



# NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION & INTERDICTION



A Report to Congress - 2023



This report is dedicated to FBI Special Agents Daniel Alfin and Laura Schwartzenberger, two devoted agents who lost their lives while apprehending a perpetrator of violent crimes against children. We will never forget their heroism in defense of children, and we carry on our collective work to prevent these heinous crimes in their honor.



## **Acknowledgements**

This Strategy was made possible due to the unprecedented effort of working groups of subject matter experts that provided their time and insight to the formulation, drafting, and review of 14 core areas relating to child exploitation. The groups produced reports for each area that contain a comprehensive threat assessment and recommendations for action. These reports formed the basis for the following 2023 National Strategy for Child Exploitation Prevention and Interdiction. The Department of Justice wishes to thank all the organizations, agencies, and individuals who made invaluable contributions in the development of this Strategy. Most importantly, we want to thank the survivors and their caretakers who shared their experience and insight with us. We are deeply inspired by your strength.

# Introduction

Preventing and interdicting heinous and destructive acts of child exploitation is extraordinarily difficult work. Child exploitation crimes and the threats facing children have been exploding in scale, complexity, and dangerousness with the rapid expansion of digital technology. While devoted agents, prosecutors, analysts, victim service coordinators, and many other professionals have made significant progress protecting the most vulnerable in our society, there is more work to be done. Combating child exploitation cannot be done by the Department of Justice (the Department) or by the United States government alone. It is an ongoing public health crisis and requires a whole-of-society strategic response. It requires action by Congress, online service providers, non-governmental organizations (NGOs), and foreign partners, and by parents and caregivers as well. In partnership across all levels of government and beyond, the Department will continue its fight to protect children from child exploitation, vindicate the rights of victims, empower survivors, and hold perpetrators accountable.

This National Strategy for Child Exploitation Prevention and Interdiction (National Strategy or Strategy), required by the PROTECT Our Children Act of 2008, builds on prior strategies and reflects the input of survivors and hundreds of subject matter experts from a wide variety of professions. In preparing this strategy, the Department hosted numerous listening sessions comprised of subject matter experts across federal, state, local, and tribal government agencies, law enforcement professionals, academics, and private industry and nonprofit sector professionals, all of whom brought unique backgrounds and perspectives on the dynamics driving child exploitation crimes. Several listening sessions were dedicated to hearing from survivors and caretakers who have been impacted by child exploitation crimes. Those listening sessions, along with countless hours of document formulation, review, and editing among subject matter experts, resulted in the publication of Subject Matter Expert Working Group Reports, each focused on a distinct child exploitation topic:

- Child Sexual Abuse Material
- Child Sex Trafficking in the United States
- Child Exploitation in Special Areas and Populations
- Extraterritorial Child Sexual Abuse
- Livestreaming and Virtual Child Sex Trafficking
- Sextortion, Crowdsourcing, Enticement, and Coercion
- Unique Resource and Enforcement Issues
- Technology
- Offender Psychology
- Partnerships
- Prevention
- Sex Offender Registration Violations
- Survivors, Caretakers, and Access to Survivor Care
- Wellness Challenges for Law Enforcement Personnel

These 14 reports, which are publicly available at <https://www.justice.gov/psc/publications-resources>, reflect the most pressing dynamics of child exploitation crimes, including the impact



of the global COVID-19 pandemic. Each report contains a detailed threat assessment and recommendations for action. Those reports informed the development of this National Strategy and the strategic solutions contained herein.

The Appendices of the National Strategy fulfill certain statutory reporting requirements and reflect the totality of the federal government's work since 2016, including federal investigations and prosecutions, interagency coordination, grant programs, policy and research initiatives, and other efforts to address the prevention and interdiction of child exploitation offenses. The Appendices also provide details on the Department's legislative proposals and funding for crimes against children.

# National Strategy for Child Exploitation Prevention and Interdiction

## 2023 REPORT TO CONGRESS

We face unprecedented and ever-evolving challenges in the war to protect our children from online sexual exploitation and abuse.<sup>1</sup>

Much has changed since October 2008 when Congress enacted the legislation that requires the National Strategy for Child Exploitation Prevention and Interdiction. PROTECT Our Children Act of 2008, Pub. L. No. 110-401, 122 Stat. 4229 (2008). At the time, Twitter was only two years old, and Facebook only four. The first iPhone was released the year before, with other smartphones coming on the market in the following years. Apple and Google had just launched their app stores, and the Tor Project had just begun developing its browser.<sup>2</sup> Bitcoin would not exist for two more years, and end-to-end encrypted messaging services would not start to emerge for about five years.

Due to these technological advancements, the scale, complexity, and dangerousness of threats facing children today are unprecedented. Simply put, modern technology is the perfect tool for child sex offenders, giving them access to children all over the world and putting them in touch with other child sex offenders with whom to conspire – all while concealing their identities and locations and often, but not always, their activity. The fact is that technology creates two sad realities. On the one hand, law enforcement officers can watch as offenders congregate on the Dark Web, committing child sex offenses in an open and notorious manner with little fear of getting caught. On the other, we are sure in the knowledge that offenders are exploiting children online and in real life -- and are not getting caught because their crimes are shielded by encryption and anonymization. Although we have a qualitative picture of the nature of child sexual exploitation in encrypted and anonymous spaces, and we have evidence suggesting that the threats to children are growing, we have no fulsome quantitative information about its scope and prevalence. What we do not know haunts us.

It is imperative to acknowledge that the benefits of technology that prioritizes encryption, anonymization, co-mingling of adult and child users, and limitless information exchange come with a cost. In the often zero-sum game that shapes the current discussion about technology, efforts to enhance privacy often come with a hidden price: the risk of harm to our children. Children are placed and left in grave danger in these unmonitored, co-mingled, often encrypted, and anonymous spaces. If nothing else, there needs to be more honesty about how society weighs these benefits and costs.

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<sup>1</sup> The Internet Is Overrun With Images of Child Sexual Abuse. What Went Wrong? *The New York Times*. Retrieved April 27, 2022, from <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html>

<sup>2</sup> The Tor Project is a 501(c)(3) non-profit organization that develops and maintains software for the Tor anonymity network, the most frequently utilized network within the Dark Web.

As one mother of two victims of online child sexual exploitation reported when both her children had to be hospitalized for suicidal thoughts: “Every hope and dream that I worked towards raising my children — completely gone ... When you’re dealing with that, you’re not worried about what somebody got on a college-entrance exam. You just want to make sure they can survive high school, or survive the day.”<sup>3</sup> Surveys of survivors conducted by the non-profit organization Thorn and the Canadian Centre for Child Protection (C3P) paint a similar picture of the trauma inflicted on these children.<sup>4</sup>

Over the last few years, we have examined how the threats have evolved through different lenses: child sexual abuse material (CSAM),<sup>5</sup> child sex trafficking in the United States, extraterritorial child sexual exploitation and abuse, technology, offender psychology, victim access to services, prevention, and legal and resource issues, among others. Our assessment does not stand alone. Other similar assessments, including the global threat assessment by WeProtect Global Alliance, have reached similar conclusions.<sup>6</sup> We face a public health crisis on a global scale as the child exploitation threats have grown exponentially in scale, complexity, and dangerousness:

- *Scale*: Today there are more victims and more offenders than ever before, and a seemingly endless stream of CSAM circulating online.
  - Since the enactment of the PROTECT Our Children Act, the number of victims identified in CSAM has risen almost ninefold, from 2,172 victims in March 2009, to over 19,100 as of April 2022.<sup>7</sup> In 2021 alone, due to detailed analysis of newly created CSAM, the National Center for Missing & Exploited Children (NCMEC) alerted law enforcement to over 4,260 potential new victims of CSAM.<sup>8</sup>
  - Steadily increasing each year from FY 2008 to FY 2019, the annual number of defendants federally prosecuted by the Department for producing CSAM nearly tripled. Data from the U.S. Sentencing Commission is even more dramatic,

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<sup>3</sup> *Child Abusers Run Rampant as Tech Companies Look the Other Way*, Michael H. Keller and Gabriel J.X. Dance, New York Times, November 9, 2019, available at <https://www.nytimes.com/interactive/2019/11/09/us/internet-child-sex-abuse.html>. See also <https://www.nytimes.com/2019/11/09/us/online-child-abuse.html>.

<sup>4</sup> See *Sextortion: Findings From a Survey of 1,631 Victims*, June 2016, available at [https://www.thorn.org/wp-content/uploads/2016/08/Sextortion\\_Report.pdf](https://www.thorn.org/wp-content/uploads/2016/08/Sextortion_Report.pdf); *Survivors’ Survey*, 2017, available at [https://www.protectchildren.ca/pdfs/C3P\\_SurvivorsSurveyFullReport2017.pdf](https://www.protectchildren.ca/pdfs/C3P_SurvivorsSurveyFullReport2017.pdf).

<sup>5</sup> The term “child pornography” is currently used in federal statutes and is defined as any visual depiction of sexually explicit conduct involving a person less than 18 years old. While this phrase still appears in federal law, “child sexual abuse material” is preferred, as it better reflects the abuse that is depicted in the images and videos and the resulting trauma to the child. In 2016, an international working group, comprising a collection of countries and international organizations working to combat child exploitation, formally recognized “child sexual abuse material” as the preferred term.

<sup>6</sup> See *Global Threat Assessment 2021*, WeProtect Global Alliance, available at <https://www.weprotect.org/global-threat-assessment-21/>; see also Report to Congress, *Increasing the Efficacy of Investigations of Online Child Sexual Exploitation*, Brian Levine, August 2022, <https://nij.ojp.gov/library/publications/fy-2021-report-committees-judiciary-study-investigative-factors-related-online>

<sup>7</sup> See *National Strategy for Child Exploitation Prevention and Interdiction*, United States Department of Justice, August 2010, Appendix D, page D-2, available at <https://www.justice.gov/psc/docs/natstrategyreport.pdf>; <https://www.missingkids.org/theissues/csam#bythenumbers>.

<sup>8</sup> See <https://www.missingkids.org/gethelpnow/cybertypline/cybertyplinedata>.

showing a 422% increase in production offenders over the 15 years from FY 2005 (98 defendants) to FY 2019 (512 defendants).<sup>9</sup>

- In 2021, the number of CyberTips concerning child sexual exploitation forwarded to Internet Crimes Against Children (ICAC) Task Forces was over four times higher than the number received in 2016, rising in five years from 83,967 to 371,515. The funding for ICAC Task Forces over that time did not increase at a commensurate pace (increasing only by one-third from \$22,000,000 to \$29,560,410).
- Relatedly, the Department has also seen increases in the number of victims per offender, who can use technology to ensnare a shocking number of children without ever leaving their home. The approximately one dozen defendants prosecuted through *Operation Subterfuge*, for example, victimized upwards of 1,600 children.<sup>10</sup>
- On the global level, data from NCMEC and C3P reveals a staggering proliferation of CSAM.
  - NCMEC operates the CyberTipline, which receives reports from the public and internet platforms about apparent offenses involving child sexual exploitation. From 2012 to 2021, the volume of CyberTips increased by **a factor of 70** (415,650 to 29,309,106). Over those ten years, on three occasions the volume of CyberTips doubled or nearly doubled from one year to the next, and in 2016, the number of CyberTips was four times what it was the prior year.<sup>11</sup>
  - From 2016 to January 5, 2022, C3P sent over 10 million notices to providers alerting them to CSAM found on the providers' platforms. Removal times can sometimes be distressingly sluggish, and most significantly, almost half of the images found are taken down only to be reposted again.<sup>12</sup>
- From 2019-2021, reports of other forms of child sexual exploitation and abuse to the CyberTipline have also increased year over year, in every category.<sup>13</sup>

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<sup>9</sup> See *Federal Sentencing of Child Pornography: Production Offenses*, United States Sentencing Commission, Oct. 2021, p. 17, available at [https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013\\_Production-CP.pdf](https://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013_Production-CP.pdf).

<sup>10</sup> See <https://www.justice.gov/usao-edva/pr/member-international-child-exploitation-conspiracy-sentenced>. The Sentencing Commission report, *supra* at pg. 27, indicates that 40% of defendants sentenced for CSAM production in FY 2019 had more than one victim, with one case involving 440 victims.

<sup>11</sup> See *CyberTipline 2021 Report*, National Center for Missing & Exploited Children, available at <https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata>.

<sup>12</sup> See *Project Arachnid: Online Availability of Child Sexual Abuse Material*, June 2021, p. 13, Table 6-2 and Table 7-2 available at [https://www.protectchildren.ca/pdfs/C3P\\_ProjectArachnidReport\\_en.pdf](https://www.protectchildren.ca/pdfs/C3P_ProjectArachnidReport_en.pdf); <https://projectarachnid.ca/en/>

<sup>13</sup> See <https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata>.



Reporting Category	2019 Reports	2020 Reports	2021 Reports
Extraterritorial Child Sexual Abuse	683	955	1,624
Child Sex Trafficking	11,798	15,879	16,032
Child Sexual Molestation	4,747	11,770	12,458
Online Enticement of Children for Sexual Acts	19,174	37,872	44,155

- *Complexity*: The advent of so many different online platforms with global reach, the proliferation of encryption and anonymizing technology, and the ubiquity and acceptance of the co-mingling of adult and child users, have complicated the identification, interdiction, and investigation of online child sexual exploitation.
  - Smartphones, for example, are fully encrypted devices that fit in a pocket that offenders use to produce, livestream, store remotely, access, send, and receive CSAM, and engage with other offenders or children on any manner of social media and messaging apps.<sup>14</sup>
  - It is becoming increasingly common to encounter offenders like Bud Evers, who possessed over 120 devices with a combined 24 terabytes of storage – an amount of data that would have been unthinkable just a few years ago. Due to the volume of seized evidence, a team of computer forensic experts was required to devise and execute special analytical and forensic protocols to undertake the search.<sup>15</sup>
  - In one case, offenders used over eight different platforms to exploit children, first congregating on Discord, an internet communications service, and then sexually exploiting hundreds of children via web camera or cell phone camera over myriad video-streaming platforms, including Omegle, Skype, live.me, Snapchat, Periscope, musical.ly, YouNow, and others.<sup>16</sup>
  - Offenders easily meet children in online spaces such as Instagram and gaming platforms, and then lure them to messaging apps where the grooming of the child is shielded behind encryption.<sup>17</sup> Once that happens, the investigative trail often goes cold.
  - Investigations and prosecutions of online offenses frequently have a global dimension, as an offender in one country can exploit victims and find like-minded

<sup>14</sup> See <https://www.justice.gov/usao-mdfl/pr/lakeland-man-sentenced-80-years-prison-producing-and-transporting-child-pornography>.

<sup>15</sup> See <https://www.justice.gov/opa/pr/former-teacher-sentenced-27-years-prison-child-sex-tourism-and-child-pornography-offenses>.

<sup>16</sup> See <https://www.justice.gov/usao-edpa/pr/members-nationwide-child-exploitation-enterprise-sentenced-prison>.

<sup>17</sup> See *Video Games and Online Chats Are 'Hunting Grounds' for Sexual Predators*, Nellie Bowles and Michael H. Keller, New York Times, December 7, 2019, available at <https://www.nytimes.com/interactive/2019/12/07/us/video-games-child-sex-abuse.html>.

offenders in other countries, using platforms that then harbor evidence in yet other countries.

- One British man was convicted of blackmail, voyeurism, making indecent images of children, and encouraging the rape of a child. Although he was convicted of offenses involving approximately 50 children, the investigation suggested that, between 2009 and 2017, he targeted more than 200 victims worldwide, including in the United States. He coerced children to send him photos of themselves engaged in sadistic, masochistic, humiliating, or degrading conduct, which he then would post on “hurtcore” sites on the Dark Web. He was only apprehended after a four-year investigation involving the National Crime Agency and Government Communications Headquarters in the United Kingdom, as well as the U.S. Department of Homeland Security, the Australian Federal Police, Europol, and other law enforcement around the world.<sup>18</sup>
- Similarly, the FBI led *Operation Pacifier*, which targeted a Dark Web-based child exploitation hidden service. The operation resulted in the arrest of 548 foreign individuals and the identification or rescue of 296 children abroad. U.S. law enforcement agencies arrested over 348 individuals based in the United States (including 25 American CSAM producers and 51 American hands-on abusers) and rescued or identified 55 American children.
- A single person can facilitate a massive volume of child exploitation offenses around the world. In the anonymity of the Dark Web, Eric Marques operated a hosting service on Tor that included 200 child exploitation websites that brought together hundreds of thousands of offenders from across the world and housed millions of images of child exploitation material, including images of infants and toddlers involved in bondage, bestiality, and humiliation involving urination, defecation, and vomit. The investigation that led to his arrest involved 70 law enforcement agents from over a dozen countries.<sup>19</sup>
- *Dangerousness*: The Department is encountering younger victims, and more victims who have endured horrific physical violence, than ever before.

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<sup>18</sup> See Matthew Falder: *How Global Taskforce Caught Birmingham Paedophile*, Jessica Labhart, BBC News, February 19, 2019, available at <https://www.bbc.com/news/uk-england-birmingham-42921977>; see *British Paedophile Paul Leighton Jailed for 16 Years*, Kevin Donald, The Guardian, September 4, 2017, available at <https://www.theguardian.com/uk-news/2017/sep/04/british-paedophile-paul-leighton-jailed-for-16-years-for-rape>

<sup>19</sup> See <https://www.justice.gov/usao-md/pr/dark-web-child-pornography-facilitator-sentenced-27-years-federal-prison-conspiracy>.

- According to data from the U.S. Sentencing Commission, the number of cases involving production of sexually explicit images of an infant or toddler more than quadrupled from 2017 to 2020.<sup>20</sup>
- In 2017, a hidden service on Tor called “Hurtmeh” that was dedicated exclusively to the sadistic and masochistic abuse of children had 800,000 members.
- The Department’s cases increasingly involve offenders who threaten victims not only online but also in person. For example, in 2019, four men were sentenced to long prison terms for their involvement running a Tor hidden service called the Giftbox Exchange that included a sub-forum dedicated to the sexual abuse of infants and toddlers. In a separate case, two of those defendants who met through the hidden service were sentenced to life in prison for their rape of a toddler.<sup>21</sup>

The above concerns, and more, led WeProtect Global Alliance to conclude in its 2019 threat assessment that the “scale, severity and complexity of online [child sexual exploitation and abuse] is increasing at a faster pace than those aiming to tackle the activity can respond, with referrals from industry and law enforcement partners reaching record highs. This creates an urgent need for governments, law enforcement organizations, the technology industry and third sector organizations to work together to step up their collective response.”<sup>22</sup> Alarming, WeProtect reiterated this observation in 2021, writing in stark terms that the “scale of child sexual exploitation and abuse online is increasing. This sustained growth is outstripping our global capacity to respond.”<sup>23</sup>

Strategic Response to Date. As demonstrated in the prosecution statistics and case examples provided above, the Department has never waned in its effort to identify, investigate, and prosecute online child sex offenders. As those cases show, we constantly seek to develop cutting-edge investigative techniques to infiltrate and dismantle the online spaces where offenders congregate, normalize one another’s sexual interest in children, and promote and facilitate the commission of online child sex offenses. We also must continually adapt as conditions change on the ground, such as with the COVID-19 pandemic.

Beyond investigations and prosecutions, the Department is also tireless in its efforts to provide comprehensive training to ensure there is sufficient investigative and prosecutorial capacity among our federal, state, local, and tribal partners to combat online child sexual exploitation. The flagship of these efforts is the annual National Law Enforcement Training on

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<sup>20</sup> Cf. *Use of Guidelines and Specific Offense Characteristics*, 2017, p. 44, available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2017/Use\\_of\\_SOC\\_Guideline\\_Based.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2017/Use_of_SOC_Guideline_Based.pdf); *Use of Guidelines and Specific Offense Characteristics*, 2020, p. 41, available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/Use\\_of\\_SOC\\_Guideline\\_Based.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/Use_of_SOC_Guideline_Based.pdf)

<sup>21</sup> See <https://www.justice.gov/opa/pr/four-men-sentenced-prison-engaging-child-exploitation-enterprise-tor-network>.

<sup>22</sup> See *Global Threat Assessment*, WeProtect Global Alliance, 2019, page 7, available at <https://www.weprotect.org/wp-content/uploads/WPGA-Global-Threat-Assessment-2019.pdf>. See also *The Annual Report 2020*, Internet Watch Foundation, available at <https://annualreport2020.iwf.org.uk/>

<sup>23</sup> See <https://www.weprotect.org/global-threat-assessment-21/#report>, page 3.

Child Exploitation, which from 2015-2019 reached a total of almost 7,300 law enforcement personnel, prosecutors, and other professionals working in this field. In 2020 and 2021, the National Training was converted to a virtual format due to the pandemic, and it reached a total of 4,855 personnel. Each year, the agenda is carefully designed to provide instruction on cutting-edge technological and legal issues concerning online child sexual exploitation and abuse.

The Department is also extensively engaged with its international partners to generate a global response to this global crime. This work includes significant support to WeProtect Global Alliance, which seeks to enhance efforts to identify victims, reduce the availability of CSAM online and the re-victimization of children, and increase public awareness of the risks posed by children's activities online. This organization is currently supported by 100 governments, 65 technology companies, 87 civil society organizations, and nine international organizations.

The Department has collaborated extensively with WeProtect Global Alliance on the development of their three signature products: the Global Threat Assessment (referenced above), the Model National Response, and the Global Strategic Response.<sup>24</sup> The Model National Response is designed to enable a country to assess its current response and identify gaps, prioritize national efforts to fill gaps, and enhance international understanding and cooperation. The Global Strategic Response reflects the international nature of the issue and provides objectives and a comprehensive strategy for collaboration, coordination, and shared learning to eliminate online child sexual exploitation and abuse at global and regional levels.

The Department also worked very closely with the Department of Homeland Security and our "Five Country" government counterparts from Australia, Canada, New Zealand, and the United Kingdom to develop and publish in March 2020 the *Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse*.<sup>25</sup> The Voluntary Principles were conceived at the Five Country Ministerial Digital Industry Roundtable on July 30, 2019, in London, where the U.S. Attorney General and the other Five Country Ministers and senior representatives from Facebook, Google, Microsoft, Roblox, Snap, and Twitter agreed that "tackling [the online child sexual abuse] epidemic requires an immediate upscaling of the global response to ensure that all children across the globe are protected...and that there is no safe space online for offenders to operate."

Developed in consultation with several leading technology companies and a broad range of experts from industry, civil society, and academia, the 11 Voluntary Principles outline measures that companies in the technology industry can choose to implement to protect the children who use their platforms from sexual abuse online and to make their platforms more difficult for child sex offenders to exploit. The Voluntary Principles provide a common and consistent framework to guide the digital industry in its efforts to combat the proliferation of online child exploitation.

But more is needed. Despite all of these efforts, our society continues to lose ground in the ability to protect children online. As expressed in both WeProtect Threat Assessments, the growth in online child sexual exploitation is outpacing our capacity to respond. Establishing and

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<sup>24</sup> See <https://www.weprotect.org/frameworks/>

<sup>25</sup> See <https://www.justice.gov/opa/press-release/file/1256061/download>



maintaining a work force of specialized law enforcement officers, digital investigative analysts, prosecutors, and victim support personnel are critical, but it always has been and remains a challenge. There are multiple, often-related, aspects of technology that create risk for children and opportunity for offenders, primarily:

- an uneven response to online child safety by the tech sector;
- a CyberTipline system that is overwhelmed;
- anonymization of offenders;
- encryption of data storage and communications;
- online environments where children and adults interact without supervision or controls;
- globalized, often sovereignless, platforms;
- remote, often extraterritorial, storage; and
- a compounding lack of public awareness of these risks.

It is important to understand that these issues are often in tension with one another. Some, such as encryption, anonymization, and sovereignless companies, concern a lack of information because of the all-too-common inability to obtain even basic information to detect or interdict criminal activity or conduct an investigation, despite a lawful warrant or court order. Others, particularly the inconsistent prioritization of child safety, may involve information that is available to platforms but never acted upon or reported to law enforcement. And yet others, especially CyberTips, create an ever-growing volume of information concerning the possession and trading of CSAM far beyond the current ability of law enforcement to address.

We discuss each of these problems in more detail below. But we must emphasize that (1) each must be solved in order to meaningfully address online child sexual exploitation; and (2) none of these problems can be solved *solely* by providing more money or more resources for investigations and prosecutions, nor can they be solved *solely* by the U.S. government. Rather, they require a whole-of-society approach to develop a culture of safety for children online.

*Inconsistent Prioritization of Child Safety.* While there are many technology companies committed to the protection of children online, data reveals a wildly divergent response by online providers to online child safety. According to NCMEC, in 2019 and 2020, over 1,400 companies were registered to use the CyberTipline. But in 2019, only 148 companies (approximately 10% of registered companies) sent in CyberTips. The results in 2020 are barely any better, with 168 companies sending in CyberTips (approximately 12% of registered companies). Although the number of companies registered to submit reports to the CyberTipline increased in 2021, exceeding 1,800 companies, the response rate remained the same, as only 230 submitted any reports (approximately 12.8% of registered companies).<sup>26</sup>

Looking more closely, the data reveals the massive disparity in the effort by companies across the industry.

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<sup>26</sup> <https://www.missingkids.org/content/dam/missingkids/pdfs/2019-reports-by-esp.pdf>  
<https://www.missingkids.org/content/dam/missingkids/pdfs/2020-reports-by-esp.pdf>  
<https://www.missingkids.org/content/dam/missingkids/pdfs/2021-reports-by-esp.pdf>

- In 2019, 2020, and 2021, a single company—Facebook (now Meta) and its subsidiaries—accounted for approximately 92-95% of all CyberTips sent in by the technology industry (almost 16 million CyberTips in 2019, 20 million in 2020, and almost 27 million in 2021).<sup>27</sup>
- In 2019, 2020, and 2021, just three companies were the source of approximately 98% of all CyberTips (Facebook, Google, and Microsoft in 2019; Facebook, Google, and Snapchat in 2020 and 2021).<sup>28</sup>
- In stark contrast, Apple in 2019, 2020, and 2021 sent in only 205, 265, and 160 CyberTips, respectively. From a shocking mere eight CyberTips in 2019, Amazon’s reporting increased in 2020 to 2,235 CyberTips and again in 2021 to 27,204 CyberTips, but it still lags far behind its peers. Setting aside the numbers, discussed in NCMEC’s recent 2022 Cybertip Report released in May 2023,<sup>29</sup> there is also a significant difference in the quality of CyberTips. For example, at least 90% of Amazon Photos reports contain no actionable information concerning the user, making the reports almost useless.
- In 2019, 2020, and 2021, the majority of companies (66%, 66%, and 63%, respectively) submitting CyberTips sent in fewer than 100 reports for the year.<sup>30</sup>

This disparity in industry response was part of the motivation behind the development of the Voluntary Principles, discussed above, to urge the technology industry to meaningfully address online child safety. In a statement released on the two-year anniversary of the launch of the Voluntary Principles, the Five Countries emphasized the responsibility the internet industry has to protect children in the online world they have created, and the need for the internet industry to be transparent in how it designs its systems and platforms to promote child safety.<sup>31</sup> On a positive note, there is room for hope. The Tech Coalition, an internet industry led organization, has launched its own “Project Protect” and transparency framework in 2020 and 2021, respectively. Further, recently the Tech Coalition reported that its members have increased their use of filtering systems to detect, remove, and report CSAM.<sup>32</sup>

*The CyberTipline System is in Crisis.* Although, as explained above, the tech industry as a whole varies wildly with respect to its contributions to the CyberTipline, it is still plainly obvious that the overall rise in the number of CyberTips has been, and continues to be, astronomical. There is little comfort in the fact that the rate of growth has technically slowed in recent years, with increases of roughly 28% from 2019 to 2020, and 35% from 2020 to 2021 (as

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<sup>27</sup> *Id.* The 2019 and 2020 data for Facebook includes all subsidiaries combined. In 2021, the data is divided into the parent company and its subsidiaries: Facebook, Instagram, Novi, and WhatsApp.

<sup>28</sup> *Id.*

<sup>29</sup> See <https://www.missingkids.org/cybertiplinedata>

<sup>30</sup> *Id.*

<sup>31</sup> See <https://www.justice.gov/criminal-ceos/file/1490676/download>

<sup>32</sup> See <https://www.technologycoalition.org/newsroom/the-tech-coalition-announces-project-protect>; <https://www.technologycoalition.org/newsroom/tech-coalition-launches-trust-voluntary-framework-for-industry-transparency>; <https://www.technologycoalition.org/annual-report>.

compared to the period from 2013 to 2018 where the numbers repeatedly doubled, or more, from year to year). But when the baseline is tens of millions of CyberTips, even a modest percentage increase from one year to the next translates to millions more leads every year.

In addition to the ever-rising volume, the CyberTipline also has a qualitative problem. From one tip to the next, the content of the information varies wildly, with some tips containing so little that it requires additional investigative effort just to determine where the tip should be sent or whether the tip is viable at all because it lacks any user attribute information. Images virally distributed can swamp the system. Multiple leads involving a single offender may lead to duplication of efforts.

This is resulting in a crisis. In the United States, the number of CyberTips referred to the ICAC Task Forces has more than quadrupled in six years. At the same time, their resources have only increased a modest 34%. This mismatch between crime reports and law enforcement resources puts ICAC Task Forces in an untenable position. They feel an obligation to investigate every CyberTip they receive without regard to its quality. *See* 34 U.S.C. § 21114(8). But they are not given the resources to keep up with the growth of CyberTips. At the same time, they must make triaging decisions based on woefully inadequate information. Compounding these challenges are developments in the law that often require additional investigative steps and legal process. Furthermore, unlike the tech industry and NCMEC, ICAC Task Forces operate without civil immunity to protect them in the event of a good-faith error. *Cf.* 18 U.S.C. §§ 2258B and 2258D.

Work is being done to try to address this issue. In the last two years, for example, NCMEC has instituted measures within the CyberTipline system to assist with deconfliction, deduplication, triaging, and automation, all of which seek to improve the efficiency of the law enforcement response. Yet even with these improvements, ICAC Task Forces, as our first responders to CyberTips, continue to lack adequate tools and resources to properly respond.

*Anonymization.* Few can debate the clear and grave threat to children posed by the Dark Web, as vividly illustrated in the examples provided above. Protected from identification and geolocation, offenders can congregate on the Dark Web and engage in child sexual exploitation for years in an open and notorious manner with little to no fear of getting caught. Despite these obvious harms, one such Dark Web platform, the Tor Project, continues to be supported by taxpayer dollars.<sup>33</sup> As proud as we are of our Dark Web prosecutions, they do not offer a systemic solution to the near perfect utility of the Dark Web for child sex offenders.

*Encryption.* Similarly, certain implementations of encryption are unintentionally benefitting child sex offenders by shielding their crimes from detection and preventing fulsome investigation by preventing law enforcement from accessing evidence, even pursuant to valid court orders or warrants. For example, the reason Facebook generates so many CyberTips a year is because they voluntarily scan their platforms to find and remove files that match known CSAM. In 2019, Facebook announced its intent to adopt end-to-end encryption on its messenger platform. At the time of that announcement, NCMEC estimated that if Facebook made that

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<sup>33</sup> *See* <https://support.torproject.org/misc/misc-3/>

change, 12 million CyberTips would disappear. The crimes would not stop, but Facebook's ability to detect them would.

As another example, consider ProtonMail. According to ProtonMail's website, it is the world's largest encrypted email provider, which stores all of its data in Switzerland, and it has engineered its service in such a way that it cannot scan the content of users' messages. As a result, images of child exploitation, and messages concerning grooming of children for sexual purposes or sextortion cannot be detected. At one time, ProtonMail advertised its services as being difficult for even law enforcement agencies to investigate any crimes that may be committed using the service by placing what limited data it does store beyond the reach of most countries' laws. As previously advertised on its website:

All user data is protected by the Swiss Federal Data Protection Act (DPA) and the Swiss Federal Data Protection Ordinance (DPO) which offers some of the strongest privacy protection in the world for both individuals and corporations. As ProtonMail is outside of US and EU jurisdiction, only a court order from the Cantonal Court of Geneva or the Swiss Federal Supreme Court can compel us to release the extremely limited user information we have.

Through their apparent total pursuit of their users' privacy, companies such as ProtonMail inevitably create online services that allow child exploitation offenders to hide, and therefore undermine law enforcement and public safety efforts to protect children. In fact, ProtonMail was used by Alexander Nathan Barter when he planned his travel to rape, kill, and eat a 13-year-old child.<sup>34</sup> Barter was only apprehended because he conversed with an undercover law enforcement officer.<sup>35</sup>

*Co-mingled Online Environments where Children and Adults Interact as Peers.* In real life, parents would never take children, especially children under the age of 12, to a mall or park and leave them there unsupervised with adult strangers. Yet the virtual equivalent happens online every day. Particularly on gaming and livestreaming platforms, children and adults can interact as a matter of course, sometimes knowingly (where the adult presents himself as an adult) and sometimes unknowingly (when the adult lies about his or her age and poses as a child). Some platforms that are specifically designed for children deploy significant guard rails to keep children safe. But this can create a false sense of security, as platforms can do little to prevent offenders from luring children to different online spaces where no such safety mechanisms are in place. We cannot overstate the danger that this creates, particularly as children use more and more online platforms at younger and younger ages, especially following the COVID-19 era. Parents may not know the extent of their responsibility to be vigilant about their children's online interactions, particularly when app stores advertise common platforms that bear misleading age ratings like 12+ or teen (ostensibly signaling appropriateness for that age but actually meaning something different).<sup>36</sup>

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<sup>34</sup> See <https://www.justice.gov/usao-edtx/pr/dark-web-cannibal-sentenced-40-years-followed-lifetime-supervised-release>

<sup>35</sup> More information about the Department's work concerning lawful access is available at <https://www.justice.gov/olp/lawful-access>

<sup>36</sup> See <https://protectchildren.ca/en/resources-research/app-age-ratings-report/>



*Global, Sovereignless Platforms.* Some technology providers frustrate government’s lawful access to information by designing operations to be essentially sovereignless, meaning they are beyond the reach of legal requests for information from any country. For example, Telegram is a Dubai-based encrypted cloud-based mobile and desktop messaging app that purposefully stores data in multiple jurisdictions around the globe, specifically so that law enforcement must obtain several court orders from different jurisdictions in order to obtain any useable information. As Telegram explains on its website, since its launch in 2013, it has provided zero bytes of data in response to any lawful government request, in part because “Telegram uses a distributed infrastructure. Cloud chat data is stored in multiple data centers around the globe that are controlled by different legal entities spread across different jurisdictions. The relevant decryption keys are split into parts and are never kept in the same place as the data they protect. As a result, several court orders from different jurisdictions are required to force us to give up any data.”<sup>37</sup>

By protecting privacy at all costs, companies such as Telegram unavoidably facilitate criminal activity and undermine law enforcement and public safety efforts. Titus Miller, for example, used Telegram to exchange CSAM with other like-minded offenders.<sup>38</sup> Investigators later discovered that he had also repeatedly filmed himself raping children aged 4-6 who were in his care through his employment at a child day care center. Ultimately, Miller was sentenced to 100 years in prison. Miller’s crimes were uncovered because an offender caught in a separate investigation told law enforcement he was corresponding with Miller on Telegram and allowed law enforcement to use his Telegram account in an undercover capacity to further the investigation of Miller. As with Barter, Miller’s crimes were only detected through chance.

In addition, a single foreign provider can facilitate a massive amount of child sexual exploitation. As noted above, the C3P operates *Project Arachnid*, a web crawler that searches for known CSAM. When such material is detected, C3P sends a notice to the provider asking that the material be removed. In its comprehensive report on the first few years of Project Arachnid, C3P indicated that it sent notices about CSAM to over 760 electronic service providers worldwide. However, close to half of all CSAM detections (48%) were linked to a single file-hosting service operated by one French telecommunications company—Free.fr.<sup>39</sup>

The simple fact is that these foreign companies create products that are being used to endanger and harm American children. And as foreign companies, they are beyond any “whole-of-government” approach focused solely within the United States.

*Insufficient Forensic Capacity.* One of the most critical gaps in the technology arena continues to be the lack of sufficient computer forensic resources. The volume of computer data has increased exponentially with gigabytes of stored data becoming terabytes. In addition, the volume of devices located during searches has significantly increased. It is now routine for homes to contain over a dozen desktops, laptops, tablets, smart phones, and/or external storage devices. Each device requires some analysis, even if just to eliminate it as potential evidence,

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<sup>37</sup> See <https://telegram.org/faq#q-do-you-process-data-requests>

<sup>38</sup> See <https://www.justice.gov/usao-ne/pr/lincoln-man-receives-100-year-sentence-producing-child-pornography>

<sup>39</sup> See <https://www.protectchildren.ca/en/resources-research/project-arachnid-csam-online-availability/>.

which adds to the time spent on each case. Another difficulty is the reality that nearly all types of criminal cases now require some computer forensic analysis, greatly straining agency resources that might otherwise be available for child exploitation cases, while the number of child exploitation cases requiring computer forensic analysis also continues to grow. For example, over the six-year period of FY2016 – FY2021, the number of Child Exploitation Cases received by the FBI’s Regional Computer Forensics Laboratories (RCFLs) has *nearly doubled* from more than 5,000 to more than 10,000,<sup>40</sup> and the number of computer forensic examinations conducted by the ICAC Task forces *increased by 17%* from more than 77,000 to more than 90,000.<sup>41</sup> In far too many instances the result is a significant – up to years long – delay between when devices and data are seized by law enforcement and criminal charges are able to be brought against a perpetrator.<sup>42</sup>

*Remote Storage.* The advent of online storage options also undermines child safety in two ways. First, as Free.fr demonstrates, one company, anywhere in the world, can effectively set the standard, or the absence of any standards at all, with respect to online child safety. There is little that law enforcement in the United States can do to change how a foreign company operates. Instead, as offenders increasingly flock to a preferred platform to commit their crimes, law enforcement is left trying to keep pace. To provide a sense of scale, over one million depictions of child sexual abuse and harmful content were hosted on Free.fr, and nearly three million such images and videos were traced to that site, according to C3P.<sup>43</sup>

Second, the existence of a stable, enduring online repository of CSAM allows offenders to easily commit their crimes, form a community, bond with one another, and validate and normalize their abhorrent sexual interest in children. As explained in the 2021 WeProtect Global Alliance Threat Assessment:

Offender populations have come to rely on the ease of use, security and privacy of cloud file sharing apps to store and distribute illegal images and videos. Cloud storage makes it possible to share child sexual abuse material by simply posting a link in a forum, on a platform or through direct messaging, to thereby reach more offenders, more quickly... Perpetrators typically use cloud file sharing to efficiently exchange images and videos with both known and new offender contacts. To ensure that content remains accessible for as long as possible, determined offenders use multiple cloud platforms simultaneously. The true nature of harmful links is hidden behind a smoke screen of

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<sup>40</sup> See RCFL Child Exploitation Cases by year table in Appendix C.

<sup>41</sup> There were 77,201 total ICAC computer forensic examinations in FY2016 and 90,318 in FY2021. See, generally, ICAC Task Force Forensic Examinations Performed for FY2017-2021 in Appendix F.

<sup>42</sup> Computer forensics and digital investigation is a step-by-step process that is often also iterative in nature. See generally, Carroll, O., Brannon, S., & Song, T. “Computer Forensics: Digital Forensic Analysis Methodology.” United States Attorney’s Bulletin 56, no. 1 (January 2008): pp. 1-8 available at: <https://www.justice.gov/sites/default/files/usao/legacy/2008/02/04/usab5601.pdf> There are many points at which progress in completing or beginning a step may be delayed and many reasons for delay, including a lack of availability of necessary personnel and the lack of availability or access to necessary tools and equipment. Any delay at any point in the process that is occasioned by such a lack could rightly be characterized as a “backlog” and is something that is difficult, if not impossible, to meaningfully measure.

<sup>43</sup> *Id.*

references to other (lesser) illegal activity or legitimate file-sharing uses to evade detection.<sup>44</sup>

The Department's own cases corroborate this pattern, such as the prosecution of Bryan Thompson, who (in addition to recording his sexual abuse of children and possessing CSAM on several different digital devices) distributed nearly 1,000 images of children engaged in bestiality and sadistic and masochistic conduct by sharing links to his Mega account (a web-based platform offering encrypted data storage).<sup>45</sup> Thompson was only discovered because he communicated with an FBI online undercover employee on a different platform.

While offenders continue to use online spaces insulated from the reach of legal process, or new technologies specifically designed to hide their activities, the online threat to children will continue to grow exponentially if law enforcement is only able to infiltrate a fraction of abuses.

*Public Awareness and Market Demand.* Compounding all of these challenges is the lack of public awareness of the risks to children. There is a need to educate parents, other caregivers, and children about how to keep children safe online and to provide them with better information to accurately assess dangers. Such awareness-raising is a key component of the Department's Project Safe Childhood.<sup>46</sup> Increased user awareness of actual risks could drive market demand for safer products. However, in many instances, parents and children have very little information about online safety. For example, Apple distributes the ProtonMail app through its store. Although ProtonMail can be used by criminals like Alexander Nathan Barter, discussed above, Apple rates this app as "4+" meaning "apps in this category have no objectionable content." Since ProtonMail is fully encrypted, neither ProtonMail nor Apple has any reliable means to assess the content on that platform. Yet parents see the "4+" rating and may naturally assume that this app is perfectly safe for even the youngest children. This false sense of security, and the promotion of the benefits of privacy without mentioning its costs, stymies the power of the market to demand better.

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As detailed above, advances in technology have fueled child sexual exploitation, particularly to the extent that technology drives the development of wholly new forms of offenses in which children are preyed upon virtually by offenders who may be thousands of miles away or in different countries. However, we cannot lose sight of the fact that online child sexual exploitation is intertwined with corresponding exploitation and abuse in the physical world. In order to comprehensively respond to the threats of child exploitation, we must address the following trends in both technology-facilitated and in-person child sexual abuse and exploitation.

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<sup>44</sup> See <https://www.weprotect.org/global-threat-assessment-21/>.

<sup>45</sup> See <https://www.justice.gov/usao-sdal/pr/grand-bay-man-sentenced-thirty-five-years-prison-child-pornography-case>. See also <https://www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-west-point-staff-sergeant-distributing-child>

<sup>46</sup> See <https://www.justice.gov/psc>

## ***Child Sex Trafficking in the United States***

Child sex trafficking is defined under federal law as the recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting of a person under 18 years of age, knowing or recklessly disregarding that the minor will be caused to engage in a commercial sex act or benefitting, financially or by receiving anything of value, from participation in a venture engaged in any of these acts. 18 U.S.C. § 1591(a).

- Federal prosecutions of child-only sex trafficking cases increased 17% from 2019 to 2020, and children made up 69% of victims in all new sex trafficking cases in 2020.<sup>47</sup>
- Looking specifically at federal sex trafficking cases prosecuted in 2020, just over half of the victims were children,<sup>48</sup> with victim ages ranging from 4 to 17 years old when they were exploited, with an average age of 15 years old.<sup>49</sup> 89% of child victims in active sex trafficking cases were between 14 and 17 years old.<sup>50</sup>
- In 2020, 89% of all sex trafficking prosecutions against buyers involved actual or purported child victims.<sup>51</sup>
- The majority (83%) of 2020 active sex trafficking cases involved the internet as the primary method of solicitation, continuing a longstanding trend. Although online solicitation of buyers has been a constant for many years, the websites and apps traffickers use change considerably year over year.<sup>52</sup>
- Only 5% (28) of active sex trafficking cases in 2020 involved exploitation directed by gangs or more formal organized crime groups. Instead, most cases involved individual traffickers exploiting victims without direction from or connection to a larger criminal network. Approximately 43% of victims knew their trafficker prior to becoming a victim.<sup>53</sup>

## ***Extraterritorial Child Sexual Exploitation***

Extraterritorial child sexual exploitation and abuse occurs when perpetrators engage in sex acts with children, or produce CSAM, outside the United States.

- Since 2007, U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) has been conducting Operation Angel Watch, which notifies foreign countries regarding the anticipated travel of registered child sex offenders. Even during a period of declining international travel due to the COVID-19 pandemic, the number of leads and notifications processed by the Angel Watch

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<sup>47</sup> Kyleigh Feehs & Alyssa Currier Wheeler, 2020 Federal Human Trafficking Report, Human Trafficking Institute (2021), available at <https://traffickinginstitute.org/wp-content/uploads/2022/09/2021-Federal-Human-Trafficking-Report-WEB-1.pdf>

<sup>48</sup> *Id.* at p. 5

<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at p. 33

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at pp. 48, 50, 51.

<sup>53</sup> *Id.* at pp. 5, 43.



Center (AWC) remained relatively stable. In 2021, AWC submitted over 2,000 notifications.

- Offenders often gain access to children by working in positions of trust, such as missionaries, religious leaders, leaders or founders of orphanages, or foreign aid providers. Humanitarian workers are often given unsupervised access to children, who are desperate for food, shelter, and attention. The children under their care are often placed in an impossible predicament – endure abuse or risk losing their care.

### ***Abuse on Federal Lands and in Federal Facilities***

Child sexual assault occurs on federal lands and in federal facilities, including in Indian country, on military installations, in federal facilities housing unaccompanied noncitizen children, and on commercial flights and cruise ships.

- According to the most recent 2019 National Child Abuse and Neglect Data System (NCANDS), American Indian and Alaska Native (AI/AN) children are 50% more likely to be victims of sexual abuse than Caucasian children. In addition, AI/AN youth are four times more likely to experience multiple victimizations.<sup>54</sup> The long-term impacts of this abuse are profound. Adverse childhood experiences (ACEs) like child sexual abuse are linked to chronic health problems, mental illness, and substance abuse problems in adulthood and can negatively impact education, job opportunities, and earning potential. For many reasons, adequate resources and safe spaces for child victims of sexual abuse to disclose and report may not be readily available in Indian country. The investigation and prosecution of child exploitation crimes in Indian country are complex and require a multi-jurisdictional and multidisciplinary approach.
- There are challenges in responding to incidents of problematic sexual behavior in children and youth, including juvenile-on-juvenile sexual abuse, occurring on military installations and overseas. Federal law and policy is that juvenile matters should be handled by state authorities whenever possible because the States are in the best position to do so. Yet, military children are often deprived of access to the state’s juvenile justice system and rehabilitative programs because the incident occurred in an area of military installation where there is “exclusive federal jurisdiction.”
- When unaccompanied noncitizen children arrive at the United States’ international borders, they are generally transferred into the custody of the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (HHS/ORR). ORR facilitates the minor’s placement with a vetted sponsor while they await their immigration proceedings. However, such placement can sometimes take time, so

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<sup>54</sup> Multiple victimized youth were those who endured multiple discrete episodes of sexual or physical assault and both sexual and physical assault. Tomika N. Stevens et al., Variables Differentiating Singly and Multiply Victimized Youth: Results From the National Survey of Adolescents and Implications for Secondary Prevention, 10(3) Child Maltreatment 211, 219.

ORR funds a network of facilities to care for unaccompanied minors until they are released to a vetted sponsor, or otherwise leave ORR custody. ORR requires all care provider facilities to report significant incidents affecting a minor's health, well-being, or safety within 24 hours, to include possible sexual abuse or human trafficking.<sup>55</sup> In June 2020, HHS's Office of the Inspector General (OIG) published a report titled, *The Office of Refugee Resettlement's Incident Reporting System Is Not Effectively Capturing Data To Assist Its Efforts To Ensure the Safety of Minors in HHS Custody*.<sup>56</sup> HHS has been working to implement the recommendations set forth by OIG to systematically identify and report significant incidents to safeguard children.

### ***Livestreaming Child Sexual Exploitation (LCSE)***

Livestreaming child sexual exploitation (LCSE) occurs when an offender compels a child victim to engage in sexually explicit conduct during a broadcast, in real time, to one or more viewers. There are generally three types of LCSE: child "self-generated," offender-streaming, and virtual child sex trafficking.

- **Child "Self-Generated":** This type of LCSE occurs when an offender coerces, tricks, or otherwise compels children to engage in sexually explicit conduct on a livestream, typically from the child's bedroom or a bathroom. In some cases, this activity occurs under the pretext of the offender and victim being in a romantic relationship.
- **Offender-streaming:** Offender-streaming LCSE occurs when an offender sexually abuses a child in person while livestreaming the abuse to viewers. The offender is usually someone who knows, and has easy access to, the victim, such as a family member or a family friend. The viewers may not know each other in real life. They often participate in the activity by requesting that specific sex acts be committed.
- **Virtual Child Sex Trafficking:** In this form of LCSE, offenders pay to watch while another offender sexually abuses a child in person or offenders pay a victim directly to create "self-generated" CSAM. Because of the interactive nature of livestreaming platforms, offenders can request specific sexual abuse acts for an additional cost. Payment is usually made digitally. This offense often involves offenders in the United States and facilitators and children in foreign countries. Children may be transported from rural areas of that foreign country to urban settings in furtherance of this crime.

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<sup>55</sup> Standards to Prevent, Detect, and Respond to Sexual Abuse and Sexual Harassment Involving Unaccompanied Children, Office of Refugee Resettlement, Department of Health and Human Services  
<https://www.acf.hhs.gov/orr/standards-prevent-uac-sexual-abuse>

<sup>56</sup> OIG Final Report: *The Office of Refugee Resettlement's Incident Reporting System Is Not Effectively Capturing Data to Assist Its Efforts To Ensure the Safety of Minors in HHS Custody*, OEI-909-18-00430, June 2020 (<https://oig.hhs.gov/oei/reports/oei-09-18-00430.asp>).

## *Sextortion, Crowdsourcing, and Online Enticement and Coercion*

Offenders use a variety of techniques to induce or compel children to record, photograph, or livestream themselves engaging in sexual activity, including deception, threats, or other forms of coercion, sometimes working with other offenders.

- **Sextortion** occurs when offenders use threats or coercive tactics to cause victims to produce and send sexually explicit imagery of themselves. Offenders may use grooming techniques, or basic trickery, to manipulate victims into providing nude or partially nude images or videos of themselves, which they then use to coerce victims into sending more graphic images and videos or pay a ransom. Or they may use other techniques to obtain access to other private and sensitive information, such as using social engineering to compromise social media accounts, school information, friend lists, and other personal information. The perpetrators often threaten to post the images or sensitive information publicly, or send them to the victim's friends and family if the child does not comply with their demands to send more sexually explicit images or videos, or pay a ransom to avoid having the images distributed. From May 2022 to October 2022, U.S. law enforcement and NCMEC witnessed an alarming increase in CyberTips and reports where minor boys have been sextorted for money. Tragically, over a dozen of these boys committed suicide because of the desperation they felt from the threats of sexually explicit images sent to friends and family.<sup>57</sup>
- **Crowdsourcing** in the child sexual exploitation context refers to offenders working together to identify social media profiles of minor victims and strategizing how to convince minors to engage in sexually explicit activity. Often, at least one offender poses as a minor, so the victims believe they are trading sexually explicit content with a same-age peer. This can occur over any social media application and involve traditional images and videos, but livestreaming applications tend to be the preferred platform among crowdsourcing offenders. Crowdsourced child sexual exploitation allows offenders to collaborate with other perpetrators to sexually exploit thousands of minors in short periods of time.
- **Online Enticement and Coercion** may begin with offenders grooming their victims. The sexual grooming process includes identifying a minor, establishing a connection by offering support and attention to the minor, befriending them, gaining their trust, gathering personal information about them, exploiting any emotional vulnerabilities they may have, and lowering their inhibitions by talking, joking, and teaching a minor about sex. In the online context, the sexual grooming period can be very short. Some minors report chatting with offenders for less than an hour before being asked to send sexually explicit images and videos of themselves. Because minors today may feel more comfortable chatting and sending images and videos

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<sup>57</sup> See, e.g., An Instagram Sextortionist Tricked 30 Boys into Sharing Intimate Photos. One Took His Own Life, Thomas Brewster, Forbes, August 25, 2022, available at <https://www.forbes.com/sites/thomasbrewster/2022/08/25/instagram-sextortionist-fbi-investigation/?sh=cfd09e96fc32>; <https://www.fbi.gov/news/press-releases/fbi-and-partners-issue-national-public-safety-alert-on-financial-sextortion-schemes>

over the internet, long-term sexual grooming is often unnecessary.

- Offenders often groom their victims by posing as a peer. Pretending to be minor boys and girls, offenders will stream pre-recorded videos (often referred to as loops) of other minors engaged in sexual acts to the targeted victim to trick the minor into believing they are watching a live video of someone their own age. This normalizes the sexual behavior and makes children feel more comfortable exposing themselves over a broadcast. Using peer pressure, an offender convinces the minor to engage in sexual acts like those shown to them on the pre-recorded videos. The minor victim may be unaware he or she is communicating with an adult and that the adult is recording the minor's sexually explicit activity.

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### *Strategic Solutions*

The alarming state of the threat against children demands comprehensive, serious action. We are suffering a public health crisis on a global scale. Political leaders, technology companies, governmental agencies, and society must get serious about the safety risks that modern technology poses to children. Until that happens, we will continue to lose ground, to the detriment of children. Above all, there needs to be a meaningful reckoning with the way offenders can use technology to harm children, and an honest conversation about how to mitigate that harm in a way that preserves technology's benefits. Specifically, we need to engage in a thoughtful conversation about how to protect both privacy and children, the relative risks of all possible solutions, and what is actually gained or lost when child safety features are designed and added. In short, online child safety must be made a co-equal of privacy, and all parties must foster an honest commitment to develop policy and technological solutions that honor both principles. The Department welcomes the opportunity to have that conversation.

Aside from that general mandate, there are 10 major categories of goals common to addressing each child exploitation topic:

- Legislation
- Funding
- Enforcement
- Training
- Technology
- Collaboration
- Research
- Prevention
- Reporting
- Victim Services

Although this document is entitled a National Strategy, it also constitutes a call to action. The solutions to address child exploitation require action not just from the Department of Justice

and law enforcement partners, but also from Congress, the technology industry, our NGO and interagency partners, and others. The Department is poised to coordinate and assist with this work, but cannot compel it. For that reason, the National Strategy does not detail specific steps that may be needed to achieve each solution or set artificial timelines to take those steps. While action is urgently needed, we do not wish to incentivize completion of quick tasks at the expense of the harder work that may yield the most meaningful long-term gains.

Legislation: There is much that Congress can do to better protect children online, including the proposed legislative reforms detailed in Appendix I. Such measures include:

- permit victims of CSAM to pursue civil remedies against online providers;
- better account for the severity of child sexual abuse offenses by updating the U.S. Sentencing Guidelines applicable to such offenses;
- require certain child-serving organizations to report apparent instances of child abuse;
- provide a long-overdue update to the terminology used to describe these offenses by eliminating the phrase “child pornography” from federal law;
- ensure military children are no longer deprived of access to a state’s juvenile justice system when an incident occurs in exclusive federal jurisdiction, on any military installation, or overseas;
- close gaps in, and correct adverse judicial decisions concerning federal criminal provisions; and
- enact provisions designed to afford child victims better protections in the federal criminal justice system.

Funding: There is a need for funding with respect to every aspect of the Department’s efforts to address child sexual exploitation, from prevention to interdiction to investigation to victim recovery. Historic funding levels are reflected in Appendix K and highlight the generally stagnant or minimal increases in funding since 2016 despite the notable changes in how online child exploitation is harming children. Priorities include:

- ensuring the funding for ICAC task forces is commensurate to the increase in the scale of domestic child sexual exploitation online and CyberTip response system;
- improving technology, including forensic analytical capacity, that helps law enforcement identify and investigate offenders;
- expanding victim services programs;
- enhancing state, local, and tribal partnership and training programs; and
- building a national prevention campaign, with coordinated outreach among stakeholders, that highlights the desperate need for online child safety.

Enforcement: Enforcement-related measures are needed to deepen the capabilities of federal, state, local, tribal, and foreign law enforcement, prosecutors, and victim-witness personnel. This can be achieved through measures that include:

- developing technical tools for law enforcement to conduct investigations more efficiently;

- building capacity among all relevant personnel to investigate and prosecute child abuse in Indian country;
- improving coordination, including through rapid, technology-facilitated mechanisms, among state, federal, and international law enforcement; and
- ensuring sustainability for state-led human trafficking task forces

Training: There is constant turnover among professionals in this field, particularly due to the emotionally draining nature of the work. In addition, technology is constantly evolving and presenting new ways to commit or hide offenses. The combined effect of these factors creates a constant need to build capacity, both domestically and internationally. Accordingly, a fulsome training agenda is needed aimed at a wide variety of professionals, including:

- enhanced coordination and dedicated funding for the Department-sponsored National Law Enforcement Training on Child Exploitation;
- training improvements for federal, military, state, local, tribal, and foreign law enforcement and prosecutors;
- mapping training efforts to improve efficiency and reduce redundancy;
- training the judiciary on the full range of child sexual exploitation crimes, victim impact, and online technologies; and
- training on child exploitation for all staff caring for unaccompanied minors, personnel responsible for supervising convicted sex offenders, and individuals in licensed professions who may encounter exploited children.

Technology: Even as technology may exacerbate online child sexual exploitation, so too may it be used to combat these crimes. Technological solutions can improve our response, including:

- developing tools to detect new CSAM or livestreaming offenses;
- developing tools to facilitate more efficient law enforcement investigations including the use of hash-based technologies for image and video analysis;
- modernizing case management systems;
- expanding forensic capacity to obtain and analyze evidence on digital devices and in the cloud, including in encrypted environments; and
- providing more robust online safety measures focused on prevention and interdiction.

Collaboration: Government cannot stop online child sexual exploitation on its own. A whole-of-society approach is essential to any effective solution, including:

- fostering greater collaboration and engagement with the technology industry, whether to improve reporting to the CyberTipline or to detect and interdict livestreamed child exploitation;
- improving standards and transparency of internet platforms for detection and reporting of child sexual exploitation, and maintaining engagement with the tech industry on the Voluntary Principles;



- expanding the use of collaborative task force models in Indian country investigations, and increasing the number of Special Assistant U.S. Attorneys prosecuting child exploitation crimes in Indian country;
- developing an interagency working group to address wellness for professionals handling child exploitation matters;
- improving international cooperation and capacity for investigations of child exploitation outside the United States;
- engaging with partners, including NGOs, to support a trauma- and survivor-informed response to delivering victim services;
- collaborating with the tourism industry and foreign NGOs to prevent and address child exploitation and abuse committed by Americans abroad;
- coordinating with the mental health community to establish a standardized credentialing program for sex offender treatment providers that would apply across jurisdictions; and
- implementing child safety standards and audits for youth-serving institutions and organizations that receive federal funds or seek not-for-profit tax exemption.

Research: Research plays a critical role both with respect to developing a more fulsome understanding of a range of topics, including the needs of victims, the dynamics of offenses, and the psychology of offenders (particularly with respect to developing new tools and standards). Research needs include:

- prevalence studies regarding online platforms where children experience exploitation and the nature of those harms;
- feasibility studies concerning online safety by design;
- development of trauma-responsive standards of care for child exploitation survivors;
- identification of best practices for youth protection within youth-serving institutions and organizations;
- establishment of appropriate, empirically-based standards for the clinical assessment and treatment of sex offenders; and
- assessment of the impact of race, poverty, sex, and sexual orientation and gender identity on the identification of, and response to, child exploitation victims and provision of services.

Prevention: For all of society to do its part to address child sexual exploitation and protect its victims, society must be educated about the crimes. Therefore, a key element to addressing child exploitation is prevention, with measures such as:

- building a national prevention campaign, with coordinated outreach among stakeholders, that highlights the desperate need for online child safety;
- mapping prevention efforts required or provided by states, federal agencies, and NGOs;

- designing and implementing updated educational resources for community members, including parents and guardians, teachers, day-care workers, and health professionals;
- educating teens and parents about detecting and disengaging from online grooming; and
- educating legislators and the judiciary about child sex offenders and child sexual exploitation crimes.

Reporting: If people or entities that possess information that a child is at risk do nothing, then that child cannot be rescued from an exploitive or abusive situation. Improvements to increase reporting of child sexual exploitation and abuse are needed, key among them:

- measures that improve the CyberTipline system and support sharing of information among NCMEC and members of the tech sector interested in detecting CSAM on their systems;
- increased reporting of missing and at-risk children (including providing needed resources to do so);
- updated reporting guidance on unaccompanied minors;
- increased reporting of sexual assaults on cruise ships and commercial flights;
- establishment that all child-focused entities receiving 501(c)(3) tax exempt status are mandatory reporters;
- development of reporting standards as part of the licensing process for relevant industries; and
- improved victim identification with screening across health, social services, and juvenile justice systems.

Victim Services: If the highest aspiration is to prevent child exploitation in the first place, the second highest is to provide victims the support they need to heal and thrive. To that end, it is necessary to:

- encourage the adoption of a whole-of-family approach to service delivery;
- bolster community-based support;
- improve victim identification;
- ensure child victim rights, particularly the right to privacy and safety, during the investigation and prosecution of cases;
- expand and enhance child advocacy centers for child victims and their families nationwide (including on military bases and in other federal jurisdictions) so that every child victim has access to high-quality care;
- enhance approaches to survivor health and well-being;
- identify and utilize funding sources to support the development and operation of housing for minors who have experienced or are at risk of child sexual exploitation, including child sex trafficking; and
- develop best practices on how to incorporate survivors into organizations and partnerships.

\*\*\*

As explained above, the goals and solutions set forth in this National Strategy are not just for the government, and instead constitute a call to action requiring measures by Congress, the technology industry, our NGO and industry partners, as well as others to address these threats effectively and collaboratively. Many of these goals do not lend themselves to specific timelines or measurable objectives and cannot be accomplished by the Department alone. Swift and efficient action is needed by all relevant stakeholders with the power to act in order to meaningfully thwart the threats to our children and protect them on and offline. While the situation is dire, with the assessments provided by this National Strategy as a guide, the Department is prepared to do its part to prevent and stop child sexual exploitation, hold offenders accountable, and protect victims.



# NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION & INTERDICTION



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# Appendix A: Federal Prosecution Accomplishments Summary

## INTRODUCTION

The PROTECT Act requires that the Department assesses Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes. This appendix provides information related to the prosecution of child exploitation crimes. The data is collected by the Executive Office for U.S. Attorneys (EOUSA) from all 94 U.S. Attorney’s Offices across the country.

With support from EOUSA and the Criminal Division’s Child Exploitation and Obscenity Section (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, the Project Safe Childhood (PSC) program 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. As a result of the 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. Between FY2016 and FY2021, the number of PSC cases filed increased 7 percent. More notably, however, the number of child pornography<sup>1</sup> production cases increased 422% from FY2005 to FY2019, representing a dramatic increase in the complexity and severity of child exploitation offenses prosecuted federally.<sup>2</sup>

## METHODOLOGY

### DATA AND INITIAL CASE SELECTION

The information presented in this section is derived from EOUSA prosecution data for fiscal years 2016 through 2021. This data was retrieved from CaseView, the case management system that collects information from the 94 United States Attorneys’ Offices regarding federal criminal and civil matters, cases, and appeals.<sup>3</sup> The information displayed in these tables is based upon whether a defendant was charged and convicted of a crime from any of the child exploitation statutes listed in Table 1.<sup>4</sup>

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<sup>1</sup> The phrase “child pornography” is often used in this Appendix because it is the term of the charged offense in the statutes. Elsewhere, the phrase “child sexual abuse material” is used to describe these visual depictions. The Department also recommends that “child pornography” be substituted for “child sexual abuse material” across the federal criminal code. See Appendix I: Department of Justice Legislative Proposals at Part III (final proposal).

<sup>2</sup> See *Federal Sentencing of Child Pornography: Production Offenses*, United States Sentencing Commission (Oct 2021), at 17, available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013\\_Production-CP.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013_Production-CP.pdf)

<sup>3</sup> <https://www.justice.gov/jm/jm-3-16000-information-management>

<sup>4</sup> A defendant may be charged with more than one statute. Double counting may occur if data from different statutes is totaled.



## TABLE COUNTS

The counts in Table 1 are produced by selecting the fiscal year and statute of interest and displays the number of cases filed, defendants filed, and defendants guilty.<sup>5</sup> The counts in Table 2 are produced by summing the counts in Table 1 as defined by the categorizes below.

Offense Categories	Statutes from Title 18 of the U.S. Code
Child Pornography Production	2251, 2260
Child Pornography Non-Production Offenses (Formerly Child Pornography Offenses)	1466A, 2252, 2252A *
Obscenity	1470, 2252B, 2252C
Sexual Abuse	2241, 2242, 2243, 2244
Sex Trafficking/Enticement/Child Sex Tourism (Formerly Transportation/Trafficking)	1591, 2251A, 2421, 2422, 2423
Sex Offender Violations	2250, 2260A
Other	1594, 2245, 2257, 2257A, 2258, 2424, 2425

Note: \* Child exploitation enterprise offenses are included in the 2252A statute, even though some of the enterprises might include offenses other than child pornography.

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<sup>5</sup> The methodology for prosecution accomplishment data for the National Strategy for Child Exploitation Prevention and Interdiction differs from the previous two reports. Thus, summary data cannot be compared across reports from previous years.

## ALL PROJECT SAFE CHILDHOOD STATUTES

		Fiscal Year 2016		
OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)		Cases Filed	Defendants Filed	Defendants Guilty
1466A	Obscene Visual Representation of the Sexual Abuse of Children	1	1	3
1470	Transfer of Obscene Material to Minors	63	63	35
1591	Sex Trafficking	167	277	130
1594	Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	73	172	78
2241	Aggravated Sexual Abuse	143	147	69
2242	Sexual Abuse	38	39	24
2243	Sexual Abuse of a Minor or Ward	73	74	55
2244	Abusive Sexual Contact	107	107	83
2245	1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	0	0	0
2250	Failure to Register under the Sex Offender Registration and Notification Act	471	472	467
2251	Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	520	560	376
2251A	Selling or Buying of Children	12	13	10
2252	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1338	1378	1340
2252A	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	622	630	557
2252B	Misleading Domain Names on the Internet	0	0	0
2252C	Misleading Words or Digital Images on the Internet	0	0	0
2257	Record Keeping Requirements	0	0	0
2257A	Record Keeping Requirements	1	1	0
2258	Failure to Report Child Abuse	0	0	1
2260	Production of Sexually Explicit Depictions of a Minor for Importation into the United States	19	19	8
2260A	Penalties for Registered Sex Offenders	9	9	4
2421	Transportation for Illegal Sexual Activity	59	87	60
2422	Coercion and Enticement	298	316	205
2423	Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	147	177	132
2424	Filing Factual Statement about Alien Individual	0	0	0
2425	Use of Interstate Facilities to Transmit Information About a Minor	0	0	9

## Fiscal Year 2017

OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)	Cases Filed	Defendants Filed	Defendants Guilty
1466A Obscene Visual Representation of the Sexual Abuse of Children	1	2	0
1470 Transfer of Obscene Material to Minors	54	54	31
1591 Sex Trafficking	207	321	145
1594 Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	77	176	91
2241 Aggravated Sexual Abuse	114	116	49
2242 Sexual Abuse	42	42	22
2243 Sexual Abuse of a Minor or Ward	63	63	53
2244 Abusive Sexual Contact	102	103	101
2245 1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	0	0	0
2250 Failure to Register under the Sex Offender Registration and Notification Act	447	447	430
2251 Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	513	551	376
2251A Selling or Buying of Children	21	21	7
2252 Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1256	1276	1097
2252A Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	658	663	511
2252B Misleading Domain Names on the Internet	2	2	0
2252C Misleading Words or Digital Images on the Internet	0	0	0
2257 Record Keeping Requirements	0	0	0
2257A Record Keeping Requirements	0	0	0
2258 Failure to Report Child Abuse	0	0	0
2260 Production of Sexually Explicit Depictions of a Minor for Importation into the United States	15	15	9
2260A Penalties for Registered Sex Offenders	14	14	5
2421 Transportation for Illegal Sexual Activity	58	93	46
2422 Coercion and Enticement	378	399	221
2423 Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	157	170	117
2424 Filing Factual Statement about Alien Individual	0	0	0
2425 Use of Interstate Facilities to Transmit Information About a Minor	4	4	7

## Fiscal Year 2018

OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)	Cases Filed	Defendants Filed	Defendants Guilty
1466A Obscene Visual Representation of the Sexual Abuse of Children	4	4	2
1470 Transfer of Obscene Material to Minors	76	76	32
1591 Sex Trafficking	160	262	129
1594 Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	53	138	81
2241 Aggravated Sexual Abuse	154	158	37
2242 Sexual Abuse	44	45	15
2243 Sexual Abuse of a Minor or Ward	73	74	53
2244 Abusive Sexual Contact	107	107	79
2245 1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	0	0	0
2250 Failure to Register under the Sex Offender Registration and Notification Act	443	444	403
2251 Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	568	624	383
2251A Selling or Buying of Children	25	26	12
2252 Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1224	1256	1123
2252A Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	710	723	528
2252B Misleading Domain Names on the Internet	5	5	0
2252C Misleading Words or Digital Images on the Internet	0	0	0
2257 Record Keeping Requirements	1	1	0
2257A Record Keeping Requirements	0	0	0
2258 Failure to Report Child Abuse	0	0	0
2260 Production of Sexually Explicit Depictions of a Minor for Importation into the United States	26	26	6
2260A Penalties for Registered Sex Offenders	23	23	12
2421 Transportation for Illegal Sexual Activity	54	84	62
2422 Coercion and Enticement	375	420	227
2423 Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	147	166	88
2424 Filing Factual Statement about Alien Individual	0	0	0
2425 Use of Interstate Facilities to Transmit Information About a Minor	20	20	22

## Fiscal Year 2019

OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)		Cases Filed	Defendants Filed	Defendants Guilty
1466A	Obscene Visual Representation of the Sexual Abuse of Children	8	8	2
1470	Transfer of Obscene Material to Minors	87	87	35
1591	Sex Trafficking	139	194	129
1594	Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	54	119	59
2241	Aggravated Sexual Abuse	143	148	49
2242	Sexual Abuse	38	40	20
2243	Sexual Abuse of a Minor or Ward	67	68	50
2244	Abusive Sexual Contact	94	94	102
2245	1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	0	0	0
2250	Failure to Register under the Sex Offender Registration and Notification Act	408	409	387
2251	Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	635	674	427
2251A	Selling or Buying of Children	38	39	15
2252	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1173	1188	1070
2252A	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	800	822	557
2252B	Misleading Domain Names on the Internet	0	0	0
2252C	Misleading Words or Digital Images on the Internet	0	0	0
2257	Record Keeping Requirements	0	0	1
2257A	Record Keeping Requirements	0	0	0
2258	Failure to Report Child Abuse	0	0	0
2260	Production of Sexually Explicit Depictions of a Minor for Importation into the United States	16	16	14
2260A	Penalties for Registered Sex Offenders	34	34	5
2421	Transportation for Illegal Sexual Activity	51	59	65
2422	Coercion and Enticement	474	490	265
2423	Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	160	167	118
2424	Filing Factual Statement about Alien Individual	0	0	0
2425	Use of Interstate Facilities to Transmit Information About a Minor	10	10	8

## Fiscal Year 2020

OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)	Cases Filed	Defendants Filed	Defendants Guilty
1466A Obscene Visual Representation of the Sexual Abuse of Children	4	4	2
1470 Transfer of Obscene Material to Minors	126	126	39
1591 Sex Trafficking	141	220	69
1594 Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	53	112	42
2241 Aggravated Sexual Abuse	117	118	41
2242 Sexual Abuse	38	38	13
2243 Sexual Abuse of a Minor or Ward	66	66	37
2244 Abusive Sexual Contact	101	102	65
2245 1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	0	0	0
2250 Failure to Register under the Sex Offender Registration and Notification Act	303	305	304
2251 Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	667	709	319
2251A Selling or Buying of Children	21	22	14
2252 Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1062	1075	701
2252A Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	800	818	452
2252B Misleading Domain Names on the Internet	0	0	0
2252C Misleading Words or Digital Images on the Internet	0	0	0
2257 Record Keeping Requirements	0	0	0
2257A Record Keeping Requirements	0	0	0
2258 Failure to Report Child Abuse	0	0	0
2260 Production of Sexually Explicit Depictions of a Minor for Importation into the United States	10	10	6
2260A Penalties for Registered Sex Offenders	35	35	8
2421 Transportation for Illegal Sexual Activity	33	42	30
2422 Coercion and Enticement	467	476	199
2423 Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	143	154	90
2424 Filing Factual Statement about Alien Individual	0	0	0
2425 Use of Interstate Facilities to Transmit Information About a Minor	24	24	15



## Fiscal Year 2021

OFFENSES (Statutes from Title 18 of the U.S. Criminal Code)		Cases Filed	Defendants Filed	Defendants Guilty
1466A	Obscene Visual Representation of the Sexual Abuse of Children	5	5	4
1470	Transfer of Obscene Material to Minors	97	97	43
1591	Sex Trafficking	164	217	71
1594	Attempt or Conspiracy to Commit Slavery & Trafficking Offenses	66	125	38
2241	Aggravated Sexual Abuse	180	182	34
2242	Sexual Abuse	46	47	17
2243	Sexual Abuse of a Minor or Ward	98	99	48
2244	Abusive Sexual Contact	113	114	72
2245	1591, 2241-44, 2251A, 2260, 2421-23, or 2425 resulting in death	1	1	0
2250	Failure to Register under the Sex Offender Registration and Notification Act	376	377	272
2251	Sexual Exploitation of Children for the purpose of production/live-streaming of child pornography, and advertising	730	773	406
2251A	Selling or Buying of Children	20	21	8
2252	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view	1082	1114	705
2252A	Child Pornography Offenses - transportation, receipt, distribution, sale, possession, accesses with intent to view, advertisement	935	946	584
2252B	Misleading Domain Names on the Internet	0	0	0
2252C	Misleading Words or Digital Images on the Internet	0	0	0
2257	Record Keeping Requirements	0	0	0
2257A	Record Keeping Requirements	0	0	0
2258	Failure to Report Child Abuse	0	0	0
2260	Production of Sexually Explicit Depictions of a Minor for Importation into the United States	20	22	4
2260A	Penalties for Registered Sex Offenders	41	41	6
2421	Transportation for Illegal Sexual Activity	24	31	20
2422	Coercion and Enticement	464	476	235
2423	Transportation of Minors/Travel with Intent to Engage in Criminal/Illicit Sexual Activity	184	205	70
2424	Filing Factual Statement about Alien Individual	0	0	0
2425	Use of Interstate Facilities to Transmit Information About a Minor	9	9	17

## PROJECT SAFE CHILDHOOD STATUTES BY CATEGORIES

OFFENSES <i>Statutes from Title 18 of the U.S. Criminal Code</i>	Fiscal Year 2016			Fiscal Year 2017			Fiscal Year 2018		
	Cases Filed	Defendants Filed	Defendants Guilty	Cases Filed	Defendants Filed	Defendants Guilty	Cases Filed	Defendants Filed	Defendants Guilty
Child pornography production (2251, 2260)	539	579	384	528	566	385	594	650	389
Child pornography non-production offenses [1] (1466A, 2252, 2252A) <sup>6</sup>	1,961	2,009	1,900	1,915	1,941	1,608	1,938	1,983	1,653
Obscenity (1470, 2252B, 2252C)	63	63	35	56	56	31	81	81	32
Sexual abuse (2241, 2242, 2243, 2244)	361	367	231	321	324	225	378	384	184
Sex trafficking/enticement/child sex tourism (1591, 2251A, 2421, 2422, 2423) <sup>7</sup>	683	870	537	821	1004	536	761	958	518
Sex offender violations (2250, 2260A)	480	481	471	461	461	435	466	467	415
Other (1594, 2245, 2257, 2257A, 2258, 2424, 2425)	74	173	88	81	180	98	74	159	103

OFFENSES <i>Statutes from Title 18 of the U.S. Criminal Code</i>	Fiscal Year 2019			Fiscal Year 2020			Fiscal Year 2021		
	Cases Filed	Defendants Filed	Defendants Guilty	Cases Filed	Defendants Filed	Defendants Guilty	Cases Filed	Defendants Filed	Defendants Guilty
Child pornography production (2251, 2260)	651	690	441	677	719	325	750	795	410
Child pornography non-production offenses [1] (1466A, 2252, 2252A) <sup>8</sup>	1,981	2,018	1,629	1,866	1,897	1,155	2,022	2,065	1,293
Obscenity (1470, 2252B, 2252C)	87	87	35	126	126	39	97	97	43
Sexual abuse (2241, 2242, 2243, 2244)	342	350	221	322	324	156	437	442	171
Sex trafficking/enticement/child sex tourism (1591, 2251A, 2421, 2422, 2423) <sup>9</sup>	862	949	592	805	914	402	856	950	404
Sex offender violations (2250, 2260A)	442	443	392	338	340	312	417	418	278
Other (1594, 2245, 2257, 2257A, 2258, 2424, 2425)	64	129	68	77	136	57	76	135	55

<sup>6</sup> Formerly *Child Pornography Offenses*

<sup>7</sup> Formerly *Transportation/Trafficking*

<sup>8</sup> Formerly *Child Pornography Offenses*

<sup>9</sup> Formerly *Transportation/Trafficking*

## CASE SAMPLES

Below is a selection of several notable child exploitation cases that have been prosecuted by U.S. Attorneys' offices across the country.

### **Alabama, Middle**

*United States v. Hooks, United States v. Morris.* In 2019, Kenneth Earl Hooks and Pauline Morris pleaded guilty to producing child pornography, enticing a young child to engage in sexual activity for the purpose of creating sexually explicit images, and transportation of a minor for sexual purposes. Security cameras at a Walmart in Brawley, California showed Morris attempting to film two young girls in a bathroom stall. Further investigation resulted in the discovery of child pornography on a laptop depicting the sexual exploitation of two prepubescent children and a teenage female under the age of 18 by Hook, who transported the victim from Mississippi to Alabama. Hooks was sentenced to 120 years and two life sentences and Morris was sentenced to 197 months.

### **Alabama, Northern**

*United States v. Lopez.* In April 2021, Guillermo Martin Lopez was sentenced to 65 years in prison followed by 10 years of supervised release on charges of production and possession of child pornography. In September 2019, Omegle – a free online chat website that allows users to socialize with others without the need to register – reported that a live-streaming video containing child pornography was uploaded to an online Omegle account. Upon further investigation, a state search warrant was obtained for Lopez's residence and his electronic devices were seized. A forensic review of Lopez's laptop found at least 13 images and six videos of child pornography involving a three-year-old child and produced by Lopez.

### **Alabama, Southern**

*United States v. Evers.* In 2017, Clarence Edward Evers Jr., a high school technology teacher, pleaded guilty to production of child pornography, possession of child pornography, and travel in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor. He was sentenced to 27 years in prison. According to admissions in connection with his plea, at least as early as 1999, and on each of his summer breaks from 2010 through 2014, Evers traveled to Thailand. While in Thailand, Evers paid minor boys as young as thirteen years old to engage in illicit sexual conduct and took sexually explicit photographs of them. In addition, Evers admitted that he had other images and videos of child sexual exploitation on his electronic devices, as well as substantial amounts of encrypted data that was inaccessible to investigators.

### **Alaska**

*United States v. Jayavarman.* In 2015, Jason Jayavarman was convicted of attempted sexual exploitation of children and attempted travel with intent to engage in illicit sexual conduct in a foreign place. He was sentenced to 216 months in prison followed by lifetime supervised release. Jayavarman produced multiple videos of child pornography in Cambodia, between 2010 and 2013, which he then transported to the United States. Jayavarman also planned a trip for himself and others to Cambodia for the purpose of engaging in sexual activity with children as young as 12 years old. Trial evidence demonstrated that Jayavarman explained to one of the other potential travelers – who was an undercover FBI agent – how to groom a child for sex, avoid law

enforcement detection and record high quality “mementos” of the sexual abuse. Jayavarman’s child exploitation activities came to light following a concerned citizen’s anonymous tip to Crime Stoppers.

### **Arizona**

*United States v. Yazzie*. In 2020, Dennie Yazzie, Jr., a Navajo Nation member, was sentenced to 360 months in federal prison to be followed by a lifetime supervised release for producing and distributing images and videos of a 14-year-old female relative. The defendant was first detected on Tumblr, who made the referral for the child pornography he had posted of the girl. The defendant admitted to surreptitiously recording the girl by placing his cell phone underneath her bathroom and bedroom doors and using a pinhole camera hidden in a different bathroom. The defendant further admitted he had taken pictures of the girl for about two years, had three Facebook accounts where he had also posted her nude images, and had chatted with individuals on Tumblr about his sexual fantasies about her.

### **Arkansas, Eastern**

*United States V. Hensley*. In July 2019, Robert Hensley was sentenced to 420 months’ imprisonment, followed by a lifetime of supervised release, for attempted enticement of a minor, attempted production of child pornography, and possession of child pornography. During an online investigation in 2017, investigators placed an advertisement on Craigslist titled “young, fresh, petite.” The advertisement received hundreds of responses, and an undercover officer began texting some of those who responded to the ad, including Robert Hensley. The undercover officer told Hensley he had a 14-year-old daughter, and Hensley told the officer to “bring her to me” because he had a “machine” that he would use to have sex with the child. Hensley also asked the undercover officer if he would “want to sell her” and offered \$3,000 to buy the minor, stating, “She gets a lifetime of bondage and sex.” He also asked for nude photos of the minor. Officers arranged to meet Hensley and drove to Hensley’s home address, where they arrested him. They located a computer at his residence, which was examined and found to contain images of child pornography.

### **Arkansas, Western**

*United States v. Duggar*. In 2021, Joshua James Duggar was convicted by a federal jury of receipt and possession of child pornography. He was sentenced to 151 months without possibility of parole on one count of Receiving Material Depicting Minors Engaged in Sexually Explicit Conduct. Duggar installed a password-protected partition on the hard drive of his desktop computer at his used car lot in Springdale to avoid pornography-detecting software on the device. He then accessed the partition to download child sexual abuse material from the internet multiple times over the course of three days in May 2019. The password for the partition was the same one he used for other personal and family accounts. Duggar downloaded the material using the dark web and online file-sharing software, viewed it, and then removed it from his computer. Law enforcement detected Duggar’s activity during an undercover investigation involving the online file-sharing program, subsequently searched his car lot in November 2019, and seized Duggar’s desktop computer as well as other evidence.

### **California, Central**

*United States v. Brinson Jr., Harrell, Lawniczak, and Martinez.* In 2021, John Richard Brinson Jr. pleaded guilty to engaging in a child exploitation enterprise and four counts of production of child pornography, each representing a different victim. Co-defendant Arlan Wesley Harrell pleaded guilty to engaging in a child exploitation enterprise, obtaining custody of a minor for purposes of producing child pornography, production of child pornography, and possession of child pornography. Brinson and Harrell were each sentenced to life in prison. Co-defendant Moises Martinez pleaded guilty to engaging in a child exploitation enterprise and production of child pornography. Martinez was sentenced to 55 years in prison, followed by lifetime supervised release. Brinson, Harrell, and Martinez were active members of a website dedicated to the sexual abuse of children ages zero to five years old hosted on Tor, a computer network on the dark web designed to facilitate anonymous internet communications. Brinson, Harrell, and Martinez used the website to view, advertise, and distribute child sexual abuse material (CSAM), to encourage other members to post more CSAM, and to meet like-minded offenders and commit additional offenses against children with them in-person. On at least two separate occasions, Brinson and Harrell met at Brinson's home to create CSAM. On one occasion, Harrell secured the custody of a minor and traveled with him to Brinson's house to create CSAM of that minor and two other children together. On another occasion, Brinson and Martinez arranged to meet at Brinson's house to create CSAM depicting their sexual abuse of two minors together, one brought by Brinson and one by Martinez. In total, Brinson, Martinez, and Harrell created CSAM depicting themselves engaging in sexual acts with or otherwise sexually exploiting 20 children, including nine children four years of age or younger. CSAM that Brinson created by himself and with co-defendants took place in the house Brinson shared with co-defendant Keith Lawniczak. Lawniczak pleaded guilty to conspiracy to commit sex trafficking of a child and was sentenced to 12 years in prison and lifetime supervised release.

### **California, Eastern**

*United States v. Perez.* In 2019, Nikko Adolfo Perez pleaded guilty to the sexual exploitation of children, coercion, and enticement of a minor, and receipt and distribution of child pornography. Perez used Instagram to victimize two boys, ages 8 and 10, in Utah by coercing them to create and send him images of them engaged in sexually explicit conduct. Perez offered to pay the victims with Google Play credits and when one of the victims threatened to call 911, Perez threatened to disseminate the sexually explicit images of the victims and to harm the victims' family members. Perez also used Skype, Kik, Discord, Snapchat, and LiveMe to communicate with between 50 and 100 minors for the purpose of soliciting sexually explicit images of those minors. He admitted that he persuaded the victims to pose nude or engage in sexually explicit activities, sometimes with other minors. He admitted that he often paid victims to engage in this conduct, and he sent some of the material that he had requested to other people. Perez was sentenced to 40 years in prison, to be followed by a lifetime term of supervised release.

### **California, Northern**

*United States v. Peacock.* In 2018, Douglas Peacock pleaded guilty to traveling to a foreign country and engaging in illicit sexual conduct with a minor. While in Jamaica, Peacock molested a six-year-old United States citizen in the pool of a family-friendly resort. The defendant was charged and convicted in Jamaica of indecent assault, and after serving a short five-month jail sentence, he was arrested upon his return to the United States and prosecuted in federal court.

Douglas was sentenced to 115 months in prison to be followed by ten years of supervised release and will be required to register as a sex offender.

### **California, Southern**

*United States v. Franklin.* In 2019, Conoly Freddie Franklin and Andre Anthony Franklin, were sentenced to 120 months in federal prison, followed by 10 years of supervised release, for enticement of a minor and enticement of an adult. Franklin communicated with an undercover officer, believing that the officer was a young woman with a teenage sister, attempted to recruit the undercover officer and her sister to engage in commercial sex for him. Franklin, along with his son Andre, drove to pick up the girls and both were arrested. It was discovered that Andre was communicating with someone he believed to be another 16-year-old girl, who was an undercover deputy, and was attempting to recruit her to engage in commercial sex for him as well.

### **Colorado**

*United States v. Parkhurst.* In 2018, James Parkhurst pleaded guilty to one count of transportation of child pornography. He was sentenced to serve 135 months in prison. Parkhurst took three trips, including one to Colorado in August 2010, where he took photographs of nude minors who were in his care. A forensic examination of the electronic devices seized from the defendant's Oregon residence in 2016 revealed hundreds of thousands of images and over 3,500 videos of minors in various stages of undress, including minors posed in sexually suggestive and erotic poses saved on the defendant's computer and external hard drives.

### **Connecticut**

*United States v. Morris.* In 2017, Darryl Morris pleaded guilty to sex trafficking of a minor and was ordered to pay the minor victim restitution of \$100,000. From 2014 to 2016, Morris met a 15-year-old girl who was engaging in commercial sex in New York and brought the minor victim back to Connecticut. He arranged to have advertisements of her services posted on Backpage.com, began to see customers at Morris's residence, and gave the money she received to Morris. He also drove the minor to locations in Connecticut, New York, New Jersey, Massachusetts, and the District of Columbia where she engaged in commercial sex with multiple parties. Morris engaged in sexual activity with the minor victim and began beating her a few weeks after she arrived in Bridgeport. In 2016, investigators found the minor victim at a hotel in East Hartford after she contacted her mother, who then called police. Morris had recently beaten the minor victim, who had visible scars and signs of physical abuse. She also had a tattoo on the back of her neck with the name "King Sin" underneath a large bar code. Morris was sentenced to 168 months of imprisonment, followed by five years of supervised release, for sex trafficking of a minor.

### **Delaware**

*United States v. Hill.* In 2017, Daniel Arthur Hill pleaded guilty to two counts of production of child pornography. He was sentenced to serve 300 months in prison followed by 15 years of supervised release. Hill was arrested by the Delaware State Police Department for solicitation of a minor on Dec.16, 2015. Hill had met a person online who he believed was a 14-year-old girl and with whom he had arranged to engage in sexual intercourse. Following his arrest, a court-authorized search of Hill's electronic devices revealed evidence that Hill had produced images of



child pornography depicting two minors under the age of 12. Hill had also distributed child pornography to others via online chat groups.

### **Florida, Middle**

*United States v. Deshpande.* In 2018, Deepak Deshpande pleaded guilty for enticing a minor to engage in sexual conduct and production of child pornography. In 2017, Deshpande contacted a minor in Orlando through an online chat application posing as a modeling agent and persuaded the minor to send him nude images of herself. In the following months, the defendant posed as two other individuals, contacted the same minor, and threatened to disseminate her nude images if she did not continue producing additional child pornography. He traveled to Orlando to meet the minor, brought her to a local hotel, and filmed himself sexually assaulting the victim multiple times. He repeated this same conduct during four additional visits to Orlando. Following an anonymous tip, an undercover FBI agent began posing as the minor in communications with the defendant and he was arrested upon his arrival back in Orlando. After his arrest, Deshpande plotted to kidnap and murder the minor victim by recruiting a fellow inmate to serve as a middleman. His efforts were ultimately unsuccessful. Deshpande was sentenced to life in federal prison plus 360 months.

### **Florida, Northern**

*United States v. Norman.* In 2020, Dustin Lee Norman pleaded guilty to production of child pornography, possession of child pornography, and sending interstate transmissions of extortionate communications (also known as sextortion). He contacted the minor female, who resided in the state of Washington, through a social media site and engaged her in conversations of a sexual nature, during which sexually explicit photographs were sent to him. Norman threatened to post the photographs online unless the minor continued to send additional, and more explicit, photographs and videos of herself. Norman was sentenced to 216 months in federal prison followed by a lifetime-supervised release and will be required to register as a sex offender.

### **Florida, Southern**

*United States v. Beasley.* In 2019, Donald Glenn Beasley pleaded guilty to the receipt and possession of child pornography. Beasley, a former sheriff's deputy in Colorado Springs, Colorado, had been downloading child pornography on a peer-to-peer network and utilizing a state-of-the-art encryption when he became known to FBI special agents. In a search of Beasley's trailer resulting from a Cybertip from the National Center for Missing and Exploited Children, law enforcement seized a laptop and three external hard drives which were revealed to contain multiple videos and numerous images of child pornography, many involving minor children under the age of twelve. Beasley was sentenced to 108 months in prison followed by 240 months of supervised release.

### **Georgia, Northern**

*United States v. Castaneda.* In 2018, Craig Alan Castaneda was convicted of traveling interstate to engage in sex acts with a nine-year-old and of enticing a minor to engage in illegal sexual activity. Beginning in early April 2015, an FBI agent acting in an undercover capacity posted an ad on Craigslist in which he portrayed himself as a mother in search of a "teacher" for her nine-year-old daughter. Castaneda responded and described his previous experience in molesting

children, including a four-year-old child. Castaneda continued to communicate with the undercover agent for the next several weeks and made plans to travel from San Diego, California, to Atlanta, Georgia. In one of his final communications with the undercover agent before boarding a plane, Castaneda instructed the “mother” to have sex toys and lubricant available upon his arrival. He was arrested at the Atlanta airport when he landed. Castaneda was sentenced to 420 months in prison to be followed by 120 months of supervised release and will be required to register as a sex offender.

### **Georgia, Middle**

*United States v. Kinard.* In 2022, Marty Allan Kinard pleaded guilty to one count of production of child sexual assault material. He was sentenced to serve a total of 360 months in prison to be followed by a lifetime term of supervised release. Barnesville Police Department (BPD) began an investigation after receiving a cyber tip from the National Center for Missing and Exploited Children (NCMEC) originating from the website Tumblr of an uploaded file containing child sexual assault material. A search of the residence pursuant to a state search warrant recovered two cell phones belonging to Kinard; one of the phones contained child sexual assault material Kinard produced involving a minor child. The Georgia Bureau of Investigation later received a cyber tip from NCMEC of several files for the social media application Kik which contained child sexual assault material. Both IP addresses linked back to the same residence where Kinard resided. Kinard admits that from Feb. 1, 2021, until May 28, 2021, he enticed a minor child to produce child sexual assault material which he uploaded online.

### **Georgia, Southern**

*United States v. Dunn.* In 2022, Paul Francis Dunn III pleaded guilty to Abusive Sexual Contact Committed by a Person Employed by the Armed Forces Outside the United States, and Sexual Abuse of a Minor Committed by a Person Employed by the Armed Forces Outside the United States. He was sentenced to 293 months in prison followed by lifetime supervised release. While Dunn served in the U.S. Army and later as a civilian U.S. employee in Belgium, from 2006 to 2014, he repeatedly sexually abused a child under age 16. He was arrested in 2018 after the victim reported the abuse.

### **Guam & Northern Mariana Islands**

*United States v. Lopez.* In 2019, Wilfredo Lee Lopez, Jr. was convicted of attempted enticement of a minor and transfer of obscenity to a minor. Lopez responded to a Craigslist ad to an undercover agent who posed as a girl living on Andersen Air Force Base. He admitted to sending the emails even after he was made aware that he was in fact emailing with an undercover agent so he could be kicked out of the military. Lopez was sentenced to 120 months in prison followed by 36 months of supervised released and will be required to register as a sex offender.

### **Hawaii**

*United States v. Macapagal.* In 2020, Noel Macapagal was convicted of attempted enticement of a minor. In March 2019, an undercover law enforcement officer posing as the mother of three young girls, aged 6, 9, and 11, exchanged messages on-line with Macapagal in connection with making her daughters available for sexual activities. Macapagal was later arrested when he drove to meet them in person.

## **Idaho**

*United States v. Boam.* In 2021, Tel James Boam was convicted for producing and possessing child pornography. He was sentenced to 45 years in prison. After an individual reported finding videos of a nude minor on an iPhone belonging to Boam, law enforcement obtained a search warrant for Boam's iCloud account. Search of the iCloud account revealed that Boam had attempted to produce, by surreptitious recording, 36 sexually explicit videos of a fourteen-year-old child and that Boam had possessed those videos. The videos were produced with a spy camera that Boam purchased using his credit card.

## **Indiana, Northern**

*United States v. Johnson.* In 2021, Lorenzo Johnson was convicted of three counts of conspiring to produce child pornography, one count of distribution of child pornography, and one count of being a felon in possession of a firearm. Johnson, a registered sex offender, used Facebook accounts in the names of others to identify women with access to children who appeared to be experiencing financial difficulties. He offered those women money to take sexually explicit photos of infants and prepubescent children whom they knew. He successfully persuaded three such women, who were subsequently charged with child pornography offenses, to send him photos depicting the sexual abuse of infants and prepubescent children. In an interview with the FBI, Johnson admitted that he also solicited the production of child sexual abuse material (CSAM) from other Facebook users as a means of blackmail. Johnson asked one woman to produce CSAM so he could "hold something over her head." Facebook records showed Johnson discussing the sexual abuse of children with his co-conspirators and threatening to "expose" them if they did not agree to produce CSAM. Johnson was previously convicted in 2009 in Illinois of aggravated sexual abuse involving a minor.

## **Indiana, Southern**

*United States v. Roe, Schuck, Talley, and Mead.* In 2018, Diana Roe was an administrator of a Kik chat group in which people shared sexually explicit images of children and chatted about child molesting and bestiality. Roe got caught when one of her chat partners, Jeremy Richard, from Louisiana became the subject of a NCMEC CyberTip Report submitted by Facebook. A search of Richard's phone led to the identification of Roe. Roe was distributing and receiving child pornography and chatting with people who said they were molesting children, including a man identified as Bennie Schuck. Schuck and his girlfriend, Amber Talley, were molesting and exploiting Talley's pre-teen daughter in Indianapolis, and Schuck distributed those images to Roe in Kik. Another of Roe's chat partners, Joshua Mead, also from Indianapolis, was distributing and receiving child pornography with 154 identified victims in his collection. Roe pleaded guilty to the distribution and receipt of child pornography and was sentenced to 180 months in prison, a lifetime of supervised release, and must pay \$31,000 in restitution. Schuck was sentenced to 540 months in prison, 120 months of supervised release, and must pay \$25,000 in restitution. Talley was sentenced to 540 months in prison, 60 months of supervised release, and must pay \$10,000 in restitution. Mead was sentenced to 108 months in prison, 120 months supervised release, and must pay \$44,000 in restitution.

## **Iowa, Northern**

*United States v. Miller.* In 2022, Kenneth Miller pleaded guilty to sexual exploitation of a minor. Miller admitted that he sexually abused a seven-year-old child. A search of Miller's email

address revealed 6 photographs of the minor child, taken by the Miller, while Miller was sexually abusing the child. Miller had previously been convicted of criminal attempt-visual depiction of sexually explicit conduct in Nebraska.

### **Iowa, Southern**

*United States v. Taylor.* In 2022, George Winston Davenport was sentenced to 260 months in prison for receiving child pornography and ordered to pay \$48,000 in restitution. Taylor, age 65, was identified by law enforcement through a cyber-tip from a social media platform stating that an image of child pornography had been uploaded by an email registered to Taylor. Following further investigation, officers executed a search warrant on Taylor's residence, seizing multiple electronic devices. Forensic examination of the devices revealed approximately 3,000 images and over 400 videos containing child pornography. Taylor was previously convicted of Possession of Child Pornography in the Central District of Illinois in 1998.

### **Kansas**

*United States v. Shultz.* In 2018, Anthony Shultz pleaded guilty to three counts of producing child pornography in July 2018. He was sentenced to over 84 years in prison. Shultz traveled to the Philippines and engaged in sex acts with minor females. He videotaped his sexual encounters with two minors, ages 12 and 15 years old at the time, and transported the videos to his home in Kansas. Shultz would sell the videos online. In one of the videos, Shultz is seen giving the 15-year-old money after having sex with her. Shultz also produced child pornography of an 8-year-old girl in the Philippines by communicating on Skype with the child's mother and directing the mother to expose the child's genitals and live-stream it on web camera.

### **Kentucky, Eastern**

*United States v. Derringer and Walls-Land.* In 2018, Jacquolyn Walls-Land hosted a sleepover birthday party for her daughter's 13<sup>th</sup> birthday at a Holiday Inn Express. Her co-defendant boyfriend, Richard Derringer, accompanied her to the party. There were five minor females, along with the two defendants, staying in a two-room suite. The twelve-year-old minor victim became homesick after midnight, and Derringer offered to take her home. He drove the victim to a store where he purchased cigarettes, and then drove past her residence without stopping. He returned to the hotel, where they picked up Walls-Land. Derringer then drove the victim to a remote location, forced her to smoke methamphetamine, and sexually abused her while Walls-Land recorded such on her cell phone. Derringer was sentenced to 100 years in prison for the production of child pornography and distribution of methamphetamine. Walls-Land pleaded guilty to using a minor to engage in sexually explicit conduct for the purpose of producing child pornography. Walls-Land was sentenced to 270 months in prison and 360 months of supervised release.

### **Kentucky, Western**

*United States v. Coiles.* In 2022, Shasta Maria Coiles was sentenced to 20 years in prison, followed by lifetime supervised release, for three counts of production of child pornography, two counts of distribution of child pornography, and one count of transfer of obscene material to a minor.

### **Louisiana, Eastern**

*United States v. Peeples*. In 2022, Dominique Peeples pleaded guilty to Sex Trafficking of a Minor. Peeples brought a seventeen-year-old minor from Memphis to New Orleans for the purpose of her engaging in commercial sex acts beginning at a time not known and continuing until in or about mid-January 2021. During this time, Peeples was aware of the minor's age. Peeples advertised the minor on websites commonly used to advertise sexual services in exchange for money. Peeples currently awaits sentencing with a hearing scheduled for 2023.

### **Louisiana, Middle**

*United States v. Kimbrell*. In 2021, Kimbrell was convicted of attempted enticement of a minor. He was sentenced to 292 months in prison followed by five years of supervised release. From May to June 2019, Kimbrell believed that he was communicating with an 11-year old girl, her stepfather, and her mother, when in fact, he was communicating with undercover FBI agents. Kimbrell believed that the "stepfather" had been repeatedly molesting his "stepdaughter" and was now offering the "child" for sexual encounters by another adult. Kimbrell sent numerous graphic emails describing how he would have sex with the child and did his best to convince the three that sex would be better with him than with the stepfather. During the conversations, Kimbrell developed and encouraged the nicknames of "Turtle" for himself and "Princess" for the child. Eventually, Kimbrell met the undercover agents, whom he believed to be the stepfather and mother, at a restaurant to discuss the ground rules for his first sexual encounter with the child. Kimbrell was arrested as he walked toward the motel where he believed the child was waiting. Upon his arrest, Kimbrell was in possession of two boxes of condoms, personal lubricant, baby oil, and a rhinestone key chain that spelled out "Princess," which he purchased as a gift for the child.

### **Louisiana, Western**

*United States v. Osmer*. In 2022, Jody Osmer was sentenced to 235 months in prison followed by lifetime supervised release. Osmer pleaded guilty to coercing a minor to engage in sexually explicit conduct and agreed that he did so with the purpose of producing a visual depiction of that conduct. Law enforcement officers with the National Center for Missing and Exploited Children ("NCMEC") received a cyber tip regarding distribution of child pornography associated with Osmer. Law enforcement agents executed a search warrant at Osmer's residence and found him to be in possession of child pornography involving prepubescent minors. Osmer later admitted to agents that he had used social media to communicate with minor females in an effort to meet them in person and engage in sexual relations. Between 2014 and 2017, two minor females communicated with Osmer via cell phone applications and sent sexually explicit images of themselves at his request. In addition, Osmer admitted that he met one of the minor victims and engaged in sex with her.

### **Maine**

*United States v. Suero and Suero*. In 2019, Isaac Suero and his mother, Lourdes Suero, pleaded guilty for conspiracy to commit sex trafficking of a minor and using a facility of interstate commerce to promote prostitution, respectively. After Isaac Suero and his minor victim connected online, he and other adults picked her up at a grocery store and drove her to a private residence in Bangor, Maine. While there, it was suggested that the victim, who had no money, would engage in prostitution with Suero's assistance and give him a portion of the money. Suero

paid for a hotel room in Bangor for the victim and another adult female and the 15-year-old victim engaged in multiple commercial sex acts. Suero introduced the victim to his mother who facilitated the prostitution by booking a hotel room and driving the minor victim to meet a client. Isaac Suero was sentenced to 108 months in prison followed by 60 months of supervised release and must pay \$750 in restitution. Lourdes Suero was sentenced to five months in prison and 36 months of supervised release, of which up to five months must be home confinement.

### **Maryland**

*United States v. Hall.* In 2018, Martin Hall pleaded guilty to traveling from the United States to the Philippines to engage in illicit sexual conduct with a minor, and to producing child pornography with the intent to transport it to the United States. Hall was the owner of a computer programming consulting firm and traveled throughout the world to teach computer programming. During numerous trips to the Philippines, Hall befriended a family with young children and provided money and other material benefits to the family. Hall engaged in sex acts with one minor and produced images and videos of three minors. He also used Freenet, a sophisticated encryption software to download and store thousands of images of child pornography. His conduct was discovered after he requested files of child pornography on the Freenet network. Hall was sentenced to 300 months in prison, a lifetime of supervised release, will be required to register as a sex offender, and must pay \$125,000 in restitution to the victims.

