



Federal Prosecution of Commercial Sexual Exploitation of Children Cases, 2004-2013

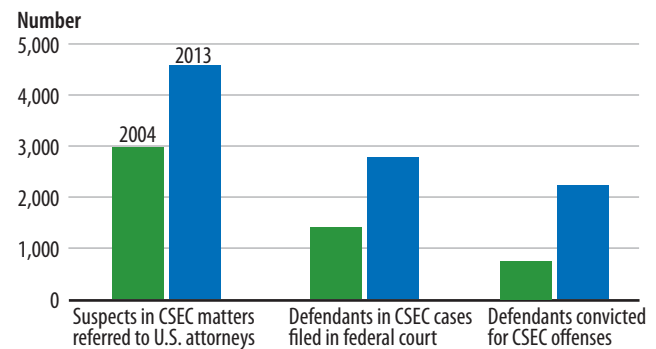
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Between 2004 and 2013, the number of suspects in criminal matters referred to U.S. attorneys for commercial sexual exploitation of children (CSEC) offenses increased by 54%, from 2,972 to 4,579 suspects (figure 1). The number of defendants prosecuted in cases filed in U.S. district court with a CSEC charge increased by 98% during this period, from 1,405 to 2,776 cases. In 2013, CSEC offenses made up 3.3% of all suspects prosecuted in U.S. district court, up from 1.5% in 2004.

Data in this report come from three federal justice agencies: the Executive Office for U.S. Attorneys' (EOUSA) National LIONS (Legal Information Office Network System) database, which details the investigation and prosecution of suspects in criminal matters received and concluded; the Administrative Office of the U.S. Courts' (AOUSC) Criminal Master File, which describes criminal cases filed and terminated in U.S. district court; the Administrative Office of the U.S. Courts' Probation and Pretrial Services Automated Case Tracking System (PACTS) database, which collects data on defendants interviewed and supervised by pretrial services; and the U.S. Sentencing Commission's Monitoring database, which captures data on defendants sentenced under the federal sentencing guidelines, including type of sentence imposed and length of prison term.

Federal statutes and sentencing guidelines pertaining to CSEC offenses were used to define the universe of cases examined. For EOUSA data, the federal statute designated

FIGURE 1
Suspects in commercial sexual exploitation of children matters referred, and defendants in cases filed and convicted, 2004 and 2013



Note: CSEC = commercial sexual exploitation of children.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004 and 2013; Administrative Office of the U.S. Courts, criminal master file, 2004 and 2013; and U.S. Sentencing Commission monitoring data files, 2004 and 2013.

by U.S. Attorneys as the “lead charge” was used to define CSEC cases. For AOUSC criminal data, federal statutes for all five filing charges were examined. If any of the five charges was a CSEC statute, the case was defined as a CSEC case. (See *Methodology* for specific CSEC statutes and federal sentencing guidelines.)

HIGHLIGHTS

- From 2004 to 2013, a total of 37,105 suspects were investigated and referred to U.S. attorneys for commercial sexual exploitation of children (CSEC) offenses.
- The FBI was the lead investigative agency in 45% of CSEC matters investigated and referred to U.S. attorneys from 2004 to 2013.
- Nearly all defendants convicted of CSEC offenses from 2004 to 2013 were sentenced to federal prison (98%).
- The mean prison sentence imposed on CSEC defendants in 2013 was 11.6 years.
- Six in 10 suspects in CSEC matters investigated and referred to U.S. Attorneys from 2004 to 2013 were prosecuted in U.S. district court.
- Most defendants charged for CSEC offenses from 2004 to 2013 were male (97%), white (82%), U.S. citizens (97%), and had no prior felony convictions (79%).
- CSEC suspects had a median age of 39 years.
- Nearly all (95%) defendants in CSEC cases adjudicated in federal court from 2004 to 2013 were convicted, mostly through guilty pleas (91%).

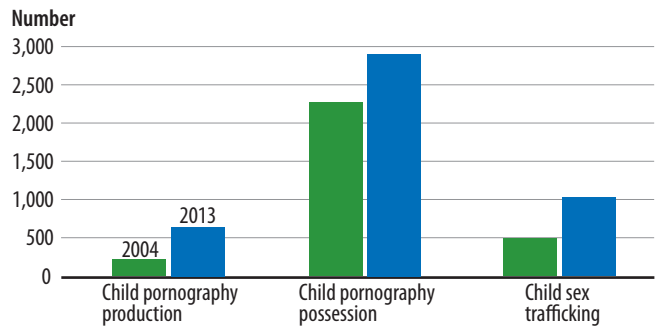
Offenses related to the production of child pornography and child sex trafficking grew the most (19.5%) from 2004 to 2013

From 2004 to 2013, a total of 37,105 suspects referred to U.S. attorneys had a CSEC lead charge. Suspects referred for the possession of child pornography (72%) accounted for the majority of all CSEC suspects referred, followed by child sex trafficking (18%) and child pornography production (10%) suspects (table 1).

