otras detenciones por delitos no violentos o violentos no sexuales): por definición, estas personas presentaban una mayor versatilidad criminal. En consonancia, se observaron características a medio camino entre los otros dos grupos. En concreto, se detectó en este grupo una menor proporción de detenidos por producción de material pornográfico infantil que en los

detenidos duales, aunque mayor que en el grupo de detenidos únicamente por delitos de pornografía infantil.

(c) Delincuentes duales ($n = 18$; sujetos que también habían sido detenidos por delitos sexuales de contacto): estos detenidos constituían el grupo más especializado en delincuencia sexual; presentaban más antecedentes policiales por delitos sexuales y mayores tasas de reincidencia de tipo sexual que los otros grupos. Este grupo concentraba la mayor proporción de productores de material pornográfico infantil (grabaron/fotografiaron a sus propias víctimas o tuvieron un papel activo en el abuso/agresión reflejado en las imágenes). Asimismo, presentaron una mayor evidencia de intereses pedófilos/hebefílicos (en el 16,7% de los expedientes se encontró un diagnóstico o el reconocimiento de los intereses pedófilos/hebefílicos del detenido). Con respecto al contenido incautado, presentaban la mayor proporción de colecciones con predominancia de niños varones (y menor proporción con predominancia de niñas) y la mayor proporción de narrativas de pornografía infantil. Por otro lado, se observaron las tasas más altas de material clasificado como “imágenes no eróticas y no sexualizadas de niños total o parcialmente vestidos o desnudos, provenientes de fuentes comerciales, álbumes familiares o fuentes legítimas”, según la Clasificación Española de Imágenes de Explotación Sexual Infantil. Por último, se encontró en este grupo una mayor proporción de detenidos con acceso a menores que en el grupo de detenidos especializados en delitos de pornografía infantil. En concreto, cuando se analizaron las diferencias en el tipo de acceso, se encontró una mayor proporción de detenidos duales con acceso a menores familiares (sin convivencia con el detenido), así como alguna evidencia marginal sobre una mayor probabilidad de participar en actividades de voluntariado con menores. En este sentido, desde 2015, el ordenamiento jurídico español establece la obligación de proporcionar certificados negativos del Registro Central de Delincuentes Sexuales a todos los profesionales y voluntarios que trabajan en contacto regular con menores; no obstante, los resultados obtenidos no apoyan una correlación entre el hecho de trabajar con menores y la comisión de un delito sexual de contacto.

Con respecto a la potencial escalada delictiva de los usuarios de material pornográfico infantil hacia delitos sexuales de contacto, nuestros resultados apoyarían conclusiones previas sobre la ausencia de una relación directa entre ambos delitos. Todo ello apuntaría hacia una posible función compensatoria de la pornografía infantil (en lugar de ser considerada como un precursor del delito sexual de contacto) para aquellas personas con intereses sexuales pedófilos/hebefílicos. Finalmente, los análisis de regresión confirmaron la capacidad predictiva de tres variables (prevalencia de imágenes de pornografía infantil de niños varones; posesión de materiales no eróticos y no sexualizados de menores; y posesión de pornografía infantil en la que se muestre actividad sexual entre niños y adultos excluyendo la penetración de adulto a niño) en un modelo predictivo para la comisión de delitos sexuales de contacto en detenidos por delitos de pornografía infantil.

(8) *Validación de las teorías implícitas específicas de los usuarios de pornografía infantil de Bartels y Merdian.* Se llevó a cabo un análisis conceptual del contenido de 23 entrevistas a penados por delitos relativos a la pornografía infantil, con el objetivo de

validar la existencia y el contenido de las teorías implícitas de Bartels y Merdian (es decir, el mundo infeliz, la percepción de uno mismo como incontrolable, el menor como objeto sexual, la naturaleza del daño [específico para material de explotación sexual infantil], y la percepción de uno mismo como coleccionista; todo ello vinculado a una asunción de la naturaleza reforzante de Internet). Para ello, se utilizó una muestra británica de penados por delitos relativos a la pornografía infantil ($n = 10$). Por otro lado, se utilizó otra muestra española ($n = 13$) para realizar una validación cruzada (independiente del contexto lingüístico/cultural) de estas teorías implícitas. Ambos estudios ofrecieron evidencia empírica preliminar para la validación de los patrones de pensamiento y las teorías implícitas subyacentes propuestas. Específicamente, el análisis de la muestra británica planteó dos cuestiones notables. Por un lado, la “percepción de uno mismo como coleccionista” parece definir a un subgrupo específico de usuarios de pornografía infantil, pues no todos los participantes verbalizaron espontáneamente esta teoría implícita. Por otro, se detectaron dos teorías implícitas inicialmente asociadas a delincuentes sexuales de contacto (la incontrolabilidad y, en menor grado, la percepción de los niños como seres sexuales). El análisis de la muestra española ofreció una validación empírica adicional para estas teorías implícitas, respaldando, en cierta medida, su validez intercultural. La “percepción de uno mismo como coleccionista” y la “percepción de uno mismo como incontrolable” fueron menos evidentes en las transcripciones que otras teorías implícitas, identificando potenciales subtipos específicos de usuarios de pornografía infantil. Por otro lado, la aparente superposición entre las dos teorías implícitas en aquellos participantes que asimilaron el coleccionismo de este tipo de materiales a una “adicción”, apuntaría hacia una estrecha relación entre ambas teorías (aunque originalmente descritas como independientes). Finalmente, también se detectaron en esta muestra cuatro teorías implícitas inicialmente asociadas a delincuentes sexuales de contacto (la incontrolabilidad, la percepción de los niños como seres sexuales, el mundo peligroso y la naturaleza del daño). Curiosamente, no se encontró evidencia de la teoría implícita del “derecho” en ninguna de las muestras.

(9) *Validación intercultural del CPORT*. Se llevó a cabo un análisis de la validez del CPORT como instrumento para la valoración del riesgo de reincidencia en detenidos por delitos relativos a la pornografía infantil en España. Para ello, se utilizó una muestra de 304 hombres adultos detenidos por este tipo de delitos y se analizaron sus tasas de reincidencia sexual (nuevas detenciones por delitos sexuales) en un periodo de seguimiento fijo de cinco años. Esta muestra fue a su vez dividida en dos grupos (detenidos especializados en pornografía infantil y detenidos con otro tipo de delitos). Por un lado, la puntuación media total en el CPORT para toda la muestra fue de 0,89 puntos, con un valor máximo de 6 puntos sobre 7. Al analizar por separado los grupos, los detenidos con otro tipo de delitos obtuvieron puntuaciones totales medias en el CPORT más altas que los detenidos especializados en delitos de pornografía infantil. En este sentido, la falta de gran cantidad de información para la correcta codificación de este instrumento limita su utilidad en el contexto español, especialmente para su uso por parte de profesionales que no tengan acceso a la información relativa a las características del material incautado. Con respecto a la reincidencia, se encontraron tasas extremadamente bajas de reincidencia sexual (2,3%

para nuevos delitos sexuales; 2% para nuevos delitos de pornografía infantil; 0,3% para nuevos delitos sexuales de contacto). A pesar de ello, los análisis de curvas ROC permitieron detectar cierta capacidad predictiva (con un pequeño tamaño del efecto) del CPORT para las nuevas detenciones por delitos de pornografía infantil. En concreto, las puntuaciones totales del CPORT, podrían ayudar a predecir nuevos delitos de pornografía infantil en aquellos detenidos especializados en este tipo de delitos; aunque el CASIC (herramienta complementaria al CPORT) también podría considerarse, por sí misma, una herramienta predictiva para ese tipo de delitos en este grupo de detenidos. En todo caso, la evidencia empírica disponible sigue sin ser suficiente para confirmar dicha capacidad de predicción del CPORT en el contexto español. En este sentido, tanto las bajas tasas de reincidencia encontradas en nuestra muestra (que condujeron a la inestabilidad del modelo de regresión logística), como la falta general de información necesaria para calificar algunos ítems del CPORT nos impedirían, en este momento, recomendar el uso de esta herramienta para evaluaciones de riesgo aplicadas en España, a la espera de nuevos estudios de validación.

(10) *Prevención secundaria para usuarios de pornografía infantil en España.* Se llevó a cabo un análisis conceptual del contenido de 13 entrevistas a penados por delitos relativos a la pornografía infantil, con el fin de conocer sus experiencias respecto al acceso voluntario (previo a su detención) a servicios psicológicos. La falta de motivación intrínseca para el tratamiento antes de la detención, junto con el miedo a una posible denuncia por parte de los profesionales, dificultó su disposición a la búsqueda de ayuda profesional y su adherencia al tratamiento (el 46 % de los entrevistados no había buscado ayuda psicológica, por este u otro motivo, con anterioridad). En las entrevistas de aquellos que sí lo hicieron, se detectaron cinco temas principales: (1) experiencias previas positivas; (2) secretismo y estigma; (3) dificultades en el acceso y adherencia al tratamiento psicológico; (4) falta de especialización de los profesionales; y (5) problemática psico-social relacionada con el delito. Por lo general, algunos entrevistados valoraron positivamente sus contactos anteriores con los profesionales de la salud mental; sin embargo, el estigma asociado con el delito sexual hace que oculten la información necesaria para un diagnóstico correcto y consecuente intervención por parte de los profesionales (por ejemplo, el psicólogo podría interpretar los síntomas manifestados como parte de un trastorno de ansiedad e iniciar el tratamiento farmacológico correspondiente). Por otro lado, la falta de garantías con respecto a la confidencialidad de lo verbalizado en terapia puede causar el abandono del tratamiento. Asimismo, la falta de especialización de muchos profesionales podría conducir a un enfoque inadecuado del problema. En este sentido, la atención directa proporcionada por los profesionales de la psicología que disponen de consultas privadas (sin la necesidad de ser derivados por parte del médico de atención primaria del sistema de salud pública), hace que esta se convierta en una opción para aquellos sujetos con un uso problemático del material pornográfico; no obstante, el coste económico de estos servicios puede dificultar la adecuada adherencia al tratamiento en muchas personas. Se discute con ello la necesidad de instaurar un servicio de atención preventivo para este colectivo en nuestro país; así como la necesidad de

formación especializada a los profesionales de la Psicología, asegurando su neutralidad y correcta praxis, dentro de los límites del secreto profesional.

(11) *Tratamiento individualizado para penados por delitos relativos a la pornografía infantil.* El estudio de caso del tratamiento individualizado de un varón, cumpliendo una condena de 6 años y 18 meses de prisión por ocho delitos sexuales cometidos a través de Internet con víctimas menores de edad, permitió observar el proceso de cambio terapéutico durante el transcurso del programa de tratamiento. La intervención influyó en su percepción del daño causado a las víctimas; llegando a comprender que los menores representados en una actitud “inocente” en sus archivos podrían haber sido abusados sexualmente en la vida real, precisamente para la producción del tipo de pornografía que él mismo consumía. Esto fue respaldado por los resultados de las pruebas psicométricas, que mostraron mejoras importantes en las áreas principales del programa de tratamiento (por ejemplo, empatía hacia las víctimas, y actitudes y creencias que apoyaban el uso de materiales de explotación sexual infantil). Por otro lado, la disminución (aunque ligera) en sus sentimientos de soledad fue especialmente reseñable; apuntando hacia un efecto amplio de la intervención, que no solo afectaría a las variables relacionadas con el delito, sino que también contribuiría a la mejora del bienestar general del interno. Las medidas de identificación emocional con los niños no variaron después del tratamiento; sin embargo, presumimos que esto se relacionaría con la invariabilidad de determinados ítems de la escala psicométrica utilizada. Se observó asimismo un progresivo aumento en la revelación de comportamientos relacionados con el delito. El interés sexual hacia las conductas de abuso, la evitación social y la ansiedad social fueron mínimas antes del tratamiento y, por consiguiente, así se mantuvieron tras el mismo. El interno verbalizó a lo largo del programa su preocupación por el estigma asociado a su tipología delictiva, así como un gran sentimiento de culpa y vergüenza, estableciendo como una de las metas del tratamiento lograr sentirse orgulloso de sí mismo. Sin embargo, no se apreciaron mejorías en las puntuaciones de autoestima, que se mantuvieron en un nivel medio-bajo tras el tratamiento. En términos generales, la reeducación y la reintegración social de los delincuentes sexuales que no han tenido contacto físico con sus víctimas sigue siendo un desafío para los profesionales penitenciarios (por ejemplo, por la falta de herramientas de evaluación de riesgos validadas en España). Se trata de una población que sufre el estigma asociado a los delincuentes sexuales de contacto, lo cual dificulta sus oportunidades de obtener beneficios penitenciarios. No obstante, en el presente caso, los resultados del programa de tratamiento pueden describirse como altamente exitosos. Por un lado, el interno asimiló cada uno de los contenidos trabajados, realizando todas las tareas con gran introspección. Por otro lado, la presencia de factores protectores (en el presente caso: el apoyo familiar, un entorno adaptativo, su capacidad de comunicación asertiva, y sus niveles de empatía cognitiva y emocional) podría contribuir a la gestión del riesgo de estos sujetos. En esta misma línea, la disonancia cognitiva derivada de este tipo de comportamientos delictivos en sujetos socialmente integrados aumentaría el efecto intimidante de las penas privativas de libertad y, por lo tanto, contribuiría a la reducción del riesgo. En última instancia, este caso resulta prometedor para futuras intervenciones individualizadas con personas encarceladas por su conducta sexual online.

1. Introduction

“I, the miserable and the abandoned, am an abortion, to be spurned at, and kicked, and trampled on.”

— Mary Shelley, *Frankenstein*

Sexual offenses cause fear and rejection in society; we can observe this by checking social media or watching the news. The punitive demands of citizens are unanimous in regard to this type of crime (Jenkins, 2001): society claims the hardening of the penalties imposed on individuals who have conducted sexual offenses, seen as a homogeneous group of dangerous individuals; sexual predators whose uncontrollable sexual urges would prevent their reintegration into society (Katz-Schiavone, Levenson, & Ackerman, 2008; Mears, Mancini, Gertz, & Bratton, 2008; Roberts, Stalans, Indermaur, & Hough, 2002). In this sense, harsher criminal justice policies tend to be adopted in response to the most extreme crimes and, subsequently, are applied to all sexual crimes as a single and homogeneous entity (Roberts et al., 2003); regardless of the differences that may exist between disparate crimes such as rape of an adult victim, sexual contact offenses with minor victims, or the use of child pornography materials (Wright, 2003).

From a legal point of view, the legislation in force in each country determines what type of behaviors are subject to criminal punishment and which are not; therefore, individuals convicted of a sexual offense would show different profiles according to each legal system. Specifically, the Spanish Criminal Code of 1995 (after the reform introduced by Organic Law 1/2015, of March 30th; OL 1/2015) defines sexual abuse as any act against the sexual freedom or indemnity of another person, which occurs without violence or intimidation, and without the valid consent of the victim. The use of violence or intimidation by the perpetrator implies a qualitative change in the definition of their conduct, which is considered a sexual assault; yet, this cannot be considered as rape if there has not been vaginal, anal or oral penetration, or no body parts or objects have been inserted into either of the former first two orifices. However, crimes against sexual freedom and indemnity are not only limited to contact sexual offenses (i.e., involving physical contact with a victim), but also include a large number of non-contact sexual behaviors (i.e., not involving physical contact with a victim), such as sexual harassment, exhibitionism and sexual provocation, or felonies related to prostitution and corruption of minors; thereby creating a more diverse profile of the perpetrators.

To begin this work, it is important to emphasize that these sexual crimes are a legal construct (i.e., not a clinical construct); thus, they do not have to correspond to the paraphilic disorders (such as

pedophilia¹) included in the diagnostic classification manuals (i.e., Diagnostic and Statistical Manual of Mental Disorders; DSM; International Statistical Classification of Diseases and Related Health Problems; ICD). In this sense, it is important to note that not all sexual crimes occur as a consequence of a paraphilic disorder; nor all paraphilias are constitutive of a sexual crime (Dennis et al., 2012).

¹ Pedophilic disorder is a clinical diagnosis (American Psychiatric Association, 2013) based on three criteria: (1) presence of arousing fantasies about, urges for, or behaviors with prepubescent children; (2) acting on these sexual desires, or experiencing significant distress or difficulty as a result of these desires; and (3) fantasies, urges, or behaviors have a duration of at least 6 months and the individual in question is at least 16 years of age (with at least 5 years' difference with the age of the children of interest). Even though this diagnosis may align with the notion of child sexual abuse, not all pedophiles will engage in sexual crimes against children; therefore, not all pedophiles are child molesters (Stinson & Becker, 2016).

1.1. Sexual and non-sexual offenders: Differences in impulsivity and empathy²

“I’m a fucking evil psychopath.”
— Bret Easton Ellis, *American Psycho*

Both impulsivity (understood as a personality trait) and lack of empathy have been considered as risk factors closely related to criminal behavior (Retz, Reif, Freitag, Retz-Junginger, & Rösler, 2010). On the one hand, impulsivity encompasses multiple components, including spontaneous, poorly planned, excessive and potentially maladaptive behavior (Enticott & Ogloff, 2006); lack of concern for the consequences, preference for immediate reinforcement, contempt for the rules, propensity to boredom, lack of planning, and the inability to inhibit behavioral responses (Baltieri & Boer, 2015). On the other, empathy has been defined as the ability to understand and share another’s emotional state and context (Cohen & Strayer, 1996).

According to Eysenck's theory (Eysenck, Pearson, Easting, & Allsopp, 1985), all the impulsivity components would be grouped in two different dimensions of impulsivity: one corresponding to extraversion (i.e., venturesomeness), and the other more related to psychoticism (i.e., impulsiveness). Neuroticism, although slightly positively related to thoughtlessness (i.e., doing and saying things without thinking, without being aware of the risk involved), would correlate negatively with recklessness (i.e., sensation, emotion and adventure seeking, being aware of the risk involved). In this sense, thoughtlessness and recklessness, although related to each other, would measure two different forms of impulsivity. On the other hand, empathy would be positively related to neuroticism, but negatively with psychoticism.

Individuals who commit a crime in a society with regulatory laws, respected by other citizens, would be likely to display difficulties in controlling their impulses, rationally evaluate the consequences of their actions and, therefore, act in accordance with these bad evaluations (Baltieri & Boer, 2015). Impulsivity might be the reflection of a characteristically impulsive cognitive style or even a personality trait (Arce & Santisteban, 2006), acting as a risk factor for a range of behavioral problems such as substance abuse, criminal behavior or aggressiveness (Arce & Santisteban, 2006; Baltieri & Boer, 2015). Furthermore, high levels of impulsivity have been related to an increased risk for recidivism (Baltieri & Boer, 2015); in this sense, lack of sensitivity to punishment has been identified as one of the

² Some of the content of this section has been published in *Informació Psicològica* (see Soldino & López-Pinar, 2017b).

characteristics of impulsivity (Arce & Santisteban, 2006). Focusing on sexual offending, paraphilia has been identified as one of its risk factors (Abel, Becker, Cunningham-Rathner, Mittelman, & Rouleau, 1988). In particular, pedophilia has been associated with an impulsive component; for example, neuroimaging studies indicate that pedophilia would be associated with alterations in the activity and structure of the frontal lobe (Wiebking & Northoff, 2013), central area in behavior inhibition (Gable, Neal, & Threadgill, 2018). In this sense, impulsivity would act as a risk factor disinhibiting the offending behavior, since non-offending pedophiles have shown greater inhibitory control than offending pedophiles (Kärgel et al., 2017).

Literature has frequently considered lack of empathy as another risk factor for criminal behavior (Jolliffe & Farrington, 2004; Retz et al., 2010). However, some studies point toward a weak correlation between empathy and aggression (verbal, physical and sexual; Vachon, Lynam, & Johnson, 2014), and sexual recidivism (Hanson & Morton-Bourgon, 2005). This might be related to difficulties in correctly defining and operationalizing empathy (Barnett & Mann, 2013; Vachon et al., 2014). In this sense, Barnett and Mann (2013) proposed a five-component model for empathy in individuals who have conducted sexual offenses (i.e., perspective taking, the ability to experience emotion, a belief that others are worthy of compassion and respect, situational factors, and an ability to manage personal distress), instead of the traditional two-component model (i.e., cognitive and emotional empathy; Jolliffe & Farrington, 2004). With regard to sexual offending, Marshall, Hamilton, and Fernandez (2001) suggested empathy deficits might be linked to cognitive distortions endorsed by some offenders and used as a justification for their actions.

1.2. Treatment programs for sexual offenders: Are they effective?³

“This must be a real horrorshow film if you're so keen on my vidding it.”
— Anthony Burgess, *A Clockwork Orange*

Sexual offending raises the fears of the public, which contributes to the stigmatization of the perpetrators of this type of crime. We usually observe how the release of sexual offenders to the community is accompanied by intense media coverage, which forces many of these individuals to hide or move frequently from one city to another due to the commotion generated by their presence (Wilson, Picheca, & Prinzo, 2005). All this has fostered the impulse of punitive policies aimed at the incarceration and surveillance of these individuals (Nguyen et al., 2014), such as reviewable life imprisonment or supervised release, forgetting about the contribution to citizen safety of a therapeutic approach to this type of crime (Kim, Benekos, & Merlo, 2016; Redondo-Illescas, 2006).

During the last years, and with the main purpose of fulfilling the different alternatives to imprisonment, we have witnessed a great change in the range of treatment programs for offenders available in Spain. As an example, the General Secretariat for Penitentiary Institutions offers the “Intervention program for gender violence aggressors on probation” (PRIA-MA; Suárez et al., 2015); the “Psychoeducational intervention program for road safety” (PROSEVAL; Lijarcio et al., 2016), the “Intervention program against family violence for probation” (ENCUENTRO; Méndez et al., 2016); and the “Social skills intervention, awareness and reeducation program” (PROBECO; Ballano, Suárez, Pérez, & Herrera, 2015). With regard to specific programs for individuals who have conducted sexual offenses applied in Spain, several programs targeting subgroups of sex offenders should be highlighted: the “Sexual assault control program” (PCAS; Rivera, Romero, Labrador, & Serrano, 2006)⁴, for those adult offenders who have committed crimes against freedom and sexual indemnity (not exclusively sexual assault); the “Educational and therapeutic treatment program for juvenile sexual aggressors” (Redondo-Illescas et al., 2012), focused on the intervention in juvenile detention centers; and “Out of the Net: Intervention program against child sexual offending on the Net” (Herrero et al., 2015), targeting online sex offenders. Also noteworthy is the implementation of the “CerclesCat” project (Nguyen et al.,

³ Some of the content of this section has been published in *Anales de Psicología* (see Soldino & Carbonell-Vayá, 2017a).

⁴ Split in the province of Valencia into two specific programs, depending on the age of the victims (i.e., adult victims, PCAS-A; minor victims, PCAS-M; Soldino & López-Pinar, 2017b).

2014) in Catalonia, based on the “Circles of Support and Accountability” (COSA; Wilson & Prinzo, 2002) restorative justice initiative.

In recent years, specific treatments for individuals who have conducted sexual offenses have experienced significant changes, evolving toward a model based on the strengths of individuals under treatment (Marshall & Marshall, 2014). In this regard, the incorporation of the Risk-Need-Responsivity principles (RNR) by Andrews and Bonta (1994), Ward’s “Good Lives Model” (2010), the motivational interview by Miller and Rollnick (2002), and multisystemic therapy (MST; Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 2009) for juvenile sexual offenders should be highlighted. However, despite the generalized acceptance that certain intervention modalities reduce the recidivism rates of general offenders, the effectiveness of treatment for individuals who have conducted sexual offenses remains controversial (Hanson & Yates, 2013). Some reviews have concluded that treatment reduces the risk of recidivism of such individuals (Hanson, Bourgon, Helmus, & Hodgson, 2009; Lösel & Schmucker, 2005; Reitzel & Carbonell, 2006; Schmucker & Lösel, 2008, 2015, 2017), whereas others state that the evidence is not sufficient to reach such conclusions (Dennis et al., 2012; Grønnerød, Grønnerød, & Grøndahl, 2015); all of the latter obviating a clear need for more and better studies (i.e., randomized controlled trials and high-quality quasi-experimental studies, especially outside North America; Schmucker & Lösel, 2015).

Several meta-analyses on the effectiveness of treatment programs for individuals who have conducted sexual offenses have been published in the last 15 years. On the one hand, Schmucker and Lösel’s meta-analytical studies are especially noteworthy. In 2005, and again in 2008, they analyzed studies conducted up to 2007 on the effectiveness of sex offender treatment programs (i.e., psychological, pharmacological or surgical castration treatments; Lösel & Schmucker, 2005; Schmucker & Lösel, 2008). Sexual recidivism average rate for treated offenders was 11.1%, whereas the average rate for control groups was 17.5% (Odds Ratio; $OR = 1.70$; $p < .001$); 6.6% vs. 11.8% respectively with regard to violent recidivism rates ($OR = 1.9$; $p < .001$); and 22.4% compared to 32.5% in terms of general recidivism ($OR = 1.67$; $p < .001$). Nevertheless, the methodological quality of the studies included was moderate: only 40% of studies reached Level 3 or higher on the Maryland Scientific Methods Scale, and only six randomized studies reached Level 5 (Sherman et al., 1997). Recently, the authors updated these analyses including only psychosocial treatments (Schmucker & Lösel, 2015, 2017), and found a smaller effect size in terms of sexual recidivism reduction ($OR = 1.41$; $p < .01$).

In addition, Reitzel and Carbonell (2006) analyzed the data from nine studies, conducted between 1975 and 2003, on the effectiveness of psychological treatment for juvenile sex offenders. Treatment effect on sexual recidivism rates was statistically significant (7.37% in treated individuals vs. 18.93% in control groups), with a medium effect size ($r = .43$, 95% CI [.33, .55]). Furthermore, Hanson et al. (2009) examined whether the RNR principles (Andrews & Bonta, 1994), associated with

the effectiveness of interventions for general offenders, were also indicators of the effectiveness of tailored psychological treatments for individuals who have conducted sexual offenses. Based on 23 studies conducted until 2008, both sexual (10.9% vs. 19.2%; $OR = .66$, 95% CI [.49, .89]) and general (31.8% vs. 48.3%; $OR = .61$, 95% CI [.47, .80]) recidivism rates were found lower among treated individuals, when compared to control groups; however, violent recidivism rates were not significantly different between groups (22.9% vs. 32%; $OR = .81$, 95% CI [.58, 1.14]). Nonetheless, the poor quality of the studies (only five studies were scored as *good* according to the Collaborative Outcome Data Committee guidelines; CODC, 2007) urges caution when interpreting these results.

In this sense, when Dennis et al. (2012) restricted their analyses to randomized trials conducted before 2010 on the effectiveness of psychological treatments on individuals who have conducted sexual offenses, they revealed the lack of results supporting the ability of these treatments in reducing reoffending rates. Furthermore, results obtained by Grønnerød et al.'s (2015) meta-analysis did not show a significant effect ($r = .03$, 95% CI [-.04, .10]) of psychological treatment on the recidivism rates of sexual offenders with child victims, when only analyzing the nine studies rated as *good* or *weak* quality (Collaborative Outcome Data Committee, 2007).

1.3. Contact sex offenders: Two possible classifications

“Large, purple, ugly, like some stinking insanity run away with itself, and no place to go”
— Charles Bukowski, *The Fiend*

Contact sexual offending appears to be influenced by the offender’s individual characteristics and activities, but also by victim’s characteristics, the environment, and situational factors (Rebocho & Gonçalves, 2012). Given the heterogeneity of individuals who have conducted sexual offenses, researchers have attempted to develop classifications that would provide better understanding of factors underlying contact sexual offending and, thereby, assist in case formulation, clinical diagnosis, treatment, and recidivism prediction (Davis & Archer, 2010; Hall, Graham, & Shepherd, 1991).

1.3.1. *Their personality*⁵

The study of personality traits and disorders provides a key to the understanding in many areas of criminal behavior and, in some countries, plays an important role in forensic evaluations (Jung, Toop, & Ennis, 2018; Loinaz, Ortiz-Tallo, & Ferragut, 2012; Suen, 2013). In this sense, Knight, Rosenberg and Schneider (1985) suggested that both personality and personality disorders could be useful dimensions by which sexual offenders might be classified. For example, treatment programs for offenders could potentially be tailored, based on an individual's scores on personality assessment instruments (Chantry & Craig, 1994).

Scales of the Millon Clinical Multiaxial Inventory-III (MCMI-III; Millon, Davis, & Millon, 1997) such as Antisocial, Aggressive-sadistic, Passive-aggressive, Borderline, and Paranoid, have been used as indices of aggression in forensic contexts. Likewise, the comorbidity with offending behavior of personality disorders, prior substance abuse, psychotic symptoms or attention-deficit/hyperactivity disorder (ADHD) is common in studies of forensic populations (Craig, 2005; Loinaz et al., 2012; Pratt, Cullen, Blevins, Daigle, & Unnever, 2002). However, the role of personality functioning in offending behavior is complex, in terms of the extent to which different personality traits are differentially implicated in different types of offenses, variability in their significance between different offenders, and, therefore, in establishing their role in offense causality (Loinaz et al., 2012).

⁵ Some of the content of this section has been published in the *Journal of Forensic Psychology Research and Practice* (see Soldino, Carbonell-Vaya, Perkins, & Tibau, 2019a).

Researchers have employed many approaches to examine whether individuals who sexually offend display a common set of personality characteristics, such as comparing sex offender psychopathology profiles with control groups (e.g., non-sexual offenders or non-offender population; Davis & Archer, 2010), or whether it is possible to distinguish among groups of sexual offenders on the basis of their personality style (Chantry & Craig, 1994). The various forms of the Millon Clinical Multiaxial Inventory (MCMI; Millon, 1977) and the Minnesota Multiphasic Personality Inventory (MMPI; Hathaway & Mckinley, 1940) are the most widely used self-report personality inventories in sex offender populations (Chantry & Craig, 1994; Davis & Archer, 2010; Loinaz et al., 2012; Perrot, Bénony, Chahraoui, & Juif, 2014), followed by the Personality Assessment Inventory (PAI; Morey, 1991). Overall, studies suggest that: (1) sexual offenders are a heterogeneous population, in terms of personality disorders, and (2) a variety of diagnoses are associated with the occurrence of sexual offending (Chen, Chen, & Hung, 2016; Davis & Archer, 2010; Perrot et al., 2014). It seems that no prototypic personality profile is characteristic of this population (Davis & Archer, 2010; Hall et al., 1991; Perrot et al., 2014); however, this raises the possibility that there may be more specific associations between certain types of sexual offending and different personality profiles/disorders, as suggested in the studies described below.

The MMPI has shown moderate to large effect sizes when distinguishing between sex offender and non sex offender groups; however, Davis and Archer (2010) suggest that those results may be reflective of general antisocial behavior, rather than any more specific personality profiles in sexual offenders. Furthermore, other studies attempting to classify offenders by cluster analysis procedures with the Minnesota Multiphasic Personality Inventory-2 (MMPI-2; Butcher, Dahlstrom, Graham, Tellegen, & Kaemmer, 1989) raise doubts about the suitability and usefulness of this instrument for classification in forensic settings (Espelage et al., 2003; Spaans et al., 2009). The number of clusters found in several studies ranged between two (i.e., one cluster indicating no psychopathology and the other reflecting serious psychopathology) and ten, separating more predatory offenders from those likely to have also been victimized (the so-called Megargee System; Megargee, Carbonell, Bohn, & Sliger, 2001). Despite this, no study has found qualitatively distinct personality profiles in sex offenders' samples (Espelage et al., 2003; Spaans et al., 2009).

In addition, studies using the PAI (Morey, 1991) to assess sexual offenders point toward some potential predictive ability of this tool (especially the Antisocial scale) for recidivism outcomes among individuals who have conducted sexual offenses (Boccaccini, Murrie, Hawes, Simpler, & Johnson, 2010; Jung et al., 2018); although it did not improve the validity of tailored measures for sexual recidivism risk assessment (Jung et al., 2018). With regard to the MMPI-2-RF (Ben-Porath & Tellegen, 2011), measures of externalizing dysfunction among sexual offenders with child victims showed the strongest associations with static and dynamic risk tools for sexual reoffending assessment (Tarescavage, Cappo, & Ben-Porath, 2016).

Regarding the MCMI-III (Millon et al., 1997) and its earlier versions, although several studies have used them to examine reported constructs in sexual offenders, there is little consistency of findings across these studies (Davis & Archer, 2010). Bard and Knight (1986) found four distinct MCMI profiles in a group of sexual offenders using a cluster analytic methodology. The first three clusters were labeled “detached”, “antisocial-aggressive” and “antisocial-negativistic”; the fourth reflected a subclinical profile with no scale with base rate scores over the clinically significant cut-off of 75. In this regard, Langevin et al. (1988) found that most sexual offenders were not distinct from controls in personality characteristics. Results from Ahlmeyer, Kleinsasser, Stoner and Retzlaff (2003) showed elevated scores on Avoidant, Depressive, Dependent and Schizotypal subscales in sex offender groups, compared to non-sexual offenders. These scores were reported to correspond to profiles characterized by inhibition, relationship difficulties with adults, fear of being judged or rejected, and social isolation. Similar results were obtained by Perrot et al. (2014), using a French questionnaire (TD-12; Rolland & Pichot, 2007).

Proulx, Cusson and Beauregard (2007) distinguished two broad personality types among sexual murderers, using the MCMI-III. The first might be broadly described as psychopathic, displaying elevations in antisocial, borderline, and narcissistic traits; and the second group was characterized by schizoid and avoidant traits. Whilst a common theme between the groups could be said to be emotional detachment from others, other aspects of their interpersonal functioning are likely to be quite different, therefore requiring different approaches to treatment and risk management. However, when sexual murderers were compared with rapists, no differences were found on the personality or clinical syndrome scales of the MCMI-III (Oliver, Beech, Fisher, & Beckett, 2007).

In terms of the MCMI literature, it is important to note that published norms do not include a sex offender base rate/reference group for this instrument (Davis & Archer, 2010). Sexual offenders, as a group, tend to display significantly lower mean scores in the clinical scales than the median score of the normative sample of the MCMI-III (Suen, 2013); however, these mean scores might vary between subgroups of sex offenders.

1.3.2. The age of their victims

Several studies (Chakhssi, de Ruiter, & Bernstein, 2013; Cohen, Frenda, Mojtabai, Katsavdakias, & Galynger, 2007; Firestone, Bradford, Greenberg, & Serran, 2000; Hamdi & Knight, 2012; Hillbrand, Foster, & Hirt, 1990; Rebocho & Gonçalves, 2012; Shechory & Ben-David, 2005; Sigre-Leirós, Carvalho, & Nobre, 2015; Simons, Wurtele, & Durham, 2008), have proposed victim age as a valid discriminator among contact sex offenders. Sex offenders with adult and minor victims would differ in their developmental trajectories, clinical profiles, criminal behavior and treatment responsivity; which would support a typological distinction between both groups (Hillbrand et al., 1990; Knight & Prentky, 1990; Marshall, Jones, Ward, Johnston, & Barbaree, 1991).

In terms of personality, prior studies (Chantry & Craig, 1994; Francia et al., 2010) have found sex offenders with adult victims (SOAV) to have personality traits more in common with non-sexually aggressive offenders (especially in terms of antisocial and sadistic traits) than with sex offenders with minor victims (SOMV). On the one hand, SOMV appear to be more dependent, anxious, socially impaired and depressed, have more emotional disturbances, low levels of self-esteem, a lack of self-confidence and emotional maturity, and high levels of emotional pressure (Ahlmeyer et al., 2003; Carvalho & Nobre, 2014; Chakhssi et al., 2013; Chantry & Craig, 1994; Shechory & Ben-David, 2005; Whitaker et al., 2008). On the other, SOAV have also shown some dependency, but such underlying traits may probably be masked by certain degree of narcissism (Chantry & Craig, 1994) and psychopathy (Firestone et al., 2000). They appear more aggressive, hostile, egocentric, defensive, resentful, alienated, entitled and independent, and more likely to display substance abuse (Bartol, 2002; Chantry & Craig, 1994; Harry, Pierson, & Kuznetsov, 1993; Kalichman, 1991; Polaschek & Gannon, 2004; Whitaker et al., 2008). However, the lack of a relevant reference group, in combination with relatively few studies, renders results difficult to interpret (Davis & Archer, 2010).

Other studies have also explored descriptive data regarding other etiological factors associated with a higher risk for sexual offending, such as victimization during the offender's own childhood (Christopher, Lutz-Zois, & Reinhardt, 2007; Dunsieith et al., 2004). Studies suggest SOMV are more likely to have been sexually abused as children than SOAV (Jespersen, Lalumière, & Seto, 2009; Simons et al., 2008), and also report more frequent experiences of physical abuse (Simons et al., 2008). In this sense, sexually deviant behavior may be influenced by social learning factors concerning the sexual development and organization of affective processing during childhood (Langfeldt, 2010; Ward & Beech, 2006). Nevertheless, not all victims of sexual or physical abuse become perpetrators and not all sexual offenders have experienced child abuse. This calls for further exploration of other risk factors (Salter et al., 2003; Simons et al., 2008), which may or may not interact with childhood abuse, in triggering sexual offending.

Developmental histories of most SOMV appear to be characterized by heightened sexuality; whereas childhood histories of SOAV tend to be more indicative of violence (Simons et al., 2008); which is reflected in the characteristics and motivations of their crimes. Cohen et al. (2007) suggested SOMV would be driven more by sexual arousal (mainly paraphilic offenders), whereas serious SOAV would be driven more by impulsive-aggression (mainly non-paraphilic offenders; Dunsieith et al., 2004), with a characteristically coercive approach (i.e., verbally or physically forcing the victim; Rebocho & Gonçalves, 2012). SOAV have been characterized as antisocial persons who often have a history of nonsexual criminal activity, whereas SOMV have generally been described as specialized in sexual offending or without previous criminal activity (Firestone et al., 2000; Hall et al., 1991). Although violent pedophiles receive the most media attention, pedophilic SOMV are not characteristically aggressive (Cohen et al., 2007) and do not significantly differ from the normal population on neuropsychological and personality measures of impulsivity or aggression (Cohen et al., 2002). Manipulation, bribery and other nonviolent means would be the most common methods employed by SOMV (Cohen & Galynker, 2002; Rebocho & Gonçalves, 2012).

Individual differences among individuals who have conducted sexual offenses in criminogenic needs and reoffending risk pose challenges for those responsible for their rehabilitation and management (Ennis, Buro, & Jung, 2016). In terms of treatment, not all evidence suggests that a mixed group composition (e.g., mixing SOAV and SOMV) is optimal (Yalom, 1995). In this regard, the need for a differentiation of the therapeutic interventions according to specific sex offenders' typologies (e.g., tailored treatment programs for child sexual offenders; Lambie & Stewart, 2012) seems clear, in order to respond to the particular therapeutic needs of each identified subgroup.

1.4. Online child sexual exploitation⁶

“Nymphets do not occur in polar regions.”

— Vladimir Nabokov, *Lolita*

Child sexual exploitation (CSE) is a form of child sexual abuse that includes a wide-range of offenses, including both contact and non-contact sexual activities, and may occur in person and/or through technology. Examples of CSE include, but are not limited to, child sex trafficking, child sex tourism, sextortion, online enticement, child sexual solicitation, and child sexual exploitation material (CSEM)⁷. Overall, CSE (including both contact and non-contact sexual activities) is a global problem with blurred jurisdictional boundaries. Difficulties related to its investigation, along with the complexity in the adoption of supranational legal regulations, have allowed CSE to become a criminal challenge worldwide.

Differences in the national regulation of sexual offenses against children are a key factor in the commission of this type of crime. On the one hand, the definition of childhood varies depending on the time period and geographical location considered; likewise, the prohibition of sexual intercourse between adults and minors is neither absolute nor universal, which translates into a dramatic jurisdictional variation between different nations in terms of age of sexual consent⁸ (Graupner, 2000; Jenkins, 2001; Jones, 2001; Levine, 2002; Lyden, 2007; Newman, Holt, Rabun, Phillips, & Scott, 2011; Oswell, 2006; Rafferty, 2016; Shafe & Hutchinson, 2014). The complexity of the legal application of the principle of extraterritoriality⁹, along with the difficulties in underdeveloped areas for detection and prosecution of this type of crime (Lokteff & Piercy, 2012; Newman et al., 2011; Rafferty, 2016), made it possible for certain countries to become an idyllic destination for those seeking impunity for their sexual contacts with the most vulnerable children, establishing also the origin of a large amount of

⁶ Some of the content of this section has been included as a chapter in *The Palgrave Handbook of International Cybercrime and Cyberdeviance* (see Seigfried-Spellar & Soldino, 2019).

⁷ CSEM refers to a wide range of sexually explicit depictions of individuals under the age of 18. CSEM may also be referred to as child sexual abuse material (CSAM), child pornography (CP), child sex abuse images, and generally refers to any sexually explicit image or video of a minor.

⁸ Legal provision that declares any sexual contact between an adult and a person under certain age as criminal, whatever the conditions and circumstances, presuming the irrelevance of the consent of the underaged. From that age onward young people can effectively consent to various kinds of sexual behavior and relations in the different countries. Prior to the invention of minimum age provisions, the individual biological sexual maturity was decisive (Graupner, 2000).

⁹ Extraterritorial application of the criminal laws of the country of origin of the individual who engages in child sex tourism (Berkman, 1996).

hardcore CSEM¹⁰ (De la Rosa-Cortina, 2011; Jenkins, 2001; Miller-Perrin & Wurtele, 2017; Steel, 2009). The sense of impunity among child sex tourists, along with the perception of lower severity for the sexual offenses committed within other cultures (Kosuri & Jeglic, 2017; Newman et al., 2011; Panko & George, 2012), may encourage the depiction of the sexual abuse (even careless about concealing their identity; Jenkins, 2001) for their subsequent personal enjoyment in their home countries or their distribution through the Internet (thus becoming CSEM producers¹¹ and perpetuating the victimization of the children; Bissias et al., 2016; Martin & Alaggia, 2013; Quayle & Taylor, 2002).

Nevertheless, in the digital era, sex offenders do not need to travel to other countries for accessing vulnerable children, turning CSE into “cyberexploitation” (Chase & Statham, 2005; Jones, 2001; Kotrla, 2010; Mitchell, Jones, Finkelhor, & Wolak, 2011; O’Connell, 2003; Panko & George, 2012). Offenders tend to migrate to more attractive and suitable technologies for their purposes and the Internet has become a significant mechanism for avoiding the public exposure needed for sexual exchanges (e.g., in public toilets or cruising areas), thus some individuals engage in “cybersex” with a minor as a substitute to real sexual intercourse (Adams, 2009; Chase & Statham, 2005). The search of victims through web-based social networks has become the easiest way to obtain sexual gratification for many sex offenders, providing more direct and covert ways to entice children into sexual activity (e.g., sending sexually explicit pictures of themselves, engaging in sexual conversation, and child prostitution; Chase & Statham, 2005; Cohen-Almagor, 2013; Malesky, 2007; Mitchell, Finkelhor, Jones, & Wolak, 2010; National Center for Missing & Exploited Children, 2017; Panko & George, 2012). Online sexual solicitations of minors almost always include sexually implicit images and/or videos (International Centre for Missing & Exploited Children, 2017). Thus, not only are minors exposed to sexually explicit conversations, they are also exposed to sexually explicit images/videos, including the offender sending pornographic selfies (i.e., reciprocation – I’ll show you, if you show me; National Center for Missing & Exploited Children, 2018) or CSEM to the minor, in an attempt to groom the child that sexual behaviors between adults and minors are normal and “okay” (Malesky, 2007). As with contact sex offenders, typologies have emerged in the literature for online sexual offenders (Black, Wollis, Woodworth, & Hancock, 2015). In this sense, we may distinguish between contact-driven vs. fantasy-driven¹² individuals (Briggs, Simon, & Simonsen, 2011; Chiu, Seigfried-Spellar, &

¹⁰ Not only in reference to the place where the images are produced, but also regarding the fact that these countries host the majority of the servers in which CSEM is stored and distributed through the Internet (Jenkins, 2001; Steel, 2009, 2015).

¹¹ Many of the CSEM classified on the highest severity levels, in which white men appear having sex with Asian or Latina girls, come from child sex tourism (De la Rosa-Cortina, 2011; Jenkins, 2001; Morales-Prats, 2002). These images can be distinguished from the others because the adults who appear in them rarely try to hide their faces, presumably because of their sense of “security”, knowing that they are not committing any type of crime in those countries (Jenkins, 2001).

¹² *Contact-driven* offenders wish to meet adolescents for sex in the real world whereas *fantasy-driven* offenders are motivated by cybersex and role-play, rather than a desire to meet in the physical world (see Briggs et al., 2011).

Ringenberg, 2018). In terms of online child grooming, Webster et al. (2012) distinguished between intimacy-seeking, adaptable style, and hypersexualized groups¹³, based on their modus operandi.

Online child grooming was included in the 2010 reform of the Spanish Criminal Code, thus typifying those behaviors that adults develop through Information and Communication Technologies (ICT) to gain the confidence of minors in order to arrange meetings to obtain concessions of a sexual nature. Typical behaviors were extended after the reform operated by OL 1/2015 and the inclusion of the article 183.2 *ter*, which punishes those individuals who contact children under sixteen through ICT and perform acts aimed at tricking them to provide pornographic images of themselves or other minors (Villacampa-Estiarde & Gómez-Adillón, 2016).

¹³ *Intimacy-seeking* offenders believe they are engaging in a consenting intimate relationship with the minor; *adaptable style* offenders see the minor as mature and capable, they adapt their identity and grooming style according to the characteristics of the interaction with each minor; *hyper-sexualized* offenders contact minors to obtain indecent image collections of children (Webster et al., 2012).

1.5. Child pornography¹⁴ offending

“Curiouser and curiouser!”
— Lewis Carroll, *Alice in Wonderland*

Back in the 70s, Stoller (1970, p. 490) defined *pornography* as “a daydream in which activities, usually but not necessarily overtly sexual, are projected into written or pictorial material to induce genital excitement in an observer”; a vague definition that led to subjective interpretation. Decades later, authors such as Andrews (2012) warned about the lack of a solid definition of the concept¹⁵. Given the legal indeterminacy of what should be understood as pornographic, Orts Berenguer and Roig Torres (2014, p. 119) proposed a more precise definition, adjusted to the principle of *taxativity*: “the product, with visual preference, whatever its support, in which, exclusively or almost exclusively, the most sexually explicit acts are recorded, exposed in the most thorough and scrutinizing manner, and which is expressly made, almost always with a chrematistic motivation, with the only—manifest, veiled or surreptitious—aspersion to arouse the venereal appetite and to please and promote certain demands in that sphere”.

To be considered pornographic, the material must have been deliberately developed or produced to arouse a sexual interest or provide erotic pleasure (Diamond, 2009; Diamond & Uchiyama, 1999; García-Albero, 2015; Isaacs & Isaacs, 2010). However, no image is pornographic until the fantasies of an observer are incorporated into it; nothing is pornographic *per se*. Pornography could be considered as a matter of aesthetics, since “one man’s delight is another’s boredom” (Stoller, 1970, p. 490); what a person can perceive as pornographic may not be for another. Pornography consists of both a physical object (i.e., visual, auditory, textual or any other type of representation of sex) and a particular orientation or relationship with such an object, which we could define as a subjective sense of sexual arousal (Lasker, 2013). It is not based on the state and real characteristics of that object, but on more subjective forms of observation (Oswell, 2006). Therefore, and in order to maximize the concept of pornography for legal purposes, it will be necessary for a reasonable person (knowledgeable of socially dominant valuations, regardless of whether they are shared by them or not) to affirm that the material in question is mainly aimed at the excitement and satisfaction of sexual or libidinous instincts, excluding any other relevant purpose (García-Albero, 2015).

¹⁴ Term used in legal context. May also be referred to as child sexual exploitation material (CSEM), child sexual abuse material (CSAM), or child sex abuse images.

¹⁵ Faced with the impossibility of defining what pornography was, Judge Potter Stewart wrote his mythical phrase: “I know it when I see it” (*Jacobellis v. Ohio*, 1964).

1.5.1. Child pornography definitions

The complexity of the legal approach to child pornography offending requires starting this section by clearly defining each of the concepts involved in the phenomenon.

1.5.1.1. Legal perspective

The Spanish Criminal Code, after the reform operated by OL 1/2015, incorporates in its article 189.1 a definition of child pornography¹⁶ (i.e., the normative concept of child pornography): (a) *any material that visually¹⁷ depicts a minor¹⁸ or a disabled person in need of special protection¹⁹ engaged in real or simulated sexually explicit²⁰ conduct*; (b) *any depiction of the sexual organs of a child or a disabled person in need of special protection for primarily sexual purposes²¹*; (c) *any material that visually depicts any person appearing to be a child²² engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes; unless the person who appears to be a minor turns out to be actually eighteen or older*

¹⁶ Literal transposition of the definition used by Directive 2011/93/EU of the European Parliament and of the Council, of 13 December 2011 (art. 2.c).

¹⁷ They must necessarily be visual representations; audio or written material would not be included.

¹⁸ Minor means any person under the age of eighteen; unlinked from the age of sexual consent set in the Criminal Code (i.e., sixteen years).

¹⁹ This definition equates child pornography to pornography in which people with disabilities in need of special protection have been used.

²⁰ "Sexually explicit behaviors must cover at least the following real or simulated acts: (a) sexual intercourse (including genital-genital, oral-genital, anal-genital or oral-anal intercourse between children or between an adult and a child, of the same or different sexes); (b) bestialism; (c) masturbation; (d) sadistic or masochistic abuses in a sexual context; and/or (e) lascivious display of children genitalia or pubic area" (see Memo 2/2015 of the State Attorney General's Office, p. 4).

²¹ Primarily sexual purposes "must be reflected in the material itself, not being sufficient with the mere intentionality of the person who owns or distributes it" (see Memo 2/2015 of the State Attorney General's Office, pp. 6-7).

²² These are images in which people over eighteen are deliberately presented as minors in a sexual context, and in which it is particularly difficult to determine whether the persons represented are adults or minors (Boldova-Pasamar, 2016; De la Rosa-Cortina, 2015a; García-Albero, 2015). To this end, both the characterization and the external appearance of the actors are manipulated (e.g., actors with highlighted childish features, digitally retouched images in which the signs of sexual maturity of the actors are hidden), as well as the context in which they are placed (e.g., clothing, childish setting), as well as the textual file descriptions or the audio (De la Rosa-Cortina, 2015a; García-Albero, 2015).

at the time the images were obtained²³; and (d) realistic images²⁴ of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes.

As defined, we can establish two types of child pornography (CP). On the one hand, classical CP (sections *a* and *b*), which would include representations in which real minors have intervened, without image manipulation. On the other, pornography alluding to minors (sections *c* and *d*), that is, images in which children have not been used (or have been used indirectly) for its elaboration; which, in turn, would be subdivided into two groups: technical CP (section *c*) and virtual CP (section *d*).

1.5.1.2. Criminological approach

The legal definition of CP would not cover the complexity of this phenomenon from a criminological point of view. A wide range of materials, not included within the normative concept of CP, may be identified as sexually arousing for adults with a sexual interest in minors (Taylor, Holland, & Quayle, 2001). A distinction would thus be made between CP and child eroticism: while the former is considered explicitly sexual in terms of image content, child erotic images may refer to any image that is used by an individual for sexual purposes (Oswell, 2006; Taylor et al., 2001). Among the images that circulate on the Internet we can find commercial images (e.g., diaper ads, children's fashion magazines; not created for sexual purposes), images of dressed children from family albums or other lawful sources (e.g., girls wearing princess costumes, children in swimsuits) and others taken secretly (i.e., candid photography; the child is not aware of their existence), all of them with no overt sexual connotations (Jenkins, 2001; Mirkin, 2009; Ethel Quayle & Jones, 2011). Hence, the “subjective sense of sexual excitement” referred to by Lasker (2013, p. 13) may also be obtained from apparently innocuous and innocent images of children (Howitt, 1995). In this sense, the person who masturbates watching a children's fashion magazine perceives that magazine as something sexually exciting. For this person, this magazine is pornographic because it manages to satisfy their libidinous desires,

²³ “If they can be minors and are presented as minors, the material will be subsumed in the concept of child pornography, unless it is proven that they were adults. If they may not be minors and are not presented as minors, it will be necessary to opt for non-incrimination.” Thus, the material that incorporates sexual scenes starring unidentified persons in which their maturity is unclear, without mentioning whether they are minors and without relating them to childish iconography, should not be criminally prosecuted (see Memo 2/2015 of the State Attorney General's Office, pp. 10-11).

²⁴ These images should approximate to a high degree (i.e., up to the point of making the difference almost imperceptible) to the graphic representation of a true minor. They are an artificial creation; altered images of existing people (i.e., morphing) or computer-generated images *ex nihilo*. Drawings representing minors in explicit sexual behavior would not pursue that similarity with reality and, therefore, could not be considered realistic or typical images (Boldova-Pasamar, 2016; De la Rosa-Cortina, 2015a; García-Albero, 2015; Negredo & Herrero, 2016). A clear example of this type of materials would be found in erotic *manga* and *anime* (i.e., *hentai*), specifically in the subgenres dedicated to minor characters (McLelland & Yoo, 2007; Savage, 2015): *lolicon* for female characters, and *shotacon* for male characters.

although it is not for other individuals. In this case, this magazine would fulfill the same functions as criminally prosecutable CP.

Additionally, the context in which the material is framed is especially relevant to consider it as pornographic. Some images may lose their "innocence" because of the context in which they are found (e.g., CP forums, websites containing explicit CP, series of images of the same child with different levels of explicitness); whereas they would not be considered pornographic in other contexts (Cohen-Almagor, 2013; Jenkins, 2001; Mirkin, 2009).

CP narratives are not typical either²⁵: stories, diaries, cartoons, and any other written material that represents a child under eighteen in a sexual context, describing sexual activities, and that are created to sexually excite the recipient (Crookes, Merdian, & Hassett, 2017; Fernández-Teruelo, 2007; Jenkins, 2001). CP narratives, as a separate entity from visual CP, are constituted as a poorly researched area, as a result of the difficulties surrounding its conceptualization. Little is known about the psychological meaning of the use of CP narratives, its function, and the link with a sexual interest in children²⁶. Although, from a psychological point of view, this type of pornographic material could be more harmful than the visual material, acting as a more potent enhancer of cognitive distortions and a better enhancer of the sexual fantasies of its users (Crookes et al., 2017).

²⁵ This is not the case in other countries such as Australia, where the persecution of those individuals who have expressed their sexual fantasies with children on paper has been promoted (see McLelland & Yoo, 2007).

²⁶ Merdian (2012) found that more than half of the CP users in her sample had narrative material.

1.5.2. Child sexual exploitation material: Classification scales

CSEM refers to a wide range of sexually explicit depictions of individuals under the age of 18. In this sense, some researchers have developed classification scales to assist the categorization of CSEM images in offender's collections, such as the COPINE or SAP scales. COPINE (Combating Paedophile Information Networks in Europe) is a continuum that identifies ten levels of severity, based on the image's increasing sexual victimization (Taylor et al., 2001). The following categories of CSEM increase in the severity of the child's sexual victimization: indicative, nudist, erotica, posing, erotic posing, explicit erotic posing, explicit sexual activity, assault, gross assault, and sadistic/bestiality (Taylor et al., 2001).

In the United Kingdom, the COPINE scale informed the Sentencing Advisory Panel's guidelines (SAP; 2002) for sentencing in CP offenses. Sometimes referred to as the Oliver Image Description Scale (Akdeniz, 2008), SAP refers to five levels that define the severity of the offense: (1) images depicting erotic posing (no sexual activity); (2) sexual activity between children, or solo masturbation by a child; (3) non-penetrative sexual activity between adults and children; (4) penetrative sexual activity between children and adults; and (5) sadism or bestiality (*R v. Oliver and Others*, 2002²⁷).

In Spain, Pascual, Giménez-Salinas and Igual (2017) found that severity scales for classifying CSEM designed in other countries were not completely suitable for the classification of CSEM seized by Spanish law enforcement agencies. As a result, these authors created the Spanish Classification of Child Sexual Exploitation Images (CIESI; see Table 1). Results showed CP offenders investigated by the Civil Guard's Unit of Judicial Police had greater frequencies of CP photography classified as nudity or erotic poses (CIESI's level 1), whereas most CP videos were labeled as sexual activity with penetration from adult to child (CIESI's level 4). Furthermore, results detected a preference for CP material depicting pre-pubescent Caucasian females.

²⁷ For a detailed review of the application of COPINE in English sentencing guidelines, see Heberton, Shaw, and Pease (2009).

Table 1. CIESI severity levels (Pascual et al., 2017).

| CIESI severity level | Description |
|--|--|
| <i>Level 0 “other relevant material”</i> | Images that are not included in the category of child pornography (i.e., non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums or legitimate sources, as well as images that cannot be included in any of the higher levels). |
| <i>Level 1 “nudity or erotic poses”</i> | Images of children totally or partially dressed or naked, in provocative or sexualized poses, or that emphasize the genital areas. |
| <i>Level 2 “sexual activity between children”</i> | Images of sexual activity between children or own masturbation. |
| <i>Level 3 “sexual activity between children and adults excluding the penetration of adult to child”</i> | Images of sexual activity with the participation of an adult; penetration produced from child to adult is included but penetration (of any kind) from adult to child is excluded. |
| <i>Level 4 “sexual activity with penetration from adult to child”</i> | Images of sexual activity between children and adults that include penetration from adult to child. |
| <i>Level 5 “sadistic sexual activity and bestiality”</i> | Images of sexual activities that increase physical pain or humiliation unnecessarily, as well as sexual activity between children and animals. |

1.5.3. Child pornography: The evolution of the phenomenon²⁸

There is abundant evidence, from ancient times and in various cultural contexts, about the sexual interest of some adults in children²⁹, which has sustained an enduring market for pornographic material (Rojo-García, 2002). The treatment of children as sexual objects has always existed (Ethel Quayle & Jones, 2011; Tyler & Stone, 1985), is no alien to antiquity and has survived throughout history. In the nineteenth century, stories about sex with minors, illustrations and engravings of naked adolescents and pre-pubescent children were already plentiful (De la Rosa-Cortina, 2011; Jenkins, 2001).

As technologies evolve, so do the methods used by criminals to access and distribute illicit material. In this sense, the appearance of the camera in the nineteenth century marked the beginning of the production, commerce and collecting of sexual images of children (Quayle & Jones, 2011; Tyler & Stone, 1985). Thus, since the beginning of photography, CP enthusiasts have always been one of the first groups to discover and exploit the potential of technological innovations (Cohen-Almagor, 2013; Rojo-García, 2002). The emergence of the Internet—of great potential and with capacity to greatly increase the phenomenon—only marks the beginning of the most recent phase of this story (Akdeniz, 2008; De la Rosa-Cortina, 2011; Jenkins, 2001; Morillas-Fernández, 2010), although surely not the last.

The increasing prevalence of cybercrime during the last decades has led to a rethinking of criminological paradigms and theories, which has resulted both in the incorporation of intrinsic aspects into the virtual world and in their complete transition to cyberspace (Miró-Llinares, 2012; Westlake, Bouchard, & Frank, 2017). In the case of CP, its relationship with new technologies has led to numerous changes in this phenomenon over the years (Bissias et al., 2016; Cabrera-Martin, 2003). Mechanisms for distributing CP arise and evolve over time, becoming widespread and being abandoned successively, which has hindered the investigation of electronic CP (Jenkins, 2001). Thus, the use of private forums with restricted access, the emergence of shared cloud storage systems, the difficulty in tracking Darknet users, or the use of mobile applications such as Whatsapp, Telegram or Skype to obtain CP, have gone ahead of attempts to prevent CP trafficking, limiting the possibility of penetration of investigators, accustomed in recent years to the exchange of files through peer to peer networks (p2p; Fiscalía General del Estado, 2019).

Accessibility, Affordability, and Availability (“Triple A Engine”; Cooper, 1998) of CP in the era ICT have posed a challenge worldwide (Henshaw, Ogloff, & Clough, 2017; Seto & Ahmed, 2014; Wolak, Liberatore, & Levine, 2014). In Spain, 4,122 individuals have been either arrested or

²⁸ Some of the content of this section has been published in *Revista Electrónica de Ciencia Penal y Criminología* (see Soldino & Guardiola-García, 2017).

²⁹ It is important to point out that sexual interest in minors is not limited to a small segment of people demonized under the label of "perverts", "pedophiles" or "sexual predators" (Jenkins, 2001).

investigated for CP offenses since 2009 (Ministerio del Interior, 2018). According to the State Attorney General's Office report (Fiscalía General del Estado, 2019), data on CP offending have remained fairly stable over years, with an average of 722 legal proceedings in the last five years. Despite being a crime that is reported very rarely, along with the difficulties in its detection and investigation³⁰, CP offenses represent 12.4% of the total number of legal proceedings initiated for cybercrimes in Spain (Fiscalía General del Estado, 2018).

³⁰ CP investigations are not usually initiated by victim complaints, but rather by ex-officio police actions; either as a result of cyber-patrolling activities in open sources, or by information transferred by public or private organizations, or by law enforcement agencies from other countries that, on the occasion of their own investigations, detect IP addresses located in Spain related to the distribution of CSEM. Additionally, the complexity of these investigations increases progressively; new distribution mechanisms are extremely difficult to penetrate, making it necessary to use special techniques such as covert operations or remote system registration, which were not incorporated until the entry into force of OL 13/2015, of October 5th (see Fiscalía General del Estado, 2019).

1.5.4. Legal regulation of child pornography offenses in Spain

Since the entry into force of the Spanish Criminal Code of 1995, the Spanish legislator has gradually tightened up the criminal intervention in terms of the protection of children's sexual indemnity (imposed principally by international and supranational commitments made by the country; see Directive 2011/93/UE of the European Parliament and of the Council); essentially through two measures: the raising of the age of sexual consent (i.e., from thirteen to sixteen; see OL 1/2015), and the extension of CP-related offenses (Orts-Berenguer, 2015; Roperó-Carrasco, 2014). In 1999, the first expansive reform of the crimes against the sexual indemnity of the minors was approved (i.e., OL 11/1999, of April 30th; including new typical behaviors such as CP production, sale or distribution), and lately reinforced by the successive OLs promoted by the different governments: OL 15/2003, of November 25th (punishing for the first time the simple possession of CP material); OL 5/2010, of June 22nd; and OL 1/2015, of March 30th (incorporating the criminal policy trends of the European Union). Thus, after the last reform operated by OL 1/2015, the Spanish Criminal Code punishes the use of minors for pornographic purposes, CP production and distribution, CP possession and purchase, knowingly access to CP (i.e., the simple visualization of the material; e.g., using streaming platforms), and the attendance to exhibitionist or pornographic shows in which minors participate. All this has aggravated the sanctioning response and expanded the range of punishable behaviors related to CP to cover the legal protection to the maximum; an expansive criterion hardly justifiable in terms of offensiveness (Borja-Jiménez, 2011; Orts-Berenguer & Roig-Torres, 2014).

In the case of pornography alluding to minors (i.e., technical and virtual CP), knowingly access, purchase, possession, production and distribution of such materials are typified³¹. Additionally, some of the aggravated subtypes of article 189.2 would apply in the following cases (De la Rosa-Cortina, 2015b): (1) *when the pornographic material is of notorious importance* (art. 189.2.e; provided that the material has been distributed or was made available for distribution); (2) *when the offender belongs to an organization or assembly, even if transitory in nature, with the purpose of perpetrating those activities* (art. 189.2.f; could be applied to organizations dedicated to the production of virtual or technical CP); and (3) *when the recidivism aggravating circumstance applies* (art. 189.2.h; regardless of the type of material).

³¹ Although, Memo 2/2015 of the State Attorney General's Office (pp. 25-26) contemplates the possibility of dismissal of the proceedings when the conduct lacks a "minimum content of material unlawfulness" (e.g., when the risk of dissemination of materials that do not represent real minors is excluded).

1.5.5. Criminological profile of child pornography offenders³²

CP offending has been considered as a unique criminal typology, with its own specific offender subcategories, and differentiated from more conventional contact sexual offenses (Faust, Bickart, Renaud, & Camp, 2015; Henshaw et al., 2017). CP users, compared to contact sex offenders, tend to show fewer risk factors associated with the criminal lifestyle (e.g., substance abuse, criminal history), more empathy with minors, and more pro-social protective factors (e.g., marriage, employment, education; Babchishin, Hanson, & VanZuylen, 2015; Faust et al., 2015). They also display fewer cognitive distortions, being more likely to use indirect means for achieving sexual and social stimulation³³ (Merdian et al., 2018). Additionally, juvenile CP users display less criminal records and lower recidivism rates, when compared to juvenile contact sex offenders with adult or peer victims (Aebi, Plattner, Ernest, Kaszynski, & Bessler, 2014).

Several studies have distinguished between groups of CP users, according to their criminological characteristics and motivations (e.g., Alexy, Burgess, & Baker, 2005; Henry, Mandeville-Norden, Hayes, & Egan, 2010; Merdian, Curtis, Thakker, Wilson, & Boer, 2013; Merdian et al., 2018; Seigfried-Spellar, 2014; Seto & Eke, 2015; Wolak, Finkelhor, Mitchell, & Jones, 2011). Although CP use has been considered a valid indicator of pedophilia³⁴ (Seto, Cantor, & Blanchard, 2006), not all CP users are motivated by pedophilic sexual interests, nor do all pedophiles view CP (Garrington, Rickwood, Chamberlain, & Boer, 2018; Seto, 2019). Research suggests that, in some cases, CP use is a manifestation of hyper-sexuality (e.g., part of a broader pattern of pornography use), compulsive sexual behavior, or may be motivated by curiosity or sensation seeking; although in some cases, the individual was accidentally exposed to CP (Seto & Ahmed, 2014; Seto, Reeves, & Jung, 2010; Southern, 2008).

In addition, literature suggests there is no direct relation between the commission of a CP offense and the commission of subsequent contact sexual offenses (Aebi et al., 2014; Henshaw et al., 2017; Owens et al., 2016); however, the available data in this regard are controversial and ambiguous. Results from the Seto, Hanson and Babchishin's meta-analysis (2011) indicated 12% of those arrested for CP possession had committed at least one other contact sexual offense against a minor by the time of the detention; while data analyzed by the Federal Bureau of Investigation (FBI; Owens et al., 2016) identified 38% crossover CP offenders. However, studies considering the information provided by the offenders themselves found much higher rates of contact sexual crimes. In this regard, 55% of those

³² Some of the content of this section has been accepted for publication in *Child Abuse & Neglect*.

³³ Linked to CSEM-specific implicit theories (e.g., *Reinforcing nature of the Internet*; Bartels & Merdian, 2016; Rimer, 2017).

³⁴ In pedophilic individuals, the Internet is used as a means to satisfy this sexual desire in a "safe" and "undetectable" way (Burke et al., 2002).

interviewed by Seto et al. (2011) admitted prior contact sexual offending, as well as 85% of the sample from Bourke and Hernandez (2009); although, only 26% had official records on this regard. More recently, Bissias et al. (2016) concluded 9.5% of those arrested for distributing CP through p2p networks had also committed an offline sexual offense against a child (based solely on official data obtained during police investigations); a percentage that increased to 21% when only BitTorrent users were considered.

Multiple explanatory levels have been proposed to understand sexual offending behavior (e.g., its etiology, brain mechanisms concerned, neuropsychological implications, phenomenological analyses; Ward & Beech, 2006). In particular, child contact sex offenders have been characterized by heterogeneous patterns or pathways to offending (Ward, Louden, Hudson, & Marshall, 1995), yet researchers argue existing theories need further investigation into the particularities of Internet sexual offending (Elliott & Beech, 2009; Henshaw et al., 2017). According to Seto's Motivation-Facilitation Model (MFM; 2019), the presence of facilitation factors among some individuals (e.g., self-regulation problems, hostile masculinity, negative affect, alcohol use) leads to disable inhibitions against acting upon the primary motivations for contact sexual offenses (i.e., paraphilia, high sex drive, and intense mating effort), when the opportunity exists (e.g., access to vulnerable child victims and absence of potential guardians). Likewise, trait (e.g., antisocial personality) and state facilitating factors (e.g., intoxication) for contact sexual offending against children, along with situational factors (i.e., opportunity to commit the crime), are considered explanatory for CP offending among motivated individuals. In this sense, hypotheses suggest CP-exclusive offenders with pedophilic or hebephilic sexual interests do not present with the facilitation factors required for engaging in contact sexual offending; although, they do not reach the necessary level of self-control to inhibit their use of CP material (Seto, 2019).

Differences between online-exclusive CP users and dual sex offenders (i.e., CP users who also engage in contact sexual offending) have also been analyzed across several studies (e.g., Babchishin et al., 2015; Eke, Helmus, & Seto, 2019; Elliott, Mandeville-Norden, Rakestrow-Dickens, & Beech, 2019; Long, Alison, Tejeiro, Hendricks, & Giles, 2016). Results from Babchishin et al.'s meta-analysis (2015) found dual offenders to be more pedophilic, have greater access to children, and display more antisocial traits. On the other hand, Long et al. (2016) identified 17 discriminative variables (e.g., previous convictions, CP production) for dual offenders, which led to the development of the second version of the Kent Internet Risk Assessment Tool (KIRAT-2). With regards to the type of CP possessed, Long, Alison, and McManus (2013) found greater proportions of higher severity level CP material (e.g., images depicting penetrative acts committed on children). In Seto and Eke (2015), online-exclusive CP users were sub-grouped according to their criminal history (i.e., offenders documented solely for CP offenses in their history or index; CP users with other nonviolent or non-sexually violent offenses), revealing distinctive characteristics between the sub-groups and dual offenders (e.g., dual offenders were more likely to have CP content depicting boys than the other two sub-groups of CP users).

1.5.6. Implicit theories of child pornography offenders³⁵

Increasing empirical attention has been directed towards identifying the factors associated with CP offenders (Babchishin et al., 2015; Seto, 2013). One such factor is cognitive distortions (Kettleborough & Merdian, 2017), which can be defined as surface-level cognitions and/or statements that are offense-supportive in nature (Ward, 2000). These surface-level cognitions are thought to be the product of deeper cognitive structures termed Implicit Theories (ITs)—core beliefs that bias the processing of social information (Ward, 2000). Due to their explanatory power, ITs have been incorporated and expanded upon in later cognitive distortion theories that account for the role of other processes and situational factors. Examples include the Judgment Model of Cognitive Distortions (Ward, Gannon, & Keown, 2006) and the Multi-Mechanism Theory of Cognitive Distortions (Szumski, Bartels, Beech, & Fisher, 2018), as well as multifactorial theories of sexual offending, such as the Integrated Theory of Sexual Offending (Ward & Beech, 2006) and the Agency Model of Risk (Heffernan & Ward, 2015). In light of this, establishing the core beliefs (ITs) that underpin the cognitive distortions of CP offenders may provide a starting point for understanding the role of cognition in CP offending more deeply, as well as helping provide the foundation for developing an assessment measure.

Ward and Keenan (1999) proposed five ITs typically endorsed by individuals who have committed a contact sexual offense against a child (i.e., *Children as Sexual Beings, Nature of Harm, Uncontrollability, Entitlement, and Dangerous World*), which have been corroborated in subsequent research (e.g., Keown, Gannon, & Ward, 2010). However, Merdian, Curtis, Thakker, Wilson, and Boer (2014) found that CP offenders report comparatively fewer cognitive distortions linked to these ITs. Consequently, they suggested that CP offenders may harbor a distinct set of ITs. From a Grounded Theory analysis of the CSEM literature, Bartels and Merdian (2016) proposed five CSEM-related ITs (see Table 2), linked to each other via a widespread assumption about the Internet. They note that these ITs are not all exclusively linked to online CSEM-related behavior. However, when activated in conjunction with the *Reinforcing Nature of the Internet* assumption, they become contextualized, increasing their likelihood of facilitating problematic online behavior, including CSEM use. According to Bartels and Merdian (2016), these ITs are predominantly held by individuals who *exclusively* commit CP offending behavior (so called “fantasy-driven offenders”; see Merdian et al., 2018), while “contact-driven” CSEM users are thought to also hold some of the Contact ITs identified by Ward and Keenan (1999).

³⁵ Some of the content of this section has been published in *International Journal of Offender Therapy and Comparative Criminology* (see Soldino, Merdian, Bartels, & Bradshaw, 2019b).

Table 2. CSEM-related ITs (Bartels & Merdian, 2016).

| IT | Description |
|---|--|
| <i>Child as Sex Object</i> | A belief that leads individuals to perceive children as sexual stimuli rather than people. This IT can lead individuals to filter out or ignore information that emphasizes a child as a human being, facilitating the viewing of online CSEM. |
| <i>Unhappy World</i> | Believing the world is dejected and filled with judgmental and uninterested individuals. It can elicit negative affect, facilitating the desire to seek an escape or more meaningful identity online (e.g., via CSEM-related behavior). |
| <i>Nature of Harm (CSEM variant)</i> | Believing that: (1) CSEM-related behavior is not harmful, or (2) that the behavior depicted in the material is not harmful. |
| <i>Self as Uncontrollable</i> | The belief that one has no control over their actions due to it being internally generated and highly stable. This can create a view of oneself as being “addicted” (e.g., to viewing CSEM). |
| <i>Self as Collector</i> | The belief that one’s self-concept and social status is linked to collecting behavior, rather than the sexual content of CSEM. |
| <i>Reinforcing Nature of the Internet</i> | A background assumption that the Internet provides infinite, immediate, anonymous, immersive, and social benefits. |

Prior to our study, we were aware of only one attempt to empirically validate these specific ITs in CP offenders. In Howell’s (2018) thesis, a group of convicted CP offenders (i.e., those with a CP offense but no history of child sexual contact offending) and dual offenders (i.e., those with both a CP offense and child sexual contact offenses) recruited in New Zealand were rated using file-based data and compared on their endorsement of both Bartels and Merdian’s CSEM ITs (2016), and Ward and Keenan’s Contact ITs (1999). No significant differences were found in the endorsement of CSEM ITs between groups; however, dual offenders were more likely to endorse Contact ITs than CP-exclusive offenders (specifically, *Entitlement* and *Children as Sexual Beings* were able to discriminate between the two groups). However, it is not clear how context-specific the endorsement of these ITs is. Literature reviewed predominantly focuses on cognitions communicated in English language; likewise, most of the studies focusing on sexual offending come from developed, English-speaking countries (Seto, 2019).

1.5.7. Specific risk assessment tools for child pornography offenders³⁶

According to recent meta-analyses, observed sexual recidivism rates for the general sexual offender population are typically low. As an example, Hanson, Thornton, Helmus, and Babchishin (2016) reported 7.6% average sexual recidivism rates for routine/complete (no preselection) correctional samples ($n = 4,325$) within a 5-year follow-up; additionally, restricted comparisons with equivalent treatment and control groups showed treatment contributed to a relative reduction in sexual recidivism of 26.3% (Schmucker & Lösel, 2015). Although, studies analyzing the recidivism rates for CP offenders point to remarkably lower percentages, ranging from 0 to 9% for new CP offenses (see Table 3; Eke et al., 2019; Eke, Seto, & Williams, 2011; Faust et al., 2015; Goller, Jones, Dittmann, Taylor, & Graf, 2016; Krone & Smith, 2017; Osborn, Elliott, Middleton, & Beech, 2010; Seto & Eke, 2015; Seto et al., 2011), and 0 to 4% for new contact sex offenses (Eke et al., 2011; Faust et al., 2015; Osborn et al., 2010; Seto & Eke, 2015; Seto et al., 2011). However, previous studies suggest that when CP offenders' samples are sub-grouped into dual sex offenders (i.e., those who use CP and have also committed a contact sexual offense against a minor), observed sexual recidivism rates increase (25%; Eke et al., 2019; 14%; Elliott et al., 2019), as well as CP reoffending rates specifically (18%; Eke et al., 2019).

There are several standardized assessment tools available for the classification of contact sex offenders (e.g., Static-99R; Hanson & Thornton, 2000; or Risk Matrix 2000; RM2000; Thornton et al., 2006), based on their statistical likelihood for future recidivism (Helmus, 2018). Although, only two structured professional judgement tools have a professional Spanish adaptation: Sexual Violence Risk-20 (SVR-20; Boer, Hart, Kropp, & Webster, 1997; adaptation Hilterman & Andrés-Pueyo, 2005) and the Risk for Sexual Violence Protocol (RSVP; Hart et al., 2003; adaptation Hart et al., 2015). However, these tools have yet to be successfully validated in CSEM users and are generally poor predictors of the risk of recidivism for online-exclusive sex offenders (Henshaw et al., 2017; Merdian et al., 2018). In particular, Static-99 (Hanson & Thornton, 2000) and RM2000 (Thornton et al., 2006) were found to over-estimate the sexual recidivism risk posed by CP offenders (Osborn et al., 2010), especially when aggravating items related to the offender's non-contact sexual offense history and stranger victims were considered (Osborn et al., 2010; Thornton, 2007). Moreover, even when these items were excluded from the coding procedure, Area Under the Curve (AUC) values did not reach acceptable effect sizes (AUC = .50; 95% CI [.36, .65]; Wakeling, Howard, & Barnett, 2011). In response, researchers developed specific risk assessment tools for CP offenders in recent years, such as KIRAT- 2 (Long et

³⁶ Some of the content of this section has been included as book chapters in *Peligrosidad criminal y Estado de Derecho* (see Soldino, 2017) and *The Palgrave Handbook of International Cybercrime and Cyberdeviance* (see Seigfried-Spellar & Soldino, 2019).

al., 2016), which is designed to assist in the prioritization of suspects according to their likelihood to have already committed contact sexual offenses against children; or the Child Pornography Offender Risk Tool (CPORT; Seto & Eke, 2015).

Table 3. Reported recidivism rates among CSEM users.

| Study | N | Follow-up period (average in years) | New CSEM offense (%) | New contact sex offense (%) |
|-----------------------|-----------------|--|---------------------------------|--|
| Osborn et al. (2010) | 73 | 1.5 – 4 | 0 | 0 |
| Eke et al. (2011) | 541 | (4.1) | 7 | 4 |
| Seto et al. (2011) | 2,630 | 1.5 – 6 (3.4) | 3.4 | 2 |
| Faust et al. (2015) | 428 | 1 – 9 (4.8) | 1.6 | 3 |
| Aebi et al. (2014) | 54 ^a | 0.75 – 6.41 (3.0) | – | 1.9 ^b |
| Seto & Eke (2015) | 266 | 5 ^c | 9 | 3 |
| Goller et al. (2016) | 3,125 | 3 ^c | 1.6 | .2 ^d |
| Krone & Smith (2017) | 152 | 3.5 ^e | 4.6 | .7 ^d |
| Eke et al. (2019) | 279 | 5 ^c | 6.1 | 8.2 ^b |
| Elliott et al. (2019) | 584 | 13 | 7.4 | 2.7 |

^a Juvenile CSEM users. ^b Any sexual recidivism. ^c Fixed follow-up period. ^d Contact sexual offense against a child. ^e Median.

The CPORT is a risk assessment tool tailored to predict any sexual recidivism in adult males convicted of CP offenses (Eke et al., 2019). This tool includes seven variables based on the correlates of recidivism in CP offenders (Eke et al., 2011; Seto et al., 2011), coded as present or absent: (1) age at the time of the index investigation, 35 or younger; (2) any prior criminal history; (3) any failure on conditional release; (4) any contact sexual offending; (5) indication (admission or diagnosis) of sexual interest in prepubescent or pubescent children; (6) more boy than girl content in child pornography; and (7) more boy than girl content in other child-related materials. On the other hand, the Correlates of Admission of Sexual Interest in Children (CASIC; Seto & Eke, 2017) analyzes the behavioral correlates of admission of pedophilic or hebephilic sexual interests (Eke et al., 2018). This tool was developed to overcome concerns regarding the refusal of many arrestees to respond about their sexual interest in children and falsification vulnerability of CPORT Item 5. CASIC total scores can be used as a substitute for CPORT Item 5 (admission of sexual interest in children) in the prediction of sexual recidivism (AUC = .71, 95% CI [.65, .77]). It includes six items (coded yes/no): (1) never married; (2) child pornography content included videos; (3) child pornography content included sex stories involving children; (4) evidence of interest in child pornography spanned 2 or more years; (5) volunteered in a role with high access to children; and (6) engaged in online sexual communication with a minor or officer posing as a

minor. Results indicated a CASIC score of 3 or more could be used as evidence that CPORT Item 5 is present (Eke et al., 2019).

The CPORT was initially developed with a Canadian sample of 266 men convicted of CP offenses with a fixed 5-year follow-up period (Seto & Eke, 2015), and subsequently validated with a geographically similar combined sample of 346 individuals (Eke et al., 2019). Predictive accuracy analyses revealed the CPORT significantly predicted any sexual recidivism (AUC = .72, 95% CI [.64, .81]), as well as CP recidivism specifically (AUC = .74, 95% CI [.63, .84]). This tool has been translated into Dutch (Wilpert, Smid, & Wever, 2018) and Spanish (see Appendix I); although, it has yet to be validated in geographically and culturally different samples.