### **Massachusetts**

*United States v. Sebastian.* In 2020, Michael Sebastian was charged with engaging in illicit sexual conduct in foreign places and sex trafficking of children. According to the charging documents, Sebastian has been living in Laos, where he teaches English to Laotian youth. During at least the past two years, Sebastian provided housing to at least three boys, aged 13-18, to whom he taught English. In lieu of paying rent to live with him, Sebastian allegedly allowed the boys to pay off their rent by performing chores. According to the complaint, these chores included giving Sebastian massages, which included masturbating Sebastian.

### **Michigan, Eastern**

*United States v. Maire, Simpatico, Rodriguez, Figura, Ortega, Sinta, Young, and Walton.* From 2012 to 2017, eight men from around the country worked together to lure juvenile girls to an unmonitored video chat website and then sexually exploit them. The men recruited the victims from common social media platforms by pretending to be teenage boys interested in chatting with the girls in real time. Once the victims arrived in the chatrooms, the group—all pretending to be teenagers—worked together to build trust and convince the children to engage in sexually explicit conduct on web cameras. Group members then recorded that activity. Through their scheme, the group successfully targeted hundreds of minors, some as young as ten years old. The forensic examination of their devices recovered over 450,000 child exploitive and child pornography videos of these minors. All eight men were sentenced to prison, with their sentences ranging from 360 months to 480 months and were ordered to pay \$5,000 in restitution to each of the identified victims.

### **Michigan, Western**

*United States v. Wicke.* In 2022, Robert Duane Wicke was sentenced to life in prison for attempting to coerce and entice children to engage in sex. Wicke also received sentences for

distribution and possession of child pornography to be served concurrently with the life sentence. Wicke sought out children to sexually abuse. A law enforcement agent posed as a mother in California with 7-year-old and 9-year-old daughters. Wicke wanted the mother to bring the girls to him so he could sexually assault them and train them to be sex slaves. He sent the mother videos of other children being abused and raped and wanted the videos to be shared with the 7-year-old and 9-year-old girls as part of a grooming effort to desensitize the children to sex. Wicke traveled from his home in Lansing to a hotel in Grand Rapids as part of his plan to fly the mother and children from California to Michigan. Instead of meeting the mother and the victims, Wicke was greeted by federal agents. A subsequent search of his digital devices disclosed his collection of child pornography.

### **Minnesota**

*United States v. Whiteford.* In 2022, Jay Tyrell Whiteford pleaded guilty to one count of production of child pornography. He was sentenced to 420 months in prison followed by a lifetime term of supervised release. Whiteford used his cell phone and Snapchat account to communicate with at least two minors. In his communications, Whiteford used an alias and told the minor he was 16 years old. He induced the minors to create and send to him sexually explicit videos and images.

### **Mississippi, Northern**

*United States v. Northington.* In 2022, Brett Northington was sentenced to 360 months in prison for using a minor to produce child sexual abuse material and distribute it on the Internet. Investigation began when Homeland Security Investigations (HSI), in conjunction with international intelligence agencies, received information that Northington was distributing child pornography via an instant messaging application. Northington had used the application to take and send sexually explicit pictures and videos of a child under the age of 12. Northington had been previously convicted of a sex offense in state court.

### **Mississippi, Southern**

*United States v. Stockstill.* In 2021, Joshua Christopher Stockstill pleaded guilty to producing a video of a minor engaging in sexually explicit conduct. He was sentenced to 360 months in federal followed by a lifetime of supervised release. He was also ordered to pay restitution to a victim - a \$10,000 assessment under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018. The National Center for Missing and Exploited Children (NCMEC) became aware of the sexually explicit video and other images. With the assistance of NCMEC, the FBI in Gulfport identified then Picayune Police Sergeant Joshua Christopher Stockstill as the producer of the video.

### **Missouri, Eastern**

*United States v. Joshi.* In 2020, Dr. Ashu Joshi pleaded guilty to distribution of child pornography. Dr. Joshi was 46 years old when he began a relationship with a 16-year-old Kentucky girl who Dr. Joshi met through her mother, a former patient of the doctor in Kentucky. The doctor engaged in sexual abuse with the victim and produced child pornography, exchanging photos over Facebook messenger. In 2018, a St. Louis County Police Officer received four CyberTips regarding Dr. Joshi. Investigators learned from the tips that between August and



September 2018, a Facebook account linked to Doctor Joshi uploaded and sent several pictures containing child pornography. Dr. Joshi was sentenced to 96 months in prison.

### **Missouri, Western**

*United States v. Smith.* In 2022, Cory Lavell Smith pleaded guilty to one count of conspiracy to engage in sex trafficking and one count of sex trafficking. He was sentenced to 18 years in prison without parole followed by 20 years of supervised release. Smith admitted participating in a sex-trafficking conspiracy from Aug. 1, 2018, to Jan. 9, 2019, that caused four victims, including a 14-year-old and 16-year-old, to engage in prostitution. Smith groomed the 14-year-old victim into the commercial sex trade by befriending her, partying with her, buying her things, and educating her about the commercial sex trade. Smith provided her with drugs, deprived her of food to gain her compliance, advertised her for commercial sex on various websites, drove her to local motels to conduct commercial sex acts, took almost all fees she was paid for acts, and kept the victim locked in an apartment to prevent her from leaving. She provided investigators with the names of two additional victims who had been trafficked by Smith. The 16-year-old victim reported that Smith almost “choked her out” over a \$1,000 commercial sex fee and continually threatened her. She recounted how he would try to whip them with extension cords or belts, how he forced the girls to use drugs and how the girls wanted to leave, but he threatened they could not get out of the business unless they died.

### **Montana**

*United States v Edwards, et al.* In 2018, Terrance Edwards was convicted of Sex Trafficking by Force, Fraud, or Coercion; Transportation of a Minor with Intent to Engage in Prostitution; Obstruction of a Sex Trafficking Investigation; Transportation of a Person with Intent to Engage in Criminal Sexual Activity; Distribution of Marijuana to Person under 21 Years of Age; and Tampering with a Witness, Victim, or Informant. Upon his release from state custody in March 2016, Edwards, a man with a prior conviction for promotion of prostitution, began to recruit new victims. Edwards trafficked multiple adult women and children in Montana and elsewhere, supplying them with marijuana. His methods involved physical and verbal abuse, as well as threats of harm directed towards his victims and their families. After his rearrest, he and his co-defendant attempted to tamper with witnesses in the case. Edwards was ultimately sentenced to 360 months in prison, followed by lifetime supervised release and was ordered to pay \$3,370 in restitution to one of his victims.

### **Nebraska**

*United States v. Kirsch.* In 2020, Timothy Kirsch was sentenced to 360 months’ imprisonment and lifetime supervised release for producing child pornography. In December 2018, Homeland Security Investigations (HSI) in Omaha was contacted by the Florida Department of Law Enforcement after a minor female’s mother reported concerning text messages on her daughter’s cell phone. Federal agents executed a search warrant to seize and search Kirsch’s cell phone and located text message conversations with the minor female in Florida as well as a second minor female in Wisconsin. HSI was able to determine that Kirsch first started speaking to the minors in online chat rooms and then began conversing with them via text message. In the text message conversations, Kirsch sent explicit photographs and videos of himself and requested explicit photographs of the minors. He also attempted to arrange for the minors to travel to Nebraska to

have sex with him. Kirsch had three previous convictions for failing to register as a sex offender and was on supervised release in December 2018 when the conduct in this case occurred.

### **Nevada**

*United States v. DiTirro.* In 2018, Lonny Joseph DiTirro Jr. was found guilty of sexually exploiting children by producing child pornography and possessing hundreds of images and videos of child pornography, including infants and toddlers. DiTirro lied to children on a social media and dating application called MeetMe, claiming he was a teenager or in his 20s to coerce the victims into various sexual activities. The defendant recorded sex acts with the minor victims, and he created screenshots of sexually explicit Skype video chats of the victims. The defendant catalogued these videos and screenshots onto an SD Card which contained over 50 folders bearing the names and ages of minor females that contained nude photos of videos of those minors. DiTirro was sentenced to 140 years in prison.

### **New Hampshire**

*United States v. Riehl.* In 2018, Matthew Riehl pleaded guilty for producing child pornography. Riehl, a coach at a local high school, posed as a teenage girl on various social media accounts and targeted numerous victims, many of whom were boys under the age of 18 and who the defendant knew personally through his coaching position. After engaging his victims in conversation, he sent sexually suggestive pictures of a young female that he represented was “herself” and persuaded the boys to send pictures of themselves in return. Once he had obtained pictures of his victims, the defendant coerced his victims into sending more sexually explicit content by threatening to disseminate the compromising pictures they had already sent. Riehl was sentenced to 300 months in prison followed by 180 months of supervised release and will have to register as a sex offender.

### **New Jersey**

*United States v. Bly.* In 2019, Richard Bly was convicted of online enticement of a minor to engage in illicit sexual conduct. Bly posted an advertisement on an internet website seeking to meet parents willing to allow him to engage in sexual activity with their young children. Over the course of several weeks, Bly exchanged numerous emails and text messages with an undercover law enforcement agent posing as the mother of an eight-year-old girl. In graphic terms, Bly repeatedly expressed his interest in engaging in sexual activity with the purported child and made plans to meet the child and her mother at a hotel in New Jersey. Law enforcement arrested Bly at the hotel upon his arrival. At the time of his arrest, Bly was on bail after having been arrested and charged in August 2016 in Massachusetts engaging in similar conduct. Bly was sentenced to 235 months in prison followed by 120 months of supervised release.

### **New Mexico**

*United States v. Sepulveda.* In 2017, Michael Ray Sepulveda pleaded guilty to production of child pornography and receipt of child pornography. Sepulveda, a previously convicted sex offender, utilized Facebook to pose as a sixteen-year-old-female to target minor boys. He requested nude pictures of the boys, who were between 14 and 15 years old, and sent images of the purported female in return. Sepulveda also allegedly attempted unsuccessfully to meet with the victim for the purpose of engaging in sexual activity. Sepulveda was sentenced to 300

months in prison followed by a lifetime of supervised release and will be required to continue to register as a sex offender. He was also ordered to pay \$15,000 in restitution to the victims of his crimes.

### **New York, Eastern**

*United States v. Liwanag.* In 2018, Keith Liwanag pleaded guilty to producing child pornography. The defendant, while living in the state of New York, used a Facebook account to persuade women in the Philippines to engage in sexual acts with children in exchange for money and to produce and send child pornography over Facebook's private messaging service. The defendant also created videos of live Facebook video chats and Skype video calls he had with women in the Philippines, in which he directed those women to engage in specific sexual acts with male prepubescent children. Records obtained from Western Union reflect that from 2015 to 2017, Liwanag made payments to accounts in the Philippines in exchange for the images and videos he received. Liwanag was sentenced to 180 months in prison and will be required to register as a sex offender.

### **New York, Northern**

*United States v. Hoyt.* In 2022, Jeremie Hoyt pleaded guilty to sexually exploiting a child and distributing and possessing child pornography. Hoyt admitted he produced a sexually explicit photograph and video of the child victim, then later distributed the photograph and video over the internet to other users on a messaging application. Hoyt still possessed the image and video on his iPad when law enforcement searched his home. Hoyt was sentenced to 25 years in federal prison.

### **New York, Southern**

*United States v. Nunez.* In 2022, Christopher Nunez pleaded guilty to three federal counts of enticement and one count of sexual exploitation. In 2021, Nunez was charged with rape and endangering the welfare of a child. The federal investigation revealed that prior to Nunez's abuse of Victim-1, he abused a 12 year old girl ("Victim-2") in Kentucky and a 16 year old ("Victim-3") in New Jersey. With both Victim-2 and Victim-3, Nunez engaged in sexually explicit online communication, persuaded each to engage in sexually explicit activity, capture this activity in images and videos, and transmit those to Nunez. Nunez travelled from his home in Florida to Kentucky to meet Victim-2 in person and engage in illicit sexual activity. Nunez was sentenced to 320 months (over 26 years) in prison and a lifetime term of supervised release.

### **New York, Western**

*United States v. Mesko.* In 2022, Michael Mesko was convicted of enticement of a minor. Mesko engaged in an illicit sexual relationship with a 17-year-old minor who was mentally disabled. Mesko communicated with the minor victim via text message and mobile chat applications. Mesko fled with the minor victim to the state of Pennsylvania, causing an Amber Alert to be issued for the minor victim. When spotted by a Pennsylvania State Police Trooper, Mesko fled at a high rate of speed and had to be forcibly stopped and taken into custody. Mesko was sentenced to 30 years in prison.

### **North Carolina, Eastern**

*United States v. Ayala.* In 2021, Raul Ayala Jr. pleaded guilty to production of child pornography. Ayala, 72 years old, was interviewed by the Fuquay-Varina Police Department and admitted to molesting a prepubescent minor victim, as well as other victims as far back as the 1970s. A search warrant was thereafter executed at Ayala's residence and multiple digital devices were seized. The devices contained numerous images and videos of child sexual abuse material (CSAM). In addition, the police found a briefcase in Ayala's attic, suspended by a pulley system, that contained CSAM and Polaroid pictures of nude minor children, dating back to the late 1960s and early 1970s. Homeland Security Investigations (HSI) agents were able to track down and identify one of the boys depicted in the Polaroids. He is now in his 60s and disclosed that Ayala had sexually abused him when he was a minor, starting when he was 8 years old.

### **North Carolina, Middle**

*United States v. Heidel.* In 2022, Kevin Richard Heidel was convicted for possession of child pornography. Heidel, a registered sex offender, was identified by County Sheriff investigators after a tip revealed an Instagram user in that county was suspected of uploading images of suspected child pornography to the platform. County Sheriff's Office executed a search warrant at Heidel's residence locating a cell phone containing child pornography. Further investigation revealed child pornography on another phone belonging to Heidel located in the front yard of Heidel's neighbor. Heidel was sentenced to 240 (20 years) in prison followed by a 20 year term of supervised release.

### **North Carolina, Western**

*United States v. Tate.* In 2016, Kenwaniee Tate was convicted of sex trafficking of a minor by fraud, force and coercion and sex trafficking of a minor while being required to register as a sex offender. Tate met the victim when she was 15 years old and shortly after became her pimp and forced her to engage in commercial sex. He advertised the minor victim for sex on the Internet website Backpage and arranged sexual encounters for her. After his arrest, it was discovered that Tate was a registered sex offender based upon a previous conviction in Minnesota for conspiracy to commit sex trafficking of a minor in a sex trafficking ring. He was sentenced to 480 months in prison followed by a lifetime of supervised release, required to register as a sex offender, and ordered to pay \$42,100 as restitution to the victim.

### **North Dakota**

*United States v. Heidinger, United States v. Walker.* In 2022, Katie Heidinger and Derrick Walker were convicted of six counts of sexual exploitation of a minor, and Walker had an additional count for receipt of images depicting sexual exploitation of a minor. Heidinger pled guilty, but Walker's case went to trial. In Walker's trial, Heidinger testified she engaged in an extramarital affair with Walker during which time Walker disclosed to her he was sexually interested in young boys. At Walker's request, Heidinger produced sexually explicit images and videos involving three minor victim boys— one, two, and five years old. Heidinger then sent these images to Walker. Heidinger, again at Walker's request, produced images and videos on a second occasion depicting her sexually abusing these same three minor victims. Additionally, Walker requested Heidinger to engage in similar conduct with three other children. Heidinger's then-husband discovered the images and videos Heidinger produced on Heidinger's cellphone

and immediately reported the discovery to the County Sheriff's Department. Heidinger was sentenced to 30 years of imprisonment followed by a life term of supervised release. Walker was sentenced to 45 years of imprisonment followed by a life term of supervised release.

### **Ohio, Northern**

*United States v. Lucarell.* In 2022, Matthew Lucarell pleaded guilty to four counts of sexual exploitation of children, one count of possession of child pornography, and one count of receipt and distribution of minors engaged in sexually explicit conduct. Lucarell coerced four separate minor victims into engaging in sexually explicit conduct in order to produce visual depictions of the interactions. Additionally, Lucarell knowingly received and distributed various files of child pornography from 2018-2021. In 2021, Lucarell was found possessing a cell phone and two Micro SD Cards containing numerous files of child pornography including at least one image involving a minor under 12 years old. Lucarell was sentenced to 30 years in prison.

### **Ohio, Southern**

*United States v. Jones.* In 2017, Robert Steven Jones pleaded guilty to the production of child pornography, coercion, and enticement of a minor, and commission of a felony offense involving a minor while being registered as a sex offender. While living in Illinois in 2013, Jones recorded videos of himself masturbating and committing other sexual acts on and with a seven-month-old infant. The videos depict Jones engaging in acts of physical violence with the baby – including slapping, punching, shaking, restraining, and suffocating the infant. In one video, Jones is shown holding the baby up to the camera while smothering and choking the infant to such an extent that the baby slowly became limp and turned a blueish color, apparently unconscious. The baby survived. In 2014, Jones moved to Ohio, and the following year, law enforcement officers discovered the videos on Jones's cell phone while executing a search warrant at his home. Jones also admitted to molesting a seven-year-old female at his residence in Ohio on at least two occasions in 2015, and to producing two videos of the conduct on his cell phone. Jones met with and communicated with numerous other victims, aged 13 years to 16 years, for the purpose of engaging in prohibited sexual acts and creating child pornography. This included victims living in other states such as New York and Tennessee. Jones was sentenced to life plus ten years in prison.

### **Pennsylvania, Eastern**

*United States v. Dowdle, et al.* In 2020, ten defendants from around the country were sentenced for participating in a child pornography enterprise and conspiracy. In the Eastern District of Pennsylvania, the following defendants each pleaded guilty and were sentenced: Andrew Dowdle, aka "Chigger," of New York was sentenced to 16 years in prison, followed by 15 years supervised release. Carl Masters, aka "Harmon," of Kansas was sentenced to 27 years in prison, followed by lifetime supervised release. Ric Crossfield, aka "Officer Branner," of New York was sentenced to 14 years in prison, followed by 40 years supervised release. Brennan, aka "Choad," of Washington was sentenced to 20 years in prison, followed by 10 years supervised release. Sharif El-Battouty, aka "Fritos," of New York was sentenced to 30 years in prison, followed by lifetime supervised release. Jarrett Lea, aka "Toot," of North Carolina was sentenced to 17 years in prison, followed by 15 years of supervised release. David Minnichelli, aka "Davis," of New Jersey was sentenced to 15 years in prison, followed by lifetime supervised release. Marqueal Bonds, aka "The Goat," of Illinois was sentenced to 22 years in prison, followed by lifetime

supervised release. Timothy Friel, aka “JJChuck,” of Pennsylvania was sentenced to 12 years in prison, followed by 15 years supervised release. Additionally, Cory Crosby aka “The 191,” of Washington pleaded guilty and was sentenced to 25 years in prison, followed by lifetime supervised release in the Western District of Washington.

Between November 2016 and July 2018, these defendants, and other co-conspirators outside of the United States, utilized invitation-only chatrooms on the online service “Discord” – an application designed for online gaming communities that allows users to engage in text chat and share images and videos – to produce and exchange child pornography. Those who gained access to the chatrooms actively worked together to identify social media platforms and profiles of minor females, including girls as young as 10 years old, and strategized regarding how to convince the children to engage in sexually explicit activity via live web camera. The group targeted live-streaming video chat applications such as Live.Me, Periscope, YouNow, Kik, Musically, and Snapchat to target and entice the minors to engage in sexually explicit conduct. While pretending to be minor boys and girls, the defendants streamed pre-recorded videos of other underage minors engaging in similar conduct to the targeted victims in an effort to get the minors to believe they were watching a live video of someone their own age. The victims were unaware that they were communicating with adult men who were recording their sexually explicit activity. After successfully recording a victim, the defendants shared the sexually explicit videos with each other by uploading the files to file-storage sites and placing a link to download the file on a section of their members-only chatroom. To date, 172 minor victims have been positively identified.

### **Pennsylvania, Middle**

*United States v. Heatherly, United States v. Staples.* In 2018, two additional men were convicted as part of an international large scale child exploitation conspiracy investigation initiated in 2015 after Canadian and U.S. law enforcement discovered a live child molestation being streamed around the globe. Fifteen co-conspirators were previously indicted, twelve of which pleaded guilty. Between 2014-2016, Heatherly, Staples, and twelve co-conspirators located in different states worked together and with others to create a secure online space on a video conferencing website to live-stream videos of child pornography of prepubescent children, some as young as infants, in order to minimize evidence of child pornography located on their devices. Pre-recorded and live abuse was streamed. The investigation began after undercover Toronto Police Detective observed a five year old being sexually abused live via video conference. For Heatherly and Staples, a sentencing date has not yet been scheduled. Other co-conspirators received sentences up to 60 years of imprisonment.

### **Pennsylvania, Western**

*United States v. Bretz.* In 2019, Mark Joseph Bretz pleaded guilty to receipt of child pornography and interstate communications with intent to extort. Bretz received computer images depicting prepubescent minors engaging in sexually explicit conduct. He also used social media sites to coerce at least three victims into providing him sexually explicit images, subjecting the victims to threats until they relented. Bretz was sentenced to 96 months in prison and 72 months of supervised release.

### **Puerto Rico**

*United States v. Torres-Rodriguez.* In 2021, Mario Torres-Rodriguez pleaded guilty for transportation of a minor to engage in illegal sexual activity. For a period of about six months, Torres-Rodriguez was paying a 15-year-old minor victim to engage in illegal sex acts and production of child pornography. Torres-Rodriguez would pick up the minor victim from school or the victim's parents' business and transport the minor victim to locations to engage in sexual activity. Torres-Rodriguez was 63 years old at the time and knew the minor's family. Torres-Rodriguez was sentenced to a prison term of 14 years followed by 10 years of supervised release.

### **Rhode Island**

*United States v. Cardente.* In 2022, 28-year-old registered sex offender Chandler John Cardente was indicted for alleged enticement of a 12-year-old minor victim to engage in sexual activity then later while being held in state prison on related state charges launching a murder-for-hire plot to eliminate minor victim as a witness. Cardente and the minor victim met through social media communications prior to having sexual contact. Following arrest, the indictment alleges Cardente communicated by telephone with another person to whom Cardente expressed intent that the victim be murdered. Cardente offered \$200 cash and equipment worth \$1,500. Cardente's proceedings have not yet concluded. If convicted, Cardente's sentence according to statutory guidelines can range from over 20 years in prison up to life in prison.

### **South Carolina**

*United States v. Gressette, et al.* In 2017, seven men pleaded guilty for participating in an international child pornography production conspiracy involving more than 91 identified victims. The defendants utilized a website that was specifically designed to help the group target and sexually exploit minor females. The website was password protected and only vetted individuals could become members. The members of the website worked together to identify social media profiles of girls, including girls as young as ten, and strategized regarding how to convince the girls to engage in sexually explicit activity via live web camera. While pretending to be minor boys and girls, the defendants streamed pre-recorded videos of other underage girls engaging in similar conduct to their target-victims to trick the girls into believing they were watching a live video of someone their own age. Using peer-pressure, the members convinced the victims to engage in sexually explicit activity. All seven men were sentenced to prison with their sentences ranging from 216 months to 480 months followed by a lifetime of supervised release. All defendants were ordered to pay \$10,000 to one victim and \$98,715 to another victim in restitution. Fox was additionally ordered to pay \$5,000 in restitution to two victims and Cripe was additionally ordered to pay \$2,500 in restitution to two victims. Augustin was ordered to pay a fine in the amount of \$100,000.

### **Tennessee, Eastern**

*United States v. Booher.* In 2021, Kent Lowery Booher, a 67-year-old disbarred criminal defense attorney and sex offender, was found guilty of child exploitation crimes and ordered to pay restitution to the victim. For a period of a year, Booher sexually exploited a 15-year-old minor victim in an unspecified way. Additionally, Booher used a telephone and electronic messaging platforms including Facebook to communicate with an undercover officer Booher believed to be a 14-year-old. Booher arranged to meet in person, at which time agents arrested Booher. Booher was sentenced to life in prison plus 10 years.



### **Tennessee, Middle**

*United States v. Falte, Faulkner, Leslie, and Bedusek.* In 2018, Patrick D. Falte of Tennessee pleaded guilty to engaging in a child exploitation enterprise, three counts of advertising child pornography, and three counts of distributing child pornography. He was sentenced to 35 years in prison. Falte was the creator and lead administrator of “Giftbox Exchange,” a highly sophisticated Tor-network-based website. Falte established rules requiring users to upload and share images and videos depicting child sexual abuse material (CSAM) before they could access the site. The site was organized into different forums for posting different types of CSAM, categorized by age range of the minor victims including a sub forum for “Babies & Toddlers.” Co-defendants Benjamin A. Faulkner of Canada, Andrew R. Leslie of Florida, and Brett A. Bedusek of Wisconsin were active members of the Giftbox site and each pleaded guilty to engaging in a child exploitation enterprise. Faulkner was sentenced to 35 years in prison; Leslie to 30 years; and Bedusek to 20 years. Additionally, in 2017 Falte and Faulkner were sentenced to life in prison in the Eastern District of Virginia, in connection with their sexual abuse of a toddler-aged minor to whom they gained access through an individual they met through the Giftbox Exchange. Faulkner also separately traveled to Texas and sexually abused a toddler and produced child pornography of an infant. In 2018, Leslie was sentenced to 60 years in prison followed by lifetime supervised release in the District of Florida, in connection with his sexual abuse and production of child pornography involving multiple children, including an infant and a toddler.

### **Tennessee, Western**

*United States v. Henley.* In 2022, Joshua Henley pleaded guilty to eight counts including production of child sexual abuse material involving three minors, interstate transportation of a minor with intent to engage in sexual activity, distribution of obscene videos and images to a minor, and possession and transportation of child sexual abuse material. Henley was the pastor of a church and girls’ basketball coach at an elementary school in Tennessee prior to taking a position at a church in Indiana. A few years later, Henley drove from Indiana to Tennessee to pick up a fifteen-year-old female minor victim (“Minor C”) and brought her back to Indiana to his Vacation Bible School as a helper. Henley had sex with Minor C there, and Minor C later disclosed Henley was engaging in sexual activity with her since she was thirteen and Henley asked her to take and send him sexually explicit pictures via a chat application. While Minor C was in Indiana with Henley, another minor female (“Minor B”) disclosed to a trusted adult that in 2020 Henley asked her to create and send sexually explicit pictures via a chat application. Investigators located and arrested Henley while driving Minor C back to Tennessee. Found on Henley’s cell phone was sexually explicit images of Minor C, Minor B, and a video of Henley engaged in illegal sexual activity with another female (“Minor A”) who was fourteen at the time. Henley’s sentencing hearing has not occurred, but he will be incarcerated from fifteen years to life.

### **Texas, Eastern**

*United States v. Barter.* In 2019, Alexander Nathan Barter pleaded guilty to attempted coercion and enticement of a minor and distribution of child pornography. He was sentenced to 480 months in prison followed by lifetime supervised release. In October 2018, Barter posted an ad on a TOR site stating, “I’d like to try necrophilia and cannibalism, and see how it feels to take a

life. If you'd be willing to let me kill you, are in the US (preferably in the south) and can travel by car, contact me." An undercover officer saw the ad and responded, utilizing the persona of a father with a 13-year-old daughter. Between Oct. 9, 2018, and Oct. 19, 2018, Barter and the undercover officer exchanged a series of messages that included Barter's repeated interest in raping, killing, and eating the 13-year-old child. Barter provided the undercover officer with instructions on traveling from Florida to Shelby County, Texas, what to tell the child to get her acquiescence to travel and how to conceal evidence of their crime. On Oct. 19, 2018, Barter arrived at the designated meet site with a knife, trash bag, cellular phone, and a tablet. Barter also admitted to using a social media communications application, the Internet, and digital devices he owned to communicate with other individuals about child pornography. On Oct. 14, 2017, Barter offered to send videos depicting the sexual exploitation of a prepubescent female to another individual. The individual accepted the offer and Barter sent the files, along with descriptions of their contents.

### **Texas, Northern**

*United States v. Waters.* In 2019, Davin Seth Waters was convicted for transportation of minors with intent to engage in criminal activity. Waters, a former deputy, lured minor victims into engaging in sex acts by leveraging positions of power and trust as a sheriff's deputy, childcare volunteer, and Tae Kwon Do instructor. Authorities began investigating the defendant following a report from a church member who reported that Waters had sexually abused a child. Waters owned a Tae Kwon Do Studio where he engaged in illicit sexual conduct with a 13-year-old minor and a nine-year-old student. He also drove two minors from New Mexico to Texas where he performed sexual acts on the 11-year-old and 10-year-old while also giving the 10-year-old pills to induce unconsciousness. During their investigation, law enforcement identified seven additional children whom Waters had sexually abused in the greater Amarillo area. Waters was sentenced to life in prison.

### **Texas, Southern**

*United States v. Gandy.* In 2018, Jason Daniel Gandy was convicted for sex trafficking of minors, transportation of minors, sexual exploitation of a child, and transportation of child pornography. In July 2012, United Kingdom immigration officers stopped Gandy after he and a minor male child arrived in London. The officials in London believed something was amiss about someone of Gandy's age traveling with a 15-year-old male who are not related. Both individuals were returned to Houston on separate airplanes. Upon arrival in Houston, Immigration and Customs Enforcement's Homeland Security Investigations (HSI) met them. Their investigation revealed Gandy ran a massage business out of his home and was using the young boy to give massages. During the massages, paying customers could fondle the child. He was also required to sexually gratify customers by masturbating them. Gandy paid for the trip to London and the child's passport fees. Gandy's intent was for the child to perform massages in London during the 2012 Olympics. The investigation also revealed Gandy molested the child on more than one occasion and intended to continue to do so. Further investigation revealed there were multiple young men who Gandy victimized, some as minors and some as adults, manipulating them into performing massages on men which culminated in the sexual gratification of the client. Gandy was sentenced to 360 months in prison, a lifetime of supervised release, and must register as a sex offender.

### **Texas, Western**

*United States v. Christensen.* In 2020, Lydia Brynn Christensen pleaded guilty to possession of child pornography and distribution of child pornography. Authorities executed a federal search warrant based on information they had received about the contents of her cell phone. A forensic search of the phone revealed numerous images and videos depicting child pornography, including those of a female child under the age of two engaged in sexually explicit conduct of an adult male. She also has been using the phone to solicit, transmit, and receive child pornography. Christensen was sentenced to 188 months in prison followed by 120 months of supervised release and was ordered to pay \$11,000 in restitution to her victims.

### **Utah**

*United States v. Ward.* In 2018, Nathan Clark Ward pleaded guilty to production of child pornography. He live streamed the sexual abuse of his victim, who was between 12 and 14-years-old, with another sex offender. Ward admitted to lifting the shirt of the minor, as well as pulling down the minor's pants. Ward was sentenced to 262 months in prison followed by a lifetime of supervised release.

### **Vermont**

*United States v. Fiore.* In 2021, Sean Fiore pleaded guilty to conspiracy to kidnap and kill a person overseas, murder-for-hire, conspiracy to produce child pornography, and possession of child pornography. Fiore was sentenced to 27 years in prison. Fiore paid a woman in Venezuela \$600 to produce a video that depicted the sadistic abuse of a prepubescent child. After Fiore received that video, he paid the woman approximately \$4,000 for another video, this time to kidnap "a slave," show his brutal abuse, and kill him. Specifically, Fiore sent the woman a 600-word script with the details of what he wanted the video to show, including her hitting and kicking the victim, burning him with cigarettes, urinating and defecating on him, filling his mouth with feces, wrapping his head with plastic, and smothering him to death by sitting on his face. Fiore then received a 58-minute video, in which, at the end, the adult male victim appeared to be dead. In May 2019, Fiore also possessed videos and other images depicting the sadistic sexual abuse of prepubescent minors. Moraima Escarlet Vasquez Flores of Colombia, the woman accused of sending Fiore the videos and of conspiring with him to produce child pornography, is charged with conspiracy to murder and kidnap a person in a foreign country, conspiracy to produce child pornography, production of child pornography, and aiding and abetting the receipt of child pornography. Vasquez Flores was extradited from Colombia to the United States on April 7, 2022.

### **Virginia, Eastern**

*United States v. Clawson.* In 2021, James B. Clawson Sr. was convicted of possession of child pornography. He was sentenced to 10 years in prison followed by lifetime supervised release. Clawson was previously convicted of distribution of child pornography after law enforcement discovered that he was serving as the administrator of an online forum dedicated to child sexual abuse material and distributing such material to members of his forum. While on a term of federal supervised release in connection with this conviction, a U.S. probation officer visited Clawson's home and found a laptop and thumb drives in a hidden compartment in Clawson's closet. Though Clawson denied owning a laptop, law enforcement's investigation established that Clawson had been using the laptop to search for and download images and videos of minors

engaged in sexually explicit conduct, which he then stored on one of his thumb drives. Once saved to his thumb drive, Clawson categorized and renamed these files based on the specific sexual conduct they depicted.

### **Virginia, Western**

*United States v. Harvey.* In 2017, Bruce Arlie Harvey pleaded guilty for three counts of transporting a minor across state lines with the intent to engage in criminal sexual acts, three counts of interstate travel with minors with the intent to engage in illicit sexual conduct, and one count of possession of child pornography. He was sentenced to 276 months in prison. Harvey, while a karate instructor, began making sexual advances toward the two minor female victims in this case while they were students at the karate school. Harvey engaged in illegal sexual acts with these children after he began giving them private karate lessons and began traveling with each of them to karate competitions and other events at various out-of-state locations, including California and Maryland. This conduct took place between 1998 and 2007. At the time of his arrest on May 3, 2017, investigators recovered a Sony microcassette in a bedroom closet that contained a film clip dated Feb. 14, 2007, that showed one of the victims performing a sexual act with Harvey in his Madison County home.

### **Washington, Eastern**

*United States v. Flores.* In 2022, Kylie Ruby Flores pleaded guilty for conspiracy to engage in the sex trafficking of a six-year-old female minor victim. Flores made the minor victim available to an adult male that Flores met on a dating application in exchange for housing, cash, and shoes. Law enforcement recovered a video of the adult male raping the minor victim, and the minor victim described to law enforcement other specific acts of sexual abuse by the adult male. Flores was sentenced to 23 years in prison followed by lifetime supervision.

### **Washington, Western**

*United States v. Cedeno.* In 2017, Wimibaldo Ever Cedeno pleaded guilty to aggravated assault of children under the age of twelve. Cedeno, a former Army soldier, repeatedly raped two of his stepdaughters when they were under the age of twelve and while the family resided on a military base. Cedeno was medically discharged from the military in 2011 and the abuse was ultimately disclosed to the Tacoma Police and U.S. Military investigators after Cedeno was arrested for shoving his wife during an argument. The victims worked with law enforcement, obtaining recorded statements from Cedeno admitting he sexually molested them. The abuse was aggravated by the fact that the defendant had refused to seek lawful immigration status for his wife or the older victim (a Dreamer) to maintain their silence. Cedeno was sentenced to 210 months in prison and a lifetime of supervised release.

### **West Virginia, Northern**

*United States v. Yost.* Jon Travis Yost, while on probation for third degree sexual assault convicted in state court, victimized multiple children in the process of producing child pornographic material. In 2022, Yost was sentenced to 50 years in prison.

### **West Virginia, Southern**

*United States v. Eady.* In 2021, Robert Dale Eady was residing at a halfway house when Eady began communicating with a 13-year-old minor living nearby. Eady was placed at the facility to

complete a 15-year prison sentence for distribution of child pornography. During a live video call with the minor, Eady enticed and persuaded the minor to show his genitals and Eady also exposed himself. Eady was sentenced to 20 years in prison followed by a lifetime of supervised release.

### **Wisconsin, Eastern**

*United States v. Osterman*. In 2022, Paul Osterman pleaded guilty to sex trafficking of a child. Osterman used social media applications and public wi-fi “hotspots” to communicate with children and request sex acts in exchange for money. In 2019, Osterman travelled from his home in Wisconsin to Chicago, IL where he lured into his vehicle a minor he had been communicating with online. Osterman engaged in illegal sexual activity with the minor in exchange for money. Further investigation revealed Osterman attempted or performed sexual acts with several minors throughout Wisconsin, Illinois, and Minnesota. Osterman was sentenced to 25 years in prison followed by lifetime supervised release.

### **Wisconsin, Western**

*United States v. Harris*. In 2019, David Ohmar Harris pleaded guilty to charges of producing child pornography. Between 2016 and August 2017, Harris coerced and manipulated numerous underage girls to send him explicit images of themselves. When they did not send more images, he posted their explicit images on Pornhub and sent them to the girls’ relatives. The investigation revealed that Harris may have used Kik and Facebook to victimize up to 500 teenage girls throughout the United States and internationally. Harris was sentenced to 180 months in prison followed by 300 months of supervised release.

### **Wyoming**

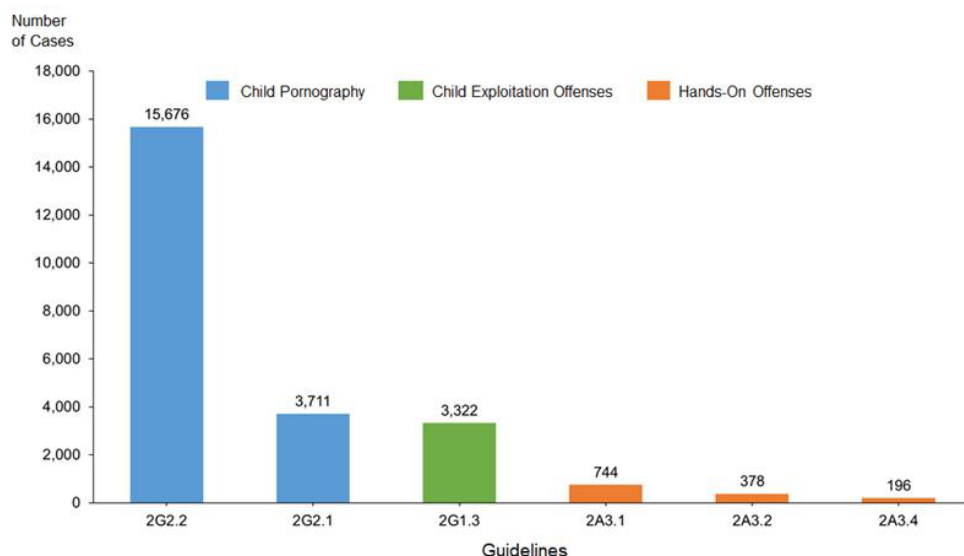
*United States v. Rogers*. In 2020, Jeremy Rogers pleaded guilty to aiding and abetting the production of child pornography. Rogers’s girlfriend, Jessica Dierking, was producing child pornography of her daughter and sending it to him while he was serving a 32-year sentence in Mississippi for sexually abusing his stepdaughter. Rogers was sentenced to a stipulated 600-month sentence.

# Appendix B: Federal Sentencing Data

## INTRODUCTION

This appendix presents results from the analysis of sentencing data collected by the U.S. Sentencing Commission (USSC). These data contain information about the prosecution and sentencing of federal child exploitation cases. This dataset is unique in that it contains a record of all federal cases in which a sentence was imposed on the defendant and a rich set of variables. This rich dataset allows researchers to study federal sentencing outcomes using statistical methods.<sup>10</sup>

The analyses in this appendix highlight patterns related to three classes of child exploitation guidelines: 1) child pornography offenses, 2) child sex trafficking, and 3) child sexual abuse.<sup>11</sup> The child pornography guidelines include §2G2.1, which applies to offenses involving production of child pornography and livestreaming of child abuse, and §2G2.2, which applies to offenses involving advertising, receiving, distribution, and possession of child pornography. Guideline §2G1.3 applies to offenses involving child sex trafficking, the transportation of a minor to engage in illegal sexual activity, including commercial sex acts, and the travel to engage in illegal sex acts with a minor, including commercial sex acts. Guidelines §2A3.1, §2A3.2, and §2A3.3 apply to offenses involving sexual abuse, statutory rape, and abusive sexual contact.<sup>12</sup>



<sup>10</sup> U.S. Sentencing Commission, Datafiles (<https://www.ussc.gov/research/datafiles/commission-datafiles>)

<sup>11</sup> The phrase “child pornography” is used in this section because it is contained in the Sentencing Guidelines. Elsewhere, the phrase “child sexual abuse material” is used to describe these visual depictions. The Department also recommends that “child pornography” be substituted for “child sexual abuse material” across the federal criminal code. See Appendix I: Department of Justice Legislative Proposals at Part III (final proposal).

<sup>12</sup> Although the production of child pornography may also involve child sexual assault and abuse, federal prosecutions typically focus on the production conduct (1) to hold the offender accountable for the documentation of the sexual abuse and (2) because federal jurisdiction typically does not extend to the underlying sex offense. On occasion, the defendant will be prosecuted in federal court for the production offense and in state court for the sexual abuse.

*Figure 1. Total Number of Sentencing Cases by Primary Guideline, FY2010-FY2019*

In total, this appendix reports findings from six guidelines, which were selected because they make up more than 98 percent of federal child exploitation cases. Figure 1 presents the total number of sentencing cases across a ten-year period (FY2010-FY2019) for these child exploitation guidelines. Among these six guidelines, child pornography cases (2G2.1 and 2G2.2) comprise most of the cases, with 2G2.2 cases making up about 64 percent of child exploitation cases. The enormous share of child exploitation cases that 2G2.2 represents underscores the pervasiveness of child sexual abuse materials.

## METHODOLOGY

### DATA

The data used in this appendix are derived from USSC sentencing data for fiscal years 2010 through 2019.<sup>13</sup> This data contains information on all Federal felony and Class A misdemeanor cases. In this appendix, offenders were selected for the purposes of analysis based on whether their primary guideline (the guideline that yielded the highest adjusted offense level) was a child exploitation guideline. Some guidelines are not exclusively applied to cases in which the victim is a minor. Therefore, in these instances, defendants are selected based on specific offense characteristics that explicitly identify when the victim is a minor. This method ensures that cases that are analyzed only apply to those in which a minor was the victim of the crime.

### Variable Definitions

A few of the key variables that will be analyzed in this appendix are defined below:

*Primary Guideline.* Indicates the guideline that has the highest adjusted offense level, when more than one sentencing guideline is applied in a case.<sup>14</sup> The use of primary guideline is consistent with how the United States Sentencing Commission analyses data for their reports.

*Plea or Trial.* Indicates whether the case was settled by plea agreement or trial.

*Sentence Length.* Reports the total sentence length in months, including months of alternative confinement and probation. The highest value is capped at 470 months, which the USSC uses to categorize a life sentence

*Sentence in Relation to Guideline.* Categorizes how the actual sentence length compares with the sentence length recommended by the guideline. Sentences are “within range” if the sentence length is within the guideline range. Sentences receive an upward or downward “departure” if the sentence is outside the guideline range based on a provision in the USSC Guidelines Manual. Downward departures include 5K1.1 Substantial Assistance when a defendant receives a downward departure based on them providing substantial assistance to authorities in an

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<sup>13</sup> Due to the significant impact of COVID-19 on the federal court system during fiscal year 2020, observing that year would distort the analysis of sentencing data during that period. Therefore, fiscal years 2010 through 2019 are a better representation of the sentencing of child exploitation cases over a ten-year period.

<sup>14</sup> 2020 Annual Report and Sourcebook of Federal Sentencing Statistics. United States Sentencing Commission.



investigation or prosecution of another person. Finally, an above or below variance is when a sentence is outside the guideline range based on provisions not in the Guidelines Manual.

*Number of Months Below/Above Guideline Minimum/Maximum.* Reports the difference between the sentence length in months and the calculated guideline minimum/maximum for defendants who received sentences outside of the recommended guideline range.

## RESULTS

### CHILD PORNOGRAPHY

#### Child Pornography Offenses

2G2.1 is defined in the 2018 USSC Guidelines Manual as 1) sexually exploiting a minor by production of sexually explicit visual or printed material, 2) custodian permitting minor to engage in sexually explicit conduct, or 3) advertisement for minors to engage in production.

2G2.2 is defined as 1) trafficking in material involving the sexual exploitation of a minor, 2) receiving, transporting, shipping, soliciting, or advertising material involving the sexual exploitation of a minor, 3) possessing material involving the sexual exploitation of a minor with intent to traffic, or 4) possessing material involving the sexual exploitation of a minor.

#### *General Trends*

With respect to §2G2.1, and §2G2.2, Figure 2 shows the trends of these two guidelines across FY2010-FY2019, along with the trend of the combined total of these two guidelines. The first observation is that the number of 2G2.2 cases for each year is substantially greater than it is for 2G2.1. Another observation is that the overall total number of child pornography cases has remained relatively flat, but cases for 2G2.1 have increased over time and cases for 2G2.2 have decreased during this period. The increase in production cases has been driven by increased access to smartphones and live-streaming and social media platforms by both offenders and victims.<sup>15</sup>

Prosecutorial resources have focused on child pornography production cases due to their comparative seriousness and growth in volume, leaving less available resources to dedicate to distribution, receipt, and possession cases. Therefore, this figure underscores the need to increase prosecutorial resources to tackle the increasing demands of prosecuting both guidelines.

#### *Sentencing Outcomes*

This section presents results related to the sentencing outcomes of child pornography cases. It highlights select sentencing outcomes of interest to law enforcement and policymakers, including

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<sup>15</sup> “[T]he expansion of digital and mobile technology has contributed to a 422 percent increase in the number of production offenders sentenced over a 15-year period, from 98 offenders in fiscal year 2005 to 512 offenders in fiscal year 2019.” See *Federal Sentencing of Child Pornography: Production Offenses*, United States Sentencing Commission (Oct 2021), at 3, available at [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013\\_Production-CP.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20211013_Production-CP.pdf).

the share of sentences given that are below, within, and above range in relation to the recommended calculated guideline and the percent of cases that went to trial by guideline.

Figure 3 shows the share of sentences given that are below, within, and above range in relation to the recommended calculated guideline for all cases and for each of the child pornography guidelines. In this figure, there are four categories: other below range, below variance, within range, and above range. The “other below range” category contains whether the defendant received a §5K1.1 substantial assistance departure or other downward departure. Although the “below variance” category is also below the recommended calculated guideline, it is separated from the other below range categories, because it contains a sizeable share of cases. The “above range” category contains both upward departures and above range variances.

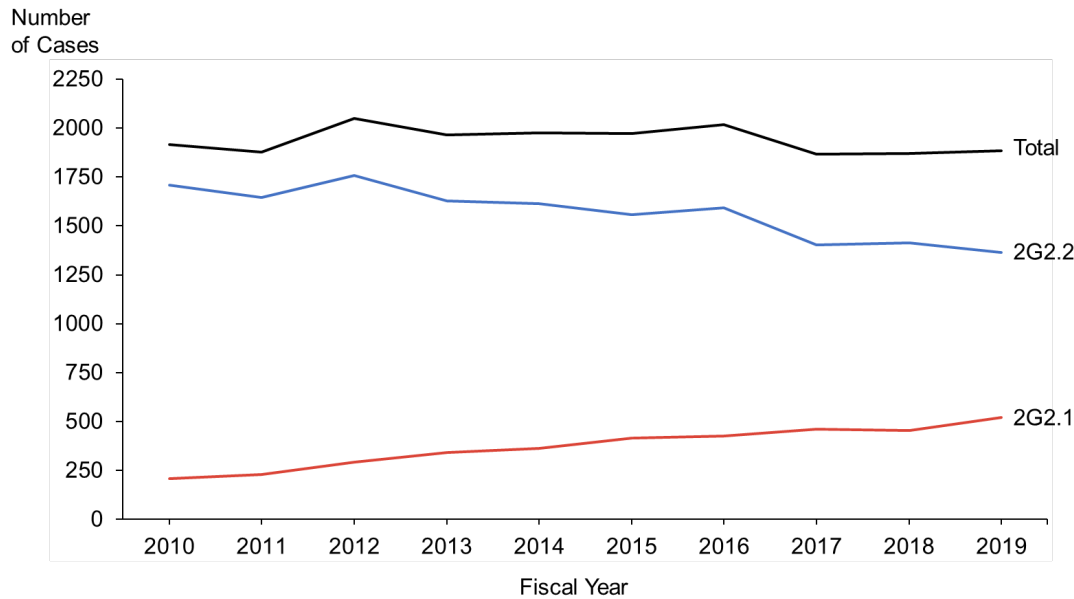


Figure 2. Number of Child Pornography Cases Across Time by Guideline, FY2010-FY2019

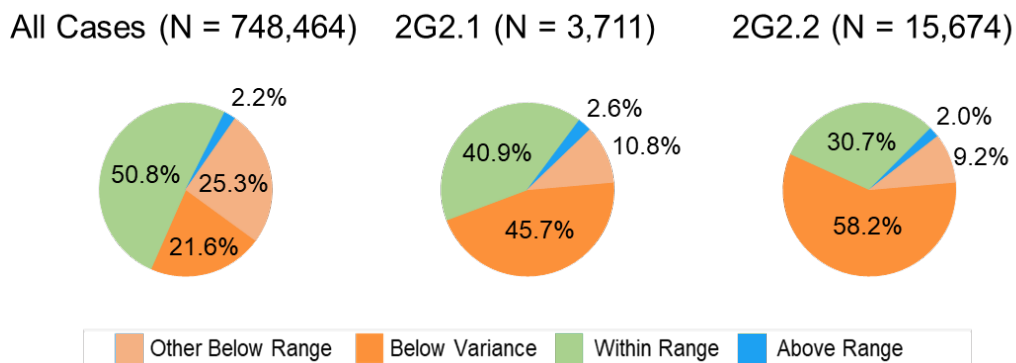


Figure 3. The Share of Sentence Given in Relation to Guideline by Primary Guideline, FY2010-FY2019

This figure shows that sentences in child pornography cases are two to three times more likely to be below the guideline compared to all other federal crimes. Nearly three-fifths of sentences

under 2G2.2, and almost half of sentences under 2G2.1, involve a below guideline sentence that was not sponsored by the government. In contrast, less than a quarter of the sentences in all other federal criminal cases involve a non-government sponsored below range variance.<sup>16</sup>

A below variance sentence happens more frequently for the child pornography cases because the guidelines are outdated. Further discussion of these explanations is detailed in the legal section of this report.<sup>17</sup>

Table 1 shows the percent of cases that went to trial as opposed to a plea for all cases and each child pornography guideline. Although most child pornography cases are resolved through a plea agreement, 2G2.1 cases are more than two times as likely as all other cases to go to trial. Two main explanations for the relatively high trial rate of child pornography production cases are the complexity of the cases and the potential sentence faced by the defendants.

**Table 1. Percent of Child Pornography Cases that Went to Trial by Guideline, FY2010-FY2019**

Guideline	Did the Case Go to Trial? (Percentages)	
	Yes	No
All Guidelines (N = 761,762)	2.9	97.1
2G2.1 (N = 3,711)	7.4	92.6
2G2.2 (N = 15,676)	3.3	97.7

#### *District-Level Analysis*

During this ten-year period, every district has handled both 2G2.1 and 2G2.2 cases, but the total case load varies greatly among the districts. Figure 3 shows how districts are distributed based on the total number of cases during a ten-year period. The top panel for 2G2.1 shows that districts range from fewer than five cases to 120 cases over this ten-year period. It also shows that most districts have less than 80 total cases over the ten-year period, which translates to less than eight cases per year for each of these districts. This variation between districts can result from differences in investigative and prosecutorial priorities, and the population size of the district.

The bottom panel shows the frequencies for 2G2.2 cases. Like 2G2.1, districts vary in the number of cases that they sentence, but the spread of values is greater for 2G2.2 cases. For example, while high sentencing districts handled more than 500 cases during this ten-year period, low sentencing districts had as few as two cases. The figure also shows that while most districts had fewer than 300 2G2.2 cases, most districts sentenced upwards of 100 2G2.2 cases. (In contrast, fewer than ten percent of districts sentenced more than 100 2G2.1 cases.) As with 2G2.1 cases, differences between districts for 2G2.2 cases largely reflect differences in investigative and prosecutorial priorities of each district, and the population size of the district.

#### **2G2.1<sup>a</sup>**

<sup>16</sup> The calculated guideline ranges under 2G2.1 and 2G2.2 are relatively high when compared to other federal guidelines, particularly for 2G2.1 cases in which life sentences are not uncommon. Therefore, a below guideline sentence may still be relatively lengthy, such as a 30 year sentence imposed when the guideline range is life in prison.

<sup>17</sup> For more information, please see the Legal Issues and Resources chapter in the Report.

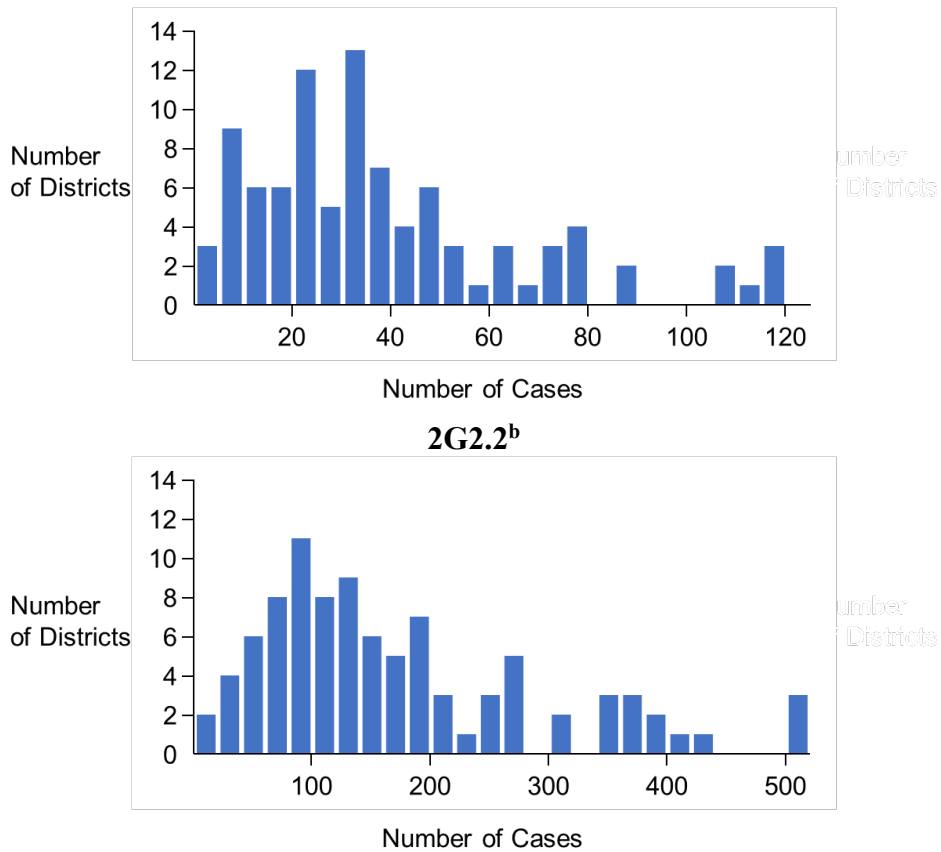


Figure 3. Frequencies for the Total Number of Cases by Child Pornography Guideline, FY2010-FY2019

Note: The unit of analysis is the district.

<sup>a</sup> Each bar is based on increments of five. For example, the first category is zero to five, the second category is six to ten, and so forth.

<sup>b</sup> Each bar is based on increments of twenty. For example, the first category is zero to twenty, the second category is twenty-one to forty, and so forth. The final category is greater than five hundred.

Table 2 presents the ten districts that sentence the largest and smallest number of child pornography cases for each guideline. It shows that various parts of the country are represented among this group. Although population size of district might be related to the differences in the number of cases between districts, it does not totally predict how districts are ranked on this list. For example, the Middle District of Alabama is not the most populated district, yet they sentence the most 2G2.2 cases.

**Table 2. Top and Bottom Ten Districts by Total Number of Child Pornography Cases Charged, FY2010-FY2019**

Rank	Top <sup>a</sup>		Bottom <sup>b</sup>	
	2G2.1	2G2.2	2G2.1	2G2.2
1	Maryland	Alabama, Middle	Guam	Mariana Isl., North.
2	Florida, Middle	Florida, Middle	Mariana Isl., North.	Virgin Islands
3	Michigan, Eastern	Texas, Western	Louisiana, Middle	Guam
4	Missouri, Western	Missouri, Eastern	Virgin Islands	Oklahoma, Eastern

5	Texas, Northern	Virginia, Eastern	West Virginia, North.	Hawaii	
6	Virginia, Eastern	California, Central	Rhode Island	Louisiana, Middle	
7	Texas, Southern	Florida, Southern	Oklahoma, Eastern	Delaware	
8	Texas, Western	Texas, Northern	Georgia, Middle	Alabama, Southern	
9	Indiana, Southern*	California, Southern	Alabama, Middle	Rhode Island	
10	Ohio, Southern*	Michigan, Eastern	Alaska* Alabama, Southern* South Dakota*	Wisconsin, Western	
<hr/>					
	Percent of Cases Handled	27.5	33.1	1.3	1.4

Notes:

a Rank = 1 represents the most total number of cases

b Rank = 1 represents the least total number of cases

\* represents tie among last districts in list

### *Specific Offense Characteristics*

This final subsection highlights key findings related to Specific Offense Characteristics (SOCs) of child pornography cases. Table 3 presents notable SOC statistics between Fiscal Year 2010 and 2019. It shows the percent of cases in which these SOC were applied. For example, only 1.6 percent of 2G2.1 cases had the “misrepresentation to persuade the travel of a minor” SOC applied to them in Fiscal Year 2010. This table shows that this SOC along with three other SOC have increased dramatically over time for 2G2.1 cases. First, the use of misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct SOC increased from 1.6 percent in FY2010 to 15.2 percent in FY2019. Second, the use of a computer to persuade the travel of a minor to engage in sexually explicit conduct increased from 6.8 percent in FY2010 to 16.8 percent in FY2019. Third, the use of a computer to solicit participation with a minor in sexually explicit conduct SOC also increased from 4.8 percent in FY2010 to 18.9 percent in FY2019. Finally, the sexual abuse of an infant and toddler depicted increased from 2.1 percent in FY2017 (this SOC was added in FY2016) to 8.4 percent in FY2019.

**Table 3. Percent of Cases in which the SOC Was Applied by Primary Guideline**

SOC Description	2010	2019
<b>2G2.1</b>		
Use of a computer to solicit participation with a minor	4.8	18.9
Use of computer to persuade the travel of a minor	6.8	16.8
Misrepresentation to persuade the travel of a minor	1.6	15.2
Sexual abuse of an infant and toddler depicted	2.1*	8.4

## 2G2.2

Use of computer	96.2	95.8
Victim under the age of 12	95.6	94.3
600 images or more	66.9	75.6
Sexual abuse of an infant and toddler depicted	10.0*	20.1

Notes. \* Denotes that the fiscal year the data is taken from is 2017, since this SOC change was made in 2016.

Four 2G2.2 SOC are worth noting. First, over 95 percent of 2G2.2 cases involve a use of computer during this period. Second, the number of cases that involved 600 images or more has increased dramatically since FY2010. These two SOC's are important, because there have been recent discussions about how outdated they are given that an overwhelming majority of these cases apply them. Third, about 95 percent of 2G2.2 cases involved a victim under the age of twelve, which has remained virtually unchanged since FY2010. Fourth, since FY2017, the percent of cases in which the sexual abuse of an infant and toddler was depicted doubled.

### **CHILD EXPLOITATION OFFENSES, INCLUDING CHILD SEX TRAFFICKING**

#### **Child Exploitation Offenses**

2G1.3 is defined in the 2018 USSC Guidelines Manual as 1) promoting a commercial sex act or prohibited sexual conduct with a minor, 2) transportation of minors to engage in a commercial sex act or prohibited sexual conduct, 3) travel to engage in commercial sex act or prohibited sexual conduct with a minor, 4) sex trafficking of children, or 5) use of interstate facilities to transport information about a minor.

#### *General Trends*

The second class of guidelines discussed in this appendix is 2G1.3, which applies to a range of child exploitation offenses, including child sex trafficking. Figure 4 shows a dramatic increase (about 73 percent) in 2G1.3 cases during this ten-year period.

#### *District-Level Analysis*

Like the child pornography guidelines, all districts had at least one child exploitation case during this ten-year period, but these districts vary in the number of cases that were sentenced. Figure 5 shows how districts are distributed based on the total number of cases during this ten-year period. The number of 2G1.3 cases sentenced per district over ten years range from 1 case to 164 cases. Again, these differences can stem from differences in investigative and prosecutorial priorities as well as the charging decisions of each district.

Table 4 shows the ten districts that sentence the largest and smallest number of child exploitation cases. There is sometimes overlap between the rankings of 2G1.3 with the rankings of 2G2.1 and 2G2.2 cases. Specifically, seven districts (Florida, Middle; Virginia, Eastern; Texas, Northern; Texas, Southern; Texas, Western; Maryland; and Missouri, Western) are in the top ten districts for both 2G1.3 and 2G2.1, while six districts (Florida, Middle; Virginia, Eastern; Texas,

Northern; Texas, Western; California, Southern; and Florida, Southern) are in the top ten districts for both 2G1.3 and 2G2.2. Therefore, a majority of the top ten districts that sentence numerous child pornography cases also sentence a large number of child exploitation cases. Interestingly, however, the Middle District of Alabama, which is a top ten district in sentencing numerous child pornography cases, is a bottom ten district in sentencing child exploitation cases.

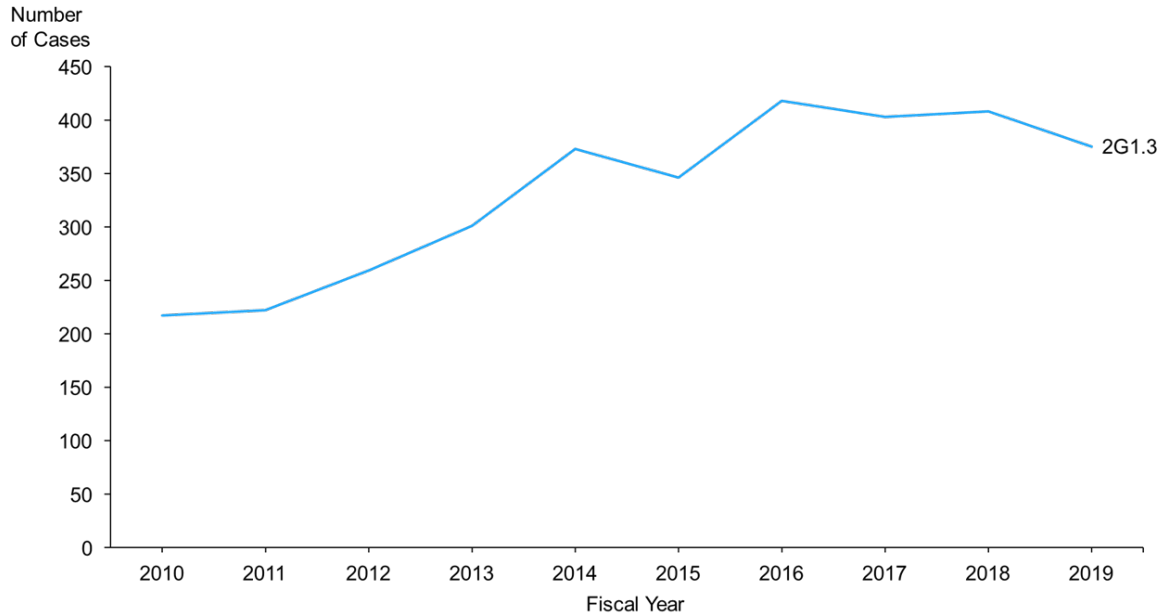


Figure 4. Total Child Exploitation Cases Across Time by Guideline, FY2010-FY2019  
2G1.3<sup>a</sup>

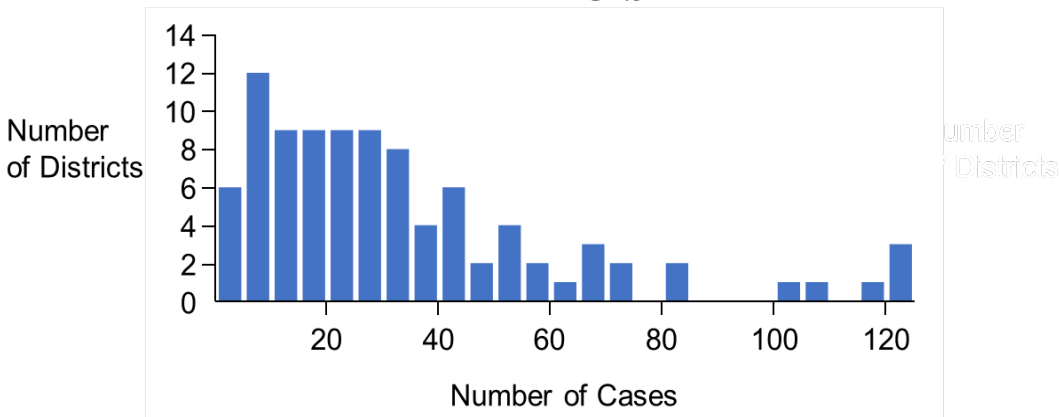


Figure 5. Frequencies for the Total Number of Child Exploitation Cases, FY2010-FY2019

Note: The unit of analysis is the district.

<sup>a</sup> Each bar is based on increments of five. For example, the first category is zero to five, the second category is six to ten, and so forth.

**Table 4. Top and Bottom Ten Districts by Total Number of Child Exploitation Cases Charged (2G1.3), FY2010-FY2019**

Rank	Top <sup>a</sup>	Bottom <sup>b</sup>
1	Florida, Middle	Mariana Islands, Northern
2	California, Southern	Virgin Islands
3	Florida, Southern	Oklahoma, Eastern
4	Virginia, Eastern	Guam
5	Texas, Northern	Louisiana, Middle
6	Texas, Southern	Wisconsin, Western
7	Texas, Western	West Virginia, Southern
8	Maryland	Vermont
9	Missouri, Western	Mississippi, Southern
10	New York, Western	Alabama, Middle
Percent of Cases Handled	33.5	1.0

Notes:

a Rank = 1 represents the most total number of cases

b Rank = 1 represents the least total number of cases

### *Sentencing Outcomes*

This section discusses results related to the sentencing outcomes of child exploitation cases. Table 5 shows the percent of child exploitation cases that went to trial during this ten-year period. Although about 2.9 percent of cases across all guidelines went to trial, 11.5 percent of 2G1.3 cases went to trial during this same period. This may be due in part because defendants hope that the victims will decline to participate in the trial, which could impact the overall strength of the evidence.

**Table 5. Percent of Child Exploitation Cases that Went to Trial, FY2010-FY2019**

Guideline	Did the Case Go to Trial? (Percentages)	
	Yes	No
All Guidelines (N = 761,762)	2.9	97.1
2G1.3 (N = 3,322)	11.5	88.5

Figure 6 shows the share of sentences given that are below, within, and above range in relation to recommended calculated guidelines for all cases and for child exploitation cases. Although there is a similar rate of within range sentences between all cases and child exploitation cases, the percentage of above range sentences is double in child exploitation cases. The percentage of below variance sentences is also higher in child exploitation cases compared to all cases.



All Cases (N = 748,464)    2G1.3 (N = 3,322)

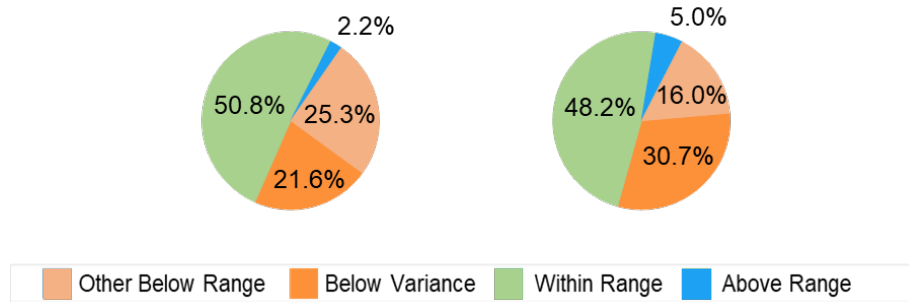


Figure 6. The Share of Sentence Given in Relation to Guideline for Child Sex Trafficking Cases, FY2010-FY2019

*Specific Offense Characteristics*

Table 8 highlights key findings related to child exploitation SOC's. The three SOC's included in this table have increased over time since FY2010. Although these increases have not been overwhelming, the percent of cases in which these SOC's were applied in FY2019 reflect a significant proportion of cases.

**Table 6. Percent of Cases in which the SOC Was Applied for Child Exploitation Cases**

SOC Description	2010	2019
<b>2G1.3</b>		
Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor	35.8	44.5
Use of a computer to persuade a minor to engage in prohibited sexual conduct	28.1	37.8
Undue influence on minor to engage in prohibited sexual conduct	29.1	36.5

**Table 7. Full List of Ranking by District Based on Total Number of Cases Charged, FY2010-FY2019 (Largest to Smallest)**

Rank	2G1.3	2G2.1	2G2.2
1	Florida, Middle	Maryland	Alabama, Middle
2	California, Southern	Florida, Middle	Florida, Middle
3	Florida, Southern	Michigan, Eastern	Texas, Western
4	Virginia, Eastern	Missouri, Western	Missouri, Eastern
5	Texas, Northern	Texas, Northern	Virginia, Eastern
6	Texas, Southern	Virginia, Eastern	California, Central
7	Texas, Western	Texas, Southern	Florida, Southern
8	Maryland	Texas, Western	Texas, Northern
9	Missouri, Western	Indiana, Southern	California, Southern
10	New York, Western	Ohio, Southern	Michigan, Eastern

11	California, Eastern	Iowa, Southern	Missouri, Western
12	Nevada	New York, Western	California, Eastern
13	Puerto Rico	Michigan, Western	Texas, Southern
14	Ohio, Northern	Minnesota	Ohio, Southern
15	Georgia, Northern	New York, Northern	Ohio, Northern
16	New York, Southern	Puerto Rico	New York, Western
17	Florida, Northern	Pennsylvania, Eastern	Nevada
18	Ohio, Southern	Missouri, Eastern	Texas, Eastern
19	Oregon	Pennsylvania, Middle	Iowa, Southern
20	California, Central	Illinois, Central	Pennsylvania, Western
21	Iowa, Southern	Florida, Southern	Indiana, Southern
22	North Dakota	Utah	Arizona
23	Michigan, Eastern	Texas, Eastern	New York, Northern
24	Tennessee, Western	Alabama, Northern	Nebraska
25	Georgia, Middle	Arkansas, Western	Pennsylvania, Eastern
26	Utah	California, Eastern	Utah
27	Missouri, Eastern	Indiana, Northern	Illinois, Central
28	Texas, Eastern	Iowa, Northern	New York, Eastern
29	Pennsylvania, Eastern	Kentucky, Eastern	New Jersey
30	Connecticut	Louisiana, Western	Maryland
31	Kentucky, Western	Ohio, Northern	Georgia, Northern
32	Tennessee, Eastern	Washington, Western	North Carolina, Middle
33	Arkansas, Western	Illinois, Southern	Washington, Western
34	Pennsylvania, Middle	Kansas	South Carolina
35	Alabama, Northern	North Carolina, Eastern	Tennessee, Eastern
36	South Dakota	North Carolina, Western	North Carolina, Western
37	Minnesota	Georgia, Northern	Oregon
38	Pennsylvania, Western	Illinois, Northern	California, Northern
39	Illinois, Northern	New York, Eastern	Montana
40	Massachusetts	New York, Southern	Minnesota
41	District of Columbia	North Carolina, Middle	New York, Southern
42	New York, Northern	California, Central	Illinois, Southern
43	Rhode Island	Pennsylvania, Western	Kansas
44	Mississippi, Northern	California, Southern	Massachusetts
45	North Carolina, Western	District of Columbia	Louisiana, Western
46	California, Northern	Florida, Northern	Michigan, Western
47	Illinois, Central	Nebraska	Alabama, Northern

**Table 7. Continued**

Rank	2G1.3	2G2.1	2G2.2
48	New Jersey	South Carolina	Wyoming
49	New York, Eastern	Massachusetts	Kentucky, Eastern
50	Oklahoma, Northern	Tennessee, Eastern	North Carolina, Eastern
51	South Carolina	Montana	North Dakota
52	Louisiana, Western	Oregon	Washington, Eastern
53	Wisconsin, Eastern	Washington, Eastern	Florida, Northern
54	Arizona	New Jersey	Puerto Rico
55	Idaho	Tennessee, Western	Arkansas, Western
56	Illinois, Southern	New Hampshire	Indiana, Northern
57	Indiana, Southern	Connecticut	Kentucky, Western
58	Michigan, Western	Wisconsin, Western	Pennsylvania, Middle
59	Georgia, Southern	Arkansas, Eastern	New Mexico

60	Oklahoma, Western	California, Northern	Arkansas, Eastern
61	Alabama, Southern	Kentucky, Western	Wisconsin, Eastern
62	Kansas	Oklahoma, Western	Iowa, Northern
63	Washington, Western	Colorado	Illinois, Northern
64	Arkansas, Eastern	Idaho	Vermont
65	Kentucky, Eastern	Oklahoma, Northern	District of Columbia
66	Washington, Eastern	Wyoming	Idaho
67	West Virginia, Northern	Georgia, Southern	Maine
68	Wyoming	Maine	South Dakota
69	Iowa, Northern	Arizona	Oklahoma, Western
70	Indiana, Northern	Wisconsin, Eastern	Tennessee, Western
71	North Carolina, Middle	North Dakota	Georgia, Southern
72	Delaware	West Virginia, Southern	Colorado
73	New Mexico	Tennessee, Middle	Alaska
74	Tennessee, Middle	New Mexico	Louisiana, Eastern
75	North Carolina, Eastern	Vermont	Georgia, Middle
76	Virginia, Western	Nevada	West Virginia, Southern
77	Alaska	Mississippi, Northern	Connecticut
78	Colorado	Louisiana, Eastern	West Virginia, Northern
79	Nebraska	Virginia, Western	Oklahoma, Northern
80	Hawaii	Hawaii	Tennessee, Middle
81	Louisiana, Eastern	Mississippi, Southern	Virginia, Western
82	Montana	Delaware	New Hampshire
83	New Hampshire	Alabama, Southern	Mississippi, Northern
84	Maine	Alaska	Mississippi, Southern
85	Alabama, Middle	South Dakota	Wisconsin, Western
86	Mississippi, Southern	Alabama, Middle	Rhode Island
87	Vermont	Georgia, Middle	Alabama, Southern
88	West Virginia, Southern	Oklahoma, Eastern	Delaware
89	Wisconsin, Western	Rhode Island	Louisiana, Middle
90	Louisiana, Middle	West Virginia, Northern	Hawaii
91	Guam	Virgin Islands	Oklahoma, Eastern
92	Oklahoma, Eastern	Louisiana, Middle	Guam
93	Virgin Islands	Mariana Islands, Northern	Virgin Islands
94	Mariana Islands, Northern	Guam	Mariana Islands, Northern

## CHILD SEXUAL ABUSE OFFENSES

### Sexual Abuse Offenses

2A3.1 is defined in the 2018 USSC Guidelines Manual as 1) criminal sexual abuse of a minor or 2) attempt to commit criminal sexual abuse of a minor. There is a Special Offense Characteristic in the guideline that indicates when a victim is less than sixteen years of age.

2A3.2 is defined as the criminal sexual abuse of a minor under the age of sixteen years (statutory rape) or attempt to commit such acts.

2A3.4 is defined as abusive sexual contact or attempt to commit abusive sexual contact. There is a Special Offense Characteristic in the guideline that indicates when a victim is less than sixteen years of age.

### General Trends

The final set of guidelines that are investigated in this section are §2A3.1, §2A3.2, and §2A3.4.

Figure 7 shows the trends of these three guidelines across FY2010 and FY2019. The number of cases per fiscal year is fewer than a hundred cases for all three guidelines. The main reason why there are a relatively small number of prosecutions for child sexual abuse offenses is because these offenses can only be prosecuted when the crimes occur on federal lands or custodial facilities or when the crime was committed abroad by individuals “employed by or accompanying the Armed Forces outside the United States” pursuant to the Military Extraterritorial Jurisdiction Act (MEJA). *See* 18 U.S.C. § 3261.

Second, while the number of 2A3.2 and 2A3.4 cases has remained relatively flat across this period, 2A3.1 cases rose 61 percent within this period. There are a few reasons why 2A3.1 cases have increased over time, while the other offenses have remained flat during the same period. Because these cases typically involve children who are under the age of twelve, they are a prosecutorial priority. Second, there was an uptick in MEJA cases and cases involving Americans committing child sexual abuse abroad, and cases prosecuted under 18 U.S.C. § 2422(b) where parents offer their prepubescent child for sex (sentencings for this last group of cases is often under 2A3.1 due to the applicable cross-reference).

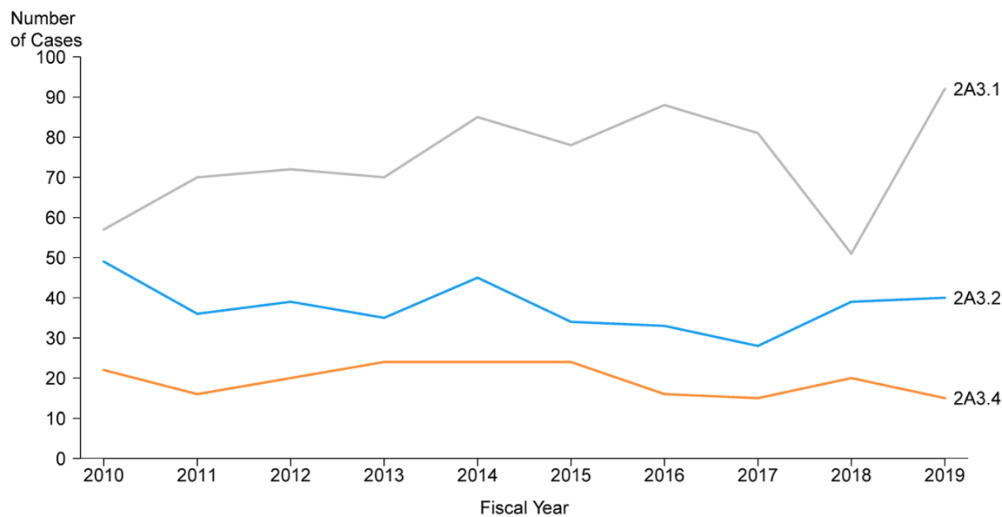


Figure 7. Total Child Sexual Abuse Cases Across Time by Guideline, FY2010-FY2019

### District-Level Analysis

Figure 8 shows the frequencies for the total number of child sexual abuse cases during this ten-year period. Like child pornography guidelines, each district varies in terms of the number of cases they sentence. For example, while some districts have not sentenced any cases under these guidelines in this ten-year period, there are districts that have sentenced more than 50 cases during this time. Generally, the three plots in Figure 8 show that most districts have less than 20 cases total in this ten-year period, which translates to less than two cases per year for each district.

### Federal Jurisdiction

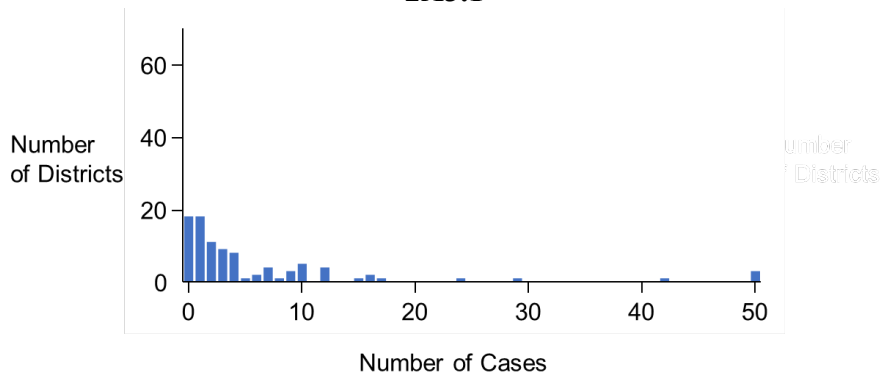
Most child sexual abuse offenses fall under state jurisdiction. However, when the offense occurs on federal lands, such as national parks, military bases, or tribal territories, then the case falls under federal jurisdiction.

Other areas of federal jurisdiction include:

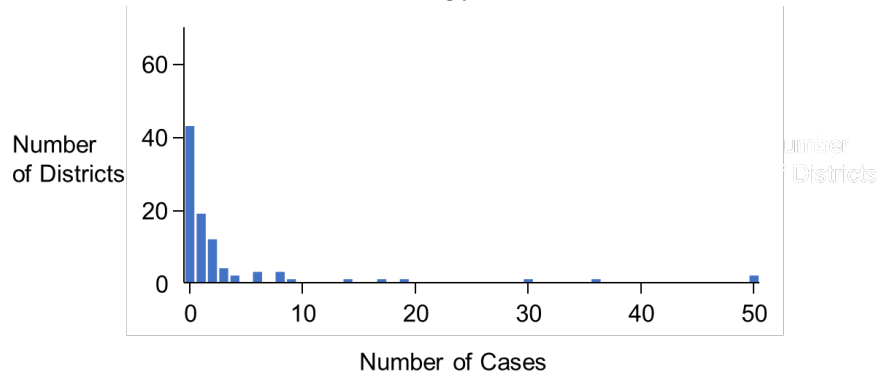
- Federally-owned facilities, such as border control or detention centers
- Maritime cases, such as those occurring on a cruise ship or airplane

The amount of federal land, particularly Tribal Lands, contained within a district likely significantly impacts the number of federal child sexual abuse cases it may prosecute. That may explain, at least in part, why some districts did not sentence any cases under the child sexual abuse offense guidelines. Because most child sexual abuse offenses are under the exclusive jurisdiction of the states, federal prosecution is not possible. Figure 8 shows that about 20, 40, and 60 districts for 2A3.1, 2A3.2, and 2A3.4, respectively, did not sentence any case under those guidelines during this ten-year period. For this dataset, while 76 districts have at least one case that apply 2A3.1 as the primary guideline and 51 districts apply 2A3.2, only 34 districts apply 2A3.4 as the primary guideline.

#### 2A3.1



#### 2A3.2



## 2A3.4

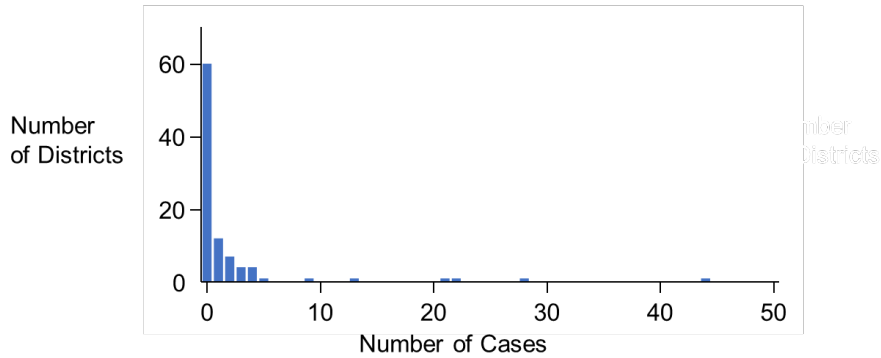


Figure 8. Frequencies for the Total Number of Cases by Sexual Abuse Offense Guideline, FY2010-FY2019

Note: The unit of analysis is the district. Each bar is based on increments of one. For example, the first category is zero, the second category is one, and so forth. The last category is 50 or more cases.

### Sentencing Outcomes

This section presents results related to the sentencing outcomes of child sexual abuse offense cases. Again, this subsection highlights the percent of cases that went to trial by guideline, the share of sentences based on its relation to the recommended guideline range, and the median sentence length given to defendant on their case.

**Table 8. Percent of Sexual Abuse Cases that Went to Trial by Guideline**

Guideline	Did the Case Go to Trial? (Percentages)	
	Yes	No
All Guidelines (N = 761,762)	2.9	97.1
2A3.1 (N = 744)	15.2	84.8
2A3.2 (N = 378)	2.4	97.6
2A3.4 (N = 196)	6.6	93.4

Table 8 shows the percent of cases that went to trial as opposed to a plea for all cases and for each of the child sexual abuse guidelines. The main finding of this table is that 2A3.1 cases are far more likely than the other guidelines to go to trial (15.2 percent of cases went to trial), both relative to other federal crimes generally, and all other forms of child exploitation specifically. The applicable penalty for child sex offenses sentenced under 2A3.1 may impact whether a case is resolved at trial or through a plea. Additionally, these cases may be more likely to go to trial because they often rely on a child's testimony to prove the case, in contrast to child pornography cases, where the abuse is filmed or photographed. Given the higher likelihood of going to trial, more resources are needed to prosecute 2A3.1 cases.

Figure 9 shows the share of sentences given that are below, within, and above range in relation to recommended calculated guidelines for all cases and for each of the sexual abuse offense guidelines. This figure shows that while within range sentences compose slightly more than half of 2A3.2 and 2A3.4 cases, they compose less than 44 percent of 2A3.1. These differences are mainly due to the larger share of below range sentences given for 2A3.1 cases. Both other below

range and below variance categories make up 50.7 percent of 2A3.1 cases, whereas these categories make up less than 40 percent of sentences given for 2A3.2 and 2A3.4. One reason that 2A3.1 cases might receive a higher proportion of below guideline sentences is that they have longer sentences than the other guidelines, leaving the court more room to impose a below guideline sentence that is still lengthy. However, all three case categories have higher percentages of above range sentences compared to all cases. This difference is likely due to the relatively low guideline ranges for child sex abuse cases relative to other forms of child exploitation (e.g., child pornography, child sex trafficking).

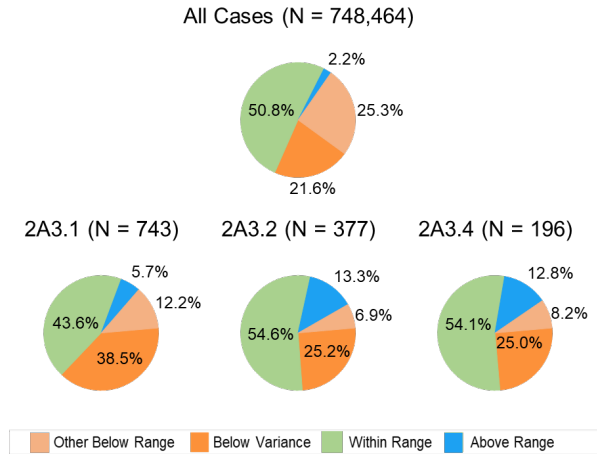


Figure 9. The Share of Sentence Given in Relation to Guideline by Primary Guideline, FY2010-FY2019

# Appendix C: Government Agencies Involved in Combating Child Exploitation

The PROTECT Our Children Act of 2008 mandates that all U.S. government agencies and components leading efforts to combat child exploitation must provide a comprehensive overview of their existing efforts, including those made in conjunction with private, non-profit organizations, such as NCMEC. In this report, components are grouped by Department and their primary roles in protecting children. This section simply summarizes their efforts. Furthermore, since components are grouped by Department, this classification may not highlight the extent of their work and collaboration with one another.

## Department of Justice (DOJ)

### *Investigators*

DOJ investigators work for DOJ's law enforcement agencies – the Federal Bureau of Investigation, INTERPOL, and U.S. Marshals Service – and collaborate with other law enforcement partners, including DHS-HSI investigators and DOJ prosecutors.

### **Federal Bureau of Investigation**



The mission of the FBI's Crimes Against Children and Human Trafficking Program (CACHTP) is to provide a rapid, proactive, and comprehensive capability to counter all threats of abuse and exploitation to children under the jurisdiction and authority of the FBI; to identify and recover child victims in coordination with local, state, federal, tribal, and international partners; to reduce the vulnerability of children to in-person and online sexual exploitation and abuse; and to strengthen the capabilities of the FBI and federal, state, local, tribal, and international partners through training, intelligence-sharing, technical support, and investigative assistance.

### *Key Programs & Initiatives*

#### **Innocent Images National Initiative**

The Innocent Images National Initiative (IINI) is a proactive, intelligence-driven, multi-agency investigative operation that focuses on combating the proliferation of child pornography and child sexual exploitation worldwide. IINI provides centralized coordination and analysis of case information that is both national and international in scope. This requires unprecedented coordination between FBI field offices and state, local, and tribal law enforcement agencies. This also requires close coordination with international law enforcement agencies through FBI Legal Attachés.

### **Michael Berenson**

From at least January 2012 to November 2014, Michael Berenson was part of a group of individuals that worked together, using the Internet, to entice minor females to produce child pornography via web camera on an unmonitored chatroom-based website. The men recruited



the victims from common social media platforms by pretending to be teenage boys interested in chatting with the girls in real time. Once the victims arrived in the chatrooms, the group—all pretending to be teenagers—worked together to build trust and convince the children to engage in sexually explicit conduct on web cameras. Group members then recorded that activity. The girls were unaware that the men were making recordings. Berenson participated in this group from its inception in 2012 until this group ceased activity. Berenson however, remained active, targeting minors, directing them to engage in sexual acts, recording such acts and blackmailing the minors until the execution of a search warrant at his residence on May 10, 2017. Berenson also encouraged girls to self-harm and recorded them doing so. Berenson admitted to victimizing over 1,000 minor girls over the course of the last 10 years. Some of the girls were as young as nine years old. A forensic examination of his devices recovered over 9,600 videos and images of child pornography and 105,347 child exploitive videos and images. Berenson recorded over 1,128 hours of videos of child pornography and over 3,000 hours of child exploitive conduct. Sixteen parents and victims were present for the sentencing hearing and made statements to the Court. Berenson was sentenced in the Eastern District of Michigan to 55 years in federal prison for his role in this international child pornography ring.

#### Innocence Lost National Initiative

In 2003, the FBI launched the Innocence Lost National Initiative (ILNI), with support from DOJ-CEOS and technical assistance from NCMEC, to address children recruited into commercial sex by sex traffickers. Under ILNI, the FBI conducts an annual, nationwide operation, whose mission is to recover children from sex traffickers and coordinate victim services for identified victims. The FBI, in coordination with federal, state, local, and tribal law enforcement partners, routinely uses a myriad of sophisticated investigative techniques, authorized under the law, to dismantle sex trafficking organizations. The FBI uses an intelligence-driven approach to identify and target traffickers who sexually exploit children for financial gain.

#### Child Exploitation and Human Trafficking Task Forces

The FBI currently leads 85 Child Exploitation and Human Trafficking Task Forces (CEHTTFs) throughout the United States with representation from over 400 state and local law enforcement agencies as well as over 850 Task Force Officers (TFOs). The mission of the CEHTTFs is to provide a rapid, proactive, and intelligence-driven investigative response to the sexual victimization of children, other crimes against children (CAC), and human trafficking (HT) within the FBI's jurisdiction; to identify and recover victims of child exploitation and HT; to reduce the vulnerability of children and adults to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local, and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance.

### Operation Wakandan Spear

On October 1, 2018, Fairfax County Police contacted the FBI's Washington Field Office Child Exploitation and Human Trafficking Task Force to assist with a missing juvenile. During this investigation Fairfax County Police noticed the juvenile was setting up dates for commercial sex via Facebook and was reporting back to a group of individuals the details of these dates. These individuals also helped to facilitate her travel to these encounters in question. Through

further investigation, a trend was discovered regarding Mara Salvatrucha's (MS-13) facilitation of minor females from Virginia to Maryland for the purpose of sexual exploitation. Additional investigation identified a network of individuals with connections to MS-13 responsible for trafficking females, including juveniles, along the east coast. On June 27, 2019, six subjects were arrested via criminal complaints issued in the Eastern District of Virginia in conjunction with the execution of several local search warrants. The six subjects have pleaded guilty to federal violations of sex trafficking of minors and others.

#### Child Abduction Rapid Deployment Team

In 2005, the FBI created the Child Abduction Rapid Deployment (CARD) Team to provide a nationwide resource to support child abduction and critically missing children investigations. The CARD Team is composed of Special Agents (SAs) and Intelligence personnel who offer and/or provide investigative and technical resources to law enforcement agencies following a child abduction. CARD Team members attend specialized training on child abduction investigative search techniques and technology and develop best practices through operational experience. The CARD Team is supported by the FBI's Behavioral Analysis Unit: Crimes Against Children (BAU-3), which assists with offender characteristics, victimology, investigative, interview, and media strategies. The CARD Team is a nationwide resource to law enforcement at no cost to the requesting agency. The priority of the CARD Team is to provide a timely response to aid in the recovery of an abducted child and to arrest the abductor. The CARD Team has deployed 169 times since its inception, which resulted in the recovery of 79 live children and 84 deceased children as well as the arrest of numerous offenders.

#### Child Sex Tourism Initiative

The Child Sex Tourism (CST) initiative targets U.S. citizens who travel or reside abroad and engage in illicit sexual activity with children or cause such sexual exploitation of children in foreign countries to occur via online means. The CST initiative has identified and evaluated CST destinations, such as Thailand, Cambodia, and the Philippines, and identified emerging and ongoing trends in the methodology of CST offenders and facilitators in those destinations. The CST initiative has utilized embedded, rotational TDY agents in Cambodia and the Philippines since 2008 and is further supported by a CAC Assistant Legal Attachés stationed in Thailand. The CST initiative also includes the development of intelligence and best practices to safely remove child victims from sexual abuse situations as well as identify predatory individuals and groups operating in these areas. Since 2013, the successful development of the CST initiative with the FBI's foreign partners has led to the arrest of 31 U.S. citizens in foreign countries who have been charged with sexually abusing children, with over two dozen of those individuals indicted on U.S. charges. Concurrently, 62 individuals have been indicted in the U.S. on child exploitation charges. Fifty-eight of the subjects have since been convicted either overseas or in the U.S. and are serving significant prison sentences.

An additional component of the CST initiative provides resources to facilitate the arrest, deportation, and escort (repatriation back to the United States) of individuals with outstanding state and federal arrest warrants issued for their sexual exploitation of children. The repatriation program has returned an additional 28 individuals to the United States to face outstanding U.S. charges since 2013.

### Endangered Child Alert Program

The Endangered Child Alert Program (ECAP) is a collaborative effort between the FBI and NCMEC to identify unknown adults and/or persons of interest who appear in or are associated with unsolved series of child pornography. FBI investigators select images from unidentified child pornography series in which an unknown adult's face and/or distinguishing characteristics are visible. If all investigative efforts to identify the unknown adult have been exhausted, ECAP uses a national and/or international campaign to identify the unknown adult (referred to as "John/Jane Does"). Campaigns are usually composed of aggressive media campaigns using social media, websites, and television. Since the program's inception in 2004, 41 John/Jane Does have been investigated, 27 of whom have been successfully identified. In 2019, John Doe #38 was arrested. ECAP further positively identified John Doe #31 and has been working with international partners on enforcement action.

### Operation Rescue Me

Operation Rescue Me (ORM) is an FBI victim identification program that utilizes image analysis and partnerships to identify unknown child victims depicted in child sexual exploitation material. Since the program's inception in 2008, ORM and its collaborative efforts with ECAP have resulted in the identification of over 750 child victims depicted in numerous child pornography series traded on the Internet. Potential candidate images for ORM are generated from new child pornography series discovered by FBI field investigations and forensic exams or suggested by NCMEC.

### Cooperation with NCMEC

As described in greater detail below, NCMEC is a private, non-profit organization working with law enforcement, educational and social service agencies, families, industry professionals, and the public on issues related to missing and exploited children. NCMEC serves as a national resource center and information clearinghouse for efforts to help missing and exploited children. The FBI has personnel embedded within NCMEC's facility to maximize their effective communication with FBI personnel in the field and to use NCMEC prevention and education resources at public awareness events.

### Violent Crimes Against Children International Task Force

In 2004, the FBI initiated the Violent Crimes Against Children International Task Force (VCACITF) to promote and develop a select cadre of international law enforcement experts to formulate and deliver a unified global response against child sexual exploitation matters. Objectives toward this goal include the establishment and furtherance of strategic partnerships with relevant foreign law enforcement partners by utilizing extensive liaison as well as operational support and coordination. The VCACITF is operated by the FBI Child Exploitation Operational Unit and allows for real-time global collaboration between the FBI and its partners to recover children and bring perpetrators to justice. Since its inception, the VCACITF has been instrumental in the successful initiation and resolution of several high profile, extremely complex investigations with a true global footprint. The steadily expanding VCACITF is currently comprised of over 67 active TFOs from 47 different countries and is the largest task force of its kind in the world. The VCACITF training is approximately five weeks in length and focuses on FBI strategy and methodology for combating every form of child sexual exploitation.

### Safe Online Surfing

The FBI's Safe Online Surfing (SOS) Internet Challenge is a free, educational program for children that teaches cyber safety. The SOS program teaches young people about web terminology and how to recognize secure and trustworthy sites. Other lessons cover how to protect personal details online, create strong passwords, avoid viruses and scams, be wary of strangers, and be a good virtual citizen. Students in third through eighth grades visit the island that corresponds with their grade level and surf through activities that teach how to recognize hazards and respond appropriately. The entire curriculum is also available in Spanish.

More than one million students completed the program and took the SOS exam during the 2018-2019 school year—an 18 percent increase from the year before. Schools from all 50 states, D.C., Guam, Puerto Rico, and the Virgin Islands were among the 17,172 schools that competed in the challenge.

SOS activities are available to everyone, but teachers must register for a class to participate in the tests and competition. Any public, private, or home school in the United States and its territories with at least five students is eligible for the online challenge. Teachers manage their students' participation in the program, and the FBI does not collect or store any student information.

Each month during the school year, the classes with the top exam scores nationwide receive an FBI-SOS certificate and may be congratulated in person by local FBI personnel.

### Crimes Against Children and Human Trafficking Intelligence Unit

The mission of the Crimes Against Children and Human Trafficking Intelligence Unit (CACHTIU) is to manage the global CAC and HT threats through intelligence collection, analysis, and dissemination. This intelligence team is responsible for the identification of trends and vulnerabilities; writing national-in-scope intelligence products; the identification of national intelligence gaps and collection requirements; and providing actionable intelligence to law enforcement, policy makers, nongovernmental organizations (NGOs), private industry, and the public to aid in the identification, rescue, and prevention of child victimization.

CACHTIU addresses the strategic, tactical, collection, and domain aspects of the CAC and HT threats within the FBI's investigative jurisdiction. This is accomplished through the efforts of Intelligence Analysts (IAs) embedded within the Violent Crime Section. Two IAs support FBI personnel in the field by working from the NCMEC facility, and one IA is detailed full-time to BAU-3. CACHTIU seeks to maintain a comprehensive understanding of the sexual exploitation of children threat, to include perpetrators, their criminal tradecraft, and their vulnerabilities; victims and their vulnerabilities; and the geographical and online venues being used to commit these crimes.

### Victim Services Division

The mission of the Victim Services Division (VSD) of the FBI is to inform, support, and assist victims in navigating the aftermath of crime and the criminal justice system with dignity and resilience. Within the VSD, there are two specialized units that provide and coordinate direct services for victims: the Child Victim Services Unit (CVSU) and the Victim Program

Management Unit (VPMU). CVSU works to ensure the FBI's investigative and victim assistance efforts minimize risk to especially vulnerable individuals, such as child victims and HT survivors, of secondary trauma often experienced by victims who participate in the investigative and judicial process. CVSU is comprised of Child Victim Program Advisors, Child/Adolescent Forensic Interview Supervisors, and Child/Adolescent Forensic Interviewers. VPMU works to provide substantive operational guidance, administrative oversight, and serve as a conduit of information to FBI field office Victim Specialists, as well as building the capacity of the FBI Victim Assistance Program by collaborating with local, state, federal and tribal partner agencies to ensure the provision of comprehensive victim services. VPMU is comprised of Supervisory Program Managers, Regional Program Managers, and Mobile Victim Specialists.

***Child Victim Program Advisors (CVPAs):*** CVPAs provide subject-matter expertise on child victimization, to include HT. Embedded in CACHTU, CVPAs work within a multidisciplinary team of Supervisory Special Agents and IAs to further develop FBI policy, guidance, training, and field support that is evidence-based, developmentally sensitive, trauma-informed, and culturally responsive. Additionally, CVPAs support the FBI's International Operations Division, FBI Legal Attachés, and FBI field offices.

***Child/Adolescent Forensic Interviewer (CAFI) Program:*** CVSU manages 22 CAFIs, who are strategically located throughout the country to support FBI investigations by conducting interviews for any victim or witness who is a minor, developmentally delayed adult, or adult with unique case circumstances. CAFIs conduct forensic interviews to obtain a statement from a victim or witness in a developmentally sensitive, unbiased, truth-seeking manner that will be legally defensible in the federal, state, and tribal judicial and child welfare systems. Additionally, CAFIs provide consultation and forensic interview training for SAs and TFOs who work child exploitation, HT, Indian Country violations, and any other violation that involves a juvenile. The FBI developed a CAFI policy to ensure victims have the best interview experience possible without fear of inducement of secondary trauma from multiple interviews, multiple interviewers, or those not trained in child development, trauma and victimology. This policy also codified CAFI consultation on child cases and utilization in interviews. A memorandum of understanding has been established with the National Children's Alliance to define a working relationship between Child Advocacy Centers and VSD to ensure that victim needs are being met by providing forensic interview space, forensic interviews, advocacy, therapy, and other needs particular to the victim in a multidisciplinary team (MDT) format.

***Victim Specialists (VSs):*** VPMU manages 171 VSs, who cover all 56 field offices, with some dedicated specifically to Indian Country matters. VSs are funded through the DOJ Crime Victims' Fund administered by the Office for Victims of Crime. VSs provide direct services to child and adolescent victims of sexual exploitation in addition to other federal crimes. Ten regional Program Managers oversee the VSs.

***CAFI Program Classes:*** These classes teach SAs and TFOs, who work CAC and HT violations throughout the FBI's 56 field offices and numerous resident agencies and focus on CAFI Program utilization as a best practice for investigations and victims.

***Child Pornography Victim Assistance (CPVA) Program:*** CPVA serves as the central repository for information on identified victims depicted in child sexual abuse material. Law enforcement and prosecutors are required to notify victims when images of their victimization are seized as part of a federal investigation and/or involved in any federal court proceedings. CPVA helps streamline the notification process and minimize any additional trauma for these victims by limiting unnecessary contact through utilization of a centralized and automated system, DOJ's Victim Notification System (VNS). CPVA works closely with DOJ-EOUSA and DOJ-CEOS to coordinate information related to victim impact statements and restitution. CPVA coordinates regularly with NCMEC in their role as the national clearinghouse for child sexual abuse material. CPVA coordinates directly with federal victim advocates and/or investigators within various external law enforcement agencies to share information on previously- and newly identified victims, assist in notifications, and provide resources for victims to help them navigate the unique cycle of victimization these crimes impose.

***Advanced Child Victim Training:*** This training consists of 33.5 hours of continuing education credits, approved by the National Association of Social Workers, for internal professionals providing victim assistance to child/adolescent victims. The focus of this training includes child sexual abuse material, domestic minor sex trafficking, child crime in Indian Country, child kidnapping, male victimization, boundaries, and ethics.