The growth in suspects referred for child sex trafficking and the production of child pornography exceeded the growth in suspects referred for the possession of child pornography. The number of suspects referred for the production of child pornography increased 195% from 2004 to 2013 (from 218 to 643 suspects), and the number of suspects referred for child sex trafficking grew 111% (from 488 to 1,031) (figure 2). The number of suspects referred for the possession of child pornography increased by 28% from 2004 to 2013, with the majority of the growth occurring from 2004 to 2007.

The number of suspects referred for the possession of child pornography grew less than 1% between 2007 and 2013 (from 2,901 to 2,905 suspects) (not shown).

FIGURE 2
Suspects in commercial sexual exploitation of children matters referred, by offense type, 2004 and 2013



Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

TABLE 1
Suspects referred to U.S. attorneys with commercial sexual exploitation of children offense as lead charge, 2004–2013

Lead charge	2004–2013		2004		2013	
	Number	Percent	Number	Percent	Number	Percent
All commercial sexual exploitation of children offenses	37,105	100%	2,972	100%	4,579	100%
Child pornography production	3,604	9.7	218	7.3	643	14.0
Child pornography possession	26,785	72.1	2,266	76.2	2,905	63.4
Child sex trafficking	6,716	18.1	488	16.4	1,031	22.5

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

Commercial sexual exploitation of children offenses

The U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention defines the commercial sexual exploitation of children (CSEC) offenses as “crimes of a sexual nature committed against juvenile victims for financial or other economic reasons.”¹ Federal CSEC offenses include child sex trafficking and the production, trafficking, distribution, and possession of child pornography. They do not include child sex abuse offenses because there are no commercial aspects involved in such offenses.

In this report, federal CSEC offenses are classified into three subtypes. (See *Methodology* for the federal statutes used to define these subtypes.)

- **Child pornography production:** includes sexually exploiting a minor to produce sexually explicit visual or

printed materials; selling or buying of children for use in the production of child pornography; parent or custodian permitting minor to engage in sexually explicit conduct; and production of sexually explicit depictions of minors for importing into the United States.

- **Child pornography possession:** trafficking in materials involving the sexual exploitation of a minor through the possession, receipt, transport (including by shipping or mailing), or distribution of these materials.
- **Child sex trafficking:** includes sex trafficking of children; transportation of a minor with intent for minor to engage in criminal sexual activity; coercion and enticement (transportation for prostitution or other criminal sexual activity); travel with intent to engage in illicit sexual contact with a minor; and engaging in illicit sexual conduct with a minor in a foreign country.

¹http://www.ojjdp.gov/programs/csec_program.html.

The FBI (45%) was the most common lead investigative agency for CSEC matters referred for prosecution

From 2004 to 2013, Department of Justice (DOJ) agencies were the lead investigative agency in 46% of all matters with a CSEC lead charge referred to U.S. attorneys for prosecution (table 2). The FBI served as the lead investigative agency in 45% of all CSEC matters referred. Department of Homeland Security (DHS) agencies investigated 31% of all CSEC referrals, with Immigration and Customs Enforcement investigating 22% of all CSEC referrals. State and local authorities referred another 7% of CSEC matters to U.S. attorneys, and federal and state task forces were responsible for 6%. About 10% of CSEC referrals came from various other investigative agencies, including the U.S. Postal Service, branches of the military, and other federal government agencies.

DOJ agencies were responsible for investigating a greater share of child sex trafficking matters (59%) than matters relating to the production (50%) and possession (43%) of child pornography. In comparison, DHS agencies investigated 35% of matters related to the possession of child pornography, 25% of matters related to the production of child pornography, and 19% of matters related to child sex trafficking.

Most suspects (60%) in CSEC matters concluded were prosecuted in U.S. district court

Of the 36,080 suspects in matters with a CSEC lead charge that were concluded by U.S. attorneys from 2004 to 2013, 21,569 (60%) were prosecuted in U.S. district court, 13,125 (36%) were declined for prosecution, and 1,386 (4%) were disposed by U.S. magistrates (table 3). The percentage of CSEC suspects prosecuted was higher than the share of suspects prosecuted for several major offense categories, including suspects for violent (58%), property (53%), and public order (42%) offenses. However, the percentage of CSEC suspects prosecuted was lower than the percentage of suspects prosecuted in drug (76%) and weapon (70%) offenses (not shown).

