



## Fighting Revenge Porn and ‘Sextortion’

BY PAM GREENBERG

Nonconsensual distribution of intimate images and sexual extortion, or “sextortion,” are becoming common experiences for too many people.

The dissemination of sexually explicit images of others without their permission, sometimes called “revenge porn” or “nonconsensual pornography,” often involves situations where the individual consented to the photos or videos but expected they would be kept private. In other cases, images may have been taken surreptitiously, and then shared.

Sextortion takes place when individuals threaten to disclose explicit images unless the victim agrees to do something in exchange, such as engage in sexual activity or send more sexually explicit pictures, for example.

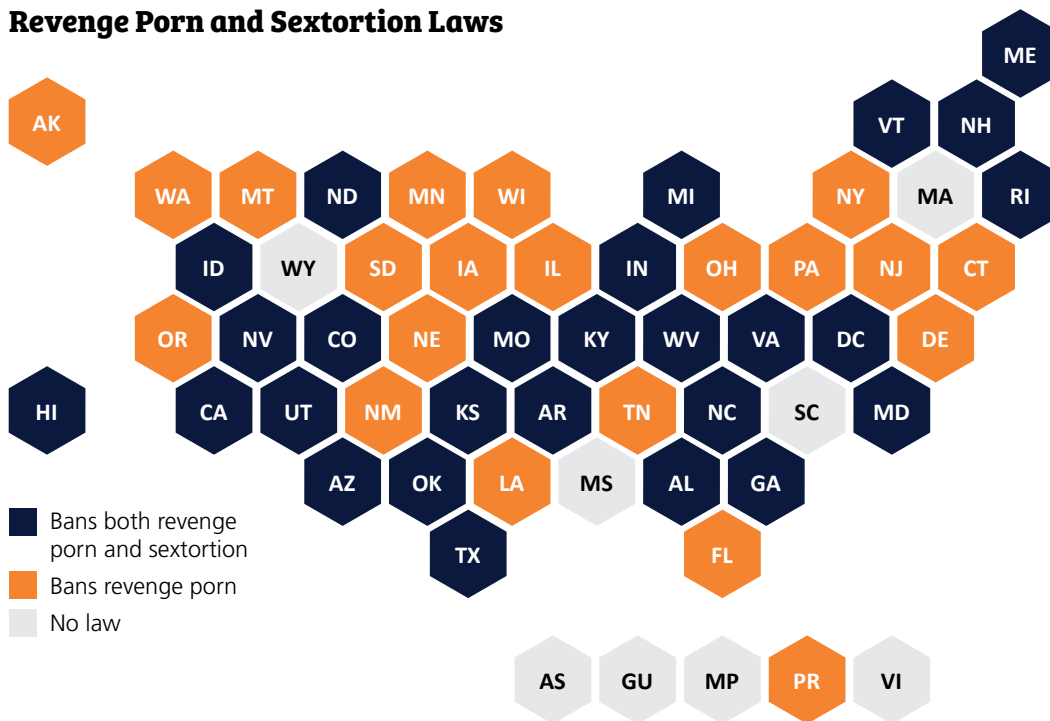
There are few studies about the prevalence of these incidents, but research is beginning to shed light. For example, in a recent [study](#) of 3,044 adults (54% women), 1 in 20 reported having experienced nonconsensual pornography.

Research by the [Brookings Institution](#) reviewed court dockets and news stories and found sextortion to be “surprisingly common” and “brutal.” A [U.S. Department of Justice report](#) called sextortion “by far the most significantly growing threat to children.” In an online survey of 1,631 victims of sextortion—ages 18 to 25—the [University of New Hampshire’s Crimes against Children Research Center](#) found that perpetrators carried out threats or otherwise harmed survey respondents in about 45% of cases.

### Did You Know?

- The FBI has guidance for victims of revenge porn or sextortion.
- 1 in 3 victims of sextortion in a 2017 online survey said they had never told anyone, largely because of shame or embarrassment.
- Since 80% of revenge porn images are “selfies,” copyright law provides a way to force the takedown of intimate images.