***Mass Violence and Children Summit:*** Twelve experts from multiple disciplines were brought together to learn about the FBI's response to mass violence and provide insight on how to improve the FBI's response to child victims. This summit consisted of presentations on lessons learned from missed opportunities, family reunification, death notification, providing and engaging youth in services, and school re-openings post-mass violence. This summit encouraged collaboration between federal and local partners.

***Excellence in Law Enforcement-Based Victim Assistance Training and Enrichment (ELEVATE):*** This training and enrichment initiative was designed to help law enforcement agencies develop or enhance their victim services capacity. ELEVATE consists of nine weeks of online instruction followed by one week of residency at Quantico, which includes a full-scale mass casualty exercise. The University of Virginia provides graduate level course credit to attendees. ELEVATE contains three major focus areas outlined by a multi-agency working group of law enforcement-based service professionals: development of program standards, national level mentorship and shadowing, and specialized training for law enforcement-based victim services providers.

***Presidential Task Force on Protecting Native American Children in the Indian Health Service System:*** CAFIs participated in this task force, which aims to develop and recommend policies, protocols, and best practices to protect Native American children utilizing the Indian Health Service system.

***Presidential Task Force on Missing and Murdered American Indians and Alaska Natives:*** VPMU participated in this task force, which aims to consult with tribal governments on the scope of issues regarding missing and murdered American Indians and Alaskan Natives, develop

protocols and procedures for new and unsolved investigations, and establish and clarify roles and responsibilities for multidisciplinary and multijurisdictional teams to work these investigations.

### ***Subject-matter Expertise – Consultation***

More than 600 consultations to FBI field office personnel, to include direct services to victims; national and international resources for victims; ethical dilemmas; federal and state legislation on child abuse, child exploitation, HT, and child sexual abuse material; and mandatory child abuse reporting.

- Air Aware Campaign and executive write-ups regarding sexual assault onboard aircrafts (domestic and international flights)
- Mandatory Child Abuse Reporting policy, tools, and training
- Notification Preference Forms for child sexual abuse victims who are now 18 and older
- Child victimization identification guidance
- Parental notifications in large-scale child sexual abuse material cases
- HT guidance for Super Bowls LIII and LIV
- External reports and legislation review
- Attorney General Report on Human Trafficking
- President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) Report/Accomplishments
- Federal Strategic Action Plan on Services for victims of HT in the U.S. (2013 – 2017)
- Abolish Human Trafficking Act 2017
- State Department Trafficking in Persons Report
- Attorney General Talking Points PITF 2018
- Anti-Bullying and Harassment Act of 2018
- Violence Against Women Reauthorization Act of 2019
- Extreme Risk Protection Order and Violence Act of 2019
- Put Trafficking Victims First Act of 2019
- Victim access to images under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018
- Legal rights and services obligated to child victims in federal cases
- ORM victim assistance guidance, case coordination, large scale cases, victim locate, and privacy issues
- Best practices in child cases including international parental kidnappings (IPKs), child sexual exploitation, trafficking, and sextortion
- Updates to FBI protocol, literature, and training on responding to child sexual assault cases
- Director-level briefings on sextortion

### ***Subject-matter Expertise – Coordination***

Victim assistance for mass casualty events, as well as large-scale, national, and international sextortion, human trafficking, and position of trust operations:

- Operation Cross Country X and XI, Operation Independence Day, Operation Crown Pleaser



- Super Bowl L, World Series, and Indianapolis 500 victim assistance for HT
- Child/adolescent hygiene bags: more than 600 sent to FBI field offices for survivors of exploitation
- Continued Presence guidance and training
- International trainings and guidance for child crimes encountered by FBI Legal Attachés
- Training and guidance for child crimes in Indian Country
- Emergency Victim Assistance Fund approvals and provisions for large scale cases
- Updated protocol and procedure for missing and abducted children and cold cases
- Participation in numerous MDTs and child protection teams to ensure appropriate staffing for response across agencies
- Unclassified access to HT resources by area of responsibility

### Behavioral Analysis Unit: Crimes Against Children

The Behavioral Analysis Unit: Crimes Against Children (BAU-3) provides specialized and behaviorally based investigative and operational support to law enforcement agencies involved in the investigation of CAC. BAU-3 resources are focused on child abductions, child homicides, sexual exploitation of children, and other acts targeting child victims. BAU-3 reviews and assesses the facts of a criminal act and interprets offender behavior and victim/offender dynamics during the commission of the crime or as displayed at the crime scene. BAU-3 operational support includes criminal investigative analysis, deployments, expert testimony, interview strategies, investigative suggestions, linkage analysis, media strategies, profiles of unknown offenders, prosecutorial and trial strategies, search warrant affidavit assistance, statement analysis, and threat/risk assessments. BAU-3 also provides specialized training for federal, state, local, tribal, and international law enforcement agencies by integrating operational experience, research findings, and case studies.

### Digital Analysis and Research Center

The Digital Analysis Research Center (DARC) is the forensic analysis laboratory of the Operational Technology Division (OTD), dedicated to supporting the FBI's CACHTP. DARC was established in January 2008 as part of the IINI to address the growing need for dedicated resources in the area of computer forensic analysis to support online child sexual exploitation investigations. In August 2010, DARC became a stand-alone operational unit and in late 2012 became part of OTD's Digital Forensics & Analysis Section (DFAS). DARC is comprised of a team of forensic examiners, information technology specialists, and a laboratory manager.

DARC's mission is to provide quality technical and scientific investigative support that includes detailed digital forensic extraction and analysis, testimony, and support to the FBI's CACHTP. DARC's primary function is to provide digital forensic services, namely through the acquisition, preservation, examination, processing, and presentation of stored digital information in computers or other electronic devices or media. DARC also continually looks to develop new technologies and procedures to assist forensic examiners and investigators in combating the online sexual exploitation of children. The dedication of DARC to a specific mission allows examiners to specialize in this discipline and provide detailed content analysis to investigators. DARC forensic examiners participate in operational searches and the seizure of digital evidence. DARC, through coordination and leveraging other digital forensic components within the DFAS, is also capable of providing large scale forensic support and analysis to enterprise investigations



involving numerous subjects/locations and containing multiple terabytes of data. DARC’s research component is engaged in developing tools and resources to better identify and conduct operations against the most egregious offenders and to more effectively and efficiently review and de-conflict extremely large data sets containing child exploitation materials.

### Indian Country Crimes Program

The FBI’s Indian Country Crimes program has investigative responsibility for federal crimes committed on approximately 200 Indian reservations and this responsibility is shared concurrently with the Bureau of Indian Affairs (BIA). This number generally excludes tribes in P.L. 280 states, except for crimes of general applicability (e.g., drug offenses, Indian gaming, and violence-against-women offenses). Currently, there are approximately 125 full-time FBI SAs working in support of Indian Country investigative matters, in over 30 FBI field offices. As of January 2020, there were over 3,000 pending Indian Country investigations. Child sexual exploitation remains a priority within the Indian Country program, as it accounts for approximately 30 percent of the FBI’s Indian Country pending investigations.

The FBI is committed to decreasing child sexual exploitation in Indian Country. The FBI is continuing to address the threat of child sexual exploitation in Indian Country by providing advanced training on this issue for FBI SAs, BIA SAs, and tribal law enforcement. Additionally, the FBI oversees 20 Safe Trails Task Forces, which leverage federal, state, and tribal resources to combat violent crimes in Indian Country, including child exploitation.

### Accomplishments

#### FBI Child Exploitation Enforcement Statistics

	FY16	FY17	FY18	FY19	FY20	FY21	FY22	Total
Cases Initiated	3,602	3,642	4,175	4,176	3,826	3,780	4,520	27,721
Child IDs/Locates	2,753	2,887	3,858	3,521	2,539	3,149	3,546	22,523
Convictions	1,866	1,813	1,860	1,691	1,263	1,522	1,662	11,677

VSD Statistics for CAC and HT (FY16 – FY22):

- 378,235 total direct services provided in child cases<sup>18</sup>
- 12,568 total child/adolescent forensic interviews conducted
- 10,780 CAC and HT cases created in VNS
- 16,047 victims entered for CAC and HT cases in VNS
- 15,919 requests for victim information processed by CPVA
- 1,183 victims of distributed CSAM on file with CPVA
- 1,005 series of distributed CSAM on file with CPVA
- 2,883 total CAC trainings provided by VSD
- 2,598 total HT trainings provided by VSD
- 372 total forensic child interview trainings conducted by VSD

<sup>18</sup> VSD’s internal tracking tool was not implemented until FY18, so this number only reflects two years of data

- 25 mass casualty incident responses— two with significant number of minors (Highland Park and Robb Elementary)

**FBI’s Regional Computer Forensics Laboratories (RCFL)<sup>19</sup>  
Child Exploitation Cases by Year (FY2016-FY2021)**

<b>RCFL Child Exploitation Cases<sup>20</sup></b>						
<b>Office</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
CGRCFL	808	877	960	1,444	1,055	1,565
GHRFCFL	270	297	329	374	351	451
HARCFCL	468	439	640	741	638	627
IWRFCFL	388	387	405	429	466	599
KRCFL	149	163	195	217	179	368
NERCFL	--	2	131	226	359	623
NJRCFL	352	353	299	250	321	723
NMRCFL	306	279	264	273	267	369
NTRCFL	480	477	450	570	489	489
NWRCFL	187	167	198	262	279	300
OCRCFL	684	617	714	900	680	1010
PHRCFL	529	496	446	578	596	748
RMRCFL	186	201	227	489	555	558
SDRCFL	532	543	484	550	479	814
SVRCFL	331	357	366	400	316	294
TVRCFL	--	28	25	404	325	323
WNYRCFL	187	160	176	180	253	429
<b>TOTAL</b>	<b>5,857</b>	<b>5,843</b>	<b>6,309</b>	<b>8,287</b>	<b>7,608</b>	<b>10,290</b>

CAFIs and CVPAs have provided 379 local, state, national, and international trainings, and presentations. Audiences have included law enforcement, child protection workers, forensic interviewers, prosecutors, NGOs, therapists, medical personnel, victim advocates, foreign leaders, MDTs, international schools, and international delegations. These trainings have covered a variety of topics, to include Covered a variety of topics, to include:

- Sextortion
- Engaging Victims through Victim-Centered, Trauma Informed Investigations
- Juvenile Sex Trafficking
- Utilizing Child Sexual Abuse Material in the Forensic Interview
- Suggestibility
- Adolescent Victims
- Abduction Victims

<sup>19</sup> An RCFL is a one-stop, full-service forensics laboratory and training center devoted entirely to the examination of digital evidence in support of criminal investigations. See <https://www.rcfl.gov/>

<sup>20</sup> This data was pulled from the CART Database Case Management System. The accuracy of these numbers cannot be verified as the database only contains and reports on what was entered into the system by various users.

- Forensic Interviewing Protocol
- National best practices of integrating a victim assistance response to engage exploitation victims during the investigative response
- Preventing, Understanding and Responding to the Victimization of Sextortion
- FBI's response to Mass Violence and Children

### *Trainings & Conferences*

- A Proactive Response: Locating and Identifying Minor Victims of Sex Trafficking
- BitTorrent Investigations
- CAC Advanced Online Investigations
- CAC Basic Online Investigations
- CAC Program Coordinators Conference
- CAFI Training
- CARD Conference
- Children Missing from Care
- DExT Training and Practicals
- Engaging and Understanding the Needs of LGBTQ Victims of Human Trafficking
- Forensic Medical Exams of Human Trafficking Victims
- Freenet
- GigaTribe/Online Chat Course
- GigaTribe/OS Triage (Advanced Online Chat)
- Human Trafficking Restitution
- IPK NCMEC Resources
- Interpreters in Forensic Interviews
- Joint Training – Basic Online Undercover Training
- Large-Scale Human Trafficking Victim Assistance Training
- Los Angeles Multi-Agency Response Team: Impact on Federal Investigative Efforts for Victims of Human Trafficking
- NCMEC Child Sexual Abuse Image Resources for Victims and Families
- New VS Orientation – Child Victimization
- Online Training for Forensic Interviews
- Practical Considerations When Vetting Behavioral Health Professionals
- Project Courtney
- Protecting Victims of Child Sex Trafficking
- Sextortion: A Comprehensive Review of FBI Cases
- Strategies for Collecting Child Sexual Abuse Images Victim Notification Preference Forms
- Utilization of the Interdiction Model for Large-Scale Operations
- VCACITF Training Session
- Victim Notification and Assistance



### **INTERPOL Washington**

INTERPOL Washington is the United States National Central Bureau of, and designated representative to the International Criminal Police Organization (INTERPOL) on behalf of the Attorney General. A component of the U.S. Department of Justice (DOJ) that is co-managed by the U.S. Department of Homeland Security, its mission includes transmitting information of a criminal justice, humanitarian, and other related nature between the National Central Bureaus of other INTERPOL member countries and law enforcement agencies within the United States and abroad and coordinating and integrating information for investigations of an international nature. The USNCB's investigative support and information sharing activities leverage the INTERPOL platform to combat child exploitation, locate missing or kidnapped children, locate and arrest international fugitives, disrupt sex offender travel to non-compliant jurisdictions, and promote U.S. best practices in child exploitation investigations and anti-Human Trafficking efforts.

#### *Key Programs & Initiatives*

##### **Sex Offender Travel Notifications**

Prior to the passage of the Adam Walsh Act, the USNCB implemented a notification system for reporting the movements of compliant, registered sex offenders who visit, relocate, and/or are deported to foreign countries. With the passage of the Act in 2006, the USNCB formed a partnership with the U.S. Marshals Service (USMS) and other federal, state, local, and Tribal law enforcement agencies to assist with notifications of sex offenders traveling to foreign locations. Current activities include supporting the USMS and other partner law enforcement agencies charged with locating and apprehending fugitive and non-compliant sex offenders, as well as tracking convicted sex offenders who relocate, visit, or are deported to or from foreign countries to the United States.

### **Child Sexual Abuse Material**

On 27 July 2017, Polish authorities extradited an U.S. citizen to stand trial in the District of Maine for receipt and possession of child pornography. On 15 February 2017, a law enforcement agent travelled to a public library used consistently by the subject to access child pornography and, upon observing the subject using the identified IP address, seized the subject's electronic devices, including his personal laptop. However, the agent lacked sufficient grounds to detain the subject at that time. A subsequent forensic analysis of the laptop revealed thousands of child pornography images. On the same day as the seizure of his electronic devices, the subject, who had been previously required to register as a sex offender, called the registry and stated that he was traveling to Germany, but failed to provide any details about his itinerary. This led to the publication of an INTERPOL Red Notice that resulted in the arrest and detention of the subject in Poland on 27 February 2017. The DOJ Office of International Affairs (OIA) subsequently submitted formal requests for provisional arrest and extradition leading to the successful extradition of the subject to the U.S. in July 2017.

### Missing and Abducted Children's Program

The USNCB utilizes I-24/7, INTERPOL's secure, global communications system, to exchange investigative information and requests for assistance; locate and identify offenders, victims and witnesses; combat sex tourism, and locate missing and abducted children.

### Referrals Regarding Images of Child Sexual Exploitation and Abuse

The USNCB: provides U.S. Immigration and Customs Enforcement – Homeland Security Investigations (ICE-HSI), the Federal Bureau of Investigation (FBI), and other federal, state, local, and Tribal law enforcement agencies with international criminal investigative assistance that includes combating the distribution of images of child sexual abuse via the Internet; identifying known victims; disseminating CyberTipline leads to foreign partners on behalf of the National Center for Missing and Exploited Children (NCMEC), and providing images and other forms of media containing actual evidence to U.S. law enforcement agencies for potential action.

### International Child Sexual Exploitation (ICSE) Database

The USNCB manages U.S. participation in, and access to INTERPOL's ICSE Database, which enables investigators to compare newly seized images of child sexual abuse to those already known to the international law enforcement community in order to identify new victims and recover them from ongoing abuse and exploitation.

### Operation Predator

The USNCB has partnered with ICE-HSI in the issuance of INTERPOL Green Notices regarding child sex offenders. Published to all 194 INTERPOL member countries, these notices serve as international warnings about subjects who, based on their criminal history, have been assessed by national law enforcement authorities to be a continuing threat to public safety, or who may commit other criminal offenses.

### Operation Sentinel

A USNCB partnership with the SMART Office and the USMS National Sex Offender Targeting Center which proposes the issuance of U.S. Green Notices on a segmented population of registered sex offenders in possession of U.S.-issued travel documents. Under this pilot program, Green Notices may be published on sex offenders who are likely to travel internationally repeatedly and who qualify as the "worst of the worst" offenders.

### Project ID Me

A USNCB program that utilizes INTERPOL Black Notices to request assistance from member countries in identifying unknown deceased juvenile victims recorded in NCMEC files received from U.S. law enforcement agencies.

### INTERPOL Working Groups

The USNCB participates in, and manages the United States' representation in INTERPOL specialized working groups related to Crimes against Children, Human Trafficking and People Smuggling.

### IPSG Worst-Of-Domain List

Organized and maintained by INTERPOL's General Secretariat (IPSG), the Worst-of-Domain List contains Internet domains that host the most egregious depictions of child sexual abuse. The USNCB forwards domain-level Universal Resource Locators (URL) to the IPSG via INTERPOL's I-24/7 system for evaluation, and possible inclusion on the Worst-of Domain List.

### *Accomplishments*

Since 2016, there have been 25,824,556 CyberTipline leads disseminated to foreign partners through the USNCB.

### CyberTipline Report

Based upon a single CyberTipline report, INTERPOL Gibraltar was able to work with their competent authority to investigate and ultimately arrest a subject for allegations dealing with child sexual abuse materials and other crimes. Following his conviction, the subject was sentenced as follows:

1. Possession of Indecent Images of Children – 18 months (concurrent with Point 2)
2. Distribution of Indecent Images of Children – 32 months
3. Voyeurism (Miss “X” - former girlfriend) – 8 months on both charges, to run concurrent to each other but consecutively to Points 1 & 2
4. Voyeurism (Miss “Y” & “Z” - former work colleagues) – 4 months on each charge to run concurrent but consecutively to Points 1, 2 & 3.

In this case, the voyeurism allegations were not associated with the CyberTipline Report and were completely unknown until discovered during the ensuing investigation.

INTERPOL's color-coded Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information. There are eight different notices and the most issued in the child exploitation sphere are Green, Black, and Red. Green notices warn of a person's criminal activities, where the individual is considered a possible threat to public safety. Black Notices are issued to seek information on unidentified bodies. Red Notices are issued to seek the location and arrest of wanted persons for prosecution or to serve a sentence.

## INTERPOL's Red Notices

### Child Sexual Abuse, Child Molestation

On 9 September 2019, authorities in Nepal extradited a U.S. citizen to stand trial in Alaska for one count of sexual abuse of a minor in the first degree and two counts of sexual abuse of a minor in the second degrees. From December of 2014 until December of 2015, the subject sexually abused his girlfriend's 10-year-old daughter. The abuse came to an end when the victim's mother and the subject's relationship ended. The abuse was not reported until recently when the victim's grandmother overheard a conversation the child had with a friend and contacted the police. On 1 July 2019, the subject fled the U.S. for China and an INTERPOL Red Notice was published. In September 2019, the subject was arrested for immigration violations in Nepal and was extradited to the United States.

### Child Abduction, Child Molestation, Child Rape

On 4 October 2019, Danish authorities extradited a U.S. citizen to stand trial in California for two counts of a lewd act with a child under the age of 14 and attempted kidnapping of a child under the age of 14. The subject posed as an officer at a university in California and sexually assaulted two 13-year-old boys in separate incidents. The subject was arrested and released on bond. The subject failed to appear for his trial, and an arrest warrant was issued. An INTERPOL Red Notice was published and the subject was subsequently located in Denmark on 14 September 2019.

## United States Marshals Service

### U.S. Marshals Service

Justice. Integrity. Service.

U.S. Department of Justice



The United States Marshals Service (USMS) contributes broadly to child exploitation prevention and interdiction through enforcement of the Adam Walsh Child Protection and Safety Act (AWA), signed into law on July 27, 2006. The USMS was designated as the lead federal agency to investigate violations of the AWA and given the mandate to assist state, local, tribal, and territorial jurisdictions in locating and apprehending non-compliant sex offenders. As such, the USMS has taken an aggressive approach toward protecting our communities from violent sex offenders and child predators by partnering with other federal, state, local, tribal, and territorial law enforcement authorities involved in the regulatory process of registration.

### *Key Programs & Initiatives*

The USMS combats child exploitation by ensuring that convicted sex offenders with a registration requirement are held to their obligation. Under the AWA, the USMS has primary responsibility for locating and apprehending sex offenders who fail to register as required with state sex offender registries and for initiating federal investigations into sex offender registration violations and related offenses in noncompliance of the Act. Effective registration of sex offenders provides parents and law enforcement alike with valuable information about this population of offenders. Registries give families the ability to know if a sex offender lives in



proximity to their children, and frequently provide law enforcement investigative leads to consider while investigating child exploitation offenses.

Since passage of the AWA, Congress has enacted additional legislation that expands the USMS' role in child exploitation prevention and interdiction. In May 2015, the Justice for Victims of Trafficking Act (JVTA) was passed and clarified the USMS' discretionary authority to support law enforcement requests for assistance on any missing child cases. In February 2016, the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (IML) was enacted, which mandates the USMS' critical role in the vetting of those covered sex offenders (cases where victim was under 18 years of age) who are traveling internationally.

Working closely with federal, state, local, tribal, territorial, and foreign law enforcement and prosecuting agencies, the USMS is aggressive in locating and apprehending fugitive sex offenders, including offenders against children.

In support of the AWA mission, the USMS Sex Offender Investigations Branch (SOIB) established the National Sex Offender Targeting Center (NSOTC) in September 2009 to act as an interagency intelligence and operations center. The NSOTC is comprised of three units: Operations Unit, International Megan's Law Enforcement Unit, and Missing Child Unit (MCU). Additionally, the NSOTC houses analysts from the National Center for Missing and Exploited Children (NCMEC), Sex Offender Tracking Team (SOTT), as well as liaisons from the Department of Defense, U.S. Customs and Border Protection, and the Department of State.

In addition to its work in locating and apprehending non-compliant sex offenders, the USMS also assists NCMEC and law enforcement partners in safely recovering missing children. With the enactment of the JVTA, the USMS received significant clarification of its authority to support law enforcement requests for assistance in missing child cases. Prior to the JVTA, the USMS required a warrant for a suspected abductor and had to rely on fugitive or AWA authorities to support missing child cases. Section 605 of the JVTA enables the USMS to "assist state, local, and other federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children." MCU was established within the SOIB to manage JVTA implementation, and a Deputy U.S. Marshal is assigned to NCMEC to facilitate information sharing to further investigations and public education.

The IML mandates that the USMS partner with the Department of Homeland Security (DHS), ICE, HSI Angel Watch Center (AWC) to carry out this mission and investigate those offenders who fail to report international travel. The USMS has added 20 positions to support this mission to combat child sex tourism. The IML directs ICE to provide NSOTC with a list of covered sex offenders who have scheduled international travel. Once this information is received, NSOTC analysts vet each offender to determine registration and reporting compliance, as well as verify any outstanding warrants for arrest. In addition to this information sharing structure, IML mandates that registered sex offenders must notify their registering jurisdiction(s) of any planned international travel 21 days before the intended travel; lack of notification by the sex offender may result in a felony offense under 18 U.S.C. § 2250(b). In March 2019, the ICE – AWC, SOIB, and the U.S. Coast Guard began identifying those covered offenders who are traveling internationally by way of cruise ship.



The USMS works with the United States National Central Bureau-Interpol, DHS, the State Department, and state, tribal, and territorial sex offender registries to transmit international notifications via Interpol on outbound sex offenders. Using Interpol as a notification conduit ensures that USMS can reach all of Interpol's 194 member countries.

The USMS Behavioral Analysis Unit (BAU) serves the USMS and other agencies through research, case consultation, and direct operational support, providing behavioral analysis and assessment in complex and distinctive cases as well as on-scene operational support. A multidisciplinary unit, BAU staff leverage clinical and forensic psychological expertise, investigative experience, scientific research, relevant literature, and specialized training.

Since 2014, through the BAU, the USMS has collaborated with the Texas Department of Public Safety in the implementation of the Interdiction for the Protection of Children (IPC) program. IPC is an innovative policing approach for identifying potential exploitation of children during roadside traffic stops and other interactions with citizens. The goal of the IPC program is to train law enforcement officers to identify a) individuals who pose a high risk to children; b) children who are being trafficked, exploited, or abused by one or more adults; and c) children who are at risk for various forms of exploitation (e.g., runaways, abductees).

#### *Accomplishments*

##### **USMS Conducts Operation Not Forgotten in the Atlanta metro area**

Operation Not Forgotten was a USMS led missing child operation that targeted critically missing children throughout the Macon and Atlanta, GA Metro areas in coordination with eight state, federal and national agencies.

Operation Not Forgotten's main objective was to identify and recover high-risk endangered missing child cases involving children who had been identified as critically missing from the State of Georgia and/or had been exposed to child sex trafficking and child sexual exploitation.

Operation Not Forgotten resulted in the rescue of 26 children, the safe location of 13 children and the arrest of nine criminal associates. Additionally, investigators cleared 26 arrest warrants and filed additional charges for alleged crimes related to sex trafficking, parental kidnapping, registered sex offender violations, drugs and weapons possession, and custodial interference.

Missing child operational initiatives represent several months of planning and coordination between the USMS, NCMEC, and many state and federal agencies that each play a part in the mission to recover critically missing children

Since the passage of the JVTA in 2015, the USMS has contributed to the recovery or location of more than 2,700 missing children. Since 2015, the USMS has directly contributed to the location or recovery of a missing child in 68% of the missing child cases supported by the agency. Of the closed missing child cases in which the USMS contributed to recovering or locating the child, 61% were recovered within seven days.

Since inception of the IML in 2016, the USMS has vetted more than 15,425 AWC leads of sex offenders who were traveling internationally. During that period, the USMS assessed more than 970 offenders for suspected federal violations for failing to report international travel. Under IML, sex offenders are required to notify their state/jurisdictional registration authorities of international travel 21 days prior to departure. Those notifications are transmitted to the USMS, directed to Interpol, and sent to destination countries. Since 2016, the USMS has received, processed, and directed to Interpol more than 12,261 international travel notifications received from sex offender registries.

- To date, the IPC program has safely rescued more than 591 children from sexual abuse and exploitation.
- Since 2006, the USMS has closed by arrest more than 209,000 sex offense warrants, initiated 42,777 federal AWA investigations, and arrested more than 5,800 individuals for violation of the act.
- Since 2006, the SOIB has assisted with more than 4,567 sex offender compliance and enforcement operations. During these operations, the USMS has partnered with more than 17,741 state and local law enforcement agencies to conduct more than 710,202 compliance checks.
- In fiscal year (FY) 2022, the USMS arrested more than 9,700 fugitive sex offenders; more than 2,800 of those fugitives were non-compliant or missing registered sex offenders.
- In FY 2022, the USMS initiated more than 2,900 federal investigations into violations of the AWA. They obtained 329 federal warrants for non-compliant offenders and cleared 251 warrants by USMS arrest.

#### *Trainings & Conferences*

To date, more than 14,000 law enforcement officers have been trained under the IPC program.

The USMS Investigative Operations Division provides training to USMS criminal investigators through the agency's Criminal Investigations Training, typically held four times per year for approximately 50 investigators per class. This week-long, interactive training provides attendees with skills essential to conducting AWA investigations and covers a wide range of topics focusing on investigating and presenting criminal cases for potential federal prosecutions. The course covers gathering evidence, interviewing suspects, use of the USMS Mission System, legal guidance, administrative subpoenas, and information on a variety of other resources available to assist investigators in the field. Nearly 1,500 USMS investigators have been trained since 2010.

The SOIB conducts tribal outreach with the goal of strengthening communication and coordination among all levels of law enforcement and public sector entities overseeing the registration process and to improve tribal agencies' ability to track and register sex offenders. This outreach, whether through formal sessions or coordinated enforcement opportunities, have proven effective in helping strengthen relationships between tribal agencies, the USMS, and local law enforcement.

The USMS is working to provide training and resources on the MCU program so that through this increased exposure, the USMS will witness an increase in assisting law enforcement

agencies with missing child cases who may be victims of human trafficking. The MCU is providing outreach through interagency communication, conferences, and internal USMS training to promote its capabilities. The MCU has provided training to over 447 USMS investigators since the inception of the program in 2015.

The USMS also works with the Department of Defense to ensure that military sex offenders are successfully registered following their release from confinement and return to civilian life. The USMS has conducted outreach events at military installations across the country to improve communication and collaboration related to military sex offender registration investigations. These outreach events were attended by representatives from military units and regional and local law enforcement agencies. The events aimed to ensure the synthesis and coordination of activities between the military sex offender program and state expectations for notification and documentation, especially when a service member is convicted of a sex crime and then returns to civilian life.

The BAU provides subject matter experts for panels and workgroups around child exploitation. Most participants at these events are state, local, and tribal partners.

The USMS regularly sends subject matter experts to speak at sex offender registry conferences, law enforcement trainings, and national conferences such as the National Law Enforcement Training on Child Exploitation and the Crimes Against Children Conference.

### *Prosecutors*

#### **Criminal Division's Child Exploitation and Obscenity Section**



The Child Exploitation and Obscenity Section (CEOS), in the Criminal Division of the U.S. Department of Justice, serves as the nation's leading expert on identifying and prosecuting child sexual predators, particularly those who prey on children in online environments. Leveraging its collective expertise (developed in close partnership and consultation with the 94 U.S. Attorney's Offices (USAOs) and investigative agencies around the country) and the expertise of its High Tech Investigative Unit Digital Investigative Analysts, CEOS develops and implements innovative enforcement strategies to prevent the victimization of children; identifies and addresses critical policy and legislative concerns; and improves the

law enforcement response to crimes against children through training and outreach.

***Litigation:*** Through Project Safe Childhood, CEOS partners with USAOs to strategically target particularly dangerous, prolific, and sophisticated offenders.

**National Operations and other Investigations Concerning Child Sexual Abuse Material (CSAM)**  
CEOS specializes in launching nationwide and international operations targeting organized groups of child sex offenders. CEOS addresses the most significant emerging threats among child exploitation defendants, in particular their increasing use of otherwise legitimate technology and techniques, such as virtual meeting rooms, online gaming platforms, live-

streaming services, and messaging applications, as well as anonymizing technologies like The Onion Router (Tor). In addition to direct participation in the prosecution of anonymized offenders, CEOS provides vital coordination and technical and legal support to USAOs, which handle the bulk of the many leads generated by these significant investigations.

### **Child Sex Trafficking**

Cases involving the sex trafficking of children target defendants who ensnare minors into the sex trade, often using force, fraud, or coercion. CEOS has recently focused on prosecuting cases involving minors advertised or exploited on Internet-based platforms and has pioneered an innovative investigative and prosecution model to hold accountable the operators of Internet-based platforms where minors are advertised for commercial sex. CEOS also works to address “virtual child sex trafficking”, which occurs when offenders in the United States provide digital payment to traffickers abroad, and then watch as those traffickers sexually abuse children on livestreaming platforms. In addition to cases and operations, CEOS engages in extensive training efforts with our foreign counterparts, particularly with the Philippines.

### **Extraterritorial Sex Offenses Against Children**

CEOS prosecutes American offenders who sexually abuse children abroad. CEOS has been instrumental in partnering with HSI, the FBI, military investigators, and non-governmental organizations to improve our ability to identify these offenders and to bring them to justice in the United States. The investigations and cases, which necessarily involve foreign witnesses, evidence, and offenders, consistently raise first-of-their-kind legal and practical issues. CEOS also actively collaborates with its law enforcement partners to increase the capacity of foreign law enforcement to detect, identify, and hold accountable these offenders.

### **Other Crimes Against Children**

CEOS provides advice and guidance to USAOs and law enforcement on a variety of other federal crimes involving child victims. For example, if a child is sexually abused on federal lands, such as a military base or Indian territory, the offender may be prosecuted under federal law. Further, it is a federal offense for an individual to travel in interstate or foreign commerce, to entice or coerce an individual to travel in interstate or foreign commerce, or to transport a minor in interstate or foreign commerce for the purpose of engaging in illicit sexual activity. Offenders may also engage in “sextortion” schemes by enticing victims to produce sexually explicit images of themselves through blackmail or other coercive communications online. The crime of International Parental Kidnapping involves a parent or other individual removing or attempting to remove a child from the United States or retaining a child outside the United States with intent to obstruct another person’s custodial rights. CEOS prosecutes offenders of these crimes, as well as assists USAOs and law enforcement officers by providing assistance and training on these offenses.

### ***Key Programs & Initiatives***

#### **High Technology Investigative Unit**

CEOS’s High Technology Investigative Unit (HTIU) provides critical and innovative case support, not only working to achieve a favorable outcome in an individual case, but also to systematically improve law enforcement’s response to vexing technological challenges. HTIU performs forensic analysis and provides expert testimony on cases with CEOS prosecutors, as

well as offers advice and support to cases nationwide. HTIU's Digital Investigative Analysts often discover key evidence that leads to the identification and rescue of children being abused, the identification and arrest of online, anonymized offenders, the convictions of dangerous sex offenders, and convictions for more serious offenses. A significant percentage of CEOS's cases and investigations are generated by HTIU's forensic investigations and the resulting national operations. HTIU's work also develops countless leads for the field and for our international partners. Examples of HTIU's cutting-edge work include the development of a protocol to proactively mitigate the 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 such as Kik, Snapchat, Grindr, and Dropbox; and methods of conducting investigations and identifying offenders on anonymous networks, such as Tor. HTIU shares its expertise with local, federal, military, and international law enforcement and prosecutors of child exploitation offenses by leading a variety of trainings domestically and internationally on emerging technologies and providing technical assistance to other forensic examiners in the field. HTIU provides training on areas such as extracting offender information and recreating seized databases previously operating on anonymous networks, utilizing advanced techniques to analyze data from mobile devices, understanding and utilizing tools to efficiently review server data, and matching forensic artifacts on an offender's device with image and video evidence found elsewhere.

***Legislation and Policy:*** CEOS leverages its litigation expertise to help shape legislation focused on the sexual exploitation of children in several ways, including by drafting proposed legislation, providing critical guidance to the field on how to implement the new laws through formal memos, newsletter articles, advice to prosecutors who call our duty line, and sample indictments and briefs responding to defense challenges to the new provisions. In part, CEOS looks for new opportunities to amend or propose new legislation when the nature of child exploitation changes as technology changes. CEOS also seeks innovative solutions to address deficiencies in how child exploitation victims are identified, protected, and provided restitution for their abuse. Along with the Office of Legislative Affairs, CEOS liaisons with Congress as DOJ's subject matter expert on child sexual exploitation, providing technical assistance concerning pending legislation, answering questions for the record, drafting and reviewing testimony, and preparing witnesses for Congressional hearings.

***Domestic Policy Initiatives:*** CEOS plays an active role in developing child exploitation-related policies.

#### ***Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018***

CEOS developed an innovative and critically needed legislative proposal to establish an administrative fund to provide defined monetary assistance in CSAM distribution, receipt, and possession cases. CEOS designed the legislative proposal to provide victims of those CSAM offenses an opportunity to receive reparation by applying to a fund, avoiding the substantial burdens associated with restitution proceedings in criminal court. CEOS obtained clearance from OMB for its legislative proposal and provided extensive technical advice to House and Senate staffers in support of the legislation, which was enacted on December 7, 2018, in the *Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018*.

### U.S. Sentencing Commission Proposals:

In 2016, CEOS also successfully advocated for the Department before the Sentencing Commission, which that year was considering several changes to the guidelines applicable in CSAM cases. As originally conceived, the proposed changes could have significantly reduced the efficacy of the guidelines when applied to the most serious offenders. Through extensive written advocacy and testimony, CEOS convinced the Commissioners to adopt a more moderate approach that avoided potential adverse consequences.

***International Policy Initiatives:*** The United States and the international community are increasingly collaborating to combat child exploitation worldwide, including the passage of the International Megan’s Law. CEOS also works extensively with a variety of international agencies to develop an effective global response to the sexual exploitation of children. CEOS plays a significant role in representing U.S. Government interests on the global scale.

### WePROTECT Global Alliance (WPGA)

CEOS serves on the advisory board of WPGA, which seeks to enhance efforts to identify victims, reduce the availability of CSAM online and the re-victimization of children, and increase public awareness of the risks posed by children’s activities online. More recently, the WPGA launched its End Online Child Sexual Exploitation initiative seeking to build coalitions between government, non-governmental organizations, and industry. CEOS played a key role by effectuating the merger of two pre-existing organizations: the Global Alliance against Child Sexual Abuse Online, led by the U.S. Department of Justice and the European Union Commission, and WePROTECT, convened by the UK. The new, merged initiative has unprecedented reach, with 100 government members, over 22 leading technology companies, and 25 leading international and non-governmental organizations.

One signature achievement of the WPGA has been the development of a Model National Response (MNR) to online child exploitation that provides a framework for countries to assess their current response and identify gaps, prioritize national efforts to fill gaps, and enhance international cooperation.

CEOS was significantly involved in the development and publication of the WPGA’s 2018 and 2019 Global Threat Assessments (GTA), the first of its type, both in terms of the broad stakeholder community that it draws from but also in its global vision to strengthen and further develop the international response to this growing and persistent threat. The GTA demonstrates the nature, scale, and complexity of the threat in order to support broad mobilization – compelling nation states, the global technology industry and the third sector to find new ways of working together to combat a new and evolving range of crimes and will form the basis for the development of a Global Strategic Response (GSR) by the WPGA.

### United Nations (UN) Resolution

At the 28th United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna, Austria – which serves as the lead UN policymaking body on law enforcement and criminal justice issues, as well as a governing body for UN Office on Drugs and Crime (UNODC) – the CCPCJ successfully adopted a resolution entitled “Countering child sexual exploitation and sexual abuse online” which was co-sponsored by the United States. The



resolution was later adopted by the UN General Assembly (UNGA) in New York by consensus by all UN Member States.

The resolution represents a major UNGA resolution specifically focused on this topic and included new promising practices for criminal justice authorities to address child sexual exploitation online in the future, including in the areas of training, investigation, public awareness and reporting, and victim support. CEOS joined the State Department as part of the U.S. Delegation and was the lead negotiator for the U.S. delegation regarding this resolution.

#### **Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse:**

CEOS worked with its partners in the United Kingdom, Canada, New Zealand, and Australia, along with six industry representatives, to develop the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse. Developed in consultation with several leading technology companies, the 11 voluntary principles outline measures that companies in the technology industry can choose to implement to protect the children who use their platforms from sexual abuse online and to make their platforms more difficult for child sex offenders to exploit. In March 2020, the Department launched the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse domestically, in partnership with the Department of Homeland Security.

#### *Trainings & Conferences*

CEOS provides extensive training for prosecutors and law enforcement agents - federal, state, local, and international. CEOS also provides some training for military, state, and local judiciary. CEOS publishes a newsletter distributed to AUSAs and federal law enforcement agents that addresses topical and timely issues, publishes a case digest that summarizes the significant federal cases addressing child exploitation topics, and updates and maintains an intranet site that provides comprehensive child exploitation-related resources. Prosecutors and law enforcement officers who need immediate assistance can also call the CEOS duty line to obtain on-the-spot guidance. CEOS offers extensive, nationwide in-person training at national conferences, the National Advocacy Center, the International Law Enforcement Academy, and other venues. Finally, CEOS places particular focus on international capacity building by regularly traveling abroad to present to investigators, prosecutors, judges, and non-governmental organizations.

#### *Accomplishments*

Between Fiscal Years 2013-2020, CEOS spearheaded 28 national and international operations that have resulted in the investigation of over 4,200 individuals in the United States and generated leads against more than 10,000 foreign suspects.

#### **Dark Web**

Millions of child exploitation criminals are now taking advantage of anonymous networks and hidden services, known as the Dark Web, to commit their crimes with little to no fear of being identified, much less apprehended. To address child exploitation on the Dark Web, CEOS led and coordinated strategic enforcement operations which are discussed further below.

#### **Crowdsourced Child Exploitation**

CEOS led operations targeting the pernicious and growing phenomenon of production of CSAM via crowdsourcing, where conspirators leveraged their numbers and collaboration to sexually

exploit large numbers of children. In these cases, defendants work together to identify social media profiles of victims and strategize regarding how to convince them to engage in sexually explicit activity live via web camera. Typically, while pretending to be minor boys and girls, the defendants stream pre-recorded videos of other underage girls engaging in similar conduct to their target-victims to trick the girls into believing they were watching a live video of someone their own age. Using peer-pressure, the members convince the victims to engage in similar sexually explicit activity. The victims are unaware that they are communicating with adult men who are recording their sexually explicit activity. After successfully recording a victim's sexually explicit activity, the defendants share the videos amongst themselves.

### New and Emerging Platforms

In Operation "Mercury," from 2015-2021, CEOS, in conjunction with HSI, conducted a multi-national investigation of a U.S.-based Internet video conferencing application utilized by individuals and organizations to conduct multi-participant live meetings via video. Although many users of this platform are engaging in legal activity, some individuals are using it to live-stream sexual abuse and pre-recorded CSAM to other users in particular meeting "rooms." The victims typically were prepubescent children. Operation Mercury specifically targeted the more than 185 U.S.-based individuals who have been identified to date. Among them are William Augusta and 14 co-conspirators who were arrested and charged in the Middle District of Pennsylvania in a complex conspiracy case based on their use of Zoom to produce, advertise, distribute and receive CSAM. Augusta sexually abused a six-year-old on this platform, and another co-conspirator admitted to the hands-on sexual abuse of a three-year-old. Augusta pled guilty and was sentenced to 60 years in prison. The remaining co-defendants pled guilty or were convicted at trial and were sentenced to between 78 months and 35 years in prison. Offenders will also use online gaming platforms to find victims and coerce them to engage in sexually explicit conduct, often misrepresenting their own identity and posing as a minor. As an example, Spencer Steckman enticed at least 10 preteen and teenage boys to engage in sexually explicit conduct, record it, and send the recordings back to him. He found some of his victims through Sony Playstation games and employed a variety of tactics, including misrepresenting his identity, offering money and videogame redemption codes, and encouraging the children to compete with others to produce and send the "best" photos. After pleading guilty, he was sentenced to 40 years in prison.

### Online Facilitation of Child Sex Trafficking

With respect to online advertisers, CEOS achieved twin victories in FY 2018: the indictment of backpage.com, and the enactment of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 ("FOSTA"), legislation championed by CEOS which provides greater tools to victims and federal, state, and local prosecutors to hold accountable websites that facilitate sex trafficking and prostitution. Those, and additional outreach, training, and litigation accomplishments, are discussed below.

### Extraterritorial Child Exploitation Operations and Prosecutions

CEOS implemented its groundbreaking, global child sex tourism initiative, partnering with HSI, FBI, the Department of State Diplomatic Security Service (DSS), the Peace Corps' Office of the Inspector General, foreign law enforcement agencies, and non-governmental organizations to



improve our ability to identify Americans sexually exploiting children abroad and to bring them to justice in the United States, despite the many obstacles to prosecution.

#### First Ever Use of the “Resides” Provision

The “Resides” Provision is a novel legal provision under 18 U.S.C. § 2423(c) that prohibits United States citizens from residing in a foreign country, either temporarily or permanently, and engaging in illicit sexual conduct with a minor.

#### United States v. Joseph Park (D.D.C.)

Park is one of two defendants who are the first to be charged under a novel “residency” provision in 18 U.S.C. § 2423(c) that prohibits Americans from residing abroad and sexually abusing children. Park was convicted of child sex abuse in the late 1980s, and was last in the United States in 2003, when he went to Cuba and was convicted of another sex offense against a minor, serving almost three years in prison. After that, he hopscothed around the globe for years, never returning to the United States and eventually landing in Vietnam. In January 2016, Park was indicted in the District of Columbia for violating Section 2423(c). The charge is based on allegations that Park invited an 11-year-old Vietnamese boy to his apartment where he attempted to sexually abuse the victim, and that he produced CSAM in Vietnam of unidentified prepubescent boys from July 2013 through August 2015. The Court of Appeals for the District of Columbia reversed the district court’s order that had granted the defendant’s motion to dismiss the indictment. The Court of Appeals ruled that the “resides in” language in the statute is constitutional as applied to Park.

#### United States v. James Reed (D.D.C. and D. Minn.)

Reed was the second defendant to be charged under the novel “residency” provision within 18 U.S.C. § 2423(c). Reed, a U.S. Navy veteran, was originally indicted in the District of Columbia on two counts. The first count charged him with traveling in 2007 from Minnesota to the Philippines, where he repeatedly paid to have sex with a 14-year-old girl, whom he impregnated. The second count charged him with sexually abusing a four-year-old girl in his care while residing in the Philippines in 2016. After the D.C. district court granted Reed’s motion to dismiss the second count, CEOS moved to dismiss the remaining count after we secured a criminal complaint and arrest warrant in the District of Minnesota. On June 7, 2018, Reed was sentenced to six years of imprisonment, 15 years of supervised release, and \$6,000 in restitution for the victim in the case, following his guilty plea to engaging in illicit sexual conduct in a foreign place.

#### Prosecutions of Individuals Engaged in Child Sex Trafficking in the United States

CEOS continued to see substantial results from its pursuit of anyone who plays any role in the commercial sexual exploitation of a minor – whether as a pimp, recruiter, advertiser, hotel operator, or other form of facilitator.

#### Operation Independence Day

In 2019, this operation resulted in the recovery or identification of 76 juvenile victims and 34 adult sex trafficking victims, the arrest of 53 pimps/traffickers, 60 Federal cases being opened, and 155 operations conducted. In order to maximize the districts in which this operation ran, as well as achieve federal prosecutions, CEOS worked closely with the FBI to promote Operation Independence Day, and worked with the FBI and EOUSA to hold a virtual training event where agents from local FBI field offices and AUSAs would watch training pieces together.



### **United States Attorneys' Offices**

The 94 United States Attorneys' Offices (USAOs) across the country prosecute crimes against children as part of the Project Safe Childhood (PSC) program. With support from EOUSA<sup>21</sup> 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; this effort 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 USAO'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 personnel within the PSC coalitions' law enforcement agencies. As a result of the expanded PSC program, along with the number of federal, state, local, and tribal convictions, and the number of victims being identified.

### *Key Programs & Initiatives*

#### **Tribal Liaisons**

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. Tribal Liaisons are integral to the USAOs' efforts in Indian country. Tribal Liaisons play a critical and multi-faceted role. In addition to their duties as prosecutors, Tribal Liaisons often coordinate with and train Federal and Tribal law enforcement investigating Federal violations in Indian country, including child exploitation offenses.

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<sup>21</sup> EOUSA was created on April 6, 1953, by AG Order No. 8-53 to provide for close liaison between the Department in Washington, D.C., and the 94 USAOs located throughout the 50 states, the District of Columbia, Guam, the Marianas Islands, Puerto Rico, and the U. S. Virgin Islands. EOUSA provides executive and administrative support, which includes legal programmatic support, administrative oversight, technical support, and the creation of uniform policies, among other responsibilities.

Tribal Liaisons often function in a role like that of a local assistant district attorney in a non-Indian country jurisdiction and are accessible to the community in ways that are unique to other Assistant United States Attorneys (AUSAs). The nature and circumstances of the Tribes in their districts often influence the job duties of Tribal Liaisons. Tribal Liaisons have relationships and frequent contact with Tribal governments, including government leaders, law enforcement, courts, prosecutors, and social service agency staff.

### United States v. Stanley Patrick Weber

Weber was a pediatrician for the Public Health Service and Indian Health Service (“IHS”) almost 30 years, working with Indian communities in Oklahoma, Montana, and South Dakota. Throughout his career with IHS, Weber made it known to medical personnel and hospital staff that he preferred to treat adolescent children, as opposed to infants or young children, and favored treating male patients over female patients. In addition, it was common for Weber to frequently host juvenile male patients at his home in Indian country and to take boys on overnight trips or hiking excursions. To entice these adolescents to spend time with him, Weber provided food, snacks, soda pop, candy, video games, and on occasion, alcohol. Weber also spoke to these individuals about sex and made condoms and lubricant available free of charge. Weber sometimes gave the adolescent males who came to his home gifts in the form of small amounts of money, and sometimes he would hire juvenile males to work in his yard for cash.

Rumors of Weber’s misconduct followed him in the IHS system throughout his career, although he never faced any discipline. That all changed in 2015, when the Oglala Sioux Tribe Attorney General provided a list of Weber’s possible victims to the FBI. Five brave men, one enrolled member of the Blackfeet Nation and four enrolled members of the Oglala Sioux Tribe, described in detail the sexual abuse they faced at the hands of Weber, which they suffered when they were between the ages of 8-16 years. The victims testified in jury trials in Montana (2018) and South Dakota (2019) that Weber sexually abused them during numerous examinations in IHS facilities, at his residence, and other locations. The victims stated that Weber would give them hundreds of dollars at times, after raping them. Some testified of blacking out from liquor and drugs, only to wake up in pain and bleeding from Weber’s assaults.

Weber was convicted on numerous counts of aggravated sexual abuse in Montana and South Dakota Federal District Courts. In 2020, Weber was sentenced to serve five consecutive life terms, and after he completes the 18-year sentence he received in 2019 in Montana. Weber was also ordered to pay \$800,000 in fines.

This case led to the formation of the Presidential Task Force on Protecting Native American Children in the Indian Health Service System in 2019. The Task Force reviewed HHS-IHS protocols and failures that allowed Weber to prey on juvenile male children throughout his career. This review will lead to systemic changes in HHS-IHS practices and policies to ensure this never happens again and enhances public safety in Indian country.

### Multidisciplinary Teams and Sexual Assault Response Teams in Indian Country

Tribal Liaisons continue to play a critical role in USAO implementation of the Tribal Law and Order Act (TLOA) and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) by fulfilling the need for skilled, committed prosecutors working on the ground in Indian country. Tribal Liaisons worked with Tribes in organizing multi-disciplinary teams (MDTs) that primarily address child abuse cases, and Sexual Assault Response Teams (SARTs) that coordinate community response to sexual violence, including crimes against children. Both MDTs and SARTs consist of Federal, Tribal, and state subject matter experts. In addition, Tribal Liaisons perform outreach in Tribal communities to educate Tribal members on various issues involving substance abuse and violent offenses to reduce crime and train Tribal law enforcement on legal issues such as search and seizure. Tribal Liaisons also help foster and cultivate relationships among Federal, state, and Tribal law enforcement officials by convening meetings to discuss jurisdictional issues and developing inter-agency law enforcement taskforces. In addition, Tribal Liaisons work to coordinate and collaborate among Federal, Tribal, and state law enforcement agencies and prosecutors to discuss the merits of the prosecution of offenses committed within Indian country and to help determine the appropriate venue for matters to be prosecuted. These relationships enhance information sharing and assist the coordination of all criminal prosecutions.

### OVW and OJP Tribal SAUSA Programs

In 2019, EOUSA collaborated with the Office of Justice Programs (OJP) and the Office of Violence against Women (OVW) to expand the Tribal Special Assistant United States Attorney program, which increases federal and tribal prosecutorial resources and aims to reduce violent crime, including violence against women and children, in Indian country.

### Missing and Murdered Indigenous Persons (MMIP) Strategy

On November 26, 2019, the President issued Executive Order 13898 on Establishing the Task Force on Missing and Murdered American Indians and Alaskan Natives. The purpose of the Task Force, which includes USAO representation, is to address the serious concerns of tribal governments regarding missing and murdered members of American Indian and Alaskan Native communities, particularly women and girls. In addition, the Attorney General launched a National Strategy to Address Missing and Murdered Indigenous Persons on November 22, 2019. This strategy directed EOUSA, USAOs, and the FBI to enhance investigations into missing persons, develop protocols for law enforcement, improve data collection<sup>22</sup> and analysis, and increase training and technical assistance for law enforcement in Indian Country. As part of the National Strategy, EOUSA secured \$1.5 million in OJP funding for 11 contractors to serve as MMIP Coordinators in 15 districts<sup>23</sup> who assisted in outreach, analysis, and developing national and district investigative protocols regarding MMIP issues. Moreover, on August 5, 2022, EOUSA announced its newly created National Native American Outreach Services Liaison

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<sup>22</sup> Data collection for MMIP instances is extremely difficult because the vast majority of these investigations occur outside of Indian country, meaning that the federal government does not have jurisdiction and must rely on state partners to collect the information.

<sup>23</sup> In some states where there are multiple federal judicial districts, the USAOs for those districts will share an MMIP Coordinator. The districts receiving an MMIP Coordinator include Oregon; Eastern and Western Michigan; Montana; Utah; New Mexico; Eastern, Northern, and Western Oklahoma; Arizona; Alaska; Nevada; Minnesota; and Eastern and Western Washington.

position. This position was created pursuant to Presidential Executive Order 14053, Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, as part of a larger effort to raise awareness and increase outreach efforts regarding MMIP. The liaison represents the Department's interest before various individuals, organizations, community groups, and victim services agencies in developing overall strategies, goals, and approaches for responding to victim-related inquiries in Indian country and collaborates with federal, Tribal, and state law enforcement agencies to improve communication with victims of crime in Indian country.

**Three AUSA Positions and Project Safe Neighborhoods (PSN) Funding Provided to Alaska**  
In 2019, the Attorney General declared a public safety crisis in rural Alaska, with a focus on addressing crime in Native communities. In response, DOJ provided over \$10 million to support law enforcement in Alaska Native communities. To combat domestic violence and crimes against children in Alaska, including within Native communities, the Attorney General created the Rural Alaska Violent Crime Reduction Working Group, led by the United States Attorney for the District of Alaska. To support the Attorney General's focus on rural Alaska, EOUSA provided the USAO for the District of Alaska three AUSA term positions and the USAO received funding to establish an additional Project Safe Neighborhoods target enforcement site to reduce violent crime in rural Alaska.

### *Accomplishments*

#### **PSC Virtual Machines**

When prosecuting crimes against children, USAOs regularly work with materials containing child pornography. USAOs take the responsibility of handling this sensitive material very seriously. There are three critical stages when handling child pornography: (1) tracking the images when received from law enforcement into the USAO; (2) storing and handling the child pornography once received at the USAO, including, when necessary, making the images available to the defense for review within the USAOs; and (3) transporting the images to court proceedings. In October 2017, virtual machines were introduced to assist USAOs in handling, management, and most importantly, providing safeguards for the images of child pornography materials in the USAOs.

#### **Task Forces**

Multi-disciplinary task forces are an effective way to address the challenge of human trafficking, and USAOs have made significant efforts to lead and participate in task forces that address trafficking crimes. USAOs participate in task forces that are operational and focus on criminal investigation and prosecution and those that address related issues such as regional coordination/information-sharing and trafficking victims' unique needs. Task force membership generally includes federal law enforcement partners, state and local law enforcement, and various concerned non-governmental organizations (NGOs), including those providing victim services. In addition, some task forces also include tribal law enforcement, community and faith-based organizations, legal aid, and child and family services agencies.

#### **PSC Coordinators / PSC Listserv (continuing accomplishment)**

Each USAO has a PSC Coordinator, an experienced AUSA who provides a single point of contact for law enforcement agencies investigating any federal child sexual exploitation crime.



In addition, a growing number of AUSAs work on PSC cases. These AUSAs are represented and supported by the National PSC Coordinator at EOUSA. PSC prosecutors communicate extensively with each other through the PSC Listserv and through trainings at the National Advocacy Center, and with CEOS, capitalizing on the collective expertise of USAOs and the PSC network of individuals committed to fighting child exploitation. This enables AUSAs to prosecute increasingly sophisticated and dangerous offenders and to provide guidance and training to federal, state, local, and tribal government and non-government PSC coalition partners. These AUSAs serve on the front lines as the go-to prosecutors for federal child sexual exploitation offenses, whether investigated by federal, state, local or tribal agencies. They perform outreach to schools and local community entities on child safety and they serve as the coordinator for district resources, coordinating the efforts of all federal, state, local, and tribal resources dedicated to child sexual exploitation.

### *Trainings & Conferences*

#### National Advocacy Center

EOUSA's Office of Legal Education (OLE) provides high quality residential and virtual training to the EOUSA community at the National Advocacy Center (NAC). The USAO community relies on virtual and residential training at the NAC to bring new attorneys up to speed, to bring those who specialize in certain practice areas together to exchange ideas and strategies and learn new developments, and to bring together those who perform similar jobs in offices around the country to ensure consistent practice and to exchange ideas and best practices.

#### National Indian Country Training Initiative

The National Indian Country Training Initiative (NICTI), within OLE, provides residential and virtual training at the NAC and at various locations across the country for federal, state, and tribal criminal justice and social service professionals working on public safety issues in tribal communities. In addition, the NICTI coordinates the scheduling and delivery of the Criminal Jurisdiction in Indian Country (CJIC) class, which tribal and local officers seeking a Special Law Enforcement Commission must take. The CJIC initiative adds between 15 and 25 additional classes per year to NICTI's work. Each of these classes includes instruction on adolescent or child exploitation, sexual abuse, or physical abuse.

#### **Civil Rights Division's Human Trafficking Prosecution Unit (HTPU)**



The Civil Rights Division's Human Trafficking Prosecution Unit (HTPU) serves as the Department's subject matter experts in coercion-based human trafficking crimes involving forced labor, sex trafficking of adults by force, fraud, or coercion, and transnational trafficking of foreign victims into the United States. HTPU partners with USAOs and law enforcement agencies nationwide to investigate and prosecute human trafficking cases. In addition to prosecuting individual cases, HTPU leads interagency enforcement initiatives aimed at advancing novel, complex, multi-jurisdictional, and international human trafficking cases; disseminates anti-

trafficking expertise to enforcement partners; and provides policy guidance to advance the Department's anti-trafficking enforcement priorities.

### *Key Programs & Initiatives*

HTPU leads two signature interagency human trafficking enforcement initiatives:

#### **U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative**

HTPU leads the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative, in partnership with DHS and Mexican law enforcement counterparts. Through this Initiative, U.S. and Mexican anti-trafficking authorities exchange leads, evidence, intelligence, and expertise to advance high-impact investigations and prosecutions aimed at dismantling transnational trafficking networks operating across the U.S.-Mexico border, bringing perpetrators to justice, and protecting the victims of these transnational trafficking enterprises.

#### **Anti-Trafficking Coordination Team (ACTeam)**

HTPU leads the Anti-Trafficking Coordination Team (ACTeam) Initiative, in partnership with the FBI, the Executive Office of United States Attorneys, the Department of Homeland Security, and the Department of Labor. The ACTeam Initiative convenes interagency teams of federal agents and prosecutors in select jurisdictions, designated through a competitive, interagency selection process, to develop high-impact human trafficking cases in close coordination with national human trafficking subject matter experts from each participating enforcement agency. The Initiative streamlines coordination among key enforcement partners and enhances each ACTeam District's access to advanced anti-trafficking expertise and strategic guidance.

### *Accomplishments*

From FY 16 to FY 19, HTPU, in partnership with USAOs, filed 371 cases, charged 836 defendants, and secured convictions against 856 defendants in cases involving forced labor, sex trafficking of adults, and transnational trafficking into the United States.

### *Trainings & Conferences*

In 2016 and 2017, HTPU convened three intensive, interactive, week-long Advanced Human Trafficking Training Program (AHTTP) courses for the six Phase II ACTeams, including interagency teams of federal agents, federal prosecutors, and federal victim assistance specialists. The AHTTP courses were held at the Federal Law Enforcement Training Center. In November 2017, HTPU delivered an advanced Human Trafficking Prosecution Seminar for over 100 federal prosecutors, federal agents, and federal victim assistance specialists at the NAC. In October 2019, HTPU co-hosted a Human Trafficking Coordinators' Conference at the NAC. HTPU participates in dozens of training events annually to provide advanced anti-trafficking expertise to thousands of federal, state, local, and tribal law enforcement officers, government officials, task forces, and non-governmental anti-trafficking organizations.

### *Victim Services and Support*

#### **Office for Victims of Crime**



The Office for Victims of Crime (OVC) is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

Established in 1988 through an amendment to the Victims of Crime Act (VOCA) of 1984, OVC is charged by Congress with administering the Crime Victims Fund (the Fund). Through OVC, the Fund supports a broad array of programs and services that focus on helping victims in the immediate aftermath of crime and continuing to support them as they rebuild their lives. Millions of dollars are invested annually in victim compensation and assistance in every U.S. state and territory, along with training, technical assistance, and other capacity-building programs that enhance service providers' ability to support victims of crime in communities across the Nation.

OVC has been administering human trafficking grant programs since 2003 with funding authorized by the Trafficking Victims Protection Act (TVPA) and is now the largest federal funder of direct services for human trafficking victims.

Between July 2018 and June 2019, OVC's human trafficking program grantees used OVC funds to serve adults and minors<sup>24</sup> (under the age of 18). Approximately 79 percent of victims served across all programs (6,618) were adults, while 21 percent (1,757) were minors.

#### *Key Programs and Initiatives*

OVC's human trafficking programs support grantees that serve child and youth victims of sex trafficking and labor trafficking in some capacity. OVC's grantees under various programs provide specialized and comprehensive services for victims of all forms of trafficking, and a complete list of current grantees is available on OVC's website.<sup>25</sup>

OVC has two current human trafficking programs focused on child and youth victims:

*Integrated Services for Minor Victims of Human Trafficking* – to provide minor victims of trafficking with high-quality services that are developmentally appropriate and tailored for their individual needs; and

*Improving Outcomes for Child and Youth Victims of Human Trafficking* – to integrate human trafficking policy and programming at the state level and to enhance coordinated, multidisciplinary and statewide approaches in serving trafficked youth.

There are other grant programs administered by OVC that also serve this population. For example:

In FY 2017, OVC expanded the *Linking Systems of Care for Children and Youth State Demonstration Project* to bring together relevant systems and professionals to ensure that every child and youth in the child welfare, juvenile justice, mental health, and education systems is assessed for victimization, including human trafficking. Four states are currently participating: Illinois, Montana, Ohio, and Virginia. The National Council of Juvenile and Family Court Judges provides ongoing training and technical assistance to the demonstration sites.

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<sup>24</sup> OVC's online Trafficking Information Management System (TIMS) notes this data as "Minor at the time of intake".

<sup>25</sup> [https://www.ovc.gov/grants/grant\\_award\\_search.html](https://www.ovc.gov/grants/grant_award_search.html)



The FY 2018 program, *Advancing Hospital-Based Victim Services*, supports the Children’s National Medical Center and The Research Institute at Nationwide’ Children’s Hospital to provide specialized trauma-informed care to child and youth victims of trafficking.

Child abuse, including sexual exploitation, is an ongoing priority of OVC’s *State Compensation and Assistance Program*.

*Child Justice Act* grants provide funds for tribes to enhance their investigation and prosecution of child abuse and exploitation cases; and

*Comprehensive Tribal Victim Assistance* grants provide funding for victim service activities for tribes, including services to children who are victims of sexual exploitation.

#### *Accomplishments*

In October 2018, OVC held an Expert Working Group on the Trafficking of Minors to inform future solicitations and programs focused on working with children and youth who are victims of both sex and labor trafficking. The discussion helped identify gaps and challenges, promising tools and strategies, and current capacity to address victim identification, victim services, multi-systemic responses, and poly-victimization of children and youth who are victims of sex and labor trafficking.

Building on discussions during this working group, OVC released the Integrated Services for Minor Victims of Human Trafficking and OVC awarded \$1.5 million to 32 recipients across the country in September 2019 under this program.

In FY2016, OVC launched A Pathway to Justice, Healing, and Hope Addressing Poly-victimization in a Family Justice Center Setting Demonstration Initiative. Six demonstration sites, a national researcher, and a technical assistance provider received support. A Poly-victimization Assessment Tool that addresses trauma over the lifespan was implemented and validated and produced significant results. Data indicated that more than 90 percent of clients coming through Family Justice Centers were poly-victims and 5.5 percent were children and youth victims that had been trafficked within the last year. Due to data demonstrating the need, OVC expanded the initiative into Phase 2 – with OVC’s FY2019 Transforming Family Justice Center Services: Creating New Pathways of Hope and Healing for Poly-victims program. Phase 2 incorporates implementing the tool, expanding the poly-victimization framework to include the mitigation of vicarious trauma, long-term case management, and hope-centered healing. Some sites are focusing on addressing trauma symptoms for victims of sexual exploitation. And results from this program are being captured so that other centers across the country can replicate programs in their jurisdictions.

#### *Trainings and Conferences*

OVC has sponsored the following child- and youth-focused, human trafficking trainings and conferences since 2016:

- **OVC Video:** The “Faces of Human Trafficking” Video Series raises awareness about many human trafficking concerns. Video 6 –Focus on Youth of the series is specific to

victims who are children and youth. There is also a companion “Focus on Youth” discussion guide for facilitators to use with this video.

- **OVC Webinar:** The Vulnerabilities of LGBTQ and Homeless Youth to Human Trafficking and Sexual Exploitation.
- **OVC Webinar:** Working with At-Risk Youth with High Levels of Trauma and Risk for (Re)Victimization.
- **OVC Website:** OVC’s Online Training and Technical Assistance includes a section on Children and Youth
- **The Human Trafficking Task Force E-Guide:** Minors & Adolescents section
- **The Human Trafficking Task Force E-Guide:** Foreign National Minors section
- **OVC Webinar:** Serving Victims of Teen Dating Violence



U.S. Department of Justice  
**OVW**  
Office on Violence Against Women  
Working Together to End the Violence

### **Office on Violence Against Women**

The Office on Violence Against Women (OVW) administers grants under VAWA and provides technical assistance and training to grant recipients so that funds are used to support evidence-based interventions, when and where possible, and so that

grantees can effectively combat domestic, violence, dating violence, sexual assault and stalking in their communities; there are additional OVW grant programs that can directly address sex trafficking. OVW administers 15 statutorily authorized discretionary and four formula programs that provide grants to criminal justice agencies, victim services organizations, and other entities that address domestic and sexual violence. OVW’s grantmaking and technical assistance account for the ways victimizations affect underserved and vulnerable populations, including women of color, women living in poverty, American Indian and Alaska Native women, people with disabilities, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals. In developing programs and policies, OVW also considers the impact of domestic and sexual violence on immigrants, residents of rural areas, elderly, youth, or college students to ensure that services and justice solutions address their needs as well as involving men and boys in prevention efforts. Funding is awarded to local, state, and tribal governments, courts, non-profit organizations, community-based organizations, secondary schools, institutions of higher education, and state and tribal coalitions. Grants are used to develop effective responses to domestic violence, dating violence, sexual assault and stalking through activities that include direct services, crisis intervention, transitional housing, legal assistance to victims, court improvement, and training for law enforcement officers, prosecutors, and judges and other court professionals.

Since its inception, OVW has awarded over \$9 billion in grants and cooperative agreements and has launched a multifaceted approach to implementing the Violence Against Women Act, as amended (VAWA). By forging state, local, and tribal partnerships among police, prosecutors, judges, victim advocates, health care providers, faith leaders, and others, OVW grant programs help provide victims with the protection and services they need to pursue safe and healthy lives, while simultaneously enabling communities to hold offenders accountable for their violence.

For additional information about OVW grant programs and related performance measures, including how awards contribute to the achievement of program goals and objectives, see:

- **OVW grant program information:** OVW Grants and Programs<sup>26</sup>
- Performance measures under the Measuring Effectiveness Initiative: VAWA Measuring Effectiveness Initiative<sup>27</sup>
- Related research on interventions supported by VAWA funding and successful projects in OVW's most recent report to Congress on the effectiveness of VAWA grant programs: 2018 Biennial Report<sup>28</sup>

*Key Programs and Initiatives:*

VAWA grant funds are used to provide services to domestic violence, dating violence, sexual assault and stalking victims and their families as they cope with the immediate and often long-term impact of violence in their lives. Direct services funded through VAWA include: crisis intervention to help victims deal with their immediate needs after being victimized, find resources, and plan for safety in the aftermath of violence; legal assistance including assistance with obtaining orders of protection; emergency shelter and transitional housing assistance. VAWA funding has also transformed how criminal justice systems in many communities respond to domestic and sexual violence. Some of the innovations funded by VAWA are law enforcement collaboration with victim services providers and healthcare professionals, improved medical forensic examinations for sexual assault victims, investigation and prosecution policies and practices that focus on the offender and account for the effects of trauma on victims, specialized law enforcement and prosecution units, specialized courts and dockets, and improved training opportunities for law enforcement, prosecutors, and judges.

While OVW does not have a specific grant program that solely and directly addresses child exploitation, several grant programs support efforts to serve children and youth victims of domestic and dating violence, sexual assault, stalking, and sex trafficking. Research tells us that children and youth who are exposed to violence, or the victims of violence are often caught in cycle of violence, being subject to other forms of victimization throughout their lives or becoming perpetrators; these children and youth also suffer immediate and long-term health effects.<sup>29</sup>

**Consolidated Youth Program**

The grant program addresses sexual exploitation of youth is the Consolidated Youth Program which implements grants funded under two solicitations, the Grants to Prevent and Respond to Domestic Violence, Dating Violence, Sexual Assault and Stalking Against Children and Youth and the Grants to Engage Men and Boys as Allies in the Prevention of Violence Against Women and Girls Program. Consolidated Youth Program grantees fund services for children and youth exposed to domestic/sexual violence, including youth victims of sex trafficking and commercial sexual exploitation, providing direct counseling, advocacy, or mentoring. In addition, grantees support public education campaigns and community organizing to encourage men and boys to

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<sup>26</sup> <https://www.justice.gov/ovw/grant-programs>

<sup>27</sup> <https://www.vawamei.org/>

<sup>28</sup> <https://www.justice.gov/ovw/page/file/1292636/download>

<sup>29</sup> See the 2020 Biennial Report to Congress on the Effectiveness of Grant Funds under the Violence Against Women Act <https://www.justice.gov/ovw/page/file/1525621/download>

work as allies to women and girls, involving them in domestic/sexual violence prevention efforts. Consolidated Youth Program funding has supported

A drop-in center for homeless/runaway youth that provides a safe refuge from the daily struggles of life on the streets by providing showers, lockers, meals, sleeping spaces, computers, and access to case managers who can assist youth with job training, victim advocacy, transitional housing, substance abuse programs, medical care, and mental health services. Many of the youth that frequent the center have been kicked out of or fled violent homes. The youth report various victimizations while living on the streets ranging from physical abuse to sexual assault to trafficking. It is not uncommon for homeless youth to be victims of sexual exploitation due to the need for survival (i.e., trading sex for food and/or shelter, drugs, companionship/acceptance, etc.)

A program “Don’t Buy It” translated into Spanish and training for men in the community to be mentors and role models for other men and boys to end violence against women and girls. The “Don’t Buy It” program combats sex trafficking through community awareness, outreach, and prevention education while also addressing the underlying issues that lead to sex trafficking.

Training for local prosecutors and community organizations on youth sex trafficking, the grantee supported a writing group by survivors for survivors and a youth sex trafficking survivor-led weekly workshops for youth victims of sex trafficking.

#### Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program

OVW also administers the Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program (Rural Program) which supports programs that identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, dating violence, sexual assault, and stalking in rural communities. Rural Program grantees establish and expand victim services in rural communities for child, youth, and adult victims. Rural victims seeking to escape violence face unique challenges and barriers, such as geographic isolation, limited infrastructure and available services, few material resources, strong social and cultural pressures, and lack of anonymity and security when seeking shelter and services. Rural Program funding has supported the following with collaborative partners:

- Providing crisis and direct services to commercially sexually exploited children, and survivors of domestic violence, dating violence, sexual assault, and stalking and sex trafficking living in remote areas
- Supporting the Sexual Assault Response Team and Sexual Assault Forensic Examiner team providers through certification training and continuing education and developing and supporting law enforcement and prosecution specific training
- Providing holistic victim services as well as workshops on the co-occurrence of sexual assault and sex trafficking for Deaf and/or Hard of Hearing high school and college students, educational videos, in American Sign Language, on domestic and sexual violence, and an online curriculum on teen dating violence for Deaf teens
- Providing training for American Sign Language Interpreters on sexual, dating, and domestic violence.

### Tribal Governments Program and Grants to Tribal Sexual Assault and Domestic Violence Coalitions Program

OVW's Tribal Governments Program provides funding to respond to victims whose primary victimization is sex trafficking and supports prevention, intervention, and response activities, including services for runaway and homeless youth, youth who identify as LGBTQ, and youth victims of sex trafficking as well as culturally specific supportive services for American Indian and Alaska Native victims of sex trafficking. A recent grantee to address sex trafficking has established partnerships with law enforcement, tribal courts, and victim service providers to respond more effectively to the issue of sex trafficking including offering culturally specific social and support services for victims of sex trafficking in the region. The Grants to Tribal Sexual Assault and Domestic Violence Coalitions Program supports the development and operation of nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions, with each recognized coalition receiving an equal amount of base funding, sexual assault and dual coalitions receiving an additional amount for sexual assault-focused activities. These efforts include support for member victim service providers addressing sex trafficking.

### Tribal Sexual Assault Services Program

The Tribal Sexual Assault Services Program (TSASP) supports efforts to create, maintain, and expand sustainable sexual assault services provided by Tribes, tribal organizations, and nonprofit tribal organizations within Indian country and Alaska Native villages. TSASP supported projects provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, or police departments), support services, and related assistance for adult, youth, and child victims of sexual assault, non-offending family and household members of victims, and those collaterally affected by the sexual assault. Grant-funded activities that focus on child sexual violence include developing and implementing advocacy and supportive services for child sexual assault victims and supporting a dedicated Child Sexual Assault Advocate; hiring a therapist to provide ongoing therapeutic services to child and adolescent sexual assault/abuse victims as well a case manager to provide intervention services, case management, and supportive services.

### Tribal SAUSA Initiative

The Tribal SAUSA Initiative supports tribes and USAOs in their investigation and prosecution of Indian country criminal cases, with an emphasis on cases involving domestic violence, sexual assault, dating violence, and stalking. Tribes received funds to work with their USAO partner (and other tribes in their federal judicial district, as appropriate) and to hire or retain a mutually agreed upon tribal prosecutor to be designated as a SAUSA. The cross-designated prosecutors maintain an active caseload in tribal court, federal court, or both, while also helping to promote quality investigations and inter-governmental communication.

### *Trainings & Conferences*

OVW funds training and technical assistance projects to enhance the capacity of grantees to address sex trafficking including preventing and responding to human trafficking to schools, law enforcement, courts, court systems, community programs, medical providers, LGBTQI+ programs, foster care, and drop-in/homeless shelters. OVW has funded training and technical assistance activities to develop and disseminate training modules and tools to assist communities in their efforts to respond to human trafficking. OVW funds the Coalition to Abolish Slavery

and Trafficking to provide support for OVW Legal Assistance for Victims Program grantees assisting trafficking survivors with legal needs. OVW has funded Futures without Violence to provide technical assistance to assist OVW grantees in improving the response and identification of domestic violence and sexual assault victims who may also be human trafficking victims. This Collaborative Responses project focuses on promoting the formation and enhancement of multi-disciplinary collaborative teams as an effective strategy to address the complex challenges faced by trafficked DV and SA victims. The Minnesota Indian Women's Sexual Assault Coalition administers a Comprehensive Training and Technical Assistance Project on Sex Trafficking of American Indian and Alaska Native Victims, including the following activities: national conference on sex trafficking in Indian Country, roundtable discussions, on-site technical assistance, and multi-day trainings by the Tribal Law & Policy Institute utilizing their Sex Trafficking in Indian Country Curricula.<sup>30</sup>

### Drug Enforcement Administration



The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Combating fentanyl poisonings is a critical priority for DEA.

Many of these poisonings resulted from the sale of fentanyl-laced pills sold to children through social media.

With respect to the prevention and/or interdiction of child exploitation, through guidance from the Office of Operations Management, Victim Witness Assistance Program (VWAP), DEA responds to children identified in primarily controlled substances cases and provides awareness about the possible neglect and abuse to child victims in drug environments. The VWAP provides awareness about the exploitation of children living in or exposed to drug environments through internal resources as well as presentations at conference and DEA website [dea.gov](http://dea.gov) on the Victim Witness Assistance Program page.

#### *Key Programs & Initiatives*

- Investigation and preparation for the prosecution of major violators of controlled substance laws operating at interstate and international levels.
- Investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in our communities and terrorize citizens through fear and intimidation.
- Management of a national drug intelligence program in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information.

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<sup>30</sup> For more information about OVW's Training and Technical Assistance, see <https://www.ta2ta.org/>



- Seizure and forfeiture of assets derived from, traceable to, or intended to be used for illicit drug trafficking.
- Enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances.
- Coordination and cooperation with federal, state and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources.
- Coordination and cooperation with federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit abuse-type drugs on the United States market through nonenforcement methods such as crop eradication, crop substitution, and training of foreign officials.
- Responsibility, under the policy guidance of the Secretary of State and U.S. Ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries.
- Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs.

#### *Accomplishments*

- DEA is a new member of the National Strategy for Child Exploitation Prevention and Interdiction working group.
- DEA is a member of the Federal Agency Task Force on Missing and Exploited Children.
- DEA supports a multidisciplinary team response and/or coordination with local Child Protective Service when children are identified during an enforcement action.
- DEA addresses child endangerment through targeting the marketing of fake pills, including those falsely identified online as legitimate prescription pills, to children through social media and e-commerce platforms. DEA continues efforts to reduce endangerment to children by dealers through the *One Pill Can Kill* initiative. For example, to raise awareness about fake prescription drugs, DEA hosted the first Family Summit on the Overdose Epidemic in June 2022. The event brought together representatives from over 80 organizations formed mostly by parents who have experienced the loss of a child to drug poisoning or overdose. DEA Field Divisions hosted Regional Family Summit events to share information, build connections and foster collaboration between family groups, DEA and other key sectors of the local community.
- DEA supports efforts to reduce trauma to children through programs such as the Handle With Care Program, Newark Cares,\* National Child Advocacy Center and related programs. \*Newark Cares, created by the DEA New Jersey office, is modeled after Handle With Care.
- Through workshop and/or exhibit booths, DEA participates in conferences focusing on child exploitation awareness and prevention efforts. These conferences include, but are not limited to, Dallas Crimes Against Children; Protecting Our Children, National Indian Child Welfare Association; and the International Symposium on Child Abuse, National Child Advocacy Center. Additionally, DEA participates in the Ensure Justice Conference, Global Center for Women and Justice, Vanguard University, which focuses on human trafficking. DEA offers attendees at these events drug prevention and victim focused educational publications and resources.

- DEA is represented on the International Association of Chiefs of Police (IACP) Victim Service Committee by the VWAP Manager who have the opportunity to present in meetings and conference workshops on the topic of drug endangered children.
- Outreach and public awareness continued to be one of the VWAP priorities. General information and crime victim resources, with a focus on child victimization, were made available on the external DEA website, [www.dea.gov/victim-witness-assistance-program](http://www.dea.gov/victim-witness-assistance-program).
- Crime victims and drug endangered children continued to be referenced in the DEA Museum Exhibit, “Drugs: Costs & Consequences” in the section “Cost to Children.”
- While not in the specified timeframe, DEA previously helped create and support the DAG’s Interagency Task Force on Drug Endangered Children that focused on responding to child victims in drug environments.

### *Trainings & Conferences*

VWAP hosts annual trainings for the primary Victim Witness Coordinators. The agenda includes a segment on identifying and responding to children exposed to drug environments. Victim Witness Coordinators also host on-site training and often include subject matter experts from Child Protective Services and/or Multidisciplinary Response Team members.

In 2018, a VWAP online training course was implemented in the DEA Learning System (DEALS) that included a section on drug endangered children and reporting suspected child abuse. The course is mandated annually for all DEA employees GS-13’s and above and Basic Agent Training classes. On an annual basis, approximately 7400 employees completed the course as part of their training requirements. All employees and Task Force Officers are encouraged to complete the training. There are plans to expand the training requirement to all employees.

### **Office of Juvenile Justice and Delinquency Prevention**



**Office of Juvenile Justice  
and Delinquency Prevention**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to youth delinquency and victimization. The Office helps states, localities, and Tribes develop effective and equitable juvenile justice systems that create safer communities and empower youth to lead productive lives.

Through its divisions, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.

### *Key Programs & Initiatives*

#### **ICAC Task Force Program**

The Internet Crimes Against Children Task Force Program (ICAC program) helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education (Internet safety).



The ICAC program is a national network of 61 coordinated task forces representing more than 4,700 federal, state, local and tribal law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic investigations, and criminal prosecutions. By helping state and local agencies to develop effective, sustainable responses to online child victimization – including responses to the online sharing of child sexual abuse images, OJJDP has increased the capacity of thousands of communities across the country to combat Internet crimes against children. 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 through outreach and awareness events.

		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
ICAC Task Force Program Funding*		\$27.6M	\$27.6M	\$28.6M	\$36.3M	\$34.7M	\$36.1M
Number of Personnel Trained	Law Enforcement	44,703	40,685	46,512	41,096	24,903	29,505
	Prosecutors	4,831	2,875	2,976	3,835	2,242	2,253
	Other Professions	8,852	11,130	14,362	13,127	7,662	7,304
Forensic Exams		77,201	84,884	86,475	86,512	85,693	90,318
Technical Support		46,242	34,996	40,992	42,500	42,306	37,473
Arrests		9,379	10,401	9,153	9,657	9,207	10,410
Community Outreach	Presentations	14,728	12,798	13,755	12,527	7,527	5,395
CyberTips		76,603	137,221	124,124	184,033	244,455	342,140

\*Funding total includes task forces and TTA

For further information, please see Appendix F: Internet Crimes Against Children (ICAC) Task Force Program.

### AMBER Alert

Through the Amber Alert Training and Technical Assistance Program, the Department continues to support states and communities in developing their AMBER Alert response teams to respond to incidents of missing children before those children are victimized or exploited. The AMBER Alert program is a partnership among state and local governments, the media, and DOJ. Special AMBER Alert initiatives help tribal governments develop the capacity to implement AMBER Alert responses in Indian Country and to increase international law enforcement cooperation across the U.S. borders with Mexico and Canada. In November 2019, OJJDP unveiled an updated and more robust AMBER Alert website,<sup>31</sup> which now includes access to AMBER Alert in Indian Country. As of January 2023, the AMBER Alert program has been credited with the successful rescue of 1,127 children. The AMBER Alert communications network has also expanded the Secondary Distribution Program, which rapidly sends geographically targeted messages to an area defined by law enforcement. AMBER Alert Secondary Distribution includes Internet Service Providers, Internet advertising providers, social networks, digital billboards, the

<sup>31</sup> [https://amberalert.ojp.gov/?utm\\_medium=email&utm\\_source=govdelivery](https://amberalert.ojp.gov/?utm_medium=email&utm_source=govdelivery)

trucking industry, and wireless emergency alerts on the cell phone. The National AMBER Alert Training and Technical Assistance Program (AATTAP) offers a wide variety of training opportunities<sup>32</sup> to improve the investigative response of local, regional, state, and tribal law enforcement to high-risk victims, children in crisis, and the commercial sexual exploitation of youth.

#### Victims of Child Abuse (VOCA) Program

##### **OJJDP Victims of Child Abuse (VOCA) – Children’s Advocacy Centers Programs**

The Department, through OJJDP, administers VOCA funds and programs to provide all children and families access to strong teams of highly qualified professionals for the response to and healing of child abuse. The goal of the VOCA Children’s Advocacy Centers (CAC) Program is to improve the community response to child abuse through strategic leadership, collaboration, and capacity building. VOCA partners provide specialized training and technical assistance, elevate the expertise of child abuse professionals, and improve the sustainability of multidisciplinary teams, Children’s Advocacy Centers and State Chapters to strengthen the criminal justice system’s response to child sexual abuse and neglect. OJJDP provides financial support through grants and cooperative agreements to the following organizations:

- National Children's Alliance
  - Membership and Accreditation
  - National Subgrants Program
- Regional Children's Advocacy Centers:
  - Northeast Region: Philadelphia's Children’s Alliance
  - Southern Region: National Children’s Advocacy Center
  - Midwest Region: Children's Hospital of Minnesota
  - Western Region: Rady's Children's Center
- Native Child Advocacy Resource Center: Tribal Children’s Advocacy Center Training and Technical Assistance
- National Children's Advocacy Center: Training and Technical Assistance for Child Abuse Professionals
- Zero Abuse Project: Training and Technical Assistance for Child Abuse Prosecutors

#### Missing and Exploited Children Training and Technical Assistance Program

The goal of this program is to improve and expand the development and implementation of training and technical assistance on effective responses to missing and exploited children’s issues for multidisciplinary teams of prosecutors, state and local law enforcement, child protection personnel, medical providers, and other child-serving professionals. Through this program, OJJDP assists in building the capacity of state, tribal, and local agencies that investigate and prosecute cases of missing and exploited children.

#### Child Abuse Training for Judicial and Court Personnel

The purpose of the program is to improve the judicial system’s handling of child abuse, neglect, and related cases, with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement. The

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<sup>32</sup> <https://ncjtc.fvtc.edu/programs/PR00000010/amber-alert-training-and-technical-assistance-program>

program provides judicial, legal, and social service professionals with training and technical assistance to enhance their understanding of child abuse issues and reduce the length of time children spend in the system. The specific program goals include:

- Develop a model approach/procedures for coordinating information and services for families involved in court-related child abuse and neglect cases.
- Develop training and technical assistance that supports this model approach to coordinate case management by the courts.
- Implement evidence-based practices to improve the courts’ handling of child abuse, neglect, and related cases.
- Develop and guide administrative improvements in juvenile and family courts.
- Develop and deliver training and technical assistance to judicial personnel and attorneys in juvenile and family courts, including specialized training on handling families impacted by opioids.
- Develop and disseminate best practices, innovation, and lessons learned from this model project at the national level.

OJJDP’s current training and technical assistance provider for the Child Abuse Training for Judicial and Court Personnel program is the National Council of Juvenile and Family Court Justices (NCJFCJ).

#### National Law Enforcement Training on Child Exploitation

DOJ, through OJJDP oversight, holds an annual National Law Enforcement Training on Child Exploitation each year (the NLETCE was delivered virtually in 2020 and 2021). At this annual training, federal, state, and local investigators, prosecutors, digital forensics and victim/witness specialists, and other professionals had the opportunity to learn cutting-edge techniques from subject matter experts across the country, improve collaboration by sharing information and strengthen critical relationships. In 2022, almost 1,400 participants attended this three-day conference in-person, while hundreds were able to remotely attend as dozens of lecture workshops were also live-streamed from classrooms. Presentations consisted of a variety of topics, including investigating and prosecuting Tor and Freenet cases, child sex trafficking investigative techniques, protecting sensitive peer-to-peer investigative techniques, wellness for prosecutors and investigators, and protecting child victims’ rights.

<b>National Law Enforcement Training on Child Exploitation</b>				
	<b>Attendees</b>	<b>Unique Workshops</b>	<b>Speakers</b>	<b>Exhibitors</b>
<b>2016</b>	1,485	141	150	30
<b>2017</b>	1,497	135	171	29
<b>2018</b>	1,488	127	138	34
<b>2019</b>	1,631	148	155	37
<b>2020*</b>	2,498	97	115	26
<b>2021*</b>	2,357	106	131	17
<b>2022†</b>	1,620	137	164	37

*\*conference was delivered virtually*

*†conference was delivered as a hybrid event. The attendance number includes registrants for both in-person and the live stream.*

### Child Abuse Training for Judicial and Court Personnel

OJJDP's current training and technical assistance provider for the Child Abuse Training for Judicial and Court Personnel program, the National Council of Juvenile and Family Court Justices (NCJFCJ) is the nation's oldest judicial membership organization with approximately 1,400 members and associates. The NCJFCJ Child Abuse and Neglect Team have extensive experience and expertise in legal, court administration, academic, and direct service fields. This team currently serves the needs of the Project ONE Courts, Tribal Model Courts, Mentor Model Courts, and Implementation Sites.

### Trainings & Conferences

- *Internet Crimes Against Children (ICAC) Training and Technical Assistance Program:* OJJDP coordinates 150-200 ICAC trainings annually in forensics, investigations, peer-to-peer, management, and wellness. (See Appendix F)
- *AMBER Alert Training and Technical Assistance Program:* Annually, OJJDP organizes a national training conference, regional trainings, and provide technical assistance around child abuse/exploitation investigations, child sex trafficking investigations, multi-disciplinary team, management, and wellness.
- *Missing and Exploited Children Training and Technical Assistance Program:* OJJDP coordinates regional trainings and provides technical assistance in the following areas: child abuse/exploitation investigations, child sex trafficking investigations, multi-disciplinary team, and forensic interviews.

### Bureau of Prisons



The Bureau of Prisons (the Bureau) houses a substantial number of individuals with a current or prior conviction for a sexual offense. As of July 1, 2021, such individuals comprise approximately 16.6% of the Bureau's total population, including inmates who victimized children, adults, and, in some cases, both. The agency 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 goal of making communities safer.

The Bureau's population of sexual offenders is heterogeneous regarding victim type (child versus adult), as well as many other offense characteristics. Consistent with the programming models found in other correctional settings, all sexual offenders receive services under an integrated model, in which offenders who victimized both children and adults are housed and receive services together. All participants are evaluated to determine their unique programming

needs, to include specific factors related to their offense and their choice of victim. In addition, as discussed below, program participation is stratified by the offender's assessed level of risk, ensuring that low and high-risk offenders receive services in separate program tracks.

### Programs for Sentenced Sexual Offenders

The Bureau offers the Sex Offender Management Program (SOMP) at nine institutions, with a current staffing complement of 43 full-time positions. An additional program will activate within the upcoming calendar year, for a total of 10 SOMP institutions and 48 full-time positions. SOMP institutions are responsible for coordinating four program components addressing the treatment and management needs of sexual offenders. The four components, described in detail below, are: 1) treatment, 2) assessment, 3) specialized correctional management, and 4) population management. Participation in treatment services is voluntary; however, high risk sexual offenders are strongly encouraged by staff to volunteer. Although high risk sexual offenders are the primary recruitment target population, any inmate with a history of sexual offending is eligible to participate in treatment services. Inmates at non-SOMP institutions who volunteer for treatment are transferred to a SOMP facility. To maximize continuity of care during transition to the community, treatment is ordinarily provided in the final three years of the inmate's sentence.

At SOMP institutions, sex offender treatment is stratified into two levels of program intensity and duration: a high-intensity program for high-risk offenders, and a moderate-intensity program for all other treatment participants. The Residential Sex Offender Treatment Program (SOTP-R) is a high intensity program with a cognitive-behavioral emphasis, designed for high-risk sexual offenders. The program is 18 months in duration, with treatment activities occurring at least four days per week. The Non-Residential Sex Offender Treatment Program (SOTP-NR) is a moderate intensity program designed for low to moderate risk sexual offenders. A significant number of inmates who volunteer for the SOTP-NR are first-time offenders serving a sentence for an Internet sex crime. The SOTP-NR shares the SOTP-R's program content but lacks the frequency of treatment groups. It is 12 months in duration, with treatment activities occurring between two and three times per week. Unlike the SOTP-R population, which is housed together in a modified therapeutic community, SOTP-NR participants reside in the institution's general population.

The content of programming for both SOTP-R and SOTP-NR addresses empirically demonstrated risk factors for re-offending in sexual offenders, especially the effective self-regulation of deviant sexual urges and the replacement of antisocial attitudes and beliefs with pro-social alternatives. Difficulties in emotional self-regulation, intimacy skills deficits, anger management problems, and substance abuse are additional treatment targets. The cognitive-behavioral approach employed in Bureau sex offender programs has been proven effective with correctional populations in numerous studies.

Female sexual offenders receive services at the SOTP-NR at the Federal Medical Center Carswell, in Fort Worth, Texas. This program is based on a modified version of the cognitive behavioral techniques used with males, but also incorporates additional treatment elements to fully address the unique needs of this population. The SOTP-NR at FMC Carswell ordinarily is provided over the course of an 18-month period.

Inmates who complete the SOTP-R or SOTP-NR receive an evaluation summarizing their progress in treatment. A report based on this assessment is provided to U. S. Probation and Pre-Trial Services to aid in release planning and supervision. To ensure that treatment completers maintain positive behavioral changes following their release, community treatment services are afforded to inmates in Residential Reentry Centers and on home confinement. Inmates completing the SOTP-R and SOTP-NR are expected to participate in community treatment services. These services consist of group or individual sessions provided on an outpatient basis by a contracted treatment provider. An outcome evaluation of the Bureau's SOTP has been implemented and is currently awaiting follow-up data on treated offenders and a comparison sample.

High-risk sex offenders at SOMP institutions who decline or fail to complete treatment receive discharge evaluations prior to their return to the community. Discharge evaluations are risk assessments which recommend strategies for the effective management of the offender in the community. These reports are provided to U. S. Probation and Pre-Trial Services to aid in release planning and supervision, thereby contributing to public safety.

A proportion of sexual offenders in Bureau institutions attempt to engage in conduct indicative of ongoing deviant sexual interests and behavior. In these cases, SOMP institutions may impose Correctional Management Plans (CMP) on sex offenders who engage in risk relevant behavior while in Bureau custody. Risk relevant behavior refers to conduct related to a sexual offender's history that indicates a risk of future sexual offending upon release. For example, offenders convicted of the possession of child sexual abuse images are subject to property restrictions to preclude their access to photographs or drawings of children. Similarly, contact sexual offenders who attempt to communicate with former abuse victims, or to initiate contact with a potential new victim, are subject to telephone or mail restrictions.

### Behavioral Sciences Research

Bureau personnel conduct valuable research in child exploitation that helps inform law enforcement agents, prosecutors, and corrections officers. Bureau staff published an article examining the personality characteristics of inmates convicted of Internet child pornography offenses. The authors found that online offenders tend to display interpersonal deficits and depression but demonstrate lower measured levels of dominance and aggression when compared to child molesters and non-sexual offenders.<sup>33</sup> A second article authored by Bureau staff examined recidivism rates of Internet child pornography offenders compared to contact offenders, noting that child pornography offenders, as a group, showed lower rates of re-offense for most measures of recidivism.<sup>34</sup> A third publication, examining the psychosocial histories and offense characteristics of female sexual offenders in the federal prison population, was published

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<sup>33</sup> Magaletta, P. R., Faust, E., Bickart, W., McLearn, A. M. (2014). Exploring clinical and personality characteristics of adult male Internet-only child pornography offenders. *International Journal of Offender Therapy and Comparative Criminology*. 58(2): 137-153.

<sup>34</sup> Faust, E., Bickart, W., Renaud, C., & Camp, S. (2014). Child pornography possessors and child contact sex offenders: A multilevel comparison of demographic characteristics and rates of recidivism. *Sexual Abuse: A Journal of Research and Treatment*. 1 – 19. doi: 10.1177/1079063214521469



in 2019.<sup>35</sup> In addition, Bureau staff have presented research findings at the annual conference of the Association for the Treatment of Sexual Abusers (ATSA) on four occasions, the most recent occurring in 2019.<sup>36</sup> Additional proposed research projects are being developed, including the validation of treatment modules for Internet child pornography offenders, the development of actuarial instruments to assess recidivism risk among Internet offenders, and additional examination of psychosocial characteristics and offending patterns of female Internet sexual offenders.

**Programs for Civilly-Committed Sexual Offenders: Sex Offender Certification Review Branch**  
The Sex Offender Certification Review Branch was established in connection with the Adam Walsh Child Protection and Safety Act of 2006. The branch reviews inmates to determine whether the necessary conditions are met for civil commitment as a Sexually Dangerous Person, defined as an individual who suffers from a serious mental illness, abnormality, or disorder because of which they would have serious difficulty in refraining from sexually violent conduct or child molestation.<sup>37</sup> All sex offenders released from Bureau custody are formally reviewed prior to the end of their sentence. Inmates who meet the criteria stipulated under the Adam Walsh Act are referred to federal prosecutors to pursue civil commitment proceedings. An inmate determined by a court to be a Sexually Dangerous Person is transferred to the Commitment and Treatment Program.

#### **Commitment and Treatment Program**

The Bureau's Commitment and Treatment Program (CTP) seeks to reduce the incidence of sexual violence and child molestation in society, pursuant to Title III, Section 302 of the Adam Walsh Child Protection and Safety Act of 2006 (codified at 18 U.S.C. § 4248). The CTP fulfills this mission by confining and providing comprehensive treatment services to individuals civilly committed as Sexually Dangerous Persons. The purpose of the therapeutic confinement is to assist these individuals in developing effective self-management skills, and to prepare them for productive and crime-free lives upon conditional discharge and release to the community. To date, a total of 85 inmates have been committed under Section 4248, with 18 committed in the last 5 years.

#### **Bureau of Justice Assistance (BJA)**

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<sup>35</sup> Bickart, W., McLearn, A. M., Grady, M. D., & Stoler, K. (2019). A descriptive study of psychosocial characteristics and offense patterns in females with online child pornography offenses. *Psychiatry, psychology and law*, 26(2), 295-311.

<sup>36</sup> Faust, E., Jimenez, A., & Bickart, W. (2007, October). Implementation of civil commitment for sex offenders in the federal prison system. Paper presented at the 26th Annual Conference for the Association for the Treatment of Sexual Abusers, San Diego, CA.; Faust, E., Renaud, C., & Bickart, W. (2009, October). Predictors of re-offense among a sample of federally convicted child pornography offenders. Paper presented at the 28th Annual Conference for the Association for the Treatment of Sexual Abusers, Dallas, TX.; Willert, K., Grady, M.D., & Stoler, K. (2019, November). Psychosocial characteristics and offense patterns in females with online child pornography offenses. Paper presented at the 38<sup>th</sup> Annual Conference for the Association for the Treatment of Sexual Abusers, Atlanta, GA.

<sup>37</sup> See 18 U.S.C. § 4247 (a)(5),(6).



Justice Programs (OJP), U.S. Department of Justice.

The Bureau of Justice Assistance (BJA) helps to make American communities safer by strengthening the nation's criminal justice system: Its grants, training and technical assistance, and policy development services provide state, local, and tribal governments with the cutting-edge tools and best practices they need to reduce violent and drug-related crime, support law enforcement, and combat victimization. BJA is a component of the Office of

BJA provides leadership and services in grant administration and criminal justice policy development to support local, state, and tribal law enforcement in achieving safer communities. BJA supports programs and initiatives in the areas of law enforcement, justice information sharing, countering terrorism, managing offenders, combating drug crime and abuse, adjudication, advancing tribal justice, crime prevention, protecting vulnerable populations, and capacity building.

BJA administers a wide range of programs and initiatives that focus on all facets of the criminal justice system, including victim services and law enforcement training. There is particular attention placed on the protection of vulnerable populations including but not limited to children.

### **Bureau of Justice Statistics (BJS)**



recommend national standards for justice statistics. BJS has published statistics on violent victimization committed against children, victim services, sexual victimization committed against youth in juvenile facilities, human trafficking of children, and child exploitation. BJS regularly provides grants to assist with the interdiction and prevention of child exploitation.

The Bureau of Justice Statistics (BJS) is the principal federal statistical agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and

#### *Key Programs & Initiatives*

There are several key BJS data collections related to child exploitation and victimization committed against children, including the National Crime Victimization Survey, National Census of Victim Service Providers, National Survey of Youth in Custody, and Federal Justice Statistics Program data.

#### **National Crime Victimization Survey (NCVS)**

The National Crime Victimization Survey (NCVS) is the nation's primary source of information on criminal victimization. Each year, data are obtained from a nationally representative sample of about 240,000 interviews on nonfatal violent crimes (rape or sexual assault, robbery, aggravated assault, and simple assault), personal larceny (purse snatching and pocket-picking),



and property crimes (burglary/trespassing, motor-vehicle theft, and other theft). Survey respondents provide information about themselves (e.g., age, sex, race, Hispanic origin) and whether they experienced a victimization. For each victimization incident, the NCVS collects information about the offender (e.g., age, race and Hispanic origin, sex, and victim-offender relationship), characteristics of the crime (e.g., time and place of occurrence, use of weapons, nature of injury, and economic consequences), whether the crime was reported to police, reasons the crime was or was not reported, and victim experiences with the criminal justice system.

#### National Census of Victim Service Providers (NCVSP)

The National Census of Victim Service Providers (NCVSP) provides national data on all programs and organizations that served victims of crime or abuse within the year prior to the survey. The 2017 collection included data from about 12,200 organizations that served victims of crime or abuse as their primary function, or that had dedicated staff or programs to serve victims. The NCVSP identifies the size and scope of the victim service provider (VSP) field, including the number of VSPs, where they are located, number of victims they serve, and VSP concerns about funding and staffing. Information from the NCVSP provides a sampling frame for follow-up surveys on victim service providers, including BJS's National Survey of Victim Service Providers.

#### National Survey of Victim Service Providers (NSVSP)

The National Survey of Victim Service Providers (NSVSP) provides national data on programs and organizations that served victims of crime or abuse within the year prior to the survey. It aims to fill important gaps in our understanding of victim service providers (VSPs) and the victims they serve, providing insight into how the field is equipped to meet victims' needs. The 2019 collection used a representative sample from the 2017 National Census of Victim Service Providers (NCVSP) and surveyed about 7,200 organizations that served victims of crime or abuse as their primary function or that had dedicated staff or programs to serve victims. The NSVSP collects detailed information about the victim services field, including the range of services being provided to victims, characteristics of victims who received services, characteristics of staff providing services to victims, and gaps in services.

#### National Survey of Youth in Custody (NSYC)

The National Survey of Youth in Custody (NSYC) is part of BJS's National Prison Rape Statistics Program, which gathers mandated data on the incidence and prevalence of sexual assault in juvenile facilities under the Prison Rape Elimination Act of 2003 as specified in PREA; P.L. 108-79. PREA requires a 10% sample of juvenile facilities to be listed by incidence of sexual assault. Data are collected directly from youth in a private setting using audio computer-assisted self-interview (ACASI) technology with a touchscreen laptop and an audio feed to maximize inmate confidentiality and minimize literacy issues.

#### Federal Justice Statistics Program (FJSP)

The Federal Justice Statistics Program (FJSP) provides comprehensive and detailed information about the federal justice system's processing of criminal cases. It includes annual data on the workload, activities, and outcomes associated with federal criminal cases. This program covers seven stages of federal criminal case processing: arrest, prosecution, pretrial release, adjudication, sentencing, appeals, and corrections. The FJSP receives the source data from the

U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and Federal Bureau of Prisons.

### *Accomplishments*

Since April 2016, BJS has published several statistics on victim services, violent victimization committed against children, sexual victimization committed against youth in juvenile facilities, human trafficking of children, and child exploitation.<sup>38</sup>

### **Office of Community Policing Services**



*Community Oriented Policing Services*  
**U.S. Department of Justice**

The Office of Community Oriented Policing Services (COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources. The COPS Office has assisted in the development of various resources, funding, and technical assistance to support law enforcement response to child exploitation and trafficking.