Among matters concluded, suspects in matters related to the production of child pornography had the highest percentage of prosecution (65%) from 2004 to 2013, compared to suspects in matters related to child sex trafficking and the possession of child pornography (59% each).

The overall prosecution rate for CSEC suspects increased from 53% in 2004 to 64% in 2013 (figure 3). During the same period, the percentage of suspects prosecuted for

TABLE 2
Suspects in commercial sexual exploitation of children (lead charge) matters referred, by investigative agency, 2004–2013

	All commercial sexual exploitation of children suspects		Child pornography production		Child pornography possession		Child sex trafficking	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Department of Homeland Security (DHS)	11,634	31.4%	910	25.2%	9,425	35.2%	1,299	19.3%
Immigration and Customs Enforcement	8,168	22.0	639	17.7	6,631	24.8	898	13.4
Secret Service	1,136	3.1	91	2.5	920	3.4	125	1.9
U.S. Customs & Border Protection	912	2.5	42	1.2	793	3.0	77	1.1
Citizenship and Immigration Services	813	2.2	70	1.9	633	2.4	110	1.6
Other DHS	605	1.6	68	1.9	448	1.7	89	1.3
Department of Justice (DOJ)	17,179	46.3%	1,818	50.4%	11,418	42.6%	3,943	58.7%
FBI	16,685	45.0	1,739	48.3	11,120	41.5	3,826	57.0
Other DOJ	494	1.3	79	2.2	298	1.1	117	1.7
Federal/state task forces	2,112	5.7%	234	6.5%	1,394	5.2%	484	7.2%
State/county/municipal authorities	2,488	6.7%	308	8.5%	1,717	6.4%	463	6.9%
Other investigative agencies*	3,692	10.0%	334	9.3%	2,831	10.6%	527	7.8%

*Includes the U.S. Postal Service, branches of the military, and other agencies.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

TABLE 3
Suspects in commercial sexual exploitation of children matters concluded, by disposition of matter, 2004–2013

Disposition of matter	All commercial sexual exploitation of children suspects		Child pornography production		Child pornography possession		Child sex trafficking	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	36,080	100%	3,388	100%	26,568	100%	6,124	100%
Prosecuted	21,569	59.8	2,201	65.0	15,747	59.3	3,621	59.1
Declined for prosecution	13,125	36.4	1,044	30.8	9,875	37.2	2,206	36.0
Disposed by U.S. magistrate	1,386	3.8	143	4.2	946	3.6	297	4.8

Note: Includes matters with a commercial sexual exploitation of children offense as lead charge. Excludes observations with a disposition of "criminal charge included in other case" (471) and "transfer from district" (307).

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

the production of child pornography increased from 51% to 71%, and the percentage of suspects prosecuted for the possession of child pornography increased from 52% to 64%. However, these increases did not occur at a constant rate. Percentages of suspects prosecuted for child pornography production and possession peaked in 2007 and then decreased before returning to 2007 levels by 2013. The percentage of suspects prosecuted for child sex trafficking decreased between 2004 and 2013, from 59% to 57%.

24% of CSEC matters were declined by U.S. attorneys due to weak or inadmissible evidence

The most common reasons suspects with a CSEC lead charge were declined for prosecution by U.S. attorneys from 2003 to 2013 was because of weak or inadmissible evidence (24% of all declinations), referral to other authorities for prosecution (21%), and lack of criminal intent (20%). The most common reason that matters related to both the production of child pornography (32%) and child sex trafficking (26%) were declined was the referral to other authorities for prosecution. The most common reason that matters related to the possession of child pornography were declined was weak or inadmissible evidence (25%) (table 4).

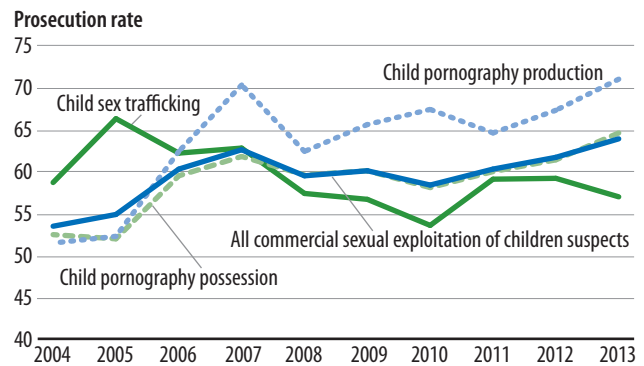
The mean processing time for CSEC matters concluded by U.S. attorneys was more than 9 months

