

Punishing Image-based Sexual Abuse: Public Perceptions of Appropriate Sanctions

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Abstract: Image-based sexual abuse (IBSA) is a broad term used to capture various behaviors that result in sexually explicit material being shared without the consent of the subject of the material. IBSA has emerged as a prominent technology-facilitated crime and evolving criminal justice policy issue. Prior to 2014, only three U.S. states had IBSA legislation. Since 2014, 45 U.S. states have enacted IBSA legislation. To date, no research has examined public perceptions toward IBSA sanctions. The present research surveys a sample (n=1,023) of U.S. residents on their attitudes toward IBSA sanctions and explores factors that influence those attitudes. Results reveal that the public is largely supportive of sanctions for IBSA perpetrators and endorse a variety of community-based sanctions. The public is more divided on the appropriateness of incarceration as a sanction for IBSA and a minority of respondents support registration for IBSA perpetrators.

Keywords: image-based sexual abuse, revenge pornography, incarceration, sex offender registration, community corrections

Introduction

Image-based sexual abuse (IBSA) is a broad term used to capture various behaviors that result in sexually explicit photos or videos of one party shared by another party without the consent of the subject in the photos or videos. IBSA is sometimes referred to as “revenge pornography” with the implication that the party sharing the photos or videos without consent is doing so to humiliate the subject as a result of a perceived insult. An example of this would be an individual posting a sexually explicit photo of a former romantic partner online following the former romantic partner ending the relationship. The phrase “revenge pornography” has been met with criticism because it fails to capture

the full range of possible motivations for IBSA (including sexual gratification, financial gain, entertainment, notoriety, and misogyny) and implies a direct relationship between the perpetrator and victim (Beyens & Lievens, 2016; Kamal & Newman, 2016). While IBSA perpetrators are most likely to target either a current romantic partner, former romantic partner, or friend (Powell *et al.*, 2019; Ruvalcaba & Eaton, 2020), IBSA perpetrators may have never had a direct interaction with their victims and gained the sexually explicit material by hacking private devices like cellphones and laptops (Grant, 2014; Maddocks, 2018). IBSA victims may also be secretly photographed or recorded and, thus, not even be aware that they are featured in sexually explicit material (Bogage, 2019; Maddocks, 2018).

IBSA victimization rates range from 4% to 16% among samples of U.S. adults (Branch *et al.*, 2017; Call, 2021; Eaton *et al.*, 2017; Lenhart *et al.*, 2016; Marcum *et al.*, 2022; Ruvalcaba & Eaton, 2020). The preceding statistics were ascertained prior to the COVID-19 pandemic. There is evidence that instances of IBSA have increased as a result of the pandemic due to social isolation and a greater reliance on technology to interact with one another, foster new relationships, and maintain current relationships (Goldstein, 2020; Taddeo, 2020). The effects of IBSA victimization can be devastating. In addition to the invasion of privacy, victims may suffer a range of mental health issues and experience losing educational opportunities as well as employment opportunities (Bates, 2017; Citron & Franks, 2014; Kamal & Newman, 2016; Uhl *et al.*, 2018).

The majority of IBSA legislation began to appear in the U.S. after 2014. Presently, all but two U.S. states (Massachusetts and South Carolina) have laws that address IBSA. Most recently, Wyoming and Mississippi criminalized IBSA in 2021. How IBSA is defined and the possible punishments for IBSA perpetrators vary significantly across U.S. state statutes (Cyber Civil Rights Initiative, 2021). While there has been an influx in interest and legislation aimed at IBSA over the past decade, IBSA is still a relatively new phenomenon and empirical research on IBSA is limited. The purpose of the present study is to contribute to the literature on IBSA by exploring perceptions of U.S. residents toward appropriate punishments for IBSA and the factors that influence those perceptions.

Literature Review

IBSA Perpetration and Victimization

There is a dearth of research examining the characteristics of IBSA perpetrators and victims, but the existing studies do reveal certain common traits among perpetrators and victims. For instance, IBSA can be considered a gendered crime. Whereas the majority of IBSA perpetrators appear to be male (Eaton *et al.*, 2017; Powell *et al.*, 2019;

Ruvalcaba & Eaton, 2020), the majority of IBSA victims appear to be female (Branch *et al.*, 2017; Eaton *et al.*, 2017; Ruvalcaba & Eaton, 2020; Uhl *et al.*, 2018). Case in point, Ruvalcaba and Eaton (2020) found that men more frequently self-reported IBSA perpetration than women (7.26% vs. 3.29%). Additionally, in the first national survey of IBSA in the U.S., Eaton and colleagues (2017) revealed that women were about 1.5 times more likely to report having been IBSA victims than men and about 2.5 times more likely to have been threatened with IBSA than men.

While women are more commonly identified as victims of IBSA, male victimization should not be overlooked. Some studies have identified males as having comparable or greater rates of IBSA victimization to females (Borrajó *et al.*, 2015; Powell *et al.*, 2019). In an Australian sample, Powell *et al.* (2019) discovered that those who reported engaging in IBSA perpetration were almost as likely to distribute photos of women as they were photos of men without consent (36.7% versus 35.5%). Borrajó and colleagues (2015), surveying a sample of university students in Spain, found that a greater percentage of male students than female students (8.3% versus 3.1%) reported that their significant other had shared intimate images of them without consent.