## Revenge Porn and Sextortion Laws



Source: NCSL, 2019

## State Action

Most state legislatures began enacting legislation prohibiting the nonconsensual dissemination of intimate images in 2013. Forty-six states, Washington, D.C., and Puerto Rico now have laws. The laws vary considerably from state to state (e.g., some provide for misdemeanor offenses, some felonies; some are part of cyber harassment or voyeurism codes; others are standalone provisions).

In addition, several state laws have been [challenged](#) as violating First Amendment protections of free speech. An early version of Arizona's revenge porn law was struck down (the law was later revised), and other court cases are currently pending, including in Illinois and Texas. Legislation in more than a dozen states this year was aimed at amending existing laws by refining language to correct potentially unconstitutional provisions or closing loopholes. For example, Oregon's [HB 2393](#) expands the state's unlawful dissemination law to include imagery distributed via means other than an internet website, such as apps and text messages.

Another growing trend is legislation to provide for civil remedies. About a dozen state laws currently allow for a private right of action against those who disclose intimate images without consent. In July 2018, the Uniform Law Commission approved the [Uniform Civil Remedies for Unauthorized Discl-](#)

[sure of Intimate Images Act](#). It aims to provide a "uniform, clear, fair and constitutionally sound definition of this harmful conduct and remedies for the harm it causes." Colorado and Nebraska adopted the act in legislation this year.

More recently, state legislatures have focused on sexual extortion. At least 26 states and D.C. now have laws addressing sextortion, including the three states—Georgia, North Dakota, Nebraska—and D.C. that passed new laws this year. Although some sextortion cases potentially can be prosecuted under general extortion, harassment or child pornography laws, courts have dismissed strong cases because criminal statutes do not specifically address sextortion.

## Federal Action

Federal law does not directly address nonconsensual pornography or sextortion currently. In May, however, Representative Jackie Speier (D-Calif.) and Representative John Katko (R-N.Y.) introduced [HR 2896](#), the Stopping Harmful Image Exploitation and Limiting Distribution Act of 2019 (the "SHIELD Act"). The legislation seeks to address both dissemination of images and sextortion. Companion legislation reportedly will be introduced in the Senate by Senator Kamala Harris (D-Calif.).

## Additional Resources

- ["A Call to Action: Ending Sextortion in the Digital Age," Thomson Reuters Foundation](#)
- [Sextortion: Findings from a Survey of 1,631 Victims, Crimes Against Children Research Center, University of New Hampshire](#)

## NCSL Contact

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Consumer Information

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# What To Do if You're the Target of Revenge Porn

Did someone share an intimate image of you without your OK? Or was a nude picture taken without your consent, or maybe an image you shared with someone was shared further than you'd intended? If so, you're not alone. Many people are affected by so-called revenge porn or non-consensual pornography. If that's happened to you or someone you know, here's information to help you decide what to do.

- Steps To Take If You're the Target of Revenge Porn (#steps)
- Report It to the FTC (#report)

## Steps To Take If You're the Target of Revenge Porn

**Follow the steps in the Cyber Civil Rights Initiative's Online Removal Guide**

(<https://www.cybercivilrights.org/online-removal/>). To get your image taken down, you'll need to report it to Facebook, Twitter, Instagram, Snapchat, Reddit, Tumblr, Google, Yahoo, Bing, or any other the platform it's on. Before you do, read the guide to find out what to expect and how to document the post, as well as how to report it.

**Find out if there's a law about revenge porn where you live.** There are laws against revenge porn in 46 states plus the District of Columbia. Check to see if there's one where you live (<https://www.cybercivilrights.org/revenge-porn-laws/>), and then decide whether you want to talk with local law enforcement. If you do, be sure to tell law enforcement if your situation might involve domestic violence, cyberstalking, or child pornography.