The mean processing time was 290 days (or 9 months) from the receipt of a matter investigated to disposition of the matter for all suspects in matters with a CSEC lead charge from 2004 to 2013 (not shown). Matters related to the possession of child pornography had the longest average processing time (306 days), followed by matters related to

child sex trafficking (253 days) and the production of child pornography (231 days). Matters with a CSEC lead charge that were declined for prosecution (474 days) had a much longer mean processing time than matters prosecuted (177 days) or disposed of by U.S. magistrate (247 days). The mean processing time for matters with a CSEC lead charge was higher than the mean for all other matters (192 days) and higher than all other major offense types except for property offenses (440 days) (not shown).

The mean processing time for matters with a CSEC lead charge decreased by 1% overall from 2004 to 2013, but there were differences among CSEC offense types (not shown). Mean processing time decreased for both matters related to the production (down 25%) and possession (down 4%) of child pornography, but increased for matters related to child sex trafficking (up 42%).

FIGURE 3
Prosecution rate of suspects in commercial sexual exploitation of children matters concluded, 2004–2013



Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

TABLE 4
Suspects in commercial sexual exploitation of children matters declined, by reason for declination, 2004–2013

Reason for declination	All commercial sexual exploitation of children suspects	Child pornography production	Child pornography possession	Child sex trafficking
Lack of criminal intent	19.5%	14.6%	20.1%	18.8%
No federal offense evident/minimal federal interest	7.9	7.6	8.0	7.7
Referred to other authorities for prosecution	21.3	31.7	19.1	25.9
Weak or inadmissible evidence	24.1	18.9	25.2	21.5
Agency request	9.2	7.7	9.1	10.4
Other*	18.1	19.6	18.5	15.7
Number of declinations	13,125	1,044	9,875	2,206

*Other reasons include juvenile suspect, deceased suspect, jurisdiction or venue problems, lack of investigative or prosecutive resources, office or petite policy, and unspecified reasons.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

Most suspects charged with CSEC crimes were white, male, unmarried, U.S. citizens, and had no prior criminal record

Most suspects arrested for CSEC crimes were male (97%), white (82%), U.S. citizens (97%), had no prior felony convictions (79%), and were not married (70%) (table 5). More than half (56%) had no more than a high school education. CSEC suspects had a median age of 39 years.

Suspects in matters related to the possession of child pornography were overwhelmingly male (99%), white (87%), and U.S. citizens (98%). They were also older

(median age of 41 years) than other CSEC suspects, and were more likely to have no prior felony convictions (82%). Among suspects in matters related to child sex trafficking, 60% were white, 25% were black, 12% were Hispanic, 11% were female, and 6% were noncitizens. Suspects in matters of child sex trafficking were younger (median age of 34 years) than other CSEC suspects, and more likely to have a criminal history (30% had a prior felony conviction). In comparison, 18% of suspects in matters related to the possession of child pornography had a prior felony conviction.

TABLE 5
Characteristics of commercial sexual exploitation of children suspects at initial hearing, 2006–2013

Characteristic	All commercial sexual exploitation of children suspects	Child pornography production	Child pornography possession	Child sex trafficking
Sex				
Male	97.1%	93.5%	99.4%	89.2%
Female	2.9	6.5	0.6	10.8
Race/Hispanic origin^a				
White	82.0%	81.1%	87.0%	59.5%
Black	7.1	7.4	3.1	25.1
Hispanic	8.9	9.5	8.1	12.0
American Indian/Alaskan Native	0.5	0.7	0.4	0.7
Asian/Native Hawaiian/Other Pacific Islander	1.6	1.3	1.3	2.8
Age				
20 or younger	2.9%	2.4%	2.5%	5.3%
21–30	25.5	22.5	23.7	36.1
31–40	24.7	30.5	23.8	25.3
41–50	23.4	26.3	24.1	18.5
51–60	15.5	13.2	16.8	10.3
61 or older	8.0	5.0	9.2	4.5
Median age	39 yrs.	39 yrs.	41 yrs.	34 yrs.
Citizenship				
U.S. citizen	97.4%	97.6%	98.1%	94.1%
Non-U.S. citizen	2.6	2.4	1.9	5.9
Marital status^b				
Married or cohabitating	29.9%	29.2%	30.1%	29.1%
Divorced or separated	23.6	29.3	23.5	20.1
Single	46.6	41.6	46.4	50.8
Education level^c				
Less than high school	11.8%	13.7%	9.8%	20.0%
High school graduate	43.8	45.5	44.1	41.4
Some college	24.7	25.3	25.4	20.7
College graduate	19.8	15.5	20.8	17.9
Criminal record				
No prior felony conviction	78.8%	71.7%	81.8%	70.1%
Prior felony conviction	21.2	28.4	18.2	29.9
Number of defendants	17,744	1,849	13,035	2,860

Note: Percentages are based on nonmissing data. U.S. Code Title and Section information for offense charged was not available in the Administrative Office of the U.S. Courts' Probation and Pretrial Services Automated Case Tracking System data files for fiscal years 2004–2005. Therefore, this table only reports statistics for fiscal years 2006–2013.