Sex is not the only significant factor in IBSA perpetration and victimization. Powell *et al.* (2019) ascertained higher rates of self-reported IBSA perpetration among lesbian, gay, or bisexual survey participants (13.7%) compared to heterosexual participants (5.4%). Similarly, Ruvalcaba and Eaton (2020) found greater self-reporting of IBSA perpetration among gay men (10.8%) compared to heterosexual men (6.4%) in the U.S., but did not uncover significant differences in self-reported IBSA perpetration between lesbian women and heterosexual women.

Branch *et al.* (2017) reported that U.S. college students who shared sexually explicit photos of themselves with others and then had that material shared further without their consent were more likely to be non-white, in a relationship, impulsive, hold more positive attitudes toward sexting, and less likely to have engaged in IBSA perpetration themselves compared to college students who shared sexually explicit photos of themselves with others, but did not have that material shared further without their consent.

Current Status of IBSA Laws

In the U.S., there is no federal law against IBSA. U.S. states began passing IBSA legislation when, in 2004, New Jersey enacted a law making it a felony to distribute another person's sexually explicit photos without their consent (Beyens & Lievens, 2016). While Alaska and California passed their own IBSA laws in 2006 and 2013, respectively, it took another 10 years for the push toward criminalizing IBSA to build momentum. Since 2014, an additional 45 U.S. states have enacted legislation to address

IBSA. Table 1 provides an overview of IBSA legislation in the U.S. There is substantial variation in how IBSA is described across the states. States such as Missouri, Nevada, and New York categorize IBSA as unlawful distribution or dissemination of sexual and/or private images. Alaska, Florida, and Maryland classify IBSA as a form of harassment. Additionally, Delaware, Georgia, Kansas, and other states label IBSA as a form of invasion of privacy. Further, the states vary in the level of punishment they prescribe for IBSA. Of the 48 states with laws pertaining to IBSA, 21 states consider IBSA to be a misdemeanor offense, 11 states consider IBSA to be a felony offense, and 16 states set IBSA as a misdemeanor for a first offense and a felony for subsequent offenses or a felony dependent upon the intent of the perpetrator (such as to extort money from the victim). The decision whether to categorize IBSA as a misdemeanor or a felony has significant consequences for the offender. Misdemeanor convictions are generally punishable by up to one year of confinement while felony convictions are punishable by more than one year of incarceration and, depending upon the state, may also cause the offender to lose certain privileges such as the ability to work in specific professions and the ability to vote (Schmalleger, 2021).

Table 1: IBSA legislation by state

<i>State</i>	<i>Year Passed</i>	<i>Statute</i>	<i>Offense Name</i>	<i>Offense Category</i>
Alabama	2017	Code of Alabama, Section 13A-6-240	Distributing a private image	Misdemeanor; Felony for subsequent offense
Alaska	2006	Alaska Statutes, Section 11.61.120	Harassment in the 2 nd degree	Misdemeanor
Arizona	2016	Arizona Revised Statutes 13-1425	Unlawful distribution of images depicting states of nudity or specific sexual activities	Felony
Arkansas	2015	Arkansas Code 5-26-314	Unlawful distribution of sexual images or recordings	Misdemeanor
California	2013	California Penal Code 647(j)(4)	Disorderly conduct: Unlawful distribution of image	Misdemeanor
Colorado	2014	Colorado Revised Statutes 18-7-107 and 108	Posting a private image for harassment & Posting a private image for pecuniary gain	Misdemeanor
Connecticut	2015	Connecticut General Statutes 53a-189c	Unlawful dissemination of an intimate image	Misdemeanor
Delaware	2014	Delaware Code, Title 11, 1335	Violation of privacy	Misdemeanor; Felony for subsequent offense
Florida	2015	Florida Statutes, Section 784.049(3)	Sexual cyberharassment	Misdemeanor; Felony for subsequent offense

<i>State</i>	<i>Year Passed</i>	<i>Statute</i>	<i>Offense Name</i>	<i>Offense Category</i>
Georgia	2014	Georgia Code, Section 16-11-90	Invasion of privacy	Misdemeanor; Felony for subsequent offense
Hawaii	2014	Hawaii Revised Statutes 711-1110.9	Violation of privacy in the 1 st degree	Felony
Idaho	2014	Idaho Code 18-6609	Video voyeurism	Felony
Illinois	2015	Illinois Criminal Code 11-23.5	Non-consensual dissemination of private sexual images	Felony
Indiana	2019	Indiana Code 35-45-4-8	Nonconsensual pornography	Misdemeanor; Felony for subsequent offense
Iowa	2017	Iowa Code 708.7	Harassment or invasion of privacy	Misdemeanor
Kansas	2016	Kansas Statutes 21-6101(a)(8)	Breach of privacy	Felony
Kentucky	2018	Kentucky Statutes 531.120	Distribution of sexually explicit images without consent	Misdemeanor (felony if intent was for profit); Felony for subsequent offense
Louisiana	2015	Louisiana Revised Statutes 14:283:2	Non-consensual disclosure of intimate image	Felony
Maine	2015	Maine Revised Statutes Section 1.17-A MRSA 511-A	Unauthorized dissemination of certain private images	Misdemeanor
Maryland	2014	Maryland Code 3-809	Stalking and harassment	Misdemeanor
Massachusetts			No law against IBSA	
Michigan	2016	Michigan Compiled Laws Sec 145e and 145f	Dissemination of sexually explicit visual material of another person	Misdemeanor
Minnesota	2016	Minnesota Statutes 617.261	Nonconsensual dissemination of private sexual images	Misdemeanor (Felony if intent was to profit or harass, if posted to porn site, if act caused financial loss to victim)
Mississippi	2021	Mississippi Senate Bill 2121	Disclosure without consent of intimate visual material	Misdemeanor; Felony for subsequent offense

