

# **Adult Perversion Creates**

## **Child Exploitation**

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## About the Editor

Michael Erbschloe has worked for over 30 years performing analysis of the economics of information technology, public policy relating to technology, and utilizing technology in reengineering organization processes. He has authored several books on social and management issues of information technology that were published by McGraw Hill and other major publishers. He has also taught at several universities and developed technology-related curriculum. His career has focused on several interrelated areas:

- Technology strategy, analysis, and forecasting
- Teaching and curriculum development
- Writing books and articles
- Publishing and editing
- Public policy analysis and program evaluation

## Books by Michael Erbschloe

Extremist Propaganda in Social Media: A Threat to Homeland Security (CRC Press)

Threat Level Red: Cybersecurity Research Programs of the U.S. Government (Auerbach Publications)

Social Media Warfare: Equal Weapons for All (Auerbach Publications)

Walling Out the Insiders: Controlling Access to Improve Organizational Security (Auerbach Publications)

Physical Security for IT (Elsevier Science)

Trojans, Worms, and Spyware (Butterworth-Heinemann)

Implementing Homeland Security in Enterprise IT (Digital Press)

Guide to Disaster Recovery (Course Technology)

Socially Responsible IT Management (Digital Press)

Information Warfare: How to Survive Cyber Attacks (McGraw Hill)

The Executive's Guide to Privacy Management (McGraw Hill)

Net Privacy: A Guide to Developing & Implementing an e-business Privacy Plan (McGraw Hill)

## **Introduction**

The PROTECT Our Children Act of 2008 requires that the Attorney General develop and implement a National Strategy for Child Exploitation Prevention and Interdiction (National Strategy). The first National Strategy was published in 2010. This, the second National Strategy, builds on that work.

This National Strategy for Child Exploitation Prevention and Interdiction has described in detail the current efforts of the Department of Justice and its law enforcement partners to find, prosecute, and punish those who prey on the nation's children. It has described, as well, efforts by those agencies and others to engage in public outreach and awareness to prevent children from being victimized in the first place, whether through enticement of the unwary on-line or through their exploitation on the streets of the nation's cities. It addressed the unique circumstances that lead to child exploitation in Indian Country and the responses that are necessary to protect tribal victims. It further detailed the efforts by the Department and other agencies to provide services to children that account for the complex, intersecting, and long-lasting harms that exploitation causes. And it has forecast a future of greater technological and global threats. In order to face those threats, the National Strategy has outlined a series of goals for law enforcement, prosecutors, and victim service providers, among others, for protecting the nation's children. Most importantly, the National Strategy reaffirms our unwavering commitment to ensuring that all children in America are able to reach their potential and are protected from violence and abuse.

The National Strategy is a culmination of a year of discussions among members of an inter-agency working group convened by the National Coordinator for Child Exploitation Prevention and Interdiction at the Department of Justice (DOJ, or the Department). The National Strategy first discusses the work of federal law enforcement agencies and prosecutors since 2010, as well as other agencies and offices that play important roles in this work by supporting victims, providing grants to state, local, and tribal governments and non-profit partners, and educating the public about the dangers of child exploitation, and also the work of the non-governmental National Center for Missing & Exploited Children (NCMEC). Second, it provides a threat assessment that addresses the nature and scope of the problem and updates the assessment contained in the 2010 National Strategy. Third, it lays out plans for continuing the fight against child exploitation in four key areas: investigations and prosecutions; outreach and education; victim services; and policy initiatives. Fourth, the National Strategy has a section dedicated solely to child exploitation in Indian Country, as the issues there are often unique. Finally, a series of appendices include statistics on federal prosecutions; detailed tables of information on the Internet Crimes Against Children Task Force Program (ICAC program) funded by DOJ; research on child exploitation funded by DOJ; a summary of the survey on which the threat assessment is based; and the text of DOJ legislative proposals. Throughout the National Strategy case studies are included as examples of child exploitation prosecutions brought by DOJ. A review of efforts to combat child exploitation follows.

### **Federal Bureau of Investigation (FBI)**

The FBI leads Child Exploitation Task Forces (CETFs), collaborating with nearly 400 state, local, tribal, and federal law enforcement partners to identify and prosecute individuals and

enterprises that sexually exploit children. The FBI also leads the Innocence Lost National Initiative (ILNI) to address the problem of children being recruited into prostitution by sex traffickers. Currently, the ILNI operates as part of 71 CETFs nationwide. Under the ILNI, the FBI conducts Operation Cross Country annually to recover children from sex traffickers and coordinate victim services for identified victims.