**Consider talking with an attorney.** There are laws that might be able to help you get your images taken down.

**Know what you're getting if you hire a takedown service.** Find out what they promise to do to take your image down, and whether you can do that yourself for free. Find out how much they'll charge, and whether it's a one-time fee or a recurring charge — and for how long you'll need to pay.

**Call this hotline.** If you experienced non-consensual pornography, need help or advice, and you live in the U.S., call the Cyber Civil Rights Initiative's crisis hotline (<https://www.cybercivilrights.org/ccri-crisis-helpline/>): 844-878-CCRI (2274).

## If You're the Target of Revenge Porn

Get help from the Cyber Civil Rights Initiative

- Follow the steps in the Online Removal Guide at **cybercivilrights.org/online-removal**
- Call the Crisis Helpline at **1-844-878-CCRI (2274)**
- Check **cybercivilrights.org** for local laws about revenge porn



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Report fraud at: **ReportFraud.ftc.gov**

## Report It to the FTC

If you are the victim of non-consensual pornography, take the steps above — and then tell the Federal Trade Commission (<https://reportfraud.ftc.gov/>), if a company posts your image without your consent and won't take it down.

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## Alaska Life



## Once scorned but, on 'revenge porn' sites, twice hurt

By Erica Goode

Updated: June 30, 2016

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He was a muscular guy with "kind of a nerdy kind of charm," Marianna Taschinger recalled, a combination that proved irresistible to an 18-year-old girl in a small Texas town.

They dated, broke up, dated again. He asked her to pick out a wedding ring. He also made another request -- that she take nude pictures of herself and send them to him.

"He said if I didn't want to send them to him, that meant that I didn't trust him, which meant that I didn't love him," Taschinger said.

The photos would never be shared with anyone else, she remembers him promising. And she believed him -- until last December, more than a year after the couple broke up, when a dozen nude images of her popped up on a website focusing on what has become known as revenge porn. She is suing the site and her ex-boyfriend.


Revenge porn sites feature explicit photos posted by ex-boyfriends, ex-husbands and ex-lovers, often accompanied by disparaging descriptions and identifying details, like where the women live and work, as well as links to their Facebook pages. The sites, which are proliferating, are largely immune to criminal pursuit. But that may be changing. California lawmakers this month passed the first law aimed at revenge porn sites.

With cellphone cameras ubiquitous and many Americans giving in to the urge to document even the most intimate aspects of their lives, revenge porn has opened up new ways to wreak vengeance.

The effects can be devastating. Victims say they have lost jobs, been approached in stores by strangers who recognized their photographs, and watched close friendships and family relationships dissolve. Some have changed their names or altered their appearance.

"Sometimes I want to get into a fetal position and cry," said Taschinger, 23, who added that she gave up her job at a restaurant and was stalked by a man who sat outside her house in a car.

But when victims call the police, they are invariably told there is little to be done. Lawsuits sometimes exact payments from men who post photographs or succeed in shutting down a site. But once the images are online they spread, picked up by dozens or even hundreds of other websites.

 When Holly Jacobs, a woman in Florida, changed her name to dissociate herself from the photos posted by her ex-boyfriend, she found them linked to her new name. And the owners and operators of the websites are in most cases protected by federal law, which largely absolves them of responsibility for material posted by third parties.

"It's just an easy way to make people unemployable, undateable and potentially at physical risk," said Danielle Citron, a law professor at the University of Maryland, who is writing a book on online harassment.

As the sites have increased, legal scholars and women's advocates have begun to push for criminal penalties for people who post on them. Only New Jersey has a law that would allow for criminal prosecution, although it was not written with revenge porn in mind.

But proposals have met opposition from critics who worry that such laws would infringe on the First Amendment. A bill addressing the issue failed in the Florida Legislature this year.

And even California's law, which on Monday was awaiting Gov. Jerry Brown's signature, would make only some forms of revenge posting a misdemeanor punishable by jail time or a hefty fine -- applying only to photos taken by others and posted with an intent to cause serious distress.

