



Informational Hearing on Sexual Extortion
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Testimony of

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Good morning Chairmen Kauffman and Briggs and members of the House Judiciary Committee. We are pleased to be here today to discuss the creation of a new crime of sexual extortion. By way of introduction, my name is Greg Rowe, and I am the Director of Legislation and Policy for the Pennsylvania District Attorneys Association. With me is Chief Deputy District Attorney Sean McCormack of the Dauphin County District Attorney’s Office. Sean regularly handles child abuse and sexual assault cases and is chair of the PDAA Child Abuse Coalition.

Sexual extortion is typically the threat to publish naked or sexually explicit images if the other person does not send more intimate images or perform sex acts for the perpetrator. Sexual extortion is, as the Brookings Institution puts it, “old-fashioned extortion or blackmail, carried out over a computer network, involving some threat—generally . . . a threat to release sexually-explicit images of the victim—if the victim does not engage in some form of sexual activity.”¹

Our laws do not cover sexual extortion because they treat extortion as a theft. Our extortion laws were written far before the proliferation of sexual extortion, the internet, the cloud, or web. Consequently, they need to be updated in order to criminalize sexual extortion (which is sometimes referred to as sextortion).

The Brookings Institution has aptly explained why sexual extortion is such a dangerous crime:

Sextortion is brutal. This is not a matter of playful consensual sexting. . . . Sextortion, rather, is a form of sexual exploitation, coercion, and violence, often but not always of children. In many cases, the perpetrators seem to take pleasure in their victims’ pleading and protestations that they are scared and underage. In multiple cases we have reviewed, victims contemplate, threaten, or even attempt suicide—sometimes to the apparent pleasure of their tormentors. At least two cases involve either a father or stepfather tormenting children living in his house. Some of the victims are very young. And the impacts on victims can be severe and likely lasting. Many cases result, after all, in images permanently on the Internet on multiple child pornography sites following extended periods of coercion.²

¹ *Sextortion*, The Governance Studies Program at Brookings, May 2016 (Slide 1).

² *Sextortion: Cybersecurity, teenagers, and remote sexual assault*, Wittis, Poplin, Jurecic, and Spera, Center for Technology Innovation at Brookings, May 2016, page 4.

Sexual extortion cases are not isolated and are not rare. To the contrary. Sexual extortion is so serious that in 2016, the U.S. Department of Justice reported that "sextortion is by far the most significantly growing threat to children."³ It is why the National Center for Missing and Exploited Children partnered with the DOJ to produce a PSA about sexual extortion to coincide with the beginning of the 2016 school year.⁴ And it is why United States Army had to send a warning to its enlisted soldiers about it.⁵ Similarly, those who use dating websites have been warned about it. And, sadly, teenagers are especially vulnerable.

The methods that perpetrators employ to victimize people is incredibly manipulative. Perpetrators typically manipulate social media by creating a fake online persona, communicate with another person online, and, after eventually receiving intimate images or videos, sexually extort that person. According to an FBI victim specialist, the perpetrators have the "ability to mirror what the victim seems to need and to create a sense of intimacy very quickly" and "to manipulate the victim into believing they have found their one true soul mate."⁶ Others will hack into someone else's computer or web cam and obtain intimate images and then sexually extort that person.

Consider a recent case from California, where the perpetrator tricked victims into creating pornographic images and videos by assuming the online identity of the victims' boyfriends. He then used those intimate images or videos of female victims he stole or captured to sexually extort those victims, threatening to post those images or videos on the Internet unless the victims provided more. With other victims, he successfully tricked girls to download malware on their computers, which allowed him to watch them on their web cam. He recorded them unknowingly.

Closer to home in Montgomery County, the defendant contacted approximately 60 girls trying to get them to send a naked photo for money. When a victim sent such a picture, he demanded more and threatened to send the photos he already had if she did not comply.

³ *National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, U.S. Department of Justice, April 2016, p. 75.

⁴ <https://www.youtube.com/watch?v=a440H146l14>.

⁵ U.S. Army Criminal Investigation Command Public Affairs, *Army CID Warns Soldiers to beware of "Sextortion" scams*, 2/17/2017

⁶ Kate Murphy, *In Online Dating, Sextortion and Scams*, New York Times, January 15, 2016.

In another case, the defendant pretended to work for fictional modeling agencies and pornographic film companies and tricked women into engaging in “sexual and pornographic activity” with him, which he recorded. When some women complained that they were not financially compensated for their performances, the defendant blackmailed the women by forwarding the pornographic material to the victims’ friends, boyfriends or employers.

There are also email phishing schemes where the victim will receive an email stating the sender has one of his or her passwords (which they will include in the email). The perpetrator then threatens to publish an intimate photo or video unless the victim sends explicit material or performs sexual acts.

We further know that both perpetrators and victims have called sexual extortion a form of virtual slavery. Perpetrators often use their power to demand incredibly degrading and humiliating acts. Victims’ pleas for the humiliation to end are sometimes rejected, and victims have been driven to harm themselves. In one case, a 17-year-old girl wrote to her tormentor to say she had attempted suicide the night before and warned she may try again if the treatment continued. “Glad I could help,” the perpetrator replied.⁷

Perpetrators use the internet to gain power and exploit others. Our technology changes, and our laws must keep up with the changes. Approximately ten states have enacted sexual extortion legislation, including Alabama, Arkansas, California, Utah and Texas.

We are especially grateful to Representatives Nesbit and McClinton for their continued leadership on this legislation. We thank all of you for your attention to this important and often tragic issue and look forward to working with you to enact legislation addressing the growing problem of sexual extortion.

⁷ Kaveh Waddell, *How Should Sextortion Be Punished*, The Atlantic, May 11, 2016.