The FBI also leads the Innocent Images National Initiative (IINI), a proactive, intelligence-driven, multi-agency investigative operation that focuses on combating the proliferation of child pornography and child sexual exploitation worldwide. The IINI provides centralized coordination and analysis of case information that is both national and international in scope. In Fiscal Year 2014 through 2015, the IINI program was credited with over 2,900 arrests and 2,200 convictions involving the online sexual exploitation of children. In addition, the FBI operates a Child Sex Tourism (CST) Initiative targeting U.S. citizens who travel abroad to engage in sexual activity with children. Finally, the FBI operates a Child Abduction Rapid Deployment (CARD) Team to provide a nationwide resource to support child abduction and critically missing children investigations.

The FBI's work is supported by the Violent Crimes Against Children (VCAC) Intelligence Unit, which engages in intelligence collection, analysis, and dissemination; identifies VCAC threats, trends, and vulnerabilities; writes national-in-scope intelligence products; identifies intelligence gaps and collection requirements; and provides actionable intelligence to law enforcement, policy makers, non-governmental organizations, private industry, and the public to aid in the identification, recovery, and prevention of child victims. In addition, FBI's Digital Analysis Research Center provides digital forensic extraction and analysis, testimony, and support to the FBI's VCAC program.

### **Department of Homeland Security (DHS)/U.S. Immigration and Customs Enforcement (ICE)/Homeland Security Investigations (HSI)**

ICE HSI's child exploitation investigations focus on two areas of enforcement, under the auspices of what is known as Operation Predator: disruption and dismantlement of individuals and groups involved in: (1) the possession, receipt, distribution, transportation, advertisement, and production of child pornography; and (2) travel in foreign or interstate commerce to engage in illicit sexual conduct with minors. Since the launch of Operation Predator in 2003, ICE HSI has initiated over 35,000 criminal investigations and arrested over 16,000 individuals for crimes against children, including the production and distribution of online child exploitation material, traveling overseas for sex with minors, and sex trafficking of children. In fiscal year 2017, more than 2,700 child predators were arrested by HSI special agents under this initiative and more than 900 victims identified or rescued. Also part of Operation Predator, ICE HSI's Angel Watch is an international initiative to protect children from sexual predators who have been previously convicted of sex crimes against a child. ICE HSI strategically alerts foreign law enforcement partners through its ICE HSI Attaché offices of a convicted child predator's intent to travel to their country.

Key to ICE HSI's fight against child exploitation is its Cyber Crimes Center (C3), Child Exploitation Investigations Unit (CEIU). The CEIU directs ICE HSI in its mission to investigate producers and distributors of child pornography, as well as individuals who travel abroad for the purpose of engaging in sex with minors. The CEIU employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children through the use of websites, chat rooms, newsgroups and peer-to-peer trading. The CEIU provides assistance to ICE HSI field offices, coordinates major investigations, and conducts undercover operations throughout the world to identify and apprehend violators.

ICE HSI has also launched the Victim Identification Program to combine technological and investigative capabilities and resources to recover child victims of sexual exploitation. After the discovery of material that depicts an unidentified minor or minors being sexually abused, ICE HSI analyzes and enhances the material in order to identify clues that may lead to the identity of the victim, suspect, or geographic location. Another crucial program to help victims is "Project VIC," launched in August 2012, by law enforcement agencies, technology firms, and non-governmental organizations to create efficiencies, adopt innovative technological solutions, and promote a victim-focused methodology to reduce backlogs in forensic analysis of images of sexual exploitation of children. Today, Project VIC has thousands of law enforcement users in the United States and 32 countries.

#### **U.S. Postal Inspection Service (USPIS)**

USPIS investigates sexual exploitation of children when it involves the U.S. mail. USPIS works closely on investigations with DOJ, and from 2010-2015, Postal Inspectors have arrested more than 500 offenders. Furthermore, a Postal Inspection Service analyst works out of a NCMEC facility, handling, among other duties, all evidence submissions by law enforcement agencies to NCMEC's CVIP; receiving and coordinating thousands of requests by law enforcement for a review of images for known and identified victims; and handling CyberTipline reports made available to law enforcement that indicate the U.S. mail may have been used to facilitate any part of a child's sexual exploitation. From 2010-2015, the USPIS analyst reviewed more than 104,000 CyberTipline reports, 801 of which were distributed to Postal Inspectors for further action.