<i>State</i>	<i>Year Passed</i>	<i>Statute</i>	<i>Offense Name</i>	<i>Offense Category</i>
Missouri	2018	Revised Statutes of Missouri, Sections 573.110 and 573.112	Nonconsensual dissemination of private sexual images	Felony
Montana	2019	Montana Code Annotated 45-8-213	Privacy in communications	Misdemeanor; Felony for third offense
Nebraska	2019	Nebraska Revised Statute 28-311.08	Knowing and intentional distribution of image or video	Misdemeanor; Felony for subsequent offense
Nevada	2015	Nevada Revised Statutes 200.780	Unlawful dissemination of an intimate image	Felony
New Hampshire	2016	New Hampshire Revised Statutes 644:9-a	Nonconsensual dissemination of private sexual images	Felony
New Jersey	2004	New Jersey Code 2C:14-9	Invasion of privacy, 3 rd degree	Felony
New Mexico	2015	New Mexico Statutes, Section 30-37A-1	Unlawful distribution of sensitive images	Misdemeanor; Felony for subsequent offense
New York	2019	New York Penal Law § 245.15	Unlawful dissemination or publication of an intimate image	Misdemeanor
North Carolina	2015	North Carolina General Statutes 14-190.5A	Disclosure of private images	Felony
North Dakota	2015	North Dakota Century Code 12.1-17-07.2	Distribution of intimate images without or against consent	Misdemeanor
Ohio	2019	Ohio Revised Code 2917.211	Dissemination of image of another person	Misdemeanor
Oklahoma	2016	Oklahoma Statutes Title 21 1040.13b	Nonconsensual dissemination of sexual images	Misdemeanor
Oregon	2015	Oregon Revised Statutes 163.472	Unlawful dissemination of an intimate image	Misdemeanor; Felony for subsequent offense
Pennsylvania	2014	Title 18 Pennsylvania Consolidated Statutes Section 3131	Unlawful dissemination of intimate image	Misdemeanor
Rhode Island	2018	Rhode Island General Laws, Section 11-64-3	Unauthorized dissemination of indecent material	Misdemeanor (Felony if used to commit extortion)
South Carolina			No law against IBSA	
South Dakota	2016	South Dakota Codified Laws Chapter 22-21 4	Invasion of privacy	Misdemeanor

<i>State</i>	<i>Year Passed</i>	<i>Statute</i>	<i>Offense Name</i>	<i>Offense Category</i>
Tennessee	2016	Tennessee Code Annotated, Section 39-17-318	Unlawful exposure	Misdemeanor
Texas	2015	Texas Penal Code 21.16	Unlawful disclosure or promotion of intimate visual material	Misdemeanor
Utah	2014	Utah Code 76-5b-203	Distribution of intimate images	Misdemeanor; Felony for subsequent offense
Vermont	2015	Vermont Statutes 2.13 2606	Unlawful disclosure of sexually explicit images without consent	Misdemeanor
Virginia	2014	Virginia Code 18.2-386.2	Unlawful dissemination or sale of images of another person	Misdemeanor
Washington	2015	Washington Revised Code 9A.86.010	Wrongful distribution of intimate images	Misdemeanor; Felony for subsequent offense
West Virginia	2017	West Virginia Code 61-8-28a	Nonconsensual disclosure of private intimate images	Misdemeanor; Felony for subsequent offense
Wisconsin	2014	Wisconsin Code 942.09	Representations depicting nudity	Misdemeanor
Wyoming	2021	Wyoming Statutes 6-4-306	Unlawful dissemination of intimate images	Misdemeanor

Opponents of IBSA legislation argue that sharing an image or video is an exercise of free speech. Thus, even if that shared image or video is of a sexual nature and distributed without the consent of the subject, the act is still protected by the First Amendment of the U.S. Constitution. The free speech protections of the First Amendment extends to forms of speech that may be considered controversial, offensive, or ethically questionable in addition to speech that is largely supported. Certain forms of speech, however, are exempt from First Amendment protections such as speech that incites violence, threats, child pornography, and speech that could be considered obscene. IBSA does not fall under any of the unprotected categories of speech. Several scholars have argued that IBSA could meet the criteria to be considered obscene (Barmore, 2015; Kitchen, 2015; Scheller, 2015). In *Miller v. California* (1973), the Supreme Court outlined a three-part test to gauge whether an image can be considered obscene. If the image (1) appeals to the prurient interests of the average individual, (2) represents sexual conduct in an offensive way, and (3) lacks value, then that image would be considered obscene and not protected free speech. Scheller (2015) contends that public exposure of depictions of sexual activity without the consent of an involved party can be used to argue all three elements of the obscenity test.

