



# CAUTIONclick

## National Campaign for Reform

April 28, 2022

Senator Thom Tillis  
113 Dickson Senate Office Building  
Washington, DC 20510

Dear Senator Tillis:

The recent US Supreme Court confirmation hearing for Justice Kentanji Brown Jackson has placed in the nation's spotlight the current sentencing policies for those convicted of viewing child pornography. Indeed, the viewing of child pornography is one of the fastest growing crimes in the United States. Our rapid growth in technology has led to the ease of distribution and possession of CP on the internet. Unfortunately, attention thus far from lawmakers and law enforcement has been on monitoring online sites and prosecution of offenders rather than on education or other preventative measures. The increase in prosecutions demonstrates that current efforts are not a deterrent and at best are an ill-guided effort to protect the public.

Our organization, CAUTIONclick National Campaign for Reform (CCNCR) is a national advocacy group dedicated to promoting public safety. We believe that educating our citizens is paramount to preventing the spread of CP. CAUTIONclick does not condone the viewing of such images, but we recognize that the current policies are not deterring the behavior nor are they serving to benefit public safety as intended.

Also spotlighted at the Confirmation Hearing was the large amount of misleading information regarding CP offender sentencing, promulgated by some members participating in the hearing.

As a Senator involved in guiding our justice system, it is important that you have the evidence-based facts to guide your decision-making and to keep your public well informed. One of the best resources for this purpose may well be the facts presented by the U.S. Sentencing Commission's Report: Federal Sentencing of Child Pornography Offenses, June 29, 2021:

- Most non-production child pornography offenders released or placed on probation in 2015 had little no prior criminal history.
- Recidivism events by non-production child pornography offenders released or placed on probation in 2015, after a three-year follow-up period was 4.3%, while the general recidivism rate was 16%, and the overall recidivism rate was 27%, the lowest recidivism rate for all criminal offenses.

- Non-production child pornography offenders are rarely charged with sexual contact offenses.
- Those charged with viewing and distributing child pornography were not involved in production or seeking monetary gain.

Recognizing the ease of accessing CP, the low rate of recidivism, and the low correlation of viewing CP with actual contact offenses for non-production CP offenders is crucial in dispelling the myths that provoke fear among the public. Long prison sentences, followed by years of supervision and placement on the sex offender registry, with the accompanying restrictions, do little to protect the public, while causing tremendous harm to these individuals and their families. Isolating individuals from families and community support, based on fear, is irrational and has been demonstrated to do more harm than good in protecting communities.

As Charles Patrick Ewing, Ph.D., Attorney, Forensic Psychologist, and Author states:

“Today, America needs sex offender laws and policies that are evidence-based and cost-effective, that respect the nation’s historic and fundamental commitment to civil liberties, and that do not threaten to make a mockery of psychology, psychiatry, and other mental health professionals.”<sup>1</sup>

We, as members of CCNCR, believe we share common goals with you: the protection of our children and the improved safety of our society. As a valued member of Congress, you are charged with using fact-based information to facilitate sound decisions regarding these issues. It is in the spirit of this shared commitment that we ask for your help.

We urge you to use your resources to investigate issues that surround the sentencing, as well as the supervision and registration, of those committing non-production CP offenses and to provide evidence-based information to your constituents. There is a wealth of credible research-based information that dispels the myths about non-production CP offenders that we plan to share with you in the future; please consider using such research-based information in making educated decisions about these issues.

Sincerely,

Rita Finley  
CAUTIONclick National Campaign for Reform

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<sup>1</sup> Ewing, Charles Patrick (2011) *Justice Perverted: Sex Offender Law, Psychology and Public Policy*. New York: Oxford University Press.