Prior studies suggest there is good reason to expect differences between samples from different cultures, based on the influence of cultural and environmental factors on criminal behavior (such as CP offending; Pascual et al., 2017) across countries (D'Alessio, Čeč, & Karge, 2017; Sea, Beauregard, & Martineau, 2019). In this sense, the cross-cultural applicability, reliability, and validity of assessment tools for offender population becomes crucial (McCuish, Mathesius, Lussier, & Corrado, 2018; Shepherd, 2016; Wilson, Abramowitz, Vasilev, Bozgunov, & Vassileva, 2014). However, risk assessment tools such as Static-99R (Hanson & Thornton, 2000) have shown consistent discrimination across inter-cultural samples (e.g., Static-99R predicted sexual recidivism among US-born Latinos; Leguízamo, Lee, Jeglic, & Calkins, 2017; American individuals with Black heritage; Lee & Hanson, 2017; and Aboriginal Canadians; Lee, Hanson, & Blais, 2019; with a history of sexual crimes); which pointed toward the possibility of a cross-cultural validation of the CPORT.

1.5.8. Prevention and treatment for child sexual exploitation material users

The dark figure of online sexual offending (Ly, Dwyer, & Fedoroff, 2018) would account for the need for an interdisciplinary approach to this phenomenon, which has been considered as a critical public health problem (Whitaker et al., 2008). In this sense, preventative measures (within the three intervention levels³⁷) become vital to provide an effective and comprehensive response to online sex offending and child sexual abuse (Beier et al., 2015; Burke, Sowerbutts, Blundell, & Sherry, 2002; Knack, Winder, Murphy, & Fedoroff, 2019; Perkins, Merdian, Schumacher, Bradshaw, & Stevanovic, 2018; Smallbone, Marshall, & Wortley, 2008). However, early preventative intervention becomes challenging in the case of CSEM users, since the stigma associated with contact sexual offenders reduces the possibility that these individuals seek professional help before being arrested (Burke et al., 2002; Jenkins, 2001; Seto & Ahmed, 2014). Despite this, there are already preventative programs in other countries that offer preliminary promising results, such as the German Dunkelfeld Project³⁸ or the British ‘Stop it Now!’³⁹.

Literature points toward the need for a differentiation of the therapeutic interventions according to specific sex offender typologies, such as child sexual offenders (Lambie & Stewart, 2012) or CP offenders (Perkins et al., 2018), in order to respond to their particular therapeutic needs. For example, instead of focusing on impulsive-aggression aspects in treatment, programs for child sexual offenders would equip offenders with the knowledge, skills, and opportunities to achieve intimacy and sexuality needs in an acceptable manner with peers (considering their dependent and self-defeating tendencies; Cooper & Holgersen, 2016; Marshall, 2008; Simons et al., 2008), as well as managing pedophilic interests with behavioral therapy, self-management strategies and/or psycho-pharmacological treatment (in high-risk individuals; Seto & Ahmed, 2014; Turner & Briken, 2018). Likewise, interventions focusing solely on risk factors should be complemented by an approach based on the capabilities and strengths of the participants and aimed at achieving a satisfactory life plan that would allow to cope with their distinctive personality traits (Ward, 2010).

³⁷ Primary (i.e., targeting a wide population), secondary (i.e., focusing on at-risk individuals) and tertiary (e.g., interventions with online sex offenders; see Gillespie et al., 2018; Middleton, Mandeville-Norden, & Hayes, 2009) prevention (Smallbone et al., 2008).

³⁸ Project created in 2005 with the purpose of preventing sexual crimes against minor victims through an anonymous and confidential treatment program. A media campaign was launched to encourage the search for professional help for those concerned about their sexual interest in children or CSEM (Beier et al., 2009, 2015). In a six-years period, the program had 319 participants, demonstrating the viability of primary and secondary prevention for sex offenders. In this case, the German therapists were not obligated to report crimes already committed by the users, a key factor for the success of the program (Beier et al., 2015).

³⁹ Self-help online content and helpline for those concerned about their sexual behavior or interests who want to guarantee their complete anonymity, family and friends, and professionals (see <https://www.get-help.stopitnow.org.uk/>).

Furthermore, it is important to note that individual differences among sex offenders in terms of criminogenic needs and risk for recidivism pose challenges for those responsible for their rehabilitation and management (Ennis et al., 2016). When focusing on treatment programs for those individuals who have already committed a crime, we must always take into account that, given the significantly low recidivism rates observed in CP offenders, it will be unlikely for treatment programs to achieve a significant reduction in terms of recidivism rates (Aebi et al., 2014; Faust et al., 2015). Therefore, the evaluation of the effectiveness of these programs should rather focus on the evaluation of therapeutic change measuring another type of variables (e.g., the severity of psychopathological symptoms, social skills, emotional regulation, empathy towards victims or attitudes that reinforce and support CSEM use; Gillespie et al., 2018). Since most reoffending individuals tend to commit new sexual crimes, treatment programs should focus on those factors related to sexual deviation and self-regulation of sexual impulses (Faust et al., 2015), considering the important role of the Internet in CP offending (Aebi et al., 2014; Bartels & Merdian, 2016).

In Spain, the absence of specific treatment programs for online sexual offenders⁴⁰ in our prison system, led to the incorporation of the “Out of Net” program (Herrero et al., 2015) to the range of available re-educational programs. This program was tailored for online sex offenders with minor victims (e.g., CP possession/distribution or online child grooming offenses). Its main objective is to eliminate this type of behavior and avoid a possible behavioral escalation that leads to the actual abuse of a minor (i.e., contact sexual offense). The program is structured in three phases: (1) assessment and motivation, (2) intervention, and (3) follow-up. During the intervention phase, focus is made on emotional awareness and expression, emotional self-regulation techniques, offense-supportive beliefs, empathy, social skills, self-esteem and management of deviant sexual fantasies.

⁴⁰ They were included in generic treatment programs for sex offenders (i.e., PCAS; Rivera et al., 2006).

2. Objectives

“I’m not sure you get wiser as you get older, Starling, but you do learn to dodge a certain amount of hell”
— Thomas Harris, *The Silence of the Lambs*

The major objective of this doctoral thesis is to investigate, from a criminological approach, the phenomenon of sexual delinquency; with a special focus on child pornography offending. The specific objectives of this work are the following:

1) Analyze the differences between sexual and non-sexual offenders. To this end, it is proposed in STUDY 1 (Soldino & López-Pinar, 2017b): (1) to assess impulsivity and empathy in a sample of offenders under treatment; (2) to identify the differences between sex offenders and non-sex offenders in these variables; and (3) to analyze the differences in impulsivity and empathy based on two criminological variables (i.e., recidivism and criminal records).

2) Analyze the effectiveness of treatment programs for sex offenders. The aim of STUDY 2 (Soldino & Carbonell-Vayá, 2017a) is to conduct a meta-analytical review of the empirical evidence existing with regard to the effectiveness of non-pharmacological treatment programs for sex offenders, in terms of recidivism reduction (i.e., sexual, violent and general recidivism).

3) Explore personality patterns in contact sex offenders. The aim of STUDY 3 (Soldino, Carbonell-Vaya, Perkins, & Tibau, 2019a) is to examine the personality profiles of a sample of imprisoned adult male contact sexual offenders using the MCMI-III.

4) Identify the differences between contact sex offenders based on the age of their victims. STUDY 4 (Soldino, Carbonell-Vayá, & Tibau, unpublished_b) seeks to analyze the distinctive characteristics of adult male contact sexual offenders, according to the age of their victims (i.e., adult or minor victims⁴¹). One of the purposes of this study is to identify any significant personality differences—and/or personality disorders—between contact sex offenders with adult and minor victims, and to determine whether the MCMI-III is able to distinguish

⁴¹ Victims under the age of sexual consent. Since 2015, the age of sexual consent is fixed at 16 years (previously at 13) in the Spanish Criminal Code.

among these two groups in terms of personality differences. Furthermore, sociodemographic and criminological characteristics of the two groups are explored, with the aim of identifying key differences among them.

5) Describe the evolution of the phenomenon of child pornography. The aim of STUDY 5 (Soldino & Guardiola-García, 2017) is to summarize the scientific knowledge about the main mechanisms employed for obtaining and distributing CP throughout history.

6) Analyze the implications of the criminalization of technical and virtual child pornography. STUDY 6 (Soldino & Guardiola-García, unpublished) reviews the arguments exposed to justify the inclusion of technical and virtual CP in the Spanish legal system. The arguments put forward so far to justify the criminalization of pornography allusive to minors are debated in the light of existing scientific evidence regarding the relationship between the use of CSEM and contact sexual offenses, the effect of exposure to CP in which no real minors are involved, and the available methods to determine the age of a person from images.

7) Explore the criminological characteristics of child pornography offenders arrested in Spain. The primary aim of STUDY 7 (Soldino, Carbonell-Vayá, & Seigfried-Spellar, in press) is to analyze the characteristics of adult men arrested in Spain for CP offenses, as well as the characteristics of their CP collections. A secondary aim is to examine if there are differences between CP users, and if so, establish which distinctive characteristics among dual offenders might help identify them, in order to assist prioritization in police investigations. Furthermore, the amount of missing, but potentially relevant, data in the files (e.g., variables identified as risk factors for recidivism among this population) is examined, with the aim of improving the quality of future police investigations.

8) Empirically validate Bartels and Merdian's specific implicit theories for child pornography offenders. The aim of STUDY 8 (Soldino, Merdian, Bartels, & Bradshaw, 2019b) is two-fold: (1) to validate the existence and content of Bartels and Merdian's CSEM-exclusive ITs, using a British sample of CP offenders; and (2) to cross-validate the generation of these ITs independent of language/cultural context, using secondary qualitative data analyses on existing transcripts of interviews with men convicted of CP-related offenses in Spain.

9) Cross-culturally validate the Child Pornography Offender Risk Tool. The aim of STUDY 9 (Soldino, Carbonell-Vayá, & Seigfried-Spellar, unpublished_a) is to conduct the first CPORT cross-cultural validation study in a sample of men arrested in Spain for CP offenses.

10) Explore the situation of secondary prevention for child sexual exploitation material users in Spain. STUDY 10 (Soldino & Carbonell-Vayá, unpublished) analyzes the experiences of Spanish CSEM users regarding the voluntary access to psychological services, prior to their arrest, in order to assess the deficiencies and possibilities of improvement of preventative psychological interventions with these individuals.

11) Analyze an individual treatment case of a child pornography offender. STUDY 11 (Soldino & Carbonell-Vayá, 2017b) offers a case study of the first individualized application of a treatment program for online sexual offenders in a Spanish prison, with an inmate convicted of crimes related to child pornography and online child grooming.

3. Studies

This doctoral thesis is composed of 11 studies;
published and unpublished work that is exposed in the following pages.

Study 1

Impulsividad y empatía en una muestra de delincuentes en tratamiento: Diferencias entre delincuentes sexuales y no sexuales.

[Impulsivity and empathy in a sample of offenders under treatment: Differences between sexual and non-sexual offenders.]

**Impulsividad y empatía en una muestra de delincuentes en tratamiento:
Diferencias entre delincuentes sexuales y no sexuales⁴²**

**Impulsivity and empathy in a sample of offenders under treatment:
Differences between sexual and non-sexual offenders**

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Resumen

Tanto la impulsividad, entendida como rasgo de personalidad, como la empatía han sido consideradas como factores estrechamente relacionados con la delincuencia. El presente estudio evalúa la impulsividad y empatía en una muestra de delincuentes en tratamiento. Para ello, se analizaron los resultados obtenidos por 80 penados (74 varones y 6 mujeres) en el Cuestionario de personalidad I7, cuyas escalas evalúan el nivel de irreflexión, temeridad y empatía de los sujetos evaluados. Las puntuaciones obtenidas por la muestra de delincuentes fueron comparables a las de muestras normativas. Sin embargo, al comparar los resultados obtenidos por el grupo de delincuentes sexuales con los del grupo de delincuentes no sexuales, se observaron puntuaciones significativamente más bajas en irreflexión y temeridad, y un menor porcentaje de antecedentes penales en el grupo de delincuentes sexuales. Este estudio evidencia la necesidad de añadir instrumentos que midan la impulsividad en la evaluación de delincuentes en tratamiento, así como la inclusión de ingredientes terapéuticos específicos, que podrían incluir herramientas farmacológicas, en aquellos sujetos con un nivel más alto de impulsividad.

Abstract

Both impulsivity, understood as a personality trait, and empathy have been considered as factors closely related to delinquency. The present study assesses impulsivity and empathy in a sample of offenders under treatment. To this end, the results obtained by 80 convicts (74 men and 6 women) in the I7 Personality Questionnaire I7—which measures impulsiveness, venturesomeness and empathy—were analyzed. The scores obtained by the sample of offenders were comparable to those of normative samples. However, when comparing the results obtained by the group of sexual offenders with those of the group of non-sexual offenders, significantly lower scores were observed in impulsiveness and venturesomeness among sex offenders, as well as lower rates of recidivism and criminal records. This study evidences the need to add instruments that measure impulsivity in the assessment of offenders under treatment, as well as the inclusion of specific therapeutic ingredients, which could include pharmacological tools, in those subjects with higher levels of impulsivity.

Palabras clave. Delincuencia; personalidad; delincuentes sexuales; tratamiento; impulsividad; empatía.

Keywords. Crime; personality; sex offenders; treatment; impulsivity; empathy.

⁴² Soldino, V. y López-Pinar, C. (2017). Impulsividad y empatía en una muestra de delincuentes en tratamiento: diferencias entre delincuentes sexuales y no sexuales. *Informació Psicològica*, 113, 2-14. doi:10.14635/IPSIC.2017.114.1

Introducción

Durante los últimos años, y con el fin principal de dar cumplimiento a las distintas responsabilidades penales alternativas, hemos presenciado un gran cambio en el abanico de programas de tratamiento para penados disponibles en España. Por un lado, en el año 2016 se produce por primera vez en Valencia la subdivisión del Programa Control de la Agresión Sexual (PCAS; Rivera, Romero, Labrador, y Serrano, 2006), para penados que hayan cometido cualquier delito contra la libertad e indemnidad sexual, en dos programas específicos en función de la edad de las víctimas (adultas, PCAS-A; menores, PCAS-M). Por otro, contamos con nuevos programas de tratamiento dirigidos a otras tipologías delictivas, como Fuera de la Red (FDLR; Herrero et al., 2015) –programa de intervención para delincuentes sexuales con víctimas menores de edad que hayan cometido sus delitos a través de las nuevas tecnologías (delitos de posesión y/o difusión de pornografía infantil, *online child grooming*, ...)-, el Programa de Intervención para Agresores de violencia de género en Medidas Alternativas (PRIA-MA) (Suárez et al., 2015) –destinado a hombres condenados por un delito de violencia de género-; PROSEVAL (Lijarcio et al., 2016) –programa de intervención psicoeducativa dirigido a personas condenadas por delitos contra la seguridad vial-; ENCUESTRO (Méndez et al., 2016) –programa de intervención en violencia familiar, destinado a cualquier persona adulta que haya ejercido algún tipo de violencia dentro de su entorno familiar (hacia sus padres, hijos, abuelos, nietos, pareja, etc.), exceptuando la violencia ejercida de los hombres hacia las mujeres (de género)- y, por último, PROBECA (Ballano, Suárez, Pérez, y Herrera, 2015) –programa de intervención para la sensibilización y reeducación en competencias sociales destinado a hombres y mujeres condenados/as por diversos delitos (no previstos en los programas descritos anteriormente)-. Dichos programas se realizan en formato grupal e individual y van dirigidos a personas reclusas, ex-reclusas y sometidas a medidas penales alternativas a la prisión.

Es probable que un individuo que cometa un delito en una sociedad donde existen leyes reguladoras, respetadas por el resto de ciudadanos, presente dificultades para controlar sus impulsos y evaluar racionalmente las consecuencias de sus actos y, por tanto, actúe de

acuerdo con estas malas evaluaciones (Baltieri y Boer, 2015). La impulsividad podría ser el reflejo de un estilo cognitivo característicamente impulsivo o incluso de un rasgo de personalidad (Arce y Santisteban, 2006), actuando como un factor de riesgo para diversos problemas conductuales como el consumo de drogas, la delincuencia o la agresividad (Arce y Santisteban, 2006; Baltieri y Boer, 2015). Por otro lado, los altos niveles de impulsividad se relacionan con un mayor riesgo de reincidencia (Baltieri y Boer, 2015); de hecho, una de las características de la impulsividad es la falta de sensibilidad al castigo (Arce y Santisteban, 2006). Si nos centramos en la delincuencia sexual, uno de los factores de riesgo para esta tipología delictiva es la presencia de parafilias, y más en concreto de pedofilia, desorden que podría tener un componente impulsivo. Diferentes estudios de neuroimagen indican que la pedofilia está asociada con alteraciones en la actividad y estructura del lóbulo frontal (Wiebking y Northoff, 2013), área central en la inhibición de la conducta. No obstante, parece que la impulsividad actúa como un factor de riesgo desinhibiendo la conducta, ya que los sujetos pedófilos que no habían delinquido mostraron un control inhibitorio superior mayor que los que sí que lo habían hecho (Kärgel et al., 2017).

La impulsividad engloba múltiples componentes, incluyendo un comportamiento rápido, espontáneo, mal planificado, excesivo y potencialmente desadaptativo (Enticott y Ogloff, 2006), la falta de preocupación por las consecuencias, la preferencia por el refuerzo inmediato, el desprecio por las reglas, la propensión al aburrimiento, la falta de planificación, y la incapacidad para inhibir las respuestas (Baltieri y Boer, 2015). Según la teoría de Eysenck (Eysenck, Pearson, Easting, y Allsopp, 1985), todos esos componentes se agruparían en dos dimensiones distintas de la impulsividad (*impulsivity*): una correspondiente a la extraversión (temeridad, *venturesomeness*), y la otra más relacionada con el psicoticismo (irreflexión, *impulsiveness*). El neuroticismo, aunque ligeramente relacionado de forma positiva con la irreflexión, correlacionaría negativamente con la temeridad. De este modo, la irreflexión (hacer y decir cosas sin pensar, sin ser consciente del riesgo que conlleva) y la temeridad (buscar sensaciones, emociones y aventuras, siendo consciente del riesgo que

implican), aunque relacionadas entre sí, estarían midiendo dos formas distintas de impulsividad.

Por otro lado, la literatura suele considerar la empatía –entendida como la capacidad de entender y sentir o simpatizar con el estado emocional de otro (Cohen y Strayer, 1996)–, como otro de los factores estrechamente relacionados con la delincuencia (Jolliffe y Farrington, 2004; Retz, Reif, Freitag, Retz-Junginger, y Rüsler, 2010). Siguiendo con el modelo de Eysenck (Eysenck et al., 1985), la empatía estaría relacionada positivamente con el neuroticismo, pero negativamente con el psicoticismo, y suele asociarse con el razonamiento moral, el comportamiento prosocial y la inhibición de la conducta antisocial (Jolliffe y Farrington, 2004). Sin embargo, otros estudios han revelado una relación débil entre la empatía y la agresión (verbal, física y sexual) (Vachon, Lynam, y Johnson, 2014), y la reincidencia sexual (Hanson y Morton-Bourgon, 2005); lo cual podría deberse a las dificultades para definirla y operativizarla correctamente (Barnett y Mann, 2013; Vachon et al., 2014). En el caso de la delincuencia sexual, los déficits de empatía podrían estar formando parte de los procesos cognitivos distorsionados que resultan en argumentos justificativos del delito (Marshall, Hamilton, y Fernandez, 2001). Por su parte, Barnett y Mann (2013) proponen un modelo de cinco componentes de la empatía en delincuentes sexuales (la toma de perspectiva, la capacidad de experimentar la emoción, la creencia de que los demás son dignos de compasión y respeto, factores situacionales y una capacidad para manejar el sufrimiento personal), en lugar del modelo tradicional de dos componentes (empatía cognitiva y emocional).

El presente estudio *ex post facto* tiene como objetivos los siguientes: 1) Evaluar la impulsividad y la empatía en una muestra de delincuentes en tratamiento; 2) Identificar las diferencias entre los delincuentes sexuales y los no sexuales en estas variables; 3) Detectar las diferencias en función de diferentes variables criminológicas (v.g., reincidencia o presencia de antecedentes penales). En base estos objetivos, y a lo que señala la literatura previa, se establecen las siguientes hipótesis: a) La muestra de delincuentes obtendrá una puntuación mayor en impulsividad y menor en empatía que la población normal; b) Los delincuentes sexuales obtendrán puntuaciones más bajas en impulsividad y en empatía que los delincuentes

no sexuales; c) Los delincuentes que tengan más antecedentes penales y hayan reincidido más obtendrán una puntuación mayor en impulsividad y menor en empatía.

Los resultados del presente estudio pueden ser relevantes para comprender mejor el fenómeno criminal y las variables psicológicas que pueden explicarlo, y por lo tanto para prevenirlo mejor. Así mismo, es necesario conocer cómo influyen estas variables en el desarrollo de la conducta criminal para mejorar el diseño de los programas de tratamiento de delincuentes y para desarrollar mejores instrumentos de predicción de riesgo.

Método

Participantes

Los participantes del estudio fueron 80 penados (74 varones y 6 mujeres) por delitos de diversa índole, sometidos a programas de tratamiento en la Asociación Preven3 entre los años 2016 y 2017. El 65% se encontraban en tratamiento en medio abierto por mandamiento judicial –por encontrarse en suspensión de condena (46.25%), cumpliendo la pena de trabajos en beneficio de la comunidad (TBC) (16.25%) o sometidos a una medida de libertad vigilada (2.5%)–, mientras que el 35% se había sometido voluntariamente a tratamiento psicológico en el Centro Penitenciario de Valencia “Antoni Asunción Hernández”. La edad media de los participantes fue de 42.21 años (Desviación Típica (*DT*) = 12.4; rango: 21-78). El 82.5% eran españoles, seguidos por los de procedencia latino-americana (11.25%) y los de países de Europa Oriental (3.75%), un nacional británico y otro senegalés. El 30% de la muestra contaba con antecedentes penales –la persona ya había sido condenada en firme en el pasado por la comisión de un delito– mientras que el 12.5% eran reincidentes –el delito por el que se les había condenado previamente estaba comprendido en el mismo Título del Código Penal y era de la misma naturaleza que el actual.

Los descriptivos de cada grupo de tratamiento pueden observarse en la Tabla 1.

Instrumento

Para evaluar a la muestra, se utilizó la versión española del Cuestionario de personalidad I7 (Eysenck et al., 1985; Luengo, Carrillo-de-la-Peña, & Otero, 1991). Se trata de un cuestionario

autoinformado que consta de 54 ítems binarios que evalúan tres rasgos secundarios de personalidad en el marco de la teoría de Eysenck: irreflexión (19 ítems), temeridad (16 ítems) y empatía (19 ítems).

La irreflexión, la temeridad y la empatía son tres factores robustos que pueden medirse de forma adecuada con el Cuestionario I7 (Eysenck et al., 1985). Anteriores estudios han evidenciado un *alpha* de Cronbach de .84 para la irreflexión, .83 para la temeridad y .67 para la empatía (Aluja y Blanch, 2007).

Procedimiento

Todos los usuarios de los programas de tratamiento ($N = 102$) pasaron por una fase de evaluación y motivación previa a las sesiones de intervención de los programas de tratamiento. Dentro de esta fase, y tras firmar un documento de consentimiento informado, respondieron individualmente al cuestionario I7. Aquellos cuestionarios con más de un ítem no respondido ($n = 6$) no fueron incluidos en los análisis. Por otro lado, 16 usuarios no llegaron a completar el cuestionario por abandono o expulsión de sus respectivos programas. El número total de cuestionarios analizados fue de $n = 80$.

Los datos sociodemográficos y judiciales fueron extraídos de la documentación facilitada por el Servicio de Gestión de Penas y Medidas Alternativas (SGPMA) y el Centro Penitenciario de Valencia, y posteriormente codificados de forma anónima.

Análisis de datos

En primer lugar, se analizaron los resultados obtenidos por toda la muestra en el cuestionario I7 en las escalas de irreflexión, temeridad y empatía. Estos se compararon con los obtenidos por Luengo et al. (Luengo et al., 1991) en una muestra de estudiantes universitarios, aunque no se pudieron comparar ambas muestras usando pruebas estadísticas por no poder acceder a los datos completos de la distribución. Asimismo, se calculó la consistencia interna del cuestionario para nuestra muestra mediante el *alpha* de Cronbach,

En segundo lugar, se compararon los resultados obtenidos por aquellos usuarios que participaron en los programas de tratamiento para delincuentes sexuales (programas PCAS-A, PCAS-M y FDLR) con los del resto de la muestra; dado que el tamaño de cada uno de los

grupos de tratamiento por separado no permitía realizar contrastes con la suficiente potencia estadística. Para ello, y debido al incumplimiento de los supuestos de normalidad de los datos para las tres variables (irreflexión, temeridad y empatía) según el test de Kolmogorov-Smirnov ($p < .05$), se llevó a cabo la prueba U de Mann-Whitney para el contraste de medias entre dos grupos independientes. Asimismo, se llevaron a cabo pruebas Ji-cuadrado para la comparación de los datos categóricos entre ambos grupos. Se utilizó una prueba *t* de Student para muestras independientes para comparar la edad de ambos grupos, dado que esta variable sí se distribuía normalmente ($K-S(80) = .062$; $p = .2$).

En tercer lugar, se utilizó la prueba U de Mann-Whitney para comparar los resultados obtenidos por aquellos penados que contaban con antecedentes penales frente a los de los delincuentes primarios, así como los de los reincidentes frente a los no reincidentes.

Todos los análisis fueron realizados con el paquete estadístico *IBM SPSS Statistics* (versión 23).

Resultados

Irreflexión, temeridad y empatía en delincuentes en tratamiento

Pueden observarse en la Tabla 2 las puntuaciones obtenidas por la muestra de delincuentes en tratamiento ($N = 80$) en las escalas Irreflexión, Temeridad y Empatía, junto con las obtenidas por una muestra de estudiantes universitarios ($N = 307$; Luengo et al., 1991). Las medias en las tres variables son ligeramente inferiores en la muestra de delincuentes en tratamiento. La consistencia interna (*alpha* de Cronbach) del cuestionario I7 en la presente muestra fue de .87 para la irreflexión, .7 para la temeridad y .49 para la empatía.

Las puntuaciones medias obtenidas por cada grupo de tratamiento pueden observarse en la Tabla 3.

Delincuentes sexuales frente a otros delincuentes

Las puntuaciones obtenidas por ambos grupos pueden observarse en la Tabla 4. El grupo de delincuentes sexuales puntuó significativamente más bajo en Irreflexión ($p = .032$) y Temeridad

($p = .01$), no existiendo diferencias significativas en la escala de Empatía ($p = .16$).

La prueba de Ji-cuadrado evidenció que el grupo de delincuentes sexuales contaba con un menor porcentaje de antecedentes penales, aunque no se hallaron diferencias estadísticamente significativas en sus tasas de reincidencia (ver Tabla 5). Por otro lado, el grupo de delincuentes sexuales mostró una edad significativamente más alta (Delincuentes sexuales: media = 45.29; $DT = 13.66$. Delincuentes no sexuales: media = 38.82; $DT = 9.94$; $t(74.69) = 2.44$; $p = .017$).

Primariedad delictiva y reincidencia

Las puntuaciones obtenidas por sujetos primarios delictivamente y con antecedentes penales, no reincidentes y reincidentes pueden observarse en la Tabla 6. Aquellos con antecedentes penales puntuaron significativamente más alto en la escala de Irreflexión ($p = .032$), no existiendo diferencias significativas en las escalas de Temeridad ($p = .74$) y Empatía ($p = .824$). No se encontraron diferencias estadísticamente significativas entre los reincidentes y los no reincidentes.

Discusión

El presente estudio es el primero en analizar las puntuaciones obtenidas en el cuestionario I7 en una muestra de delincuentes en tratamiento en la Comunidad Valenciana. Asimismo, es el primero que compara los resultados obtenidos por delincuentes sexuales y no sexuales en este instrumento en España. Por ello, los resultados no pueden ser comparados al detalle con los de otras muestras similares, aunque sí parecen consistentes con algunas investigaciones previas.

En cuanto al primer objetivo del estudio, los resultados indican que la muestra de obtiene puntuaciones medias en las tres escalas que mide el cuestionario (5.66 de un máximo de 19 en Irreflexión; 6.3 de 16 en Temeridad y 12.49 de 19 en Empatía). Estas puntuaciones parecen ligeramente inferiores a las obtenidas en muestras normativas como la de Luengo et al. (1991), lo cual contrastaría con lo observado en estudios previos (Arce y Santisteban, 2006; Baltieri y Boer, 2015; Halperin y Newcorn, 1998) y con la primera hipótesis expuesta. Sin embargo, al centrarnos en cada programa de tratamiento por separado, podemos observar que aquellos usuarios del programa PRIA-MA

obtienen las puntuaciones más altas en las dos escalas relacionadas con la impulsividad, puntuaciones apreciablemente superiores a las obtenidas por Pérez, Giménez-Salinas y de Juan (2010). Esto podría deberse a que nuestra muestra incluía penados por delitos de violencia de género en medio cerrado, cumpliendo penas privativas de libertad de larga duración, habitualmente asociadas a hechos más graves y violentos que los cometidos por los usuarios de los programas en medio abierto. Los usuarios con los niveles de empatía más bajos fueron los del programa PROSEVAL, algo sorprendente teniendo en cuenta que se trata de penados por delitos contra la seguridad vial –sin víctimas concretas identificables–, aunque congruente con la escasa correlación observada entre la empatía y la agresión en el estudio de Vachon et al. (2014). Por otro lado, la pobre consistencia interna observada en la escala de empatía ($\alpha = .49$) en la presente muestra impide llegar a conclusiones fiables sobre las puntuaciones obtenidas en la misma.

En cuanto al segundo objetivo del presente estudio, el grupo de delincuentes sexuales puntuó significativamente más bajo en las escalas de Impulsividad que el resto de delincuentes, lo cual apoyaría parcialmente la segunda hipótesis planteada. Sin embargo, su edad también era significativamente más alta. En este sentido, la literatura evidencia un descenso en los niveles de irreflexión y temeridad con la edad (Crews y Boettiger, 2009; Eysenck et al., 1985), mientras que los niveles de empatía se mantienen constantes a lo largo de los años (Eysenck et al., 1985). Por otro lado, diferentes estudios indican que los delincuentes sexuales constituyen una población heterogénea y que no existe un perfil de personalidad prototípico, característico de este colectivo (Chen, Chen, y Hung, 2016; Davis y Archer, 2010; Hall, Graham, y Shepherd, 1991; Perrot, Bénony, Chahraoui, y Juif, 2014). En nuestro estudio, la muestra de delincuentes sexuales contaba con una amplia mayoría de usuarios en los programas para delitos sexuales contra menores de edad (34 frente a 8). Este colectivo no suele diferenciarse significativamente de la población normal en sus niveles de impulsividad (Cohen y Galyner, 2002), mientras que aquellos delincuentes sexuales con víctimas adultas sí se caracterizan por la impulsividad en su modus operandi (Cohen, Frenda, Mojtabei, Katsavdakis, y Galyner, 2007) –especialmente los agresores

sexuales seriales (Baltieri y Andrade, 2008). Asimismo, se observa una mayor proporción de delincuentes primarios en el grupo de delincuentes sexuales, lo que sería congruente con sus bajas puntuaciones en las escalas de impulsividad: son conscientes del riesgo que conllevan sus actos y prefieren evitarlos, pensando antes de actuar. Por otro lado, esto podría indicar que las motivaciones delictivas de la muestra de delincuentes sexuales incluida en este estudio fueran más parafílicas o sexualizadas, lo cual está asociado con una menor impulsividad (Baltieri y Boer, 2015; Eastvold et al., 2011).

Respecto al tercer objetivo, aquellos usuarios con un historial delictivo previo mostraban mayores niveles de irreflexión que los delincuentes primarios, lo cual apoyaría la tercera de las hipótesis. Sin embargo, el reducido número de delincuentes reincidentes ($n = 10$) frente a los no reincidentes ($n = 70$) impedía realizar contrastes potentes entre ambos grupos. La irreflexión puede distinguirse del otro componente de la impulsividad, la temeridad, en que el sujeto no es consciente del riesgo que conllevan sus actos, actuando sin reparar en ellos (Eysenck et al., 1985; Luengo et al., 1991); lo que nos llevaría a pensar que sus esquemas cognitivos y teorías implícitas podrían tener un importante papel en aquellos sujetos con antecedentes penales. Las teorías implícitas afectan a la capacidad de predicción de la conducta de los otros, la elección de los propios actos y las expectativas sobre la reacción de los otros (Szumski y Zielona-Jenek, 2016). Por ejemplo, la teoría implícita de un delincuente sexual podría construirse en torno a la creencia de que la actividad sexual de un adulto con un niño no es perjudicial para el menor, que es neutral o incluso gratificante para él/ella; una distorsión cognitiva que legitimaría la conducta delictiva (Ward y Keenan, 1999).

Nuestros hallazgos podrían tener implicaciones para el manejo terapéutico diferencial de los distintos subgrupos de delincuentes. La literatura muestra que los sistemas dopaminérgicos y serotoninérgicos pueden estar a la base de la conducta impulsiva (Korponay et al., 2017; Schilling, Kühn, Sander, y Gallinat, 2014). En este sentido, los delincuentes más impulsivos (delincuentes no sexuales y penados por violencia de género) podrían beneficiarse de intervenciones psicológicas en combinación con tratamientos

farmacológicos (v.gr. fármacos inhibidores selectivos de la recaptación de la dopamina y/o la serotonina) y siempre tras una evaluación psiquiátrica individualizada. Teniendo en cuenta que la impulsividad, entendida como el bajo auto-control, es un concepto central en la explicación contemporánea de la delincuencia (Hirschi, 2004), sería fundamental incluir instrumentos que la midan en el protocolo de evaluación previo a la aplicación de un programa de tratamiento para la prevención de la delincuencia, para un mejor ajuste de la intervención atendiendo a esta variable. Por otro lado, podría resultar de interés incluir ingredientes terapéuticos dirigidos a mejorar las estrategias de auto-control emocional y conductual –como ya se hace en los programas PRIA-MA (Suárez et al., 2015), PROBECO (Ballano et al., 2015) y PROSEVAL (Lijarcio et al., 2016)– con aquellos colectivos que presenten una tendencia impulsiva más prominente. Con respecto a la empatía, no se han apreciado déficits considerables en nuestra muestra, y, sin embargo, muchos programas de tratamiento –especialmente aquellos dirigidos a delincuentes sexuales (Herrero et al., 2015; Rivera et al., 2006)– dedican una gran parte de sus contenidos a la empatía con la víctima, a pesar de que la evidencia empírica de su utilidad es pobre y no existe un modelo teórico coherente que explique cómo podría contribuir al cambio (Mann y Barnett, 2012).

No obstante, los hallazgos encontrados en el presente estudio presentan algunas limitaciones que es necesario señalar. En primer lugar, el pequeño tamaño de cada uno de los grupos de tratamiento reduce significativamente la potencia estadística de los cálculos y por tanto hace que los resultados tengan que ser analizados con cautela. En segundo lugar, la heterogeneidad de algunos de los grupos de tratamiento en cuanto al tipo de delito (v.g. PROBECO) dificulta la generalización de los resultados. En tercer lugar, la diferencia en la edad de los diferentes grupos podría, en parte, explicar las diferencias entre delincuentes sexuales y no sexuales, al tratarse de una variable moderadora de la conducta impulsiva. Por último, la comparación de los resultados con los obtenidos por población normativa está limitada por carecer de los datos de la distribución completa, lo que no permitió utilizar herramientas estadísticas más potentes.

En cuanto a la investigación futura, sería necesario utilizar muestras más grandes, que

permitieran utilizar estadística paramétrica y así elevar la potencia de los cálculos y, por tanto, la fiabilidad de los resultados. También sería interesante contar con muestras mayores de delincuentes sexuales para poder realizar comparaciones en función de la edad de la víctima, la presencia o ausencia de parafilias, o la relación con la víctima, y así poder ajustar mejor los tratamientos en función del perfil del delincuente. Asimismo, será necesario en el futuro relacionar esta variable con otras relevantes para la explicación del fenómeno criminal (v.g. trastornos de la personalidad, emocionales o de la conducta, así como condiciones neurobiológicas concretas, la presencia de distorsiones cognitivas o de otros factores de riesgo), para poder conocer el poder predictivo de estas variables o la correlación existente entre ellas.

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Tabla 1. Descriptivos de cada grupo de tratamiento.

| Programa | n (%) | Sexo n hombres (%) | Edad M (DT) | Antecedentes penales (%) | Reincidencia (%) | Situación penal n (%) | | | | |
|-----------|-----------|-----------------------|-------------------|--------------------------------|---------------------|--------------------------|----------|----------------------|-----------|------------------------|
| | | | | | | Suspensión de condena | TBC | Libertad vigilada | Prisión | Prisión provisional |
| PCAS-A | 8 (10) | 8 (100) | 49.63 (10.84) | 50 | 12.5 | 3 (37.5) | 1 (12.5) | 0 | 4 (50) | 0 |
| PCAS-M | 21 (26.3) | 21 (100) | 45.48 (15.15) | 9.5 | 0 | 10 (47.6) | 1 (4.8) | 1 (4.8) | 10 (42.9) | 0 |
| FDLR | 14 (17.5) | 14 (100) | 42.57 (12.36) | 21.4 | 14.3 | 7 (50) | 0 | 0 | 5 (35.7) | 2 (14.3) |
| PRIA-MA* | 20 (25) | 20 (100) | 39.5 (10.81) | 30 | 10 | 11 (55) | 0 | 1 (5) | 8 (40) | 0 |
| PROBECO | 9 (11.3) | 6 (66.7) | 34.67 (6.69) | 44.4 | 0 | 0 | 9 (100) | 0 | 0 | 0 |
| PROSEVAL | 7 (8.8) | 7 (100) | 41.71 (11.67) | 85.7 | 71.4 | 3 (42.9) | 4 (57.1) | 0 | 0 | 0 |
| ENCUENTRO | 3 (3.8) | 0 (0) | 40.33 (4.04) | 0 | 0 | 3 (100) | 0 | 0 | 0 | 0 |

Nota. * Dos usuarios se encontraban simultáneamente en otro programa de tratamiento (PCAS-A y PROBECO) cumpliendo una pena de TBC.

Tabla 2. Puntuaciones obtenidas en el cuestionario I7 por nuestra muestra de delincuentes en tratamiento y por una muestra de estudiantes universitarios.

| I7 | Presente estudio (N = 80) | | Luengo et al. (1991) (N = 307) | |
|-------------|------------------------------|------|-----------------------------------|------|
| | M | DT | M | DT |
| Irreflexión | 5.66 | 4.69 | 6.64 | 3.99 |
| Temeridad | 6.3 | 3.26 | 9.6 | 3.83 |
| Empatía | 12.49 | 2.62 | 14.46 | 2.78 |

Tabla 3. Puntuación media y desviación típica obtenida en el cuestionario I7 por cada grupo de tratamiento.

| Programa | n | Irreflexión M (DT) | Temeridad M (DT) | Empatía M (DT) |
|-----------|----|-----------------------|---------------------|-------------------|
| PCAS-A | 8 | 3.38 (2.88) | 4.75 (3.01) | 11.38 (3.29) |
| PCAS-M | 21 | 5.48 (5.34) | 5.29 (3.04) | 13.29 (2.28) |
| FDLR | 14 | 5.14 (5.46) | 6.14 (3.18) | 13 (2.69) |
| PRIA-MA* | 20 | 7.3 (4.58) | 8.9 (2.63) | 12.7 (2.36) |
| PROBECO | 9 | 5.11 (2.98) | 5.44 (2.88) | 11.67 (2.5) |
| PROSEVAL | 7 | 6.71 (3.55) | 5 (2.31) | 10.71 (2.14) |
| ENCUENTRO | 3 | 4.67 (6.35) | 8.33 (4.62) | 13.33 (4.04) |

Nota. * Dos usuarios se encontraban simultáneamente en otro programa de tratamiento (PCAS-A y PROBECO) cumpliendo con una pena de TBC.

Tabla 4. Puntuación media y desviación típica obtenida en el cuestionario I7 por delincuentes sexuales y no sexuales.

| I7 | Delincuentes sexuales (n = 42) | | Delincuentes no sexuales (n = 38) | | U | p |
|-------------|-----------------------------------|------|--------------------------------------|------|-----|-------------|
| | M | DT | M | DT | | |
| Irreflexión | 4.86 | 4.98 | 6.55 | 4.22 | 577 | .032 |
| Temeridad | 5.43 | 3.08 | 7.26 | 3.21 | 531 | .010 |
| Empatía | 12.79 | 2.66 | 12.16 | 2.56 | 944 | .156 |

Nota. Los valores en negrita son estadísticamente significativos ($p < .05$).

Tabla 5. Diferencias entre delincuentes sexuales y no sexuales en variables criminológicas.

| Variable | Delincuentes sexuales (n = 42) | Delincuentes no sexuales (n = 38) | χ^2 * | p |
|----------------------|-----------------------------------|--------------------------------------|------------|-------------|
| | n (%) | n (%) | | |
| Antecedentes penales | 8 (19) | 16 (42.1) | 5.05 | .025 |
| Reincidencia | 3 (7.1) | 7 (18.4) | 1.4 | .236 |

Nota. Los valores en negrita son estadísticamente significativos ($p < .05$). * Se utilizó la corrección de Yates cuando al menos una casilla de la tabla tenía un recuento esperado menor de 5.

Tabla 6. Puntuación media y desviación típica obtenida en el cuestionario I7 por delincuentes primarios y con antecedentes penales, no reincidentes y reincidentes.

| I7 | Sin antecedentes penales (n = 56) | | Con antecedentes penales (n = 24) | | U | p | No reincidentes (n = 70) | | Reincidentes (n = 10) | | U | p |
|-------------|--------------------------------------|------|--------------------------------------|------|-------|-------------|-----------------------------|------|--------------------------|------|-------|------|
| | M | DT | M | DT | | | M | DT | M | DT | | |
| Irreflexión | 5.04 | 4.72 | 7.13 | 4.35 | 874.5 | .032 | 5.44 | 4.57 | 7.2 | 5.43 | 423 | .285 |
| Temeridad | 6.25 | 3.18 | 6.42 | 3.49 | 703.5 | .74 | 6.17 | 3.22 | 7.2 | 3.52 | 410.5 | .376 |
| Empatía | 12.52 | 2.65 | 12.42 | 2.6 | 651 | .824 | 12.5 | 2.66 | 12.4 | 2.41 | 340 | .883 |

Nota. Los valores en negrita son estadísticamente significativos ($p < .05$).

Study 2

Effect of treatment on sex offenders' recidivism: A meta-analysis.

**Effect of treatment on sex offenders' recidivism:
A meta-analysis⁴³**

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Abstract

This meta-analysis has the aim of measuring the effect of treatment on sex offenders. After a systematic review of the recent literature, seventeen studies were selected, containing a total sample of 6,681 sex offenders. The rates of sexual recidivism (13.12% vs. 17.94%), violent –including sexual– (25.5% vs. 29.1%) and general –any type of recidivism– (46.53% vs. 52.41%) of treated offenders were less than those of the control groups. The effectiveness of the treatment was clear in reducing the rates of sexual ($OR = .69; p < .05$) and general ($OR = .66; p < .05$) recidivism of the subjects treated, but not the rates of violent recidivism. This results demonstrated the ability of psychological treatments for reducing the risk of sexual and general recidivism of sex offenders. However, the interpretation of such results requires caution, given that an independent analysis of the studies of a good methodological quality did not show significant effects of treatment. The need for new and better comparison studies to assess treatment effect is clear, especially in Europe.

Keywords. Sex offenders; treatment; recidivism; meta-analysis.

⁴³ Soldino, V., & Carbonell-Vayá, E. J. (2017). Effect of treatment on sex offenders' recidivism: A meta-analysis. *Anales de Psicología*, 33(3), 578-588. doi:10.6018/analesps.33.3.267961

Introduction

Despite the generalized acceptance that certain modalities of intervention reduce the recidivism rates of common offenders, the effectiveness of treatment for sex offenders remains controversial (Hanson & Yates, 2013). Some reviews have concluded that treatment reduces the risk of recidivism of such subjects (Hanson, Bourgon, Helmus & Hodgson, 2009; Reitzel & Carbonell, 2006; Schmucker & Lösel, 2008, 2015), while others state that the evidence is not sufficient to reach such conclusions (Dennis et al., 2012; Grønnerød, Grønnerød & Grøndahl, 2015); all of the latter obviating a clear need for more and better studies –randomized controlled trials and high-quality quasi- experimental studies, especially outside North America (Schmucker & Lösel, 2015).

Prior meta-analyses on treatment effectiveness

Of the meta-analyses published on the effectiveness of the treatment of sex offenders, seven studies published in recent years should be highlighted, owing to their quality and current nature.

In 2005 and again in 2008, several studies conducted up to 2007 on the effectiveness of sex offender treatment programs (psychological, pharmacological or surgical castration treatments) were analyzed (Lösel & Schmucker, 2005; Schmucker & Lösel, 2008). The majority of them confirmed the treatment benefits; the average rate of sexual recidivism for treated offenders was 11.1%, while the average rate of the control groups was 17.5% (Odds Ratio (*OR*) = 1.70; $p < .001$); 6.6% vs. 11.8% with regard to violent recidivism in the control group (*OR* = 1.9; $p < .001$) and 22.4% compared to 32.5% (*OR* = 1.67; $p < .001$) in terms of general recidivism. Nevertheless, the methodological quality of the studies included was moderate: only 40% of studies reached Level 3 or higher on the Maryland Scientific Methods Scale and only six randomized studies reached Level 5 (Sherman et al., 1997). Recently, the authors updated these analysis (Schmucker & Lösel, 2015), including only psychosocial treatments, finding a smaller effect size for sexual recidivism (*OR* = 1.41; $p < .01$).

Moreover, Reitzel and Carbonell (2006) analyzed the data from nine studies conducted

between 1975 and 2003 on the effectiveness of psychological treatment on juvenile sex offenders. Treatment effect on sexual recidivism rates was statistically significant (7.37% in treated subjects vs. 18.93% in the control groups); the effect size obtained was $r = .43$ (95% *CI* = .33 - .55).

For their part, Hanson et al. (2009) examined whether the Risk-Need-Responsivity (RNR) principles, associated with the effectiveness of general treatments for offenders, were also indicators of the effectiveness of specific psychological treatments for sex offenders. Based on 23 studies conducted up until 2008, the rates of sexual recidivism scored by the treated subjects were lower than in the control groups (10.9% vs. 19.2%; *OR* = .66; 95% *CI* = .49 - .89) and general recidivism rates (31.8% vs. 48.3%; *OR* = .61; 95% *CI* = .47 - .80), but violent recidivism rates were not significantly lower for the treatment groups relative to the comparison groups (22.9% vs. 32%; *OR* = .81; 95% *CI* = .58 - 1.14). However, the poor quality of the studies –only five studies were scored as good according to the guidelines of the Collaborative Outcome Data Committee (CODC, 2007)– urges caution when interpreting the results.

A more recent meta-analytical review (Dennis et al., 2012) analyzed the results obtained in ten randomized trials, carried out before 2010, on the effectiveness of psychological treatments on sex offenders. The conclusions of this study revealed the lack of results that support the ability of psychological treatments in reducing the risk that sex offenders re-offend.

Lastly, Grønnerød et al. (2015) conducted a specific meta-analysis on sexual offenders against children, analyzing 14 studies published between 1988 and 2011. The effect size deriving from the analysis of the studies was $r = .08$ (95% *CI* = .02 - .14) yet, by only analyzing the nine studies rated as good or weak (CODC, 2007), an effect size was obtained of $r = .03$ (95% *CI* = -.04 - .10). The results obtained did not show an effect of psychological treatment on recidivism rates.

Objectives of our meta-analysis

The purpose of our research was to review meta-analytically the empirical evidence existing with regard to the effectiveness of

treatments specifically aimed at sex offenders, basing our research on control group comparison designs. Likewise, we were interested in analyzing the influence of moderating variables such as the treatment applied or the quality of the studies analyzed. Lastly, the effect size of the treatments analyzed was published in terms of sexual, violent (including sexual) and general recidivism (any type of recidivism) through the *OR*.

In contrast to the meta-analyses described (which included studies published as far back as 1975), and with the aim of excluding studies based on obsolete treatment programs that are no longer applied, only studies published over the last decade were analyzed (2004–2014). In recent years, significant changes have occurred in specific treatments for sex offenders, which evolve toward a model based on the strengths of the subjects (Marshall & Marshall, 2014). In this regard, the incorporation of the RNR principles by Andrews and Bonta (2010), the “Good Lives Model” by Ward (2010), the motivational interview by Miller and Rollnick (2002) and multisystemic therapy (MST) (Henggeler, Schoenwald, Borduin, Rowland & Cunningham, 2009b) –noteworthy in the case of adolescents– should be highlighted.

Furthermore, this is the first meta-analysis including Spanish studies which analyses the effectiveness of the first specific program for sex offenders created for the Spanish context (Garrido & Beneyto, 1996; Rivera-González, Romero-Quintana, Labrador- Muñoz & Serrano-Sáiz, 2006). On the other hand, in harmony with Grønnerød et al. (2015) and Hanson et al. (2009), we only included those studies classified as good or weak according to CODC directives (2007).

Method

Literature search

In November 2014, an electronic search was conducted in the Cochrane Database of Systematic Reviews, MedLine, PsycInfo and Dialnet, for articles published between 2004 and 2014 in English, Spanish, French and Italian, using the following search criteria (translated into each language): (*treatment OR intervention OR therapy*) AND (*sexual OR sex OR sexually*) AND (*offen* OR crim* OR assault* OR aggress* OR rap* OR abuse*) NOT

(*victim*). The references of the articles found were also reviewed. With the aim of reducing publication bias, studies not published in peer-reviewed journals (reports, theses, etc.) were likewise included (Higgins & Green, 2011; Hopewell, McDonald, Clarke & Egger, 2007). After reading the abstracts of the articles identified in the search, 117 studies were selected (*see Figure 1*).

Study selection criteria

Selection of the articles to be included in the meta-analysis was conducted in two phases. Firstly, the studies had to fulfill the following selection criteria: a) the study had to apply a specific treatment to a sample of sex offenders –both adults and legal minors–; b) the study had to examine the treatment effectiveness, comparing the treated sex offenders’ recidivism rates with those of a control group of sex offenders; c) the subjects in the control group could have received a treatment that was non-specific for sex offenders or no form of treatment. Of the 117 studies selected, only 20 complied with these criteria –10 of them had not been previously analyzed in other meta-analyses (Abracen, Looman, Ferguson, Harkins & Mailloux, 2011; Duwe, 2013; Olver, Nicholaichuk & Wong, 2012; Olver, Wong & Nicholaichuk, 2009; Redondo-Illescas, 2006; Redondo-Illescas & Garrido-Genovés, 2008; Smid, Kamphuis, Wever & Van Beek, 2014; Valencia, Andreu, Mínguez & Labrador, 2008; Worling, Litteljohn & Bookalam, 2010; Zgoba & Simon, 2005). Articles based on the same sample of subjects (Redondo-Illescas, 2006; Redondo-Illescas & Garrido-Genovés, 2008; Zgoba & Levenson, 2008; Zgoba & Simon, 2005) were treated as a single study, reducing the total to 18 studies.

Secondly, the studies had to comply with certain minimum levels of quality. To do so, the articles were independently graded by two evaluators following CODC directives (2007). According to these directives, a high-quality study is one that has a high degree of confidence that the treatment effect has been estimated with a minimum degree of bias; to verify this, each study must be graded on 21 individual items grouped into 7 categories (administrative control of independent variables, experimenter expectancies, sample size, attrition, equivalence of groups, outcome variables, correct comparisons conducted). With the aim of obtaining all the required

information, the authors were contacted when required. Bearing in mind the grade given by both evaluators ($\kappa = .79$), no study was classified as strong, 7 studies were classified as good, 10 as weak and 1 was rejected (Valencia et al., 2008), leaving a total of 17 studies. The detailed grading is available upon request.

Coding of variables

With the objective of examining the influence of the characteristics of the study on effect sizes, variables related to treatment, participants and the methodology employed in the studies were all codified, as were general descriptors.

The general descriptors codified were: a) publication type (peer-reviewed, non-peer-reviewed); b) origin of the study (Canada, USA, Europe, others).

Regarding the methodology employed by the studies, the following was codified: a) the design employed (randomized, non-randomized); b) the total sample size; c) follow-up length (in years); d) definition of recidivism (new arrest, new conviction, new arrest and/or new conviction).

The characteristics of participants codified were: a) age of participants (adults, adolescents); b) gender of participants (% males); c) age of the victim (adults, children). The treatment characteristics codified were: a) treatment type (cognitive-behavioral therapy (CBT), CBT with relapse prevention (RP), MST, social support, and mixed); b) treatment location (in an institution, in an institution and in the community, solely in the community); c) treatment format (group, individual, group and individual); e) average treatment length (number of months).

In order to assess the reliability of the coding process, two researchers codified the studies independently. The average kappa coefficient (Cohen, 1960) was .88, the least degree of agreement ($\kappa = .70$) occurred regarding the definition of recidivism that each study employed, while agreement was total regarding the characteristics of participants and the general descriptors. The code book is available on request.

Characteristics of the included studies

The characteristics of the included studies were summarized in *Table 1 and 2*, although

several studies did not provide all the information needed for each category (recidivism definition, age of the victims, treatment format and treatment length).

The average total size of the sample was 393 subjects (ranging from 48 to 2,040 subjects). The average monitoring period ranged from 2 to 12.33 years (average mean = 5.86 years).

Most studies focused on adult men ($k = 15$), while two studies contained a sample of adolescents, including women (less than 10% of the total sample). The average treatment length was 16.11 months (ranged from 7.5 to 36 months), though only twelve studies included this information.

Calculation of the treatment effect size

To calculate the treatment effect, the rates of sexual, violent and general recidivism of subjects were analyzed and those belonging to the control group, projected onto 2x2 tables. Besides, chi-square tests (χ^2) were conducted to compare the percentages of recidivism in both groups.

The unit of analysis was an individual study and weighting of the effect size of each study was applied according to the inverse of its standard error (related to the sample size). Studies with a smaller standard error and a larger sample size were given a greater weight in calculating the overall effect size (Borenstein, Hedges, Higgins & Rothstein, 2009).

Following the recommendations concerning the analysis of dichotomous outcomes (Higgins & Green, 2011), the statistic employed for measuring the treatment's effect size was the *OR*. Calculation of the *OR* was done using both the fixed-effects and the random-effects model –under which the true effects in the studies are assumed to vary between studies and the summary effect is the weighted average of the effects reported in the different studies (Borenstein et al., 2009) – (both reported in tables). Given that all the studies were not functionally equivalent –subjects and interventions in the analyzed studies differed in ways that impacted on the results– a common effect size could not be assumed (Borenstein, Hedges, Higgins & Rothstein, 2010; Hedges & Vevea, 1998), therefore the study effects were integrated using a random-effects model. When value 1.0

did not fall within the confidence interval at 95%, the *OR* was considered statistically significant ($p < .05$; Higgins & Green, 2011).

The presence of heterogeneity between the studies was calculated using Cochran's *Q* Test (using a significance cut-off point of .10) and the statistic *I*², whose value ranged between 0% and 100% –the values above 30% being heterogeneity indicators– (Higgins & Green, 2011).

All the statistical analyses were performed using the computer program *MedCalc Statistical Software* version 15.8.

Results

Treatment effect on sexual recidivism and analysis of the moderating variables

In total, 17 studies were analyzed, which included 3,659 treated sex offenders and 3,022 belonging to the control group. The percentage of sexual recidivism observed in the total sample ($n = 6,681$) was 15.30%, (weighted mean; *WM*).

The rate of sexual recidivism of the treated subjects ranged between 0.00% and 22.55% (*WM* = 13.12%), while the control groups ranged between 3.23% and 45.83% (*WM* = 17.94%) ($\chi^2 = 29.30$; $p < .001$). In 12 of the 17 studies, the rate of sexual recidivism of the group of subjects treated was lower than the control group.

The *OR* of the effect of treatment on sexual recidivism ranged from 0.11 to 1.75, with a *WM* of .69 (random-effects) ($z = -2.90$; $p < .01$; 95% *CI* = .54 - .89; see *Figure 2*). The heterogeneity between the studies (*Q* (16) = 34.24; $p < .01$. *I*² = 53.27%; 95% *CI* = 18.94 - 73.06) was considerable.

Regarding the analysis of the moderating variables (see *Table 3*), significant differences were observed between published and non-published studies, as well as the influence of the follow-up length. Nevertheless, randomization of the studies or the type of recidivism analyzed did not influence the treatment effect obtained.

All the treatment modalities were shown to be effective both in adults (*OR* = .75) and adolescents (*OR* = .23), excepting mixed treatments (those that combined diverse models and intervention types). The treatment that

displayed the greatest effect size was MST (*OR* = .23), followed by interventions based on social support provided by volunteers (*OR* = .27). CBTs and those including the RP were also effective, although they displayed less robust treatment effects (*OR* = .47 and .70 respectively). The individualized treatments and those with a duration of less than or equal to one year displayed the largest effects, although such effects did not depend on the treatment location (institution or community).

Effect of treatment on violent recidivism

In total, 11 studies were analyzed, which included 3,028 treated sex offenders and 2,423 belonging to the control group. The percentage of violent recidivism (including sexual) observed in the total sample ($n = 5,451$) was 27.10% (*WM*).

The rate of violent recidivism of the treated subjects ranged between 9.82% and 38.89% (*WM* = 25.50%), while the control groups ranged between 11.56% and 44.23% (*WM* = 29.1%; $\chi^2 = 8.65$; $p < .01$). In 7 of the 11 studies, the rate of violent recidivism of the treated group was lower than the control group.

The *OR* of the treatment effect on violent recidivism ranged from 0.33 to 1.83 with a *WM* .78 (random-effects) (see *Figure 3*). Nevertheless, the inclusion of the value 1.0 within the confidence interval at 95% of the *OR* indicated that violent recidivism rates in the treatment groups were not significantly different from the control groups ($z = -1.79$; $p > .05$; 95% *CI* = .59 - 1.02). The analyses showed heterogeneity between studies (*Q* (10) = 31.46; $p < .001$. *I*² = 68.22%; 95% *CI* = 40.4 - 83.05).

Effect of treatment on general recidivism

In total, 10 studies were analyzed, which included 2,072 treated sex offenders and 1,866 belonging to the control group. The percentage of general recidivism (any type of recidivism) observed in the total sample ($n = 3,938$) was 49.31% (*WM*).

The rate of general recidivism of the treated subjects ranged between 6.12% and 62.67%; (*WM* = 46.53%), while the control groups ranged between 18.60% and 58.14% (*WM* = 52.41%; $\chi^2 = 13.35$; $p < .001$). In 9 of the 10 studies, the rate of general recidivism of the

group of subjects treated was lower than the control group.

The *OR* of the treatment effect on general recidivism ranged from 0.15 to 2.08 with a *WM* of .66 (random-effects) ($z = -2.22$; $p < .05$; 95% *CI* = .45 - .95; see Figure 4). The analyses showed heterogeneity between the studies ($Q(9) = 39.78$; $p < .001$. $I^2 = 77.38\%$; 95% *CI* = 58.48 - 87.67).

Analysis of the quality of studies as a moderating variable of the treatment effect

Statistically significant differences were observed ($I^2 > 30\%$) in the effect size of the treatment among those studies classified as good and those classified as weak. These differences were observed both when calculating the treatment effect in terms of sexual recidivism and when observing its effect on violent and general recidivism rates (see Table 4). Therefore, when solely analyzing those studies of a good quality, a significant treatment effect was not observed on the rates of sexual recidivism ($OR = .93$; $z = -0.36$; $p > .05$), violent recidivism ($OR = 1.05$; $z = 0.42$; $p > .05$) or general recidivism ($OR = .73$; $z = -1.44$; $p > .05$) of the treated subjects. Nevertheless, when separately analyzing the studies classified as qualitatively weak, a significant treatment effect was observed on the rates of sexual recidivism ($z = -4.43$; $p < .001$) and violent recidivism ($z = -3.08$; $p < .01$), but not on the general recidivism rates ($z = -1.35$; $p > .05$) of these subjects (see Figure 5).

Discussion and conclusions

The aim of the present study was to conduct a meta-analysis of studies measuring the effects of sexual offense treatment programs on three types of recidivism: sexual, violent and general. Reported results showed that sexual, violent and general recidivism rates of treated sex offenders were lower than those observed in the control groups (Sexual recidivism: 13.12% vs. 17.94%; $p < .001$. Violent recidivism: 25.5% vs. 29.1%; $p < .01$. General recidivism: 46.53% vs. 52.41%; $p < .001$); results highly similar to those obtained in prior meta-analyses (Reitzel & Carbonell, 2006; Schmucker & Lösel, 2015), although based solely on recent studies (from 2004 to 2014). Following Herrero (2013), we can confirm that

re-offending sex offenders who commit new sexual offenses (15.30%), constitute a minority within this type of crime. However, despite the low sexual recidivism rates observed (Andrés-Pueyo & Redondo-Illescas, 2007; Hanson & Morton-Bourgon, 2009), the social alarm that this type of recidivism generates requires greater effectiveness in interventions for sex offenders (Herrero, 2013). The high rates of general recidivism observed (49.31%) might be due to the importance of the combination of the antisocial characteristics of these individuals with sexual deviation, as precursors to sexual offending. Sexual deviation has been found to predict exclusively sexual recidivism, while antisocial characteristics have been found to predict all types of recidivism (e.g., Hanson & Morton-Bourgon, 2005; Brouillette-Alarie, Babchishin, Hanson, & Helmus, 2016). Therefore, if therapists aim to reduce the risk of non-sexual recidivism, they should work on antisocial characteristics in addition to sexual deviation, which would suggest the need to apply interventions for common offenders in combination with specific treatments for sex offenders (Duggan & Dennis, 2014; Herrero, 2013). In this regard, an analysis of antisociality measures or at least the criminal history of these individuals would provide key information.

The effect size obtained showed the effectiveness of treatment in reducing sexual recidivism rates ($OR = .69$; $p < .01$) and general recidivism rates ($OR = .66$; $p < .05$) of the subjects treated. Nevertheless, the effect size obtained regarding reduction of violent recidivism rates was not significant ($OR = .78$; $p > .05$): there were no significant differences in the commission of new violent crimes (including sexual violent crimes) among treated subjects and subjects within the control groups, as pointed previously by Hanson et al. (2009). As stated by Marshall & Marshall (2007) and Seto et al. (2008), conducting RCTs of sex offender treatment imply many practical and structural difficulties, which has forced the inclusion of studies that do not ensure perfect control groups (sex offenders that have received no form of treatment). Thus, the subjects in the control groups in the studies analyzed may have received non-specific treatment for sexual offending, a treatment that may have influenced their violent recidivism rates, making them comparable in some cases with those subjects undergoing specific treatments for sexual offending. On the other

hand, it is possible that specifically tailored sex offender treatment programs focus on working sexual deviations rather than general violent behaviors (Duggan & Dennis, 2014).

In addition, several moderating variables were assessed, in particular the impact of study methodological quality on study findings. Regarding the type of treatment employed, MST was the most effective intervention in reducing sexual recidivism rates ($OR = .23$; $p < .05$); although it should be highlighted that the lack of specific studies on this type of intervention ($k = 2$; $n = 196$) meant that only the effectiveness of this therapy on adolescents was analyzed, which was likewise the only intervention applied to this collective (Hanson et al., 2009; Schmucker & Lösel, 2015). According to MST principles (Henggeler et al., 2009b), the effectiveness of interventions stems from attending to all those risk factors for an antisocial behavior in adolescents (e.g., few skills in resolving problems in youth, little supervision and ineffective discipline within their families, relations with other offenders or poor performance in school) through the individualization of the therapy, at the same time as the protective factors for juveniles are increased (Henggeler et al., 2009a). Regarding interventions based on social support provided by volunteers, the results also showed significant treatment effects ($OR = .27$; $p < .05$); although the aforesaid effect could be due to the individualization of this type of intervention, or the smaller number of studies analyzed ($k = 2$; $n = 182$). While the inclusion of RP in CBTs reduced the effectiveness of such interventions.

Methodological limitations –the greater number of studies analyzed (2 vs. 7) and the presence of heterogeneity among the studies that combined both models– could explain why RP was found to be less effective than other types of CBT, yet it could also be because RP is truly less effective than general CBT. Further studies are needed in this regard.

In addition, the unnecessary prolonging of treatments should be highlighted, since shorter programs (one year or less) showed bigger effects ($OR = .47$; $p < .001$) than longer programs, which did not show a significant treatment effect ($OR = .84$; $p > .05$). Research regarding the most appropriate length of interventions is scarce, and practice varies substantially across jurisdictions (Smid,

Kamphuis, Wever & Verbruggen, 2015; Yates, 2013); however, specialized literature suggests the adverse effect of long interventions may come about by the disruption of the prosocial activities and social circles (school, employment, etc.) of these individuals (Lowenkamp, Latessa, & Holsinger, 2006).

Nevertheless, these results must be interpreted cautiously since of the 17 studies analyzed, only 7 were of a good methodological quality according to the CODC directives (2007) and none of them was classified as strong. The estimated effect of treatment varied significantly when restricting our meta-analysis to those studies that complied with the standards of *good quality*; an analysis that did not enable us to demonstrate the effectiveness of the treatments analyzed in reducing sexual, violent and general recidivism rates. In general, poor quality studies do not ensure reported treatment effects are not due to chance, and tend to show greater effect sizes than better quality studies. In this case, the inclusion of longer monitoring periods in the better- quality studies (average follow-up length: 7.74 years vs. 6.75 years) could be one of the reasons why the recidivism rates of the treated subjects were comparable to those of the subjects in the control groups. As reported previously (*see Table 3*), studies including monitoring periods over 5 years did not show significant effect sizes, which might mean that treatment could only delay recidivism, rather than prevent it. On the one hand, the longer the follow-up the higher the range in which recidivism outcomes can be demonstrated. On the other hand, the more time passes after the end of the treatment,

the more likely it is that a treated offender encounters risk influences in his life, thus supposedly reducing the impact of treatment (Schmucker & Lösel, 2015).

The stay of a sex offender in prison should constitute an opportunity to become effectively socially rehabilitated, and not be a manner of keeping the subject away from society during the time that his or her sentence stipulates, with a view to returning. The financial expenditure it means for the State to institutionalize these persons requires the application of treatment programs whose effect has been empirically demonstrated, adapted to the rehabilitation needs of each type of sex offender (Hanson et al., 2009).

Recent trends point toward a differentiation on the therapeutic interventions according to specific criminal typologies (Soldino & Carbonell-Vayá, 2016) –e.g. specific treatment programs for child sexual offenders (Lambie & Stewart, 2012) or Internet sex offenders (Herrero et al., 2015; Middleton, Mandeville-Norden, & Hayes, 2009)–, in order to respond to their particular therapeutic needs. Thus, additional primary research on new treatment approaches is required for future meta-analysis to identify which target groups respond best to specific techniques and which combination of treatments is most effective (Kim, Benekos & Merlo, 2016).

For this purpose, new and better studies are needed that include longer monitoring periods, especially regarding treatments applied in Europe, MST and social support programs, and those programs specifically for adolescents. In this regard, the improvement of the quality of studies do not need to increase their cost (Hanson et al., 2009), yet they could help us to reduce bias and make reliable data available. Evidently, the publication of these studies should not be limited to those showing significant effects of treatment, since the opposite could generate false expectations on their effectiveness, which would, in any case, harm both those subjects sentenced for sexual offenses, and society, in its efforts to achieve true social rehabilitation.

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Table 1. Analyzed treatment programs.

| Study | Treatment program |
|---|--|
| 1. Abracen et al., 2011 | Regional Treatment Centre Sex Offender Treatment Program (RTCSOTP) |
| 2. Borduin et al., 2009 | Multi-systemic therapy for juvenile sex offenders |
| 3. Craissati et al., 2009 | Challenge Project |
| 4. Duwe, 2013 | Circles of Support and Accountability (COSA) |
| 5. Duwe & Goldman, 2009 | Transitional Sex Offender Treatment Program (SOTP) |
| 6. Hanson et al., 2004 | Community Sex Offender Program (CSOP) |
| 7. Harkins, 2004 | Regional Treatment Centre Sex Offender Treatment Program (RTCSOTP) |
| 8. Lambie & Stewart, 2012 | Community-based programs for child sexual offenders |
| 9. Marques et al., 2005 | Sex Offender Treatment and Evaluation Project (SOTEP) |
| 10. Olver et al., 2012 | Correctional Service of Canada (CSC) Sex Offender Treatment Program |
| 11. Olver et al., 2009 | Clearwater Program |
| 12. Redondo-Illescas, 2006; Redondo-Illescas & Garrido- Genovés, 2008 | Control de la Agresión Sexual (CAS) |
| 13. Smid et al., 2014 | Dutch mandatory inpatient sex offender treatment |
| 14. Ternowski, 2004 | Stave Lake Correctional Centre (SLCC) Treatment Program |
| 15. Wilson et al., 2005 | Circles of Support and Accountability (COSA) |
| 16. Worling et al., 2010 | Sexual Abuse: Family Education and Treatment Program (SAFE-T) |
| 17. Zgoba & Levenson, 2008; Zgoba & Simon, 2005 | Adult Diagnostic Treatment Center (ADTC) sex offenders treatment program |

Table 2. Characteristics of the studies.

| Category | <i>k</i> | Studies | Category | <i>k</i> | Studies |
|--|----------|----------------------------------|----------------------------------|----------|-----------------------------|
| General descriptors | | | Treatment characteristics | | |
| Publication type | | | Treatment type | | |
| Peer-reviewed | 14 | 1-6, 8-13, 16, 17 | CBT | 2 | 7, 10 |
| Non-peer-reviewed | 3 | 7, 14, 15 | CBT + RP | 7 | 1, 8, 9, 11, 12, 14, 17 |
| Origin of the study | | | MST | 2 | 2, 16 |
| Canada | 8 | 1, 6, 7, 10, 11, 14-16 | Social support | 2 | 4, 15 |
| USA | 5 | 2, 4, 5, 9, 17 | Mixed | 4 | 3, 5, 6, 13 |
| Europe | 3 | 3, 12, 13 | Treatment location | | |
| Other | 1 | 8 | Institution | 8 | 1, 5, 7, 10, 11, 13, 14, 17 |
| Methodological characteristics | | | Community | 6 | 2, 3, 6, 8, 15, 16 |
| Study design | | | Both | 3 | 4, 9, 12 |
| Randomized | 3 | 2, 4, 9 | Treatment format | | |
| Non-randomized | 14 | 1, 3, 5-8, 10-17 | Individual | 3 | 2, 4, 15 |
| Total sample size | | | Group + individual | 13 | 1, 3, 5-14, 16 |
| ≤ 100 | 2 | 2, 4 | Treatment length | | |
| > 100 ≤ 500 | 11 | 1, 3, 7-9, 12-17 | ≤ 12 months | 6 | 2, 4, 10-12, 14 |
| > 500 | 4 | 5, 6, 10, 11 | > 12 months | 6 | 3, 5, 8, 9, 13, 16 |
| Follow-up length | | | | | |
| ≤ 5 years | 6 | 4, 7, 8, 11, 12, 15 | | | |
| > 5 years | 11 | 1-3, 5, 6, 9, 10, 13, 14, 16, 17 | | | |
| Definition of recidivism | | | | | |
| New arrest | 5 | 2, 4, 5, 9, 16 | | | |
| New conviction | 7 | 1, 3, 7, 8, 10, 11, 17 | | | |
| Both | 4 | 6, 13-15 | | | |
| Characteristics of participants | | | | | |
| Age of participants | | | | | |
| Adults | 15 | 1, 3-15, 17 | | | |
| Adolescents | 2 | 2, 16 | | | |
| Gender of participants | | | | | |
| Only men | 15 | 1, 3-15, 17 | | | |
| Including females | 2 | 2, 16 | | | |
| Age of the victims | | | | | |
| Adults & children | 14 | 1-3, 5-7, 9, 11, 13-17 | | | |
| Only children | 1 | 8 | | | |

Note. CBT = cognitive-behavioral therapy; RP = relapse prevention; MST = multi-systemic therapy. *k* = number of studies.

Table 3. Analysis of the moderating variables on the treatment effect.

| Moderating variables | k | Fixed effects | | Random effects | | Q | I ² |
|--------------------------|----|---------------|------------|----------------|------------|-----------------|----------------|
| | | OR | 95% CI | OR | 95% CI | | |
| Publication type | | | | | | 2.62 | 61.87% |
| Peer-reviewed | 14 | .74*** | .64 - .85 | .73* | .57 - .96 | | |
| Non-peer-reviewed | 3 | .39** | .2 - .78 | .4* | .2 - .81 | | |
| Study design | | | | | | 1.41 | 29.23% |
| Randomized | 3 | .9 | .59 - 1.38 | .4 | .06 - 2.5 | | |
| Non-randomized | 14 | .7*** | .61 - .82 | .69** | .54 - .88 | | |
| Follow-up length | | | | | | 2.96 | 66.24% |
| ≤ 5 years | 6 | .51*** | .37 - .69 | .52*** | .38 - .71 | | |
| > 5 years | 11 | .79** | .68 - .92 | .8 | .59 - 1.07 | | |
| Definition of recidivism | | | | | | 2.69 | 25.73% |
| New arrest | 5 | .71** | .58 - .86 | .6 | .34 - 1.06 | | |
| New conviction | 7 | .65*** | .51 - .83 | .65** | .5 - .85 | | |
| Both | 4 | 1 | .72 - 1.38 | .84 | .44 - 1.62 | | |
| Age of participants | | | | | | 4.89* | 79.56% |
| Adults | 15 | .75*** | .65 - .86 | .75* | .59 - .95 | | |
| Adolescents | 2 | .25** | .1 - .6 | .23* | .08 - .71 | | |
| Treatment type | | | | | | 11.57* | 65.44% |
| CBT | 2 | .47** | .29 - .79 | .47** | .29 - .79 | | |
| CBT + RP | 7 | .72** | .57 - .91 | .7* | .49 - .99 | | |
| MST | 2 | .25** | .1 - .6 | .23* | .08 - .71 | | |
| Social support | 2 | .27* | .08 - .94 | .27* | .08 - .94 | | |
| Mixed | 4 | .83 | .69 - 1.01 | 1.02 | .67 - 1.54 | | |
| Treatment location | | | | | | 2.59 | 22.78% |
| Institution | 8 | .7*** | .59 - .83 | .72* | .55 - .93 | | |
| Community | 6 | .71* | .54 - .94 | .53* | .29 - .98 | | |
| Both | 3 | .92 | .6 - 1.41 | .54 | .14 - 2.16 | | |
| Treatment format | | | | | | 6.27* | 84.05% |
| Individual | 3 | .19** | .07 - .52 | .19** | .07 - .53 | | |
| Group + individual | 13 | .74*** | .64 - .86 | .74* | .58 - .96 | | |
| Treatment length | | | | | | 11.07*** | 90.96% |
| ≤ 12 months | 6 | .49*** | .37 - .66 | .47*** | .33 - .69 | | |
| > 12 months | 6 | .78** | .65 - .93 | .84 | .56 - 1.25 | | |

Note. CBT = cognitive-behavioral therapy; RP = relapse prevention; MST = multi-systemic therapy. Q and I²: between-groups heterogeneity measures. Values in bold indicate differences between groups.

* p<.05; ** p<.01; *** p<.001.

Table 4. Effect of treatment according to the quality of studies.

| Recidivism type | <i>k</i> (<i>n</i>) | Fixed effects | | Random effects | | <i>Q</i> | <i>I</i> ² | Studies |
|----------------------------|-----------------------|---------------|---------------|----------------|---------------|---------------|-----------------------|-----------------------|
| | | <i>OR</i> | 95% <i>CI</i> | <i>OR</i> | 95% <i>CI</i> | | | |
| Sexual | | | | | | 8.31** | 87.96% | |
| Good | 7 (3,687) | .84* | .7 - .99 | .93 | .62 - 1.39 | | | 1, 2, 4, 5, 7, 9, 13 |
| Weak | 10 (2,994) | .57*** | .46 - .71 | .57*** | .44 - .73 | | | 3, 7, 8, 10-12, 14-17 |
| Violent (including sexual) | | | | | | 4.06* | 75.34% | |
| Good | 4 (3,459) | .97 | .84 - 1.13 | 1.05 | .82 - 1.35 | | | 5, 6, 9, 13 |
| Weak | 7 (1,992) | .56*** | .43 - .72 | .57** | .39 - .81 | | | 3, 7, 8, 10, 14-16 |
| General (any type) | | | | | | 7.75** | 87.1% | |
| Good | 4 (2,874) | .91 | .78 - 1.05 | .73 | .48 - 1.12 | | | 2, 4-6 |
| Weak | 6 (1,064) | .84 | .64 - 1.1 | .6 | .29 - 1.26 | | | 7, 12, 14-17 |

Note. *k* = number of studies. *Q* and *I*²: between-groups heterogeneity measures. Values in bold indicate differences between groups.

* *p*<.05; ** *p*<.01; *** *p*<.001

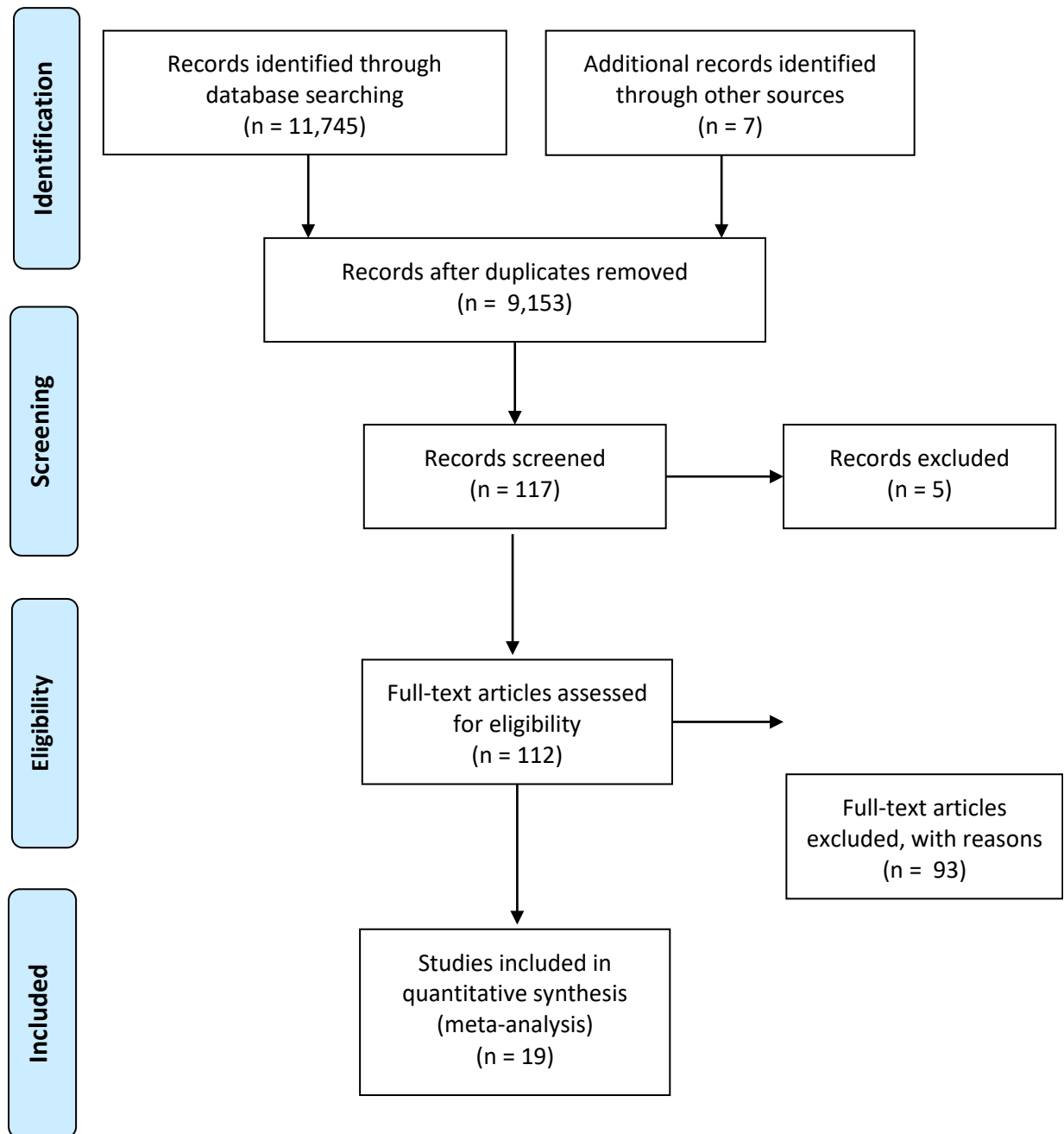


Figure 1. Literature search procedure

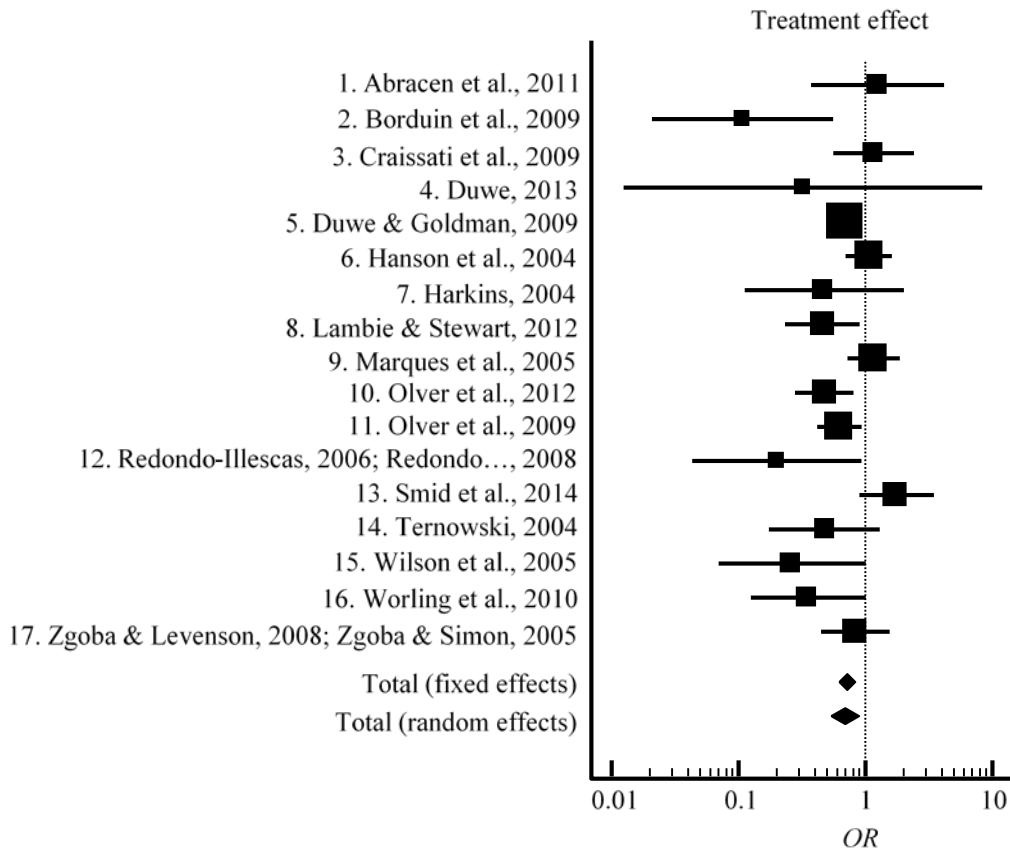


Figure 2. Meta-analysis of the effect of treatment on sexual recidivism rates.