As it stands currently, however, IBSA is not considered obscene nor does it fall under any other exempted category of First Amendment protection. Thus, any IBSA legislation must be narrowly written and demonstrate a compelling state interest to avoid violating the First Amendment's freedom of speech clause. IBSA legislation has been challenged multiple times on the grounds that it violates the First Amendment. Minnesota provides one recent example. In 2016, Minnesota passed their IBSA legislation which made dissemination of private sexual images without the consent of the party in the images a misdemeanor or felony depending upon the elements of the case. In 2017, Michael Casillas was found guilty under this law for sending a video of his ex-girlfriend engaged in sexual acts to 44 people and posting the video online (Karnowski, 2019). In 2019, a Minnesota Court of Appeals reversed the lower court's decision finding that the Minnesota law was too broad and violated Casillas' First Amendment rights (Karnowski, 2019). The following year, the Minnesota Supreme Court upheld the state's IBSA legislation, ruling that the government has a compelling interest in combatting IBSA and that the legislation was tailored in a way to not violate free speech protections (Xiong, 2020). Texas provides another recent example. In 2015, Texas passed their IBSA legislation which made it a misdemeanor to post private, intimate images of someone else without their consent. In 2017, Jordan Jones was convicted under Texas' IBSA law before a Texas Court of Appeals reversed the decision the following year under the rationale that the law was overbroad and violated Jones' First Amendment rights (Platoff, 2018). In 2021, The Texas Court of Criminal Appeals reversed the decision of the lower appeals court, ruling that the IBSA law is tailored to the government's interest in protecting sexual privacy and does not violate freedom of speech protections (Canizales, 2021).

It is important to remember that IBSA is a global issue. Through the Internet, material originally created in one country can be easily shared around the world. Further, an IBSA perpetrator and IBSA victim need not reside in the same country. An IBSA perpetrator could hack into a potential victim's phone or online account to access sexually explicit material from anywhere. As such, while the last decade has seen an influx of IBSA laws across the U.S., many countries around the world have also passed their own forms of IBSA legislation during this time period as well. For instance, Australia began enacting IBSA legislation at the state-level in 2013, whereas Israel, Canada, and Japan criminalized IBSA in 2014, followed by England, Wales, and New Zealand in 2015 (Franks, 2017).

Public Perceptions of IBSA Legislation

There is a lack of empirical research investigating public perceptions of IBSA legislation. Lageson *et al.* (2019) found a high level of support for IBSA legislation. In a survey of

U.S. residents, 94.4% of respondents supported the criminalization of sharing sexually explicit material of another party without their consent when asked about the behavior in general. Support for criminalization decreased, however, when asked about a specific type of shared material. When asked if posting a sexually explicit photo of a spouse or former romantic partner without their permission should be illegal, the support of the respondents remained near the level of the general question (93.8%). When phrased that the victim took a sexually explicit image of themselves, shared it with another person, and then that person further shared it further without consent, support for criminalization among the respondents dropped to 76.3%. In another survey of U.S. residents, Call (2021) also discovered a high-level of support for IBSA legislation as 86.8% of respondents agreed that sharing sexually explicit photos or videos of someone without their permission should be illegal. As with Lageson *et al.* (2019), the respondents' support for criminalization differed depending on the specific type of shared material. While 86.8% of respondents supported the criminalization of IBSA in general, 36.7% agreed that sharing sexually explicit material of someone without their permission should be illegal only if the victim had not intended the material to be shared with anyone (Call, 2021).

To date, no studies have gauged public perceptions about the appropriate punishment for IBSA. The aim of the present study is to gain a better understanding of how IBSA is perceived among the American public by assessing attitudes toward potential punishments for IBSA. The present study will also consider the role of multiple factors that may influence the perceptions of the sample toward certain potential punishments.

Methodology

Data Collection Procedure

The data for this study originated from voluntary and confidential electronic surveys collected through Amazon's Mechanical Turk (MTurk). MTurk is a crowdsourcing service that allows for different types of tasks to be posted and then completed by individuals who register with MTurk as "workers". Tasks can be completed by workers for rewards designated by the poster of the task. Those who post tasks have the ability to examine completed work and refuse payment to the worker if the completed work is not up to their standards (for example, if the majority of a survey was submitted unanswered). Soliciting survey respondents through MTurk has become popular in the social sciences and has been utilized in several recent studies of crime and justice (Call, 2020, 2021; Lageson *et al.*, 2019; Pogarsky *et al.*, 2017; Struckman-Johnson *et al.*, 2020). Reasonable concerns may exist over both the quality of data provided by opt-in

respondents and the representativeness of a sample comprised of opt-in respondents. However, research has consistently indicated that MTurk produces reliable data that does not significantly differ from data derived by more traditional methods and largely approximates the U.S. population (Buhrmester *et al.*, 2011; Casler *et al.*, 2013; Goodman *et al.*, 2013; Ipeirotis, 2010). For the present study, a solicitation for adult U.S. residents at least 18 years of age to complete a survey was posted on MTurk for a reward of 25 cents. The solicitation linked potential respondents to the survey hosted on the web-based survey site SurveyMonkey. Through a screening question, potential participants were asked if they currently work in the field of criminal justice. Respondents who indicated they were currently employed in the field of criminal justice were disqualified from the survey. As the purpose of the survey was to gauge the perceptions of the general public toward IBSA, the findings of the survey would be skewed by including those working in the field of criminal justice.