^aWhite; black; American Indian or Alaska Native; and Asian, Native Hawaiian, or Other Pacific Islander race categories exclude persons of Hispanic or Latino origin.

^bMarital status data were missing for 7.9% of commercial sexual exploitation of children (CSEC) suspects at initial hearing.

^cEducation level data were missing for 9.3% of CSEC suspects at initial hearing.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Probation and Pretrial Services Automated Case Tracking System, fiscal years 2006–2013.

More than half (54%) of all CSEC defendants received pretrial release prior to case disposition

Fifty-four percent of all CSEC defendants received pretrial release, compared to 71% of property defendants, 64% of public order defendants, 37% of drug defendants, 31% of violent and weapon defendants, and 13% of immigration defendants (not shown). The percentage of CSEC defendants that received pretrial release was higher than the overall percentage (35%) for all federal defendants released prior to trial. The pretrial release rate varied by CSEC offense types. Sixty-three percent of defendants in cases related to the possession of child pornography received pretrial release, compared to 19% of defendants in cases related to the production of child pornography and 32% of defendants in cases related to child sex trafficking (table 6).

Number of CSEC defendants prosecuted nearly doubled between 2004 and 2013

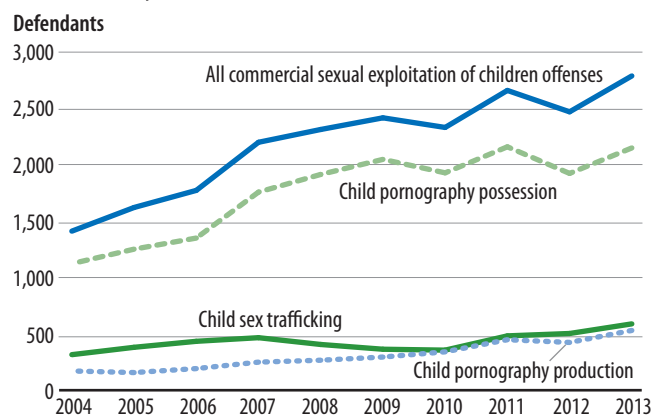
The number of defendants in cases filed with any offenses for the production or possession of child pornography or child sex trafficking increased by 98% from 2004 to 2013.² The number of defendants in cases filed with an offense for the production of child pornography had the largest proportional growth over this period, tripling from 170 to 528 (up 211%) (figure 4). Prosecutions related to the possession of child pornography increased by 91%, from 1,118 defendants in 2004 to 2,140 defendants in 2013. Prosecutions related to child sex trafficking grew by 87% between 2004 and 2013, from 314 to 586 defendants.

²Data on the number of defendants prosecuted for a CSEC offense were based on the number of cases that had a CSEC statute as any of five filing offenses at case filing, according to the AOUSC criminal data.

Of the 21,887 defendants in cases filed in U.S. district court with a CSEC charge from 2004 to 2013, 80% of defendants were charged with possession of child pornography, 20% were for child sex trafficking, and 14% were for the production of child pornography (table 7).

Nearly all (97%) of the 20,720 CSEC criminal cases filed in U.S. district court from 2004 to 2013 had one defendant. Cases were more likely to have multiple defendants when the charge was for child sex trafficking (9%) than when the charge was for the production (6%) or possession (1%) of child pornography (not shown).

FIGURE 4
Defendants in commercial sexual exploitation of children cases filed, by offense, 2004–2013



Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System database, fiscal years 2004–2013.

TABLE 6
Defendants in commercial sexual exploitation of children cases released pretrial, by type of offense, 2006–2013

Pretrial release status	All commercial sexual exploitation of children defendants	Child pornography production	Child pornography possession	Child sex trafficking
Released pretrial	54.0%	19.2%	63.3%	31.6%
Not released pretrial	46.0	80.8	36.7	68.4
Number of defendants	15,993	1,530	11,918	2,545

Note: U.S. Code Title and Section information for offense charged was not available in the Administrative Office of the U.S. Courts' Probation and Pretrial Services Automated Case Tracking System data files for fiscal years 2004–2005. Therefore, this table only reports statistics for fiscal years 2006–2013.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Probation and Pretrial Services Automated Case Tracking System, fiscal years 2006–2013.