Note. The size of the markers that represent the effects of the studies vary in size according to the weights assigned to the different studies. Diamonds represent the pooled effects (the location of the diamond represents the estimated effect size and the width of the diamond reflects the precision of the estimate).

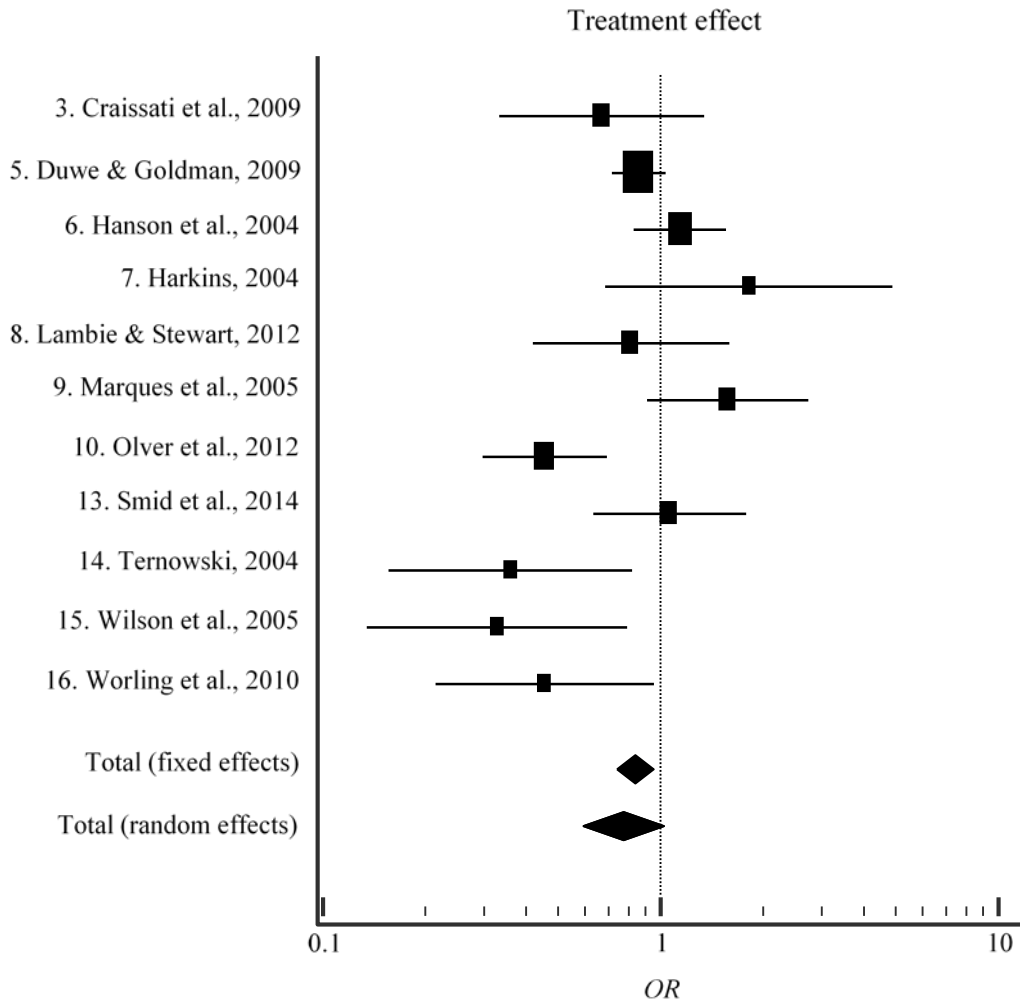


Figure 3. Meta-analysis of the effect of treatment on violent recidivism rates

Note. The size of the markers that represent the effects of the studies vary in size according to the weights assigned to the different studies. Diamonds represent the pooled effects (the location of the diamond represents the estimated effect size and the width of the diamond reflects the precision of the estimate).

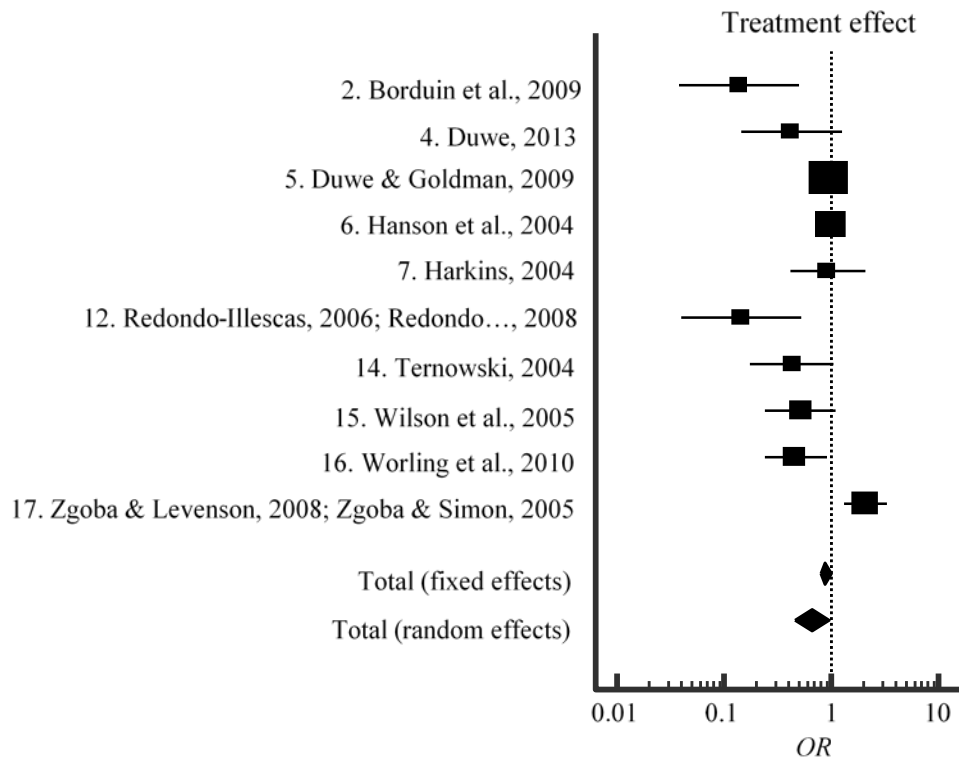


Figure 4. Meta-analysis of the effect of treatment on general recidivism rates.

Note. The size of the markers that represent the effects of the studies vary in size according to the weights assigned to the different studies. Diamonds represent the pooled effects (the location of the diamond represents the estimated effect size and the width of the diamond reflects the precision of the estimate).

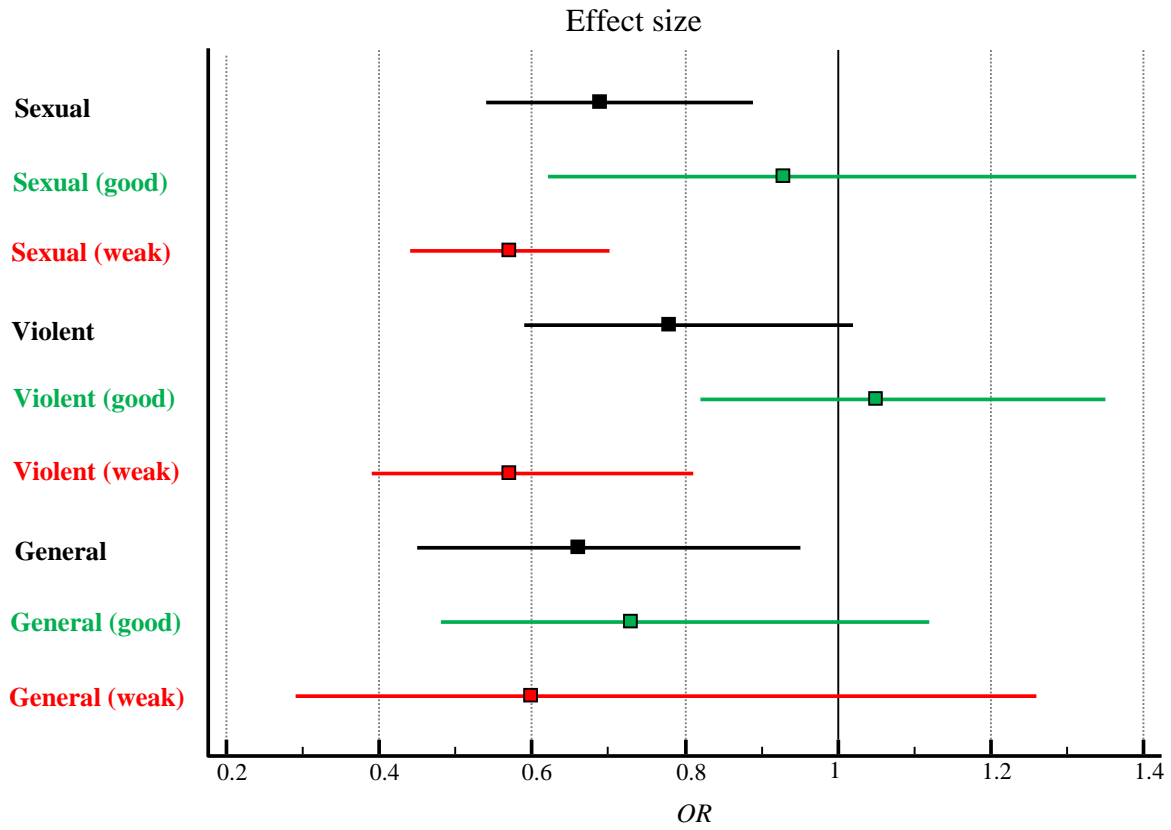


Figure 5. Effect of treatment according to the quality of studies.

Note. When confidence intervals do not cross the null-effect line ($OR = 1$), effect size values are considered statistically significant ($p < .05$).

Study 3

MCMI-III profiles of convicted contact sexual offenders: A cluster analysis.

**MCMI-III profiles of convicted contact sexual offenders:
A cluster analysis⁴⁴**

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Abstract

As suggested by previous research, the study of personality traits among sexual offenders could be an important consideration in the understanding of sexual offending. This study aims to explore the possibility of classifying sexual offenders according to their personality profiles. Based on the MCMI-III scores of 97 convicted contact sexual offenders, a cluster hierarchical analysis was performed. Next, the groups were characterized according to their sociodemographic and criminological variables and significant differences between them were sought. The two clusters found did not show different MCMI-III prototypical personality profiles, and both groups only varied in the degree of general psychopathology. The results suggest the existence of two personality profiles labeled as "pathological" and "adapted/non-pathological". The usefulness of the MCMI-III in the evaluation of sexual offenders seems limited to the detection of the presence or absence of general psychopathological symptoms. Implications of these findings for interventions are discussed.

Keywords. Sexual offenders; sexual abuse; rape; MCMI-III; personality; cluster analysis.

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Introduction

Sexual offenders are a heterogeneous population, which is one reason why researchers have attempted to classify them, aiming to provide better understanding of factors which may underlie sexual offending and thereby assist in case formulation, clinical diagnosis, treatment and recidivism prediction (Davis & Archer, 2010; Hall, Graham, & Shepherd, 1991). In this regard, Knight, Rosenberg and Schneider (1985) suggested that personality and personality disorders could be useful dimensions by which sexual offenders could be classified.

The study of personality traits and disorders provides a key to the understanding in many areas of criminal behavior and in some countries plays an important role in forensic evaluations (Jung, Toop, & Ennis, 2018; Loinaz, Ortiz-Tallo, & Ferragut, 2012; Suen, 2013). For example, treatment programs for offenders could potentially be tailored, based on an individual's scores on personality assessment instruments (Chantry & Craig, 1994). In this sense, scales of the Millon Clinical Multiaxial Inventory-III (MCMI-III; Millon, Davis, & Millon, 1997) such as Antisocial, Aggressive-sadistic, Passive-aggressive, Borderline, and Paranoid, have been used as indices of aggression in forensic contexts. Likewise, the comorbidity with offending behavior of personality disorders, prior substance abuse, psychotic symptoms or attention-deficit/hyperactivity disorder (ADHD) is common in studies of forensic populations (Craig, 2005; Loinaz et al., 2012; Pratt et al., 2002). However, the role of personality functioning in offending behavior is complex, in terms of the extent to which different personality traits are differentially implicated in different types of offenses, variability in their significance between different offenders, and therefore in establishing their role in offense causality (Loinaz et al., 2012).

Researchers have employed many approaches to examine whether individuals who sexually offend display a common set of personality characteristics, such as comparing sex offender psychopathology profiles with control groups (e.g., non-sexual offenders or non-offender population; Davis & Archer, 2010) or whether it is possible to distinguish among groups of sexual offenders on the basis of their personality style (Chantry & Craig, 1994). The various forms of the Millon Clinical Multiaxial Inventory

(MCMI; Millon, 1977) and the Minnesota Multiphasic Personality Inventory (MMPI; Hathaway & McKinley, 1940) are the most widely used self-report personality inventories in sex offender populations, followed by the Personality Assessment Inventory (PAI; Morey, 1991) (Chantry & Craig, 1994; Davis & Archer, 2010; Loinaz et al., 2012; Perrot, Bénony, Chahraoui, & Juif, 2014).

These studies suggest that: (1) sexual offenders are a heterogeneous population, in terms of personality disorders, and (2) a variety of diagnoses are associated with the occurrence of sexual offending (Chen, Chen, & Hung, 2016; Davis & Archer, 2010; Perrot et al., 2014). It seems that no prototypic personality profile is characteristic of this population (Davis & Archer, 2010; Hall et al., 1991; Perrot et al., 2014). However, this raises the possibility that there may be more specific associations between certain types of sexual offending and different personality profiles/disorders, as suggested in the studies described below.

The MMPI has shown moderate to large effect sizes when distinguishing between sex offender and non sex offender groups; however, Davis and Archer (2010) suggest that those results may be reflective of general antisocial behavior rather than any more specific personality profiles in sexual offenders. Furthermore, other studies attempting to classify offenders by cluster analysis procedures with the Minnesota Multiphasic Personality Inventory-2 (MMPI-2; Butcher, Dahlstrom, Graham, Tellegen, & Kaemmer, 1989) raise doubts about the suitability and usefulness of this instrument for classification in forensic settings (Espelage et al., 2003; Spaans et al., 2009). The number of clusters found in several studies ranged between two (i.e., one cluster indicating no psychopathology and the other reflecting serious psychopathology) and ten, separating more predatory offenders from those likely to have also been victimized (the so-called Megargee System; Megargee, Carbonell, Bohn, & Sliger, 2001). Despite this, no study has found qualitatively distinct personality profiles in sex offenders' samples (Espelage et al., 2003; Spaans et al., 2009).

On the other hand, studies using the PAI (Morey, 1991) to assess sexual offenders point towards some potential predictive ability of this tool (especially the antisocial scale) for

recidivism outcomes among sex offenders (Boccaccini, Murrie, Hawes, Simpler, & Johnson, 2010; Jung et al., 2018); although it did not improve the validity of tailored measures for sexual recidivism risk assessment (Jung et al., 2018). With regard to the MMPI-2-RF (Ben-Porath & Tellegen, 2011), measures of externalizing dysfunction among sexual offenders with child victims showed the strongest associations with static and dynamic risk tools for sexual reoffending assessment (Tarescavage, Cappo, & Ben-Porath, 2018).

Regarding the MCMI-III (Millon et al., 1997) and its earlier versions, although several studies have used them to examine reported constructs in sexual offenders, there is little consistency of findings across these studies (Davis & Archer, 2010). Bard and Knight (1986) found four distinct MCMI profiles in a group of sexual offenders using a cluster analytic methodology. The first three clusters were labeled “detached”, “antisocial-aggressive” and “antisocial-negativistic”; the fourth reflected a subclinical profile with no scale with base rate scores over the clinically significant cut-off of 75. In this regard, Langevin et al. (1988) found that most sexual offenders were not distinct from controls in personality characteristics. Results from Ahlmeyer, Kleinsasser, Stoner and Retzlaff (2003) showed elevated scores on Avoidant, Depressive, Dependent and Schizotypal subscales in sex offender groups, compared to non-sexual offenders. These scores were reported to correspond to profiles characterized by inhibition, relationship difficulties with adults, fear of being judged or rejected, and social isolation. Similar results were obtained by Perrot et al. (2014), using a French questionnaire (TD-12; Rolland & Pichot, 2007).

Proulx, Cusson and Beaugard (2007) distinguished two broad personality types among sexual murderers using the MCMI-III. The first might be broadly described as psychopathic, displaying elevations in antisocial, borderline and narcissistic traits, and the second group was characterized by schizoid and avoidant traits. Whilst a common theme between the groups could be said to be emotional detachment from others, other aspects of their interpersonal functioning are likely to be quite different, therefore requiring different approaches to treatment and risk management. However, when sexual murderers were compared with rapists, no differences were found on the personality or

clinical syndrome scales of the MCMI-III (Oliver, Beech, Fisher, & Beckett, 2007).

In terms of the MCMI literature, it is important to note that published norms do not include a sex offender base rate/reference group for this instrument (Davis & Archer, 2010). Sexual offenders, as a group, tend to display significantly lower mean scores in the clinical scales than the median score of the normative sample of the MCMI-III (Suen, 2013); however, these mean scores might vary between subgroups of sex offenders.

The current ex post facto study (Montero & León, 2007), analyzes personality patterns in a male sex offender group in prison and compares the results with previous studies on personality in sexual offenders. The aim of the study is to examine the personality profiles of a sample of contact sexual offenders (so-called hands-on sexual offenders) using the MCMI-III. It is expected that an intragroup analysis will find differences between them, in terms of personality characteristics, possibly detecting a subgroup of individuals with high mean scores on some clinical scales. The research findings may have implications for forensic assessments and risk management, and be helpful in formulating treatment goals for different offender sub-types. Finally, personality information may prove useful in addressing issues of treatment responsivity (i.e., the individual’s preferred methods of therapeutic engagement; Jung et al., 2018). This is important as it is now well established that the application of “Risk-Need-Responsivity” (RNR) principles, developed by Andrews, Bonta and Hoge (1990) underpin sex offender treatment programs with the most successful outcomes (Andrews & Bonta, 2010; Hanson, Bourgon, Helmus, & Hodgston, 2009).

Method

Participants

Participants were 97 male convicted for sexual offenses (we were aware of only three females convicted for these crimes and thus decided to include only male subjects in the study). These individuals were serving a prison sentence in Spain ($n = 80$ at the *Valencia “Antoni Asunción Hernández”* prison, Valencia; and $n = 17$ at the *Alicante II* prison, Villena). Group mean age was 43.67 years ($SD = 11.97$; range 19-77). Almost 80% of participants were Spanish ($n =$

77; 79.4%) and, among those who were not ($n = 20$; 20.6%), most were Latin American ($n = 14$; 14.4%). The participants' current incarceration period was related to convictions for sexual abuse⁴⁵ (61.9%), sexual assault (32%), or both (4.1%). Some of the participants were also convicted of other non-contact sexual offenses: child pornography offenses (12.4%); exhibitionism (6.2%); and child prostitution (3.1%). Twenty-two participants (22.7%) had sexually offended exclusively against adults and 75 (77.3%) exclusively against victims under the age of 18.

According to their sentences, 32 participants (33%) presented with modifying circumstances of criminal responsibility (i.e., aggravating and/or mitigating circumstances). Aggravating circumstances (14.4%) were: recidivism (6.2%), abuse of confidence (4.1%), kin relationship with the victim (3.1%) and taking advantage of the circumstances (1%). Mitigating circumstances (24.7%) were: compensating the victim for the damages caused (11.3%), disproportionate prolongation of the cause (5.2%), mental anomaly (4.1%), serious substance addiction (4.1%), intoxication (4.1%), confession (2.1%) and collaboration with the authorities (1%).

Measures

Sociodemographic and criminological variables. A set of potentially relevant variables were analyzed for this study: (1) age at time of assessment; (2) type of index crime (sexual assault and/or sexual abuse); (3) use of weapons during the offense; (4) victim age (adult or minor); (5) victim gender (male, female, both); (6) plurality of victims; (7) victim-perpetrator relationship (acquaintances, strangers, relatives, professional/academic, intimate partners); (8) crime setting (perpetrator's residence, victim's residence, family residence, public setting, other/various); (9) length of prison sentence (sentences of more than nine years' imprisonment); (10) modifying circumstances of criminal responsibility; (11) prior non-sexual convictions; (12) prior sexual convictions; (13) other active prison sentences; (14) substance abuse; and (15) early victimization experiences (child abuse and/or sex abuse). These variables

were systematically extracted from the inmates' prison records (including the judicial sentence, penitentiary classification, and reports of the jurist, psychologist, social worker and doctor). In those cases where the information was missing or further clarifications were needed, the individual was asked to provide more information related to these variables.

Clinical assessment. The Spanish adaptation of the MCMI-III (Cardenal & Sánchez, 2007) was used to assess the sample, as this was the most current version of the original MCMI available in Spain at the time of data collection (MCMI-IV was released in Spain by Pearson in July 2018). It is a self-report inventory composed of 175 true-false items. It assesses 24 clinical scales divided into four categories (11 personality disorders, 3 severe personality disorders, 7 clinical syndromes, 3 severe syndromes), and has 4 validity indices. The scales in the Personality cluster reflect personality disorders found in Axis II in the DSM-IV-TR, while Syndrome cluster depicts disorders found in Axis I. This instrument has been widely used in forensic settings, to provide diagnostic and psychometric evidence of pathological disturbances (Loinaz et al., 2012; Suen, 2013). It uses Base-Rate (BR) scores –BR are transformed scores reflecting the prevalence rates of particular characteristics within the standardization sample, ranging from 0 to 115. A BR score of 60 corresponds to the median raw score; a BR score > 75 indicates the presence of a trait; a BR score > 85 indicates the presence of a disorder (McCann & Dyer, 1996). The original version of the MCMI-III (Millon et al., 1997) exhibited alpha coefficients ranging from .66 to .90, and test-retest reliabilities ranging from .82 to .96. The Spanish adaptation has similar properties, with internal consistency ranging from .65 to .88, with a test-retest median of .91 (Cardenal & Sánchez, 2007).

Procedure

Participants were individually informed about the aim of the research and their participation was voluntary, was not rewarded, did not affect in any sense the conditions of their confinement, and was confidential. After signing a written

⁴⁵ According to the Spanish Criminal Code, the only difference between sexual abuse and sexual assault is the use of violence or intimidation by the perpetrator.

In both cases the victim has not given a valid sexual consent. Since 2015 the age of sexual consent is fixed at 16 years (previously at 13).

informed consent form, their prison record was reviewed and coded; files were inspected and protocols were abstracted, along with demographic information. The sample did not include inmates who had refused to participate in the study. Afterwards, an individual interview was conducted, reviewed and coded by the first author (56 of the participants) and another forensic psychologist and criminologist (41 of the participants), lasting at least 90 minutes, in order to obtain information regarding other relevant criminological variables and establish the necessary rapport with the participant for sincere answers (Sun, 2016). All the coded interviews were reviewed by the first author. In a second session, participants responded individually to the MCMI-III. Only valid profiles were considered in the study (97 out of 103).

Data analysis

First, the 24 MCMI-III clinical scales were analyzed in the whole sample. Second, based on the 14 personality subscales (clustering variables), two clustering methods were performed; both a Ward's Agglomerative Hierarchical Clustering Analysis (Ward, 1963) and a Model-based method (Scrucca, Fop, Murphy & Raftery, 2016). The first one looks out for clusters in the resulting multivariate Euclidian space. Following Ward's method, the distance between two clusters, *A* and *B*, is equal to the increase of the sum of squares when we merge these two clusters. We used the variation of the merging cost of combining clusters *A* and *B* to decide on the optimal number of clusters (Aldenderfer & Blashfield, 1984). Regarding the second clustering method, it assumes that there is an underlying gaussian distribution for each cluster and attempts to find it.

A clinical analysis of the resulting MCMI-III group profiles was then undertaken. Third, non-parametric tests (data did not meet the assumptions of normality of distribution or homogeneity of variance, according to the results of the Kolmogorov-Smirnov test) were conducted to identify differences between clusters on MCMI-III clinical scales.

In an effort to externally validate these clusters, analyses were performed to determine any differences between the clusters on the sociodemographic and criminological variables. Mann-Whitney *U* Test was used for differences among the groups, rather than *t* tests, as well as Chi-squared test for categorical data. All the statistical analyses were performed using the statistical language program R.

Results

Sexual offenders' MCMI-III scores

MCMI-III clinical scales mean BR scores (*M*) and *SD* for the full sample (*N* = 97) are shown in Tables 1 and 2. The modal code (i.e., resulting MCMI-III profile) had no clinically elevated scales, although the most prominent personality subscales were Compulsive and Narcissistic (BR > 60).

Personality cluster

Both clustering methods identified two groups of individuals; however, the hierarchical clustering analysis (see Figure 1) was the chosen approach, as it maximized differences between both groups (see Table 1).

As shown in Table 1, Mann-Whitney Test revealed significant differences ($p < .05$) among the two groups, with regards to all variables. Their graphical profile is represented in Figure 2. For the two groups, the modal code had no clinically elevated scales. Group 1 ($n = 54$; 55.67%) showed the highest scores on the Paranoid and Narcissistic subscales (BR > 60). Group 2 ($n = 43$; 44.33%) peaked on Compulsive, Narcissistic and Histrionic subscales (BR > 60).

Comparing both groups, group 1 exhibited the highest scores on all personality subscales, except for Histrionic, Narcissistic, and Compulsive subscales, and was labeled "pathological". No distinguishable personality profile was found. Group 2 showed the highest elevations in scores for Histrionic, Narcissistic, and Compulsive subscales related to non-pathological personality styles⁴⁶ (Craig, 2005;

⁴⁶ Provided that there are elevations in social desirability response bias ($M = 86.51$), but not in the syndromic scales; as shown in Table 3.

White & Gondolf, 2000; Loinaz et al., 2012), and was labeled “adapted/non-pathological”.

Other differences between groups

MCMI-III syndrome subscales *M* and *SD* for the two groups are shown in Table 2. The modal code had no clinically elevated scales in any of the two groups. The pathological group showed the highest scores on Anxiety, Delusional Disorder and Bipolar (manic) subscales ($BR > 60$). The adapted/non-pathological group did not attain suggestive symptom scores. Comparing both groups, the pathological group exhibited the highest scores on all syndrome subscales. Mann-Whitney Test revealed significant differences ($p < .001$) among the two groups.

Chi-squared test for categorical data revealed no statistically significant differences between groups in criminological variables, except for the length of the prison sentence. 46.3% in the pathological group vs. 25.6% in the adapted/non pathological group were serving sentences of more than nine years' imprisonment ($p = .036$). Mann-Whitney Test revealed significant differences in the age of the two groups (Pathological group: mean age = 41.59; $SD = 13.27$. Adapted/non-pathological group: mean age = 46.28; $SD = 9.63$. $Z = -2.44$; $p = .015$).

Discussion and conclusions

The rationale for this study was to explore the possibility of classifying sexual offenders according to their MCMI-III personality profiles. This is the first study to analyze MCMI-III scores in a sample of imprisoned contact sexual offenders in Spain, and it is also the first time that these scores were obtained using the Spanish version of the instrument. Therefore, the results cannot be compared to other samples at this detailed level. Despite this, the results were consistent with some previous research on personality characteristics of sexual offenders, as detailed below.

First, results showed that there is considerable diversity in personality patterns among sexual offenders. As reported in previous studies (Espelage et al., 2003; Spaans et al., 2009; Suen, 2013), no prototypic personality profile was found. Consistent with Suen (2013), the mean scores for the full sample, higher for Compulsive and Narcissistic subscales ($BR > 60$), were not fully consistent with personality disorders

usually related to violent behavior (i.e., antisocial, paranoid, narcissistic, borderline, and avoidant; Fountoulakis, Leucht, & Kaprinis, 2008; Nestor, 2002; Stone, 2007).

Based on MCMI-III personality subscales, only two groups of distinct personality characteristics (i.e., all mean BR scores were significantly different among the two clusters; $p < .05$) were found using cluster analysis. The two clusters obtained confirm that some sexual offenders, at least 44% of the sample, met criteria for a non-pathological profile. Narcissistic, compulsive, and histrionic tendencies found in the “adapted/non-pathological” group might correspond to what White and Gondolf (2000) described as defensive “looking good” responses or could alternatively be interpreted as an absence of pathology (Craig, 2005; Ortiz-Tallo, Cardenal, Ferragut, & Cerezo, 2011). The other group, labeled as the “pathological group”, could be a mixture of normal profiles and subjects with pathological traits. This group exhibited the highest scores on all personality subscales, except for Histrionic, Narcissistic, and Compulsive subscales, as well as on all syndrome subscales ($p < .001$); although no distinguishable personality profile was found among this group of sexual offenders, nor mean BR scores higher than 75. Studies indicating only two separate clusters raise doubt about the suitability of using the MCMI-III for classifying sexual offenders in forensic settings (Spaans et al., 2009). Furthermore, the two resulting clusters in this study were not associated with different types of sexual offenders, in the sense of different concrete MCMI-III prototypical profiles (e.g., aggressive-sadistic, avoidant, ...), but only varied in the degree of general psychopathology (Espelage et al., 2003; Spaans et al., 2009).

Moreover, differences in personality were not strongly associated with other criminological variables analyzed, except for the length of the prison sentence, a variable that may be related to strictly legal factors, such as the year of commission of the crime, or the concurrence of modifying circumstances of criminal responsibility; although it might also be indicative of the perceived dangerousness of the offenders at the sentencing stage. With respect to sociodemographic variables, differences observed in the mean age of both groups, although statistically significant, do not seem relevant for the purposes of this study, since they do not represent a meaningful difference between

age groups (41.59 vs. 46.28 years) in that both are at the same general stage of life. Cluster analysis will always create clusters, regardless of the actual existence of any structure in the data. Only with strong conceptual support, and then validation, are the clusters potentially meaningful and relevant. Therefore, MCMI-III code types would inadequately describe the heterogeneity of this population (Hall et al., 1991). However, it is possible that the resulting clusters may differ in other variables that have not yet been analyzed in this study.

We must also take into account the limitations in sample size ($N = 97$), as well as the inclusion of only those inmates who participated voluntarily in the study, and of them, only the valid MCMI-III profiles were used. We could be excluding a group of sexual offenders with serious personality disorders, or with a much more antisocial profile. However, the peculiarities of self-report personality inventories impede conducting rigorous assessments without a minimum of cooperation on the part of the interviewee. On the other hand, our sample was mostly comprised of individuals whose offense history was exclusively related to offenses against adolescents and children. In this regard, several studies have shown that sexual offenders with adult and minor victims differ in their personality traits and psychopathological symptoms; identifying individuals with a sexual offending history against minor victims as more dependent, anxious, socially impaired and depressed, displaying more emotional disturbances, lower levels of self-esteem, a lack of self-confidence and emotional maturity and higher levels of emotional pressure (Ahlmeyer et al., 2003; Carvalho & Nobre, 2014; Chakhssi, DeRuiter & Bernstein 2013; Chantry & Craig, 1994; Shechory & Ben-David, 2005; Whitaker et al., 2008).

The results of this study suggest that, whilst treatment programs for sexual offenders should be focused primarily on their criminological dynamic risks factors (Margari et al., 2015; Suen, 2013), individual treatment plans could usefully incorporate personality profiles within responsivity considerations for each of the members of the therapeutic group (Suen, 2013). Furthermore, in this context, individualized treatments have displayed the largest effects in terms of the reduction of recidivism rates among sexual offenders (Soldino & Carbonell-Vaya, 2017).

In order to differentiate between sexual offenders' subtypes, or identify sexual offenders from other socially deviant groups, practitioners should use instruments designed specifically for sexual offenders. The use of empirically validated measures of criminogenic needs with this population is the most supported by research (Jung et al. 2008): e.g., actuarial measures such as STABLE-2007 (Hanson, Harris, Scott & Helmus, 2007) or the Violence Risk Scale – Sexual Offender version (VRS-SO; Olver, Wong, Nicholaichuk & Gordon, 2007); and Structured Professional Judgment (SPJ) measures such as Sexual Violence Risk-20 (SVR-20; Boer, Hart, Kropp, & Webster, 1997), or the Risk for Sexual Violence Protocol (RSVP; Hart et al., 2003). General personality assessment instruments such as the MCMI-III or the new MCMI-IV (Millon, Millon, & Grossman, 2015) were not originally designed for this purpose and may lack the item content needed for effectively assessing sexual offenders (Davis & Archer, 2010). Likewise, approaches including the simultaneous assessment of different relevant variables (e.g., cognitive distortions, paraphilia, or impulsivity), could provide a more accurate technique (Loinaz et al., 2012).

Despite the interest in examining personality in forensic contexts, it appears, for now, to have limited explanatory value on its own in categorizing sexual offending behavior. It may be concluded that the usefulness of the MCMI-III in a forensic context is restricted to screening for the presence or absence of general psychopathological symptoms. Nevertheless, the MCMI-III can certainly be used in individual cases to identify psychopathological characteristics that may be relevant to treatment (Davis & Archer, 2010; Spaans et al., 2009). The absence of prototypical personality profiles among contact sexual offenders suggests that individuality prevails within the group, and that the MCMI-III scores should be used in an ideographic way to assess the individual sex offender rather than looking simply at pathological personality manifestations (Suen, 2013).

We still need to advance the study of these aspects in larger samples, as well as our understanding about sexual offenders' characteristics that predict treatment dropout (Olver & Wong, 2011) or recidivism risk. Future research should focus on the utility of tailored

assessment instruments for sexual offenders to gain further knowledge about how sexual offenders differ from one another or from other deviant groups (Davis & Archer, 2010). Other variables (e.g., victim-related characteristics or type of sexual crime), rather than personality traits and disorders, may be a more suitable dimension by which sexual offenders could be classified.

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Table 1. Means and standard deviations for different clusters using both hierarchical and model-based clustering analysis.

| Personality subscale | Hierarchical clustering | | | | | | | | Model-based clustering | | | | | |
|----------------------|----------------------------------|-----------|-------------------------------|-----------|-------------------------------|-----------|----------|----------|-------------------------------|-----------|-------------------------------|-----------|----------|----------|
| | Total sample (<i>N</i> = 97) | | Cluster 1 (<i>n</i> = 54) | | Cluster 2 (<i>n</i> = 43) | | <i>Z</i> | <i>p</i> | Cluster 1 (<i>n</i> = 56) | | Cluster 2 (<i>n</i> = 41) | | <i>Z</i> | <i>p</i> |
| | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> | | | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> | | |
| 1 Schizoid | 42.00 | 22.93 | 56.39 | 15.47 | 23.93 | 17.31 | -6.98 | <.001 | 45.84 | 23.11 | 36.76 | 21.89 | -1.89 | .059 |
| 2A Avoidant | 38.12 | 25.26 | 55.02 | 18.34 | 16.91 | 14.33 | -7.06 | <.001 | 46.18 | 24.70 | 27.12 | 21.85 | -3.88 | <.001 |
| 2B Depressive | 39.61 | 24.82 | 52.50 | 20.90 | 23.42 | 19.35 | -5.58 | <.001 | 46.32 | 24.72 | 30.44 | 22.11 | -3.11 | .002 |
| 3 Dependent | 44.09 | 22.02 | 55.15 | 18.27 | 30.21 | 18.24 | -5.74 | <.001 | 47.88 | 23.48 | 38.93 | 18.94 | -2.19 | .029 |
| 4 Histrionic | 47.58 | 20.98 | 37.37 | 17.60 | 60.40 | 17.69 | -5.44 | <.001 | 40.57 | 20.59 | 57.15 | 17.62 | -3.84 | <.001 |
| 5 Narcissistic | 64.82 | 13.52 | 62.07 | 15.84 | 68.28 | 8.90 | -2.51 | .012 | 60.66 | 15.09 | 70.51 | 8.25 | -3.67 | <.001 |
| 6A Antisocial | 44.29 | 22.59 | 54.96 | 19.49 | 30.88 | 18.89 | -5.02 | <.001 | 45.68 | 22.57 | 42.39 | 22.76 | -0.53 | .596 |
| 6B Sadistic | 38.87 | 23.87 | 54.43 | 15.08 | 19.33 | 17.7 | -7.09 | <.001 | 39.09 | 26.04 | 38.56 | 20.86 | -.022 | .982 |
| 7 Compulsive | 65.01 | 18.92 | 57.46 | 19.12 | 74.49 | 13.84 | -4.49 | <.001 | 61.91 | 20.22 | 69.24 | 16.27 | -1.72 | .086 |
| 8A Negativistic | 38.01 | 22.96 | 53.04 | 16.5 | 19.14 | 14.39 | -7.09 | <.001 | 44.55 | 23.58 | 29.07 | 18.95 | -3.3 | .001 |
| 8B Masochistic | 34.95 | 24.17 | 50.37 | 15.29 | 15.58 | 18.71 | -6.74 | <.001 | 38.88 | 24.41 | 29.59 | 23.05 | -1.76 | .078 |
| S Schizotypal | 35.37 | 26.70 | 54.41 | 16.82 | 11.47 | 14.89 | -7.56 | <.001 | 41.79 | 28.28 | 26.61 | 21.80 | -3.06 | .002 |
| C Borderline | 35.73 | 23.55 | 50.91 | 16.53 | 16.67 | 15.97 | -7 | <.001 | 40.20 | 25.14 | 29.63 | 19.90 | -2.46 | .014 |
| P Paranoid | 47.79 | 28.25 | 68.02 | 11.03 | 22.40 | 22.02 | -7.84 | <.001 | 49.29 | 30.11 | 45.76 | 25.72 | -1.79 | .074 |

Note. Values in bold indicate higher scores ($p < .05$).

Table 2. Means and standard deviations for different subtypes of sexual offenders in MCMI-III syndrome subscales.

| Syndrome subscale | Total sample (<i>N</i> = 97) | | Pathological group (<i>n</i> = 54) | | Adapted non-pathological group (<i>n</i> = 43) | | <i>Z</i> | <i>p</i> |
|-------------------------|----------------------------------|-----------|--|-----------|---|-----------|----------|----------|
| | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> | | |
| A Anxiety | 47.81 | 35.63 | 68.11 | 28.24 | 22.33 | 26.47 | -6.23 | <.001 |
| H Somatoform | 34.77 | 24.79 | 44.46 | 20.87 | 22.60 | 24.14 | -4.01 | <.001 |
| N Bipolar (manic) | 50.93 | 24.38 | 63.76 | 17.10 | 34.81 | 22.63 | -6.14 | <.001 |
| D Dysthymia | 32.99 | 26.59 | 45.17 | 24.98 | 17.70 | 19.98 | -5.09 | <.001 |
| B Alcohol dependence | 46.47 | 25.04 | 56.87 | 20.07 | 33.42 | 24.73 | -4.53 | <.001 |
| T Drug dependence | 48.30 | 30.61 | 59.07 | 29.59 | 34.77 | 26.45 | -3.58 | <.001 |
| R Post-traumatic stress | 34.79 | 27.81 | 49.96 | 22.76 | 15.74 | 21.14 | -5.78 | <.001 |
| SS Thought disorder | 35.00 | 30.6 | 53.76 | 26.14 | 11.44 | 16.02 | -6.72 | <.001 |
| CC Major depression | 35.66 | 28.36 | 46.72 | 26.32 | 21.77 | 24.70 | -4.39 | <.001 |
| PP Delusional disorder | 50.12 | 29.84 | 66.43 | 14.93 | 29.65 | 31.35 | -6.18 | <.001 |

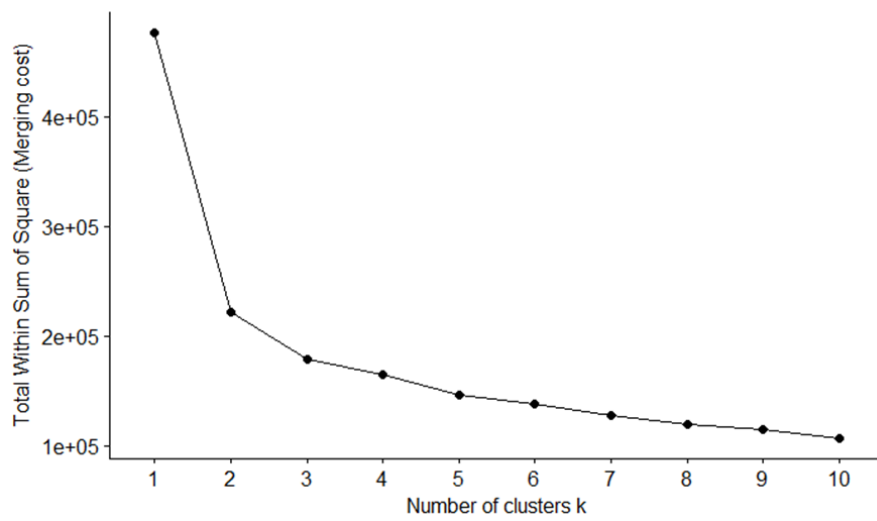


Figure 1. Agglomeration schedule for the last ten steps of cluster analysis.

Note. The sudden increase in the total within-clusters error sum of squares for the last step suggests that the two-cluster solution is the appropriate one.

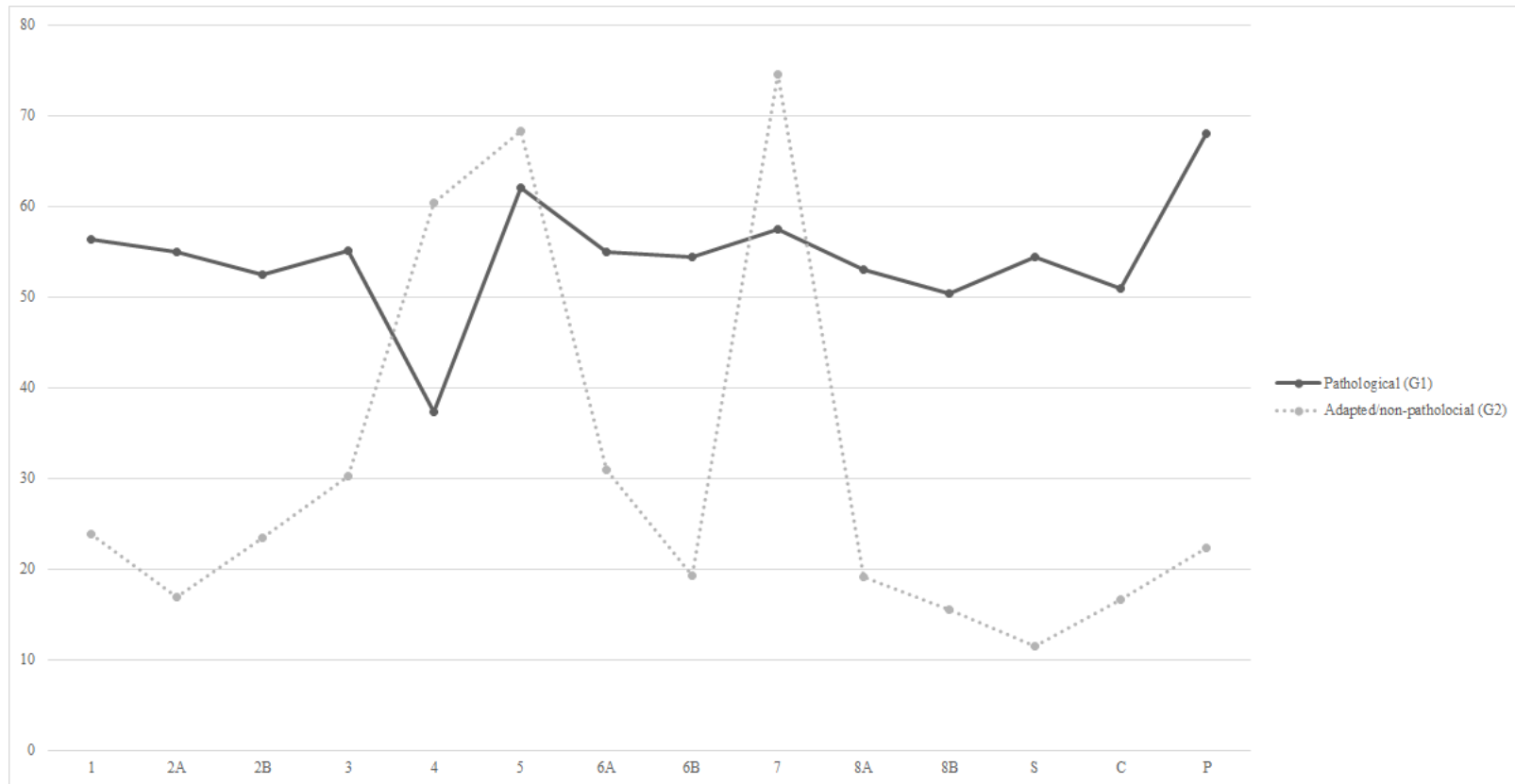


Figure 2. Base rate score graphical profiles.

Study 4

**Contact sex offenders with adult and minor victims:
Psychopathological and criminological differences.**

**Contact sex offenders with adult and minor victims:
Psychopathological and criminological differences⁴⁷**

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Abstract

The present work analyzed the distinctive characteristics of convicted contact sex offenders serving a prison sentence in Spain, according to the age of their victims (adult v. minor). MCMI-III personality subscales were assessed using logistic regression analyses: Depressive, Antisocial and Paranoid subscales showed medium predictive capacity for adult victims (56%); while Dependent and Masochistic subscales were predictive of minor victims (84% accuracy). Chi-square tests showed that sex offenders with adult victims (SOAV) were more likely to commit sexual assault offenses, use a weapon, offend female victims only, commit their offenses in public settings, serve other sentences in prison and report substance abuse problems. Sex offenders with minor victims (SOMV) were older and more likely to commit sexual abuse offenses, offend relatives and commit their offenses in the victim's residence. These results evidenced key differences between SOAV and SOMV that should be translated into specific treatment programs for each subgroup of offenders. Implications of these findings for interventions were discussed.

Keywords. Sex offenders; MCMI-III; personality; rapists; child molesters.

⁴⁷ Manuscript submitted for publication.

Introduction

Given the heterogeneity of sex offenders, researchers have attempted to develop classifications that would assist in assessment, treatment and recidivism prediction (Hall, Graham, & Shepherd, 1991; Shechory & Ben-David, 2005). Sexual offending appears to be influenced not only by the offender's individual characteristics and activities but also by victim's characteristics, by the environment and by situational factors (Rebocho & Gonçalves, 2012). In this regard, several studies (Chakhssi, DeRuiter, & Bernstein, 2013; Cohen, Frenda, Mojtabai, Katsavdakis, & Galynker, 2007; Firestone, Bradford, Greenberg, & Serran, 2000; Hamdi & Knight, 2012; Hillbrand, Foster, & Hirt, 1990; Rebocho & Gonçalves, 2012; Shechory & Ben-David, 2005; Sigré-Leirós, Carvalho, & Nobre, 2015; Simons, Wurtele, & Durham, 2008) have proposed victim age as a valid discriminator among sex offenders. Studies have shown that sex offenders with adult and minor victims differ in their developmental trajectories, clinical profiles, criminal behaviour and treatment responsivity, supporting a typological distinction between the two groups (Hillbrand et al., 1990; Knight & Prentky, 1990; Marshall, Jones, Ward, Johnston, & Barbaree, 1991).

Knowledge of variables that indicate risk of recidivism and dangerousness is required for the effective management of sex offenders (Firestone et al., 2000) and growing research suggests that a substantial proportion of sex offenders may have psychiatric disorders, such as paraphilias or paraphilic disorders, substance use disorders, mood disorders, psychotic disorders and personality and/or conduct disorders (Ahlmeyer, Kleinsasser, Stoner, & Retzlaff, 2003; Dunsieith, et al., 2004; Gratzner & Bradford, 1995; Grossman & Cavanaugh, 1990; Langevin & Lang, 1990); nevertheless, sexual offending seems to be a behaviour which does not appear to correspond to any specific psychiatric diagnostic category (Hillbrand et al., 1990). It is therefore important to seek to establish possible links between personality traits and mental disorders and different types of sexual offending. Although complex and controversial, this proved useful in psychological assessment and treatment (Loinaz, Ortiz-Tallo, & Ferragut, 2012).

The various forms of the Millon Clinical Multiaxial Inventory (MCMI; Millon, 1977) and the Minnesota Multiphasic Personality Inventory (MMPI; Hathaway & McKinley, 1940) have been widely used in clinical and forensic settings, and their ability to effectively distinguish among sex offenders based on victim characteristics has been discussed (Davis & Archer, 2010; Hall et al., 1991; Suen, 2013). Prior studies have found that sex offenders with adult victims (SOAV) have personality traits more in common with non-sexually aggressive felons –especially in terms of antisocial and sadistic traits– than with sex offenders with minor victims (SOMV; Chantry & Craig, 1994; Francia et al., 2010), which appear to be more dependent, anxious, socially impaired and depressed, have more emotional disturbances, low levels of self-esteem, a lack of self-confidence and emotional maturity and high levels of emotional pressure (Ahlmeyer et al., 2003; Carvalho & Nobre, 2014; Chakhssi et al., 2013; Chantry & Craig, 1994; Shechory & Ben-David, 2005; Whitaker et al., 2008). SOAV also show some dependency, but such underlying traits may probably be masked by certain degree of narcissism (Chantry & Craig, 1994) and psychopathy (Firestone et al., 2000). They appear more aggressive, hostile, egocentric, defensive, resentful, alienated, entitled and independent and more likely to display substance abuse (Bartol, 2002; Bruce, Pierson, & Kuznetsov, 1993; Chantry & Craig, 1994; Kalichman, 1991; Polaschek & Gannon, 2004; Whitaker et al., 2008). However, the lack of a relevant reference group in combination with relatively few studies renders results difficult to interpret (Davis & Archer, 2010).

Other studies have also explored descriptive data regarding other aetiological factors associated with a higher risk for sexual offending, such as victimization during the offender's own childhood (Christopher, Lutz-Zois, & Reinhardt, 2007; Dunsieith et al., 2004). Studies suggest SOMV are more likely to have been sexually abused as children than SOAV (Jespersen, Lalumière & Seto, 2009; Simons et al., 2008), and also report more frequent experiences of physical abuse (Simons et al., 2008). In this sense, sexually deviant behaviour may be influenced by social learning factors concerning the sexual development and organization of affective processing during childhood (Langfeldt, 2010; Ward & Beech, 2006). Nevertheless, not all victims of sexual or

physical abuse become perpetrators and not all sexual offenders have experienced child abuse. This calls for further exploration of other risk factors (Salter et al., 2003; Simons et al., 2008), which may or may not interact with childhood abuse, in triggering sexual offending.

Developmental histories of most SOMV appear to be characterised by heightened sexuality; whereas childhood histories of SOAV tend to be more indicative of violence (Simons et al., 2008), which is reflected in the characteristics and motivations of their crimes. Studies suggest SOMV are driven more by sexual arousal (mainly paraphilic offenders), whereas serious sexual offenders against adults are driven more by impulsive-aggression (mainly non-paraphilic offenders; Dunsieith et al., 2004; Cohen et al., 2007), with a characteristically coercive approach, verbally or physically forcing the victim (Rebocho & Gonçalves, 2012). SOAV have been characterised as antisocial persons who often have a history of nonsexual criminal activity, while SOMV have generally been described as specialised in sexual offending or without previous criminal activity (Firestone et al., 2000; Hall et al., 1991). Although violent paedophiles receive the most media attention, paedophilic SOMV are not characteristically aggressive (Cohen et al., 2007) and do not significantly differ from the normal population on neuropsychological and personality measures of impulsivity or aggression (Cohen et al., 2002). Manipulation, bribery and other nonviolent means are the most common methods employed in sexual offenses against children (Cohen & Galynker, 2002; Rebocho & Gonçalves, 2012).

Individual differences among sex offenders in criminogenic needs and risk for recidivism pose challenges for those responsible for their rehabilitation and management (Ennis, Buro, & Jung, 2016). In terms of treatment, not all evidence suggests that a mixed group composition (e.g., mixing sex offenders with adult and minor victims) is optimal (Yalom, 1995). In this regard, recent literature points toward the need for a differentiation of the therapeutic interventions according to specific

sex offenders' typologies (e.g., specific treatment programs for child sexual offenders; Lambie & Stewart, 2012; Soldino & Carbonell-Vayá, 2017), in order to respond to their particular therapeutic needs.

The current *ex post facto* study (Montero & León, 2007), analyses the distinctive characteristics of sex offenders according to the age of their victims. One of the purposes of this study was to identify any significant personality differences (and/or personality disorders) between contact sex offenders with adult and minor victims (under the age of sexual consent⁴⁸) and to determine whether the MCMI-III (Millon, Davis, & Millon, 1997) is able to distinguish among these two groups in terms of personality differences. Furthermore, sociodemographic and criminological characteristics of the two groups were explored, with the aim of identifying key differences among them. The research findings may have implications for the treatment of sex offenders, risk management and forensic assessment.

Method

Participants

Participants were 97 male⁴⁹ sex offenders serving a prison sentence in Spain ($n = 80$ from Valencia "Antoni Asunción Hernández" prison, Valencia; and $n = 17$ from Alicante II prison, Villena). Group mean age was 43.67 years (Standard deviation (SD) = 11.97; range 19-77). 79.4% of participants were Spanish ($n = 77$). Among those who were not Spanish ($n = 20$; 20.6%), the majority were Latin American ($n = 14$; 70%). Offenders were imprisoned (current offense) for sexual abuse⁵⁰ (61.86%), sexual assault (31.96%), or both (4.12%). Some of them were also convicted of other non-contact sexual offenses: child pornography offenses (12.4%); exhibitionism (6.2%); child prostitution (3.1%). 22 subjects (22.68%) had sexually offended exclusively against adults and 75 (77.32%) exclusively against victims under the age of 16.

⁴⁸ Since 2015, the age of sexual consent is fixed at 16 years (previously at 13) in the Spanish Criminal Code.

⁴⁹ Because of the low number of female sex offender inmates ($n = 3$), it was decided to include only male subjects in the study.

⁵⁰ According to the Spanish Criminal Code, the only difference between sexual abuse and sexual assault is the use of violence or intimidation by the perpetrator. In both cases the victim has not given a valid sexual consent.

Instruments

The Spanish adaptation of the MCMI-III (Cardenal & Sánchez, 2007) was used to assess the sample. This is the most current version of the original MCMI available in Spain. It is a self-report inventory composed of 175 true-false items. It assesses 24 clinical scales divided into four categories –11 personality disorders, 3 severe personality disorders, 7 clinical syndromes, 3 severe syndromes– and has 4 validity indices. The scales in the Personality cluster reflect personality disorders found in Axis II in the DSM-IV-TR, while Syndrome cluster depicts disorders found in Axis I. This instrument has been widely used in forensic settings, to provide diagnostic and psychometric evidence of pathological disturbances (Loinaz et al., 2012; Suen, 2013). It uses base-rate (BR) scores –BR are transformed scores reflecting the prevalence rates of particular characteristics within the standardization sample– ranging from 0 to 115 – a BR score of 60 corresponds to the median raw score; a BR score > 75 indicates the presence of a trait; a BR score > 85 indicates the presence of a disorder (McCann and Dyer, 1996).

The original version of the MCMI-III (Millon et al., 1997) exhibited alpha coefficients ranging from .66 to .90 and test-retest reliabilities ranging from .82 to .96. The Spanish adaptation has similar properties, with internal consistency ranging from .65 to .88, with a test-retest median of .91 (Cardenal & Sánchez, 2007)

Procedure

Participants were individually informed about the aim of the research and their participation was voluntary, not rewarded, confidential and did not affect in any sense their conviction or subsequent management and decision-making. After signing a written informed consent form (the sample did not include inmates who had refused to participate in the study), their prison record was reviewed and coded. Files were inspected and protocols were abstracted, along with demographic information. Afterwards, an individual interview was conducted lasting at least 90 minutes, in order to obtain information

regarding other relevant criminological variables –age at time of assessment, type of index crime (sexual assault and/or sexual abuse), use of weapons during the offense, victim gender (male, female, both), plurality of victims, victim-perpetrator relationship (acquaintances, strangers, relatives, professional/academic, intimate partners), crime setting (perpetrator's residence, victim's residence, family residence, public setting, other/various), length of prison sentence (sentences of more than nine years' imprisonment⁵¹), prior convictions, prior sex convictions, other active prison sentences, drug abuse, early victimization experiences (child abuse and/or sex abuse)– and establish the necessary rapport with the inmate for sincere answers (Sun, 2016). In a second session, participants responded individually to the MCMI-III. Only valid profiles were considered in the study.

Data analysis

First, the 24 MCMI-III clinical scales were analyzed in the whole sample. A clinical analysis of the resulting MCMI-III two group profiles then was undertaken. By interpreting the modal profile code of each group, we can get a clinical picture of their common personality structure.

Second, using a stepwise algorithm⁵² we selected a subset of MCMI-III personality subscales that maximized the likelihood of best logistic model. The model was then validated using a K-Fold Cross (leave-one-out technique).

Third, Chi-squared test for categorical data were conducted to identify differences between offenders with adult and minor victims on other sociodemographic and criminological characteristics. All the statistical analyses were performed using the statistical language program R.

Results

MCMI-III clinical scales mean base rate scores and standard deviations for the two groups are shown in Table 1. For the two groups, the modal code had no clinically elevated scales,

⁵¹ Crimes punishable by nine years' imprisonment represent a qualitative leap forward from the abbreviated procedure to the ordinary procedure in the Spanish penal system.

⁵² Akaike information criterion was used as an estimator of the likelihood of the model.

although these groups did attain their highest scores on the Narcissistic and Compulsive scales ($BR > 60$). With regards to syndrome subscales, SOAV peaked on Drug and Alcohol dependence ($BR > 60$). SOMV did not attain suggestive symptom scores. Their graphical profile is represented in Figure 1.

Table 2 displays the logistic regression coefficients for the 14 MCMI-III personality subscales. The model was statistically significant ($\chi^2 = 31.9$, $df = 8$, $p < .0001$), suggesting that the variables in the model reliably distinguished offenders with adult victims from those with minor victims. The variance explained by the model is indicated by the Nagelkerke R^2 (.43) and can be interpreted as the combination of factors in the model explained about 43% of the variance in victim age. The statistically significant personality subscales were Dependent ($p = .041$) and Masochistic ($p = .016$) for the prediction of minor victims and Depressive ($p = .018$), Antisocial ($p = .003$) and Paranoid ($p = .007$) for the prediction of adult victims. K-Fold Cross validation revealed that the model was able to correctly classify 56% of offenders with adult victims and 84% of those with minor victims, for an overall correct classification of 79%.

Chi-squared test for categorical data revealed statistically significant differences between groups in several criminological variables (i.e., type of index crime, use of weapons during the offense, victim gender, plurality of victims, victim-perpetrator relationship, crime setting, other active prison sentences and drug abuse; see Table 3). Mann-Whitney test revealed significant differences in the age of the two groups (Adult victim group: mean age = 38.59; $SD = 8.1$. Minor victim group: mean age = 45.16; $SD = 12.54$. $Z = -2.27$; $p = .023$).

Discussion and conclusions

This work is part of a larger study analyzing MCMI-III scores in a sample of contact sex offender men in Spanish prisons (Soldino, Carbonell-Vayá, Perkins, & Tibau, 2019). It is the first time that these scores were obtained using the Spanish version of the instrument. Therefore, the results cannot be compared to other non-Spanish samples at this detailed level. Despite this, the results are consistent with some previous research on personality characteristics of sex offenders, as described below.

First, results illustrated that there is considerable diversity in personality patterns among sex offenders. As reported in prior studies (Espelage et al., 2003; Spaans et al., 2009), no prototypic personality profile was found. The mean scores for the two groups, higher for Compulsive and Narcissistic subscales ($BR > 60$), were not fully consistent with personality disorders usually related to violent behavior – antisocial, sadistic, paranoid, narcissistic, borderline and avoidant– (Craig, 2005; Fountoulakis, Leucht, & Kaprinis, 2008; Loinaz et al., 2012; Nestor, 2002; Stone, 2007). Moreover, these elevations may be interpreted as absence of pathology (Craig, 2005; Ortiz-Tallo, Cardenal, Ferragut, & Cerezo, 2011) or defensive “looking good” responses (White & Gondolf, 2000). Neither SOAV nor SOMV showed modal codes with clinically elevated scales, although SOAV peaked on Drug and Alcohol dependence subscales ($BR > 60$).

Second, logistic regression analyses revealed that sex offenders with high scores in Dependent and Masochistic MCMI-III personality subscales were more likely to have minor victims, whereas those displaying elevations in Depressive, Antisocial and Paranoid subscales were more likely to offend against adult victims. According to the literature, self-defeating (masochistic) personality disorders show high overlap with dependent personality disorders. It is a characteristic personality pattern of individuals with a history of problematic attachment to primary caregivers and sexual abuse, poor relationships with their mother and with a tendency to have traumatic histories (Bradley, Shedler, & Westen, 2006). However, in the case of pedophiles, it is unclear whether these personality disorders arise because of their historically determined psychopathological condition, or are a consequence of stigma (Jahnke & Hoyer, 2013). Regarding SOAV, previous studies obtained high scores on psychological scales measuring Depression, Insecurity and Paranoia (Hillbrand et al., 1990) and described this group as hostile, defensive and resentful (Kalichman, 1991); although higher levels of depression have recently been associated with SOMV (Chakhssi et al., 2013). Furthermore, antisocial and paranoid personality disorders have usually been related to violent behavior (Craig, 2005; Fountoulakis, Leucht, & Kaprinis, 2008; Loinaz et al., 2012; Nestor, 2002; Stone, 2007). It has been suggested that

some SOAV are likely to be anxious-depressive subjects who, along with their implicit theories –*women are dangerous, women are sex objects and entitlement* (Polaschek & Gannon, 2004)– and their antisocial repertoire, offend against other people in conditions of defenselessness, contrary to depressive subjects who harm themselves (Herrera-Hernández, Marván, Saavedra, & Contreras, 1993).

Third, statistically significant differences between the two groups were found when analyzing other criminological and sociodemographic variables. On the one hand, SOAV were more likely to commit sexual assault offenses, use a weapon in the commission of the crime, offend female victims only, commit their offenses in public settings, serve other sentences in prison –non sex-related– and report substance abuse problems. Those results were consistent with those obtained in the MCMII-III, as SOAV peaked on Drug and Alcohol dependence (BR > 60) subscales and high scores in the Antisocial subscale predicted adult victims. According to the literature, perpetrator substance use before a sexual crime predicts perpetrator aggressiveness and victim injury (Abbey, Clinton-Sherrod, McAuslan, Zawacki, & Buck, 2003; Testa, Vanzile-Tamsen, & Livingston, 2004). In this regard, various theories have been proposed on the role of substance abuse in the commission of sexual violent offenses against adults. On the one hand, problematic drinking would have both direct and indirect effects on sexual aggressions (e.g., alcohol use may trigger aggressive behavior or may activate perpetrators' expectancies about alcohol's sexually disinhibiting effects, which in turn can lead to sexual aggression; Abbey, Parkhill, BeShears, Clinton-Sherrod, & Zawacki, 2006; Davis, 2010; Hamdi & Knight, 2012; Seto & Barbaree, 1995). Alcohol abuse helps focusing offenders' attention on immediate, salient cues (e.g., their own sexual arousal; Davis, 2010) and seems associated with a desire for sexual dominance (Abbey et al., 2006). Furthermore, alcohol may be used to mitigate feelings of responsibility (Davis, 2010). But on the other hand, substance abuse and aggression appear directly related to the antisocial characteristics of the perpetrator (e.g., antisocial perpetrators might be more likely to both use alcohol and commit aggressive acts; Davis, 2010). Accordingly, literature suggests that SOAV are typically coercive offenders (i.e., verbally or physically forcing the victim) that

generally target strangers, attacking them on encounter or waiting for the right moment to attack (Rebocho & Gonçalves, 2012; Rossmo, 2000). Although we should keep in mind that the incidence of non-violent sexual contact with adults in which free consent is compromised is usually under-represented in prison samples (Cohen et al., 2007), due to evidential difficulties and shorter sentences. With regard to victim's gender and compared with SOMV, they are not likely to offend against males or victims of both genders (Cohen et al., 2007). As reported by Levenson, Becker and Morin (2008), the proportion of offenders with victims of both genders significantly increased as the victims' ages decreased, since very young children display fewer physical characteristics that distinguish gender, what would potentially equalize their sexual attractiveness to some offenders, as well as being equally 'innocent' or powerless in instances where this is attractive to SOMV. In this regard, molestation of male child victims would not necessarily indicate homosexuality as a general orientation, unlike in the case of adult victims (Cohen et al., 2007; Levenson et al., 2008).

On the other hand, SOMV were older and more likely to commit sexual abuse offenses, offend relatives and commit their offenses in the victim's residence. SOMV are described in the literature as manipulative offenders who select known victims close to them (relationally and spatially) and lure them to private locations where they have a great deal of control. Also, they are not likely to inflict severe harm to their victims; with whom they maintain relationships of a non-hostile nature (Rebocho & Gonçalves, 2012), stressing the experience of love, affection or closeness in their encounters with children (Chin-Keung, 1991). As stated in other studies, impulsive-aggression seems inversely related to age (Hare, 1991), which could explain the lesser use of violence among this group. Nevertheless, many of the characteristics of SOMV may be a reflection of the age of the victim (e.g., it is much easier to overcome the resistance of a child than that of an adult, without requiring the use of violence or weapons) or of their prior relationship (e.g., it makes it easier for the victim to trust and obey the offender, especially if he is in a position of authority due to family ties), and not necessarily of psychological and behavioral characteristics of these offenders (Cohen et al., 2007; Rebocho & Gonçalves, 2012).

Nonetheless, the effect of the victim's age cannot be distinguished in this study from that of the characteristics of the offenders, as none of the SOMV also offended against adults.

These results evidence key differences between SOAV and SOMV, both in terms of psychopathology and modus operandi; differences that should be translated into specific treatment programs for each subgroup. As stated previously, the combination of antisocial characteristics with sexual deviation would act as the precursors to sexual offending; therefore, SOAV could benefit from treatment programs appropriate for offenders in general (e.g., targeting enhanced problem-solving and emotional regulation— in combination with specific treatments for sex offenders; Duggan & Dennis, 2014; Herrero, 2013; Soldino & Carbonell-Vayá, 2017). In this vein, behavioral and cognitive techniques commonly used in substance abuse treatment and impulse and anger control may be applicable to the treatment of SOAV (Cohen et al., 2007), along with cognitive behavioural techniques to refute their implicit theories and depressive features.

With regard to SOMV, treatment programs would not typically need to focus on impulsive-aggression aspects, but rather to equip offenders with the knowledge, skills and opportunities to achieve intimacy and sexuality needs in an acceptable manner with peers (Cooper & Holgersen, 2016; Marshall, 2008; Simons et al., 2008), taking into account their dependent and self-defeating tendencies, as well as managing pedophilic interests with behavioural and/or psycho-pharmacological treatment. In both groups, interventions focusing solely on risk factors should be complemented by an approach based on the capabilities and strengths of the participants and aimed at achieving a satisfactory life plan that would allow to cope with their distinctive personality traits (Ward, 2010). However, sound conclusions about their treatment cannot be drawn. This study failed to detect specific criminogenic needs of SOMV, which would indicate that the MCMI-III is not sensitive to these variables (Davis & Archer, 2010; Hall et al., 1991).

This investigation was limited due to several factors: first of all, by the small sample size ($N = 97$)—particularly the subgroup of SOAV ($n = 22$)— and lack of a control group (e.g., including a non-sex offender forensic group; Dunsie et

al., 2004). Larger samples should be used to draw more powerful conclusions. Additionally, studying only incarcerated subjects may not provide comprehensive information on the larger population of contact sex offenders (e.g., probationers in the community or individuals who have never been arrested), although risks of self-incrimination would make their recruitment difficult (Cohen et al., 2007; Firestone et al., 2000). Furthermore, there is great potential for both over/underreporting and self-selection bias in research based on self-report data with research volunteers (Cohen et al., 2007; Jespersen et al., 2009). In contrast, the particularities of self-report personality inventories impede conducting rigorous assessments without a minimum of cooperation on the part of the interviewee.

Understanding the characteristics and specificities of each sex offender subgroup is important, not only for research and theoretical considerations, but also for treatment (Cohen et al., 2007; Cooper & Holgersen, 2016; Ennis et al., 2016; Grønnerød, Grønnerød, & Grøndahl, 2015; Shechory & Ben-David, 2005; Sigre-Leirós et al., 2015). Only two subgroups have been analyzed in this study, but further distinctions within these groups may be useful in future research (e.g., within-group comparisons according to the victim-perpetrator relationship, comparisons between paraphilic and non-paraphilic SOMV or contact, non-contact and dual SOMV).

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Table 1. Means and standard deviations for sex offenders with adult and minor victims in MCMI-III clinical scales.

| <i>Personality subscale</i> | <i>Adult victims (n = 22)</i> | | <i>Minor victims (n = 75)</i> | |
|-----------------------------|-----------------------------------|-----------|-----------------------------------|-----------|
| | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> |
| 1 Schizoid | 40.32 | 21.16 | 42.49 | 23.54 |
| 2A Avoidant | 41.32 | 24.55 | 37.19 | 25.54 |
| 2B Depressive | 44.14 | 26.36 | 38.28 | 24.37 |
| 3 Dependent | 41.18 | 24.49 | 44.95 | 21.35 |
| 4 Histrionic | 46.77 | 21.7 | 47.81 | 20.9 |
| 5 Narcissistic | 65.64 | 13.93 | 64.59 | 13.48 |
| 6A Antisocial | 56.23 | 18.58 | 40.79 | 22.57 |
| 6B Sadistic | 49.64 | 19.25 | 35.71 | 24.28 |
| 7 Compulsive | 62.77 | 20.1 | 65.67 | 18.65 |
| 8A Negativistic | 45.05 | 18.55 | 35.95 | 23.82 |
| 8B Masochistic | 35.73 | 23.53 | 34.72 | 24.5 |
| S Schizotypal | 36.18 | 29.22 | 35.13 | 26.13 |
| C Borderline | 44.36 | 19.56 | 33.2 | 24.13 |
| P Paranoid | 58.23 | 23.25 | 44.73 | 28.99 |
| <i>Syndrome subscale</i> | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> |
| A Anxiety | 56.09 | 37.31 | 45.39 | 35.01 |
| H Somatoform | 31.91 | 25.59 | 35.61 | 24.67 |
| N Bipolar (manic) | 59.5 | 25.32 | 48.41 | 23.68 |
| D Dysthymia | 32.05 | 24.86 | 33.27 | 27.23 |
| B Alcohol dependence | 65 | 11.46 | 41.04 | 25.38 |
| T Drug dependence | 66.14 | 25.39 | 43.07 | 30.17 |
| R Post-traumatic stress | 43.59 | 28.2 | 32.21 | 27.35 |
| SS Thought disorder | 43.05 | 30.55 | 32.64 | 30.41 |
| CC Major depression | 31.91 | 28.69 | 36.76 | 28.37 |
| PP Delusional disorder | 57.59 | 23.91 | 47.93 | 31.17 |

Table 2. Logistic regression analysis of MCMI-III personality subscales predicting victim age ($N = 97$).

| <i>Personality subscale</i> | β | <i>SE</i> | Wald | Sig. |
|-----------------------------|---------|-----------|-------------|-------------|
| 1 Schizoid | .04 | .02 | 1.8 | .071 |
| 2A Avoidant | -.04 | .02 | -1.89 | .058 |
| 2B Depressive* | -.07 | .03 | -2.37 | .018 |
| 3 Dependent* | .04 | .02 | 2.05 | .041 |
| 6A Antisocial** | -.06 | .02 | -3 | .003 |
| 8B Masochistic* | .07 | .03 | 2.41 | .016 |
| S Schizotypal | .04 | .02 | 1.84 | .066 |
| P Paranoid** | -.06 | .02 | -2.72 | .007 |

* $p < .05$. ** $p < .01$. *** $p < .001$ (two-tailed tests)

Table 3. Percentages for sex offenders with adult and minor victims in criminological variables.

| Variable | Adult victims | Minor victims | χ^2* | p | Variable | Adult victims | Minor victims | χ^2* | p |
|---------------------------------|---------------|---------------|-----------|-----------------|-------------------------|---------------|---------------|-----------|-----------------|
| | (n = 22) | (n = 75) | | | | (n = 22) | (n = 75) | | |
| | % | % | | | | % | % | | |
| Sexual assault offense | 68.2 | 26.7 | 10.98 | <.001 | Crime setting | | | 17.6 | .001 |
| Sexual abuse offense | 31.8 | 76 | 12.89 | <.001 | Perpetrator's residence | 13.6 | 16 | .0 | 1 |
| Use of weapons | 27.3 | 5.3 | 6.64 | .01 | Victim's residence | 9.1 | 32 | 4.55 | .033 |
| Victim gender | | | 5.89 | .053 | Family residence | 9.1 | 2.7 | .52 | .47 |
| Male | 4.5 | 20 | 1.93 | .164 | Public setting | 54.5 | 16 | 13.57 | <.001 |
| Female | 95.5 | 70.7 | 5.78 | .016 | Other / various | 13.6 | 33.3 | 3.21 | .073 |
| Both | 0 | 9.3 | 1.04 | .308 | > 9 years imprisonment | 36.3 | 37.3 | .01 | .934 |
| Multiple victims | 36.4 | 37.3 | .0 | 1 | Prior convictions | 45.5 | 38.7 | .33 | .57 |
| Victim-perpetrator relationship | | | 14.97 | .005 | Prior sex convictions | 18.2 | 14.7 | .0 | .948 |
| Acquaintances | 27.3 | 21.3 | .09 | .768 | Serving other sentences | 63.1 | 16 | 17.32 | <.001 |
| Strangers | 45.5 | 30.7 | 1.66 | .198 | Substance abuse | 81.8 | 48 | 6.57 | .01 |
| Relatives | 4.5 | 41.3 | 10.41 | .001 | Victim of sex abuse | 4.5 | 13.3 | .58 | .447 |
| Professional/academic | 9.1 | 5.3 | .02 | .889 | Victim of child abuse | 27.3 | 14.7 | 1.1 | .294 |
| Intimate partners | 13.6 | 1.3 | 3.77 | .052 | | | | | |

Note. Values in bold are statistically significant ($p < .05$). * Yates' correction was used when at least one cell of the table had an expected count smaller than 5.

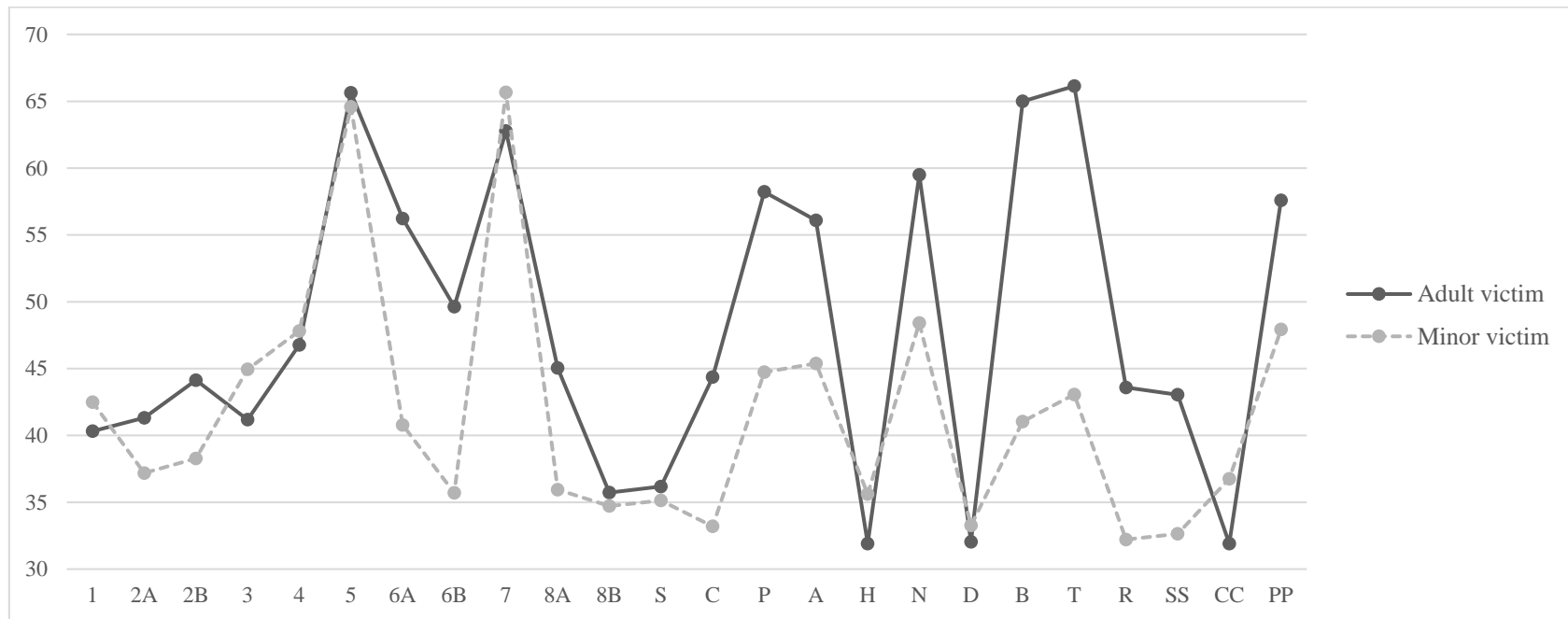


Figure 1. Base rate score graphical profiles.

Study 5

**Pornografía infantil:
Cambios en las formas de obtención y distribución.**

**[Child pornography:
Changes in the means for obtaining and
distributing these materials.]**

**Pornografía infantil:
Cambios en las formas de obtención y distribución ⁵³**

**Child pornography:
Changes in the means for obtaining and distributing these materials**

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Resumen

El objetivo de este estudio es sintetizar el conocimiento científico sobre los principales mecanismos empleados para la obtención y distribución de pornografía infantil a lo largo de la historia. Para ello, se ha realizado una búsqueda exhaustiva de los trabajos publicados hasta 2016, siendo seleccionados un total de 37. Los resultados obtenidos permiten diferenciar cuatro grandes etapas del tráfico de pornografía infantil (comercial, informatizada, Internet, oculta), en las que los consumidores han migrado hacia tecnologías que les resultan más atractivas y adecuadas para sus fines (*Deep Web* y redes *p2p* sin filtro). Sin embargo, un sistema descentralizado como Internet impide la adopción de reglas jurídicas firmes para el control de los contenidos que circulan por la Red, lo cual dificulta enormemente el control de la pornografía infantil.

Abstract

The aim of this study is to summarize the scientific knowledge about the main mechanisms employed for obtaining and distributing child pornography throughout history. To this end, an exhaustive review of the research published until 2016 has been conducted, with a total number of 37 studies selected. The obtained results enable to differentiate four major stages of child pornography trafficking (commercial, computer-based, Web-based, hidden), in which consumers have migrated to more attractive and suitable technologies for their purposes (*Deep Web* and *p2p* networks without filtering). However, a decentralized system such as the Internet precludes the adoption of firm legal policies for the control of contents throughout the Net, which hampers the control of child pornography materials.