Data Collection Instrument

The data collection instrument was developed to measure the general public's perceptions toward various possible punishments for IBSA. Perceptions toward possible IBSA punishments were measured using a series of eight statements. Each statement began with "An individual who shares sexually explicit photos or videos of someone without their permission should..." followed by each potential punishment: "face no consequences," "receive a formal warning about future consequences of IBSA," "be required to participate in educational programming about IBSA," "be required to participate in community service," "be fined," "have their access to mobile phones and the Internet restricted," "be incarcerated for some period of time," and "be required to register as a sex offender". Participants were asked to rate their level of agreement with each potential punishment on a five-point Likert-type scale (strongly disagree = 1, disagree = 2, neither agree nor disagree = 3, agree = 4, strongly agree = 5).

Sample

A total of 1,023 respondents participated in this study through MTurk. The demographic characteristics of the sample are detailed in Table 2. The sample was predominantly female (56.5%) and white (73.8%). Participants were most likely to be between 30 and 39 years old (34.4%) with slightly over one-quarter (26.1%) of the participants being between 18 and 29 years old. The sample was well-educated with 66.3% of the respondents having some form of a college degree. Over one-third (39.6%) reported a yearly household income of at least \$60,000. The respondents were most likely to be married (45.9%) and almost equally likely to be a parent (51.2%) or not be a parent (48.8%). The sample featured respondents from every U.S. state, except for Wyoming,

but respondents were most likely to be located in the South (39.4%). Politically, the respondents were most likely to consider themselves to be liberal or very liberal (44.6%). Slightly more than one-third (34.7%) of the respondents indicated that they had sent a photo or video to another party that was intended to be sexually explicit.

Table 2: Demographics of sample

	<i>% (n)</i>
Sex (n=1,019)	
Female	56.5 (576)
Male	43.5 (443)
Race (n=1,021)	
Caucasian	73.8 (753)
African American	8.9 (91)
American Indian or Alaskan Native	1.0 (10)
Asian or Pacific Islander	7.9 (81)
Hispanic or Latino	6.2 (63)
Other	2.3 (23)
Age (n=1,023); M=38.7; SD=12.6	
18-29	26.1 (267)
30-39	34.4 (352)
40-49	18.9 (193)
50-59	12.6 (129)
60-69	6.5 (66)
70+	1.6 (16)
Education (n=1,018)	
Less than high school	1.0 (10)
High school diploma or equivalent (GED)	8.6 (88)
Some college, but no degree	24.1 (245)
Associate degree	12.3 (125)
Bachelor's degree	37.8 (385)
Graduate or professional degree	16.2 (165)
Income (n=1,019)	
Less than \$10,000	4.6 (47)
\$10,001-\$19,999	9.1 (93)
\$20,000-\$39,999	23.1 (235)
\$40,000-\$59,999	23.6 (240)
\$60,000-\$79,999	26.2 (267)
Greater than \$80,000	13.4 (137)

	% (<i>n</i>)
Marital Status (n=1,021)	
Never married	40.0 (408)
Married	45.9 (469)
Separated	2.0 (20)
Divorced	10.0 (102)
Widowed	2.2 (22)
Have Children (n=1,010)	
No	48.8 (293)
Yes	51.2 (517)
Region (n=1,022)	
Northeast	17.8 (182)
Midwest	19.7 (201)
South	39.4 (403)
West	23.1 (236)
Political Orientation (n=1,018)	
Very conservative	6.1 (62)
Conservative	19.4 (197)
Moderate	30.0 (305)
Liberal	30.8 (314)
Very liberal	13.8 (140)
Have you ever sent a photo or video to another individual that was intended to be sexually explicit? (n=1,023)	
No	65.3 (668)
Yes	34.7 (355)

Analytic Plan

The data gathered from this research was examined using Statistical Package for the Social Sciences (SPSS), version 26. Frequencies were used to gauge the participants' attitudes toward each of the eight potential sanctions for IBSA perpetration. Ordinary least squares (OLS) regression was conducted in order to examine the impact of multiple variables toward three specific sanctions: no punishment, incarceration, and placement on a registry for those convicted of a sex offense. A review of the Kolmogorov-Smirnov Test and Q-Q plot suggests that the normality of the data was reasonable for OLS regression. Additionally, tests of the variance inflation factors (VIF) of predictors and the tolerance of predictor variables to see if the data met the assumption of collinearity indicated that multicollinearity was not a concern in any of the OLS analyses.

Seven independent variables were used in the multivariate analysis. Specifically, sex (0=female; 1=male), race (0=white; 1=non-white), age (in years), education (0=less than high school; 1=high school degree or equivalent; 2=some college, but no degree; 3=associate degree; 4=bachelor's degree; 5=graduate or professional degree), parental status (0=non-parent; 1=parent), political orientation (0=very conservative; 1=conservative; 2=moderate; 3=liberal; 4=very liberal), and sexting history (0=never sent a photo or video to another individual that was intended to be sexually explicit; 1=have sent a photo or video to another individual that was intended to be sexually explicit) were included in the regression analyses.