### *Key Programs & Initiatives*

[Child Sex Trafficking: A Training Series for Frontline Officers and Combating Child Sex Trafficking: A Guide for Law Enforcement Toolkits](#)

In 2012, in partnership with the FBI, the Department of Justice's Office of Community Oriented Policing Services (COPS) funded the International Association of Chiefs of Police to develop a toolkit to be utilized for training within law enforcement agencies across the country. The toolkit includes a series of training videos in which law enforcement officers demonstrate possible responses to various scenarios involving child sex trafficking. The toolkit also includes instructions for supervisors on how to give the training, a discussion guide, a customizable tip card for supervisors to write who the officers can call when encountering victims of child sex trafficking, a fact sheet, an indicator sheet, a glossary of terms used, and a customizable poster. Since the release of the *Child Sex Trafficking: A Training Series for Frontline Officers*<sup>39</sup> in 2015, the COPS Office has distributed over 2,200 copies to law enforcement agencies across the country. Since the release of the *Combating Child Sex Trafficking: A Guide for Law Enforcement Leaders*<sup>40</sup> in 2016, the COPS Office has distributed over 1,800 printed copies.

### [Interdiction for the Protection of Children Program](#)

In 2014, the COPS Office funded the Texas Department of Public Safety (TXDPS) to train patrol officers on the detection, interdiction, and recovery of child victims of crimes and the proper handling of these victims. The goal of the Interdiction for the Protection of Children (IPC) program is to expand knowledge among law enforcement on interdiction techniques to identify missing and/or exploited children by improving the identification of high-risk threats to children and increasing the number of recovered missing exploited or at-risk children. Under this 2014 award, IPC reached its targeted goal and trained 10,000 students from various law enforcement

<sup>38</sup> See Appendix D for the full list of publications.

<sup>39</sup> <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P318>

<sup>40</sup> <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P342>

agencies including Amtrak police, Texas Parks and Wildlife, and Department of Interior Park Police. Then with 2018 funds, TXDPS delivered a series of instructor-led trainings to law enforcement professionals throughout the United States. To date under this 2018 award, IPC has trained over 1,000 participants. Finally, in 2019, TXDPS received funding to expand their training to increase capacity of law enforcement agencies and service providers nationwide to address the problems related to children exposed to violence. Classes delivered under this project will result in IPC training 1,500 students, developing 153 new IPC instructors, and facilitating 17 multidisciplinary teams.

#### What You Need to Know About Background Screening Guide

In 2013, the COPS Office worked with the National Center for Missing and Exploited Children (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. In 2019, the COPS Office funded NCMEC to update the guidebook. Topics include information on a quick reference guide to background screening for youth-serving organizations and their communities.

#### Collaborative Reform Initiative for Technical Assistance Center

The Collaborative Reform Initiative for Technical Assistance Center (CRI-TAC) program provides critical and tailored technical assistance resources to state, local, territorial, and tribal law enforcement agencies on a wide variety of topics, including exploitation, human trafficking, and interdiction.

#### Community Policing Development (CPD) Microgrants Program

The Community Policing Development (CPD) Microgrants Program is a competitive solicitation designed to advance the practice of community policing by providing funding to local, state, and tribal law enforcement agencies. Applicants are invited to propose demonstration or pilot projects to be implemented in their agency that offer creative ideas to advance crime fighting, community engagement, problem solving, or organizational changes to support community policing in one of the following ten areas, including human trafficking.

#### COPS Hiring Program (CHP)

The COPS Hiring Program (CHP) is a competitive solicitation that provides funding to hire and re-hire entry level career law enforcement officers in order to preserve jobs, increase community policing capacities and support crime prevention efforts. Through CHP, additional consideration will be given to applicants in states with certain anti-human trafficking laws that treat minors engaged in commercial sex as victims (referred to as “safe harbor” laws) and permit individuals to vacate arrest or prosecution records for non-violent offenses as a result of being trafficked.

## National Institute of Justice



STRENGTHEN SCIENCE. ADVANCE JUSTICE.

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 around child exploitation. The

Office of Research, Evaluation, and Technology (ORET) within NIJ encourages and supports research, development, and evaluation to further the understanding of causes and correlations of crime and violence; methods of crime prevention and control; and criminal justice system responses to crime and violence. Within ORET are several research portfolios that have provided stakeholders at the federal, state, local, and tribal level with evidence-based recommendations and tools to prevent and address child exploitation. Specific NIJ research projects and findings are detailed in Appendix D.

## Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)



The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) was authorized by the Adam Walsh Child Protection and Safety Act of 2006 to administer the standards for the Sex Offender Registration and Notification Act, set forth in Title I of the Act, and grant programs related to sex offender registration and

notification. SMART also provides technical assistance to states, the District of Columbia, principal U.S. territories, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration, public notification, and other measures for the protection of children and the public from sexual abuse or exploitation. Additionally, SMART maintains the National Sex Offender Public Website and provides assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.

### *Key Programs & Initiatives*

#### **Adam Walsh Act Implementation Grant Program**

The Adam Walsh Act Implementation Grant Program supports implementation and maintenance of the Sex Offender Registration and Notification Act (SORNA) in states, tribes, territories, and local jurisdictions. SORNA aims to close potential gaps and loopholes that existed under prior law and strengthens the nationwide network of sex offender registration and notification programs. SORNA helps jurisdictions create and sustain comprehensive programs to consistently register, monitor and alert communities about sex offenders.

## National Sex Offender Public Website

The Dru Sjodin National Sex Offender Public Website (NSOPW.gov) is a critical component of the Sex Offender Registration and Notification Act scheme to provide a comprehensive national system to notify the public about registered sex offenders. Through NSOPW, technology tools have also been developed and implemented that allow cross-jurisdictional information sharing to eliminate safe havens for sex offenders. NSOPW is a partnership between the Department of Justice and states, U.S. territories, tribal governments, and the District of Columbia.

## Keep Young Athletes Safe

The Keep Young Athletes Safe program funds the design and implementation of programs to safeguard amateur athletes. The program seeks to prevent sexual, physical, and emotional abuse in the athletic programs of the United States Olympic and Paralympic Committee, and each national governing body, through the development of necessary educational materials, investigatory tools, training programs and policies.

### *Accomplishments*

- SORNA Substantial Implementation
  - Current totals: 18 states, 4 territories, 137 tribes
- Launched new version of NSOPW.gov and NSOPW mobile app
- Supported expansion of Tribal Assess Program to approximately 100 tribes
- Developed model policies and standards related to safeguarding amateur athletes from emotional, physical and sexual abuse in sports.

### *Trainings & Conferences*

#### 2016

- 2016 National Symposium on Sex Offender Management and Accountability (July 2016, nearly 700 attendees, Kansas City, Missouri)
- *SORNA trainings*: United States Marshals Service (partner), the Office for Victims of Crime's Indian Nations Conference, the Office on Violence Against Women's Annual Tribal Consultation, the Multi-Jurisdictional Law Enforcement Conference
- *Tribal*: 40 SORNA tribes trained, 12 technical assistance trips to SORNA tribes, 5 Native American Sex Offender Management and Circles of Support training projects

#### 2017

- *SORNA trainings*: Office for Victims of Crime's Indian Nations Conference, the Office on Violence Against Women's Annual Tribal Consultation, U.S. Marshals Service regional training (St. Louis, Missouri), the Florida Registration and Enforcement Conference, the Multi-Jurisdictional Law Enforcement Conference, the Association for the Treatment of Sexual Abusers, the National Children's Advocacy Center's 33rd International Symposium on Child Abuse, the National Center for Victims of Crime's National Sexual Assault Conference, the SEARCH Winter Membership Group Meeting, the South Carolina Law Enforcement Division Criminal Justice Information System Conference

- *Tribal*: 37 SORNA tribes trained, 18 technical assistance trips to SORNA tribes, 4 Native American Sex Offender Management and Circles of Support and Accountability training projects

## 2018

- SORNA Workshop (January 2018, nearly 200 attendees, Albuquerque, N.M.)
- International Tracking of Sex Offenders meetings (25 states, 5 territories)
- *SORNA trainings*: Office for Victims of Crime’s Indian Nations Conference; the Office on Violence Against Women’s Annual Tribal Consultation; U.S. Marshals Service regional training (Orlando, Florida; Jackson, Mississippi; Muskogee, Oklahoma; Houston, Texas); Adult Sexual Misconduct Conference; Association for the Treatment of Sexual Abusers; Connecticut College Consortium; EverFi Conference; International Summit on Violence, Abuse and Trauma; Massachusetts Society for a World Free of Sexual Abuse by Youth/Massachusetts Association for the Treatment of Sexual Abusers; New York State Association for the Treatment of Sexual Abusers; Oklahoma Department of Corrections Sex Offender Conference; SEARCH Winter Membership Group Meeting; South Carolina Law Enforcement Division Criminal Justice Information System Conference
- *Tribal trainings*: 37 SORNA tribes trained, 22 technical assistance trips to SORNA tribes, 5 Circles of Support and Accountability and Community Safety Net and Accountability projects

## 2019

- 2019 National Symposium on Sex Offender Management and Accountability (July 2019, nearly 600 attendees, Chicago)
- *SORNA trainings*: Office for Victims of Crime’s Indian Nations Conference; U.S. Marshals Service regional training (Orlando, Florida; Jackson, Mississippi; Muskogee, Oklahoma; Houston, Texas); Adult Sexual Misconduct Conference; Association for the Treatment of Sexual Abusers; the Sex Offender Civil Commitment Program Network, Connecticut College Consortium; EverFi Conference; International Summit on Violence, Abuse and Trauma; Massachusetts Society for a World Free of Sexual Abuse by Youth/Massachusetts Association for the Treatment of Sexual Abusers; New York State Association for the Treatment of Sexual Abusers; Oklahoma Department of Corrections Sex Offender Conference; SEARCH Winter Membership Group Meeting; South Carolina Law Enforcement Division Criminal Justice Information System Conference
- *Territory trainings*: Pacific Island regional training (Saipan in the Commonwealth of the Northern Mariana Islands (CNMI), attended by CNMI, American Samoa and Guam registration and law enforcement personnel). Follow-up training and technical assistance session in Hagatna, Guam, with the Guam Attorney General’s Office and registration, law enforcement and victim’s services agencies. A second territory-specific regional training on the island of St. Thomas, attended by the U.S. Virgin Islands and Puerto Rico. A follow-up meeting in San Jose, Puerto Rico.
- *Tribal trainings*: 53 SORNA tribes trained, 25 technical assistance trips to SORNA tribes, 6 Community Safety Net and Accountability training projects

## *Legal Policy*



## Office of Legal Policy



The mission of the Office of Legal Policy (OLP) is to develop and implement the Department of Justice’s significant policy initiatives, handle special projects that implicate multiple Department components, coordinate with other interested Department components and other Executive Branch agencies, and serve as the primary policy advisor to the Attorney General and Deputy Attorney General. With regard to combating child exploitation, OLP has contributed to a number of efforts, described below.

### *Key Programs & Initiatives*

#### Re-examination of Section 230 immunity

OLP is co-leading the Department’s examination of how Section 230 of the Communications Decency Act has been used by Internet platforms to shield them from liability when child sexual exploitation occurs on their sites.

### *Accomplishments*

The Department’s Lawful Access Initiative has raised awareness of the threat to children posed by criminal use of warrant-proof encryption by prompting a vigorous public debate on the best path forward to address this growing threat. The Office of Legal Policy is spearheading efforts to coordinate with stakeholders on this issue including parent and school communities, victims’ groups, and technology corporations.

### *Trainings & Conferences*

On February 19, 2020, OLP co-led a workshop titled “Section 230 – Nurturing Innovation or Fostering Unaccountability?” This workshop brought together a diverse range of experts to provide input on Section 230 and its impact on the Internet, both good and bad. These experts along with other thought-leaders on this subject also attended a roundtable hosted by the Department of Justice and provided input on possible solutions for fixing Section 230.

On October 4, 2019, the Department hosted a summit entitled *Lawless Spaces: Warrant-Proof Encryption and Its Impact on Child Exploitation Cases*. The Summit, planned and executed by the Office of Legal Policy, explored the impact of warrant-proof encryption on investigations and prosecutions, with a specific focus on child exploitation. It featured speeches by senior Department officials and distinguished guests, and panel discussions and presentations from non-governmental organizations, state and local law enforcement, and international partners.

## Office of Tribal Justice



The Office of Tribal Justice (OTJ) serves as the primary program and legal policy advisor to the Attorney General with respect to the treaty and trust relationships between the United States and the 574 federally recognized Tribes. In addition, OTJ serves as the point of contact within the Department for Tribes on public safety and justice in Indian Country issues and serves as the coordination point between other components and divisions within DOJ, as well as with other agencies outside of DOJ. This office was initially formed in 1995 in response to requests from Tribal leaders for a dedicated point of contact for

Indian country-specific legal and policy matters. The office was made permanent on July 29, 2010, with the passage of the Tribal Law and Order Act (TLOA). 25 U.S.C. § 3665a (2010).

OTJ routinely works with Department of the Interior (DOI) and its Bureau of Indian Affairs (BIA), Department of Health and Human Services (HHS), and other federal agencies, as well as internally with FBI, EOUSA, and others on policies and programs that protect children in Indian Country. OTJ reviews policies and reports involving child exploitation to make certain that Tribal issues are represented and meets with Tribal leaders on child exploitation issues.

Furthermore, OTJ coordinates with Tribal Liaisons, in each U.S. Attorney's Office, to support multi-disciplinary teams (MDTs) for child abuse cases, consult and coordinate with tribal justice officials and victim advocates, develop relationships and maintain communication with tribal leaders and the community, and provide training and technical assistance.<sup>41</sup>

## Department of Defense



The Department of Defense (DoD) conducts child exploitation investigations, to include combating trafficking in persons (CTIP), using criminal investigators from its Military Criminal Investigative Organizations (MCIOs): Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations. These investigations are proactive and reactive in nature, utilizing high technology and cyber units, digital forensic capabilities, and various DoD databases. Further, with joint efforts from federal, state, and local law enforcement partners, the MCIO agencies have on-going cooperative agreements with national

and regional task forces including the Internet Crimes Against Children (ICAC) and the FBI's Child Exploitation and Human Trafficking Task Force (CEHTTF). The MCIOs have liaisons stationed at the National Center for Missing and Exploited Children (NCMEC) Headquarters responsible for triaging and referring DoD-related CyberTipline reports, handling Child Victim Identification requests received by MCIO agencies, and conducting various coordination efforts with other co-located partners. Additionally, DoD leverages substantial resources to prevent child sexual abuse and support child victims with clinical and non-clinical services through the Family Advocacy Program. The Family Advocacy Program offers prevention services that teach safe parenting practices, educate parents and caregivers about healthy sexual development to

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<sup>41</sup> For further information, see "Child Exploitation in Special Areas and Populations" chapter.



foster age-appropriate conversations with children about safe body boundaries and consent, and coordinates with child welfare agencies in cases of suspected child abuse and neglect, including child sexual abuse of a military dependent by a parent, or other person in a caregiving role. There are more than 230 Family Advocacy Programs across military installations where families are assigned, in the U.S. and overseas.

#### *Key Programs & Initiatives*

DoD New Parent Support Program offers new and expecting parents free, in-home educational support from nurse practitioner and social workers to assist with the rigors of parenting, to include, preventative techniques to combat child abuse and neglect.

DoD Family Advocacy Programs support non-abusing parent(s) of child sexual abuse victims with advocacy in navigating the military and civilian legal systems, undergoing pediatric sexual assault forensic exams (if applicable), and recommending and providing clinical, therapeutic treatment for the child victim with parental consent. The Family Advocacy Program will also refer the non-abusing parent(s) to community-based, civilian resources as an option for supporting their child.

DoD Human Exploitation Rescue Operative (HERO) Child-Rescue Corps provides training in high-tech computer forensics and law enforcement skills to assist federal agents in the fight against online child sexual exploitation.

DoD MCIOs are tightly integrated with the National Center for Missing and Exploited Children (NCMEC) and Internet Crimes Against Children (ICAC) Task Force. Through these partnerships, the DoD MCIOs triage and refer all DoD-related cases for law enforcement action. DoD MCIOs collaborate with the Army Military Police School (USAMPS) to provide training to DoD police organizations in child abuse and sexual assault investigations.

DoD MCIOs have partnered with the U.S. Marshals Service National Sex Offender Targeting Center and provide assistance with DoD-affiliated sex offender registration compliance and monitoring.

#### *Accomplishments*

Since September 2018, all Department of Defense Education Activity (DoDEA) (DoD Schools) require mandatory Combating Trafficking in Persons (CTIP) training for their personnel. In October 2019, the DoD established a standardized, universal background check program for all personnel whose role will involve contact with children. This check includes flagging individuals who have met criteria for the DoD's internal domestic and child abuse and neglect tracking system.

In May 2019, the DoD expanded the scope of its Family Advocacy Program to include prevention and services for families impacted by an exhibiting Problematic Sexual Behavior in Children and Youth (PSB-CY).

DoD FAP has launched a series of new training courses designed to better acclimate DoD personnel to the signs and symptoms of childhood traumatic stress and proper first responder techniques for PSB-CY issues.

DoD MCIOs have further formalized ties with national and local law enforcement organizations (such as regional ICAC task forces and the FBI's CEHTTF) through the signing of Memorandums of Understanding.

DoD MCIOs have developed cutting-edge software tools designed to aid front-line investigators in managing the copious amount potential digital evidence contained suspect digital devices.

#### *Trainings & Conferences*

- DoD MCIOs host a yearly Computer Crime and Digital Forensics Training Forum (CCDFTF). This conference provides advanced training to DFEs and CCIs on the most up-to-date digital forensic techniques, tools, and other topics related to child exploitation investigations.
- DoD MCIOs participate at the Annual Crimes Against Children Conference in Dallas, TX.
- DoD FAP hosts Family Advocacy Command Assistance Team (FACAT) training. The training certifies attendees to participate in an installation-level FACAT, which is a multidisciplinary, rapid response team designed to mitigate the damage caused to individuals by child domestic and sexual abuse.
- All DoD law enforcement personnel receive regular Combating Trafficking in Persons (CTIP) training.

## Department of Education



The mission of the Department of Education (ED) is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. Consistent with this mission, several offices in ED work to address issues related to student safety and addressing issues facing at-risk youth. ED's Office of Elementary and Secondary Education (OESE) maintains a webpage regarding human trafficking of children within the U.S. ED's OESE also administers grants and provides technical assistance to educational programs targeting Native American and Indian children, migrant children, and homeless or displaced children. ED's Office for Civil Rights (OCR) works to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in all our nation's schools. This includes enforcement of Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination based on sex in federally funded education programs and activities, including sexual harassment and sexual violence. Additionally, several offices in ED collect data related to school and student safety, including incidents of bullying, cyberbullying, and harassment. This data provides critical information for schools, stakeholders, and the public to develop policies and procedures related to issues of school and student safety.

### *Key Programs & Initiatives*

#### OCR K-12 Compliance Initiative

In February 2020, Secretary Betsy DeVos announced a new Title IX enforcement initiative to combat the troubling rise of sexual assault in K-12 public schools. This initiative will enhance OCR's enforcement of Title IX in both elementary and secondary public schools and strengthen the ability of schools to respond to all incidents of sexual harassment and assault.<sup>42</sup>

#### OESE, Human Trafficking Webpage

OESE maintains a webpage regarding human trafficking of children within the U.S.<sup>43</sup> The fact sheet provides the legal definition of human trafficking, includes information regarding the extent of human trafficking, lists common examples of identified child trafficking cases, provides red flags that school staff and administrators should look out for to identify children who may be victims of human trafficking, and includes weblinks and phone numbers to report suspected incidents of human trafficking.<sup>44</sup>

### *Accomplishments*

In December 2017, ED and the U.S. Department of Health and Human Services (HHS) successfully hosted a human trafficking prevention event at which a panel of parents, survivors, subject matter experts, and representatives from ED, HHS, and the community, discussed ways to keep children out of harm's way.

### *Trainings & Conferences*

In recognition of the 20<sup>th</sup> anniversary of the passage of the Trafficking Victims Protection Act, ED, through its Office of Safe and Supportive Schools (OSSS) and its technical assistance center The National Center on Safe Supportive Learning Environments (NCSSLE), began hosting a series of webinars in 2020 to provide building-level school administrators, teachers, and specialized instructional support personnel with information on effectively identifying and supporting students impacted by trafficking. OSSS and NCSSLE continue to host webinars on the topic of trafficking.

## Department of Homeland Security



The U.S. Department of Homeland Security has a vital mission: to secure the nation from the many threats we face. This requires the dedication of more than 240,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector. Our duties are wide-ranging, and our goal is clear - keeping America safe.

As part of the Homeland Security mission, DHS enforces trade, travel, and victim protection laws to combat criminal activity, including child

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<sup>42</sup> <https://www.ed.gov/news/press-releases/secretary-devos-announces-new-civil-rights-initiative-combat-sexual-assault-k-12-public-schools>

<sup>43</sup> <https://www.ed.gov/human-trafficking>

<sup>44</sup> <https://www2.ed.gov/about/offices/list/oese/oshs/factsheet.html>

sexual exploitation and abuse. The DHS Office of Strategy, Policy, and Plans leads the development of strategies and policies to support the mission and the Secretary. On January 15, 2020, DHS released its first *Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation*. On March 5, 2020, DHS, the U.S. Department of Justice, and our Five Eyes partners Australia, Canada, New Zealand, and the United Kingdom released *Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse* for technology companies to use as a framework for action to end this harmful criminal activity on their platforms. DHS will continue to implement the nearly 40 priority actions outlined in its *Strategy* to combat child sexual exploitation.

#### DHS/U.S. Immigration and Customs Enforcement/Homeland Security Investigations

U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI) is the largest investigative arm of the Department of Homeland Security (DHS), operating out of more than 200 field offices nationwide and 80 offices in 70 countries.

HSI conducts child exploitation investigations under the auspices of what is known as Operation Predator. These investigations are directed at disrupting and dismantling individuals and groups involved in either the possession, receipt, distribution, transportation, advertisement, and production of child sexual abuse images or traveling overseas or across state lines to engage in illicit sexual conduct with anyone under 18 years old. Since the launch of Operation Predator in 2003, HSI has arrested over 31,000 perpetrators of illicit sexual conduct against children. Also, part of Operation Predator, HSI’s Angel Watch is an international initiative to protect children from convicted child sex offenders who seek to travel abroad. HSI strategically alerts foreign law enforcement partners through its HSI Attaché offices of a convicted child sex offender’s intent to travel to their country.

Vital to this mission is the HSI Cyber Crimes Center, which brings together a full range of cyber investigations and computer forensic assets by housing HSI’s Child Exploitation Investigations Unit, Computer Forensics Unit, and Cyber Crimes Unit. The Center provides programmatic oversight, coordination of investigations, technical capabilities development, advanced digital forensics, and training.

#### DHS Child Exploitation Statistics

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Arrests	2,411	3,162	3,047	3,191	3,957	3,074
Indictments	1,729	2,257	2,294	1,982	2,332	1,900
Convictions	1,666	1,756	2,174	1,703	1,796	1,399
Cases Initiated	4,216	4,127	4,406	4,158	4,474	5,337
Victims Identified	1,004	820	904	859	1,069	1,012

#### Child Exploitation Investigations Unit

The HSI Child Exploitation Investigations Unit, while employing a victim-centered approach to combating child sexual exploitation and abuse, investigates producers and distributors of child sexual abuse images, as well as individuals who travel abroad to engage in sexual activity with

anyone under 18 years old, also known as “transnational child sexual abuse.” Child Exploitation Investigations Unit employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children using websites, chat rooms, peer-to-peer trades, and other internet-based platforms. Child Exploitation Investigations Unit also supports investigations in HSI field offices; coordinates major investigations; conducts operations globally to identify and rescue child victims and identify and apprehend offenders; and delivers training to federal, state, local, tribal, territorial, and international law enforcement partners.

#### Program Objectives:

- Identify and rescue child victims
- Identify and apprehend child sex offenders
- Prevent transnational child sexual abuse
- Help make the internet a safer place for children
- Develop and deliver training to HSI and federal, state, local, tribal, territorial, and international partners

#### *Key Programs & Initiatives*

##### **Victim Identification Program**

HSI Child Exploitation Investigations Unit takes a victim-centered approach in its investigations by working as quickly as possible to accurately identify victims, offenders, and locations based on information extracted from images and videos, so that law enforcement can rescue and assist a child in danger. The Victim Identification Program utilizes cutting-edge technological capabilities combined with traditional investigative techniques to identify and rescue victims of sexual exploitation and identify and apprehend the offenders committing these heinous crimes. Since the Victim Identification Program was established in 2011, more than 6,500 child victims have been identified and assisted. Once discovering new child sexual abuse material (including images, video, and audio files) depicting an unidentified child or children being sexually abused, HSI analyzes and enhances the material to find clues that may reveal the identity of the victim or suspect or their location. The Victim Identification Program receives and disseminates investigative leads to HSI field offices, Internet Crimes Against Children Task Forces, and international partners. The Victim Identification Program also provides training and technical expertise to the field on all aspect of victim identification and image and video analysis.

##### **The Angel Watch Center**

Angel Watch Center proactively identifies and targets convicted child sex offenders traveling to foreign countries. HSI Child Exploitation Investigations Unit developed the Center to support the mission and in accordance with International Megan’s Law. First, HSI Child Exploitation Investigations Unit and U.S. Customs and Border Protection’s National Targeting Center, in coordination with the U.S. Coast Guard’s Coastwatch, identify international travelers who have previously been convicted for sexual crimes against children prior to their departure. Then, the Angel Watch Center notifies the traveler’s destination country or countries through HSI Attaché offices or CBP international partnerships. The U.S. Marshals Service, in coordination with state and local law enforcement, determines whether each identified convicted child sex offender is compliant with their sex offender registration requirements. The Angel Watch Center also works

with U.S. Department of State to determine whether travelers required to have the “covered” sex offender endorsement on their U.S passports, per International Megan’s Law, are compliant. If the offender is out of compliance, the Angel Watch Center will send a “covered” convicted sex offender’s information to the U.S. Department of State who revokes the current passport and requires the offender to obtain a new passport compliant with International Megan’s Law.

### Angel Watch Center Statistics

	FY 2017	FY 2018	FY 2019	FY 2020
Referrals to Foreign Countries	2,060	3,543	3,564	2,422
Referrals Resulting in Action By Foreign Countries	1,276	1,444	1,131	603

### Operation Dark Angel

HSI Child Exploitation Investigations Unit established Operation Dark Angel, a comprehensive operational strategy designed to identify, arrest, and prosecute U.S. citizens and lawful permanent residents who travel overseas to engage in sexual activities with children under 18 years old. The long-term effect of this strategy will be a heightened awareness of transnational child sex offenses and increased investigative efforts worldwide. These cases often present difficult challenges due to the unique circumstances of venue, travel, and international coordination as well as require vast resources and legal expertise. Operation Dark Angel provides training, guidance, and resources for these complex investigations and coordinates investigations among HSI Attaché offices and domestic field offices, other U.S. federal agencies as well as foreign law enforcement.

### Virtual Global Taskforce

HSI is a founding member of and the U.S. representative to the Virtual Global Taskforce, an international alliance of currently 13 law enforcement agencies, 15 private industry sector partners, and international non-governmental organizations working together to prevent, deter, and address online child sexual exploitation and abuse. The Virtual Global Taskforce aims to support both member and non-member countries worldwide by influencing legislators, industry, and others to build necessary protections for children into the Internet, implementing the reforms necessary for effective laws, training law enforcement, and raising public awareness globally.

### Internet Crimes Against Children (ICAC) Task Force Participation

HSI participates on all 61 of the U.S. Department of Justice Internet Crimes Against Children (ICAC) Task Forces across the United States.

### National Center for Missing and Exploited Children (NCMEC) Support

HSI Child Exploitation Investigations Unit partners with the National Center for Missing and Exploited Children (NCMEC), a nonprofit and the nation’s clearinghouse for child sexual abuse material by law, by offering HSI’s international contacts and investigative expertise. Also, HSI facilitates the distribution of NCMEC CyberTipline reports (information reported from electronic service providers and the public that could lead to an investigation of crimes against children) once available to national police agencies around the world. To provide assistance with victim



identification, international kidnappings, and other matters as needed, HSI Child Exploitation Investigations Unit has a liaison who works out of NCMEC's offices.

#### The National Child Victim Identification System, Version 2 (NCVIS 2)

The National Child Victim Identification System, Version 2 (NCVIS 2) is an application that assists federal, state, local, tribal, and international law enforcement agencies in the investigation and prosecution of child exploitation crimes involving images. NCVIS 2 maintains a repository of digital images of child exploitation seized or submitted for comparison by law enforcement agencies. HSI has expanded the scope of system information that is shared with external law enforcement agencies, who maintain their own databases of imagery involved in child exploitation crimes. Through NCVIS 2, HSI helps law enforcement agencies with seized images of child exploitation but who do not know the identity of the victim depicted or whether the image is real or computer-generated.

#### Victim Assistance Program

The HSI Victim Assistance Program (VAP) fulfills the U.S. Department of Homeland Security's victim-centered approach that places equally high value both on the identification, assistance, and protection of victims as well as on the investigation and prosecution of criminals. The mission of the VAP is to provide victims with federally mandated assistance and timely access to a wide range of local resources, as well as conduct trauma-informed forensic interviews of victims and witnesses of all ages, both domestically and internationally.

By the end of Fiscal Year 2019, HSI increased the number of its Forensic Interview Specialists by 400% from six to thirty. Forensic Interview Specialists are available to support any domestic or international investigations involving victims, particularly child exploitation and human trafficking investigations. They conduct victim-centered, fact-finding forensic interviews around the world, building rapport and providing support for victims while obtaining facts based on evidence to support HSI investigations and providing chargeable offenses for U.S. Attorneys Offices.

HSI also has 35 full-time Victim Assistance Specialists staffed across the country who complement the work of more than 250 collateral-duty special agent Victim Assistance Coordinators. Victim Assistance Specialists work directly with agents to integrate victim assistance throughout the lifecycle of HSI investigations. Victim Assistance Specialists ensure that victims are informed of their rights, assess victims' needs, provide access to resources, and crisis response.

During Fiscal Year 2019, HSI identified and assisted more than 2,647 victims worldwide, which included 428 human trafficking victims and 811 child exploitation victims. With only six Forensic Interview Specialists on staff at that time, Forensic Interview Specialists conducted or provided consultation in over 1,150 interviews, both domestically and internationally, in Fiscal Year 2019.

#### Education and Outreach: Project iGuardian

*Project iGuardian* aims to educate children, parents, caregivers, and professionals working with children about how children can stay safe online, particularly from child sexual predators, and



report suspicious activity. HSI launched iGuardian in the summer of 2013 by partnering with the National Center for Missing and Exploited Children's NetSmartz and the Internet Crimes Against Children (ICAC) Task Forces to develop the materials. In 2019, HSI field offices reported that *Project iGuardian* presentations were delivered to more than 86,000 children, parents, and teachers.

### *Project iGuardian International Outreach*

#### *HSI Tegucigalpa (Honduras)*

In 2019 HSI Tegucigalpa hosted the first international iGuardian outreach for children, teens, parents, and school faculty members in Tegucigalpa, Honduras. This outreach was supported by HSI Child Exploitation Investigations Unit and the National Center for Missing and Exploited Children (NCMEC). HSI presented iGuardian training to more than 680 children and 270 parents in three bilingual schools and one public school. During each one-hour presentation, children from 9 to 17 years old and faculty members were broken up into age groups to receive age appropriate information about social media safety, avoiding online predators, and preventing cyberbullying. Parents were provided with techniques on protecting kids online, smart phone safety, and monitoring social networking activity, as well as shown how on to make reports through the NCMEC CyberTipline. HSI also gave the training to parents and staff members at the U.S. Embassy in Tegucigalpa and partnered with the U.S. Department of State's Gang Resistance Education and Training Program to deliver iGuardian training to children from low-income neighborhoods in the area.

#### *HSI Manila Philippines*

In 2019, HSI Manila collaborated with the Philippine National Police, General Santos City, U.S. Department of Education, and Golden State College to host the iGuardian event in the Philippines. Over 2,000 children ages 10 to 16 years, parents, teachers, and members of the community participated. The event launched a National Cyber Safety Campaign to bring awareness and education to help children and parents in the Philippines protect themselves from the potential dangers of the internet. HSI partnered with Facebook, International Justice Mission, and Break the Silence to educate those in attendance on how to better protect themselves from these dangers. The event was hosted by American/Filipino Actor Alvin Anson, with special appearance by Filipino Child Actor Sebastian "Baste" Granfon, and a closing video message by legendary boxer and Senator to the Philippines, Emmanuel D. Pacquiao.

#### **Human Exploitation Rescue Operative (HERO) Child Rescue Corps Program**

The 12-month Human Exploitation Rescue Operative (HERO) Child Rescue Corps program trains, equips, and embeds wounded, ill, or injured members of the Armed Forces and veterans into computer forensic intern positions within HSI field offices around the country.

HSI formed a partnership with U.S. Special Operations Command and the non-profit National Association to Protect Children (PROTECT) to launch this program in April 2013. HSI and PROTECT fund HERO Corps; PROTECT covers the costs of participant travel, equipment and

software, and relocation expenses, while HSI provides the computer forensic training, procures vendor specific training, and provides hands on field experience and mentorship. HERO Corps first attend three weeks of training at PROTECT covering an overview of the child sexual abuse problem, including trauma, prevention, prosecution of offenders, and coping with the stresses of work. Then, the HERO Corps receives nine weeks of digital forensics and child exploitation investigation training at the HSI Cyber Crimes Center. Upon successful completion of both training courses, the HERO Corps are deployed to HSI field offices for the remainder of the yearlong internship program. The field internship gives the HERO Corps hands-on experience with HSI Special Agents in locating victims and identifying the perpetrators who produce, distribute, and possess child exploitation material. HERO Corps in the field develop technical computer experience, such as:

- Conducting the full range of computer forensics lab activities, including imaging and processing digital media; forensic analysis in locating and identifying evidence of child sexual exploitation; validation testing of computer forensic hardware and software and participating in setting up virtualized computer system environments on stand-alone workstations;
- Utilizing specialized technical equipment to discover and analyze deleted or hidden information that may serve as useful evidence in a criminal case;
- Assisting first-responder teams to increase child victim identification; and
- Preparing detailed written reports outlining forensic findings for case agents, management, and prosecutors; and participating in discovery conferences with prosecutors and defense attorneys to verbally explain and discuss forensic findings.

## Department of State



The U.S. Department of State leads America's foreign policy through diplomacy, advocacy, and assistance by advancing the interests of the American people, their safety, and economic prosperity. It promotes democratic values in furtherance of a free, peaceful, and prosperous world. The programs, trainings, and initiatives below capture those tailored Department of State activities relevant to preventing and combating child exploitation.

### Consular Affairs (CA)

The Department of State prioritizes the safety and security of U.S. citizens traveling and residing abroad. Victim Assistance Specialists in the Bureau of Consular Affairs' Overseas Citizens Services work closely with American Citizen Services Country Officers and post to ensure that U.S. citizen victims of crime abroad and their families receive effective and necessary services in the foreign country and that these services continue upon their return to the United States. As part of this work, Consular staff effectively assist U.S. citizens who become victims of serious crimes while abroad, including child abuse, abduction, and/or protection cases.

Effective assistance to U.S. citizen crime victims includes:

- Understanding the impact of crime on victims;
- Assessing immediate needs and providing consular assistance;
- Knowing whether victims have rights in the consular district;
- Helping a victim to file a police report, accessing medical care, and assisting the victim to obtain case information; and
- Assisting a victim to access appropriate victim assistance and compensation programs overseas and in the United States.

### Diplomatic Security (DS), Diplomatic Security Service (DSS)

The Diplomatic Security Service (DSS), Criminal Investigative Liaison Branch works extensively to harness the global law enforcement reach of DSS at 270 diplomatic posts around the world, including in the protection of children. DSS protects children of U.S. personnel serving overseas, assists international schools to improve child protection practices, and leverages partnerships with domestic and international law enforcement partners to arrest child predators. DSS's Office of Special Investigations investigates allegations of all types of child abuse regarding Chief of Mission personnel (victim, offender, or both). This work is strengthened by partnerships and liaisons with other key entities represented below.

- Membership on the International Task Force on Child Protection (ITFCP) to set standards and best practices for child protection at international schools
- Liaison embedded with the FBI Crimes against Children and Human Trafficking Unit
- Liaison embedded with the Department of State's Consular Affairs Office of Children's Issues
- Liaison to the Department of State's Office of Overseas Schools
- Liaison to National Center for Missing and Exploited Children (NCMEC)
- Liaison to International Center for Missing and Exploited Children (ICMEC)
- Liaison embedded with the U.S. Marshals Service National Sex Offender Targeting Center, serving at the Angel Watch Center
- Coordination with the Angel Watch Center to ensure INTERPOL messages sent to countries regarding imminent travel by registered sex offenders, covered by International Megan's Law, is also provided to DSS Special Agents in that country to ensure receipt, and that the recipient country officials understand the meaning of the travel notifications.

### Diplomatic Security Service Most Wanted Fugitive

In 2019, the Diplomatic Security Service returned William Guy to the United States, in conjunction with the US Marshals. Guy, a DSS Most Wanted Fugitive, was extradited from Austria to the United States on June 13, 2019. Guy had previously pleaded guilty to having committed passport fraud in the United States Guy used a fraudulent identity to obtain a passport while wanted on state charges, and was tracked by DSS agents for seven years, across multiple continents before his arrest in Austria. Guy was extradited to be sentenced on the U.S. federal charges as well as to face state charges of possessing child pornography, stalking resulting in bodily harm, false imprisonment, identity theft, victim intimidation, second degree sexual assault, kidnapping, bail jumping, and numerous other charges in Dane County, Wisconsin, Circuit Court.

### International Narcotics and Law Enforcement Affairs (INL) Bureau

The Bureau of International Narcotics and Law Enforcement Affairs works to keep Americans safe by countering crime, illegal drugs, and instability abroad. INL leads multilateral engagement for the U.S. government on international drug control, transnational crime, and corruption. INL additionally manages foreign assistance programming that enables partner nations to reform and sustain competent and legitimate criminal justice systems. INL works closely with international organizations, non-governmental organizations, other U.S. federal agencies, and U.S. state and local criminal justice entities to develop policies, share best practices, and engage with foreign counterparts to build capacity, improve efficiencies, and deliver effective criminal justice services.

Through INL assistance, for example, the Armenia Investigative Committee (IC) signed an agreement in July 2018 with the U.S. National Center for Missing and Exploited Children (NCMEC) to receive virtual private network (VPN) access to Armenia specific data analyzed and maintained by the NCMEC. The NCMEC and DHS are now sharing with Armenian investigators referrals regarding sexual exploitation crimes against children, such as possession, manufacture, and distribution of child pornography, online enticement of children for sexual acts, child prostitution and other related acts. INL funded a team of U.S. Department of Homeland Security officials in September 2019 to instruct the Armenia Investigative Committee on how to utilize data from the NCMEC. INL also organized a roundtable (November 29-30, 2019) coinciding with the “16 Days of Activism against Gender-Based Violence” for Armenian investigators and media professionals to raise awareness of domestic and sexual violence in a way that does not violate the rights and confidentiality of victims. INL Armenia’s Senior Law Enforcement Advisor, who has extensive professional experience in investigating domestic and gender-based violence along with a representative of Armenia’s Office of the Ombudsman and civil society representatives, discussed worldwide best practices on interviewing and reporting on victims of domestic violence and sexual abuse, particularly minors.

### Office to Monitor and Combat Trafficking in Persons (TIP Office)

The Office to Monitor and Combat Trafficking in Persons (TIP Office) leads the Department of State’s global efforts to combat human trafficking through the prosecution of traffickers, the protection of victims, and the prevention of human trafficking by: objectively analyzing government efforts and identifying global trends, supporting strategic bilateral and multilateral diplomacy, targeting foreign assistance to build sustainable capacity of governments and civil society, advancing the coordination of federal anti-trafficking policies across agencies, managing and leveraging operational resources to achieve strategic priorities, and engaging and partnering with civil society, the private sector, and the public. The TIP Office supports the Secretary of State in his role as Chair of the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF), consisting of 20 agencies across the federal government responsible for coordinating U.S. government-wide anti-trafficking efforts. The Ambassador-at-Large to Monitor and Combat Trafficking in Persons chairs the Senior Policy Operating Group (SPOG), which consists of senior officials designated as representatives of the PITF agencies. The SPOG brings together federal agencies that address all aspects of human trafficking. Five standing committees meet regularly to advance substantive areas of the SPOG’s work: Research & Data, Grantmaking, Public Awareness & Outreach, Victims Services, and Procurement & Supply Chains.

The TIP Office supports the U.S. Advisory Council on Human Trafficking (Council). The Council comprised of survivors of human trafficking and is charged with making recommendations to the PITF on federal anti-trafficking policies. The Department of State's Human Trafficking Expert Consultant Network (Network) engages experts, particularly those with lived experience of human trafficking, to provide input on the Department's anti-trafficking policies, programs, and products, both in the United States and abroad. Network consultants advise the Department on various matters ranging from multilateral anti-trafficking efforts to grantmaking, as well as publicly available resources.

Every year, the Department of State publishes the Trafficking in Persons Report (TIP Report), the U.S. government's principal diplomatic and diagnostic tool to guide engagement with foreign governments on human trafficking. Through the TIP Report, the Department of State assesses countries based on their governments' efforts to meet the "minimum standards for the elimination of trafficking" found in Section 108 of the TVPA. Since 2010, the TIP Report has also ranked the United States government's anti-trafficking efforts using the same minimum standards.

Since 2001, the TIP Office has leveraged more than \$580 million in foreign assistance funding to support more than 1,000 anti-trafficking projects to address both sex and labor trafficking worldwide. The TIP Office prioritizes its programming according to trends and recommendations identified in the TIP Report and in alignment with the 3Ps of prosecution, protection, and prevention. Since 2015, the TIP Office has negotiated and administered seven Child Protection Compact (CPC) Partnerships, a foreign assistance program authorized by the TVPA. Each CPC Partnership is a multi-year plan developed jointly by the United States and the foreign government that documents the commitment of the two governments to achieve shared objectives aimed at strengthening the country's efforts to effectively prosecute and convict child traffickers with a victim-centered approach, to provide comprehensive trauma-informed care for child victims of these crimes, and to prevent child trafficking in all its forms. Through its CPC Partnerships, the TIP Office has provided foreign assistance totaling more than \$47 million towards projects that enhance both government and civil society efforts to effectively address the unique forms of child trafficking in CPC Partnership countries. The U.S.-Philippines CPC Partnership (2017-2021) is an example of the TIP Office's commitment to improve the response to online sexual exploitation of children (OSEC) in the Philippines, a crime for which Americans represent a high proportion of online perpetrators.

#### *Accomplishments*

In partnership with the U.S. Marshals Service, DSS coordinates the return of 300+ international fugitives to the United States each year, including numerous suspects wanted for crimes against children and extraterritorial child sexual exploitation and abuse.

The PITF convened in 2018, 2019, 2020, and 2022 to advance and coordinate U.S. federal policies to combat human trafficking. In 2021, the President signed the updated National Action Plan to Combat Human Trafficking (first released in 2020). It outlines a three-year comprehensive approach to combat human trafficking, including actions to strengthen prosecution of traffickers, enhance victim protections, and prevent the crime from occurring.

The U.S. Advisory Council on Human Trafficking published a Report to Congress in 2016, 2017, 2019, 2020, 2021, and 2022. The 2021 and 2022 reports include information and recommendations to the PITF relevant to addressing child exploitation and online safety.

The Trafficking in Person Report has grown in coverage and made a difference. The Report is published each year, and since 2001, the number of countries included and ranked in the TIP Report has more than doubled to 188 countries and territories. Globally, the TIP Report has prompted legislation, national action plans, and implementation of anti-trafficking policies and programs across the 3Ps of prosecution, protection, and prevention.

The U.S.-Philippines CPC Partnership (2017-2021) is an example of the TIP Office's commitment to improve the response to online sexual exploitation of children (OSEC) in the Philippines, a crime for which Americans represent a high proportion of online perpetrators. An NGO CPC implementing partner worked closely with the Philippine National Police (PNP), National Bureau of Investigation (NBI), and prosecutors to identify, investigate, and prosecute OSEC cases. As a result of the CPC Partnership, the Philippine Department of Justice's Interagency Council Against Trafficking reported an increased number of convictions in OSEC cases. The CPC Partnership also expanded availability of psychosocial counseling and care for child victims of OSEC, many of whom are very young and may have been exploited with their brothers and sisters. Through the joint support and collaboration of CPC partners, in 2019 the Australian Federal Police, the UK National Crime Agency, the PNP, and the NBI established the Philippine Internet Crimes Against Children Center (PICACC).

The United States co-sponsored a resolution entitled "Countering child sexual exploitation and sexual abuse online" which was successfully adopted at the 28th United Nations Commission on Crime Prevention and Criminal Justice in Vienna, Austria – which serves as the lead UN policymaking body on law enforcement and criminal justice issues, as well as a governing body for UN Office on Drugs and Crime. The resolution was later adopted by the UN General Assembly (UNGA) in New York by consensus by all UN Member States. The resolution represents a major UNGA resolution specifically focused on this topic and included new promising practices for criminal justice authorities to address child sexual exploitation online in the future, including in the areas of training, investigation, public awareness and reporting, and victim support.

### *Trainings & Conferences*

#### *Consular Affairs*

The "Assisting Victims of Crime" and "Countering International Parental Child Abduction (IPCA)" courses are offered 3-4 times a year overseas, and 1-2 times domestically. These courses equip consular staff to effectively assist U.S. citizens who become victims of serious crimes while abroad, including child abuse, abduction, and/or protection cases. These courses address victim needs, policies, and resources utilized by Consular Affairs and Overseas Citizen Services related to assisting U.S. victims overseas. The IPCA course additionally addresses Consular Affairs' role as the Hague Central Authority for International Parental Child Abduction cases. CA has provided 4-6 offerings of the course annually since 2016, and presented in other



consular course and workshops in support of U.S. citizen services. CA has conducted outreach to victim services providers at annual Victim Services and Law Enforcement conferences.

### Diplomatic Security

Since 2016, DSS has trained thousands of school administrators on improved protection and response measures to protect against child exploitation, conducting approximately 10 training events per year, often in conjunction with the FBI or ICMEC. DSS has conducted law enforcement training conferences, including ICAC and Dallas Crimes against Children.

### International Narcotics and Law Enforcement Affairs Bureau

Since April 2016, the International Law Enforcement Academies (ILEA) have hosted both operationally focused courses and executive level symposia on both child exploitation and human trafficking. In an interactive class, participants in the operationally focused course, which is for mid and senior level officers, at the ILEAs in Bangkok, Budapest, Gaborone, and San Salvador, as well as the Regional Training Center in Accra, receive an overview of U.S. law enforcement's effort to combat these crimes worldwide, including an introduction to the crimes, U.S. laws, terms and definitions, and investigative tools for law enforcement. Launched in 2017, ILEA Roswell also hosts an Executive Policy and Development Symposium on Transnational Organized Crime, Human Trafficking and Child Exploitation; the symposia facilitates how to effectively and strategically develop a comprehensive response to the problems of child exploitation and human trafficking on a global level using various modules, including the U.S. system.

## Department of Health and Human Services



The U.S. Department of Health and Human Services (HHS) enhances the health and well-being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. In 2022, HHS established a Department-wide task force to prevent human trafficking to strengthen services, public engagement and outreach, and data and policy on human trafficking.



### Children's Bureau

The Children's Bureau (CB) partners with federal, state, tribal, and local agencies to improve the overall health and well-being of our nation's children and families. With an annual budget of approximately \$8 billion, the Children's Bureau provides support and guidance to programs that focus on the following:

- Strengthening families and preventing child abuse and neglect
- Protecting children when abuse or neglect has occurred
- Ensuring that every child and youth has a permanent family or family connection



### *Key Programs & Initiatives*

The Children’s Bureau funded the Grants to Address Trafficking within the Child Welfare Population, which provided funding to nine grantees from 2014-2019. The purpose of the grants was to (1) build greater awareness and a better response to the problem of child trafficking in the child welfare population, (2) add to the research base and help systems and service providers as they consider enhancing their practices in the context of limited resources, (3) build internal capacity to work with trafficking victims and engage in outreach to support similar capacity-building efforts in other systems, and (4) build on federal anti-trafficking work.

The Children’s Bureau partnered with the ACF Office of Planning, Research and Evaluation (OPRE) to fund the Domestic Human Trafficking and the Child Welfare Population project, which will help the Children’s Bureau to identify and better assist children and youth served by its programs who are victims of, or are at risk of, domestic human trafficking. The project will summarize current understanding of human trafficking and resources addressing human trafficking in the child welfare population.

### *Accomplishments*

- CB funded the Grants to Address Trafficking within the Child Welfare Population (as described above)
- CB funded the Domestic Human Trafficking and the Child Welfare Population project (as described above)
- CB developed and updated a Human Trafficking section on the Child Welfare Information Gateway<sup>45</sup> that highlights publications and resources and connects concerned individuals to organizations addressing the issue.
- CB continued to fund the Child Welfare Capacity Building Collaborative,<sup>46</sup> a partnership among the Center for States, Center for Tribes, and Center for Courts. This partnership consolidates services previously organized by topical area and geographic region to increase coordination, leverage resources, and provide more strategic service provision. The Center for States provides ongoing support to constituency (or peer-to-peer networking) groups that are responsible for implementing the Preventing Sex Trafficking and Strengthening Families Act’s anti-trafficking provisions and currently has over 300 members. The Center and its partners have also developed resources to help state and territorial child welfare agencies meet the law’s requirements.

### *Trainings & Conferences*

The Children’s Bureau hosted the 21<sup>st</sup> National Conference on Child Abuse and Neglect (NCCAN) in April 2019. The conference offered an exceptional opportunity to connect and learn about efforts underway across the nation to shift the focus of the child welfare system to primary prevention – creating the conditions for strong and thriving families and communities where children are free from harm. The 21<sup>st</sup> NCCAN program included a significant number of offerings focused on the intersection of human trafficking and child welfare, including: *“Thinking Outside the Box: Partnering with Survivor Led Services and the Child Welfare Agency”*, *“The Trafficking Awareness Survey: Collaborative Development, Analysis, and Lessons Learned from a New Instrument”*, and *“A Traumatogenic Social-Ecological Model for*

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<sup>45</sup> <https://www.childwelfare.gov/topics/systemwide/trafficking/acfresources/cbresources/grants/>

<sup>46</sup> <https://capacity.childwelfare.gov/>

*Understanding Child Sex Trafficking: Applicability to Real Life Interventions, Research, and Policy.”*

The Children’s Bureau’s Child Welfare Capacity Building Center for States provided training and technical assistance regarding child welfare agencies’ response to trafficking, particularly with regard to the implementation of the sex trafficking provisions of PL 113-183: The Preventing Sex Trafficking and Strengthening Families Act.<sup>47</sup> This included the development of Learning Experiences on the child welfare agency response to child and youth sex trafficking, and the facilitation of a peer-to-peer constituency group to support states in their implementation of PL 113-183.

### **Family and Youth Services Bureau**



The Family and Youth Services Bureau (FYSB) within the Administration on Children, Youth, and Families (ACYF), supports organizations and communities that work every day to reduce the risk of youth homelessness, adolescent pregnancy, and domestic violence. The youth served by the Runaway and Homeless Youth Program (RHY) have endured traumatic experiences that have forced them to run away or live in the streets putting them at high risk of

multiple victimizations, including commercial sexual exploitation, labor exploitation, sexual assault, and human trafficking. The Adolescent Pregnancy Prevention Program (APP) works with vulnerable youth to build their skills to prevent adolescent pregnancy. APP takes a holistic approach to support state, Tribal, and community efforts to help youth reduce and avoid risks associated with teen sex and other risk behaviors. Family Violence Prevention and Services Act (FVPSA) funds shelter and support services system to adults and their children experiencing domestic or dating violence, serving 1.3 million survivors per year with 300 thousand of those being children.

#### *Key Programs & Initiatives*

FYSB funds the Runaway and Homeless Youth Training and Technical Assistance Center (RHYTTAC) to build the capacity of runaway and homeless youth funded programs to prevent, identify, and develop tailored responses to support runaway and homeless youth (RHY) who are at risk or survivors of exploitation or human trafficking. Through RHYTTAC, FYSB has developed e-learning modules to equip programs with the skills and knowledge to address sex and labor trafficking in RHY settings. Additionally, FYSB has disseminated technical documents, such as Human Trafficking Recruitment of RHY via social media and RHY and labor trafficking to address the impact of human trafficking among RHY. In 2019, FYSB released e-learning modules and resources addressing the intersection of human trafficking and RHY:

- A Resource Guide: Human Trafficking for Runaway and Homeless Youth Programs.
- Human Trafficking in Youth-serving Programs: A Blueprint for Organizations Working with Street Youth, Homeless Youth, and Youth at Risk.

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<sup>47</sup> <https://capacity.childwelfare.gov/courts/topics/preventing-sex-trafficking-and-strengthening-families-act>

- E-Learning Module: Labor Trafficking and Runaway and Homeless Youth.
- E-Learning Module: Sex Trafficking Prevention for Runaway and Homeless Youth Settings.

FYSB also funds the National Communication System for Runaway and Homeless Youth, which is currently operated by the National Runaway Safeline (NRS), to ensure youth in crisis, runaway youth, and youth experiencing homelessness have a 24-hours central place available to contact via phone, text, email, or chat. NRS provides crisis-services interventions and links youth with services or reconnects them with their families by using a national resource database and collaborative efforts with multiple local, state, and national partners. In 2017, the NRS in collaboration with FYSB, published the “*National Runaway Safeline Crisis Contact Report*”, to provide a snapshot of what thousands of youth in crisis face every day and to disseminate data to assist youth-serving organizations in better understanding the importance of runaway prevention and intervention. In 2017, the NRS in partnership with Greyhound expanded their Home Free Program to provide transportation services to runaway and homeless youth victims of commercial sexual exploitation and human trafficking.

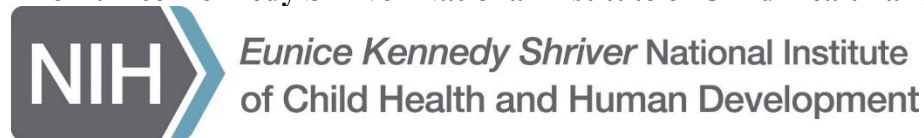
#### *Trainings & Conferences*

FYSB has included workshops and training at their National Grantees Conferences to address the link between child sexual exploitation, human trafficking, and the population served by FYSB programs. Some of the key training topics included:

- Screening processes for youth serving organizations;
- Sex trafficking prevention for RHY settings.
- Labor trafficking prevention among RHY; and
- Fostering local collaborations to serve trafficked youth.

Additionally, FYSB has developed tip sheets, Podcasts, and informational resources addressing sexting, social media, runaway prevention, and sex trafficking recruitment to increase awareness of these issues among youth serving organizations.

#### **The Eunice Kennedy Shriver National Institute of Child Health and Human Development**



The *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD) within the National Institutes of Health explores prevention and treatment strategies to address the leading causes of trauma and injury in children and adolescents, including violence and maltreatment, through its Pediatric Trauma and Critical Illness Branch (PTCIB).<sup>48</sup> PTCIB supports research and training aimed at preventing, treating, and reducing all forms of childhood traumatic injury across the continuum of care, including studies to understand the biobehavioral, psychosocial, and pathophysiologic aspects of trauma; to improve prevention, diagnosis, and

<sup>48</sup> <https://www.nichd.nih.gov/about/org/der/branches/ptcib>

treatment of traumatic injury; and to reduce secondary injury and comorbidities. NICHD also supports research on the prevention of youth violence and bullying.

### *Key Programs & Initiatives*

NICHD funds the CAPSTONE Centers for Multidisciplinary Research in Child Abuse and Neglect, which conduct innovative and high-quality research, including prospective studies examining the long-term effects of understudied types of maltreatment, such as abusive head trauma, medical child abuse, neglect, and chronic sexual abuse. The Centers also examine the neurobiology of abuse and neglect and implications for health outcomes and evaluate screening tools and clinical assessment measures for early identification and treatment of specific types of abuse and neglect to decrease morbidity and mortality and to identify potential comorbidities. The Centers provide opportunities for students and faculty at all levels to be exposed to cutting edge educational tools and technologies, research, and expertise within the field of child maltreatment.

NICHD also funds an initiative calling for Research on Pediatric Trauma and Injury Prevention to encourage multidisciplinary collaborations to target gaps in research on pediatric trauma and injury prevention. Approximately 10 percent of pediatric emergency department visits are due to various forms of physical child abuse. However, the diagnosis of intentional injury is frequently missed due to challenges in distinguishing between intentional and unintentional injuries, both of which may present with bruising, fractures, and other non-specific signs. Projects supported under this initiative develop and refine tools and technologies to improve diagnostic accuracy of abuse related and other childhood injuries and their psychosocial consequences and evaluate the value of pediatric readiness in the emergency care of injured children. Projects also leverage multidisciplinary approaches to develop, test, and disseminate effective communication strategies to foster understandings of child sexual abuse as a preventable public health issue.

NICHD uses the Career Development Research and Training in Child Abuse and Neglect to develop technical and scientific inquiry skills of doctoral-level researchers in professions related to child abuse and neglect that will allow them to pursue independent research careers and to conduct research in the field. The award also provides a mentored research experience in the area of child abuse and neglect for candidates who conduct research in related disciplines to enhance their scientific careers and encourage the application of novel or highly promising interdisciplinary approaches to this field.

NICHD-funded research on youth violence also aims to develop programs to prevent teen dating violence, decrease bullying, address violence at the community level, and explore how violence exposure affects adolescent psychosocial functioning.

### *Trainings & Conferences*

#### **Pediatric Injury Prevention Student Internship Training (INSIGHT)<sup>49</sup>**

INSIGHT is an innovative eight-week program for graduating high school seniors and undergraduate students. It introduces students, including those from underrepresented minority

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<sup>49</sup> <https://reporter.nih.gov/project-details/10200104>

backgrounds to the world of pediatric medicine, clinical research, injury prevention, and trauma care.

#### [Building a Multidisciplinary Pipeline of Researchers in Child Abuse and Neglect](#)<sup>50</sup>

This is an annual multidisciplinary summer research program to provide post-doctoral trainees with critical knowledge in approaches to child maltreatment research to enable them to lead or participate in multi- or transdisciplinary teams that will continue to advance the science in this area. The program also aims to reinforce and enhance ongoing participation in child maltreatment research through follow-up mentoring opportunities. The program trains at least 15 researchers per year.

#### [The Kempe Graduate Summer Program in Child Abuse and Neglect](#)<sup>51</sup>

This annual training program is designed to provide Child Abuse Pediatrics Fellows and other medical and mental health clinicians with the knowledge to conduct clinical research related to child abuse and neglect, as well as to stimulate interest and build expertise among young social science and public health graduate students. To date, a total of 73 students at a variety of levels have been trained through this program.

#### [Mobilizing the Evidence into Best Practices for Reducing Sexual Re-offending](#)<sup>52</sup>

This conference will bring together leading international experts to develop a model treatment program for men who have committed sexual crimes against children. The conference will consist of three sessions covering treatment components, responsivity factors, and context. The final session will focus on developing the model and research design that would be rigorously tested in a subsequent international study. This project will provide an important first step in advancing the prevention of child sexual abuse and other forms of sexual violence and highlights important public health challenges that can only be adequately addressed with more rigorous research on interventions for those who perpetrate or could potentially perpetrate such abuse and violence.

### **Office on Trafficking in Persons**

In 2015, the U.S. Department of Health and Human Services (HHS) established the Office on Trafficking in Persons (OTIP) to address human trafficking by supporting and leading systems that prevent trafficking and protect survivors 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 identification of individuals experiencing human trafficking and their access to services, and strengthen health and well-being outcomes of trafficking survivors. OTIP coordinates anti-trafficking program efforts with other components within HHS and advises the Assistant Secretary for the Administration for Children and Families (ACF) by providing subject-matter expertise and leadership on ACF's anti-trafficking activities. OTIP collaborates with federal partners and other stakeholders to raise public awareness, identify research priorities for ACF's anti-trafficking work, and make policy recommendations to enhance anti-trafficking responses.

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<sup>50</sup> <https://reporter.nih.gov/project-details/9878115>

<sup>51</sup> <https://reporter.nih.gov/project-details/10200872>

<sup>52</sup> <https://reporter.nih.gov/project-details/9835891>

## *Key Programs & Initiatives*

### **Certification and Eligibility Letters**

In accordance with the Trafficking Victims Protection Act (TVPA) of 2000, HHS issues Interim Assistance, Eligibility, and Certification Letters to foreign national minors and adults in the U.S. who may have or have been subjected to a severe form of trafficking in persons, making these individuals eligible to apply for benefits and services to the same extent as a refugee.

### **Trafficking Victim Assistance Program (TVAP)**

TVAP funds trafficking-specific, comprehensive case management services for foreign national minors and adults who have experienced severe forms of trafficking and who have received or are seeking HHS Certification or Eligibility. These grantees assist foreign national minors and adults who have experienced human trafficking to access federal and state benefits and services, including but not limited to housing services, mental health services, medical services, and legal services.

### **Domestic Victims of Human Trafficking (DVHT) Program**

DVHT funds comprehensive case management services to domestic (U.S. citizen and legal permanent resident) adult and minor victims of sex and labor trafficking.

### **Human Trafficking Youth Prevention Education (HTYPE) Demonstration Program**

HTYPE funds local education agencies to develop and implement programs to prevent human trafficking victimization through the provision of skills-based human trafficking training and education for school staff and students. Recipients also create a Human Trafficking School Safety Protocol to address the safety, security, and well-being of staff and students and to define the proper and effective role of school staff in responding to potential and confirmed cases of human trafficking.

### **SOAR to Health and Wellness Training Demonstration Program (SOAR)**

SOAR funds service delivery, expansion of local continuums of care, and capacity building aimed at equipping professionals in clinical health and social service settings to identify, treat, and respond to patients and clients impacted by human trafficking.

### **National Human Trafficking Hotline (NHTH)**

NHTH is a 24/7, confidential, multilingual national hotline for people who are experiencing or have experienced human trafficking and for witnesses of human trafficking.

### **National Advisory Committee on the Sex Trafficking of Children and Youth in the United States**

The National Advisory Committee on the Sex Trafficking of Children and Youth in the U.S. advises the Attorney General and the Secretary of Health and Human Services on the nation's response to trafficking. The Committee was created in consultation with DOJ and the National Governor's Association per the Preventing Sex Trafficking and Strengthening Families Act.



### Look Beneath the Surface Public Awareness and Outreach Campaign

Through the LBS campaign, OTIP works with grantees and partners to raise awareness of human trafficking among diverse individuals and communities, increase knowledge of and access to resources, encourage help-seeking behaviors, and inform professionals and advocates about how to identify the factors that place certain populations at a higher risk for trafficking.

### National Human Trafficking Training and Technical Assistance Center (NHTTAC)

NHTTAC delivers training and technical assistance (T/TA) to inform and enhance the public health response to human trafficking. By applying a public health approach, NHTTAC holistically builds the capacity of communities to identify and respond to the complex needs of survivors of human trafficking and address the root causes that make individuals, families, and communities vulnerable to trafficking.

### *Accomplishments*

From FY 2017 to FY 2021, HHS issued 3,680 eligibility letters to foreign national minor victims of human trafficking and 2,206 certification letters to foreign national adult victims of human trafficking. In FY 2021, HHS OTIP saw substantial growth in both the number of requests for assistance received on behalf of (2,178 as compared to 907 the prior fiscal year, a 140 percent increase), and the number of eligibility letters issued to, foreign national minor victims of human trafficking (1,143 as compared to 673 the prior fiscal year, a 70 percent increase).

From FY 2017 to FY 2021, HHS OTIP grant recipients identified and served 141,407 potential or confirmed victims of human trafficking and their qualified family members through the now sunset LBS Program (2,828 potential victims identified, of whom 247 were minors), DVHT Program (4,323 potential victims served), TVAP Program (6,852 victims served, of whom 1,122 were minors, and their 3,677 qualified family members), and the NHTH (123,727 potential victims identified). During the same time period, the NHTH identified 53,372 potential trafficking cases, of which 12,872 referenced minors. In FY 2021, 11 DVHT grant recipients served 829 domestic victims of human trafficking and a TVAP network of 203 providers located in 201 cities, 40 states, the District of Columbia, and 1 territory assisted 2,047 foreign national victims of trafficking and their 1,414 qualified family members. Of TVAP clients served in FY 2021, 1,538 were adults and 509 were minors.

OTIP has observed a steady increase in the number of minor victims served through TVAP. Between FY 2019 and FY 2020, in particular, OTIP observed a 113 percent increase in the number of minors served through TVAP. Accordingly, in FY 2022, OTIP established a new grant program, the Aspire: Child Trafficking Victim Assistance Demonstration Program, to provide national coverage of comprehensive case management and other supportive services to foreign national children, with a new cohort of grant recipients delivering services in FY 2023.

The NHTH identified 10,983 potential trafficking cases involving 17,460 potential victims in FY 2021. Approximately 13,538 signals were received directly from potential victims in FY 2021 and more than 2,500 potential trafficking cases (2,517) referenced minors.

OTIP launched the Human Trafficking Youth Prevention Education (HTYPE) demonstration grant program in FY 2021. These grants target primary and secondary education students,



teachers, and school administrators, resource officers, and health care professionals to engage to inform educational staff on how to recognize and respond to signs of labor and sex trafficking and provide age-appropriate information to students. During the first year of the HTYPE program, grant recipients worked closely with OTIP staff to develop their HTYPE school-specific curricula and to establish human trafficking school safety protocols (HTSSPs). Grant recipients began implementing HTYPE in FY 2022.

In 2022, HHS established the HHS Task Force to Prevent Human Trafficking to increase departmental coordination and collaboration and facilitate implementation of the National Action Plan to Combat Human Trafficking and related strategies. The Task Force is co-chaired by the Assistant Secretary for Children and Families and the Assistant Secretary for Health and includes representation from over 20 divisions and offices within HHS.

The National Advisory Committee on the Sex Trafficking of Children and Youth in the United States (Committee) released the following two reports:

- Best Practices and Recommendations Report: The Committee released [Preliminary Recommendations to Strengthen the Nation’s Response to the Sex Trafficking of Children and Youth in the United States](#) (PDF) in January 2019. In the preliminary recommendations, the Committee noted that “to effectively address the sex trafficking of children and youth, states must adopt a comprehensive approach that prioritizes trauma-informed practices to meeting victims’ needs as well as ensuring offender accountability.” In September 2020, the Committee released its full report of recommended best practices, [Best Practices and Recommendations for States](#) (PDF), which contains recommendations across 12 sections making up a comprehensive response. The report has a dedicated section on child welfare with 19 recommendations, supporting resources, and examples that states may consult as they work to improve their response to the sex trafficking of children and youth.
- State Self-Assessment Survey Report: In March 2021, the Committee released its [State Self-Assessment Survey](#) for each state to assess their work to address the sex trafficking of children and youth. In January 2022, the Committee released its most recent report, [Preliminary State Self-Assessment Survey Overview](#) (PDF), which provides a high-level summary and descriptions of state efforts to implement the recommendations of the Committee.

HHS’ SOAR to Health and Wellness training (SOAR) equips health and social services professionals with the knowledge and skills to identify, treat, and respond to human trafficking in trauma-informed, culturally responsive, and patient-centered ways. This three-tiered training program employs a public health approach and provides distinct offerings for individuals, organizations, and communities through a variety of formats.

In FY 2020-2022, HHS continued to host and expand SOAR *Online* training on the TRAIN Learning Management System. These offerings were expanded to include the following new modules:

- Disaster Management: Preventing and Responding to Human Trafficking

- SOAR for Sexual Assault Nurse Examiners (SANE)
- Ethical Considerations: Working with Individuals Who Have Experiencing Trafficking
- Universal Education and Screening
- Working with Foreign National Minors Who Have Experienced Trafficking
- Responding to Human Trafficking Through the Child Welfare System

In FY 2020, HHS conducted 91 unique training and technical assistance (T/TA) events that reached 50,493 training participants through its National Human Trafficking Training and Technical Assistance Center (NHTTAC). Of those, there were 37 SOAR-specific events that reached 48,889 training participants. In FY 2021, HHS conducted 165 unique T/TA events that reached 118,859 training participants through NHTTAC. Of those, there were 46 SOAR-specific T/TA events that reached 115,027 training participants.

In 2019, HHS launched Shepherd, an online case management system, for individuals to report human trafficking and request assistance securely and efficiently on behalf of foreign national minor and adult victims of severe forms of trafficking. In addition to providing a secure, streamlined way for individuals to request assistant for victims of human trafficking, Shepherd improves the quality and use of data to inform evidence-based victim assistance and prevention programming

In 2019, HHS initiated efforts to develop the National Human Trafficking Prevention Framework and Action Plan outlining strategies and approaches to strengthen human trafficking prevention across the United States. In response to a public Request for Information calling for diverse perspectives on how to accomplish this objective, HHS received information on more than 200 existing prevention program activities. HHS will release the Prevention Action Plan in 2023 and using a collective impact strategy grounded in HHS’ principles of violence prevention, will call for partners across all levels of government, nonprofits and NGOs, and for-profit sectors to join this effort to combat human trafficking victimization in the United States.

## Operation HOPE

### ***Operation HOPE Kansas***

In November 2018, the HHS Office of Investigation initiated Operation HOPE (Helping Oppressed People Escape) efforts to find children missing from foster care, including those at high risk for human trafficking. The project was created to ensure the safety and well-being of foster children and to identify and eliminate waste, fraud, and abuse occurring within state-administered foster care. HHS located 18 missing Kansas foster children during a joint operation with several federal and local investigative agencies.

### ***Operation HOPE Missouri***

Following the success of Operation HOPE Kansas, the HHS Office of Investigation launched a similar operation in August 2019. More than 100 federal, state, and local law enforcement officers conducted another operation in Missouri. The operation resulted in successfully locating 24 youth, ages 13 to 17, who were missing from care. Five individuals were arrested, and 23 additional investigations were opened, including four investigations of human trafficking. HHS OTIP provided technical assistance to support the effort.

## *Trainings & Conferences*

### Core Competencies for Human Trafficking Response in Health Care and Behavioral Health Systems

The Office on Trafficking in Persons released a report titled “Core Competencies for Human Trafficking Response in Health Care and Behavioral Health Systems.” These core competencies were developed in partnership with HEAL Trafficking, the International Centre for Missing & Exploited Children, the National Association of Pediatric Nurse Practitioners over a 3-year process. These core competencies were developed by engaging individuals with lived experience in human trafficking, health care and behavioral health practitioners, and other HHS partners to establish a comprehensive list of skill sets that health care and behavioral health practitioners should acquire to identify, respond to, and serve individuals impacted by human trafficking.

### Child Eligibility Training

To expand the understanding of human trafficking dynamics, available resources, and statutory reporting requirements, HHS provides regular public online and in-person trainings to help potential trafficking victims and anti-trafficking advocates understand the resources available to foreign national minor victims of severe forms of trafficking and the process to request assistance on their behalf in accordance with the TVPA of 2000, as amended.

### National Roundtable on Safeguarding Children and Prevention Education

In 2019, the McCain Institute for International Leadership at Arizona State University and HHS co-hosted the National Roundtable on Safeguarding Children and Prevention Education. The National Roundtable was the second in a series focused on strengthening human trafficking prevention education for children and youth by supporting dialogue between nongovernmental and governmental stakeholders.

## U.S. Postal Inspection Service



The mission of the U.S. Postal Inspection Service (USPIS) is to support and protect the U.S. Postal Service and its employees, infrastructure, and customers; enforce the laws that defend the nation’s mail system from illegal or dangerous use; and ensure public trust in the mail. The Postal Inspection Service was the first federal law enforcement agency to aggressively identify, target, and arrest those who produce and traffic in child pornography. The use of the mail to illegally transport child exploitation material, or otherwise facilitate the sexual exploitation of children, undermines the integrity of our nation’s mail system. Failure to safeguard our postal customers’ most precious resource—their children—not only endangers young victims, but also debases the postal brand and erodes trust in the mail. For more than a century, the U.S. Postal Inspection Service has investigated the sexual exploitation of children when it involves the U.S. Mail and is recognized as a leading law enforcement agency in the battle to identify and prosecute individuals who sexually exploit children. Many child exploitation cases now involve

Postal Inspectors protecting children from being exploited via the mail by a sexual predator they met online.

#### *Key Programs & Initiatives*

The Postal Inspection Service (USPIS) has held a position at the National Center for Missing & Exploited Children (NCMEC), a private, nonprofit, 501(c)(3) organization, for approximately 15 years. The USPIS representative's responsibilities include: handling all evidence submissions by law enforcement agencies under NCMEC's Child Victim Identification Program (CVIP); coordinating all activities related to the Deliver Me Home program; serving as the primary point of contact between NCMEC and Postal Inspectors throughout the country; and performing other duties as assigned. In CVIP, the representative assigned to NCMEC receives and coordinates the thousands of requests by law enforcement for a review of images for known and/or newly identified victims. In the last five (5) years, the representative assigned to NCMEC has received and logged more than 11,328 separate federal, state, and local submissions of potential child sex abuse material (CSAM) and has processed 105 requests to distribute missing children posters to Post Offices.

Since 2004, the Postal Inspection Service representatives have handled over 43,133 submissions and processed over 250 requests to distribute missing children posters to Post Offices. "Deliver Me Home" is a joint program of NCMEC, the Postal Inspection Service, and the United States Postal Service. Postal Inspectors coordinate activities with NCMEC and Postal Service groups to share resources in locating abducted or missing children. In its current form, Deliver Me Home is a lobby poster program, which allows managers at NCMEC's Missing Children's Division to request displays of missing and abducted children posters in the lobbies of all Post Offices within a given geographic area. These posters are provided to the appropriate Post Offices to be seen by the letter carriers who deliver to the routes where a child is believed to be located, in the event they may see or recognize the missing child within their community. More than 105 requests to distribute posters have been processed in the last five (5) years. Since the program began in September 2004, at least 54 children have been located.

#### *Accomplishments*

Since the enactment of the Sexual Exploitation of Children Act of 1977, Postal Inspectors have arrested over 5,600 child pornographers who used the mail to traffic child pornography and/or sexually exploit a child. Over the last five (5) years, Postal Inspectors have arrested 54 suspects related to child pornography and/or child exploitation.

The USPIS has access to NCMEC's CyberTipline reporting system to review pertinent reports involving child exploitation and the U.S. Mail. These reports are then referred to Postal Inspectors in the field for further action. In the last five (5) years, the Postal Inspection Service reviewed 257 CyberTip reports, 109 of which were referred to field Inspectors for further investigation.

## Appendix D: Government-Funded Research on Child Exploitation

The PROTECT Act requires that this report review DOJ-funded research regarding child exploitation. Below are lists of completed research, research still-in-progress, and awards granted for research related to child exploitation. The inclusion of any study or research project listed here does not indicate whether the DOJ or other agencies endorse the findings and conclusions of these studies.

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**Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases**

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NCJ 250688, Office of Juvenile Justice and Delinquency Prevention [PDF](#)

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NCJ 252671, Office of Juvenile Justice and Delinquency Prevention, June 2019 [PDF](#)

The Ashlynnne Mike AMBER Alert in Indian Country Act (Pub. L. 115–166) amends the PROTECT Act (Pub. L. 108–21) to reauthorize the AMBER Alert grant program. The legislation calls for a report to Congress with an assessment of the readiness, education and training needs, technological challenges, and specific obstacles encountered by tribes in the



integration of state or regional AMBER Alert communication plans. This report includes a national assessment, conducted by the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention's (OJJDP's) AMBER Alert Training and Technical Assistance program, that consists of two separate surveys. The first survey, National Survey of Federally Recognized Tribes, focused on responses directly from federally recognized American Indian tribes. The second survey, National Survey of State AMBER Alert Coordinators, includes feedback from state AMBER Alert coordinators who have at least one federally recognized tribe within their state.

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#### Notable Research: A Typology of Offenders Engaging in the Sex Trafficking of Juveniles (STJ): Implications for Risk Assessment.

Hargreaves-Cormany, H.A., Patterson, T.D.; Muirhead, Y.E., *Aggression & Violent Behavior*. September 2016 (8 pages) [LINK](#)

Latent class analyses (LCAs) were conducted on 117 STJ offenders with data derived from protocols including demographics of the offenders and victims and various aspects of the nature of the criminal act(s) perpetrated by the offender focused upon the STJ offense(s). The LCA indicators were the STJ Scales measuring Criminal History Severity, Violence Severity, Criminal Sophistication and Charismatic Offender Behavioral Style. The second author's expertise from the field and interviews with victims and offenders were utilized to substantiate the findings. Two broad types of STJ offenders emerged: 1-Aggressive/Antisocial and 2-Charismatic/Manipulative with subtypes. The STJ Risk Scale scores suggested that Violent Charismatic/Manipulative STJ Offenders posed the greatest danger to society. Enhanced understanding of STJ offenders especially in regard to risk assessment may result in reduction of harm to juveniles.

#### Characteristics of survivors of juvenile sex trafficking: Implications for treatment and intervention initiatives

Hargreaves-Cormany, H.A.; Patterson, T.D., *Aggression & Violent Behavior*, September 2016, (8 pages) [LINK](#)

#### Investigative aspects of crossover offending from a sample of FBI online child sexual exploitation cases

Owens, J.N., Eakin, J.D.; Hoffer, T., Muirhead, Y.E., Shelton, J.E., *Aggression & Violent Behavior*, September 2016, (11 pages) [LINK](#)

#### Online child sexual exploitation: An investigative analysis of offender characteristics and offending behavior

Shelton, J.E., Eakin, J.D., Hoffer, T. Muirhead, Y.E., Owens, J.N, *Aggression & Violent Behavior*, September 2016, (8 pages) [LINK](#)

#### Undercover chatting with child sex offenders.

Fowler, M. J., Lybert, K.A., Owens, J.N., Waterfield, J.M., *FBI Law Enforcement Bulletin*, August 2020, (5 pages) [LINK](#)

**National Institute of Health (NIH) & National Institute of Child Health & Human Development (NICHD)**

**Generalizing findings from a randomized controlled trial to a real-world study of the *iLookOut*, an online education program to improve early childhood care and education providers' knowledge and attitudes about reporting child maltreatment**

Chengwu Yang, Carlo Panlilio, Nicole Verdiglione, Erik B. Lehman, Robert M. Hamm, Richard Fiene, Sarah Dore, David E. Bard, Breanna Grable, Benjamin Levi, January 2020, NIH-Sponsored Journal [LINK](#)

**The Perfect Storm: Hidden Risk of Child Maltreatment During the Covid-19 Pandemic**

Christina M Rodriguez, Shawna J Lee, Kaitlin P Ward, Doris F Pu, December 2020, NIH-Sponsored Journal [LINK](#)

**National Institute of Justice (Reports Submitted by NIJ Grantees)**

**Assessing the Under-Reporting of Minor Victim Sex Trafficking**

NCJ 253456, Deborah Gibbs; Marianne Kluckman; Stephen Tueller; Natasha Latzman, December 2018, NIJ-Sponsored, (29 pages).

[PDF NCJRS Abstract](#)

**Capturing Human Trafficking Victimization Through Crime Reporting**

NCJ 252520, Amy Farrell; Meredith Dank; Matthew Kafafian; Sarah Lockwood; Rebecca Pfeffer; Andrea Hughes; Kyle Vincent, 2018, NIJ-Sponsored, (41 pages).

[PDF NCJRS Abstract](#)

**A Case Study of K-12 School Employee Sexual Misconduct: Lessons Learned from Title IX Policy Implementation**

NCJ 252484, Billie-Jo Grant; Stephanie B. Wilkerson; deKoven Pelton; Anne Cosby; Molly Henschel, September 2017, NIJ-Sponsored, (75 pages).

[PDF NCJRS Abstract](#)

**Childrens' Allegations of Sexual Abuse in Criminal Trials: Assessing Defense Attacks on Credibility and Identifying Effective Prosecution Methods**

NCJ 254627, S. N. Stolzenberg, February 2020, NIJ-Sponsored (35 pages)

[PDF NCJRS Abstract](#)

**Evaluation of a Service Provision Program for Victims of Sex Trafficking**

NCJ 253459, Emily F. Rothman; Megan Bair-Merritt; Amy Farrell, March 2019, NIJ-Sponsored, (27 pages).

[PDF NCJRS Abstract](#)

**Failure to Appear: Domestic Minor Sex Trafficking Victims Experience with the Juvenile Justice System and their Readiness to Change**

NCJ 253457, M. Alexis Kennedy; Andrea N. Cimino; Michele R. Decker, January 2019, NIJ-Sponsored, (16 pages).

[PDF NCJRS Abstract](#)

**Notable Research: An Empirical Analysis of the Intersection of Organized Crime and Human Trafficking in the United States**

NCJ 250955, Vanessa Bouché, April 2017, NIJ-Sponsored, (128 pages).

[PDF NCJRS Abstract](#)

Searches of federally prosecuted human trafficking cases in the United States indicate that there were 862 such cases between 2000 and 2015, involving 2,096 defendants. A total of 1,227 (58 percent) of the defendants operated as part of an organized criminal group. Of the cases in which organized crime groups were engaged, 34 percent involved sex trafficking of both adults and minors; 24 percent were engaged only in sex trafficking of minors; 18 percent engaged in labor trafficking that did not involve commercial sex; and 17 percent engaged only in sex trafficking of adults... (the study proposes) Seven recommendations (to) address the criminal justice community and other policymakers.

**Human Trafficking Organizations and Facilitators: A Detailed Profile and Interviews with Convicted Traffickers in the United States**

NCJ 251171, Michael Shively; Kamala Smith; Sarah Jalbert; Omri Drucker, March 2016, NIJ-Sponsored, (23 pages).

[PDF NCJRS Abstract](#)

**Information Sharing and the Role of Sex Offender Registration and Notification**

NCJ 254680, Andrew J. Harris, Kimberly Kras, Christopher Lobanov-Rostovsky, Qurat Ann, April 2020, NIJ-Sponsored, (182 pages).

[PDF NCJRS Abstract](#)

**Nature and Extent of Gang Involvement in Sex Trafficking in San Diego County**

NCJ 249857, Ami Carpenter; Jamie Gates, January 2016, NIJ-Sponsored, (170 pages).

[PDF NCJRS Abstract](#)

**Polyvictimization Prevalence Rates for Sexual and Gender Minority Adolescents: Breaking Down the Silos of Victimization Research**

NCJ 251353, Paul R. Sterzing; Jeffrey Edleson; Aaron Fisher; Rachel E. Gartner, March 2017, NIJ-Sponsored, (16 pages).

[PDF NCJRS Abstract](#)

**Researcher-Survivor Formative Evaluation of San Francisco's Anti-Human Trafficking Task Forces: Analysis of San Francisco Police Department Incident Reports**

NCJ 254004, Alexandra Lutnick; Minh Dang, August 2018, NIJ-Sponsored, (47 pages).

[PDF NCJRS Abstract](#)

**Sex Trafficking of Minors: The Impact of Legislative Reform and Judicial Decision Making in Metropolitan and Non-Metropolitan Communities**

NCJ 254003, Jennifer Cole; Ginny Sprang, September 2018, NIJ-Sponsored, (12 pages).

[PDF NCJRS Abstract](#)

**Notable Research: Prosecution of Child Sexual Abuse: A Partnership to Improve Outcomes**

NCJ 252768, Stephanie D. Block; Linda M. Williams, February 2019, NIJ-Sponsored, (30 pages).

[PDF NCJRS Abstract](#)

The study found that a small proportion of the CSA cases examined (less than one in five) reached the prosecution stage. Approximately half of those cases resulted in a conviction or guilty plea. An important predictor of a case moving toward prosecution was non-offending caregiver support of the child. New strategies for supporting caregivers and psycho-educational approaches designed to emphasize the importance of believing/supporting the child are needed. Another suggestion is to connect caregivers with other caregivers who have been involved in a CSA case...The project continues to work on developing guidelines and suggestions for innovation in prosecuting CSA cases, building on the partnerships developed in conducting this research. This report notes that these efforts will require that multidisciplinary teams develop action plans and evaluate their impact.

**Articles Published by NIJ-Funded Researchers in Peer-Reviewed Journal**

**Applying General Strain Theory to Youth Commercial Sexual Exploitation**

NCJ 249965, J. A. Reid; A. R. Piquero, March 2016, NIJ-Sponsored Journal Article, (27 pages).

[NCJRS Abstract](#)

**Delay in Disclosure of Non-parental Child Sexual Abuse in the Context of Emotional and Physical Maltreatment: A Pilot Study**

NCJ 251247, S. M. Tashjian; D. GoldFarb; G. S. Goodman; J. A. Quas; R. Edelstein, August 2016, NIJ-Sponsored Journal Article, (11 pages). [NCJRS Abstract](#)

**Human Trafficking and the Child Welfare Population in Florida**

NCJ 252056, Deborah A. Gibbs; Alana M. Henninger; Stephen J. Tueller; Marianne N. Kluckman, May 2018, NIJ-Sponsored Journal, (10 pages). [NCJRS Abstract](#)

Cole, J. and G. Sprang (2019). "Safe Harbor Law: Pre- to Post-Implementation Change in Service Providers' Knowledge and Response to Sex Trafficking of Minors." *Journal of Crime & Justice*. Grant 2015-MU-MU-0009. [Abstract](#)

Cross, T. P. and T. Schmitt (2019). "**Forensic Medical Results and Law Enforcement Actions Following Sexual Assault: A Comparison of Child, Adolescent and Adult Cases.**" *Child Abuse & Neglect* 93: 103-110. Grant 2011-WG-BX-0005. [Abstract](#)

Denne, E., et al. (2019). "**Assessing Children's Credibility in Courtroom Investigations of Alleged Child Sexual Abuse: Suggestibility, Plausibility, and Consistency.**" *Child Maltreatment*. Grant 2016-R2-CX-0050. [Abstract](#)

Falkenbach, D. M., et al. (2019). "**Sexual Abuse Within Employment Settings: A Comparison of Work-Related, Intra- and Extra-Familial Child Molesters.**" *Sexual Abuse-a Journal of Research and Treatment* 31(5): 524-542. Grant 2007-IJ-CX-0037. [Abstract](#)

Gewirtz-Meydan, Ateret (2020). "**The Relationship Between Child Sexual Abuse, Self-Concept and Psychopathology: The Moderating Role of Social Support and Perceived Parental Quality**" *Children and Youth Services Review* 113. NCJ 255842. Abstract

Gewirtz-Meydan, Ateret and David Finkelhor. (2019). "**Sexual Abuse and Assault in a Large National Sample of Children and Adolescents.**" *Child Maltreatment* 25(2): 203-214. NCJ 255843. [Abstract](#)

Grant, B. J., et al. (2019). "**Passing the Trash: Absence of State Laws Allows for Continued Sexual Abuse of K-12 Students by School Employees.**" *Journal of Child Sexual Abuse* 28(1): 84-104. Grant 2015-CK-BX-0009. [Abstract](#)

Grant, B. J. E., et al. (2019). "**Title IX and School Employee Sexual Misconduct: How K-12 Schools Respond in the Wake of an Incident.**" *Educational Administration Quarterly* 55(5): 841-866. Grant 2015-CK-BX-0009. [Abstract](#)

Henschel, M. M. and B. J. Grant (2019). "**Exposing School Employee Sexual Abuse and Misconduct: Shedding Light on a Sensitive Issue.**" *Journal of Child Sexual Abuse* 28(1): 26-45. Grant 2015-CK-BX-0009. [Abstract](#)

Khan, B., et al. (2018). "**Agency and Social Constraint Among Victims of Domestic Minor Sex Trafficking: A Method for Measuring Free Will.**" *Social Science Research* 76: 144-156. Grant 2005-LX-FX-0001. [Abstract](#)

Latzman, N. E., et al. (2019). "**Human Trafficking Victimization Among Youth Who Run Away from Foster Care.**" *Children and Youth Services Review* 98: 113-124. Abstract 2012-IJ-CX-0025. [Abstract](#)

Reed, S. M., et al. (2019). "**Friends, Family, And Boyfriends: An Analysis of Relationship Pathways into Commercial Sexual Exploitation.**" *Child Abuse & Neglect* 90: 1-12. Grant 2015-VF-GX-0064. [Abstract](#)



Rothman, E. F., et al. (2018). "Ethical and Practical Considerations for Collecting Research-Related Data from Commercially Sexually Exploited Children." *Behavioral Medicine* 44(3): 250-258. Grant 2014-R2-CX-0005. [Abstract](#)

Rothman, E. F., et al. (2019). "Evaluation of a Multi-Session Group Designed to Prevent Commercial Sexual Exploitation of Minors: The "My Life My Choice" Curriculum." *Journal of Interpersonal Violence*. Grant 2014-R2-CX-0005. [Abstract](#)

Rothman, E. F., et al. (2020). "A Longitudinal Evaluation of a Survivor-Mentor Program for Child Survivors of Sex Trafficking in the United States." *Child Abuse & Neglect* 100. NCJ 254541. [Abstract](#)

## Office of Juvenile Justice and Delinquency Prevention (OJJDP)

### Notable Research: Kilah Davenport Child Protection Act of 2013: 2020 Report to Congress

NJC 255614, Association of Prosecuting Attorneys' Child Abuse Prosecution Project, March 2021, OJJDP-Sponsored (263 pages) [PDF](#)

This statutory compilation report provides the "congressional judiciary committees with information on the penalties for violations of laws prohibiting child abuse in each of the 50 states, the District of Columbia, and each U.S. territory, including whether the laws of that jurisdiction provide for enhanced penalties when the victim has suffered serious bodily injury or permanent or protracted loss or impairment of any mental or emotional function.

### Safe Harbor Laws: Changing the Legal Response to Minors Involved in Commercial Sex Phase 1: The Legal Review

NJC 253146, S. V. Gies; A. Bobnis; M. Cohen; M. Malamud, February 2018, OJJDP-Sponsored (44 pages)

[PDF NCJRS Abstract](#)

### Phase 2: The Quantitative Analysis

NJC 253225, S. V. Gies; E. B. Healy, A. Bobnis; M. Cohen; M. Malamud, December 2018, OJJDP-Sponsored (37 pages)

[PDF NCJRS Abstract](#)

### Phase 3: The Qualitative Analysis

NJC 253244, B. Green; S. V. Gies; E. B. Healy; A. Bobnis, December 2018, OJJDP-Sponsored (29 pages)

[PDF NCJRS Abstract](#)

### Youth Involvement in the Sex Trade: A National Study

NJC 249952, R. Swaner; M. Labriola; M. Rempel; A. Walker; J. Spadafore, March 2016, OJJDP-Sponsored (166 pages)

[PDF NCJRS Abstract](#)

**Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)**

**Sex Offender Registration and Notification Laws Around the World (2022)**

NCJ 305140, April 2022, SMART-Sponsored (225 pages)

[PDF NCJRS Abstract](#)

**Sex Offender Registration and Notification Policies: Summary and Assessment of Research on Claimed Impacts to Registered Offenders**

NCJ 255959, M. Flattery; W. N. Noel, October 2020, SMART-Sponsored (12 pages)

[PDF NCJRS Abstract](#)

**Sex Offender Registration and Notification Act: Implementation Challenges for States - Summary and Assessment of Research**

NCJ 255960, M. Brock; W. N. Noel, October 2020, SMART-Sponsored (42 pages)

[NCJRS Abstract](#)

**National Institute of Justice (NIJ)-Funded**

*DeepPatrol: Finding Illicit Videos for Law Enforcement*, awarded to the University of Rhode Island in 2016. With recent developments in communication and storage technologies, facilitating the proliferation of illicit media, law enforcement agents must analyze overwhelming amounts of data in child pornography investigations. There have been attempts at automated child pornography detection using established computer vision and machine learning techniques, but these approaches had limited success in identifying children. In the past two years, the computer vision and machine learning research community has developed effective 'deep learning' techniques that, if applied to the child pornography detection problem, would yield dramatic improvement in accuracy. This proposal addresses the problem of automatically detecting child pornography in videos, through the development of research in convolutional neural networks, a powerful deep learning model. This project will result in the development of DeepPatrol, an innovative software tool to assist law enforcement agencies in investigating child pornography cases that will be designed to fit into typical law enforcement practices and workflows. DeepPatrol will be released free to law enforcement organizations.

*Estimating the Prevalence of Trafficking Among Homeless and Runaway Youth Age 14-25 in Metro Atlanta*, awarded to the Georgia State University Research Foundation in 2016. The 2015 Trafficking in Persons report indicates that children in the child welfare and juvenile justice system, runaway and homeless youth, and lesbian, gay, bisexual, and transgender (LGBT) individuals are among the most vulnerable for trafficking. This research builds on the 2015 Atlanta, Georgia effort to describe and estimate the size of the homeless and runaway youth population aged 14-25 in metro-Atlanta, by improving the measurement of the youth's sex and labor trafficking experiences and contact with law enforcement; and utilizing these data to improve law enforcement and social service policies and practices. This research aims to: 1) estimate the prevalence of sex and labor trafficking among homeless and runaway youth in the

Atlanta-metro area through capture-recapture estimation, and 2) understand the structure of the underground sex economy.

*Advanced learning techniques for detection of contraband video*, awarded to New York University in 2016. The ease of access, relative anonymity, and the borderless nature of the internet has made child pornography a problem for governments and law enforcement officials around the world. Despite the existence of a great many laws worldwide that prohibit both possession and distribution of such content, it has proven to be extremely difficult to curtail on-line storage and distribution of child pornography. This project aims to design and implement novel algorithms for detecting contraband video. The project involves an academic researcher, as well as an experienced practitioner and an industry specialist. The proposed research is directed at two closely related goals: 1) identifying whether a given video contains nudity and 2) determining whether the video has children as subjects. To achieve these goals, tools and algorithms will be developed based on the PI's prior experience with image data and recent machine learning techniques and 3D reconstruction techniques that can be used with video data. The algorithms developed to solve these problems will be implemented in a software toolkit and evaluation will be done with realistic test cases developed in collaboration with the Department of Homeland Security, Child Exploitation Investigations Unit, and Griffeye software. Griffeye is a provider of the world's premier intelligence and visual big data platform for collecting, processing, analyzing, visualizing, and managing images and videos.

*Indicators of Sex Trafficking in Online Escort Ads*, awarded to Justice Research and Statistics Association in 2017. The goal of this research is to create a practical guide for police and prosecutors that use escort ads as evidence to refer to in analyzing these advertisements more efficiently, and as a basis for jury instructions regarding ads as evidence during prosecution of internet-facilitated sex trafficking cases. To accomplish this goal, the applicant plans to 1) investigate whether there are indicators that differentiate online escort ads related to sex trafficking with non-trafficking sex work ads; and 2) to determine which specific indicators or combination of indicators are most likely to predict whether the ad represents a case of sex trafficking, broken down by age (minor vs. adult), region, and type of sex trafficking. Recommendations will be made about how and when escort ads are most useful in identifying trafficking cases, and which indicators or combination of indicators are most likely to identify a case of human trafficking if present in an ad.

*Combating Human Trafficking Using Structural Information in Online Review Sites*, awarded to Georgia Tech Applied Research Corporation in 2018. The research will develop a prototype tool that will better identify cases of likely victims of human trafficking and those who victimize them using machine learning and social network analysis. The project will result in a significant new capability for law enforcement. The project specifically focuses on detecting and differentiating child and adult victims. The resulting prototype will allow law enforcement to search and prioritize 1) trafficking cases by victim and 2) trafficking by specific johns. GTARC and the Georgia Tech College of Computing are partnering with the DeKalb County Police Department.

*An Object-Centric Approach for Image Analysis to Combat Human Trafficking*, awarded to The George Washington University in 2018. This project aims to develop novel approaches to index

and search imagery, and to deploy these in a prototype search tool with a focus on fighting human trafficking. This tool will be an enhanced version of the TraffickCam system that GWU is already developing for law enforcement. TraffickCam consists of a large database of hotel room photographs and an Artificial Intelligence-based platform for law enforcement to compare victim photographs to the photographs in that database to determine the hotel where a victim was photographed. This research seeks to address user input on ways that the tool could better align with their investigative approaches, including searching with a smaller part of the victim photograph, such as a particular object that seems unique; more easily understood explanations of why the AI system returned a specific result; and ability to determine where a victim was photographed even if the hotel has been renovated since the photograph was captured.

*A National Evaluation of Internet Crimes Against Children Task Force Training*, awarded to WestEd's Justice and Prevention Research Center in partnership with the Center for Cybercrime Investigation and Cybersecurity in 2018. The evaluation will inform the improvement of trainings designed to support ICAC task forces in their efforts to investigate and prosecute ICAC cases. The researchers have completed the planning phase aimed at gaining a better understanding of the task force training context to ensure the evaluation is appropriate and relevant. The scope of the evaluation includes assessment of ICAC training designs, implementation, outcomes, and costs. Over the course of the evaluation, this study will contribute to the limited research base on the quality of trainings to support law enforcement in investigating ICAC cases to inform both practice and policy as ICAC training programs are developed and refined.

*Identify, Respond, Prevent: Addressing Human Trafficking among Juvenile Justice- and Child Welfare-Involved Youth*, awarded to the Research Triangle Institute in 2018. This study will expand on previous data analyses conducted by a NIJ-funded project examining human trafficking allegations investigated by the Florida child welfare agency. This project will use matched juvenile justice and child welfare data lifetime records for all youth born between 1996 and 2002 who were served by either system in Florida, building lifetime histories for a 7-year birth cohort of youth involved in either or both systems. The resulting analytic data set will include more than 6,000 human trafficking allegations involving more than 4,500 youth. This study will extend our understanding of human trafficking by analyzing the lifetime trajectories of system-involved youth by examining relationships among trafficking victimization, youth characteristics, and experiences in the juvenile justice and child welfare systems.

*A Study of Trauma and Resiliency Among Forensic Examiners Investigating Child Pornography*, awarded to the University of New Hampshire in 2019. The goal of this project is to inform criminal justice efforts to advance resiliency and promote wellness for forensic examiners whose job is to search for and classify large quantities of child pornography (CP) images stored on digital media. This project proposes to 1) examine the impact of work-related exposure to CP on forensic examiners' stress, mental and physical health, and on their relationships; 2) gather information about current agency-level practices and training that may mitigate trauma and promote resilience among forensic examiners exposed to CP; 3) analyze whether individual- and agency-level factors buffer the impact of exposure to CP images on health and relationships; and 4) develop a screening instrument to help agencies assess staff suitability for investigations

requiring exposure to CP. The applicant will partner with the Internet Crimes Against Children Task Force Training and Technical Assistance Program.

*Expanding the Knowledge Base about Child Advocacy Centers*, awarded to the University of Nebraska at Omaha in 2019. This project aims to conduct a formative evaluation and evaluability assessment of Project Harmony, a large child advocacy center in Omaha, Nebraska, currently serving children who are victims of alleged child abuse. Project Harmony is one of the largest CACs in the nation. The goal is to lay the foundation for future CAC outcome evaluation efforts. Over the past 30 years, CACs have proliferated, with goals to improve coordination of child abuse investigations, reduce distress to children, and increase offender prosecutions. Yet there is little empirical research examining the efficacy of the centers, specifically on which components are critical to achieving these outcomes.

*Trends in Arrests and Investigative Techniques of Technology-Facilitated Child Sexual Exploitation Crimes: The 4th National Juvenile Online Victimization Study*, awarded to the University of New Hampshire in 2019. There is a pressing need to protect children against online dangers by developing a better understanding of new threats, problems, and concerns encountered by law enforcement in its effort to protect children in the changing technological environment; tracking and monitoring new and continuing threats; and identifying which investigative strategies are associated with more favorable outcomes in protecting children. The fourth National Juvenile Online Victimization (N-JOV4) Study will consist of law enforcement agency heads and individual investigators working in Internet Crimes Against Children Task Forces, federal agencies, and a random sample of all other municipal, county and state law enforcement agencies across the U.S. Data will be weighted to allow for national estimates of arrests made for internet- and technology-facilitated child sexual exploitation crimes in the U.S. in 2019. A combination of descriptive and multivariate statistics will be used to analyze N-JOV4 data as well as examine trends in arrests with past N-JOV studies.

*Trends and New Directions in the Law Enforcement Response to the Sex Trafficking of Minors: A Nationally Representative Study*, awarded to the University of New Hampshire in 2020. Law enforcement practices regarding preventing and responding to the sex trafficking of minors have evolved since passage of the Victims of Trafficking and Violence Protection Act (TVPA) of 2000. However, it is unclear how widespread these changes have been. This study will provide an understanding of how widely law enforcement agencies have adopted practices that are based on the perspective that the minor is a victim, not a delinquent, and the challenges that agencies have faced in adopting such practices. This study proposes to replicate an earlier national study on police investigations of child sex trafficking. The previous study was conducted in 2005 and called the National Juvenile Prostitution Study (N-JPS). The current study is designed to identify new developments in police response since the first study.

*An Object-Centric Approach for Image Analysis to Combat Human Trafficking* (2018-75-CX-0038) awarded to The George Washington University. Images are often part of a criminal investigation, but for questions like where an image was taken, investigators are often limited to using generic tools designed for different purposes like Google reverse image search. This project, developed with feedback from the St. Louis County (Missouri) Police Department and the National Center for Missing and Exploited Children, (NCMEC) aims to develop novel

approaches to index and search imagery, and to deploy these in a prototype search tool with a focus on fighting human trafficking. This tool will be an enhanced version of the TraffickCam system that GWU is already developing for law enforcement. TraffickCam consists of a large database of hotel room photographs and an Artificial Intelligence-based platform for law enforcement to compare victim photographs to the photographs in that database to determine the hotel where a victim was photographed. The database of hotel room photographs contains several million hotel room images collected from both publicly available travel websites (e.g., Expedia, TripAdvisor) and the over 100,000 users of our mobile application that allows travelers to submit images of hotel rooms they visit. TraffickCam uses neural networks to support image-based search for members of law enforcement. Images containing victims of trafficking in hotel rooms are provided as input, and the system returns the hotels with the most similar images. (TraffickCam is currently being used and tested by NCMEC and the St. Louis County Police Department. This research seeks to address user input on ways that the tool could better align with their investigative approaches, including searching with a smaller part of the victim photograph, such as just a particular object that seems unique; more easily understood explanations of why the AI system returned a specific result; and ability to determine where a victim was photographed even if the hotel has been renovated since the photograph was captured. Implementing these desired capabilities is non-trivial. In this proposal, GWU addresses the research questions necessary to provide a more useful AI-based investigative tool to law enforcement officers. Specifically, GWU considers the following questions: What is the best image representation to support exploratory investigative search; how can black box AI tools demonstrate why two images or two objects match; and how can learning-based approaches adapt to differences between the query and the database imagery and detect and model changes in the database over time? GWU's approach will be to improve current Deep Learning computational models to focus on and visualize objects in the images more explicitly. This will support flexible, intuitive ways for investigators to recognize where images were taken, what objects are recognizable within images and what sets of images have the same object. The version of TraffickCam resulting from this project will be provided to the NIJ Testing and Evaluation Center to assess technical performance, conduct operation assessment of the technology, or conduct an impact assessment for the technology.