TABLE 7
Defendants in commercial sexual exploitation of children cases filed, by offense, 2004–2013

Type of offense	Total	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
All commercial sexual exploitation of children offenses	21,887	1,405	1,614	1,765	2,190	2,303	2,406	2,321	2,648	2,459	2,776
Child pornography production	3,058	170	156	191	248	265	293	339	446	422	528
Child pornography possession	17,528	1,118	1,246	1,344	1,750	1,906	2,039	1,920	2,150	1,915	2,140
Child sex trafficking	4,276	314	379	432	464	404	362	354	480	501	586

Note: Includes cases with a commercial sexual exploitation of children statute as any one of five offenses at case filing.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, criminal master file, fiscal years 2004–2013.

91% of adjudication outcomes in CSEC cases were convictions resulting from guilty pleas

From 2004 to 2013, a total of 19,801 adjudications in federal cases had a CSEC charge with 95% of these adjudications resulting in a conviction (table 8).³ The conviction rate stayed relatively stable each year (fluctuating 1% to 2%). This was higher than the overall conviction rate (91%) for all federal cases adjudicated during the same period.

Ninety-one percent of convictions in cases with CSEC charges resulted from guilty pleas. Trials lead to a conviction in 4% of all CSEC adjudication outcomes. Trials that did not lead to a conviction made up less than 1% of all verdicts, and 5% of cases were dismissed. Defendants charged for sex trafficking had a higher percentage of case adjudications resulting in conviction by trial (9%) than defendants charged for the production (7%) or possession (3%) of child pornography.

³Data are based on the number of cases that had a CSEC statute as any of five offenses at case termination, according to the AOUSC criminal data. Charges at case termination may not be the same as charges at case filing.

98% of defendants convicted of CSEC offenses were sentenced to prison

Nearly all (98%) CSEC defendants convicted in U.S. district court received a prison sentence (table 9).⁴ Ninety-seven percent received prison-only sentences, and less than 2% received sentences of prison terms combined with community confinement. Less than 1% received probation or probation with confinement conditions. Ninety-nine percent of defendants convicted of producing child pornography received a prison-only sentence, compared to 97% of defendants convicted of child sex trafficking and 94% of defendants convicted of the possession of child pornography.

The percentage of convicted CSEC defendants who were sentenced to prison (98%) was higher than the percentage of all convicted and sentenced federal defendants (86%) who received a prison sentence. More specifically, the percentage of convicted CSEC defendants who were sentenced to prison was also higher than the percentage of defendants sentenced to prison who were convicted in all major offense categories, including property (63%), public order (64%), violent (91%), weapon (92%), drug (93%), and immigration (96%) offenses (not shown).

⁴CSEC offense determinations were based on the primary sentencing guideline applied. (See *Methodology* for the specific federal sentencing guidelines that applied to CSEC offenses.)

TABLE 8
Adjudication outcomes of defendants in commercial sexual exploitation of children cases, 2004–2013

Adjudication outcome	All commercial sexual exploitation of children defendants		Child pornography—				Child sex trafficking	
	Number	Percent	Production		Possession		Number	Percent
			Number	Percent	Number	Percent		
Total*	19,801	100%	2,607	100%	16,096	100%	3,801	100%
Convicted	18,851	95.2%	2,486	95.4%	15,432	95.9%	3,550	93.4%
Plea	17,989	90.8	2,306	88.5	14,881	92.5	3,194	84.0
Trial	862	4.4	180	6.9	551	3.4	356	9.4
Not convicted	950	4.8%	121	4.6%	664	4.1%	251	6.6%
Dismissed	883	4.5	113	4.3	625	3.9	226	5.9
Trial	67	0.3	8	0.3	39	0.2	25	0.7

Note: Includes cases with a commercial sexual exploitation of children statute as any one of five offenses at case termination.

*Does not include observations with an outcome value of "dismissed statistically" (n=141).

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, criminal master file, fiscal years 2004–2013.

TABLE 9
Type of sentence imposed for convicted defendants in commercial sexual exploitation of children cases, 2004–2013

Type of sentence	All commercial sexual exploitation of children defendants		Child pornography—							
	Number	Percent	Production		Possession		Receipt, transport, and distribution		Child sex trafficking	
			Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	17,390	100%	1,887	100%	6,850	100%	6,686	100%	1,967	100%
Prison only	16,828	96.8%	1,871	99.2%	6,445	94.1%	6,597	98.7%	1,915	97.4%
Prison/community split	284	1.6	14	0.7	194	2.8	41	0.6	35	1.8
Probation and confinement	139	0.8	1	0.1	107	1.6	26	0.4	5	0.3
Probation only	133	0.8	1	0.1	99	1.5	22	0.3	11	0.6
Fine only	6	0.0	0	0.0	5	0.1	0	0.0	1	0.1

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission monitoring data files, fiscal years 2004–2013.

