

U.S. Supreme Court puts limit on compensation for child porn victims

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USPA News - Victims of child pornography should be paid restitution, but within limits, by those who are convicted of possessing the material, even though they were not directly involved with the physical abuse, the U.S. Supreme Court ruled on Wednesday. The 5-4 ruling in the 'Paroline vs.

United States' decision, written by Justice Anthony M. Kennedy, affirmed that those convicted of possessing child pornography must pay victims who are shown in those images. The 59-page decision, however, states that judges must use discretion in determining the amount of damages those convicted must pay. Wednesday's ruling strikes down a \$3.4 million settlement in favor of a woman who was eight and nine years old when she was sexually abused by her uncle, who used her to produce child pornography and then posted it online in the late 1990s. The victim, identified only as "Amy," has repeatedly sought compensation from those who possessed the images. The Texas defendant, Doyle Randall Paroline, pleaded guilty to one count of possession of child pornography in 2009. Paroline admitted to knowing he was in the possession of between 150 and 300 images of child pornography, including two which depicted Amy. As a result, Paroline was held liable for the entire amount of Amy's damages, which consists of nearly \$3 million in lost income and about \$500,000 in future treatment and counseling costs. The victim said her fear and trauma make it difficult for her to trust others or to feel that she has control over what happens to her. "It hurts me to know that someone is looking at them - at me - when I was just a little girl being abused for the camera," she said. "But I am powerless to stop it just like I was powerless to stop my uncle." Amy began an initial course of therapy in 1998 after the abuse was discovered and, in 1999, was said to be "back to normal" as she was involved in dance and other age-appropriate activities with the support of her family. But her functioning began to decline in her teenage years and a major blow to her recovery came when she was 17 years old and first learned that images of her abuse were being shared on the internet. "The digital images were available nationwide and no doubt worldwide," Justice Kennedy said in the court's opinion. "Though the exact scale of the trade in her images is unknown, the possessors to date easily number in the thousands. The knowledge that her images were circulated far and wide renewed the victim's trauma and made it difficult for her to recover from her abuse." The Supreme Court did not set the restitution amount to be paid to Amy in this case and returned that question to the Texas trial court to determine. Justice Kennedy said courts can only do their best to apply the law as written and be faithful to the principles at stake, adding: "Defendants should be made liable for the consequences and gravity of their own conduct, not the conduct of others." According to court documents, between June 2009 and December 2013, Amy obtained restitution awards from 182 persons, 161 of whom were ordered to pay an amount between \$1,000 and \$530,000. Other child pornography victims have also sought restitution from possessors in recent years, including now 24-year-old Kylie Freeman, a woman from Washington who was raped over a period of nearly a year by her biological father, Kenneth Freeman. The abuse started when Kylie was just 10 years old. Although dts News does not normally identify victims of sex crimes, Kylie has publicly spoken about the events. Kenneth videotaped the abuse of his daughter and posted the videos on the Internet, making it - according to prosecutors - the most viewed images of child pornography of all times. The videos are known as the "Vicky" series and are often found on computers seized from people convicted of child porn possession. The victim, in a victim-impact statement in 2010 for a trial in California, described how knowing that others are searching the internet and downloading videos featuring her made her "feel again like [she] was being abused." The victim also told the judge at the time how people who downloaded and viewed her videos made her feel "sicker, ... less safe, ... more ashamed, and more humiliated." Other victims and their relatives have also spoken out in court cases to seek restitution. "For each of them (the possessors), it is true that I don't know him. I don't even know what he looks like," one victim said in a court case. "And, it may seem strange, but the not knowing is a big part of what causes me such problems." The victim, as part of a child pornography possession case in Pennsylvania in 2010, added: "What is so frightening is that I could have walked past him any day on the street and not know that he would have had seen me being raped as a little girl, and enjoyed my pain and humiliation."

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