Results

The descriptive statistics pertaining to the perceptions of the sample toward appropriate punishments for IBSA are presented in Table 3. The lowest level of support was for no punishment as 8.1% of the respondents agreed or strongly agreed that an individual who shares sexually explicit photos or videos of someone without their permission should face no consequences. Among the actual punishments, placement on a registry for those convicted of a sex offense received the lowest levels of support as 29.1% of the respondents agreed or strongly agreed that an individual who shares sexually explicit

Table 3: Attitudes toward IBSA Punishments

<i>An individual who shares sexually explicit photos or videos of someone without their permission should...</i>	<i>SD</i>	<i>D</i>	<i>% (n)</i> <i>N</i>	<i>A</i>	<i>SA</i>
Face no consequences	55(560)	28.6(291)	8.3(85)	5.9(60)	2.2(22)
Receive a formal warning about future consequences of image-based sexual abuse	5.4(55)	9.5(97)	15.2(155)	42.1(430)	27.9(285)
Be required to participate in educational programming about image-based sexual abuse	3.2(33)	5.2(53)	12.6(129)	37.0(378)	42.0(430)
Be required to participate in community service	3.9(40)	9.1(93)	17.9(183)	34.0(347)	35.1(358)
Be fined	3.5(35)	8.0(81)	17.4(176)	34.9(353)	36.3(367)
Have their access to mobile phones and the Internet restricted	5.9(60)	12.7(129)	19.6(199)	29.0(294)	32.8(333)
Be incarcerated for some period of time	10.0(102)	17.4(177)	23.9(243)	27.9(284)	20.8(212)
Be required to register as a sex offender	21.0(215)	23.7(242)	26.1(267)	16.3(167)	12.8(131)

SD = Strongly Disagree, D = Disagree, N = Neither Agree nor Disagree, A = Agree, SA = Strongly Agree

photos or videos of someone without their permission should be placed on a registry. Almost half (48.7%) of the respondents agreed or strongly agreed that an individual who shares sexually explicit photos or videos of someone without their permission should be incarcerated for some period of time. Majorities of the respondents favored community-based sanctions for IBSA perpetration including having access to mobile phones and the Internet restricted (61.8%), being required to fulfil a community service obligation (69.1%), receiving a formal warning (70%), receiving a fine (71.2%), and being required to participate in educational programming about IBSA (79%).

The results of the multivariate analysis for belief that an individual who shares sexually explicit photos or videos of someone without their permission should face no punishment are provided in Table 4. A significant regression equation was found $F(7, 981) = 10.448, p < .001$, with an adjusted R^2 of .063. Sex, age, parental status, and political orientation were significant predictors of agreement. Specifically, male respondents ($\beta = .393, p < .001$) and parents ($\beta = .176, p < .01$) were more likely to agree that an individual who shares sexually explicit photos or videos of someone without their permission should face no punishment whereas older respondents ($\beta = -.008, p < .01$) and more politically liberal respondents ($\beta = -.113, p < .001$) were less likely to agree that an individual who shares sexually explicit photos or videos of someone without their permission should face no punishment.

Table 4: OLS regression of attitudes toward IBSA punishments

Variable	No Punishment		Incarceration		Sex Offender Registration	
	<i>b</i> (<i>SE</i>)	β	<i>b</i> (<i>SE</i>)	β	<i>b</i> (<i>SE</i>)	β
Sex	.393(.063)	.198***	-.229(.082)	-.090**	-.329(.084)	-.125***
Race	.079(.071)	.035	.347(.093)	.122***	.261(.096)	.088**
Age	-.008(.003)	-.102**	-.002(.004)	-.022	-.010(.004)	-.098**
Education	.032(.024)	.041	.058(.031)	.059	.064(.032)	.063*
Parental Status	.176(.067)	.089**	.068(.087)	.027	.176(.090)	.068*
Political Orientation	-.133(.028)	-.127***	.081(.036)	.072*	.016(.037)	.014
Sexting History	.025(.066)	.012	-.036(.086)	-.014	-.196(.089)	-.072*
Constant	1.875(.155)		3.020(.201)		2.965(.207)	

*.05; **.01; ***.001

The results of the multivariate analysis for belief that an individual who shares sexually explicit photos or videos of someone without their permission should be incarcerated are also presented in Table 4. A significant regression equation was found $F(7, 981) = 4.621, p < .001$, with an adjusted R^2 of .025. Sex, race, and political orientation were significant predictors of agreement. Specifically, males ($\beta = -.229, p < .01$) were less likely to agree that an individual who shares sexually explicit photos or videos of someone without their permission should face incarceration whereas non-white respondents ($\beta = .347, p < .001$) and more politically liberal respondents ($\beta = .081, p < .05$) had a greater likelihood of agreeing that an individual who shares sexually explicit photos or videos of someone without their permission should be incarcerated for some period of time. Education was approaching significance ($\beta = .058, p < .06$) with higher levels of education associated with increased support for incarceration.

