

‘Revenge porn’ was already commonplace. The pandemic has made things even worse.

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In the middle of March, Annie Seifullah and her colleagues at victims’ rights law firm C.A. Goldberg vacated their offices in Brooklyn Heights and began working from home indefinitely. The firm serves survivors of sexual violence, including victims of nonconsensual pornography, which is sometimes called “revenge porn” based on the notion that perpetrators are jilted men sharing graphic images of their exes as a form of retaliation. Many of those who work at the firm, including Seifullah and founder Carrie Goldberg, have been victims of such crimes themselves.

Soon after they settled into their makeshift home offices, it hit them. “It only took us one day before we all looked at each other and said, ‘This is going to be bad,’ ” Seifullah said.

With vast numbers of Americans isolated at home and on their devices 24/7 against a backdrop of escalating unemployment and rampant stress, the climate is ripe for tech abuse. Just as stay-at-home orders have jeopardized the safety of people trapped with physically abusive partners, this new social-distancing way of life made would-be victims of nonconsensual pornography more vulnerable to attack.

So Seifullah braced herself for an onslaught of cases. Within days, it arrived. “All the work in front of us was helping people who were in immediate crisis, and that looked like new victims of nonconsensual pornography and other types of tech abuse,” she said.

It’s not just that victims are more vulnerable, she added. “Abusers are going to abuse,” Seifullah said, whether there’s a pandemic raging or not. “And abusers with time on their hands, and nothing to lose, oftentimes they are the hardest to defeat and the hardest to escape.”

Even before covid-19, nonconsensual pornography (NCP) was remarkably commonplace: One in 25 Americans has been a victim of threats or posts of nearly nude or nude images without their permission, according to the Center for Innovative Public Health Research. Recent years have seen a few headline-making cases, including that of former Rep. Katie Hill (D-Calif.), whose career was derailed last fall in a scandal that involved nonconsensual pornography, along with her affair with a subordinate; she resigned after explicit photographs of her and a female staffer, with whom she and her then-husband were engaged in a relationship, were published by conservative website RedState and the Daily Mail. While victims still face career-upending stigma, perpetrators rarely face meaningful consequences, even when they’re caught. In August, a 19-year-old who admitted to threatening and distributing revenge porn won a Democratic primary and is now the party’s candidate for a seat in the Kansas House of Representatives.

The voluntary exchange of intimate content was also a nearly universal practice pre-pandemic: In a 2015 survey, more than 4 out of 5 adults said they send or receive explicit texts and photos. That consensual sharing “can be totally

man 4 out of 5 adults said they send or receive explicit texts and photos. That consensual sharing “can be totally lovely,” said Danielle Citron, a legal scholar and author who was awarded a 2019 MacArthur Foundation “genius” grant for her work on digital privacy and cyber-harassment. “We share for this socially valuable reason: To create trust with each other. We shouldn’t lose that recognition, that this sharing is part of love and intimacy.”

As recently as six years ago, only three states had revenge porn laws. Since then, they have been enacted in 46 states and the District of Columbia.

“On the one hand, we’ve made an incredible amount of progress,” said Citron. “Does that mean that we have solved the problem? Of course not.”

As Seifullah explained, modern domestic violence almost always involves a form of tech abuse: “The Venn diagram overlaps almost completely.” She’s heard from many women who initially used self-quarantine to escape abusive relationships; they were able to go into hiding and work remotely. “Shortly after quarantine, they started getting threats from the abuser: if they didn’t reconcile or get back together, the abuser would show their intimate photos to their job,” Seifullah said. “And her job is her only lifeline, the only thing providing her with freedom and safety.”

If that avenue of harassment is not productive (often, Seifullah says, employers are “really supportive” of victims in this situation), abusers will impersonate their victim on social media sites and dating apps and expose the explicit content through those channels.

Seifullah has also heard from clients who are being attacked again by “abusers they hadn’t heard from in a long time. . . . The victim felt like they were out from under it and the offender showed back up again. And I don’t think it’s a coincidence that it was timed with covid.”

Before the coronavirus pandemic hit, The Washington Post began speaking with two women who were alleged victims of NCP. One of these women expected to see her case closed by now; instead, she has yet to be deposed because of covid-19-related delays. The other saw the first half of her senior year of high school derailed by an intimate video taken without her knowledge and spread without her consent; because the pandemic prompted her school to close, she continued to struggle with depression compounded by the isolation of at-home learning. Their stories speak to the aftermaths of being a victim of this particular crime; the long, often-frustrating path to seeking justice; and how, as time passes, their trauma evolves but endures. They both understand what it’s like to live with what Seifullah describes as the “constant, looming threat” of being violated anew whenever their abuser feels like it.