#### **U.S. Marshals Service (USMS)**

USMS plays a unique role in efforts to combat child exploitation through its fugitive apprehension program, Sex Offender Investigations Branch (SOIB) investigations, and missing children recovery operations. Between May 1, 2010 and May 1, 2015, USMS received approximately ten thousand requests for assistance from law enforcement in fugitive cases involving the sexual exploitation of a child. USMS has apprehended approximately 9,000 of those fugitives. In addition, between May 1, 2010 and May 1, 2015, USMS investigators opened 16,320 investigations of convicted sex offenders and arrested 2,671 individuals for violation of their federal sex offender registration obligations. USMS also works closely with NCMEC to recover missing and exploited children, and between May 1, 2010 and May 1, 2015, recovered 427 children.

## **DOJ's Child Exploitation and Obscenity Section (CEOS)**

CEOS consists of 32 personnel, including 20 attorneys, a seven-person High Technology Investigative Unit (HTIU), an investigative analyst, a child victim-witness program coordinator, paralegals, and administrative staff. CEOS leads DOJ's Criminal Division's campaign against the sexual exploitation of children by shaping domestic and international policy, providing guidance and training to other prosecutors and law enforcement agents, identifying trends in online technology, initiating proactive national and international investigations, and employing first-of-their-kind investigative and prosecutorial tactics and techniques. In Fiscal Years 2013, 2014, and 2015, CEOS spearheaded 14 national and international operations that have resulted in the investigation of more than 2,600 individuals in the United States and generated leads against more than 8,000 foreign suspects.

CEOS's HTIU provides critical case support for this work, both in individual cases and in systematically improving law enforcement's response to these technological challenges. Examples of HTIU's cutting-edge work include the development of a protocol to proactively mitigate offender's use of encryption; the design of an efficient working model to handle cases with exceptionally large volumes of media; the development of forensic approaches to identify offenders who use mobile applications, and methods of conducting investigations on anonymous networks.

CEOS partners with all U.S. Attorney's Offices and federal law enforcement agencies, as well as foreign law enforcement, to operate nationally and transnationally, and with key non-governmental organizations, foreign governments (through bilateral and multilateral efforts, and through international police organizations such as INTERPOL and Europol) and foreign entities such as the G8, the Global Alliance Against Child Sexual Abuse Online, and WePROTECT. CEOS also engages the private sector in order to help technology companies find ways to fight child sexual exploitation.

## **U.S. Attorney's Offices (USAOs)**

The 94 USAOs across the country prosecute crimes against children as part of the Project Safe Childhood (PSC) program. With support from the Executive Office for U.S. Attorneys (EOUSA) and CEOS, each U.S. Attorney guides the entire law enforcement community in his or her district to work as a cooperative team to combat sexual exploitation of children. First established in 2006 as a coordinated prosecution and training effort, PSC was initially focused on technology-facilitated crimes against children. In 2011, PSC was expanded from its original focus to include every type of federal crime involving sexual violence against children. Following the expansion, each U.S. Attorney conducted a threat assessment in his or her district and developed a strategic plan for addressing PSC crimes, which was coordinated through DOJ headquarters for consistency across all districts. These plans not only include ways to improve investigations and prosecutions of child sexual exploitation, but also address the integration of victim services and support into the PSC coalitions. Furthermore, each district's victim assistance staff has been trained to ensure child victims have access to services aimed at addressing their unique and challenging needs and to coordinate their efforts with the Victim Assistance Specialists/Victim-Witness Coordinators within the PSC coalitions' law enforcement agencies. As a result of the expanded PSC program, the number of federal child exploitation prosecutions has increased significantly, along with the number of federal, state, local, and tribal

convictions, and the number of victims being identified. In Fiscal Year 2014, the 94 USAOs filed 3,248 indictments against 3,422 defendants, representing a 31% increase over Fiscal Year 2010.

### **INTERPOL Washington**

INTERPOL Washington, a component of DOJ, is designated by the Attorney General as the official U.S. representative to the International Criminal Police Organization (INTERPOL). As the national point of contact for INTERPOL in the United States, INTERPOL Washington routinely exchanges criminal investigative data with international counterparts on behalf of the more than 18,000 federal, state, local, and tribal law enforcement agencies in the United States. Its work in the fight against child exploitation includes tracking sex offenders, providing law enforcement agencies with international investigative assistance, supporting international efforts to locate and recover missing children, maintaining the INTERPOL International Child Sexual Exploitation Database of images to assist investigators, and issuing international alerts for child sex offenders.