Palabras clave. Pornografía infantil; internet; deep web; TOR.

Keywords. Child pornography; internet; deep web; TOR.

⁵³ **Soldino, V.** y Guardiola García, J. (2017). Pornografía infantil: cambios en las formas de obtención y distribución. *Revista Electrónica de Ciencia Penal y Criminología*, 19-28, 1-25.

Introducción

A medida que evolucionan las tecnologías, lo hacen también los métodos utilizados por los delincuentes para adquirir y distribuir material ilícito. Y no es una posibilidad remota: desde los inicios de la fotografía, los aficionados a la pornografía infantil siempre han constituido uno de los primeros colectivos en descubrir y explotar el potencial de las innovaciones tecnológicas (Cohen-Almagor, 2013; Rojo-García, 2002). La aparición de Internet únicamente marca el inicio de la fase más reciente de esta historia (Akdeniz, 2008; De la Rosa-Cortina, 2011; Jenkins, 2001; Morillas-Fernández, 2010), de gran potencialidad y con capacidad para incrementar enormemente el fenómeno, pero seguramente no la última.

La prevalencia creciente de la ciberdelincuencia durante las últimas décadas ha provocado un replanteamiento de paradigmas y teorías criminológicas, que ha derivado tanto en la incorporación de aspectos intrínsecos al mundo virtual como en la completa transición de las mismas al ciberespacio (Miró-Llinares, 2012; Westlake, Bouchard, & Frank, 2017). Y esto ha de tener especial proyección en el tema que nos ocupa, pues la vinculación existente entre la pornografía infantil y las nuevas tecnologías ha supuesto numerosos cambios en este fenómeno a lo largo de los años (Bissias et al., 2016; Cabrera-Martín, 2003), dificultando la investigación de la pornografía infantil electrónica (Jenkins, 2001). Así, la utilización de foros privados de acceso restringido, la aparición de sistemas de almacenamiento compartido en la nube, la dificultad para rastrear a los usuarios de la *Deep Web*, o la utilización de aplicaciones móviles como *Whatsapp* o *Skype* para la obtención de pornografía infantil, han ido por delante de los intentos de impedir el tráfico ilícito, limitando la posibilidad de penetración de los investigadores, acostumbrados durante los últimos años al intercambio de archivos a través de las redes *peer to peer* (p2p) (Fiscalía General del Estado, 2016).

En 2015 fueron detenidas e imputadas en España 473 personas por delitos relativos a la pornografía infantil (Ministerio del Interior, 2016) y, conforme a la Memoria de la Fiscalía General del Estado (2016), se incoaron 767 causas por delitos de pornografía infantil a través de las TIC, lo que supondría un incremento del 32% respecto del año 2014. Un repunte que consolida el ya apuntado –aunque más

tímidamente– del año precedente, dando cuenta de una mayor eficacia en la actuación frente a este tipo de delincuencia durante los dos últimos años y que contrasta con la tendencia claramente descendente que venía observándose desde el año 2011, derivada del fracaso en la detección e investigación de estos delitos debido a la modificación de los medios o sistemas a través de los cuales se consume o distribuye dicho material.

Por todo ello es preciso comprender en profundidad los mecanismos que están detrás de este fenómeno, y en particular los medios empleados para distribuir el material pornográfico, si quiere salirse eficazmente al paso del mismo.

Objetivo, metodología y fuentes del presente estudio

Con este estudio se pretende analizar, desde una perspectiva interdisciplinar, la evolución que ha experimentado el fenómeno de la pornografía infantil, centrándonos en sus formas de obtención y distribución, a partir de las aportaciones de la literatura científica. Para ello, se ha realizado una revisión sistemática de la literatura especializada en pornografía infantil (técnica que ciertamente no aporta información primaria, pero se ha revelado como “una herramienta esencial para sintetizar la información científica disponible, incrementar la validez de las conclusiones de estudios individuales e identificar áreas de incertidumbre” (Ferreira-González, Urrútia, & Alonso-Coello, 2011)).

En septiembre de 2015 se llevó a cabo una búsqueda electrónica exhaustiva en las bases de datos PubMed, PsycInfo y Dialnet de todos los estudios publicados hasta la fecha sobre pornografía infantil en inglés, español, francés e italiano; utilizando el término “pornografía infantil” (traducido a cada idioma). Dicha búsqueda se repitió mensualmente hasta marzo de 2016, con el fin incluir los estudios más recientes. Las referencias de los artículos encontrados también fueron revisadas.

Tras la lectura de los resúmenes de los artículos identificados en la búsqueda, fueron seleccionados 37 estudios, siendo descartados aquellos artículos que únicamente hacían mención a la legislación vigente en cada país, a las variables psicológicas de los consumidores de

pornografía infantil o a las consecuencias para las víctimas; centrándonos en las formas en las que este tipo de contenidos son obtenidos y distribuidos (ver *Figura 1*).

En los 37 estudios analizados se describen diversos mecanismos empleados a lo largo de las 4 grandes etapas históricas del tráfico de Pornografía Infantil (PI) –esto es: comercial, informatizada, Internet, y oculta– para la obtención y distribución de este tipo de material; sin embargo, debe destacarse que únicamente 11 de ellos (1 europeo y 10 norteamericanos) analizan empírica y específicamente alguno de ellos (ver *Tabla 1*). Intentaremos sistematizar la información de las diferentes aportaciones de estos estudios para dar cuenta del estado del conocimiento sobre la materia.

Tipología y evolución del tráfico de pornografía infantil

Existe evidencia abundante desde tiempos muy remotos y en varios contextos culturales sobre el interés sexual, incluso la obsesión, de algunos adultos por los niños, lo que sostiene un mercado perdurable de material pornográfico (Rojo-García, 2002); e importa destacar que el interés sexual por los menores no se limita a un pequeño segmento de personas demonizadas bajo la etiqueta de “pervertidos”, “pedófilos” o “pederastas” (Jenkins, 2001). El tratamiento de niños como objetos sexuales ha existido desde siempre (Quayle & Jones, 2011; Tyler & Stone, 1985), no es ajeno a la Antigüedad y ha pervivido a lo largo de la Historia de modo que en el Siglo XIX abundaron relatos sobre sexo con menores e ilustraciones y grabados de adolescentes o pre-púberes desnudos (De la Rosa-Cortina, 2011; Jenkins, 2001).

La aparición de la cámara fotográfica en el Siglo XIX supuso el inicio de la producción, el comercio y el coleccionismo de imágenes sexuales de niños (Quayle & Jones, 2011; Tyler & Stone, 1985). Y, con ellos, del fenómeno que nos ocupa: surgen mecanismos de distribución de este material que evolucionan a lo largo del tiempo, generalizándose y abandonándose sucesivamente.

Son todavía escasos los estudios de campo específicos sobre esta materia (especialmente en el ámbito europeo), y las diferentes aproximaciones metodológicas empleadas dificultan a menudo el contraste de las

conclusiones de las diferentes aportaciones. Sin embargo, puede rastrearse el camino seguido por la difusión de pornografía infantil a lo largo del último tercio del siglo XX y los comienzos del presente.

Pornografía infantil comercial

La historia reciente de la pornografía infantil comienza con la relajación general de la censura en los años 60 del pasado siglo, y el consiguiente incremento en la disponibilidad de imágenes y vídeos de menores en Europa y Estados Unidos (De la Rosa-Cortina, 2011; Jenkins, 2001). La experiencia europea parecía demostrar que la mayor accesibilidad a pornografía dura proporcionaba una vía de escape para los instintos violentos y estaba estrechamente relacionada con la reducción de delitos sexuales (Jenkins, 2001; Kutchinsky, 1973), y una asunción coherente de este modelo invitaba a no poner trabas a la distribución de material pornográfico de esta naturaleza.

La década de los 1970 (los “10 años de locura”), supuso el momento de máximo apogeo de la producción comercial de pornografía infantil (Jenkins, 2001; Jiménez-Serrano, 2012; Morales-Prats, 2002; Quayle & Jones, 2011). Las revistas publicadas durante estos años (unas 250 sólo en Estados Unidos (De la Rosa-Cortina, 2011)), ofrecían una amplia variedad de materiales: de chicas adolescentes a niñas que apenas gateaban, desde simples desnudos en la playa hasta prácticas sexuales extremas. Al menos durante unos pocos años, era fácil entrar a una tienda y conseguir pornografía infantil (Quayle & Jones, 2011) y algunas revistas llegaron a constituirse como marcas comerciales de relevancia. Estas imágenes también influyeron en ámbitos ajenos al mundo del porno, como revistas de rock o películas de cine, donde era común el personaje de la “lolita” (Jenkins, 2001).

Pero a mediados de los 70 los defensores de la decencia y los grupos feministas difundieron la idea de que el material pornográfico estaba relacionado directamente con los delitos sexuales (Jenkins, 2001; Kelly & Regan, 2000) y el miedo a la explotación sexual de los menores cundió en Estados Unidos y llegó pronto a Europa, generando un consenso internacional sobre la necesidad de proteger a los menores; movimiento intensificado durante la década de 1990 a raíz de diversos escándalos europeos –redes de

pederastia y asesinatos en serie de menores— que cambiaron radicalmente la imagen del consumidor de pornografía infantil, de un inadaptado a un violento violador o incluso un asesino, exigiendo una severa respuesta legal (De la Rosa-Cortina, 2011; Fernández-Teruelo, 2007; Jenkins, 2001). Ésta fue la época en la que empezaron a impulsarse medidas legislativas centradas en la prohibición de la producción, la venta y la distribución de pornografía infantil (Morales-Prats, 2002; Quayle & Jones, 2011), como parte de una tendencia político-criminal punitivista aún imperante sustentada (en expresión de Villacampa-Estiarte & Gómez-Adillón (2016)) en indemostrados pánicos morales.

Los activistas morales provocaron una mayor intervención gubernamental (Morales-Prats, 2002) y presionaron a la policía neoyorkina para que actuaran de forma contundente contra la “cultura del vicio” que ubicó en *Times Square* el centro simbólico de la compra-venta de pornografía infantil. Pero cuando las tiendas para adultos salieron del negocio, todavía quedaban proveedores privados de venta por correo; además comenzaron a importarse desde Holanda, donde seguían siendo legales y fácilmente accesibles, revistas de pornografía infantil (Cohen-Almagor, 2013; Jenkins, 2001).

Además, aunque la denigración por parte de los medios llevó al negocio lucrativo surgido en

los 70 al borde de la extinción en los 80 (Jenkins, 2001), pronto fue sustituido por material elaborado por aficionados mediante sus cámaras de vídeo (Jiménez-Serrano, 2012; Quayle & Jones, 2011; Rojo-García, 2002), cuyo progresivo abaratamiento y la facilidad de copia incrementaron la cantidad de material en circulación (Cohen-Almagor, 2013; De la Rosa-Cortina, 2011; Morales-Prats, 2001). Sin embargo, los riesgos de la venta por correo eran máximos, pues se generalizaron las operaciones policiales encubiertas (Cohen-Almagor, 2013; Jenkins, 2001; Rojo-García, 2002).

Pornografía infantil informatizada

La presión mediática y policial impulsada por el activismo moral provocó que, a mediados de la década de 1980, prácticamente todas las vías tradicionales para obtener este tipo de material se hubieran cerrado. Pero fue precisamente en ese momento cuando los ordenadores personales empezaron a ser accesibles para el ciudadano medio, y con ellos, la creciente red de bases de datos electrónicas (Jenkins, 2001) que vino a ofrecer nuevas alternativas. Desde entonces, el desarrollo de las TIC se ha vinculado a una amplia variedad de comportamientos sexuales desviados de la norma social, junto con subculturas⁵⁴ que apoyan y aprueban tales

⁵⁴ Entendiendo por “subcultura”, siguiendo a Cohen (1955), un “Sistema de valores y creencias que fomenta la comisión de actos delictivos, confiere rango social a sus miembros en razón de tales hechos y especifica la clase de relaciones que hay que mantener con las personas ajenas al mundo social de los delincuentes”, deben subrayarse diversos aspectos de la comunidad de aficionados a la pornografía infantil que apoyan categorizarla como tal:

En cuanto al sistema de valores y creencias proclive al delito, el nexo de unión entre los usuarios de las redes no es jerárquico ni lucrativo (cierto que en ocasiones la gente gana dinero por la venta de este tipo de material, pero la mayoría de páginas de pago son falsas y las que no lo son se enfrentan a la ausencia de anunciantes dispuestos a publicitarse en ese tipo de contextos); la mayoría de gente que cuelga archivos no lo hace por dinero, sino por altruismo o exhibicionismo (Jenkins, 2001), de forma que la Red mantiene su unidad y solidaridad gracias a sus intereses compartidos. Y estos intereses se apartan de lo estimado aceptable para el discurso cultural

dominante, y entran de lleno en conductas criminalizadas.

En cuanto a conferir rango social, a simple vista esta comunidad parece completamente desorganizada, descentralizada, y espontánea: los consumidores son anónimos y los distribuidores utilizan una variedad de nombres falsos (Mirkin, 2009). Pero esto es en cierta medida engañoso, y no por casualidad (los usuarios – mayoritariamente norteamericanos y europeos– tratan de evitar ser localizados alojando los contenidos en servidores geográficamente distantes –destacadamente, japoneses–; los idiomas más utilizados son el inglés y el alemán, pero debe advertirse que una de las recomendaciones de los tabloneros consiste en escribir en un idioma distinto al propio y evitar indicios sobre su localización en las imágenes (Jenkins, 2001); es común el uso de *anonymous remailers* (que permiten el envío de e-mails sin remite), *proxys* o la alteración de la zona horaria del ordenador (Jenkins, 2001; Morales Prats, 2001)). Pero, más allá de esta maniobra de distracción, en realidad, determinados miembros gozan de un singular respeto por sus conocimientos y experiencia

conductas (Mitchell, Jones, Finkelhor, & Wolak, 2011).

Los espacios virtuales donde circula el tráfico de pornografía infantil se encuentran en un estado de evolución constante (Corriveau, 2010; Fernández-Teruelo, 2007; Rojo-García, 2002), dada la acuciante innovación tecnológica de nuestros tiempos y la necesidad de clandestinidad de sus usuarios; y proporcionan recursos a las minorías sexuales para intercambiar información de forma instantánea (Mitchell et al., 2011), siendo difícil su control debido al alto nivel de conocimiento técnico necesario para su descubrimiento –las incautaciones en esta época se producían casi exclusivamente de forma accidental, en relación a detenidos por la comisión de delitos fuera de la Red (Jenkins, 2001)–.

Por otro lado, el escepticismo popular de la época respecto a la capacidad de los ordenadores de transmitir información visual, hizo que la policía y los medios se centraran en aquellos

aspectos de las nuevas tecnologías que conocían, focalizando su atención en la utilización de estas plataformas para intercambiar información sobre víctimas potenciales o vender niños; prácticas reales pero puramente anecdóticas, desde una perspectiva cuantitativa, en comparación con el crecimiento masivo del tráfico de pornografía infantil (Jenkins, 2001; Kelly & Regan, 2000).

Los Sistemas de Tablón de Anuncios (BBS). La precocidad de los consumidores de pornografía infantil en el uso de las nuevas tecnologías hizo que la pornografía informatizada se desarrollara al margen de Internet. Años antes de que el público general conociera Internet, las bases de datos y los tableros de anuncios (*Bulletin Board System* o BBS⁵⁵, software para redes que permite descargar e intercambiar información, aunque no el acceso masivo y simultáneo de usuarios) ya se habían convertido en las herramientas favoritas de este colectivo (Corriveau, 2010; Jenkins, 2001). Los servicios de pago como *Compuserve* permitían al usuario navegar a través de una

en el mundo de la pornografía infantil. Dentro de la jerarquía, ocuparían el escalafón más bajo los novatos, seguidos por los mirones y los participantes de los tableros; a continuación se sitúan los veteranos, personas que han sobrevivido dentro de la comunidad durante varios años, son los asiduos, depositarios tanto del conocimiento como del material más preciado, y por ello merecen el mayor de los respetos; y aun por encima de ellos encontraríamos todavía un nivel superior, los sabios, que proyectan poder y autoridad sobre los otros usuarios e intentan cultivar este rol de líder (Jenkins, 2001). Esto explicaría la tendencia de algunos delincuentes a conservar el mismo pseudónimo (asociado a la notoriedad y el respeto ganado) a lo largo de su carrera delictiva online, a pesar de los riesgos que esto pueda suponer (Westlake, Bouchard, & Frank, 2017); así como la agresividad de las reacciones ante los intentos de suplantación de *nicknames* de algunos usuarios, dado que la calidad de las contribuciones determina la reputación de su responsable (Jenkins, 2001).

Finalmente, en cuanto a la especificación de relaciones *ad intra* y *ad extra*, se trata de un grupo humano que posee un gran corpus de conocimiento especializado, construido y transmitido sin ningún tipo de contacto cara a cara, únicamente virtual (la identidad de los usuarios es desconocida dentro de los propios grupos y es algo que poco importa; de hecho, cualquier propuesta de encuentro fuera de la Red es objeto de mofa por parte de los otros usuarios, así como cualquier tipo de socialización no relacionada con el tema en cuestión (Jenkins, 2001)). La

pertenencia a la comunidad se condiciona a la adquisición de conocimientos –pericia informática– y a la adopción de un lenguaje especializado: para atraer la atención o ganarse el respeto de los otros usuarios, uno tiene que colgar alguna imagen y esto, como mínimo, requiere conocimientos sobre las medidas de seguridad a tomar; el acceso a material nuevo y más selecto requiere el dominio de programas informáticos más complejos, y por ello los tableros están repletos de debates sobre cuestiones técnicas (Jenkins, 2001). Por otra parte, la comunidad, además de sus peculiaridades técnicas, cuenta también con su propio argot, necesario para garantizar la clandestinidad y útil al tiempo para separar a sus miembros del resto de la sociedad. Muchos términos provienen del mundo de la informática, pero otros son específicos del mundo de la pornografía infantil (Jenkins, 2001).

⁵⁵ Los BBS se constituyen como un centro de mensajes electrónicos, divididos por temas de interés. A cada artículo (artículo inicial) colgado en el tablón de anuncios se le asocia un determinado identificador y es etiquetado con un nombre relativo al contenido del mismo, dando paso a la inclusión de mensajes sobre ese tema específico. Los identificadores registrados en los BBS permiten la interacción entre los usuarios del tablón, revisando los mensajes dejados por los otros o dejando sus propios mensajes (artículos de respuesta) (Zhongbao & Changshui, 2003).

amplia variedad de páginas y grupos de discusión, o salas de chat en las que los usuarios podían contactar de forma privada en tiempo real (Jenkins, 2001; Kelly & Regan, 2000). Pero la utilización de este tipo de servicios en la época se convertía en una hazaña tosca y lenta que requería una amplia inversión en equipos, dinero y tiempo, reservada a los aficionados más entusiastas (Jenkins, 2001). Sin embargo, los BBS no requerían licencia ni registro en la mayoría de países, ofreciendo un medio idóneo para la comunicación privada entre los miembros de grupos clandestinos que debían ocultarse de los canales más convencionales (Jenkins, 2001; Morales-Prats, 2001). Ya en 1982, los aficionados a la pornografía infantil crearon sus propios BBS; en ellos podían colgar información o establecer contactos con otros pedófilos (Kelly & Regan, 2000), pero también compartir imágenes de forma binaria: nació así la pornografía infantil informatizada (Akdeniz, 2008; Jenkins, 2001). Según los datos obtenidos por Rimm (1995), aproximadamente el 50% de las descargas de estos BBS contenían pornografía infantil, aunque la demanda superaba con creces a la oferta.

Los grupos de noticias Usenet. Los grupos de noticias eran los descendientes directos de los BBS, tan populares en los 80. Todos estos grupos formaban la denominada "Usenet" (*Users Network*, red de usuarios)⁵⁶, –actualmente integrada en Internet. Los grupos de noticias eran totalmente abiertos, por lo que cualquiera podía enviar un comentario o una opinión, abrir un debate o crear un grupo completamente nuevo (Rojo-García, 2002), cumpliendo una función informativa para sus usuarios (Durkin, 1997; Kelly & Regan, 2000). Abarcaban cualquier área de interés, y podían identificarse por sus títulos, formados por una serie de palabras clave (Kelly

& Regan, 2000). Una gran cantidad de grupos trataban sobre temas sexuales de muy diversa naturaleza, y algunos de ellos eran grupos binarios (permitían el envío de imágenes). Entre estos, algunos incluían pornografía infantil, como el mítico *alt.binaries.pictures.erotica.pre-teen* (abpep-t), o el menos conocido *alt.binaries.pictures.erotica.ll-series* (abpell) –dedicado a las "lolitas más mayores" (chicas adolescentes)– (Akdeniz, 2008; Durkin, 1997; Jenkins, 2001). Aunque también eran conocidos aquellos grupos que únicamente incluían historias y fantasías escritas por los propios usuarios; publicadas en un primer momento en los grupos *Usenet* y posteriormente recopiladas en páginas *web* en abierto. El derecho a la libertad de expresión amparó la legalidad de estos trabajos escritos, algo paradójico teniendo en cuenta la extrema violencia de algunos de estos relatos (Durkin, 1997; Jenkins, 2001; Kelly & Regan, 2000).

Pero las porciones de *Usenet* a las que cada usuario tenía acceso dependían del servidor al que se estuviera conectado, y muchos de ellos ejercían un cierto grado de censura. La mayoría de servidores que permitían acceder a todos los grupos relacionados con el sexo eran de pago, lo que –salvo para aquellos cuya pericia informática permitía un acceso clandestino– implicaba utilizar una tarjeta de crédito y una dirección de correo electrónico, exponiéndose así a la vigilancia policial (De la Rosa-Cortina, 2011; Jenkins, 2001). A pesar de ello, muchos usuarios se sentían lo bastante seguros como para correr el riesgo y mantener activas un considerable número de páginas de pago. Los pocos servidores gratuitos que permitían el acceso a estos grupos recibían la visita masiva de aficionados, provocando en muchas ocasiones la caída de los

⁵⁶ La *Usenet*, entendida como un sistema de distribución para el intercambio de mensajes en formato de texto (aunque también utilizada progresivamente para la transferencia de archivos), proporciona servicios similares a los de un conjunto de listas de correo electrónico archivadas públicamente, actuando como un servicio de listas de discusión con un gran volumen de actividad (Konstan et al., 1997; Turner, Smith, Fisher & Welser, 2005). La interacción en la *Usenet* consiste en publicar nuevos mensajes y responder a los mensajes existentes. Estas conversaciones se organizan en jerarquías, dentro de los grupos de noticias y dentro

de los hilos de discusión. Cada grupo de noticias es nombrado de tal manera que permita ser agrupado junto con otros en áreas generales llamadas jerarquías, que se identifican con el prefijo adjunto al nombre del grupo de noticias. Por ejemplo, "sex." indica temas de discusión sobre sexo; nos referimos a esto como la jerarquía "sex". En el centro de la actividad de los grupos de noticias está la generación e intercambio de mensajes, que son accesibles al público. Al igual que en el correo electrónico, los mensajes se envían de forma asíncrona; pero, a diferencia de las listas de correo, se archivan públicamente (Turner et al., 2005).

servidores (Jenkins, 2001; Kelly & Regan, 2000).

Según los resultados obtenidos por Mehta (2001), el 15% del contenido disponible en *Usenet* estaba relacionado con la pornografía infantil. Sin embargo, tanto el número de imágenes como el número de grupos experimentaron un notable descenso entre los años 1998 y 2002; o al menos los usuarios migraron a grupos más ocultos y con nombres menos evidentes (Bagley, 2003).

Pornografía infantil en Internet

A mediados de la década de 1980 Internet seguía siendo una herramienta profesional limitada al terreno militar, universitario y gubernamental, aunque gradualmente se incrementaba su accesibilidad general (Cohen-Almagor, 2013; Jenkins, 2001; Rojo-García, 2002). Pero en el año 1998, el número de páginas *web* superaba el millón, cifra que se duplicaba cada pocos meses, y con ello el número de proveedores de servicios de Internet (PSI) ofreciendo acceso a la mismas, hecho que aumentaba las posibilidades de camuflar entre la multitud páginas con material ilícito (Jenkins, 2001)⁵⁷.

Internet revolucionó el mundo de la pornografía infantil eliminando costes, simplificando el proceso de descarga, elevando el número de usuarios y posibilitando el acceso anónimo al contenido (Cohen-Almagor, 2013; Morillas-Fernández, 2010; Quayle & Jones, 2011; Rojo-García, 2002; Steel, 2009). Con la aparición de Internet, todo el contenido de pornografía infantil de las revistas de los 70 (que proporcionaban una treintena de fotografías por una decena de dólares, en cualquier ciudad norteamericana) se puso a libre disposición de los internautas, facilitando la acumulación gratuita de archivos de pornografía infantil, de forma que una persona que navegara durante aproximadamente un mes a través de Internet

podría fácilmente acumular varios miles de archivos de pornografía infantil sin coste alguno (Cohen-Almagor, 2013; Jenkins, 2001; Rojo-García, 2002). Por otro lado, la calidad del “producto” mejoró tanto en la variedad de material ofrecido como en la explicitud y dureza de las imágenes (De la Rosa-Cortina, 2011; Jenkins, 2001). Internet se constituyó así como un vehículo para la localización, el comercio y la distribución de pornografía infantil, incluyendo cómics, relatos, fotografías y vídeos; productos difíciles de conseguir *offline* (Corriveau, 2010; Holt, Blevins, & Burkert, 2010).

A finales de la década de 1980, los aficionados a la pornografía infantil constituían uno de los colectivos más experimentados y con mayores conocimientos del mundo de la comunicación a través de los ordenadores; por lo que navegar a través de Internet no suponía ninguna complicación para los expertos de los BBS (Cohen-Almagor, 2013; Jenkins, 2001), que se beneficiaron de la naturaleza global del ciberespacio (Corriveau, 2010). De esta manera, el incremento de operaciones contra la pornografía infantil desde mediados de la década de 1990 se relaciona con el crecimiento exponencial del acceso a Internet desde los hogares, un medio tecnológico de escaso coste para la población (Akdeniz, 2008; Corriveau, 2010; Morales-Prats, 2001). De hecho, se ha comprobado que aquellos países con mayor acceso a Internet presentan también un mayor nivel de tráfico de pornografía infantil (Akdeniz, 2008).

Internet proporciona un contexto propicio para la proliferación de la pornografía infantil, facilitando su distribución y transmisión, convirtiéndolo en algo fácil, rápido y sencillo (Cohen-Almagor, 2013; Kelly & Regan, 2000; Rojo-García, 2002; Westlake et al., 2017). De hecho, si no fuera por Internet, muchos de sus usuarios nunca habrían descubierto el mundo de la ciberpedofilia (Akdeniz, 2008; De la Rosa-

⁵⁷ Establecer una cesura radical en el proceso de progresiva ampliación y popularización del acceso a los contenidos desde las primeras conexiones de punto a punto hasta la generación de un conjunto descentralizado de redes interconectadas de accesibilidad general tiene necesariamente un componente arbitrario. Pero si en los años 70 los contenidos eran sólo accesibles a expertos e iniciados y en entornos restringidos, la interconexión de las

redes y la generación de protocolos que popularizan el acceso (destacada, pero no únicamente *www*) provocan que en los años 90 exista una red lógica de ámbito mundial y al alcance del público en general. La diferencia justifica, a nuestro juicio, un análisis separado, porque lo que en los BBS y los primeros grupos de noticias se difundía entre iniciados en un entorno restringido, con el desarrollo de Internet se pone al alcance de muchos más usuarios.

Cortina, 2011; Holt, Blevins, & Burkert, 2010; Jenkins, 2001). Las posibilidades que ofrece Internet para obtener o distribuir este tipo de material son múltiples, desde el acceso *online* a los archivos o la difusión por la red de vídeos domésticos hasta el intercambio a través de correo electrónico o las videoconferencias en tiempo real (Morales-Prats, 2001; Tamarit-Sumalia, 2000). El ciberespacio ha permitido que la transacción de pornografía infantil se lleve a cabo entre distintos actores sociales, los cuales se encuentran inmersos en un proceso de intercambio que va desde la producción al consumo de materiales ilícitos, pasando por su distribución (Corriveau, 2010). En este contexto, cualquier usuario puede convertirse en productor, distribuidor o consumidor de pornografía infantil simultáneamente (Kelly & Regan, 2000; Morales-Prats, 2001), haciendo que la creación y distribución de pornografía infantil haya pasado de ser una actividad casi residual a generalizarse entre los internautas, sacando a la luz una importante demanda oculta (Fernández-Teruelo, 2007; Rojo-García, 2002).

Pero además, Internet ha incidido sobre la naturaleza y la dinámica del abuso sexual, convirtiendo la producción y la distribución *online* de pornografía infantil en un componente frecuente del abuso sexual. Internet se convierte así en un vehículo que potencialmente puede incrementar el daño derivado de la dinámica del abuso sexual infantil, extrapoliándolo al contexto virtual al subir a Internet las imágenes generadas *offline* para ser distribuidas y visualizadas indefinidamente por otras personas (Martin & Alaggia, 2013).

Motores de búsqueda. Este tipo de archivos, que aprovechan para su difusión la enorme dimensión de la Red, deben ser buscados de forma activa por parte de los internautas para ser localizados, por lo que resulta altamente improbable (Jenkins, 2001; Steel, 2015) –aunque no imposible (Kelly & Regan, 2000)– que una persona pueda encontrar accidentalmente pornografía infantil buscando contenidos legales. Así, los motores de búsqueda como *Google*, *Bing*, *Yahoo* o *Yandex* se constituyen como el método más común para localizar aquellas páginas o plataformas en las que es posible encontrar pornografía infantil en Internet. De hecho, la utilización de motores de búsqueda alojados en países con una legislación ambigua respecto a la criminalización de este tipo de materiales ilícitos (como *Yandex* en Rusia) es

mayor entre los consumidores de pornografía infantil que en otros internautas (Steel, 2015). La introducción de palabras clave relacionadas con la subcultura de la pornografía infantil redirige al internauta a salas de chat, foros y páginas *web* donde poder descargar el material buscado. Por ello, los motores de búsqueda representan el mecanismo principal de los distribuidores para publicitar sus productos, mientras que el boca a boca puede ser utilizado dentro de los foros para advertir a sus usuarios sobre nuevas formas de obtener archivos. Pero para encontrar este tipo de foros sigue siendo necesario (al menos inicialmente) utilizar los motores de búsqueda (Steel, 2015).

Servicios de pago. La posibilidad de lucrarse con el tráfico de pornografía infantil a través de Internet atrajo a unos cuantos productores y distribuidores que exigían un pago directo por el envío a través de correo electrónico del contenido demandado o creaban páginas *web* de acceso restringido (Mitchell et al., 2011). Los clubes virtuales de pornografía infantil sustituyeron la venta directa del material por el pago, mediante tarjeta de crédito, de una cuota por parte del comprador que le daba derecho a recibir en su correo electrónico personal una cantidad de fotografías o vídeos diaria o semanalmente o, simplemente, a permitir que el socio, durante la época cubierta por el pago de su cuota, navegase libremente por una zona restringida de una página *web* donde poder descargar en su ordenador un número ilimitado de fotografías que eran renovadas frecuentemente (Rojo-García, 2002). Pero algo que no tuvieron en cuenta los traficantes era que este mismo material podía difundirse de manera gratuita (Mitchell et al., 2011; Rojo-García, 2002), por lo que solo un pequeño porcentaje de los consumidores pagaba por este tipo de materiales. Dada la gran cantidad de contenidos disponibles de forma gratuita en Internet, la adquisición de imágenes podría ser indicativa de coleccionistas interesados por una imagen concreta o de consumidores que habían pasado de ser meros aficionados (Mitchell et al., 2011).

Egroups y grupos privados. Algunos servidores de Internet, como *Yahoo*, permitían crear grupos en los que colgar imágenes o escribir mensajes; se abría así algo parecido a *Usenet* a cualquiera con acceso a la *web*. La apertura de un nuevo grupo era gratuita y no era necesaria la suscripción de sus usuarios para acceder, pero estos grupos permitían además el

acceso a chats para contactar de forma privada entre los usuarios e intercambiar archivos (Jenkins, 2001). Los proveedores de este tipo de servicios seguían estrictas políticas de exclusión de contenidos relacionados con la pornografía infantil, pero no lograron controlarla. Algunos grupos discretos ocultaban el material de menores entre la pornografía de adultos, otros se orientaban de forma obvia a este tipo de intereses y contaban con un gran volumen de actividad (Jenkins, 2001). De hecho, al buscar durante un periodo de 4 años (1998-2002) páginas *web* y grupos con títulos que contuvieran los términos “*children*”, “*lolita*”, “*young*” y “*adolescent*”, Bagley (2003) identificó 7725 imágenes de pornografía infantil. Los grupos temporales eran los que contenían las imágenes más extremas; se abrían sólo el tiempo necesario para descargar las imágenes, con nombres ajenos a connotaciones sexuales, conocidos únicamente por los aficionados a la pornografía infantil (Jenkins, 2001). Pero también existían grupos privados que exigían una participación activa para renovar los archivos comunes, reservados a aquellos usuarios con pericia técnica que buscaran las imágenes más difíciles de obtener –únicamente circulaba una fracción del verdadero repertorio–; pero resulta extremadamente difícil acceder a estos grupos privados, incluso para la policía (Fernández-Teruelo, 2007; Jenkins, 2001). En cualquier caso, la probabilidad de ser descubierto es grande, pues cuanto más cercano sea el contacto con otras personas, mayor información pueden obtener de uno (Jenkins, 2001). Desde finales de la década de 1980 los agentes encubiertos hicieron este tipo de transacciones extremadamente peligrosas (De la Rosa-Cortina, 2011); aunque dentro de los círculos formados por viejos conocidos (la “*élite*”), la probabilidad de que uno de sus miembros sea un policía es bastante baja (Jenkins, 2001).

Foros y tablones. Los foros y tablones de anuncios alojados en la *web* existen como páginas de libre acceso y permiten a los internautas escribir mensajes en los que pueden incluir enlaces a otras páginas *web*, que son comentados por los otros usuarios del tablón (Jenkins, 2001). A pesar de no permitir a sus usuarios colgar contenido, actúan como una guía para el acceso a la pornografía infantil, operando a escala global. El foro facilita el conocimiento y el acceso a las páginas que albergan pornografía infantil para que puedan ser visitadas de forma anónima y efímera (Holt, Blevins, & Burkert,

2010; Jenkins, 2001; Rojo-García, 2002). Normalmente, un usuario informa sobre una serie de imágenes que pueden ser descargadas únicamente en formato Zip codificado, un archivo inútil sin la contraseña que será proporcionada por separado horas o días después (Jenkins, 2001). Se distingue así entre el lugar de la Red en el que se encuentra el material pornográfico y la actividad de publicidad o difusión dentro de los tablones (Rojo-García, 2002); lo que ha permitido a creadores y administradores de tablones alojados en servidores norteamericanos ampararse en la defensa a ultranza de la libertad de expresión para no ser castigados por facilitar este tipo de intercambios informativos (Jenkins, 2001). Destaca el carácter colaborativo de los usuarios de estos foros (Jiménez-Serrano, 2012), la organización y jerarquización de los procesos de producción, distribución y consumo de pornografía infantil (Corriveau, 2010). Las amenazas a las que se enfrentan derivan de la vigilancia policial, los ataques de los denominados “anti-pedófilos”, y el *spam* (enlaces a páginas legales, que no ofrecen nada de “valor”, o por lo menos no gratuitamente) (Jenkins, 2001).

Chats. Los chats también son utilizados por los aficionados para ponerse en contacto con otras personas de semejante tendencia sexual (Holt, Blevins, & Burkert, 2010; Kelly & Regan, 2000) e intercambiar material e información respecto a dónde encontrar más material, siguiendo la fórmula *send to receive*, intercambiando bienes en lugar de comprarlos y venderlos (Mitchell et al., 2011). En este tipo de intercambios, la introducción de material nuevo supone el éxito de la transacción (De la Rosa-Cortina, 2011; Rojo-García, 2002). El correo electrónico ha sido un recurso habitual para el intercambio de material entre aficionados a la pornografía infantil (Kelly & Regan, 2000), que se encuentran en los chats, tablones y foros de Internet. Salvo descarga y guarda del fichero, los datos se encuentran en los servidores de correo y no en el ordenador del usuario (Morillas-Fernández, 2010); y perseguir este intercambio requiere la colaboración del servidor de correo, para identificar la IP asignada a los titulares de las cuentas (Fernández-Teruelo, 2013). Pero algunos chats proporcionan además la posibilidad de intercambiar archivos dentro de la misma conversación, sin conocer el correo del interlocutor, lo que dificulta su persecución

(Kelly & Regan, 2000; Rojo-García, 2002). Con un funcionamiento similar al de las redes p2p, el intercambio *Direct Client-to-Client* (DCC) permite la interconexión de dos *peers* usando inicialmente un servidor de *Internet Relay Chat* (IRC) para establecer la conexión. Una vez iniciada la sesión DCC, el tráfico de archivos se produce directamente entre los usuarios y no sobre la red IRC (Fernández-Teruelo, 2013). Se trata de plataformas que normalmente no están sujetas a monitorización (Steel, 2015), lo que dificulta enormemente su investigación (Fernández-Teruelo, 2013).

Webcam. La *Webcam* permite difundir en tiempo real imágenes del abuso sexual de menores perpetrado *offline* (Cohen-Almagor, 2013; Martin & Alaggia, 2013) y éstas pueden ser almacenadas de forma simultánea por el receptor (De la Rosa-Cortina, 2011; Morillas-Fernández, 2010). Pero la aparición de la *Webcam* supuso también el inicio del *sexting*: la difusión por medios electrónicos de imágenes producidas por los propios menores en los que ellos mismos o terceros, también menores, aparecen en poses sexuales, desnudos o semidesnudos (González-Tascón, 2013; Mitchell, Finkelhor, Jones, & Wolak, 2012). Ya en 2008, las autoridades estadounidenses tuvieron conocimiento de aproximadamente 3477 casos de imágenes sexuales producidas por menores (Wolak, Finkelhor, & Mitchell, 2012). Generalmente se trata de conductas voluntarias y consentidas, aunque también pueden ser el resultado de una conducta abusiva por parte de otro menor (sextorsión) o adulto (*online child grooming*) (Hasinoff, 2012; Montiel-Juan, 2014). El riesgo que entraña esta práctica reside en la pérdida del control del material producido, que es utilizado por terceros (González-Tascón, 2013). Surge así una nueva forma de producción y distribución de pornografía infantil (Soldino & Carbonell-Vayá, 2016). De hecho, se estima que entre el 3% y el 15% de los consumidores de pornografía infantil son menores (Aebi, Plattner, Ernest, Kaszynski, & Bessler, 2014). Aunque los datos parecen indicar que aparecer en, crear o recibir imágenes sexuales explícitas está lejos de ser una conducta normativa en los jóvenes (para Mitchell et al. (2012), únicamente el 1% de jóvenes involucrados en *sexting* aparecían en o crearon imágenes que podrían tildarse de pornografía infantil; y pocas de estas fueron reenviadas o subidas a Internet), lo que contrasta con la alarma social generada por algunos

medios sobre esa posibilidad y su poder de atracción de depredadores sexuales *online* (Hasinoff, 2012).

Redes sociales. Redes sociales como el antiguo *MySpace* o el popular *Facebook* cuentan con una gran popularidad entre adolescentes y adultos; ya en 2006, se estimaba que 14 millones de adolescentes estadounidenses utilizaban redes sociales (Mitchell, Finkelhor, Jones, & Wolak, 2010). Éstas son utilizadas por los delincuentes para iniciar relaciones sexuales con menores, para poder comunicarse con sus víctimas, para obtener información sobre éstas, para difundir información o imágenes de la víctima y/o para contactar con los amigos de la víctima (Mitchell et al., 2010). Redes sociales como *Facebook* o *Tuenti* permiten que un extraño, introduciendo el nombre de otra persona, acceda a todo el contenido de ésta (imágenes, vídeos, ...), siempre que su perfil sea público (Morillas-Fernández, 2010). Sin embargo, los datos obtenidos por Mitchell et al. (2010) en Estados Unidos sugieren que únicamente el 3% de las detenciones relacionadas con las redes sociales en 2006 (*n* estimada = 2322) implicaban distribución de pornografía infantil; y los delincuentes sexuales que acudían a estas redes producían o poseían pornografía infantil en menor proporción que aquellos que no las utilizaban.

Redes p2p. Desde la aparición de *Napster*, los sistemas de intercambio de archivos como *Kazaa*, *Ares*, *Gnutella*, *eDonkey* o *BitTorrent* han sido ampliamente utilizados por su alcance mundial, fácil manejo, gratuidad del servicio y la gran cantidad de archivos descargables (Akdeniz, 2008; Bissias et al., 2016; Cohen-Almagor, 2013; Morillas-Fernández, 2010; Wolak, Liberatore, & Levine, 2014). Bissias et al. (2016) indican que aproximadamente 3 de cada 10.000 internautas en todo el mundo (11 de cada 10.000 en España) compartieron pornografía infantil a través de *p2p* en diciembre de 2014 (más de 840.000 usuarios); el número total de archivos de pornografía infantil identificados fue de 161.000, cifra que experimenta un crecimiento paulatino, mientras la longevidad de esos archivos es más variable. Pero estas estimaciones se basan únicamente en archivos de pornografía infantil que ya habían sido identificados previamente por los cuerpos policiales; existen muchos otros que son introducidos en los sistemas *p2p* cada día (Bissias et al., 2016; Wolak et al., 2014). Estas

plataformas permiten que todos los participantes sean servidores y que sus archivos conformen una enorme base de datos global, accesible a todos los conectados a la Red, quienes pueden descargarlos y ejecutarlos en su propio PC y, a su vez, compartir sus propios archivos (Fernández-Teruelo, 2007; Fernández-Teruelo, 2013; Morillas-Fernández, 2010; Wolak et al., 2014). Toda la información es común y no hay individualización en los participantes, no hay conversaciones; el programa ofrece directamente los archivos, sin indicar su procedencia (Jiménez-Serrano, 2012; Rojo-García, 2002). El usuario, en la ventana de búsqueda, escribe las palabras clave del material que le interesa (Steel, 2015), normalmente nombres derivados de la jerga utilizada por los usuarios de los tableros – lo que implica cierto nivel de sofisticación (Rojo-García, 2002; Steel, 2009; Wolak et al., 2014)–. En el caso de *BitTorrent*, los usuarios usan *torrents* (que no contienen el archivo, sino que indican el valor *hash* del contenido en cuestión) para anunciar los archivos que están compartiendo; la investigación policial de estos casos obliga a localizar primero los *torrents* y luego evaluar su relación con los archivos de pornografía infantil ya conocidos (Bissias et al., 2016). Pero la peculiaridad de la red *p2p* reside en su estructura descentralizada: conexión directa entre ordenadores sin la necesidad de un servidor central (Steel, 2015); los propios usuarios actúan al mismo tiempo como servidor y cliente, lo que dificulta su localización (De la Rosa-Cortina, 2011; Fernández-Teruelo, 2007; Fernández-Teruelo, 2013; Morillas-Fernández, 2010; Wolak et al., 2014). Las redes *p2p* permiten mantener el anonimato de sus usuarios en mayor medida que otros medios que requieren un contacto más directo entre usuarios (e-mail, SMS, foros, ...). El usuario simplemente tiene que buscar el material y descargar lo que encuentre en una carpeta compartida; o subir archivos en una carpeta compartida, que permitirá a los otros usuarios encontrar el material cuando lo busquen; por lo que el miedo a ser descubierto en una de estas redes que cuentan con millones de usuarios es bastante bajo (Wolak et al., 2014). Sin embargo, la mayoría de los gestores de descarga *p2p* establecen conexiones no cifradas, lo cual permite la extracción tanto de los *hashes* de los archivos que se comparten, como de las direcciones IP de los usuarios involucrados (Fernández-Teruelo, 2013; Wolak et al., 2014); nada que no pueda evitarse utilizando *proxys*, bloqueadores de IP o anonimadores, o

configurando el gestor de descargas con carácter cifrado (Fernández-Teruelo, 2013). Para evitarlo, *eDonkey*, *Gnutella* y *Gnutella2* asignan un identificador global único a la aplicación (GUID, que se mantiene aunque la dirección IP cambie) cuando es instalada inicialmente en un dispositivo –identificando así dispositivos, aunque no usuarios–. Por su parte, *Ares* y *BitTorrent* carecen de los identificadores GUID, proporcionando únicamente direcciones IP, las cuales suelen ser reasignadas con frecuencia por parte de los PSI y reutilizadas por varios usuarios a lo largo del tiempo. De hecho, los *proxys*, redes virtuales privadas (VPNs) o la red TOR permiten esconder a varios de sus participantes bajo una misma dirección IP (Bissias et al., 2016). La Policía Nacional utiliza softwares como “Gnuwatch” para la geolocalización e identificación de las IPs de los consumidores o “Florencio” para identificar redes de intercambio de archivos *p2p* (Jiménez-Serrano, 2012). En Estados Unidos se utilizan programas como *RoundUp*, *Gridcop* o *Ephex*, que utilizan el valor *hash* de los archivos identificados como pornografía infantil en investigaciones anteriores para analizar el tráfico de este tipo de archivos (geolocalización de las direcciones IP que los comparten, fecha y tiempo durante el que han sido compartidos, ...; Wolak et al., 2014). Los peligros derivados del fácil acceso a este tipo de materiales en las redes *p2p* son varios. Por un lado, aquellos usuarios que tengan curiosidad por la pornografía infantil pueden satisfacer esa curiosidad fácilmente, y esa facilidad para localizar los archivos puede hacer que el visionado de pornografía infantil parezca normal y aceptable. Aquellos que no pretendían convertirse en traficantes de pornografía pueden serlo después de toparse con los archivos en la red (Wolak et al., 2014). Asimismo, este fácil acceso contribuye a la proliferación de la pornografía infantil en Internet (Bissias et al., 2016; Wolak et al., 2014): cada vez que uno de estos archivos es descargado se crea una nueva copia de la imagen que permanece en las carpetas compartidas, incrementando la cantidad de pornografía infantil disponible en la Red; al descargarse y compartirse entre los usuarios, estos archivos se van duplicando continuamente (Wolak et al., 2014). Los resultados obtenidos por Wolak et al. (2014) sugieren una generalización del tráfico de pornografía infantil de baja entidad (menos de 10 archivos) en las redes *p2p*, siendo menos del 1% los ordenadores que compartieron grandes cantidades de archivos

(100 o más archivos). Sin embargo, la detención de los responsables de estas grandes contribuciones y la retirada de sus archivos de Internet podría reducir hasta el 30% de los archivos disponibles en la red *p2p*.

Dispositivos móviles. La llegada de los teléfonos móviles multimedia, con cámara incorporada, desencadenó una oleada de tomas clandestinas de fotos de menores en lugares públicos (De la Rosa-Cortina, 2011). *Tablets* y *smartphones* han desbancado a los tradicionales ordenadores de sobremesa y portátiles, como se ve reflejado en los registros domiciliarios practicados a los consumidores de pornografía infantil (Steel, 2015): ya no resulta necesaria la utilización de un ordenador o de una cámara de vídeo para poner en circulación pornografía infantil (De la Rosa-Cortina, 2011) ni para consumirla; así, el 32% de todas las búsquedas en *Bing* relacionadas con la pornografía infantil en 2014 se realizaron con *tablets* y *smartphones* (Steel, 2015). Sin embargo, en esto los productores de pornografía infantil no han ido por delante de otros usuarios de la red: aunque el consumo se produce cada vez más a través de este tipo de dispositivos (y es esperable aún que se dispare durante los próximos años por la proliferación de pantallas cada vez más grandes en los *smartphones*, el incremento en las ventas de *tablets* o la adaptación de software *p2p* para las plataformas móviles (como por ejemplo *Frostwire*) (Steel, 2015)), la creación o distribución sigue produciéndose a través de otras tecnologías. En este sentido, se ha investigado la transmisión de pornografía infantil vía *MMS* (por ejemplo, respecto al fenómeno del *sexting*), pero los patrones de uso y los perfiles de sus usuarios parecen ser muy diferentes a los del consumidor general de pornografía infantil (Steel, 2015). Se trata de menores que intercambian, producen y/o difunden imágenes sexuales (explícitas o sugerentes) de ellos mismos o de otros menores con distintas motivaciones; imágenes que en muchos casos podrían ser calificadas como pornografía infantil según las leyes vigentes (Mitchell et al., 2012; Montiel-Juan, 2014).

Pornografía infantil oculta: la Deep Web

La defensa de los internautas frente a la vigilancia de la Red, considerada como una amenaza para la libertad y la privacidad de las personas (Cohen-Almagor, 2013; Jenkins, 2001; Rojo-García, 2002), ha derivado en la creación de enrutadores cebolla como TOR (*The Onion Router*) que proporcionan una red que garantiza en gran medida el anonimato de sus usuarios (Bissias et al., 2016; Cohen-Almagor, 2013; Steel, 2015).

Se trata de dificultar que pueda establecerse una relación con el punto de acceso desde el que se navega, gracias al empleo de técnicas de criptografía en una estructura multicapa (cebolla) y al uso de distintos equipos para deslocalizar a emisor y receptor. De esta manera, la dirección *IP* permanecerá oculta, lo cual impide conocer la geolocalización de sus usuarios, así como conocer las páginas que han visitado (al menos no rápidamente) (Cohen-Almagor, 2013).

La *Deep Web* se compone de páginas *web* dinámicas que no se encuentran indexadas en los motores de búsqueda habituales (Google, Bing, ...) (Westlake et al., 2017); para localizar el material en muchas ocasiones el usuario tendrá la necesidad de llevar a cabo una investigación previa en la *World Wide Web*. Sin embargo, durante los últimos años los buscadores de este tipo de redes han experimentado una notable mejoría. La red *TOR* cuenta además con su propia *Wikipedia*, la denominada *Hidden Wiki*, donde los interesados por la pornografía infantil pueden encontrar enlaces a páginas de dominio *.onion* donde descargar este tipo de contenidos (Cohen-Almagor, 2013), con enlaces que en muchas ocasiones actúan como anzuelos, formas de acceso a material totalmente deslocalizado.

Sin embargo, ataques como los organizados por el colectivo *Anonymous* durante 2011⁵⁸ demuestran que ni siquiera este tipo de redes garantizan por completo el anonimato; especialmente cuando el usuario navega habitualmente con un patrón determinado. Aunque lo cierto es que el nivel de deslocalización de estas redes dificulta

⁵⁸ "Hackers take down child pornography sites". (24 de octubre de 2011) *BBC News*. Disponible en <http://www.bbc.com/news/technology-15428203>

enormemente la labor de los cuerpos policiales a la hora de establecer qué pertenece a quién.

A modo de conclusión

Desde 1977 se ha producido una carrera tecnológica entre los aficionados a la pornografía infantil y los cuerpos policiales (Durkin, 1997; Jenkins, 2001). Los delincuentes buscan incesantemente nuevas tecnologías que garanticen su seguridad y secretismo (Cohen-Almagor, 2013), y los rápidos avances tecnológicos suponen un gran reto para la policía (Jiménez-Serrano, 2012), que debe lidiar con el uso de *proxys* anónimos, *remailers* o archivos encriptados –entre otros– (De la Rosa-Cortina, 2011; Morillas-Fernández, 2010; Salom-Clotet, 2008). Así, la detención de un usuario que cuente con estos niveles de sofisticación requiere de una enorme pericia técnica (Durkin, 1997; Jenkins, 2001) y de la articulación de herramientas de investigación adecuadas (Fiscalía General del Estado, 2016).

La pornografía infantil es extremadamente difícil de obtener a través de medios no-electrónicos y así fue durante veinte años, sin embargo, en Internet su presencia es sustancial (Jenkins, 2001; Rojo-García, 2002) y gran parte del material existente es de gran dureza, en relación al tipo de actividades representadas y las edades de los protagonistas (Jenkins, 2001). La aparición de Internet ha dado un giro dramático al fenómeno de la pornografía infantil: el anonimato parcial de sus usuarios, junto con las dificultades para su detección han incrementado la cantidad de material disponible, la eficacia en la distribución y su accesibilidad, generando la necesidad de nuevos abordajes del problema (Akdeniz, 2008; Cohen-Almagor, 2013; De la Rosa-Cortina, 2011; Morales-Prats, 2001; Rojo-García, 2002; Tamarit-Sumalla, 2000).

El mundo de la pornografía infantil destaca por su complejidad y creatividad y por su alcance global. La subcultura aprovecha el carácter internacional de Internet, evitando alojarse en sitios permanentes (Jenkins, 2001). Sin páginas *web* fijas, utiliza una variedad de alternativas y un ingenioso despliegue de ubicaciones de Internet interconectadas, diseñadas para sobrevivir a la destrucción de varios servidores centrales. De esta manera, la eliminación de un servidor, una página *web* o un tablón concreto no repercute sobre la integridad de todo el sistema (Jenkins, 2001; Westlake et al., 2017). Por otro lado, la rapidez característica de la Red y sus

posibilidades de globalización hacen que la dinámica de este fenómeno cambie de forma repentina (Rojo-García, 2002). Todo ello hace que no solo resulte imposible retirar completamente de Internet ningún material, sino que además, de forma simultánea, vaya incorporándose material nuevo (De la Rosa-Cortina, 2011; Morales-Prats, 2001).

La subcultura de la pornografía infantil opera más allá de las fronteras de cualquier país o jurisdicción y representa un nuevo patrón de delincuencia globalizada (Durkin, 1997; Jenkins, 2001). Internet, como sistema descentralizado, dificulta adoptar reglas jurídicas firmes con férreo control sobre los contenidos que circulan por la Red, y con ello el control de la pornografía infantil (Morales-Prats, 2006). La Red no es ni un lugar ni un objeto, sino un constructo de millones de servidores individuales que no constituyen una realidad tangible y que no podemos situar en ningún país concreto (De la Rosa-Cortina, 2011; Jenkins, 2001). Además, cada usuario conectado a la misma puede difundir contenidos a través de distintas vías de forma masiva y difusa, lo que dificulta la identificación de los autores de tales conductas (Morales-Prats, 2001).

Los PSI son conscientes del problema al que se enfrentan y tratan de cerrar este tipo de grupos y comunidades; sin embargo, las dificultades de control son grandes. En muchos casos los grupos eluden palabras o mensajes alusivos a la pornografía infantil detectables por los robots de búsqueda (Jenkins, 2001; Jiménez-Serrano, 2012), y una de las características de la subcultura es la rapidez con la que cambia su lenguaje (Steel, 2015), por lo que pasarían desapercibidos a menos que un usuario los denunciara; algo ciertamente improbable.

Los traficantes de pornografía infantil migran hacia tecnologías que les resultan más atractivas y adecuadas para sus fines (Bissias et al., 2016). Muchos consumidores pueden haberse trasladado a la *Deep Web* o a redes *p2p* sin filtro. Por otro lado, la utilización de plataformas *p2p* en dispositivos móviles podría cambiar su patrón de uso –el consumo de pornografía infantil– hasta convertirlos en plataformas de creación y distribución. Por ello, las investigaciones policiales deberían priorizar el análisis de *smartphones* y *tablets* cuando éstos sean encontrados durante los registros domiciliarios (Steel, 2015).

A pesar del alto coste de tiempo y recursos que conlleva, la utilidad de las investigaciones policiales es grande, no sólo por eliminar de la red los archivos que están siendo compartidos por un ordenador determinado, sino porque alrededor del 10% de las investigaciones que acaban en detención permiten detectar casos de abusos sexuales a menores que no podrían haber sido descubiertos de otro modo (Wolak et al., 2014).

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(Las referencias precedidas por un asterisco fueron incluidas en el análisis.)

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Tabla 1. Mecanismos observados de obtención y distribución de PI.

| Etapa / mecanismo | Estudios (n) | Estudios empíricos (n) |
|-----------------------------------|---------------------|-------------------------------|
| PI comercial | 11 | |
| Relatos, ilustraciones y grabados | 2 | |
| Revistas | 4 | |
| Vídeos amateur (cámara de vídeo) | 7 | |
| PI informatizada | 13 | 2 |
| <i>BBS</i> | 6 | 1 |
| <i>Usenet</i> | 9 | 1 |
| PI en Internet | 31 | 9 |
| Motores de búsqueda | 3 | 1 |
| Servicios de pago | 2 | |
| <i>Egroups</i> y grupos privados | 4 | 1 |
| Foros y tabloneros | 5 | 2 |
| Chats | 8 | |
| <i>Webcam</i> | 11 | 1 |
| Redes sociales | 2 | 1 |
| Redes <i>p2p</i> | 12 | 3 |
| Dispositivos móviles | 4 | |
| PI oculta | 6 | |
| <i>Deep Web</i> | 6 | |

Nota. PI = pornografía infantil.

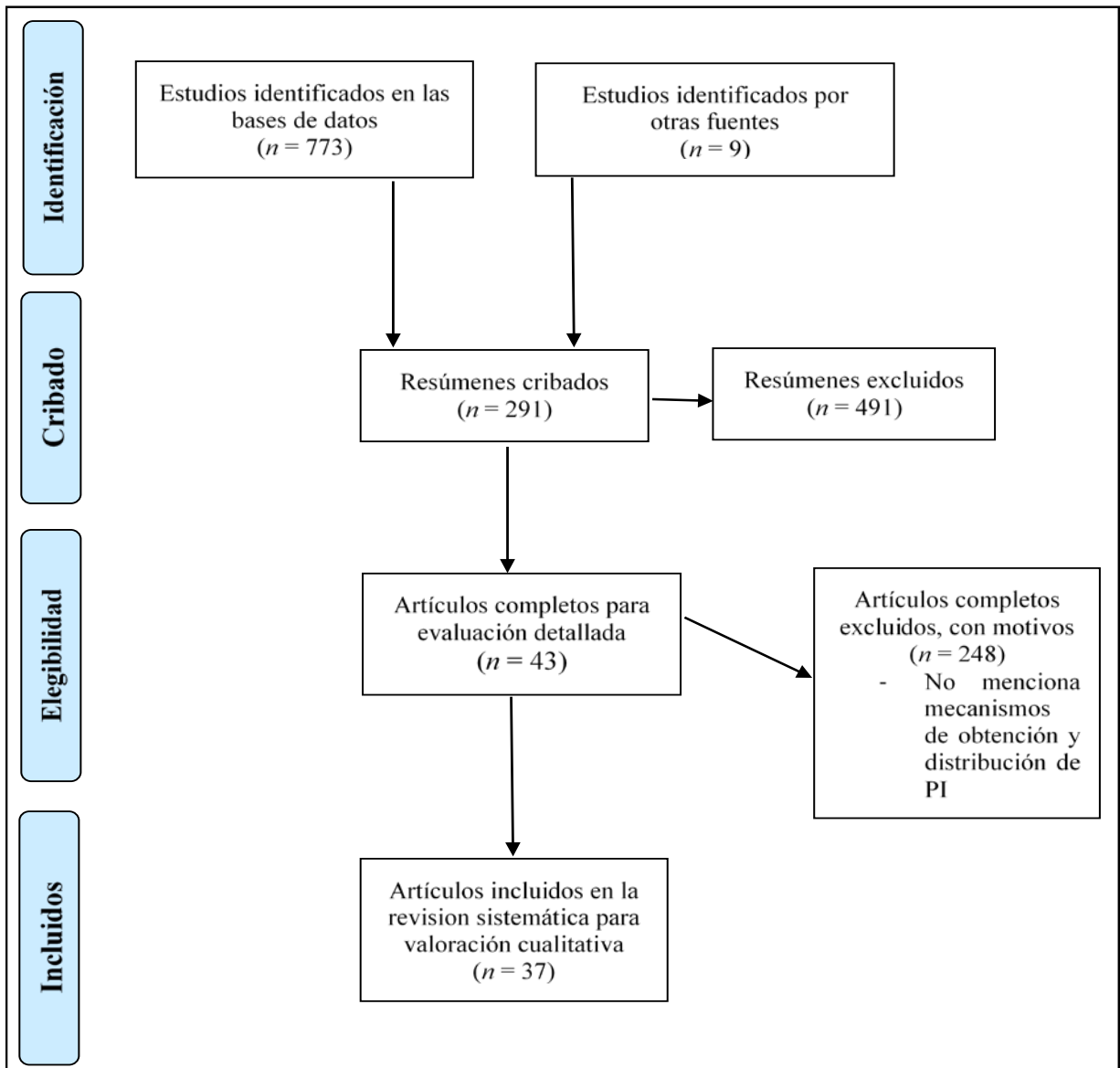


Figura 1. Revisión sistemática de estudios sobre pornografía infantil.

Nota. PI = pornografía infantil.

Study 6

**Criminalización de la pornografía infantil en la que no
participan menores de edad.
El bien jurídico protegido a debate.**

**[Criminalization of child pornography in which no real
minors are involved.
Legally protected interests under discussion.]**

**Criminalización de la pornografía infantil en la que no participan menores de edad.
El bien jurídico protegido a debate⁵⁹.**

**Criminalization of child pornography in which no real minors are involved.
Legally protected interests under discussion.**

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Resumen

Con este trabajo se pretende realizar una reflexión, desde un punto de vista criminológico, sobre las implicaciones de la criminalización de la pornografía infantil técnica y virtual; materiales elaborados sin la participación de menores reales –y, por tanto, sin víctimas. Para ello, se ha definido el concepto de pornografía y de material pornográfico infantil, tanto desde una perspectiva jurídica como desde una óptica criminológica, y se han expuesto las características distintivas de la denominada “pornografía alusiva a menores”. Tras una revisión legislativa, se describe la regulación actual de tales materiales, tratando de analizar las razones que fundamentarían su inclusión en nuestro ordenamiento jurídico. Los argumentos expuestos hasta el momento para justificar la criminalización de la pornografía alusiva a menores son debatidos teniendo en cuenta la evidencia científica existente respecto a la relación entre el consumo de pornografía infantil y los delitos sexuales de contacto, el efecto de la exposición a pornografía infantil en la que no participan menores reales y los métodos disponibles para determinar la edad de una persona a partir de imágenes.

Abstract

This work intends to make a reflection, from a criminological point of view, on the implications of the criminalization of technical and virtual child pornography; materials produced without the involvement of real minors -and, therefore, victimless. To this end, the concept of pornography and child pornography has been defined, both from a legal perspective and from a criminological point of view, and the distinctive features of so-called “pornography allusive to minors” have been described. After a legislative review, the current regulation of such materials is described, trying to analyze the reasons that would justify their inclusion in our legal system. The arguments put forward so far to justify the criminalization of pornography allusive to minors are debated in the light of existing scientific evidence regarding the relationship between the consumption of child pornography and contact sexual offenses, the effect of exposure to child pornography in which no real minors are involved and the methods available to determine a person's age from images.

Palabras clave. Pornografía infantil; derecho penal; criminología; delincuentes sexuales.

Keywords. Child pornography; criminal law; criminology; sex offenders.

⁵⁹ Manuscript in preparation.

Introducción: definición de conceptos

La complejidad del tratamiento jurídico de la pornografía infantil exige iniciar este trabajo definiendo de forma clara cada uno de los conceptos implicados en el fenómeno.

¿Qué entendemos por pornografía?

Ya en los años 70, STOLLER (1970, p. 490) definió en su estudio la pornografía como “una ensoñación en la que ciertas actividades –frecuentemente, aunque no necesariamente– abiertamente sexuales, son proyectadas de forma escrita o pictórica para inducir una excitación genital en un observador”; una definición alejada de toda taxatividad. Décadas más tarde, autores como ANDREWS (2012) alertaban sobre la falta de una definición sólida del concepto⁶⁰. Ante la indeterminación jurídica de aquello que debe entenderse como pornográfico, ORTS BERENGUER y ROIG TORRES (2014, p. 119) propusieron una definición más precisa y ajustada a los criterios de taxatividad. Según estos autores, debe definirse como pornográfico “el producto, con preferencia visual, cualquiera que sea su soporte, en el que se registran, exclusiva o casi exclusivamente, hechos de la más explícita sexualidad, expuestos de la forma más minuciosa y escrutadora, y está expresamente realizado, casi siempre por un móvil crematístico, con la única pretensión –manifiesta, velada o subrepticia–, de excitar el apetito venéreo y de complacer y promover determinadas demandas en ese orden de cosas”.

Para ser considerado pornográfico, el material debe haber sido desarrollado o producido deliberadamente para suscitar un interés sexual o proporcionar placer erótico (DIAMOND, 2009; DIAMOND y UCHIYAMA, 1999; GARCÍA ALBERO, 2015; ISAACS e ISAACS, 2010). Sin

embargo, ninguna imagen es pornográfica hasta que no son incorporadas a la misma las fantasías de un observador; nada es pornográfico *per se*. La pornografía podría ser considerada como una cuestión de estética, pues “el deleite de un hombre podría suponer el tedio de otro” (STOLLER, 1970, p. 490); aquello que una persona puede percibir como pornográfico puede no serlo para otra.

La pornografía se compone tanto de un objeto físico –es decir, una representación visual, auditiva, textual o de cualquier otro tipo, del sexo– como de una orientación o relación particular con tal objeto, que podríamos definir como un “sentido subjetivo de excitación sexual” (LASKER, 2013, p. 13). Surge así una ética de la imagen que no se basa en el estado y características reales de esa imagen, sino en formas más subjetivas de observación (OSWELL, 2006). Por tanto, y con el fin de objetivar al máximo el concepto de pornografía a efectos jurídicos, será necesario que un espectador medio, conocedor de las valoraciones socialmente dominantes –independientemente de si éstas son compartidas por el mismo o no–, pueda afirmar que el material en cuestión está orientado principalmente a la excitación y satisfacción de instintos sexuales o libidinosos, excluyendo cualquier otra finalidad relevante (GARCÍA ALBERO, 2015).

¿Y por pornografía infantil?

Definición jurídica. El Código Penal (en adelante CP) español, tras la reforma operada por la Ley Orgánica (en adelante LO) 1/2015, de 30 de marzo, incorpora en su artículo 189.1 una definición de aquello que entiende el legislador como pornografía infantil⁶¹ –concepto normativo de pornografía infantil–: (a) *Todo material que represente de manera visual*⁶² *a un menor*⁶³ *o*

⁶⁰ Ante la imposibilidad de definir qué era la pornografía, el juez Potter Stewart pronunció su mítica frase: “lo sé cuando lo veo” (*Jacobellis v. Ohio*, 1964).

⁶¹ O aquello que quieren que entienda, pues se trata de una transposición literal de la definición utilizada por la Directiva 2011/93/UE del Parlamento Europeo y del Consejo, de 13 de diciembre de 2011 (art. 2.c).

⁶² Debe tratarse necesariamente de representaciones visuales, no siendo suficiente el material de audio. No obstante, las pistas de audio podrían ser de interés a la hora de determinar la naturaleza pornográfica del material de vídeo. El material pornográfico escrito

(novelas, relatos, etc.) no puede incluirse en el radio típico, aunque el texto escrito que acompaña a las imágenes puede ser decisivo a la hora de calificar el carácter pornográfico de éstas (vid. Circular 2/2015 de la Fiscalía General del Estado, sobre los delitos de pornografía infantil tras la reforma operada por LO 1/2015).

⁶³ Por menor se entiende toda persona de menos de dieciocho años; desvinculándose de la edad de consentimiento sexual fijada en el Código Penal (los dieciséis años). Un límite de edad que quedó fijado en 2001 en el Convenio de Budapest, aunque permitiendo hacer reservas para rebajar la edad hasta

*una persona con discapacidad necesitada de especial protección*⁶⁴ *participando en una conducta sexualmente explícita*⁶⁵, *real o simulada. (b) Toda representación de los órganos sexuales de un menor o persona con discapacidad necesitada de especial protección con fines principalmente sexuales. (c) Todo material que represente de forma visual a una persona que parezca ser un menor participando en una conducta sexualmente explícita, real o simulada, o cualquier representación de los órganos sexuales de una persona que parezca ser un menor, con fines principalmente sexuales, salvo que la persona que parezca ser un menor resulte tener en realidad dieciocho años o más en el momento de obtenerse las imágenes. (d) Imágenes realistas de un menor participando en una conducta sexualmente explícita o imágenes realistas de los órganos sexuales de un menor, con fines principalmente sexuales.* Tal y como queda definida, podemos establecer dos tipos de pornografía infantil. Por un lado, la pornografía infantil clásica (apartados *a* y *b*), que englobaría aquellas representaciones en que han intervenido menores reales, sin manipulación de imagen. Por el otro, la pornografía alusiva a menores (apartados *c* y *d*), es decir, aquella en cuya elaboración no se utiliza realmente a menores de edad o estos son utilizados de forma indirecta; que a su vez se subdividiría en dos grupos: pornografía infantil técnica (apartado *c*) y pornografía infantil virtual (apartado *d*). Se trata de un nuevo tipo de pornografía infantil surgido a raíz de la evolución tecnológica y de la preocupación de los legisladores de todo el mundo por la necesidad de perseguir y sancionar toda conducta relacionada con la pornografía infantil (DÍAZ CORTÉS, 2016; OSSANDÓN WIDOW, 2014).

Pornografía infantil clásica. Tras la reforma operada por la LO 1/2015, cualquier representación de menores de dieciocho años en conductas sexualmente explícitas es considerada pornografía infantil, aunque también lo es la sola representación, real o ficticia, de los órganos sexuales de un menor, real o ficticio, hecha con una finalidad principalmente sexual (GARCÍA ALBERO, 2015). A este respecto, surgen dudas sobre si las imágenes de menores desnudos – como representación de sus órganos sexuales – podrían ser incluidas en el tipo. Según DE LA ROSA CORTINA (2015a, p. 315) “la clave estaría en que el material visual se centre bien en un comportamiento sexual de un menor, bien en sus órganos sexuales, bien en su sexualidad”. De esta manera, la forma de presentar el desnudo será determinante para atribuir a las imágenes un carácter pornográfico. Así, tendrán relevancia penal tanto las fotografías de niños desnudos – o parcialmente desnudos – en posados con contenido sexual, como aquellas que pongan el énfasis en sus genitales. Sin embargo, no serían incardinables en el tipo los simples desnudos de menores, sin contenido sexual, recopilados de fuentes legales. Pero debe valorarse tanto la forma de presentar el desnudo como el uso a que se destina el material, pues será necesario que persiga fines principalmente sexuales. Una finalidad que debería determinarse de una manera objetiva –tal y como ocurría cuando hablábamos de la pornografía de una manera general–, y no en función de cómo pueda ser percibido el material por parte del supuesto pedófilo; pues, de lo contrario, esta definición podría servir para reprimir el desnudo infantil siempre y cuando este material utilizado por el pedófilo (GARCÍA ALBERO, 2015). A este respecto, se pronuncia la Fiscalía General del Estado, en su Circular 2/2015 (pp. 6-7): “Los “fines principalmente sexuales” que permiten

los dieciséis años. En el Convenio de Lanzarote de 2007 la edad se fija en menores de dieciocho años, sin posibilidad de hacer reservas, al igual que en la Directiva 2011/93/UE (vid. DE LA ROSA CORTINA, 2015a).

⁶⁴ Esta definición equipara la pornografía infantil a la pornografía “en cuya elaboración hayan sido utilizadas personas con discapacidad necesitadas de especial protección”. Sin embargo, no existe tráfico de pornografía de adultos discapacitados, por ello, a lo largo del trabajo nos referiremos exclusivamente a menores (vid. Circular 2/2015 de la Fiscalía General del Estado).

⁶⁵ “Las conductas sexualmente explícitas deben abarcar al menos los siguientes actos reales o simulados: a) relaciones sexuales, incluyendo genital-genital, oral-genital, anal-genital u oral-anal entre niños o entre un adulto y un niño, del mismo o de distintos sexos b) bestialismo c) masturbación d) abusos sádicos o masoquistas en un contexto sexual o e) exhibición lasciva de genitales o del área púbica de un niño. No es relevante si la conducta representada es real o simulada” (vid. Circular 2/2015 de la Fiscalía General del Estado, p. 4).

calificar la representación de los órganos sexuales de un menor como pornografía, deberán tener reflejo en el propio material, no siendo suficiente con la mera intencionalidad de quien lo posee o difunde. Distinto será el caso de quien elabora el material. En este supuesto, el *animus* del sujeto activo que entra en contacto directo con el menor y que obtiene del mismo fotografías o videos de sus órganos sexuales, puede ser determinante para calificar el resultado como pornográfico”. De esta manera, siempre que las circunstancias de producción, distribución o tenencia pusieran de manifiesto la utilización del material con fines sexuales⁶⁶, las imágenes de simples desnudos de menores pasarían a ser consideradas como material pornográfico infantil (DE LA ROSA CORTINA, 2015a).

Pornografía alusiva a menores: pornografía infantil técnica. La dificultad –o imposibilidad en muchas ocasiones– para determinar la edad real de las personas representadas en las imágenes investigadas, ha llevado a la ampliación del concepto de pornografía infantil y, con ella, a la inclusión del concepto de pornografía infantil técnica en el CP español (BOLDOVA PASAMAR, 2016; NEGREDO y HERRERO, 2016). Se trata de imágenes en las que aparecen personas mayores de dieciocho años, que son presentadas como menores de edad⁶⁷ –hecho buscado por el productor– en un contexto sexual, y ante las que resulta particularmente difícil determinar la mayoría o minoría de edad de los protagonistas (BOLDOVA PASAMAR, 2016; DE LA ROSA CORTINA, 2015a; GARCÍA ALBERO, 2015). Esta “ilusión” de la minoría de edad deriva tanto

de la caracterización y el aspecto externo de los actores (actores con unos rasgos especialmente añados y maquillados convenientemente para resaltarlos, imágenes retocadas digitalmente en las que son borrados los signos de madurez sexual de los actores, ...) como del contexto en el que se les coloca (vestimenta, escenario infantil, etc.), así como de las descripciones textuales de los archivos o el audio que acompañe los vídeos (DE LA ROSA CORTINA, 2015a; GARCÍA ALBERO, 2015). No bastará, por tanto, con que los protagonistas parezcan ser menores y pueda existir duda sobre su mayoría de edad, sino que deberán ser presentados deliberadamente como menores⁶⁸ (DE LA ROSA CORTINA, 2015a). Aunque, ateniéndonos al tenor literal del precepto, el empleo del verbo “parecer”, sin hacer ningún tipo de alusión al modo en que son presentados los protagonistas, podría suscitar dudas sobre este requisito esgrimido por la Fiscalía. La Directiva 2011/93/UE contempla una excepción a la punibilidad de estos supuestos, discrecional para los Estados miembros, y que el legislador español ha decidido incorporar a su articulado: *que la persona que parezca ser un menor resulte tener en realidad dieciocho años o más en el momento de obtenerse las imágenes.* Se parte por tanto de una presunción *iuris tantum* que admite prueba en contrario, una excepción que se materializa en una inversión de la carga de la prueba. La Fiscalía exige que, ante estos supuestos, se agoten todas las posibilidades razonables de determinación de la edad antes de castigar la conducta; pero, en todo caso, si la edad de los protagonistas no llega a determinarse la conducta será punible⁶⁹ (BOLDOVA

⁶⁶ DE LA ROSA CORTINA, 2015^a (p. 315): “Si la imagen, además del desnudo presenta otros elementos adicionales con significación sexual (expresión facial, focalización en los genitales, etc.) puede considerarse material pornográfico infantil. Si la imagen, además del desnudo, presenta otros elementos asociados escritos o de audio con connotaciones sexuales (por ejemplo, voz en *off* que va explicando las conductas sexuales mantenidas con la menor que aparece en un vídeo desnuda), también podría considerarse material pornográfico infantil.”

⁶⁷ La Circular 2/2015 de la Fiscalía General del Estado exige que los protagonistas del material puedan ser menores y “se les presente como menores”.

⁶⁸ Circular 2/2015 de la Fiscalía General del Estado (pp. 10-11): “Si pueden ser menores y se les presenta como menores, el material será subsumible en el

concepto de pornografía infantil, salvo que se acredite que eran adultos. Si pueden no ser menores y no se les presenta como menores, habrá de optarse por la no incriminación”. De esta manera, “la posesión o difusión de material que incorpore una escena sexual protagonizada por una persona no identificada de la que no está claro si es mayor o menor sin hacer mención a su minoría de edad y sin relacionarla con iconografía propia de menores (rasgos añados, vestido, peinado, etc.) no deberá perseguirse penalmente.”

⁶⁹ Si las investigaciones pueden determinar la minoría de edad de las personas representadas en la fecha que se produjo el material, el material pasaría a considerarse pornografía infantil clásica y sería castigado como tal. Sin embargo, la comprobación de que los protagonistas tenían en realidad dieciocho

PASAMAR, 2016; DE LA ROSA CORTINA, 2015a; GARCÍA ALBERO, 2015). De esta manera, sólo podrán castigarse bajo este precepto aquellos casos en que, ante la imposibilidad de determinar la minoría de edad de los protagonistas, resulte manifiesto que el personaje representado es indiferenciable o indistinguible de un menor real (BOLDOVA PASAMAR, 2016). Una vez más, tal excepción no queda fuera de polémicas, ya que para autoras como DÍAZ CORTÉS (2016) esta previsión frustraría las pretensiones de intervención penal del legislador ante este tipo de materiales, “desnaturalizando” el elemento característico de la pornografía infantil técnica: imágenes realizadas por adultos que parecen ser menores.

Pornografía alusiva a menores: pornografía infantil virtual. Se trata de imágenes elaboradas de manera virtual, por ordenador u otro medio, que representan, de una manera realista, a menores de edad en conductas sexualmente explícitas. La imagen del menor o de sus órganos sexuales es una creación artificial (imágenes alteradas de personas existentes⁷⁰, imágenes generadas *ex nihilo* mediante ordenador, ...), pero necesariamente deberá ser realista para ser considerada pornografía infantil virtual (DE LA ROSA CORTINA, 2015a; BOLDOVA PASAMAR, 2016; GARCÍA ALBERO, 2015; NEGREDO y HERRERO, 2016). Debe tratarse de imágenes que se aproximen en alto grado –hasta hacer casi imperceptible la diferencia– a la representación gráfica de un auténtico menor. Imágenes cercanas a la realidad, a la que tratan de imitar, susceptibles de engañar a un espectador medio sobre su apariencia de realidad de una manera continuada –lo cual podría entrañar dificultades técnicas para distinguir las

imágenes manipuladas de las que no lo son, la pornografía infantil clásica de la virtual (TAMARIT SUMALLA, 2000). No perseguirían ese acercamiento a la realidad y, por tanto, no podrían considerarse imágenes realistas ni típicas, los dibujos que representen a menores en una conducta sexual explícita⁷¹ (DE LA ROSA CORTINA, 2015a; BOLDOVA PASAMAR, 2016; GARCÍA ALBERO, 2015; NEGREDO y HERRERO, 2016).

Definición psico-criminológica. En muchas ocasiones la definición jurídica de la pornografía infantil impide abarcar este complejo fenómeno en su totalidad desde un punto de vista psico-criminológico, pues entre aquellos materiales que pueden resultar sexualmente excitantes para los adultos con un interés sexual por los menores, podemos identificar una amplia gama que no entraría dentro de la definición legal antes expuesta (TAYLOR, HOLLAND y QUAYLE, 2001). Entre las imágenes que circulan por Internet podemos encontrar imágenes comerciales (anuncios de pañales, revistas de moda infantil,...) –que no han sido creadas con fines sexuales–, imágenes de niños vestidos procedentes de álbumes familiares o de otras fuentes lícitas (niñas vestidas de princesas o en mallot de ballet, niños y niñas en bañador,...) y otras tomadas a escondidas –sin que el menor llegue a tener conocimiento de su existencia–, todas ellas sin connotaciones sexuales manifiestas (JENKINS, 2001; MIRKIN, 2009; QUAYLE y JONES, 2011). Se establece así una distinción entre la pornografía infantil y el erotismo infantil. Mientras que la primera se considera explícitamente sexual en términos del contenido de la imagen, las imágenes eróticas infantiles pueden referirse a cualquier imagen

años o más en el momento de producirse el material, excluiría la punibilidad de la conducta. En caso de no poder determinarse la mayoría o minoría de edad de las personas representada, siempre y cuando el material las presente como menores de edad, la conducta sería típica (vid. Circular 2/2015 de la Fiscalía General del Estado).

⁷⁰ Estaríamos hablando de una técnica conocida como *morphing*: imágenes generadas por ordenador en las que la imagen de la cabeza de un niño se coloca digitalmente en el cuerpo de un adulto que está llevando a cabo alguna forma de conducta sexualmente explícita, se utiliza la voz de menores que no intervienen realmente en las escenas sexuales o bien se añaden objetos a una imagen para simular

que se trata de menores (FERNÁNDEZ TERUELO, 2007; JIMÉNEZ SERRANO, 2012; MORALES PRATS, 2001; PAUL, 2003; TAMARIT SUMALLA, 2000). Un tipo de material conocido como pseudo pornografía infantil y castigado de forma expresa en el anterior Código Penal a través del artículo 189.7, que ahora se incardinaría en el tipo de pornografía infantil técnica o virtual –siempre y cuando se trate de imágenes realistas.