“It robs people of all sense of normalcy and all peace of mind,” she said.

Kaitlyn C. doesn't know how the photos got online. (The Post does not identify victims of sexual misconduct without their consent; the subject agreed to the use of her first name and last initial for this story.) She says she sent them only to her ex-boyfriend when they were together, and he told her he doesn't know, either. But in March of 2018, 14 intimate pictures of her were posted on Anon-IB, an anonymous image board notorious for trafficking in nonconsensual pornography.

Her breasts, rear end and genitals were exposed in some of the photos. In others, her face was visible. As was common practice on the site, all the pictures were on a thread that shared her name and her hometown, where her parents still live.

Kaitlyn got a lawyer, who was able to have the photos taken down within a week. (The Dutch police seized Anon-IB’s servers later that year, effectively shutting the site down.) But Kaitlyn couldn’t stop thinking about the number of

people who may have seen the photos in that time. Who knows now how many men had saved them on their computers? “I’ll never know how many people will see them and if it will ever stop,” she told The Post by phone.

By subpoenaing the Internet provider, Kaitlyn’s attorney obtained the username and address of the individual who posted the photos. It belonged to a math teacher and tennis coach from Kaitlyn’s former high school.

“I just felt my stomach drop,” she said.

Kaitlyn was already struggling with the knowledge that her hometown had been listed with her pictures. Anytime she was home visiting family, “I was walking around feeling like every guy who stared at me had seen me naked.”

Her hometown police were understanding, she said. But the teacher lived in a different county, so her case got kicked to that department, which declined to pursue criminal charges. Kaitlyn said the decision was justified to her by saying, “Maybe someone else was using his WiFi.” Unsatisfied with that outcome and worried about the safety of other women, Kaitlyn filed a civil suit claiming a violation of the state’s revenge porn statute, invasion of privacy, and emotional distress, alleging that his “sole purpose of posting the picture[s] online was to humiliate and harass [her].” The lawsuit is ongoing. The teacher has denied posting the photos in his official response to the complaint.

Some days she stayed home from work because she felt like she just couldn’t function. Sometimes when she wanted to leave her apartment on her own, she’d get nervous thinking about being alone and having any attention on her, so she’d change plans and stay in. Sometimes if a man spoke to her or looked at her in a bar a certain way, she would have a panic attack.

Kaitlyn was slated to give her deposition in March, but because of pandemic-related delays, everything is on hold. It’s been about two years since she found out about the photos. “It still affects me every day,” she said. “I think it’s probably something that I’m going to deal with for the rest of my life.”

Research indicates that victims of nonconsensual pornography experience similar trauma to sexual assault survivors. Yet even with NCP laws in place, Seifullah said, “Law enforcement is not equipped to understand these new types of crimes.” Meanwhile, the message boards and other platforms that are often used to distribute revenge porn are generally protected from legal liability for user-posted content by a 1996 law, Section 230 of the Communications Decency Act. To Seifullah, she sees they “have no incentive” to be responsive to survivors. “Victims are left holding all their trauma, and abusers know that.”

Young women in particular are victimized with the greatest frequency: According to data from the Cyber Civil Rights Initiative, 90 percent of nonconsensual pornography victims are women.

“If you look at any revenge porn site, 98 percent of the people featured are women,” said Mary Anne Franks, president and legislative and tech policy director of the Cyber Civil Rights Initiative. “For a long time the theory was, ‘Well, women are sending a lot more nude photos than men are.’ Not true. Men send more nude photos than women do. . . . Revenge porn sites don’t traffic in men’s pictures.”

On top of being more likely to be victims of this crime, women also face greater social and cultural retribution than men do for taking these types of photos at all. Should their pictures be made public, women are more likely than men to be victim-blamed, according to research from the Cyber Civil Rights Initiative. “The first reaction is: Why did she take that photo?” said Seifullah. “The first reaction is not: Why would someone do that to her?” What scans as a uniquely modern abuse is really a violation of the most traditional kind: A woman wants control over her body, and a man takes it away.

A woman whose top Google hit is a naked photo can struggle to find and keep employment and to start or maintain new relationships. If her photo is posted with any identifying information, such as her address, her physical safety is jeopardized as well. (A 2014 study co-authored by Citron and Franks found more than 50 percent of survivors' full names and links to their social media profiles were posted with their naked photos on revenge porn sites, as were 20 percent of survivors' email addresses and phone numbers.)