The mean prison sentence for CSEC defendants increased from 70 to 139 months

Prison sentences imposed on defendants convicted of CSEC offenses were among the longest in the federal justice system. The mean prison sentence imposed on convicted CSEC defendants increased by 99% from 2004 to 2013, from 70 to 139 months (table 10).

The mean prison sentence increased for all CSEC offense types between 2004 and 2013. The mean prison sentence for defendants who were convicted of the production of child pornography increased 106%, from 156 to 321 months. The mean prison term imposed for defendants who were convicted of the possession of child pornography also increased, from 34 to 66 months (up 94%). The mean prison sentence for defendants who were convicted of child sex trafficking increased from 82 to 133 months (up 62%).

TABLE 10

Mean and median prison sentence length imposed for defendants convicted in commercial sexual exploitation of children cases, 2004 and 2013

Prison term averages	All commercial sexual exploitation of children defendants		Child pornography—							
	2004	2013	Production		Possession		Receipt, transport, and distribution		Child sex trafficking	
			2004	2013	2004	2013	2004	2013	2004	2013
Mean prison term	70.0 mos.	139.2 mos.	156.0 mos.	320.7 mos.	33.7 mos.	66.1 mos.	74.3 mos.	131.4 mos.	82.1 mos.	133.4 mos.
Median prison term	46	100	121	1240	27	60	57	108	60	120
Number of cases	747	2,233	98	340	283	727	332	870	34	296

Source: Bureau of Justice Statistics, based on data from the U.S. Sentencing Commission monitoring data files, fiscal years 2004–2013.

Federal legislation passed to combat commercial sexual exploitation of children and to increase penalties

- **Protection of Children from Sexual Predators Act of 1998**—increased penalties for offenses including the transportation of minors for illegal sexual activity and created a zero tolerance policy for the possession of child pornography
- **Trafficking Victims Protection Act of 2000**—established human trafficking (including sex trafficking of children) as federal offenses, and which was subsequently reauthorized in 2003, 2005, 2008, and 2013.
- **Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003**—increased penalties for persons who travel abroad to engage in sex with a minor, and increased penalties for first-time child pornography production offenses.
- **Adam Walsh Child Protection and Safety Act (2006)**—established new mandatory minimum penalties for child sex trafficking offenses (15-year minimum prison term if the victim was younger than age 14, and 10-year minimum prison term if the victim was 14 to 17 years old) [18 USC §1591 (b) (1) & (2)].
- **PROTECT Our Children Act (2008)**—expanded scope of prosecutable child pornography offenses, including prohibiting broadcast of live images of child abuse and modification of images of identifiable minors to produce child pornography.
- **Effective Child Pornography Prosecution Act (2008)**—clarified and broadened language in existing child pornography statutes to aid in the prosecution of child pornography offenses, including modifying statutes involving the transportation of child pornography to encompass the use of “any means or facility of interstate or foreign commerce.”
- **William Wilberforce Trafficking Victims Protection Reauthorization Act (2008)**—required screening of all unaccompanied non-U.S. citizen and U.S. national children entering the United States for human trafficking. Removed the knowledge-of-age requirement for cases of the sex trafficking of children.

Federal task forces and initiatives addressing the commercial sexual exploitation of children

- **Internet Crimes Against Children Task Force Program (1998-present)**—a national network of task forces formed to combat internet crimes against children and sexual exploitation of children facilitated by the use of technology, and administered by the Department of Justice (DOJ), Office of Juvenile Justice and Delinquency Prevention. These task forces facilitate cooperation among federal, state, and local law enforcement and prosecutors and provide training on investigating and prosecuting cases involving internet crimes against children.
- **Innocence Lost Initiative (2003-present)**—created by the FBI in conjunction with the DOJ's Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children to combat domestic sex trafficking of children. These task forces and working groups bring together federal, state, and local law enforcement to work with U.S. Attorney's offices to identify children involved in domestic sex trafficking and to prosecute the persons who exploit them.
- **Operation Predator (2003-present)**—Immigration and Customs Enforcement initiative for the investigation of offenses involving child pornography, sex trafficking of children, and travel overseas for the purpose of sex with children. This initiative uses the National Child Victim Identification System, a database of child pornography, to prove images possessed by suspects depict real children.
- **Project Safe Childhood (2006-present)**—DOJ initiative created to address the increase in the technology-facilitated sexual exploitation of children. It was launched in 2006 to address the increase in technology-facilitated crimes involving the sexual exploitation of children. Since it began, the DOJ's Criminal Division, the FBI, the Department of Homeland Security's Homeland Security Investigations, and the U.S. Postal Inspection Service have coordinated national and international operations targeting the production, distribution, and possession of child images.