⁷¹ Un claro ejemplo de este tipo de materiales lo encontraríamos en el *manga* y *anime* erótico (*hentai*), concretamente en los subgéneros dedicados a personajes menores de edad (*lolicon* en caso de las niñas y *shotacon* en el caso de los niños; McLELLAND y YOO, 2007; SAVAGE, 2015).

que sea utilizada por un individuo con fines sexuales (OSWELL, 2006; TAYLOR et al., 2001). Y es que ese “sentido subjetivo de excitación sexual” al que aludía LASKER (2013, p. 13) también puede obtenerse a partir de imágenes de menores al parecer inocuas e inocentes (HOWITT, 1995). En este sentido, aquel sujeto que se masturba viendo una revista de moda infantil percibe esa revista como algo sexualmente excitante. Para él esa revista es pornográfica pues consigue satisfacer sus deseos libidinosos, aunque no lo sea para el resto de ciudadanos y, por tanto, este material cumplirá en este caso las mismas funciones que la pornografía infantil penalmente perseguible. Por otro lado, resulta de especial relevancia el contexto en el que se enmarque el material para poder considerarlo como pornográfico. Se trata de imágenes que pierden su “inocencia” por el contexto en el que se encuentran (foros dedicados a la pornografía infantil, sitios Web que además contienen pornografía infantil explícita, series de imágenes de un mismo menor con distinto grado de explicitud, ...) y que, aunque a menudo tengan un tono erótico, no se considerarían pornográficas en otros contextos (COHEN-ALMAGOR, 2013; JENKINS, 2001; MIRKIN, 2009). Tampoco es típica la pornografía infantil narrativa⁷²: historias, diarios, dibujos animados y cualquier otro material escrito que represente a un menor de dieciocho años en un contexto sexual, describiendo actividades sexuales, y que sea creado para excitar sexualmente al destinatario (CROOKES, MERDIAN y HASSETT, 2016; FERNÁNDEZ TERUELO, 2007; JENKINS, 2001)⁷³. Aunque, desde un punto de vista psicológico, este tipo de material pornográfico podría ser más perjudicial que el material visual, actuando como un reforzador más potente de las distorsiones cognitivas y un mejor potenciador de las

fantasías sexuales de sus consumidores (CROOKES et al., 2016)⁷⁴.

Historia legislativa

Desde la entrada en vigor del CP de 1995, el legislador ha llevado a cabo un endurecimiento progresivo de la intervención penal en materia de protección de la indemnidad sexual de los menores –impuesto en gran parte por los compromisos internacionales y supranacionales asumidos por nuestro país– esencialmente a través de dos medidas: la elevación de la edad del consentimiento sexual y la ampliación de los tipos relativos a la pornografía infantil (ORTS BERENGUER, 2015; ROPERÓ CARRASCO, 2014). En 1999 se aprueba la primera reforma expansiva de los delitos contra la indemnidad sexual de los menores (LO 11/1999, de 30 de abril) –incluyendo nuevas conductas típicas al articulado como la producción, venta o distribución de pornografía infantil–; reforzada por las sucesivas Leyes Orgánicas promovidas por los distintos gobiernos: LO 15/2003, de 25 de noviembre –que castiga por primera vez la simple posesión de material pornográfico infantil–, LO 5/2010, de 22 de junio y LO 1/2015, de 30 de marzo –trayendo consigo un evidente adelantamiento de las barreras de protección penal al incorporar las tendencias político criminales de la Unión Europea⁷⁵. Todo ello ha supuesto la sucesiva agravación de la respuesta sancionadora y el progresivo ensanchamiento del radio típico en los delitos relativos a la pornografía infantil (FERNÁNDEZ TERUELO, 2007; NEGREDO y HERRERO, 2016).

⁷² No ocurre así en países como Australia, donde se ha promovido la persecución de aquellos individuos que han plasmado sus fantasías sexuales con menores en papel (vid. McLELLAND y YOO, 2007).

⁷³ La pornografía infantil narrativa, como una entidad separada de la pornografía infantil visual, se constituye como un área poco investigada, resultado de las dificultades que rodean su conceptualización. Poco se sabe sobre el significado psicológico del uso del de pornografía infantil narrativa, su función y el vínculo con un interés sexual hacia los niños (vid. CROOKES et al., 2016).

⁷⁴ MERDIAN (2012) identificó en su estudio que más de la mitad de los consumidores de pornografía infantil de su muestra poseían material narrativo.

⁷⁵ La Directiva 2011/93/UE, además de aportar una definición exhaustiva de aquello que debe entenderse por pornografía infantil –incluyendo la pornografía infantil técnica y virtual–, fija los mínimos de penalización que deben tener los límites máximos de pena previstos en las legislaciones nacionales, además de exigir la incriminación de conductas como la posesión, producción y difusión de pornografía infantil alusiva a menores (TAMARIT SUMALLA, 2015).

Resultado normativo: regulación actual en el Código Penal

Tras la reforma operada por la LO 1/2015, nuestro CP castiga la utilización de menores para fines pornográficos, la producción y difusión de pornografía infantil, la posesión y adquisición de pornografía infantil, el acceso a sabiendas a pornografía infantil⁷⁶ y la asistencia a espectáculos exhibicionistas o pornográficos en los que participen menores de edad, agravando la respuesta sancionadora y ampliando el abanico de conductas punibles relacionadas con la pornografía infantil para cubrir la tutela legal al máximo –un criterio expansivo difícilmente justificable en términos de ofensividad (BORJA JIMÉNEZ, 2011; ORTS BERENGUER y ROIG TORRES, 2014).

Por otro lado, tal y como se ha comentado anteriormente, se amplía el concepto de pornografía infantil, incluyendo no solamente el material elaborado con menores reales (pornografía infantil clásica), sino también la pornografía virtual –aquella en la que la imagen del menor es una creación artificial pero realista, elaborada por ordenador u otro medio– y la pornografía técnica –imágenes en las que aparecen personas presentadas como menores en un contexto sexual. La actual normativa suprime el tipo de pseudo pornografía infantil, aunque pasa a poder ser castigado como pornografía infantil virtual o técnica (NEGREDO y HERRERO, 2016).

Se tipifica por tanto el acceso a sabiendas, la adquisición, posesión, producción y difusión de pornografía infantil virtual⁷⁷ y técnica (DE LA ROSA CORTINA, 2015a), siendo aplicables algunos de los subtipos agravados del artículo 189.2 (DE LA ROSA CORTINA, 2015b). Concretamente, podría aplicarse la agravación ante los siguientes supuestos:

- *Cuando el material pornográfico fuera de notoria importancia* (art. 189.2.e); siempre que el material hubiera sido objeto de difusión o estuviera dispuesto para la difusión.

- *Cuando el culpable perteneciere a una organización o asociación, incluso de carácter*

transitorio, que se dedicare a la realización de tales actividades (art. 189.2.f); podría ser aplicado a organizaciones dedicadas a la producción de pornografía virtual o técnica.

- *Cuando concurra la agravante de reincidencia* (art. 189.2.h); independiente del tipo de material de que se trate.

Bien jurídico y criterios interpretativos

¿Por qué se castiga?

El Derecho Penal tiene como función principal la de proteger bienes jurídicos, valores socialmente relevantes, con el fin de ordenar la coexistencia en paz de los seres humanos; aunque no todos ni frente a toda clase de ataques. De acuerdo con el principio de intervención mínima o de última ratio, el Derecho Penal sólo se ocupa de los bienes tenidos por más valiosos y frente a los ataques más intolerables, que harían imposible esa convivencia pacífica (CARBONELL MATEU, 1999). Por otro lado, el Derecho Penal español se encarga de castigar hechos, conductas (Derecho Penal del hecho), y no pensamientos o fantasías sexuales (Derecho Penal del autor). En este sentido, la inexistencia de menores reales en la pornografía alusiva a menores ha suscitado un hondo debate jurídico en torno a la injustificada y desproporcionada limitación a la libertad de expresión que supone la criminalización de este tipo de imágenes (MORALES PRATS, 2001).

Algunos autores argumentan que la inexistencia de menores reales participando en actividades sexuales o pornográficas implica la ausencia de un sujeto pasivo y, por tanto, la ausencia de bienes necesitados de protección penal. No habría ni bien jurídico lesionado ni puesto en peligro –salvo que se aluda a un peligro remoto, sin base científica, de incitación al abuso sexual infantil–, ni sujeto pasivo, lo cual contradeciría los principios de ofensividad, proporcionalidad y prohibición de exceso (BOLDOVA PASAMAR, 2016; GARCÍA ALBERO, 2015; GARCÍA VALDÉS, 2004; ORTS BERENGUER, 2015; ORTS BERENGUER y ALONSO RIMO, 2014). Se

⁷⁶ La simple visualización del material, por ejemplo, vía *streaming*.

⁷⁷ Teniendo en cuenta la facultad de discrecionalidad prevista por la Directiva 2011/93/UE ante estos supuestos, la Fiscalía permite sobreseer las

actuaciones ante este tipo de conductas cuando esté excluido el riesgo de difusión de un material que no representa a menores reales, al carecer del mínimo de antijuridicidad material exigible (vid. Circular 2/2015 de la Fiscalía General del Estado).

trata de imágenes que pueden ser tildadas de inmorales y de muestras de mal gusto, pero el rechazo social a tales desviaciones no justifica por sí solo la intervención del Derecho Penal, ya que, de ser así, habríamos caído en una confusión de los planos ético y jurídico, sin fundamentación constitucional, e irracional en términos político-criminales (FERNÁNDEZ TERUELO, 2006; ORTS BERENGUER, 2015). En todo caso, los bienes jurídicos afectados por el acceso a sabiendas, la adquisición, posesión o producción de este tipo de materiales no serían la libertad o indemnidad sexuales de los “menores” representados –no han sido utilizados menores reales para su creación y, por tanto, no se han visto afectados por las actividades sexuales o pornográficas representadas en los mismos (FERNÁNDEZ TERUELO, 2006, 2007).

En cuanto a los argumentos esgrimidos para la criminalización de la pornografía infantil técnica y virtual, encontraríamos la banalización y aceptación de la explotación sexual infantil, a la que podría contribuir la disponibilidad de este tipo de materiales⁷⁸. Por otro lado, se argumenta que este tipo de material pornográfico ataca la dignidad de la infancia en su conjunto⁷⁹ –no de un menor concreto e identificable. Asimismo, se alude a la posibilidad de que la circulación de estos materiales incentive un interés sexual hacia los menores, que derive en el abuso sexual de menores reales –lo que es objeto de controversia científica–, poniendo en peligro la dignidad e indemnidad sexual de la infancia en general⁸⁰ –bien jurídico supraindividual– (DE LA ROSA CORTINA, 2011, 2015a). El Derecho Penal se encargaría entonces de gestionar “riesgos potenciales, difusos e indeterminados” (GARCÍA ALBERO, 2015).

Si nos centramos en la pornografía infantil técnica, se alude a dificultades probatorias, pues su tipificación perseguiría evitar la impunidad de aquellos materiales protagonizados por

adolescentes cercanos a la mayoría de edad, cuando no pueda demostrarse su edad real (BOLDOVA PASAMAR, 2016; DE LA ROSA CORTINA, 2015a). Aunque no es baladí mencionar el riesgo que entraña la inclusión de esta modalidad de pornografía en el radio típico, pues, bajo este precepto, podríamos estar criminalizando obras pornográficas producidas con mayores con la apariencia de menores auténticos –algo constitucionalmente inaceptable– (ORTS BERENGUER y ALONSO RIMO, 2014).

Con respecto a la pornografía infantil virtual, se alegan también razones de naturaleza procesal, como la gran dificultad de distinguir entre imágenes de menores reales e imágenes realistas generadas por ordenador (DE LA ROSA CORTINA, 2011). Pero en estos casos en los que el material pornográfico es sólo una recreación virtual, el sujeto pasivo no es real, se trata de una creación *ex novo*; por tanto, ningún bien jurídico penalmente protegido queda afectado, pues no se podrá lesionar o poner en peligro mediante las conductas típicas que se realicen sobre el objeto material del delito (BOLDOVA PASAMAR, 2016; GARCÍA VALDÉS, 2004). Tampoco podría hablarse de un peligro abstracto para la juventud y la infancia por el hecho de poseer, producir o traficar con pornografía infantil virtual; lo cual no justificaría la creación del bien jurídico supraindividual de dignidad e indemnidad sexual de la infancia en su conjunto, un bien jurídico aparente pero irreal. Tanto es así que la propia Directiva 2011/93/UE permite a los Estados excepcionar la punición cuando esta modalidad de pornografía infantil se hubiera producido y estuviera en posesión de su productor estrictamente para su uso privado –previsión a la que no se acogió el legislador español– (BOLDOVA PASAMAR, 2016).

Pensemos en el siguiente ejemplo: un individuo con conocimientos en diseño 3D

⁷⁸ “La pornografía infantil virtual comunica que la sexualidad del menor resulta socialmente aceptable” (GARCÍA ALBERO, 2015, p. 290).

⁷⁹ Vid. informe del Consejo Fiscal al Anteproyecto de Ley Orgánica por la que se modifica la Ley Orgánica 10/1995 de 24 de noviembre, del Código Penal (p. 184): “Cabe justificar la tipificación en que estas conductas banalizan y pueden contribuir a la aceptación de la explotación sexual de los niños y en que atacan la dignidad de la infancia en su conjunto” (Consejo Fiscal, 8 de enero de 2013).

⁸⁰ La criminalización de la pornografía alusiva a menores se constituye como un delito no sólo contra un niño en particular, sino contra todos los niños. Es un crimen contra la infancia como concepto universal. De esta manera, cada imagen en la que aparece un niño –real o no– que es abusado sexualmente es una imagen que representa a todos los niños. Las cualidades de la “niñez” en la imagen se constituyen con referencia a la “niñez” más allá del niño particular en la imagen (es decir, a una serie de cualidades universales, aunque abiertas al cambio social e histórico; OSWELL, 2006).

decide plasmar sus fantasías sexuales en una pantalla y crea con su ordenador personal unas imágenes de menores practicando toda clase de actividades sexuales; una vez creada se masturba –o no– en su habitación contemplando su propia obra, la cual decide almacenar. Días más tarde, sufre una avería informática y su ordenador debe ser reparado por un técnico, quien descubre la perversa obra y advierte a las Fuerzas y Cuerpos de Seguridad del Estado de tal averiguación; quienes, a continuación, procederán a la detención del artista por posesión de pornografía infantil virtual. En este caso, ¿estaríamos velando por la coexistencia pacífica de nuestra sociedad o ante una auténtica “caza de brujas”?⁸¹

En los casos de *morphing*, en los cuales el objeto de la acción son los citados materiales, y no los menores que aparecen en los montajes, se alude a una protección de la dignidad del menor, su intimidad, su honor o su derecho a la propia imagen (FERNÁNDEZ TERUELO, 2006; GARCÍA VALDÉS, 2004; MORALES PRATS, 2001); pues ciertamente en estos casos se ha abusado parcial o levemente de la imagen o voz del menor –aunque no se utiliza realmente al menor–, manipulándola con artificios técnicos, para crear el resultado final. La simple representación de un menor en contextos propios de la pornografía vulneraría su derecho a la intimidad y afectaría a su dignidad y a su propia imagen (CABRERA MARTÍN, 2003). Tal modalidad pornográfica tampoco se traduciría en actos que incidan realmente sobre la indemnidad sexual del menor, ya que se trata de figuras creadas a partir de los rasgos de un menor real, una práctica que implica la unión de aspectos reales e imaginarios o falseados en los que se saca de contexto la figura del menor, creando un nuevo ente –irreal– que desarrolla todo tipo de actividades sexuales (GUINARTE CABADA y VÁZQUES-PORTOMEÑE SEIJAS, 2014; MORILLAS FERNÁNDEZ, 2010). Por tanto, ante los casos de *morphing*, parecería lógico que la afectación a estos otros bienes jurídicos (dignidad, intimidad, honor, propia imagen) debería ser subsumida en el marco de las figuras típicas que se encargan de la protección específica de dichos bienes (FERNÁNDEZ TERUELO, 2006; MORILLAS FERNÁNDEZ, 2010).

⁸¹ Vid. BOLDOVA PASAMAR, 2016; GARCÍA ALBERO, 2015.

¿Con qué efectos?

La tipificación de la pornografía alusiva a menores tiene una consecuencia inmediata: la inversión de la carga de la prueba. Por un lado, esto permite sostener con mayor facilidad la acusación, pero por el otro, implica la deriva del principio acusatorio y de la presunción de inocencia del investigado. La acción penal frente a la pornografía infantil virtual y técnica podrá promoverse sin necesidad de una prueba que demuestre que el menor que aparece en la imagen es real o que acredite la minoría de edad de la persona que es presentada como un menor (DE LA ROSA CORTINA, 2015a); estaríamos por tanto ante una situación de “*in dubio contra reo*”.

Por otro lado, y en contra del principio de proporcionalidad, se prevén las mismas penas en los tipos básicos para la pornografía infantil clásica y para aquella en la que no se utilizan menores reales (DÍAZ CORTÉS, 2016; OSSANDÓN WIDOW, 2014). La imagen se convierte así en la medida de lo real, no importa que el material haya sido producido con un menor real o no; si lo que se ve en la imagen parece un menor, el material llevará emparejadas las mismas penas que la pornografía infantil clásica y será tratado como tal. Independientemente de que las imágenes descargadas constituyan o no registros de un abuso real, estas son tratadas como si lo fueran. Ambas se consideran registros de un hecho delictivo, aunque en el caso de la pornografía alusiva a menores el delito es virtual –ha ocurrido en un espacio virtual–, en lugar de real (OSWELL, 2006).

Sin embargo, cabe destacar que, al contrario de lo que ocurre en el caso de la pornografía infantil técnica, ante la que se prevé una excepción a la punibilidad cuando puede probarse *a posteriori* que la persona representada en el material era realmente un mayor de edad –y que por tanto no se había victimizado a ningún menor real–; de nada sirve probar que aquella imagen realista pero artificial, indistinguible de la de un menor real, realmente fue generada por ordenador u otro medio técnico⁸² (GARCÍA ALBERO, 2015) –y, de nuevo, sin haber

⁸² “Una pornografía representada por personas reales, y aparentemente mucho más realista, resultará pues atípica, mientras aquella que de modo más notorio

victimizado a ningún menor real. Pareciera entonces que lo realmente relevante sería el realismo de la imagen y no la existencia real de un menor victimizado para crearla.

Evidencia científica al respecto

Relación entre la disponibilidad de pornografía y los delitos sexuales de contacto: estudios poblacionales

En la sociedad occidental contemporánea, el uso de la pornografía parece haberse extendido más que en cualquier otro momento, pues Internet ha permitido ampliar el potencial de creación y distribución de este tipo de material. Si bien la prevalencia de la pornografía sugiere que el uso en sí mismo no resulta patológico⁸³, históricamente la pornografía ha sido vista como una influencia socialmente corruptora (LASKER, 2013), algo que se ha trasladado en los últimos años al consumo de pornografía infantil. Uno de los temores tradicionales con respecto a la pornografía es que la exposición a la misma pudiera desencadenar cierto tipo de fantasías sexuales que conducen a la comisión de delitos sexuales (KUTCHINSKY, 1973). Otros, sin embargo, defendieron un efecto catártico de la pornografía, la cual actuaría como una "válvula de escape" para las frustraciones contenidas de los delincuentes sexuales potenciales (KRONHAUSEN y KRONHAUSEN, 1964)

Según los datos obtenidos por KUTCHINSKY (1973), se produjo un descenso significativo en el número de delitos sexuales registrados por la policía en Copenhague durante un intervalo temporal (1959-1970) coincidente con la liberalización de la persecución legal de la pornografía en Dinamarca, y el consiguiente incremento en la disponibilidad de la pornografía "dura" en el país. En el caso del abuso sexual a menores, este descenso supuso una verdadera reducción en el número de delitos cometidos – especialmente en víctimas con edades comprendidas entre los cuatro y los siete años.

Asimismo, los resultados obtenidos por KUTCHINSKY en ulteriores estudios (1985) evidenciaron que en Dinamarca y Alemania Occidental los descensos más pronunciados se produjeron en el número de delitos sexuales cometidos por y contra menores de edad –los delitos sexuales con víctimas menores de catorce años experimentaron un descenso del 10%, aunque, cuando las víctimas eran menores de seis años, ese descenso superaba el 50%. Todo ello parecía apuntar a la amplia disponibilidad de la pornografía como la causa directa de tal descenso, pues no se produjo una reducción en la frecuencia de las denuncias por este tipo de delitos y la reducción de estos casos fue homogénea para todos los delitos sexuales, independientemente de su gravedad.

Al centrarse en el posible efecto del acceso a pornografía infantil, se observó que en el año 1965 –año en que aparece la primera revista dedicada a la pornografía infantil en Dinamarca, con 2 millones de copias vendidas– se produjo un descenso del 56% en los abusos sexuales a niñas con edades comprendidas entre los cuatro y los cinco años, lo cual apuntaba a que los potenciales abusadores obtuvieron una satisfacción sexual suficiente a través del uso de pornografía – probablemente en combinación con la masturbación– (KUTCHINSKY, 1973). Lo mismo ocurrió en la República Checa entre los años 1989 y 2007 (DIAMOND, JOZIFKOVA y WEISS, 2011) –un periodo en el que la pornografía infantil no fue restringida–, intervalo en el que se produjo un descenso significativo en la incidencia del abuso sexual infantil, mientras delitos no sexuales como los atracos parecían aumentar. Con respecto a los estudios en otras culturas como la japonesa, se observó que entre 1972 y 1995 –periodo en el que la legislación japonesa sufrió un gran cambio en la regulación de la pornografía⁸⁴– el número de violaciones cometidas por menores descendió drásticamente, así como el número de víctimas menores (especialmente entre las chicas menores de trece años); la mayor proporción de víctimas y

resulta pura ficción será penada en todo caso." (GARCÍA ALBERO, 2015, p. 291).

⁸³ "Si ver pornografía nos llevara a poner en práctica nuestras fantasías sexuales, dada la magnitud de su uso, estaríamos enfrentándonos a una epidemia de delitos sexuales en nuestra sociedad" (SMITH y CREE, 2014, p.321).

⁸⁴ Se incrementó la disponibilidad de materiales pornográficos de toda índole, incluyendo la pornografía infantil –materiales que también eran accesibles a menores de edad– (DIAMOND y UCHIYAMA, 1999).

delinquentes pasó a situarse en personas adultas (DIAMOND y UCHIYAMA, 1999).

A la vista de los datos expuestos, la evidencia científica parece ser unánime: en aquellos países en los que ha aumentado el acceso a la pornografía, los delitos sexuales han disminuido o no han aumentado. Asimismo, no se ha demostrado ninguna relación causal entre el visionado de pornografía infantil y la comisión de un abuso sexual infantil real (DIAMOND, 2009). De hecho, en los tres únicos países en los que la pornografía infantil fue legal, Dinamarca (KUTCHINSKY, 1973), Japón (DIAMOND y UCHIYAMA, 1999) y la República Checa (DIAMOND et al., 2011), las tasas de abuso sexual infantil disminuyeron tras la despenalización de la posesión de pornografía infantil.

La mayoría de las personas que ven pornografía no cometen delitos sexuales, como es evidente teniendo en cuenta la popularidad de las páginas Web pornográficas visitadas por millones de no-delinquentes sexuales. Podemos asumir, por tanto, que la pornografía provoca una excitación sexual en las personas que la ven, pero dicha excitación puede derivar en expresiones sexuales legales (DIAMOND y UCHIYAMA, 1999). En este sentido, la disponibilidad de pornografía puede facilitar la masturbación en solitario o la experimentación con la pareja, impidiendo lo que en el pasado pudo haber derivado en una conducta ilegal y antisocial, con una víctima real (DIAMOND, 2009). Las sociedades que son permisivas hacia la pornografía parecen registrar tasas bajas de delitos sexuales, lo cual apoyaría las tesis sobre las propiedades catárticas de este tipo de materiales (KRONHAUSEN y KRONHAUSEN, 1964; MIRKIN, 2009).

Consumo de pornografía en delinquentes sexuales con víctimas menores de edad

Además de los estudios poblacionales, podemos encontrar otro tipo de investigaciones consistentes en entrevistas a delinquentes sexuales sobre su uso de pornografía (DIAMOND, 2009). Se trata de investigaciones que no están exentas de limitaciones, pues el tabú asociado históricamente al consumo de pornografía hace que los entrevistados tiendan a mentir o minimizar su uso de este tipo de materiales (LASKER, 2013).

Ya en 1988 los estudios parecían indicar que no había una relación clara entre la pornografía y los delitos sexuales. Aquellos individuos para los cuales la pornografía actuaba como el motivador principal o directo de los actos violentos parecían ser relativamente raros (KNUDSEN, 1988). Una parte de los consumidores de pornografía infantil, incluidos los pedófilos, podrían emplear este material como un método de escape mediante el cual fantasear sexualmente y aliviar la tensión sexual sin necesidad de cometer un delito de contacto (CARTER, PRENTKY, KNIGHT, VANDERVEER y BOUCHER, 1987). En este sentido, los resultados de una encuesta anónima en línea a 290 hombres auto-identificados como pedófilos evidenciaron que el 84% de los participantes utilizaban la pornografía infantil como un sustituto del contacto sexual real con un menor (RIEGEL, 2004). Sin embargo, los datos parecen indicar que los delinquentes sexuales con víctimas menores utilizan en mayor medida la pornografía en el transcurso de sus delitos que aquellos con víctimas adultas (21 vs. 8%) (LANGEVIN y CURNOE, 2004); asimismo, en aquellos casos en los que el delito sexual acabó con la muerte de la víctima, se observó un mayor uso previo de pornografía en aquellos con víctimas menores de edad (BEAUREGARD, STONE, PROULX y MICHAUD, 2008).

En el estudio de WHEELER (1996), algunos de los entrevistados describen un efecto catártico de la pornografía –no reflejado en los resultados obtenidos–, mientras que otros perciben un efecto negativo derivado del consumo de pornografía –más de la mitad de los sujetos manifestaron haber sido influenciados a cometer un acto sexual de contacto viendo pornografía, aunque raramente lo llevaron a cabo. Al igual que muchos otros delitos, los delitos sexuales suelen ser delitos de oportunidad, con poco grado de planificación y cometidos habitualmente por individuos con un pobre autocontrol y escaso control social (DIAMOND y UCHIYAMA, 1999). Parece por tanto que el uso de la pornografía para aliviar un impulso delictivo no anula su papel en la intensificación de fantasías sexuales ya activas; en este sentido, aquellos individuos propensos a llevar a la práctica sus fantasías, tendrán una gran probabilidad de hacerlo independientemente de su exposición a la pornografía (CARTER et al., 1987).

Si analizamos más en profundidad los datos, se observa que la mayoría de los delinquentes

sexuales que utilizaron pornografía durante sus delitos emplearon materiales adultos heterosexuales (imágenes de desnudos o actividades sexuales consentidas entre adultos); aunque puede que para algunos este tipo de material fuera el único a su disposición, ya que muchos de ellos generaron su propia pornografía infantil (LANGEVIN y CURNOE, 2004; WHEELER, 1996). En estos casos la pornografía de adultos podría tener como objetivo principal despertar la curiosidad de los niños, prepararles y excitarles; aunque algunos de los sujetos también empleaban este tipo de pornografía para su auto-estimulación (LANGEVIN y CURNOE, 2004). Los delincuentes sexuales con víctimas menores constituyen un grupo heterogéneo y muchos de ellos se sienten atraídos tanto por los adultos como por los niños. En este sentido, parece que una parte sustancial de los casos de abuso sexual infantil ocurren, no debido al interés pedofílico del delincuente, sino porque se utiliza al menor como un sustitutivo del adulto deseado (LANGEVIN y CURNOE, 2004; WEISS, 2002).

Por otro lado, la edad de inicio en el consumo de pornografía parece ser significativamente mayor en los delincuentes sexuales con víctimas menores que en los grupos control (NUTTER y KEARNS, 1993; WHEELER, 1996); lo cual podría afectarles negativamente, retrasando su descubrimiento de la sexualidad entre adultos. Se ha argumentado que esto podría deberse a un menor interés por la pornografía de adultos en su juventud, debido a la presencia de una parafilia pedófila desde edades tempranas; o bien a una forma de evitación deliberada de las representaciones de la sexualidad de los adultos –un gran porcentaje de delincuentes sexuales con víctimas menores han sido a su vez víctimas de

abuso sexual en la niñez– (NUTTER y KEARNS, 1993).

Centrándonos en el uso de pornografía en aquellos delincuentes sexuales pedófilos (parafílicos), HOWITT (1995) detectó un escaso uso de la pornografía comercial en este colectivo, siendo la más común la pornografía “blanda” de tipo heterosexual –algunos la utilizaban como mero entretenimiento, y no para obtener satisfacción sexual. El consumo de pornografía infantil explícita era poco común en estos sujetos⁸⁵. Algunos se manifestaban en contra de la misma, aunque en otros casos el efecto disuasorio de la represión legal de la pornografía infantil podría estar influyendo en sus patrones de consumo de pornografía; de hecho, muchos de ellos generaban sus propios materiales “eróticos” a partir de fuentes relativamente inocuas tales como anuncios de televisión, revistas comerciales no eróticas o catálogos de ropa infantil, o bien, manipulaban cognitivamente la pornografía heterosexual de adultos para generar fantasías pedófilas⁸⁶. En este sentido, parece que la pornografía infantil más explícita no se constituiría como el estímulo erótico más potente para este colectivo⁸⁷.

Según ASLAN (2011) existen varias formas en las que la pornografía infantil puede facilitar los delitos sexuales de contacto, incluyendo la imitación –en la cual el delincuente repite comportamientos retratados en la pornografía infantil con un niño real–, el permiso –el delincuente adquiere valor e ideas de aquello que ha visto en la pornografía infantil–, y el refuerzo de los sentimientos existentes –que motivan al infractor a querer actuar conforme a sus deseos. En los últimos años, sin embargo, los estudios han demostrado que no todos los consumidores de pornografía infantil cometen delitos sexuales de contacto⁸⁸ (ENDRASS et al., 2009; FISHER,

⁸⁵ En este mismo sentido, los resultados obtenidos por PASCUAL, GIMÉNEZ-SALINAS e IGUAL (2017), al analizar una muestra de fotografías de pornografía infantil archivadas en el desarrollo de investigaciones policiales, muestran que el 68% de las imágenes se encuentran clasificadas en niveles leves de gravedad (desnudos y poses eróticas e imágenes que no entrarían dentro de la definición jurídica de pornografía infantil).

⁸⁶ El estímulo externo (la pornografía de adultos) no genera directamente la fantasía sexual con menores, sino que la mente del espectador media entre el material pornográfico y la fantasía sexual, tiene un

papel activo. Lo relevante no sería aquí el contenido del material pornográfico, sino la interpretación y la utilización que haga del mismo el espectador (vid. HOWITT, 1995; OSWELL, 2006; STOLLER, 1970).

⁸⁷ Esto no quiere decir que los pedófilos no encontraran sexualmente excitantes las imágenes de los menores, sino que la pornografía infantil no se constituía como la fuente principal o exclusiva de excitación sexual (HOWITT, 1995).

⁸⁸ MCCARTHY (2010) observó que el 84% de una muestra de delincuentes sexuales de contacto con víctimas menores cometieron el delito antes de poseer pornografía infantil, y no después.

KOHUT, DI GIOACCHINO y FEDOROFF, 2013; SETO y EKE, 2005); el consumo de pornografía infantil no sería, por sí solo, un factor de riesgo para cometer delitos sexuales de contacto (ENDRASS et al., 2009).

La evidencia de una relación causal entre el uso de la pornografía y el delito sexual de contacto sigue siendo ambigua (FISHER et al., 2013; HOWITT, 1995; NUTTER y KEARNS, 1993; SETO, MARIC, y BARBAREE, 2001). En los estudios más recientes el consumo de pornografía aparece como un factor de riesgo para la comisión de un delito sexual en Internet (GABRIEL, 2012), así como una variable asociada a la reincidencia delictiva en el abuso sexual infantil (KINGSTON, FEDOROFF, FIRESTONE, CURRY y BRADFORD, 2008). Por lo general, el consumo de pornografía no puede ser considerado como una causa necesaria o suficiente de las parafilias o de los delitos sexuales, ya que estos delitos pueden ser cometidos por personas con poca o ninguna exposición a la pornografía, y la mayoría de las personas que utilizan pornografía no cometen delitos sexuales (FISHER et al., 2013). Las personas que ya están predispuestas a delinquir sexualmente son las que tienen más probabilidades de mostrar un efecto de exposición a la pornografía y son las que tienen más probabilidades de mostrar los efectos más fuertes. Resulta poco probable que el uso de pornografía influya sobre aquellos hombres que no están predispuestos a cometer un delito sexual de contacto (SETO et al., 2001). De esta manera, el riesgo individual de cometer un delito sexual de contacto actuaría como una variable importante, moderadora de la relación entre la pornografía y el delito sexual; la pornografía simplemente aceleraría un proceso que ya está en

marcha⁸⁹ (KINGSTON et al., 2008; MARSHALL, 2000).

Consumo de pornografía infantil en la que no participan menores reales. ¿Material paliativo o incitador?

Pornografía “teen”: cuando las mayores parecen menores. Se asume ampliamente que los pedófilos son los principales consumidores de pornografía infantil; sin embargo, un gran segmento de la población masculina está interesado en la pornografía en la que aparecen adolescentes (JONES, 1998). Muchos consumidores de pornografía legal demandan actrices jóvenes y los productores de este tipo de vídeos aprovechan la coyuntura para ofrecer contenidos cada vez más próximos a la pornografía infantil y ampliar sus beneficios (BRAY, 2011; PETERS, MORRISON, MCDERMOTT, BISHOP y KISS, 2014), lo que podría inducir a su consumo (SALOM CLOTET, 2008). No hay más que visitar las principales Webs pornográficas (*PornHub, xHamster, XVideos, YouPorn, XNXX, Tube8, RedTube, o YouJizz*) para encontrar la categoría “teens”⁹⁰ en cualquiera de ellas (PETERS et al., 2014), lo que daría cuenta de un amplio mercado de la sexualidad adolescente (JENKINS, 2001). Se trata de un subgénero de pornografía muy popular⁹¹, en el que las actrices –suelen ser ellas quienes adoptan tal rol– simulan ser niñas o adolescentes, o estar apenas por encima de la mayoría de edad⁹². Esta ilusión se crea a través de varios indicadores textuales, verbales, visuales y conductuales: adornos en el texto que describe la imagen (flores y/o corazones), actrices vestidas como colegialas o con coletas, escenarios escolares o de dormitorios infantiles, la presencia de juguetes infantiles, dibujos de niños o accesorios relacionados con la escuela,

⁸⁹ El consumo frecuente de pornografía aumentó el riesgo de cometer un delito sexual de contacto en aquellos sujetos con puntuaciones altas en los factores generales y específicos de riesgo, en cambio, la magnitud del uso de pornografía mostró un escaso valor predictivo en aquellos sujetos con un bajo riesgo de delinquir sexualmente (KINGSTON et al., 2008). Por otro lado, los individuos con una predisposición temprana al delito sexual de contacto han demostrado estar particularmente atraídos por las imágenes de pornografía y son más propensos a exponerse en el futuro a esas imágenes que los individuos de menor riesgo (SHIM, LEE y PAUL, 2007); la pornografía

activa y refuerza las construcciones cognitivas inapropiadas y fomentaría el desarrollo de la preocupación sexual en estos hombres (KINGSTON et al., 2008).

⁹⁰ Abreviatura de *teenagers*, adolescentes en inglés.

⁹¹ En 1993 apareció el primer número de la famosa revista para adultos “Barely Legal”, la cual fue ampliamente imitada (JENKINS, 2001). En las principales Webs pornográficas algunos vídeos de este subgénero cuentan con una media de 5.014.273 visitas (PETERS et al., 2014).

⁹² El género también es conocido como *barely legal*, apenas legal en inglés.

etc. (PETERS et al., 2014). En contraste con la típica actriz porno, las actrices que aparecen en este tipo de imágenes suelen ser muy delgadas, tienen pechos pequeños y usan poco maquillaje; suelen aparecer en los vídeos con hombres mucho mayores, vestidas con ropa y accesorios infantiles y se comportan como "niñas inocentes" sonriendo, sonrojándose, riéndose y algunas simulan ser sexualmente inexpertas⁹³ (DINES, 2009). En algunos de estos vídeos aparecen también otras mujeres adultas, quienes adoptan el papel de la pareja sentimental del compañero masculino, "ofreciendo" a su pareja la actriz "adolescente" y animándoles a tener relaciones sexuales (PETERS et al., 2014). El consentimiento (la voluntad de participar en el acto sexual) es clave en este tipo de pornografía, pues las representaciones coercitivas generan rápidamente en el espectador medio la consciencia de la inadecuación de la relación sexual retratada entre el adulto y la supuesta menor (DINES, 2009). Con el fin de obtener pruebas empíricas fiables sobre los efectos sociales y psicológicos derivados de la exposición a este tipo de materiales, PAUL (2003) llevó a cabo un experimento de laboratorio controlado en el que se observó que, utilizando una tarea de toma de decisiones léxica, los participantes expuestos a pornografía *teen* mostraron una mayor asociación entre los conceptos de "juventud" y "sexo" que aquellos pre-expuestos a pornografía de adultos (imágenes en las que ambos actores son claramente adultos). En estos casos, cuanto menor es la distancia entre dos conceptos en la mente del individuo, más fácil es que uno de esos conceptos active el otro (PAUL y LINZ, 2008). Este subgénero pornográfico, aunque legal, podría contribuir a la hiper-sexualización de los menores (JENSEN, 2010); asimismo, el consumo continuo de este tipo de material podría afectar directamente a las actitudes de sus consumidores sobre lo que es un comportamiento sexual aceptable y apropiado, derivando en la normalización de la actividad sexual entre

adultos y adolescentes –la cual no se traduciría necesariamente en un interés sexual o en el abuso sexual de los menores. La mera formación de un esquema cognitivo "juventud-sexo" no garantiza de ninguna manera la perpetración de la conducta delictiva, pues puede que el individuo encuentre tales pensamientos perturbadores o indeseables y trate de evitar hacer tales asociaciones en el futuro o desarrolle actitudes que refuercen la inadecuación de estos pensamientos; en estos casos el comportamiento sexual delictivo futuro sería poco probable (PAUL y LINZ, 2008). En las páginas Web pornográficas, este tipo de materiales se enmarcan dentro de un contexto en el que aparecen un gran número de anuncios e hipervínculos que ofrecen enlaces a otros sitios que ofrecen contenido similar, lo que transmite un mensaje de la frecuencia y popularidad de estas imágenes, así como de su normalidad. De esta manera, el apoyo social aparente, junto con una fuente ilimitada de contenido, podría resultar en una disminución de las inhibiciones relativas al contacto sexual con menores de edad. Sin embargo, los resultados obtenidos por PAUL y LINZ (2008) en su experimento contradicen estas hipótesis, pues los participantes expuestos a pornografía *teen* no consideraron más aceptable socialmente o legítima la pornografía infantil real o la interacción sexual entre adultos y menores que los participantes expuestos previamente a pornografía claramente de adultos. Es posible que las inhibiciones asociadas a este tipo de comportamiento sexual, tabú en la sociedad occidental contemporánea, no se rompan fácilmente. Según estos autores, el hombre medio ha aprendido a reaccionar con incomodidad frente a los estímulos que pueden resultarle sexualmente excitantes, cuando tal excitación puede tener graves repercusiones sociales negativas. Sin embargo, a medida que disminuyen las reacciones emocionales negativas iniciales, podríamos ver que los participantes llegan a reconocer la naturaleza sexualmente excitante de dicho contenido (PAUL y LINZ, 2008)⁹⁴; pero, en todo caso, la

⁹³ Un pequeño subconjunto de vídeos retrata a las mujeres como inexpertas sexualmente y/o vírgenes, aunque la mayoría no lo hace. Puede que el espectador tipo no se sienta atraído por la inexperiencia sexual de las adolescentes, sino más bien por el contraste entre su juventud y su conducta sexual explícita, que se hace evidente a medida que avanzan las escenas. Asimismo, los indicadores explícitos de un

desequilibrio de poder entre los intérpretes de sexo masculino y femenino eran relativamente infrecuentes (PETERS et al., 2014).

⁹⁴ La desensibilización ocurre cuando, a través de un proceso de exposición repetida, el individuo se acostumbra a un estímulo particular que inicialmente evoca fuertes reacciones emocionales o comportamentales (GUNTER, 2002).

desensibilización provocada por el visionado de pornografía *teen* derivaría a sus consumidores al visionado de pornografía infantil real (DINES, 2009), y no al delito sexual de contacto. DINES (2009) sostiene que aquellos sujetos atraídos sexualmente por los menores podrían utilizar este tipo de pornografía como un sustituto legal de la pornografía infantil, si bien los datos obtenidos por PETERS et al. (2014) sugieren que únicamente una pequeña proporción de las imágenes a libre disposición podrían cumplir esta función⁹⁵.

Materiales creados ex nihilo: pornografía infantil virtual, hentai y narrativas. La pornografía infantil virtual es creada a partir de patrones irreales, por lo que no existen las personas ni las situaciones reproducidas, y, por tanto, no existen víctimas (FERNÁNDEZ TERUELO, 2007; JIMÉNEZ SERRANO, 2012; TAMARIT SUMALLA, 2015). Sin embargo, existen una serie de creencias sobre este tipo de materiales que podrían estar en la base de su criminalización –al margen de las dificultades probatorias⁹⁶–: (a) que el interés erótico hacia los menores es exclusivo de los hombres pedófilos; (b) que la exposición a imágenes de sexo infantil es un paso previo a la perpetración del abuso sexual infantil; (c) que cualquier interés erótico hacia los menores es profundamente patológico y completamente ajeno a una sexualidad aceptable, normal y sana; y (d) que cualquier expresión del interés sexual hacia los menores necesita ser vigilada, censurada y castigada penalmente (McLELLAND y YOO, 2007). Por un lado, la subcultura *yaoi* demuestra que el interés por la sexualidad de los jóvenes no es específico de un grupo reducido de hombres pedófilos. El *yaoi* es un ejemplo de pornografía dirigida a mujeres que incluye historias de ficción⁹⁷ y obras artísticas dibujadas a mano o

generadas por ordenador en las que chicos adolescentes –a veces preadolescentes⁹⁸– participan en una variedad de interacciones homosexuales tanto entre sí como con hombres mayores –muchas historias incluso describen la violación como una expresión de amor–, lo que en un contexto occidental podría evocar imágenes de la pederastia. El *yaoi* se erige como un espacio de género femenino y cuenta con una gran comunidad en línea de chicas jóvenes y adolescentes interesadas en crear y difundir este tipo de relatos puramente ficticios de amor y sexo, quienes rara vez serían identificadas como delincuentes sexuales en potencia. Parte del atractivo de este subgénero reside en que permite a las mujeres expresar su interés y entusiasmo por el cuerpo masculino juvenil de una manera desinhibida⁹⁹, una subcultura que busca compartir las fantasías sexuales transgresoras creadas por mujeres y jóvenes entre sí (McLELLAND y YOO, 2007). Sin embargo, algunas jurisdicciones criminalizan este tipo de materiales, lo que podría resultar perjudicial para estas jóvenes. La fantasía sexual y la experimentación son aspectos importantes del desarrollo sexual de los adolescentes y del desarrollo de sus identidades sexuales, quienes necesitan la libertad de expresar sus fantasías en un ambiente seguro y de apoyo (FELDMANN y MIDDLEMAN, 2002; McLELLAND y YOO, 2007). Por otro lado, parece que el motivo por el que se crean la mayoría de las imágenes virtuales no parece ser un intento de crear imágenes que resulten indistinguibles de las imágenes reales, sino más bien, un intento de “mejorar” la realidad (MIRKIN, 2009). Las creaciones *ex nihilo* permiten plasmar en imágenes cualquier fantasía imaginable, difícil o incluso imposible de ser llevada a la práctica, y, por tanto, de ser grabada (v.g., menores involucrados en actividades sexuales con criaturas inventadas,

⁹⁵ Al analizar los vídeos más populares dentro de esta categoría, se observa que únicamente un número reducido (18,7%) intentaba retratar claramente relaciones entre adultos y menores (PETERS et al., 2014).

⁹⁶ Recordemos que sólo podrán castigarse aquellos casos en que resulte manifiesto que el personaje representado es indiferenciable o indistinguible de un menor real (BOLDOVA PASAMAR, 2016); aunque no se prevé una excepción a la punibilidad en caso de demostrar la artificialidad del material.

⁹⁷ Se trata de obras ficticias que no contienen representaciones de niños reales y no narran historias

que representan a personas reales (McLELLAND y YOO, 2007).

⁹⁸ Un subgénero conocido como *shotacon* se especializa en historias e ilustraciones sobre aventuras sexuales entre niños (McLELLAND y YOO, 2007).

⁹⁹ La identificación con el pene de los personajes masculinos les permite disfrutar de la versatilidad sexual en sus fantasías y adoptar por primera vez el rol del “activo” en la relación sexual y no el de la “pasiva” o la “sumisa” (McLELLAND y YOO, 2007; FUJIMOTO, 2004)

representaciones de personajes famosos, penetraciones físicamente imposibles por la descompensación del tamaño de los órganos sexuales o representaciones de violencia extrema). La novedad se convierte en un aliciente para mantener el interés sexual y la excitación por este tipo de materiales (COHEN-ALMAGOR, 2013). El atractivo de este tipo de creaciones residiría pues en llevar la fantasía al límite y compartir con el resto de usuarios las propias habilidades creativas y, con ello, recibir los elogios de la comunidad virtual –una comunidad donde sus participantes se sienten comprendidos, apoyados y protegidos de un mundo exterior que los define como desviados y perversos (CORRIVEAU, 2010)–, lo cual potenciaría el sentimiento de pertenencia del usuario de pornografía infantil a la subcultura (JENKINS, 2001). Del mismo modo que la producción de pornografía infantil virtual no exige el abuso real de un menor, la imagen virtual no tiene ningún vínculo necesario con futuros casos de abuso. Los estudios demuestran que la pornografía infantil virtual no está intrínsecamente relacionada con el abuso sexual de niños reales; aunque estas imágenes pudieran conducir a casos reales de abuso infantil, el nexo causal es contingente e indirecto –un peligro, por tanto, remoto. El daño no se deriva necesariamente del contenido de la imagen, sino que dependería de un potencial no cuantificado del espectador para la comisión de actos delictivos posteriores (MIRKIN, 2009; OSWELL, 2006). Con respecto a los relatos pornográficos protagonizados por menores, estos podrían constituirse como un precursor de la pornografía infantil visual, la cual a su vez podría conducir al delito sexual de contacto –aunque, como ya se ha mencionado anteriormente, no existen datos empíricos que apoyen el vínculo entre la pornografía infantil visual y los delitos sexuales de contacto. Se trata de materiales que suelen ser concebidos por parte de los usuarios de pornografía infantil de forma separada del material visual, debido a la ausencia de una víctima identificable; sin embargo, ambos tipos de pornografía son percibidos como funcionalmente similares, aunque dirigidos a diferentes públicos objetivos. En este caso, los estudios parecen indicar que las narrativas podrían ser más perjudiciales que el material

visual, ya que actuarían como un reforzador más potente de las distorsiones cognitivas y como un potenciador de las fantasías sexuales. Aunque, al igual que ocurre con la pornografía infantil visual, el riesgo de usar este tipo de relatos parece estar moderado por factores individuales, en función del uso al que se destina el estímulo por parte del consumidor (CROOKES et al., 2016).

Dificultades probatorias: ¿realmente es posible estimar la edad de una persona a partir de imágenes?

La edad de la víctima juega un papel crucial para las implicaciones legales concernientes a la pornografía infantil; sin embargo, no existe un protocolo establecido científicamente para la evaluación de la edad basado únicamente en imágenes (CATTANEO et al., 2012; RATNAYAKE et al., 2014; ROSENBLOOM, 2013). La pornografía infantil técnica –aquel material que se integra por imágenes en las que aparecen personas adultas presentadas como menores en un contexto sexual–, genera la necesidad de desarrollar complejas herramientas informáticas para la estimación de la edad de los protagonistas de las imágenes. En algunos casos, las imágenes reales de personas adultas se alteran usando programas informáticos para simular las características morfológicas de un niño en una situación sexual explícita, y en otros, algunas imágenes se crean completamente de forma virtual. En estos casos la artificialidad no siempre es obvia, pues algunas imágenes generadas por ordenador son extremadamente realistas¹⁰⁰. Las imágenes de abuso sexual infantil constituyen una escena del crimen digital, y requieren un análisis minucioso para asegurar que todas las víctimas puedan ser identificadas (COOPER, 2011), por lo tanto, será necesario poder probar que la imagen es en su totalidad –o al menos en parte–, la de un menor real (PRAT, BERTSCH, CHUDZIK Y RÉVEILLÈRE, 2013).

La base para poder determinar la edad de los individuos pre y puberales se ha relacionado habitualmente con el trabajo clásico relatado por MARSHALL y TANNER (1969, 1970), quienes realizaron una crónica de la progresión del crecimiento físico y el desarrollo sexual desde la infancia hasta la adultez utilizando fotografías. La pubertad progresaba de manera predecible,

¹⁰⁰ Aunque según nuestro ordenamiento jurídico, de nada serviría demostrar la artificialidad de las

imágenes, pues éstas serían penadas igualmente, como si de pornografía infantil clásica se tratara.

aunque la edad en un determinado nivel de maduración sexual variaba entre individuos. Sin embargo, estudios posteriores han demostrado que el crecimiento y la edad de maduración sexual de los niños se ve afectada por factores como la situación socioeconómica en la que están inmersos, la nutrición materna durante el embarazo y su nutrición durante la infancia; lo cual dificulta enormemente la determinación de la minoría de edad en los casos de imágenes protagonizadas por personas originarias de países del sudeste asiático, derivadas del turismo sexual (STATHOPULU, HULSE y CANNING, 2003). El uso de las etapas de Tanner para estimar la edad de las personas en imágenes ha sido duramente criticado por la comunidad científica, teniendo en cuenta la gran variabilidad interindividual e interpoblacional observada en la maduración sexual y la subjetividad de este tipo de evaluaciones¹⁰¹ (ROSENBLOOM, 2013; ROSENBLOOM, ROHRS, HALLER y MALASANOS, 2012; STATHOPULU et al., 2003).

La estimación de la edad basada en imágenes implica que el diagnóstico sólo puede basarse en características físicas externas visibles de las personas representadas (MAYER et al., 2014). En el caso de la pornografía infantil, las imágenes en primer plano en las que pueden observarse claramente los genitales –incluido el himen– podrían resultar de gran utilidad (BERKOWITZ, 2009). Sin embargo, MARSHALL y TANNER (1969, 1970) nunca analizaron la apariencia del himen o de los labios menores de las niñas y los cambios derivados del efecto del estrógeno. Asimismo, la evaluación del estado dental podría resultar de crucial importancia en la evaluación de la edad de los individuos vivos. Sin embargo, en imágenes, aunque la boca del sujeto esté abierta, es muy difícil obtener suficiente información para evaluar correctamente la etapa de desarrollo de la dentición (CATTANEO et al., 2012; MAYER et al., 2014). Los métodos convencionales empleados, tales como la evaluación de las características sexuales secundarias, proporcionan resultados

insatisfactorios, particularmente cuando se trata de las edades legalmente relevantes para la pornografía infantil –es decir, los 18 años– (CATTANEO et al., 2012; DE LA ROSA CORTINA, 2011; MAYER et al., 2014; RATNAYAKE et al., 2014). Por otro lado, no es posible comparar la estimación de la edad a partir de imágenes con un examen médico completo, ya que en las imágenes varias características como el vello púbico o axilar, podrían ser alteradas mediante métodos de depilación (BERKOWITZ, 2009; CATTANEO et al., 2012; FERGUSON y WILKINSON, 2017; MAYER et al., 2014). Asimismo, la mala calidad de la imagen y la baja resolución representan obstáculos para la evaluación de la edad de los individuos representados en imágenes (CATTANEO et al., 2012; MAYER et al., 2014).

Para superar estos límites, un grupo de investigación europeo ha explorado la utilidad de las proporciones faciales como un indicador de la edad en las imágenes¹⁰²; siendo capaces de clasificar correctamente el 60.3% de los casos en el respectivo grupo de edad (CATTANEO et al., 2012). En un segundo estudio (RATNAYAKE et al., 2014), se analizó el potencial del análisis visual de la cara como indicador de la edad de la persona, obteniéndose resultados prometedores dentro de los límites de la variabilidad biológica (error absoluto medio de 1.47 años), aunque sólo fueron analizadas las imágenes de niñas entre los diez y los diecinueve años. Se propone así el análisis de la estructura craneofacial como un método complementario para estimar la edad en imágenes, especialmente en casos de víctimas púberes o adolescentes. Sin embargo, estas técnicas también pueden verse afectadas por la baja calidad de las imágenes, por las variaciones en las poses y expresiones faciales, o porque no aparezca la cara del supuesto menor en la imagen (FERGUSON y WILKINSON, 2017); por ello, LUCAS y HENNEBERG (2017) proponen realizar mediciones de todo el cuerpo y no sólo de las proporciones de la cabeza¹⁰³, lo que proporcionaría un menor error al estimar la edad. Sin embargo, siguen siendo necesarios ulteriores

¹⁰¹ Los estudios parecen indicar que los expertos en desarrollo adolescente estiman erróneamente la minoría de edad en dos de cada 3 imágenes pornográficas con actrices mayores de edad que simulan ser menores (ROSENBLOOM, 2013).

¹⁰² Los cambios relacionados con la edad en el crecimiento facial, que pueden observarse en

individuos vivos, también se reflejan en las fotografías (CATTANEO et al., 2012).

¹⁰³ La cabeza y el cuerpo crecen a diferentes velocidades y su combinación muestra la mayor correlación con la edad (LUCAS y HENNEBERG, 2017).

estudios para garantizar la validez de este tipo de métodos tan novedosos.

Conclusiones

A lo largo de este trabajo hemos definido aquello que entendemos por material pornográfico infantil, tanto desde una perspectiva jurídica como desde una óptica criminológica. Asimismo, se han expuesto las características distintivas de la denominada pornografía alusiva a menores, en la cual no participan menores reales. Una vez definidos los conceptos, se han expuesto algunas de las implicaciones jurídicas de su criminalización, tratando de analizar las razones que fundamentarían su inclusión en nuestro ordenamiento jurídico. Unos argumentos que hemos tratado de verificar en base al conocimiento científico existente al respecto –aunque escaso–, tratando de evitar tomar por ciertas suposiciones y conjeturas derivadas de los pánicos morales asociados al fenómeno de la pornografía infantil (JEWKES y WYKES, 2012; OSWELL, 2006).

La producción y el consumo de pornografía infantil siempre han estado estrechamente ligados a las innovaciones tecnológicas. La interactividad y la plasticidad de Internet han permitido una producción, diferenciación y especificidad sin precedentes de la pornografía, modificando sus formas y usos posibles (LASKER, 2013), lo que ha derivado en la creación de materiales pornográficos mediante la utilización de menores virtuales (pornografía infantil virtual) o fingidos (pornografía infantil técnica). Se trata de materiales pornográficos que no han sido elaborados con menores, por lo que, siguiendo los principios de nuestro Derecho Penal, no debería apreciarse en ellos un contenido de injusto bastante sobre el que levantar una infracción penal (ORTS BERENGUER y ROIG TORRES, 2014; TAMARIT SUMALLA, 2015). Es lícito retratar un asesinato mientras que es inadmisibles asesinar a alguien, del mismo modo que es posible mostrar imágenes de actos terroristas, pero no cometerlos; pues es el acto, y no la imagen del acto, lo ilegal. Podemos distinguir entre las imágenes que registran un evento y las que producen un evento como si fuera real (OSWELL, 2006); de esta manera, si una violación o una escena de asesinato es simplemente simulada en un escenario o en una

película, las imágenes no serían objeto de persecución penal (MIRKIN, 2009). De ahí que un individuo pueda crear imágenes virtuales de menores llevando a cabo conductas de la más extrema violencia sin ningún tipo de consecuencia penal. Sin embargo, el abordaje del discurso sexual resulta paradójico, pues este mismo individuo sería considerado un delincuente sexual en el momento de crear, por ejemplo, unas representaciones realistas de menores llevando a cabo conductas sexualmente explícitas –especialmente si este resultara ser un virtuoso del diseño 3D.

Todo lo relativo a la sexualidad en menores provoca un profundo rechazo social, pero esto no debería justificar por sí mismo la intervención del Derecho Penal (FERNÁNDEZ TERUELO, 2007) pues, de forma paradójica, sí podríamos considerar como un factor criminógeno en sí mismo el hecho de equiparar penalmente todas las modalidades de pornografía infantil –pornografía infantil clásica y pornografía alusiva a menores– en un concepto unitario, transmitiendo el mensaje de que todas ellas tienen la misma gravedad. Si un individuo recibe el mismo castigo por contemplar imágenes de abusos sexuales a menores reales que por masturbarse visualizando unas creaciones realistas de uno de los usuarios del foro que frecuenta, poco o nada le estaremos disuadiendo frente al consumo de imágenes que han originado la victimización de menores de carne y hueso (BOLDOVA PASAMAR, 2016) –y a los que puede haberseles provocado un impacto negativo en sus procesos formativos con su utilización para tal fin (ORTS BERENGUER y ALONSO RIMO, 2014). Desde el punto de vista de la tutela de esos menores, sería preferible que los asiduos a este tipo de materiales utilizaran material virtual y no el elaborado con menores reales, y, para ello, sería necesario al menos rebajar las penas asociadas a este tipo de materiales –si no eliminarlos de nuestro articulado, tal y como prevé el artículo 5 de la Directiva 2011/93/UE en los casos de posesión par uso privado– (BOLDOVA PASAMAR, 2016; DIAMOND et al., 2011; DINES, 2009; ORTS BERENGUER y ALONSO RIMO, 2014).

El legislador describe la conducta típica en estos casos de forma difusa, lo que permite encajar en ella comportamientos que no afectarían a la indemnidad sexual, al bienestar o a los procesos de formación y/o socialización de menores concretos (ORTS BERENGUER,

2015). La pornografía infantil virtual, protagonizada por menores creados con técnicas electrónicas, se constituye como un constructo altamente mediatizado en el que la escena del abuso se erige sólo como una entidad figurada y desobjetivada, que no estaría afectando a ninguno de los objetos de tutela (ORTS BERENQUER y ALONSO RIMO, 2014; OSWELL, 2006; TAMARIT SUMALLA, 2015). Sin embargo, con tal de sostener su incriminación, se alude a un bien jurídico supraindividual, de dignidad e indemnidad sexual de la infancia en general. ¿Quiere decir esto que el Estado estaría haciendo uso de su poder de castigar meramente para promover y defender valores morales, como la dignidad o el respeto a la infancia (TAMARIT SUMALLA, 2015)? En tal caso, ¿por qué no defender la lesividad de la pornografía infantil narrativa (DE LA ROSA CORTINA, 2015a)?

Ningún estudio poblacional ha demostrado una relación causal entre la pornografía y los delitos sexuales (DIAMOND y UCHIYAMA, 1999). Allá donde la pornografía infantil ha estado disponible sin restricciones, la incidencia del abuso sexual infantil ha sido menor que cuando su disponibilidad estaba restringida (DIAMOND et al., 2011). Tampoco se observa un vínculo directo entre el consumo de pornografía infantil y la comisión de delitos sexuales de contacto, un riesgo moderado por factores individuales, independientes de la exposición a la pornografía (CROOKES et al., 2016; KINGSTON et al., 2008; MARSHALL, 2000; SETO et al., 2001). Parece pues que, si no podemos confirmar el posible daño futuro a niños reales, los argumentos por los que se justifica la criminalización de este tipo de materiales enmascaran únicamente razones de signo moralizante, castigando el mero hecho de obtener satisfacción sexual con la contemplación de este tipo de materiales, lo que debería quedar dentro de la moral sexual de cada uno (FERNÁNDEZ TERUELO, 2006; ORTS BERENQUER y ALONSO RIMO, 2014). Al igual que en cualquier otro delito, es necesario concretar qué corresponde a la esfera del Derecho y qué a la moral, pues el envío de personas a prisión por razones de gusto no es

coherente con los principios de nuestro Derecho Penal (DIAMOND, 2009; GARCÍA VALDÉS, 2004). El Estado no puede hacer uso de su poder de castigo con base en la repugnancia que pueden suscitar ciertos materiales y las personas que los consumen (TAMARIT SUMALLA, 2015); imágenes que desafían las nociones románticas de la inocencia de los menores y redefinen el concepto de infancia (HIGONNET, 1998).

Pero si lo que pretende el legislador es criminalizar cualquier estímulo que pueda ser utilizado para generar fantasías pedófilas, debería saber que existe una imposibilidad natural de erradicar la pedofilia. Los estudios demuestran que las penas asociadas al consumo de pornografía infantil tienen un efecto disuasorio; de hecho, la mayoría de los pedófilos no parecen atraídos por la pornografía infantil por este motivo (CROOKES et al., 2016; HOWITT, 1995). Sin embargo, es poco probable que la fantasía pedófila pueda ser controlada de forma efectiva por la criminalización absoluta de la pornografía infantil. Las alternativas legales a la pornografía como fuentes de fantasía parecen dominar la vida de la mayoría de los delincuentes parafilicos y es difícil concebir una legislación que pueda limitar muchas de las cosas que los pedófilos utilizan como estímulos generadores de sus fantasías (HOWITT, 1995). La fantasía pedófila es alimentada fácilmente por el contacto cotidiano –o la simple contemplación– con los menores; esto significa que existen un gran número de alternativas funcionales a la pornografía para despertar a los pedófilos sexualmente. Por otro lado, no podemos concebir de forma automática que todos los delincuentes sexuales con víctimas menores cometan sus delitos para conseguir una satisfacción inmediata de sus impulsos sexuales ya que, en ocasiones, el delito puede ser utilizado como un medio para generar la fantasía sexual en lugar de disminuirla¹⁰⁴ (HOWITT, 1995).

Queda claro que estos cambios legislativos han sido impuestos en gran parte por los compromisos internacionales asumidos por nuestro país, aunque, desde el punto de vista de la coordinación legislativa, la facultad de discrecionalidad del artículo 5 de la Directiva 2011/93/UE implicará que algunos Estados

¹⁰⁴ Pocos pedófilos alcanzaron el orgasmo mientras cometían sus delitos; sin embargo, algunos se masturbaban posteriormente fantaseando sobre el

delito que cometieron –un número considerable fotografió a su víctima para tal fin o quisiera haberlo hecho– (HOWITT, 1995).

miembros penalizarán conductas vinculadas con este tipo de pornografía y otros no (DÍAZ CORTÉS, 2016). Por otro lado, los argumentos procesales defendidos por la Fiscalía no encajarían con los principios rectores de nuestro Derecho Penal. La inversión de la carga de la prueba en los casos de pornografía infantil técnica supone para el acusado una complicada misión en términos periciales –al no existir métodos científicos fiables¹⁰⁵ que puedan determinar la edad de una persona a partir de imágenes– que derivaría en todo en caso en un *in dubio contra reo*. En el caso de la pornografía infantil virtual, directamente se rechaza cualquier prueba que demuestre que el menor era una mera creación artificial *ex nihilo*, criminalizando así creaciones artísticas –de mal gusto, estamos de acuerdo–, en función de la pericia de su creador.

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¹⁰⁵ Los más novedosos siguen en proceso de validación (vid. CATTANEO et al., 2012; LUCAS y HENNEBERG, 2017; RATNAYAKE et al., 2014).

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Study 7

**Criminological differences between child pornography
offenders arrested in Spain.**

Criminological differences between child pornography offenders arrested in Spain¹⁰⁶

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Abstract

Background. Lack of studies on CP offenders from non-English speaking countries motivated the analysis of the profile of adult men arrested in Spain for such crimes ($N = 347$). *Objective.* The current study examined differences between groups of CP users according to their criminal history (i.e., CP-only offenders, CP offenders with other nonviolent or non-sexually violent crimes, and dual offenders). *Methods.* Analyses of case investigation files were performed across seven key areas: (1) sociodemographic characteristics, (2) criminological data, (3) characteristics of index CP offending, (4) characteristics of CP collections, (5) access to children, (6) indication of pedophilic or hebephilic interests, and (7) recidivism outcomes. *Results.* CP-only offenders presented with fewer criminal records and lower general (6.7%) and violent (1.1%) recidivism rates. They were also less likely to be arrested for CP production, although they had greater access to children living in their residence. CP offenders with other nonviolent or non-sexually violent crimes exhibited characteristics on a continuum between the other two groups. Dual offenders were more likely to have criminal records for sexual offenses and higher sexual recidivism rates (16.7%). 55.6% had produced their own CP material, and they were more likely to have content depicting boys. They were also more likely to admit or be diagnosed with pedophilic/hebephilic interests, and they also had the largest proportion of legal child-related content (72.2%). *Conclusions.* Authors conclude there are significant differences between dual and CP-only offenders which suggests a need for specialized treatment and risk assessment tools.

Keywords. Child pornography; child sexual exploitation material; child sexual abuse; internet sexual offenders; dual offenders.

¹⁰⁶ Soldino, V., Carbonell-Vayá, E. J., & Seigfried-Spellar, K. C. (in press). Criminological differences between child pornography offenders arrested in Spain. *Child Abuse & Neglect*. doi:10.1016/j.chiabu.2019.104178

Introduction

The development of Information and Communication Technologies (ICT) has facilitated the Accessibility, Affordability, and Availability (“Triple A Engine”; Cooper, 1998) of child sexual exploitation material (legally referred to as child pornography in Spain), creating a criminal challenge worldwide (Henshaw, Ogloff, & Clough, 2017; Seigfried-Spellar & Soldino, in press; Seto & Ahmed, 2014; Soldino & Guardiola-García, 2017; Wolak, Liberatore, & Levine, 2014). Following the European Union Directive 2011/93, *child pornography* (CP) is defined in Spain as a sexually explicit visual depiction of a person under the age of 18, including both *technical* (i.e., any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes) and *virtual* CP (i.e., realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes). Unlike other countries, non-realistic depictions of fictional children (e.g., *lolicon* and *shotacon*; McLelland & Yoo, 2007; Savage, 2015) or narratives describing sexual encounters involving minors (Crookes, Merdian, & Hassett, 2017) are considered legal materials in Spain. Since 2009, 4,122 individuals in Spain have been either arrested or investigated for CP offenses (Ministerio del Interior, 2018). CP offenses represent 12.36% of the total number of legal proceedings initiated for cybercrimes in Spain (Fiscalía General del Estado, 2018); however, it was not until 2015 that the Criminal Procedure Act authorized the use of “virtual” undercover officers for cybercrime investigations.

Several studies have distinguished between groups of CP users, according to their criminological characteristics and motivations (e.g., Alexy, Burgess, & Baker, 2005; Henry, Mandeville-Norden, Hayes, & Egan, 2010; Merdian, Curtis, Thakker, Wilson, & Boer, 2013; Merdian et al., 2018; Seigfried-Spellar, 2014; Seto & Eke, 2015; Wolak, Finkelhor, & Mitchell, 2011). Although CP use has been considered a valid indicator of pedophilia (Seto, Cantor, & Blanchard, 2006), not all CP users are motivated by pedophilic sexual interests, nor do all pedophiles view CP (Garrington, Rickwood, Chamberlain, & Boer, 2018; Seto, 2019).

Research suggests that in some cases CP use is a manifestation of hyper-sexuality (e.g., part of a broader pattern of pornography use), compulsive sexual behavior, or may be motivated by curiosity or sensation seeking; although in some cases, the individual was accidentally exposed to CP (Seto & Ahmed, 2014; Seto, Reeves, & Jung, 2010; Southern, 2008).

In addition, literature suggests there is no direct relation between the commission of a CP offense and the commission of subsequent contact sexual offenses (Aebi, Plattner, Ernest, Kaszynski, & Bessler, 2014; Henshaw et al., 2017; Owens et al., 2016); however, the available data in this regard are controversial and ambiguous. Results from the Seto, Hanson and Babchishin’s meta-analysis (2011) indicated 12% of those arrested for CP possession had committed at least one other contact sexual offense against a minor by the time of the detention; while data analyzed by the Federal Bureau of Investigation (FBI; Owens et al., 2016) identified 38% crossover CP offenders. However, studies considering the information provided by the offenders themselves found much higher rates of contact sexual crimes. In this regard, 55% of those interviewed by Seto et al. (2011) admitted prior contact sexual offending, as well as 85% of the sample from Bourke and Hernandez (2009); although, only 26% had official records on this regard. More recently, Bissias et al. (2016) concluded 9.5% of those arrested for distributing CP through peer to peer networks (P2P) had also committed an offline sexual offense against a child (based solely on official data obtained during police investigations); a percentage that increased to 21% when only BitTorrent users were considered.

Multiple explanatory levels have been proposed to understand sexual offending behavior (e.g., its etiology, brain mechanisms concerned, neuropsychological implications, phenomenological analyses; Ward & Beech, 2006). In particular, child contact sex offenders have been characterized by heterogeneous patterns or pathways to offending (Ward, Loudon, Hudson, & Marshall, 1995), yet researchers argue existing theories need further investigation into the particularities of Internet sexual offending (Elliott & Beech, 2009; Henshaw et al., 2017). According to Seto’s Motivation-Facilitation Model (MFM; 2019), the presence of facilitation factors among some

individuals (e.g., self-regulation problems, hostile masculinity, negative affect, alcohol use) leads to disable inhibitions against acting upon the primary motivations for contact sexual offenses (i.e., paraphilia, high sex drive, and intense mating effort) when the opportunity exists (e.g., access to vulnerable child victims and absence of potential guardians). Likewise, trait (e.g., antisocial personality) and state facilitating factors (e.g., intoxication) for contact sexual offending against children, along with situational factors (i.e., opportunity to commit the crime), are considered explanatory for CP offending among motivated individuals. In this sense, hypotheses suggest CP-only offenders with pedophilic or hebephilic sexual interests do not present with the facilitation factors required for engaging in contact sexual offending; although, they do not reach the necessary level of self-control to inhibit their use of CP material (Seto, 2019).

Differences between online-only CP users and dual sex offenders (i.e., CP users who also engage in contact sexual offending) were also analyzed across several studies (e.g., Babchishin, Hanson, & VanZuylen, 2015; Eke, Helmus, & Seto, 2018; Elliott, Mandeville-Norden, & Beech, 2019; Long, Alison, Tejeiro, Hendrick, & Giles, 2016). Results from Babchishin et al.'s meta-analysis (2015) found dual offenders to be more pedophilic, have greater access to children, and display more antisocial traits. On the other hand, Long et al. (2016) identified 17 discriminative variables (e.g., previous convictions, CP production) for dual offenders, which led to the development of the second version of the Kent Internet Risk Assessment Tool (KIRAT-2). With regards to the type of CP possessed, Long, Alison, and McManus (2013) found greater proportions of higher severity level CP material (e.g., images depicting penetrative acts committed on children). In Seto and Eke (2015), online-only CP users were sub-grouped according to their criminal history (i.e., offenders documented solely for CP offenses in their history or index; CP users with other nonviolent or non-sexually violent offenses) revealing distinctive characteristics between the sub-groups and dual offenders (e.g., dual offenders were more likely to have CP content depicting

boys than the other two sub-groups of CP users). In terms of sexual recidivism, all studies indicate remarkably low recidivism rates among online-only CP users, ranging from 0 to 9% for new CP offenses (Eke et al., 2019; Eke, Seto, & Williams, 2011; Faust, Bickart, Renaud, & Camp, 2015; Goller, Jones, Dittmann, Taylor, & Graf, 2016; Krone & Smith, 2017; Osborn, Elliott, Middleton, & Beech, 2010; Seto & Eke, 2015; Seto et al., 2011; Soldino, Carbonell-Vayá, & Seigfried-Spellar, unpublished). However, previous studies suggest that when CP offenders' samples are sub-grouped into dual sex offenders, observed sexual recidivism rates increase (25%; Eke et al., 2019; 14%; Elliott et al., 2019).

Prior studies suggest cultural and environmental factors could be influencing criminal behavior across countries (D'Alessio, Čeč, & Karge, 2017; Sea, Beauregard, & Martineau, 2019; Soldino et al., unpublished). As an example, Pascual, Giménez-Salinas and Igual (2017) found that severity scales for classifying CP content designed in other countries (e.g., SAP scale; Sentencing Advisory Panel, 2002) were not completely suitable for the classification of CP content seized by Spanish law enforcement agencies. As a result, these authors created the Spanish Classification of Child Sexual Exploitation Images (CIESI) and detected a preference among CP offenders investigated by the Civil Guard's Unit of Judicial Police¹⁰⁷ for CP material depicting pre-pubescent Caucasian females. Furthermore, results showed greater frequencies of CP photography classified as nudity or erotic poses (CIESI's level 1), while most of the CP videos were labeled as sexual activity with penetration from adult to child (CIESI's level 4). However, there is still a notable lack of studies on CP offenders from non-English speaking countries (Seto, 2019), such as Spain (Pascual et al., 2017; Soldino et al., unpublished; Soldino & Guardiola-García, 2017).

The present study

The primary aim of this work was to analyze the characteristics of adult men arrested in Spain for CP offenses, as well as the characteristics of their CP collections. A secondary aim was to examine if there were differences between CP

¹⁰⁷ Spanish military law enforcement agency, independent from the National Police.

users, and if so, establish which distinctive characteristics among dual offenders might help identify them in order to assist prioritization in police investigations. To this end, we analyzed the data from the digital investigation files from the Spanish National Police focusing on seven key areas: (1) sociodemographic characteristics, (2) criminological data, (3) characteristics of index CP offending, (4) characteristics of CP collections, (5) access to children, (6) indication of pedophilic or hebephilic interests, and (7) recidivism outcomes. We were also interested in examining the amount of missing, but potentially relevant, data in the files (e.g., variables identified as risk factors for recidivism among this population) with the aim of improving the quality of future police investigations.

We expected to find statistically significant differences across the seven areas between groups of CP offenders, especially among dual offenders. Based on previous research, and considering our available data, the following specific hypotheses were tested: dual sex offenders are (1) more likely to be unemployed (Babchishin et al., 2015; Seto & Eke, 2015); (2) more likely to have prior arrests (Babchishin et al., 2015; Long et al., 2016); (3) more likely to produce their own CP material (Long et al., 2016; Seto & Eke, 2015; Wolak, Finkelhor, & Mitchell, 2005); (4) less likely to participate in pedophilic social networking (Babchishin et al., 2015); (5) more likely to have CP content depicting boys (Seto & Eke, 2015); (6) more likely to possess higher severity level CP content (Long et al., 2013); (7) more likely to have greater access to children (Aslan, Edelmann, Bray, & Worell, 2014; Babchishin et al., 2015; Clevenger, Navarro, & Jasinski, 2016; Long et al., 2013); (8) more likely to engage in online grooming behaviors (Long et al., 2016); (9) more likely to have pedophilic or hebephilic interests (Babchishin et al., 2015); and (10) more likely to have higher sexual recidivism rates (Eke et al., 2019; Elliott, Mandeville-Norden, & Beech, 2019) compared to the other sub-groups of CP offenders.

Method

Sample

The initial sample consisted of 544 CP digital case files provided by the three Child Protection Groups of the Central Cybercrime Unit (UCC) of the Spanish National Police which met the eligibility criteria. Closed investigations with sufficient information were included if they involved a man (age 18 or older) arrested for (at least) one CP offense (i.e., accessing, possessing, purchasing, distributing, or making/production) between 2009 and 2013. Non-Spanish individuals arrested in other countries were excluded from the sample.

The initial offense investigated by law enforcement was considered to be the index CP offense. In those four cases where law enforcement arrested the same person more than once between 2009 and 2013, all arrests were initially included in the study. Then, one of the arrests was randomly designated as the index offense, resulting in the other CP arrests becoming either part of the offender's criminal history or a recidivism event (allowing us to avoid the artificial inflation of CP offense history or recidivism rates). Due to time constraints in data access and, in order to avoid an overrepresentation of cases from more recent years that could be reflecting changes on the characteristics and modus operandi of CP offenders over years (e.g., different platforms used to access the CP material; Soldino & Guardiola-García, 2017), we randomly selected 71 cases per year (as the total number of arrests in 2009 was 71). Finally, we excluded from the sample those eight individuals whose police records were canceled, since this prevented us from classifying them in the different groups, resulting in a total sample of 347 arrestees.

Cases initially came to the attention of the police in a variety of ways, including offender activity online (93.1%; e.g., P2P sharing discovered by police), third-party reporting (4%; e.g., computer technician discovered a customer had CP on his computer and called the police), and victim complaints (2.9%; e.g., for those who had also committed online sexual solicitation offenses¹⁰⁸). 346 of the 347 arrestees used online technologies to commit (at least in part) their CP

¹⁰⁸ Cases that initially came to the attention of the police for victim complaints regarding contact sexual

offenses were investigated by the Family and Women Unit (UFAM) of the National Police.

offenses. Only one individual created all of the CP material himself during his travels to different countries.

Following Seto and Eke (2015), we distinguished CP offenders according to their criminal histories, dividing them into those who only had CP offenses ($n = 283$), those who also had committed other nonviolent and/or non-sexually violent offenses (either pre-index or at index; $n = 46$), and those who also had committed contact sexual offenses (either pre-index or at index; $n = 18$).

Measures

Data regarding each case was retrieved from digital police files, which usually included police occurrence reports, statements made by the arrestee, the victim, or other witnesses, forensic computer analysis reports, and details about the CP content seized by the police. The selection of relevant variables to be measured was determined by the information contained in the investigation files. This selection was also guided by the authors of the Child Pornography Offender Risk Tool (CPORT; Seto & Eke, 2015) through email communications and by previous research suggesting potential variables of interest. Variables analyzed in our study are outlined below; lack of information about these variables was coded as *unknown*.

Sociodemographic characteristics. Date of birth and home country of the arrestee was reported in all cases. Age of the offender was coded at time of index arrest and at the beginning of the index investigation (as a more approximate indicator of the age of the offender at the time the crime was committed). Specific dates of prior arrests were also coded to calculate the age of the offender at his first arrest (for any offense and for sexual offenses specifically) in order to establish the beginning of his criminal career. Details of employment status, occupation, marital status, biological children, and level of computer knowledge were documented by the investigators in most cases.

Criminological data. Criminal history records for each individual were retrieved from the National Police database (i.e., police computer

application including information from all Spanish police forces, except the Ertzaintza¹⁰⁹). Details of any prior arrests were coded dichotomously. The crimes for which they were arrested were also recorded and categorized by: (a) *violent offenses*: involving physical contact with a person, including contact sexual offenses; (b) *nonviolent offenses*: not involving physical contact with a person, including CP and noncontact sexual offenses; (c) *sexual offenses*: further divided into contact sexual offenses (involving physical contact with a victim), noncontact sexual offenses (not involving physical contact with a victim, including CP offenses) and CP offenses specifically; and (d) *non-sexual offenses* (e.g., theft). Number of prior arrests was also coded.

Characteristics of index CP offending. All of the arrestees had, at least, knowingly accessed/possessed CP material; however, some of them were also investigated for other CP-related offenses. Other types of index CP-related offending, along with means used to access the CP material, were categorized as described in Table 1. Details of security measures (e.g., encryption, access from a cybercafé, use of TOR) adopted by the offenders were also documented by the investigators. In addition, information regarding active CP distribution (excluding automatic distribution through non-encrypted P2P networks) and social networking with other CP users was coded dichotomously.

Characteristics of CP collections. As part of the police investigations, suspects' computers and digital devices were forensically examined for any CP material and any potential evidence of contact sexual abuse offenses. In those cases where details about the CP and other child-related content were not specifically reported in the digital police files reviewed, one police officer analyzed and coded *ad hoc* the content seized during the case investigation (when accessible in a digital format). Gender of children depicted was categorized as: (a) *more boys*, (b) *more girls*, and (c) *both genders*. Counts were collapsed into dichotomous variables of $\geq 51\%$ or not for practical reasons. For age comparisons, the investigators recorded the age of children depicted in the collections and coded

¹⁰⁹ Police force for the Basque Country. Arrests made in the Basque Country represent 1.17% of the national total (Ministerio del Interior, 2018).

dichotomously the presence or absence of images of children within three age intervals: (a) *infant/toddler*, (b) *prepubescent*, and (c) *pubescent*. When specifically reported, information on specific content/children, presence of other paraphilic material within the collections, organization of the CP material (moderate to high), and collection size (more than 1,000 images) were coded dichotomously. Severity levels of the CP content were also categorized using the CIESI classification (Pascual et al., 2017; see Table 1). Although this codification was not reported in the original files, one trained police officer coded *ad hoc* dichotomously the presence or absence of CP content within the five severity levels. Information regarding the presence or absence of level 0 material was only reported in 54.5% of files reviewed; non-pornographic child content is not probative or necessary for prosecution in Spain, and thus is not frequently reported in the investigation files.

Access to children. Access to children at the time of the index investigation was coded dichotomously, as an indicator of the presence of opportunity to directly offend against children. Type of access to children was also categorized as described in Table 1.