"It has been watered down again and again as it has weaved its way through Sacramento," said Charlotte Laws, who began pushing for legislation after pictures of her daughter, Kayla, 26, were posted on a site.

"What we really need is federal legislation," Laws said.

Women who have been victimized by disgruntled exes have filed civil suits based on claims of copyright infringement, invasion of privacy or, in some cases, child pornography.

In Michigan, a federal judge last month issued a default judgment for more than \$300,000 in a suit filed by a woman whose photos appeared on yougotposted. The website continues to operate despite at least four lawsuits filed against its operators, including one that alleges that the site published images of under-age girls. The alleged owners and operators of yougotposted have either

not responded to the lawsuits or have denied the allegations.

Taschinger is one of 25 plaintiffs, five of them under age, who are suing [Texxxan.com](#), along with its operators GoDaddy, the company that hosted the now-defunct site, for invasion of privacy.

Taschinger's ex-boyfriend, Eastwood Almazan, is also named, along with seven other men who the suit claims uploaded photos of plaintiffs. In a telephone interview, Almazan, 35, denied posting the images of Taschinger or any other women. He said he was not familiar with the [Texxxan.com](#)

website and did not own a computer at the time the photographs appeared.



"I don't know where they're getting this information from," Almazan said.

John Morgan, a lawyer in Beaumont, Texas, who represents Taschinger and the other plaintiffs, said that [Texxxan.com](#) is under investigation in Texas by the FBI's cybercrimes division and the Orange County sheriff.

Aaron McKown, a lawyer representing GoDaddy, which has filed an appeal contending that Section 230 of the federal Communications Decency Act exempts it from liability for posted material, said in an email that the company does not comment on pending legislation.

Messages left for a lawyer representing Hunter Taylor, the operator of the website, were not returned. (In a document filed with the court denying the allegations in the lawsuit, Taylor said, "Attempts to contact Hunter T. Taylor by the press will be of no use, as there will be no comment.")

Revenge porn first drew public attention in 2011, when Hunter Moore, the unapologetic creator of a site called [isanyoneup.com](#), said in a television interview with Anderson Cooper that he had no qualms about profiting from public revenge.

"Why would I?" Moore said. "I get to look at naked girls all day."

Moore -- who shut down the website in 2012 but was reported to have earned \$10,000 a month in advertising when it was operational -- drew outrage, including from the hacker collective Anonymous. In a video announcing the creation of "Operation Hunt Hunter," the group called Moore a capitalist who "makes money off of the misery of others" and said, "We will hold him accountable for his actions." Moore is under investigation by the FBI.


Not everyone agrees that criminalizing revenge porn is the best strategy. Marc Randazza, a Nevada lawyer who represents plaintiffs against yougotposted, says that he thinks civil remedies are preferable.


"As horrible as I think people are who do this," he said, "do we really need another law to put more people in jail in the United States?"



And some experts, like Eric Goldman, a law professor at Santa Clara University, have said that any state law would be vulnerable to First Amendment challenges.

But Eugene Volokh, a First Amendment scholar at the University of California, Los Angeles, said he saw no constitutional obstacle to a law written narrowly to address naked or sexual images distributed without permission.

 "I think that's a kind of invasion of privacy that the courts would say can be prohibited," he said.

 An example of what such a law might look like has been drafted by a law professor at the University of Miami, Mary Anne Franks, and posted on the website [endrevengeporn.org](http://endrevengeporn.org), founded by Jacobs.



Franks said that opposition to legislation often stems from a blame-the-victim attitude that holds women responsible for allowing photographs to be taken in the first place, an attitude similar in her view to blaming rape victims for what they wear or where they walk.

"The moment the story is that she voluntarily gave this to her boyfriend, all the sympathy disappears," she said.

Taschinger said even now, her friends continued to send nude pictures of themselves to their boyfriends.

"You don't want to really think that five years down the line, your boyfriend at the time could be your not-boyfriend and do something really bad to you," she said.

By ERICA GOODE

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