

# Erotica and the sexual offender: the importance of restricting sex offenders from using or possessing erotica and pornography

## Abstract

The Courts are struggling with issues of civil liberty in regards to sexual offenders. The rights of sexual offenders to possess pornography or erotica is of utmost concern. When an individual's erotica has become intertwined in sex offense or other violent behavior, the erotica has now become part of the offender's violent fantasies and behavior. The offender should no longer have access to or possession of any erotica that involves the offender's offense behavior or target victim population. This has become an issue of constitutional rights and even some in the sex offender treatment profession fail to see the connection. For the Courts, this is an important issue to rethink when imposing probation, parole, or other restrictions on the sex offender. What follows is a discussion of the importance of restricting sex offenders from accessing or possessing any erotica or pornography that is related in any way to their sexual offense behavior or other violent crime.

## Editorial

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## Erotica

Any material or item that serves a sexual purpose for a given person (e.g., objects, magazines, pornographic material (e.g., dvd's, pictures), fetish items, writings, drawings, sexual paraphernalia, vibrators, sex toys, handcuffs, dolls, roll playing). Erotica is not deviant if it involves an age appropriate and consenting partner. Erotica can add to the intimate experience of a person or couple. It is not deviant to engage in creative play, use sex toys, bondage, or any other type of erotica to enhance a consensual sexual experience. However, erotica can become deviant when it involves non-age appropriate people and/or nonconsenting people. The following four conditions make the erotica deviant and harmful:

- i. If it behaviorally relates to a crime or other paraphilias (e.g., deviant sexual fantasies, preferences, behaviors);
- ii. If there is an abnormal amount of the material and it serves no practical purpose to have such an amount of the material;
- iii. If the material was secretive; and
- iv. If the financial investment is large.<sup>1</sup>

If the individual's erotica is now involved in a sex offense of any kind, then the erotica now serves to fuel the deviant fantasies, thereby increasing the likelihood of future reoffense. For the pedophile/child molester (anyone that has fantasies involving sexual contact with children under the age of 12, or that has in anyway sexually abused a minor, or has engaged in any sexual contact with a person under the age of 12) and the Ephebophilic (the primary sexual attraction to an adolescent or engaging in sexual contact with an adolescent) if their erotica involves anything to do with their target victim population, or relates in any way to their offense behavior, then they should be prohibited from possessing or viewing any erotica or pornographic material or objects. This may include taking or possessing photos of clothed children, being in the presence of children, or any material

item associated with children (e.g., sporting equipment, teaching materials, underwear or other clothing, toys). In many cases, even children's clothing and clothed photos of children can serve the purpose of erotica and offense related stimulation for the pedophile or Ephebophile. **Therefore, the offender's erotica is now deviant and the offender should be prohibited from engaging in the use or possession of any erotica deemed related to their sex offense behavior.**

Sex offenders, like other offenders, are creative in finding ways to circumvent the legal system and supervision restrictions. Many child molesters and ephebophiles find ways to take pictures of the minors and justify this behavior. Some claim that having such pictures or videos help curb their appetite to engage in contact sex offense behavior. However, this is simply feeding a deviant and potentially violent urge. If someone were to be serious about ceasing their sexually abusive tendencies, then they would be hell-bent in not being around children or adolescents and would certainly not be taking pictures of the minors.

In addition, taking pictures of minors first requires being around minors, or at least in a place where minors are present. Basic behavior theory supports that the more a person practices something, the more habituated and comfortable they become with the behavior. In short, practice makes perfect. Possessing items of children's clothing or underwear, teaching or coaching materials, toys and craft supplies, all serve the sex offender's fantasies about the children or adolescents that may use such items. Again, possessing or masturbating to such items further strengthens the offender's deviant thinking and fantasies. Some of the sex offenders even find jobs or volunteer opportunities that place them in direct contact and even in positions of power or authority over minors, despite being restricted from doing so. Literature reviews time and time again have shown that pornography use is linked to violent behavior, including sexually violent

behavior.<sup>2-13</sup> In fact, even soft-core pornography use resulted in sex offender's choice to engage in sexual aggression.<sup>14</sup> The research dates back to the 1980's to the current. There is overwhelming evidence of the role pornography plays for the violent and sexual offender. **When erotica is related to the offender's offense behavior, then the erotica has become pornography for the offender.** To continue to allow a sex offender to own, view or act on erotica that is in anyway related to their offense behavior, is simply allowing the offender to continue to reinforce deviant and predatory thinking. One significant study found that offenders who viewed deviant pornography were more likely to reoffend than those who did not.<sup>15</sup> Johnson<sup>16</sup> references studies that found that even soft-core (non-deviant) pornography use increased violent (including sexually violent) re-offense. The term "deviant" and "extreme" pornography refers to any pornography depicting or including any contact of the following (though not an inclusive list): age-inappropriate (e.g., child molestation), violence, harming, degrading, non-consenting, rape, sexual assault, murder, physical assault, and sadism.<sup>16</sup> Regardless of whether the pornography was deviant or nondeviant in nature, use of pornography increased the likelihood of sexual offenders reoffending.<sup>17-19</sup>

## Summary

When a sex offender's erotica is related to sex offense or other violent behavior, then the erotica has now become pornography for the offender. The continued viewing, owning, or making/taking pictures of what is now deviant for the offender (e.g., they are taking pictures of children in the park and have a history of sexually molesting children) is further feeding the offender's deviant fantasies and places the offender at higher risk for sexual and violent reoffense. The research clearly demonstrates the connection of any type of pornography to violent offenses and sexual offenses. It is strongly recommended that anyone convicted of a sex offense be prohibited from owning, viewing, making, or in any way accessing erotica that relates in any way to the theme or content of their sex or violent offense behavior. When on supervision or sex offender registration, they should be banned from possessing, viewing, making, or accessing any erotica or pornographic material, including pictures of clothed children and adolescents as the clothed pictures play a role in the sexual fantasies of the sexual offender. Remember that sex offenders do not amass deviant pornography or erotic material unless they are interested in and aroused by the material. If it bothered the offender, they would stop doing it. Possession of or viewing or accessing of any material, erotica or pornography, that relates in any way to the offender's sex or violent behavior, should be banned.

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## Conflict of interest

None.

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