### **Office of Juvenile Justice and Delinquency Prevention (OJJDP)-Funded**

#### *Strengthening Investigative Tools and Technology for Combating Child Sexual Exploitation:*

This program provides funding to increase the technological investigative capacity and associated training for law enforcement, prosecutors, and other professionals through the development, refinement, and advancement of investigative tools, methods, and technologies that address child pornography, child exploitation, and child sex trafficking.

- *Purdue University* (2019-MC-FX-K063) augmented and enhanced the capabilities of the Chat Analysis Triage Tool (CATT), a digital forensics tool that analyzes child sex offender chats. CATT assists law enforcement in prioritizing cases in which the offender is more likely to be contact-driven (high priority). CATT was augmented to provide a likelihood score when comparing authors from different chats based on style and content (authorship attribution). In addition, they incorporated biometrics, specifically face and knuckle, to assist law enforcement in identifying the offender in the “sexts” sent within

the solicitations. Finally, they implemented a MD5 or SHA-256 hash function to ensure the integrity of the forensic data analysis process for both text and images. Purdue University conducted beta testing and created necessary training materials for CATT.

- *The University of Massachusetts Amherst* (2018-MC-FX-K059) through this project addressed an important issue facing investigators of child exploitation: perpetrators who use Virtual Private Network (VPN) services and mobile app platforms that purposefully do not keep records of assignment of an external IP address to a billed customer. The goal of the project is to address these challenges by designing and deploying a series of novel technologies for forensic investigations. The project addresses the problem broadly in two ways. The first method is passive, obtaining extant records from third-party web and app companies via court order. The project evaluated the quality of such information in broad contexts, trained investigators on what information to seek, and built tools to analyze and leverage the information to obtain a perpetrator's real ISP-based IP. The second method is to actively obtain information by interacting with the perpetrator's mobile phone through widely deployed mechanisms on mobile phones such as advertisements. The two methods have different legal processes, privacy analyses, and investigative outcomes. Tools were integrated into ICAC training materials and made available to investigators.

#### **Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)-Funded**

*Advancing the Performance and Cultural Sensitivity in Risk and Needs Assessments for Sexual Offending among American Indian and Alaskan Native Populations*, awarded to The Urban Institute in 2017. The aim is to develop and validate a dynamic sexual recidivism risk assessment scale for AI/AN individuals that incorporates static and dynamic factors predictive of sexual reoffending among the AI/AN population, evaluate the predictive performance and cultural sensitivity of the new scale in each of the partnering sites, develop a new actuarial prototype to integrate the assessed risk and needs of individuals into an actionable responsivity scale that informs targeted supervision and treatment planning, and assess implementation challenges through a pilot that tests the effectiveness of the risk scale in select study sites and tribal communities as well as the efficacy of adopting the risk and responsivity scales.

*Keep Young Athletes Safe*, awarded to the U.S. Center for SafeSport in 2018. Under this award, SafeSport will develop, implement, and evaluate a series of programs and activities intended to address sexual, physical and emotional abuse of young athletes in the U.S. Olympic and Paralympic Movements. The approach will include implementing a situational prevention approach program; developing training programs aimed at educating the USOPC nongoverning bodies (staff, volunteers, coaches, instructors) on mandatory reporting, related policies and safe sport practices; developing and disseminating policies and standards safeguarding athletes from all forms of abuse, including background screening for nongoverning body and USOPC staff; and developing and implementing a compliance program to oversee regular and random audits of U.S. Olympic nongoverning bodies.



## Appendix E: Federally Funded Grant Awards Addressing Child Exploitation

The federal government provides grant funding, training, and technical assistance to local law enforcement agencies, non-profits, and other organizations working to combat child exploitation and support victims. In Fiscal Year 2021 alone, more than \$2 billion in grant funding has been made available to support child exploitation and related work.

### EXAMPLES OF TECHNICAL ASSISTANCE & TRAINING PROGRAMS

#### **AMBER Alert Training and Technical Assistance Program**

*Provided by the Office of Juvenile Justice and Delinquency Prevention*

The AMBER Alert Training and Technical Assistance (T/TA) Program offers training to improve the investigative response of local, regional, state, and tribal law enforcement to high-risk victims, children in crisis and the commercial sexual exploitation of youth.

Category and Type of Training	FY 16		FY 17		FY 18		FY 19		FY20	
	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD
<b>Investigations - Child Abuse/Exploitation</b>										
Regional Training	45	2,133	38	2,866	43	1,991	39	2,442	3	180
Technical Assistance	6	471	1	26	1	26	0	0	0	0
Online (Self-paced)	17	3,596	15	2,612	12	1,720	12	2,003	50	1,104
Online (Webinars)	6	1,004	6	930	7	902	3	852	5	2,900
<b>Investigations - Child Sex Trafficking</b>										
Regional Training	10	710	1	106	3	207	21	1,012	8	643
Technical Assistance	2	28	2	28	0	0	0	0	0	0
Online (Self-paced)	1	31	4	66	4	76	4	28	24	117
Online (Webinars)	1	175	6	4,161	5	2,444	3	2,235	3	4,998
<b>Multi-Disciplinary Team Training</b>										
Regional Training	2	202	3	317	18	1,328	7	544	10	572
Technical Assistance	0	0	0	0	0	0	0	0	0	0
Online (Self-paced)	0	0	0	0	0	0	0	0	12	134
Online (Webinars)	0	0	0	0	1	73	0	0	2	570
<b>Management Training</b>										
Regional Training	0	0	2	80	1	63	2	48	2	29
Technical Assistance	1	31	0	0	0	0	0	0	0	0
Online (Self-paced)	0	0	0	0	0	0	0	0	12	40
Online (Webinars)	0	0	0	0	0	0	0	0	0	0

Category and Type of Training	FY 16		FY 17		FY 18		FY 19		FY20	
	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD
<b>Wellness Training</b>										
Regional Training	2	27	2	29	3	33	2	23	0	0
Technical Assistance	0	0	0	0	0	0	0	0	0	0
Online (Self-paced)	0	0	0	0	0	0	0	0	0	0
Online (Webinars)	0	0	0	0	0	0	0	0	0	0
National Conference	2	260	3	311	2	180	2	227	0	0

**Missing and Exploited Children Training and Technical Assistance Program**

*Provided by the Office of Juvenile Justice and Delinquency Prevention*

The Missing and Exploited Children Training and Technical Assistance program (MEC) offers various formats of training related to child abuse and exploitation, including the commercial sexual exploitation of children, to improve the investigation, prosecution, and prevention of child victimization cases.

Category and Type of Training	FY 16		FY 17		FY 18		FY 19		FY20	
	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD	# of SES	# of ATTD
<b>Investigations - Child Abuse/Exploitation</b>										
Regional Training	7	335	7	320	8	430	7	333	15	910
Technical Assistance	19	612	14	594	15	628	9	407	4	250
Online (Self-paced)	1	157	3	459	6	645	6	801	2	354
Online (Webinars)	11	2,433	9	4,839	11	10,300	6	4,890	6	10,935
<b>Investigations - Child Sex Trafficking</b>										
Regional Training	0	0	0	0	0	0	0	0	14	844
Technical Assistance	1	27	10	1,057	15	1,008	8	520	2	187
Online (Self-paced)	4	657	4	504	4	348	4	245	4	479
Online (Webinars)	2	437	2	1,003	1	928	3	2,672	2	10,486
<b>Multi-Disciplinary Team Training</b>										
Regional Training	8	325	4	220	5	240	4	223	1	43
Technical Assistance	0	0	2	112	1	51	0	0	0	0
Online (Self-paced)	0	0	0	0	0	0	0	0	0	0
Online (Webinars)	1	138	1	230	0	0	0	0	0	0
<b>Forensic Interview Training</b>										
Regional Training	3	50	3	62	3	62	4	88	1	22
Technical Assistance	0	0	0	0	1	19	1	21	4	75
Online (Self-paced)	0	0	1	45	1	99	3	153	0	0
Online (Webinars)	1	200	1	310	0	0	3	2,006	3	5,373

## **National Institute for Health Training Programs**

### [Building a Multidisciplinary Pipeline of Researchers in Child Abuse and Neglect](#)

This is an annual multidisciplinary summer research program to provide post-doctoral trainees with critical knowledge in approaches to child maltreatment research to enable them to lead or participate in multi- or transdisciplinary teams that will continue to advance the science in this area. The program also aims to reinforce and enhance ongoing participation in child maltreatment research through follow-up mentoring opportunities. The program trains at least 15 researchers per year.

### [The Kempe Graduate Summer Program in Child Abuse and Neglect](#)

This annual training program is designed to provide Child Abuse Pediatrics Fellows and other medical and mental health clinicians with the knowledge to conduct clinical research related to child abuse and neglect, as well as to stimulate interest and build expertise among young social science and public health graduate students. To date, a total of 73 students at a variety of levels have been trained through this program.

### [Mobilizing the Evidence into Best Practices for Reducing Sexual Re-offending](#)

This conference will bring together leading international experts to develop a model treatment program for men who have committed sexual crimes against children. The conference will consist of three sessions covering treatment components, responsivity factors, and context. The final session will focus on developing the model and research design that would be rigorously tested in a subsequent international study. This project will provide an important first step in advancing the prevention of child sexual abuse and other forms of sexual violence and highlights important public health challenges that can only be adequately addressed with more rigorous research on interventions for those who perpetrate or could potentially perpetrate such abuse and violence.

## **FY 2021 GRANT OPPORTUNITIES**

Below are grant opportunities relating to child exploitation that were offered in fiscal year 2021.

### **Administration for Children and Families (ACF) – Office on Trafficking in Persons**

**Human Trafficking Youth Prevention Education Demonstration Program:** The Human Trafficking Youth Prevention Education (HTYPE) Demonstration Program funds local educational agencies (LEAs) to develop and implement programs to prevent human trafficking victimization through the provision of skills-based human trafficking training and education for school staff and students. LEAs establish a cohesive strategy, with the support of a partnered nonprofit or nongovernment organization (NGO), to provide all aspects of human trafficking prevention education to students and school staff. LEAs also create and implement a Human Trafficking School Safety Protocol (HTSSP) in collaboration with local law enforcement for handling suspected and confirmed cases of human trafficking in a person-centered, trauma-informed, culturally, and linguistically appropriate manner.

**Trafficking Victim Assistance Program:** The Trafficking Victim Assistance Program (TVAP) funds case management services for foreign national adults and minors who have experienced

trafficking. The grantees provide assistance through a network of providers throughout the country. Grantees can help with case management, referrals, and emergency assistance and assist individuals and certain family members with federal and state benefits and services. They also help them with accessing a range of supportive services including housing, employment services, mental health counseling, medical services, and legal services.

Domestic Victims of Human Trafficking Services and Outreach Program: The Domestic Victims of Human Trafficking Services and Outreach (DVHT-SO) Program provides comprehensive case management, direct services, and referrals to services, including short- and long-term housing options, substance use treatment, mental health counseling, educational opportunities, job training and skills development, legal advocacy, and financial advocacy and counseling. The program encourages innovative collaboration within communities to ensure long-term outcomes.

Demonstration Grants to Strengthen the Response to Victims of Human Trafficking in Native Communities Program: The Demonstration Grants to Strengthen the Response to Victims of Human Trafficking in Native Communities (VHT-NC) Program funds organizations that will build, expand, and sustain organizational and community capacity to deliver services to Native American (i.e., American Indians, Alaska Natives, Native Hawaiians, and/or Pacific Islanders) victims of severe forms of human trafficking as defined by the TVPA of 2000, as amended, through the provision of direct services, assistance, and referrals.

### **ACF Children's Bureau**

The Child Abuse Prevention and Treatment Act (CAPTA) State Grant program provides grants to states to improve child protective service systems. Grants are based on an initial allocation of \$50,000 per state with additional funds distributed in proportion to the state's population of children under the age of 18. This program assists states in improving: intake, assessment, screening and investigation of child abuse and neglect reports; risk and safety assessment protocols; training for child protective services workers and mandated reporters; programs and procedures for the identification, prevention and treatment of child abuse and neglect; development and implementation of procedures for collaboration among child protection services, domestic violence, and other agencies; and services to disabled infants with life-threatening conditions and their families. In addition, under this program, states perform a range of prevention activities, including addressing the needs of infants born with prenatal drug exposure, referring children not at risk of imminent harm to community services, implementing criminal record checks for prospective foster and adoptive parents and other adults in their homes, training child protective services workers, protecting the legal rights of families and alleged perpetrators, and supporting Citizen Review Panels. The CAPTA Reauthorization Act of 2010 reauthorized the program through FY 2015. The program has since been amended by the Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), which added requirements relating to victims of human sex trafficking, and the Comprehensive Addiction and Recovery Act of 2016 (P.L. 114-198), which amended CAPTA's state plan requirements relating to substance-exposed newborns and plans of safe care to address the effects of substance use disorders on infants, children, and families. Most recently, the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424) amended a CAPTA State Grants program requirement relating to legal immunity for good faith reports of child abuse and neglect, to include professionals who are called upon to consult in a child abuse case or provide a medical diagnosis.

The Child Abuse Prevention and Treatment Act Research and Demonstration Program funds discretionary grant activities and supports research and demonstration projects on the causes, prevention, and treatment of child abuse and neglect along with the development and implementation of evidence-based training programs. Grants are provided to state and local agencies and organizations as well as university- and hospital- affiliated programs. Projects have focused on every aspect of the prevention, identification, investigation, assessment and treatment of child abuse and neglect.

The Children's Justice Act (CJA) Program provides grants to states to improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim. This also includes the handling of child fatality cases in which child abuse or neglect is suspected and some cases of children with disabilities and serious health problems who also are victims of abuse and neglect.

Since Fiscal Year 2000, \$17 million in CJA funds have been made available annually for distribution to the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands. States must apply for the funds and meet certain eligibility requirements, including receipt of the CAPTA Basic State Grant and establishment and maintenance of a CJA Task Force as outlined in the legislation. Funds are allocated in the amount of \$50,000 per state, plus an additional amount based on the population of children less than 18 years of age in the applicant's jurisdiction. Funding comes from the Crime Victims' Fund, which collects fines and fees charged to persons convicted of federal crimes. The Fund is administered by the U.S. Department of Justice, Office of Victims of Crime and the grants are awarded by CB, as outlined in Section 107 of CAPTA as amended.

In response to increased attention on the issue of human trafficking, language in current CJA guidance was updated to encourage states to continue or consider use of CJA funds to support projects addressing exploitation and trafficking.

CJA specifically mentions the issue of exploitation in Section 107 of CAPTA so many CJA Task Forces have directed CJA funds to projects to address exploitation and trafficking. Projects responding to trafficking must be focused on systems improvement in response to cases of child maltreatment. States have used funds to support trainings for first responders on recognizing trafficked or exploited children, training/collaborative efforts between child protective services and law enforcement, and/or development of procedures and protocols for response, and/or resources (tool kit) for professionals to address trafficking or exploitation. Projects can also focus on policies and procedures to promote successful prosecution of the traffickers/exploiters and projects to reduce child victim trauma.

### **ACF Family and Youth Services Bureau Street Outreach Program**

**Opportunity ID:** HHS-2021-ACF-ACYF-YO-1926

The Administration for Children and Families, Administration on Children, Youth and Families' Family and Youth Services Bureau (FYSB) announces the availability of funds under the Street Outreach Program. The purpose of the Street Outreach Program (SOP) is to provide street-based

services to runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse, prostitution, sexual exploitation, and severe forms of human trafficking in persons. These services, targeted in areas where street youth congregate, are designed to assist such youth in making healthy choices and providing them access to shelter as well as basic needs, including food, hygiene packages and information on a range of available services.

## **Bureau of Justice Assistance (BJA)**

### **Coordinated Tribal Assistance Solicitation (CTAS)**

**Opportunity ID:** O-BJA-2021-60008 [Download](#)

The U.S. Department of Justice (DOJ) is seeking applications for funding to improve public safety and victim services in tribal communities. The Coordinated Tribal Assistance Solicitation (CTAS) provides federally recognized tribes and tribal consortia an opportunity to apply for funding to aid in developing a comprehensive and coordinated approach to public safety and victimization. Most DOJ's existing tribal government-specific programs are included in and available through this single solicitation.

### **Economic, High-Technology, White Collar, and Internet Crime Prevention National Training and Technical Assistance Program**

**Opportunity ID:** O-BJA-2021-94006 [Download](#)

This program is designed to enhance the capacities of state, local, territorial, and tribal criminal justice systems to prevent, investigate, and respond to economic, high-tech, white collar, and internet crimes by delivering training and technical assistance to diverse audiences. In addition, the program is intended to serve as a key resource to identify new and emerging issues in economic, high-technology, white collar, and internet crime.

### **National Sexual Assault Kit Initiative**

**Opportunity ID:** O-BJA-2021-94003 [Download](#)

The Sexual Assault Kit Initiative opportunity supports the Department's priorities of reducing violent crime and supporting law enforcement officers and prosecutors by:

1. Providing jurisdictions (including rural and tribal) with resources to address sexual assault kits in their custody that have not been submitted to a forensic laboratory for testing by Combined DNA Index System (CODIS)-eligible DNA methodologies.
2. Improving investigation and prosecution in connection with evidence and cases resulting from the testing process.
3. Providing sites with resources to collect DNA samples from qualifying individuals who should have a sample in CODIS (based on the type and time of the offense in relation to applicable state law), but from whom a sample has never been collected or submitted to a laboratory for testing.

In addition to unsubmitted SAKs, SAKI addresses partially tested SAKs, as defined in the solicitation, and untested evidence associated with sexually motivated homicides.

## **Sexual Assault Forensic Evidence – Inventory, Tracking, and Reporting**

**Opportunity ID:** O-BJA-2021-104001 [Download](#)

This program provides funding for agencies to gain insight into the scope of unanalyzed sexual assault kits (SAKs) and for managing the status of the workflow of SAKs. Through this opportunity, the Bureau of Justice Assistance seeks applications from eligible agencies that will inventory, track, and report the status of SAKs. As an integral part of these activities, applicants also are expected to identify and prioritize (for testing) SAKs for which prosecution of a perpetrator is soon to be barred by the expiration of an applicable statute of limitations.

This program will help defray costs associated with the following three tasks, as defined for purposes of this program:

- **Task 1: Inventory.** The term “inventory” refers to a detailed and descriptive list of articles or items (for purposes of this solicitation, SAKs) containing information such as, but not limited to, item identifiers, quantity, and location of the item.
- **Task 2: Tracking.** The term “tracking” refers to the monitoring and accounting of SAKs through the course, or path, of their movement from collection through final disposition.
- **Task 3: Reporting.** The term “reporting” refers to the task of delivering a written report to the appropriate entity within the prescribed time period and with the applicable data provided. See below for reporting requirements.

## **Sex Offender and Registration Notification Act (SORNA) Reallocation Funds**

**Opportunity ID:** O-BJA-2021-135001 [Download](#)

The Sex Offender Registration and Notification Act (SORNA) is Title I of the Adam Walsh Child Protection and Safety Act of 2006. Reallocation funds available through this opportunity are to be used directly to advance SORNA implementation.

## **The Rigorously Evaluating Programs and Policies to Prevent Child Sexual Abuse (CSA) -**

Supports investigator-initiated research proposals to rigorously evaluate prevention approaches (i.e., programs, policies, or practices) for their impact on the primary prevention of child sexual abuse (CSA) perpetrated by youth or adults. CSA is defined here as sexual victimization during childhood (under 18 years of age), excluding sexual violence (SV) in the specific context of dating/romantic relationships (i.e., teen dating violence [TDV] or intimate partner violence [IPV]). Research funded under this announcement will strengthen the evidence base for primary prevention of youth- or adult-perpetrated CSA. Applicants must propose rigorous evaluation designs, which for the purposes of this funding opportunity can include those that utilize experimental designs (i.e., randomized controlled trials) or rigorous quasi-experimental designs (e.g., comparative interrupted time series design, difference-in-differences, instrumental variables, regression discontinuity, regression point displacement, stepped wedge, propensity-score matching, comparison groups).

**Grants to Support New Investigators in Conducting Research Related to Preventing Interpersonal Violence Impacting Children and Youth** - Supports for an intensive, supervised (mentored) career development experience in violence prevention research leading to research independence. NCIPC supports K01 grants to help ensure the availability of an adequate number of trained scientists to address critical public health research questions to prevent violence and



injury. Applicants must propose a research project that addresses at least one of the research priorities in the interpersonal violence prevention section of the NCIPC Research Priorities ([www.cdc.gov/injury/researchpriorities/index.html](http://www.cdc.gov/injury/researchpriorities/index.html)) as they relate to violence impacting children or youth (from birth through age 17).

## **Department of Health & Human Services (HHS)**

### **Domestic Violence Prevention Program: Forensic Healthcare Services**

#### **Opportunity ID: HHS-2022-IHS-FHC-0001**

The purpose of this Indian Health Service (IHS) grant is to provide access to treatment for American Indian / Alaska Native (AI/AN) victims of domestic and sexual violence by supporting the development of and/or expansion of Forensic Healthcare (FHC) services that are culturally appropriate and trauma informed. The intent is to impact FHC services in each IHS Area (Tribes, Tribal organizations, and Urban Indian organizations). This also includes promoting treatment, intervention, and prevention efforts for the social, spiritual, and emotional well-being of victims including child maltreatment. To address domestic and sexual violence, including victims of sexual exploitation/human trafficking, applicants are encouraged to use a Multidisciplinary Team (MDT) and Sexual Assault Response Team (SART) approaches. Using these types of team approaches is crucial – especially among local, state, and Federal agencies that includes healthcare providers, law enforcement, child protective services, social service, legal service, coalitions, behavioral health, and victim advocacy. The MDT/SART are community-based approaches in responding to sexual assault, intimate partner violence, and sexual abuse victims. Without the advantage of a team approach method, a program is more likely to fail. Improving collaboration through agreements can improve the response time for sexual assault victims.

### **Grants to Tribes, Tribal Organizations and Migrant Programs for Community-Based Child Abuse Prevention Programs**

#### **Opportunity ID: HHS-2021-ACF-ACYF-CA-1913**

Title II of the Child Abuse Prevention and Treatment Act authorizes the Secretary to reserve one percent of the amount appropriated for the fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs for community and faith-based child abuse prevention activities. The primary purpose of this funding opportunity announcement (FOA) is to award grants to support community-based efforts in tribal and migrant communities that prevent child maltreatment and to strengthen and support families. Funded projects will develop new or enhance existing initiatives, programs, and activities to reduce the likelihood of child abuse and neglect and to enhance the well-being of migrant and/or Native American children and their families, including those in rural areas. While not an exhaustive list, some examples of programs that may be funded include voluntary home visiting, respite care, parenting education, family resource centers, and finance the start-up, maintenance, expansion, or redesign of mental health services, substance abuse service programs, and other family support services. It is anticipated that three grants will be funded under this announcement.

## Office of Juvenile Justice and Delinquency Prevention (OJJDP)

### Child Abuse Training for Judicial and Court Personnel

**Opportunity ID:** O-OJJDP-2021-37001-PROD [Download](#)

The goal of this program is to improve the judicial system's handling of child abuse, neglect, and related cases, with specific emphasis on the role of the courts in addressing reasonable efforts that can safely avoid unnecessary and unnecessarily prolonged foster care placement.

### Children's Advocacy Centers National Subgrants Program

**Opportunity ID:** O-OJJDP-2021-107001 [Download](#)

This program will provide funding under three categories of assistance to children's advocacy centers (CACs). The three categories of assistance are (1) National Subgrants Program, (2) National Subgrants Program for Victims of Child Pornography, and (3) National Military Partnership Program. This program furthers the Department's mission by reducing crime and victimization and promoting public safety by expanding assistance to CACs to conduct a coordinated response to victims of child abuse.

- **Category 1:** National Subgrants Program. The successful applicant will operate a national subgrant program to support local CACs, state chapters, and multidisciplinary teams that provide a coordinated investigation and comprehensive response to child abuse. Specifically, the successful applicant will release requests for proposals (RFPs) to award subgrants (subject to OJJDP approval) based on identified national needs and a clearly defined funding strategy. The successful applicant will offer training and technical assistance specific to the RFP as well as limited targeted training aligned with the subgrant categories, and provide oversight and monitoring of subaward activities in conformance with the DOJ Grants Financial Guide.
- **Category 2:** National Subgrants Program for Victims of Child Pornography. The successful applicant will operate a national subgrant program to support local CACs, state chapters, and multidisciplinary teams that provide a coordinated investigation and comprehensive response to child abuse, specifically to provide services and improve the response to children who are victims of child pornography, including those victims of child pornography who are also victims of commercial sex trafficking. The successful applicant will release RFPs to award subgrants (subject to OJJDP approval) based on identified national needs and a clearly defined funding strategy. The successful applicant will offer training and technical assistance specific to the RFP as well as limited topical training for local CACs, state chapters, and multidisciplinary teams. Finally, the successful applicant will provide oversight and monitoring of subaward activities in conformance with the DOJ Grants Financial Guide.
- **Category 3:** National Military Partnership Program. The successful applicant will collaborate with military installations to explore ways in which the CAC model can be leveraged to help military installations address cases of child abuse and will provide subgrants to local CACs to identify, develop, and operationalize best practices. The successful applicant will release RFPs to award subgrants (subject to OJJDP approval) based on the identified needs regarding CAC and military collaboration as related to the

response to child abuse. In addition, the successful applicant will provide training and technical assistance specific to the RFP as well as targeted support for the overall project and selected subgrantees and provide oversight and monitoring of subaward activities in conformance with the DOJ Grants Financial Guide.

### **Court Appointed Special Advocates Training, Technical Assistance, and Subgrants Program**

**Opportunity ID:** O-OJJDP-2021-48006 [Download](#)

The goals of this program are to improve outcomes for children in the foster care system and to provide effective advocacy for abused and neglected children. This program will expand the national membership and accreditation program for state and local CASAs and make available training and technical assistance to support existing and new state and local CASA programs across the nation and CASA services in communities where representation rates are low, the numbers of abused and neglected children are high, and service systems do not meet the needs of children and families. In addition, the program will provide training and technical assistance in volunteer advocate recruitment and retention, volunteer advocate training, data collection and reporting, sustainability, and program standards.

### **Internet Crimes Against Children (ICAC) Task Forces**

**Opportunity ID:** O-OJJDP-2021-170001 [Download](#)

The Internet Crimes Against Children (ICAC) Task Force Program supports state and local law enforcement agencies with acquiring the necessary knowledge, equipment, and personnel needed to prevent, interdict, and investigate offenses that constitute technology-facilitated crimes against children. It supports DOJ's mission by helping state and local law enforcement agencies develop effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

### **Internet Crimes Against Children Task Force National Training Program**

**Opportunity ID:** O-OJJDP-2021-50001, Continued in FY2021 [Download](#)

This program will provide training and technical assistance to ICAC task forces and affiliated federal, state, and local law enforcement and prosecutorial agencies in the areas of investigation, forensics, prosecution, community outreach, officer wellness, and capacity building, using recognized experts to assist in the development and delivery of content.

There are two categories of funding under this solicitation:

- **Category 1:** Entry Level and Core Training. Develop and deliver training programs already developed for ICAC investigators, including but not limited to ICAC Investigative Techniques, ICAC Under Cover Chat Investigations, Peer-to-Peer File Sharing, and ICAC CyberTip Management. Modify existing training delivery mechanisms to increase efficiency and cost effectiveness. OJJDP expects the grantee to propose other courses and training products targeting the development of core knowledge related to ICAC investigations.
- **Category 2:** Specialized Training on Digital Evidence Forensics, Tools, and Technology. Develop and deliver training on specialized topic areas related to investigating and prosecuting technology-facilitated child sexual exploitation. Training topics may include

but are not limited to forensic analyses of computers, cell phones, wireless networks, video games, and other digital devices that may contain evidence of a crime; encryption; on-scene investigative tools; peer-to-peer file sharing; exploitation via social networking sites; dark web investigation; cryptocurrency; and other emerging technologies that may be identified, in consultation with OJJDP, throughout the project period.

- **Category 3: Officer Wellness.** Develop and deliver training to assist law enforcement, task force members, police agency command staff, and prosecutors on how to prevent, identify, and manage vicarious trauma due to long-term and repeated exposure to child exploitation images as part of their work responsibilities. This includes relevant training for mental health professionals who will be working with ICAC task forces and their affiliate

### **Internet Crimes Against Children Task Force Program Support**

**Opportunity ID:** O-OJJDP-2021-50001, Continued in FY2021 [Download](#)

The purpose of this program is to support a national network of 61 multiagency, multijurisdictional task forces engaged in investigations, forensic examinations, and prosecutions related to technology-facilitated child sexual exploitation. Additionally, to provide forensic and investigative technical assistance to law enforcement and prosecutorial officials and provide community education information to parents, educators, prosecutors, law enforcement, and others working to combat child exploitation.

### **Missing and Exploited Children Training and Technical Assistance Program**

**Opportunity ID:** O-OJJDP-2021-50001, Continued in FY2021 [Download](#)

The program will build the capacity of state, tribal, and local agencies, and to encourage the development and implementation of best practices related to the investigation and prosecution of cases of missing and exploited children. The program provides assistance to prosecutors, state and local law enforcement, child protection personnel, medical providers, and other child-serving professionals to strengthen multidisciplinary responses to cases of missing and exploited children and improve the prosecution of perpetrators.

### **National Center for Missing and Exploited Children**

**Opportunity ID:** O-OJJDP-2021-62001

The purpose of the National Resource Center and Clearinghouse, operated by NCMEC is to help prevent child abduction and sexual exploitation; find missing children; and provide technical assistance/training to victims of child abduction and sexual exploitation, their families, and the professionals who serve them.<sup>53</sup>

### **National Mentoring Programs**

**Opportunity ID:** O-OJJDP-2021-48008 [Download](#)

This solicitation provides funding for applicant organizations to enhance and expand mentoring services for children and youth. This program supports the implementation and delivery of mentoring services to youth populations that are at risk for juvenile delinquency, victimization,

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<sup>53</sup> OJJDP recognizes the contribution of the US Secret Service to help fund the vital work performed by the National Center for Missing and Exploited Children.

and juvenile justice system involvement. Mentoring services can be one-on-one, group, peer, or a combination of these types.

### **Post-Secondary Education Opportunities for Child Protection Professionals**

**Opportunity ID:** O-OJJDP-2021-115001 [Download](#)

The goal of this program is to increase the knowledge base of mandated reporters and child protection professionals by creating, enhancing, or expanding and distributing training on evidence-based methods for identifying and screening children for exposure to violence.

### **Strengthening ICAC Technological Investigative Capacity**

**Opportunity ID:** O-OJJDP-2021-121002 [Download](#)

This solicitation provides funding for applicant organizations to increase the technological investigative capacity of Internet Crimes Against Children (ICAC) Task Forces and their affiliates as well as related state, tribal, and local law enforcement and prosecutorial agencies through training and the development and/or enhancement of widely used investigative tools, methods, and technologies.

There are two categories of funding under this solicitation:

- **Category 1:** Develop, enhance, and/or refine widely used investigative tools, methods, and technologies that address child pornography, exploitation, and sex trafficking. These tools will help the law enforcement community and prosecutorial agencies overcome current technology-related investigative challenges. Examples of such tools include, but are not limited to, those that efficiently and effectively parse through digital evidence; assist with case deconfliction; expedite evidence collection and the transfer of digital files; facilitate decryption; address mobile chat encryptions; automate data intelligence; and support ICAC case management, case deconfliction, and high-priority suspect identification. In addition, this category will support the development or enhancement of tools that assist the law enforcement community in overcoming challenges in covert operations; provide national reporting and information-sharing capabilities among federal, state, local, and tribal law enforcement (particularly ICAC task forces); and support peer-to-peer investigations.
- **Category 2:** Develop and deliver training for the law enforcement community and prosecutorial agencies on tools, methods, and technologies that address child pornography, exploitation, and sex trafficking. Applicants can propose to develop and deliver new training curricula or leverage existing training curricula to deliver content through multiple cost-effective delivery mechanisms. Examples of such mechanisms include, but are not limited to, training that includes a victim-centered approach to prosecuting child sexual exploitation (CSE) and child sex trafficking (CST) cases; prosecuting and adjudicating CSE and CST cases; a train-the-trainer curriculum on CSE- and CST-related public awareness and prevention programs; and methods and technologies that address child pornography, exploitation, and sex trafficking.

## **Supporting Effective Interventions for Adolescent Sex Offenders and Children with Sexual Behavior Problems**

**Opportunity ID:** O-OJJDP-2021-47012-PROD [Download](#)

This solicitation provides funding to develop intervention and supervision services for adolescent sex offenders and children with sexual behavior problems, and to provide treatment services for their victims and families/caregivers.

### **Case Studies: Award Highlights**

OJJDP grantee **Youth Outreach Services (YOS)** provides research-informed treatments for children and adolescents who have demonstrated inappropriate or problematic sexual behavior in Chicago, IL. Services are free to families and all programs incorporate caregivers. The Problematic Sexual Behavior - Cognitive Behavioral Therapy program serves children and adolescents ages 12–18 and their caregivers through group or family therapy.

A family with a son nearing graduation from the program noted how essential therapy has been to their family after a devastating experience with problematic sexual behavior. “From the beginning, the group leaders have been committed to teaching us how to cope and rebuild our family dynamic while showing genuine love and concern throughout the process,” the mother explained. “Trusting other people to understand a situation like ours is hard, but I am glad I found YOS.”

## **Victims of Child Abuse (VOCA) Membership and Accreditation Program**

**Opportunity ID:** O-OJJDP-2021-47004 [Download](#)

The goal of the Children's Advocacy Centers Membership and Accreditation Program is to ensure that CACs, multidisciplinary teams, and allied professionals have support and national standards to guide their response to cases of child abuse. The objectives of this program are to enhance, maintain, and publish national standards for accreditation; maintain membership criteria for eligibility; disseminate information among current and potential member organizations; and facilitate communication among members.

## **Office for Victims of Crime (OVC)**

### **Enhanced Collaborative Model Task Force to Combat Human Trafficking**

**Opportunity ID:** O-OVC-2021-96004 [Download](#)

This program's purpose is to develop, expand, or strengthen a multidisciplinary approach to fight human trafficking. This solicitation requires two separate but coordinated applications; one application from an eligible lead law enforcement agency, and one from an eligible lead victim service organization. The grant can be used either for the development of human trafficking task forces or funding existing task forces.

### **Enhancing Juvenile and Family Court Responses to Human Trafficking**

**Opportunity ID:** O-OVC-2021-60014 [Download](#)

The goals of this program are to develop or enhance programs to provide direct services and diversion programs for youth in contact with the juvenile and family court systems who are

victims of sex and/or labor trafficking or at risk for human trafficking due to past or current crime victimization, including child abuse and neglect.

**Expanding Sexual Assault Nurse Examiner (SANE) Services to Victims of Sexual Assault Opportunity ID: O-OVC-2021-91006 [Download](#)**

OVC is seeking applications to establish or expand sexual assault examination programs, including sexual assault nurse examiner (SANE) programs and sexual assault forensic examiner (SAFE) programs that focus on improving the provision of sexual assault care using a community-based approach, such as through a campus community, nonprofit, community-based, and/or tribe-affiliated victim services provider.

- **Purpose Area 1: Establish and/or expand SANE/SAFE programs:** The goal of this project is to establish and/or expand SANE/SAFE programs offering sexual assault medical forensic exams and sexual assault victim services in a hospital or non-hospital setting to sexual assault victims and survivors using coordinated community response strategies. Applicants may propose innovative ways of bringing experienced medical forensic examiners to rural, tribal, and underserved communities, such as using telehealth technology.
- **Purpose Area 2: Training and Technical Assistance:** OVC is interested in supporting technical assistance that is proactive, action-driven, flexible, and involves ongoing communication and collaboration with the selected Purpose Area 1 awardees, Fiscal Year 2020 OVC SANE Campus grantees, OVC, and other relevant federal agencies and partners.

**Field-Generated Human Trafficking Training and Technical Assistance for Law Enforcement**

**Opportunity ID: O-OVC-2021-60009 [Download](#)**

This program provides funding for the development of innovative strategies, approaches, and models to support jurisdictions engaged in identifying victims of human trafficking and investigating and prosecuting human trafficking and related crimes. The program will support jurisdictions to—

1. investigate and prosecute acts of severe forms of trafficking in persons and related offenses that occur, in whole or part, within the territorial jurisdiction of the United States.
2. train law enforcement personnel on how to identify victims of severe forms of human trafficking in persons and related offenses.
3. educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts.

**Improving Outcomes for Child and Youth Victims of Human Trafficking**

**Opportunity ID: O-OVC-2021-63005 [Download](#)**

OVC is seeking applications for states or tribes to develop, enhance, and coordinate programs and activities geared toward improving outcomes for child and youth victims of sex and labor trafficking. The overall goal of the program is to improve responses for child and youth victims of trafficking, with a focus on coordination at the statewide or tribal jurisdiction level, to create



effective change across systems. Recognizing that each jurisdiction is unique, applicants should identify the state or tribe's greatest barriers to identifying and assisting child and youth victims of sex and labor trafficking and/or to investigating and prosecuting these trafficking cases and propose a program to systematically address those barriers.

### **Law Enforcement Human Trafficking Fellowship Program**

**Opportunity ID:** O-OVC-2021-14002 [Download](#)

The Fellow will work to improve and expand the ability of law enforcement, prosecutors, and OJP-funded human trafficking task forces nationwide to conduct and implement victim-centered and trauma-informed investigations and prosecutions. The fellow will assist OVC's work with the field to define and operationalize victim-centered investigative strategies and develop data-driven approaches to improve responses, operations, efficiencies, and decision-making in addressing the crimes of human trafficking.

### **Preventing Trafficking of Girls**

**Opportunity ID:** O-OVC-2021-59003 [Download](#)

This solicitation provides funding for organizations to support prevention and early intervention programs for girls who are at-risk of, or are victims of, sex trafficking. The objectives of this program are to:

- Replicate and scale-up prevention and early intervention programs for girls who are at risk of, or are victims of, sex trafficking that have undergone rigorous evaluation and/or have a track record of success.
- Implement or enhance efforts to identify and provide services to girls who are at risk of, or are victims of, sexual exploitation or sex trafficking.
- Participate in an annual peer-to-peer learning (cluster meeting) opportunity.

### **Services for Minor Victims of Sex Trafficking**

**Opportunity ID:** O-OVC-2021-04002 [Download](#)

The Department of Justice is committed to advancing work that promotes civil rights, increases access to justice, supports crime victims, protects the public from crime and evolving threats, and builds trust between law enforcement and the community. This program is designed to develop, expand, and strengthen assistance programs for minor victims of sex trafficking. Under the federal Trafficking Victims Protection Act, a victim of trafficking is defined as a person who has been subjected to a "severe form of trafficking in persons," which, as defined in 22 U.S.C. § 7102(11), means— sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

### **Services for Victims of Human Trafficking**

**Opportunity ID:** O-OVC-2021-59002 [Download](#)

The purpose of this program is to develop, expand, or strengthen victim service programs for victims of human trafficking. The program will support:

1. Developing Capacity to Serve Human Trafficking Victims
2. Enhancing Scope of Services for Human Trafficking Victims
3. Specialized Services for Human Trafficking Victims

## **Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)**

### **Keep Young Athletes Safe**

**Opportunity ID:** O-SMART-2021-36008 [Download](#)

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) seeks applicants to design and implement a program that aims to safeguard amateur athletes through the prevention of sexual, physical and emotional abuse in the athletic programs of the United States Olympic & Paralympic Committee, each national governing body and each Paralympic sports organization.

### **Support for Adam Walsh Act Implementation Grant Program**

**Opportunity ID:** O-SMART-2021-44001 [Download](#)

This program furthers the Department's mission by assisting states, the District of Columbia, principal U.S. territories and certain federally recognized Indian tribes with implementation and ongoing maintenance of requirements under the Adam Walsh Child Protection and Safety Act of 2006, specifically Title I of the Sex Offender Registration and Notification Act (SORNA).

### **National Sex Offender Public Website (NSOPW)**

**Opportunity ID:** O-SMART-2020-18734 (supplemental funding provided in FY 2021)

The Dru Sjodin National Sex Offender Public Website (NSOPW) is a critical component of the SMART Office's mission to implement a comprehensive national sex offender registration and notification system to protect the public from sex offenders. NSOPW allows the public to search existing state, territory, and tribal registries. With a single query from any web-capable computer, NSOPW searches state, territory, and tribal publicly available sex offender registration information to deliver results based on name, ZIP code or geographic radius. NSOPW also contains prevention and education resources.

### **Office on Violence Against Women (OVW)**

#### **Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies+**

**Opportunity ID:** O-OVW-2021-48004 [Download](#)

This program creates a unique opportunity for communities to increase collaboration among nonprofit victim service providers, violence prevention programs, and child and youth organizations serving victims ages 0-24. Additionally, it supports organizations and programs that promote boys' and men's role in combating violence against women and girls. Eligible applicants are nonprofit, nongovernmental entities, Indian tribes or tribal nonprofit organizations, and territorial, tribal or unit of local government entities.

## **Grants to Prevent and Respond to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Against Children and Youth Program**

**Opportunity ID:** O-OVW-2021-38007 [Download](#)

The CY Program solicitation is one of two solicitations issued under the Consolidated Youth and Engaging Men (CYEM) Program, which is authorized by annual federal appropriations acts. The CY Program supports comprehensive, community-based efforts to develop or expand prevention, intervention, treatment, and response strategies to address the needs of children and youth impacted by domestic violence, dating violence, sexual assault, and stalking. The other program solicitation is the Grants to Engage Men and Boys as Allies in the Prevention of Violence Against Women and Girls Program (EM).

## **Justice for Families Program**

**Opportunity ID:** O-OVW-2021-30001 [Download](#)

This program improves the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking, or in cases involving allegations of child sexual abuse. Eligible applicants are states, units of local government, courts, Indian tribal governments, nonprofit organizations, legal services providers, and victim services providers.

## **National Tribal Clearinghouse on Sexual Assault (NTCSA)**

**Opportunity ID:** O-OVW-2021-43001 [Download](#)

This program is authorized by Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (CDA #16.027). Beginning in 2012, Congress appropriated funds for a national clearinghouse to provide TTA on issues related to sexual assault of American Indian and Alaska Native (AI/AN) women, designed to improve victim services for AI/AN sexual assault victims as well as increase offender accountability for such crimes. The National Tribal Clearinghouse on Sexual Assault funding may be used to establish, sustain, and/or expand a repository that provides resources, training opportunities, educational materials, and TTA on issues relating to sexual assault of AI/AN women.

## **Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program**

**Opportunity ID:** O-OVW-2021-56002 [Download](#)

This program enhances the safety of rural victims of sexual assault, domestic violence, dating violence and stalking, and supports projects uniquely designed to address and prevent these crimes in rural areas. Eligible applicants are states, territories, Indian tribes, local governments, and nonprofit entities, including tribal nonprofit organizations.

## **Sexual Assault Services Culturally Specific Program**

**Opportunity ID:** O-OVW-2021-36005 [Download](#)

This program creates, maintains, and expands sustainable sexual assault services provided by organizations that are uniquely situated to respond to the needs of sexual assault victims from culturally specific populations. Eligible applicants are nonprofit organizations that focus primarily on culturally specific communities.

### **Sexual Assault Services Formula Grant Program**

**Opportunity ID:** O-OVW-2021-76001 [Download](#)

This program is the first federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. The SASP Formula Grant Program funding supports rape crisis centers and other nonprofit, nongovernmental organizations or tribal programs that provide services, direct intervention, and related assistance to victims of sexual assault and their families.

### **State and Territorial Domestic Violence and Sexual Assault Coalitions Program**

**Opportunity ID:** O-OVW-2021-73001 [Download](#)

This program provides grants to each state domestic violence coalition (determined by the Department of Health and Human Services) and sexual assault coalition (determined by the Centers for Disease Control and Prevention) for the purposes of coordinating victim services activities and collaborating and coordinating with federal, state, and local entities engaged in addressing violence against women. Statewide sexual assault coalitions provide direct support to member rape crisis centers through funding, training and technical assistance, public awareness activities, and public policy advocacy. Statewide domestic violence coalitions provide comparable support to member battered women's shelters and other domestic violence victim service providers.

### **STOP Violence Against Women Formula Grant Program**

**Opportunity ID:** O-OVW-2021-64001 [Download](#)

These formula grants are awarded to states, territories, and the District of Columbia to enhance the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. Each state and territory must allocate 25 percent for law enforcement, 25 percent for prosecutors, 30 percent for victim services (of which at least 10 percent must be distributed to culturally specific community-based organizations), 5 percent to state and local courts, and 15 percent for discretionary distribution.

### **Training and Technical Assistance Program**

**Opportunity ID:** O-OVW-2021-74002 [Download](#)

The primary purpose of the OVW Training and Technical Assistance Initiative (TA Initiative) is to provide direct training and technical assistance to existing and potential OVW recipients and subrecipients to enhance their efforts to successfully implement projects supported by OVW grant funds. OVW's TA Initiative is designed to strengthen and build the capacity of civil and criminal justice system professionals and victim service providers across the nation to respond effectively to domestic violence, dating violence, sexual assault, and stalking and foster partnerships among organizations that have not traditionally worked together to address these crimes. OVW's technical assistance projects offer in-person and online educational opportunities, peer-to-peer consultations, site visits and tailored assistance for OVW grantees and potential grantees. Eligible entities for the TA Initiative are national, tribal, statewide, or other nonprofit organizations with the capacity to provide training and technical assistance on a national level.

### **Training and Services to End Violence Against Women with Disabilities Grant Program**

**Opportunity ID:** O-OVW-2021-36006 [Download](#)

This program establishes and strengthens multidisciplinary collaborative relationships and increases organizational capacity to provide accessible, safe, and effective services to individuals with disabilities and Deaf individuals who are victims of sexual assault, domestic violence, dating violence, and stalking. Eligible applicants are states, units of local governments, Indian tribal governments or tribal organizations, victim services providers, and nonprofit, nongovernmental organizations serving individuals with disabilities.

### **Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program**

**Opportunity ID:** O-OVW-2021-42001 [Download](#)

This program funds organizations to assist victims of domestic violence, dating violence, sexual assault, and stalking who need transitional housing, short-term housing assistance, and related supportive services. Eligible applicants are states, units of local government, Indian tribes, and other organizations with a documented history of effective work concerning sexual assault, domestic violence, dating violence, and stalking.

### **Tribal Domestic Violence and Sexual Assault Coalitions Program**

**Opportunity ID:** O-OVW-2021-84006 [Download](#)

This program supports the development and operation of nonprofit, nongovernmental tribal domestic violence, and sexual assault coalitions. Tribal coalitions provide education, support, and technical assistance to member Indian service providers and tribes to enhance their response to victims of domestic violence, dating violence, sexual assault, and stalking. Eligible applicants must meet the statutory definition of a “tribal coalition.”

### **Tribal Governments Program**

**Opportunity ID:** O-OVW-2021-67001 [Download](#)

This program enhances the ability of tribes to respond to violent crimes against Indian women, enhance victim safety, and develop education and prevention strategies. Eligible applicants are federally recognized tribes or an organization that is acting as the authorized designee of a federally recognized Indian tribe.

### **Tribal Sexual Assault Services Program**

**Opportunity ID:** O-OVW-2021-32001 [Download](#)

This program enhances the ability of tribes to create, maintain, and expand sexual assault services in Indian tribal lands and Alaska Native villages. Eligible applicants are federally recognized tribal governments, tribal organizations, and nonprofit tribal organizations

## Appendix F: Internet Crimes Against Children (ICAC) Task Forces Review

The PROTECT Act requires that the Department provide a review of the Internet Crimes Against Children (ICAC) Task Force Program, including (1) the number of ICAC task forces and location of each ICAC task force; (2) the number of trained personnel at each ICAC task force; (3) the amount of Federal grants awarded to each ICAC task force; (4) an assessment of the Federal, State, and local cooperation in each task force; (5) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and (6) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.



*Existing ICAC Task Forces as of September 2021*

In 1998, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) established the Internet Crimes Against Children Task Force Program (ICAC), a national network of 61 coordinated task forces representing more than 4,700 federal, state, local and tribal law enforcement, and prosecutorial agencies. This program helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. These agencies are engaged in both proactive and reactive investigations, forensic investigations, and criminal prosecutions. By helping state and local agencies to develop effective, sustainable responses to online child victimization – including responses to the online sharing of child sexual abuse images, OJJDP has increased the capacity of thousands of communities across the country to combat Internet crimes against children. The ICACs have conducted more than 137,000 investigations in fiscal year 2021 that resulted in the arrests of more than 10,400 individuals.<sup>54</sup>

<sup>54</sup> <https://ojjdp.ojp.gov/programs/internet-crimes-against-children-task-force-program>



## Case Study: Operation Broken Heart

Although there are many ICAC initiatives conducted across the United States, a prominent program of note is Operation Broken Heart (henceforward Broken Heart). Initiated in 2014, Broken Heart is an annual, nationwide operation that targets suspects who commit child exploitation offenses, such as child pornography, sex trafficking, and sex tourism offenses. Over a two-month period, federal, state, and local law enforcement coordinate to arrest individuals that use, produce, or distribute child pornography over the internet.



*Source: KTRK-TV Houston, Houston Police Sgt. Luis Menedez-Sierra talks about "Operation Broken Heart" at a press conference following local arrests*

Over the years, Broken Heart's impact has grown with the number of investigations, arrests, and trainings increasing. For example, while Broken Heart led to the arrests of 1,140 suspects in 2015, this operation has reached as high as 2,300 suspects arrested in 2018.<sup>55</sup> Thus, this operation achieved a doubling of arrests within only a three-year period. Although it is unclear whether law enforcement's capabilities, the number of districts participating, or both led to the increases in arrests over time, these data show the increased commitment of the ICACs to combat child exploitation.

Finally, beyond achieving the arrests of suspects, Broken Heart is a first step in helping victims of internet crimes against children. In 2019, during the two-month operation, participating districts identified 357 children who suffered sexual abuse or were exploited in the production of child pornography.<sup>56</sup> By identifying these victims, law enforcement and child protective organizations can rescue them and subsequently connect them to victim services.

In Fiscal Year 2021, ICAC task forces received funding that ranged from \$310,662 - \$979,739. These funds are responsible for all ICAC operations and training across large jurisdictions, often entire states, for the year. The depth and breadth of these efforts to prevent and combat child exploitation could be expanded with additional funding. With increased resources, the taskforces could devote more personnel to respond to the ever-increasing workload resulting from increasing CyberTips and digital forensic examinations, update their equipment, and increase the amount of training that is provided and received. Importantly, any increase in funding for personnel must be accompanied with dedicated resources for training. Because of the level of sophistication required to conduct these investigations, such as forensic examinations and child forensic interviews, adding personnel without the appropriate training would not be an efficient use of scarce resources.

<sup>55</sup> <https://www.localdvm.com/news/operation-broken-heart-ii-intensified-search-for-child-predators/> and <https://www.justice.gov/opa/pr/more-2300-suspected-online-child-sex-offenders-arrested-during-operation-broken-heart>

<sup>56</sup> <https://www.justice.gov/opa/pr/nearly-1700-suspected-child-sex-predators-arrested-during-operation-broken-heart>



## DATA TABLES

As required when receiving a federal grant award, each ICAC is required to submit numerous data to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The data is reported monthly and includes information from every agency in the state or regional task force.

Apart from the tables “ICAC Task Force CyberTips Received” (collected from the National Center for Missing & Exploited Children) and “ICAC Task Force Training Courses Offered” (collected from the OJJDP-funded training providers) all data in Sections II & III of this appendix were collected through the monthly data that each ICAC submits.

### I. ICAC TASK FORCE FUNDING AMOUNTS

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	\$241,774	\$255,229	\$348,552	\$298,903	\$310,662
AL	Alabama Law Enforcement Agency	\$317,197	\$338,303	\$450,830	\$417,169	\$445,777
AR	Arkansas State Police	\$330,913	\$325,620	\$428,388	\$378,239	\$415,421
AZ	Phoenix Police Department	\$399,477	\$531,645	\$523,215	\$465,306	\$469,451
CA	Fresno County Sheriff's Office	\$345,367	\$334,864	\$440,767	\$415,404	\$508,393
CA	Los Angeles Police Department	\$728,922	\$727,582	\$886,137	\$826,441	\$947,074
CA	Sacramento County Sheriff's Office	\$376,179	\$395,888	\$497,472	\$444,178	\$440,553
CA	San Diego Police Department	\$382,880	\$401,136	\$505,673	\$453,008	\$464,691
CA	San Jose Police Department	\$425,769	\$449,693	\$558,585	\$521,869	\$534,427
CO	Colorado Springs Police Department	\$375,092	\$378,482	\$489,236	\$453,995	\$453,422
CT	Connecticut State Police	\$295,611	\$298,761	\$406,830	\$364,182	\$366,706
DE	Delaware Department of Justice	\$245,123	\$269,101	\$370,866	\$296,866	\$315,267
FL	Broward County Sheriff Office	\$408,161	\$482,204	\$546,731	\$503,519	\$511,504
FL	Gainesville Police Department	\$349,828	\$367,259	\$483,963	\$438,288	\$460,559
FL	Polk County Sheriff's Office	\$414,497	-	-	-	-
FL	Osceola County Sheriff's Office	-	\$400,000	\$524,555	\$484,244	\$500,708
GA	Georgia Bureau of Investigation	\$502,197	\$478,523	\$629,254	\$603,110	\$640,411
HI	Hawaii Department of the Attorney General	\$255,520	\$270,089	\$365,723	\$314,533	\$346,184
IA	Iowa Division of Criminal Investigation	\$309,046	\$314,685	\$423,196	\$426,698	\$530,081
ID	Idaho Office of the Attorney General	\$254,259	\$270,207	\$363,095	\$316,538	\$344,963
IL	Cook County State's Attorney's Office	\$342,191	\$360,983	\$471,263	\$422,004	\$441,121
IL	Illinois Office of the Attorney General	\$415,821	\$429,110	\$539,566	\$497,026	\$550,852
IN	Indiana State Police	\$389,924	\$380,712	\$487,569	\$463,250	\$511,710
KS	Sedgwick County Sheriff's Department	\$285,181	\$294,577	\$394,252	\$342,474	\$353,186
KY	Kentucky State Police	\$322,160	\$327,492	\$436,539	\$403,787	\$417,821
LA	Louisiana Department of Justice	\$305,299	\$315,977	\$421,580	\$379,440	\$379,717
MA	Massachusetts State Police	\$392,504	\$421,685	\$515,801	\$522,052	\$472,499
MD	Maryland State Police	\$333,367	\$341,703	\$458,499	\$404,465	\$422,166
ME	Maine State Police	\$250,296	\$263,360	\$356,179	\$307,604	\$326,595
MI	Michigan State Police	\$463,549	\$494,705	\$660,635	\$774,168	\$869,348

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
MN	Minnesota Department of Public Safety	\$343,696	\$358,010	\$461,931	\$437,496	\$454,897
MO	St. Charles County Sheriff's Department	\$369,152	\$378,876	\$479,701	\$458,953	\$557,336
MS	Mississippi Office of the Attorney General	\$288,043	\$306,282	\$414,287	\$400,811	\$578,629
MT	Billings Police Department	\$266,497	-	-	-	-
MT	Montana Department of Justice - Division of Criminal Investigation	-	\$240,000	\$352,608	\$304,932	\$337,516
NC	North Carolina State Bureau of Investigation	\$413,590	\$479,903	\$557,303	\$530,293	\$550,422
ND	North Dakota Office of the Attorney General	\$232,577	\$247,848	\$342,445	\$287,398	\$316,982
NE	Nebraska State Patrol	\$271,060	\$272,856	\$371,417	\$325,676	\$356,537
NH	Portsmouth Police Department	\$264,256	\$274,854	\$371,122	\$334,969	\$418,549
NJ	New Jersey Department of Law and Public Safety	\$443,508	\$538,445	\$589,858	\$547,813	\$543,696
NM	New Mexico Office of the Attorney General	\$278,108	\$285,940	\$385,453	\$355,903	\$399,457
NV	Las Vegas Metropolitan Police Department	\$299,137	\$329,415	\$420,253	\$379,378	\$385,854
NY	New York City Police Department	\$410,219	\$431,009	\$583,179	\$507,516	\$493,467
NY	New York State Police	\$519,756	\$503,883	\$638,793	\$586,371	\$569,078
OH	Cuyahoga County Prosecutor's Office	\$477,094	\$468,118	\$609,019	\$612,392	\$682,573
OK	Oklahoma State Bureau of Investigation	\$293,250	\$306,684	\$423,187	\$378,864	\$381,394
OR	Oregon Department of Justice	\$368,832	\$468,135	\$699,352	\$431,744	\$419,257
PA	Delaware County District Attorney's Office	\$505,053	\$498,616	\$603,349	\$572,731	\$518,347
RI	Rhode Island State Police	\$237,381	\$254,947	\$350,874	\$297,525	\$318,590
SC	South Carolina Attorney General's Office	\$329,049	\$339,258	\$461,646	\$437,050	\$542,327
SD	South Dakota Office of the Attorney General	\$243,938	\$259,278	\$354,742	\$314,330	\$405,556
TN	Knoxville Police Department	\$364,561	\$489,113	\$497,287	\$460,891	\$469,392
TX	Dallas Police Department	\$465,874	\$476,608	\$623,329	\$734,699	\$979,739
TX	Houston Police Department	\$384,280	\$401,134	\$524,712	\$530,343	\$570,266
TX	Office of the Attorney General of Texas	\$481,502	\$494,811	\$629,600	\$608,706	\$769,157
UT	Utah Office of the Attorney General	\$354,567	\$354,415	\$459,553	\$472,657	\$591,502
VA	Bedford County Sheriff's Office	\$400,323	\$429,604	\$636,612	\$453,753	\$544,382
VA	Virginia State Police	\$333,482	\$365,831	\$537,178	\$388,240	\$400,617
VT	Vermont Office of the Attorney General	\$252,537	\$256,140	\$351,080	\$308,875	\$321,553
WA	Seattle Police Department	\$451,201	\$485,504	\$606,044	\$576,164	\$573,845
WI	Wisconsin Department of Justice	\$363,752	\$372,062	\$482,623	\$462,811	\$512,187
WV	West Virginia State Police	\$459,956	\$462,768	\$554,162	\$1,399,101	\$521,737
WY	Wyoming Office of the Attorney General	\$375,664	\$250,079	\$345,919	\$295,066	\$324,300

## II. ICAC TRAINING

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. While certainly needed in all areas of law enforcement, this is especially important within the ICAC world. The level of sophistication with these investigations coupled with the constantly changing technology requires an ongoing need for training. This is true for both new investigators and digital forensic examiners, as well as seasoned task force members.

ICAC Task Forces are also involved in educating parents and youth about the potential dangers of online activity through outreach and awareness events and online webinars.

### ICAC TASK FORCE NUMBER OF PERSONNEL TRAINED

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	280	182	87	71	23
AL	Alabama Law Enforcement Agency	768	1,342	1,403	832	655
AR	Arkansas State Police	729	626	1,096	170	434
AZ	Phoenix Police Department	663	675	573	439	663
CA	Fresno County Sheriff's Office	224	336	209	267	76
CA	Los Angeles Police Department	3,596	2,841	1,636	3,239	5,367
CA	Sacramento County Sheriff's Office	885	2,293	1,321	209	1,197
CA	San Diego Police Department	209	2,422	845	256	687
CA	San Jose Police Department	754	1,214	1,160	2,159	1,220
CO	Colorado Springs Police Department	179	151	912	157	521
CT	Connecticut State Police	332	111	194	129	43
DE	Delaware Department of Justice	215	484	203	9	58
FL	Broward County Sheriff Office	140	1,638	1,959	316	801
FL	Gainesville Police Department	705	780	651	409	1,407
FL	Polk County Sheriff's Office	546	-	-	-	-
FL	Osceola County Sheriff's Office	-	130	286	73	166
GA	Georgia Bureau of Investigation	1,308	3,506	3,820	2,758	2,021
HI	Hawaii Department of the Attorney General	11	178	158	335	1,140
IA	Iowa Division of Criminal Investigation	209	376	323	413	79
ID	Idaho Office of the Attorney General	68	133	252	61	558
IL	Cook County State's Attorney's Office	2,180	1,923	447	120	82
IL	Illinois Office of the Attorney General	2,210	2,811	1,178	329	236
IN	Indiana State Police	4,113	3,077	2,761	1,412	1,121
KS	Sedgwick County Sheriff's Department	790	477	282	211	131
KY	Kentucky State Police	169	291	355	238	1,036
LA	Louisiana Department of Justice	310	395	801	17	285
MA	Massachusetts State Police	3,805	1,561	1,514	177	60
MD	Maryland State Police	2,284	1,986	1,229	1,724	893
ME	Maine State Police	233	236	176	107	40
MI	Michigan State Police	909	1,950	1,057	926	440
MN	Minnesota Department of Public Safety	315	427	509	30	192

**ICAC TASK FORCE NUMBER OF PERSONNEL TRAINED CONTINUED**

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
MO	St. Charles County Sheriff's Department	2,524	3,286	5,269	1,866	1,867
MS	Mississippi Office of the Attorney General	1,118	1,084	1,695	620	692
MT	Billings Police Department	1,177	-	-	-	-
MT	Montana Department of Justice - Division of Criminal Investigation	-	1,101	548	108	66
NC	North Carolina State Bureau of Investigation	689	316	365	148	744
ND	North Dakota Office of the Attorney General	83	393	8	38	366
NE	Nebraska State Patrol	157	59	107	60	92
NH	Portsmouth Police Department	133	322	407	249	50
NJ	New Jersey Department of Law and Public Safety	2,056	927	527	691	455
NM	New Mexico Office of the Attorney General	1,089	336	466	966	754
NV	Las Vegas Metropolitan Police Department	204	892	300	340	423
NY	New York City Police Department	432	143	1,177	518	544
NY	New York State Police	2,674	2,779	1,621	676	352
OH	Cuyahoga County Prosecutor's Office	312	598	289	325	169
OK	Oklahoma State Bureau of Investigation	35	183	432	164	293
OR	Oregon Department of Justice	536	129	79	22	124
PA	Delaware County District Attorney's Office	1,152	1,810	1,554	384	389
RI	Rhode Island State Police	33	3	12	1	2
SC	South Carolina Attorney General's Office	1,040	2,264	1,940	348	1,057
SD	South Dakota Office of the Attorney General	2,099	3,321	2,497	1,503	1,495
TN	Knoxville Police Department	441	883	967	206	463
TX	Dallas Police Department	183	563	412	260	1,362
TX	Houston Police Department	697	862	936	976	980
TX	Office of the Attorney General of Texas	459	583	947	1,519	209
UT	Utah Office of the Attorney General	340	606	469	564	686
VA	Bedford County Sheriff's Office	803	1,367	730	617	366
VA	Virginia State Police	509	809	538	782	702
VT	Vermont Office of the Attorney General	80	6	44	29	39
WA	Seattle Police Department	1,159	709	1,250	1,349	838
WI	Wisconsin Department of Justice	2,282	1,961	4,136	1,465	1030
WV	West Virginia State Police	812	794	758	325	621
WY	Wyoming Office of the Attorney General	243	209	181	95	200

## ICAC TASK FORCE TRAINING COURSES OFFERED

Local/TF Specific refers to training courses offered in a specific locality or to a specific ICAC Task Force (TF). These metrics are tracked both in terms of how many sessions are held (as shown in the SES column) and by how many people attended (as shown in the ATTD column).

Training Category & Type	FY17		FY18		FY19		FY20		FY21	
	SES	ATTD	SES	ATTD	SES	ATTD	SES	ATTD	SES	ATTD
<b>Forensics</b>										
Local/TF Specific	2	33	2	40	3	60	0	0	0	0
Online (Self-paced)	1	59	0	0	0	0	0	0	0	0
Online (Webinars)	1	22	0	0	5	485	3	241	2	324
Online (Live, instructor-led)	0	0	0	0	0	0	8	117	21	382
Regional	9	119	8	179	1	12	4	86	0	0
<b>Investigations</b>										
Local/TF Specific	36	787	28	663	31	755	20	555	2	86
Online (Self-paced)	18	1289	17	1268	16	1642	19	2438	19	4153
Online (Webinars)	15	761	15	2994	18	1361	19	8270	14	4232
Online (Live, instructor-led)	0	0	0	0	0	0	7	114	48	1071
Regional	22	582	27	655	22	546	14	675	0	0
<b>Legal</b>										
Local/TF Specific	0	0	3	86	0	0	0	0	0	0
Online (Self-paced)	0	0	2	159	2	248	2	286	2	301
Online (Webinars)	1	38	0	0	0	0	0	0	2	635
Regional	0	0	0	0	0	0	0	0	0	0
<b>Management</b>										
Local/TF Specific	0	0	0	0	1	14	0	0	0	0
Online (Self-paced)	0	0	2	212	2	299	2	349	0	0
Online (Webinars)	0	0	0	0	0	0	0	0	2	222
Regional	2	48	1	24	2	52	1	43	2	88
<b>Peer-to-Peer</b>										
Local/TF Specific	9	156	7	133	3	68	1	22	0	0
Online (Self-paced)	4	440	8	467	8	537	7	311	6	539
Online (Webinars)	6	361	5	262	5	272	3	954	1	28
Online (Live, instructor-led)	6	272	4	174	6	208	6	224	10	290
Regional	11	207	11	239	5	131	2	57	1	106
<b>Wellness</b>										
Online (Webinars)	1	198	4	541	5	1588	10	4745	18	2261
Regional	20	993	27	1249	33	2004	81	1688	71	3272
<b>Conferences</b>										
National	1	1497	1	1488	1	1631	1	2498	1	2356
Regional	0	0	0	0	0	0	0	0	22	1604

### III. ICAC INVESTIGATIVE SUPPORT

#### ICAC TASK FORCE CYBERTIPS RECEIVED

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	192	294	383	460	693
AL	Alabama Law Enforcement Agency	1,318	1,891	2,643	3,196	4,905
AR	Arkansas State Police	934	1,169	1,677	2,188	2,853
AZ	Phoenix Police Department	11,533	2,926	4,572	4,299	6,952
CA	Fresno County Sheriff's Office	989	1,112	1,972	2,689	3,628
CA	Los Angeles Police Department	5,498	7,011	8,003	14,871	21,924
CA	Sacramento County Sheriff's Office	2,267	1,869	3,102	3,904	6,047
CA	San Diego Police Department	2,002	2,100	3,094	5,028	6,934
CA	San Jose Police Department	2,478	2,493	3,355	6,217	8,665
CO	Colorado Springs Police Department	1,897	2,065	3,073	4,147	6,264
CT	Connecticut State Police	1,110	1,164	1,815	2,153	2,990
DE	Delaware Department of Justice	260	294	584	908	814
FL	Broward County Sheriff Office	9,771	3,283	3,631	6,390	7,925
FL	Gainesville Police Department	1,931	2,101	3,221	3,706	4,573
FL	Polk County Sheriff's Office	2,661	-	-	-	-
FL	Osceola County Sheriff's Office	-	2,878	4,435	5,360	7,643
GA	Georgia Bureau of Investigation	3,417	4,584	6,053	9,161	13,399
HI	Hawaii Department of the Attorney General	457	690	889	1,128	1,846
IA	Iowa Division of Criminal Investigation	951	1,089	2,014	1,847	2,601
ID	Idaho Office of the Attorney General	595	482	905	1,164	1,365
IL	Cook County State's Attorney's Office	1,762	1,965	2,961	5,361	7,267
IL	Illinois Office of the Attorney General	2,189	2,670	4,355	4,443	6,097
IN	Indiana State Police	2,221	2,754	4,443	5,223	7,190
KS	Sedgwick County Sheriff's Department	930	1,414	2,116	1,809	2,603
KY	Kentucky State Police	1,401	1,819	2,901	3,134	4,772
LA	Louisiana Department of Justice	1,368	1,625	2,401	2,919	4,180
MA	Massachusetts State Police	2,206	2,176	3,209	4,941	5,729
MD	Maryland State Police	1,702	2,813	2,844	5,434	6,225
ME	Maine State Police	467	385	908	996	1,186
MI	Michigan State Police	3,358	3,674	6,255	6,639	10,221
MN	Minnesota Department of Public Safety	1,880	1,690	3,058	3,791	5,299
MO	St. Charles County Sheriff's Department	2,421	2,266	3,872	4,497	6,198
MS	Mississippi Office of the Attorney General	663	961	1,610	1,556	2,413
MT	Billings Police Department	262	-	-	-	-
MT	Montana DOJ - Division of Criminal Investigation	-	314	506	664	708
NC	North Carolina State Bureau of Investigation	3,173	3,568	5,123	7,271	11,213
ND	North Dakota Office of the Attorney General	235	513	409	459	608
NE	Nebraska State Patrol	590	694	1,039	1,162	1,582
NH	Portsmouth Police Department	633	505	617	1,183	917
NJ	New Jersey Department of Law and Public Safety	2,966	3,034	3,773	6,029	8,325
NM	New Mexico Office of the Attorney General	757	754	1,267	1,800	2,141
NV	Las Vegas Metropolitan Police Department	2,114	1,910	3,047	2,715	3,857

## ICAC TASK FORCE CYBERTIPS RECEIVED CONTINUED

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
NY	New York City Police Department	2,758	5,109	4,332	7,423	10,950
NY	New York State Police	3,584	3,874	5,315	7,046	9,756
OH	Cuyahoga County Prosecutor's Office	4,134	4,400	7,630	8,718	11,090
OK	Oklahoma State Bureau of Investigation	1,769	1,686	3,229	3,139	4,359
OR	Oregon Department of Justice	1,571	1,807	3,284	3,173	4,580
PA	Delaware County District Attorney's Office	4,204	4,125	6,235	8,003	11,618
RI	Rhode Island State Police	267	328	539	1,081	1,201
SC	South Carolina Attorney General's Office	1,703	1,920	2,842	3,433	4,471
SD	South Dakota Office of the Attorney General	290	266	417	454	683
TN	Knoxville Police Department	14,304	2,746	4,065	5,090	7,474
TX	Dallas Police Department	3,360	3,522	5,419	9,105	12,912
TX	Houston Police Department	2,312	3,004	4,634	7,926	11,101
TX	Office of the Attorney General of Texas	3,749	4,795	7,632	9,783	15,188
UT	Utah Office of the Attorney General	1,475	841	1,652	1,759	2,763
VA	Bedford County Sheriff's Office	1,502	1,929	2,808	3,459	4,635
VA	Virginia State Police	1,181	1,349	2,542	3,919	4,671
VT	Vermont Office of the Attorney General	201	189	349	295	418
WA	Seattle Police Department	2,882	2,597	4,562	5,185	7,030
WI	Wisconsin Department of Justice	1,658	1,769	2,698	3,002	4,215
WV	West Virginia State Police	587	693	1,459	1,125	1,623
WY	Wyoming Office of the Attorney General	171	176	255	495	650

## ICAC TASK FORCE FORENSIC EXAMINATIONS PERFORMED

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	351	442	389	269	276
AL	Alabama Law Enforcement Agency	652	1,749	449	1,024	1,290
AR	Arkansas State Police	1,418	1,478	1,408	1,287	1,406
AZ	Phoenix Police Department	2,221	2,422	2,403	2,838	2,666
CA	Los Angeles Police Department	1,663	2,753	1,233	2,512	4,984
CA	San Diego Police Department	744	900	467	373	551
CA	San Jose Police Department	880	873	2,794	2,964	2,551
CA	Fresno County Sheriff's Office	485	480	507	724	632
CA	Sacramento County Sheriff's Office	1,072	704	708	863	1,080
CO	Colorado Springs Police Department	1,283	1,378	1,281	1,108	1,392
CT	Connecticut State Police	680	923	482	285	219
DE	Delaware Department of Justice	278	194	135	46	104
FL	Broward County Sheriff Office	1,080	1,206	1,498	1,691	1,573
FL	Gainesville Police Department	1,589	1,967	1,581	2,413	2,059
FL	Polk County Sheriff's Office	2,677	-	-	-	-
FL	Osceola County Sheriff's Office	-	1,067	2,091	2,697	2,466
GA	Georgia Bureau of Investigation	2,039	2,038	2,225	1,844	2,475
HI	Hawaii Department of the Attorney General	8	114	76	147	200
IA	Iowa Division of Criminal Investigation	812	800	1,308	1,033	1,159



**ICAC TASK FORCE FORENSIC EXAMINATIONS PERFORMED CONTINUED**

<b>State</b>	<b>Task Force Agency</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>
ID	Idaho Office of the Attorney General	240	276	371	463	536
IL	Cook County State's Attorney's Office	251	307	335	258	265
IL	Illinois Office of the Attorney General	1,824	1,186	1,288	1,407	1,338
IN	Indiana State Police	2,523	2,227	2,558	2,259	2,633
KS	Sedgwick County Sheriff's Department	663	704	697	658	895
KY	Kentucky State Police	672	649	855	818	845
LA	Louisiana Department of Justice	1,171	956	1,043	721	712
MA	Massachusetts State Police	1,338	1,440	1,675	509	380
MD	Maryland State Police	1,065	1,049	1,118	1,432	1,624
ME	Maine State Police	289	400	534	584	448
MI	Michigan State Police	5,728	8,359	8,028	7,324	7,278
MN	Minnesota Department of Public Safety	1,856	1,865	1,733	1,577	1,396
MO	St. Charles County Sheriff's Department	3,703	3,352	3,025	2,861	2,427
MS	Mississippi Office of the Attorney General	861	691	678	796	757
MT	Billings Police Department	198	-	-	-	-
MT	Montana DOJ - Division of Criminal Investigation	-	415	426	314	193
NC	North Carolina State Bureau of Investigation	4,093	2,339	1,863	2,637	2,302
ND	North Dakota Office of the Attorney General	592	566	669	759	771
NE	Nebraska State Patrol	1,276	1,171	607	678	701
NH	Portsmouth Police Department	676	716	1,218	1,375	1,233
NJ	New Jersey Department of Law and Public Safety	3,124	3,327	4,801	3,356	2,366
NM	New Mexico Office of the Attorney General	812	964	812	617	687
NV	Las Vegas Metropolitan Police Department	1,101	995	956	971	945
NY	New York City Police Department	386	380	329	200	237
NY	New York State Police	2,647	2,635	2,944	3,662	2,681
OH	Cuyahoga County Prosecutor's Office	1,419	1,234	1,249	1,921	1,940
OK	Oklahoma State Bureau of Investigation	484	1,361	720	593	813
OR	Oregon Department of Justice	87	296	498	426	362
PA	Delaware County District Attorney's Office	4,196	3,875	4,566	2,873	3,641
RI	Rhode Island State Police	340	465	371	408	288
SC	South Carolina Attorney General's Office	720	1,457	1,440	786	1,409
SD	South Dakota Office of the Attorney General	1,485	1,142	1,167	1,141	1,061
TN	Knoxville Police Department	1,684	2,333	1,872	1,903	1,771
TX	Houston Police Department	952	703	627	850	911
TX	Dallas Police Department	1,725	982	1,159	1,490	1,711
TX	Office of the Attorney General of Texas	2,397	1,383	1,259	1,700	2,251
UT	Utah Office of the Attorney General	1,759	2,089	1,741	1,559	1,544
VA	Bedford County Sheriff's Office	1,866	1,882	1,909	1,604	1,709
VA	Virginia State Police	1,464	1,389	1,265	1,151	1,152
VT	Vermont Office of the Attorney General	339	336	249	211	241
WA	Seattle Police Department	831	1,003	821	897	3,611
WI	Wisconsin Department of Justice	4,351	4,649	4,522	4,644	3,907
WV	West Virginia State Police	1,443	1,222	1,369	1,046	1,151
WY	Wyoming Office of the Attorney General	321	217	110	136	112
<b>TOTALS</b>		<b>84,884</b>	<b>86,475</b>	<b>86,512</b>	<b>85,693</b>	<b>90,318</b>

## ICAC TASK FORCE TECHNICAL SUPPORT PERFORMED

ICAC Task Forces provide specialized technical assistance to help state and local agencies combat technology facilitated crimes against children at every level.

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	86	67	89	2	11
AL	Alabama Law Enforcement Agency	223	803	996	735	999
AR	Arkansas State Police	1,149	1,167	652	678	536
AZ	Phoenix Police Department	1,386	1,063	354	230	199
CA	Los Angeles Police Department	2,918	3,839	2,283	2,513	3,756
CA	San Diego Police Department	281	92	40	40	33
CA	San Jose Police Department	569	452	338	210	488
CA	Fresno County Sheriff's Office	900	1,150	1,272	1,463	387
CA	Sacramento County Sheriff's Office	30	47	69	16	47
CO	Colorado Springs Police Department	477	356	445	224	161
CT	Connecticut State Police	264	731	629	220	222
DE	Delaware Department of Justice	18	14	10	5	13
FL	Broward County Sheriff Office	245	423	505	390	461
FL	Gainesville Police Department	765	1,173	654	462	371
FL	Polk County Sheriff's Office	774	-	-	-	-
FL	Osceola County Sheriff's Office	-	246	214	397	628
GA	Georgia Bureau of Investigation	338	410	431	504	433
HI	Hawaii Department of the Attorney General	5	15	14	33	25
IA	Iowa Division of Criminal Investigation	712	824	1,129	1,091	1,068
ID	Idaho Office of the Attorney General	75	77	154	147	128
IL	Cook County State's Attorney's Office	67	80	51	45	34
IL	Illinois Office of the Attorney General	929	793	562	792	554
IN	Indiana State Police	347	391	384	548	727
KS	Sedgwick County Sheriff's Department	62	16	18	25	50
KY	Kentucky State Police	505	475	490	409	289
LA	Louisiana Department of Justice	425	553	524	200	117
MA	Massachusetts State Police	1,214	1,183	1,486	290	136
MD	Maryland State Police	45	62	53	66	142
ME	Maine State Police	208	259	183	99	76
MI	Michigan State Police	1,205	4,261	5,789	4,267	4,236
MN	Minnesota Department of Public Safety	695	588	500	492	385
MO	St. Charles County Sheriff's Department	653	613	629	1,114	1,343
MS	Mississippi Office of the Attorney General	800	1,521	1,691	2,159	1,410
MT	Billings Police Department	76	-	-	-	-
MT	Montana DOJ - Division of Criminal Investigation	-	46	49	58	61
NC	North Carolina State Bureau of Investigation	749	655	361	630	680
ND	North Dakota Office of the Attorney General	6	8	63	102	113
NE	Nebraska State Patrol	126	254	73	203	440
NH	Portsmouth Police Department	457	497	846	1,119	731
NJ	New Jersey Department of Law and Public Safety	818	949	966	485	503
NM	New Mexico Office of the Attorney General	173	184	186	193	170

**ICAC TASK FORCE TECHNICAL SUPPORT PERFORMED CONTINUED**

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
NV	Las Vegas Metropolitan Police Department	951	536	455	227	338
NY	New York City Police Department	165	281	314	38	199
NY	New York State Police	794	230	277	168	242
OH	Cuyahoga County Prosecutor's Office	836	1,318	1,408	1,926	1,721
OK	Oklahoma State Bureau of Investigation	171	74	161	194	210
OR	Oregon Department of Justice	247	172	16	10	11
PA	Delaware County District Attorney's Office	850	141	365	123	89
RI	Rhode Island State Police	129	113	59	17	77
SC	South Carolina Attorney General's Office	638	854	1,045	1,619	1,804
SD	South Dakota Office of the Attorney General	551	413	476	1,049	1,204
TN	Knoxville Police Department	141	287	254	309	364
TX	Houston Police Department	436	377	590	610	305
TX	Dallas Police Department	781	1,986	4,627	5,257	1,528
TX	Office of the Attorney General of Texas	228	213	117	355	22
UT	Utah Office of the Attorney General	2,178	2,559	2,308	2,308	1,577
VA	Bedford County Sheriff's Office	1,547	1,402	1,271	1,585	1,390
VA	Virginia State Police	23	14	15	99	112
VT	Vermont Office of the Attorney General	192	122	83	51	82
WA	Seattle Police Department	452	674	307	310	116
WI	Wisconsin Department of Justice	680	811	906	946	924
WV	West Virginia State Police	2,174	1,828	2,047	2,264	2,863
WY	Wyoming Office of the Attorney General	57	250	217	185	32

**ICAC TASK FORCE NUMBER OF ARRESTS**

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
AK	Anchorage Police Department	13	21	19	14	9
AL	Alabama Law Enforcement Agency	83	72	96	127	260
AR	Arkansas State Police	87	100	88	87	118
AZ	Phoenix Police Department	323	268	243	270	294
CA	Los Angeles Police Department	990	619	431	597	1066
CA	San Diego Police Department	180	126	78	103	151
CA	San Jose Police Department	220	185	163	199	172
CA	Fresno County Sheriff's Office	86	67	59	138	105
CA	Sacramento County Sheriff's Office	60	65	45	45	63
CO	Colorado Springs Police Department	153	156	263	136	180
CT	Connecticut State Police	42	61	48	47	23
DE	Delaware Department of Justice	45	27	23	13	21
FL	Broward County Sheriff Office	94	127	165	131	204
FL	Gainesville Police Department	231	246	169	246	213
FL	Polk County Sheriff's Office	342	-	-	-	-
FL	Osceola County Sheriff's Office	-	124	318	283	299
GA	Georgia Bureau of Investigation	316	312	483	403	407
HI	Hawaii Department of the Attorney General	16	11	25	25	39

**ICAC TASK FORCE NUMBER OF ARRESTS CONTINUED**

State	Task Force Agency	FY2017	FY2018	FY2019	FY2020	FY2021
IA	Iowa Division of Criminal Investigation	58	32	61	72	62
ID	Idaho Office of the Attorney General	37	46	41	46	53
IL	Cook County State's Attorney's Office	283	231	48	43	53
IL	Illinois Office of the Attorney General	175	124	112	86	93
IN	Indiana State Police	168	176	174	159	207
KS	Sedgwick County Sheriff's Department	41	61	56	56	69
KY	Kentucky State Police	103	97	129	91	89
LA	Louisiana Department of Justice	255	182	231	198	233
MA	Massachusetts State Police	62	67	78	85	87
MD	Maryland State Police	193	215	228	171	250
ME	Maine State Police	43	41	37	43	36
MI	Michigan State Police	410	361	198	94	195
MN	Minnesota Department of Public Safety	212	152	219	59	59
MO	St. Charles County Sheriff's Department	326	324	386	437	352
MS	Mississippi Office of the Attorney General	121	113	96	91	93
MT	Billings Police Department	37	-	-	-	-
MT	Montana DOJ - Division of Criminal Investigation	-	31	46	28	23
NC	North Carolina State Bureau of Investigation	166	189	163	318	290
ND	North Dakota Office of the Attorney General	66	34	32	27	34
NE	Nebraska State Patrol	105	48	35	54	57
NH	Portsmouth Police Department	19	19	62	87	63
NJ	New Jersey Department of Law and Public Safety	203	309	372	255	260
NM	New Mexico Office of the Attorney General	112	47	76	54	63
NV	Las Vegas Metropolitan Police Department	80	91	62	81	114
NY	New York City Police Department	109	125	145	65	63
NY	New York State Police	211	243	292	199	214
OH	Cuyahoga County Prosecutor's Office	199	253	272	261	305
OK	Oklahoma State Bureau of Investigation	56	42	66	56	124
OR	Oregon Department of Justice	41	34	23	11	56
PA	Delaware County District Attorney's Office	325	229	325	315	325
RI	Rhode Island State Police	86	52	91	88	77
SC	South Carolina Attorney General's Office	185	245	202	234	261
SD	South Dakota Office of the Attorney General	89	59	41	50	54
TN	Knoxville Police Department	106	162	242	202	172
TX	Houston Police Department	409	255	224	210	199
TX	Dallas Police Department	93	129	305	322	312
TX	Office of the Attorney General of Texas	170	168	148	164	191
UT	Utah Office of the Attorney General	244	226	232	225	213
VA	Bedford County Sheriff's Office	286	187	228	218	236
VA	Virginia State Police	283	271	263	227	223
VT	Vermont Office of the Attorney General	40	35	40	37	37
WA	Seattle Police Department	202	227	83	91	170
WI	Wisconsin Department of Justice	563	482	487	529	490
WV	West Virginia State Police	121	130	267	190	197
WY	Wyoming Office of the Attorney General	27	22	23	14	32

## NUMBER OF CASES REFERRED FOR FURTHER INVESTIGATION

State	Task Force Agency	FY 2017			FY 2018			FY 2019		
		Federal	State	Local	Federal	State	Local	Federal	State	Local
AK	Anchorage Police Department	5	11	2	3	14	0	1	24	2
AL	Alabama Law Enforcement Agency	3	9	18	1	23	15	7	17	12
AR	Arkansas State Police	36	30	14	22	83	15	58	53	15
AZ	Phoenix Police Department	48	735	735	37	191	539	61	103	218
CA	Los Angeles Police Department	41	134	259	42	108	254	34	67	114
CA	San Diego Police Department	32	69	38	44	105	49	75	140	58
CA	San Jose Police Department	15	37	152	45	19	88	30	67	53
CA	Fresno County Sheriff's Office	5	9	8	1	0	14	0	6	3
CA	Sacramento County Sheriff's Office	79	14	668	25	6	571	13	5	882
CO	Colorado Springs Police Department	23	46	1002	18	6	1056	26	16	1876
CT	Connecticut State Police	6	61	380	11	29	271	2	29	263
DE	Delaware Department of Justice	1	12	2	1	11	0	0	3	0
FL	Broward County Sheriff Office	42	37	51	82	59	60	46	64	72
FL	Gainesville Police Department	36	29	28	54	58	19	28	66	554
FL	Polk County Sheriff's Office	101	87	92						
FL	Osceola County Sheriff's Office				10	48	62	24	73	134
GA	Georgia Bureau of Investigation	37	787	755	55	359	715	38	363	634
HI	Hawaii Department of the Attorney General	2	0	16	40	20	74	27	25	21
IA	Iowa Division of Criminal Investigation	12	10	7	12	10	10	37	24	16
ID	Idaho Office of the Attorney General	15	28	8	12	22	11	8	29	10
IL	Cook County State's Attorney's Office	54	26	144	60	81	60	1	21	24
IL	Illinois Office of the Attorney General	41	98	68	14	31	21	17	33	17
IN	Indiana State Police	53	95	62	40	108	50	51	123	49
KS	Sedgwick County Sheriff's Department	29	15	41	21	26	69	6	32	44
KY	Kentucky State Police	17	26	32	10	15	5	25	33	18
LA	Louisiana Department of Justice	33	25	144	25	41	108	36	43	140
MA	Massachusetts State Police	3	1025	0	24	462	9	6	278	235
MD	Maryland State Police	14	49	39	13	36	34	22	88	29
ME	Maine State Police	12	25	20	9	41	9	9	26	15
MI	Michigan State Police	3	252	667	5	20	134	15	22	68
MN	Minnesota Department of Public Safety	16	98	125	22	70	85	31	42	136

State	Task Force Agency	FY 2017			FY 2018			FY 2019		
		Federal	State	Local	Federal	State	Local	Federal	State	Local
MO	St. Charles County Sheriff's Department	63	88	772	72	132	141	66	147	130
MS	Mississippi Office of the Attorney General	12	20	34	13	18	29	8	21	16
MT	Billings Police Department	59	60	24						
MT	Montana DOJ - Division of Criminal Investigation				16	31	14	38	33	26
NC	North Carolina State Bureau of Investigation	44	89	120	84	114	87	48	72	29
ND	North Dakota Office of the Attorney General	9	37	5	12	20	2	2	41	2
NE	Nebraska State Patrol	30	20	16	22	17	36	10	14	14
NH	Portsmouth Police Department	5	7	13	7	17	15	15	30	29
NJ	New Jersey Department of Law and Public Safety	25	64	369	23	30	53	22	87	112
NM	New Mexico Office of the Attorney General	19	111	59	13	39	32	28	76	155
NV	Las Vegas Metropolitan Police Department	76	256	100	101	229	69	56	195	87
NY	New York City Police Department	10	0	0	0	0	0	0	5	1
NY	New York State Police	48	226	156	55	302	135	23	430	268
OH	Cuyahoga County Prosecutor's Office	30	70	234	29	31	616	15	25	1417
OK	Oklahoma State Bureau of Investigation	6	27	22	2	44	25	12	48	33
OR	Oregon Department of Justice	32	132	133	19	97	226	12	12	393
PA	Delaware County District Attorney's Office	83	1251	1847	87	880	1982	79	1880	3206
RI	Rhode Island State Police	5	10	3	9	16	12	11	11	4
SC	South Carolina Attorney General's Office	27	376	297	22	44	747	43	178	1121
SD	South Dakota Office of the Attorney General	24	43	5	24	28	5	29	47	1
TN	Knoxville Police Department	19	59	41	24	54	79	9	38	27
TX	Houston Police Department	74	182	346	67	69	421	344	42	1218
TX	Dallas Police Department	20	56	855	60	59	1108	101	167	1322
TX	Office of the Attorney General of Texas	181	124	747	420	144	1079	1284	383	2369
UT	Utah Office of the Attorney General	54	295	184	56	284	273	39	532	755
VA	Bedford County Sheriff's Office	72	119	6257	27	74	827	22	49	734
VA	Virginia State Police	50	151	91	41	134	64	84	43	34
VT	Vermont Office of the Attorney General	8	20	3	6	12	8	6	11	1
WA	Seattle Police Department	29	51	64	68	48	82	34	67	48
WI	Wisconsin Department of Justice	26	321	159	23	276	70	27	318	117
WV	West Virginia State Police	17	93	5	24	69	7	49	69	4
WY	Wyoming Office of the Attorney General	2	1	1	4	3	1	12	5	9

State	Task Force Agency	FY 2020			FY 2021		
		Federal	State	Local	Federal	State	Local
AK	Anchorage Police Department	1	28	4	7	18	0
AL	Alabama Law Enforcement Agency	28	89	59	29	171	62
AR	Arkansas State Police	22	34	30	11	57	14
AZ	Phoenix Police Department	60	79	109	17	106	144
CA	Los Angeles Police Department	44	131	216	45	201	362
CA	San Diego Police Department	277	72	22	30	73	64
CA	San Jose Police Department	15	65	83	23	152	109
CA	Fresno County Sheriff's Office	3	20	27	14	37	37
CA	Sacramento County Sheriff's Office	4	20	1236	6	11	1390
CO	Colorado Springs Police Department	18	23	2539	23	32	4073
CT	Connecticut State Police	24	38	440	26	64	370
DE	Delaware Department of Justice	0	8	0	8	16	0
FL	Broward County Sheriff Office	53	73	95	65	89	148
FL	Gainesville Police Department	40	51	62	35	165	60
FL	Polk County Sheriff's Office				-	-	
FL	Osceola County Sheriff's Office	33	90	184	27	57	191
GA	Georgia Bureau of Investigation	34	224	724	71	308	469
HI	Hawaii Department of the Attorney General	34	15	18	16	17	5
IA	Iowa Division of Criminal Investigation	23	17	22	25	32	10
ID	Idaho Office of the Attorney General	21	27	17	17	28	20
IL	Cook County State's Attorney's Office	8	28	28	2	7	39
IL	Illinois Office of the Attorney General	5	8	13	7	38	17
IN	Indiana State Police	106	56	43	54	81	53
KS	Sedgwick County Sheriff's Department	15	49	58	18	105	73
KY	Kentucky State Police	64	24	18	26	29	6
LA	Louisiana Department of Justice	10	38	106	17	43	137
MA	Massachusetts State Police	4	103	173	15	18	6
MD	Maryland State Police	36	149	68	25	68	56
ME	Maine State Police	17	8	11	7	2	19
MI	Michigan State Police	7	31	62	10	17	43
MN	Minnesota Department of Public Safety	5	70	75	8	53	178
MO	St. Charles County Sheriff's Department	57	136	135	45	109	116



State	Task Force Agency	FY 2020			FY 2021		
		Federal	State	Local	Federal	State	Local
MS	Mississippi Office of the Attorney General	10	24	23	2	8	31
MT	Billings Police Department						
MT	Montana Department of Justice - Division of Criminal Investigation	12	13	37	12	19	25
NC	North Carolina State Bureau of Investigation	107	123	173	93	100	163
ND	North Dakota Office of the Attorney General	36	18	2	21	37	31
NE	Nebraska State Patrol	17	15	0	21	31	4
NH	Portsmouth Police Department	11	40	23	13	44	36
NJ	New Jersey Department of Law and Public Safety	18	27	71	0	1	2
NM	New Mexico Office of the Attorney General	55	102	175	68	91	226
NV	Las Vegas Metropolitan Police Department	22	235	51	9	77	86
NY	New York City Police Department	0	0	0	1	0	0
NY	New York State Police	8	761	452	49	26	12
OH	Cuyahoga County Prosecutor's Office	18	46	2769	29	79	2500
OK	Oklahoma State Bureau of Investigation	23	31	23	78	143	26
OR	Oregon Department of Justice	2	29	305	39	186	598
PA	Delaware County District Attorney's Office	121	1757	3454	88	2535	4698
RI	Rhode Island State Police	15	17	0	16	23	1
SC	South Carolina Attorney General's Office	68	24	1381	8	23	2959
SD	South Dakota Office of the Attorney General	9	36	7	23	21	9
TN	Knoxville Police Department	12	58	66	11	101	55
TX	Houston Police Department	171	84	1122	160	89	1168
TX	Dallas Police Department	267	200	3332	228	510	5352
TX	Office of the Attorney General of Texas	722	323	1418	820	1691	1343
UT	Utah Office of the Attorney General	46	551	304	25	651	406
VA	Bedford County Sheriff's Office	23	56	884	40	69	990
VA	Virginia State Police	38	14	70	59	54	43
VT	Vermont Office of the Attorney General	3	11	0	12	7	3
WA	Seattle Police Department	33	71	502	88	67	829
WI	Wisconsin Department of Justice	92	292	99	121	302	100
WV	West Virginia State Police	35	64	15	24	104	10
WY	Wyoming Office of the Attorney General	7	2	6	20	9	9

**ICAC TASK FORCE CRIMINAL REFERRALS TO UNITED STATES ATTORNEYS' OFFICE**

State	Task Force	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
		Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted
AK	Anchorage Police Department	9	5	4	4	3	3	0	0	6	7
AL	Alabama Law Enforcement Agency	11	9	11	8	14	11	28	20	26	16
AR	Arkansas State Police	29	25	46	42	70	61	48	42	27	21
AZ	Phoenix Police Dept.	30	17	27	27	9	6	9	6	2	2
CA	Los Angeles Police Dept.	39	20	18	8	20	14	49	27	45	27
CA	San Diego Police Dept.	71	65	73	67	33	18	21	12	18	30
CA	San Jose Police Dept.	22	17	20	12	52	40	29	20	20	19
CA	Fresno County Sheriff's Office	9	7	8	6	4	3	16	15	28	17
CA	Sacramento County Sheriff's Office	6	6	12	12	3	3	3	3	7	7
CO	Colorado Springs Police Dept.	6	4	10	2	22	12	6	2	16	7
CT	Connecticut State Police	4	2	4	3	5	2	14	8	12	4
DE	Delaware Dept. of Justice	2	0	4	5	1	0	0	0	0	0
FL	Broward County Sheriff Office	28	20	54	52	47	35	49	40	65	52
FL	Gainesville Police Dept.	29	22	58	28	24	19	44	46	33	28
FL	Polk County Sheriff's Office	40	26	-	-	-	-	-	-	-	-
FL	Osceola County Sheriff's Office	-	-	8	8	17	15	20	17	18	15
GA	Georgia Bureau of Investigation	73	56	44	32	51	39	43	34	60	57

State	Task Force	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
		Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted
HI	Hawaii Dept.of the Attorney General	8	6	26	22	10	8	21	10	12	8
IA	Iowa Division of Criminal Investigation	45	42	38	33	53	50	87	63	57	48
ID	Idaho Office of the Attorney General	8	7	15	13	15	12	16	15	24	15
IL	Cook County State's Attorney's Office	9	0	7	4	1	0	4	4	0	0
IL	Illinois Office of the Attorney General	38	35	12	15	16	16	5	6	5	3
IN	Indiana State Police	130	92	48	40	61	52	53	53	90	66
KS	Sedgwick County Sheriff's Dept.	5	5	6	5	12	7	7	4	18	13
KY	Kentucky State Police	16	13	23	10	35	32	41	30	34	28
LA	Louisiana Dept. of Justice	25	24	23	23	18	18	4	6	11	11
MA	Massachusetts State Police	1	0	1	1	3	3	1	0	3	1
MD	Maryland State Police	33	27	57	30	40	21	32	25	37	32
ME	Maine State Police	13	10	9	13	12	12	14	9	10	9
MI	Michigan State Police	3	3	12	7	24	15	16	7	17	16
MN	Minnesota Dept. of Public Safety	20	16	19	14	35	26	11	8	6	3
MO	St. Charles County Sheriff's Dept.	120	79	165	143	168	155	111	102	165	150
MS	Mississippi Office of the Attorney General	19	18	21	14	17	16	12	9	17	16
MT	Billings Police Dept.	34	29	-	-	-	-	-	-	-	-

State	Task Force	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
		Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted
MT	Montana Dept. of Justice - Division of Criminal Investigation	-	-	19	22	37	29	15	11	17	10
NC	North Carolina State Bureau of Investigation	50	32	88	66	68	48	155	132	107	92
ND	North Dakota Office of the Attorney General	15	14	19	19	9	9	36	10	18	8
NE	Nebraska State Patrol	27	23	20	21	13	16	54	46	33	36
NH	Portsmouth Police Dept.	3	1	6	5	14	14	12	3	18	8
NJ	New Jersey Dept. of Law and Public Safety	21	16	20	17	21	21	14	9	7	7
NM	New Mexico Office of the Attorney General	23	12	36	25	39	18	33	25	43	37
NV	Las Vegas Metropolitan Police Dept.	78	75	71	62	32	21	17	7	19	10
NY	New York City Police Dept.t	8	7	4	4	1	5	0	5	5	5
NY	New York State Police	48	20	63	51	52	45	59	49	67	56
OH	Cuyahoga County Prosecutor's Office	74	70	82	78	44	42	43	45	45	41
OK	Oklahoma State Bureau of Investigation	3	2	8	7	24	19	15	9	108	42
OR	Oregon Dept.of Justice	2	2	3	3	0	0	0	0	23	8
PA	Delaware County District Attorney's Office	25	16	26	24	78	49	27	30	18	28

State	Task Force	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021	
		Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted	Submitted	Accepted
RI	Rhode Island State Police	9	10	7	8	12	12	13	11	18	18
SC	South Carolina Attorney General's Office	189	7	244	11	147	10	171	11	261	5
SD	South Dakota Office of the Attorney General	31	31	24	24	28	25	16	12	35	30
TN	Knoxville Police Dept.	30	18	36	23	24	16	16	15	12	7
TX	Houston Police Dept.	14	9	6	6	18	17	16	16	14	11
TX	Dallas Police Dept.	31	18	38	17	40	35	55	54	38	25
TX	Office of the Attorney General of Texas	34	28	32	30	25	25	50	35	27	38
UT	Utah Office of the Attorney General	45	35	37	31	21	18	38	25	33	29
VA	Bedford County Sheriff's Office	37	33	22	19	47	19	30	27	40	32
VA	Virginia State Police	35	32	36	24	68	43	34	31	29	23
VT	Vermont Office of the Attorney General	19	17	13	7	19	16	10	8	10	10
WA	Seattle Police Dept.	30	20	49	42	37	17	14	13	23	17
WI	Wisconsin Dept. of Justice	15	15	22	18	21	14	85	78	104	95
WV	West Virginia State Police	30	22	46	31	74	62	63	60	43	31
WY	Wyoming Office of the Attorney General	17	15	11	10	18	18	9	9	6	6

## HIGHLIGHTS OF SUCCESSFUL ICAC TASK FORCE INVESTIGATIONS

**[AK ICAC]** An Anchorage man was sentenced in 2018 to four years imprisonment and 15 years requirement to register as a sex offender after pleading guilty to a single count of Attempted Online Enticement of a Minor. The arrest was the result of a collaborative effort by the Cyber Crimes Unit of the Anchorage Police Department and the FBI's Child Exploitation Task Force. In March 2017, the man responded to a website ad posted by an undercover Cyber Crimes Unit detective enquiring about sex acts with fictitious 13- and 14-year-old girls. After an ensuing discussion about fees for various sex acts the man wanted performed by the girls, the man agreed to meet the undercover detective at a hotel for the purposes of having sex with the "girls." The man was taken into custody at the hotel by local and federal law enforcement who were conducting surveillance on the area and was found to have condoms and cash on his person. The U.S. Attorney's Office for the District of Alaska led the prosecution, which was the result of strong working relationships between local, state, and federal law enforcement agencies.

**[AL ICAC]** The Alabama Law Enforcement Agency's State Bureau of Investigation, the Air Force Office of Special Investigations in Minot, and Ward County Sheriff's Department in North Dakota partnered in the investigation of a case in 2017 that ended in the arrest and conviction of a Minot, North Dakota woman who was sentenced for a total of 45 years imprisonment for the sexual exploitation of a child and distribution of images depicting sexual exploitation of children. After a Hale County, Alabama resident passed away in early 2017, his family found a cell phone that contained child pornography while cleaning out the man's belongings. The Alabama Law Enforcement Agency (ALEA) was notified and conducted a forensic examination of the device in partnership with the Joint Electronic Crimes Task Force (JECTF) that identified a suspect. The suspect, who was living on the Minot Air Force Base in North Dakota at the time of the recordings, had sexually exploited her own infant child and recorded the acts on three separate occasions between July and October 2015. The suspect was identified due to a forearm tattoo visible in the images, as well as photos of a money order exchanged between her and the purchaser in Alabama. The U.S. Attorney's Office in the District of North Dakota led the prosecution.

**[AR ICAC]** In April 2020, the Arkansas ICAC Task Force received a CyberTip from the National Center for Missing and Exploited Children (NCMEC) regarding possible hands-on sexual abuse and production of CSAM by a subject believed to be in Boone County, AR. An investigation identified the suspect and determined that many of the CSAM videos involved the suspect digitally penetrating his 13-year-old relative and then sharing the videos with others via an online chatroom. He also possessed over 439 CSAM images and videos that he either made or received from others. He was ultimately charged with Rape, Computer Exploitation of a Child, Sexual Assault, and multiple counts of Possession of Child Pornography and found guilty on all counts. He was sentenced to a total of 405 consecutive years in prison.