### **Bureau of Prisons (BOP)**

BOP houses a substantial number of individuals with a current or prior conviction for a sexual offense. As of January 1, 2016, such individuals comprise approximately 12.1% of the Bureau's total population, including inmates who victimized children, adults, and, in many cases, both. The Bureau offers reentry programs which afford sexual offenders in Bureau institutions the opportunity to change their behavior patterns, thereby reducing criminality and recidivism and increasing the likelihood that they will become productive, law-abiding citizens. This approach is guided by a respect for victims of sexual abuse and is based upon the belief that treatment services for sexual offenders can increase their ability to live healthy, non-abusive lives with the ultimate goal of making communities safer.

### **DOJ's Office of Justice Programs (OJP)**

Within OJP, several offices address child exploitation matters. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. Among other responsibilities, OJJDP provides funding and training support for the ICAC program, a national network of 61 coordinated task forces representing more than 3,500 federal, state, local and tribal law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. By helping state, local and tribal agencies develop effective, sustainable responses to online child victimization—including responses to child sexual abuse images—the ICAC program has increased law enforcement's capacity to combat technology-facilitated crimes against children at every level. In addition, in 2010, OJJDP added a new initiative to bring the ICAC program to Indian Country. Finally, because the Department understands that arrests alone cannot resolve the problem of technology-facilitated child sexual exploitation, the ICAC program is also dedicated to training law enforcement officers and prosecutors, as well as educating parents and youth about the potential dangers of online activity.

**The Bureau of Justice Assistance (BJA)** supports law enforcement, courts, corrections, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. Since 2004, BJA has provided funding to more than 40 human trafficking task forces

across the United States. Those task forces conducted nearly 5,544 investigations that resulted in charges against 1,558 traffickers. Among the 2,071 confirmed victims who were identified and recovered in the last five years were 1,052 minor victims.

**The National Institute of Justice (NIJ)** is the research, development, and evaluation agency of the Department and is dedicated to researching crime control and justice issues. NIJ provides objective, independent, evidence-based knowledge and tools to meet the challenges of crime and justice, particularly at the state and local levels. NIJ supports a variety of research in the area of child exploitation. Specific NIJ research projects and findings are detailed in Appendix C.

**The Office for Victims of Crime (OVC)** enhances the nation's capacity to assist crime victims and to provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims. OVC administers the Crime Victims Fund, created by the 1984 Victims of Crime Act (VOCA), a major source of funding for victim services throughout the nation, including those in the area of child victimization and human trafficking. The Fund supports thousands of programs annually that represent millions of dollars invested in victim compensation and assistance in every U.S. state and territory, as well as training and demonstration projects designed to enhance the skills of those who provide services to victims. OVC also administers two major grant programs, supporting direct services to crime victims in every state, the District of Columbia, and five territories, and providing discretionary funds in various program areas to meet emerging needs and fill gaps in existing services. And OVC operates a Training and Technical Assistance Center that provides training opportunities for providers and advocates at all levels of victim services. OVC is currently implementing the strategic framework of its Vision 21 Report by launching new programs, expanding the scope of existing initiatives, and continuing collaboration with partner agencies and organizations to develop innovative projects to enhance victim services.

**The Bureau of Justice Statistics (BJS)** is the principal federal statistical agency for criminal justice information. BJS released more than a dozen reports since 2011 with findings on victim services, child exploitation, and child pornography.

**The SMART Office** administers the standards for the Sex Offender Registration and Notification Act (SORNA), providing jurisdictions with guidance regarding the implementation of SORNA, tracking important legislative and legal developments related to sex offenders, and spearheading sex offender management initiatives. In addition, the SMART Office provides technical assistance to territories, Indian tribes, federal, state, and local governments, and to public and private organizations. The SMART Office also responds to concerns from the public about sex offenders in their communities.

Office of Community Oriented Policing Services (COPS)

**DOJ's COPS** has assisted in the development of various products to support law enforcement response to child exploitation. For example, COPS funded the International Association of Chiefs of Police to create series of training videos in which law enforcement officers demonstrate possible responses to various scenarios involving child sex trafficking. COPS funded the Texas Department of Public Safety to train patrol officers on the detection, interdiction, and recovery of child victims of crimes and the proper handling of these victims.