The results of the multivariate analysis for belief that an individual who shares sexually explicit photos or videos of someone without their permission should be placed on a registry for those convicted of a sex offense are also displayed in Table 4. A significant regression equation was found $F(7, 985) = 5.968, p < .001$, with an adjusted R^2 of .034. Sex, race, age, education level, parental status, and sexting history were found to be significant predictors of agreement. Specifically, male respondents ($\beta = -.329, p < .001$), older respondents ($\beta = -.010, p < .01$), and those respondents who had a history of sexting ($\beta = -.196, p < .05$) were less likely to agree that an individual who shares sexually explicit photos or videos of someone without their permission should be placed on a registry whereas non-white respondents ($\beta = .261, p < .01$), respondents who had achieved higher levels of educational attainment ($\beta = .064, p < .05$), and parents ($\beta = .176, p < .05$) were more likely to agree that an individual who shares sexually explicit photos or videos of someone without their permission should be placed on a registry.

Discussion

The present research study advanced the literature on U.S. public perceptions of IBSA in five important ways. First, the results revealed that the sample is overwhelmingly in favor of sanctions for IBSA perpetration, but a minority of the sample does not believe IBSA should be sanctioned. Second, the participants do not perceive IBSA as an offense requiring placement on a registry for those convicted of a sex offense. Third, the respondents are more supportive of incarcerating IBSA perpetrators than placing them on registries as slightly under half of respondents endorse incarceration. Fourth, the sample shows the highest levels of support for community-based sanctions. Lastly, several variables were associated with supporting specific sanctions for IBSA.

The results of the present study indicate that the vast majority of the survey respondents disapprove of IBSA and are in support of some form of sanction for IBSA

perpetration. That said, there is a minority who view IBSA as an event not serious enough for a sanction as 8.1% of respondents agreed or strongly agreed that an individual who shares sexually explicit photos or videos of someone without their permission should face no consequences. There may be some degree of victim blaming associated with this belief. IBSA victims are sometimes attributed blame for their perceived role in sexually explicit material of them being shared without their consent (Call, 2021; Mckinlay & Lavis, 2020; Starr & Lavis, 2018). In essence, if the subject of the sexually explicit material had never created the material or sent it to the individual who eventually shared it further, then the subject would have never been victimized. IBSA can take several forms including the nonconsensual sharing of sexually explicit material that was deliberately sent to one particular individual for private viewing, the sharing of sexually explicit material that was stolen or hacked from technological devices, the sharing of sexually explicit material that was recorded without the subject's knowledge, and the sharing of digitally altered or "deep fake" sexually explicit material. The public may be the most aware of IBSA as "revenge pornography" involving the sharing of sexually explicit material created and sent by one romantic partner to another before being shared by the receiver following the dissolution of the relationship (Maddocks, 2018). This may be because the term "revenge pornography" is still commonly used in the media and IBSA legislation is often described as "revenge porn laws" (Canizales, 2021; Goldstein, 2020; Karnowski, 2019; Miller, 2020; Taddeo, 2020). As others have argued (Beyens & Lievens, 2016; Maddocks, 2018; McGlynn *et al.*, 2017), "revenge pornography" is an outdated and flawed term that should no longer be used because it paints a very specific picture of IBSA. The public's focus on a certain form of IBSA may influence their attitudes toward punishment.

A majority of the respondents were supportive of sanctions for those who share sexually explicit photos or videos of someone without their permission. Of the possible punishments presented, the respondents were the least likely to endorse registration for IBSA perpetrators. Prior research has demonstrated that the public is not only largely supportive of registries for those convicted of sex offenses, but supportive of registration even when informed that there is no evidence that the policy reduces sex offending (Koon-Magnin, 2015; Levenson *et al.*, 2007). In the absence of a demonstrable effect on sex crime rates, it can be argued that registration has symbolic value in that it expresses a societal objection to sex offending (Koon-Magnin, 2015). While it should be noted that over one-quarter (29.1%) of those surveyed did support registration for IBSA perpetrators, it would appear that the public, overall, either does not view IBSA as a sex offense or views IBSA as less of a sex offense than those sex offenses that require registration upon conviction. This may be because IBSA does not typically involve violence or even physical contact between offender and victim. This perception is flawed

as those required to register are comprised of individuals convicted of both violent and non-violent offenses as well as contact and non-contact sex offenses (Ackerman *et al.*, 2011). Further, IBSA victims experience negative effects similar to those experienced by victims of registerable sex offenses (Bates, 2017; Kamal & Newman, 2016).

Almost half (48.9%) of the sample agreed that an individual who shares sexually explicit photos or videos of someone without their permission should be incarcerated for some period of time. Prior research shows that incarceration as a sanction is favored among the public for those convicted of violent offenses and sex offenses (Jacoby & Cullen, 1998; Koon-Magnin, 2015, Mears *et al.*, 2008). The greater the level of violence or the more perceived harm sustained by the victim, the more the public supports incarceration. For instance, Mears and colleagues (2008) found that 46.0% of American public felt that incarceration was an appropriate sanction for an individual convicted of indecent exposure toward an adult victim while 93.8% of those surveyed favored incarceration for an individual convicted of sexual assault or rape of an adult victim. Levels of support for incarcerating IBSA perpetrators in the present study are on par with support for incarcerating an offender convicted of indecent exposure in the work by Mears and colleagues (2008). Both offenses, compared to sexual assault or rape, are non-violent and are likely perceived to inflict less harm to the victims. As IBSA victims are unlikely to suffer visible physical effects of their victimization, the public may be less inclined to support incarceration as a sanction. While their injuries may not be visible, it bears repeating that IBSA victims may experience a variety of negative outcomes associated with their victimization including long-lasting mental trauma (Bates, 2017; Citron & Franks, 2014; Kamal & Newman, 2016; Uhl *et al.*, 2018).