**[AZ ICAC]** In November 2018, Arizona ICAC investigators received a CyberTip from the National Center for Missing and Exploited Children (NCMEC) from an Internet service provider that a user was in possession of images depicting the sexual exploitation of a child. By looking at data embedded in the images production dates, times, and GPS location data, NCMEC analysts suspected the images to be newly created in the Phoenix area. Arizona ICAC investigators

connected this information to an ongoing investigation of a residence that began after a 2-year-old child living in the home was found to have suspicious injuries of a sexual nature. This additional information led investigators to identify a New Mexico man who frequently visited the family living in the residence and was in their home when the images were taken. Subsequent investigation uncovered more child sexual abuse images of the children living in the home. The man was ultimately charged in Arizona and pled guilty to multiple counts of Sexual Exploitation of a Minor. He will remain confined in Arizona for 13 years while additional charges are pending in New Mexico.

**[CA ICAC Los Angeles]** A Murietta man was sentenced in 2017 to 17 years in federal prison followed by supervised release for the rest of his life after pleading guilty to one count of using the internet to induce a minor to engage in criminal sexual activity after enticing a girl who lived in the Seattle area to engage in sexually explicit activity that resulted in the production of child pornography. The offender directed a girl, who was no older than 13, to have sexual contact with adult men. He encouraged the victim to allow him to watch the sexual conduct, and to take photos and videos to send to him. In one case, the girl sent the man a photo showing her engaged in sexual activity with a 35-year-old man. The suspect admitted that he used a peer-to-peer network to trade child pornography. During a search of his residence in 2014, authorities found in his possession approximately 470 videos depicting child pornography. This man was one of 11 defendants arrested in April 2016 as part of Operation Wide Net, an investigation conducted by the Los Angeles ICAC Task Force. Over three years, Operation Wide Net resulted in a total of more than 80 defendants being prosecuted for child pornography offenses and the execution of over 100 federal and state search warrants in the Los Angeles area.

**[CA ICAC San Diego]** The operator of a Carmel Valley horse ranch was sentenced in 2018 to 210 months in prison for possessing and distributing photographs and videos that depicted children engaged in sexually explicit activity with adults and dogs. The suspect was also sentenced to 25 years of supervised release upon completion of his prison term. During a search of the defendant's computer, federal agents recovered over 800 images and 600 videos of children engaged in sexually explicit conduct. The suspect not only possessed and distributed child pornography, but also repeatedly sexually victimized minors for over two decades. The victims were intimidated for years and finally found the strength to come forward and talk to law enforcement about the offender. This case was investigated by the San Diego ICAC Task Force and Homeland Security Investigations and the U.S. Attorney's Office for the Southern District of California assisted in the prosecution.

**[CA ICAC San Jose]** A former science teacher at a Walnut Creek middle school pleaded guilty in 2018 to four counts of child molestation and was sentenced to 25 years to life in prison. The case came to the attention of authorities in late October 2017 when someone from the East Coast called Martinez police to report that someone believed to be the offender said in an online forum that he engaged in hands-on sexual activity with minors. An undercover officer contacted the suspect on the same online forum, and the suspect agreed to meet the officer in anticipation of going somewhere in the county to have sex with a minor. Upon arriving at the agreed-upon location, the suspect was arrested. Investigators found child pornography on his cellphone and that he had distributed the images. The man was found to have molested multiple children under the age of 13; however, none of the victims were the man's current or former students.



**[CA ICAC Fresno]** A Fresno man was sentenced in 2018 to 780 years to life after being convicted of numerous child molestation and child pornography charges. The man, a registered sex offender, was convicted of 34 felony counts of Lewd Acts on a Minor, one felony count of Possession of More Than 600 Images of Child Pornography, and one felony count of Producing Child Pornography related to his sexual assaults of two female victims, ages four and seven, that he was supposed to be babysitting. The offender also provided details to others on how to lure and groom children to become possible victims. He also had a prior “Strike” conviction for Attempted Child Molestation from the State of Washington in 1997. Despite being a registered sex offender, the man had lied to police about where he lived for more than a year. Upon reaching age 60 and after serving 25 years, Mr. Jimenez will be eligible for release under the Elderly Parole Program.

**[CA ICAC Sacramento]** An Orangevale man was sentenced in March 2021 to 25 years in prison for sexual exploitation of a minor. In January 2019, the offender joined a Kik chat group for persons interested in sex with children and sent members of the group messages that contained screenshots of his texting activity with minors. He sent screenshots of the victim engaged in sexual conduct to one group member, an undercover officer, stating that he was “grooming” the victim. He also expressed interest in the 11-year-old stepdaughter of the undercover officer. The man offered to buy a plane ticket for the Kik group member and the stepdaughter to fly from Newark, New Jersey to Sacramento. Upon arriving at the airport to pick them up, he was arrested. Agents seized the offender’s phone and found child pornography files stored in his cloud storage accounts, as well as screenshots of chats showing the production and distribution of the images of the minor. The offender also faces charges in New Jersey. This case was the product of an investigation by the New Jersey Internet Crimes Against Children task force, Homeland Security Investigations, the New Jersey State Police, and the police departments of Bayonne, New Jersey, Newark, and Sacramento. The U.S. Attorney’s Office for the Eastern District of California prosecuted the case.

**[CO ICAC]** In 2020, a Mountain Village, CO man was sentenced to 7.5 years in federal prison, followed by 10 years of supervised release, for possession of child pornography. The investigation, led by the Colorado Springs Police Department (CSPD) and Colorado’s ICAC Task force, recovered more than 10,500 child pornography files, including 281 videos depicting child pornography. Following a tip reported to the National Center for Missing and Exploited Children (NCMEC), the investigation led to a man in Mountain Village, CO. The Mountain Village Police Department (MVPD) assisted in the investigation. The case was brought as part of Project Safe Childhood and was prosecuted by the U.S. Attorney’s Office for the District of Colorado.

**[CT ICAC]** In 2020, a Tolland County man was sentenced to 347 months of imprisonment, followed by 10 years of supervised release, for child exploitation offenses. The investigation began when a man attempted to coordinate the sale of a 12-year-old child with an undercover detective, offering \$500 for two-days of “slave-training” sexual exploitation. After the man’s arrest, a USB drive containing thousands of photos and videos that contained both child pornography and child erotica was recovered. The photos found on this device revealed that, between July 2016 and November 2018, this man had sexually abused a 12-year-old female and

used a cell phone to produce images of the abuse. The man pled guilty in federal court to one count of production of child pornography and was also convicted in the Hartford Judicial District and the Tolland Judicial District with related state offenses, with the sentence to be served concurrently to his federal imprisonment. This case was investigated by the Connecticut State Police and the Federal Bureau of Investigation and prosecuted by as part of Project Safe Childhood. By the U.S. Attorney's Office of the District of Connecticut with support from the Hartford and Tolland State Attorney's Offices in the investigation and prosecution of this case.

**[DE ICAC]** In 2017, the Delaware Child Predator Task Force arrested and charged a man for Dealing in Child Pornography and Sexual Exploitation of a Child. This investigation was in response to a National Center for Missing and Exploited Children (NCMEC) CyberTip in which an anonymous citizen from Canada reported that while in a private chat room on a social network site, another user posted a nude image of what he claimed to be his 12-year-old relative. The IP address of the user tracked back to Seaford, DE, and the Child Predator Task Force began an investigation and identified a suspect who had previously been on the sex offender registry for sexually abusing his relative and was distributing images of that abuse online. The individual pled guilty and is serving a life sentence.

**[FL ICAC Broward County Sheriff Office]** The South Florida ICAC Task Force received a CyberTip from Google regarding an unknown user who uploaded child pornography to their account. Other CyberTips linked to the suspect revealed that the suspect instructed children to create live videos on YouTube in which he instructed them to strip nude. After identifying the suspect, ICAC detectives searched the suspect's residence and seized several electronic devices. The suspect confessed to downloading and saving child pornography images/videos. He also confessed to chatting with children online which he believed were approximately twelve years old. He stated that he would chat with the children while they were producing live YouTube videos and would solicit them to undress during their live videos. A forensic exam of the suspect's encrypted drive revealed approximately 2,000 images and videos depicting children as young as infants and toddlers being sexually abused. The suspect was arrested and charged with numerous counts of Possession of Child Pornography, and one count of Using a Computer to Compile Child Pornography. He later pled guilty and was sentenced to several years in Florida State Prison followed by a lengthy probation period.

**[FL ICAC Gainesville Police Department]** The Brevard County Police Department initiated an investigation after finding an online advertisement where a subject was inquiring about necrophilia and cannibalism. An undercover agent began conversing with the suspect under the guise of having access to a fictitious young female child. The suspect requested that the agent and the child travel to Texas, where he lived, which eventually allowed the Task Force to identify him. Upon travelling to Texas, the agent connected with Homeland Security Investigations (HSI) Houston, United States Attorney's Office out of the Eastern District of Texas, Texas Department of Public Safety, Nacogdoches Police Department, Shelby County Sheriff's Office, the Shelby County District Attorney, and the Department of Justice Criminal Division's Child Exploitation and Obscenity Section (CEOS). Thanks to the work of these collective agencies, the suspect was arrested and confessed to the desire to kill and dismember the child, have sex with her dead body and then cannibalize her remains. Terabytes of images and movies containing child pornography and necrophilia were recovered from electronic

devices in the individual's home. The suspect pled guilty to numerous charges, including attempted kidnapping, attempted coercion and enticement, receipt of child pornography, and two counts of distribution of child pornography, and was sentenced to 40 years in prison in the Eastern District of Texas.

**[FL ICAC Osceola County Sheriff's Office]** In 2017, the Osceola County Sheriff's Office received two CyberTips containing child pornography from the National Center for Missing and Exploited Children. While the photos did not contain faces, an Osceola County ICAC detective was able to identify possible residents who may be in the photos, and ultimately was able to successfully identify the victim and the residence where the photos were taken. After serving a search warrant on the residence, numerous electronic items were collected, and a possible suspect was questioned. After confessing, the suspect was arrested. Due to the exemplary work of the ICAC and Sex Crimes Units, the suspect was found guilty on 20 counts of Promoting a Photo/Movie containing the Sexual Performance of a Child and 13 counts of Lewd and Lascivious Molestation of a Child under 16, and ultimately sentenced to 38 consecutive life terms.

**[GA ICAC]** In December 2015, the Oconee County Sheriff's Office and three University of Georgia (UGA) swim coaches received nude images of a victim, who was at that time a swimmer at UGA. The victim had taken the images of herself when she was 13 years old and shared them to a male individual via Twitter. She eventually became uncomfortable with the sexually explicit conversations and the sending of nude photographs and told the man not to contact her any further. However, the offender continued to harass her and distribute the photos, including using the dark web and other encryption technologies to disguise his identity. This woman was not the offender's only victim; in fact, he had exploited and harassed numerous other victims over the course of many years. In 2016, law enforcement finally identified the suspect with the help of Facebook records. The suspect was a registered sex offender in California and had been arrested for similar offenses, including child pornography, sending harmful information to a minor, stealing women's underwear, and identity theft, in the past. In June 2017, the suspect was arrested in California and indicted on charges of Production of Child Pornography, Distribution of Child Pornography, and Cyberstalking. At least 30 victims have been identified thus far. The Georgia Bureau of Investigation received the 2018 International Association of Chiefs of Police (IACP) Thomson Reuters Award of Excellence for their work on this case.

**[HI ICAC]** A Waipahu man was sentenced in July 2020 to 120 months of imprisonment and 15 years of supervised release for knowingly attempting to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity. In March of 2019, the offender engaged in a series of online chats and telephonic text sessions with an undercover agent acting in the role of a 13-year-old male. During their conversations, the man arranged to meet the underage male at Maukalani Park with the intent to engage in sexual activity. When the offender arrived at Maukalani Park, agents arrested him. At the time of the man's arrest, agents located both condoms and lubricating gel in his vehicle. After his arrest, the offender admitted to past unlawful sexual contact with minor males. In addition to the HI ICAC Task Force, the case was investigated by the FBI and prosecuted by the U.S. Attorney's Office in the District of Hawaii.

**[IA ICAC]** In 2018, the Southern District of Iowa convicted a Des Moines resident of two counts of Production of Child Pornography and one count of Possession of Child Pornography, twelve years after the initial offense occurred. In 2006, the offender sexually assaulted an 11-year-old minor male victim in his residence numerous times and video recorded the abuse using a camcorder. The offender eventually left the city and kept the assault a secret for over a decade. Twelve years later in 2018, the male victim, now a 23-year-old man, confided in his mother about the assault, who then reported it to the police. The ICAC Task Force and Des Moines Police began a joint investigation, and ultimately searched the offender's home, where they recovered the camcorder that had filmed the assault, with the footage still on the device. Over 100 GB's of child pornography and several thousand videos of child pornography were also found in the home. The offender pled guilty and is serving 40 years in federal prison.

**[ID ICAC]** The Idaho ICAC apprehended a former Boise priest after their investigation revealed him to be in possession of more than 2,500 images of child pornography. The offender was also found to have distributed these images via email, which he claimed was done in an alcohol and drug-induced haze. As a result of the investigation, the offender pled guilty to two child pornography charges in 2018 and was sentenced to 25 years in prison.

**[IL ICAC Cook County's State's Attorney's Office]** In 2018, the Cook County Internet Crimes Against Children Task Force received a CyberTip from the National Center for Missing and Exploited Children (NCMEC) that a user of an adult pornography website was violating protocol by uploading child pornography. A search by the ICAC Task Force of the residence where the user's IP address was located resulted in the recovery of several electronic devices that contained several hundred images and videos of child pornography, some depicting children as young as 3 and 4 years old. At the time of the content discovery, the individual in question was a teacher at a special needs school and previously had taught and advised student activities at other local schools. After the individual's arrest, a female former student came forward and revealed that the offender, then her teacher, had provided her alcohol and begun a sexual relationship with her which ran from 2011 to 2012. Later, the offender raped her, videotaped the incident, and uploaded the clip to the adult pornography website without her knowledge or consent. Thanks to the continued work by the ICAC task force and the Glenview Police Department, the offender was sentenced to a 25-year sentence, as well as a 6-year and another 4-year sentence, to be served consecutively.

**[IL ICAC Illinois Office of the Attorney General]** A Decatur, Illinois man was sentenced in April 2021 to 45 years in prison followed by lifetime supervised release for producing child pornography involving multiple minors. The offender controlled multiple female-presenting profiles on Facebook, which he used to contact female Facebook users. He then enticed the minors to send him photographs that progressed from various stages of undress to sexually suggestive and/or sexually explicit photographs of themselves. Once the man obtained compromising images, he threatened to injure the minor victims' reputations and embarrass them by posting their nude pictures online if they failed to comply with his demands for additional images. Among his demands, he specifically directed the minor teenagers to sexually abuse younger children in their household to produce images. At the time of his arrest, in February 2019, the offender was identified in more than 80 CyberTips Facebook reported from across the U.S. and Canada to the National Center for Missing and Exploited Children. ICAC Task Force

affiliate agencies identified 17 minor victims located in nine judicial districts across eight states. The victims ranged in age from 4 to 17 years old. This case was investigated by the Decatur Police Department; the Illinois Attorney General's Office ICAC Task Force; and Homeland Security Investigations, with assistance from U.S. Attorneys' offices for the Eastern District of Oklahoma, the Western District of Pennsylvania, the District of Arizona, the Middle District of Pennsylvania, and the Western District of Wisconsin. The U.S. Attorney's Office for the Central District of Illinois prosecuted the case.

**[IN ICAC]** In 2020, a Shelbyville man was sentenced in federal court to 200 years in federal prison after pleading guilty to sexual exploitation of a child and possession of child pornography. The offender repeatedly sexually abused his victim for years, beginning when the child was approximately 7-8 years old. The offender also captured hundreds of images and videos of the abuse and was a member of various online anonymous websites and networks dedicated to child sexual exploitation, where he met other offenders, shared his produced material, and specifically requested and received child pornography from other users in exchange. The Indiana ICAC partnered with the Department of Homeland Security Homeland Security Investigations (HSI) in this investigation. The Department of Justice Criminal Division's Child Exploitation and Obscenity Section (CEOS) and the U.S. Attorney's Office for the Southern District of Indiana handled the prosecution.

**[KS ICAC]** Two Ohio men who conspired with a person in Kansas to sex traffic an underage Lake County girl were sentenced in 2018 to federal prison terms. The two men were arrested after a 14-year-old girl went missing at the end of April 2017 from her home in Indiana. The Kansas-based offender began talking with the girl during the previous year on social media sites. The offender then began conspiring with the Ohio-based offenders, and ultimately acting on that plan, to transport and house the girl with the men in Ohio. While transporting the girl from Indiana to Ohio, the Kansas-based offender had sex with her, and later investigations found sexual images of the girl, as well as other child sexual abuse materials, in his possession. The girl was also abused further by the men holding her in Ohio. With the help of records from the social media sites where the conversations happened, the offenders were identified, and the girl was recovered and returned to her family a few days after being taken. In addition to the Kansas ICAC Task Force that recovered the girl, the FBI Indianapolis Field Office, Sedgwick County, Sheriff's Office and the Wichita Police Department assisted in this high-stakes investigation.

**[KY ICAC]** In 2016, the Elizabethtown Police Department (EPD) responded to a CSAM complaint from a victim who found nude photos of her that had been posted online. Working in conjunction with the Kentucky State Police (KSP) and Homeland Security Investigations (HSI), law enforcement identified the subscriber associated to the accounts responsible for the uploads. Following a search of his home, the suspect was arrested and charged with 60 counts of possession/viewing matter portraying a sexual performance by a minor and three counts of distribution of matter portraying a sexual performance by a minor. At the time, the suspect was the principal at a local high school, where he had worked since 2010 after previously serving as the principal at another local school. He obtained the CSAM from phones confiscated from students at both schools. Once the phones were in his possession, he connected them to his own devices and downloaded the images, without the victim's knowledge, before uploading some of them to the internet. 25 other victims shown in the images have been identified, while others are

still unknown, though all were underage at the time the photos were taken. The offender was sentenced to 120 months in federal court.

**[LA ICAC]** In 2017, while the LA ICAC was supporting the prosecution of a New Orleans resident for the Possession of Pornography Involving Juveniles Under the Age of 13, a forensics examination of the suspect's devices uncovered images of the suspect with several juvenile women, including an image where one of the juveniles was nude. After determining that the photos were likely taken while the suspect was in Virginia, the LA ICAC was connected with the FBI in Richmond, VA, who began investigating the suspect's local activity. They were able to locate the woman in the photo, who confirmed she had been sexually abused by the suspect for several years, beginning when she was 11 years old. With help from the FBI Victim Assistance Program, the victim was able to access therapy to address the depression that resulted from the assaults and identify more of the offender's victims. Additional charges were levied against the offender in New Orleans, and he ultimately pled guilty and was sentenced to 20 years hard labor without the benefit of probation, parole, or suspension.

**[MA ICAC]** The MA ICAC apprehended a dangerous offender in 2017 suspected of making, possessing and distributing child pornography involving a 4-year-old girl and a 13-year-old girl - and of molesting the former child, whom he babysat. The suspect was apprehended after the child disclosed to her mother that the offender had assaulted her and police were notified. Numerous CyberTips had been received about this offender, and he was registered at the time as a Level 2 Sex Offender, having previously been convicted for indecent assault and battery on a child under 14 in 2011. Further investigation identified two children in different states that the offender was communicating with and sharing naked images. The offender was sentenced at the state level to 14 years imprisonment for rape of a child, possession of child sexual abuse material (CSAM), and production of CSAM. He was subsequently sentenced to 260 months at the federal level for the interstate offenses.

**[MD ICAC]** A Talbot County, MD man was sentenced in 2019 to 60 years in federal prison for attempted enticement of a minor after pleading guilty. The man admitted that his sexual abuse of minor victims spanned several decades, including during the time when he was Chief of his town's Volunteer Fire Department. His victims reported meeting the offender in a variety of ways, including through his role as a bus driver for Talbot County Public Schools and an umpire for the local Little League. The offender was identified after the Maryland State Police (MSP) received a CyberTip from the National Center for Missing and Exploited Children indicating that a member of the Volunteer Fire Department was committing sexual abuse of multiple minor victims. After a search warrant was executed at the offender's residence, analysis of the offender's electronic devices revealed email communications in which the offender had responded to Craigslist advertisements offering sexual services with a seventeen-year-old boy and ultimately exchanged CSAM images. HSI Baltimore, the Maryland State Police, the Talbot County State's Attorney's Office, and the United States Attorney's Office for the District of Maryland investigated and prosecuted this case.

**[ME ICAC]** A Brownwood, TX man was found guilty of continuous sexual abuse of a child whom he had made into a sex slave for multiple years and ordered to serve a life sentence in prison with no chance of parole. The offender began sexually abusing the girl when she was a

child and continued the abuse through her mid-teen years. He was identified when the girl's mother found a cell phone with video depicting Helms sexually abusing the girl. He then fled to Maine, where ME ICAC investigators tracked him through the electronic footprints of his media devices and arrested him. In addition to the charges laid in Texas, the offender was also charged with the Maine crime of Possession of Sexually Explicit Materials. The man, who had no prior criminal history before these crimes came to light, had kept the girl from telling anyone by convincing her something bad would happen to her and her family if she told.

**[MI ICAC]** In 2018, the Michigan State Police (MSP) ICAC began investigating a married couple suspected of sexually abusing their children. The Coldwater Police Computer Crimes Unit conducted forensic analysis on several electronic devices seized from the couple's home and identified a total of eight suspects who were exploiting approximately twelve minor children. Five of the suspects identified in this child pornography ring were plotting to abduct, rape, torture, and murder a random child victim. Many of the suspects were actively abusing children, some of whom were their own offspring. In total, the efforts of the MSP ICAC led to the arrest of eight individuals for multiple serious felony offenses and the rescue of six children from continued sexual assault. The suspects have pled guilty to various respective charges, including Conspiracy to Commit Kidnapping, Rape, and Murder and several counts of Criminal Sexual Conduct (CSC) against minor children, and received sentences upwards of 25 years imprisonment.

**[MN ICAC]** A former Minnesota school employee was sentenced to 20 years in federal prison in September 2020 after pleading guilty to one count of production of child pornography. The offender was a volunteer and former employee of a Minneapolis charter school and a volunteer at a different Minneapolis middle school. He used social media and electronic communication platforms – specifically Skype, Facebook Messenger, Instagram, Twitter, Kik, WhatsApp, and Snapchat – to communicate with at least ten minor male victims. The offender repeatedly solicited the victims to send him naked images of themselves, or videos of sexually explicit acts, would suggest in-person sexual encounters, and offered economic or other favors in exchange for sexual contact. He also engaged the victims in sexually explicit conversations and sent sexually explicit pictures of himself to victims. In addition to his conduct involving known victims, the man sought out and curated a collection of additional images and videos containing child pornography on his laptops and cell phone. This investigation was conducted by the Minnesota Bureau of Criminal Apprehension and was prosecuted by the U.S. Attorney's Office for the District of Minnesota.

**[MO ICAC]** A Clinton man was identified and arrested on the same day he shared live video and images of his sexual assault of a toddler with an undercover officer. He pleaded guilty in federal court to one count of producing child pornography and was later sentenced in May 2021 to 25 years in federal prison and ordered to spend the rest of his life on supervised release following incarceration. The man admitted that he used a 2-year-old victim to produce child pornography in April 2019. An undercover FBI task force officer was communicating with the offender in an online Kik chat group when he sent two sexually explicit photos and a video of the child victim to the officer taken while they were chatting. Emergency disclosure requests were immediately sent to Kik, which led to the identification of one of the offender's family members, and then to the offender himself. Photos posted to social media allowed investigators to match



the kitchen area in a photograph sent by the offender to the undercover agent. Officers arrested the offender at his residence on the same day and rescued the child victim. Officers seized his phone, which contained another video of child pornography involving a different child victim. This case was prosecuted by the U.S. Attorney's Office for the Western District of Missouri. It was investigated by the FBI, the Springfield, Mo., Police Department, and the Clinton, Mo., Police Department.

**[MS ICAC]** A Desoto County man was sentenced in April 2019 to serve 10 years in prison, followed by 10 years supervised release, following his conviction for possession of child pornography. He was arrested and prosecuted after a tip to the National Center for Missing and Exploited Children (NCMEC) was forwarded to the FBI, who investigated the matter in conjunction with the Mississippi Attorney General's ICAC Task Force. A search warrant revealed the contents of the offender's child pornography collection. The case was prosecuted by the U.S. Attorney's Office for the Northern District of Mississippi.

**[MT ICAC]** A Bozeman man was sentenced in 2019 to prison for 19 years and seven months after pleading guilty to distributing child pornography. Upon his release, the offender will be on probation for 15 years. He was also ordered to pay \$18,000 restitution and to forfeit his phone. The sentence is the result of an investigation that began in 2015 when the offender sent a photo of a prepubescent child engaged in sexually explicit conduct to another user, along with a link to a cloud storage account containing images and videos of child pornography. The Bozeman Police Department and Gallatin County Sheriff's Office assisted in the investigation.

**[NC ICAC]** A Greensboro woman was sentenced in April of 2021 to 50 years in prison followed by 20 years of supervised release for production and distribution of child pornography. In early 2019, while employed at a day care facility in the Middle District of North Carolina, the woman admitted to using five minor victims in her care to create sexually explicit images and videos, including some in which she also engaged in hands-on sexual abuse of some of the children. The offender then sent these images and videos to an online co-conspirator, with the knowledge that he intended to post them on the internet. Homeland Security Investigations in Winston-Salem investigated the case with assistance from the North Carolina State Bureau of Investigations ICAC Task Force. The Department of Justice Criminal Division's Child Exploitation and Obscenity Section (CEOS) prosecuted the case.

**[ND ICAC]** A Fargo, North Dakota man was sentenced in 2019 to 35 years in prison, followed by a lifetime of supervised release for the charges of Conspiracy to Transport a Minor, Transportation of a Minor, Distribution of Materials Containing Child Pornography, and Possession of Materials Containing Child Pornography. The case was brought to the attention of law enforcement after the man began communicating with an undercover officer from the Washington D.C. Metropolitan Police Department, FBI Child Exploitation Task Force. It was revealed that the man had been communicating with another individual from Las Vegas, Nevada and discussing in horrific detail via text their plan to meet for the purpose of sexually abusing a one-year-old child. In 2017, the North Dakota man transported the child to Moorhead, Minnesota to meet the Nevada man at a hotel where together they sexually abused the child. Both men subsequently took steps to conceal their crime. The Las Vegas offender was also sentenced in 2019 to serve 45 years in prison, followed by a lifetime of supervised release for charges of

Conspiracy to Transport a Minor, and Coercion and Enticement. The offender was also ordered to pay restitution of \$12,640 to the victim and \$200 in special assessments to the Crime Victims' Fund. The Las Vegas offender has a prior conviction for sexually abusing a child in New Hampshire in 2008. This case was investigated by the North Dakota Bureau of Criminal Investigation; Federal Bureau of Investigations; Homeland Security Investigations; and FBI Child Exploitation Task Force. U.S. Attorney's Office for District of North Dakota prosecuted the case as part of Project Safe Childhood.

**[NE ICAC]** In 2016, the Nebraska State Patrol ICAC took an Online Enticement Report of a child that had been contacted and communicating with who she believe was a 29-year-old Physical Therapist from Boston. The 15-year-old victim had exchanged sexually explicit pictures with the suspect on numerous occasions from late 2015 to early 2016. In an investigation spanning two and a half years, they were able to identify the suspect as a police officer in Narragansett, Rhode Island. The offender accepted a plea agreement in February 2019 and will spend 21 months in prison and register as a sex offender.

**[NH ICAC]** A Boston, MA man was sentenced in March of 2020 to 10 years in federal prison after pleading guilty to charges of transporting a minor for the purpose of sexual activity. In June of 2018, the man took a 13-year-old girl from New Hampshire to Boston for sex. The Londonderry police were called by a mother about her missing 13-year-old. The girl had been communicating online with a man, and the mother received a phone call from that man saying he had taken the girl to Boston. Shortly after the call, Boston police were able to locate the girl at bus station. Police arrested the offender in Boston on July 3, 2018. He admitted he picked up the girl in New Hampshire and drove her to Massachusetts, where they engaged in sexual activity. After serving his sentence, the offender faces possible deportation to Honduras. This matter was investigated by U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI), Boston, the Internet Crimes Against Children Task Force, the Londonderry Police Department, and the Boston Police Department.

**[NJ ICAC]** From April to June 2021, the NJ ICAC Task Force conducted "Operation Spring Cleaning" to address the immense backlog of CyberTips from the National Center for Missing and Exploited Children during the global pandemic. 56 individuals (including three juveniles) in total were arrested and charged with various crimes, including but not limited to, attempted human trafficking, attempted aggravated assault, criminal sexual contact, invasion of privacy, manufacturing child sexual abuse material, sexual assault, distribution of child sexual abuse material, possession of child sexual abuse material, possession of methamphetamine, and possession of a high-capacity magazine. At least three of the suspects were initially found to be in possession of more than 1,000 images of child sexual abuse material. Suspects were arrested in twelve (12) different counties throughout New Jersey and one suspect was from Pennsylvania. The suspects ranged in age from 15-72 years old. More than 75% of these arrests were from CyberTip investigations from the National Center for Missing and Exploited Children. Participating Agencies/Units included the New Jersey State Police ICAC, NJSP TEAMS, NJSP K9, NJSP Polygraph, NJSP Crime Scene, Bergen County Prosecutors Office, Burlington County Prosecutor's Office, Camden County Prosecutor's Office, Gloucester County Prosecutor's Office, Middlesex County Prosecutor's Office, Monmouth County Prosecutor's Office, Ocean County Prosecutor's Office, Warren County Prosecutor's Office, Passaic County Sheriff's

Department, Homeland Security Investigations (Cherry Hill & Newark), the Department of Criminal Justice, Gloucester Twp. Police Department, Perth Amboy Police Department, and the South Amboy Police Department.

**[NM ICAC]** A Bernalillo County man was convicted of three counts of sexual exploitation of children through manufacture and two other related charges and sentenced to 38 years in prison. The man and his wife sexually abused two young girls in their care and made child sexual abuse materials involving the girls, who were both younger than six years old. The wife previously pled guilty to similar crimes and was sentenced to 18 years for her role. The case originated from a tip received at the Attorney General's Office from the National Center for Missing and Exploited Children and investigated by the Office of the Attorney General's ICAC Task Force.

**[NV ICAC]** Identical twin brothers who admitted to child sex exploitation and child pornography offenses were sentenced in 2020 to 30 and 25 years in prison, respectively, to be followed by a lifetime term of supervised release. In addition to the terms of imprisonment and supervised release, the brothers agreed to pay full restitution to the victims of their crimes. One of the brothers sexually exploited two 14- and 15-year-old girls from 2015 to 2016 by lying about his age while communicating online, convincing the victims that they were in a romantic relationship with the offender and soliciting nude photos from them. He then shared the sexually explicit images of both underage victims with his brother and others over on the internet. The brother also admitted to sexually exploiting a girl, beginning when she was 11 and continuing until she was 14. He too captured images of the exploitation and shared them with his brother. Both brothers conspired with their victims and family members to destroy evidence and impede police investigation. However, law enforcement was able to retrieve additional electronic devices, which revealed at least 50 additional unidentified victims. The case is the product of a joint investigation by the Nevada ICAC/Child Exploitation Task Force, the Las Vegas Metropolitan Police Department, and the FBI. The U.S. Attorney's Office for the District of Nevada prosecuted the case as part of Project Safe Childhood.

**[NY ICAC – New York City Police Department]** In June of 2016 the NYC ICAC Task Force received two NCMEC CyberTips submitted by Yahoo regarding a flickr account containing multiple CSAM images of a young female child. The tips and subsequent criminal investigation resulted in the arrest of the father and mother and the rescue of 6 children. After issuing subpoenas to identify the account holder, investigators were led to the owner of a business and residence in Brooklyn, NY. During interviews with the parents living at the residence, they admitted to taking nude pictures of five of their children. The father stated he did so as an exploration of living a nudist lifestyle. Detectives notified the New York City Administration for Children Services (ACS) who removed the children for their safety. The father was arrested and charged with Possession of an Obscene Sexual Performance of a Child less than 16. The mother was arrested and charged with Possession of a Sexual Performance of a Child and Acting in a Manner Injurious to a Child Under 17. The children were forensically interviewed and did disclose incidents where nude photos were taken of them, and after initially denying being the victims of sexual abuse, the child victim whose images initiated the CyberTips disclosed that she was the victim of multiple acts of sexual abuse perpetrated on her by her father. The father was then charged with Predatory Sex Assault Against Child: Specified Offense Against Child less than 13 and Endanger Elderly/Incompetent/Disabled Person 2- Sexual Contact. Both parents

were convicted of their charges, and the father was sentenced to 20 years to life and will have to register as a sexual offender. The mother was sentenced to 10-years probation and will have to register as a sexual offender. Additionally, both parents were issued Orders of Protection against them prohibiting any contact with their children.

**[NY ICAC – New York State Police Department]** After receiving a tip in 2018, Homeland Security Investigations (HSI) in Albany received information from their counterparts in Toronto, Canada and the Ontario Provincial Police about the production and distribution of child sex abuse materials associated with an IP address in the Albany-area. Investigations revealed that a local man was sharing images of a young girl, which he also referred to as his “toy”. A search of the man’s home revealed 2,300 images and 250 videos of internet-based child pornography and 1,000 images and 17 videos in which the man was engaging in a sexual act with the girl in question. HSI was able to locate and rescue the girl and connect her with victim services. The offender pleaded guilty to 8 counts of Sexual Exploitation of a Minor, 1 count of Transportation of Child Pornography, and 2 counts of Possession of Child Pornography. He was sentenced to 80 years (960 months) in federal prison, to be followed by lifetime supervised release, and restitution in the amount of \$5,000 to five victims of known child pornography series.

**[OH ICAC]** A Berea, OH man was sentenced to 35 years in prison with 25 years’ supervised release to follow and ordered to pay \$45,900 in special assessments after pleading in 2019 to seven counts of Sexual Exploitation of Children, and one count each of Receipt and Possession of Child Pornography. The offender began his exploitation of children in 2013 when he engaged in sexual conduct with a sleeping child and then videotaped the assault with his cellphone. He began attending local athletic events where he would take pictures of the preteen athletes and later contact the young athletes on social media sites to congratulate them and share photos. He also posed as a teenage girl to contact boys online and solicit, entice and coerce them to send sexually explicit images of themselves. He eventually moved to New York to be near to one of his victims, and after befriending the boy’s family, he began sexually assaulting the sleeping minor and recorded the assault. The OH ICAC Task Force received a tip about the offender’s activity, and after executing a search warrant at the offender’s residence, officers found hundreds of sexually explicit images of preteen and teenage boys on laptops in the home. The offender was in Australia with another victim and his family at the time the warrant was executed, and actively recording sexually explicit videos of the Australian boy. HSI Cleveland and the Ohio ICAC Task Force were able to identify sixteen (16) victims in the United States and Australia. The offender engaged in hands on sexual offenses with two (2) of the identified victims. This investigation was conducted by Homeland Security Investigations, the Ohio Internet Crimes Against Children Task Force, HSI-Canberra, the Australian Federal Police and Australian Border Force and prosecuted by the U.S. Attorney’s Office for the Northern District of Ohio.

**[OK ICAC]** A Cushing man was sentenced in December 2016 to serve 135 months in federal prison for distributing child pornography that he acquired from minors on Facebook. In 2014 and 2015, the offender, using a fake name, persuaded a 13-year-old girl and a 14-year-old girl to produce and send him pornographic photographs via private Facebook messages. Using explicit anatomical detail, he directed the minors, telling them how he wanted them to produce the images of their genitalia. He later distributed a pornographic image of the 13-year-old to a third party. A search of the man’s cell phone revealed numerous images of child pornography. After

completing his 135-month prison term, the offender will have to register as a sex offender and will be placed on supervised release for five years. This case was investigated by the Oklahoma ICAC Task Force, including the Oklahoma State Bureau of Investigation, the Payne County Sheriff's Department, and the Cushing Police Department. The case was prosecuted by the U.S. Attorney's Office for the Western District of Oklahoma.

**[OR ICAC]** A Myrtle Creek police officer was sentenced in 2019 to 32.5 years in prison after being charged with 17 felonies related to child sex abuse. The man pretended to be a child on Facebook to solicit sexually explicit photos from teenaged girls and sexually assaulted a 10-year-old girl. The man would send photos of himself and of a teenage boy to entice at least three different victims under the age of 17 to send photos in return. After the offender's arrest, a 10-year-old girl came forward and disclosed the hands-on abuse. The offender was identified by the Oregon ICAC thanks to two tips from the National Center for Missing and Exploited Children (NCMEC) in 2018 after Facebook reported uploaded content as child pornography.

**[PA ICAC]** A Delaware County man was sentenced to 35 years in prison, 10 years of supervised release, and \$39,000 in restitution for multiple child exploitation offenses, stemming from his sexual abuse of a young child for months, and his extensive collection of horrific child pornography. The offender will also be required to register as a sex offender under Megan's Law. In July 2019, the defendant pleaded guilty to six counts of manufacturing child pornography, and one count each of transportation and possession of child pornography. The investigation uncovered videos that the offender had taken of himself sexually assaulting a 7-year-old boy in his care numerous times over at least a four-month period, including images of the offender masturbating the child, orally raping him, and attempting to sodomize the victim on multiple occasions. When investigators seized the defendant's phones and online accounts, they uncovered a massive collection of child pornography that showed not only the 7-year-old victim, but also more than 114,000 images and videos of incredibly sadistic child sexual abuse material. The case was investigated by the Federal Bureau of Investigation, the Delaware County District Attorney's Office, the Darby Township Police Department and the Pinellas County, Florida Sheriff's Department, and is being prosecuted by the U.S. Attorney's Office for the Eastern District of Pennsylvania as part of Project Safe Childhood.

**[RI ICAC]** A Warwick man who admitted to producing child pornography involving three prepubescent girls on multiple occasions over more than ten years was sentenced in March of 2019 in U.S. District Court in Providence to 260 years in federal prison. The offender's employer confiscated his cell phone after he violated company policy, and a subsequent search of the phone revealed a vast quantity of child abuse material. The phone was turned over to the police, and the RI ICAC arrested the offender. Further searches of the home and other electronic devices determined that the offender possessed approximately 7,800 images and 370 videos of child sexual abuse material, some of which had been created by the offender and involved a prepubescent child. The suspect pled guilty to eight counts of production of child pornography and one count of possession of child pornography and was ordered to pay \$5,000 for each of the nine counts to which he pled guilty. The U.S. Attorney's Office for the District of Rhode Island handled the prosecution, with assistance from the Rhode Island State Police, Homeland Security Investigations, and North Kingstown Police.

**[SC ICAC]** In 2019, a couple who admitted producing and sharing child pornography was each sentenced to a 30-year prison sentence for Production of Child Pornography. Both will be subject to supervised release after completion of their prison terms. The couple held online discussions to plan a sexual encounter with an 8-year-old girl from South Carolina whom they planned to bring to their home in Georgia. After exchanging an explicit photo of another juvenile, a 5-month-old girl, in June 2018, the National Center for Missing and Exploited Children alerted authorities, who intervened as the plot was in motion. The couple was taken into custody without either of the children subjected to further harm. In addition to the SC ICAC, the case was investigated by the FBI, the Georgia Bureau of Investigation (GBI) and the South Carolina Office of the Attorney General. The U.S. Attorney's Office for the Southern District of Georgia prosecuted the case for the United States.

**[SD ICAC]** In 2017, the South Dakota ICAC received a Priority 1 CyberTip from the National Center for Missing and Exploited Children (NCMEC) indicating that a suspect, who was a previously convicted sex offender, was sharing images online and soliciting children for images through multiple different applications. After executing a search warrant on the offender's residence, numerous electronic devices were recovered and found to contain thousands of child abuse images, including some that it appeared the suspect had taken himself. Subsequent investigation by the SD ICAC showed that the suspect had met a family of children in Texas, paid their mother for access to the children, and captured photo and video of his sexual abuse of them. The offender was convicted in federal court in the District of South Dakota of two counts of Aggravated Sexual Abuse of a Child, as well as one count each of Travel with Intent to Engage in Illicit Sexual Conduct, Transportation of Child Pornography, Distribution of Child Pornography, Receipt of Child Pornography, and Possession of Child Pornography. He was subsequently sentenced to a total of 600 months of incarceration and was ordered to pay a total of \$84,000 restitution to the victims.

**[TN ICAC]** In 2015, a Gatlinburg man was sentenced to serve 393 months in prison for producing child pornography and distribution of child pornography followed by 25 years of supervised release and a requirement to register as a sex offender. The man pleaded guilty to federal charges stemming from his use of two minor females to make pornographic videos and pictures and his distribution of those depictions to others via the internet. Undercover investigators with the Knoxville Police Department's ICAC Task Force and U.S. Homeland Security Investigations (HSI) learned that someone in the Gatlinburg area was circulating child pornography from a publicly open wireless router to undercover investigators in Queensland, Australia. During undercover surveillance around the public wireless router, investigators spotted the victims and the offender at a local fast-food restaurant, and the offender was subsequently arrested. The U.S. Attorney's Office for the Eastern District of Tennessee prosecuted the case as part of Project Safe Childhood.

**[TX ICAC – Houston Police Department]** In December 2019, a La Porte man was found guilty of five counts of aggravated sexual assault of a child, one count of possession of child pornography, and one count of promotion of child exploitation material. He was sentenced to seventy years each for the sexual assaults and twenty additional years for the combined counts of possession and promotion of child pornography, for a total of 370 years to be served consecutively with no chance of parole. The La Porte Police Department (LPPD) arrested the

offender in December of 2018 for the aggravated sexual assault of a ten-year old female child. Evidence collected from the offender's home and frequented properties revealed additional child victims sexually assaulted by Crowell, spanning back decades into the early 1990s. A 27-year serial child rapist was taken off the streets of La Porte and Harris County permanently thanks to the investigative work of the La Porte Police Department, Harris County District Attorney's Office and the 182nd District Court.

**[TX ICAC – Dallas Police Department]** In July 2020, NCMEC assigned multiple CyberTips to the Dallas Police Department ICAC squad for 3 separate Google accounts related to each other by IP addresses. Two of these accounts had uploaded child pornography using Google's services. NCMEC noted that the accounts were believed to belong to a Dallas Police Officer. Through the course of the investigation, it was determined that the suspect was in fact a Dallas Police Detective in the Auto Theft Unit and had used the City of Dallas internet to access his accounts. The Dallas PD ICAC contacted Homeland Security Investigations (HSI) to assist in the investigation. Together, they simultaneously searched the suspect's office, locker, vehicle, and home while he was being interviewed by detectives. He admitted to viewing and transporting child pornography while at work and pled guilty to federal charges of transportation of child pornography. He was sentenced to 5 years in federal prison in January 2021.

**[TX ICAC – Office of the Attorney General of Texas]** In December 2020, an Uvalde man was convicted of ten counts of Possession of Child Pornography and sentenced to serve a term of ten years and pay a \$50,000.00 fine. This case is the result of a CyberTipline report received from the National Center of Missing and Exploited Children involving the upload of child pornography to a messaging application. In December 2019, a search warrant was executed at the offender's residence and during an interview, the man confessed to downloading, viewing, saving, and possessing child pornography on his cell phone. The Digital Forensics Unit examined the seized items and found 788 images and 247 videos of child pornography on his cell phone.

**[UT ICAC]** In 2019, the Utah ICAC received a tip from a National Center for Missing and Exploited Children (NCMEC) CyberTip that led them to Salt Lake County man who had approximately 14,000 images on his cell phone, some of which were images of his teenage child sleeping and being inappropriately touched by the offender. The offender was a member of several social media groups organized around trading child pornography, and the images were taken to be used as "payment" to gain access into these groups and to trade for more child pornography. The offender was convicted of Sexual Exploitation of a Minor and Forcible Sexual Abuse and was sentenced to consecutive terms of 1-15 years in prison.

**[VA ICAC – Bedford County's Sheriff's Office]** A James City County man was sentenced in 2019 to 70 years imprisonment with 45 years suspended, and 25 years to serve, after pleading guilty to multiple sex offenses and the production of child sexual abuse images and videos. The offender and his fiancée were arrested after an investigation into the offender discovered a sexually explicit conversation between him and his child on the social media platform Snapchat. Subsequent investigations revealed that the offender had also been sexually abusing a child that had previously been living in the home, and that the mother of the children, the offender's fiancée, knew about and allowed the abuse, even being present during some instances and



encouraging the girls to cooperate; she is currently awaiting trial for her role in the abuse of her child. The offender recorded the abuse and appeared to be preparing to distribute the files. The James City County Police Department assisted in the investigation.

**[VA ICAC – Virginia State Police]** In January of 2020 the Northern Virginia/Washington D.C. ICAC Task Force executed a search warrant in Leesburg, VA after receiving a CyberTip involving a user of the Snapchat platform uploading 147 images and videos of child sexual abuse material. More CSAM was found on the suspect's phone, and he later admitted to sending and receiving CSAM through multiple websites and social media platforms. Further investigation showed some of the images had associated GPS data linked to a residence in Oklahoma. The detective contacted the ICAC Taskforce in Oklahoma City, who later determined that the adult couple living at the residence had committed sexual crimes against the child in the home. The child, along with several others, were rescued from the residence. The Leesburg, VA suspect pled guilty to 10 counts of possession/distribution of CSAM in April 2021 and was sentenced in July 2021 to 6 and a half years imprisonment. The male subject in Oklahoma pled guilty to 3 counts of Indecent or Lewd Acts with a Child Under 16, 3 counts of Manufacturing Child Pornography, 1 count of Distributing Child Pornography, 1 count of Aggravated Possession of Obscene Materials involving the Participation of Minors Under the Age of 18, and 1 count of Bestiality and was sentenced to Life, plus 20 years in June 2021.

**[VT ICAC]** A St. Albans man was sentenced in March 2020 to 96 months in prison after his guilty plea to one count of receipt of child pornography, followed by a ten-year term of supervised release. The Vermont ICAC Task Force received a CyberTip from the National Center for Missing and Exploited Children (NCMEC) after Facebook reported that child pornography had been sent between two users. One of the users appeared to be a minor who sent self-produced images of child pornography to another user. Through investigation with Homeland Security Investigations, law enforcement identified the offender and searched his residence and digital assets. Law enforcement learned the man had communicated with a 15-year-old girl, convinced her to send him sexually explicit photos of herself, and then travelled to another state and had sex with the child. The offender also possessed images of CSAM with other children. The U.S. Attorney's Office for the District of Vermont handled the prosecution.

**[WA ICAC]** A Tacoma resident was sentenced in February of 2020 in U.S. District Court to 15 years in prison for conspiracy to produce child pornography to be followed by lifetime supervised release and a requirement to register as a sex offender. The man and his girlfriend were arrested after an alert passenger on a July 31, 2017, flight to San Jose, California, noticed disturbing texts between the pair. After the witness reported her concerns to the airline flight attendants, the flight crew arranged for law enforcement to meet the plane. The man, who was on the plane while his girlfriend was in Tacoma, was questioned by police and ultimately arrested. A review of his electronic devices showed graphic explicit exchanges discussing drugging and raping the children in his girlfriend's care. The Seattle Internet Crimes Against Children (ICAC) task force later found sexually explicit images on the female offender's devices and found several hundred images of child pornography on the male offender's laptop. The man pleaded guilty in September of 2019 to Conspiracy to Produce Child Pornography and access with intent to view child pornography. The female pleaded guilty to distribution of child pornography and was sentenced to six years in prison. She will be on 10 years of supervised release following her

prison term and will also be required to register as a sex offender. The case was investigated by the FBI with assistance from the San Jose, California, Sheriff's Office and the Seattle Police Department ICAC Task Force and prosecuted by the U.S. Attorney's Office for the Western District of Washington.

**[WI ICAC]** In 2020, the United States Attorney for the Western District of Wisconsin prosecuted a Las Vegas man for producing child pornography, and he was sentenced to 15 years in federal prison, followed by 25 years of supervised release. Between December 2016 and August 2017, the offender coerced and manipulated more than 500 girls, many of whom were juveniles, to send him explicit images of themselves. When they failed to comply with his demands to send more images, he posted their explicit images on the adult pornography website Pornhub and sent them to the girls' relatives. Victims in Wisconsin reported the offense to law enforcement, and the Wisconsin Department of Justice Division of Criminal Investigation began an investigation. The U.S. Department of Homeland Security, the North Las Vegas and Las Vegas Metropolitan Police Departments, and the U.S. Attorney's Office for the District of Nevada also assisted in apprehending the offender.

**[WV ICAC]** In 2018, a Mingo County woman was sentenced, in the Southern District of West Virginia, to six years in federal prison, to be followed by 20 years of supervised release, for a sex trafficking crime involving a minor. The defendant and her coconspirator used her cell phone to engage a minor in commercial sex. Communication involved photographs of a minor and the discussion of exchanging money, items, or other things of value for sexually explicit photographs or sexual activity. The West Virginia Internet Crimes Against Children Task Force, the FBI Violent Crimes Against Children Task Force, the West Virginia State Police, the Ashland Police Department, and the Boyd County Sheriff's Department investigated the case.

**[WY ICAC]** In 2019, the FBI Field Office in Lander requested the assistance of Wyoming ICAC and Homeland Security Investigations (HSI) on an investigative lead they received from the FBI Field Office in Boston. Together, they apprehended a registered sex offender in the Riverton, Wyoming area who was suspected of producing and distributing child pornography to at least one suspect on the East Coast and were able to rescue a victim currently being held by the suspect. Once in custody, the offender admitted to sexually abusing his two-year-old son, producing child sex abuse images and videos, and distributing these files to another individual online. Using the suspect's online profile, law enforcement was able to identify three other child exploitation offenders in Wyoming and Montana, all of whom were sentenced to prison sentences of varying lengths. The initial offender was sentenced to 60 years in prison after pleading guilty to Production and Distribution of Child Pornography restitution and lifetime supervision following his release.

## Appendix G: Examples of Nonprofit Entities Promoting Child Safety

**A21** exists to end human trafficking around the world. A21's solution includes reaching vulnerable communities through educational programs, rescuing individuals from exploitative situations through child advocacy centers and legal assistance, and providing aid, relocation, and job opportunities to former victims of human trafficking to break the cycle of re-victimization. A21 also has a yearly walk for freedom to increase awareness of human trafficking.

Source: <https://www.a21.org/>

**Brave Movement** is a survivor-centered global movement fighting to end childhood sexual violence. The Movement's campaign involves demanding global finance, calling on all governments to provide justice for victims, and calling for a child rights and protection drive approach to creating a safe internet. The Movement demands prevention, healing, and justice from global leaders. The Brave Movement's Theory of Change provides the foundation upon which they will create the social change urgently needed to end sexual violence against children and adolescents by 2030.

Source: <https://www.bravemovement.org/>

**Canadian Centre for Child Protection** is a national charity dedicated to the personal safety of all children. Their goal is to reduce the sexual abuse and exploitation of children, assist in the location of missing children, and prevent child victimization through a number of programs, services, and resources for Canadian families, educators, child-serving organizations, law enforcement, and other parties.

Source: <https://www.protectchildren.ca/en/about-us/>

**Child Rescue Coalition (CRC)** is a nonprofit organization that rescues children from sexual abuse by building technology for law enforcement to track, arrest and prosecute child predators, provided to law enforcement around the world free of charge. The CRC uses its collected data about child sexual abuse material to help law enforcement to arrest and prosecute child predators worldwide. More than 10,000 law enforcement officers in all 50 U.S. states and in 97 countries around the globe use the CRC's technology to target and apprehend predators.

Source: <https://childrescuecoalition.org/>

**ECPAT** works to better understand the web of child sexual exploitation through research and pushes for the critical systemic and social changes necessary to eliminate child exploitation within governments, intergovernmental institutions, the private sector, civil society and the general public. ECPAT has organized and co-sponsored three Global Congresses (Stockholm 1996, Yokohama 2001, and Rio De Janeiro 2008) which has firmly placed the issue of child sexual exploitation on the agendas of global leaders and decision-makers. ECPAT looks at this problem in all settings, including online and in the context of travel and tourism.

Source: <https://ecpat.org/about-us>

**End Violence Against Children** is a global partnership and fund launched in July 2016 by the U.S. Secretary-General working to achieve a world in which every child grows up in a safe,

secure, and nurturing environment free from all forms of violence. The End Violence Partnership is a platform for collective, evidence-based advocacy and action. It connects and convenes its unique coalition of more than 700 organizations to raise awareness, catalyze leadership commitments, mobilize new resources, promote evidence-based solutions, and support those working to end all forms of violence, abuse and neglect of children. The End Violence Fund is a flexible funding vehicle that identifies new and emerging challenges focused solely on Sustainable Development Goal 16.2: ending all forms of violence against children by 2030. Source: <https://www.end-violence.org/who-we-are>

**Family Online Safety Institute (FOSI)** brings an international perspective to making the online world safer for kids and families. Their 20+ members include tech giants Amazon and Verizon. FOSI convenes leaders in industry, government and the non-profit sectors to collaborate and innovate new solutions and policies in the field of online safety. Through research, resources, events and special projects, FOSI promotes a culture of responsibility online and encourages a sense of digital citizenship for all. FOSI prioritizes policy and research, international events, and good digital parenting to help decrease the numbers of online sex abuse. Source: <https://www.fosi.org/>

**International Centre for Missing and Exploited Children (ICMEC)** works to protect children around the world by disrupting the economics and mechanics of child sexual exploitation, training partners on the front lines to prevent and respond to cases of missing children, child sexual abuse, and exploitation, and collaborating with key stakeholders. Regional representation in Australia, Brazil, and Singapore allows the Centre to respond to local and regional needs, develop customized programs, and raise awareness of its mission. The Centre's programs include model national response, law enforcement training, and CSAM reporting. Source: <https://www.icmec.org/>

**International Justice Mission (IJM)** is a global organization that protects people in poverty from violence. IJM partners with local authorities in 29 program offices in 17 countries to combat trafficking and slavery, violence against women and children, and police abuse of power. IJM's Community Protection Model includes strengthening justice systems, rescuing and restoring victims, bringing criminals to justice, and scaling demands for protection. Source: <https://www.ijm.org/>

**National Center for Missing & Exploited Children (NCMEC)** works with families, victims, private industry, law enforcement, and the public to assist with preventing child abductions, recovering missing children, and providing services to deter and combat child sexual exploitation. NCMEC's mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. Source: <https://www.missingkids.org/footer/about>

**Tech Coalition** is an alliance of global tech companies who are working together to combat child sexual exploitation and online abuse. These organizations include Microsoft, Pinterest, Yahoo, Zoom, and many more large tech companies. The Coalition provides resources to tech companies on what industry is doing to tackle the issue. The Coalition is working across industry to accelerate the adoption of existing technologies and invest in the development of new

technologies to combat child sexual abuse. The Coalition is driving greater accountability and consistency across industry through meaningful reporting of online child sexual abuse material across member platform and services. The Coalition also funds independent research to help understand patterns of online sex abuse.

Source: <https://www.technologycoalition.org/>

**Thorn** identifies critical technical needs and produces tools that allow law enforcement to stay ahead of perpetrators and identify more children victims. Thorn's flagship product is Spotlight, which accelerates victim identification and helps law enforcement make the best use of the critical time they have to focus on finding more child sex trafficking victims. Thorn offers technology for small and mid-sized companies, including Safer, which is a commercial product for platforms to identify, remove, and report child sexual abuse material, and the Sound Practices Guide, which offers best practices and concrete steps for companies to help protect kids on their platforms. Thorn also seeks to increase awareness for preventing further abuse by equipping youth with the knowledge and tools they need to resist online threats.

Source: <https://www.thorn.org/>

**WeProtect Global Alliance** brings together governments, the private sector, civil society and international organizations to protect children sexual exploitation and abuse online. In 2020, it relaunched as an independent organization combining two initiatives: the European Commission and the U.S. Department of Justice's Global Alliance Against Child Sexual Abuse Online; and WeProtect, established by the U.K. government as a global multi-stakeholder response to combating online child sexual abuse. WeProtect generates political commitment and practical approaches to make the digital world safer for children, preventing sexual abuse and long-term harm.

Source: <https://www.weprotect.org/>

# Appendix H: National Center for Missing and Exploited Children

## National Center for Missing & Exploited Children



The National Center for Missing & Exploited Children<sup>®</sup> (NCMEC), established in 1984 by child advocates and parents directly impacted by the tragedy of a missing child, is a private, nonprofit 501(c)(3) corporation whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. NCMEC has grown to become the leading nonprofit organization and the nation's congressionally designated clearinghouse on missing and sexually exploited children's issues. NCMEC works with victims, their families, and the professionals serving them, in cooperation with private industry and federal, state, and local government and law enforcement agencies to further its

mission to help find missing children, combat child sexual exploitation, and prevent child victimization. NCMEC performs its mission through five main programs of work related to missing children, sexually exploited children, community outreach, training and education, and family resources.

### *Key Programs & Initiatives*

NCMEC works closely with federal agencies assigned to liaise with NCMEC on cases related to missing and sexually exploited children. These agencies include the Federal Bureau of Investigation; Military Criminal Investigative Organization's U.S. Army Criminal Investigation Command and Naval Criminal Investigative Service; U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations; U.S. Department of State's Diplomatic Security Service; U.S. Marshals Service; U.S. Postal Inspection Service; and U.S. Secret Service. These collaborations maximize effective communication with federal law enforcement in the field; make available domestic and international contacts and experience in child exploitation matters; support NCMEC in locating missing children, publishing international alerts about missing children, disseminating international CyberTipline<sup>®</sup> leads, and collaborating with domestic and foreign law enforcement to return located children; and facilitate key joint programs. And, in partnership with the U.S. Postal Service, Valassis<sup>®</sup>, a leading marketing services company, distributes Have You Seen Me?<sup>®</sup> fliers displaying the pictures of missing children to 115 million households weekly.

### *NCMEC's Child Sex Trafficking Team*

NCMEC's Child Sex Trafficking Team (CSTT) provides dedicated resources to help identify and recover children victimized through sex trafficking. NCMEC provides support, information, and technical assistance to families, law enforcement, and child-serving professionals in identifying, locating, recovering, and providing support for victims of child sex trafficking. NCMEC supports the search efforts of law enforcement in the jurisdiction where the child went missing and broadens the safety net for recovery beyond that jurisdiction. Missing children do not always remain in the jurisdiction where they originally go missing. This is especially true in cases of children who are exploited through sex trafficking. In these situations, traffickers may

move their victims from city to city or even across state lines to evade detection by law enforcement. NCMEC has established law enforcement contacts in every state that work specifically on child recovery and can assist with aligning these efforts in a way that is most efficient for law enforcement and safest for the child. In 2019, with additional funding from OJJDP, NCMEC increased capacity within existing programs of work to include child sex trafficking analysis, missing child case management, and training. This three-year grant award also allowed further expansion of NCMEC's child sex trafficking service planning and engagement with survivors. NCMEC continues building its team to offer resources to assist with helping ensure survivors receive the highest level of informed response and care to reduce the potential for revictimization. A coordinated and informed response by professionals in the field, coupled with victim services, is imperative to providing survivors with access to appropriate services. In addition, NCMEC has worked with 15 diverse child sex trafficking survivors to create an expert working group. This expert working group strengthens existing efforts at NCMEC to prevent and combat child sex trafficking and serve victims by helping to ensure NCMEC programs are informed by the experience of those who have survived this type of abuse.

### **Sex Offender Registration Violation and Failure to Appear**

In December 2016, a state police agency requested assistance from NCMEC's Sex Offender Tracking Team in locating a noncompliant sex offender being sought for a Sex Offender Registration Violation and Failure to Appear. The offender was previously convicted of statutory rape in another state before moving north. After her move, she attempted to start a nonprofit childcare organization in her new state of residence.

Public records search results indicated the offender moved back and forth between two states, where she was most recently registered as a sex offender. Vehicle searches found her car was recently serviced in both states. Additionally, open online searches for the offender found she posted a review about a hotel, claiming she stayed there every weekend.

In January 2017, NCMEC returned the report to the requesting agency and contacted the state police in the state where the hotel was located to ensure they knew about the offender's claim to be in that part of their state that weekend. The state police in turn notified local law enforcement in that area.

Because of the information provided by NCMEC and the timely cooperation among all involved law enforcement agencies, the offender was located and apprehended at the hotel that weekend.

### **NCMEC's Child Victim Identification Program**

NCMEC's Child Victim Identification Program (CVIP), the nationwide clearinghouse on child sexual abuse material (CSAM), works collaboratively with numerous other federal and nonprofit initiatives. Copies of CVIP's Child Identification Reports, detailing information about identified victims from seized CSAM submissions, are made available to the FBI's Victim Services Division Child Pornography Victim Assistance (CPVA) program to facilitate notifications to victims who have opted-in to be notified when CSAM images depicting them are seen in federal



investigations. CVIP participates with the FBI's Operation Rescue Me and Endangered Child Alert Program (ECAP) to provide referrals for at-risk children believed to be current victims of abuse and CSAM production. Further, NCMEC provides training and assistance to the FBI's Violent Crimes Against Children International Task Force and sends leads and referrals to agents globally through this initiative for international unidentified children. Lastly, NCMEC works in collaboration with law enforcement investigators utilizing Project Vic resources to help triage and identify potential at-risk children for analysis, deconfliction, and referral.

### NCMEC's CyberTipline

NCMEC's CyberTipline is the nation's centralized reporting system for the online exploitation of children. The public and electronic service providers can make reports to the CyberTipline of suspected online enticement of children for sexual acts, child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the internet.

Into the Cloud™, launched in 2019, is NCMEC's flagship online safety product for children ages 10 and younger. Using data from actual CyberTipline reports, each episode focuses on a different element of online safety, from strategies for handling cyberbullying to recognizing and reporting unsafe/inappropriate interactions and content. Into the Cloud presents important safety information in an age-appropriate and entertaining manner.

### NCMEC's Survivor Services Program

NCMEC's Survivor Services Program focuses on improving resources for survivors of the production of child sexual abuse material (CSAM). Through survivor engagement, this program works to enhance post-recovery resources available to survivors through legal, healing, and recovery professionals and services. NCMEC hosts roundtables to bring together working professionals with CSAM experience in their fields to address gaps in service and develop needed strategy on training, recommendations, publications, and resources. NCMEC is building trauma-informed training curricula, issue-based handbooks, and public-facing messaging to better inform those working with survivors. In addition, NCMEC offers technical resources to survivors, such as assistance with image, video, and comment takedown and increasing enrollment of electronic service providers in voluntary hash sharing initiatives. NCMEC also provides attorney referrals, crisis intervention, local counseling referrals, family support, and peer support for parents and is currently building a peer support network for survivors of CSAM.

### *Accomplishments*

From April 2016 through December 2021, NCMEC:

- Received and made available to relevant local, state, federal, or international law enforcement agencies, for their independent review and potential investigation, 103.6 million reports received by the CyberTipline. Between 1998 and December 2021, a total 112.8 million reports have been received by the CyberTipline.
- Registered 445 electronic service providers to enable them to report to the CyberTipline apparent child sexual abuse material found on their systems. Between 1998 and December 2021, a total of 1,678 electronic service providers registered.

- Processed 187 million image/video files of apparent child sexual exploitation to assist in independent efforts to identify and recover child victims. Between 2002 and December 2021, a total 351.4 million images/videos have been processed.
- Documented 9,746 child sexual abuse imagery victims as independently identified by others. Between 2002 and December 2021, a total of 20,685 victims have been identified.
- Assisted law enforcement in locating 22,169 noncompliant registered sex offenders. Between 2006 and December 2021, a total of 47,646 have been located.
- Received reports of 152,436 missing children. From April 2016 through December 2021, 91% of the missing child reports received were for endangered runaways. Between 1984 and December 2021, a total of 386,571 missing child reports have been received.
- Assisted families and the professionals serving them in the resolution of 153,301 missing child cases. From April 2016 through December 2021, 91% of the case resolutions were for endangered runaways. Between 1984 and December 2021, a total of 376,009 missing children cases have been resolved.
- Distributed 117,573 posters of 53,219 missing children. Between 1984 and December 2021, a total of 747,557 posters of 98,697 missing children have been distributed.
- Per federal requirements for state agencies to report children under their care who are missing to both NCMEC and law enforcement, NCMEC works with all 50 states; Washington, D.C.; Puerto Rico; and the U.S. Virgin Islands to assist and support their efforts to locate and return missing children to safe places. This support includes a dedicated webpage, <http://www.missingkids.org/theissues/missingfromcare>, to provide easy access for reporting missing child cases online and receiving key resources. From April 2016 through December 2021, 124,918 missing children cases have been reported to NCMEC by social service agencies. And from April 2016 through December 2021, NCMEC's Children Missing from Care webinar was offered 20 times to social service professionals to provide a better understanding of their agency's requirements and the full range of resources available through NCMEC.
- Activated 2,788 secondary AMBER Alert notifications for 1,253 children. NCMEC rebroadcasts AMBER Alerts through secondary distributors via means such as cellphones, digital billboards, social media, and internet providers. Participating businesses, companies, and organizations have the capability to deliver geographically targeted messages to their audiences.
- Offered peer support to 31,670 families of missing and/or sexually exploited children, 27,335 related to endangered runaways and 397 related to sexually exploited children.
- Provided mental health support to 5,906 families of missing and/or sexually exploited children, 1,718 related to endangered runaways and 2,841 related to sexually exploited children.
- Hosted 14.4 million visits to the educational NetSmartz<sup>®</sup> website with 1.8 million NetSmartz resources provided/downloaded. NetSmartz is NCMEC's online safety education program. It provides age-appropriate videos and activities to help teach children to be safer online with the goal of helping children to become more aware of potential online risks and empowering them to help prevent victimization by making safer choices on- and offline.

### *Trainings & Conferences*

- Provided numerous online and in-person training sessions for 30,097 course participants. From 1984 through December 2021, there have been 393,036 instances of individuals taking these courses. NCMEC provides training to professionals concerning sound practices for preventing, responding to, and investigating reports of child sexual exploitation and missing children, with a focus on building community capacity to enhance these services to the public. Key courses offered from April 2016 through December 2021 included Introduction to Child Sex Trafficking: Awareness and Response, Protecting Children from Sexual Exploitation, and Chief Executive Officer Training, which is now offered as a hybrid online and in-person course called Protect. Reduce. Prevent: Leadership Series on Missing & Exploited Children. Key online programs created and offered in this time period included a three-part Introduction to Child Sex Trafficking, and Child Sexual Abuse courses specific to law enforcement and mental health professionals working with survivors.
- Hosted 20.2 million pageviews on the educational NetSmartz® web pages with 1.9 million NetSmartz resources provided/downloaded. NetSmartz is NCMEC's online safety education program that provides age-appropriate videos and activities to help teach children to be safer online with the goal of helping children become more aware of potential online risks and empowering them to help prevent victimization by making safer choices on- and offline.
- Co-sponsored the Northeast Tribal Summit on Child Victimization in 2016, 2017, 2018, and 2019.
- Held CyberTipline Roundtables in 2017 and 2019. The CyberTipline Roundtable is an interactive, facilitated discussion designed to improve understanding of all parts of the CyberTipline process from the moment of report submission to making the report available to law enforcement. These robust discussions spur ideas for process improvements and growth. Meeting participants include electronic service providers, which have statutory reporting requirements to the CyberTipline. Also invited are representatives from domestic and international law enforcement agencies who receive a substantial number of CyberTipline referrals.
- Held a Survivor Services Mental Health Roundtable in November 2018 bringing together clinicians who work with this population to discuss therapeutic interventions and considerations.
- Held a Survivor Services Attorney Roundtable in March 2019 to discuss legal remedies and assistance available to child sexual abuse imagery survivors.
- Held a Survivor Roundtable in June 2019 for survivors of child sexual abuse material (CSAM) to share their insight into their experiences with the criminal justice or other helping populations, post identification. These insights guided the creation of additional sessions with law enforcement and victim advocates to build best practices for each professional community as they work with CSAM survivors. The roundtable also facilitated information sharing to survivors about the work NCMEC does through the Child Victim Identification Program, the CyberTipline, legal services, family advocacy, and other NCMEC programs of work. Survivors provided input into making NCMEC's work more survivor informed and victim-centric. NCMEC also helped to facilitate individual and group wellness and assist survivors in their roles as advocates.

- Held a Survivor Services Law Enforcement Roundtable in October 2019 with domestic law enforcement points of contact for CSAM cases to develop guidelines for investigators. In November 2019, a similar roundtable was facilitated by NCMEC and convened at the INTERPOL Conference to gather insights from international law enforcement.

# Appendix I: Department of Justice Legislative Proposals<sup>57</sup>

## **Part I: Amendments to Substantive Criminal Provisions**

*Palomino-Coronado* Fix: Revisions to 18 U.S.C. §§ 2251 and 2260(a) (Production and Livestreaming of Child Sexual Abuse)

*Howard* Fix: Ensuring Prosecution of Certain Types of Child Sexual Abuse Material

Revising Definition of “Sexual Act” to Include All Forms of Intentional Touching Involving a Minor

Prohibiting Non-Consensual Sexual Acts and Creating Parity for Sexual Contact and Attempted Sexual Contact

Proposed Legislative Language Combining both Chapter 109A Proposals

Expanding the Definition of “Illicit Sexual Conduct”

Addressing Americans Who Sexually Abuse Children Abroad

Including Prior Military Convictions in Recidivist Sentencing Provisions

Criminalizing Child Exploitation Conduct in the Special Maritime and Territorial Jurisdiction of the United States

Closing Loopholes in the Kidnapping Statute

Criminalizing Online Solicitations or Offering of Children Too Young to Consent

Production of Morphed and Computer-Generated Images of Child Sexual Abuse

## **Part II: Amendments Concerning Procedural and Other Provisions**

Implementation of Passport Revocation for Certain Child Sex Offenders

Limited Non-Disclosure of Administrative Subpoenas in Child Exploitation Investigations

Jurisdiction for Juvenile Offenses in Federal Areas

MEJA for Juveniles

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<sup>57</sup> These proposals were submitted to Congress in 2022.

### **Part III: Child Protection Package of Proposals**

Overview

Mandating Reporting of Suspected Child Abuse by Certain Tax-Exempt Organizations and Federal Grant Recipients

Enhancing Courtroom Protections for Victims of Child Sexual Abuse, Exploitation, and Kidnapping

Facilitating the Appointment of a Trustee or Fiduciary for Restitution for Certain Victims of Human Trafficking, Sexual Assault, Child Exploitation, and Crimes of Violence

Eliminating the Term “Child Pornography” from Federal Law

## Part I: Amendments to Substantive Criminal Provisions

### Palomino-Coronado Fix: Revisions to 18 U.S.C. §§ 2251 and 2260(a) (Production and Livestreaming of Child Sexual Abuse)

#### LEGISLATIVE PROPOSAL:

To amend 18 U.S.C. §§ 2251 and 2260(a), which generally prohibits the production or livestreaming of child sexual abuse, to create a general intent charging option, restructure and expand the jurisdictional language, and ensure consistency with respect to the prohibition on livestreaming; and to make technical amendments to 18 U.S.C. §§ 2259 and 2259A addressing restitution and special assessments.

#### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Chapter 110 of Title 18, United States Code, is amended—

(1) in section 2251—

(A) by striking subsections (a) and (b) and inserting the following:

“(a) Any person who, in a circumstance described in subsection (f)—

(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;

(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (2) of this subsection; or

(4) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

shall be punished as provided under subsection (e).

(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, or knowing that any visual depiction of such conduct will be produced or transmitted, shall be punished as provided under subsection (e).”;

(B) in subsection (c)—



(i) in paragraph (1), by striking “employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct” and inserting “engages in any of the conduct described in subsection (a)(1)-(3)” and by striking “for the purpose of producing any visual depiction of such conduct, ”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “or transmitted” after “transported”; and

(II) in subparagraph (B) by inserting “or transmits” after “transports”; and

(C) after subsection (e), by inserting the following:

“(f) Circumstances.— The circumstance referred to in subsection (a) and (b) is that—

(1) such person knows or has reason to know that such visual depiction will be—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed;

(2) the visual depiction was produced or transmitted using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) such visual depiction has actually been—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed; or

(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.”; and

(2) in section 2259—

(A) in subsection (b)—

(i) in the heading of paragraph (1), by striking “Directions” and inserting “Restitution for Child Pornography Production”;<sup>58</sup> and

(ii) in paragraph (1), by striking “Except as provided in paragraph (2), the” and inserting “The”; and

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<sup>58</sup> A separate legislative proposal amends the United States Code to replace the term “child pornography” with “child sexual abuse material.” If such legislation is enacted, language throughout this proposal should be revised accordingly.

(B) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

“(1) CHILD PORNOGRAPHY PRODUCTION.—

For purposes of this section and section 2259A, the term “child pornography production” means—

- (A) conduct proscribed by subsections (a), (b), or (c), and (e) of section 2251; section 2251A; section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this paragraph); or sections 2260(a) and (c)(1); or
- (B) any offense under chapter 109A or chapter 117 that involves the production or attempted production of, or conspiracy to produce, child pornography.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TRAFFICKING IN CHILD PORNOGRAPHY.—

For purposes of this section and section 2259A, the term “trafficking in child pornography” means conduct proscribed by sections 2251(d) and (e); 2252; 2252A(a)(1), (2), (3), (4), or (6), and (b)(1); 2252A(a)(5) and (b)(2); 2252A(a)(7) and (b)(3)<sup>59</sup>; 2252A(g) (in cases in which the series of felony violations exclusively involves the violations listed in this subparagraph); or 2260(b) and (c)(2).”; and

(3) in section 2259A(a)(1), by striking “section 2252(a)(4) or 2252A(a)(5)” and inserting “sections 2252(a)(4) and (b)(2), or 2252A(a)(5) and (b)(2).”; and

(4) in section 2260, by striking subsection (a) and inserting the following:

“(a) USE OF MINOR.—A person who, outside the United States—

- (1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;
- (2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;
- (3) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (2) of this subsection; or
- (4) transports any minor in or affecting foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

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<sup>59</sup> A separate legislative proposal amends Section 2252A to eliminate Section 2252A(b)(3). If that proposal is enacted, “2257A(a)(7) or (b)(3)” can be deleted from this proposal, and paragraph (7) added here: 2252A(a)(1), (2), (3), (4), (6), or (7), and (b)(1).

intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).”

## **BACKGROUND/ANALYSIS:**

### *Introduction*

At a time when child sex offenders are becoming more brazen in their conduct, particularly in their production of sexually explicit images of children, certain court decisions are undermining the primary statute that prohibits such child exploitation, thwarting prosecutors’ ability to hold these offenders to account and obtain justice for their victims. Congress should act to confirm that federal law fully criminalizes this reprehensible conduct.

On the one hand, the Department has seen a dramatic increase in the volume of federal prosecutions for offenses involving production of child sexual abuse material (CSAM). These offenders photograph, record, or livestream their sexual abuse and exploitation of children. Due to increases every year for 11 straight years, the number of federal production cases has almost *tripled*, from 218 cases initiated against 239 defendants in FY 2008, to 635 cases initiated against 674 defendants in FY 2019.

On the other hand, a pair of decisions from two Courts of Appeals have imperiled the Department’s ability to continue prosecuting certain child sex offenders. In *United States v. Palomino-Coronado*, 805 F.3d 127 (4th Cir. 2015), and *United States v. Howard*, 968 F.3d 717 (7th Cir. 2020), the Fourth and Seventh Circuits reversed convictions obtained at trial against individuals who filmed their sexual activity with children. Either case on its own is harmful, but the combined impact is devastating. By misinterpreting the statute, the courts not only blocked justice for those victims, but also imperiled a wide range of other similar prosecutions. In order to restore this statute to its full scope and assure that all child predators are subject to prosecution, the Department has prepared legislative proposals responding to each decision. This proposal addresses *Palomino-Coronado*.<sup>60</sup>

### *Background*

Section 2251(a) of Title 18, United States Code, prohibits individuals from employing, using, persuading, inducing, enticing, or coercing a minor to engage in sexually explicit conduct “for the purpose of” producing or livestreaming a visual depiction of such conduct. This is known colloquially as the production of CSAM. Sections 2251(b), 2251(c), and 2260(a) are

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<sup>60</sup> The two proposals are presented separately to make it easier follow the distinct problems and solutions each address. However, the *Palomino-Coronado* fix and the *Howard* fix overlap to the extent that they both amend 18 U.S.C. §§ 2251 and 2260(a). (The *Howard* fix also amends other statutes in Chapter 110, as well as 18 U.S.C. § 1466A.) To show how the two proposals ultimately work together, the legislative language for the *Palomino-Coronado* fix is incorporated verbatim into the *Howard* fix.

comparable provisions, but apply to the production of CSAM by parents or by offenders outside of the United States.

This legislative proposal updates these statutes in four ways: by amending Sections 2251(a), 2251(b), 2251(c), and 2260(a) to create a charging option that does not require proof of specific intent; by amending Section 2251(c) to prohibit livestreaming of child sexual abuse abroad (consistent with other production statutes); by restructuring the jurisdictional elements in Sections 2251(a) and (b); and by adding language to permit federal prosecution for production of CSAM on federal lands.

The proposal adds new criminal provisions in part to respond to an adverse result in *Palomino-Coronado*. In that case, the Fourth Circuit reversed the defendant’s conviction for producing CSAM, finding that there was insufficient evidence that the defendant’s sexual abuse of seven-year-old girl—he had penetrated her vagina—was for the purpose of creating an image of such conduct. As the Court explained:

All that the record shows is that Palomino-Coronado had engaged in sexual activity with B.H. on more than one occasion; that he had taken several non-sexually explicit pictures of her with his cell phone in his basement; and that one sexually explicit picture was taken, in which B.H. identified herself and Palomino-Coronado as the two people depicted. Without more, these facts do not support the conclusion that Palomino-Coronado engaged in sexual activity with B.H. in order to take a picture. To hold otherwise would eliminate the specific intent requirement, turning § 2251(a) into a strict liability offense.

In this instance, where Palomino-Coronado engaged in sexual activity with B.H. over many months, the fact that only one image was produced militates against finding that his intent in doing so was to take a picture. The single photo is not evidence that Palomino-Coronado engaged in sexual activity with B.H. to take a picture, only that he engaged in sexual activity with B.H. and took a picture. (emphasis in original).

*Palomino-Coronado*, 805 F.3d at 132.

Even more, the Court suggested that the intent to produce the image must be formed prior to the initiation of the sexual activity, which would preclude prosecution of defendants who formed the requisite intent during the commission of the sex act. *Id.* at 133. *See also, United States v. McCauley*, 983 F.3d 690, 696 (4th Cir. 2020) (reversing conviction at trial for production of CSAM and noting that a “purpose that arises at any time would include the moment of the visual capture itself and erase the specific intent mandate from the statute” and that “§ 2251(a) does not criminalize a spontaneous decision to create a visual depiction in the middle of sexual activity without some sufficient pause or other evidence to demonstrate that the production of child pornography was at least a significant purpose”).

Of course, this is not the first time that the meaning and scope of the “for the purpose of language” has been litigated, as is extensively described by the Fourth Circuit. *Id.* at 130-132.

However, *Palomino-Coronado* has had a significant impact. Since this decision was issued, defendants have increasingly resisted production charges by claiming that their creation of an image of child sexual abuse was incidental to the conduct. That is, they admit they sexually abused a child, and admit that they memorialized the conduct, but they argue that they should nonetheless escape federal conviction because they lacked the requisite purpose when they made the visual depiction.

The Fourth Circuit's demanding standard for the sufficiency of the evidence of a defendant's intent, coupled with its suggestion that the intent must be formed in advance, creates a dangerous loophole in the federal CSAM production statute. This statute addresses the most serious CSAM-related conduct, and therefore is the most significant tool in the effort to deter and punish child sexual exploitation.

#### *Section by Section Analysis*

This legislative proposal responds to this situation by adding language to and modifying Section 2251(a) as follows:

- The existing offense where the offender employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct “for the purpose” of producing or transmitting a visual depiction would remain the same. See proposed Section 2251(a)(1). (This existing offense is retained to ensure our ability to prosecute any conduct that takes place before the legislation is enacted, since the new offense will not apply retroactively).
- A new offense is added that mirrors the *actus reus* of the existing statute while dropping the “for the purpose” element. The new provision applies to any person who employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced a visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct. This is the newly created Section 2251(a)(2). This change is made to squarely capture conduct such as *Palomino-Coronado*'s.
- Two offenses that are currently in the statute are slightly modified. The statute currently prohibits individuals from having “a minor assist any other person to engage in” sexually explicit conduct for the purpose of producing or transmitting any visual depiction of such conduct. Our proposal places this language in Section 2251(a)(3) and revises it to account for the new structure of Section 2251(a). It prohibits having a minor assist any other person engage in sexually explicit conduct during the commission of an offense set forth in the new Sections 2251(a)(1)-(2). This provision would cover, for example, a depiction of a child forced to masturbate an adult male.
- Lastly, the statute currently criminalizes the transport of “any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in” sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live

visual depiction of such conduct. Our proposal places this language in Section 2251(a)(4) and is modified to account for the new structure of Section 2251(a). The reference to “any Territory or Possession of the United States” is deleted from the substantive criminal provision and is replaced with language in the jurisdictional section in the proposed Section 2251(f), discussed below, that provides for jurisdiction if any part of the offense took place in the special maritime and territorial jurisdiction of the United States.

This proposal also makes four revisions to ensure consistency within the statute and to improve the readability of the jurisdictional elements.

- It makes parallel amendments to Section 2251(b), which addresses the production of CSAM by the parents or guardian of the child, and Section 2251(c), which addresses the production of CSAM abroad. These amendments ensure that the three provisions maintain their consistency in scope.
- The proposal also expands Section 2251(c), which prohibits the production of child sexual abuse material abroad, to include the live transmission of child sexual abuse. When the “live transmission” language was added to Section 2251 in 2008, this subsection was inadvertently overlooked. This proposal corrects that omission.
- Further, the proposal reorganizes the statute to place the lengthy jurisdictional language in a separate section, similar to the approach in 18 U.S.C. § 1466A. This will vastly improve the readability of the statute. *See* proposed Section 2251(f). It also adds language providing jurisdiction in cases taking place within the special maritime and territorial jurisdiction of the United States, where the federal government is the exclusive prosecutorial authority, or in a territory or possession of the United States.<sup>61</sup>
- The proposal also makes parallel revisions to 18 U.S.C. § 2260(a), which closely mirrors Section 2251(c) by prohibiting the production of CSAM overseas.

Finally, the proposal includes technical amendments to 18 U.S.C. §§ 2259 and 2259A, which address restitution and special assessments. The operative definitions are updated to expressly include all attempts and conspiracies (accomplished primarily by adding references to 18 U.S.C. §§ 2251(e), 2252(b), 2252A(b), and 2260(c), all of which contain internal attempt and conspiracy provisions), and to add a reference to Sections 2252A(a)(6) and (7).

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<sup>61</sup> It would be incorrect to assume that any production of CSAM on federal lands could be prosecuted under Chapter 109A, which prohibits sexual assault on federal lands. For example, taking a picture showing a lascivious display of a minor’s genitals would constitute production of CSAM, but would not constitute sexual assault under Chapter 109A. Further, production of CSAM applies to all minors under the age of 18, without regard to whether they consented to the conduct. Chapter 109A only applies to sexual activity with 16 and 17-year-olds who were forced, threatened, or were unable to appraise the nature of the conduct.

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 2251**

~~(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.~~

~~(a) Any person who, in a circumstance described in subsection (f)—~~

~~(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;~~

~~(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;~~

~~(3) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (2) of this subsection; or~~

~~(4) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;~~

~~shall be punished as provided under subsection (e).~~

~~(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.~~



(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, or knowing that any visual depiction of such conduct will be produced or transmitted, shall be punished as provided under subsection (e).

(c) (1) Any person who, in a circumstance described in paragraph (2), ~~employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct~~ engages in any of the conduct described in subsection (a)(1)-(3) outside of the United States, its territories or possessions, ~~for the purpose of producing any visual depiction of such conduct,~~ shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that—

(A) the person intends such visual depiction to be transported or transmitted to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail; or

(B) the person transports or transmits such visual depiction to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail.

(e) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for not less than 30 years or for life.<sup>62</sup>

(f) Circumstances.— The circumstance referred to in subsection (a) and (b) is that—

(1) such person knows or has reason to know that such visual depiction will be—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

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<sup>62</sup> Separate legislative proposals revise several sentencing provisions for child exploitation offenses, including 18 U.S.C. § 2251(e), to add certain prior military convictions as qualifying predicates for the recidivist penalties, and replace the term “child pornography” with “child sexual abuse material”.

(B) transported or transmitted in or affecting interstate or foreign commerce; or  
(C) mailed;

(2) the visual depiction was produced or transmitted using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) such visual depiction has actually been—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or  
(C) mailed; or

(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.

## 18 U.S.C. § 2259

(b) SCOPE AND NATURE OF ORDER.—

(1) ~~DIRECTIONS RESTITUTION FOR CHILD PORNOGRAPHY PRODUCTION.~~—~~Except as provided in paragraph (2), the~~ The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses.

(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

(A) Determining the full amount of a victim's losses.—The court shall determine the full amount of the victim's losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

(B) Determining a restitution amount.—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant's relative role in the causal process that underlies the victim's losses, but which is no less than \$3,000.

(c) DEFINITIONS.—

(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term “child pornography production” means—

(A) conduct proscribed by subsections (a), (b), or through (c), and (e) of section 2251; section 2251A; section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection paragraph); or sections 2260(a) and (c)(1); or

(B) any offense under chapter 109A or chapter 117 that involves~~d~~ the production of child pornography or attempted production of, or conspiracy to produce, child pornography (as such term is defined in section 2256)<sup>63</sup> ...

(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term “trafficking in child pornography” means conduct proscribed by sections 2251(d) and (e); 2252; 2252A(a)(1) through (5) (1), (2), (3), (4), or (6), and (b)(1); 2252A(a)(5) and (b)(2); 2252A(a)(7) and (b)(3); 2252A(g) (in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b) in cases in which the series of felony violations exclusively involves the violations listed in this subparagraph); or 2260(b) and (c)(2).

### **18 U.S.C. § 2259A. Assessments in child pornography cases**

(a) **IN GENERAL.**—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5) sections 2252(a)(4) and (b)(2), or 2252A(a)(5) and (b)(2);

**18 U.S.C. § 2260(a): USE OF MINOR.**—A person who, outside the United States, employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor with the intent that the minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

USE OF MINOR.—A person who, outside the United States—

(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;

(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (2) of this subsection; or

(4) transports any minor in or affecting foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

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<sup>63</sup> The phrase “as such term is defined in section 2256” is unnecessary because the definitions set forth in that section apply to all statutes in Chapter 110.

## **Howard Fix: Ensuring Prosecution of Certain Types of Child Sexual Abuse Material**

**LEGISLATIVE PROPOSAL:** To codify case law holding that prosecutions under Chapter 110 of Title 18, United States Code, do not require the minor to be aware of, to be able to understand, or to be actively participating in the sexually explicit conduct; to criminalize visual depictions of adults engaging in sexually explicit conduct when a child is intentionally included in such depiction; and to make comparable amendments to related provisions. This proposal also includes legislative language from the *Palomino-Coronado* proposal.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

- (a) Statement of Intent. This legislation is intended to codify case law holding that prosecutions under Sections 2251, 2252, 2252A, and 2260 of Title 18, United States Code, do not require the minor to be aware of, to be able to understand, or to be actively participating in the sexually explicit conduct. *See United States v. Fadl*, 498 F.3d 862, 866 (8th Cir. 2007) (quoting *United States v. Sirois*, 87 F.3d 34, 41 (2d Cir. 1996)); *United States v. Wright*, 774 F.3d 1085, 1089 (6th Cir. 2014); *United States v. Engle*, 676 F.3d 405, 419 n. 9 (4th Cir. 2012); *See also Ortiz-Graulau v. United States*, 756 F.3d 12, 18-19 (1st Cir. 2014); *United States v. Laursen*, 847 F.3d 1026 (9th Cir. 2017).
- (b) Title 18, United States Code, is amended—
- (1) in Section 1466A—
- (A) in subsection (a)(1)(A), by inserting “, or includes a minor in such visual depiction of any adult engaging in sexually explicit conduct” after “sexually explicit conduct”; and
- (B) in subsection (b)(1)(A), by inserting “, or includes a minor in such visual depiction of any adult engaging in sexually explicit conduct” after “sexually explicit conduct”.
- (2) in Chapter 110—
- (A) in section 2251—
- (i) by striking subsections (a) and (b), and inserting the following:
- “(a) Any person who, in a circumstance described in subsection (f)—
- (1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;
- (2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced

any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) engages in sexually explicit conduct in the presence of a minor for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction;

(4) engages in sexually explicit conduct in the presence of a minor and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct, intentionally including the minor in such visual depiction;

(5) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (4) of this subsection; or

(6) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

shall be punished as provided under subsection (e).

(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits—

(1) such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, or knowing that any visual depiction of such conduct will be produced or transmitted; or

(2) an adult to engage in sexually explicit conduct in the presence of the minor—

(A) for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction; or

(B) knowing that any visual depiction of such conduct will be produced or transmitted, intentionally including the minor in such visual depiction;

shall be punished as provided under paragraph (e).”;

(ii) in subsection (c)—

(I) in paragraph (1), by striking “employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct” and inserting “engages in any of the conduct described in subsection (a)(1)-(5)”;

and by striking “for the purpose of producing any visual depiction of such conduct, ”; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by inserting “or transmitted” after “transported”;

and

(bb) in subparagraph (B) by inserting “or transmits” after “transports”;

(iii) in subsection (d)(1), by striking subparagraph (A) and inserting the following:

“(A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves—

(i) the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or

(ii) an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction; or”;

and

(iv) after subsection (e), by inserting the following:

“(f) Circumstances.— The circumstance referred to in subsection (a) and (b) is that—

(1) such person knows or has reason to know that such visual depiction will be—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed;

(2) the visual depiction was produced or transmitted using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) such visual depiction has actually been—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed; or

(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.” and

(B) in section 2251A—

(i) in subsection (a)—

(I) in the matter before paragraph (1), by inserting “ or control” after “transfer custody”;

(II) by striking paragraph (1) and inserting the following:

“(1) with knowledge that, as a consequence of the sale or transfer, the minor will be—

(A) portrayed in any visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(B) intentionally included in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor; or”;

(III) in paragraph (2)—

- (aa) in the matter preceding subparagraph (A), by striking “either”;
- (bb) in subparagraph (A), by striking “or” following the semicolon;
- (cc) in subparagraph (B), by inserting “or” following the semicolon; and
- (dd) following subparagraph (B), by inserting the following:

“(C) the intentional inclusion of the minor in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor;” and

(ii) in subsection (b)—

(I) by striking paragraph (1) and inserting the following:

“(1) with knowledge that, as a consequence of the purchase or obtaining of custody or control, the minor will be—

(A) portrayed in any visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(B) intentionally included in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor; or”; and

(II) in paragraph (2)—

(aa) in the matter preceding subparagraph (A), by striking “either”;

(bb) in subparagraph (A), by striking “or” following the semicolon;

(cc) in subparagraph (B), by inserting “or” following the semicolon; and

(dd) following subparagraph (B), by inserting the following:

“(C) the intentional inclusion of the minor in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor;” and

(C) in section 2252(a)—

(i) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or

(B) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction;”;

(ii) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following:

“(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or  
(B) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction;”;

(iii) in paragraph (3)(B), by striking clauses (i) and (ii) and inserting the following:

“(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or  
(ii) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction;”; and

(iv) in paragraph (4)(B), by striking clauses (i) and (ii) and inserting the following:

“(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or  
(ii) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction;”; and

(D) in section 2256—

(i) in subsection (8)—

(I) by striking paragraph (A) and inserting the following:

“(A) the production of such visual depiction involves—  
(i) the use of a minor engaging in sexually explicit conduct; or  
(ii) an adult engaging in sexually explicit conduct in the presence of a minor and the intentional inclusion of the minor in the visual depiction;” and

(II) in paragraph (B), by inserting after “sexually explicit conduct” the following:

“ or that of a minor intentionally included in such visual depiction of an adult engaging in sexually explicit conduct”;

(III) in paragraph (C), by inserting after “sexually explicit conduct.” the following:



“ or is intentionally included in such visual depiction of an adult engaging in sexually explicit conduct;”;

(ii) in subsection (9)(B), by striking the period and inserting a semicolon;

(iii) in subsection (10), by striking “and” following the semicolon; and

(iv) in subsection (11), by striking the period at the end of the subsection and inserting the following:

“; and

(12) the terms “uses any minor to engage in”, “the use of a minor engaging in”, and “in the presence of a minor” do not require the minor to be aware of, or to be capable of appraising the nature of, the sexually explicit conduct, nor do they require any direct engagement or active participation by the minor in the sexually explicit conduct.”

(E) in section 2259—

(i) in subsection (b)—

(I) in the heading of paragraph (1), by striking “Directions” and inserting “Restitution for Child Pornography Production”;<sup>64</sup> and

(II) in paragraph (1), by striking “Except as provided in paragraph (2), the” and inserting “The”; and

(ii) in subsection (c)—

(I) by striking paragraph (1) and inserting the following:

“(1) CHILD PORNOGRAPHY PRODUCTION.—

For purposes of this section and section 2259A, the term “child pornography production” means—

(A) conduct proscribed by subsections (a), (b), or (c), and (e) of section 2251; section 2251A; section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this paragraph); or sections 2260(a) and (c)(1); or

(B) any offense under chapter 109A or chapter 117 that involves the production or attempted production of, or conspiracy to produce, child pornography.”; and

(II) by striking paragraph (3) and inserting the following:

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<sup>64</sup> A separate legislative proposal amends the United States Code to replace the term “child pornography” with “child sexual abuse material.” If such legislation is enacted, this language should be revised accordingly.

“(3) TRAFFICKING IN CHILD PORNOGRAPHY.—

For purposes of this section and section 2259A, the term “trafficking in child pornography” means conduct proscribed by sections 2251(d) and (e); 2252; 2252A(a)(1), (2), (3), (4), or (6), and (b)(1); 2252A(a)(5) and (b)(2); 2252A(a)(7) and (b)(3)<sup>65</sup>; 2252A(g) (in cases in which the series of felony violations exclusively involves the violations listed in this subparagraph); or 2260(b) and (c)(2).”; and

(F) in section 2259A(a)(1), by striking “section 2252(a)(4) or 2252A(a)(5)” and inserting “sections 2252(a)(4) and (b)(2), or 2252A(a)(5) and (b)(2)”; and

(G) in section 2260—

(i) by striking subsection (a) and inserting the following:

“(a) USE OF MINOR.—A person who, outside the United States—

(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;

(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) engages in sexually explicit conduct in the presence of a minor for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction;

(4) engages in sexually explicit conduct in the presence of a minor and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct, intentionally including the minor in such visual depiction;

(5) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (4) of this subsection; or

(6) transports any minor in or affecting foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).”; and

(ii) in subsection (b), by striking “visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual

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<sup>65</sup> A separate legislative proposal amends Section 2252A to eliminate Section 2252A(b)(3). If that proposal is enacted, “2257A(a)(7) or (b)(3)” can be deleted from this proposal, and paragraph (7) added here: 2252A(a)(1), (2), (3), (4), (6), or (7), and (b)(1).

depiction” and inserting “child pornography (as defined in section 2256(8)(A)), intending that such child pornography”.

(c) Effective Date: The amendment made by this legislation to section 2256(12) of title 18 shall apply to conduct that has occurred before, on, or after such date of enactment.

## **BACKGROUND/ANALYSIS:**

### *Introduction*

At a time when child sex offenders are getting more brazen in their conduct, particularly with their production of sexually explicit images of children, certain court decisions are undermining the primary statute which prohibits such child exploitation, thwarting prosecutors’ ability to hold these offenders to account and obtain justice for their victims. Congress should act to confirm that federal law fully criminalizes this reprehensible conduct.

On the one hand, the Department has seen a dramatic increase in the volume of federal prosecutions for offenses involving production of child sexual abuse material (CSAM). These offenders photograph, record, or livestream their sexual abuse and exploitation of children. Due to increases every year for 11 straight years, the number of federal production cases has almost *tripled*, from 218 cases initiated against 239 defendants in FY 2008, to 635 cases initiated against 674 defendants in FY 2019.

On the other hand, a pair of decisions from two Courts of Appeals have imperiled the Department’s ability to continue prosecuting certain child sex offenders. In *United States v. Palomino-Coronado*, 805 F.3d 127 (4th Cir. 2015), and *United States v. Howard*, 968 F.3d 717 (7th Cir. 2020), the Fourth and Seventh Circuits reversed convictions obtained at trial against individuals who filmed their sexual activity with children. Either case on its own is harmful, but the combined impact is devastating. By misinterpreting the statute, the courts not only blocked justice for those victims, but also imperiled a wide range of other similar prosecutions. In order to restore this statute to its full scope and assure that all child predators are subject to prosecution, the Department has prepared legislative proposals responding to each decision. This proposal addresses *Howard*. Because the *Palomino-Coronado* fix amends some of the same statutes, the legislative language from that proposal is incorporated here to present a comprehensive view of the statutes as they would be amended to address both decisions.

### *Background*

In *Howard*, the Seventh Circuit reversed the defendant’s conviction at trial for violating 18 U.S.C. § 2251(a) for producing images of himself masturbating over the body of a fully clothed, sleeping child, standing close enough to her to nearly touch her face with his erect penis. *Howard*, 968 F.3d at 719. Howard produced these images while discussing his sexual interest in minors online. *Id.*

The *Howard* decision makes two consequential errors. First, according to the Court of Appeals, these images did not constitute “child pornography” within the meaning of the statute.

*Id.* at 718. On this point, *Howard* is in tension with two other circuits. In *United States v. Lohse*, 797 F.3d 515, 521-522 (8th Cir. 2015) and *United States v. Finley*, 726 F.3d 483, 494-495 (3d Cir. 2011), the Courts of Appeals affirmed convictions on facts similar to *Howard*.

Next, the *Howard* decision adopts a narrow interpretation of the term “use” as it appears in Section 2251(a), which imposes a penalty on any person “who employs, uses, persuades, induces, entices, or coerces any minor to engage in ... any sexually explicit conduct for the purpose of producing any visual depiction of such conduct...” Identical text also appears in 18 U.S.C. § 2251(c) and 2260(a).

According to the Seventh Circuit, the

most natural and contextual reading of the statutory language requires the government to prove that the offender took one of the listed actions to cause *the minor* to engage in sexually explicit conduct for the purpose of creating a visual image of that conduct. The six verbs that appear in the statute—“employs, uses, persuades, induces, entices, or coerces”—all describe means by which an exploiter might accomplish the end of having a child engage in sexually explicit conduct in order to capture a visual image of it. That is, they broadly describe the means by which someone might produce child pornography.

*Id.* at 721-722 (emphasis in original).

The Court rejected the government’s argument that “uses” is “broader than the other five and is expansive enough to encompass a case like *Howard*’s that does not involve a visual image depicting the minor *herself* engaged in sexually explicit conduct.” *Id.* at 722 (emphasis in original). According to the Court, the word “use”:

is undoubtedly broad in the abstract, but under the venerable doctrine of *noscitur a sociis*, a word “is known by the company it keeps,” and we must “avoid ascribing to one word a meaning so broad that it is inconsistent with its accompanying words.” Accordingly, the word “uses” in this statute must be construed in context with the other verbs that surround it. When read in this commonsense way, the word has a more limited meaning than the government proposes. Five of the six verbs on this statutory list require some action by the offender to cause the *minor*’s direct engagement in sexually explicit conduct. The sixth should not be read to have a jarringly different meaning. The *noscitur a sociis* canon has force here and constrains our interpretation of the word “uses.”

*Id.* at 722 (citations omitted) (emphasis in original).

To the extent that *Howard* interprets “use” to require “direct engagement” by the minor, it is a clear outlier. The First, Second, Fourth, Sixth, Eighth, and Ninth Circuits have held that the “use” element under 18 U.S.C. § 2251(a) is “fully satisfied for the purposes of the child pornography statute if a child is photographed in order to create pornography.” *United States v. Fadl*, 498 F.3d 862, 866 (8th Cir. 2007) (quoting *United States v. Sirois*, 87 F.3d 34, 41 (2d Cir.

1996)); *United States v. Wright*, 774 F.3d 1085, 1089 (6th Cir. 2014); *United States v. Engle*, 676 F.3d 405, 419 n. 9 (4th Cir. 2012); see also *Ortiz-Graulau v. United States*, 756 F.3d 12, 18-19 (1st Cir. 2014); *United States v. Laursen*, 847 F.3d 1026 (9th Cir. 2017). As stated by the Third Circuit, “Congress’s utilization of ‘uses’ indicates that active involvement on the part of a minor is not essential for a conviction under 18 U.S.C. § 2251(a).” *Finley*, 726 F.3d at 495. See also *Ortiz-Graulau*, 756 F.3d at 19 (explaining why “use” has a broader meaning than the other terms in Section 2251).

If the flawed and incorrect reasoning of *Howard* are extended to other circumstances, it could threaten our ability to prosecute common scenarios. For example, in cases involving surreptitious recordings of minors, offenders plant cameras in bathrooms, locker rooms, and bedrooms to record sexually explicit imagery of children who are unaware they are being filmed. See, e.g., *United States v. Johnson*, 639 F.3d 433 (8th Cir. 2011). Defendants who record themselves sexually exploiting infants and toddlers are also charged under Section 2251 on the theory that they “used” the minors whether or not the child is “actively involved” in the sexual exploitation. See *United States v. Shouse*, 755 F.3d 1104 (9th Cir. 2014). This is the only charging option for children that young, as they do not have the cognitive capacity to be employed, persuaded, induced, enticed, or coerced.

Any adoption or expansion of *Howard*’s “direct engagement” requirement could significantly restrict the Department’s ability to prosecute offenders who exploit children who are particularly vulnerable because they are unaware that, or unable to understand that, they are being filmed or photographed in sexually explicit scenarios, and so are unable to defend themselves or report the exploitation. Cf. *United States v. Kapordelis*, 569 F.3d 1291, 1315-1316 (11th Cir. 2009), cert. denied, 559 U.S. 917 (2010) (children “qualified as ‘vulnerable victims’ under [U.S.S.G. § 3A1.1] because they were asleep or otherwise nonresponsive and, thus, unable to object or respond in any way when [the defendant] pulled down their underwear and exposed their genitalia or anuses for the camera.”).

This legislation is intended to repudiate *Howard* and codify existing case law that prohibits the passive use of children and the creation of visual depictions of adults engaged in sexually explicit conduct where a child is a focus of such sexual activity.

#### *Section-by-Section Analysis*

This proposed legislation responds to *Howard* by amending the relevant statutes to clearly criminalize such visual depictions and to ensure the term “use” has the proper scope. These changes would impact not only prosecutions for production under Section 2251(a), 2251(b), 2251(c), and 2260(a), but also for advertising, transportation, distribution, receipt, possession of, and access to child sexual abuse material under 18 U.S.C. §§ 2251(d), 2252, 2252A, and 2260(b). Comparable amendments are also made to 18 U.S.C. §§ 1466A and 2251A.