And COPS worked with NCMEC to publish a guidebook entitled What You Need to Know About Background Screening. This guide provides information for measuring the effectiveness of applying background checks to youth-serving volunteers, which will help to minimize the risk to children, especially children that may be victimized and exploited.

Department of Health and Human Services (HHS)

**HHS administers programs to prevent human trafficking**, identify victims of trafficking, and provide services to survivors, which includes minor victims of commercial sexual exploitation. The Office on Trafficking in Persons (OTIP) was established in 2015 to combat human trafficking by supporting and leading systems that prevent trafficking through public awareness and protect victims through identification and assistance, helping them re-build their lives and become self-sufficient. OTIP is responsible for the development of anti-trafficking strategies, policies, and programs to prevent human trafficking, build health and human service capacity to respond to human trafficking, increase victim identification and access to services, and strengthen health and well-being outcomes of trafficking survivors. The Family and Youth Services Bureau (FYSB) supports projects to increase child sexual exploitation prevention and intervention within runaway and homeless youth programs, many of whom have experienced abuse and neglect and are at-risk for exploitation when living on the streets. The Children's Bureau (CB) focuses on improving the lives of children and families through programs that reduce child abuse and neglect, increase the number of adoptions, and strengthen foster care. CB accomplishes these goals through, among other means, grant funding for service providers and production of guidance documents.

### **President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF)**

The PITF, a Cabinet-level entity chaired by the Secretary of State, and the Senior Policy Operating Group (SPOG), consisting of senior officials designated by representatives of the PITF, help coordinate interagency policy initiatives to combat human trafficking, including the sex trafficking of children. Cabinet members meet in the PITF annually, while the same federal departments and agencies also convene more regularly in the SPOG and in its five committees. This coordination ensures a whole-of-government approach that addresses enforcement of criminal law, development of victim identification and protection measures, support for innovations in data gathering and research, education and public awareness, enhanced partnerships and research opportunities, strengthened policies on federal procurement, and strategically linked foreign assistance and diplomatic engagement.

### **Department of Defense (DOD)**

Various agencies within DOD contribute to the fight against child exploitation through cooperation with civilian law enforcement agencies and other partners, as well as implementing policies within the military to prevent child exploitation by members of the Armed Services. Among other efforts, DOD supports child exploitation cases with criminal investigators from the Military Criminal Investigative Organizations (MCIOs) who review exploitation reports made available by NCMEC through the CyberTipline, conduct DOD database searches, and disseminate reports involving DOD personnel to the proper jurisdiction.

### **Department of Education (ED)**

ED helps combat child exploitation by raising awareness about and trying to prevent domestic human trafficking and exploitation amongst school-aged youth. ED informs school leaders, faculty, and students about the problem; helps schools understand how the problem relates to teaching and learning and why it is important for schools to address it; embeds the issue in schools’ emergency operations and management planning; and works with other federal agencies, state and local agencies, and public sector stakeholders to develop and disseminate resource material.

### **National Center for Missing & Exploited Children (NCMEC)**

NCMEC is a private, non-profit organization designated by Congress to serve as a national clearinghouse on issues related to missing and exploited children and works in cooperation with DOJ and other federal, state and local law enforcement, education and social service agencies, families and the public.

NCMEC created the CyberTipline to serve as a centralized reporting mechanism for the public and electronic service providers to report suspected child sexual exploitation. Since 1998, the CyberTipline has handled more than 8.4 million reports—nearly half of those in 2015. NCMEC staff review the reports, analyze the content, add relevant publicly available information and make the report available to the appropriate international, state, federal, or local law enforcement agency for independent review and possible investigation. NCMEC’s Child Victim Identification Program (CVIP) was launched in 2002 to enable NCMEC staff to track child pornography images of children previously identified by law enforcement. Law enforcement officers submit copies of seized child pornography images to federal law enforcement agents working out of the NCMEC facility. CVIP analysts review the copies of the seized images and videos and

determine which images contain previously identified child victims. Since 2002, NCMEC staff has reviewed more than 160 million images and videos. Many children have been recovered from ongoing exploitation as a result of CVIP's technical assistance for law enforcement's efforts to locate and recover child victims depicted in sexually exploitive images. NCMEC's Child Sex Trafficking Team (CSTT) was launched in 2011 to further streamline the ability to make connections between cases of reported online child sex trafficking and active missing child cases. NCMEC's CSTT consists of specialized Child Sex Trafficking Analysts, Missing Child Case Management teams, and a Child Sex Trafficking Specialist dedicated to supporting law enforcement, social service agencies, legal guardians and families working to locate, recover and support children victimized through sex trafficking.