The respondents did view incarceration as a more appropriate sanction for IBSA perpetration than being placed on a registry for those convicted of a sex offense. Again, the sample may not perceive IBSA as a sex offense and thus view registration as less appropriate than a period of incarceration. Additionally, registration may last anywhere from ten years to a lifetime depending on state policy (Mustaine & Tewksbury, 2013). The respondents were not provided a specific time period of incarceration and may find only short periods of incarceration as an acceptable sanction for IBSA perpetration. If the public is aware of sex offender registration lengths, they may view a shorter period of incarceration as more appropriate than a longer period of registration.

Majorities of the respondents supported all of the community-based sanctions (mobile phone and Internet restrictions, community service, a formal warning about potential future consequences, receiving a fine, and educational programming) for IBSA offenders with educational programming about IBSA receiving the greatest support (79.0%) amongst the public. This is not surprising based on the previous findings. While the public is more supportive of incarceration for violent offenders, the

public shows a stronger preference to sanction non-violent offenders with community-based punishments (Cullen *et al.*, 2000; Thielo *et al.*, 2016). Additionally, while the public is also supportive of incarcerating those convicted of sex offenses, the public also recognizes potential benefits of community-based sanctions for those convicted of sex offenses. For instance, Koon-Magnin (2015) found that majorities of the public were supportive of those convicted of sex offenses paying restitution to their victims (77.2%) and participating in educational programming (87.0) as strategies to reduce sex offending.

When examining factors that may influence support for not punishing IBSA offenders, incarceration, and registration, all of the variables utilized (sex, race, age, education, parental status, political orientation, and sexting history) were statistically significant in at least one model. The only variable that was consistently statistically significant across all three models was sex. Male respondents were more likely to support not punishing IBSA offenders, less likely to support incarceration for IBSA offenders, and less likely to support registration for IBSA offenders. These findings are not surprising as IBSA is a gendered crime with higher levels of offending among men and higher levels of victimization among women (Branch *et al.*, 2017; Eaton *et al.*, 2017; Powell *et al.*, 2019; Ruvalcaba & Eaton, 2020). Further, prior research has revealed higher levels of victim blaming attitudes by male respondents toward female victims of IBSA (Bothamley & Tulley, 2018; Zvi, 2021; Zvi & Shechory-Bitton, 2021). The results are also consistent with the broader research showing that women, in general, hold less favorable attitudes toward those convicted of sex offenses (Levenson *et al.*, 2007; Socia & Harris, 2016; Willis *et al.*, 2013). Thus, it is reasonable to assume that women would hold less favorable attitudes toward IBSA perpetrators and be more receptive to harsher punishments such as incarceration and sex offender registration.

The present study is not without limitations. IBSA is an emerging social issue and the respondents' perceptions of IBSA may have been shaped by recent media stories related to IBSA. Furthermore, as IBSA is a sensitive issue, respondents may have felt the need to answer the survey questions in a socially acceptable manner, especially if they had ever engaged in IBSA. Additionally, the present study explored the public's attitudes toward appropriate sanctions for IBSA in a general sense. There are multiple forms of behavior that can fall under the umbrella of IBSA. Future research should examine perceptions of appropriate punishments for specific forms of IBSA. Respondents may feel differently about the most appropriate punishment for IBSA depending on how the abuse was perpetrated. For instance, the public may support imprisonment more strongly for an offender who steals photos or videos from a stranger's phone before posting it online versus an offender who shares photos or videos of a former romantic partner received in confidence. Finally, the present study gauged

perceptions of U.S. residents about potential punishments for IBSA. Internationally, the U.S. stands out in certain ways in its approach to punishment. Every U.S. state relies heavily on incarceration as a criminal sanction and, as a byproduct, the U.S. has the highest incarceration rate in the world (Widra & Herring, 2021). Also, while the U.S. is not alone in creating registries for sex offenders, the U.S. is one of only two countries that makes those registries publicly accessible (Vess *et al.*, 2019). Thus, endorsements for potential sanctions like incarceration and sex offender registration for IBSA may not be representative in a global context.

In the last decade, IBSA emerged as a prominent criminal justice and policy issue. IBSA victims experience a variety of negative effects that can impact their personal and professional lives. Recognizing the potential harm, the criminalization of IBSA has garnered widespread support as all but two states now have legislation aimed at addressing IBSA. U.S. states vary considerably, however, in how IBSA is defined and punished. The U.S. public largely believes that IBSA offenders should be sanctioned in some way with the greatest support for community-based sanctions. The public is more divided on whether incarceration is an appropriate sanction for IBSA offenders and a minority endorse sex offender registration for IBSA perpetrators. IBSA is a technology-facilitated offense. As the technology, like cell phones and internet access, becomes more accessible and more prominent as a way to maintain social relationships, it is likely that instances of IBSA will increase and new forms of IBSA may develop. Despite limitations, the present study provides an insight into how the public views this modern offense and appropriate ways to sanction perpetrators.

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