### The Scope of the Term “Use”

The first sentence of the Statement of Intent sets forth the case law that contradicts *Howard’s* conclusions that “use” in Section 2251 has a meaning closer to “cause”. This statement is intended to mitigate litigation that may arise challenging the retroactive application of the amendment to Section 2256 by establishing that this conduct is already illegal outside the Seventh Circuit.

Next, in Section (b)(2)(D), this legislation amends Section 2256, which defines terms used throughout Chapter 110, by adding a provision that states that the terms “uses any minor to engage in” and “the use of a minor engaging in”:

do not require the minor to be aware of, or to be capable of appraising the nature of, the sexually explicit conduct, nor do they require any direct engagement or active participation by the minor in the sexually explicit conduct.

The phrase “uses any minor to engage in” appears in Sections 2251(a) and (c) and 2260(a). The phrase “the use of a minor engaging in” is included in other provisions throughout Chapter 110. *See, e.g.*, 18 U.S.C. §§ 2251(d)(1)(A) (prohibiting activity related to a visual depiction that “involves the use of a minor engaging in sexually explicit conduct”), 2252(a)(1)(A) (same), 2252(a)(2)(A) (same), 2256(8)(A) (defining “child pornography,” which appears in Section 2252A, as a visual depiction “where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct”); and 2260(b) (prohibiting activity related to the importation of prohibited visual depictions). The proposal defines both terms to ensure consistency across the Chapter by confirming that all applicable statutes, whether they involve production, advertisement, distribution, transportation, receipt, possession, or access, apply to these types of sexually explicit images. This solidifies a comprehensive set of laws which recognizes the unique harm caused to victims by the ongoing trade of imagery of their abuse or exploitation. *See New York v. Ferber*, 458 U.S. 747, 759 (1982); *Osborne v. Ohio*, 495 U.S. 103, 109-110 (1990); *Paroline v. United States*, 572 U.S. 434, 457 (2014). *See also United States v. Hotaling*, 634 F.3d 725 (2d Cir. 2011) (noting the reputational and psychological harm suffered by children knowing that their images were exploited by a trusted adult); *Doe v. Boland*, 630 F.3d 491, 497 (6th Cir. 2011) (children harmed when their images are modified to make it appear they have engaged in sexual conduct).

The proposal adapts the phrase “capable of appraising the nature of” the illicit conduct, from 18 U.S.C. § 2242(2)(A), which criminalizes sexual abuse. The “direct engagement” and “active participation” language is taken from *Howard*, 968 F.3d at 722, and *Finley*, 726 F.3d 495, respectively, and is included to protect the ability to continue prosecuting surreptitious recording cases or cases involving sleeping, unconscious, or incapacitated victims.

### Visual Depictions of Adults with Children

The second sentence of the statement of intent responds to *Howard’s* conclusion that images like the one at issue in that case do not constitute “child pornography” within the

meaning of the law. This statement is intended to mitigate litigation that may arise challenging the retroactive application of these amendments.

The legislation then completes this fix by amending:

- 18 U.S.C. §§ 2251(a)-(c) and 2260(a), the statutes prohibiting production and livestreaming of child sexual abuse material;
- 18 U.S.C. §§ 2251(d), 2252, and 2260(b), the statutes that prohibit advertising, distribution, receipt, possession, and other offenses involving child sexual abuse material; and
- 18 U.S.C. § 2256, which defines all the terms used in the Chapter, including “child pornography” as used in Section 2252A (which also criminalizes advertising, distribution, receipt, possession, and other offenses involving child sexual abuse materials).

Taking each in turn, Sections 2251 and 2260(a) are amended to make it a crime for a person to engage in sexually explicit conduct in the presence of a minor, intending that the minor be included in such visual depiction or live visual depiction.<sup>66</sup>

Similar revisions are made to Sections 2251(d), 2252, and 2260(b), which are each amended to reference visual depictions of adults engaging in sexually explicit conduct in the presence of the minor, where the minor is intentionally included in the visual depiction. Although the specific phrasing of this part of the legislation is not the most natural language (“the producing of such visual depiction involves ... and such visual depiction is of such conduct”), it mirrors the language in the current statute which has been in place for decades and is well understood.

Next the proposal modifies the definition of “child pornography” in Section 2256. The term “child pornography” appears in Section 2252A, which sets forth various criminal offenses as noted above. There are three types of child pornography defined in Section 2256: images depicting real children and actual conduct, computer-generated images, and morphed images involving identifiable children. As far as is known to the Department, the computer-generated definition has never been used, but to ensure consistency, the proposal amends all three definitions. As with the other parts of the legislation, the definition of child pornography is modified to include visual depictions of adults engaged in sexually explicit conduct in the presence of the minor where the minor is intentionally included in the visual depiction.

Lastly, the definition of the terms “uses any minor to engage in” and “the use of a minor engaging in”, discussed above, would also apply to conduct that is “in the presence of” a minor. This ensures our ability to prosecute cases like Howard, where the minor is asleep or otherwise unconscious.

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<sup>66</sup> Consistent with the *Palomino-Coronado* fix, there is one provision that applies if the defendant acted for the purpose of producing a visual depiction, and another that applies if the visual depiction was produced in the course of the defendant’s use of a minor.

The Department note a few things about this legislative language. First, the “in the presence of” element purposefully precludes prosecutions where the involvement of a child is more attenuated, such as when an offender engages in sexual activity while watching a child across the street, or viewing a child in a movie or video (a concern of the *Howard* panel, 968 F.3d at 721). Next, the intent element is included here to ensure that the visual depictions are exploitative. This language prevents the provision from being applied to situations where the inclusion of the minor in the visual depiction is accidental or incidental. Rather, it appropriately limits the criminal provisions to those cases, like *Howard*, where the child is included in the visual depiction in connection with the sexual interests of the offender. Tailoring the provision in this way will also forestall any potential First Amendment challenges to the amendments. In practice, the Department anticipates that the visual depiction itself will provide adequate proof of intent.

The majority of the legislation purposefully requires an adult be engaging in sexually explicit conduct in the presence of a minor. This legislation does not need to reach visual depictions of minors included in visual depictions of other minors engaging in sexually explicit conduct, because those are already illegal under the law as written. The only part of the legislation that does not specifically require an adult to be engaging in sexually explicit conduct involves the provisions in 18 U.S.C. 2251(a)-(c) and 2260(a), the production and livestreaming statutes. As written, those apply to “any person,” and that will not be changed. (Although “any person” includes minors, in practice, those statutes are only used against adults, as federal prosecutions of children for production or livestreaming are exceptionally rare, if not nearly unheard of.)

Because the part of the legislation addressing the definition of “use of a minor” in Section 2256(12) is meant as a clarifying amendment that codifies existing case law (as opposed to creating a new substantive provision), it should apply retroactively without violating the Ex Post Facto clause. *See Collins v. Youngblood*, 497 U.S. 37, 41-42 (1990) (Ex Post Facto clause only applies to penal statutes which disadvantage the offender affected by them ... by punish[ing] as a crime an act previously committed, which was innocent when done”) (internal citations and quotations omitted). The Statement of Intent and the effective date in Section (c) are included to make that clear, thereby avoiding any threat to our ability to prosecute cases involving conduct that pre-dates this legislation pursuant to the current applicable case law. *See Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (“congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.”).

### Other Amendments

Section (b)(1) of this proposal makes a comparable amendment to 18 U.S.C. § 1466A, which prohibits activities involving obscene visual representations of the sexual abuse of children, regardless of whether the children are real. Note that there is a slight difference in the relevant statutory language, as the provisions in Chapter 110 refer to the “use” of a minor engaging in sexually explicit conduct, while Section 1466A(a)(1) and (b)(1) instead apply to images that “depict” a minor engaging in sexually explicit conduct. Accordingly, the legislative language is modified slightly to account for the phrasing of Section 1466A. In addition, this part



of the proposal does not mandate that the minor be “intentionally” included in the visual depiction. This deviation is warranted because Sections 1466A(a)(1) and (b)(1) require, as an element of the offense, that the visual depiction be obscene. Because this obscenity element ensures that any prosecution would comport with the First Amendment, *see Miller v. California*, 413 U.S. 15 (1973), the “intent” language is unnecessary.

Finally, Section (b)(2)(B) of the proposal amends 18 U.S.C. § 2251A, which prohibits the buying or selling of children for the purpose of producing sexually explicit imagery. Like Section 1466A, Section 2251A does not contain the phrase “use of a minor engaging in.” Instead, it applies to situations where a minor is “portrayed” engaging in sexually explicit conduct. Therefore, while the substance of the proposal is the same, the specific wording is adapted to fit within the existing terms of the statute. This proposal also includes a technical amendment to Section 2251A(a) and 2251A(b)(1), which inadvertently omit the word “control.”

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 1466A**

(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

(1) (A) depicts a minor engaging in sexually explicit conduct, or includes a minor in such visual depiction of any adult engaging in sexually explicit conduct; and

(B) is obscene; or

(2) (A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

(B) lacks serious literary, artistic, political, or scientific value; or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

(1) (A) depicts a minor engaging in sexually explicit conduct, or includes a minor in such visual depiction of any adult engaging in sexually explicit conduct; and

(B) is obscene; or

(2) (A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

(B) lacks serious literary, artistic, political, or scientific value; or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

**18 U.S.C. § 2251 (This shows the statute as it would be revised under the *Palomino-Coronado* fix, with the redline showing the additional changes made by the *Howard* fix.)**

(a) Any person who, in a circumstance described in subsection (f)—

(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;

(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) engages in sexually explicit conduct in the presence of a minor for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction;

(4) engages in sexually explicit conduct in the presence of a minor and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct, intentionally including the minor in such visual depiction;

(5) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (4) of this subsection; or

(6) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

shall be punished as provided under subsection (e).

(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits—

(1) such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, or knowing that any visual depiction of such conduct will be produced or transmitted; or

(2) an adult to engage in sexually explicit conduct in the presence of the minor—

(A) for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction; or

(B) knowing that any visual depiction of such conduct will be produced or transmitted, intentionally including the minor in such visual depiction;

shall be punished as provided under paragraph (e).

(c) (1) Any person who, in a circumstance described in paragraph (2), engages in any of the conduct described in subsection (a)(1)-(5) outside of the United States, its territories or possessions, shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that—

- (A) the person intends such visual depiction to be transported or transmitted to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail; or
- (B) the person transports or transmits such visual depiction to the United States, its territories or possessions, by any means, including by using any means or facility of interstate or foreign commerce or mail.

(d) (1) Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed, or published, any notice or advertisement seeking or offering—

(A) to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves—

(i) the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; or

(ii) the production of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction; or

(B) participation in any act of sexually explicit conduct by or with any minor for the purpose of producing a visual depiction of such conduct; shall be punished as provided under subsection (e).

(2) The circumstance referred to in paragraph (1) is that—

(A) such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed; or

(B) such notice or advertisement is transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mailed.

(f) Circumstances.— The circumstance referred to in subsection (a) and (b) is that—

(1) such person knows or has reason to know that such visual depiction will be—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed;

(2) the visual depiction was produced or transmitted using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) such visual depiction has actually been—

(A) transported or transmitted using any means or facility of interstate or foreign commerce;

(B) transported or transmitted in or affecting interstate or foreign commerce; or

(C) mailed; or

(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.

## 18 U.S.C. § 2251A

(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody or control of such minor either—

(1) with knowledge that, as a consequence of the sale or transfer, the minor will be—

(A) portrayed in any visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(B) intentionally included in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor; or

(2) with intent to promote ~~either~~—

(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; ~~or~~

(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; or

(C) the intentional inclusion of the minor in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor;

shall be punished by imprisonment for not less than 30 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

(b) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

(1) with knowledge that, as a consequence of the purchase or obtaining of custody or control, the minor will be—

(A) portrayed in any visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(B) intentionally included in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor; or

(2) with intent to promote ~~either~~—

(A) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; ~~or~~

(B) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; or

(C) the intentional inclusion of the minor in any visual depiction of an adult engaging in sexually explicit conduct in the presence of the minor;

shall be punished by imprisonment for not less than 30 years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

18 U.S.C. § 2252(a)

Any person who—

(1) knowingly transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; and or

(B) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; and or

(B) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction such visual depiction is of such conduct;

(3) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce, or has been shipped or transported in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported using any means or facility of interstate or foreign commerce, including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; and or

(ii) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction such visual depiction is of such conduct; or

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of

this title, knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct; and or

(ii) the producing of such visual depiction involves an adult engaging in sexually explicit conduct in the presence of a minor, such visual depiction is of such conduct, and the minor is intentionally included in the visual depiction such visual depiction is of such conduct; ...

## 18 U.S.C. § 2256

(8) “child pornography” means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—

(A) the production of such visual depiction involves—

(i) the use of a minor engaging in sexually explicit conduct; or

(ii) an adult engaging in sexually explicit conduct in the presence of a minor and the intentional inclusion of the minor in the visual depiction;

(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct or that of a minor intentionally included in such visual depiction of an adult engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct or is intentionally included in such visual depiction of an adult engaging in sexually explicit conduct;

(9) “identifiable minor”—

(A) means a person—

(i) (I) who was a minor at the time the visual depiction was created, adapted, or modified; or

(II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

(ii) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

(B) shall not be construed to require proof of the actual identity of the identifiable minor-;

(10) “graphic”, when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; ~~and~~

(11) the term “indistinguishable” used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults; ~~and~~

(12) the terms “uses any minor to engage in”, “the use of a minor engaging in” and “in the presence of a minor” do not require the minor to be aware of, or to be capable of appraising the nature of, the sexually explicit conduct, nor do they require any direct engagement or active participation by the minor in the sexually explicit conduct.

## 18 U.S.C. § 2259

(b) SCOPE AND NATURE OF ORDER.—

(1) ~~DIRECTIONS RESTITUTION FOR CHILD PORNOGRAPHY PRODUCTION.~~—~~Except as provided in paragraph (2), the~~ The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses.

(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

(A) Determining the full amount of a victim’s losses.—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

(B) Determining a restitution amount.—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant’s relative role in the causal process that underlies the victim’s losses, but which is no less than \$3,000.

(c) DEFINITIONS.—

(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term “child pornography production” means —

(A) conduct proscribed by subsections (a), (b), or through (c), and (e) of section 2251; section 2251A; section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection paragraph); or sections 2260(a) and (c)(1); or

(B) any offense under chapter 109A or chapter 117 that involves~~d~~ the production of child pornography or attempted production of, or conspiracy to produce, child pornography (as such term is defined in section 2256)<sup>67</sup>...

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<sup>67</sup> The phrase “as such term is defined in section 2256” is unnecessary because the definitions set forth in that section apply to all statutes in Chapter 110.



(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term “trafficking in child pornography” means conduct proscribed by sections 2251(d) ~~and (e); 2252; 2252A(a)(1) through (5) (1), (2), (3), (4), or (6), and (b)(1); 2252A(a)(5) and (b)(2); 2252A(a)(7) and (b)(3); 2252A(g) (in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b) in cases in which the series of felony violations exclusively involves the violations listed in this subparagraph); or 2260(b) and (c)(2).~~

### **18 U.S.C. § 2259A. Assessments in child pornography cases**

(a) **IN GENERAL.**—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

(1) not more than \$17,000 on any person convicted of an offense under ~~section 2252(a)(4) or 2252A(a)(5)~~ sections 2252(a)(4) and (b)(2), or 2252A(a)(5) and (b)(2);

### **18 U.S.C. § 2260 (This shows the statute as it would be revised under the *Palomino-Coronado* fix, with the redline showing the additional changes made by the *Howard* fix.)**

(a) **USE OF MINOR.**—A person who, outside the United States—

(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or transmitting a live visual depiction of such conduct;

(2) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct;

(3) engages in sexually explicit conduct in the presence of a minor for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, intending that the minor be included in such visual depiction;

(4) engages in sexually explicit conduct in the presence of a minor and in the course thereof, knowingly produces or causes to be produced any visual depiction of such conduct, or transmits or causes to be transmitted a live visual depiction of such conduct, intentionally including the minor in such visual depiction;

(5) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) – (4) of this subsection; or

(6) transports any minor in or affecting foreign commerce with the intent that such minor be used in the production or live transmission of any visual depiction of a minor engaged in any sexually explicit conduct;

intending that the visual depiction will be imported or transmitted into the United States or into waters within 12 miles of the coast of the United States, shall be punished as provided in subsection (c).



**(b) USE OF VISUAL DEPICTION.—**

A person who, outside the United States, knowingly receives, transports, ships, distributes, sells, or possesses with intent to transport, ship, sell, or distribute any ~~visual depiction of a minor engaging in sexually explicit conduct (if the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct), intending that the visual depiction~~ child pornography (as defined in section 2256(8)(A)), intending that such child pornography will be imported into the United States or into waters within a distance of 12 miles of the coast of the United States, shall be punished as provided in subsection (c).

## Revising Definition of “Sexual Act” to Include All Forms of Intentional Touching Involving a Minor

### LEGISLATIVE PROPOSAL:

To amend the “intentional touching” element of the definition of “sexual act” in 18 U.S.C. § 2246(2) to include situations where a minor is caused to touch the genitals of an adult or engage in masturbation, with corresponding technical amendments to the criminal provisions; and to implement a technical fix to jurisdictional language.<sup>68</sup>

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Statement of Intent: The portion of this legislation that amends Section 2241(c) of Title 18, United States Code, is intended in part to codify *Sealed Appellee vs. Sealed Appellant*, 825 F.3d 247 (5th Cir. 2016), which held that the offender “crossed a State line” within the meaning of Section 2241(c) when he traveled from Texas to Mexico.

(b) Chapter 109A of Title 18, United States Code is amended—

(1) in section 2241—

(A) in subsection (b)—

(i) in paragraph (1), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and

(ii) in paragraph (2)(B), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and

(B) in subsection (c)—

(i) by striking “crosses a State line” and inserting “travels in interstate or foreign commerce”;

(ii) by inserting “or cause” after “engage in”;

(iii) by inserting “or by” after “a sexual act with” each place it appears; and

(iv) by inserting “or causes” after “engages in” each place it appears; and

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<sup>68</sup> A separate legislative proposal amends Chapter 109A to address non-consensual sexual acts and attempted sexual contact. Legislative text combining both proposals is available *infra*.

- (2) in section 2242(2), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
- (3) in section 2243—
  - (A) in subsection (a), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
  - (B) in subsection (b), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
- (4) in section 2244(b) by inserting “or causes” after “engages in” and by inserting “or by” after “sexual contact with”; and
- (5) in section 2246(2) by striking paragraph (D) and inserting the following:

“(D) the intentional touching, not through the clothing, of the genitalia—

- (i) of another person who has not attained the age of 16 years; or
- (ii) of any person by a person who has not attained the age of 16 years;

with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;”.

- (c) Effective Date: The amendment to Section 2241(c) of Title 18, United States Code, made by this legislation that strikes “crosses a State line” and inserts “travels in interstate or foreign commerce” shall apply to conduct that has occurred before, on, or after such date of enactment.

#### **BACKGROUND/ANALYSIS:**

Section 2246 of Title 18, United States Code, defines what constitutes a “sexual act” and “sexual contact” for Chapter 109A offenses (sexual assault), and for 18 U.S.C. §§ 2423(b), (c), and (d) (child exploitation crimes involving travel). Sexual act includes “the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.” There is a gap in the definition, as “sexual act” does not include situations where the offender causes a minor to touch the offender’s bare genitals. In addition, the statute does not reach instances where offenders sexually exploit a minor by causing the minor to masturbate (not through the clothing). Neither situation falls within the current definition of a sexual act as the statute indicates that the touching must be of the genitals of another minor. As a result, those situations must be prosecuted as “sexual contact.” For Chapter 109A offenses, sexual contact crimes carry dramatically lower sentences than those for sexual acts, and for Sections 2423(b), (c), and (d), travel offenses involving sexual contact are not criminalized at

all.<sup>69</sup> When it comes to child victims, this marked distinction in the law’s treatment of abusive sexual conduct makes little sense.

This legislation also includes a technical fix to the jurisdictional language in 18 U.S.C. § 2241(c), changing it from “crosses a State line” to “travels in interstate or foreign commerce.” This will ensure that the statute can be applied to travel from the United States to a foreign country. This aspect of the proposal codifies case law that affirmed a prosecution under Section 2241(c) that involved travel from Texas to Mexico. This amendment brings Section 2241(c) in line with 18 U.S.C. § 2423(b), which also prohibits “travel in interstate or foreign commerce” with intent to commit child sexual exploitation or abuse.

### *Section by Section Analysis*

This legislation closes this loophole by revising the definition of intentional touching in 18 U.S.C. § 2246(2)(D) so that it also applies to situations where minors touch the genitals of any person, including the offenders or themselves.

In order to ensure that the revisions to the definition of intentional touching are applied appropriately, the substantive criminal provisions in 18 U.S.C. §§ 2241, 2242, 2243, and 2244(b) are also revised to make clear that they reach situations where the offender caused the victim to engage in the intentional touching. The language proposed is consistent with that provided in 18 U.S.C. § 2244(a) (“engages in or causes sexual contact with or by another person”).

With respect to the technical correction to the jurisdictional language in Section 2241(c), the proposal includes a Statement of Intent and an Effective Date to ensure that the modifications can be applied retroactively. *See Collins v. Youngblood*, 497 U.S. 37, 41-42 (1990) (Ex Post Facto clause only applies to penal statutes which disadvantage the offender affected by them ... by punish[ing] as a crime an act previously committed, which was innocent when done”) (internal citations and quotations omitted); *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (“congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.”).

### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

#### **18 U.S.C. § 2241**

(b) By Other Means.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1) renders another person unconscious and thereby engages in **or causes** a sexual act with **or by** that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby—

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<sup>69</sup> A separate legislative proposal expands the operative definition for Sections 2423(b), (c), and (d) to include sexual contact.

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in or causes a sexual act with or by that other person; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(c) With Children.—

Whoever ~~crosses a State line~~ travels in interstate or foreign commerce with intent to engage in or cause a sexual act with or by a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person who has not attained the age of 12 years, or knowingly engages in or causes a sexual act under the circumstances described in subsections (a) and (b) with or by another person who has attained the age of 12 years but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

#### 18 U.S.C. § 2242

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly—

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

(2) engages in or causes a sexual act with or by another person if that other person is—

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

#### 18 U.S.C. § 2243

(a) Of a Minor.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person who—

(1) has attained the age of 12 years but has not attained the age of 16 years; and

(2) is at least four years younger than the person so engaging;  
or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a Ward.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person who is—

(1) in official detention; and

(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;  
or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

**18 U.S.C. § 2244(b):**

**IN OTHER CIRCUMSTANCES.—**

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person without that other person's permission shall be fined under this title, imprisoned not more than two years, or both.

**18 U.S.C. § 2246(2)(D) reflecting the net effect of the legislation:**

the intentional touching, not through the clothing, of the genitalia—

- (i) of another person who has not attained the age of 16 years; or
- (ii) of any person by a person who has not attained the age of 16 years;

with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; ...

## **Prohibiting Non-Consensual Sexual Acts and Creating Parity for Sexual Contact and Attempted Sexual Contact**

### **LEGISLATIVE PROPOSAL:**

To close a loophole by criminalizing sexual acts committed without victims' consent on federal lands or in federal custodial facilities; to create parity among statutory maximum penalties for certain sexual contact offenses; and to ensure consistency in the criminalization of attempted sexual contact.<sup>70</sup>

### **PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):**

(a) Chapter 109A of Title 18, United States Code, is amended—

(1) after § 2243, by inserting the following:

“§ 2243A. Nonconsensual sexual act. Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person, knowing or having reason to know that the act was committed without that other person's consent, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.”;

(2) in section 2244—

(A) in subsection (a) —

- (i) in the matter preceding paragraph (1), by striking “if so to do” and inserting “if to do so”;
- (ii) in paragraph (2), by striking “three” and inserting “ten”;
- (iii) in paragraph (3), by striking “two” and inserting “five”;
- (iv) in paragraph (4), by striking “two” and inserting “five”;
- (v) in paragraph (5), by striking the period and inserting a comma; and

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<sup>70</sup> A separate legislative proposal amends Chapter 109A to address the intentional touching of the genitals by minors. Legislative text combining both proposals is available *infra*.

- (vi) after paragraph (5), by inserting as undesignated matter “and whoever attempts to commit an offense under this subsection shall be subject to the same penalty as for a completed offense.”; and
- (B) in subsection (b), by inserting “, or attempts to do so,” after “other person’s permission”; and
- (C) in subsection (c), by inserting “ or attempted sexual contact” after “sexual contact”.

(3) CLERICAL AMENDMENT.—

The table of sections for chapter 109A is amended by inserting after the item relating to section 2243 the following:

“§ 2243A. Nonconsensual sexual act.”

(b) Sex Offender Registration and Notification Act.—Section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. § 20911) is amended—

- (1) in subsection (3)(A)(iv), by adding “sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or ” before “abusive sexual contact”; and
- (2) in subsection (4)(A)(ii), by adding “sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or ” before “abusive sexual contact”.

**BACKGROUND/ANALYSIS:**

Chapter 109A of Title 18, United States Code, prohibits sexual abuse on federal lands and in federal prisons. These laws apply to sexual acts, as well as sexual contact. Briefly, “sexual act” includes vaginal, oral, or anal intercourse, the penetration of the genitals or anus, or, with respect to victims under the age of 16, the intentional, direct touching of the victim’s genitals. “Sexual contact” is the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

This proposal brings greater consistency to Chapter 109A in two ways. First, it closes a loophole by criminalizing non-consensual sexual acts. Second, it provides parity to the maximum sentences applicable to offenses involving sexual contact. Finally, it criminalizes attempted sexual contact in the same manner that the statute currently criminalizes attempted sexual acts.



### *Section by Section Analysis*

With regard to non-consensual sexual acts, as set out in the chart below, all of the offenses set forth in Chapter 109A concerning sexual acts require proof of an aggravating factor, such as the use of force, the incapacitation of the victim, or that the victim is under the age of 16. Federal law also prohibits all of that aggravated conduct if the offense involves sexual contact.

Critically, federal law also proscribes sexual contact that took place simply without the permission of the victim. *See* 18 U.S.C. § 2244(b) (the text of this provision is set forth at the end of this proposal). This means there is a significant gap in the law: while non-consensual sexual contact is illegal, non-consensual sexual acts are permitted. As a consequence, for example, while it is a crime to touch the breast of a sixteen-year-old girl through her clothing without permission, it is legal for an individual to engage in non-consensual intercourse with that same girl. This stands in contrast to state law, which generally prohibits non-consensual sexual acts. *See e.g.* D.C. Code 22-3006, NYPL 130.20, and MN Statute 609.3451. Section 1 of this proposal adds a provision to Chapter 109A to prohibit non-consensual sexual acts that is modeled on the D.C. provision. We chose to use the D.C. provision since that U.S. Attorney's Office would be familiar with the evidence needed to prove this offense, and could train federal prosecutors on its implementation.

The chart below also provides the comparative sentences for prohibited sexual acts and sexual contact. While there is relative parity among the maximum sentences for sexual acts, the same is not true for sexual contact. The maximum penalty for all offenses involving sexual acts under Sections 2241(a), 2241(b), and 2242 is life in prison. For sexual contact, however, there is a 10 year maximum penalty for offenses under Sections 2241(a) and (b), but only a three year penalty for offenses under Section 2242. Sexual contact involving a child aged 12-15 carries the same maximum penalty (two years) as simple, non-consensual sexual contact. Section 2 of this proposal revises the maximum penalties for certain offenses involving sexual contact as reflected in yellow highlighting in the chart. A technical amendment revises the title of Section 2244(a).

This proposal also corrects an inconsistency in Chapter 109A with respect to attempted offenses. Currently, the Chapter criminalizes attempted sexual acts, but does not do the same with respect to sexual contact. This proposal amends the relevant provisions in Section 2244 to criminalize attempted sexual contact.

Finally, the definitions applicable to sex offender registration are amended to specify that a nonconsensual sexual act with a minor is a Tier II offense, and a nonconsensual sexual act with a minor under the age of 13 is a Tier III offense. This approach is consistent with the treatment of nonconsensual sexual contact with minors and minors under the age of 13, which are Tier II and Tier III offenses, respectively. *See* 34 U.S.C. §§ 20911(3)(A)(iv) and 20911(4)(A)(ii). To ensure consistency, the proposal also lists 18 U.S.C. § 2243 (which prohibits in part sexual acts with children aged 12-15) as Tier II and Tier III offense as well.

Conduct	Sexual Act	Sexual Contact	Sexual Contact As Revised
Force, threats, fear of death, serious bodily injury, kidnapping	18 U.S.C. § 2241(a) Up to life	18 U.S.C. § 2244(a)(1) Up to 10 years	No change
Rendering the victim unconscious, administering a drug that impairs the victim	18 U.S.C. § 2241(b) Up to life	18 U.S.C. § 2244(a)(1) Up to 10 years	No change
Child < 12	18 U.S.C. § 2241(c) 30 years to life	18 U.S.C. § 2244(a)(5) Up to life	No change
Threats, fear (other than fear of death, serious bodily injury, kidnapping)	18 U.S.C. § 2242(1) Up to life	18 U.S.C. § 2244(a)(2) Up to 3 years	Up to 10 years
Incapable of appraising the nature of the conduct or physically incapable of declining or communicating	18 U.S.C. § 2242(2) Up to life	18 U.S.C. § 2244(a)(2) Up to 3 years	Up to 10 years
Child 12-15 and offender +4 years	18 U.S.C. § 2243(a) Up to 15 years	18 U.S.C. § 2244(a)(3) Up to 2 years	Up to 5 years
Victim is in official detention under the authority of the offender	18 U.S.C. § 2243(b) Up to 15 years	18 U.S.C. § 2244(a)(4) Up to 2 years	Up to 5 years
Non-consensual	None currently (the proposed legislation would criminalize this in 18 U.S.C. § 2243A with a penalty of up to 10 years)	18 U.S.C. § 2244(b) Up to 2 years	No change

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 2243A. NONCONSENSUAL SEXUAL ACT.** Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person, knowing or having reason to know that the act was committed without that other person’s consent, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

**18 U.S.C. § 2244**

**(a) SEXUAL CONDUCT IN CIRCUMSTANCES WHERE SEXUAL ACTS ARE PUNISHED BY THIS CHAPTER.**—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody

by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if ~~se to do~~ to do so would violate—

(1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ~~three~~ ten years, or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ~~two~~ five years, or both;

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ~~two~~ five years, or both; or

(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life<sup>2</sup>,

and whoever attempts to commit an offense under this subsection shall be subject to the same penalty as for a completed offense.

**(b) In other circumstances.**--Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission, or attempts to do so, shall be fined under this title, imprisoned not more than two years, or both.

**(c) Offenses involving young children.**--If the sexual contact or attempted sexual contact that violates this section (other than subsection (a)(5)) is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

### 34 U.S.C. § 20911

**(3) TIER II SEX OFFENDER.** The term “tier II sex offender” means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

**(A)** is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

**(i)** sex trafficking (as described in section 1591 of title 18);

**(ii)** coercion and enticement (as described in section 2422(b) of title 18);

**(iii)** transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18;

**(iv)** sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or abusive sexual contact (as described in section 2244 of title 18);

**(B)** involves—

**(i)** use of a minor in a sexual performance;

**(ii)** solicitation of a minor to practice prostitution; or

**(iii)** production or distribution of child pornography; or

**(C)** occurs after the offender becomes a tier I sex offender.

**(4) TIER III SEX OFFENDER.** The term “tier III sex offender” means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

**(A)** is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

**(i)** aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18); or

**(ii)** sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or abusive sexual contact (as described in section 2244 of title 18) against a minor who has not attained the age of 13 years;

**(B)** involves kidnapping of a minor (unless committed by a parent or guardian); or

**(C)** occurs after the offender becomes a tier II sex offender.

## Proposed Legislative Language Combining Both Chapter 109A Proposals

- (a) Statement of Intent: The portion of this legislation that amends Section 2241(c) of Title 18, United States Code, is intended in part to codify *Sealed Appellee vs. Sealed Appellant*, 825 F.3d 247 (5th Cir. 2016), which held that the offender “crossed a State line” within the meaning of Section 2241(c) when he traveled from Texas to Mexico.
- (b) Chapter 109A of Title 18, United States Code is amended—
  - (1) in section 2241—
    - (A) in subsection (b)—
      - (i) in paragraph (1), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
      - (ii) in paragraph (2)(B), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
    - (B) in subsection (c)—
      - (i) by striking “crosses a State line” and inserting “travels in interstate or foreign commerce”;
      - (ii) by inserting “or cause” after “engage in”;
      - (iii) by inserting “or by” after “a sexual act with” each place it appears; and
      - (iv) by inserting “or causes” after “engages in” each place it appears; and
  - (2) in section 2242(2), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
  - (3) in section 2243—
    - (A) in subsection (a), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
    - (B) in subsection (b), by inserting “or causes” after “engages in” and by inserting “or by” after “a sexual act with”; and
  - (4) after § 2243, by inserting the following:

“§ 2243A. Nonconsensual sexual act. Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes a sexual act with or by another person, knowing or having reason to know that the act was committed without that other person’s consent, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.”;

(5) in section 2244—

(A) in subsection (a)—

- (i) in the matter preceding paragraph (1), by striking “if so to do” and inserting “if to do so”;
- (ii) in paragraph (2), by striking “three” and inserting “ten”;
- (iii) in paragraph (3), by striking “two” and inserting “five”;
- (iv) in paragraph (4), by striking “two” and inserting “five”;
- (v) in paragraph (5), by striking the period and inserting a comma; and
- (vi) after paragraph (5), by inserting as undesignated matter “and whoever attempts to commit an offense under this subsection shall be subject to the same penalty as for a completed offense.”; and

(B) in subsection (b)—

- (i) by inserting “or causes” after “engages in”;
- (ii) by inserting “or by” after “sexual contact with”; and
- (iii) by inserting “, or attempts to do so,” after “other person’s permission”; and

(C) in subsection (c), by inserting “ or attempted sexual contact” after “sexual contact”; and

(6) in section 2246(2) by striking paragraph (D) and inserting the following:

“(D) the intentional touching, not through the clothing, of the genitalia—

- (iii) of another person who has not attained the age of 16 years; or
- (iv) of any person by a person who has not attained the age of 16 years;

with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;”.

(c) Effective Date: The amendment to Section 2241(c) of Title 18, United States Code, made by this legislation that strikes “crosses a State line” and inserts “travels in interstate or foreign commerce” shall apply to conduct that has occurred before, on, or after such date of enactment.

(d) CLERICAL AMENDMENT.—

The table of sections for chapter 109A is amended by inserting after the item relating to section 2243 the following:

“§ 2243A. Nonconsensual sexual act.”

(e) Sex Offender Registration and Notification Act.—Section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. § 20911) is amended—

(1) in subsection (3)(A)(iv), by adding “sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or ” before “abusive sexual contact”; and

(2) in subsection (4)(A)(ii), by adding “sexual abuse of a minor or ward (as described in section 2243 of title 18), nonconsensual sexual act (as described in section 2243A of title 18), or ” before “abusive sexual contact”.

## Expanding the Definition of “Illicit Sexual Conduct”

### LEGISLATIVE PROPOSAL:

To expand the definition of “illicit sexual conduct” in 18 U.S.C. § 2423(f) to include sexual contact.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):<sup>71</sup>

(a) Section 2423(f)(1) of Title 18, United States Code, is amended by—

(1) striking “a sexual act (as defined in section 2246) with” and inserting “any conduct involving”; and

(2) striking “sexual act” the second time it appears in the original text and inserting “conduct”.

### BACKGROUND/ANALYSIS:

This proposal, which was OMB cleared in July of 2016, closes a loophole in the definition of “illicit sexual conduct” contained in Section 2423(f) of Title 18, United States Code. This phrase is referenced in 18 U.S.C. § 2423(b), which prohibits travel in interstate or foreign commerce for the purpose of “engaging in illicit sexual conduct”; 18 U.S.C. § 2423(c), which prohibits U.S. citizens and permanent residents from traveling in foreign commerce or residing abroad and engaging in illicit sexual conduct; and 18 U.S.C. § 2423(d), which prohibits arranging the travel of a person for the purpose of engaging in illicit sexual conduct.

In relevant part, “illicit sexual conduct” currently includes “a sexual act”, as defined in 18 U.S.C. § 2246, with a person under the age of 18. *See* 18 U.S.C. § 2423(f). The current definition is too narrow because it omits “sexual contact” as also defined in Section 2246. (Sexual act and sexual contact constitute the illegal acts prohibited in Chapter 109A.) In simple terms, this creates a gap in the law. For example, sexual contact with a child is *illegal* if committed on federal lands, but *legal* if committed by an American who is abroad.

#### *Section by Section Analysis*

This proposal would close this loophole by striking the reference to “sexual act” and instead defining illicit sexual conduct to include any conduct which would violate Chapter 109A.

### REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:

#### 18 U.S.C. § 2423(f)

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<sup>71</sup> A separate legislative proposal amends 18 U.S.C. § 2423 to address Americans who commit child sexual abuse abroad. An explanation of how to combine these two proposals is provided infra.



DEFINITION.—As used in this section, the term “illicit sexual conduct” means—

(1) ~~a sexual act (as defined in section 2246)~~ with any conduct involving a person under 18 years of age that would be in violation of chapter 109A if the ~~sexual act~~ conduct occurred in the special maritime and territorial jurisdiction of the United States;

(2) any commercial sex act (as defined in section 1591) with a person under 18 years of age; or

(3) production of child pornography (as defined in section 2256(8)).

## Addressing Americans Who Sexually Abuse Children Abroad

### LEGISLATIVE PROPOSAL:

To expand the ability to prosecute Americans who engage in or facilitate illicit sexual conduct with children abroad.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

#### (a) Statement of Intent.

This legislation is enacted to further implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, to which the United States is a party. To fully and effectively implement the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, federal law must prohibit all forms of commercial and non-commercial child sexual abuse and exploitation, including incest, committed by Americans abroad. This legislation is enacted pursuant to Congress's power to regulate interstate and foreign commerce, including acts of sexual abuse committed by Americans abroad that involve the use of channels or instrumentalities of commerce; that involve persons or things in commerce; or that otherwise, in the aggregate, substantially affect commerce. This legislation is also enacted pursuant to the Federal Government's inherent authority over foreign affairs. This legislation is intended to be independent from and complementary to existing provisions which prohibit Americans from engaging in illicit sexual conduct with children abroad.

#### (b) Findings.

1. When viewed in the aggregate, leaving non-commercial child sexual abuse and exploitation outside the regulatory scheme would have a substantial influence on the price and market conditions for commercial child sexual exploitation.
2. Paying to have sex with a child, producing child pornography, whether for trade or for personal use, and non-commercial child sexual abuse and exploitation, including incest, are all predicated on the same thing: the sexual abuse of a child. Stamping out any one of those crimes requires stamping out all of them. If not, the gap in enforcement will allow the interest in and demand for children for sex to flourish.<sup>72</sup>
3. The production of child pornography, even if it is never sold, shared, or traded, is a quintessentially economic activity. The prohibition on the production of child pornography by Americans abroad is essential to the regulation of an established, illegal,

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<sup>72</sup> The term "child pornography" is used here because that is the term currently in federal law. A separate legislative proposal replaces the term "child pornography" with "child sexual abuse material." If such legislation is enacted, this proposal would be revised accordingly.

international market, even if in the individual case the child pornography is never distributed.

(c) Chapter 117 of Title 18, United States Code, is amended—

(1) in section 2423—

(A) in the section heading, by striking the heading and inserting “Certain Activities Related to Sexual Conduct with Minors.”;

(B) by re-designating subsections (d), (e), (f), and (g), as (f), (g), (h), and (i), respectively;

(C) after subsection (c), by inserting the following:

**“(d) USING INTERSTATE OR FOREIGN COMMERCE TO FACILITATE ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—** Any United States citizen or alien admitted for permanent residence who uses any facility, channel, or instrumentality of interstate or foreign commerce to promote, facilitate, or conceal an act of illicit sexual conduct with another person in a foreign country shall be fined under this title or imprisoned not more than 30 years, or both.

**(e) ENGAGING IN ILLICIT SEXUAL CONDUCT WITH UNITED STATES NATIONALS.—** Any United States citizen or alien admitted for permanent residence who engages in illicit sexual conduct in a foreign country with another person who is a United States citizen or alien admitted for lawful permanent residence shall be fined under this title or imprisoned not more than 30 years, or both.”;

(D) in subsection (g) as so redesignated, by striking “(a), (b), (c), or (d)” and inserting “(a), (b), (c), (d), (e), or (f)”;

(E) in paragraph (i) as so redesignated, by striking “(f)(2)” and inserting “(h)(2)”;

(2) after § 2423, by inserting the following:

“§ 2423A. Illicit Sexual Conduct Affecting Commerce.

(a) Any United States citizen or alien admitted for permanent residence who, in any way in or affecting interstate or foreign commerce, engages in any illicit sexual conduct with another

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<sup>73</sup> A separate legislative proposal amends the definition of “illicit sexual conduct” as used in 18 U.S.C. § 2423. To incorporate that proposal into this legislation, insert the following text here and redesignate paragraph (E) accordingly:

(E) in subsection (h)(1) as so redesignated—

- i. by striking “a sexual act (as defined in section 2246) with” and inserting “any conduct involving”; and
- ii. by striking “sexual act” the second time it appears in the original text and inserting “conduct”; and”.

person in a foreign country, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 30 years, or both.

(b) As used in this section, the term “illicit sexual conduct” has the same meaning as in section 2423.”

(3) CLERICAL AMENDMENT.—The table of sections for chapter 117 of Title 18, United States Code, is amended—

(A) by striking the item related to section 2423 and inserting the following:  
“§ 2423. Certain Activities Related to Sexual Conduct with Minors.”; and

(B) by inserting after the item relating to section 2423 the following:

“§ 2423A. Illicit Sexual Conduct Affecting Commerce.”

(d) Technical Amendments. Title 18, United States Code, is amended—

(1) in section 2255, by striking “or 2423” and inserting “2423, or 2423A”;

(2) in section 2260A, by inserting “, 2423A” after “2423”;

(3) in section 2516(1)(c), by inserting “, 2423A” after “2423”;

(4) in section 3142(e)(3)(E), by inserting “, 2423A” after “2423”;

(5) in section 3486(a)(1)(D)(i), by striking “or 2423” and inserting “2423, or 2423A”; and

(6) in section 3583(k), by inserting “, 2423A” after “2423”.

#### **BACKGROUND/ANALYSIS:**

In 2003, 18 U.S.C. § 2423(c) was enacted to impose a term of imprisonment of up to 30 years on any “United States citizen or alien admitted for permanent residence who travels in foreign commerce and engages in any illicit sexual conduct with another person.” (“Illicit sexual conduct” is currently defined as sexual acts with a minor, production of child pornography, and commercial sexual acts with a minor). Ten years later, Congress expanded this statute to also reach Americans who permanently or temporarily reside abroad and engage in illicit sexual conduct.

This proposed legislation creates three new options to prosecute Americans who engage in or facilitate illicit sexual conduct with children abroad. As is discussed further below, this proposal creates a provision which prohibits Americans from sexually abusing American children in a foreign country. Next, it includes a provision prohibiting Americans from engaging in illicit conduct with children abroad while affecting interstate or foreign commerce. Finally, it criminalizes the use of any facility, channel, or instrumentality of interstate or foreign commerce

to promote, facilitate, or conceal an act of illicit sexual conduct with another person in a foreign country.

### *Section by Section Analysis*

#### Americans Abusing Children Foreign Countries Under the Guise of Charity.

Increasingly, the Department is discovering Americans who use their U.S. ties to support charity-based or missionary work in a foreign country that provides a cover for sexual abuse of children. Proposed section 2423(d) would create a provision that prohibits the use of any instrumentality of interstate or foreign commerce – such as an international charity – to “promote, facilitate, or conceal” illicit sexual conduct. The subsection is not limited just to that circumstance—it could also be used as an additional tool to prosecute certain instances of commercial sex trafficking or production of child pornography, as well as individuals who do not themselves abuse children but who use instrumentalities of interstate or foreign commerce to facilitate or cover up abuse committed by others. The operative language is adapted from the hate-crimes statute (18 U.S.C. § 249) and the money-laundering statute (18 U.S.C. § 1956).

Incest. Defendants have challenged the constitutionality of both the “travels” and “resides” prong of Section 2423(c) as applied to Americans who sexually assault their own children abroad. In *United States v. Al-Maliki*, 787 F.3d 784, 789, 791 (6th Cir. 2015), the defendant was an American citizen residing in Ohio who was convicted of abusing his children outside the United States. The Sixth Circuit was inclined to find error “in enforcing § 2423(c) against al-Maliki for his noncommercial conduct” in Syria, but ultimately demurred, concluding that “we need not—and do not—decide the issue today.” *Al-Maliki*, 787 F.3d at 792. As for the resides prong, in *United States v. James Marvin Reed*, No. 15-cr-188, Docket 52, 2017 WL 3208458 (D.D.C. July 27, 2017), the district court dismissed a count charging the defendant with abusing his child while residing abroad. The Department did not appeal the dismissal.

It cannot be that the United States has no recourse when Americans sexually abuse American children in foreign countries. For that reason, the proposed Section 2423(e) expressly prohibits such conduct. The proposed statute is adapted from the foreign murder statute (18 U.S.C. § 1119), which criminalizes homicide by a U.S. national against another U.S. national that occurs in a foreign country. At least one court has found authority for that provision in both the Foreign Commerce Clause and Congress’s inherent power over foreign affairs. *See United States v. Brimager*, 123 F. Supp. 3d 1246 (S.D. Cal. 2015). In light of the general principle in international law that states retain authority over interactions between their own nationals abroad, see Restatement (Third) of Foreign Relations Law § 402 (1987), Congress may criminalize serious offenses committed by one U.S. national against another in a foreign country. *Cf. United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 318 (1936) (recognizing inherent federal authority to regulate the conduct “of our own citizens” abroad, consistent with “treaties, international understandings and compacts, and the principles of international law”).

“Ex-pats.” The “resides” prong was added to Section 2423(c) in 2013 to address Americans who have moved abroad or who otherwise are not often physically present in the United States. On appeal, the Department prevailed in its first defense of this provision. In

*United States v. Joseph Ricky Park*, 297 F.Supp.3d 170 (D.D.C. 2018), the district dismissed the sole count of the indictment, which brought a resides-based charge involving allegations of both production of child pornography and non-commercial child sexual abuse. On appeal by the United States, the D.C. Circuit reversed the ruling of the district court and reinstated the indictment, finding that both theories of the indictment were constitutional under the Necessary and Proper Clause (to implement a treaty) and under the foreign commerce clause. *United States v. Park*, 938 F.3d 354 (D.C. Cir. 2019) (Griffith, J., concurring in the Necessary and Proper analysis and the judgment). *See also United States v. Rife*, 429 F.Supp.3d 363 (E.D. Ky. Dec. 20, 2019).

Despite this victory, the Department recognizes the likelihood that going forward prosecutions under the resides prong will continue to involve as applied constitutional challenges. To offset this litigation risk, this proposal creates 18 U.S.C. § 2423A, a new provision that expressly incorporates a commerce element. The purpose of this provision would be to provide an additional backstop in case the “resides” provision of Section 2423(c) is invalidated on constitutional grounds. The addition of a commerce element would provide some protection against a ruling that merely residing in a foreign country does not affect commerce. The proposed offense omits any specific reference to traveling or residing, which will allow the Department to further distinguish this statute from Section 2423(c).

Notably, the proposed language is in a standalone section, rather than being added to Section 2423. This structure helps to guard against superfluity problems and the tortured judicial constructions of the statute that might result. Courts often struggle to avoid rendering provisions in a single statute superfluous, *see, e.g., Ratzlaf v. United States*, 510 U.S. 135, 141 (1994), but have had less trouble when those provisions are enacted at different times and appear in different sections of the Code, *see, e.g., United States v. Batchelder*, 442 U.S. 114, 123-124 (1979) (finding no constitutional or statutory infirmity in Congress’s decision to enact two criminal statutes prohibiting the same conduct, and observing that, “when an act violates more than one criminal statute, the Government may prosecute under either so long as it does not discriminate against any class of defendants”). In this respect, Sections 2423 and 2423A would be analogous to 18 U.S.C. §§ 2252 and 2252A, which have not generally resulted in interpretive problems despite providing largely overlapping prohibitions on child pornography. To further reduce risk of confusion, a statement of intent makes clear that the proposed Section 2423A is meant to complement existing provisions. *See Batchelder*, 442 U.S. at 119-120.

Additional provisions. The proposal includes a Statement of Intent and Findings that will be useful in the event of either constitutional challenges or questions of statutory interpretation. The proposal also revises the title for Section 2423, which currently is “Transportation of Minors.” Even now, that title does not accurately capture the breadth of the provisions contained in this section. Under this proposal, that will be changed to “Certain Activities Related to Sexual Conduct with Minors.”

Technical amendments. Finally, the proposal amends 18 U.S.C. §§ 2255 (civil remedy for personal injuries), 2260A (committing an offense while being a registered sex offender), 2516(1)(c) (wiretap authority), 3142(e) (pretrial detention), 3486(a)(1)(D)(i) (administrative

subpoenas), and 3583(k) (supervised release), all of which list child exploitation offenses by statute, to add a reference to Section 2423A.

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 2423 Transportation of Minors Certain Activities Related to Sexual Conduct with Minors.**

**(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—**

A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

**(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—**

A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, with a motivating purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

**(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—**

Any United States citizen or alien admitted for permanent residence who travels in foreign commerce or resides, either temporarily or permanently, in a foreign country, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

**(d) USING INTERSTATE OR FOREIGN COMMERCE TO FACILITATE ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.— Any United States citizen or alien admitted for permanent residence who uses any facility, channel, or instrumentality of interstate or foreign commerce to promote, facilitate, or conceal an act of illicit sexual conduct with another person in a foreign country shall be fined under this title or imprisoned not more than 30 years, or both.**

**(e) ENGAGING IN ILLICIT SEXUAL CONDUCT WITH UNITED STATES NATIONALS.— Any United States citizen or alien admitted for permanent residence who engages in illicit sexual conduct in a foreign country with another person who is a United States citizen or alien admitted for lawful permanent residence shall be fined under this title or imprisoned not more than 30 years, or both.**

**(d f) ANCILLARY OFFENSES.—**

Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce with a motivating purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

**(e g) ATTEMPT AND CONSPIRACY.—**

Whoever attempts or conspires to violate subsection ~~(a), (b), (e), or (d)~~ (a), (b), (c), (d), (e), or (f) shall be punishable in the same manner as a completed violation of that subsection.

**~~(f)~~ (h)** DEFINITION.—As used in this section, the term “illicit sexual conduct” means—

(1) ~~a sexual act (as defined in section 2246)~~ with any conduct involving a person under 18 years of age that would be in violation of chapter 109A if the ~~sexual act~~ conduct occurred in the special maritime and territorial jurisdiction of the United States;<sup>74</sup>

(2) any commercial sex act (as defined in section 1591) with a person under 18 years of age; or

(3) production of child pornography (as defined in section 2256(8)).

**~~(g)~~ (i)** DEFENSE.—

In a prosecution under this section based on illicit sexual conduct as defined in subsection ~~(f)(2)~~ (h)(2), it is a defense, which the defendant must establish by clear and convincing evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

### 18 U.S.C. § 2423A. Illicit Sexual Conduct Affecting Commerce.

(a) Any United States citizen or alien admitted for permanent residence who, in any way in or affecting interstate or foreign commerce, engages in any illicit sexual conduct with another person in a foreign country, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 30 years, or both.

(b) As used in this section, the term “illicit sexual conduct” has the same meaning as in section 2423.

### Technical amendments

#### 18 U.S.C. § 2255

**(a) IN GENERAL.**—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, ~~or 2423~~ 2423, or 2423A of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of \$150,000, and the cost of the action, including reasonable attorney’s fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.

#### 18 U.S.C. § 2260A

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<sup>74</sup> This reflects the revisions made by the proposal set forth in the proposal to expand the definition of “illicit sexual conduct.”



Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, 2423A, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.

**18 U.S.C. § 2516(1)(c):**

... sections 2421, 2422, 2423, 2423A, and 2425 (relating to transportation for illegal sexual activity and related crimes) ...

**18 U.S.C. § 3142(e)**

**(3)** Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed— ...

**(E)** an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, 2423A, or 2425 of this title.

**18 U.S.C. § 3486(a)(1)(D)(i):**

**(D)** As used in this paragraph—

**(i)** the term “Federal offense involving the sexual exploitation or abuse of children” means an offense under section 1201, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, ~~or 2423~~ 2423, or 2423A, in which the victim is an individual who has not attained the age of 18 years”...

**18 U.S.C. § 3583**

**(k)** Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 1594(c), 2241, 2242, 2243, 2244, 2245, 2250, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, 2423A, or 2425, is any term of years not less than 5, or life. If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.

## **Including Prior Military Convictions in Recidivist Sentencing Provisions**

### **LEGISLATIVE PROPOSAL:**

To revise recidivist penalty provisions for child sexual exploitation offenses to uniformly account for prior military convictions, thereby ensuring parity among federal, state, and military convictions.

### **PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):**

(a) Title 18, United States Code, is amended—

(1) in section 2241(c), by inserting “or an offense under the Uniform Code of Military Justice” after “State offense”;

(2) in chapter 110—

(A) in section 2251(e), by striking “section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under” each place it appears and inserting “the Uniform Code of Military Justice or”;

(B) in section 2252(b)—

(i) in paragraph (1), striking “section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under” and inserting “the Uniform Code of Military Justice or”; and

(ii) in paragraph (2), by striking “section 920 of Title 10 (article 120 of the Uniform Code of Military Justice), or under” and inserting “the Uniform Code of Military Justice or”; and

(C) in section 2252A(b)—

(i) in paragraph (1), by striking “section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under” and inserting “the Uniform Code of Military Justice or”; and

(ii) in paragraph (2), by striking “section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under” and inserting “the Uniform Code of Military Justice or”;

(3) in section 2426(b)(1)(B), by inserting “or the Uniform Code of Military Justice” after “State law”;

(4) in section 3559(e)(2)—

(A) in subparagraph (B), by inserting “ or Military” after “the term ‘State’”, and by inserting “or the Uniform Code of Military Justice” after “under State law”; and

(B) in subparagraph (C), by inserting “ or Military” after “State”.

#### **BACKGROUND/ANALYSIS:**

The sentencing provisions in the federal child exploitation laws consistently call for a higher sentence when a defendant has a prior conviction under federal or state law for a sex or child sexual exploitation offense. For example, 18 U.S.C. § 2252(b) calls for a higher sentence if a defendant has a prior conviction for a variety of offenses, including those “under this chapter, section 1591, chapter 71, chapter 109A, chapter 117,” or “under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography.”

However, these sentencing provisions do not consistently include relevant convictions that arise under the Uniform Code of Military Justice (“UCMJ”). With respect to military convictions, there are two relevant articles. Article 120b of the UCMJ includes dozens of sex offenses which closely parallel the sex offenses described in Chapter 109A. Child pornography-related offenses fall under Article 134, which is a general provision which prohibits any conduct that is prejudicial to good order and discipline or can be assimilated from valid state or federal law.

Some child exploitation sentencing provisions omit any reference to Article 134 offenses. Thus, someone who has a prior military conviction under Article 134 for a child pornography-related offense would be sentenced as a first-time offender, but a defendant with a prior conviction for identical conduct under federal or state law would be sentenced as a recidivist. Other child exploitation sentencing provisions do not refer to military convictions at all. This means that defendants with prior military convictions are treated differently than other recidivists. This disparate treatment is anathema to sound sentencing policy.

#### *Section by Section Analysis*

This proposal, which was OMB cleared in July of 2016, ensures parity among offenders with prior convictions by amending the recidivist provisions in 18 U.S.C. §§ 2241, 2426, and 3559(e), and the offenses in Chapter 110, to include all relevant convictions under the UCMJ.

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 2241(c):** If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense or an offense under the Uniform Code of Military Justice that would have been an offense under either such provision had the offense occurred in a

Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

**18 U.S.C. § 2251(e):** Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years, but if such person has one prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under~~ the Uniform Code of Military Justice or the laws of any State relating to aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 25 years nor more than 50 years, but if such person has 2 or more prior convictions under this chapter, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under~~ the Uniform Code of Military Justice or the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than 35 years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for not less than 30 years or for life.

**18 U.S.C. § 2252(b):**

(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), or (3) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but if such person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under~~ the Uniform Code of Military Justice or the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both, but if any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under~~ the Uniform Code of Military Justice or the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

**18 U.S.C. § 2252A(b):**

(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), (3), (4), or (6) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but, if such person has a prior conviction under this chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice)~~, or under the Uniform Code of Military Justice or the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, subsection (a)(5) shall be fined under this title or imprisoned not more than 10 years, or both, but, if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under ~~section 920 of title 10 (article 120 of the Uniform Code of Military Justice)~~, or under the Uniform Code of Military Justice or the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

**18 U.S.C. § 2426(b):** Definitions.—In this section—

- (1) the term “prior sex offense conviction” means a conviction for an offense—
- (A) under this chapter, chapter 109A, chapter 110, or section 1591; or
  - (B) under State law or the Uniform Code of Military Justice for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

**18 U.S.C. § 3559(e)(2) DEFINITIONS.**—For the purposes of this subsection—

- (B) the term “State or Military sex offense” means an offense under State law or the Uniform Code of Military Justice that is punishable by more than one year in prison and consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—
- (i) the offense involved interstate or foreign commerce, or the use of the mails; or
  - (ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or

otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

(C) the term “prior sex conviction” means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State or Military sex offense;

## **Criminalizing Child Exploitation Conduct in the Special Maritime and Territorial Jurisdiction of the United States**

### **LEGISLATIVE PROPOSAL:**

To criminalize certain child exploitation conduct in the special maritime and territorial jurisdiction of the United States.

### **PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):**

(a) Title 18, United States Code is amended—

(1) in section 1470, by inserting “ or in the special maritime and territorial jurisdiction of the United States” after “foreign commerce”; and

(2) in chapter 110—

(A) in section 2252(a)(3)(A), by striking “sells or possesses with intent to sell” and inserting “transports, ships, distributes, receives, mails, or sells, or possesses with intent to sell,”; and

(B) in section 2252A(a)(4)(A), by striking “sells or possesses with intent to sell” and inserting “transports, ships, distributes, receives, mails, or sells, or possesses with intent to sell,”.

### **BACKGROUND/ANALYSIS:**

This proposal permits prosecution for the transportation, shipment, distribution, receipt, or mailing of child sexual abuse material (referred to in federal law as “child pornography”), and the transfer of obscene materials to minors, in the special maritime and territorial jurisdiction of the United States (SMTJ).<sup>75</sup> By making this change, the legislation achieves two goals. First, this amendment will facilitate prosecutions for this conduct by military personnel abroad pursuant to 18 U.S.C. § 3261, which permits prosecutions for any conduct committed “outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States.” Second, it creates greater internal consistency in 18 U.S.C. §§ 2252 and 2252A, both of which prohibit activities related to child sexual abuse material. Both statutes have provisions which criminalize the sale and possession of child sexual abuse material in the SMTJ, as well as in interstate or foreign commerce. *See* 18 U.S.C. §§ 2252(a)(3)(A), (3)(B), (4)(A), and (4)(B), and 2252A(a)(4)(A), (4)(B), (5)(A), and (5)(B). Although both statutes also criminalize other conduct, including transportation, distribution, and receipt of child sexual abuse material, those provisions are solely predicated on activities in interstate or foreign commerce,

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<sup>75</sup> A separate legislative proposal amends the United States Code to replace the term “child pornography” with “child sexual abuse material.”

and do not confer jurisdiction for conduct in the SMTJ. See 18 U.S.C. §§ 2252(a)(1) and (2) and 2252A(a)(1) and (2). This proposal corrects that gap.

### *Section by Section Analysis*

This proposal amends Section 1470 to add a reference to the SMTJ. It next amends Sections 2252(a)(3)(A) and 2252A(a)(4)(A), which prohibit selling child sexual abuse material in the SMTJ, to add language prohibiting the transportation, shipment, distribution, receipt, or mailing of such material. These five verbs all appear in 18 U.S.C. §§ 2252(a)(1) and (2) and 2252A(a)(1) and (2).<sup>76</sup> It is simpler to add those verbs to Sections 2252(a)(3)(A) and 2252A(a)(4)(A) than it is to add the SMTJ language to Sections 2252(a)(1) and (2) and 2252A(a)(1) and (2).

### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

#### **18 U.S.C. § 1470**

Whoever, using the mail or any facility or means of interstate or foreign commerce or in the special maritime and territorial jurisdiction of the United States, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

#### **18 U.S.C. § 2252(a)**

Any person who—

(1) knowingly transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if—

(A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(B) such visual depiction is of such conduct;

(3) either—

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<sup>76</sup> Note that this proposal deliberately does not include a comparable amendment for 18 U.S.C. § 2252A(a)(3), which is rarely used.



(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly transports, ships, distributes, receives, mails, or sells, or possesses with intent to sell, any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, shipped, or transported using any means or facility of interstate or foreign commerce, or has been shipped or transported in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported using any means or facility of interstate or foreign commerce, including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; or

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses, or knowingly accesses with intent to view, 1 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; ...

#### 18 U.S.C. § 2252A(a)

Any person who—

(1) knowingly mails, or transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any child pornography;

(2) knowingly receives or distributes—

(A) any child pornography using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or

(B) any material that contains child pornography using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or

transported in or affecting interstate or foreign commerce by any means, including by computer; ...

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly transports, ships, distributes, receives, mails, or sells, or possesses with the intent to sell, any child pornography;

(B) knowingly sells or possesses with the intent to sell any child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(5) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography; or

(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; ...

## Closing Loopholes in the Kidnapping Statute

### LEGISLATIVE PROPOSAL:

To codify case law affirming a conviction based on fraud and deceit, and to eliminate consent as a defense when children under the age of 16 are kidnapped.

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Statement of Intent. This legislation is intended in part to codify the holding of *United States v. Eason*, 854 F.3d 922 (7th Cir. 2017), in which the Court of Appeals affirmed the conviction under an inveiglement theory when the defendant obtained custody of a child by lying to the child’s guardians.

(b) Section 1201 of Title 18, United States Code, is amended—

(1) in subsection (a), by inserting “obtains by defrauding or deceiving any person,” after “abducts,”; and

(2) in subsection (g), by inserting at the end the following:

“(2) **DEFENSE.**—For offenses described in this subsection involving victims who have not attained the age of 16 years, it is not a defense that the victim consented to the offender’s conduct unless the offender can establish by a preponderance of the evidence that the offender reasonably believed that the victim had attained the age of 16 years.”

### BACKGROUND/ANALYSIS:

This proposal closes two loopholes in 18 U.S.C. § 1201, which prohibits kidnapping.

First, in the leading case of *Chatwin v. United States*, 326 U.S. 455, 464 (1946), the Supreme Court held that it is “the involuntariness of seizure and detention which is the very essence of the crime of kidnapping.” In practice, this means that consent can be a defense to kidnapping, even when the victim is a minor. For example, in *United States v. Macklin*, 671 F.2d 60 (2d Cir. 1982), the Second Circuit reversed the defendant’s conviction for kidnapping a thirteen-year-old and an eleven-year-old. The Court of Appeals held that the district court erred when it instructed the jury that kidnapping “in the case of minors” occurs when a child is taken “without the consent of the minor’s parents”, and when minors are held “against their will or the will of their parents.” *Macklin*, 671 F.2d at 63-64. Per *Chatwin*, prosecutors must prove beyond a reasonable doubt that the victim lacked the capacity to consent. 326 U.S. at 462. This can lead to absurd results, such as in *Chatwin* itself, where the Supreme Court found that the evidence introduced at trial that the 15-year-old victim had the mental capacity of a seven-year-old was insufficient to establish she was unable to consent to travel with the defendants to Mexico and enter into a sham marriage. *Id.* at 461-462.

Critically, the conclusions in *Chatwin* and *Macklin* are driven by the text of the statute. As the *Macklin* court notes, the statute itself makes no special provision for child victims. 671 F.2d at 64.

Second, among the prohibited acts in Section 1201 is “inveigling” any person. This old-fashioned term is challenging to apply in practice, resulting in litigation as to whether inveigling includes situations where the offender obtained custody of the victim through misrepresentations made to third-parties. See *United States v. Eason*, 854 F.3d 922 (7th Cir. 2017) (affirming the conviction under an inveiglement theory when defendant obtained custody of a child by lying to the child’s guardians).

#### *Section by Section Analysis*

This proposal addresses the first issue by specifying that consent is not a defense to most kidnappings involving victims under the age of 16. This is comparable to the statutory rape provision set forth in 18 U.S.C. § 2243(a) which prohibits sexual acts with minors under the age of 16 without the need to prove whether the activity was consensual.

To update the statute and to codify the result in *Eason*, this proposal amends Section 1201 to expressly prohibit kidnapping by defrauding or deceiving any person so as to capture situations where the offender obtains access to a victim by lying to someone else.

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

#### **18 U.S.C. § 1201**

**(a)** Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, obtains by defrauding or deceiving any person, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when—

**(1)** the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

**(2)** any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

**(3)** any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

**(4)** the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title; or

**(5)** the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties,

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

**(g) SPECIAL RULE FOR CERTAIN OFFENSES INVOLVING CHILDREN.—**

**(1) TO WHOM APPLICABLE.—If—**

**(A)** the victim of an offense under this section has not attained the age of eighteen years; and

**(B)** the offender—

**(i)** has attained such age; and

**(ii)** is not—

**(I)** a parent;

**(II)** a grandparent;

**(III)** a brother;

**(IV)** a sister;

**(V)** an aunt;

**(VI)** an uncle; or

**(VI)** an individual having legal custody of the victim;

the sentence under this section for such offense shall include imprisonment for not less than 20 years.

(2) DEFENSE.—For offenses described in this subsection involving victims who have not attained the age of 16 years, it is not a defense that the victim consented to the offender's conduct unless the offender can establish by a preponderance of the evidence that the offender reasonably believed that the victim had attained the age of 16 years.

## **Criminalizing Online Solicitation or Offering of Children Too Young to Consent**

### **LEGISLATIVE PROPOSAL:**

To add an offense pertaining to the solicitation or provision of minors who are incapable of consenting to illegal sexual activity due to age or mental capacity, as well as an internal conspiracy provision, and a technical amendment.

### **PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):**

- (a) Statement of Intent. This legislation is intended in part to codify case law confirming convictions for defendants who communicate through an intermediary to persuade, induce, entice, or coerce a minor to engage in prostitution or any criminal sexual activity as prohibited by 18 U.S.C. § 2422(b). *United States v. Hite*, 769 F.3d 1154, 1160-1163 (D.C. Cir. 2014) (collecting cases).
  
- (b) Section 2422 of Title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) (1) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly—

- (A) persuades, induces, entices, or coerces any individual who has not attained the age of 18 years; or
- (B) solicits any individual who has not attained the age of 12 years or who has not attained the age of 18 years and has a mental impairment or disability, whether directly or through an intermediary, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts or conspires to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

(2) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly—

- (A) offers or arranges to provide, or offers or arranges access to, an individual who has not attained the age of 18 years, being a parent, legal guardian, or other person having custody or control of that individual; or
- (B) seeks or arranges to obtain, or seeks or arranges to obtain access to, an individual who has not attained the age of 18 years from a parent, legal guardian, or other person having custody or control of that individual,

for that individual to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts or conspires to do so, shall be fined under this title and imprisoned not less than 10 years or for life.”

### **BACKGROUND/ANALYSIS:**

This proposal amends Section 2422(b) of Title 18, United States Code, in three ways: by adding an offense pertaining to the solicitation or provision of minors who are incapable of

consenting to illegal sexual activity whether due to age or mental capacity, by adding an internal conspiracy provision to the statute, and by making a technical amendment.

First, as currently written, Section 2422(b) prohibits the persuasion, inducement, enticement, or coercion of a minor to engage in illegal sexual activity or prostitution. As courts have noted, the crime currently proscribed in this statute is the overcoming of the will of a minor, not the commission of a sex act. The D.C. Circuit has observed that “§ 2422(b) criminalizes situations in which a defendant transforms or overcomes the will of a minor”, such that the defendant’s actions “must be aimed at transforming or overcoming the child’s will to violate § 2422(b).” *United States v. Hite*, 769 F.3d 1154, 1163-1164 (D.C. Cir. 2014). The Court emphasized that, “simply ‘to cause’ sexual activity with a minor does not necessarily require any effort to transform or overcome the will of the minor.” 769 F.3d at 1167. *See also United States v. Fugit*, 703 F.3d 248, 255 (4th Cir. 2012) (noting that Section 2422(b) “was designed to protect children from the act of solicitation itself. ... [T]he primary evil that Congress meant to avert by enacting 2422(b) was the psychological sexualization of children.”) Even courts that do not go as far as *Hite* draw a distinction between persuading, which is illegal, and asking, which is not. *United States v. Waqar*, 997 F.3d 481, 485 (2d. Cir. 2021).

These cases create a question as to whether prosecutions under Section 2422(b) could proceed when the minor in question is incapable of consenting, whether due to age or mental capacity. In such instances, the child could not be persuaded or coerced because they are not capable of expressing or enforcing their will at all. As a matter of policy, however, it would be untenable that a defendant could face federal prosecution for persuading a thirteen-year-old to engage in sex, but would not be subject to criminal liability when he seeks to have a sexual encounter with an infant.

In a similar vein, defendants can currently be prosecuted for offering to transfer or obtain custody or control of a minor for the purpose of producing child pornography, *see* 18 U.S.C. § 2251A(a) and (b), but they cannot be prosecuted for using the internet or other means to offer to transfer or obtain custody of a minor for illegal sexual activity which will not be photographed or filmed.

#### *Section by Section Analysis*

This legislative proposal ensures that such defendants can be held criminally accountable for such conduct by adding language to Section 2422(b) prohibiting individuals from using the internet or other means to solicit children under the age of 12 or children under the age of 18 who have a mental impairment or disability. The age of 12 is appropriate for this proposal because federal law categorically prohibits sexual acts or sexual contact with children under that age. *See* 18 U.S.C. § 2241(c). This legislation follows the approach in current case law that permits prosecutions under Section 2422(b) based on either direct or indirect communications with minors. *Hite*, 769 F.3d at 1160-1163.

The proposal also adds criminal provisions designed to apply to defendants on both sides of the transaction, that is, those who are seeking the applicable minors for sexual purposes (seek, arrange to obtain), as well as those who are willing to provide such children (offer, arrange to

provide).<sup>77</sup> These terms are necessary to assure the new provision has the appropriate scope. Consider a scenario where two pedophiles are having a conversation in an internet chat room. “Bob” suggests that “Joe” should meet Bob’s eight-year-old daughter for sex. Joe agrees, selects a date and time, and reserves a hotel room for the encounter, sending Bob some clothes for the daughter to wear. In that scenario, it would be impossible to prosecute Joe for his activity if the statute were limited to the act of soliciting a minor for sex, as Joe did not make the request. Rather, he just agreed to the offer. Conversely, if Joe asks Bob if he (Joe) can have sex with Bob’s daughter, and Bob agrees and makes the necessary arrangements, Bob could not be prosecuted unless the “arranges to provide” language is included, as Bob did not make the initial offer. By their terms, these new provisions are limited to exchanges with the parent, guardian, or custodian of the victim. This ensures the new crimes are focused on the most egregious conduct, and do not sweep in, for example, discussions among teens and young adults arranging otherwise consensual activity.

Next, the legislative proposal adds an internal conspiracy provision to Section 2422(b). Many other child sexual exploitation statutes contain internal conspiracy provisions. *See, e.g.*, 18 U.S.C. § 1594(c) (conspiracy to engage in sex trafficking), 18 U.S.C. § 2251(e) (conspiracy to produce child pornography), 18 U.S.C. § 2252(b)(1) and (2) (conspiracy to engage in child pornography offenses), 18 U.S.C. § 2252A(b)(1) and (2) (same), 18 U.S.C. § 2423(e) (conspiracy to engage in travel and transportation offenses involving minors). This proposal brings this statute in line with these other provisions.

Finally, the proposal includes a technical amendment to make the language in Section 2422(b) consistent with other provisions in Chapter 117. Several statutes in that Chapter include this language: “to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense” (emphasis added). *See* 18 U.S.C. §§ 2421, 2422(a), 2423(a). In contrast, Section 2422(b) says “to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.” This proposal ensures that all the statutory language in Chapter 117 is consistent by amending Section 2422(b) accordingly.

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

##### **18 U.S.C. § 2422:**

- (b) (1) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly—
- (A) persuades, induces, entices, or coerces any individual who has not attained the age of 18 years; or
  - (B) solicits any individual who has not attained the age of 12 years or who has not attained the age of 18 years and has a mental impairment or disability,

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<sup>77</sup> Other statutes prohibit offers or solicitations to engage in illegal sexual activity with children. *See* 18 U.S.C. § 2251(d) (criminalizing advertisements which seek or offer child pornography); 18 U.S.C. § 2251A(a) (in relevant part relating to parents who offer to sell or transfer custody of their children for the production of child pornography); 18 U.S.C. § 2251A(b) (in relevant part relating to those who offer to purchase or obtain custody or control of a minor to produce child pornography); 18 U.S.C. § 2252A(a)(3)(B) (criminalizing solicitations for child pornography). *See also United States v. Williams*, 553 U.S. 285 (2008) (affirming constitutionality of Section 2252A(a)(3)(B)).



whether directly or through an intermediary, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts or conspires to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

(2) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly—

(A) offers or arranges to provide, or offers or arranges access to, an individual who has not attained the age of 18 years, being a parent, legal guardian, or other person having custody or control of that individual; or

(B) seeks or arranges to obtain, or seeks or arranges access to, an individual who has not attained the age of 18 years from a parent, legal guardian, or other person having custody or control of that individual,

for that individual to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts or conspires to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

## Production of Morphed and Computer-Generated Images of Child Sexual Abuse

### LEGISLATIVE PROPOSAL:

To correct anomalies inadvertently created by the *Protect our Children Act of 2008*, which prohibits the creation of morphed images of identifiable minors, and to create sentencing parity.

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Section 2252A of Title 18, United States Code, is amended—

(1) in subsection (a), by striking paragraph (7) and inserting the following:

“(7) knowingly produces with intent to distribute child pornography as defined in section 2256(8)(B) or (C), if such person knows or has reason to know that such child pornography will be mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if that child pornography was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce, or if such child pornography has actually been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce;”<sup>78</sup> and

(2) in subsection (b)—

(A) in paragraph (1), by striking “(1), (2), (3), (4), or (6)” and inserting “(1), (2), (3), (4), (6), or (7)”; and

(B) by striking paragraph (3).

### BACKGROUND/ANALYSIS:

On October 13, 2008, the President signed into law S. 1738, the *Protect our Children Act of 2008*. Pub. L. No. 110-401, 122 Stat. 4229. Section 304 of this bill created a new crime with respect to morphed images of an “identifiable minor” engaged in sexually explicit conduct, codified at 18 U.S.C. § 2252A(a)(7). Specifically, S. 1738 prohibited the production of such an image with intent to distribute it, or the distribution of such an image. Prior to the passage of this law, federal law prohibited the trade, collection, and possession of such contraband, but not its production.

However, S. 1738 inadvertently created two anomalies in Section 2252A. As noted above, the language in S. 1738 actually includes two crimes: (1) the production of a morphed image with intent to distribute it, and (2) the distribution of a morphed image. 18 U.S.C. §

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<sup>78</sup> A separate legislative proposal amends the United States Code to replace the term “child pornography” with “child sexual abuse material.” If such legislation is enacted, this language should be revised accordingly.

2252A(a)(7). The sentence provided for this offense is up to 15 years without any adjustment for repeat offenders. 18 U.S.C. § 2252A(b)(3). However, Section 2252A(a)(2) already prohibits the distribution of a morphed image of child pornography. That provision carries a sentence of five to twenty years for a first offense, and fifteen to forty years for a second offense. 18 U.S.C. § 2252A(b)(1). Thus, two different provisions within Section 2252A prohibit the distribution of a morphed image of child pornography, but they carry different sentences. *See also*, 18 U.S.C. § 1466A (providing same penalty for distribution of an obscene visual representation of a minor).

Furthermore, unlike all the other provisions in Section 2252A, Section 2252A(a)(7) does not have broad jurisdictional language. Currently under Section 2252A(a)(7), federal jurisdiction may only be established through evidence that the crime was “in or affecting interstate or foreign commerce.”

As enacted, the statute does not prohibit the production of computer-generated child pornography. This gap may prove to be problematic in anticipation of the use of “deepfake” technology to create realistic images and videos of minors engaged in sexually explicit conduct.

#### *Section by Section Analysis*

This proposal corrects those anomalies by deleting the reference to distribution in Section 2252A(a)(7), adding jurisdictional language adapted from 18 U.S.C. § 2251 (related to production of child pornography), and revising the sentencing provision so that the production of this material carries the same penalty as that that currently applies to the distribution or receipt of the same images. The proposal also broadens the scope of the provision so that it applies to both computer-generated and morphed images of child pornography as defined in Section 2256(8)(B) and (C).

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 2252A(a)** Any person who—

...

(7) knowingly produces with intent to distribute, ~~or distributes, by any means, including a computer, in or affecting interstate or foreign commerce,~~ child pornography that is an adapted or modified depiction of an identifiable minor as defined in Section 2256(8)(B) or (C), if such person knows or has reason to know that such child pornography will be mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if that child pornography was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce, or if such child pornography has actually been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce;

**18 U.S.C. § 2252A(b)**

**(1)** Whoever violates, or attempts or conspires to violate, paragraph ~~(1), (2), (3), (4), or (6)~~ (1), (2), (3), (4), (6), or (7) of subsection (a) shall be fined under this title and imprisoned not less than 5 years and not more than 20 years, but, if such person has a prior conviction under this

chapter, section 1591, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, or sex trafficking of children, such person shall be fined under this title and imprisoned for not less than 15 years nor more than 40 years.

(2) Whoever violates, or attempts or conspires to violate, subsection (a)(5) shall be fined under this title or imprisoned not more than 10 years, or both, but, if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if such person has a prior conviction under this chapter, chapter 71, chapter 109A, or chapter 117, or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than 10 years nor more than 20 years.

~~(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.~~

## Part II: Amendments Concerning Procedural and Other Provisions

### Implementation of Passport Revocation for Certain Child Sex Offenders

#### LEGISLATIVE PROPOSAL:

To facilitate the sharing of information needed to revoke the passports of certain child sex offenders, or take actions against them pursuant to the Immigration and Nationality Act.

#### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Section 3552 of Title 18, United States Code is amended—

(1) in subsection (a), by inserting at the end the following:

“(1) Additional Information in Certain Child Sexual Exploitation Cases. The Presentence Report shall include a designated section containing any relevant information needed to implement Section 236 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212a) in any case where the defendant is found guilty of committing a designated offense (as such term is defined in Section 236(b)(3) of said Act (22 U.S.C. 212a(b)(3)).”

(2) in subsection (d), by inserting at the end the following:

“(1) Limited Disclosure. Notwithstanding any other law, the Attorney General may disclose the information in the designated section created pursuant to subparagraph (a)(1) to the Secretary of State and Secretary of Homeland Security for the purpose of implementing Section 236 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212a). The Attorney General, Secretary of State, and Secretary of Homeland Security may issue guidelines and regulations to implement this paragraph and subsection (a)(1).”

(b) William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.— Section 236 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212a) is amended—

(1) in the section heading, by striking “sex tourism” and inserting “certain child sexual exploitation offenses”;

(2) by striking “a violation of section 2423 of title 18” each place that it appears and inserting “a designated offense”;

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking “if the individual used a passport or passport card or otherwise crossed an international border in committing the offense”;

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “subsection” and inserting “section”;

(ii) in subparagraph (A)—

(I) in clause (i), by striking “relating to the offense” and inserting “for a designated offense”;

(II) in clause (ii), by striking the clause and inserting “(ii) the date on which the individual’s term of parole, supervised release, or probation for a designated offense terminates;”;

(iii) in subparagraph (B), by striking the period and inserting “; and”; and

(iv) after subparagraph (B), by inserting the following:

“(C) the term “designated offense” means—

(i) a violation of—

(I) section 2241(c) of title 18; or

(II) sections 2423(a), (b), or (d) of title 18 or an attempt or conspiracy to violate any of these provisions in violation of section 2423(e) of title 18;

if the defendant used a passport or passport card or otherwise crossed an international border in committing the offense; or

(ii) a violation of—

(I) sections 2251(c) or 2260(a) of title 18 or an attempt or conspiracy to violate either of these provisions in violation of section 2251(e) of title 18; or

(II) section 2423(c) of title 18 or an attempt or conspiracy to violate this provision in violation of section 2423(e) of title 18.”

CLERICAL AMENDMENT.—Section 212a in the table of sections for chapter 4 of title 22 is amended by striking “sex tourism” and inserting “certain child sexual exploitation offenses”.

EFFECTIVE DATE.—The amendments made by this legislation shall apply to conduct that has occurred before, on, or after such date of enactment, except the inclusion of sections 2241(c), 2251(c), 2251(e), and 2260(a) of title 18 in the definition of “designated offense” shall only apply to conduct occurring after such date of enactment.

## BACKGROUND/ANALYSIS:

This proposal facilitates the sharing of information needed to revoke the passports of certain child sex offenders, or take actions against them pursuant to the Immigration and Nationality Act.

The *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008*, Pub. L. No. 110–457, § 236, 122 Stat. 5044 (2008), codified at 22 U.S.C. § 212a, requires the Attorney General to notify the Secretaries of State and Homeland Security whenever a defendant is convicted of violating 18 U.S.C. § 2423 (child sex offenses involving travel and transportation). For foreign defendants, Section 212a further authorizes the Department of Homeland Security to take any action appropriate under the Immigration and Nationality Act. For American defendants who traveled internationally to commit the offense, Section 212a prohibits the Secretary of State from issuing passports to such individuals, and requires the Secretary of State to revoke any valid passports of individuals convicted of those same crimes.

Although this statute has been on the books for more than a decade, it has never been effectively implemented because the Department takes the view that the Privacy Act prevents the Attorney General from sharing all the information needed by the Departments of Homeland Security and State to accurately take the requisite actions. The needed information includes photos of the defendant, dates of birth, and social security numbers.

Furthermore, Section 212a is both under-inclusive and overbroad. The provision is squarely focused on foreign child sex offenders and Americans who travel to commit child sex offenses. But it does not include 18 U.S.C. §§ 2251(c) and 2260(a), both of which prohibit the production of child pornography overseas. By their very terms, these provisions apply exclusively to foreign nationals and Americans who have traveled, and so they should be included in Section 212a.<sup>79</sup> Nor does Section 212a include 18 U.S.C. § 2241(c), which in relevant part prohibits travel from the United States to a foreign country with intent to commit sexual abuse of a child under the age of 12. *See Sealed Appellee vs. Sealed Appellant*, 825 F.3d 247 (5th Cir. 2016) (the offender “crossed a State line” within the meaning of Section 2241(c) when he traveled from Texas to Mexico). Except for the age of the victim, this provision is nearly identical to Section 2423(b) (which currently is referenced in Section 212a), prohibiting travel with intent to commit sexual abuse of a child under the age of 18. The omission of Section 2241(c) means Section 212a does not include the most serious travel-based child sexual exploitation offense.

Section 212a is overbroad to the extent it requires the Attorney General to notify the Secretaries of State and Homeland Security about all convictions under Section 2423. Most offenses under this provision are committed by Americans for conduct that is committed wholly

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<sup>79</sup> The sole exception being prosecutions of Americans born abroad who never left their country of birth, which would be exceptionally rare.

within the United States.<sup>80</sup> There is no action under Section 212a to be taken against such offenders. For this reason, the only relevant Section 2423 offenses are those committed either by foreign nationals, or by United States nationals who “used a passport or passport card or otherwise crossed an international border in committing the offense.”

### *Section by Section Analysis*

This legislative proposal addresses all of these issues. First, it amends 18 U.S.C. § 3552, which governs the preparation of pre-sentence reports (PSRs), to require the PSRs to include the information needed to effectuate Section 212a, if the defendant is convicted of a “designated offense” as set forth in Section 212a. It also includes a provision authorizing the Attorney General to share that information with State and Homeland Security. The proposal authorizes the preparation of guidelines and regulations as needed.

Next, it amends 22 U.S.C. § 212a to define what constitutes a “designated offense”. In doing this, it makes three overall changes: it divides Section 2423 into its subsections as explained in more detail below; it adds Sections 2241(c), 2251(c), and 2260(a); and for greater ease of application it explicitly references external attempt and conspiracy provisions (Sections 2251(e) and 2423(e)).<sup>81</sup> Specifically, one part of this new definition includes Sections 2251(c), 2251(e) and 2260(a), as well as Sections 2423(c) and 2423(e). The other part of this definition, which is limited to offenses committed by foreign nationals or by U.S. nationals who travelled internationally as part of the offense, references Section 2241(c) and Sections 2423(a), (b), (d), and (e). This distinction is deliberately drawn between Sections 2251(c), 2260(a), and 2423(c) on the one hand, and Section 2241(c) and the remainder of Section 2423 on the other. As explained above, because Sections 2241(c) and 2423(a), (b), and (d) all apply both to domestic and foreign conduct, qualifying language is needed to specify that designated offenses only include those committed by foreign nationals, or U.S. nationals who traveled abroad while committing the offense. On the other hand, this qualification is not needed for Sections 2251(c), 2260(a) and 2423(c) because all exclusively prohibit conduct outside the United States, meaning they almost certainly involved a foreigner or foreign travel by an American at some point.

The proposal includes an Effective Date to ensure that the modifications can and will be applied retroactively. *See Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (“congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.”) To avoid any ex post facto claims, the expansion of Section 212a to include offenses prohibited by Sections 2241(c), 2251(c), 2251(e), and 2260(a) is excepted from that retroactivity statement, since those provisions are not referenced in the current statute.

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<sup>80</sup> Although their passports are not revoked, these domestic offenders are required to provide advanced notice of international travel, and are subject to a criminal penalty for failure to do so. Their passports also may have a special designation. *See International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders*, Pub. L. No. 114-119, 130 Stat. 15 (2016), codified at 18 U.S.C. § 2250(b), 22 U.S.C. § 212b, and 34 U.S.C. § 20914(a)(7).

<sup>81</sup> Section 2241(c) has an internal attempt provision, and no conspiracy provision.



Note that a separate legislative proposal adds new offenses to Section 2423 addressing child abuse abroad (and in so doing alters the subsection designations), and creates a new standalone criminal provision addressing child sexual abuse abroad. The relevant proposed new offenses are:

18 U.S.C. § 2423

(d) Using Interstate or Foreign Commerce to Facilitate Illicit Sexual Conduct in Foreign Places.— Any United States citizen or alien admitted for permanent residence who uses any facility, channel, or instrumentality of interstate or foreign commerce to promote, facilitate, or conceal an act of illicit sexual conduct with another person in a foreign country shall be fined under this title or imprisoned not more than 30 years, or both.

(e) Engaging in Illicit Sexual Conduct with United States Nationals.— Any United States citizen or alien admitted for permanent residence who engages in illicit sexual conduct in a foreign country with another person who is a United States citizen or alien admitted for lawful permanent residence shall be fined under this title or imprisoned not more than 30 years, or both.”;

18 U.S.C. § 2423A. Illicit Sexual Conduct Affecting Commerce.

(a) Any United States citizen or alien admitted for permanent residence who, in any way in or affecting interstate or foreign commerce, engages in any illicit sexual conduct with another person in a foreign country, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 30 years, or both.

The first of these offenses can be committed in or outside the United States, while the latter two are extraterritorial by design. As such, if that proposal is enacted, or if it will be consolidated with this one, the definition of designated offense should be revised as follows:

“(C) the term “designated offense” means—

- (i) a violation of—
  - (I) section 2241(c) of title 18; or
  - (II) sections 2423(a), (b), (d), or (f) of title 18 or an attempt or conspiracy to violate any of these provisions in violation of section 2423(g) of title 18; if the defendant used a passport or passport card or otherwise crossed an international border in committing the offense; or
- (ii) a violation of—
  - (I) sections 2251(c) or 2260(a) of title 18 or an attempt or conspiracy to violate either of these provisions in violation of section 2251(e) of title 18;
  - (II) sections 2423(c) or 2423(e) of title 18 or an attempt or conspiracy to violate either of these provisions in violation of section 2423(g) of title 18;or
- (III) section 2423A of title 18.

The Effective Date would also be revised to read as follows:

**EFFECTIVE DATE.**—The amendments made by this legislation shall apply to conduct that has occurred before, on, or after such date of enactment, except the inclusion of sections 2241(c), 2251(c), 2251(e), 2260(a), 2423(d), 2423(e), and 2423A of title 18 in the definition of “designated offense” shall only apply to conduct occurring after such date of enactment.

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 3552**

**(a) PRESENTENCE INVESTIGATION AND REPORT BY PROBATION OFFICER.—**

A United States probation officer shall make a presentence investigation of a defendant that is required pursuant to the provisions of Rule 32(c) of the Federal Rules of Criminal Procedure, and shall, before the imposition of sentence, report the results of the investigation to the court.

(1) Additional Information in Certain Child Sexual Exploitation Cases. The Presentence Report shall include a designated section containing any relevant information needed to implement Section 236 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212a) in any case where the defendant is found guilty of committing a designated offense (as such term is defined in Section 236(b)(3) of said Act (22 U.S.C. 212a(b)(3)).

**(b) PRESENTENCE STUDY AND REPORT BY BUREAU OF PRISONS.—**

If the court, before or after its receipt of a report specified in subsection (a) or (c), desires more information than is otherwise available to it as a basis for determining the sentence to be imposed on a defendant found guilty of a misdemeanor or felony, it may order a study of the defendant. The study shall be conducted in the local community by qualified consultants unless the sentencing judge finds that there is a compelling reason for the study to be done by the Bureau of Prisons or there are no adequate professional resources available in the local community to perform the study. The period of the study shall be no more than sixty days. The order shall specify the additional information that the court needs before determining the sentence to be imposed. Such an order shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized by section 3581(b) for the offense committed. The study shall inquire into such matters as are specified by the court and any other matters that the Bureau of Prisons or the professional consultants believe are pertinent to the factors set forth in section 3553(a). The period of the study may, in the discretion of the court, be extended for an additional period of not more than sixty days. By the expiration of the period of the study, or by the expiration of any extension granted by the court, the United States Marshal shall, if the defendant is in custody, return the defendant to the court for final sentencing. The Bureau of Prisons or the professional consultants shall provide the court with a written report of the pertinent results of the study and make to the court whatever recommendations the Bureau or the consultants believe will be helpful to a proper resolution of the case. The report shall include recommendations of the Bureau or the consultants concerning the guidelines and policy statements, promulgated by the Sentencing Commission pursuant to 28 U.S.C. 994(a), that they believe are applicable to the defendant’s case. After receiving the report and the

recommendations, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under this chapter.

**(c) PRESENTENCE EXAMINATION AND REPORT BY PSYCHIATRIC OR PSYCHOLOGICAL EXAMINERS.—**

If the court, before or after its receipt of a report specified in subsection (a) or (b) desires more information than is otherwise available to it as a basis for determining the mental condition of the defendant, the court may order the same psychiatric or psychological examination and report thereon as may be ordered under section 4244(b) of this title.

**(d) DISCLOSURE OF PRESENTENCE REPORTS.—**

The court shall assure that a report filed pursuant to this section is disclosed to the defendant, the counsel for the defendant, and the attorney for the Government at least ten days prior to the date set for sentencing, unless this minimum period is waived by the defendant. The court shall provide a copy of the presentence report to the attorney for the Government to use in collecting an assessment, criminal fine, forfeiture or restitution imposed.

- (1) Limited Disclosure. Notwithstanding any other law, the Attorney General may disclose the information in the designated section created pursuant to subparagraph (a)(1) to the Secretary of State and Secretary of Homeland Security for the purpose of implementing Section 236 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 212a). The Attorney General, Secretary of State, and Secretary of Homeland Security may issue guidelines and regulations to implement this paragraph and subsection (a)(1).

**22 U.S.C. § 212a.** Restriction of passports for ~~sex tourism~~ certain child sexual exploitation offenses

**(a) IN GENERAL.** Following any conviction of an individual for ~~a violation of section 2423 of title 18~~ a designated offense, the Attorney General shall notify in a timely manner—

- (1) the Secretary of State for appropriate action under subsection (b); and  
(2) the Secretary of Homeland Security for appropriate action under the Immigration and

Nationality Act.

**(b) AUTHORITY TO RESTRICT PASSPORT**

**(1) INELIGIBILITY FOR PASSPORT**

**(A) In general:** The Secretary of State shall not issue a passport or passport card to an individual who is convicted of ~~a violation of section 2423 of title 18~~ a designated offense during the covered period ~~if the individual used a passport or passport card or otherwise crossed an international border in committing the offense.~~

**(B) Passport revocation:** The Secretary of State shall revoke a passport or passport card previously issued to an individual described in subparagraph (A).

**(2) EXCEPTIONS**

**(A) Emergency and humanitarian situations:** Notwithstanding paragraph (1), the Secretary of State may issue a passport or passport card, in emergency circumstances or for humanitarian reasons, to an individual described in paragraph (1)(A).

**(B) Limitation for return to United States:** Notwithstanding paragraph (1), the Secretary of State may, prior to revocation, limit a previously issued passport or passport card only for return travel to the United States, or may issue a limited passport or passport card that only permits return travel to the United States.

**(3) DEFINITIONS.** In this ~~subsection~~ section—

**(A)** the term “covered period” means the period beginning on the date on which an individual is convicted of ~~a violation of section 2423 of title 18~~ a designated offense and ending on the later of—

**(i)** the date on which the individual is released from a sentence of imprisonment for a designated offense relating to the offense; and

~~**(ii)** the end of a period of parole or other supervised release of the covered individual relating to the offense; and~~ **(ii)** the date on which the individual’s term of parole, supervised release, or probation for a designated offense terminates;

**(B)** the term “imprisonment” means being confined in or otherwise restricted to a jail, prison, half-way house, treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a criminal conviction; ~~and~~ and

**(C)** the term “designated offense” means—

(i) a violation of—

(I) section 2241(c) of title 18; or

(II) sections 2423(a), (b), or (d) of title 18 or an attempt or conspiracy to violate any of these provisions in violation of section 2423(e) of title 18;

if the defendant used a passport or passport card or otherwise crossed an international border in committing the offense; or

(ii) a violation of—

(I) sections 2251(c) or 2260(a) of title 18 or an attempt or conspiracy to violate either of these provisions in violation of section 2251(e) of title 18; or

(II) section 2423(c) of title 18 or an attempt or conspiracy to violate this provision in violation of section 2423(e) of title 18.

## Limited Non-Disclosure of Administrative Subpoenas in Child Exploitation Investigations

### LEGISLATIVE PROPOSAL:

To create a limited default non-disclosure period when administrative subpoenas are issued in child exploitation cases.

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Section 3486(a) of Title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following:

“(D) Special Procedures: Notwithstanding paragraph (6) of this section, for a period of 90 days, a provider of electronic communication service or remote computing service shall not disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of a subpoena described in subparagraph (C), upon receipt of a written certification by the United States government official issuing the subpoena that the circumstances described in paragraph (6)(B) exist. Such certification shall also include a notice that the electronic communication service or remote computing service may object to the nondisclosure requirement, in writing or via electronic means to the United States government official issuing the subpoena and certification, within 10 days of receipt of the subpoena and certification. Upon receipt of such objection, within 14 days the United States government may apply to a United States district court specified in subparagraph (6)(A) for an order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such subpoena for a period of up to 90 days, consent to disclosure, or withdraw the subpoena. If an order is applied for, the provider of the electronic communication service or remote computing service may file a response within 14 days. The district court shall rule on the application within 30 days from the date of the application or the response, whichever is later. Such order shall be issued on a showing that there is a reason to believe that the circumstances in paragraph (6)(B) exist. Unless and until such order is denied or expires, the provider of electronic communication service or remote computing service shall not disclose to any other person or entity the existence of a subpoena (other than to an attorney in order to obtain legal advice). After 90 days, the nondisclosure period shall be extended by a period of 90 days if the United States government provides the electronic communication service or remote computing service with a written certification that the circumstances described in paragraph (6)(B) continue to exist. The same procedures shall apply concerning any objection to the nondisclosure requirement.”; and

(2) in paragraph (5), by striking “ordered by a court under paragraph (6)” and inserting “under paragraph (1)(D) or (6).”.

## **BACKGROUND/ANALYSIS:**

The proposal amends 18 U.S.C. § 3486(a)(1) to direct a provider of an electronic communication service (ECS) or a remote computing service (RCS) to delay notification to a customer when the provider receives an administrative subpoena relating to the customer's account in connection with a child sexual exploitation investigation so long as law enforcement provides a written certification that such notification would adversely impact the investigation. ECSs and RCSs may object to the nondisclosure requirement. If they do so, the government must initiate judicial review to determine if nondisclosure is permissible.

Currently, Section 3486 authorizes the Attorney General to issue administrative subpoenas in furtherance of investigations involving, in relevant part, the sexual exploitation or abuse of children, which is defined in Section 3486(a)(1)(D)(i) by reference to several criminal provisions including the child pornography statutes. Pursuant to Section 3486(a)(1)(C) and 18 U.S.C. § 2703(c)(2), such an administrative subpoena issued to an ECS or RCS provider may only seek basic subscriber information, which includes name, address, log-in, and payment information, and information about how long and what type of services have been provided.

Historically, such providers voluntarily delayed notification to its customers when they received an administrative subpoena related to child sexual exploitation investigations. In 2014, however, companies began changing their practices concerning notification. All companies will comply with a court order to delay notification, but they vary greatly with respect to when they will voluntarily delay notification. For example, some companies will never voluntarily delay notification, and instead will always notify the customer unless the subpoena is accompanied by a court-issued non-disclosure order. Other companies will notify customers except in cases where there is a risk of death, physical injury, or imminent harm. Other companies will delay notification only if, in their sole discretion, they decide to do so. Finally, some companies will delay notification in child exploitation investigations, but it is unclear if those policies would apply in investigations involving the distribution, receipt, and possession of child pornography.

This splintered approach to notification poses many dangers to child exploitation investigations, and the variety of approaches to disclosure among companies also introduces a great deal of uncertainty, and increases the risk that a customer will inadvertently be alerted to the issuance of a subpoena. Many child pornography offenders today operate in global, interconnected networks with hundreds of other participants, which means that if one customer is tipped off to a pending investigation, there could be consequences to investigations around the world.

### *Section by Section Analysis*

The legislation would resolve all of these issues by amending the administrative subpoena statute to impose a 90 day period of delayed disclosure in investigations involving the sexual exploitation or abuse of children, after provision by law enforcement of a written certification that the subpoena seeks relevant information and that notifying the customer promptly may negatively impact the investigation. The proposal includes a mandate that law enforcement seek judicial review if providers object to the non-disclosure requirement, and also

permits law enforcement to submit a written certification to the provider to extend the non-disclosure period for an additional 90 days.

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 3486**

(a) AUTHORIZATION.—

(1) (A) In any investigation of—

(i)(I) a Federal health care offense; or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General;

(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or

(iii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury,

may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

(i) the production of any records or other things relevant to the investigation; and

(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

(i) requiring that provider to disclose the information specified in section 2703(c)(2), which may be relevant to an authorized law enforcement inquiry; or

(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

(D) Special Procedures: Notwithstanding paragraph (6) of this section, for a period of 90 days, a provider of electronic communication service or remote computing service shall not disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of a subpoena described in this subparagraph, upon receipt of a written certification by the United States government official issuing the subpoena that the circumstances described in paragraph (6)(B) exist. Such certification shall also include a notice that the electronic communication service or remote computing service may object to the nondisclosure requirement, in writing or via electronic means to the United States government official issuing the subpoena and certification, within 10 days of receipt of the subpoena and certification. Upon receipt of such objection, within 14 days the United States government official issuing the subpoena may apply to a United States district court for an order that no person or entity disclose to any other

person or entity (other than to an attorney in order to obtain legal advice) the existence of such subpoena for a period of up to 90 days, consent to disclosure, or withdraw the subpoena. If an order is applied for, the electronic communication service or remote computing service may file a response within 14 days. The district court shall rule on the application within 30 days from the date of the application or the response, whichever is later. Such order shall be issued on a showing that there is a reason to believe that the circumstances in paragraph (6)(B) of this section exist. Unless and until such order is denied or expires, the provider of electronic communication service or remote computing service shall not disclose to any other person or entity the existence of a subpoena (other than to an attorney in order to obtain legal advice). After the initial 90 days, the nondisclosure period shall be extended by one additional period of 90 days if the United States government official issuing the subpoena provides the electronic communication service or remote computing service with a written certification that the circumstances described in paragraph (6)(B) continue to exist. The same procedures shall apply concerning any objection to the nondisclosure requirement.

(E) As used in this paragraph—

(i) the term “Federal offense involving the sexual exploitation or abuse of children” means an offense under section 1201, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years; and

(ii) the term “sex offender” means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).

(2) A subpoena under this subsection shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

(3) The production of records relating to a Federal health care offense shall not be required under this section at any place more than 500 miles distant from the place where the subpoena for the production of such records is served. The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.

(4) Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ~~ordered by a court under paragraph (6) under paragraph (1)(D) or (6).~~

(6) (A) A United States district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

(i) endangerment to the life or physical safety of any person;

(ii) flight to avoid prosecution;

(iii) destruction of or tampering with evidence; or



(iv) intimidation of potential witnesses.

(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(iii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(iii), the Secretary of the Treasury shall notify the Attorney General of its issuance.

## **Jurisdiction for Juvenile Offenses in Federal Areas**

### **LEGISLATIVE PROPOSAL:**

To confer jurisdiction to State juvenile justice systems for any juvenile offense committed in a “Federal Area”, which includes military bases and installations.

### **PROPOSED LEGISLATIVE LANGUAGE:**

(a) Chapter 403 of Title 18, United States Code, is amended by inserting after § 5043 the following:

#### **“§ 5044. Jurisdiction for Offenses Committed by Juveniles in Federal Areas.**

- (a) Jurisdiction is conferred on any State over any act of juvenile delinquency committed in a federal area within the exterior boundaries of such State, to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State. This section shall not deprive the courts of the United States of jurisdiction over acts of juvenile delinquency, as defined by the laws of the United States, committed in a federal area.
- (b) Definitions. Notwithstanding any other law, for purposes of this section—
- (1) the term “any act of juvenile delinquency” shall mean a violation of a law of the United States or a law described in Section 13 of this Title, committed by a person prior to the person’s eighteenth birthday which would have been a crime if committed by an adult.
  - (2) the term “Federal area” shall mean any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency, of the United States.
  - (3) the term “State” shall mean any State, Commonwealth, Territory, and Possession of the United States, and any political subdivision thereof, and the District of Columbia.”