Anyone with barely a bar of WiFi can swiftly access pornography of an astounding variety. Yet there continues to be a thriving marketplace for images obtained or disseminated against the will of the subject. "The fact that this is what people want, that the kind of frisson that you get from this is that she didn't consent, that's about as close as you can get to an articulation of rape culture," said Franks. "That's literally saying: What you should be getting off on is the fact that she didn't say yes to this."

Emma Denny says she still hasn't seen the video.

She knows its basic contours. She knows that she's naked. She knows you can't see her face, but you can see her entire backside.

She was having sex with her boyfriend, looking away from him. When she turned around, he was holding up his phone, filming her. (The Post is using Denny's full name with her permission, as she wanted to speak out about her experience.)

They'd been dating for over a year, since March 12, 2018, when they were both high school sophomores in Bishop, Calif., where Denny had moved from Telluride, Colo., the previous fall.

They would fight and break up and get back together. "He was a very controlling person," Denny, 18, says now. "He wouldn't let me cut my hair. He wouldn't let me wear certain things."

"It was my first love," she says, but "I was afraid of him."

She told him that it wasn't okay to take a video and that he needed to stop. She remembers him saying, "I'm just going to save it for my personal keeping. I'm going to delete it later."

"And he obviously didn't delete it later," Denny says. "Because he sent it to the entire football team." (The boy was charged as a juvenile, which is why The Post does not identify him by name.)

Denny found out about the video from a friend whose boyfriend was on the football team. (The Post confirmed the existence of the video with a classmate who had also seen it.) Denny says that after telling the football coach, who told the principal, the boy was suspended from school for a week. He was kicked off the football team, and his teammates spent months rallying, ultimately unsuccessfully, for his reinstatement.

Denny and her mother also went to the police. The boy received six months probation, during which time he was ordered to "stay away from Emma Denny, do not contact by any means except for what is required for school and/or work," according to a letter from the probation office to Denny's family.

When contacted by The Post, the boy's father said, "One, my son was a minor. Two, he was never found guilty of anything. Three, the only thing that I know is they're suing us for money." Denny's attorney, Bennet Kelley, has filed a lawsuit against the boy and his family for cyber-exploitation, among other claims.

"I have really bad trust issues since then," Denny said. She felt "betrayed" by his posting of the video, and then rattled /

by the feeling that everyone at school had either seen it or heard about it. “I felt like they thought I was a different person. It just felt like they saw me as, maybe — I don’t know. A whore, or a slut. Even though that’s not who I am.”

“I’ve got a lot of anger,” said Julie Hemann, Denny’s mother. “I feel devastated that my daughter is having to go through this. I wish I could put my arms around her and protect her from this happening, but obviously, I’m not able to. I feel helpless.”

Before the explicit video was shared among her classmates, Denny and her ex-boyfriend had nearly identical class schedules. After, she said that seeing him made her feel sick, and she did not want to spend her days surrounded by football players calling her a “snitch.” “It kind of sucked right after, because everybody hated me,” she said. “Everybody thought I was the bad guy for actually sticking up for myself, when in that entire relationship I never was able to.”

Before the covid-19 crisis ended in-person classes, the principal recommended she rearrange her schedule, and even though she was initially confused as to why she was the one who had to change her courses when he was supposed to be the one being punished. (The principal declined to comment.) The only class they still had together, because it was offered just once a day, was advanced digital images.

In mid-March, school closed down. Because of a staggered graduation schedule, Denny didn’t see him at commencement, either. She says that she was “more depressed” staying at home, isolated from her friends, with nothing to occupy her mind.

She’s excited to move on with her life: taking a gap semester to see through what she hopes is the end of the pandemic shutdowns before attending a trade school in Southern California with a cosmetology program. Though she is trying to stay focused on her future, “the trauma is still going to be stuck with me.”

“I feel that, since it was my senior year of high school, it ruined it, for sure,” she said. “The whole entire incident just ruined everything. . . . Most people have a perfect senior year, and I didn’t get to experience that. I would just stay in my room, and I would cry for hours upon hours. Even though I was on medication at the time, I felt like it still wasn’t enough. My friends even told me that I wasn’t the same. I wouldn’t eat. It was just difficult, because I wanted to be the happy Emma. But I just couldn’t.”