Methodology

The Federal Justice Statistics Program database compiles comprehensive information on individuals processed through the federal justice system from source data provided by the Executive Office for U.S. Attorneys (EOUSA), the Administrative Office of the U.S. Courts, (AOUSC), the U.S. Sentencing Commission (USSC), the U.S. Marshals Service, and the Federal Bureau of Prisons.

In this report, commercial sexual exploitation of children (CSEC) cases were defined according to the following federal statutes pertaining to CSEC offenses:

- **Child pornography production**—18 USC § 2251 and 18 USC §2251A
- **Child pornography possession**—18 USC § 2252, 18 USC § 2252A, 18 USC § 2260, and 18 USC § 1466A
- **Child sex trafficking**—18 USC § 1591, 18 USC § 2422, and 18 USC § 2423

For the statistics on sentencing presented in this report, CSEC defendant cases were defined through an examination of the highest U.S. Sentencing Guideline, if that primary guideline was one of the following:

- **Child pornography production**—§2G2.1 or §2G2.3
- **Child pornography possession**—§2G2.2 (or §2G2.4 where Guideline amendment year≤2004) and §2G2.6
- **Child sex trafficking**—§2G1.3 or (§2G1.1 and ADJ-CHI>0, where Guideline amendment year≤2003)

For child pornography materials offenses, a further distinction was made between “possession” and “receipt, transport, and distribution” by examining the values of the U.S. Sentencing Commission (USSC) base offense level variable in these cases. The base offense levels range from 1 to 43 and are used as a measure of offense severity by the USSC. For “possession” the base offense level was less than or equal to 18 and for “receipt, transport, and distribution” the base offense levels with values of 20, 21, and 22 were retained in the analysis

For suspects in criminal matters referred to U.S. attorneys, the lead charge was the federal statute pertaining to the most serious offense investigated, as determined by the assistant U.S. attorney responsible for the matter.⁵ Data from the EOUSA Legal Information Office Network System were

used to describe CSEC suspects in criminal matters referred to U.S. Attorneys by federal investigative agencies. If the lead charge designated was a CSEC charge, then the suspect matter was classified as a CSEC suspect matter and included in the data.⁶

Pretrial data from the AOUSC’s Office of Probation and Pretrial Services Automated Case Tracking System were used to describe the characteristics of CSEC defendants at their initial hearing and CSEC defendants who were released prior to trial. The most serious offense charged according to the federal judiciary’s hierarchy of offense severity was used to identify CSEC defendants at the pretrial stage. If the most serious offense corresponded to a CSEC charge, the defendant case record was defined as a CSEC case and counted in the data.

AOUSC criminal data were used to describe CSEC defendants in criminal cases filed and adjudicated. The AOUSC criminal master file contains the top five filing and terminating charges. These five charges were examined to determine whether any of these charges was a CSEC charge. If any of the five charges was identified as a CSEC charge, the defendant case record was defined as a CSEC case and counted in the data.

USSC data were used to describe CSEC defendants sentenced pursuant to the federal sentencing guidelines in U.S. district court. The primary guideline applied at sentencing was used to identify sentenced CSEC defendants.

For child sex trafficking offenses, it was not possible to subset statutes pertaining to only child victims for two reasons:

- the structure of the federal sex trafficking statute (18 USC § 1591) covers sex trafficking offenses against both child and adult victims in the same section and does not allow for distinguishing between these two types of victims
- limitations in the manner in which the underlying data from the source agencies record statute information that does not permit subsetting for child victims only [applies for the sex transportation statutes (18 USC § 2422, and 18 USC § 2423)].

For these reasons, data for child sex trafficking will represent an over count of persons age 17 or younger who were victims of this offense.

⁵A matter was a potential case under investigation on which at least 1 hour of investigation time was spent.

⁶For this report, CSEC charges include 18 USC § 2251; 18 USC §2251A; 18 USC § 2252; 18 USC § 2252A; 18 USC § 2260; 18 USC § 1466A; 18 USC § 1591; 18 USC § 2422; and 18 USC § 2423.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable and valid statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeri M. Mulrow is acting director.

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