Indication of pedophilic or hebephilic interests. Admission to police of sexual interest in children or evidence of a diagnosis of pedophilia/hebephilia (e.g., information about previous mental health assessments) was coded dichotomously. Furthermore, six behavioral correlates of admission of pedophilic or hebephilic sexual interests were analyzed using the Correlates of Admission of Sexual Interest in Children (CASIC; Seto & Eke, 2017)¹¹⁰. Admissions made to others, postings in child sexual interest groups (e.g., boylover.net), and sexual contact with minors over the legal age of

sexual consent were also coded dichotomously as indicators of sexual interest in children.

Recidivism outcomes. Any new police arrest was coded as *recidivism*, although we focused our analyses on *sexual recidivism*. The crimes for which they were arrested were also recorded and categorized as described previously in the *criminological data* section. Failure on conditions (e.g., probation, parole, or conditional release) imposed on new convictions were also recorded. These recidivism categories were not mutually exclusive. Number of new arrests was also coded. Follow-up time was calculated as the difference between the date of the index arrest and the date when criminal records were checked (January-July 2018). Time in custody (i.e., time spent in prison after the date of the arrest) was subtracted¹¹¹, so follow-up time represented the individual's opportunity to offend while residing in the community. We also calculated time at risk as the difference between the date of the index arrest and the date of the first recidivism event (for general recidivism and for sexual recidivism specifically). Recidivism data for each individual were retrieved from the National Police database. Data regarding imprisonment length¹¹² were retrieved from the Prison Information System (i.e., a digital database of correctional reports from the Spanish prisons, except those located in Catalonia¹¹³).

Procedure

Initially, 44 cases were randomly selected for discussion of the coding framework. First and second author, as well as the leader of the Child Protection Group I and the authors of the CPORT, were involved in these initial discussions on the coding framework. The coding process of the whole sample was guided by Michael C. Seto and Angela W. Eke through email communications. Questions that arose

¹¹⁰ CASIC items: (1) never married; (2) child pornography content included videos; (3) child pornography content included sex stories involving children; (4) evidence of interest in child pornography spanned 2 or more years; (5) volunteered in a role with high access to children; and (6) engaged in online sexual communication with a minor or officer posing as a minor (Seto & Eke, 2017).

¹¹¹ Only 3.6% of the sample served time in prison during the follow-up period. Replacement of prison sentences is contemplated by the Spanish legislation for cases in which custodial sentences do not exceed

two years, in non-habitual prisoners. According to the Spanish Criminal Code, CP possession offenses shall be punished with the penalty from three months to a year of imprisonment.

¹¹² According to the Spanish Criminal Code (Art. 76), the ordinary limit for prison sentences is 20 years.

¹¹³ Catalonia is the only Autonomous Community that gathers all the penitentiary administration competences transferred. The prison population in Catalonia represents 14.2% of the national total (Ministerio del Interior, 2018).

during the coding process were put forward for consultation and resolved by consensus. Table 4 “access to CP” categories were designed and coded by the first and third author together. Any doubts in the coding process were discussed with a Detective from the Tippecanoe County High Tech Crimes Unit (West Lafayette, IN, USA), and any disagreements were resolved by consensus.

Due to security restrictions and time limitations in accessing the investigation case files, all 347 cases included in the present study were coded on-site at the headquarters of the UCC only by the first author. Institutional research approval and permission to access case file information were obtained from the National Police and the Secretary of State for Security. Content seized during the case investigation and criminal records were analyzed and coded by one police officer due to restricted access. Data collection occurred between January and July 2018. Time required to code each case file depended on the amount and organization of the information reported, ranging between 1 to 15 cases per day.

Data analysis

First, we conducted a descriptive analysis of all variables for the total sample. Second, we examined differences for the variables of interest across the three groups of CP offenders. Different analyses and effect sizes were applied, as the data set contained a variety of variables in various formats. Chi-square tests were conducted for categorical data with Φ coefficient (2 x 2 contingency tables) and Cramér's V (2 x k contingency tables) as the effect size measures. Φ and V values of .10, .30, and .50 were considered small, moderate, and large effect sizes, respectively, as corresponding figures to Cohen's d values of .20, .50, and .80 when 2 is the smallest row or column of the contingency table (Cohen, 1998). We selected a z -test to compare cell counts across columns using the Bonferroni correction (Field, 2013). Due to small sample sizes, Fisher's exact test (FET) was calculated for 2 x 2 contingency tables (or the Fisher-Freeman-Halton exact test (FFHET) for contingency tables larger than 2 x 2) in which one or more cells did not meet the expected frequency assumption. Differences between groups on continuous variables were tested using one-way ANOVAs with omega squared as the effect size statistic (ω^2 can have values between

± 1 ; value zero indicates no effect).

As there was no fixed follow-up time for the sample, differences in rates of sexual recidivism between the three groups were examined in two steps. First, log-rank Kaplan-Meier survival estimators and proportional hazards regression models were employed to explore the notion that the three groups recidivated at equal rates at the follow-up period. Second, the effect of type of CP offender on survival was analyzed using Cox proportional-hazards regression.

Finally, a backward stepwise (Wald) binary logistic regression analysis examined the unique contribution of the statistically significant variables, which differentiated between CP-only and dual sex offenders, in a discriminative model for contact sexual offending. Considering the particularities of CP investigations (i.e., when CP cases are initially detected, the police do not always immediately know the identity of the offender and would therefore be unaware, for example, of any previous arrest), only those statistically significant variables that could be coded by law enforcement officers before knowing the identity of the suspect were included as predictors in the regression model. All statistical analyses were performed using SPSS Version 24.0 statistical software package.

Results

Sociodemographic characteristics

Table 2 describes the sociodemographic characteristics for the full sample. On average, CP offenders were arrested at the beginning of mid-adulthood ($M = 41.8$ years; $SD = 12.1$ years; range = 18–77 years) with no statistically significant differences between groups ($F(2, 344) = 1.64, p = .2, \omega^2 = .004$). However, statistically significant differences were found in the beginning of their criminal trajectories, albeit with a small effect size ($F(2, 336) = 11.22, p < .001, \omega^2 = .06$). According to prior police arrest data, CP offenders with other nonviolent or non-sexually violent criminal involvement were arrested for the first time at younger ages ($M = 32.2$ years; $SD = 1.7$ years; range = 17–53 years) than those who only committed CP offenses ($M = 41.8$ years; $SD = .7$ years; range = 19–77 years). Although, no statistically significant differences were found for age of onset of criminal sexual trajectories (measured by the age of their first arrest for sexual crimes; $F(2, 344) =$

1.59, $p = .21$, $\omega^2 = .003$), starting on average at mid-adulthood ($M = 41.3$ years; $SD = 12.2$ years; range = 18–77 years).

Arrestees were mostly Spanish (86.2%) and working (57.6%) in predominantly skilled occupations (45%). Most of them were single (45.2%) at the time of arrest and did not have biological children (44.1%; although 118 case files lacked information in this regard). Regarding level of computer knowledge reported, only a minority had advanced knowledge or worked in the computer sector (13.5%). Comparisons between groups with these variables were not statistically significant.

Criminological data

Details on prior arrests for the full sample are presented in Table 3. 81.3% of the sample had no criminal records; however, statistically significant differences between groups. By definition, CP-only offenders only had police records for other CP offenses (5.7%) and were less likely to have more than one prior arrest (FFHET, $p < .001$; $V = .45$). Dual offenders were significantly more likely to have criminal records for prior arrests regarding sexual offenses (61.1%) compared to the other two groups (FFHET, $p < .001$; $V = .42$), and they were significantly more likely (50%) than CP offenders with other criminal involvement (15.2%) to have any prior violent offense history ($X^2(1, N = 62) = 7.75$, $p = .01$, $\Phi = .35$). CP offenders with other nonviolent or non-sexually violent offenses were significantly more likely to have criminal records for prior arrests regarding non-sexual offenses (73.9%) than dual offenders (22.2%; $X^2(1, N = 64) = 14.33$, $p < .001$, $V = .47$).

When criminal records of dual offenders were analyzed individually, we identified only one individual whose first criminal sexual record was related to CP offenses. Arrests for CP offenses were subsequent to arrests for other sexual offenses (either contact or non-contact) in 17 of the 18 dual offenders within our sample.

Characteristics of index CP offending

Details about the index CP offense, for the entire sample and for the three groups distinguished by offense history, are summarized in Table 4. 74.9% of the sample were charged with CP distribution; however, only 13% of the sample were considered as active distributors (after excluding automatic distribution through

non-encrypted P2P networks). CP-only offenders were significantly more likely to be charged for this behavior (76.3%) than dual sex offenders (50%; $X^2(2, N = 347) = 6.28$, $p = .045$, $V = .14$), albeit with a small associated effect size. Conversely, dual sex offenders were arrested for CP production in a significantly greater percentage (55.6%) than the other two groups (FFHET, $p < .001$; $V = .53$), with a large associated effect size.

Accordingly, P2P platforms were the preferred means to access CP material for all groups except dual sex offenders, who were more likely to use CP material produced by themselves (55.6%) rather than using online platforms to access it. CP-only offenders were significantly less likely than the other two groups to use webcams for their criminal purposes (FFHET, $p = .002$; $V = .23$) or to have taken the images in person with a camera (not involving physical contact with the child; FFHET, $p < .001$; $V = .57$). In addition, they were also significantly less likely than CP offenders with other nonviolent and non-sexually violent criminal involvement to use texting platforms (FFHET, $p = .002$; $V = .22$) or social media (FFHET, $p = .003$; $V = .2$) to obtain CP material. Marginal significance was also found when comparing the use of email (FFHET, $p = .08$; $V = .12$), with a small effect size associated. Only 8.6% of the sample adopted special security measures (e.g., encryption, access from a cybercafé, use of TOR) to commit their offenses. Furthermore, only 14.4% of the sample contacted other like-minded individuals.

Characteristics of CP collections

Table 5 shows the characteristics of the CP content seized by the police for the entire sample. In general, offenders collected material depicting victims of one preferred gender (either boys or girls) – predominantly female victims (70.6%). As for the age of victims depicted, prepubescent victims were found in the majority of cases (71.5%). Most of the CP material seized (67.4%) was categorized as CIESI's level 1 of severity (i.e., nudity or erotic poses); however, 45.5% of case files lacked information regarding the presence or absence of level 0 material (i.e., other legal content depicting children).

When the collections were analyzed by type of offender, dual sex offenders were significantly more likely than the other groups to have CP material depicting boys in their collections

(55.6%) and less likely to have predominately girl collections (38.9%; FFHET, $p = .001$; $\Phi_c = .2$). Furthermore, they were significantly more likely to have level 0 materials (72.2% $X^2(2, N = 189) = 21.7, p < .001, V = .34$). When compared with CP-only offenders, dual sex offenders had a slightly greater level of organization of their material (11.1%; FFHET, $p = .056, V = .15$) and were significantly more likely to have a focus on specific content/children within their collections (16.7%; FFHET, $p = .005, V = .28$). Content classified as CIESI's level 3 (i.e., sexual activity between children and adults excluding the penetration of adult to child) was significantly less frequent among CP-only offenders (8.8%; FFHET, $p = .001, V = .24$); however, no other statistically significant differences between groups related to severity levels were found.

Access to children

Access to children at index differentiated between the three groups of offenders (see Table 6). However, there was a lack of information in over a third of the files (32.9%), and thus, type of access was analyzed only for 101 individuals with known access to children.

Dual sex offenders had, in general, significantly greater access to children at index (61.1%) than CP-only offenders (25.1%; $X^2(2, N = 233) = 13.94, p = .001, V = .25$). However, the type of access significantly differed between groups. Compared to the other two groups, CP-only offenders were more likely to live with children in their residence (81.7%; $X^2(2, N = 101) = 18.55, p < .001, V = .43$). On the other hand, dual sex offenders were more likely to access, but not live with, child relatives (45.5%; FFHET, $p < .001, V = .53$), with large effect sizes associated. CP offenders with other nonviolent and non-sexually violent criminal involvement were more likely than CP-only offenders to possess specific information on children not necessary for work or other obvious purposes (21.1%; FFHET, $p = .01, V = .29$). However, no statistically significant differences between groups were found in the proportion of

individuals who worked or volunteered with children.

Indication of pedophilic or hebephilic interests

Admission to police of sexual interest in children or evidence of a diagnosis of pedophilia/hebephilia were found in six files, mostly in dual sex offenders' reports (16.7%), and only 9.5% of the sample obtained a CASIC total score of 3 or higher (used as evidence of sexual interest in children; see Eke et al., 2019). No statistically significant differences were found in CASIC total scores¹¹⁴ between groups ($M = 1.9; SD = .1$; range 0–6; Welch's $F(2, 21.63) = .19, p = .83$); however, dual sex offenders were significantly more likely to have CP narratives (CASIC Item 3; 22.2%; FFHET, $p = .003, V = .32$). Furthermore, marginal statistical significance was found when separate analyses were performed for CASIC Item 5, suggesting a higher proportion of dual sex offenders volunteered in a role with high access to children¹¹⁵ (FFHET, $p = .09, V = .16$), albeit with a small associated effect size. CP-only offenders were significantly less likely than the other two groups to have admitted their sexual interest in children to other people (FFHET, $p = .002, V = .22$). CP offenders with other nonviolent or non-sexually violent criminal involvement were the only group where evidence was found (2 out of 46 case files) regarding sexual contact with minors over the legal age of sexual consent¹¹⁶.

Recidivism outcomes

Recidivism rates for an average follow-up period of 6.5 years are reported in Table 8. General (6.7%; FFHET, $p = .003, V = .18$) and violent (1.1%; FFHET, $p = .001, V = .24$) recidivism rates for CP-only offenders were significantly lower compared to the other two groups; non-sexual recidivism (2.1%; FFHET, $p = .001, V = .21$) and rates of subsequent failure on conditions (.4%; FFHET, $p = .01, V = .2$) were also lower when compared to CP offenders with other nonviolent or non-sexually violent criminal involvement, as well as the number of new arrests (FFHET, $p = .009, V = .18$), albeit with

¹¹⁴ Total scores were restricted to cases with no more than one item missing information ($n = 168; 48.4\%$), except for a CASIC score of 3 or more (see Eke et al., 2018).

¹¹⁵ This result contrast the values reported in Table 6 because of the differences in the total number of individuals considered in the analyses.

¹¹⁶ Since 2015, the age of sexual consent is fixed at 16 years (previously at 13) in the Spanish Criminal Code.

small effect sizes associated to all the comparisons. Although the mean follow-up period was significantly shorter for dual sex offenders ($M = 4.2$ years; $SD = .7$ years; range = 0–7.8) than for CP-only offenders ($M = 6.7$ years; $SD = .1$ years; range = 2.6–9; Welch's $F(2, 33.69) = 6.09, p = .006$), contact sexual recidivism rates among dual sex offenders (16.7%) were significantly higher than those reported for CP-only offenders (.4%; FFHET, $p < .001, V = .3$). In addition, marginal significance was found in the comparison between sexual recidivism rates among the three groups of CP offenders (FFHET, $p = .08; V = .12$), with a small associated effect size. No statistically significant differences between groups were found for time at risk until the first recidivism event ($M = 2.1$ years; $SD = 1.9$ years; range = .1–5.7; Welch's $F(2, 13.71) = 2.48, p = .12$), or for the first sexual recidivism event specifically ($M = 2.9$ years; $SD = 2.1$ years; range = .1–7.1; $F(2, 15) = .19, p = .83, \omega^2 = -.1$).

The log-rank Kaplan-Meier survival estimator found the survival rates of the three groups differed significantly for any sexual recidivism ($\chi^2(2) = 10.58, p = .005, V = .18$) over the whole duration of the sample up to the time of the recidivism event (see Figure 1), although with a small effect size associated to this comparison. However, the statistical procedure resulted in too small of a sample size to continue calculations for a Cox proportional hazard model.

Discriminative model for contact sexual offending

A discriminative model for contact sexual offending included all of the statistically significant variables that distinguished between CP-only and dual sex offenders and could be accessible to law enforcement officers at the early stages of CP investigations: (1) more boy than girl content in CP collection; (2) CP content within the 0 CIESI's severity level; (3) CP content within the 3 CIESI's severity level; (4) use of webcam to access the CP material; (5) admissions made to others online regarding their pedophilic/hebephilic interests; and (6) the collection and/or content accessed online included sex stories involving children. Results of the backward stepwise (Wald) binary logistic regression analysis are presented in Table 9.

The final model included three discriminative variables for contact sexual offending: (1) more boy than girl content in CP collection (Wald = 5.46, $p = .02$); (2) CP content within the 0 CIESI's severity level (i.e., non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources; Wald = 8.87, $p = .003$); and (3) CP content within the 3 CIESI's severity level (i.e., sexual activity between children and adults excluding the penetration of adult to child; Wald = 9.35, $p = .002$). Individuals presenting these features were more likely to be dual offenders compared to CP-only offenders. The odds ratio, $\text{Exp}(\beta)$, in Table 9 is a standardized measure of the change in odds as a result of the presence of the predictor. Therefore, individuals with $\geq 51\%$ boy content in their CP collections are 8 times more likely to be dual offenders. Likewise, individuals with CP content within the 0 or 3 CIESI's severity level are 17 and 21 times, respectively, more likely to be dual offenders. The Hosmer and Lemeshow's Measure (R_L^2) suggested this model explained 38.14% of the variance between dual vs. CP-only offenders ($R_C^2 = .21; R_N^2 = .46$). Finally, the Hosmer and Lemeshow test was non-significant ($\chi^2(2, N = 233) = 13.94, p = .001$), indicating the final model fit the data.

Discussion

The current work sought to examine the distinctive characteristics of CP offenders arrested in Spain. Overall, our findings were consistent with Pascual et al. (2017); CP material seized by the National Police predominantly depicted pre-pubescent victims (71.5%), mostly females (70.6%). On the other hand, most of the CP content (either photographs or videos) was classified as nudity or erotic poses (CIESI's level 1). Consistent with Eke et al. (2011) and Seto and Eke (2015), we found statistically significant differences among the arrestees when they were classified according to their criminal history.

CP-only offenders

CP-only offenders had fewer prior criminal offenses than the other two groups of CP offenders, consistent with Seto and Eke (2015); specifically, the percentage of criminal records (5.7%) and both general (6.7%) and violent (1.1%) recidivism rates were significantly lower in this group. In terms of their CP offending,

these individuals were also significantly less likely to be arrested for CP production (1.4%; i.e., images taken in person with a camera or remotely by webcam or other technologies, excluding physical sexual contact with children depicted) than those in the other two groups. In this case, Seto and Eke (2015) found only statistically significant differences between this group and dual offenders.

On the other hand, CP-only offenders were found to have greater access to children living in their residence (81.7%; i.e., biological, stepchildren, children relatives living with the offender) than the other two groups. This contrasts the findings of prior studies, which have considered close and unsupervised access to children as a risk marker for contact sex offenses (Long et al., 2016). However, when type of access was not sub-grouped, the percentage of individuals having access to children was lower compared to dual offenders (mostly due to their greater access to child relatives, with no cohabitation). One possible explanation for this finding is that the subgroup of CP-only offenders not motivated by pedophilic sexual interests would not be likely to engage in contact sex offending with these children; on the other hand, as theorized in Seto's MFM (2019), those CP-only offenders with pedophilic or hebephilic sexual interests would not present the facilitation factors required for engaging in contact sexual offending. However, we lack data on which to draw any definitive conclusions in this regard.

As for their CP collections, CP-only offenders were found to have the lowest proportion of CP material categorized as CIESI's level 3. In this regard, Long, Alison, and McManus (2013) hypothesized that greater proportions of Sentencing Advisory Panel (SAP) Levels 1 and 2 (not involving adults) reflected fantasy-driven interests (Briggs, Simon, & Simonson, 2011; Merdian et al., 2018), while a predominance of SAP Levels 3 and 4 (involving adults) might be related to a preference for sexual activities between adults and children. These individuals were also less likely to admit their sexual interest in children to other people online. However, no differences in social networking with other CP users were found between groups (in contrast with hypothesis 4, Babchishin et al., 2015), which might be due to a greater awareness of police online surveillance or to a smaller proportion of individuals with such interests.

CP offenders with other nonviolent or non-sexually violent crimes

CP offenders with other nonviolent or non-sexually violent criminal involvement were, by definition, a group with greater criminal versatility. However, they showed similar characteristics to the other two groups. The only distinctive characteristic found in this group was that they were more likely than CP-only offenders, but less likely than dual offenders, to be arrested for CP production.

Dual offenders

CP offenders with a contact sex offending history (so-called dual offenders) were the most specialized group in sexual offending; they were more likely to have a previous arrest for sexual offenses (61.1%; hypothesis 2; Babchishin et al., 2015; Long et al., 2016) and presented with higher sexual recidivism rates (16.7%; hypothesis 10; Eke et al., 2019; Elliott, Mandeville-Norden, & Beech, 2019) compared to the other two groups. Survival curves further supported this conclusion, indicating that, when controlling for time at risk, there were significant differences between the three groups with regard to sexual recidivism.

Consistent with prior studies (hypothesis 3; Long et al., 2016; Seto & Eke, 2015; Wolak et al., 2005), we found among dual sex offenders the highest proportion of CP producers (55.6%), in that they recorded their own victims or were actively part of the depicted abuse. Also consistent with hypothesis 5 (Seto & Eke, 2015), they were more likely to have content depicting boys and had smaller proportions of content depicting girls when compared to the other two groups (hypothesis 9; Babchishin et al., 2015). Studies suggest characteristics of CP collections may reflect the sexual preferences of the offender (Glasgow, 2010; Seigfried-Spellar, 2013, 2015; Seto, 2013; Seto et al., 2006). In this sense, sexual interest in boys has been associated with higher rates of sexual recidivism among CP offenders (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005; Seto & Eke, 2015; Soldino et al., unpublished).

For sexual interest in the material, 16.7% of dual offenders' files included an admission or diagnosis of pedophilic/hebephilic interests, in contrast to the other two groups. Likewise, dual sex offenders were more likely to score positively on CASIC Items 3 (i.e., child

pornography content included sex stories involving children), and marginal significance was found regarding Item 5 (i.e., volunteered in a role with high access to children; also considered an indicator of emotional congruence with children; Babchishin et al., 2015; Seto & Eke, 2017); although, no differences on CASIC total scores were found. Paraphilia indicators (such as admissions of pedophilic/hebephilic sexual interests) have been identified as primary motivators for contact sexual offenses (Seto, 2019), and as predictors for sexual recidivism (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005). On the other hand, Crookes et al. (2017) suggested CP narratives could be more harmful than visual material, acting as a more powerful reinforcer of cognitive distortions and an enhancer of pedophilic sexual fantasies. Many individuals with a sexual interest in children seek legal alternatives to CP to satisfy their sexual fantasies, due in part to the dissuasive effect of the penalties (Crookes et al., 2017; Howitt, 1995; Taylor & Quayle, 2003). Not surprisingly, dual sex offenders in our sample were also found to have the largest proportion of CIESI's Level 0 materials (72.2%; i.e., non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources).

Consistent with prior studies (hypothesis 7; Aslan et al., 2014; Babchishin et al., 2015; Clevenger et al., 2016; Long et al., 2013), dual offenders were found to have greater access to children compared to CP-only offenders. When differences on type of access were analyzed, this group had greater access to child relatives (with no co-habitation), as well as some marginal evidence on greater likelihood to volunteer with children (when measured as CASIC Item 5). According to prior findings, contact sexual offenders with victims as minors are more likely to offend against child relatives and commit their offenses in the victim's residence (Soldino, Carbonell-Vayá, & Tibau, unpublished). Nevertheless, since 2015, Spanish legislation establishes the obligation to provide negative certificates of the Central Register of Sex Offenders for all professionals and volunteers who work in regular contact with minors. However, being employed in an occupation with high access to children has not been correlated with sexual interest in children (Seto & Eke, 2017), and we, too, did not find a correlation between job access to children and dual sex

offending. On the other hand, our results did not support hypothesis 1 (i.e., no differences were found between groups in their employment status; in contrast with Babchishin et al., 2015; Seto & Eke, 2015); hypothesis 6 (i.e., dual offenders were not more likely to possess higher severity level CP content than the other two groups; in contrast with Long et al., 2013); and hypothesis 8 (i.e., no differences were found between dual offenders and CP users with other nonviolent and/or nonsexually violent offending in their likelihood to engage in online grooming behaviors; in contrast with Long et al., 2016).

Regarding the potential for criminal escalation to contact offenses for CP offenders, our results revealed that only one out of 283 CP-only offenders was arrested for a contact sexual offense during the follow-up period (6.7 years on average). Likewise, we identified only one dual offender whose first criminal sexual record was related to CP offenses. Therefore, our results support previous conclusions about the absence of a direct relationship between the commission of a CP offense and the commission of subsequent contact sexual offenses (Aebi, Plattner, Ernest, Kaszynski, & Bessler, 2014; Henshaw et al., 2017; Owens et al., 2016). Development of sexual interest in children seems to have an offline beginning (Sheehan & Sullivan, 2010). In this sense, CP use would more likely operate as a compensatory method (Riegel, 2004) or a behavioral extension of contact offending (Bourke & Hernandez, 2009), than as its precursor.

Finally, consistent with previous research (Glasgow, 2010; Long et al., 2013; Seigfried-Spellar, 2013, 2015; Seto, 2013; Seto et al., 2006; Seto & Eke, 2015), the regression analysis confirmed the importance of the characteristics of CP collections for classificatory purposes. Specifically, the prevalence of boys in the CP collection and the presence of CP content within the 0 and 3 CIESI's severity levels predicted contact sexual offending among CP users, and thus, may be useful for prioritization by law enforcement in future CP investigations.

Limitations and future directions

A major concern for research based on police data is that the information gleaned from law enforcement agencies may not represent the full extent of any offending (i.e., the police cannot assume that no incriminating information has

been hidden, deleted, or remains otherwise undetected), especially when investigating CP offenders (Beier et al., 2015; Kuhle et al., 2017). On the other hand, other operational issues are likely to provide limitations to our analyses (e.g., for resource reasons many police departments only analyze enough devices to elicit sufficient evidence to secure a conviction and not all of the data they seize).

The high percentage of missing information in the digital investigation files reviewed was also a challenge for this study, in terms of data collection, coding procedures, and statistical analyses. This suggests that police investigators should explicitly collect and analyze relevant risk factors in this population, such as the characteristics of non-pornographic child content (e.g., non-erotic and non-sexualized images of children coming from commercial sources, family albums or legitimate sources). Even though this information may not be probative or necessary for prosecution, it could assist case prioritization, as well as guide treatment and supervision planning (Eke et al., 2019).

Finally, we were concerned about the differences in sample size between the three groups; especially regarding dual offenders (mostly due to the lack of information about cases that initially came to the attention of the police for victim complaints regarding contact sexual offenses). However, this did not prevent us from uncovering several statistically significant differences between them. Future studies with larger samples are needed to analyze, specifically, the distinctive characteristics of dual sex offenders. Furthermore, we encourage new studies in geographically and culturally different samples that could reveal intercultural differences between CP offenders.

Conclusion

This study provides a baseline and detailed examination of the distinctive characteristics of CP offenders arrested in Spain. Overall, our findings are consistent with what has been previously found in English-speaking samples: CP users do not present as a homogeneous group of individuals. Specifically, when classified according to their criminal history, CP-only and dual offenders may be considered as differentiated subgroups of CP offenders. This might have repercussions on risk, needs and

responsivity (Andrews & Bonta, 2010) of each subgroup, which would result in the need to develop specific risk assessment tools and treatment approaches. In this sense, the similarities detected between our sample and those from other English-speaking countries seem encouraging for the development of cross-cultural validation studies of these tools, as well as for the incorporation of those therapeutic ingredients that have been proven effective in other cultural contexts.

Additionally, this study has identified factors, such as the characteristics of CP collections, which could be used to assist with prioritizing cases in terms of the likelihood of contact sexual offending among CP users. However, some variance still remains unexplained, which suggests other relevant risk factors exist for CP users and contact sexual offenders. When human and economic resources are limited, it is preferable to prioritize those investigations where there is a greater likelihood of contact sexual offenses between the suspect and real victims. Identifying the distinctive characteristics of subgroups among CP users may assist law enforcement agencies in terms of decision-making processes and case prioritization (Long et al., 2016), as well as increase the effectiveness of prevention, the development of tailored risk assessment tools, and specific interventions for CP offenders.

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Table 1. Definitions of variables.

| Variable | Brief description |
|--|---|
| Type of CP offending (at index) | |
| <i>CP accessing/possession only</i> | The individual was arrested only for knowingly accessing/possessing CP material |
| + <i>CP purchase</i> | An economic transaction is needed for the acquisition of the CP material |
| + <i>CP distribution</i> | Sharing CP material with others through P2P ^a networks, email, forums, etc. |
| + <i>CP production</i> | CP is taken in person with a camera ^b or remotely by webcam or other technologies ^c |
| + <i>Online Child Grooming</i> | Contacting children through ICT ^d for sexual purposes |
| + <i>Child prostitution</i> | Promoting the prostitution of an underage person |
| + <i>Child Sexual Abuse</i> | Involving physical sexual contact with a child victim |
| + <i>Other</i> | E.g., CP selling, threats, exhibition of pornographic material to minors, ... |
| Means used to access the CP material | |
| <i>Open forum/website</i> | Public access through the World Wide Web, including general chatrooms |
| <i>Commercial website</i> | Payment is required to gain access |
| <i>Closed group trading</i> | Password/invitation is required to gain access to the forum/chatroom |
| <i>P2P^a</i> | Allows shared access to files without the need for a central server (e.g., Emule, Ares, ...) |
| <i>Encrypted P2P^a</i> | The traffic flows between peers is encrypted (e.g., Gigatribe) |
| <i>Texting</i> | Including instant messaging (e.g., MSN Messenger) and free text apps (e.g., Whatsapp) |
| <i>Webcam</i> | Images are feds or streamed in real time to or through a computer to a computer network |
| <i>Email</i> | Messages (including images, links, CSS layouts, or email attachments) distributed by electronic means from one computer user to one or more recipients via a network |
| <i>Social media</i> | Websites and applications that enable users to create and share content or to participate in social networking (e.g., Tuenti ^e) |
| <i>The Onion Router (TOR)</i> | Free and open-source software for enabling anonymous communication |
| <i>Own production</i> | CP is taken in person with a camera |
| <i>Other</i> | E.g., multimedia, Internet Relay Chat "IRC" protocols, ... |
| CIESI severity levels (Pascual et al., 2017) | |
| <i>Level 0 "other relevant material"</i> | Images that are not included in the category of child pornography (i.e., non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums or legitimate sources, as well as images that cannot be included in any of the higher levels) |
| <i>Level 1 "nudity or erotic poses"</i> | Images of children totally or partially dressed or naked, in provocative or sexualized poses, or that emphasize the genital areas |
| <i>Level 2 "sexual activity between children"</i> | Images of sexual activity between children or own masturbation |
| <i>Level 3 "sexual activity between children and adults excluding the penetration of adult to child"</i> | Images of sexual activity with the participation of an adult; penetration produced from child to adult is included but penetration (of any kind) from adult to child is excluded |
| <i>Level 4 "sexual activity with penetration from adult to child"</i> | Images of sexual activity between children and adults that include penetration from adult to child |
| <i>Level 5 "sadistic sexual activity and bestiality"</i> | Images of sexual activities that increase physical pain or humiliation unnecessarily, as well as sexual activity between children and animals |
| Type of access to children | |
| <i>Children living in residence</i> | Biological, stepchildren, and/or children relatives living with the offender |
| <i>Children relatives</i> | Children relatives living in another house but with a frequent contact with the offender |
| <i>Works with children</i> | E.g., school teacher |
| <i>Volunteers with children</i> | Volunteering in a role with high access to children |
| <i>Specific information on children</i> | Considered outside of what would be necessary for work or other obvious purposes |
| <i>Online sexual solicitation</i> | Engaging in online sexual communications with a minor |

Note. ^a Peer to peer. ^b Some offenders were actively part of the production and abuse that occurred within the images depicted/recorded. ^c E.g., as part of online child grooming offending. ^d Information and Communication Technologies. ^e Popular social network in Spain.

Table 2. Sociodemographic characteristics distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|---|-----------------------------------|-------------------------------------|--|---|--|
| Employment status: <i>n</i> (%) | | | | | <i>p</i> = .34 ^a ; <i>V</i> = .105 |
| Working | 200 (57.6) | 171 (60.4) | 20 (43.5) | 9 (50) | |
| Student | 17 (4.9) | 15 (5.3) | 2 (4.3) | 0 (0) | |
| Unemployed | 58 (16.7) | 42 (14.8) | 12 (26.1) | 4 (22.2) | |
| Retiree/pensioner/medical leave | 27 (7.8) | 22 (7.8) | 4 (8.7) | 1 (5.6) | |
| Unknown | 45 (13) | 33 (11.7) | 8 (17.4) | 4 (22.2) | |
| Occupation ^b (<i>N</i> = 200): <i>n</i> (%) | | | | | <i>p</i> = .11 ^a ; <i>V</i> = .13 |
| Unskilled/semiskilled | 72 (36) | 57 (33.3) | 10 (50) | 5 (55.6) | |
| Skilled | 90 (45) | 81 (47.4) | 8 (40) | 1 (11.1) | |
| Professional | 38 (19) | 33 (19.3) | 2 (10) | 3 (33.3) | |
| Marital status: <i>n</i> (%) | | | | | <i>p</i> = .43 ^a ; <i>V</i> = .074 |
| Single | 157 (45.2) | 128 (45.2) | 23 (50) | 6 (33.3) | |
| Married/common law | 103 (29.7) | 90 (31.8) | 10 (21.7) | 3 (16.7) | |
| Separated/divorced/widowed | 25 (7.2) | 19 (6.7) | 4 (8.7) | 2 (11.1) | |
| Unknown | 62 (17.9) | 46 (16.3) | 9 (19.6) | 7 (38.9) | |
| Home country: <i>n</i> (%) | | | | | <i>p</i> = .7 ^a ; <i>V</i> = .064 |
| Spain | 299 (86.2) | 245 (86.6) | 40 (87) | 14 (77.8) | |
| Europe (other) | 26 (7.5) | 20 (7.1) | 3 (6.5) | 3 (16.7) | |
| Latin America | 20 (5.8) | 16 (5.7) | 3 (6.5) | 1 (5.6) | |
| Other | 2 (.6) | 2 (.7) | 0 (0) | 0 (0) | |
| Biological children: <i>n</i> (%) | 76 (21.9) | 61 (21.6) | 12 (26.1) | 3 (16.7) | χ^2 (2, <i>N</i> = 229) = .802, <i>p</i> = .67, <i>V</i> = .059 |
| Unknown | 118 (34) | 97 (34.3) | 15 (32.6) | 6 (33.3) | |
| Computer knowledge: <i>n</i> (%) | | | | | <i>p</i> = .93 ^a ; <i>V</i> = .069 |
| Basic | 159 (45.8) | 130 (45.9) | 20 (43.5) | 9 (50) | |
| Medium | 45 (13) | 38 (13.4) | 6 (13) | 1 (5.6) | |
| Advanced | 24 (6.9) | 20 (7.1) | 3 (6.5) | 1 (5.6) | |
| Professional | 23 (6.6) | 21 (7.4) | 1 (2.2) | 1 (5.6) | |
| Unknown | 95 (27.7) | 74 (26.1) | 16 (34.8) | 6 (33.3) | |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the *p* < .05 level (using the Bonferroni correction). Values in bold were statistically significant.

^a The Freeman-Halton extension of Fisher's exact test was calculated for a contingency table larger than 2 x 2 in which one or more cells did not mean the expected minimum of 5.

^b Unskilled/semiskilled included truck drivers and laborers, skilled included mechanics and technicians, and professional included teachers and doctors.

Table 3. Criminological data distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Criminal history: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|--|--|--|--|---|---|
| Any prior offense | 65 (18.7) | 16 (5.7) _a | 37 (80.4) _b | 12 (66.7) _b | $X^2 (2, N = 347) = 174.01, p < .001, V = .708$ |
| Any prior violent offense ^a | 16 (4.6) | – | 7 (15.2) _a | 9 (50) _b | $X^2 (1, N = 62) = 7.75, p = .01, \Phi = .354$ |
| Any prior non-violent offense ^b | 57 (16.4) | 16 (5.7) _a | 33 (71.7) _b | 8 (44.4) _b | $X^2 (2, N = 346) = 109.74, p < .001, V = .636$ |
| Any prior non-sexual offense | 38 (11) | – | 34 (73.9) _a | 4 (22.2) _b | $X^2 (1, N = 64) = 14.33, p < .001, \Phi = -.473$ |
| Any prior sexual offense | 33 (9.5) | 16 (5.7) _a | 6 (13) _a | 11 (61.1) _b | $p < .001^c; V = .42$ |
| Any prior contact offense | 9 (2.6) | – | – | 9 (50) | – |
| Any prior non-contact sexual offense | 26 (7.5) | 16 (5.7) _a | 6 (13) _{a, b} | 5 (27.8) _b | $p = .003^c; V = .198$ |
| Any prior CP offense | 23 (6.6) | 16 (5.7) _a | 3 (6.5) _{a, b} | 4 (22.2) _b | $p = .03^c; V = .147$ |
| More than one prior offense | 19 (5.5) | 2 (.7) _a | 11 (23.9) _b | 6 (33.3) _b | $p < .001^c; V = .448$ |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni correction). Values in bold were statistically significant.

^a 2 missing cases (.6%). ^b 1 missing case (.3%). ^c The Freeman-Halton extension of Fisher's exact test was calculated for a 2×3 contingency table in which one or more cells did not mean the expected minimum of 5.

Table 4. Index CP offending characteristics distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|--------------------------------------|-----------------------------------|-------------------------------------|--|---|--|
| CP offending (at index) ^a | | | | | |
| CP accessing/possession only | 17 (4.9) | 13 (4.6) | 3 (6.5) | 1 (5.6) | <i>p</i> = .59 ^b , <i>V</i> = .031 |
| + CP purchase | 70 (20.2) | 60 (21.2) | 5 (10.9) | 5 (27.8) | $X^2(2, N = 347) = 3.31, p = .19, V = .098$ |
| + CP distribution | 260 (74.9) | 216 (76.3) _a | 35 (76.1) _{a, b} | 9 (50) _b | $X^2(2, N = 347) = 6.28, p = .045, V = .135$ |
| + CP production | 19 (5.5) | 4 (1.4) _a | 5 (10.9) _b | 10 (55.6) _c | <i>p</i> < .001 ^b , <i>V</i> = .534 |
| + Online Child Grooming | 9 (2.6) | – | 7 (15.2) | 2 (11.1) | <i>p</i> = 1 ^c , $\Phi = -.053$ |
| + Child prostitution | 4 (1.2) | – | 2 (4.3) | 2 (11.1) | <i>p</i> = .31 ^c , $\Phi = .126$ |
| + Child Sexual Abuse | 12 (3.5) | – | – | 12 (66.7) | – |
| + Other | 8 (2.3) | – | 7 (15.2) | 1 (5.6) | <i>p</i> = .42 ^c , $\Phi = -.131$ |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the *p* < .05 level (using the Bonferroni correction). Values in bold were statistically significant.

^a These categories are not mutually exclusive. ^b The Freeman-Halton extension of Fisher’s exact test was calculated for a 2 × 3 contingency table in which one or more cells did not mean the expected minimum of 5. ^c Fisher’s exact test was calculated for a 2 × 2 contingency table in which one or more cells did not mean the expected minimum of 5.

Table 4 (cont.). Index CP offending characteristics distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|---------------------------|-----------------------------------|-------------------------------------|--|--|---|
| Access to CP ^a | | | | | |
| Open forum/website | 21 (6.1) | 16 (5.7) | 2 (4.3) | 3 (16.7) | $p = .16^b$, $V = .112$ |
| <i>Unknown</i> | 2 (.6) | 1 (.4) | 0 (0) | 1 (5.6) | |
| Commercial website | 72 (20.7) | 61 (21.5) | 6 (13) | 5 (27.8) | $\chi^2 (2, N = 346) = 2.54, p = .29, V = .086$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Closed group trading | 37 (10.7) | 30 (10.6) | 4 (8.7) | 3 (16.7) | $p = .59^b$, $V = .055$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| P2P | 220 (63.4) | 185 (65.4) | 28 (60.9) | 7 (38.9) | $\chi^2 (2, N = 346) = 4.22, p = .12, V = .11$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Encrypted P2P | 15 (4.3) | 11 (3.9) | 2 (4.3) | 2 (11.1) | $p = .19^b$, $V = .083$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Texting | 14 (4) | 7 (2.5) _a | 7 (15.2) _b | 0 (0) _{a, b} | $p = .002^b$, $V = .223$ |
| <i>Unknown</i> | 2 (.6) | 1 (.4) | 0 (0) | 1 (5.6) | |
| Webcam | 5 (1.4) | 1 (4) _a | 2 (4.3) _b | 2 (11.1) _b | $p = .002^b$, $V = .227$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Email | 22 (6.3) | 15 (5.3) | 4 (8.7) | 3 (16.7) | $^{\dagger}p = .08^b$, $V = .115$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Social media | 7 (2) | 2 (.7) _a | 4 (8.7) _b | 1 (5.6) _{a, b} | $p = .003^b$, $V = .202$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| TOR | 3 (.9) | 2 (0.7) | 1 (2.2) | 0 (0) | $p = .45^b$, $V = .058$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Own production | 11 (3.2) | 4 (1.4) _a | 3 (6.5) _b | 10 (55.6) _c | $p < .001^b$, $V = .573$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Other | 4 (1.2) | 3 (1.1) | 1 (2.2) | 0 (0) | $p = .55^b$, $V = .043$ |
| <i>Unknown</i> | 1 (.3) | 0 (0) | 0 (0) | 1 (5.6) | |
| Security measures adopted | 30 (8.6) | 22 (7.8) | 5 (10.9) | 3 (16.7) | $p = .28^b$, $V = .076$ |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Active CP distribution | 45 (13) | 33 (11.7) | 7 (15.2) | 5 (27.8) | $\chi^2 (2, N = 338) = 4.37, p = .1, V = .114$ |
| <i>Unknown</i> | 9 (2.6) | 8 (2.8) | 0 (0) | 1 (5.6) | |
| Social networking | 50 (14.4) | 40 (14.1) | 5 (10.9) | 5 (27.8) | $\chi^2 (2, N = 347) = 3.09, p = .23, V = .094$ |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni correction). Values in bold were statistically significant.

^a These categories are not mutually exclusive. ^b The Freeman-Halton extension of Fisher's exact test was calculated for a 2×3 contingency table in which one or more cells did not mean the expected minimum of 5. ^c Fisher's exact test was calculated for a 2×2 contingency table in which one or more cells did not mean the expected minimum of 5. [†] Marginal significance.

Table 5. Characteristics of CP content distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|---|-----------------------------------|-------------------------------------|--|---|---|
| Gender of children depicted | | | | | $p = .001^b$, $V = .203$ |
| More girls | 245 (70.6) | 205 (72.4) _a | 33 (71.7) _a | 7 (38.9) _b | |
| More boys | 48 (13.8) | 33 (11.7) _a | 5 (10.9) _a | 10 (55.6) _b | |
| Both genders | 7 (2) | 6 (2.1) _a | 1 (2.2) _a | 0 (0) _a | |
| Unknown | 47 (13.5) | 39 (13.8) | 7 (15.2) | 1 (5.6) | |
| Age of children depicted ^a | | | | | $p = .38^b$, $V = .078$ |
| Infant/toddler | 23 (6.6) | 20 (7.1) | 1 (2.2) | 2 (11.1) | $X^2 (2, N = 288) = 3.67$, $p = .18$, $V = .113$ |
| Prepubescent | 248 (71.5) | 205 (72.4) | 31 (67.4) | 12 (66.7) | $X^2 (2, N = 288) = 3.04$, $p = .24$, $V = .103$ |
| Pubescent | 71 (20.5) | 54 (19.1) | 10 (21.7) | 7 (38.9) | |
| Unknown | 59 (17) | 48 (17) | 10 (21.7) | 1 (5.6) | |
| CIESI severity levels (Pascual et al., 2017) ^a | | | | | |
| Level 0. Other legal child-related content | 58 (16.7) | 35 (12.4) _a | 10 (21.7) _a | 13 (72.2) _b | $X^2 (2, N = 189) = 21.7$, $p < .001$, $V = .339$ |
| Unknown | 158 (45.5) | 141 (49.8) | 15 (32.6) | 2 (11.1) | |
| Level 1. Nudity or erotic poses | 234 (67.4) | 191 (67.5) | 27 (58.7) | 16 (88.9) | $p = .56^b$, $V = .071$ |
| Level 2. Sexual activity between children | 102 (29.4) | 85 (30) | 11 (23.9) | 6 (33.3) | $X^2 (2, N = 275) = 27$, $p = .88$, $V = .031$ |
| Level 3. Adult-child sexual activity without penetration | 41 (11.8) | 25 (8.8) _a | 9 (19.6) _b | 7 (38.9) _b | $p = .001^b$, $V = .24$ |
| Level 4. Adult-child sexual activity with penetration | 99 (28.5) | 77 (27.2) | 16 (34.8) | 6 (33.3) | $X^2 (2, N = 275) = 2.56$, $p = .31$, $V = .096$ |
| Level 5. Sadism and/or bestiality | 18 (5.2) | 12 (4.2) | 4 (8.7) | 2 (11.1) | $p = .12^b$, $V = .104$ |
| Unknown | 72 (20.7) | 58 (20.5) | 13 (28.3) | 1 (5.6) | |
| Focus on specific content/children | 8 (2.3) | 4 (1.4) _a | 1 (2.2) _{a, b} | 3 (16.7) _b | $p = .005^b$, $V = .278$ |
| Unknown | 118 (34) | 90 (31.8) | 22 (47.8) | 6 (33.3) | |
| Other paraphilic material | 7 (2) | 4 (1.4) | 2 (4.3) | 1 (5.6) | $p = .15^b$, $V = .108$ |
| Unknown | 105 (30.3) | 86 (30.4) | 16 (34.8) | 3 (16.7) | |
| CP organized (moderate to high) | 8 (2.3) | 5 (1.8) _a | 1 (2.2) _{a, b} | 2 (11.1) _b | $^{\dagger}p = .056^b$, $V = .154$ |
| Unknown | 106 (30.5) | 82 (29) | 20 (43.5) | 4 (22.2) | |
| Collection size (>1000 images) | 19 (5.5) | 16 (5.7) | 1 (2.2) | 2 (11.1) | $p = .4^b$, $V = .091$ |
| Unknown | 146 (42.1) | 116 (41) | 23 (50) | 7 (38.9) | |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni correction). Values in bold were statistically significant.

^a These categories are not mutually exclusive. ^b The Freeman-Halton extension of Fisher's exact test was calculated for a contingency table larger than 2 x 2 in which one or more cells did not mean the expected minimum of 5. [†] Marginal significance.

Table 6. Access to children at index, distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic | |
|---|-----------------------------------|-------------------------------------|--|---|---|---------------------------|
| Access to children at index | 101 (29.1) | 71 (25.1) _a | 19 (41.3) _{a, b} | 11 (61.1) _b | $X^2(2, N = 233) = 13.94, p = .001, V = .245$ | |
| <i>Unknown</i> | 114 (32.9) | 96 (33.9) | 13 (28.3) | 5 (27.8) | | |
| Type of access ^a (<i>N</i> = 101) | | | | | $X^2(2, N = 101) = 18.55, p < .001, V = .429$ | |
| <i>Children living in residence</i> | 70 (69.3) | 58 (81.7) _a | 9 (47.4) _b | 3 (27.3) _b | | $p < .001^b, V = .534$ |
| <i>Children relatives</i> | 7 (6.9) | 1 (1.4) _a | 1 (5.3) _a | 5 (45.5) _b | | $p = .56^b, V = .111$ |
| <i>Works with children</i> | 12 (11.9) | 9 (12.7) | 1 (5.3) | 2 (18.2) | | $p = .17^b, V = .188$ |
| <i>Volunteers with children</i> | 7 (6.9) | 5 (7) | 0 (0) | 2 (18.2) | | $p = .01^b, V = .292$ |
| <i>Specific information on children</i> | 8 (7.9) | 2 (2.8) _a | 4 (21.1) _b | 2 (18.2) _{a, b} | | $p = .42^c, \Phi = -.196$ |
| <i>Online sexual solicitation</i> | 9 (8.9) | – | 7 (36.8) | 2 (18.2) | | |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni correction). Values in bold were statistically significant.

^a These categories are not mutually exclusive. ^b The Freeman-Halton extension of Fisher's exact test was calculated for a 2×3 contingency table in which one or more cells did not mean the expected minimum of 5. ^c Fisher's exact test was calculated for a 2×2 contingency table in which one or more cells did not mean the expected minimum of 5.

Table 7. Indication of pedophilic or hebephilic interests, distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Sexual interest: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|---|-----------------------------------|-------------------------------------|---|---|---|
| Admission/diagnosis CASIC | 6 (1.7) | 3 (1) _a | 0 (0) _a | 3 (16.7) _b | $p = .003^a$, $V = .269$ |
| Item 1. Never married | 156 (45) | 128 (45.2) | 23 (50) | 5 (27.8) | $\chi^2 (2, N = 283) = .92, p = .7, V = .057$ |
| Missing | 64 (18.4) | 47 (16.6) | 9 (19.6) | 8 (44.4) | |
| Item 2. CP videos | 265 (76.4) | 219 (77.4) | 34 (73.9) | 12 (66.7) | $\chi^2 (2, N = 319) = 3.68, p = .17, V = .107$ |
| Missing | 28 (8.1) | 22 (7.8) | 6 (13) | 0 (0) | |
| Item 3. CP text stories | 8 (2.3) | 4 (1.4) _a | 0 (0) _a | 4 (22.2) _b | $p = .003^a$, $V = .321$ |
| Missing | 141 (40.6) | 125 (44.2) | 14 (30.4) | 2 (11.1) | |
| Item 4. CP activity spanning ≥ 2 years | 64 (18.4) | 57 (20.1) | 3 (6.5) | 4 (22.2) | $p = .21^a$, $V = .186$ |
| Missing | 263 (75.8) | 211 (74.6) | 40 (87) | 12 (66.7) | |
| Item 5. Volunteering with access to children | 7 (2) | 5 (1.8) | 0 (0) | 2 (11.1) | $^{\dagger}p = .09^a$, $V = .164$ |
| Missing | 86 (24.8) | 76 (26.9) | 8 (17.4) | 2 (11.1) | |
| Item 6. Online sexual communications with minor/undercover officer | 13 (3.7) | – | 10 (21.7) | 3 (16.7) | $p = .74^b$, $\Phi = -.068$ |
| Missing | 2 (.6) | – | 2 (4.3) | 0 (0) | |
| CASIC score $\geq 3^c$ | 33 (9.5) | 23 (8.1) | 6 (13) | 4 (22.2) | $p = .22^a$, $V = .128$ |
| More than one item missing | 179 (51.6) | 149 (52.7) | 24 (52.2) | 6 (33.3) | |
| Admissions made to others | 5 (1.4) | 1 (.4) _a | 2 (4.3) _b | 2 (11.1) _b | $p = .002^a$, $V = .221$ |
| Postings in child sexual interest groups | 5 (1.4) | 4 (1.4) | 0 (0) | 1 (5.6) | $p = .35^a$, $V = .09$ |
| Sexual contacts with minors over the age of sexual consent | 2 (0.6) | 0 (0) _a | 2 (4.3) _b | 0 (0) _{a, b} | $p = .03^a$, $V = .195$ |

Note. The categories are not mutually exclusive. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni correction). Values in bold were statistically significant.

^a The Freeman-Halton extension of Fisher's exact test was calculated for a 2×3 contingency table in which one or more cells did not mean the expected minimum of 5. ^b Fisher's exact test was calculated for a 2×2 contingency table in which one or more cells did not mean the expected minimum of 5. ^c CASIC scores of 3 or more can be used as evidence of pedophilic/hebephilic interests (Eke et al., 2018) [†] Marginal significance.

Table 8. Recidivism outcomes distinguishing CP-only offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Recidivism outcomes on the basis of new arrests: <i>n</i> (%) | Total sample (<i>N</i> = 347) | CP only (<i>n</i> = 283; 81.6%) | CP + nonviolent and/or nonsexual violent offending (<i>n</i> = 46; 13.3%) | CP + contact sex offending (<i>n</i> = 18; 5.2%) | Comparison statistic |
|---|-----------------------------------|-------------------------------------|---|--|---|
| Any reoffense | 32 (9.2) | 19 (6.7) _a | 9 (19.6) _b | 4 (22.2) _b | <i>p</i> = .003 ^a , <i>V</i> = .183 |
| Any violent reoffense | 9 (2.6) | 3 (1.1) _a | 3 (6.5) _b | 3 (16.7) _b | <i>p</i> = .001 ^a , <i>V</i> = .237 |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Any non-violent reoffense | 24 (6.9) | 16 (5.7) | 6 (13) | 2 (11.1) | <i>p</i> = .11 ^a , <i>V</i> = .105 |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Any sexual reoffense | 19 (5.5) | 13 (4.6) | 3 (6.5) | 3 (16.7) | † <i>p</i> = .08 ^a , <i>V</i> = .119 |
| Any contact sexual reoffense | 5 (1.4) | 1 (.4) _a | 1 (2.2) _{a, b} | 3 (16.7) _b | <i>p</i> < .001 ^a , <i>V</i> = .303 |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Any non-contact sexual reoffense | 13 (3.7) | 11 (3.9) | 2 (4.3) | 0 (0) | <i>p</i> = .85 ^a , <i>V</i> = .047 |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Any CP reoffense | 12 (3.5) | 10 (3.5) | 2 (4.3) | 0 (0) | <i>p</i> = .83 ^a , <i>V</i> = .047 |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0) | 0 (0) | |
| Any non-sexual reoffense | 14 (4) | 6 (2.1) _a | 6 (13) _b | 2 (11.1) _{a, b} | <i>p</i> = .001 ^a , <i>V</i> = .205 |
| Any failure on conditions | 4 (1.2) | 1 (.4) _a | 3 (6.5) _b | 0 (0) _{a, b} | <i>p</i> = .01 ^a , <i>V</i> = .197 |
| More than one new arrest | 8 (2.3) | 3 (1.1) _a | 4 (8.7) _b | 1 (5.6) _{a, b} | <i>p</i> = .009 ^a , <i>V</i> = .179 |

Note. Some data are missing, so group sizes vary across variables. Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the *p* < .05 level (using the Bonferroni correction). Values in bold were statistically significant.

^a The Freeman-Halton extension of Fisher’s exact test was calculated for a 2 × 3 contingency table in which one or more cells did not mean the expected minimum of 5.

† Marginal significance.

Table 9. Backward stepwise (Wald) logistic regression for contact sexual offending.

| Predictors | β | S.E. | Exp(β) | 95% CI |
|--------------------------|---------|----------|----------------|--------------|
| Step 1 | | | | |
| More boy CP | 2.09* | 1.01 | 8.09 | 1.12, 58.42 |
| 0 severity level | 2.59* | 1.09 | 13.37 | 1.59, 112.26 |
| 3 severity level | 3.05** | 1.13 | 21.14 | 2.33, 191.67 |
| Webcam | 42.43 | 47368.92 | 2.68E+18 | – |
| Admission made to others | -21.11 | 40192.97 | .00 | – |
| CP narratives | 1.40 | 1.39 | 4.05 | .27, 61.71 |
| Step 2 | | | | |
| More boy CP | 2.21* | 1.01 | 9.12 | 1.25, 66.57 |
| 0 severity level | 2.3* | .10 | 9.97 | 1.41, 70.38 |
| 3 severity level | 2.78** | 1.07 | 16.18 | 2.01, 130.34 |
| Webcam | 21.35 | 25059.89 | 1867916387.53 | – |
| CP narratives | 1.66 | 1.33 | 5.27 | .39, 70.91 |
| Step 3 | | | | |
| More boy CP | 2.38* | .99 | 10.82 | 1.57, 74.62 |
| 0 severity level | 2.39* | .99 | 10.94 | 1.58, 75.59 |
| 3 severity level | 2.80** | 1.05 | 16.43 | 2.09, 129.36 |
| CP narratives | 1.66 | 1.30 | 5.25 | .41, 67.34 |
| Step 4 | | | | |
| More boy CP | 2.12* | .91 | 8.29 | 1.41, 48.84 |
| 0 severity level | 2.82** | .95 | 16.85 | 2.63, 108.10 |
| 3 severity level | 3.07** | 1.00 | 21.44 | 3.01, 152.90 |

Note. $R^2 = .38$ (Hosmer & Lemeshow); $.21$ (Cox & Snell); $.46$ (Nagelkerke). β = regression coefficient; S.E. = standard error; Exp(β) = exponentiated β ; CI = confidence interval. * $p < .05$, ** $p < .01$.

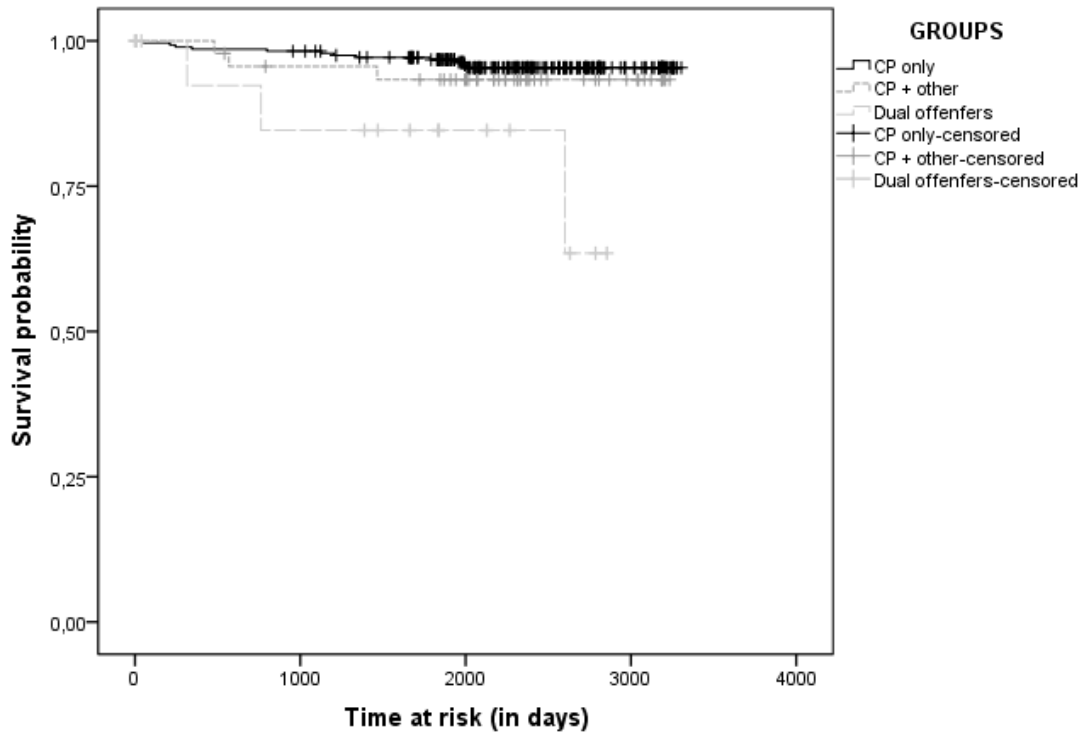


Figure 1. Kaplan-Meier survival plot for sexual recidivism distinguishing between type of CP offend.

Study 8

**Implicit theories of child sexual exploitation
material offenders:
Cross-cultural validation of interview findings.**

**Implicit Theories of Child Sexual Exploitation Material offenders:
Cross-cultural validation of interview findings¹¹⁷**

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Abstract

Offense-supportive cognitions are thought to result from underlying implicit theories (ITs). Since Child Sexual Exploitation Material (CSEM) users are a distinct type of sex offender, Bartels and Merdian (2016) proposed that CSEM offenders hold five different ITs from those endorsed by contact sex offenders (i.e., *Unhappy World*, *Self as Uncontrollable*, *Child as Sexual Object*, *Nature of Harm* [CSEM variant], and *Self as Collector*), linked by an assumption about the Reinforcing Nature of the Internet. This paper reports a conceptual content analysis of 23 interviews conducted with CSEM offenders in the UK and Spain. Support for all CSEM-specific ITs was found across both samples, providing an empirical validation of this conceptualization. Finally, four ITs originally identified for contact sex offenders (Ward & Keenan, 1999) were also identified; namely, *Uncontrollability*, *Child as Sexual Being*, *Dangerous World* and *Nature of Harm*. Further validation of CSEM-related ITs are encouraged.

Keywords. Implicit theory; child sexual exploitation material; online sex offenders; cognitive distortions; interview.

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Introduction

Child Sexual Exploitation Material (CSEM) portrays the sexual abuse and/or sexual exploitation of children. Increasing empirical attention has been directed towards identifying the factors associated with CSEM offenders (Babchishin, Hanson, & VanZuylen, 2015; Seto, 2013). One such factor is cognitive distortions (Kettleborough & Merdian, 2017), which can be defined as surface-level cognitions and/or statements that are offense-supportive in nature (Ward, 2000). These surface-level cognitions are thought to be the product of deeper cognitive structures termed Implicit Theories (ITs) - core beliefs that bias the processing of social information (Ward, 2000). Due to their explanatory power, ITs have been incorporated and expanded upon in later cognitive distortion theories that account for the role of other processes and situational factors. Examples include the Judgment Model of Cognitive Distortions (Ward, Gannon, & Keown, 2006) and the Multi-Mechanism Theory of Cognitive Distortions (Szumski, Bartels, Beech, & Fisher, 2018), as well as multifactorial theories of sexual offending, such as the Integrated Theory of Sexual Offending (Ward & Beech, 2006) and the Agency Model of Risk (Heffernan & Ward, 2015). In light of this, establishing the core beliefs (ITs) that underpin the cognitive distortions of CSEM offenders will provide a starting point for understanding the role of cognition in CSEM offending more deeply, as well as helping provide the foundation for developing an assessment measure.

Implicit Theories related to Child Sexual Abuse

Ward and Keenan (1999) proposed five ITs typically endorsed by individuals who have committed a contact sexual offense against a child (i.e., ‘Children as Sexual Beings’, ‘Nature of Harm’, ‘Uncontrollability’, ‘Entitlement’, ‘Dangerous World’), which have been corroborated in subsequent research (e.g., Keown, Gannon, & Ward, 2010). However, Merdian, Curtis, Thakker, Wilson, and Boer (2014) found that CSEM offenders report comparatively fewer cognitive distortions linked to these ITs. Consequently, they suggested that CSEM offenders may harbor a distinct set of ITs. From a Grounded Theory analysis of the CSEM literature, Bartels and Merdian (2016) proposed five CSEM-related ITs, linked to each other via a widespread assumption about the Internet:

- *Child as Sex Object* – a belief that leads individuals to perceive children as sexual stimuli rather than people. This IT can lead individuals to filter out or ignore information that emphasizes a child as a human being, facilitating the viewing of online CSEM.
- *Unhappy World* - believing the world is dejected and filled with judgmental and uninterested individuals. It can elicit negative affect, facilitating the desire to seek an escape or more meaningful identity online (e.g., via CSEM-related behavior).
- *Nature of Harm (CSEM variant)* - believing that: (1) CSEM-related behavior is not harmful, or (2) that the behavior depicted in the material is not harmful.
- *Self as Uncontrollable* – the belief that one has no control over their actions due to it being internally generated and highly stable. This can create a view of oneself as being “addicted” (e.g., to viewing CSEM).
- *Self as Collector* - the belief that one’s self-concept and social status is linked to collecting behavior, rather than the sexual content of CSEM.
- *Reinforcing Nature of the Internet* - a background assumption that the Internet provides infinite, immediate, anonymous, immersive, and social benefits.

Bartels and Merdian note that these ITs are not all exclusively linked to online CSEM-related behavior. However, when activated in conjunction with the *Reinforcing Nature of the Internet* assumption, they become contextualized, increasing their likelihood of facilitating problematic online behavior, including CSEM use. According to Bartels and Merdian, these ITs are predominantly held by individuals who *exclusively* commit CSEM offending behavior (so called “fantasy-driven offenders”; see Merdian et al., 2018), while “contact-driven” CSEM users are thought to also hold some of the Contact ITs identified by Ward and Keenan (1999).

To date, we are aware of only one attempt to empirically validate these specific ITs in CSEM offenders. In Howell’s (2018) thesis, a group of convicted CSEM offenders (i.e., those with a

CSEM offense but no history of child sexual contact offending) and mixed offenders (i.e., those with both a CSEM offense and child sexual contact offenses) recruited in New Zealand were rated using file-based data and compared on their endorsement of both Bartels and Merdian's CSEM ITs (2016), and Ward and Keenan's Contact ITs (1999). No significant differences were found in the endorsement of CSEM ITs between groups; however, mixed offenders were more likely to endorse Contact ITs than CSEM-exclusive offenders - specifically, *Entitlement* and *Children as Sexual Beings* were able to discriminate between the two groups. However, it is not clear how context-specific the endorsement of these ITs is. Literature reviewed predominantly focuses on cognitions communicated in English language; likewise, most of the studies focusing on sexual offending come from developed, English-speaking countries (Seto, 2019).

The aim of the current work was, thus, two-fold: (1) to validate the existence and content of Bartels and Merdian's CSEM-exclusive ITs, using a British sample of CSEM offenders; and (2) to cross-validate the generation of these ITs independent of language/cultural context, using secondary qualitative data analyses on existing transcripts of interviews with men convicted of CSEM-related offenses in Spain. In both studies, the analytic procedure allowed for the possibility of identifying other ITs, including those linked to "contact-driven" CSEM use (i.e., Ward & Keenan's ITs).

Study 1: Content validation of the Implicit Theories (UK sample)

Method

Data source

Data-rich transcripts were derived from three to four hours of semi-structured interviews with individuals who were either in court-ordered or voluntary treatment for their sexual offending behavior at the time of data collection (or had just completed treatment). Each interview¹¹⁸ was comprised of two parts: (1) details of childhood and adulthood life experiences, including demographic markers, sexual and relationship

history, offending history, and psychological well-being and (2) details about CSEM-related offending behavior, including material characteristics, engagement activities, self-identified motivation and desistance behaviors. Anonymized transcripts were available for 10 White males, who were recruited from two community-based treatment providers for CSEM offenders (a description of the full sample is outlined in Merdian, Perkins, Dustagheer, & Glorney, 2018). None of the participants had a conviction for a contact sex offense against a child. As interview transcripts were fully anonymized, specific demographic and offending history data cannot be provided.

Analytic procedure

Each transcript was coded by two raters using Conceptual Content Analysis (CCA; Carley, 1993), with *Implicit Theories* defined as the critical concept. Carley (1993) outlines a number of elements that should be considered when conducting a CCA. Table 1 lists each element and how they were addressed in the current study.

The second and third author independently read through each interview transcript, coding for surface-level statements implicative of an IT. Coding was based on the IT descriptions outlined in Bartels and Merdian (2016), with the addition of the "other" category. An IT was coded as 'present' if one or more phrases/statements reflecting the IT was identified (Keown et al., 2010). After coding each interview, the raters compared their initial results. Across all ITs, rater agreement was high (88%: $\kappa = .67$, $T = 5.98$, $p < .001$). Kappas could not be computed for individual ITs due to a lack of variance. However, percent agreements were high: *Self as Collector* (100%); *Self as Uncontrollable* (100%); *Child as Sex Object* (90%); *Unhappy World* (90%); *Nature of Harm-CSEM variant* (90%); *Reinforcing Nature of the Internet* (90%); and "Other" (70%). Following this, the two raters met to discuss, until complete agreement was reached. Given that the analysis took an 'existence-focus', saturation was deemed to have been reached using the 10 available transcripts, as each of the CSEM-exclusive ITs had been identified. Thus, the richness (or depth) of the data proved to be highly valuable (over larger

¹¹⁸ The interview guide can be provided on request.

numbers) for reaching a justifiable saturation point.

Results

Evidence of all five ITs (including the *Reinforcing Nature of the Internet* assumption) were present in the sample. In addition, statements coded as “Other” were found to be implicative of two ITs proposed by Ward and Keenan (1999); namely, *Uncontrollability* (believing one’s behavior is determined by external factors) and *Children as Sexual Beings* (the belief that children want, and are capable of making informed decisions about, sex with adults). As before, raters independently coded the remaining statements (resulting in 80% agreement for *Uncontrollability* and 60% agreement for *Children as Sexual Beings*), before meeting to discuss and resolve the disagreements. This lower agreement rate for *Children as Sexual Beings* was due to coding content that was indicative of a different belief (e.g., ‘*Child as Sex Object*’). The distribution of each IT is presented in Table 2.

In the following subsections, we offer some interview excerpts for each IT. This provides an insight into the data that were coded, as well as demonstrating what the CSEM ITs may look (or sound) like when they are verbalized at the surface-level.

Reinforcing Nature of the Internet

All participants showed evidence of the general assumption that the Internet is a positive reinforcer. This typically referred to the availability and abundance of content believed to be easily accessed online, including pornography.

“I think I was just amazed at the amount of information you could find. You could look up anything and get information on anything” (P1UK).

“I think once you’ve found the Internet and found pornography, there’s so much of it that’s so readily available that it was inevitable” (P6UK).

Some also commented on the immersive or absorptive nature of the Internet, with some holding the view that they were in a “bubble”; a concept that has emerged previously (Rimer, 2017).

“Kind of be a bit absorbed by it” (P5UK).

“I’d be losing myself in what I was looking at rather than thinking about what it actually was” (P5UK).

“You end up sitting in your little bubble of, ‘this is me with a computer’, and that sort of thing” (P4UK).

Child as Sex Object

All participants showed evidence for the belief that children are objects that can be used as a sexual stimulus to meet one’s sexual needs.

“There would be an element of appeal in it in terms of sexually and physically” (P5UK).

“If you think ‘oh right, I’m going to just masturbate now and get on with it’, sometimes to get a quick reaction you look at the explicit and it’s done” (P8UK).

This was also evident in the neutral language used to describe CSEM (“it”, “the explicit”). Bartels and Merdian explained that this IT would lead to ignoring or filtering out information that humanizes children. This was also evident, specifically in relation to viewing CSEM online.

“They [children in online CSEM] might be living next door - it might have happened next door but because I don’t know that, it’s just something that I looked at” (P2UK).

“Kids are just - to me, they’re kids but when I was on the Internet I never really put the two and two together really” (P2UK).

Nature of Harm (CSEM variant)

This IT was present in nine of the transcripts. Evidence was found for the two ways in which this IT can manifest, as proposed by Bartels and Merdian (2016). The first is the belief that no harm is caused by viewing CSEM due to the absence of physical contact.

“No one’s getting hurt with what I’m doing. That’s what I used to think” (P2UK).

“I didn’t see that I was hurting anybody because it was just me and a computer” (P1UK).

The second refers to the belief that no harm is present in CSEM if the child appears to be enjoying it, has a positive facial expression, and/or is of older age (Bartels & Merdian, 2016).

“There was kind of an element of when you were looking at the pubescent boys and, you know, they’re enjoying themselves” (P6UK).

“When it was a child that was very young or even at any age where I could see they were - in my mind I could see they were being abused, that really put me off” (P2UK).

Self as Uncontrollable

All participants showed evidence for this IT; that is, the belief that their behavior is internally governed and stable, leading to the view that they cannot control themselves. In line with Bartels and Merdian (2016), surface-level statements relating to this IT often referred to the idea of being addicted.

“Once they’ve seen that one image, that’s it. They then will look for more. They can’t help themselves” (P8UK).

“It’s not quite the same as drugs or alcohol, but it is a kind of mental addiction” (P3UK).

“I was in that circle where if it was an alcohol problem, I would have probably said I’m alcoholic or I need to quit smoking, but because of what it was, I didn’t think there was any way I could really get out of what I was doing” (P2UK).

Interestingly, some surface-level statements for *Self as Uncontrollable* also reflected a desire to be caught, believing it was the only thing that would stop them from viewing CSEM.

“I knew I’d get caught eventually and, to be honest, it’s what I needed. It was driving me insane because I shouldn’t have been doing it but I was, and I wanted to get caught” (P10UK).

Unhappy World

Nine participants showed evidence of believing that the world is a negative and lonely place, populated by disapproving and rejecting individuals.

“When my days were empty, because I wasn’t successful with work and that, [CSEM] was what I filled my days with” (P6UK).

“They [negative life experiences] were culminating in just an awful lifestyle and me feeling very sad and I have a way of behaving as a coping mechanism, which I still do now

and always have done, and pornography became mine” (P5UK).

“My perception was that people were viewing me as a failure so, I mean, I isolated myself every minute that I could” (P7UK).

Self as Collector

The *Self as Collector* IT was present in only four of the transcripts. As was suggested by Bartels and Merdian (2016), the statements reflected the belief that possessing and collecting CSEM (particularly material that was more difficult to access) increases one's self-concept and social status.

“You’re aware that this stuff is only going to be here for a short period because it’s going to get taken down and it’s like the last day at the sales” (P6UK).

“So then I’d get more contacts and more friends and I’d build a bigger collection. So the bigger my collection got, people then ask me ‘Oh, have you got this file?’” (P8UK).

Ward and Keenan’s Contact ITs

Interestingly, *Uncontrollability* was evident in all 10 transcripts. This IT is based on the belief that the world is inherently uncontrollable, leading one to view their behavior as being governed by external factors (Ward & Keenan, 1999). In this study, external forces were linked to the file sharing environments used by the participants:

“I’d have never gone looking for child abuse images... It only crossed my mind because it landed straight in front of my eyes” (P7UK).

“People weren’t interested in chatting about adult pornography, so that’s when the indecent images came along which people would chat about” (P8UK).

Only one participant showed evidence of *Child as Sexual Being* (i.e., the belief that children seek and enjoy sex with adults).

“From like 11 [years] upwards, you know that they can be sexually active. You know, it’s always in the newspapers but people just don’t like to admit it” (P10UK).

Study 2: Cross-cultural validation of the implicit theories (Spain sample)

Method

Data source

The data-rich transcripts were derived from three to four hours of semi-structured interviews with individuals who were in court-ordered treatment for their sexual offending behavior in a community program at the time of data collection. The interviews were conducted during the assessment and motivational phase, prior to the intervention sessions of the treatment program. The interview guide was extracted from the treatment program manual (Herrero et al., 2015, pp. 158-171). Each interview was comprised of two parts: (1) psychosocial and clinical variables –family situation, work history, intimate relationships, substance use, psychopathological issues, parental neglect, child victimization, social competence, ability to establish intimate relationships, online relationships’ function, self-esteem, ability for emotional expression and reception, Internet use in leisure time, sexuality, use of legal pornography, sexual interest in minors–, and (2) criminological variables –criminal behavior history, CSEM use pattern, motivations for CSEM use, collecting behavior, virtual community, empathy towards victims, criminal assumption. Anonymized transcripts were available for 13 White males, who were recruited from a community-based treatment provider for CSEM offenders. Participant ages ranged from 28 to 61 years ($M = 42.77$ years; $SD = 12.33$). All of them had been convicted for downloading CSEM on the Internet, some of them ($n = 11$) had also been sentenced for distributing the material on peer to peer (P2P) platforms, but none had a conviction for a contact sex offense against a child. Three of them had previous criminal records, although only one had a prior conviction for CSEM offenses.

Analytic procedure

As above, CCA was used to code the interview transcripts. To pilot the coding approach, the first author translated two of the interviews into English language; these interviews were rated by the first and second authors as described above. Following the pilot coding, the second author independently coded the remaining interviews and met with the first

author to discuss the summary findings. The first author then translated agreed data excerpts, which were interpreted and summarized by the fourth author.

Results

Evidence of all five ITs were present. Further, analyses of the statements coded as “Other” were found to be indicative of ITs suggested by Ward and Keenan (1999); specifically, *Children as Sexual Beings*, *Dangerous World*, *Uncontrollability*, and *Nature of Harm*. The findings for each IT are submitted below. The distribution of each IT is presented in Table 3.

Similar to Study 1, we will now discuss the IT content that was uncovered from the interview data each IT, and provide some excerpts to demonstrate this content.

Reinforcing Nature of the Internet

As found in the UK sample, all participants referred to the vast array of information and networks the Internet enabled them access to. This fostered, in some cases, a form of dependence, especially after a crisis (e.g., unemployment).

“If I get home and there is no connection I do get angry. Or when there is a blackout [you feel] that you do not know what to do” (P9SP).

“[I was] on the Internet all day, just watching movies, series, Facebook, ... There were days that [I was feeling] very bad and I was racking my mind, I did not want to go out... and I found [on the Internet] a very useful way to spend [so many hours] ... let’s say I found an ally in the computer” (P3SP).

With regards to CSEM specifically, participants referred to the reinforcing nature of the Internet, with all three aspects of Cooper’s (1998) Triple-A-Engine as a relevant driver of the behavior.

Affordability: “With drugs you [have to] pay for it... But [anyone can get CSEM] without spending money” (P7SP).

Accessibility - often linked to an initial, unexpected access that sparked some attraction: “Things started to come out and I said ... why is this here, that is at everyone’s

reach? And then it started to be something curious, something forbidden ...” (P7SP).

Anonymity - related to the “bubble” perception described above: “I was alone at home and I was not hurting anyone” (P10SP).

Child as Sex Object

This IT was present in 10 transcripts, with participants, much like in the UK sample, showing evidence for the belief that children are seen as objects used to meet their sexual fantasies.

“I might have imagined [children as] adults” (P4SP).

“I did not see anything wrong. It was something that satisfied me” (P9SP).

“[The girl in the CSEM] reminded me of girlfriends I had when I was younger” (P11SP).

Desensitization to the continuous exposure of sexualized content was also seen, with feelings of excitement and curiosity leading to an immersion in CSEM.

“There came a time when normal and regular porn didn’t [excite me]” (P8SP).

“I was looking [in adult pornography] for a woman to my liking, [and I was thinking] ’not this one’ ... at the end I came to a page and I said ‘wow, I like this girl’, and I went from picture to video” (P11SP).

Nature of Harm (CSEM variant)

This IT was evidenced in 11 transcripts. First, participants evidenced the belief that not all children within CSEM are being harmed, namely due to the absence of physical contact.

“I did not think I hurt anyone” (P10SP).

“I have not touched anyone in my life. I would be completely incapable” (P8SP)

Second, much like the UK sample, participants evidenced the belief that no harm is present in CSEM if the child appears to be enjoying it, was physically unharmed in the CSEM itself, and/or is of an older age, as proposed by Bartels and Merdian (2016).

“There is something in [the children] that is going wrong, because I have seen minors touching up other minors who are younger

than them. There were no signs of crying or resisting” (P12SP).

“Sometimes I had to leave [the forum] because I did not like [the images I were seeing]. Touching up yes, but not penetration or violence” (P4SP).

“I did not look for a profile of neither baby, small child, six years, eight years, ten years. All that disgusts me, it is barbaric” (P3SP).

However, participants demonstrated a significantly different attitude towards the children in their everyday lives, evidencing appropriate victim empathy towards the notion that their relatives could potentially be minors in CSEM, but demonstrating an inability to draw the analogy to their own offending behavior, as proposed by Bartels and Merdian (2016). Interestingly, this notion did not spontaneously emerge in the UK data.

“The [children in online CSEM] all seemed quite old, I have not hurt anymore – [but] I would feel terrible if it [was ever] my daughter” (P8SP).

“He asked me if I had some [CSEM] with my cousins, and I said ‘hey, not with my family, no, no fucking way’” (P7SP).

Furthermore, a new theme emerged, whereby participants acknowledged they knew at time of offending the impact of their actions. However, according to the Multi-Mechanism Theory of Cognitive Distortions (Szumski, Bartels, Beech, & Fisher, 2018), this new theme may actually be reflecting a proximal cognitive distortion or a temporary belief that could be mistakenly interpreted as an IT.

“At that moment, I did not think [about the consequences], but the next day I [would] say ‘what a bastard’” (P11SP).

“I have always tried, with my problem, to be a little more in the part that is not so harmful, let’s say. So, something that has helped me a lot on this topic is the Manga stuff” (P9SP).

“I realized how bad I was doing; [it is] why the police were there” (P5SP).

Self as Uncontrollable

This IT was present in six of the transcripts. As seen in the UK sample, and in line with Bartels and Merdian (2016), participants evidenced the belief that accessing CSEM was

“fixed”, in which they were unable to stop or regulate their behavior.

“I could not have stopped [watching CSEM], and I deleted it, I always deleted it. But I would always fall back again; [the fact that] they have caught me is positive, because I could not have stopped by myself” (P12SP).

“[It was] a mental decline, total and absolute that I could not control. It was like an obsession, it started as sporadic and ended being sickly” (P13SP)

“They say it is not going to go but [that I] can control it. Now I’m avoiding it, well, I’ve been avoiding it for some time, but sometimes I was anxious [when I didn’t see] those pictures” (P4SP).

“You’re all mad about it and you keep downloading it” (P13SP).

Unhappy World

Twelve participants showed evidence of the *Unhappy World* IT. Evidence was found for the three ways in which this IT can manifest, as proposed by Bartels and Merdian (2016). The first, participants described personal circumstances, such as deficits in intimate partner relationships, unhealthy familial relationships, early victimization, and unemployment, as preceding their offending behavior.

“[My wife] was cheating on me with several men – because of how bad it was during the marriage, maybe [it’s why] this whole problem came to me ... everything has been a millpond and from there I started to change a lot” (P5SP).