### **National Child Exploitation Threat Assessment**

The National Child Exploitation Threat Assessment in the 2010 National Strategy was the first national assessment by the federal government of the risks posed by child exploitation. The 2016 assessment is based on a comprehensive survey of more than 1,000 investigators, law enforcement managers, prosecutors, analysts, victim service providers, and DOJ grant recipients. The survey focused on changes to the child sexual exploitation threat since the previous assessment and potential threats over the next five years.

2016 estimates from the International Labor Organization indicate that there are 152 million children 5-17 years old in child labor, of which about 73 million are in hazardous labor that by its nature can have adverse effects on their health, safety, and moral development. Concerted efforts by governments, workers, and employers have resulted in a reduction of nearly 94 million children engaged in child labor in the last 15 years, which is a significant achievement. Still, far too many children today carry heavy loads and wield machetes on farms; scavenge in garbage dumps and are exposed to electronic waste; endure physical, emotional, and verbal abuse as domestic servants; and fight as child combatants in armed conflict. An estimated 25 million people are trapped in forced labor, including over 4 million children. Children and adults are forced to climb into mine shafts in search of diamonds and gold; are coerced, deceived, and trapped on fishing vessels by unscrupulous labor recruiters; and are forced to toil in the extreme heat of brick kilns to escape from a vicious cycle of bonded labor.

### **Indian Country Law Enforcement Initiative**

In January 2010, the Deputy Attorney General announced DOJ's Indian Country Law Enforcement Initiative, declaring public safety in tribal communities a top priority and outlining the responsibilities of the USAOs to federally recognized tribes in their districts. The memorandum identified, in particular, violence against children in Indian Country as a focus of these efforts. In partnership with tribes, the Department's goal is to identify and implement solutions addressing immediate and long-term public safety challenges in Indian Country, particularly in the area of child exploitation. All USAOs with Indian Country responsibilities have at least one Tribal Liaison to serve as the primary point of contact with tribes in the district, and the Department's Tribal Special Assistant U.S. Attorney (SAUSA) program provides for cross-deputized tribal prosecutors or tribal attorneys to prosecute crimes in both tribal court and federal court as appropriate. The Department also provides training and technical assistance to federal, state, and tribal law enforcement personnel as well as to key stakeholders involved in

responding to child exploitation cases through NCMEC, the Tribal Child Protection in Indian Country program, the National AMBER Alert program, and the ICAC program.

Tribes are included in PSC Coalitions, and the National Indian Country Training Initiative (NICTI), USAOs, the FBI, and the ICAC Task Forces are providing PSC training to tribal law enforcement. A number of tribes participate in ICAC Task Forces, either as formal permanent members of the task force on a case-by-case basis.

The prevalence of contact offenses in Indian Country PSC cases raises unique challenges for law enforcement, as such crimes require different training and resources. Obstacles to prosecuting PSC crimes occurring in Indian Country may stem from a lack of trust in off-reservation authorities; a lack of witness cooperation due to the small size of the tribal community; loyalty to the tribal community; and fear of reprisal from suspects and families. There is often family pressure on child exploitation victims not to disclose or to recant allegations of abuse. These dynamics may result in a significant delay in the reporting of PSC crimes or those crimes going unreported. For this reason, training is a significant part of the Department's forward-looking strategy in Indian Country. As noted above, the Department has instituted a robust training program for federal, state, local, and tribal criminal justice and social service professionals working in or with tribal communities. The NICTI, Amber Alert, and ICAC programs will continue to dedicate training efforts in support of law enforcement, prosecutors and investigators in Indian Country. DOJ will also continue to focus on inclusion of tribal and BIA law enforcement officers in ICAC Task Forces that are already in place in Indian Country.

## **Child Pornography**

Child pornography is a form of child sexual exploitation. Federal law defines child pornography as any visual depiction of sexually explicit conduct involving a minor (persons less than 18 years old). Images of child pornography are also referred to as child sexual abuse images.

