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# The Governance Studies Program at Brookings

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*Sextortion*

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# Sextortion Definition

- “a form of extortion and/or blackmail” wherein “the item or service requested/demanded is the performance of a sexual act.” –Mijangos court papers
- Our definition: “Sextortion is old-fashioned extortion or blackmail, carried out over a computer network, involving some threat—generally but not always a threat to release sexually-explicit images of the victim—if the victim does not engage in some form of further sexual activity.”

# Sextortion

## Sextortion is Common

- 78 Prosecuted Cases
- 63 Federal Prosecutions
- 12 State Prosecutions
- 3 Foreign Prosecutions

# Sextortion

## Sextortion Victims

- 1,397 victims identified (not by name) or specifically counted by investigators) in these cases.
- 3,000-6,500 Actual Victims, according to our best estimates.
- Sextortionists are repeat players: In 13 cases, prosecutors estimated that there were more than 100 victims.
- In two cases, prosecutors estimated that there had been “hundreds, if not thousands” of victims

# Sextortion

## Sextortion, Age, and Gender

- 100 percent of the perpetrators in these cases are male.
- Nearly all of the adult victims are female.
- 85 percent of cases involve at least some minor victims, and 71 percent of cases involve only minor victims.
- 27 percent of cases involve minor male victims.

# Sextortion

## Sextortion Modalities

- Social Media Manipulation (85 percent of all cases, and 91 percent of cases involving minors).
- Computer Hacking (19 percent of cases all cases, but 43 percent of cases with adult victims).
  - » Account hacking
  - » Webcam hacking

# Sex **t**ortion

## Crossing State & International Lines

- 49 cases (63 percent) involve significant interstate elements.
- At least 6 cases involve more than 10 jurisdictions.
- 7 additional cases involve more than 5 jurisdictions.
- 16 cases cross international borders.

# Sextortion

## Sextortion As Child Pornography

- Sexual Exploitation of Children (18 USC § 2251): 55 percent of cases
- Child Pornography Statutes:
  - 18 USC § 2252: 36 percent of cases
  - 18 USC § 2252A: 17 percent of cases
- Coercion/Enticement of a Minor (18 USC § 2242(b)): 24 percent of cases.



# Sextortion

## What if the Victims are Adults?

- Interstate Extortion (18 USC § 875(d)): 37 percent of cases.
- Stalking (18 USC § 2261A): 12 percent of cases.
- Hacking or Identity Theft (18 USC § 1030 and 18 USC § 1028A): 15 percent of cases.

# Sexttortion

## Dramatic Sentencing Disparities

- Average sentence in federal cases (29 years) vs. average sentence in state cases (7 years).
- Average federal sentence in cases involving minor victims (31 years) vs. average sentence in cases with only adult victims (43 months).
- Average federal sentence for physical “sexual abuse” with adult victims (230 months) vs. average federal sentence for sextortion (43 months).

# Sextortion

## Key Policy Recommendations

- Congress should pass a federal sextortion law.
- States should criminalize the production and distribution of nonconsensual pornography and give victims of it reasonable civil remedies.
- The federal government should keep data on sextortion cases.