“The burns [I experienced as a child], it’s as if I sensed that, like fear, and grief, and disgust [from other people]” (P12SP).

“When I was unemployed for the second time, I would just stay home in front of the computer, on the Internet all day. When I was feeling bad [my time on the computer] increased” (P3SP).

“I had a very strange group of friends. I remember once, they put me in a sack and they [beat] me” (P10SP).

Bartels and Merdian (2016) also theorize emotional dysregulation problems as being linked to the *Unhappy World* IT. This is also

evident, with participants describing psychological problems, suicidal ideation, and feelings of negative affect, such as failure, low self-esteem, and social isolation/withdrawal/deficits.

“I had anxiety, there was a time when I did not want to see anyone – I vented with the computer” (P4SP).

“I took a medical leave for depression because I was going to throw myself from the roof where I worked” (P13SP).

“Many times I say, or [make] a comment, and then I notice that it doesn’t go down well, but it is like its [too] late” (P9SP).

“I would like to have children, I would like to have a job, like everyone else” (P12SP).

Finally, personal situations directly preceding the offending behavior were identified, with a lack of intimacy and feelings of negative affect described, as reported previously by Putnam (2000).

“I do not know if maybe, I had a relationship, that would have changed something – I really do not know if I like [accessing CSEM] or not” (P9SP).

“I never got 100% excited watching minors ... [I downloaded the CSEM mostly on] the days I was bored and nervous and uneasy” (P3SP).

Participants also described their experiences, both positive and negative, following CSEM use, which may have been used to reinforce consequent CSEM use.

“It became a way of satisfying myself, of feeling happiness” (P7SP).

“It was an escape” (P5SP).

“It made me feel good – it gave me things I could not find” (P4SP).

“[I started drinking] after I realized what I had done, what I downloaded” (P13SP).

Self as Collector

Six participants demonstrated experiencing this IT. As proposed by Bartels and Merdian (2016), participants described collecting CSEM without a primary sexual motivation, with the process of searching, finding, and collecting CSEM perceived as rewarding, rather than the instrumental function of the CSEM itself.

“I was so shocked [by the material] that I tried to find more, and I kept downloading it. I did not watch CSEM much, it was more to find it and download it and accumulate it” (P13SP).

“I downloaded them, and actually, I could either watch them or not watch them” (P2SP).

“It was about taking it, even when you do not have time to process everything” (P12SP).

“Sometimes I’ve had that thought that some [CSEM] were missing [from my collection]” (P4SP).

Ward and Keenan’s Contact ITs

Interestingly, four of Ward and Keenan’s (1999) ITs were identified, although some ITs were more evidenced than others. *Children as Sexual Beings* was evident in 9 transcripts. This IT posits the belief that children are willing sexual agents with the capacity to make informed decisions about engaging in, and actively seeking and enjoying, sexual activities with adults.

“Want it or not there are young girls who are very curious ... they know how to say yes or not, if they like it or do not – I think, if you have touched a minor girl, [and she] is young, and she likes it, why not?” (P4SP).

The *Dangerous World* IT was also present in 9 transcripts, that being the belief that the world, particularly its adults, is hostile and untrustworthy.

“You cannot show the kindness of your heart to people because they step on it – if you take off those masks you stay unprotected and if you put on armor, you will resist the blows” (P13SP).

“[A person] holds you in contempt in the sense that he looks at you with disgust and then [another person] tells you that you are useless - it leaves a mark” (P1SP).

Uncontrollability was evident in six transcripts. Individuals who endorse this IT believe they due to factors beyond their control, they cannot be held responsible for their sexually abusive behaviors.

“I’m in the street and I see [children] and they attract me and I do not want them to attract me - forgive me, [if only] there was a pill or something to make it go away. I do not want to be attracted to them but I cannot help it” (P4SP).

The *Nature of Harm* (i.e., the belief that children are not harmed by sexual behaviors with adults) was present in six transcripts.

“If there’s touching and if the girl is comfortable and allows it and he does not make her suffer, I think ‘why not?’” (P4SP).

General Discussion

Both studies offer preliminary empirical evidence for the validation of the thinking patterns and underlying ITs conceptualized for individuals who have viewed, distributed, and/or shared CSEM, as theorized by Bartels and Merdian (2016) and previously supported by Howell (2018). Overall, it was evident that the *Reinforcing Nature of the Internet* background assumption was endorsed by all 23 participants, perceiving the virtual world as an accessible, anonymous, and accessible environment (Cooper, 1998), where it is possible to engage in immersive and rewarding activities with no need of social relations (such as CSEM collection; Soldino & Guardiola-García, 2017). As a result, Internet use is seen as an efficient and safe coping strategy to evade their *Unhappy World* offline (Elliott, Beech, & Mandeville-Norden, 2013; Kettleborough & Merdian, 2017; Rimer, 2017; Seto et al., 2010; Taylor & Quayle, 2003).

This study is limited in its scope and generalizability due to a number of limitations. Semi-structured interviews were used with both samples. However, both the interview content, interview context, and the interviewers differed across the studies. In addition, some of the participants in the UK sample had already completed a treatment program at the time the interview was conducted, which might have influenced the level of disclosure and social desirability of the participants (Kokish, 2003; Rogers & Dickey, 1991). The sample size of the current study was limited. While the richness of the data allowed for greater depth in the level of analysis, we acknowledge the limited generalizability of small scale research. Within this context, however, Study 1 raised two noteworthy issues. First, *Self as Collector* appears to define a specific subgroup of CSEM offenders, as not all participants spontaneously expressed this IT. Second, two ITs associated with individuals with contact sex offenses were also present in the sample (i.e., *Uncontrollability*

and, to a far lesser degree, *Children as Sexual Beings*).

The cross-cultural study offers further empirical validation for the ITs theorized by Bartels and Merdian (2016), supporting, to an extent, the endorsement of these ITs independently of the culture or language considered. Interestingly, *Self as Collector* and *Self as Uncontrollable* were less evident in the transcripts than other ITs, identifying, potentially, specific subtypes of CSEM offending behavior. Further, an apparent overlap between the two ITs, with some participants demonstrating an “addiction” to the process of *collecting* CSEM, suggests the two ITs, whilst theorized as being distinct, might be closely related. Finally, four ITs associated with individuals with contact offenses were also present in the sample; namely, *Uncontrollability*, *Child as Sexual Being*, *Dangerous World* and *Nature of Harm*.

While the literature suggests that most CSEM users are motivated by pedophilic/hebephilic sexual interests (Henshaw, Ogloff, & Clough, 2017; Merdian, Curtis, Thakker, Wilson, & Boer, 2013; Seto, 2019; Seto et al., 2010), some studies point towards a subgroup of CSEM users motivated by the collection process itself (Merdian et al., 2013; Seto et al., 2010; Taylor & Quayle, 2003). Collecting behavior, defined as “the tendency to acquire and retain objects” (Anderson, Damasio, & Damasio, 2005, p. 201), can sometimes acquire a pathological dimension in some individuals whose persisting collecting activities interfere with their normal functioning. Compulsive collecting behavior, along with the pursuit of increasingly deviant materials, have been described as part of the problematic use of online pornography among some individuals (Cooper, Delmonico, & Burg, 2000; Delmonico & Griffin, 2011; Southern, 2008). In addition, CSEM, as a novel and illicit stimuli, has been considered as an appealing material for some collectors (Southern, 2008). In this regard, there is evidence of some CSEM users involved in CSEM collection activities for 25 years or longer (Seto & Eke, 2017); likewise, in terms of collection size, studies (Osborn, Elliott, Middleton, & Beech, 2010; Wolak, Finkelhor, & Mitchell, 2011) have reported between 3 and 7% of CSEM possessors had collections of more than 10,000 CSEM images (with some individuals accumulating more than 100,000 images). Overall, this warrants further

examination of the collecting process and resulting collection of CSEM.

Self as Uncontrollable IT was also found to be related to a specific subgroup of CSEM users in Study 2. Individuals convicted for these offenses can present different degrees of involvement in CSEM activities (e.g., in terms of duration or intensity; Seto & Eke, 2017) and, thus, perceive their behavior as more or less controllable. Pedophilia disorder has been considered as a persistent or dominating sexual preference (Fromberger, Jordan, & Müller, 2013; Grundmann, Krupp, Scherner, Amelung, & Beier, 2016). Therefore, those CSEM users motivated by persistent pedophilic sexual interests might be likely to perceive their urge to consume CSEM as uncontrollable, which may reinforce the *Self as Uncontrollable* IT. But again, given the limited scope and size of this sample, this is something that needs investigating in future research.

The presence of several Ward and Keenan’s contact ITs in both samples was also noteworthy. It has previously been hypothesized that there are at least two types of CSEM offenders; namely, *fantasy-driven* and *contact-driven* offenders, with the latter showing higher motivation to engage in contact sex offending (Briggs, Simon, & Simonson, 2011; Merdian et al., 2016). Arguably, the endorsement of Ward and Keenan’s (1999) original ITs could be an indicator of a contact-driven CSEM offender (Howell, 2018), while the endorsement of *Self as Collector* could highlight a specific manifestation of the fantasy-driven subgroup. We would have liked to have tested these hypotheses using the participants’ individual profiles (see Table 2). However, given the limitations raised above about the elicited content of the interviews, and the limited access to additional case information, we were unable to conduct this analysis.

Interestingly, no evidence of the *Entitlement* IT (i.e., the belief that one has the right to have sex with children at his own convenience; Ward & Keenan, 1999) was found in either sample. Likewise, Howell (2018) found *Entitlement* (also identified as a predictor of contact sexual offending) to be the least prevalent IT in his CSEM offender sample. This was probably due to the lower presence of antisociality features (Babchishin et al., 2015; Babchishin, Merdian, Bartels, & Perkins, 2018; Magaletta, Faust,

Bickart, & McLearn, 2014) and narcissistic traits (Suen, 2013) among CSEM offenders and other types of Internet sex offenders, relative to contact offenders. Additionally, the higher prevalence of individuals with a pedophilic interest among CSEM users (Babchishin et al., 2015; Seto, Wood, Babchishin, & Flynn, 2012) has previously been linked with defectiveness/subjugation tendencies among these individuals (Sigre-Leirós, Carvalho, & Nobre, 2015), which would, theoretically, contrast the *Entitlement* IT.

Literature suggests legal, cultural, and environmental factors could be influencing criminal behavior across countries (Akdeniz, 2008; D'Alessio, Čeč, & Karge, 2017; Pascual, Giménez-Salinas, & Igual, 2017; Sea, Beauregard, & Martineau, 2019). Overall, however, our study supports the specific thinking patterns and underlying ITs that are common in CSEM users both in the UK and in Spain (i.e., *Unhappy World*, *Self as Uncontrollable*, *Child as Sexual Object*, *Nature of Harm [CSEM variant]*, and *Self as Collector*, linked by an assumption about the *Reinforcing Nature of the Internet*), along with two ITs previously associated with individuals with contact sexual offenses (i.e., *Uncontrollability* and *Child as Sexual Beings*).

The current study was a pilot aimed to validate the existence and content of Bartels and Merdian's CSEM-exclusive ITs. Following this first step, we now encourage other researchers to engage in further validation (and possible refinement) of these ITs in different cultural settings, which could be useful for assessment (e.g., distinguish between subgroups of CSEM offenders) and treatment purposes (e.g., change these ITs over the course of treatment; Merdian, Kettleborough, McCartan, & Perkins, 2017). Specifically, *Self as Collector* IT appears to highlight an important area for future research, as the collecting aspect of CSEM offending is limited in the literature. Furthermore, the use of comparison groups, such as mixed offenders or offline contact offenders, would be of interest in forthcoming validation studies. Nevertheless, the current research has provided some initial support for CSEM-related ITs. Future research should focus on corroborating the findings, as well as examining how these beliefs are linked to offending behavior and other risk-related factors.

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Table 1. Conceptual content analysis approach.

| Element | Decision for Current Study |
|--|--|
| <i>Level of Implication</i> (i.e., coding text in terms of explicitly stated concepts or implied concepts). | Since surface-level statements are thought to reflect underlying implicit theories, an implied level of coding was adopted. |
| <i>Level of Analysis</i> (i.e., either coding single words or phrases/series of words). | As coding was undertaken at an implied level, phrases/series of words was deemed the most fitting level of analysis. This also aligned with prior research (e.g., Keown et al., 2010). |
| <i>Predefined or Interactive Concept Choice</i> (i.e., whether a predefined set of concepts will be coded for, or whether a list of concepts will be developed during the coding process). | In this study, a predefined set of concepts were of interest; namely, CSEM-related ITs. For inclusivity, an open concept defined as “other” was added. |
| <i>Number of Concepts</i> | Six concepts (ITs) were directly coded. |
| <i>Existence or Frequency</i> (i.e., whether concepts should be coded as present/absent, or in terms of how often they occur). | Frequency-based coding can enable discussions about saliency and emphasis (Carley, 1993), which could be useful for inferring whether certain ITs were more activated than others. However, given the semi-structured nature of the interviews, some extemporal lines of questioning led to more incidences of certain ITs. Also, some participants spoke in more detail than others, which sometimes led to an increase in the frequency of an expressed IT. Since both aspects would affect the validity of a frequency-based analysis, existence-based coding was chosen as the focus of analysis. This allowed for a direct examination of the ITs, as well as their co-occurrence within and across participants. |

Table 2. Presence/Absence of each Implicit Theories (ITs) for all 10 CSEM Offenders from Study 1.

| Participant | Bartels & Merdian (2016) ITs | | | | | | Ward & Keenan (1999) ITs | |
|-------------|--------------------------------|---------------------|------------------------|-----------------------|---------------|-------------------|--------------------------|-----------------------|
| | Reinforcing Nature of Internet | Child as Sex Object | Self as Uncontrollable | Nature of Harm (CSEM) | Unhappy World | Self as Collector | Uncontrollability | Child as Sexual Being |
| 1UK | X | X | X | X | X | | X | |
| 2UK | X | X | X | X | X | | X | |
| 3UK | X | X | X | X | X | X | X | |
| 4UK | X | X | X | X | | | X | |
| 5UK | X | X | X | X | X | X | X | |
| 6UK | X | X | X | X | X | X | X | |
| 7UK | X | X | X | | X | | X | |
| 8UK | X | X | X | X | X | X | X | |
| 9UK | X | X | X | X | X | | X | |
| 10UK | X | X | X | X | X | | X | X |

Table 3. Presence/Absence of each Implicit Theories (ITs) for all 13 CSEM Offenders from Study 2.

| Participant | Bartels & Merdian (2016) ITs | | | | | | Ward & Keenan (1999) ITs | | | |
|-------------|--------------------------------|---------------------|------------------------|-----------------------|---------------|-------------------|--------------------------|-----------------------|-----------------|----------------|
| | Reinforcing Nature of Internet | Child as Sex Object | Self as Uncontrollable | Nature of Harm (CSEM) | Unhappy World | Self as Collector | Uncontrollability | Child as Sexual Being | Dangerous World | Nature of Harm |
| 1SP | X | | | | X | | X | | X | |
| 2SP | X | X | | X | | X | | X | | |
| 3SP | X | X | X | X | X | | X | X | | |
| 4SP | X | X | X | X | X | X | X | X | X | X |
| 5SP | X | X | X | X | X | | X | | X | |
| 6SP | X | | | | X | | | | | |
| 7SP | X | X | | X | X | X | | X | X | X |
| 8SP | X | X | | X | X | | | X | X | |
| 9SP | X | X | X | X | X | X | | X | X | X |
| 10SP | X | X | | X | X | | | X | X | X |
| 11SP | X | X | | X | X | | X | X | | X |
| 12SP | X | X | X | X | X | X | X | X | X | X |
| 13SP | X | | X | X | X | X | | | X | |

Study 9

**Spanish Validation of the Child Pornography
Offender Risk Tool (CPORT).**

Spanish Validation of the Child Pornography Offender Risk Tool (CPORT)¹¹⁹

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Abstract

The current study examined the validity of the Child Pornography Offender Risk Tool (CPORT) in a sample of 304 men arrested in Spain for child pornography (CP) offenses, distinguishing between CP-exclusive offenders ($n = 255$) and CP offenders with other criminal involvement ($n = 49$). In our 5-year fixed follow-up analysis, we observed a 2.3% sexual recidivism rate for the whole sample (2.0% new CP offenses, .3% new contact sexual offenses against a child). ROC analyses detected some relative predictive ability of the CPORT for CP recidivism outcomes when the Correlates of Admission of Sexual Interest in Children (CASIC) was used to replace missing CPORT Item 5. Focusing on subgroup results, both CPORT and CASIC total scores showed some predictive ability for CP recidivism among CP-exclusive offenders. Nevertheless, the use of these tools for applied risk assessments in Spain is not recommended yet without further independent validation research.

Keywords. Risk assessment; child pornography; child sexual exploitation material; recidivism; CPORT.

¹¹⁹ Manuscript submitted for publication.

Introduction

The adaptation of Spanish criminal law to supranational normative demands for the protection of children has resulted in the incorporation of a unified definition of child pornography. Following the European Union Directive 2011/93, *child pornography* (CP) is defined in the Spanish Penal Code as a sexually explicit visual depiction of a person under the age of 18, including both *virtual* (i.e., realistic images of a child engaged in sexually explicit conduct or realistic images of the sexual organs of a child, for primarily sexual purposes) and *technical* CP (i.e., any material that visually depicts any person appearing to be a child engaged in real or simulated sexually explicit conduct or any depiction of the sexual organs of any person appearing to be a child, for primarily sexual purposes). However, unlike other countries, narratives describing sexual encounters involving children (Crookes, Merdian, & Hassett, 2017) or non-realistic depictions of fictional children (e.g., *shotacon* and *lolicon*; McLelland & Yoo, 2007; Savage, 2015) are considered legal materials in Spain.

Accessibility, Affordability, and Availability (“Triple A Engine”; Cooper, 1998) of child sexual exploitation materials (legally referred to as child pornography in Spain) in the era of Information and Communication Technologies (ICT) has posed a challenge worldwide (Henshaw, Ogloff, & Clough, 2017; Seigfried-Spellar & Soldino, in press; Seto & Ahmed, 2014; Soldino & Guardiola-García, 2017; Wolak, Liberatore, & Levine, 2014). Since 2009, 4,122 individuals have been either arrested or investigated in Spain for CP offenses (Ministerio del Interior, 2018). According to the State Attorney General's Office report (Fiscalía General del Estado, 2019), data on CP offending have remained fairly stable over years, with an average of 722 legal proceedings in the last five years. Despite being a crime that is reported very rarely, along with the difficulties in its detection (Soldino & Guardiola-García, 2017) and investigation (e.g., in Spain, the use of the “virtual” undercover agent for cybercrime investigation was not included in the Criminal Procedure Act until 2015), CP offenses represent 12.4% of the total number of legal proceedings initiated for cybercrimes in Spain (Fiscalía General del Estado, 2018).

Trait (e.g., antisocial personality) and state facilitating factors (e.g., intoxication) for contact sexual offending against children, along with situational factors (i.e., opportunity to commit the crime), are considered explanatory for CP offending among motivated individuals (Seto, 2019). However, it has been hypothesized that higher self-control levels, less facilitation factors, and less access to children might distinguish CP offenders from contact sex offenders (Babchishin, Hanson, & VanZuylen, 2015; Seto, 2019). Furthermore, prior studies suggest that CP users who present with risk factors associated with *antisociality* (i.e., personality traits, attitudes, beliefs and behaviors that underlie crime in general) and *atypical sexuality* (i.e., paraphilic sexual interests, excessive sexual preoccupation and other extreme or unusual aspects of sexuality) dimensions are more likely to commit new sexual crimes (Seto, 2013; Seto & Eke, 2015).

According to recent meta-analyses, observed sexual recidivism rates for the general sexual offender population are typically low. As an example, Hanson, Thornton, Helmus, and Babchishin (2016) reported 7.6% average sexual recidivism rates for routine/complete (no preselection) correctional samples ($n = 4,325$) within a 5-year follow-up; additionally, restricted comparisons with equivalent treatment and control groups showed treatment contributed to a relative reduction in sexual recidivism of 26.3% (Schmucker & Lösel, 2015). Although, studies analyzing the recidivism rates for CP offenders point to remarkably lower percentages, ranging from 0 to 9% for new CP offenses (Eke, Helmus, & Seto, 2019; Eke, Seto, & Williams, 2011; Faust, Bickart, Renaud, & Camp, 2015; Goller, Jones, Dittmann, Taylor, & Graf, 2016; Osborn, Elliott, Middleton, & Beech, 2010; Seto & Eke, 2015; Seto, Hanson, & Babchishin, 2011) and 0 to 4% for new contact sex offenses (Eke et al., 2011; Faust et al., 2015; Osborn et al., 2010; Seto & Eke, 2015; Seto et al., 2011). However, previous studies suggest that when CP offenders' samples are sub-grouped into dual sex offenders (i.e., those who use CP and have also committed a contact sexual offense against a minor), observed sexual recidivism rates increase (25%; Eke et al., 2019; 14%; Elliott, Mandeville-Norden, & Beech, 2019), as well as CP reoffending rates specifically (18%; Eke et al., 2019).

There are several standardized assessment tools available for the classification of contact sex offenders (e.g., Static-99R; Hanson & Thornton, 2000; or Risk Matrix 2000; RM2000; Thornton et al., 2003), based on their statistical likelihood for future recidivism (Helmus, 2018). Although, only two structured professional judgement tools have a professional Spanish adaptation: Sexual Violence Risk-20 (SVR-20; Boer, Hart, Kropp, & Webster, 1997; adaptation Hilterman & Andrés-Pueyo, 2005) and the Risk for Sexual Violence Protocol (RSVP; Hart et al., 2003; adaptation Hart et al., 2015). However, these tools have yet to be successfully validated in CP users and are generally poor predictors of the risk of recidivism for online-only sex offenders (Henshaw et al., 2017; Merdian et al., 2018; Seigfried-Spellar & Soldino, in press). In particular, the Static-99 (Hanson & Thornton, 2000) and the RM2000 (Thornton et al., 2003) were found to over-estimate the sexual recidivism risk posed by CP offenders (Osborn et al., 2010), especially when aggravating items related to the offender's non-contact sexual offense history and stranger victims were considered (Osborn et al., 2010; Thornton, 2007). Moreover, even when these items were excluded from the coding procedure, AUC values did not reach acceptable effect sizes (AUC = .50; 95% CI [.36, .65]; Wakeling, Howard, & Barnett, 2011). In response, researchers developed specific risk assessment tools for CP offenders in recent years, such as the Kent Internet Risk Assessment Tool-Version 2 (KIRAT-2; Long, Alison, Tejeiro, Hendricks, & Giles, 2016), which is designed to assist in the prioritization of suspects according to their likelihood to have already committed contact sexual offenses against children; or the Child Pornography Offender Risk Tool (CPORT; Seto & Eke, 2015).

The CPORT is a risk assessment tool tailored to predict any sexual recidivism in adult males convicted of CP offenses (Eke, Helmus, & Seto, 2018). The CPORT was initially developed with a Canadian sample of 266 men convicted of CP offenses with a fixed 5-year follow-up period (Seto & Eke, 2015) and subsequently validated with a geographically similar combined sample of 346 individuals (Eke et al., 2019). Predictive accuracy analyses revealed the CPORT significantly predicted any sexual recidivism (Area Under the Curve (AUC) = .72, 95% CI [.64, .81]), as well as CP recidivism specifically

(AUC = .74, 95% CI [.63, .84]). This tool has been translated into Dutch (Wilpert, Smid, & Wever, 2018) and Spanish (Soldino & Carbonell-Vayá, 2018); although, it has yet to be validated in geographically and culturally different samples.

Prior studies suggest there is good reason to expect differences between samples from different cultures, based on the influence of cultural and environmental factors on criminal behavior (such as CP offending; Pascual, Giménez-Salinas, & Igual, 2017) across countries (D'Alessio, Čeč, & Karge, 2017; Sea, Beauregard, & Martineau, 2019). In this sense, the cross-cultural applicability, reliability, and validity of assessment tools for offender population becomes crucial (McCuish, Mathesius, Lussier, & Corrado, 2018; Shepherd, 2016; Wilson, Abramowitz, Vasilev, Bozgunov, & Vassileva, 2014). As an example, severity scales for classifying CP content designed in other countries (e.g., SAP scale; Sentencing Advisory Panel, 2002), were found not completely suitable for the classification of CP content seized by Spanish law enforcement agencies (Pascual et al., 2017). As a result, these authors created the Spanish Classification of Child Sexual Exploitation Images (CIESI). Results showed greater frequencies of CP photography classified as *nudity or erotic poses* (CIESI's level 1), while most of the CP videos were labeled as *sexual activity with penetration from adult to child* (CIESI's level 4). Furthermore, this study detected a preference among CP offenders arrested in Spain for CP materials depicting pre-pubescent, Caucasian females. Conversely, there are also reasons to expect similar risk factors across countries, when the same type of criminal behavior is considered. In this sense, risk assessment tools such as Static-99R (Hanson & Thornton, 2000) have shown consistent discrimination across inter-cultural samples (e.g., Static-99R predicted sexual recidivism among US-born Latinos; Leguizamo, Lee, Jeglic, & Calkins, 2017; American individuals with Black heritage; Lee & Hanson, 2017; and Aboriginal Canadians; Lee, Hanson, & Blais, 2019; with a history of sexual crimes); which points towards the possibility of a cross-cultural validation of the CPORT.

The present study

The primary aim of this work was to conduct the first CPORT cross-cultural validation study in a sample of men arrested in Spain for CP offenses. To this end, we replicated the study by Eke et al. (2019), coding data from the digital investigation files from the Spanish National Police. Part of the aim of this research was also to examine the amount of missing, but potentially relevant, data in the digital investigation files (e.g., information included in the seven items of the CPORT), identified as risk factors for recidivism among this population. In addition, we assessed separately the CPORT predictive accuracy for CP-exclusive offenders.

We hypothesized that the CPORT was significantly predictive of sexual recidivism outcomes for CP offenders, regardless of whether CASIC was used as a substitute for CPORT Item 5 or not. However, based on the differences between Canada and Spain in the criminal prosecution of these crimes (i.e., legality of non-realistic depictions of fictional children and CP narratives; illegality of virtual undercover police officers until 2015) and differences in the definition of recidivism (i.e., new arrests vs. convictions) between the CPORT development/validation samples (Eke et al., 2019; Seto & Eke, 2015) and ours, we expected to find different recidivism rates among our sample.

Method

Below, we report how we determined our sample size, all data exclusions, all manipulations, and all measures in the study.

Sample

The initial sample consisted of 544 CP digital case files provided by the three Child Protection Groups of the Central Cybercrime Unit (UCC) of the Spanish National Police which met the eligibility criteria. Closed investigations with sufficient information were included if they involved a man (age 18 or older) arrested for (at least) one CP offense (i.e., accessing, possession, purchasing, distributing, or making/production) between 2009 and 2013.

The initial offense investigated by law enforcement was considered to be the index CP offense. In those four cases where law

enforcement arrested the same person more than once between 2009 and 2013, all arrests were initially included in the study. Then, one of the arrests was randomly designated as the index offense, resulting in the other CP arrests becoming either part of the offender's criminal history or a recidivism event. Due to time constraints in data access, and to avoid an overrepresentation of cases from more recent years, which could reflect changes in the characteristics and *modus operandi* of CP offenders over years (e.g., different platforms used to access the CP material; Soldino & Guardiola-García, 2017), we randomly selected 71 cases per year (as the total number of arrests in 2009 was 71). Finally, we only included those individuals who had at least 5 years at risk for further offenses (i.e., individual's opportunity to offend while residing in the community), resulting in a total sample of 304 arrestees.

Cases initially came to the attention of the police in a variety of ways, including third-party reporting (2.3%; e.g., computer technician discovered a customer had CP on his computer and called the police), victim complaints (3.0%; e.g., for those who had also committed online sexual solicitation offenses), and offender activity online (94.7%; e.g., peer-to-peer (p2p) sharing discovered by police). Cases that initially came to the attention of the police for victim complaints regarding contact sexual offenses were investigated by the Family and Women Unit (UFAM) of the National Police, and therefore, were not included in this study. 303 of the 304 arrestees had used online technologies to commit (at least in part) their CP offenses. Only one individual created all of the CP material himself during his travels to different countries.

We distinguished CP offenders according to their criminal histories, dividing them into those who only had CP offenses ($n = 255$) and those who also had committed other offenses (including non-sexual, non-contact-sexual and/or contact sexual offenses, with the same or different victims as those depicted in the CP material) either pre-index or at index ($n = 49$). Criminal history and details about the index CP offending, for the entire sample and for the two groups distinguished by offense history, are summarized in Table 1. Due to the low number of individuals with pre-index or index contact sexual offenses ($n = 7$), this study is generally examining non-contact CP users.

Measures

CPORT. The CPORT includes seven variables based on the correlates of recidivism in CP offenders (Eke et al., 2011; Seto et al., 2011) coded as present or absent: (1) age at the time of the index investigation, 35 or younger; (2) any prior criminal history; (3) any failure on conditional release; (4) any contact sexual offending; (5) indication (admission or diagnosis) of sexual interest in prepubescent or pubescent children; (6) more boy than girl content in child pornography; and (7) more boy than girl content in other child-related materials.

CASIC. The Correlates of Admission of Sexual Interest in Children (CASIC; Seto & Eke, 2017) analyzes the behavioral correlates of admission of pedophilic or hebephilic sexual interests (Eke et al., 2018). This tool was developed to overcome concerns regarding the refusal of many arrestees to respond about their sexual interest in children and falsification vulnerability of CPORT Item 5. CASIC total score can be used as a substitute for CPORT Item 5 (admission of sexual interest in children) in the prediction of sexual recidivism (AUC = .71, 95% CI [.65, .77]). It includes six items (coded yes/no): (1) never married; (2) child pornography content included videos; (3) child pornography content included sex stories involving children; (4) evidence of interest in child pornography spanned 2 or more years; (5) volunteered in a role with high access to children; and (6) engaged in online sexual communication with a minor or officer posing as a minor. Results indicated a CASIC score of 3 or more could be used as evidence that CPORT Item 5 is present (Eke et al., 2019).

CPORT and CASIC items were coded using the same rules as those described in the scoring guide (Eke et al., 2018). Based on the analyses of Seto and Eke (2017), CASIC scores of 3 and higher were used as a substitute for CPORT Item 5 when information was missing (this substitution was only used when specified). Frequencies for the CPORT and CASIC items, amount of missing information, and mean total scores are described in Table 2.

Procedure

Information was coded at the headquarters of the UCC by the first author. Data regarding each case was retrieved from digital police files that usually included police occurrence reports, statements made by the arrestee, the victim, or other witnesses, forensic computer analysis reports, and details about the CP content seized by the police. In those cases where details about the CP and other child-related content were not reported, one police officer coded CPORT Items 6 and 7 by analyzing the content seized during the case investigation (when accessible in a digital format). Criminal history records and recidivism data for each individual were retrieved from the National Police database (i.e., a police computer application which includes information from all Spanish police forces, except the Ertzaintza¹²⁰). Data regarding imprisonment length were retrieved from the Prison Information System (i.e., a digital database of correctional reports from the Spanish prisons, except those located in Catalonia¹²¹). Institutional research approval and permission to access case file information were obtained from the National Police and the Secretary of State for Security.

Initially, 44 cases were randomly selected for discussion of the coding schemas (and later included in the final sample). First and second author, the leader of the Child Protection Group I, and the authors of the CPORT, were involved in these initial discussions on the coding schemas. Due to security restrictions and time limitations in accessing the investigation case files, all 304 cases included in the present study were coded on-site only by the first author. Content seized during the case investigation (i.e., CPORT Items 6 and 7) and criminal records were analyzed and coded by one police officer due to restricted access. Time required to code each case file depended on the amount and organization of the information reported, ranging between 1 to 15 cases per day. The coding domains were: (a) details of index offending, (b) criminal history (number and type of previous

¹²⁰ Police force for the Basque Country. Arrests made in the Basque Country represent 1.2% of the national total (Ministerio del Interior, 2018).

¹²¹ Catalonia is the only Autonomous Community that gathers all the penitentiary administration

competences transferred. The prison population in Catalonia represents 14.2% of the national total (Ministerio del Interior, 2018).

police arrests), (d) CPORT items, (e) CASIC items, (g) imprisonment (time spent in prison after the index arrest), and (f) recidivism (number and type of new police arrests).

The coding process was guided by the authors of the CPORT (Michael C. Seto and Angela W. Eke) through email communications. Questions that arose during the coding process were put forward for consultation and resolved by consensus. Table 1 “access to CP” categories were designed and coded by the first and third author together. Any doubts in the coding process were discussed with a Detective from the Tippecanoe County High Tech Crimes Unit (West Lafayette, IN, USA) and any disagreements were resolved by consensus.

Follow-up time and recidivism coding

We coded any new police arrest as *recidivism*, although we focused our analyses on *sexual* recidivism (i.e., offenses that could be clearly identified as sexual, either contact or noncontact, on the basis of the information provided in the police database). We further distinguished between *contact sexual recidivism* (i.e., sexual offenses involving physical contact with a victim) and *CP recidivism* (i.e., accessing, possession, purchasing, distributing, or making/production; not involving physical contact with a victim). These recidivism categories were not mutually exclusive.

Follow-up time was calculated as the difference between the date of the index arrest and the date when criminal records were checked (January-July 2018). Time in custody (i.e., time spent in prison after the date of the arrest, for the index or any subsequent offense) was subtracted¹²², so follow-up time represented the individual’s opportunity to offend while residing in the community. The average follow-up time, for the whole sample, was 6.9 years ($SD = 1.2$ years; range = 5 – 9 years). We also calculated time at risk as the difference between the date of the index arrest and the date of the first sexual recidivism event. Following the CPORT development and validation studies (Eke et al., 2019; Seto & Eke, 2015), we conducted a 5-year

fixed follow-up analysis to reduce random variation in the study and to control for variability in follow-up time. We coded whether an individual committed a new sexual offense within the 5-year follow-up period, and any new offenses committed after 5 years at risk were not counted.

Data analyses

Analyses were pre-specified prior to data collection based on Eke et al.’s (2019) previous validation study; although, further analyses were also implemented to compare the characteristics of the subgroups and for calibration purposes. First, we analyzed the characteristics of our sample. We used *Odds Ratios (OR)* and 95% confidence intervals to examine any significant differences between the two groups of CP offenders (Helmus & Hanson, 2011). An *OR* is defined as $p/(1-p)$, where p is the raw proportion of the sample with the characteristic.

Second, recidivism outcomes and CPORT total scores were analyzed and compared between groups (i.e., CP-exclusive offenders and CP offenders with other known criminal involvement either pre-index or at index). Dichotomous outcomes were compared with ORs, while Mann-Whitney *U* (r was the effect size statistic for this test; Field, 2013) and *t*-tests were used for continuous variables (with Cohen’s *d* as the effect size measure; Cohen, 1988).

Third, relative predictive accuracy (i.e., discrimination) of the CPORT items and total scores was assessed using the Area Under the Curve (AUC) from Receiver Operating Characteristic (ROC) analyses. AUC has been considered a desirable effect size statistic, given its robustness to base rate variations (Babchishin & Helmus, 2016). Its values range between 0 and 1, representing the proportion of recidivists who obtained a higher score on the CPORT than non-recidivists; values close to 0 and 1 indicate better positive predictive accuracy, whereas values close to .50 correspond to chance classification. AUCs of .56, .64, and .71 were considered small, moderate, and large effect sizes, respectively, as they roughly correspond to Cohen’s *d* values of

¹²² Only 3.6% of the sample served time in prison during the follow-up period. Replacement of prison sentences is contemplated by the Spanish legislation for cases in which custodial sentences do not exceed

two years, in non-habitual prisoners. According to the Spanish Criminal Code, CP possession offenses shall be punished with the penalty from three months to a year of imprisonment.

.20, .50, and .80 (Rice & Harris, 2005). In addition, AUCs for the individual CPORT items and total scores were analyzed separately for CP-exclusive offenders.

Fourth, the absolute accuracy (i.e., calibration) of the CPORT was evaluated (i.e., the extent to which the observed recidivism rate per CPORT score matched the expected recidivism rates from the official recidivism estimates for the tool; Eke et al., 2019). To this end, we calculated the Expected/Observed (E/O) index (i.e., the ratio of the expected number of recidivists to the observed number of recidivists; Hanson, 2017) for each CPORT total score. The number of expected recidivists for each CPORT score in the Eke et al.'s study (2019) was calculated using the reported sample size for each risk score and the CP recidivism estimates for the combined sample (the number of expected recidivists was reported to one decimal place for greater precision in calculations). E/O index values of 1 correspond to perfect calibration; thereby, a 95% CI including 1 indicates no statistically significant differences between observed and expected recidivism rates ($p > .05$). Values below 1 correspond to underpredicted CP recidivism; whereas values above 1 indicate the risk tool overpredicted CP recidivism. The statistical power of this test is affected by the absolute number of recidivists.

Results

As shown in Table 1, both differences and similarities were found between groups distinguished by offense history. Most of the arrestees in both groups had distributed CP material, mainly using p2p platforms. However, CP-exclusive offenders were less likely to engage in CP production or use texting, webcams, or social media to access CP content. On the other hand, 14.3% of CP offenders with other criminal involvement ($n = 7$) were arrested for contact sex offenses either at index or pre-index. Furthermore, this group was significantly more likely than CP-exclusive offenders to have been arrested in the past.

Sexual, contact sexual, and CP recidivism rates for a fixed 5-year follow-up period are reported in Table 2, distinguished by offender type. There were no statistically significant differences between groups in terms of recidivism rates, nor in the time elapsed between

the date of the index arrest and the date of the first sexual recidivism event. Since 6 out of 7 recidivists reoffended with a CP offense, we focused our subsequent analyses on this type of recidivism.

Differences between groups in CPORT and CASIC total scores are examined in Table 3. CP-exclusive offenders were less likely to score positively on CPORT Items 2 (*prior criminal history*), 3 (*any failure on conditional release*), and 7 (*more boy in nudity/other material*) than CP offenders with other criminal involvement; however, this group was significantly more likely to score positively on CASIC Item 4 (*CP activity spanning ≥ 2 years*) than CP offenders with other criminal involvement. Total scores were analyzed with and without missing information, as well as the effect of CASIC substitution for missing CPORT Item 5. CP offenders with other criminal involvement scored higher than CP-exclusive offenders on the CPORT, either using the CASIC as a substitute for CPORT Item 5 or not. However, CPORT scores with no missing information were only available for 2% of the sample ($n = 6$). CASIC total scores were not significantly different between groups.

Relative predictive accuracy (discrimination)

Relative predictive accuracy of individual CPORT items and total scores (with and without CASIC substitutions) for CP recidivism specifically are presented in Table 4. Relative predictive accuracy of individual CASIC items and total scores was also analyzed even though this tool was not developed as a risk assessment tool. CPORT Items 1 (*age at the time of the index investigation, 35 or younger*), 2 (*any prior criminal history*) and 6 (*more boy than girl content in child pornography*) had a small effect size in predicting CP recidivism specifically. Effect size (AUC = .54) for the CPORT total score, regardless of missing information, did not predict CP recidivism. Nevertheless, when using the CASIC as a substitute for CPORT Item 5, CPORT total scores reached a small effect size (AUC = .56) in predicting CP recidivism specifically. When restricted to cases with one or no missing items (using the CASIC substitution), AUC's effect sizes were no longer statistically significant. CASIC total scores were not predictive for CP recidivism; however, CASIC Item 4 (*evidence of interest in child pornography spanned 2 or more years*) individually

approached a medium effect size (AUC = .63) for CP recidivism outcomes. Furthermore, CASIC Item 2 (*child pornography content included videos*) had a small effect size (AUC = .57) in predicting CP recidivism specifically.

When predictive accuracy was analyzed separately for CP-exclusive offenders, AUCs for CPORT (regardless of missing information; AUC = .57) and CASIC total scores (AUC = .70) showed a small and medium effect size respectively in predicting CP recidivism specifically (see Table 4). As observed for the whole sample, CPORT Items 1, 2, and 6 had a small effect size in predicting CP recidivism; however, CPORT Item 5 (*pedophilic/hebephilic interests*; using CASIC substitution) also reached a small effect size (AUC = .60) for CP recidivism outcomes. Furthermore, CASIC Items 1 (*never married*) and 2 (*CP content included videos*) showed a small effect size in predicting CP recidivism among CP-exclusive offenders.

Absolute accuracy (calibration)

Observed and official predicted 5-year CP recidivism probabilities for the CPORT are presented in Table 5. E/O index was calculated only for CPORT scores 0, 1 and 2; as these were the only risk categories with observed CP recidivists. With regard to CPORT scoring, all cases (regardless of missing items and using the CASIC substitutions for CPORT Item 5) were considered in our sample, as this was the only scoring that reached a small effect size in predicting CP recidivism specifically. In contrast, official recidivism estimates were restricted to cases with no more than one item with missing information.

For individuals with a CPORT total score equal to 0, the tool predicted 60% of the observed CP recidivism rate, and the difference between expected and observed recidivists was nonsignificant, as evidenced by a 95% CI [0.15, 2.40] that overlapped with 1. However, the CPORT predicted 90% more CP recidivists than was actually observed for CPORT total scores of 1 (E/O index = 1.90), and overpredicted almost three times the number of actual recidivists for CPORT total scores of 2 (E/O index = 2.75). Although the difference between expected and observed recidivists was also nonsignificant for CPORT total scores of 1 and 2, the width of the 95% CIs ([.48, 7.60] and [.69, 11.00],

respectively) reflected the low power of this estimate.

Discussion

The current work attempted to replicate the CPORT validation study conducted by Eke et al. (2019) with a sample of 304 individuals arrested by the Spanish National Police for CP offenses. The majority (73.4%) of the sample were arrested for CP distribution offenses at index – mostly, due to their use of non-encrypted p2p networks (63.2%) to access CP material. Each time one of these files was downloaded, a new copy was stored in the shared folder of the users, which increased the amount of CP available on the network (Soldino & Guardiola-García, 2017; Wolak et al., 2014). Similar data (i.e., 93% of p2p users were identified as CP distributors) were found by Wolak, Finkelhor, & Mitchell (2011) in a sample of 605 individuals arrested in 2006 for CP offenses in the United States. In this sense, previous research in this field (Nielsen et al., 2011; Wolak et al., 2011) suggests that those detected solely based on p2p offending may have different characteristics and risk profiles, different CP collections (larger and with more extreme images), and fewer mental health issues or substance use than those detected in other ways (e.g., reported to police by others, discovered during another type of investigation). For 83.6% ($n = 254$) of the sample, this was their first police arrest; only 6.6% had prior arrests for sexual offenses, most of which were CP offenses (4.6%). Similar data was found by Seto and Eke (2015): only 6% of the CPORT development sample had a prior CP offense.

Consistent with Seto and Eke (2015), individuals with CP-exclusive offenses exhibited different characteristics than those who had also committed other offenses. CP offenders with other criminal involvement were more likely to have been arrested for production offenses (16.3%) and accessed CP material using texting (14.3%), social media (8.2%), or webcams (6.1%), as well as creating their own CP material (10.2%). These findings suggest direct (i.e., offenders who were actively part of the production and abuse that occurred within the images depicted/recorded) and indirect interaction (i.e., online sexual communication with minors) with real victims (Soldino & Guardiola-García, 2017) by CP offenders with other criminal offenses; 12.2% ($n = 6$) of the

individuals included in this group were also suspected of child sexual abuse offenses at index; while 14.3% ($n = 7$) were investigated for online child grooming offenses. Furthermore, CP offenders with other criminal offenses were more likely to be arrested more than once in the past, and had a greater percentage of prior arrests for sexual offenses (14.3%); 10.2% ($n = 5$) were previously arrested for contact sexual offenses.

The mean CPORT total score for the entire sample, regardless of missing items, was lower than the average score reported by Eke et al. (2019), reaching a maximum score of 6 out of 7 when using the CASIC replacement. When analyzed separately, the percentage of individual CPORT items coded positively was, in general, lower in our sample than in Eke et al.'s (2019) validation sample. Focusing on those items without missing cases (CPORT items 1 to 4); we observed that individuals in our sample were less likely to have any prior criminal history (CPORT Item 2: 16% vs. 42%; $p < .0001$) or have failures on conditional release (CPORT Item 3: 4% vs. 17%; $p < .0001$). Furthermore, our sample included a smaller group of dual sexual offenders (CPORT Item 4: 2% vs. 26%; $p < .0001$). When splitting the sample into subgroups based on criminal history, CP offenders with other criminal involvement scored higher than CP-exclusive offenders on the CPORT. This difference was mostly explained by the prior criminal history item (CPORT Item 2: 75.5% vs 5.1%; $OR = .02$) and the risk point for contact sex offenses (CPORT Item 4: 2.3% vs. 0%); furthermore, statistically significant differences between these groups were found on CPORT Items 3 (i.e., any failure on conditional release; $OR = .14$) and 7 (i.e., more boy in nudity/other material; $OR = .34$).

The current study also assessed for missing information; 97.7% ($n = 297$) of case files reviewed had no information regarding the arrestee's admission or diagnosis of sexual interest in children (CPORT Item 5). Following Eke et al. (2018), this item was coded positively when offenders admitted to police their sexual interest in children when questioned; however, this was not asked explicitly by the Spanish police officers in the majority of cases (the Spanish Criminal Code is directed towards the punishment of a single unlawful act; therefore, the motivations to commit the CP offense do not affect the penalties associated with it). Likewise, 44.4% ($n = 135$) of case files did not include

information regarding other non-pornographic child content (e.g., non-erotic and non-sexualized depictions of nude children, children in stages of undress, and children fully clothed; CPORT Item 7), as it was not relevant for prosecution purposes. In 16.1% ($n = 49$) of cases, the CP content seized during the case investigation was not described in detail, nor accessible in a digital format (nevertheless, we are aware that there has been a progressive digitalization of police case files in recent years), impeding the coding of CPORT Item 6. The difficulties encountered during the coding process of the CPORT suggest this tool may not be suitable for many practitioners who do not have access to objective information about the characteristics of the CP material used by the offender. However, we encourage law enforcement investigators to explicitly ask arrested individuals for their sexual interest in children (considering, however, the vulnerability to self-report bias; Seto & Eke, 2015), as well as record all non-pornographic child content discovered during the investigation.

Consistent with prior recidivism studies (Goller et al., 2016; Krone & Smith, 2017; Osborn et al., 2010) we observed in a fixed 5-year follow-up a 2.3% sexual recidivism rate ($n = 7$): new CP offenses (2%) and new contact sexual offenses against a child (.3%). However, this sexual recidivism rate was lower than the rate reported by Eke et al. (2019; 11.6%, $p < .0001$). According to our hypothesis, the legality of non-realistic depictions of fictional children (e.g., *lolicon* and *shotacon*) in Spain might result in a transition of some individuals to these legal materials. On the other hand, low recidivism rates may reflect the challenges posed in detecting these crimes (especially when considering the absence of undercover virtual agents in Spain during the analyzed period). On the other hand, considering the differences in the definition of recidivism (new arrests vs. convictions), higher recidivism rates would have been expected in our sample; however, no statistically significant differences were found between our CP re-arrest rates (2%) and those found by Faust et al. (2015; 1.6%), both lower than Eke et al.'s CP re-conviction rates (2019; 8.4%, $p < .001$).

On the other hand, none of the 255 CP-exclusive offenders were arrested for any contact sexual offense during the follow-up period, and only one individual with criminal records for

non-sexual offenses was arrested for a contact sexual re-offense. Likewise, none of the individuals arrested for contact sex offenses (either pre-index or at index) were arrested again for new contact sex offenses. This contrasts with the results obtained by Eke et al. (2019), who found 13 contact sexual recidivists in their Canadian sample. However, it supports prior conclusions on the lack of a direct relationship between the commission of a CP offense and the commission of subsequent contact sexual offenses (Henshaw et al., 2017).

ROC analyses (robust to base rate variations; Babchishin & Helmus, 2016) detected some predictive ability of the CPORT (small effect sizes) for CP recidivism outcomes when CASIC was used to replace missing CPORT Item 5; however, this contrasts the large effect sizes found by Seto and Eke (2017) for CPORT total scores (using CASIC substitutions). Arguably, our findings might be related to: (1) lower CP recidivism base rates in our sample (2% vs. 9%); (2) a sample composed mostly of CP-exclusive offenders (Seto and Eke reported in 2015 the inability of the CPORT to significantly predict sexual recidivism outcomes for this subgroup; $AUC = .63$, 95% CI [.41, .86]); (3) differences in the population itself (i.e., arrested vs. convicted offenders); (4) normal attenuation of effect sizes from development to validation samples (i.e., shrinkage; Copas, 1983); and, (5) differences in data quality/completion between the CPORT development sample (Seto & Eke, 2015) and this one (i.e., large amount of missing data as an explanation for null findings).

When analyzed individually, CPORT items 1 (i.e., age – under 35 at investigation), 2 (i.e., prior criminal history), and 6 (i.e., more boy CP) showed small effect sizes in predicting CP recidivism specifically; however, effect sizes for CPORT items 3 (i.e., any failure on conditional release), 4 (i.e., any contact sex offense), 5 (i.e., pedophilic/hebephilic interests, using CASIC substitution for missing items), and 7 (i.e., more boy in nudity/other material) were not statistically significant. Considering our sample as nearly homogeneous for non-contact sexual offending (only 2.3% of the sample were labeled as dual offenders; see CPORT Item 4 scoring in Table 2), these results seem comparable to those found by Eke et al. (2019) when focusing only on CP non-contact offenders (i.e., AUCs for individual CPORT items were found not

statistically significant among CP offenders without contact sexual offending).

Focusing on subgroup results, CPORT total scores may help predict new CP offending among CP-exclusive offenders. Specifically, CPORT items 1, 2, 5, and 6 showed small effect sizes in predicting CP recidivism among this group. However, considering that CASIC replacement for CPORT Item 5 was used in the assessment of 98% of cases in the current study, and that CASIC total scores (maximum one item missing) for CP-exclusive offenders showed a moderate effect size in predicting CP recidivism ($AUC = .70$), CASIC could be arguably useful as a stand-alone risk assessment tool for CP recidivism among this group (although further validation research on this end would be needed to test this hypothesis in the future). This could be related to the link between the atypical sexuality dimension and sexual recidivism (Seto, 2013; Seto & Eke, 2015); a subgroup of CP-exclusive offenders with pedophilic or hebephilic sexual interests would present higher risk for CP recidivism than those with other motivations for CP use (e.g., curiosity, accidental access; Seto & Ahmed, 2014; Seto, Reeves, & Jung, 2011).

With regard to calibration analyses, this tool underestimated CP recidivism for CPORT total scores of 0 and overestimated CP recidivism for CPORT total scores of 1 and 2. Although no significant differences were found between observed and estimated CP recidivism, the low number of observed recidivists affected the statistical power of our analyses (Hanson, 2017). Furthermore, the lack of observed recidivists with higher CPORT total scores prevented us from analyzing the calibration of higher CPORT risk categories.

Limitations and future directions

We suspect the low recidivism base rate found in our sample limited our ability to detect the predictive capacity of the CPORT with sufficient statistical power and led to the instability of the calibration assessment. Official records for recidivism tend to underestimate the real rates (Bourke & Hernandez, 2009; Seto, Hanson, & Babchishin, 2011); although, low recidivism base rates among CP offenders are not surprising, considering previous studies in the field (Eke et al., 2019, 2011; Faust et al., 2015; Goller et al., 2016; Osborn et al., 2010; Seto &

Eke, 2015; Seto et al., 2011). Likewise, it is also possible that different forms of reinsertion and re-socialization of these offenders in different cultures could affect recidivism rates. The consideration of recidivism among CP offenders as a rare event in the Spanish context poses a challenge for the development of effective risk assessment tools. Nevertheless, further studies with larger samples and longer follow-up periods are of interest in order to test the accuracy of the CPORT in predicting sexual recidivism in Spain.

On the other hand, intercultural differences in the profile of CP offenders might result in different risk factors associated with recidivism. To this end, we encourage new CPORT validation studies in geographically and culturally different samples, which might reveal more intercultural differences between CP offenders, or provide new evidence about the external validity of the CPORT. We also recommend the exploration of possible new risk factors associated with recidivism in samples from other cultures.

A challenge for this study was also the high percentage of missing information, necessary for coding the CPORT items, which might have affected the calibration evaluation (e.g., the CPORT total score for some recidivists might have been higher if the information needed for scoring all CPORT items had been available). These findings suggest that police investigators should explicitly ask about those factors correlating with recidivism in this population and analyze non-pornographic child content (e.g., non-erotic and non-sexualized images of children coming from commercial sources, family albums, or legitimate sources) during home searches. Even though this information may not be probative or necessary for prosecution, it could guide treatment and supervision planning to reduce recidivism (Eke et al., 2018).

Additionally, no interrater reliability analyses were conducted in this study. Given the complexity of gaining access to these secure data, only one author coded all the cases. Nevertheless, discussion and consensus between academics and police investigators were involved on at least 44 cases (initially selected for discussion of the coding schemas).

Unlike the validation study by Eke et al. (2019), the characteristics of our sample (i.e., only seven out of 304 individuals engaged in

contact sexual offending) prevented any discriminate analyses for dual sex offenders (i.e., CP offenders with contact sexual offending), who were included in the larger group of CP offenders with other criminal involvement. Future studies with larger samples are needed to analyze, specifically, the characteristics and validity of the CPORT with dual sex offenders.

Conclusion

This study presents the first CPORT cross-cultural validation in a sample of adult men arrested in Spain for CP offenses. Overall, the CPORT discrimination accuracy in this sample was moderate; furthermore, low CP recidivism base rates found in our sample led to the instability of the calibration assessment. Consequently, there is still not enough evidence to confirm the ability of the CPORT to predict sexual recidivism outcomes in a Spanish sample. In addition, an overall lack of information needed for scoring some CPORT items prevents us, at this time, from recommending the use of this tool for applied risk assessments in Spain without further independent validation research with larger samples.

However, given the extremely low observed recidivism base rate, the fact that the CPORT could significantly predict CP recidivism specifically (albeit with a weak effect size) is still encouraging, especially when considering the amount of missing information in the cases reviewed. In particular, results suggest CPORT total scores (or even just CASIC total scores) might help predict new CP offending among CP-exclusive offenders arrested in Spain.

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Table 1. Analysis of sample characteristics distinguishing CP-exclusive offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Variable | Total sample (N = 304) | CP-exclusive (n = 255; 83.9%) | CP + other offenses (n = 49; 16.1%) | OR | 95% CI |
|--|---------------------------|----------------------------------|---|------------|---------------------|
| CP offending (at index) ^a : | | | | | |
| CP accessing/possession only | 15 (4.9) | 12 (4.7) | 3 (6.1) | .76 | [.21, 2.79] |
| + CP purchase | 66 (21.7) | 59 (23.1) | 7 (14.3) | 1.81 | [.77, 4.23] |
| + CP distribution | 223 (73.4) | 190 (74.5) | 33 (67.3) | 1.42 | [.73, 2.74] |
| + CP production | 9 (3.0) | 1 (.4) | 8 (16.3) | .02 | [.003, .17] |
| + Online Child Grooming | 7 (2.3) | – | 7 (14.3) | | |
| + Child prostitution | 3 (1.0) | – | 3 (6.1) | | |
| + Child Sexual Abuse | 6 (2.0) | – | 6 (12.2) | | |
| + Other ^b | 7 (2.3) | – | 7 (14.3) | | |
| Access to CP (at index) ^a : | | | | | |
| Open forum/website | 17 (5.6) | 14 (5.5) | 3 (6.1) | .89 | [.25, 3.24] |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0.0) | | |
| Commercial website | 68 (22.4) | 60 (23.5) | 8 (16.3) | 1.58 | [.70, 3.55] |
| Closed group trading | 34 (11.2) | 29 (11.4) | 5 (10.2) | 1.13 | [.41, 3.08] |
| P2P ^c | 192 (63.2) | 163 (63.9) | 29 (59.2) | 1.22 | [.65, 2.28] |
| Encrypted P2P ^c | 9 (3.0) | 8 (3.1) | 1 (2.0) | 1.55 | [.19, 12.72] |
| Texting | 14 (4.6) | 7 (2.7) | 7 (14.3) | .17 | [.06, .51] |
| <i>Unknown</i> | 1 (.3) | 1 (.4) | 0 (0.0) | | |
| Webcam | 4 (1.3) | 1 (.4) | 3 (6.1) | .06 | [.01, .59] |
| Email | 20 (6.6) | 14 (5.5) | 6 (12.2) | .42 | [.15, 1.14] |
| Social media | 6 (2.0) | 2 (.8) | 4 (8.2) | .09 | [.02, .50] |
| TOR ^d | 2 (.7) | 1 (.4) | 1 (2.0) | .19 | [.01, 3.07] |
| Own production | 5 (1.6) | 0 (0.0) | 5 (10.2) | .02 | [.001, .29] |
| Other | 3 (1.0) | 2 (.8) | 1 (2.0) | .38 | [.03, 4.27] |
| Criminal history ^a : | | | | | |
| Any prior offense | 50 (16.4) | 13 (5.1) | 37 (75.5) | .02 | [.01, .04] |
| Any prior violent offense | 10 (3.3) | – | 10 (20.4) | | |
| <i>Unknown</i> | 1 (.3) | | 1 (2.0) | | |
| Any prior non-violent offense | 44 (14.5) | 13 (5.1) | 31 (63.3) | .03 | [.01, .07] |
| <i>Unknown</i> | 1 (.3) | 0 (0.0) | 1 (2.0) | | |
| Any prior non-sexual offense | 31 (10.2) | – | 31 (63.3) | | |
| Any prior sexual offense | 20 (6.6) | 13 (5.1) | 7 (14.3) | .32 | [.12, .86] |
| Any prior contact sexual offense | 5 (1.6) | – | 5 (10.2) | | |
| Any prior non-contact sexual offense | 16 (5.3) | 13 (5.1) | 3 (6.1) | .82 | [.23, 3.01] |
| Any prior CP offense | 14 (4.6) | 13 (5.1) | 1 (2.0) | 2.58 | [.33, 20.18] |
| More than one prior offense | 12 (3.9) | 2 (.8) | 10 (20.4) | .03 | [.01, .15] |

Note. Values for sample characteristics represent frequency (n) with percentage in parentheses ((n/N) × 100). Unknown data were treated as missing and removed from comparative analyses. OR = odds ratio; CI = confidence interval. Values in bold indicate statistically significant differences between groups (p < .05); when OR > 1, CP-exclusive offenders were more likely to have the characteristic than CP offenders with other criminal involvement.

^a These categories are not mutually exclusive. ^b This category included a variety of offenses related to the CP offending behavior (e.g., induction to child prostitution, threats, felonies against privacy, sexual provocation, document forgery).

^c Peer-to-peer. ^d The Onion Router.

Table 2. Fixed 5-year recidivism outcomes distinguishing CP-exclusive offenders and CP offenders with other known criminal involvement either pre-index or at index.

| Recidivism outcomes on the basis of new arrests: <i>n</i> (%) | Total sample (<i>N</i> = 304) | CP-exclusive (<i>n</i> = 255; 83.9%) | CP + other offenses (<i>n</i> = 49; 16.1%) | Comparison statistic |
|---|--|---|---|--|
| Any sexual re-offense | 7 (2.3) | 5 (2.0) | 2 (4.1) | <i>OR</i> = .47, 95% CI [.09, 2.49] |
| Any contact sexual re-offense | 1 (.3) | 0 (0.0) | 1 (2.0) | <i>OR</i> = .06, 95% CI [.003, 1.58] |
| Any CP re-offense | 6 (2.0) | 5 (2.0) | 1 (2.0) | <i>OR</i> = .96, 95% CI [.11, 8.40] |
| Time at risk until first sexual recidivism (years): <i>M</i> (<i>SD</i>) [range] | 2.9 (1.5) [.7 – 4.9] | 2.9 (.7) [.7 – 4.9] | 2.8 (1.2) [1.6 – 4.0] | <i>t</i> (5) = .12, <i>p</i> = .91, <i>d</i> = .10, 95% CI [-1.54, 1.73] |
| Overall sexual recidivism ^a : <i>n</i> (%) | 12 (3.9) | 9 (3.5) | 3 (6.1) | <i>OR</i> = .56, 95% CI [.15, 2.15] |

Note. OR = odds ratio; CI = confidence interval. ^a Recidivism outcomes on the basis of new arrests for any sexual offense, for an average follow-up period of 6.9 years.

Table 3. CPORT and CASIC scores distinguishing between CP-exclusive offenders and CP offenders with other criminal involvement.

| | Total sample (N = 304) | | | CP-exclusive (n = 255) | | | CP + other offenses (n = 49) | | | Comparison statistic ^a |
|---|------------------------|-------------------|---------------------|------------------------|-------------------|---------------------|------------------------------|-------------------|-------------------------|--|
| | Cases: n (%) | Missing: n (%) | M (SD) [range] | Cases: n (%) | Missing: n (%) | M (SD) [range] | Cases: n (%) | Missing: n (%) | M (SD) [range] | |
| CPORT | | | | | | | | | | |
| Item 1. Age – under 35 at investigation | 116 (38.2) | 0 (0.0) | – | 94 (36.9) | 0 (0.0) | – | 22 (44.9) | 0 (0.0) | – | OR = .72, 95% CI [.39, 1.33] |
| Item 2. Prior criminal history | 50 (16.4) | 0 (0.0) | – | 13 (5.1) | 0 (0.0) | – | 37 (75.5) | 0 (0.0) | – | OR = .02 , 95% CI [.01 , .04] |
| Item 3. Any failure on conditional release | 11 (3.6) | 0 (0.0) | – | 5 (2.0) | 0 (0.0) | – | 6 (12.2) | 0 (0.0) | – | OR = .14 , 95% CI [.04 , .49] |
| Item 4. Any contact sex offense | 7 (2.3) | 0 (0.0) | – | – | – | – | 7 (14.3) | 0 (0.0) | – | – |
| Item 5. Pedophilic/hebephilic interests | 4 (1.3) | 297 (97.7) | – | 3 (1.2) | 250 (98.0) | – | 1 (2.0) | 45 (91.8) | – | OR = 1.50, 95% CI [.06, 40.64] |
| Item 5 (after CASIC substitution) | 32 (10.5) | 153 (50.3) | – | 24 (9.4) | 128 (50.2) | – | 8 (16.3) | 25 (51.0) | – | OR = .47, 95% CI [.18, 1.22] |
| Item 6. More boy CP | 39 (12.8) | 49 (16.1) | – | 30 (11.8) | 41 (16.1) | – | 9 (18.4) | 8 (16.3) | – | OR = .58, 95% CI [.25, 1.34] |
| Item 7. More boy nudity/other material | 17 (5.6) | 135 (44.4) | – | 10 (3.9) | 122 (47.8) | – | 7 (14.3) | 13 (26.5) | – | OR = .34 , 95% CI [.12 , .96] |
| Total score (all cases ^b) | 304 (100) | 0 (0.0) | .80 (.93) [0–5] | 255 (100) | 0 (0.0) | .61 (.05) [0–4] | 49 (100) | 0 (0.0) | 1.82 (.17) [0–5] | U = 2419.00, p < .001, r = -0.42 |
| Total score (all cases ^b , CASIC replaces missing Item 5) | 304 (100) | 0 (0.0) | .89 (.06) [0–6] | 255 (100) | 0 (0.0) | .69 (.05) [0–5] | 49 (100) | 0 (0.0) | 1.96 (.19) [0–6] | U = 2423.50, p < .001, r = -0.42 |
| Total score (no missing items) | 6 (2.0) | 298 (98.0) | 2.00 (.68) [0–5] | 4 (1.6) | 251 (98.4) | 1.25 (.48) [0–2] | 2 (4.1) | 47 (95.9) | 3.50 (1.50) [2–5] | t(4) = -1.93, p = .13, d = 1.67, 95% CI [-.43, 3.64] |
| Total score (no missing items, CASIC replaces missing Item 5) | 134 (44.1) | 170 (55.9) | 1.11 (.11) [0–6] | 111 (43.5) | 144 (56.5) | .86 (.10) [0–5] | 23 (46.9) | 26 (53.1) | 2.35 (.32) [0–6] | U = 532.55, p < .001, r = -0.40 |
| Total score (maximum one item missing, CASIC replaces missing Item 5) | 173 (56.9) | 131 (43.1) | 1.09 (.91) [0–6] | 138 (54.1) | 117 (45.9) | .83 (.08) [0–5] | 35 (71.4) | 14 (28.6) | 2.11 (.24) [0–6] | U = 1081.00, p < .001, r = -0.40 |

Note. OR = odds ratio; CI = confidence interval. Values in bold indicate statistically significant differences between groups ($p < .05$); when $OR > 1$, CP-exclusive offenders were more likely to score positively than CP offenders with other criminal involvement. ^aMissing data were removed from comparative analyses. r values of .10, .24, and .37 were considered small, moderate, and large effect sizes, respectively, as they roughly correspond to Cohen's d values of .20, .50, and .80 (Rice & Harris, 2005). ^bRegardless of missing items.

Table 3 (cont.). CPORT and CASIC scores distinguishing between CP-exclusive offenders and CP offenders with other criminal involvement.

| | Total sample (N = 304) | | | CP-exclusive (n = 255) | | | CP + other offenses (n = 49) | | | Comparison statistic ^a |
|---|------------------------|-------------------|---------------------|------------------------|-------------------|---------------------|------------------------------|-------------------|---------------------|---|
| | Cases: n (%) | Missing: n (%) | M (SD) [range] | Cases: n (%) | Missing: n (%) | M (SD) [range] | Cases: n (%) | Missing: n (%) | M (SD) [range] | |
| CASIC | | | | | | | | | | |
| Item 1. Never married | 136 (44.7) | 55 (18.1) | – | 115 (45.1) | 43 (16.9) | – | 21 (42.9) | 12 (24.5) | – | OR = .90, 95% CI [.45, 1.83] |
| Item 2. CP videos | 236 (77.6) | 28 (9.2) | – | 198 (77.7) | 22 (8.6) | – | 38 (77.6) | 6 (12.2) | – | OR = .74, 95% CI [.27, 2.02] |
| Item 3. CP text stories | 4 (1.3) | 117 (38.5) | – | 3 (1.2) | 104 (40.8) | – | 1 (2.0) | 13 (26.5) | – | OR = .71, 95% CI [.07, 7.03] |
| Item 4. CP activity spanning ≥ 2 years | 55 (18.1) | 230 (75.7) | – | 53 (20.8) | 188 (73.7) | – | 2 (4.1) | 42 (85.7) | – | OR = 9.46 , 95% CI [1.66 , 54.05] |
| Item 5. Volunteering with access to children | 6 (2.0) | 81 (26.6) | – | 5 (2.0) | 74 (29.0) | – | 1 (2.0) | 7 (14.3) | – | OR = 1.17, 95% CI [.13, 10.24] |
| Item 6. Online sexual communications with minor/undercover officer | 10 (3.3) | 2 (.7) | – | – | – | – | 10 (20.4) | 2 (4.1) | – | – |
| Total score (all cases ^b) | 304 (100) | 0 (0.0) | 1.47 (.05) [0–4] | 255 (100) | 0 (0.0) | 1.47 (.05) [0–4] | 49 (100) | 0 (0.0) | 1.49 (.12) [0–3] | U = 6234.00, p = .98, r = - 0.001 |
| Total score (no missing items) | 41 (13.5) | 263 (86.5) | 2.37 (.13) [0–4] | 35 (13.7) | 220 (86.3) | 2.34 (.14) [0–4] | 6 (12.2) | 43 (87.8) | 2.5 (.34) [1–3] | U = 89.50, p = .54, r = -0.10 |
| Total score (maximum one item missing ^c) | 151 (49.7) | 153 (50.3) | 1.84 (.06) [0–4] | 127 (49.8) | 128 (50.2) | 1.83 (.07) [0–4] | 24 (49.0) | 25 (51.0) | 1.88 (.17) [1–3] | U = 1505.00, p = .92, r = - 0.01 |

Note. OR = odds ratio; CI = confidence interval. Values in bold indicate statistically significant differences between groups ($p < .05$); when $OR > 1$, CP-exclusive offenders were more likely to score positively than CP offenders with other criminal involvement. ^a Missing data were removed from comparative analyses. r values of .10, .24, and .37 were considered small, moderate, and large effect sizes, respectively, as they roughly correspond to Cohen’s d values of .20, .50, and .80 (Rice & Harris, 2005). ^b Regardless of missing items. ^c Except for a CASIC score of 3 or more (Eke, Helmus & Seto, 2018).

Table 4. Relative predictive accuracy of CPORT and CASIC scores for CP recidivism.

| | Total sample (N = 304) | | | CP-exclusive (n = 255) | | |
|---|------------------------|-------------|----------------------|------------------------|-------------|----------------------|
| | n | AUC | 95% CI | n | AUC | 95% CI |
| CPORT | | | | | | |
| Item 1. Age – under 35 at investigation | 304 | .560 | [.503, .617] | 255 | .618 | [.555, .678] |
| Item 2. Prior criminal history | 304 | .586 | [.529, .642] | 255 | .576 | [.513, .637] |
| Item 3. Any failure on conditional release | 304 | .518 | [.461, .576] | 255 | .510 | [.447, .573] |
| Item 4. Any contact sex offense | 304 | .512 | [.454, .569] | – | – | – |
| Item 5. Pedophilic/hebephilic interests (CASIC replaces missing Item 5) | 151 | .520 | [.437, .601] | 127 | .597 | [.506, .683] |
| Item 6. More boy CP | 255 | .578 | [.515, .640] | 214 | .572 | [.503, .639] |
| Item 7. More boy nudity/other material | 169 | .552 | [.474, .628] | 133 | .539 | [.450, .626] |
| Total score (all cases ^a) | 304 | .541 | [.483, .598] | 255 | .574 | [.511, .636] |
| Total score (all cases ^a , CASIC replaces missing Item 5) | 304 | .563 | [.505, .620] | 255 | .555 | [.492, .617] |
| Total score (no missing items, CASIC replaces missing Item 5) | 134 | .587 | [.498, .671] | 111 | .576 | [.478, .669] |
| Total score (maximum one item missing, CASIC replaces missing Item 5) | 173 | .507 | [.430, .584] | 138 | .513 | [.427, .599] |
| CASIC | | | | | | |
| Item 1. Never married | 249 | .523 | [.459, .587] | 212 | .606 | [.537, .672] |
| Item 2. CP videos | 276 | .574 | [.513, .633] | 233 | .577 | [.511, .641] |
| Item 3. CP text stories | 187 | .511 | [.437, .585] | 151 | .510 | [.428, .592] |
| Item 4. CP activity spanning ≥ 2 years | 74 | .632 | [.512, .741] | 67 | – | – |
| Item 5. Volunteering with access to children | 223 | .514 | [.446, .581] | 181 | .514 | [.439, .589] |
| Item 6. Online sexual communications with minor/undercover officer | 302 | .517 | [.459, .574] | 255 | .500 | [.437, .563] |
| Total score (all cases ^a) | 304 | .555 | [.497, .611] | 255 | .527 | [.464, .590] |
| Total score (maximum one item missing ^b) | 151 | .543 | [.460, .624] | 127 | .696 | [.608, .775] |

Note. An AUC value is significantly different from chance and is bolded when the 95% CI does not include 0.5. Analyses were not conducted when there was insufficient data for ROC curves (not enough individuals who committed new sexual offenses were positive for the variable). ^aRegardless of missing items. ^bExcept for a CASIC score of 3 or more (Eke, Helmus & Seto, 2018).

Table 5. Observed and predicted 5-year CP recidivism probabilities for the CPORT

| Total sample | <i>n</i> (%) | <i>N</i> recidivists | Observed CP recidivism rate (%) | CP recidivism estimates (Eke et al., 2019) ^b | | |
|--------------------------------|--------------|----------------------|---------------------------------|---|----|---------------------------------|
| | | | | <i>n</i> | % | E/O index [95% CI] ^c |
| CPORT score^a | | | | | | |
| 0 | 128 (42.1) | 2 | 1.6 | 1.2 | 2 | .60 [.15, 2.40] |
| 1 | 115 (37.8) | 2 | 1.7 | 3.8 | 4 | 1.90 [.48, 7.60] |
| 2 | 40 (13.2) | 2 | 5.0 | 5.5 | 7 | 2.75 [.69, 11.00] |
| 3 | 12 (3.9) | 0 | – | 6.2 | 12 | – |
| 4 | 5 (1.6) | 0 | – | 6.8 | 20 | – |
| 5+ | 4 (1.3) | 0 | – | 6.1 | 32 | – |
| Total | 304 (100) | 6 | 2.0 | | | |

Note. ^a All cases (regardless of missing items), CASIC replaces Item 5. ^b CPORT total scores were restricted to cases with no more than one item with missing information (excluding Item 5, where CASIC scores of 3+ were used as a substitute). ^c E/O index cannot be calculated with zero expected or observed recidivists.

Study 10

**Consumidores de pornografía infantil:
Dificultades en el acceso a tratamiento psicológico.**

**[Child pornography consumers:
Difficulties in accessing psychological treatment.]**

**Consumidores de pornografía infantil:
Dificultades en el acceso a tratamiento psicológico¹²³**

**Child pornography consumers:
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Resumen

El presente estudio analiza el contenido de 13 entrevistas realizadas a consumidores de pornografía infantil, con el fin de conocer sus experiencias respecto al acceso voluntario a servicios psicológicos, previo a su detención. El 46,15% de los entrevistados no había buscado ayuda profesional, por este u otro motivo, con anterioridad. En las entrevistas de aquellos que sí lo hicieron, se detectaron cinco temas principales: (1) experiencias previas positivas; (2) secretismo y estigma; (3) dificultades en el acceso y adherencia al tratamiento psicológico; (4) falta de especialización de los profesionales; y (5) problemática psico-social relacionada con el delito. La falta de motivación intrínseca para el tratamiento antes de la detención, junto con el miedo a una posible denuncia por parte de los profesionales, dificultó su disposición a la búsqueda de ayuda profesional y su adherencia al tratamiento. Por otro lado, muchos de ellos acudieron a consulta por problemática psico-social relacionada con el delito, pero no por su uso de pornografía infantil. Se discute la necesidad de instaurar un servicio de atención preventivo para este colectivo en nuestro país; así como la necesidad de formación especializada a los profesionales de la Psicología, asegurando su neutralidad y correcta praxis, dentro de los límites del secreto profesional.

Abstract

The present study analyzes the content of 13 interviews conducted with child pornography users, in order to explore their experiences regarding the voluntary access to psychological services, prior to their detention. 46.15% of those interviewed had not sought professional help beforehand, for this or any other reason. In the interviews of those who did, five main topics were detected: (1) previous positive experiences; (2) secrecy and stigma; (3) difficulties in access and adherence to psychological treatment; (4) lack of specialization of the professionals; and (5) psycho-social problems related to the offense. The lack of intrinsic motivation for the treatment before the arrest, along with the fear of a possible report to the police by the professionals, hindered their willingness to seek professional help and adherence to treatment. On the other hand, many of them sought consultation for psycho-social problems related to crime, but not for their use of child pornography. The need to establish a preventive care service for these individuals in our country is discussed; as well as the need for specialized training for psychologists, ensuring their neutrality and correct praxis, within the limits of professional secrecy.

Palabras clave. Pornografía infantil; tratamiento; prevención; estigma; delincuencia sexual.

Keywords. Child pornography; treatment; prevention; stigma; sexual offending.

¹²³ Manuscript in preparation.

Introducción

La aparición de las tecnologías de la información y la comunicación (TIC) y el resultante aumento en accesibilidad, asequibilidad y disponibilidad de pornografía *on-line*, han incrementado la preocupación sobre el uso de la pornografía infantil (PI) en nuestros tiempos (Seto & Ahmed, 2014; Soldino & Guardiola García, 2017). En España, 4122 personas han sido detenidas o investigadas por delitos relativos a la pornografía infantil desde el año 2009 (Ministerio del Interior, 2018). Sin embargo, se trata de un delito que conlleva enormes dificultades en su detección e investigación y que, por razones obvias, no suele ser denunciado por parte de sus víctimas (Fiscalía General del Estado, 2019). La elevada cifra negra, oculta tras las estadísticas oficiales (Ly, Dwyer & Fedoroff, 2018), daría cuenta de la necesidad de un abordaje interdisciplinar de este fenómeno, considerado como un problema crítico de salud pública (Whitaker et al., 2008), incluyendo una adecuada atención a estas personas por parte de los profesionales de la Psicología.

Uno de los retos en el abordaje terapéutico de los consumidores de PI es la intervención temprana, de carácter preventivo. Sin embargo, el estigma asociado a la delincuencia sexual reduce la posibilidad de que estas personas busquen ayuda profesional antes de su detención (Seto & Ahmed, 2014; Soldino & Carbonell-Vayá, 2017). A pesar de ello, ya existen programas preventivos en otros países que empiezan a ofrecer resultados prometedores. El Proyecto de Prevención Dunkelfeld (PPD) se creó en 2005 con el propósito de prevenir los delitos sexuales contra víctimas menores a través de un programa de tratamiento anónimo y confidencial. Para ello, se inició una campaña mediática para alentar la búsqueda de ayuda profesional por parte de aquellas personas preocupadas por su interés sexual por los menores de edad o la PI (Beier et al., 2009; 2015). En un periodo de seis años, el programa contaba con 319 participantes, demostrando la viabilidad de la prevención primaria y secundaria en este colectivo. En este caso, la legislación alemana dispensaba a los terapeutas de la

obligación de denunciar un delito ya cometido por los usuarios, algo crucial para el éxito del programa (Beier et al., 2015). Por otro lado, encontramos iniciativas como la impulsada por The Lucy Faithfull Foundation¹²⁴, consistente en contenido formativo *on-line* de auto-ayuda para aquellas personas preocupadas por su conducta o intereses sexuales que quieran garantizar su completo anonimato, familiares y amigos, y profesionales; así como un teléfono de contacto anónimo.

En el caso de España, se dispone de programas de prevención terciaria para este colectivo (p. ej., programa Fuera de la Red; Herrero et al., 2015), aunque en el último año también comienzan a surgir las primeras iniciativas de prevención (p. ej., el proyecto PrevenSI¹²⁵ en Cataluña). En nuestro caso, el Código Deontológico de la Profesión de Psicología¹²⁶ regula en su artículo 17 los límites de la confidencialidad, de esta manera *“de acuerdo a la ley, psicólogos y psicólogas están obligados a informar de los límites de la confidencialidad a quienes demanden sus servicios. Son límites al mantenimiento de la confidencialidad aquellas situaciones que representen un riesgo muy grave para el propio usuario o usuaria, terceras personas o para quien esté prestando los servicios; también cuando el levantamiento del secreto esté legal o judicialmente ordenado. Esta información debe proporcionarse, siempre que sea posible, al inicio de la relación en el proceso de consentimiento informado.”*

El objetivo del presente estudio fue conocer las experiencias de usuarios de PI españoles en el acceso voluntario a servicios psicológicos, previo a su detención, con el fin de detectar aquellas dificultades/carencias y posibilidades de mejora en los servicios disponibles de prevención secundaria. Las hipótesis de partida fueron: (1) una escasa frecuencia en la búsqueda voluntaria de ayuda profesional; (2) un abordaje preventivo deficiente para este colectivo.

¹²⁴ <https://get-help.stopitnow.org.uk/>

¹²⁵ <https://www.fundacioires.org/nace-un-nuevo-recurso-contr-el-abuso-sexual-infantil-prevensi/>

¹²⁶ http://copao.cop.es/files/contenidos/normativas_de_interes/NUEVO_C%C3%93DIGO_DEONTOL%C3%93GICO.pdf

Método

Muestra

Se analizaron las transcripciones anonimizadas de las entrevistas semi-estructuradas realizadas a 13 hombres españoles, usuarios del programa Fuera de la Red (Herrero et al., 2015) en medio abierto. Las edades de los participantes oscilaron entre los 28 y los 61 años (media = 42,77; desviación estándar = 12,33). Todos ellos habían sido condenados por la descarga de PI en Internet; 11 usuarios además habían distribuido los archivos a través de plataformas *peer to peer* (p2p), pero ninguno fue condenado por un delito sexual de contacto con una víctima menor de edad. Tres de ellos contaban con antecedentes penales, aunque solo uno había cometido un delito relativo a la PI con anterioridad.

Procedimiento y diseño

Las transcripciones se derivaron de entrevistas semi-estructuradas, de entre tres y cuatro horas de duración, realizadas durante la fase de evaluación y motivación del programa, previa a las sesiones de intervención. Todos los participantes fueron informados de la grabación en audio y posterior análisis de las entrevistas, firmando voluntariamente el respectivo consentimiento informado. Cada entrevista contaba con dos partes: (1) variables psicosociales y clínicas, y (2) variables criminológicas.

Para este trabajo, se realizó un análisis conceptual del contenido (Carley, 1993) de las respuestas de los usuarios a la pregunta: “¿Ha recibido usted alguna vez tratamiento psicológico y/o psiquiátrico?”, incluida en la primera parte de la entrevista. Para ello, los extractos de entrevista fueron codificados por la primera autora y este proceso fue revisado por el segundo autor, llegando a un acuerdo completo entre ambos autores.