Federal law prohibits the production, distribution, importation, reception, or possession of any image of child pornography. A violation of federal child pornography laws is a serious crime, and convicted offenders face fines severe statutory penalties

Because the term “child pornography” is used in federal statutes, it is also commonly used by lawmakers, prosecutors, investigators, and the public to describe this form of sexual exploitation of children. However, this term fails to describe the true horror that is faced by countless children every year. The production of child pornography creates a permanent record of a child’s sexual abuse. When these images are placed on the Internet and disseminated online, the victimization of the children continues in perpetuity. Experts and victims agree that victims depicted in child pornography often suffer a lifetime of re-victimization by knowing the images of their sexual abuse are on the Internet forever. The children exploited in these images must live with the permanency, longevity, and circulation of such a record of their sexual victimization. This often creates lasting psychological damage to the child, including disruptions in sexual development, self-image, and developing trusting relationships with others in the future.

The expansion of the Internet and advanced digital technology lies parallel to the explosion of the child pornography market. Child pornography images are readily available through virtually every Internet technology, including social networking websites, file-sharing sites, photo-sharing sites, gaming devices, and even mobile apps. Child pornography offenders can also connect on Internet forums and networks to share their interests, desires, and experiences abusing children, in addition to selling, sharing, and trading images.

These online communities have promoted communication and collaboration between child pornography offenders, thereby fostering a larger relationship premised on a shared sexual interest in children. This has the effect of eroding the shame that typically would accompany this behavior, as well as desensitizing those involved to the physical and psychological damage caused to the child victims. For this reason, online communities attract and encourage new individuals to join them in the sexual exploitation of children.

The methods many offenders use to evade law enforcement detection have also become increasingly sophisticated. Purveyors of child pornography continue to use various encryption techniques and anonymous networks on “The Dark Internet”, attempting to hide their amassed collections of illicit child abuse images. Several sophisticated online criminal organizations have even written security manuals to ensure that their members follow preferred security protocols and encryption techniques in an attempt to evade law enforcement and facilitate the sexual abuse of children.

Unfortunately, no area of the United States or country in the world is immune from individuals who seek to sexually exploit children through child pornography. The continuous production and distribution of child pornography increases the demand for new and more egregious images, perpetuating the continued molestation of child victims, as well as the abuse of new children.

It is important to distinguish child pornography from the more conventional understanding of the term pornography. Child pornography is a form of child sexual exploitation, and each image graphically memorializes the sexual abuse of that child. Each child involved in the production of an image is a victim of sexual abuse.

While some child sexual abuse images depict children in great distress and the sexual abuse is self-evident, other images may depict children that appear complacent. However, just because a child appears complacent does not mean that sexual abuse did not occur. In most child pornography cases, the abuse is not a one-time event, but rather ongoing victimization that progresses over months or years. It is common for producers of child pornography to groom victims, or cultivate a relationship with a child and gradually sexualize the contact over time. The grooming process fosters a false sense of trust and authority over a child in order to desensitize or break down a child's resistance to sexual abuse. Therefore, even if a child appears complacent in a particular image, it is important to remember that the abuse may have started years before that image was created.

Furthermore, victims of child pornography suffer not just from the sexual abuse inflicted upon them to produce child pornography, but also from knowing that their images can be traded and viewed by others worldwide. Once an image is on the Internet, it is irretrievable and can continue to circulate forever. The permanent record of a child's sexual abuse can alter his or her life forever. Many victims of child pornography suffer from feelings of helplessness, fear, humiliation, and lack of control given that their images are available for others to view in perpetuity.

Unfortunately, emerging trends reveal an increase in the number of images depicting sadistic and violent child sexual abuse, and an increase in the number of images depicting very young children, including toddlers and infants.

The Child Exploitation and Obscenity Section (CEOS) works to deter and eradicate the production, distribution and possession of child pornography. CEOS attorneys work with the High Technology Investigative Unit (HTIU), the Federal Bureau of Investigation (FBI), United States Attorney's Offices throughout the country, and the National Center for Missing & Exploited Children (NCMEC) to vigorously combat this growing problem by investigating and prosecuting violators of federal child pornography laws. In addition, CEOS attorneys work with law enforcement personnel to identify and rescue victims of child pornography from continued abuse.

The use of the Internet to commit child pornography offenses has blurred traditional notions of jurisdiction. CEOS maintains a coordinated, national-level law enforcement focus to help coordinate nationwide and international investigations and initiatives.

Furthermore, CEOS attorneys and HTIU computer forensic specialists travel all over the world to conduct and participate in trainings for investigators, law enforcement personnel, and others involved in efforts to investigate and prosecute child pornography offenders. CEOS also designs,

implements, and supports law enforcement strategies, legislative proposals, and policy initiatives relating to federal child pornography laws.

CEOS and its High Technology Investigative Unit (HTIU), created in 2002, are the nation's experts in prosecuting child exploitation cases, and in investigating high-technology child exploitation crimes. CEOS attorneys and HTIU computer forensic specialists help lead the Department of Justice's efforts to continuously improve the enforcement of federal child exploitation laws and prevent the exploitation of children. CEOS attorneys and HTIU computer forensic specialists investigate and prosecute defendants who have violated federal child exploitation laws and also assist the 94 United States Attorney Offices in investigations, trials, and appeals related to these offenses.

In addition, CEOS attorneys and HTIU computer forensic specialists perform other vital functions within the Criminal Division of the Department of Justice, including providing advice and training to federal prosecutors, law enforcement personnel and government officials, and participating in national and international meetings on training and policy development. CEOS also works to develop and refine proposals for prosecution policies, legislation, government practices, and agency regulations. In all aspects of their work, CEOS attorneys and HTIU computer forensic specialists seek to blend investigative and prosecutorial experience with policy expertise in order to create innovative solutions to the threats posed by those who violate federal child exploitation laws.

#### **U.S. Laws on Child Exploitation**

18 U.S.C. § 2251- Sexual Exploitation of Children

18 U.S.C. § 2251A- Selling and Buying of Children

18 U.S.C. § 2252- Certain activities relating to material involving the sexual exploitation of minors

18 U.S.C. § 2252A- certain activities relating to material constituting or containing child pornography

18 U.S.C. § 2256- Definitions

18 U.S.C. § 2260- Production of sexually explicit depictions of a minor for importation into the United States

Images of child pornography are not protected under First Amendment rights, and are illegal contraband under federal law. Section 2256 of Title 18, United States Code, defines child pornography as any visual depiction of sexually explicit conduct involving a minor (someone under 18 years of age). Visual depictions include photographs, videos, digital or computer generated images indistinguishable from an actual minor, and images created, adapted, or modified, but appear to depict an identifiable, actual minor. Undeveloped film, undeveloped videotape, and electronically stored data that can be converted into a visual image of child pornography are also deemed illegal visual depictions under federal law.

Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive. Additionally, the age of consent for sexual activity in a given state is irrelevant; any depiction of a minor under 18 years of age engaging in sexually explicit conduct is illegal.

Federal law prohibits the production, distribution, reception, and possession of an image of child pornography using or affecting any means or facility of interstate or foreign commerce (See 18 U.S.C. § 2251; 18 U.S.C. § 2252; 18 U.S.C. § 2252A). Specifically, Section 2251 makes it illegal to persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct. Any individual who attempts or conspires to commit a child pornography offense is also subject to prosecution under federal law.

Federal jurisdiction is implicated if the child pornography offense occurred in interstate or foreign commerce. This includes, for example, using the U.S. Mails or common carriers to transport child pornography across state or international borders. Additionally, federal jurisdiction almost always applies when the Internet is used to commit a child pornography violation. Even if the child pornography image itself did not travel across state or international borders, federal law may be implicated if the materials, such as the computer used to download the image or the CD-ROM used to store the image, originated or previously traveled in interstate or foreign commerce.

In addition, Section 2251A of Title 18, United States Code, specifically prohibits any parent, legal guardian or other person in custody or control of a minor under the age of 18, to buy, sell, or transfer custody of that minor for purposes of producing child pornography.

Lastly, Section 2260 of Title 18, United States Code, prohibits any persons outside of the United States to knowingly produce, receive, transport, ship, or distribute child pornography with intent to import or transmit the visual depiction into the United States.

Any violation of federal child pornography law is a serious crime, and convicted offenders face severe statutory penalties. For example, a first time offender convicted of producing child pornography under 18 U.S.C. § 2251, face fines and a statutory minimum of 15 years to 30 years maximum in prison. A first time offender convicted of transporting child pornography in interstate or foreign commerce under 18 U.S.C. § 2252, faces fines and a statutory minimum of 5 years to 20 years maximum in prison. Convicted offenders may face harsher penalties if the offender has prior convictions or if the child pornography offense occurred in aggravated situations defined as (i) the images are violent, sadistic, or masochistic in nature, (ii) the minor was sexually abused, or (iii) the offender has prior convictions for child sexual exploitation. In these circumstances, a convicted offender may face up to life imprisonment.

The producers and consumers of child pornography operate in the shadows, and anonymous Internet networks such as Tor often allow them to carry out their illicit activities without fear of being unmasked and caught. Below is a glimpse of the enormity of the problem (compiled in a

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