Resultados

Siete de los 13 usuarios entrevistados hicieron referencia a contactos previos con los profesionales de la Psicología. A continuación,

se describen los principales bloques temáticos surgidos tras la codificación de sus entrevistas.

Experiencias previas positivas (n = 2)

Algunos usuarios valoraban positivamente sus contactos anteriores con psicólogos y psiquiatras. El usuario 4 recordaba los ejercicios que realizaba con su anterior terapeuta:

*T¹²⁷: ¿Y cómo valoraste ese tratamiento?
U¹²⁸: Positivamente, la verdad, bien. [...] Hacíamos tests, me enseñó a tranquilizarme... me enseñó a controlar mis impulsos también [...]. Me enseñó más cosas. [...] Por ejemplo, el ordenador, que aún sigue allí, eh, lo tiene mi padre con contraseña y todo eso, porque no puedo entrar yo sin que esté él [...], para que no tenga tentaciones. Me enseñó también... si veía una niña en la calle, pues... que piense en la cárcel y no piense... que piense cosas negativas.”*

Por su parte, el usuario 13 valoraba positivamente el tratamiento farmacológico recibido por sus problemas de ansiedad, aunque no recibió una intervención específica en relación a su uso problemático del material pornográfico:

“El que me ha ayudado realmente es un psiquiatra de pago. [...] Tomo Deprax [...], que me lo tomo por la noche para dormir bien, y le he dicho a la médica que quiero dejar el tratamiento para incorporarme lo antes posible. [...] Él me receto el Esertia, y también el Diazepam. T: ¿Por tema de ansiedad? U: Sí, sí. [...] Y luego le dije que la ansiedad persistía y me dijo que me podía tomar hasta 3. [...] Yo le digo los síntomas que tengo y ellos me dan.”

Secretismo y estigma (n = 3)

El estigma asociado a la delincuencia sexual hace que muchos usuarios oculten información necesaria para un correcto diagnóstico y consecuente intervención por parte de los profesionales. El usuario 9 verbaliza la dificultad para hablar sobre este tema:

“Ella intenta que sea yo el que, el que hable, pero a mí me cuesta mucho. [...] A mí me dice que no tiene que estar tirándome de la lengua siempre. Pero a mí me cuesta mucho...me

¹²⁷ Terapeuta

¹²⁸ Usuario

hace preguntas que me quedo en blanco. [...] Me veo un poco perdido.”

Algunos profesionales pueden interpretar los síntomas manifestados como parte de un trastorno de ansiedad e iniciar el correspondiente tratamiento farmacológico. El usuario 4 refería sentirse atraído por la PI desde su adolescencia, lo cual había generado en él sentimientos de culpa, vergüenza y secretismo, relacionados con el estigma social, llegando a sufrir ataques de pánico por este motivo:

“A veces me daban tranquilizantes, Trankimazin y otro más, de 0,50 y 0,25 [...], porque a veces iba, estaba de los nervios, estaba mal. [...] Es que también con... más jovencito tuve un ataque de esto de nervios que... solito. [...] Ansiedad creo que era, [...] y me llevaron al hospital con una pastilla debajo de la boca. [...] Es que todo esto... pues a mí siempre... el tema este siempre me ha gustado, toda la vida, no sé. [...] Pues todo esto, de las fotos y todo eso [...], y... quieras o no a veces lo piensas y te sientes mal, y empiezo a asfixiarme muchas veces [...] y acabé loco, un día acabé loco y, no sé, me dio algo. [...] Me decían: ¿qué te pasa?, ¿por qué...? Y no se lo podía contar entero.”

El usuario 10 buscó ayuda profesional antes de la detención, sin embargo, la falta de garantías respecto a la confidencialidad de lo verbalizado en terapia provocó su desistimiento:

“Antes de que me pillaran fui a pedir ayuda también. [...] claro ahí, ahí iba más con... con más... [...] miedo, claro. Y entonces dije: bueno, ¿esto del secreto médico... [...], tal? [...] Y me contestó de una forma muy seca, me dijo: sí, claro, yo no puedo decir nada, salvo que hayas cometido algún delito, y en ese caso tengo que llamar a la policía. Y automáticamente dije: ¡vale! [...] Pues... bueno, pues ahí ya dije: bueno, pues... [...] termino... [...], y ya está.” A pesar de ello, y tras la detención, trató de acceder nuevamente a tratamiento, verbalizando el motivo de la consulta, lo cual incrementó su estigmatización posterior: *“A ver, yo cuando me pasa todo esto pido ayuda, ¿no? [...] y... me doy cuenta que, bueno, intento pedir ayuda antes [...] y veo que no hay. [...] Al médico de cabecera [...] y se lo dije, esto te estoy hablando después de... después de que pasara todo, ¿vale? Y ahí estaba muy mal, también fui al médico, me mandaron al*

psiquiatra, el psiquiatra me mandó al psicólogo... [...] Bueno, se ve que eso queda en mi historial médico, claro, lógicamente... y se me infectó un quiste en el párpado y me fui a...al...al hospital [...], y ahí ya dije...qué pasa que...que...mee...o sea, me...me trataron muy mal [...] y casi, casi, me tiran del...del hospital...y yo: mmm, ¿qué pasa aquí? Y era, pues eso, que ...habían visto todo, todo lo que había ahí y...y me trataron muy mal...”

Dificultades en el acceso y adherencia al tratamiento psicológico (n = 4)

La atención directa, sin necesidad de derivación previa por parte del médico de cabecera, hace que los servicios psicológicos privados sean una elección para aquellos sujetos con un uso problemático del material pornográfico. El usuario 10 narraba el periplo que le supuso acceder al psicólogo de la Seguridad Social:

“Me mandaron al psiquiatra, el psiquiatra: muy bien, muy bien, muy bien, muy bien, muy bien, sí, sí, sí... Ahí el psiquiatra [...] me mandó al psicólogo...mmm...tres o cuatro meses después volví al médico de cabecera porque no sabía nada del psicólogo y me dijo: bueno pues te voy a volver a mandar al psiquiatra [...]. Vuelvo...al psiquiatra, vuelta a hacerlo todo [...] y ahí sí, a los dos meses o así me llaman y ya voy al psicólogo.”

El usuario 9, por su parte, también encontró dificultades para acceder a un psicólogo:

“Ya había intentado buscar ayuda anteriormente, pero lo que pasa que por privado y tal, mandé varios emails, nunca me llegaron contestaciones... [...] Como no tuve respuesta, pues mi madre consiguió un teléfono de la Seguridad Social, llamé allí, tampoco me contestaron, pasaron un par de semanas y me llamó una chica, me dijo que cuál era mi problema, le expliqué el caso, me dio una cita y voy.”

No obstante, el coste económico de estos servicios puede dificultar la adecuada adherencia al tratamiento. El usuario 4 reincidió tras un año de tratamiento y un prolongado periodo de desempleo, identificando el elevado coste económico de la consulta como el motivo de su abandono:

“A ver, es que a mí me han detenido dos veces [...], esta es la segunda [...]. La primera vez [...] sí que fui a una psicóloga de pago [...]. Yo sé que tenía que ir porque no era normal [...]. Me costó porque yo, contar esto al principio... ahora ya, bueno, pero al principio me costaba muchísimo [...]. Y fui con la psicóloga un tiempo, me iba mejor... [...], pero... no sé qué pasó, que al tiempo volví a caer. También es la falta de trabajo que... tengo más tiempo libre [...]. T: ¿Pero seguías yendo a la psicóloga? ¿Cuánto tiempo fuiste? U: Pues, digamos... habré ido un año, pero un año... al principio era todas las semanas, luego al mes [...]. Y volví a caer [...], volví a caer y... [...] Ya había acabado el tratamiento, ya no iba, más que todo por el dinero, porque eran 60€ cada vez que iba.”

El usuario 7, ante la incertidumbre sobre su situación judicial, decidió poner en suspenso el tratamiento, debido a la inversión económica que este suponía: *“A ver yo... yo quiero pasar esto. Yo... el psicólogo lo he dejado ahora porque estoy estanco. [...] Pues es que no sé si me van a meter en la cárcel [...]. Entonces yo estoy esperando, es lo que... se lo he dicho al psicólogo. Le digo: voy a dejar de ir a las citas porque valen dinero, son 60 euros [...]. Y hasta que no tenga claro lo que va a ocurrir con el tema judicial no voy a volver.”*

Falta de especialización de los profesionales (n = 4)

Algunos usuarios perciben una falta de especialización de los profesionales que les atendieron en el pasado. El usuario 4 acudió a una psicóloga privada antes de comenzar el programa Fuera de la Red, específico para este tipo de delitos:

“Es que claro, esa psicóloga hizo todo lo que pudo, claro, y yo también, pero es que... especialmente en estos temas es muy... nuevo, ¿no? No sé, muy distinto, no... [...]. Lo que... cuando estaba con esta chica [psicóloga programa Fuera de la Red] [...] notaba que era... mejor, o sea... [...] Sí, porque ella es el tema que... este, trabaja viendo el tema este, ¿sabes? [...] Y me iba bastante bien con ella, la verdad que sí.”

El usuario 7, por su parte, no percibía un avance en las sesiones terapéuticas:

“Pero es que... qué le voy a contar si son todos los días igual [...]. Es que tampoco había terapia. Si yo iba y le contaba mis cosas, pero si es que estoy ahí... vengo cada 15 días y siempre es lo mismo.”

El usuario 9 se mostraba preocupado por su orientación sexual, recibiendo una pauta por parte de su médico de cabecera que no se ajustaba a sus necesidades:

“Según aumenta la edad, digamos, es como que cambia un poco mi percepción, o sea, mis gustos. Digamos que si son más jóvenes pues a lo mejor me gustan varones, y según va subiendo la edad, pues al revés. Este es un poco el lío que yo tengo. Y por lo que yo estoy yendo allí, porque realmente no sé si, lo he hablado con mi médico de cabecera, no sabía si me gustaban los chicos, las chicas... Me dijo, pues prueba una cosa u otra y lo sabrás y saldrás de dudas. Tampoco es tan fácil.”

El usuario 10 hablaba sobre las pautas de acción acordadas con su terapeuta:

“T: ¿Cuáles eran esas pautas? U: Pues por ejemplo...eh...vivía solo, ya no vivo solo... [...] Que consumía drogas y que ya prácticamente no las consumía... [...] Eh...él me dijo déjate, déjate...y bueno...pues... [...] al final lo he conseguido... [...] T: ¿Tú realmente le verbalizaste: estoy consumiendo pornografía infantil o he consumido pornografía infantil? U: Sí...sí, sí. T: ¿Y la pauta es [...] irte a vivir con alguien, y...? U: Sí, básicamente sí. T: ¿Y dejar de consumir drogas? U: Básicamente, sí. [...] Que cambiara de amigos, que tal, que todo eso. Entonces... y ahí se quedó. Yo dije: bueno... [...] Estaba un poco con miedo también la [...] psicóloga [...] y se ve que, no sé, dijo: es que te marcaría ciertas pautas, pero claro es que estas pautas ya las estás cumpliendo... tal, ¿tú te encuentras mejor? Sí. ¿Has vuelto a hacer algo de esto? No. Porque no, no lo he hecho. Y... y, bueno, sí, me ayudó. [...] Me ayudó, pero... no he hecho ningún tratamiento de 25 semanas, ni 40 semanas, ¿vale?”

Anteriormente el psiquiatra le había prescrito ansiolíticos:

“Fui al médico y dije: me ha pasado esto. [...] Y me mandó al psiquiatra, y el psiquiatra lo escuchó todo... [...] Me derivó al psiquiatra y el psiquiatra me dio Diazepam. [...] T: ¿Y

qué te dieron, Diazepam? U: Sí...bueno...a...con pala...quiero decir, mucha cantidad, pero era, todo lo solucionaban con Diazepam.”

Problemática psico-social relacionada con el delito (n = 5)

En algunos sujetos, el consumo de PI se relacionaba con un trastorno por consumo de sustancias y/o alcohol. Para el usuario 1, el momento de la detención supuso un punto de inflexión en la toma de conciencia del trastorno por consumo de alcohol:

“Cuando me pasó esto [...], que dije: esto no... no es marcha. Y me hablaron de un sitio que era la UCA¹²⁹ [...], fui, y hasta ahora. Y doy gracias de haber ido. Ahora [...] el médico, me va a dar el alta ya [...]. Y a la psicóloga voy a seguir yendo, pero por seguimiento [...]. T: Entonces notas que ha funcionado... U: Sí, sí, sí, sí [...]. T: Entonces me dices que tú decides eh, pedir ayuda a raíz de... [...]. U: A raíz del registro que me hicieron en casa [...], decidí que eso no era... no, no era... no estaba bien vamos.”

El usuario 13 utilizaba el alcohol como una vía de evasión frente al uso problemático del material pornográfico, siendo los signos del trastorno por consumo de alcohol los que precipitan la búsqueda de un tratamiento:

“Hasta el año pasado, que me dio por beber. T: ¿Relacionado con el juicio? U: No, no, relacionado con... con este tema. Yo antes nunca había bebido, y intenté enmascararlo, y aunque no llegaba borracho a trabajar, sí que me decían los compañeros que tenía un problema, y que me lo tratase, y días más tarde, me pedí la baja.”

El usuario 11, sin embargo, ya había pedido ayuda previamente a sus familiares para acceder a un tratamiento para el trastorno por consumo de sustancias:

“Después de ver todo el desastre que estaba haciendo con, para conseguir dinero con lo de la base. [...] Estuve un año. [...] Allí sí me, me, me pillé... una depresión, lloraba y todo inclusive, de decir: bueno, dios mío, ¿yo por qué estoy haciendo esto? Me arrepentía luego, pero ya por la mañana me iba al

camello. [...]. O sea, que sí, por la noche llorando, por el día loco por ir a ver al camello [...]. Pero sí tenía momentos, hasta, hasta que dije: yo, yo, esto, dios mío, ¿cómo lo puedo solucionar? Ayúdame. Fui a donde mi hermana y mi cuñado y que me digan algo. [...] Tanto mi cuñado como mi hermana se creían [...] que yo estaba enganchado al juego hasta que un día digo: esto no puede seguir así. Me fui a mi hermana y le digo: mira, estoy enganchado a la cocaína y tal y cual.”

En el caso del usuario 7, los problemas económicos y de pareja motivaron la búsqueda de ayuda profesional, aunque con un resultado insatisfactorio:

“Tuvimos que alquilar el piso donde vivíamos nosotros, nos fuimos a vivir con nuestros padres... los inquilinos no nos pagaron nada durante el primer año... Es que fue exagerado. Luego recuperamos el piso al cabo del año, eh... estaba lleno de cucarachas, nos habían destrozado los muebles... Pero es que yo, me tenía que encargar yo de todo. Es que además yo tenía que ir, yo tuve que hacer la fumigación, tuve problemas con ellos porque vivían en la ... también allí. Me rompieron el coche, los retrovisores dos veces, por la noche... Bueno, nada, y yo ya ahí hice ¡pum! [...] Y fui al médico y ya dije... es que no puedo más. Digo... es que estoy trabajando con clientes detrás y estoy llorando. Y cualquier excusa [...] es pa irme a mi casa y... una depresión. [...] Y el médico me mandó a urgencias [...] a psiquiatría. [...] Me medicaron y nada...”

Para el usuario 9, sus dudas respecto a su orientación sexual fueron el motivo de consulta, previa al juicio:

“Antes del juicio, yo ya busqué ayuda psicológica, pues porque en un principio, no tengo claro, no tenía claro, bueno, ni tengo claro, si soy bisexual, si soy homosexual, no, no tenía clara mi sexualidad, y busqué ayuda en ese sentido.”

Aunque la citación judicial provoca un cambio en el foco del trabajo terapéutico:

“Me ha ayudado bastante con el tema del juicio, porque claro, estando yendo allí...”

¹²⁹ Unidad de Conductas Adictivas

[...]. Claro, lo que es trabajar con ella sobre el tema que a mí me preocupaba, pues hemos trabajado poco, la verdad, porque cuando empezamos a hacer algo llegó esto. [...] Mi estado de ánimo ya no era...

Discusión

El presente estudio detectó cinco temas principales en las experiencias de usuarios de PI en el acceso voluntario a servicios psicológicos: (1) experiencias previas positivas; (2) secretismo y estigma; (3) dificultades en el acceso y adherencia al tratamiento psicológico; (4) falta de especialización de los profesionales; y (5) problemática psico-social relacionada con el delito. Por otro lado, el 46,15% de los entrevistados no había recibido tratamiento psicológico y/o psiquiátrico con anterioridad, y el 71,43% de aquellos que sí lo hicieron, acudieron al psicólogo/psiquiatra por otros motivos; resultando recomendable una réplica del estudio con una mayor muestra.

Desde que comenzara la conciencia pública respecto al fenómeno de la PI, su consumo ha sido considerado como una forma de perversión extrema e imperdonable que, junto al enorme calado en el imaginario colectivo de la figura del “depredador sexual”, ha potenciado su estigmatización (Jenkins, 2001; Ramos Vázquez, 2012; Tamarit Sumalla, 2015). No resulta frecuente, por tanto, que estas personas presenten una motivación intrínseca para el tratamiento antes de la detención (Burke, Sowerbutts, Blundell & Sherry, 2002), dificultando su disposición a la búsqueda de ayuda profesional y su adherencia al tratamiento; tal y como se observa en las entrevistas analizadas. Sin embargo, la necesidad del trabajo preventivo con este colectivo¹³⁰ parece clara (Beier et al, 2015; Burke et al., 2002), siendo para ello necesario que los psicólogos se familiaricen con el lenguaje y los conceptos asociados a la PI, los límites de la confidencialidad en la práctica profesional, las características y el comportamiento de este tipo de delincuentes, así como la introducción de modificaciones en los enfoques de tratamiento tradicionales (dirigidos a delincuentes sexuales de contacto), para facilitar su progreso

terapéutico (Burke et al., 2002; Goyette, Rouleau, Renaud & Fortin, 2008; Ly et al., 2018; Seto & Ahmed, 2014).

El consumo de PI ha sido considerado como un indicador válido de la pedofilia (Seto, Cantor & Blanchard, 2006); en estos casos Internet es utilizado como un medio para satisfacer este deseo sexual de una forma “segura” e “indetectable” (Burke et al., 2002). Sin embargo, no todos los consumidores de PI están motivados por intereses sexuales pedófilos, ni todos los pedófilos utilizan PI. En ocasiones esta conducta es una manifestación de una hipersexualidad o de una conducta sexual compulsiva, o está motivada por la curiosidad o la búsqueda de sensaciones, iniciándose en otras ocasiones de forma accidental (Seto & Ahmed, 2014; Southern, 2008). Por otro lado, las investigaciones apuntan que una proporción considerable de delincuentes sexuales presenta algún trastorno psiquiátrico, trastornos por el consumo de sustancias y/o alcohol, trastornos del estado de ánimo, trastornos psicóticos y/o trastornos de la conducta (Ahlmeier, Kleinsasser, Stoner, & Retzlaff, 2003; Dunsieith, et al., 2004; Kraanen & Emmelkamp, 2011). Es por ello que una evaluación integral del caso (teniendo en cuenta las motivaciones del sujeto para el uso de la PI y la posible presencia de problemática psico-social asociada), asegurando la neutralidad del psicólogo, resulta crucial para una correcta intervención preventiva (Lally & Freeman, 2005; Ly et al., 2018; Seto & Ahmed, 2014). Todos los usuarios deben ser tratados por igual y, a menos que la conducta del usuario *represente un riesgo muy grave para terceras personas*, el deber de los profesionales de la Psicología es para con su usuario (Lally & Freeman, 2005).

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¹³⁰ Y a poder ser, integrado en el Sistema Nacional de Salud, a fin de garantizar su viabilidad (Beier et al., 2015).

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Study 11

***Online child grooming:*
Tratamiento individualizado en prisión.**

**[Online child grooming:
Individualized treatment in prison.]**

**Online child grooming:
Tratamiento individualizado en prisión ¹³¹**

**Online child grooming:
Individualized treatment in prison**

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Resumen

Se realiza un estudio de caso de un varón de 32 años, que se encuentra cumpliendo una condena de 6 años y 18 meses de prisión por ocho delitos sexuales cometidos a través de Internet con víctimas menores de edad. El contacto con los menores bajo el anonimato de la Red, y la consiguiente obtención de pornografía infantil, suplía una situación de aburrimiento y curiosidad; la búsqueda de sensaciones nuevas y prohibidas –no percibidas como dañinas–, condujeron al sujeto a experimentar un elevado estado de placer, temporalmente breve pero altamente reforzante. El interno solicitó su inclusión al programa de tratamiento “Fuera de la Red” de manera individualizada, completando de manera satisfactoria un total de 32 sesiones terapéuticas. Su paso por el programa supuso un gran cambio en su percepción del daño experimentado por las víctimas de la pornografía infantil –tal y como se refleja en los resultados de las pruebas psicométricas pre-post–, especialmente los niños que aparecían en sus archivos. Se trata del primer caso de aplicación individualizada del programa “Fuera de la Red” en un centro penitenciario español.

Abstract

A case study has been conducted on a 32-year-old man, serving a 6-year and 18-month prison sentence for eight online sexual offenses with minor victims. The contact with the minors under the anonymity of the Net, and the subsequent obtaining of child pornography, allayed a situation of boredom and curiosity; the seeking for new and forbidden sensations–not perceived as harmful–, led the individual to experience a high state of temporally brief but highly reinforcing pleasure. The inmate requested to be included in the treatment program ‘Out of the Net’ individually, completing a total of 32 therapeutic sessions satisfactorily. His participation in the program involved a major change in his perception of the harm experienced by the victims of child pornography –as reflected in the results of the pre-post psychometric tests–, especially the children who appeared in his files. This is the first case of individual application of the program ‘Out of the Net’ in a Spanish penitentiary center.

Palabras clave. Online child grooming; tratamiento; prisión; delincuente sexual; pornografía infantil.

Keywords. Online child grooming; treatment; prison; sex offender; child pornography.

¹³¹ **Soldino, V.**, & Carbonell-Vayá, E. J. (2017b). Online child grooming: tratamiento individualizado en prisión. In C. Bringas & M. Novo (Eds.), *Psicología jurídica: conocimiento y práctica. Colección Psicología y Ley, no14* (pp. 101–117). Sevilla, SP: Facultad de Derecho de la Universidad de Sevilla.

Introducción

Internet influye en la manera en que las personas se comunican y establecen relaciones (Jiang y Hancock, 2013). En este sentido, redes sociales como *Facebook* cuentan con una gran popularidad entre adolescentes y adultos; pero estas plataformas también son utilizadas por los delincuentes para entablar contactos *online* de carácter sexual con los menores (Kloess, Beech y Harkins, 2014; Kloess, Seymour-Smith, Hamilton-Giachritsis, Long, Shipley y Beech, en prensa). Por un lado, la facilidad con la que estas páginas permiten ocultarse tras perfiles falsos, hace que los adultos puedan acercarse a los menores como si ellos también lo fueran (Villacampa-Estiarde y Gómez-Adillón, 2016). Por otro, el hecho de entablar relaciones íntimas y de amistad con extraños en Internet se ha convertido en algo socialmente aceptable entre los más jóvenes (Visser, Antheunis y Schouten, 2013), lo cual contribuye a que de forma involuntaria establezcan vínculos y compartan información personal con adultos motivados sexualmente (Black, Wollis, Woodworth y Hancock, 2015; Montiel-Juan, Carbonell-Vayá y Salom-García, 2014).

Tal y como evidencia la literatura reciente, los delincuentes sexuales que contactan con sus víctimas a través de las tecnologías de la información y la comunicación (TIC) constituyen un grupo heterogéneo en cuanto a sus motivaciones y estrategias empleadas para vencer las resistencias de los menores (Kloess et al., en prensa; Montiel-Juan, Carbonell-Vayá y Salom-García, 2014). Sin embargo, el empleo de medidas de seguridad por parte de todos ellos, indican una conciencia de la ilegalidad de sus acciones (Kloess et al., en prensa). En comparación con los delincuentes sexuales de contacto, existe una variedad más amplia de delincuentes sexuales *online* (Black et al., 2015); incluyendo a los motivados por el contacto (*contact-driven*) –aquellos que se preparan para el contacto sexual *offline*–, los motivados por la fantasía (*fantasy-driven*) –aquellos que se muestran satisfechos con el mantenimiento de la relación en línea (Seto, Wood, Babchishin y Flynn, 2012)–, y a los usuarios de pornografía infantil (PI). Por su parte, Webster et al. (2012) establecieron subdivisiones entre los *groomers* basándose en su *modus operandi* a la hora de interactuar en línea con los menores, diferenciando entre los delincuentes que buscan la intimidad, los delincuentes híper-sexuales y

los delincuentes adaptables; siendo las necesidades y motivaciones de cada grupo diversas.

La reforma de 2010 de nuestro Código Penal supuso la inclusión del delito de *online child grooming* en nuestro articulado, tipificando así aquellas conductas que los adultos desarrollan a través de las TIC para ganarse la confianza de menores con el fin de concertar encuentros para obtener concesiones de índole sexual. Conductas típicas que quedaron ampliadas tras la reforma operada por la Ley Orgánica 1/2015 y la inclusión del nuevo artículo 183.2 ter, en el que se castiga al que contacte con un menor de dieciséis años a través de las TIC y realice actos dirigidos a embaucarle para que le facilite imágenes pornográficas del mismo o de otros menores (Villacampa-Estiarde y Gómez-Adillón, 2016).

La ausencia de programas de tratamiento específicos para este tipo de delincuentes en nuestro sistema penitenciario –con quienes se aplicaban intervenciones genéricas para delincuentes sexuales (Rivera-González, Romero-Quintana, Labrador-Muñoz y Serrano-Sáiz, 2005)– (Soldino y Carbonell-Vayá, 2016), hizo que la Secretaría General de Instituciones Penitenciarias incorporara reciente mente a su oferta reeducativa el programa “Fuera de la Red” (Herrero, Negredo, Lila, García, Pedrón, y Terreros, 2015). Se trata de un programa de intervención para delincuentes sexuales con víctimas menores de edad que hayan cometido sus delitos a través de las TIC –delitos de posesión y/o difusión de PI, *online child grooming*, ...– y que no hayan tenido un contacto físico con los menores. Su principal objetivo es eliminar este tipo de comportamientos y evitar una posible escalada conductual que lleve al abuso real de un menor. El programa consta de tres fases diferenciadas: primera fase de evaluación y motivación, segunda fase de intervención y tercera de seguimiento. En la fase de intervención se trabajan cuestiones como la conciencia y expresión emocional, técnicas de autorregulación emocional, creencias que sustentan el uso de PI, empatía, habilidades sociales, autoestima o el afrontamiento de fantasías sexuales desviadas. A continuación, se presenta el primer caso de aplicación del programa de tratamiento “Fuera de la Red” en formato individual en una prisión española, con un interno condenado por delitos de esta índole.

Identificación del caso

Antecedentes personales. Varón de 32 años, español, soltero y sin hijos. Educación secundaria completada, acreditado como animador sociocultural. En comisión del delito trabajaba como monitor de actividades extraescolares. Desde su excarcelación como preventivo no vuelve a trabajar con menores de edad, encontrando trabajos temporales como pintor, reponedor y pizzero. El informado acudió a terapia psicológica de forma voluntaria tras quedar en libertad provisional, desde octubre de 2014 hasta julio de 2015. Constan antecedentes de relevancia clínica en los informes aportados por los terapeutas a la causa: trastorno distímico de inicio temprano (F34.1) y trastorno del control de los impulsos no especificado en remisión (F63.9). No se evidencia problemática toxicofílica. Se identifica como homosexual, siendo esta orientación egosintónica y aceptada por familia y amigos. Ha mantenido relaciones sexuales satisfactorias con hombres adultos, aunque nunca ha entablado relaciones sentimentales estables. Tras su entrada en prisión como penado, demanda la inclusión en un programa terapéutico específico para su problemática delictiva.

Antecedentes familiares. Los padres del informado se separaron cuando él contaba 16 años de edad; su padre biológico tenía una adicción al alcohol y no mantiene relación con él desde entonces. Su madre tiene una nueva relación de pareja, sin que ello haya supuesto una fuente de desavenencias. Tiene dos hermanas menores con las que siempre ha mantenido relaciones vinculantes.

Antecedentes judiciales. Primario delictivamente, sin más responsabilidades pendientes en situación penal o procesal; ingresa en prisión como penado voluntario por esta causa en octubre de 2015. El informado creó una identidad ficticia en *Facebook* con la finalidad de conocer a chicos menores de edad, asociando la imagen de una adolescente de identidad desconocida, que extrajo de un vídeo de PI descargado a través de Internet. Desde finales de 2010 –contando con 27 años de edad– hasta octubre de 2012 –fecha de la detención– estuvo haciendo uso de esa identidad, consiguiendo que los menores con los que contactaba le agregaran en sus cuentas, manteniendo conversaciones con ellos a través de las redes sociales. El informado proponía a estos menores si querían “cibersexo”,

exhibiéndoles el vídeo citado en el que la joven se desnudaba, con la intención de que estos accedieran a mostrarle imágenes a través de la webcam en las que aparecieran desnudos; llegando a proponer a uno de los menores un encuentro sexual a cambio de dinero. El informado grababa estos vídeos y con posterioridad los borraba de sus sistemas informáticos. Durante este periodo de tiempo, compartió con otros usuarios de la Red archivos donde aparecían menores de edad en actitud sexual, habiendo recibido de terceras personas de identidad desconocida este tipo de archivos y habiéndoles remitido o exhibido a su vez otros archivos de PI. El informado ingresó en prisión preventiva bajo fianza por estos hechos en octubre de 2012, quedando en situación de libertad provisional en diciembre de 2013. Los hechos fueron sentenciados en septiembre de 2015, mostrando su conformidad con las calificaciones jurídicas y la penalidad imponible (6 años y 18 meses de prisión, 7 años de libertad vigilada post-penitenciaria, prohibición de aproximación y comunicación con las víctimas y 7000€ en concepto de responsabilidad civil). Tal y como se refleja en la sentencia, el informado tenía conocimiento de que con estos actos menoscababa la indemnidad sexual de menores de edad y su dignidad, intimidad y propia imagen. Sin embargo, en el momento de los hechos padecía una anomalía psíquica que disminuía de forma leve su capacidad volitiva e intelectual; apreciando así el Tribunal la circunstancia atenuante de anomalía psíquica, así como la circunstancia atenuante analógica de confesión.

Método

La metodología empleada para la realización del presente estudio fue:

- Estudio de la documentación obrante en el expediente penitenciario del informado y de la documentación complementaria aportada por el interno.
- Análisis de las actividades realizadas por el interno durante el transcurso del programa de tratamiento y las notas recabadas por las terapeutas.
- Dos entrevistas con la madre y hermanas del interno.

- Aplicación de pruebas psicométricas pre-post tratamiento:
 - o Empathy for Children Scale (ECS); (Schaefer y Feelgood, 2006), adaptación al castellano de Herrero y Negro (2014).
 - o UCLA Loneliness Scale (Versión 3); (Russell, 1996).
 - o Internet Behaviours and Attitudes Questionnaire (IBAQ); (O'Brien y Webster, 2007), adaptación al castellano de Herrero y Negro (2014).
 - o Sex With Children Scale (SWCH); (Marshall, 1998), adaptación al castellano de Herrero y Negro (2014).
 - o Escala de evitación y ansiedad social (EVAS); (Watson y Friend, 1969), adaptación española de Bobes, Badía, Luque, García, González y Dal-Ré (1999).
 - o Child Identification Scale-Revised (CIS-R); (Wilson, 1999), adaptación al castellano de Herrero y Negro (2014).
 - o The Interest in Child Molestation Scale (ICMS); (Gannon y O'Connor, 2011), adaptación al castellano de Herrero y Negro (2014).
 - o Rosenberg Self-esteem Scale (RSE); (Rosenberg, 1965), adaptación española de Morejón, García-Bóveda y Jiménez (2000).

Programa de tratamiento aplicado

El programa de tratamiento seguido se ciñó a lo estipulado en el Manual del Terapeuta del programa “Fuera de la Red” (Herrero et al., 2015) y fue aplicado por dos terapeutas en el Centro Penitenciario de Valencia “Antoni Asunción Hernández”. El programa se inició en octubre de 2015, con la realización del Plan Motivacional Individualizado (PMI). Las sesiones terapéuticas iniciaron en noviembre, completando un total de 32 sesiones de 2 horas de duración y de periodicidad semanal. Tras cada sesión el interno debía realizar una tarea de forma independiente, a entregar en la siguiente sesión

presencial. Se realizó una sesión de valoración del PMI en febrero de 2016 –coincidiendo con el fin del Módulo 3– y dos sesiones de seguimiento, uno y tres meses después de la finalización del programa, en junio de 2016. Se citó a la madre y hermanas del interno en dos ocasiones, con el fin de recabar información complementaria sobre el caso y reforzar los logros alcanzados durante el programa.

Resultados

No consta en el presente caso una trayectoria delictiva consolidada, ni la asunción de los valores delincuenciales como forma de vida, observándose un nivel bajo de prisionización. El interno posee una capacidad intelectual superior dentro de la población penitenciaria, presentando buen estilo de razonamiento abstracto y competencia para el análisis causal/consecuencial, con elevado nivel de introspección. La comprensión y expresión verbal son adecuadas. Muestra adecuadas habilidades sociales, predominando el estilo asertivo en sus relaciones. Responsable en cuanto a tareas, muestra una actitud más próxima a un locus de control interno, siendo consecuente en sus acciones. Se muestra abierto a la experiencia, con bajo neuroticismo, extravertido y hedonista, en ocasiones desechando riesgos y con búsqueda de sensaciones. No presenta trastorno psicopatológico ni sintomatología que pueda resultar disfuncional en su vida cotidiana.

Desempeño en el programa terapéutico

El interno ha concluido el programa “Fuera de la Red” implicándose tanto en las sesiones terapéuticas presenciales como en el desarrollo de las actividades entre-sesiones. La valoración de su desempeño en el programa ha sido positiva en todas las áreas:

- Aceptación de la responsabilidad delictiva; admite totalmente su responsabilidad y los motivos de su delito.
- Participación en el programa; participa ofreciendo información muy personal de forma abierta. Busca activamente introducir cambios positivos y realistas en su vida.
- Empatía por las víctimas; muestra empatía real por los niños de las

- imágenes. Comprende los efectos a largo plazo del abuso y la PI, tanto para los menores como para sus familias.
- Identificación y modificación de pensamientos distorsionados; identifica sus propias distorsiones cognitivas y su papel en su delito, las cuestiona racionalmente y las sustituye por pensamientos adecuados.
 - Comprensión de la relación entre estilo de vida y uso de pornografía; reconoce las dinámicas de su estilo de vida que favorecieron el uso de pornografía, y busca activamente formas realistas de introducir cambios positivos.
 - Comprensión de la cadena de conductas, pensamientos y emociones que conducía al uso de PI; identifica claramente el ciclo que conducía al delito y busca activamente formas realistas de interrumpirlo.
 - Habilidades de prevención de recaídas; muestra una buena comprensión de los conceptos y los aplica a su propio caso, comprende y aplica a sus circunstancias las estrategias de evitación. Ha diseñado un estilo de vida positivo y realista. Busca activamente recursos para conseguir estos objetivos.

Análisis funcional del caso

A continuación, se presenta el análisis funcional elaborado a lo largo del transcurso del programa por parte del interno, siguiendo las instrucciones de las terapeutas.

Antecedentes.

- Infancia con carencia de afecto paternal.
- Vergüenza a causa de la conducta paterna, que causó que durante mi infancia fuera muy tímido.
- Trabajar mucho tiempo en el área educativa me hizo estar mucho tiempo en contacto con menores, los cuales me aportaban el cariño que necesitaba.
- El hecho de que un menor me preguntara sobre sexo provocó una fantasía sexual.

- Pensar que un menor puede decidir si quiere sexo o no.
- Relacionarme con niños me hacía sentir como un niño más, me hacía sentir bien.

Situación. Estar sentado delante del ordenador, aburrido o consumiendo pornografía de cualquier tipo.

Pensamientos.

- Nadie me ve
- Será una experiencia excitante que no irá a más. Yo lo controlo.
- No hago daño a nadie.
- Hay más gente como yo, no es tan raro.
- Mientras no lo vea sufrir, el niño no sufre.

Emociones.

- Curiosidad.
- Excitación sexual.
- Aburrimiento.
- Seguridad (intimidad).
- Autoengaño.
- Respaldo.

Conducta.

- Consumo de pornografía infantil.
- Corrupción de menores.

Consecuencias.

- Corto plazo:
 - o Satisfacción sexual
 - o Ocupar tiempo de aburrimiento
 - o Cometer un delito
- Largo plazo:
 - o Ingreso en prisión.
 - o Pérdida de trabajo.
- Corto y largo plazo:
 - o Adicción a la pornografía infantil.
 - o Daño a las víctimas y a sus familias.

- Daño a mí mismo y a mi familia.
- Sentimiento de culpa y vergüenza.
- Contribuir a que se sigan cometiendo abusos sexuales a menores.

Resultados de las pruebas psicométricas aplicadas. A continuación, se presentan las puntuaciones obtenidas por el interno en las pruebas psicométricas aplicadas durante la fase de evaluación (previa al inicio de las sesiones terapéuticas) y tras el fin de la última sesión de intervención (ver Tabla 1). Se observan diferencias pre-post en el ECS –aumento de la puntuación en empatía cognitiva y emocional–, UCLA –ligero descenso de la puntuación en soledad–, IBAQ –mayor puntuación en comportamientos y menor en actitudes relacionadas con la PI– y SWCH –descenso pronunciado en creencias que apoyan y justifican el abuso sexual infantil–. El resto de puntuaciones no variaron tras la aplicación del programa de tratamiento.

Discusión

En el presente caso el contacto con los menores para la obtención de PI suple una situación de aburrimiento y curiosidad en el informado. La búsqueda de sensaciones nuevas y prohibidas –a su parecer no dañinas–, le conducen a experimentar un elevado estado de placer, temporalmente breve pero altamente reforzante, con este tipo de imágenes. La atracción por lo prohibido destaca como una nota común en sujetos integrados socialmente, no pedófilos, acostumbrados al sometimiento a la norma, que se involucran en el mundo de la PI en su etapa de madurez (Soldino, 2016). Así, tal y como evidencian Ray, Kimonis y Seto (2014) en su estudio, los altos niveles de búsqueda de sensaciones en individuos que consumen pornografía habitualmente pueden constituirse como factores de riesgo importantes para el consumo de PI.

En su curso vital encontramos antecedentes significativos en cuanto a relaciones sentimentales, siendo estas idealizadas en su inicio y frustrantes en su transcurso, lo que le lleva a fantasear en Internet produciéndose una escalada que se inicia en fantasías normativas y

termina con desviadas; de esta manera encuentra en los menores ese romanticismo ausente en las páginas de contactos entre adultos con orientación homosexual. Este aspecto se ve apoyado cuando entabla amistad con los menores produciéndose una identificación emocional con los mismos, sintiéndose uno más de ellos; lo cual le hace anhelar la infancia que no pudo tener a consecuencia del alcoholismo y maltrato emocional de su padre. El entono virtual favorece el acceso directo a estos menores, sin tener que preocuparse por el estigma de ser visto en público con un menor de edad o la posible interferencia de los padres (Black et al., 2015).

Identificaríamos este caso como el de un *groomer* motivado por la fantasía; individuos que logran saciarse simplemente hablando sobre temas sexuales tabú con un menor en línea (Black et al., 2015). Asimismo, siguiendo la clasificación de Webster et al. (2012), integraríamos al sujeto dentro del grupo de delincuentes que buscan la intimidad, caracterizados por su creencia de tener una relación romántica y consentida con el niño.

El informado llegó a proponer a uno de los menores un encuentro sexual a cambio de dinero, sin que esta proposición se acompañara de actos materiales encaminados al acercamiento físico. De hecho, negó en todo momento su intención de mantener un contacto físico real con los menores con los que interactuaba; algo que concuerda con lo observado en el estudio de Kloess et al. (en prensa): todos los delincuentes de la muestra llegaron a sugerir a los menores un encuentro físico, pero no emprendieron medidas adicionales para llevarlo a cabo. Estas personas podrían experimentar el componente imaginario del contacto físico con los menores como altamente excitante; de esta manera, las conversaciones sobre un hipotético encuentro físico y la charla sexual explícita que las envuelven, servirían para la consecución de la excitación y gratificación sexual buscada, así como para el cumplimiento de sus fantasías sexuales (Kloess et al., en prensa).

La pluralidad de víctimas en el presente caso se asociaría con las peculiaridades del ciberespacio y las ventajas que presenta este para el *groomer*, en cuanto a la posibilidad de “lanzar el anzuelo” a varias víctimas potenciales al mismo tiempo (Montiel-Juan, Carbonell-Vayá y Salom-García, 2014); y no con una mayor peligrosidad del sujeto respecto a aquellos

delincuentes sexuales de contacto con una única víctima.

Su paso por el programa incidió en su percepción del daño ocasionado a las víctimas; llegando a comprender que los niños que aparecían en una actitud inocente en sus archivos podían haber sido abusados sexualmente, precisamente para la producción de la pornografía que él consumía. La literatura evidencia una gran distancia psicológica entre el usuario de PI y los niños reflejados en sus archivos, lo cual facilita su cosificación y la ausencia de sentimientos de malestar por el uso de las imágenes, dando validez a este tipo de conductas (Herrero et al., 2015).

Los resultados obtenidos en las pruebas psicométricas avalan estas apreciaciones, observándose mejorías importantes en las principales áreas de actuación del programa, como son la empatía con las víctimas (ECS) y las actitudes que sustentan el consumo de PI (IBAQ) y justifican el abuso sexual infantil (SWCH). Asimismo, resulta relevante el descenso –aunque ligero– en su sentimiento de soledad. De esta manera, el programa no sólo incidiría en aquellas variables específicas del delito, sino que también contribuiría a la mejoría del bienestar general del interno. Resulta lógico que las puntuaciones obtenidas en la escala CIS-R –nivel medio– no varíen tras el tratamiento, pues la identificación con los niños no sería un factor susceptible al cambio tras la intervención. Por otro lado, el aumento en la escala de comportamientos relacionados con la PI del IBAQ obedecería a la consecución de un mayor grado de auto-revelación gracias al programa. Las puntuaciones en interés por abusar sexualmente de un menor (ICMS) fueron mínimas antes del tratamiento y así se mantuvieron tras él; así como la evitación y ansiedad social (EVAS).

El interno a lo largo del programa verbalizó su preocupación por el estigma asociado a su tipología delictiva, así como un gran sentimiento de culpa y vergüenza, estableciendo como una de las metas del tratamiento lograr sentirse orgulloso de sí mismo. Sin embargo, no se apreciaron mejorías en las puntuaciones de autoestima (RSE), que se mantuvieron en un nivel medio-bajo tras el tratamiento.

Conclusiones

La reeducación y reinserción social de aquellos delincuentes sexuales que no han tenido

un contacto físico con sus víctimas sigue siendo un reto para los profesionales penitenciarios. Por su parte, estos internos siguen sufriendo el estigma asociado a los delincuentes sexuales de contacto, lo que obstaculiza su obtención de beneficios penitenciarios (Soldino, 2016). En el presente caso, el paso del interno por el programa puede tildarse de ejemplar, por haber asimilado cada uno de los contenidos trabajados, adelantándose a las tareas a realizar con gran introspección; algo prometedor de cara a la intervención futura con otros internos condenados por este tipo de delitos.

En la actualidad no disponemos de instrumentos validados para valorar el riesgo de reincidencia en delincuentes sexuales *online* (Seto y Eke, 2015); aun así, desde un punto de vista cualitativo, apreciamos en el interno la presencia de variables de protección que ayudarán a disminuir su riesgo de reincidencia, como el apoyo familiar y de su entorno de referencia, la asertividad en las relaciones y la capacidad de empatía tanto cognitiva como emocional. De la misma manera, la disonancia cognitiva que provocan este tipo de conductas en sujetos integrados socialmente eleva el potencial intimidatorio de las condenas, mermando la probabilidad de reincidencia (Soldino, 2016).

El desarrollo de estudios focalizados en esta tipología de delincuencia sexual resulta evidente (Soldino, 2016; Soldino y Carbonell-Vayá, 2016). Un análisis de un mayor número de casos permitiría mejorar las comparativas entre delincuentes y su dinámica delictiva, así como la identificación de los factores que contribuyen a la progresión de las interacciones con los menores y la potencial escalada a encuentros sexuales *offline* (Kloess et al., en prensa).

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Tabla 1. Resultados pruebas pre-post.

| Prueba | Pre-tratamiento | Post-tratamiento |
|---------------|--|--|
| ECS | Empatía cognitiva=62/180; Empatía emocional=58/120; Total=120/300 | Empatía cognitiva=121/180; Empatía emocional=73/120; Total=194/300 |
| UCLA | Total=38/80 | Total=33/80 |
| IBAQ | Comportamientos=20/47; Actitudes=66/170 | Comportamientos=25/47; Actitudes=43/170 |
| SWCH | Total=12/72 | Total=1/72 |
| EVAS | Evitación social=3/14; Ansiedad social=0/14; Total=3/28 | Evitación social=2/14; Ansiedad social=1/14; Total=3/28 |
| CIS-R | Total=18/40 | Sin cambios |
| ICMS | Excitación sexual coerción=3/21; Excitación sexual agresión=2/14; Intencionalidad conductual coerción=3/21; Intencionalidad conductual agresión=2/14; Grado de disfrute coerción=3/21; Grado de disfrute agresión=2/14; Total=15/105 | Sin cambios |
| RSE | Total=23/40 | Sin cambios |

4. Conclusions

“The man was not a fantaisiste or romanticist at all—he did not even try to give us the churning, prismatic ephemera of dreams, but coldly and sardonically reflected some stable, mechanistic, and well-established horror-world which he saw fully, brilliantly, squarely, and unflinchingly.”

— H. P. Lovecraft, Pickman’s Model

This doctoral thesis offers a multidisciplinary approach to the complex phenomenon of sexual delinquency through the different studies described. In closing, the main conclusions derived from this compendium of studies are highlighted below.

Differences between sexual and non-sexual offenders

In **STUDY 1** (Soldino & López-Pinar, 2017b), scores obtained in the Personality Questionnaire I7 by a sample of 80 individuals with criminal convictions under treatment in the Valencian Community were analyzed. Additionally, the results obtained by sex offenders ($n = 42$) and non-sex offenders ($n = 38$) were compared.

Overall, the sample obtained average scores on the three scales of the questionnaire (5.66 of a maximum of 19 in Impulsiveness; 6.3 of 16 in Venturesomeness; and 12.49 of 19 in Empathy), although slightly lower than those obtained in normative samples of non-delinquent population. Specifically, those individuals convicted of crimes of gender violence obtained the highest scores on the Impulsiveness and Venturesomeness scales, whereas those individuals convicted of crimes against road safety obtained the lowest scores in the Empathy scale.

In addition, the group of sex offenders scored significantly lower on the Impulsivity scales than the rest of the offenders. This could be due to (1) the age of the individuals in this group, which was significantly higher than the average age of non-sex offenders (i.e., levels of impulsiveness and empathy would decrease with age); (2) the high percentage of sex offenders with minor victims (i.e., this subgroup of sex offenders does not usually show differences in their levels of impulsivity with respect to the non-delinquent population); and (3) the greater proportion of individuals with no prior criminal history within the group of sex offenders (i.e., those individuals with previous criminal records showed higher levels of impulsiveness than offenders with no prior criminal history; likewise, they might be individuals motivated by sexual or paraphilic interests, factors associated with lower impulsivity levels). Furthermore, no statistically significant differences were observed in Empathy scores between sexual and non-sexual offenders.

These findings might have implications for the differential therapeutic management of the different subgroups of offenders. In this sense, it would not be a priority to include interventions aimed at lowering the levels of impulsivity in programs for individuals who have conducted sexual offenses. In addition, the empirical evidence does not seem to support the usefulness of programs mainly focused on addressing empathy deficits.

Effectiveness of treatment programs for sex offenders

The meta-analysis conducted in **STUDY 2** ($N = 6,681$ sexual offenders; Soldino & Carbonell-Vayá, 2017a), reported lower sexual, violent and general recidivism rates among treated sex offenders in comparison with non-treated individuals (Sexual recidivism: 13.12% vs. 17.94%; $p < .001$. Violent recidivism: 25.5% vs. 29.1%; $p < .01$. General recidivism: 46.53% vs. 52.41%; $p < .001$). The effect sizes obtained supported the effectiveness of non-pharmacological treatment in reducing both sexual ($OR = .69$; $p < .01$) and general ($OR = .66$; $p < .05$) recidivism rates; however, no robust support was found for the effect of treatment on violent reoffending ($OR = .78$; $p > .05$). In this sense, it was hypothesized that this might be a consequence of tailored sex offender treatment programs focusing on addressing sexual deviations rather than general violent behaviors. However, the lack of randomized controlled trials in the literature reviewed would not ensure individuals in the control groups did not receive other forms of treatment that might have influenced their violent recidivism rates.

Additionally, results supported that only a minority of sex offenders commit new sexual offenses (15.30%), counteracting widespread popular belief in persistent sexual offenders. Nonetheless, the high general recidivism rates observed in our study (49.31%) should be highlighted. This might be linked to the facilitating antisocial characteristics exhibited by some sexual offenders, which would point toward the need to combine interventions for general offending population with specific interventions for individuals who have conducted sexual offenses.

When focusing on moderating variables, multi-systemic therapy ($OR = .23$; $p < .05$) was found to be the most effective therapeutic approach in reducing sexual recidivism rates (although its effect was only analyzed on juvenile sexual offenders), followed by interventions based on social support provided by volunteers ($OR = .27$; $p < .05$; e.g., COSA) and cognitive-behavioral therapy ($OR = .47$; $p < .01$). Additionally, short-length programs (one year or less) showed a greater effect size ($OR = .47$; $p < .001$) than longer programs ($OR = .84$; $p > .05$); in this sense, the shortening of treatment programs for individuals who have conducted sexual offenses would also reduce their cost.

Nevertheless, the interpretation of these results requires caution, considering that the estimated effect of treatment was no longer statistically significant (for the reduction of any type of recidivism) when restricting our meta-analysis to those studies that complied with the standards of good methodological quality. Although poor quality studies tend to show greater effect sizes, one possible

explanation for these results might be related to the inclusion of longer follow-up periods in the better-quality studies analyzed, which might entail that treatment could only delay recidivism, rather than prevent reoffending.

Personality patterns in contact sex offenders

In **STUDY 3** (Soldino et al., 2019a), the MCMI-III scores of 97 imprisoned adult male contact sex offenders were analyzed. Overall, results showed considerable diversity in personality patterns among individuals who have conducted sexual offenses. No prototypic personality profile was found in our sample, with no scale with base rate scores over the clinically significant cut-off of 75 (the most prominent personality subscales were Compulsive and Narcissistic; base rate scores > 60).

A cluster analysis distinguished between two subgroups which varied in the degree of general psychopathology; yet, they were not associated with prototypical personality profiles commonly described among different types of sexual offenders or other relevant criminological and sociodemographic variables analyzed. These two subgroups were labeled as “adapted/non-pathological” (highest scores on Narcissistic, Compulsive, and Histrionic personality subscales) and “pathological” (highest scores on all personality subscales, except for Histrionic, Narcissistic, and Compulsive subscales, as well as on all syndrome subscales). These results point toward the limited usefulness of the MCMI-III for assessing sexual offenders as a group, restricted to screening for the presence or absence of general psychopathological symptoms; although, it may still be useful for the assessment of responsibility for each of the members of the therapeutic group.

Differences between contact sex offenders based on the age of their victims

In **STUDY 4** (Soldino et al., unpublished_b), the sample used for STUDY 3 (Soldino et al., 2019) was split in two subgroups according to the age of their victims (i.e., 22 individuals with adult victims and 75 individuals with minor victims), and their MCMI-III scores and other relevant criminological and sociodemographic variables were analyzed. Overall, none of the groups showed MCMI-III profiles with clinically elevated scales; although, sexual offenders with adult victims peaked on Drug and Alcohol dependence subscales (base rate scores > 60). However, logistic regression analyses revealed that Depressive, Antisocial and Paranoid subscales showed medium predictive capacity for adult victims (56%); while Dependent and Masochistic subscales were predictive of minor victims (84% accuracy).

On the other hand, sexual offenders with adult victims were found significantly more likely to commit sexual assault offenses (i.e., sexual offenses with violence or intimidation), use a weapon for their criminal purposes, offend exclusively against female victims, commit their offenses in public

settings, serve other sentences in prison (for other non-sexual offenses), and report substance abuse problems (associated with the higher scores reported for Drug and Alcohol dependence MCMII-III subscales). In contrast, sexual offenders with minor victims were older and more likely to commit sexual abuse offenses (i.e., sexual offenses without violence or intimidation), offend against relatives and commit their offenses in the victim's residence. In this regard, it has been discussed whether these characteristics might be a reflection of the age of the victim (i.e., it is much easier to overcome the resistance of a child than that of an adult, without requiring the use of violence or weapons; especially when the victim is used to trust and obey the perpetrator due to family ties) rather than intrinsic psychological and behavioral characteristics of these individuals.

These findings might have implications for treatment purposes. For example, considering the antisocial characteristics (i.e., facilitating factor to act upon sexual deviations) observed in the group of sexual offenders with adult victims, these individuals could benefit from combined interventions for general non-sex offenders with specific interventions for sex offenders (as suggested in STUDY 2; Soldino & Carbonell-Vayá, 2017a), along with cognitive-behavioral techniques commonly used in substance abuse treatment programs and impulse and anger management. On the other hand, considering their dependent and self-defeating tendencies, treatment programs targeting sexual offenders with minor victims should not focus on impulsive-aggression aspects, but rather equip these individuals with the knowledge, skills and opportunities to achieve intimacy and sexuality needs in an acceptable manner with peers, as well as managing pedophilic interests with behavioral therapy, self-management strategies and/or psycho-pharmacological treatment.

The evolution of the phenomenon of child pornography

STUDY 5 (Soldino & Guardiola-García, 2017) identified four major stages of CP trafficking, namely: (1) commercial (e.g., legal sale of CP magazines in newsstands); (2) computer-based (e.g., CP sharing through Bulletin Board Systems or Usenet); (3) Web-based (e.g., search engines, commercial websites, forums, instant messaging, p2p platforms, social media, shared cloud storage systems); and (4) hidden (e.g., The Onion Router). This would be a reflection of the technological race between CSEM users and law enforcement agencies over decades.

New dynamics among CSEM producers, distributors and users have emerged throughout history and, nowadays, CSEM trafficking is characterized by the exchange of images between private users, without commercial or monetary purposes (e.g., using common apps such as Whatsapp or Telegram). In this sense, the frequency with which users end up exchanging or sharing their own CSEM over the Internet, driven by the need to obtain new CSEM (i.e., send-to-receive), is particularly alarming.

However, the practical difficulties related to this type of police investigations make it difficult to tackle this criminal phenomenon effectively. Furthermore, a decentralized and delocalized system such as the Internet precludes the adoption of firm legal policies for the control of contents throughout the Net, which hampers the control of CSEM trafficking and allows the perpetuity of pedophilic forums (a meeting point for sex offenders located in different countries). Although the total elimination of CSEM does not seem possible, a massive reduction in its production and accessibility could be achieved. To this end, it would be necessary for the investigation of these online sex offenses to provide updated knowledge, equipment, and technology to different law enforcement agencies, who should establish specific and multidisciplinary units, coordinated with the police forces of other countries and with the collaboration of the Internet service providers, due to their unique idiosyncrasies.

Criminalization of technical and virtual child pornography

STUDY 6 (Soldino & Guardiola-García, unpublished), focused on the legal analysis of CP offenses, provided both legal and criminological definitions for the concept of CP. Special focus was given throughout this study to the distinctive characteristics of the so-called pornography allusive to minors (in which no real minors participate) and the reasons that would support its inclusion in our legal system were analyzed, contrasting them with the empirical data available in this regard.

Technological innovations have resulted in the possibility of creating pornographic materials through the use of computer-generated (i.e., virtual CP) or pretended minors (i.e., technical CP). These are pornographic materials that have not been created with real minors; thereby, following the principles of Spanish criminal law, they would not threaten individual legally protected interests. In this regard, neither the population studies analyzed have demonstrated a causal relationship between the availability of CP and sexual crimes against minors, nor has a direct link between the use of CSEM and the commission of contact sexual offenses been found in recent literature (a risk moderated by individual factors, independent of pornography exposure).

Sexual offending causes deep social rejection, but this should not justify the intervention of Criminal Law in cases in which sexual indemnity, welfare or development and socialization processes of specific minors would not be affected. The State cannot make use of its punitive power based on the disgust that certain materials, and the people who consume them, may cause. Thus, the mere fact of obtaining sexual satisfaction from the visualization of such materials should not transcend the sphere of morality. All of that would raise the possibility of decriminalizing the use of this type of materials in Spain (as is done with CP narratives), as provided by article 5 of Directive 2011/93/UE for those cases in which virtual CP is produced and possessed by the producer solely for their private use.

Criminological characteristics of child pornography offenders arrested in Spain

In **STUDY 7** (Soldino et al., in press), the criminological characteristics of CP offenders arrested in Spain ($N = 347$) were examined. On average, they were arrested at the beginning of mid-adulthood, they were mostly Spanish and working in predominantly skilled occupations; only a minority had advanced computer knowledge or worked in the computer sector. Most of them were single at the time of arrest and did not have biological children. With regard to criminological variables, 81.3% of the sample had no criminal records. Focusing on the index CP offense, 74.9% of the sample were charged with CP distribution (however, only 13% of the sample were considered as active distributors); accordingly, p2p platforms were the preferred means to access CSEM (in these cases, each time one of these files was downloaded, a new copy was stored in the shared folder of the users, which increased the amount of CP available on the network). Furthermore, only 14.4% of the sample contacted other like-minded individuals. CSEM seized by the National Police predominantly depicted pre-pubescent victims (71.5%), mostly females (70.6%). In addition, most of the content seized (either photographs or videos) was classified as “nudity or erotic poses”. Recidivism rates (new arrests) for an average follow-up period of 6.5 years were 9.2% for general recidivism, 2.6% for violent recidivism, 5.5% for sexual recidivism, and 3.5% for new arrests for CP offenses specifically.

Overall, statistically significant differences among the arrestees were found when they were classified according to their criminal history:

- CP-exclusive offenders ($n = 283$; exclusively CP offending): the percentage of criminal records (5.7%), and both general (6.7%) and violent (1.1%) recidivism rates, were significantly lower in this group. In terms of their CP offending, these individuals were also significantly less likely to be arrested for CP production (1.4%). On the other hand, they were found to have greater access to children living in their residence (81.7%; i.e., biological, stepchildren, children relatives living with the offender) than the other two groups. However, when type of access was not sub-grouped, the percentage of individuals having access to children was lower compared to dual offenders. As for CP collections, this group was found to have the lowest proportion of CP material categorized as “sexual activity between children and adults excluding the penetration of adult to child”. These individuals were also less likely to admit their sexual interest in children to other people online. However, no differences in social networking with other CP users were found between groups.
- CP offenders with other nonviolent or non-sexually violent criminal involvement ($n = 46$; they had also been arrested for other nonviolent and/or non-sexually violent offenses, either pre-index or at index): this group was, by definition, a group of individuals with greater criminal versatility; however, they showed similar characteristics to the other two

groups. The only distinctive characteristic found in this group was that they were more likely than CP-exclusive offenders, but less likely than dual offenders, to be arrested for CP production.

- Dual offenders ($n = 18$; they had also been arrested for contact sexual offenses, either pre-index or at index): this group was the most specialized in sexual offending; these individuals were more likely to have a previous arrest for sexual offenses (61.1%) and presented with higher sexual recidivism rates (16.7%; even when time at risk was controlled) compared to the other two groups. Additionally, this group had the highest percentage of CP producers (55.6%; i.e., they recorded their own victims or were actively part of the depicted abuse). Focusing on the content seized, they were more likely to have content depicting boys and had smaller proportions of content depicting girls, when compared to the other two groups. For sexual interest in the material, 16.7% of dual offenders' files included an admission or diagnosis of pedophilic/hebephilic interests, in contrast to the other two groups. Likewise, dual sex offenders were more likely to score positively on CASIC Item 3 (i.e., CP content included sex stories involving children), and marginal significance was found regarding CASIC Item 5 (i.e., volunteered in a role with high access to children); although, no differences on CASIC total scores were found between groups. Dual sex offenders in our sample were also found to have the largest proportion of materials classified as “non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources” (72.2%); furthermore, they were not found to be more likely to possess higher severity level CP content than the other two groups. Additionally, this group was found to have greater access to children compared to CP-exclusive offenders; specifically, they had greater access to child relatives (with no co-habitation), as well as some marginal evidence on greater likelihood to volunteer with children. In this sense, since 2015, the Spanish legislation has established the obligation to provide negative certificates of the Central Register of Sex Offenders for all professionals and volunteers who work in regular contact with minors; yet, being employed in an occupation with high access to children was not correlated with dual sex offending in our study.

With regard to the potential for criminal escalation to contact sex offenses for CP offenders, our results revealed that only one out of 283 CP-exclusive offenders was arrested for a contact sexual offense during the follow-up period (6.7 years on average for this group). Likewise, we identified only one dual offender whose first criminal sexual record was related to CP offenses. These results would support prior conclusions on the absence of a direct relationship between the commission of a CP offense and the commission of subsequent contact sexual offenses, pointing toward a compensatory function of CSEM (rather than being considered as a precursor for contact sexual offending) for those

individuals with a sexual interest in children. Finally, regression analysis confirmed the importance of the characteristics of CP collections for classificatory purposes. Specifically, the prevalence of boys in the CP collection and the presence of CP content within the 0 (i.e., non-erotic and non-sexualized images of children totally or partially dressed or nude, coming from commercial sources, family albums, or legitimate sources) and 3 (i.e., sexual activity between children and adults excluding the penetration of adult to child) CIESI's severity levels predicted contact sexual offending among CP users, and thus, may be useful for prioritization by law enforcement in future CP investigations.

Validation of Bartels and Merdian's specific implicit theories for child pornography offenders

In **STUDY 8** (Soldino et al., 2019b), a conceptual content analysis of 23 interviews with CP offenders was conducted. The aim of this study was to validate the existence and content of Bartels and Merdian's CP-exclusive ITs (i.e., *Unhappy World*, *Self as Uncontrollable*, *Child as Sexual Object*, *Nature of Harm* [CSEM variant], and *Self as Collector*; linked by an assumption about the *Reinforcing Nature of the Internet*), using a British sample of CP offenders ($n = 10$); and to cross-validate the generation of these ITs independent of language/cultural context, using a sample of men convicted of CP-related offenses in Spain ($n = 13$).

Both studies offered preliminary empirical evidence for the validation of the thinking patterns and underlying ITs theorized. Specifically, the analysis of the British sample raised two noteworthy issues: (1) *Self as Collector* appeared to define a specific subgroup of CP offenders, as not all participants spontaneously expressed this IT; (2) two ITs associated with individuals with contact sex offenses were also present in the sample (i.e., *Uncontrollability* and, to a far lesser degree, *Children as Sexual Beings*). Additionally, the analysis of the Spanish sample offered further empirical validation for the ITs theorized by Bartels and Merdian, supporting, to an extent, the endorsement of these ITs independently of the culture or language considered. *Self as Collector* and *Self as Uncontrollable* were less evident in the transcripts than other ITs, identifying, potentially, specific subtypes of CP offending behavior. Furthermore, an apparent overlap between the two ITs, with some participants demonstrating an “addiction” to the process of collecting CSEM, suggested the two ITs, while theorized as being distinct, might be closely related. Finally, four ITs associated with individuals with contact offenses were also present in the sample, namely, *Uncontrollability*, *Child as Sexual Being*, *Dangerous World*, and *Nature of Harm*. Interestingly, no evidence of the Entitlement IT was found in either sample. Overall, this study supported the existence of a distinct set of ITs among CP-exclusive offenders, which could be used for the design of interventions aiming to change ITs over the course of tailored treatment programs for this subset of sex offenders.

Cross-cultural validation of the Child Pornography Offender Risk Tool

STUDY 9 (Soldino et al., unpublished_a) offered the first CPORT cross-cultural validation. In this study, the sample used for STUDY 7 (Soldino et al., in press) was restricted to those individuals who had at least 5 years at risk for further offenses, resulting in a total sample of 304 adult men arrested for CP offenses by the Spanish National Police. This sample was also divided into subgroups, namely, CP-exclusive offenders ($n = 255$), and CP offenders with other criminal involvement (including non-sexual, non-contact-sexual and/or contact sexual offenses, with the same or different victims as those depicted in the CP material) either pre-index or at index ($n = 49$).

CPORT total scores for the entire sample were generally low: the mean CPORT total score, regardless of missing items, was .8 out of 7, reaching a mean score of .89 out of 7 when using the CASIC replacement. CP offenders with other criminal involvement scored higher than CP-exclusive offenders on the CPORT. This difference was mostly explained by the prior criminal history item (CPORT Item 2: 75.5% vs 5.1%; $OR = .02$) and the risk point for contact sex offenses (CPORT Item 4: 2.3% vs. 0%); furthermore, statistically significant differences between these groups were found on CPORT Items 3 (i.e., any failure on conditional release; $OR = .14$) and 7 (i.e., more boy in nudity/other material; $OR = .34$).

This study also assessed for missing information; 97.7% ($n = 297$) of case files reviewed had no information regarding the arrestee's admission or diagnosis of sexual interest in children (CPORT Item 5). Likewise, 44.4% ($n = 135$) of case files did not include information regarding other non-pornographic child content (e.g., non-erotic and non-sexualized depictions of nude children, children in stages of undress, and children fully clothed; CPORT Item 7), as this information was not relevant for prosecution purposes. In 16.1% ($n = 49$) of cases, the CP content seized during the case investigation was not described in detail, nor accessible in a digital format, impeding the coding of CPORT Item 6. In this sense, in recent years, a progressive digitalization of police case files has been carried out; however, the high workload of law enforcement investigators leads to a restricted focus on the collection of probative information, which hinders the assessment of other potentially relevant information for treatment or supervision planning (e.g., explicitly ask arrested individuals for their sexual interest in children; record all non-pornographic child content discovered during the investigation). Ultimately, the difficulties encountered during the coding process of the CPORT suggest this tool may not be suitable for many practitioners who do not have access to objective information about the characteristics of the CP material used by the offender.

Focusing on sexual recidivism (new arrests in a fixed 5-year follow-up), the reported rates were extremely low (2.3% new sexual offenses; 2% new CP offenses; .3% new contact sexual offenses against a child). According to our hypothesis, the legality of non-realistic depictions of fictional children (e.g., *lolicon* and *shotacon*) in Spain might result in a transition of some individuals to these legal

materials. On the other hand, low recidivism rates may reflect the challenges posed in detecting these crimes (especially when considering the absence of undercover virtual agents in Spain until 2015).

In relation with recidivism prediction, ROC analyses detected some predictive ability of the CPORT (small effect sizes) for CP recidivism outcomes when CASIC was used to replace missing CPORT Item 5. When analyzed individually, CPORT items 1 (i.e., age – under 35 at investigation), 2 (i.e., prior criminal history), and 6 (i.e., more boy CP) showed small effect sizes in predicting CP recidivism specifically; however, effect sizes for CPORT items 3 (i.e., any failure on conditional release), 4 (i.e., any contact sex offense), 5 (i.e., pedophilic/hebephilic interests, using CASIC substitution for missing items), and 7 (i.e., more boy in nudity/other material) were not statistically significant.

Focusing on subgroup results, CPORT total scores may help predict new CP offending among CP-exclusive offenders. Specifically, CPORT items 1, 2, 5, and 6 showed small effect sizes in predicting CP recidivism among this group. However, considering that CASIC replacement for CPORT Item 5 was used in the assessment of 98% of cases in the current study, and that CASIC total scores (maximum one item missing) for CP-exclusive offenders showed a moderate effect size in predicting CP recidivism (AUC = .70), CASIC could be arguably useful as a stand-alone risk assessment tool for CP recidivism among this group (although further validation research on this end would be needed to test this hypothesis in the future).

Overall, the CPORT discrimination accuracy in this sample was moderate; furthermore, low CP recidivism base rates found in our sample led to the instability of the calibration assessment. Consequently, there is still not enough evidence to confirm the ability of the CPORT to predict sexual recidivism outcomes in a Spanish sample. In addition, an overall lack of information needed for scoring some CPORT items prevents us, at this time, from recommending the use of this tool for applied risk assessments in Spain without further independent validation research with larger samples. However, given the extremely low observed recidivism base rate, the fact that the CPORT could significantly predict CP recidivism specifically (albeit with a weak effect size) is still encouraging, especially when considering the amount of missing information in the cases reviewed. In particular, results suggest CPORT total scores (or even just CASIC total scores) might help predict new CP offending among CP-exclusive offenders arrested in Spain.

Secondary prevention for child sexual exploitation material users in Spain

In **STUDY 10** (Soldino & Carbonell-Vayá, unpublished), a conceptual content analysis of 13 interviews with Spanish CSEM offenders was conducted. In this case, their experiences regarding the voluntary access to psychological services (prior to their detention) were explored. Five main themes emerged from the interviews, namely: (1) previous positive experiences ($n = 2$); (2) secrecy and stigma

($n = 3$); (3) difficulties in access and adherence to psychological treatment ($n = 4$); (4) lack of specialization of the professionals ($n = 4$); and (5) psycho-social problems related to the offense ($n = 5$).

46.15% of the sample had not received any psychological and/or psychiatric treatment before the interview was conducted, and 71.43% of those who did, went to the psychologist/psychiatrist for other reasons (e.g., substance abuse, relationship problems, sexual orientation). Some individuals valued their previous contacts with psychologists and psychiatrists positively; however, the stigma associated with sexual offending made them less likely to reveal necessary information for a relevant diagnosis and consequent intervention by practitioners (e.g., the psychologist may interpret the symptoms manifested as part of an anxiety disorder and initiate the corresponding pharmacological treatment). Furthermore, lack of guarantees regarding the confidentiality of what is shared during therapy may cause their withdrawal; additionally, lack of specialization of many practitioners may lead to an inadequate approach to the problem. On the other hand, direct care, without the need for prior referral by the family doctor, makes private psychological services a choice for those subjects with problematic use of pornographic material; nonetheless, the economic cost of these services might hinder treatment adherence.

Overall, these results highlight the need to establish professional preventative services for people concerned about their sexual interests in children or their problematic use of pornographic material in Spain. To this end, specialization and consciousness-raising among practitioners is necessary to ensure effective assessment (considering different possible motivations for the use of CSEM and the possible presence of associated psychosocial problems) and treatment planning for individuals at risk who are also entitled to receive comprehensive and stigma-free psychological care.

Individualized treatment for child pornography offenders

The case analyzed in **STUDY 11** (Soldino & Carbonell-Vayá, 2017b) provided a description of the individualized intervention developed with an imprisoned 32-year-old man, serving a 6-year and 18-month prison sentence for eight online sexual offenses with minor victims. In this case, online contacts with minors to obtain CSEM made up for a situation of boredom and curiosity. A broad pattern of sensation-seeking (especially forbidden and new experiences, not perceived as harmful) lead him to experience high pleasure (temporarily brief but highly reinforcing) with the use of such materials.

Some relevant precedents were identified throughout his life course. Intimate relationships were broadly idealized in their beginning and frustrating in their course, which lead him to fantasize on the Internet. This started an escalation that begun with normative sexual fantasies and ended with his involvement in deviant sexual fantasizing. Minors were perceived as providers of the romanticism which he found lacking in the homosexual dating websites he frequently visited. This perception was

further supported when he started befriending children online, which led to an emotional identification with them. This made him long for a childhood he could not have as a consequence of alcoholism and emotional abuse of his father. This man was categorized as a fantasy-driven and intimacy-seeking online sexual offender.

The individualized treatment program influenced his perception of the harm caused to the victims; coming to understand that children depicted in an innocent attitude in his files could have been sexually abused in real life, precisely for the production of the type of pornography he consumed. This was further supported by the psychometric results, which showed important improvements in the main areas of the treatment program (e.g., empathy toward the victims and CSEM supportive attitudes and beliefs). Additionally, the slight decrease in his feelings of loneliness was especially noteworthy; pointing toward a broad effect of the intervention, which would not only target offense-related variables but would also contribute to the improvement of the general well-being of the inmate. Measures of emotional identification with children did not vary after treatment; however, we hypothesized this was related to several items on the Child Identification Scale, not being susceptible to change after the intervention. On the other hand, the score increase in the behavioral scale of the IBAQ would be explained by the achievement of a greater self-disclosure during the program. Sexual interest in abuse, social avoidance and social anxiety were minimal before treatment, and thus remained afterwards.

This person repeatedly verbalized his concern about the stigma associated with sexual offenders, as well as a great feeling of guilt and shame for his offending behavior. This was positively converted and established as one of the main goals of the treatment (“to be proud of myself”). However, no improvements in self-esteem scores were observed, which remained at a medium-low level after treatment.

Reeducation and social reintegration of online-exclusive sexual offenders remains a challenge for prison professionals (e.g., lack of risk assessment tools validated in Spain). This is a population that suffers the stigma associated with contact sexual offenders, which hinders their opportunities to obtain prison benefits. However, in the present case, the results of the treatment program can be described as highly successful. On the one hand, the inmate assimilated each of the contents worked, anticipating the tasks to be performed with great introspection. On the other, the presence of protective factors (e.g., family support, adaptive environment, assertiveness, cognitive and emotional empathy) could contribute to risk management. Furthermore, the cognitive dissonance caused by this type of behavior in socially integrated individuals would raise the intimidating effect of the prison sentence, and thus contribute to risk reduction. Ultimately, this case shows promise for future individualized interventions with people imprisoned for their sexually harmful online behavior.

General conclusion

Sexual delinquency constitutes a complex phenomenon in the study of criminal behavior. Overall, the different studies included in this doctoral thesis pointed toward the heterogeneity of individuals who have conducted sexual offenses (which also displayed different characteristics when compared to individuals with other criminal convictions). In this sense, differences found among contact sexual offenders (i.e., diversity in personality patterns; criminological differences related to the age of their victims) and among CP offenders (i.e., criminological differences between CP-exclusive and dual sex offenders; specific implicit theories) may have implications for forensic assessments and risk management, and be helpful in formulating treatment goals for different offender sub-types (matched to the risk, criminogenic needs and responsivity of each individual).

Differences between subgroups were also identified in terms of recidivism. In general, we observed that only a minority of individuals who have conducted sexual offenses reoffend (15.3%), although sexual recidivism rates varied significantly between groups. Focusing on CSEM users, remarkably low sexual recidivism rates were found among these individuals (5.5%); however, when CP offenders' samples were sub-grouped into dual sex offenders, observed sexual recidivism rates increased, especially in terms of contact sexual recidivism (16.7%). With regard to criminal justice policies, these findings may help achieve real proportionality in the punishments and surveillance measures associated with this type of crimes, as well as guide the social reintegration plans for these individuals. Along these lines, the development of tailored risk assessment tools for online sexual offenders, validated in Spain, would be necessary for their correct implementation. Furthermore, no direct link between the use of CSEM and the commission of contact sexual offenses was found in our studies, which would contrast arguments in favor of the criminalization of child pornography in which real minors do not participate and the impulse of restrictive measures for these individuals.

Challenges posed in the detection and prosecution of CP offending make the total elimination of CSEM not possible. Nevertheless, the possibility of identifying real victims of child sexual exploitation through these police investigations, makes it necessary to provide updated knowledge, equipment, and technology to different law enforcement agencies. Likewise, in order to provide an effective and comprehensive response to this criminal phenomenon, it is also vital to provide effective intervention responses to perpetrators and to establish professional preventative services for people at risk.

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APPENDIX I

CPORT Spanish double translation (Seto & Eke, 2015; traducción Soldino & Carbonell-Vayá, 2018)

| # CPORT | Original | Spanish translation | Back translation |
|---------|--|--|--|
| 1. | Offender age at time of index investigation: 35 or younger. | Edad del delincuente en la operación policial analizada: 35 o menos. | Age of offender at time of index investigation: 35 or less. |
| 2. | Any prior criminal history? | ¿Algún antecedente policial/penal? | Any prior criminal history? |
| 3. | Any failure on conditional release, including charge at index? | ¿Algún quebrantamiento de condena/medida/permiso penitenciario (previo/caso analizado)? | Any failure on conditional release (previous/case analyzed)? |
| 4. | Any contact sexual offending, including a charge at index? | ¿Algún delito sexual de contacto (previo/caso analizado)? | Any offence of sexual contact (previous/case analyzed)? |
| 5. | Indication of pedophilic or hebephilic interests. USING CASIC?: Yes No If yes, must have a CASIC score of 3 or more to positively score this item. | Indicios de intereses pedófilos o hebefílicos. ¿UTILIZANDO EL CASIC?: Sí No En caso afirmativo, es necesaria una puntuación de 3 o más en el CASIC para codificar de forma positiva este ítem. | Indication of pedophilic or hebephilic interests. USING CASIC?: Yes No If affirmative, a CASIC score of 3 or more is necessary for a positive score for this item. |
| 6. | More boy than girl content in the child pornography material (≥ 51%). | Más contenido de chicos que de chicas en el material pornográfico infantil (≥ 51%). | More boy than girl content in the child pornography material (≥ 51%). |
| 7. | More boy than girl content in the nude/other child material (≥ 51%). | Más contenido de chicos que de chicas en las imágenes de desnudos/otro material de menores (≥ 51%). | More boy than girl content in the nude/other child material (≥ 51%). |

| CHILD PORNOGRAPHY OFFENDER RISK TOOL (CPORT) SPAIN HERRAMIENTA DE EVALUACIÓN DEL RIESGO DE DELINCUENTES DE PORNOGRAFÍA INFANTIL (CPORT) (Seto & Eke, 2015; traducción Soldino & Carbonell, 2018) | | |
|--|--|--|
| Nombre: | Motivo de la detención: | |
| Código del caso: | | |
| Fecha de inicio de la operación policial analizada: | | |
| Fecha de detención: | Tipo de delito relativo a la pornografía infantil: | |
| Fecha de sentencia: | | |
| Cumplimentado por: Fecha: | Información revisada y fuentes: | |
| Factores de riesgo CPORT | Detalles del caso y fuentes | Presencia del ítem: 0=No 1=Sí ?=Desconocido |
| 1. Edad del delincuente en la operación policial analizada: 35 o menos. | | |
| 2. ¿Algún antecedente policial/penal? | | |
| 3. ¿Algún quebrantamiento de condena/medida/permiso penitenciario (previo/caso analizado)? | | |
| 4. ¿Algún delito sexual de contacto (previo/caso analizado)? | | |
| 5. Indicios de intereses pedófilos o hebefílicos. ¿UTILIZANDO EL CASIC?: Sí No En caso afirmativo, es necesaria una puntuación de 3 o más en el CASIC para codificar de forma positiva este ítem. | | |
| 6. Más contenido de chicos que de chicas en el material pornográfico infantil (≥ 51%). | | |
| 7. Más contenido de chicos que de chicas en las imágenes de desnudos/otro material de menores (≥ 51%). | | |
| No recomendamos puntuar el CPORT si falta información en más de un ítem. | | PUNTUACIÓN TOTAL (0 a 7) |

CASIC Spanish double translation (Eke & Seto, 2016; traducción Soldino & Carbonell-Vayá, 2018)

| # CASIC | Original | Spanish translation | Back translation |
|---------|--|--|---|
| 1. | Never married. | Nunca se ha casado. | Never married. |
| 2. | Had child pornography videos. | Tenía vídeos de pornografía infantil. | Had videos of child pornography. |
| 3. | Had child pornography text stories. | Tenía narrativas de pornografía infantil. | Had text stories of child pornography. |
| 4. | Child pornography activity spanning two or more years. | Su actividad en la pornografía infantil ha durado dos años o más. | Child pornography activity for two years or more. |
| 5. | Volunteering in a role with high access to children. | Participación voluntaria en una actividad con acceso directo a menores. | Volunteer in an activity with direct access to minors. |
| 6. | Engaging in online sexual communications with a minor or undercover officer posing as a minor. | Comunicación sexual online con un/a menor o con un agente encubierto simulando ser un/a menor. | Online sexual communication with a minor or undercover agent posing as a minor. |

Correlates of Admitted Sexual Interest in Children (CASIC)

Correlatos del Interés Sexual Reconocido hacia los Menores (CASIC)

(Eke & Seto, 2016; traducción Soldino & Carbonell, 2018)

Fecha: _____ Cumplimentado por: _____ Información revisada y fuentes: _____

Nombre: _____ Código del caso: _____

| No (0) | Sí (1) | Desconocido (?) | Ítem | Notas |
|--------|--------|-----------------|--|---|
| | | | 1 Nunca se ha casado. | |
| | | | 2 Tenía vídeos de pornografía infantil. | |
| | | | 3 Tenía narrativas de pornografía infantil. | |
| | | | 4 Su actividad en la pornografía infantil ha durado dos años o más. | |
| | | | 5 Participación voluntaria en una actividad con acceso directo a menores. | |
| | | | 6 Comunicación sexual online con un/a menor o con un agente encubierto simulando ser un/a menor. | |
| | | | Puntuación total (0 a 6) | No recomendamos puntuar el CASIC si falta información en más de un ítem. |