CLERICAL AMENDMENT.—The table of sections for chapter 403 of Title 18, United States Code, is amended by inserting after the item relating to section 5043 the following:

“§ 5044. Jurisdiction for Offenses Committed by Juveniles in Federal Areas.”

### **BACKGROUND/ANALYSIS:**

Criminal jurisdiction over offenses committed on government property, including military bases and installations, can be categorized in three ways. First, certain lands fall within the “exclusive jurisdiction” of the United States. As this term implies, on these lands federal criminal law applies to the exclusion of state law. Other properties acquired by the United States fall within the “concurrent criminal jurisdiction” of the State and Federal governments. In those jurisdictions, whether a case will be prosecuted federally or by the State is determined on a case-

by-case basis. Finally, the United States may acquire property without accepting any special criminal jurisdiction over it. In this situation the United States simply retains “proprietary jurisdiction” over the property, and criminal matters are handled by the States.

Military bases and installations in the United States can have exclusive, concurrent, or proprietary jurisdiction depending on how the property was obtained.<sup>82</sup> Sometimes, different areas on the same base or installation will have different types of jurisdiction.

As Congress has noted, this patchwork of jurisdiction causes particular problems for juveniles who commit criminal offenses in Federal Areas that have exclusive jurisdiction. *See* <https://www.statesman.com/NEWS/20180523/Cornyn-bill-targets-prosecution-of-juvenile-sex-assaults-on-base>. In short, juvenile offenders are much better served in State criminal justice systems than in federal court, where the federal prosecution of juveniles is rare, and federal adjudication proceedings for juveniles are rarer still.

To be sure, there are provisions in place that govern the federal prosecution of juveniles. *See* Chapter 403 of Title 18, United States Code. However, the basic premise of Chapter 403 is that juvenile matters should be handled by State authorities whenever possible since they are best positioned to do so, particularly since no federal juvenile justice system exists. Indeed, the State criminal justice systems have a far more robust infrastructure in place to handle these offenders, particularly those who face adjudication proceedings as juveniles (as opposed to prosecution as adults). Among other things, States have juvenile detention facilities, have probation officers, prosecutors, defense attorneys, and judges trained in the needs of juvenile offenders, and may have diversion programs in lieu of incarceration. However, without legislation, juvenile offenses committed in federal areas with exclusive jurisdiction cannot be referred to the States.

#### *Section by Section Analysis*

To ameliorate this and promote the use of state criminal justice systems for juvenile offenders, this proposed legislation creates concurrent jurisdiction for juvenile offenses committed in any Federal Area. Modeled on the language of 18 U.S.C. § 3243 (which confers jurisdiction to Kansas for offenses committed in Indian lands), this proposal permits States to handle these offenses, but does not require them to do so, and does not divest the federal government of the authority to prosecute the case when appropriate or necessary.

A few notes about the proposed legislative language. The terms used in the proposed Section 5044(a) are adapted from 18 U.S.C. § 232(8) and 14 U.S.C. § 141. The inclusion of “any political subdivision thereof” will allow a city, county, etc., to exercise its jurisdiction. The definition of “any act of juvenile delinquency” is adapted from 18 U.S.C. § 5031, with an added reference to 18 U.S.C. § 13 (the Assimilative Crimes Act). The definition of “Federal Area” is adapted from 4 U.S.C. § 110(e).

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<sup>82</sup> There are three methods by which the United States obtains exclusive or concurrent jurisdiction over federal lands in a state: (1) a state statute consenting to the purchase of land by the United States for the purposes enumerated in Article 1, Section 8, Clause 17, of the Constitution of the United States; (2) a state cession statute; and (3) a reservation of federal jurisdiction upon the admission of a state into the Union.

## MEJA for Juveniles

### LEGISLATIVE PROPOSAL:

To confer concurrent jurisdiction to State juvenile justice systems for offenses committed in a foreign country by juveniles accompanying the Armed Forces.

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Section 3261 of Title 18, United States Code, is amended by inserting at the end the following:

“(e) For any offense in violation of paragraph (a) that would violate section 113, 114, 661, 662, 873, 875, 1111, 1112, 1113, 1591, 1594(a) (involving an attempt to violate section 1591), 1594(c), 2111, 2251, 2252, 2252A, 2261, or 2261A, or chapter 109A, of title 18 and is committed by a person prior to the person’s eighteenth birthday—

(1) jurisdiction is conferred to an appropriate State over that offense, but this provision shall not deprive the courts of the United States of jurisdiction over that offense;

(2) if the United States exercises jurisdiction over that offense, and if the prosecution or adjudication of the offender is initiated before the offender attains 21 years of age, then notwithstanding any other law, the trial of or delinquency proceeding for that offense shall be in an appropriate district.

(3) Definitions. For purposes of this paragraph—

(A) “State” means any State, Commonwealth, Territory, or Possession of the United States, or any political subdivision thereof, or the District of Columbia;

(B) “appropriate State” and “appropriate district” means—

(i) any State or district with a sufficient nexus to the offender or any one of two or more joint offenders; or

(ii) if no such State or district exists under subsection (i), then any State or district where the offender, or any one of two or more joint offenders, is arrested or is first brought; where the last known residence of the offender or any one of two or more joint offenders is located; or the District of Columbia.

(C) “sufficient nexus” means that the offender has present or past connections to the State or district, such as a guardian who is present in or resides in the State or district, or the offender has been the subject of prior proceedings within the State’s juvenile justice system.”

### BACKGROUND/ANALYSIS:

There has been Congressional focus in recent years on the prosecution of juveniles who commit sex offenses generally, and in connection with the military specifically. *See* <https://www.statesman.com/NEWS/20180523/Cornyn-bill-targets-prosecution-of-juvenile-sex-assaults-on-base>. This proposal concerns offenses committed by juveniles accompanying military personnel outside the United States.

Section 3261 of Title 18, United States Code, commonly known as the Military Extraterritorial Jurisdiction Act or MEJA, in relevant part provides for federal jurisdiction over conduct committed outside the United States “that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States” if the offender accompanied the Armed Forces outside the United States.

As is relevant to this proposal, Section 3261 addresses offenses committed not only by adults but also by juveniles who are living abroad with an Armed Forces member. Although there are provisions in place that govern the federal prosecution of juveniles, *see* Chapter 403 of Title 18, United States Code, the State criminal justice systems have a far more robust infrastructure in place to handle these offenders, particularly those who face adjudication proceedings as juveniles (as opposed to prosecution as adults). Among other things, States have appropriate juvenile detention facilities, provide probation officers, prosecutors, defense attorneys, and judges trained in the needs of juvenile offenders, and may have diversion programs in lieu of incarceration. Juvenile offenders are much better served in State criminal justice systems than in federal court, where the federal prosecution of juveniles is rare, and federal adjudication proceedings for juveniles are rarer still. For this reason, one goal of this proposal is to promote the prosecution or adjudication of these offenders in State systems, rather than in federal courts.

Separately, venue for extraterritorial offenses is dictated by 18 U.S.C. § 3238, which provides that such offenders can be prosecuted in the district where they are arrested or are first brought; the district of the last known residence, or if no such residence is known, the District of Columbia. The existing provision with respect to last known address can be challenging to apply to juvenile MEJA offenders. MEJA contains provisions to effectuate the removal of the offender from the country in which they are accompanying the Armed Forces. When those removal procedures are used, an indictment or a complaint must be sought in an appropriate venue prior to the proceedings. However, determining an appropriate venue in such cases can be problematic as the last known address of a military family often may not be located in the jurisdiction in which the juvenile has available guardians. Removing a juvenile to a State with which neither he nor his family has any connection is not in the juvenile offender’s best interest and should be a last resort.

#### *Section by Section Analysis*

This legislative proposal addresses both of these issues. First, it permits State and local authorities to exercise jurisdiction over extraterritorial offenses committed by juveniles. That part of the proposal is modeled on the language of 18 U.S.C. § 3243 (which confers jurisdiction to Kansas for offenses committed in Indian lands). Importantly, this proposal permits States to handle these offenses, but does not require them to do so, and does not divest the federal government of the authority to prosecute the case when appropriate or necessary. This proposal is also limited to serious offenses such as sexual assault, assault, and homicide, adapting the

approach set forth in 49 U.S.C. § 46506 which criminalizes certain conduct committed on airplanes.<sup>83</sup>

If a federal proceeding goes forward, a special venue provision will be applicable to offenders who are under the age of 21 at the time the adjudication or prosecution is initiated. (Consistent with 18 U.S.C. § 5031, the substantive provisions of this legislation apply to offenders under the age of 18, but the procedural provisions cover offenders under age 21.) It specifies that venue should lie in a State or district with a sufficient nexus to the juvenile offender or any one of two or more joint offenders. If there is no such district, then venue is permitted in the district where the offender, or any one of two or more joint offenders, is arrested or is first brought; where the last known residence of the offender or any one of two or more joint offenders is located provided at least one offender has a sufficient nexus to the State in which the district is located; or the District of Columbia. (If the offender is aged 21 or older by the time the adjudication or prosecution is initiated, then venue would be determined by 18 U.S.C. § 3238 as normal.)

One note about the District of Columbia: As this proposal is written, D.C. is intended to serve as a catchall location for both state/local proceedings (D.C. Superior Court) and federal proceedings (U.S. District Court), regardless of what information is known about the last known or current residence. *Cf.* 18 U.S.C. § 3238 (permitting venue in D.C. when no information is available about the offender’s last known residence.) D.C. is uniquely situated among all federal districts as it has a co-extensive “state” system within the district. Given this versatility, the proposal is crafted to permit D.C. to be used in all such cases. (Of course, D.C may also be the site for prosecution if the offender is arrested, first brought, resided, or resides in D.C.)

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 3261**

**(a)** Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

**(1)** while employed by or accompanying the Armed Forces outside the United States; or

**(2)** while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice), shall be punished as provided for that offense.

**(b)** No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

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<sup>83</sup> This proposal applies to conduct committed by juveniles that would violate sections 113 (assault), 114 (maiming), 661 (theft), 662 (receiving stolen property), 873 (blackmail), 875 (extortion and threats), 1111 (murder), 1112 (manslaughter), 1113 (attempted murder and manslaughter), 1591 (sex trafficking), 1594(a) (involving an attempt to violate section 1591), 1594(c) (conspiracy to commit sex trafficking), 2111 (forced robbery), 2251 (production of child pornography), 2252 and 2252A (distribution, receipt, and possession of child pornography), 2261 (domestic violence), 2261A (stalking), or chapter 109A (sexual assault).

(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

- (1) such member ceases to be subject to such chapter; or
- (2) an indictment or information charges that the member committed the offense with one or more other defendants, at least one of whom is not subject to such chapter.

(e) For any offense in violation of paragraph (a) that would violate section 113, 114, 661, 662, 873, 875, 1111, 1112, 1113, 1591, 1594(a) (involving an attempt to violate section 1591), 1594(c), 2111, 2251, 2252, 2252A, 2261, or 2261A, or chapter 109A, of title 18 and is committed by a person prior to the person's eighteenth birthday—

(1) jurisdiction is conferred to an appropriate State over that offense, but this provision shall not deprive the courts of the United States of jurisdiction over that offense;

(2) if the United States exercises jurisdiction over that offense, and if the prosecution or adjudication of the offender is initiated before the offender attains 21 years of age, then notwithstanding any other law, the trial of or delinquency proceeding for that offense shall be in an appropriate district.

(3) Definitions. For purposes of this paragraph—

(A) "State" means any State, Commonwealth, Territory, or Possession of the United States, or any political subdivision thereof, or the District of Columbia;

(B) "appropriate State" and "appropriate district" means—

- (i) any State or district with a sufficient nexus to the offender or any one of two or more joint offenders; or
- (ii) if no such State or district exists under subsection (i), then any State or district where the offender, or any one of two or more joint offenders, is arrested or is first brought; where the last known residence of the offender or any one of two or more joint offenders is located; or the District of Columbia.

(C) "sufficient nexus" means that the offender has past or present connections to the State or district, such as a guardian who is present in or resides in the State or district, or the offender has been the subject of prior proceedings within the State's juvenile justice system.

## Part III: Child Protection Package of Proposals

### Overview

The following is a collection of legislative proposals to take bold and necessary steps to improve the safety of children by bolstering the interdiction in child exploitation crimes, taking steps to create a culture of safety for children online, enhancing courtroom protections for children, and ensuring that the terminology used to describe crimes against children accurately reflects the seriousness of the offense. These proposals are presented separately for clearance as they each address distinct issues, although once each has cleared, the Department envisions presenting them together as a single, comprehensive bill to Congress. The package contains proposals to:

- a. broaden the federal child abuse reporting mandate to apply to tax-exempt charities and federal grant recipients;
- b. enhance protections applicable to child victims and witnesses involved in a federal criminal cases;
- c. facilitate restitution to victims of child exploitation through court-authorized trustees; and
- d. replace the term “child pornography” in federal law with the term “child sexual abuse material”.



## **Mandating Reporting of Suspected Child Abuse by Certain Tax-Exempt Organizations and Federal Grant Recipients**

**LEGISLATIVE PROPOSAL:** To amend the federal child abuse reporting statute to require individuals working for tax-exempt organizations and federal grant recipients that provide services to children to report suspected instances of child sexual abuse.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Victims of Child Abuse Act of 1990.—Section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, unless the covered professional knows or reasonably believes that the incident has already been reported as required by this section or any other law” after “if applicable”; and

(B) in paragraph (2), by inserting after “subsection (d)” the following:

“, unless the covered individual knows or reasonably believes that the incident has already been reported as required by this section or any other law. However, if the suspected incident of child abuse, including sexual abuse, occurred outside the United States, such report is only required if the apparent perpetrator of the abuse is a United States citizen or alien admitted for permanent residence”; and

(2) in subsection (b)(8), by inserting “and computer repair technicians” after “photo processors”; and

(3) in subsection (c)—

(A) in paragraph (9), by striking the paragraph and inserting the following:

“(9) the term “covered individual” means an adult—

(A) who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a child or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization; or

(B) who is authorized to interact with a child by a covered organization or entity that is providing any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to that child;”;

(B) in paragraph (11), by striking “and” after the semi-colon;

(C) in paragraph (12), by striking the period and inserting a semi-colon; and

(D) after paragraph (12), by inserting the following:

“(13) the term “child” means any individual who has not attained 18 years of age;

(14) the term “computer” has the meaning in section 1030 of title 18; and

(15) the term “covered organization or entity” means—

(A) any program that receives, in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant (not including a formula grant to a State, territory, or tribe), contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance to provide any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to a child; or

(B) any organization or entity that is exempt from federal income tax under section 501(c)(3) of title 26.”

#### **BACKGROUND/ANALYSIS:**

This proposal broadens the federal child abuse reporting mandate to apply to tax-exempt charities and federal grant recipients.

##### *Background*

The country reacted in horror to the revelations that Larry Nassar, a former national team doctor for USA Gymnastics and professor at Michigan State University College of Human Medicine, had been sexually abusing women and girls in his care. Over 300 women and girls accused Nassar of sexual assault. In all, Nassar committed thousands of sexual assaults between the early 1990s and the summer of 2016. On January 24, 2018, Nassar was sentenced to 175 years in a Michigan state prison after pleading guilty to seven counts of sexual assault of minors. On February 5, 2018, he was sentenced to an additional 40 to 125 years in prison after pleading guilty to an additional three counts of sexual assault. Nassar was also sentenced to 60 years in federal prison in July 2017 after pleading guilty to charges related to child sexual abuse material.

The horror turned to outrage when it became known how Nassar was aided and abetted in his crimes by USA Gymnastics and the U.S. Olympic Committee (USOC). A comprehensive report, produced by the law firm Ropes & Gray, and commissioned by the USOC, depicted a plodding response to allegations involving Nassar by officials at both the USOC and USA Gymnastics who, “in their own way, maintained secrecy regarding the Nassar allegations and focused on controlling the flow of information about his alleged misconduct,” according to investigators.<sup>84</sup> This report concluded that “Nassar’s ability to abuse athletes for nearly three decades is a manifestation of the broader failures at USA Gymnastics and the USOC to adopt appropriate child-protective policies and procedures to ensure a culture of safety for young athletes.”

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<sup>84</sup> Report of the Independent Investigation – Ropes & Gray LLP, available at <https://www.ropesgray.com/-/media/Files/USOC/ropes-gray-full-report.pdf>

Congress responded quickly. Section 20341 of Title 34, United States Code, had long mandated reporting of suspected child abuse by “covered professionals” working on federal lands or in federally-operated or contracted facilities. In December of 2016, this statute was amended so that it also applied to “covered individuals,” which is defined to mean:

an adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization.

With this legislation, Congress ensured that organizations like the USOC and USA Gymnastics would be required to alert law enforcement about suspected child abuse - or face a criminal penalty for failure to do so. *See* 18 U.S.C. § 2258.

Despite this commendable action, gaps remain in our efforts to protect children from child sexual abuse. For example, in April of 2019, an internal investigation by the Boy Scouts of America (BSA) concluded that 12,254 children were allegedly abused by 7,819 Scout leaders.<sup>85</sup> This number now appears to be a drastic undercount. On February 18, 2020, BSA filed for a Chapter 11 financial restructuring to offer “equitable compensation” to survivors of child sexual assault and their families. At the time, the BSA cited approximately 200 lawsuits pending in state and federal district courts across the United States and 1700 potential claimants in total. In fact, by the November 16 filing deadline, over 95,000 claims were submitted.<sup>86</sup> It is unconscionable that one organization allowed so much abuse to take place for so long.

The Catholic Church is similarly notorious for its handling of allegations of child sexual abuse.<sup>87</sup> For example, in August of 2018, the Pennsylvania Attorney General released a report detailing the results of a two-year grand jury investigation into six dioceses in Pennsylvania that identified 300 priests who had sexually abused 1,000 children over the course of seven decades.<sup>88</sup> Despite the public outrage over this breach of trust, questions remain even today about the remedial measures taken by the Church. In October of 2019, an Associated Press investigation revealed that nearly 1,700 priests and other clergy members that the Roman Catholic Church considers credibly accused of child sexual abuse were living under the radar with little to no oversight from religious authorities or law enforcement.<sup>89</sup> Even worse, these priests, deacons, monks and lay people were teaching middle-school math, counseling survivors of sexual assault, working as nurses and volunteer at nonprofits aimed at helping at-risk kids, living next to playgrounds and daycare centers, and fostering and caring for children. It was then

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<sup>85</sup> <https://www.npr.org/2019/04/26/717201092/abuse-by-boy-scout-leaders-more-widespread-than-earlier-thought>

<sup>86</sup> <https://www.washingtonpost.com/dc-md-va/2020/11/19/boy-scouts-bankruptcy-abuse/>

<sup>87</sup> <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html>

<sup>88</sup> <https://www.attorneygeneral.gov/report/>

<sup>89</sup> <https://www.nbcnews.com/news/religion/nearly-1-700-priests-clergy-accused-sex-abuse-are-supervised-n1062396>

no surprise when on October 1, 2020, after a two-year investigation, the think tank CHILD USA reported that “child-protection policies adopted by Roman Catholic leaders to curb clergy sex abuse in the United States are inconsistent and often worryingly incomplete.”<sup>90</sup>

In the absence of a federal mandate, there is a patchwork of state laws addressing child abuse reporting by institutions. A 2019 report entitled *Mandatory Reporters of Child Abuse and Neglect*, prepared by Child Welfare Information Gateway, assessed the state laws addressing “institutional reporting,” which refers to those situations in which the mandated reporter is working (or volunteering) as a staff member of an institution, such as a school or hospital, at the time he or she gains the knowledge that leads him or her to suspect that abuse or neglect has occurred. According to this report, only 32 States, the District of Columbia, and the Virgin Islands have statutes setting out procedures that must be followed in those instances. Laws in only 17 States, the District of Columbia, and the Virgin Islands make clear that, regardless of any policies within the organization, the mandatory reporter is not relieved of his or her responsibility to report.<sup>91</sup>

This legislative proposal is meant to bolster child protection and supplement this patchwork of state laws by requiring individuals working for organizations that serve children and receive federal benefits (either in the form of tax status or grants) to report suspected child abuse. In the simplest terms, this proposal ensures that all children in the care of service organizations and federal grant recipients receive the same protections currently provided by statute to child athletes. But more than that, it clearly articulates what society expects from entities that are given a tax advantage or federal grant because they are being entrusted to care for children. This proposal says that those entities cannot then be allowed to undermine that trust by concealing known instances of abuse, which creates an unsafe environment for children by protecting the abuser and enabling further abuse. This legislation tells those entities that the federal government will not tolerate any impulse to conceal scandal in a misguided effort to preserve an entity’s reputation and its stream of private tax-free donations or federal tax dollars.

In practical effect, these entities will be required to submit the report to local law enforcement or child protective services as set out in the regulations governing the reporting requirements. *See* 28 C.F.R. § 81.2. Any individual who knowingly fails to comply with this reporting requirement is subject to federal prosecution under 18 U.S.C. § 2258.

#### *Section by Section Analysis*

The proposal amends 34 U.S.C. § 20341 to impose a child abuse reporting requirement on individuals who are “authorized to interact with a child by an organization or entity that is providing any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to that child”. This provision applies to organizations or entities that receive “in any one-year period, benefits in excess of \$10,000 under a Federal program involving

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<sup>90</sup> <https://apnews.com/article/sexual-abuse-by-clergy-personnel-united-states-sexual-abuse-0f56041fffc8c9742701a41e77eacd60>

<sup>91</sup> <https://www.childwelfare.gov/pubPDFs/manda.pdf#page=3&view=Institutional%20responsibility%20to%20report> at p. 3.

a grant (not including a formula grant to a State, territory, or tribe), contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance to provide any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to a child” or that are “exempt from federal income tax under section 501(c)(3) of Title 26 of the United States Code.” The definition of federal grant recipients is adapted from 18 U.S.C. § 666. To avoid being too broad, the legislative language excludes block grants, and specifies that there must be a nexus between the federal benefit and the provision of services to a child. To the extent the legislation requires reporting of incidents of child abuse committed abroad, it is limited to those committed by U.S. citizens and nationals. This avoids a large inflow of reports concerning offenses by foreign perpetrators against foreign victims, which the Department has limited ability to address, while providing information that may lead to a prosecution under 18 U.S.C. § 2423(c), which prohibits Americans from committing “illicit sexual conduct” which children outside the United States. Under the regulations, such reports can be made to the Federal Bureau of Investigation.

The proposal also includes other technical revisions to sharpen the scope of the child abuse reporting obligation. First, to avoid duplication of effort, the proposal amends Section 20341(a)(1) and (2) to eliminate the obligation to report when the individual has reason to believe that such a report has already been made. (Note that the reporting requirement is imposed on individuals, and not the entities for whom they work. As such, if multiple people at the same entity are aware of the same incident of abuse, each of them individually is currently required to submit a report to law enforcement. This legislation modifies the reporting requirement to specify that one report will suffice.) Next, this proposal adds language to define who is a child for purposes of the statute, indicating it is anyone below the age of 18. Finally, the proposal also amends Section 20341(b)(8) to add computer repair technicians to the list of covered professionals who are required to report child abuse discovered in their professional capacity while working in a federally operated or contracted facility. In turn, “computer” is defined broadly to include a range of digital devices. These professionals frequently discover child sexual abuse material on digital devices submitted for repair.<sup>92</sup>

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

### **34 U.S.C. § 20341. Child Abuse Reporting.**

#### **(a) IN GENERAL**

##### **(1) COVERED PROFESSIONALS**

A person who, while engaged in a professional capacity or activity described in subsection (b) on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d) and to the agency or agencies provided for in subsection (e), if applicable, unless the covered professional knows or reasonably believes that the incident has already been reported as required by this section or any other law.

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<sup>92</sup> See e.g., <https://www.columbiatribune.com/story/news/crime/2020/01/21/computer-repair-uncovers-child-pornography/1857424007/>

## (2) COVERED INDIVIDUALS

A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d), unless the covered individual knows or reasonably believes that the incident has already been reported as required by this section or any other law. However, if the suspected incident of child abuse, including sexual abuse, occurred outside the United States, such report is only required if the apparent perpetrator of the abuse is a United States citizen or alien admitted for permanent residence.

**(b) COVERED PROFESSIONALS**—Persons engaged in the following professions and activities are subject to the requirements of subsection (a)(1):

(1) Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.

(2) Psychologists, psychiatrists, and mental health professionals.

(3) Social workers, licensed or unlicensed marriage, family, and individual counselors.

(4) Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.

(5) Child care workers and administrators.

(6) Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.

(7) Foster parents.

(8) Commercial film and photo processors and computer repair technicians.

**(c) DEFINITIONS**—For the purposes of this section—

(1) the term “child abuse” means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;

(2) the term “physical injury” includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;

(3) the term “mental injury” means harm to a child’s psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;

(4) the term “sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;

(5) the term “sexually explicit conduct” means actual or simulated—

(A) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with

an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person;

(B) bestiality;

(C) masturbation;

(D) lascivious exhibition of the genitals or pubic area of a person or animal;<sup>93</sup> or

(E) sadistic or masochistic abuse;

(6) the term “exploitation” means child pornography or child prostitution;<sup>94</sup>

(7) the term “negligent treatment” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child;

(8) the term “child abuse” shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(9) the term “covered individual” means an adult—

(A) who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a ~~minor child~~ or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization; or

(B) who is authorized to interact with a child by a covered organization or entity that is providing any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to that child;

(10) the term “event” includes travel, lodging, practice, competition, and health or medical treatment;

(11) the terms “amateur athlete”, “amateur athletic competition”, “amateur sports organization”, “international amateur athletic competition”, and “national governing body” have the meanings given the terms in section 220501(b) of title 36; ~~and~~

(12) the term “as soon as possible” means within a 24-hour period.;

(13) the term “child” means any individual who has not attained 18 years of age;

(14) the term “computer” has the meaning in section 1030 of title 18; and

(15) the term “covered organization or entity” means—

(A) any program that receives, in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant (not including a formula grant to a State, territory, or tribe), contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance to provide any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to a child; or

(B) any organization or entity that is exempt from federal income tax under section 501(c)(3) of title 26.

**(d) AGENCY DESIGNATED TO RECEIVE REPORT AND ACTION TO BE TAKEN**

<sup>93</sup> A separate legislative proposal updates this definition to include lascivious exhibitions of the anus. Cf. 18 U.S.C. § 2256(2)(A)(v).

<sup>94</sup> Separate legislative proposals change the term “child pornography” to “child sexual abuse material” and “child prostitution” to “child sex trafficking”.



For all Federal lands and all federally operated (or contracted) facilities in which children are cared for or reside and for all covered individuals, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a). By formal written agreement, the designated agency may be a non-Federal agency. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child. All reports received shall be promptly investigated, and whenever appropriate, investigations shall be conducted jointly by social services and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

**(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES**

**(1) RECIPIENTS OF REPORTS**

In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

**(2) MAKERS OF REPORTS**

For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall include members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.

**(f) REPORTING FORM**

In every federally operated (or contracted) facility, on all Federal lands, and for all covered individuals, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

**(g) IMMUNITY FOR GOOD FAITH REPORTING AND ASSOCIATED ACTIONS**

All persons who, acting in good faith, make a report by subsection (a), or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.



**(h) TRAINING OF PROSPECTIVE REPORTERS**

All individuals in the occupations listed in subsection (b)(1) who work on Federal lands, or are employed in federally operated (or contracted) facilities, and all covered individuals, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children.

**(i) RULE OF CONSTRUCTION**

Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.

## **Enhancing Courtroom Protections for Victims of Child Sexual Abuse, Exploitation, and Kidnapping**

**LEGISLATIVE PROPOSAL:** To ensure that certain protections for child victims and witnesses continue to be available after the child turns 18; to add kidnapping as a covered offense; to enhance privacy protections for children by providing a more robust definition of what information should be protected, and by creating a presumption in favor of protecting private information; and for other purposes.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

(a) Section 3509 of Title 18, United States Code is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter before subparagraph (A), by striking “who is under the age of 18,”;

(ii) in subparagraph (A), by striking “or exploitation” and inserting “exploitation, or kidnapping, including international parental kidnapping”; and

(iii) by inserting as undesignated matter at the end “and who was under the age of 18 at the time the crime was committed;”; and

(B) in paragraph (6), by striking “child prostitution” and inserting “child sex trafficking”;

(C) in paragraph (9)(D), by striking “genitals” and inserting “anus, genitals,”;

(D) in paragraph (11), by striking “and” after the semi-colon;

(E) in paragraph (12), by striking the period and inserting “; and”; and

(F) after paragraph (12), by inserting the following:

“(13) the term “protected information” includes—

(A) a child’s personally identifiable information, including phone numbers; user names and identifying information for online, social media, or email accounts; and any information that can be used to distinguish or trace a child’s identity, either alone or when combined with other information that is linked or linkable to a specific child;

(B) medical, dental, behavioral, psychiatric, or psychological information;

(C) educational or juvenile justice records; and

(D) any other information deemed “protected information” by order of the court.

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “ who is under the age of 18 at the time of the proceeding” after “against a child”;

(ii) in subparagraph (C), by striking “minor” and inserting “child”;

(B) in paragraph (2)(A), by inserting “ who is under the age of 18 at the time of the proceeding” after “against a child”;

(3) in subsection (c)(3) by inserting “ who is under the age of 18 at the time of the proceeding” after “witness”;

(4) in subsection (d)—

(A) by striking “the name of or any other information concerning a child” each place it appears and inserting “a child’s protected information”;

(B) in paragraph (1)(A)(ii), by striking “described in clause (i) or the information in them that concerns a child” and inserting “containing a child’s protected information”;

(C) in paragraph (2), by inserting as undesignated matter at the end the following:

“The court may address a failure to comply with this provision in the same manner as disobedience or resistance to a lawful court order.”

(D) in paragraph (3), by inserting “or at its own discretion” after “any person”; by striking “protecting a child from” and inserting “protecting from”; by striking “, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child”, and by inserting at the end the following:

“There shall be a presumption that public disclosure of a child’s protected information would be detrimental to the child. The court shall deny the motion for a protective order only if the court finds that the party opposing the motion has rebutted the presumption of harm.”; and

(E) in paragraph (4), by striking “or an adult attendant,” and inserting “an adult attendant, law enforcement for any intelligence or investigative purpose,” and by inserting at the end the following:

“If any party requests public disclosure of a child’s protected information to further a public interest, the court shall deny such request unless the court finds that the party seeking disclosure has established that there is a compelling public interest in publicly disclosing a child’s protected information, that there is a substantial probability that the public interest would be harmed if the

child’s protected information is not disclosed, that the substantial probability of harm to the public interest outweighs the harm to the child from public disclosure of the child’s protected information, and that there is no alternative to public disclosure of the child’s protected information that would adequately protect the public interest.”; and

(5) in subsection (g)(1), by striking the first sentence and inserting “In addition to services provided by any other law, a multidisciplinary child abuse team shall be used when it is feasible to do so for a child who is under the age of 18 at the time of the proceeding.”;

(6) in subsection (h)(1), by inserting “, and who is under the age of 18 at the time of the proceeding,” after “abuse or exploitation”; and

(7) in subsection (i) by striking “The court, at its discretion” and inserting “If the child is under the age of 18 at the time of the proceeding, the court, at its discretion”.

(b) Victims of Child Abuse Act of 1990.—Section 226(c) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(c)) is amended—

(1) in paragraph (5)(D), by striking “genitals” and inserting “anus, genitals,”; and

(2) in paragraph (6) by striking “child prostitution” and inserting “child sex trafficking”.

(c) Effective Date. The amendments made by this legislation shall apply to conduct that has occurred before, on, or after such date of enactment.

#### **BACKGROUND/ANALYSIS:**

This proposal enhances protections available to children who are involved in federal criminal proceedings, and updates the terminology used to describe certain child exploitation crimes.

##### *Background*

Section 3509 of Title 18, United States Code, provides certain protections to child victims and witnesses, including privacy protections and the right to a speedy trial. This proposal revises this statute in several ways: to make clear that certain protections continue to apply even after the child has turned 18, to expand the statute to apply to child victims of kidnapping, and to bolster the privacy protections afforded in the statute. This proposal also revises some of the terminology used in the statute and makes some technical amendments to account for intervening legislation.

Ensuring that Protections Continue into Adulthood. The statute defines a child as “a person who is under the age of 18 who is, or is alleged to be” a victim of physical abuse, sexual abuse, or exploitation, or is a witness to a crime committed against another person. *See* 18 U.S.C. § 3509(a)(2). Because of this wording, there is uncertainty as to whether Section 3509

still applies when the victim or witness has become an adult by the time of the judicial proceeding. As the trauma inflicted on these victims or witnesses does not evaporate when they turn 18, this proposal amends the statute so that certain special protections and provisions expressly apply to such individuals even if they are adults by the time they go to court.

Note that this legislation does not extend this rule to some provisions in Section 3509 that in context are appropriately limited to children under the age of 18 at the time of the proceeding: subsection (b) (providing for testimony via closed circuit television or videotaped deposition), subsection (c) (addressing the competency of witnesses), subsection (g) (providing for multidisciplinary teams), subsection (h) (providing for guardians ad litem), and subsection (i) in part (permitting close proximity between a child witness and an attendant). Taking each in turn, once child victims or witnesses become adults, no special rule is needed because competency may be examined through the Federal Rules of Evidence. Multidisciplinary teams are meant to specialize in the needs of children. Once child victims and witnesses become adults, they can still receive services as provided by other laws. Guardians ad litem are needed to protect the best interests of children because children presumptively cannot advocate for themselves. That presumption does not continue once an individual reaches adulthood. And the close proximity provisions clearly contemplate children of tender years that would make little sense as applied to adults.

Kidnapping. As currently written, Section 3509 does not apply to victims of kidnapping, even though that crime can be just as traumatizing as abuse or exploitation. This proposal amends the statute so that child kidnapping victims can benefit from the protections in Section 3509. With this change, Section 3509 will be consistent with other provisions that specifically apply to child victims of kidnapping, sexual assault, and exploitation. *Cf.* 18 U.S.C. §§ 3142(e)(3)(E) (presumption of detention for defendants accused of crimes against children); 3283 and 3299 (no statute of limitations for crimes against children); and 3583(k) (period of supervised release for crimes against children).

Privacy. In the internet age, any failure to protect the privacy of victims of child sexual exploitation and abuse can lead to grave danger for the victims, potentially for the rest of their lives. Online offenders can piece together small pieces of information from numerous public filings to determine the identity and location of a victim. In one case, the search warrant and press release revealed the victim's initials, her relationship to the defendant, and the town where he lived. Offenders used this to figure out the victim's name, the school she attended, and where she lived. They then began sending items to her home, to include sex toys and lingerie. Once this information is shared in an offender community, it is difficult to protect the victims. Some have had to legally change their names several times in order to escape the online threats directed at them.

Although Section 3509(d) of Title 18, United States Code, mandates that the parties involved in a criminal prosecution must protect the confidentiality of information concerning minors, this language is no longer adequate in the modern internet age. This legislative proposal enhances these protections by providing a more robust definition of what information should be protected. The legislation also defines "protected information" to include information that is not necessarily identifying, but that is sensitive and personal. This will help foreclose situations such

as that encountered in a recent case when the court refused to seal a court document containing highly sensitive medical information about a victim. This proposal also creates a presumption in favor of protecting a child’s private information.

The proposal also revises Section 3509(d) to make clear that information about victims can be shared among law enforcement for intelligence and investigative purposes. One federal law enforcement office had expressed concern that Section 3509(d) prohibits pooling of information concerning child victims for intelligence purposes. (The question arose in the context of child sex trafficking investigations, as the victims are often moved around the country and traded among defendants. Thus, victim information can be useful to investigate these networks.) Although the Department concluded that the statute does not create this barrier, the language is amended to remove any doubt.

Terminology and Technical Edits. This proposal also amends 18 U.S.C. § 3509(a)(6) and 34 U.S.C. § 20341(c)(6) to replace the term “child prostitution” with “child sex trafficking”. The term child prostitution has fallen out of favor because it discounts the exploitation at the heart of that crime, and instead suggests the child is a willing participant. *See Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, available at <https://ecpat.org/luxembourg-guidelines/>.<sup>95</sup>

Finally, the proposal makes a technical edit to include the lascivious exhibition of the anus in the definition of “sexually explicit conduct” in 18 U.S.C. § 3509(a)(9)(D) and 34 U.S.C. § 20341(c)(5)(D) to comport with other federal law. *Cf.* 18 U.S.C. § 2256(2)(A)(v) (“sexually explicit conduct” includes “lascivious exhibition of the anus, genitals, or pubic area of any person”).

#### *Section by Section Analysis*

First, this proposal amends Section 3509(a), which sets out the definitions for the section. Specifically, Section 3509(a)(2) is revised to define who constitutes a child based on their age at the time of the crime, as opposed to their age at the time of the prosecution. The proposal also amends the definition of “child” to include victims of kidnapping, including victims of international parental kidnapping.

The proposal next amends Sections 3509(a)(6), (a)(9)(D), and (m) to make the terminology and technical edits described above.

A definition of “protected information,” which is used in Section 3509(d) as revised, is added to the definitions set forth in Section 3509(a). Protected information is defined to include “personally identifiable information,” which covers phone numbers; user names and identifying information for online, social media, or email accounts; as well as “information that can be used to distinguish or trace a child’s identity, either alone or when combined with other information that is linked or linkable to a specific child.” Part of this definition is adapted from the definition of personally identifiable information set forth at 2 C.F.R. § 200.79. The legislation also adds

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<sup>95</sup> For similar reasons, a separate legislative proposal replaces the term “child pornography” with “child sexual abuse material” in Sections 3509 and 20341 and the rest of the United States Code.

certain categories of sensitive information that should be protected from public disclosure, including medical, dental, behavioral, psychiatric, or psychological information; and educational or juvenile justice records;. Finally, the legislation deletes the text referring to “any other information concerning a child” and replaces it with a different catchall provision, which is “any other information deemed ‘protected information’ by order of the court.”

Next, this proposal revises Section 3509(d), which makes all parties in a criminal case responsible for ensuring the confidentiality of a child’s “name of or any other information concerning a child.” This proposal replaces that phrase with the term “protected information,” as set forth above.

This proposal gives teeth to Section 3509(d)(2), which requires that a child’s protected information be filed under seal, by allowing courts to impose sanctions for failure to comply with that provision in the same manner that they may address failures to comply with court orders. *See* 18 U.S.C. § 401(c).

This proposal also revises the standard for issuance of a protective order. Currently, the statute directs the court to issue a protective order if “the court determines that there is a significant possibility that such disclosure would be detrimental to the child.” This proposal changes this to create a presumption in favor of issuance of a protective order, unless the opposing party can demonstrate that disclosure would not harm the child. The legislation also permits courts to enter a protective order at its own discretion, without needing a motion by a party.

Section 3509(d) is amended to expressly permit information-sharing among law enforcement as needed. Language is also added to set forth the standard a court should use when evaluating a claim that a party has a First Amendment right to public disclosure of a child’s protected information, adapting the test set forth in *United States v. Doe*, 870 F.3d 991, 996-998 (9th Cir. 2017).

As noted above, the legislation intends that certain provisions in Section 3509 will continue to only be available to children who are under the age of 18 at the time of the proceeding. Thus, the proposal adds the requisite language to Sections 3509(b)(1) and (2), (c), (g), (h), and (i).

**REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

**18 U.S.C. § 3509**

**(a) DEFINITIONS.**—For purposes of this section—

...

(2) the term “child” means a person ~~who is under the age of 18~~, who is or is alleged to be—

(A) a victim of a crime of physical abuse, sexual abuse, ~~or exploitation~~ exploitation, or kidnapping, including international parental kidnapping; or

(B) a witness to a crime committed against another person;

and who was under the age of 18 at the time the crime was committed; ...

(6) the term “exploitation” means child pornography or ~~child prostitution~~ child sex trafficking;...

(9) the term “sexually explicit conduct” means actual or simulated—...

(D) lascivious exhibition of the ~~genitals~~ anus, genitals, or pubic area of a person or animal; or

(11) the term “negligent treatment” means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child; ~~and~~

(12) the term “child abuse” does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty-; and

(13) the term “protected information” includes—

(A) a child’s personally identifiable information, including phone numbers; user names and identifying information for online, social media, or email accounts; and any information that can be used to distinguish or trace a child’s identity, either alone or when combined with other information that is linked or linkable to a specific child;

(B) medical, dental, behavioral, psychiatric, or psychological information;

(C) educational or juvenile justice records; and

(D) any other information deemed “protected information” by order of the court.

**(b) ALTERNATIVES TO LIVE IN-COURT TESTIMONY.—**

**(1) CHILD’S LIVE TESTIMONY BY 2-WAY CLOSED CIRCUIT TELEVISION.—**

**(A)** In a proceeding involving an alleged offense against a child who is under the age of 18 at the time of the proceeding, the attorney for the Government, the child’s attorney, or a guardian ad litem appointed under subsection (h) may apply for an order that the child’s testimony be taken in a room outside the courtroom and be televised by 2-way closed circuit television. The person seeking such an order shall apply for such an order at least 7 days before the trial date, unless the court finds on the record that the need for such an order was not reasonably foreseeable.

**(B)** The court may order that the testimony of the child be taken by closed-circuit television as provided in subparagraph (A) if the court finds that the child is unable to testify in open court in the presence of the defendant, for any of the following reasons:

**(i)** The child is unable to testify because of fear.

**(ii)** There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying.

**(iii)** The child suffers a mental or other infirmity.

**(iv)** Conduct by defendant or defense counsel causes the child to be unable to continue testifying.



(C) The court shall support a ruling on the child's inability to testify with findings on the record. In determining whether the impact on an individual child of one or more of the factors described in subparagraph (B) is so substantial as to justify an order under subparagraph (A), the court may question the ~~minor~~ child in chambers, or at some other comfortable place other than the courtroom, on the record for a reasonable period of time with the child attendant, the prosecutor, the child's attorney, the guardian ad litem, and the defense counsel present.

(D) If the court orders the taking of testimony by television, the attorney for the Government and the attorney for the defendant not including an attorney pro se for a party shall be present in a room outside the courtroom with the child and the child shall be subjected to direct and cross-examination. The only other persons who may be permitted in the room with the child during the child's testimony are—

- (i) the child's attorney or guardian ad litem appointed under subsection (h);
- (ii) persons necessary to operate the closed-circuit television equipment;
- (iii) a judicial officer, appointed by the court; and
- (iv) other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child, including an adult attendant.

The child's testimony shall be transmitted by closed circuit television into the courtroom for viewing and hearing by the defendant, jury, judge, and public. The defendant shall be provided with the means of private, contemporaneous communication with the defendant's attorney during the testimony. The closed circuit television transmission shall relay into the room in which the child is testifying the defendant's image, and the voice of the judge.

**(2) VIDEOTAPED DEPOSITION OF CHILD.—**

(A) In a proceeding involving an alleged offense against a child who is under the age of 18 at the time of the proceeding, the attorney for the Government, the child's attorney, the child's parent or legal guardian, or the guardian ad litem appointed under subsection (h) may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape.

(B) (i) Upon timely receipt of an application described in subparagraph (A), the court shall make a preliminary finding regarding whether at the time of trial the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, and public for any of the following reasons:

- (I) The child will be unable to testify because of fear.
- (II) There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.
- (III) The child suffers a mental or other infirmity.
- (IV) Conduct by defendant or defense counsel causes the child to be unable to continue testifying.

(ii) If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in clause (i), the court shall order that the child's deposition be taken and preserved by videotape.

**(iii)** The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are—

**(I)** the attorney for the Government;

**(II)** the attorney for the defendant;

**(III)** the child's attorney or guardian ad litem appointed under subsection (h);

**(IV)** persons necessary to operate the videotape equipment;

**(V)** subject to clause (iv), the defendant; and

**(VI)** other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.

The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the right to be confronted with the witness against the defendant, and the right to cross-examine the child.

**(iv)** If the preliminary finding of inability under clause (i) is based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that 2-way closed circuit television equipment relay the defendant's image into the room in which the child is testifying, and the child's testimony into the room in which the defendant is viewing the proceeding, and that the defendant be provided with a means of private, contemporaneous communication with the defendant's attorney during the deposition.

**(v)** Handling of videotape.—

The complete record of the examination of the child, including the image and voices of all persons who in any way participate in the examination, shall be made and preserved on video tape in addition to being stenographically recorded. The videotape shall be transmitted to the clerk of the court in which the action is pending and shall be made available for viewing to the prosecuting attorney, the defendant, and the defendant's attorney during ordinary business hours.

**(C)** If at the time of trial the court finds that the child is unable to testify as for a reason described in subparagraph (B)(i), the court may admit into evidence the child's videotaped deposition in lieu of the child's testifying at the trial. The court shall support a ruling under this subparagraph with findings on the record.

**(D)** Upon timely receipt of notice that new evidence has been discovered after the original videotaping and before or during trial, the court, for good cause shown, may order an additional videotaped deposition. The testimony of the child shall be restricted to the matters specified by the court as the basis for granting the order.

**(E)** In connection with the taking of a videotaped deposition under this paragraph, the court may enter a protective order for the purpose of protecting the privacy of the child.

**(F)** The videotape of a deposition taken under this paragraph shall be destroyed 5 years after the date on which the trial court entered its judgment, but not before a final

judgment is entered on appeal including Supreme Court review. The videotape shall become part of the court record and be kept by the court until it is destroyed.

**(c) COMPETENCY EXAMINATIONS.—**

**(1) EFFECT OF FEDERAL RULES OF EVIDENCE.—**Nothing in this subsection shall be construed to abrogate rule 601 of the Federal Rules of Evidence.

**(2) PRESUMPTION.—**A child is presumed to be competent.

**(3) REQUIREMENT OF WRITTEN MOTION.—**A competency examination regarding a child witness who is under the age of 18 at the time of the proceeding may be conducted by the court only upon written motion and offer of proof of incompetency by a party.

**(4) REQUIREMENT OF COMPELLING REASONS.—**A competency examination regarding a child may be conducted only if the court determines, on the record, that compelling reasons exist. A child's age alone is not a compelling reason.

...

**(d) PRIVACY PROTECTION.—**

**(1) CONFIDENTIALITY OF INFORMATION.—**

**(A)** A person acting in a capacity described in subparagraph (B) in connection with a criminal proceeding shall—

**(i)** keep all documents that disclose ~~the name of or any other information concerning a child~~ a child's protected information in a secure place to which no person who does not have reason to know their contents has access; and

**(ii)** disclose documents ~~described in clause (i) or the information in them that concerns a child~~ containing a child's protected information only to persons who, by reason of their participation in the proceeding, have reason to know such information.

**(B)** Subparagraph (A) applies to—

**(i)** all employees of the Government connected with the case, including employees of the Department of Justice, any law enforcement agency involved in the case, and any person hired by the Government to provide assistance in the proceeding;

**(ii)** employees of the court;

**(iii)** the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and

**(iv)** members of the jury.

**(2) FILING UNDER SEAL.—**All papers to be filed in court that disclose ~~the name of or any other information concerning a child~~ a child's protected information shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court—

**(A)** the complete paper to be kept under seal; and

**(B)** the paper with the portions of it that disclose ~~the name of or any other information concerning a child~~ a child's protected information redacted, to be placed in the public record.

The court may address a failure to comply with this provision in the same manner as disobedience or resistance to a lawful court order.

**(3) PROTECTIVE ORDERS.—**

(A) On motion by any person or at its own discretion the court may issue an order ~~protecting a child from~~ protecting from public disclosure of ~~the name of or any other information concerning the child~~ a child's protected information in the course of the proceedings, ~~if the court determines that there is a significant possibility that such disclosure would be detrimental to the child.~~ There shall be a presumption that public disclosure of a child's protected information would be detrimental to the child. The court shall deny the motion for a protective order only if the court finds that the party opposing the motion has rebutted the presumption of harm.

(B) A protective order issued under subparagraph (A) may—

(i) provide that the testimony of a child witness, and the testimony of any other witness, when the attorney who calls the witness has reason to anticipate that ~~the name of or any other information concerning a child~~ a child's protected information may be divulged in the testimony, be taken in a closed courtroom; and

(ii) provide for any other measures that may be necessary to protect the privacy of the child.

**(4) DISCLOSURE OF INFORMATION.—**This subsection does not prohibit disclosure of ~~the name of or other information concerning a child~~ a child's protected information to the defendant, the attorney for the defendant, a multidisciplinary child abuse team, a guardian ad litem, ~~or an adult attendant,~~ an adult attendant, law enforcement for any intelligence or investigative purpose, or to anyone to whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the child. If any party requests public disclosure of a child's protected information to further a public interest, the court shall deny such request unless the court finds that the party seeking disclosure has established that there is a compelling public interest in publicly disclosing a child's protected information, that there is a substantial probability that the public interest would be harmed if the child's protected information is not disclosed, that the substantial probability of harm to the public interest outweighs the presumed harm to the child from public disclosure of the child's protected information, and that there is no alternative to public disclosure of the child's protected information that would adequately protect the public interest.

...

**(g) USE OF MULTIDISCIPLINARY CHILD ABUSE TEAMS.—**

**(1) IN GENERAL.—**~~A multidisciplinary child abuse team shall be used when it is feasible to do so.~~ In addition to services provided by any other law, a multidisciplinary child abuse team shall be used when it is feasible to do so for a child who is under the age of 18 at the time of the proceeding. The court shall work with State and local governments that have established multidisciplinary child abuse teams designed to assist child victims and child witnesses and the court and the attorney for the Government shall consult with the multidisciplinary child abuse team as appropriate.

...

**(h) GUARDIAN AD LITEM.—**

(1) In general.—The court may appoint, and provide reasonable compensation and payment of expenses for, a guardian ad litem for a child who was a victim of, or a witness to, a

crime involving abuse or exploitation, and who is under the age of 18 at the time of the proceeding, to protect the best interests of the child. In making the appointment, the court shall consider a prospective guardian's background in, and familiarity with, the judicial process, social service programs, and child abuse issues. The guardian ad litem shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.

**(i) ADULT ATTENDANT.**—A child testifying at or attending a judicial proceeding shall have the right to be accompanied by an adult attendant to provide emotional support to the child. ~~The court, at its discretion~~ If the child is under the age of 18 at the time of the proceeding, the court, at its discretion, may allow the adult attendant to remain in close physical proximity to or in contact with the child while the child testifies. The court may allow the adult attendant to hold the child's hand or allow the child to sit on the adult attendant's lap throughout the course of the proceeding. An adult attendant shall not provide the child with an answer to any question directed to the child during the course of the child's testimony or otherwise prompt the child. The image of the child attendant, for the time the child is testifying or being deposed, shall be recorded on videotape.

### 34 U.S.C. § 20341(c)

(5) the term "sexually explicit conduct" means actual or simulated—...

(D) lascivious exhibition of the ~~genitals~~ anus, genitals, or pubic area of a person or animal; or

(6) the term "exploitation" means child pornography or ~~child prostitution~~ child sex trafficking;  
...

## **Facilitating the Appointment of a Trustee or Fiduciary for Restitution for Certain Victims of Human Trafficking, Sexual Assault, Child Exploitation, and Crimes of Violence**

**LEGISLATIVE PROPOSAL:** To create a statutory infrastructure permitting the appointment of a trustee or fiduciary to be responsible for the collection and disbursement of restitution ordered for victims of human trafficking, sexual assault, child exploitation, and crimes of violence who are under the age of 18, incompetent, or incapacitated at the time of sentencing, or who are foreign citizens residing outside the United States.

**PROPOSED LEGISLATIVE LANGUAGE** (*a redline of the statute(s) as amended by this legislation is at the end of this proposal*):

Title 18, United States Code is amended—

(1) in section 1593—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

“(c) The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim’s losses.”; and

(C) in subsection (d) as so redesignated, by striking “chapter, including, in” and inserting “chapter. In”, and by inserting “may assume the crime victim’s rights under this section” after “suitable by the court”; and

(2) in section 2248—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following:

“(c) The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to any costs incurred by the victim.”; and

(C) in subsection (d) as so redesignated, by striking “chapter, including, in” and inserting “chapter. In”, and by inserting “may assume the crime victim’s rights under this section” after “suitable by the court”; and

(3) in section 2259—

(A) in subsection (b), by inserting the following after paragraph (4):

“(5) Trustee or Other Fiduciary.—If at the time the court issues an order under this section, the victim is under 18 years of age, is incompetent or incapacitated, or is a foreign citizen residing outside the United States, the court, at its own discretion or upon motion by the government, may appoint a trustee or other fiduciary to hold any amount paid for restitution in a trust or other official account for the victim’s benefit. The court shall issue an order specifying the duties of the trustee or other fiduciary, which shall include the administration of the trust or maintaining an official account in the best interests of the victim, and disbursing payments from such trust or account to the victim or to any individual or entity providing any service to the victim. The order shall indicate that the trustee or other fiduciary shall avoid any conflict of interest, shall not profit from the administration of the trust or maintaining an official account for the benefit of the victim other than as specified in its order, and shall not delegate administration of the trust or maintaining the official account to any other person. The order shall specify if and when the trust or the duties of the other fiduciary will expire, and shall specify the fees payable to the trustee or other fiduciary to cover expenses of administering the trust or maintaining the official account for the benefit of the victim. The court shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim’s losses, and may determine the schedule for payment of fees to the trustee or other fiduciary.”; and

(4) in section 2429—

(A) in subsection (b)(3), by striking “2259(b)(3)” and inserting “2259(c)(2)”; and

(B) by redesignating subsection (d) as subsection (e);

(C) by inserting after subsection (c) the following:

“(d) The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim’s losses.”; and

(D) in subsection € as so redesignated, by striking “chapter, including, in” and inserting “chapter. In”, and by inserting “may assume the crime victim’s rights under this section” after “suitable by the court”; and

(5) in section 3663A, by inserting after subsection (d) the following:

“(e) For any order issued under this section involving an offense that is a crime of violence, the court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall include the cost of such trustee or other fiduciary in its order under subsection (b).”.

#### **BACKGROUND/ANALYSIS:**

This proposal enhances our ability to provide restitution to child victims of sexual exploitation and abuse.

## *Background*

Restitution is an important aspect of obtaining justice for the victim. Under federal law, restitution is mandatory for victims of child exploitation, human trafficking, sexual assault, and crimes of violence involving bodily injury or pecuniary loss. However, in certain circumstances, there are obstacles to getting restitution to the victim. If the victim is still under the age of 18, for example, restitution may be received by a parent or guardian on behalf of the child. But once that money is remitted, there is no method to ensure that the parent or guardian actually spends the money for the benefit of the child. For foreign victims residing abroad, particularly those in impoverished countries, payment of restitution can be difficult, dangerous, or both. Some foreign victims may not have access to a reliable banking system in their country. And the sudden influx of even a modest amount of cash may make a foreign victim a target for extortion, robbery, or fraud.

To date, the Department has tried to address these issues through the appointment of a trustee or other fiduciary to be financially responsible for collecting and disbursing restitution funds. Such trustees or fiduciaries typically are empowered to make payments to third-parties, such as therapists or schools, obviating the need for the victim to have a bank account and reducing the risk that they will be targeted for having access to cash. However, each time this is done, prosecutors are almost starting from scratch, as there is no legal authority to point to for the appointment of a trustee.

This proposal addresses this situation by amending the relevant statutes to permit courts to appoint a trustee or other fiduciary to handle restitution on the victim's behalf. The administrative costs of the trustee or fiduciary are passed on to the defendant through the restitution order. With the creation of a statutory infrastructure, the goal is to have trustees appointed more often, and in a more efficient manner.

This legislation deliberately keeps a narrow focus in two respects. First, it only permits the appointment of a trustee or fiduciary if the victim is under the age of 18 or is incompetent or incapacitated at the time the order is issued, or if the victim is a foreign citizen residing abroad. In our experience, it is those classes of victims who are most in need of a third-party to handle restitution. Second, the legislation applies to the statutes mandating restitution for victims of human trafficking, sexual assault, child exploitation, or crimes of violence involving bodily harm or pecuniary loss. These provisions are thematically consistent, as all involve the infliction of serious physical and psychological trauma on the victims.

## *Section by Section Analysis*

The proposal amends 18 U.S.C. §§ 1593 (restitution for human trafficking offenses), 2248 (restitution for sexual assault on federal land), 2259 (restitution for offenses involving child sexual abuse material), 2429 (restitution for travel and transportation offenses, child abuse committed abroad, and enticement and coercion), and 3663A (restitution for offenses involving bodily injury or pecuniary loss).



Section 2259(b) is amended to contain the operative text authorizing the court to appoint a trustee or fiduciary, and setting forth the basic duties of such trustee or fiduciary. This proposal requires the court to issue an order to appoint a trustee or other fiduciary because this then allows courts to impose sanctions for failure to comply with its order. *See* 18 U.S.C. § 401(c). This text gives the trustee or fiduciary the discretion to make the payment directly to a third-party as appropriate. The legislation also amends Section 2259(b) to indicate that the costs of such trustee or fiduciary should be paid by the defendant. The court is given the discretion to set a schedule for payments to the trustee or fiduciary. The intent is that the trustee will neither be paid before or after the defendant satisfies his restitution obligation (or any other financial obligation), but rather that the trustee will receive regular payments throughout their service.

For Sections 1593, 2248, 2429, and 3663A, the legislation amends the statute to permit the appointment of a trustee or fiduciary by way of a cross-reference to Section 2259. The Department took this cross-reference approach because it follows the pre-existing pattern among the relevant statutes, half of which already contain cross-references to Section 2259. Per the explanation above, the amendment to Section 3663A only permits appointment of a trustee or fiduciary for victims of a crime of violence. (It is very unlikely that children in particular would be victims of the other offenses for which restitution would be required under Section 3663A. *See* 18 U.S.C. § 3663A(c)(1)(A)(ii)-(v).) Although it may not be strictly necessary given the cross-reference to Section 2259, the legislation amends Sections 1593, 2248, 2429, and 3663A to indicate that the costs of such trustee or fiduciary should be paid by the defendant. This avoids any possibility of ambiguity with respect to the costs to be imposed on the defendant.

Finally, the legislation makes a few technical corrections to the statutes. Section 2429 is amended so that it references the correct subsection of Section 2259. For Sections 1593, 2248, and 2429, the legislation also amends the definition of “victim” to create consistency with other statutes, including the Crime Victims Rights Act. *See* 18 U.S.C. § 3771(e)(2)(B). *See also* 18 U.S.C. § 2259(c)(4). The definition of victim in Sections 3771 and 2259 is preferable because it more clearly states that parents and guardians stand-in for victims who are underaged, incompetent, or incapacitated.

#### **REDLINE OF THE CURRENT STATUTE(S) AS AMENDED BY THE LEGISLATION:**

##### **18 U.S.C. § 1593 – restitution in human trafficking cases**

- (a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.
- (b) (1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.
- (2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.
- (3) As used in this subsection, the term “full amount of the victim’s losses” has the same meaning as provided in section 2259(c)(2) and shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of

the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(4) The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

(c) The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim's losses.

**(e d)** As used in this section, the term "victim" means the individual harmed as a result of a crime under this ~~chapter, including, in chapter.~~ In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court may assume the crime victim's rights under this section, but in no event shall the defendant be named such representative or guardian.

#### **18 U.S.C. § 2248 – restitution for Chapter 109A offenses**

**(a) IN GENERAL.**—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

#### **(b) SCOPE AND NATURE OF ORDER.**—

**(1) DIRECTIONS.**—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court pursuant to paragraph (2).

**(2) ENFORCEMENT.**—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

**(3) DEFINITION.**—For purposes of this subsection, the term "full amount of the victim's losses" includes any costs incurred by the victim for—

**(A)** medical services relating to physical, psychiatric, or psychological care;

**(B)** physical and occupational therapy or rehabilitation;

**(C)** necessary transportation, temporary housing, and child care expenses;

**(D)** lost income;

**(E)** attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

**(F)** any other losses suffered by the victim as a proximate result of the offense.

#### **(4) ORDER MANDATORY.**—

**(A)** The issuance of a restitution order under this section is mandatory.

**(B)** A court may not decline to issue an order under this section because of—

**(i)** the economic circumstances of the defendant; or

**(ii)** the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to any costs incurred by the victim.

**(e d) DEFINITION.**—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this ~~chapter, including, in chapter.~~ In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court may assume the crime victim’s rights under this section, but in no event shall the defendant be named as such representative or guardian.

## **18 U.S.C. § 2259**

**(a) IN GENERAL.**—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

**(b) SCOPE AND NATURE OF ORDER.**—

**(1) DIRECTIONS.**— Except as provided in paragraph (2), the order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses.

**(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.**—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

**(A) DETERMINING THE FULL AMOUNT OF A VICTIM’S LOSSES.**—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

**(B) DETERMINING A RESTITUTION AMOUNT.**—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant’s relative role in the causal process that underlies the victim’s losses, but which is no less than \$3,000.

**(C) TERMINATION OF PAYMENT.**—A victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses. After the victim has received restitution in the full amount of the victim’s losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.

**(3) ENFORCEMENT.**—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

**(4) ORDER MANDATORY.**—

**(A)** The issuance of a restitution order under this section is mandatory.

**(B)** A court may not decline to issue an order under this section because of—

**(i)** the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

**(5) Trustee or Other Fiduciary.**— If at the time the court issues an order under this section, the victim is under 18 years of age, is incompetent or incapacitated, or is a foreign citizen residing outside the United States, the court, at its own discretion or upon motion by the government, may appoint a trustee or other fiduciary to hold any amount paid for restitution in a trust or other official account for the victim’s benefit. The court shall issue an order specifying the duties of the trustee or other fiduciary, which shall include the administration of the trust or maintaining an official account in the best interests of the victim, and disbursing payments from such trust or account to the victim or to any individual or entity providing any service to the victim. The order shall indicate that the trustee or other fiduciary shall avoid any conflict of interest, shall not profit from the administration of the trust or maintaining an official account for the benefit of the victim other than as specified in its order, and shall not delegate administration of the trust or maintaining the official account to any other person. The order shall specify if and when the trust or the duties of the other fiduciary will expire, and shall specify the fees payable to the trustee or other fiduciary to cover expenses of administering the trust or maintaining the official account for the benefit of the victim. The court shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim’s losses, and may determine the schedule for payment of fees to the trustee or other fiduciary.

**(c) DEFINITIONS.—**

(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term ‘child pornography production’ means conduct proscribed by subsections (a) through (c) of section 2251, section 2251A, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography (as such term is defined in section 2256).

(2) FULL AMOUNT OF THE VICTIM’S LOSSES.—For purposes of this subsection, the term ‘full amount of the victim’s losses’ includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of trafficking in child pornography offenses, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

- (A) medical services relating to physical, psychiatric, or psychological care;
- (B) physical and occupational therapy or rehabilitation;
- (C) necessary transportation, temporary housing, and child care expenses;
- (D) lost income;
- (E) reasonable attorneys’ fees, as well as other costs incurred; and
- (F) any other relevant losses incurred by the victim.

(3) TRAFFICKING IN CHILD PORNOGRAPHY.—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means conduct proscribed by section 2251(d), 2252, 2252A(a)(1) through (5), 2252A(g) (in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or section 2260(b), or 2260(b)).

(4) Victim.—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or

representative of the victim's estate, another family member, or any other person appointed as suitable by the court may assume the crime victim's rights under this section, but in no event shall the defendant be named as such representative or guardian. ...

### **18 U.S.C. § 2429 – restitution for Chapter 117 offenses**

**(a)** Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

**(b)** **(1)** The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim's services, if the services constitute commercial sex acts as defined under section 1591.

**(2)** An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

**(3)** As used in this subsection, the term "full amount of the victim's losses" has the same meaning as provided in section ~~2259(b)(3)~~ 2259(c)(2).

**(c)** The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

**(d)** The court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall order the defendant to pay the cost of such trustee or other fiduciary in addition to the full amount of the victim's losses.

**(d e)** As used in this section, the term "victim" means the individual harmed as a result of a crime under this ~~chapter, including, in chapter.~~ In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court may assume the crime victim's rights under this section, but in no event shall the defendant be named such representative or guardian.

### **18 U.S.C. § 3663A – mandatory restitution for offenses involving physical injury or pecuniary loss**

**(a)** **(1)** Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in subsection (c), the court shall order, in addition to, or in the case of a misdemeanor, in addition to or in lieu of, any other penalty authorized by law, that the defendant make restitution to the victim of the offense or, if the victim is deceased, to the victim's estate.

**(2)** For the purposes of this section, the term "victim" means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of

the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

(3) The court shall also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.

(b) The order of restitution shall require that such defendant—

(1) in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense—

(A) return the property to the owner of the property or someone designated by the owner; or

(B) if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to—

(i) the greater of—

(I) the value of the property on the date of the damage, loss, or destruction; or

(II) the value of the property on the date of sentencing, less

(ii) the value (as of the date the property is returned) of any part of the property that is returned;

(2) in the case of an offense resulting in bodily injury to a victim—

(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

(C) reimburse the victim for income lost by such victim as a result of such offense;

(3) in the case of an offense resulting in bodily injury that results in the death of the victim, pay an amount equal to the cost of necessary funeral and related services; and

(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses incurred during participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

(c) (1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense—

(A) that is—

(i) a crime of violence, as defined in section 16;

(ii) an offense against property under this title, or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)), including any offense committed by fraud or deceit;

(iii) an offense described in section 3 of the Rodchenkov Anti-Doping Act of 2019;

(iv) an offense described in section 1365 (relating to tampering with consumer products); or

(v) an offense under section 670 (relating to theft of medical products);

and

(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

(2) In the case of a plea agreement that does not result in a conviction for an offense described in paragraph (1), this section shall apply only if the plea specifically states that an offense listed under such paragraph gave rise to the plea agreement.

(3) This section shall not apply in the case of an offense described in paragraph (1)(A)(ii) or (iii) if the court finds, from facts on the record, that—

(A) the number of identifiable victims is so large as to make restitution impracticable; or

(B) determining complex issues of fact related to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

(d) An order of restitution under this section shall be issued and enforced in accordance with section 3664.

(e) For any order issued under this section involving an offense that is a crime of violence, the court may appoint a trustee or other fiduciary as provided in section 2259(b)(5) of this title, and shall include the cost of such trustee or other fiduciary in its order under subsection (b).

## Eliminating the Term “Child Pornography” from Federal Law

### LEGISLATIVE PROPOSAL:

To amend the United States Code to replace the term “child pornography” with “child sexual abuse material”.

### PROPOSED LEGISLATIVE LANGUAGE (*a redline of selected statutes as amended by this legislation is at the end of this proposal*):

- (a) **Statement of Purpose.**—It is the intent and purpose of Congress that the term “child sexual abuse material” has the same legal meaning and definition as “child pornography” as that term was used in federal statutes and case law prior to enactment of this law.
- (b) **Findings.**—
- (1) Changing the term “child pornography” to “child sexual abuse material” is needed in order to ensure that the terms used to describe these visual depictions accurately and adequately reflect the nature and seriousness of the underlying crimes.
  - (2) There is a growing understanding, worldwide, that use of the term “child pornography” is detrimental to child protection efforts as it fosters a false perception of the lack of harm and risks to the child victims of these crimes. The term is also highly offensive to the children depicted in these images who suffer profound and potentially lifelong adverse effects from the initial assault, molestation, or exploitation; the endless existence and proliferation of the images on the internet; ongoing threats to their health, safety, dignity, and privacy from offenders who pursue them online and in the physical world; and the perception that the images of their abuse are merely “pornography.”
  - (3) Since “child pornography” laws were first passed in the United States more than forty years ago, the images have become increasingly extreme, depicting younger and younger children, and more depraved sexual violence. This dramatic and alarming increase in the abuse depicted in these images only underscores the ever-growing disconnect between the true content of the images and that which is implied by the term “child pornography.”
  - (4) The word “pornography,” as most commonly understood, suggests images of consenting adults engaged in a sexual performance or exhibition. The term “child pornography” suggests that the only difference is the age of the “performer.” This is misleading both legally and factually. Children are not capable of consenting to take part in pornography. Inherent in every sexually explicit image of a child is abuse, rape, molestation, or exploitation—acts that are often serious crimes on their own, even when not live-streamed to an audience or eternally memorialized in photos or videos.



- (5) The market for child sexual abuse material creates a condition of ever-increasing risk for children generally, as children are the commodity that satisfies the insidious and growing demand existing in that market—a market which requires the abuse and exploitation of children.

**(c) Amendments.—**

- (1) Title 5, United States Code.—Chapter 65 of title 5, United States Code, is amended—
  - (A) in section 6502(a)(2)(B), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in section 6504(c)(2)(F), by striking “child pornography” and inserting “child sexual abuse material”.
- (2) Homeland Security Act of 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—
  - (A) in section 307(b)(3)(D) (6 U.S.C. 187(b)(3)(D)), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in section 890A (6 U.S.C. 473)—
    - (i) in subsection (b)(2)(A)(ii), by striking “child pornography” and inserting “child sexual abuse material”; and
    - (ii) in subsection (e)(3)(B)(ii), by striking “child pornography” and inserting “child sexual abuse material”.
- (3) Immigration and Nationality Act.—Section 101(a)(43)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(I)) is amended by striking “child pornography” and inserting “child sexual abuse material”.
- (4) Small Business Jobs Act of 2010.—Section 3011(c) of the Small Business Jobs Act of 2010 (12 U.S.C. 5710(c)) is amended by striking “child pornography” and inserting “child sexual abuse material”.
- (5) Broadband Data Improvement Act.—Section 214(a)(2) of Broadband Data Improvement Act (15 U.S.C. 6554(a)(2)) is amended by striking “child pornography” and inserting “child sexual abuse material”.
- (6) CAN-SPAM Act of 2003.—Section 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15 U.S.C. 7703(b)(2)(B)) is amended by striking “child pornography” and inserting “child sexual abuse material”.

- (7) Title 18, United States Code.—Title 18, United States Code, is amended—
- (A) in section 1956(c)(7)(D), by striking “child pornography” each place the term appears and inserting “child sexual abuse material”;
  - (B) in Chapter 110—
    - (i) in section 2251(e), by striking “child pornography” and inserting “child sexual abuse material”;
    - (ii) in section 2252(b)—
      - (I) in paragraph (1), by striking “child pornography” and inserting “child sexual abuse material”; and
      - (II) in paragraph (2) by striking “child pornography” and inserting “child sexual abuse material”;
    - (iii) in section 2252A—
      - (I) in the section heading, by striking “material constituting or containing child pornography” and inserting “child sexual abuse material”;
      - (II) in subsection (a)—
        - (aa) in paragraph (1), by striking “child pornography” and inserting “child sexual abuse material”;
        - (bb) in paragraph (2)—
          - (AA) in subparagraph (A), by striking “child pornography” and inserting “child sexual abuse material”; and
          - (BB) in subparagraph (B), by striking “material that contains child pornography” and inserting “item that contains child sexual abuse material”;
        - (cc) in paragraph (3)(A), by striking “child pornography” and inserting “child sexual abuse material”;
        - (dd) in paragraph (4)—

(AA) in subparagraph (A), by striking “child pornography” and inserting “child sexual abuse material”; and

(BB) in subparagraph (B), by striking “child pornography” and inserting “child sexual abuse material”;

(ee) in paragraph (5)—

(AA) in subparagraph (A), by striking “material that contains an image of child pornography” and inserting “item containing child sexual abuse material”; and

(BB) in subparagraph (B), by striking “material that contains an image of child pornography” and inserting “item containing child sexual abuse material”; and

(ff) in paragraph (7)—

(AA) by striking “child pornography” and inserting “child sexual abuse material”; and

(BB) by striking the period at the end and inserting a comma;

(III) in subsection (b)—

(aa) in paragraph (1), by striking “child pornography” and inserting “child sexual abuse material”; and

(bb) in paragraph (2), by striking “child pornography” each place the term appears and inserting “child sexual abuse material”; and

(IV) in subsection (c)—

(aa) in paragraph (1)(A), by striking “child pornography” and inserting “child sexual abuse material”;

(bb) in paragraph (2), by striking “child pornography” and inserting “child sexual abuse material”; and

(cc) in the undesignated matter following paragraph (2), by striking “child pornography” and inserting “child sexual abuse material”;

(V) in subsection (d)(1), by striking “child pornography” and inserting “child sexual abuse material”; and

- (VI) in subsection (e), by striking “child pornography” each place the term appears and inserting “child sexual abuse material”;
- (iv) in section 2256(8)—
  - (I) by striking “child pornography” and inserting “child sexual abuse material”; and
  - (II) by striking the period at the end and inserting a semicolon;
- (v) in section 2257A(h)—
  - (I) in paragraph (1)(A)(iii), by striking “a visual depiction that is child pornography” and inserting “child sexual abuse material”; and
  - (II) in paragraph (2), by striking “any visual depiction that is child pornography” and inserting “child sexual abuse material”;
- (vi) in section 2258A—
  - (I) in subsection (a)(2)—
    - (aa) in subparagraph (A), by striking “that involves child pornography”; and
    - (bb) in subparagraph (B), by striking “involving child pornography”;
  - (II) in subsection (b)—
    - (aa) in paragraph (4)—
      - (AA) in the paragraph heading, by striking “Visual Depictions of Apparent Child Pornography” and inserting “Apparent Child Sexual Abuse Material”; and
      - (BB) and by striking “Any visual depiction of apparent child pornography” and inserting “Any apparent child sexual abuse material”;
    - (bb) in paragraph (5), by striking “visual depiction of apparent child pornography” and inserting “apparent child sexual abuse material”; and
  - (III) in subsection (g)(2)(B) by striking “visual depictions of apparent child pornography” and inserting “apparent child sexual abuse material”;

(vii) in section 2258C—

- (I) in the section heading, by striking “Use to combat child pornography of technical elements relating to reports made to the CyberTipline” and inserting “Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material”;
- (II) in subsection (a)—
  - (aa) in paragraph (2), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (bb) in paragraph (3), by striking “the actual visual depictions of apparent child pornography” and inserting “any apparent child sexual abuse material”;
- (III) in subsection (d), by striking “child pornography” and inserting “child sexual abuse material”; and
- (IV) in subsection (e), by striking “child pornography visual depiction” and inserting “child sexual abuse material”;

(viii) in section 2259—

- (I) in subsection (b)(2)—
  - (aa) in the paragraph heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”;
  - (bb) in the matter preceding subparagraph (A), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (cc) in subparagraph (A), by striking “child pornography” and inserting “child sexual abuse material”; and
- (II) in subsection (c)—
  - (aa) in paragraph (1)—
    - (AA) in the paragraph heading, by striking “Child Pornography Production” and inserting “Production of Child Sexual Abuse Material”;
    - (BB) by striking “child pornography production” and inserting “production of child sexual abuse material”; and

(CC) by striking “child pornography” and inserting “child sexual abuse material”; and

(bb) in paragraph (2), in the matter preceding subparagraph (A), by striking “trafficking in child pornography offenses” each place the term appears and inserting “offenses for trafficking in child sexual abuse material”;

(cc) in paragraph (3)—

(AA) in the paragraph heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”; and

(BB) by striking “child pornography” and inserting “child sexual abuse material”; and

(III) in subsection (d)(1)—

(aa) in subparagraph (A)—

(AA) by striking “Child Pornography Victims Reserve” and inserting “Reserve for Victims of Child Sexual Abuse Material”; and

(BB) by striking “child pornography” each place the term appears and inserting “child sexual abuse material”;

(bb) in subparagraph (B) by striking “child pornography” and inserting “child sexual abuse material”; and

(cc) in subparagraph (C)—

(AA) by striking “Child Pornography Victims Reserve” and inserting “Reserve for Victims of Child Sexual Abuse Material”; and

(BB) by striking “child pornography” and inserting “child sexual abuse material”;

(ix) in section 2259A—

(I) in the section heading, by striking “child pornography cases” and inserting “cases involving child sexual abuse material”;

(II) in subsection (a)—

- (aa) in paragraph (2), by striking “child pornography” and inserting “child sexual abuse material”; and
- (bb) in paragraph (3), by striking “a child pornography production offense” and inserting “an offense for production of child sexual abuse material”;
- (III) in subsection (d)(2)(B), by striking “child pornography production or trafficking offense that the defendant committed” and inserting “offense for production of child sexual abuse material or trafficking in child sexual abuse material committed by the defendant”;
- (x) in section 2259B—
  - (I) in the section heading, by striking “Child pornography victims reserve” and inserting “Reserve for victims of child sexual abuse material”;
  - (II) in subsection (a), by striking “Child pornography victims reserve” each place it appears and inserting “Reserve for victims of child sexual abuse material”;
  - (III) in subsection (b), by striking “Child pornography victims reserve” each place it appears and inserting “Reserve for victims of child sexual abuse material”; and
  - (IV) in subsection (c), by striking “Child pornography victims reserve” and inserting “Reserve for victims of child sexual abuse material”;<sup>96</sup>
- (C) in chapter 117—
  - (i) in section 2423(f)(3), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (ii) in section 2427—
    - (I) in the section heading, by striking “child pornography” and inserting “child sexual abuse material”; and
    - (II) by striking “child pornography” and inserting “child sexual abuse material”;
- (D) in section 2516—
  - (i) in subsection (1)(c), by striking “material constituting or containing child pornography” and inserting “child sexual abuse material”;

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<sup>96</sup> This legislation does not amend the text in 18 U.S.C. § 2259B(d), since the term “child pornography” appears in that provision as part of the name of enacted legislation.

- (ii) in subsection (2), by “child pornography production” and inserting “production of child sexual abuse material”;
- (E) in section 3014(h)(3), by striking “child pornography victims” and inserting “victims of child sexual abuse material”;
- (F) in section 3509—
  - (i) in subsection (a)(6), by striking “child pornography” and inserting “conduct relating to child sexual abuse material”;
  - (ii) in subsection (m)—
    - (I) in the subsection heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”;
    - (II) in paragraph (1), by striking “property or material that constitutes child pornography (as defined by section 2256 of this title)” and inserting “child sexual abuse material (as defined by section 2256 of this title), or property or item containing such material.”;
    - (III) in paragraph (2)—
      - (aa) in subparagraph (A), by striking “property or material that constitutes child pornography (as defined by section 2256 of this title)” and inserting “child sexual abuse material (as defined by section 2256 of this title), or property or item containing such material”, and by striking “property or material” the second place it appears and inserting “child sexual abuse material, property, or item”; and
      - (bb) in subparagraph (B), by striking “property or material” each place it appears and inserting “child abuse material, property, or item”;
    - (IV) in paragraph (3), by striking “property or material that constitutes child pornography” and inserting “child sexual abuse material”; striking “child pornography” the second place it appears and inserting “child sexual abuse material”, and striking “property or material” the second place it appears and inserting “child sexual abuse material”; and
- (G) in section 3632(d)(4)(D)(xlii), by striking “material constituting or containing child pornography” and inserting “child sexual abuse material”.
- (H) Effective Date.—The amendments made by this subsection shall apply to conduct that has occurred before, on, or after such date of enactment.



(8) Tariff Act of 1930.—Section 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1583(a)(2)(B)) is amended by striking “child pornography” and inserting “child sexual abuse material”.

(9) Elementary and Secondary Education Act of 1965.—Section 4121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(A)(ii), by striking “child pornography” and inserting “child sexual abuse material”; and

(ii) in paragraph (2)(A)(ii), by striking “child pornography” and inserting “child sexual abuse material”; and

(B) in subsection (e)(5)—

(i) in the paragraph heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”; and

(ii) by striking “child pornography” and inserting “child sexual abuse material”.

(10) Museum and Library Services Act.—Section 224(f) of the Museum and Library Services Act (20 U.S.C. 9134(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and

(ii) in subparagraph (B)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and

(B) in paragraph (7)(A)—

(i) in the subparagraph heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”; and

(ii) by striking “child pornography” and inserting “child sexual abuse material”.

(11) Omnibus Crime Control and Safe Streets Act of 1968.—Section 3031(b)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10721(b)(3)) is amended by striking “child pornography” and inserting “child sexual abuse material”.

- (12) Juvenile Justice and Delinquency Prevention Act of 1974.—Section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)) is amended—
- (A) in clause (i)(I)(aa), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in clause (ii), by striking “child pornography” and inserting “child sexual abuse material”.
- (13) Victims of Crime Act of 1984.—Section 1402(d)(6)(A) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)(6)(A)) is amended by striking “Child Pornography Victims Reserve” and inserting “Reserve for Victims of Child Sexual Abuse Material”.
- (14) Victims of Child Abuse Act of 1990.—The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—
- (A) in section 212(4) (34 U.S.C. 20302(4)), by striking “child pornography” and inserting “child sexual abuse material”;
  - (B) in section 214(b) (34 U.S.C. 20304(b))—
    - (i) in the subsection heading, by striking “Child Pornography” and inserting “Child Sexual Abuse Material”; and
    - (ii) by striking “child pornography” and inserting “child sexual abuse material”; and
  - (C) in section 226(c)(6) (34 U.S.C. 20341(c)(6)), by striking “child pornography” and inserting “child sexual abuse material”.
- (15) Sex Offender Registration and Notification Act.—Section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911) is amended—
- (A) in subsection (3)(B)(iii), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in subsection (7)(G), by striking “child pornography” and inserting “child sexual abuse material”.
- (16) Adam Walsh Child Protection and Safety Act of 2006.—Section 143(b)(3) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20942(b)(3)) is amended by striking “child pornography and enticement cases” and inserting “cases involving child sexual abuse material and enticement of children”.

- (17) PROTECT Our Children Act of 2008.—The PROTECT Our Children Act of 2008 (34 U.S.C. 21101 et seq.) is amended—
- (A) in section 101(c) (34 U.S.C. 21111(c))—
    - (i) in paragraph (16)—
      - (I) in the matter preceding subparagraph (A), by striking “child pornography trafficking” and inserting “trafficking in child sexual abuse material”;
      - (II) in subparagraph (A), by striking “child pornography” and inserting “child sexual abuse material”;
      - (III) in subparagraph (B), by striking “child pornography” and inserting “child sexual abuse material”;
      - (IV) in subparagraph (C), by striking “child pornography” and inserting “child sexual abuse material”;
      - (V) in subparagraph (D), by striking “child pornography” and inserting “child sexual abuse material”; and
    - (ii) in paragraph (17)(A), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in section 105(e)(1)(C) (34 U.S.C. 21115(e)(1)(C)), by striking “child pornography trafficking” and inserting “trafficking in child sexual abuse material”.
- (18) Social Security Act.—Section 471(a)(20)(A)(i) of the Social Security Act (42 U.S.C. 671(a)(20)(A)(i)) is amended by striking “child pornography” and inserting “offenses involving child sexual abuse material”.
- (19) Privacy Protection Act of 1980.—Section 101 of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa is amended—
- (A) in subsection (a)(1), by striking “child pornography” and inserting “child sexual abuse material”; and
  - (B) in subsection (b)(1), by striking “child pornography” and inserting “child sexual abuse material”.
- (20) Child Care and Development Block Grant Act of 1990.—Section 658H(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f (c)(1) is amended—

- (A) in subparagraph (D)(iii), by striking “child pornography” and inserting “offenses relating to child sexual abuse material”; and
  - (B) in subparagraph (E), by striking “child pornography” and inserting “child sexual abuse material”.
- (21) Communications Act of 1934.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended—
- (A) in section 223 (47 U.S.C. 223)—
    - (i) in subsection (a)(1)—
      - (I) in subparagraph (A), in the undesignated matter following clause (ii), by striking “child pornography” and inserting “which constitutes child sexual abuse material”; and
      - (II) in subparagraph (B), in the undesignated matter following clause (ii), by striking “child pornography” and inserting “which constitutes child sexual abuse material”; and
    - (ii) in subsection (d)(1), in the undesignated matter following subparagraph (B), by striking “child pornography” and inserting “which constitutes child sexual abuse material”; and
  - (B) in section 254(h) (47 U.S.C. 254(h)—
    - (i) in paragraph (5)—
      - (I) in subparagraph (B)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”;
      - (II) in subparagraph (C)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and
    - (ii) in paragraph (6)—
      - (I) in subparagraph (B)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and
      - (II) in subparagraph (C)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and
    - (iii) in paragraph (7)(F)—

- (I) in the subparagraph heading, by “Child Pornography” and inserting “Child Sexual Abuse Material”; and
- (II) by striking “child pornography” and inserting “child sexual abuse material”.

**(d) Table of Sections Amendments.—**

(1) Chapter 110 of Title 18.—The table of sections for chapter 110 of Title 18, United States Code, is amended—

(A) by striking the item relating to section 2252A and inserting the following:

“§ 2252A. Certain activities relating to child sexual abuse material”;

(B) by striking the item relating to section 2258C and inserting the following:

“§ 2258C. Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material”;

(C) by striking the item relating to section 2259A and inserting the following:

“§ 2259A. Assessments in cases involving child sexual abuse material”;

and

(D) by striking the item relating to section 2259B and inserting the following:

“§ 2259B. Reserve for victims of child sexual abuse material”.

(2) Chapter 117 of Title 18.—The table of sections for chapter 117 of Title 18, United States Code, is amended by striking the item relating to section 2427 and inserting “§ 2427. Inclusion of offenses relating to child sexual abuse material in definition of sexual activity for which any person can be charged with a criminal offense”.

**(e) Directive to the United States Sentencing Commission.—**Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall amend the Guidelines, including application notes, to replace the terms “child pornography” or “child pornographic material” any place they appear with “child sexual abuse material”.

**BACKGROUND/ANALYSIS**

This proposal replaces the term “child pornography” in federal law with “child sexual abuse material.” The premise of this legislation is relatively simple: any effort to protect

children from exploitation crimes must begin with terminology that accurately conveys the nature of the offense.

### *Background*

As set forth above, this bill eliminates the use of the term “child pornography” in federal law and replaces it with “child sexual abuse material.” This legislative change is needed to ensure that the term used to describe these images accurately and adequately reflects the growing seriousness and scale of these crimes. For example:

- From 2014 to 2020, reports of suspected child sexual abuse material to the CyberTipline increased 20-fold, from 1.1 million reports to almost 22 million.<sup>97</sup>
- According to Department of Justice data, the number of cases filed involving the production of child sexual abuse material nearly tripled from Fiscal Year (FY) 2008 to FY 2019.
- In early 2019, the top three hidden services on Tor (a platform that allows child sex offenders to anonymously congregate and promote their crimes in an open and unabashed manner) boasted 1.5 million members. Chillingly, one of these hidden services hosted – exclusively – imagery called “hurt core”: the sadistic physical abuse of children. Another was dedicated to the sexual abuse of children aged five and under.
- According to data prepared by the U.S. Sentencing Commission, in 2017 (the first year the data was available), 10.4% of offenders who were sentenced for the distribution, receipt, or possession of child sexual abuse material, possessed imagery depicting an infant or toddler. Two years later, that number nearly doubled to 20.2%.<sup>98</sup>

Congress has recognized this disconnect between the terminology and the nature of the crime. Indeed, as recently as March 5, 2020, the Senate introduced S. 3398, the Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020 or the “EARN IT Act of 2020.” Section 6 of that legislation is essentially identical to the proposal here, replacing the term “child pornography” with “child sexual abuse material”. This legislation is consistent with Congress’s view that:

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<sup>97</sup> See Michael H. Keller & Gabriel J.X. Dance, *The Internet is Overrun with Images of Child Sexual Abuse: What Went Wrong?* N.Y. Times, Sept. 28, 2019; <https://www.missingkids.org/gethelpnow/cybertipline#bythenumbers>.

<sup>98</sup> U.S. Sentencing Commission, *Use of Guideline and Specific Offense Characteristics, Offender Based Calculation*, FY 2019, [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2019/Use\\_of\\_SOC\\_Offender\\_Based.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2019/Use_of_SOC_Offender_Based.pdf), at p. 44; FY 2017, [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2017/Use\\_of\\_SOC\\_Offender\\_Based.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/guideline-application-frequencies/2017/Use_of_SOC_Offender_Based.pdf), at p. 45.

Many experts in the field believe that use of [the] term [child pornography] contributes to a fundamental misunderstanding of the crime – one that focuses on the possession or trading of a picture and leaves the impression that what is depicted in the photograph is pornography. Child pornography is unrelated to adult pornography; it clearly involves the criminal depiction and memorializing of the sexual assault of children and the criminal sharing, collecting, and marketing of the images.<sup>99</sup>

With this legislative proposal, the Department can clearly signal to the international community, and to survivors of offenses involving child sex abuse material, our view that it is important to accurately characterize this crime. This would bolster the growing international understanding that use of the term “child pornography” is detrimental to child protection efforts, as it fosters a false perception of the harm and risks to children involved in these crimes. For example, the resolution on *Countering Child Sexual Exploitation and Sexual Abuse Online*, adopted by consensus by the United Nations General Assembly in December of 2019, highlights the expanding international consensus surrounding this issue:

*Noting* that the term child pornography is being increasingly referred to, within some Member States, as child sexual exploitation or child sexual abuse material to better reflect the nature of such material and the seriousness of the harm suffered by the child in this context, [and] [r]eaffirming the importance of existing international legal instruments which contribute to the fight against child sexual exploitation and sexual abuse, and contain internationally agreed upon definitions, while also recognizing the importance of using terminology, that reflects the severity of the harm inflicted to children by such conduct[.]<sup>100</sup>

Similarly, the *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, also known as the *Luxembourg Guidelines*, note that “the term ‘child sexual abuse material’ is increasingly being used to replace the term ‘child pornography.’”<sup>101</sup> Furthermore, Interpol opposes the use of the term “child pornography” so strongly that it “want[s] you to cringe when you hear the terms ‘child porn’ or ‘kiddy porn.’”<sup>102</sup>

This proposal also shows sensitivity and empathy to the victims of these horrific crimes, joining our non-governmental partners who oppose the term “child pornography” and support characterizing this form of abuse more accurately. For example, the National Center for Missing

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<sup>99</sup> H.R. Rep. No. 112-638, at 6 (2012), quoting *The National Strategy for Child Exploitation Prevention and Interdiction, A Report to Congress*, U.S. DEPT. OF JUSTICE, Aug. 2010, available at <https://www.justice.gov/psc/docs/natstrategyreport.pdf>

<sup>100</sup> See United Nations General Assembly, *Countering Child Sexual Exploitation and Sexual Abuse Online*, RES/74/174, adopted by consensus December 18, 2019, <https://undocs.org/en/A/RES/74/174>

<sup>101</sup> See Interagency Working Group on Sexual Exploitation of Children, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, at 38 (2016).

<sup>102</sup> See Interpol, *Appropriate Terminology*, <https://www.interpol.int/en/Crimes/Crimes-against-children/Appropriate-terminology>

and Exploited Children (NCMEC) has shifted to employing the term “child sexual abuse material” when referring to these images and videos:

Outside of the legal system, NCMEC chooses to refer to these images as Child Sexual Abuse Material (CSAM) to most accurately reflect what is depicted – the sexual abuse and exploitation of children. Not only do these images and videos document victims’ exploitation and abuse, but when these files are shared across the internet, child victims suffer re-victimization each time the image of their sexual abuse is viewed.”<sup>103</sup>

Further, an international survivor survey, conducted by the Canadian Centre for Child Protection, indicated that 67% of victims report that “the distribution of their images impacts them differently than the hands-on abuse they suffered because the distribution never ends and the images are permanent.”<sup>104</sup> This additional trauma endured by the victims is evidenced by the fact that 83% of victims responding to the survey admitted to having suicidal thoughts and 60% had attempted suicide.<sup>105</sup> Even more, 30% reported that they had actually been recognized by someone who viewed their sexual abuse material.<sup>106</sup> These survey results corroborate what the Supreme Court recognized almost 40 years ago, when it acknowledged the unique harm caused to children when their abuse and exploitation is memorialized. *New York v. Ferber*, 458 U.S. 747, 759 (1982).

In sum, the visual documentation of a child’s sexual abuse unquestionably *increases* the child’s victimization, while the present statutory language describing the offense *decreases* the perceived seriousness of the crime. By removing the term “child pornography” from federal law, Congress can remedy this disparity and ensure that a child’s sexual abuse is never minimized by the language employed under the law.

#### *Section by Section Analysis*

To avoid confusion and mitigate litigation, the legislation opens with a Statement of Purpose explaining that the term “child sexual abuse material” is substantively identical to the previously used term “child pornography.”

Next, the legislation sets forth findings that set forth a factual justification for and explanation of the legislation.

The following section contains the technical amendments to all the applicable provisions in federal law. For most of the statutes, the legislation simply replaces “child pornography” with “child sexual abuse material”. In certain instances, however, additional language in the statute is altered to ensure that the resulting statutory language has appropriate grammar and syntax. The Limited Appendix that follows provides a redline showing all of the alterations that go beyond a

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<sup>103</sup> See National Center for Missing and Exploited Children (NCMEC), *Child Sexual Abuse Material (CSAM)*, <http://www.missingkids.org/theissues/csam>

<sup>104</sup> See Canadian Centre for Child Protection, *Survivors’ Survey: Executive Summary 2017*, [https://protectchildren.ca/pdfs/C3P\\_SurvivorsSurveyExecutiveSummary2017\\_en.pdf](https://protectchildren.ca/pdfs/C3P_SurvivorsSurveyExecutiveSummary2017_en.pdf), at pp. 28-29

<sup>105</sup> See *id* at 31.

<sup>106</sup> See *id* at 28.



straight swap of the terms. The legislation specifies that the changes made to Title 18, which contain all the criminal provisions, apply retroactively. While this may not be strictly necessary since, as set forth in the Statement of Purpose, the legislation is not substantive, the Department includes this language to forestall any ex post facto claims. See *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (“congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.”).

The legislation concludes by amending tables of sections as needed, and by setting forth a directive to the Sentencing Commission to eliminate the term “child pornography” and “child pornographic material” from the Sentencing Guidelines.

**REDLINE OF SELECTED CURRENT STATUTES AS AMENDED BY THE LEGISLATION: this only includes excerpts of statutes to show any amendments beyond a direct swap of “child sexual abuse material” for “child pornography”.**

**18 U.S.C. § 2252A. Certain activities relating to ~~material constituting or containing child pornography~~ child sexual abuse material**

(a) ANY PERSON WHO—

...

(2) KNOWINGLY RECEIVES OR DISTRIBUTES—

(A) any ~~child pornography~~ child sexual abuse material using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or

(B) any ~~material that contains child pornography~~ item that contains child sexual abuse material using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

...

(5) EITHER—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the United States Government, or in the Indian country (as defined in section 1151), knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other ~~material that contains an image of child pornography~~ item containing child sexual abuse material; or

(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other ~~material that contains an image of child pornography~~ item containing child sexual abuse material that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or

transported in or affecting interstate or foreign commerce by any means, including by computer;

...

### 18 U.S.C. § 2257A. Record keeping requirements for simulated sexual conduct

...

(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2)(A), if such matter—

(A)(i) is intended for commercial distribution;

(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

(iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains ~~a visual depiction that is child pornography~~ child sexual abuse material as defined in section 2256(8);<sup>107</sup> or

(B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

(2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains ~~any visual depiction that is child pornography~~ child sexual abuse material, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

### 18 U.S.C. § 2258A. Reporting requirements of providers

(a) DUTY TO REPORT.—

(1) IN GENERAL.—

(A) DUTY.—In order to reduce the proliferation of online child sexual exploitation and to prevent the online sexual exploitation of children, a provider—

---

<sup>107</sup> Section 2256(8) defines child sexual abuse material as “any visual depiction” of a minor engaged in “sexually explicit conduct”. Since the phrase “visual depiction” is contained in the definition of the term, it is unnecessary to repeat it in this portion of the statute.

(i) shall, as soon as reasonably possible after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(A), take the actions described in subparagraph (B); and

(ii) may, after obtaining actual knowledge of any facts or circumstances described in paragraph (2)(B), take the actions described in subparagraph (B).

(B) ACTIONS DESCRIBED.—The actions described in this subparagraph are—

(i) providing to the CyberTipline of NCMEC, or any successor to the CyberTipline operated by NCMEC, the mailing address, telephone number, facsimile number, electronic mailing address of, and individual point of contact for, such provider; and

(ii) making a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by NCMEC.

(2) FACTS OR CIRCUMSTANCES.—

(A) APPARENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts or circumstances from which there is an apparent violation of section 2251, 2251A, 2252, 2252A, 2252B, or 2260 ~~that involves child pornography.~~

(B) IMMINENT VIOLATIONS.—The facts or circumstances described in this subparagraph are any facts or circumstances which indicate a violation of any of the sections described in subparagraph (A) ~~involving child pornography~~ may be planned or imminent.

(b) CONTENTS OF REPORT.—In an effort to prevent the future sexual victimization of children, and to the extent the information is within the custody or control of a provider, the facts and circumstances included in each report under subsection (a)(1) may, at the sole discretion of the provider, include the following information:

...

(4) ~~VISUAL DEPICTIONS OF APPARENT CHILD PORNOGRAPHY~~ APPARENT CHILD SEXUAL ABUSE MATERIAL.—~~Any visual depiction of apparent child pornography~~ Any apparent child sexual abuse material or other content relating to the incident such report is regarding.

(5) COMPLETE COMMUNICATION.—The complete communication containing any ~~visual depiction of apparent child pornography~~ apparent child sexual abuse material or other content, including—

(A) any data or information regarding the transmission of the communication; and

(B) any visual depictions, data, or other digital files contained in, or attached to, the communication.

...

(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

(i) to an attorney for the government for use in the performance of the official duties of that attorney;

(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

(vi) subject to subparagraph (B), to a provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

(B) LIMITATION.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide ~~visual depictions of apparent child pornography~~ apparent child sexual abuse material to a provider.

**18 U.S.C. § 2258C.** ~~Use to combat child pornography of technical elements relating to reports made to the CyberTipline~~ Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material

(a) ELEMENTS.—

(1) IN GENERAL.—NCMEC may provide elements relating to any CyberTipline report to a provider for the sole and exclusive purpose of permitting that provider to stop the online sexual exploitation of children.

(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific visual depiction, including an Internet location and any other elements provided in a CyberTipline report that can be used to identify, prevent, curtail, or stop the transmission of ~~child pornography~~ child sexual abuse material and prevent the online sexual exploitation of children.

(3) EXCLUSION.—The elements authorized under paragraph (1) may not include ~~the actual visual depictions of apparent child pornography~~ any apparent child sexual abuse material.

...

(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—NCMEC may make available to Federal, State, and local law enforcement, and to foreign law enforcement agencies described in section 2258A(c)(3), involved in the investigation of child sexual exploitation crimes elements, including hash values, relating to any apparent ~~child pornography visual depiction~~ child sexual abuse material reported to the CyberTipline.

(e) USE BY LAW ENFORCEMENT.—Any foreign, Federal, State, or local law enforcement agency that receives elements relating to any apparent ~~child pornography visual depiction~~ child sexual abuse material from NCMEC under subsection (d) may use such elements only in the performance of the official duties of that agency to investigate child sexual exploitation crimes, and prevent future sexual victimization of children.

## 18 U.S.C. § 2259. Mandatory restitution

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) SCOPE AND NATURE OF ORDER.—

(1) DIRECTIONS.—Except as provided in paragraph (2), the order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses.

(2) RESTITUTION FOR TRAFFICKING IN ~~CHILD PORNOGRAPHY~~ CHILD SEXUAL ABUSE MATERIAL.—If the defendant was convicted of trafficking in ~~child pornography~~ child sexual abuse material, the court shall order restitution under this section in an amount to be determined by the court as follows:

(A) Determining the full amount of a victim's losses.—The court shall determine the full amount of the victim's losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in ~~child pornography~~ child sexual abuse material depicting the victim.

(B) Determining a restitution amount.—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant's relative role in the causal process that underlies the victim's losses, but which is no less than \$3,000.

(C) Termination of payment.—A victim's total aggregate recovery pursuant to this section shall not exceed the full amount of the victim's demonstrated losses. After the victim has received restitution in the full amount of the victim's losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.

(3) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(4) ORDER MANDATORY.—

(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) DEFINITIONS.—

(1) ~~CHILD PORNOGRAPHY PRODUCTION~~ PRODUCTION OF CHILD SEXUAL ABUSE MATERIAL.—For purposes of this section and section 2259A, the term “~~child pornography production~~ production of child sexual abuse material” means conduct proscribed by subsections (a) through (c) of section 2251, section 2251A, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of ~~child pornography~~ child sexual abuse material (as such term is defined in section 2256).

(2) FULL AMOUNT OF THE VICTIM’S LOSSES.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of ~~trafficking in child pornography offenses~~ offenses for trafficking in child sexual abuse material, as a proximate result of all ~~trafficking in child pornography offenses~~ offenses for trafficking in child sexual abuse material involving the same victim, including—

- (A) medical services relating to physical, psychiatric, or psychological care;
- (B) physical and occupational therapy or rehabilitation;
- (C) necessary transportation, temporary housing, and child care expenses;
- (D) lost income;
- (E) reasonable attorneys’ fees, as well as other costs incurred; and
- (F) any other relevant losses incurred by the victim.

(3) ~~TRAFFICKING IN CHILD PORNOGRAPHY~~ CHILD SEXUAL ABUSE MATERIAL.—For purposes of this section and section 2259A, the term “trafficking in ~~child pornography~~ child sexual abuse material” means conduct proscribed by section 2251(d), 2252, 2252A(a)(1) through (5), 2252A(g) (in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b)), or 2260(b).

(4) VICTIM.—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, may assume the crime victim’s rights under this section, but in no event shall the defendant be named as such representative or guardian.

(d) DEFINED MONETARY ASSISTANCE.—

(1) DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM’S ELECTION.—

(A) Election to receive defined monetary assistance.—Subject to paragraphs (2) and (3), when a defendant is convicted of trafficking in ~~child pornography~~ child sexual abuse material, any victim of that trafficking in ~~child pornography~~ child sexual abuse material may choose to receive defined monetary assistance from the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)).

(B) Finding.—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of trafficking in ~~child pornography~~ child sexual abuse material.

(C) Order.—If a court determines that a claimant is a victim of trafficking in ~~child pornography~~ child sexual abuse material under subparagraph (B) and the claimant



chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material established under section 1402(d)(6) of the Victims of Crime Act of 1984.

...

**18 U.S.C. § 2259A. Assessments in ~~child pornography cases~~ cases involving child sexual abuse material**

(a) IN GENERAL.—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

(2) not more than \$35,000 on any person convicted of any other offense for trafficking in ~~child pornography~~ child sexual abuse material; and

(3) not more than \$50,000 on any person convicted of a ~~child pornography production offense~~ an offense for production of child sexual abuse material.

(b) ANNUAL ADJUSTMENT.—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

(c) FACTORS CONSIDERED.—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572.

(d) IMPOSITION AND IMPLEMENTATION.—

(1) IN GENERAL.—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant.

(2) EFFECT ON OTHER PENALTIES.—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

(A) A special assessment under section 3013.

(B) Restitution to victims of any ~~child pornography production or trafficking offense that the defendant committed~~ offense for production of child sexual abuse material or trafficking in child sexual abuse material committed by the defendant.

(C) An assessment under this section.

(D) Other orders under any other section of this title.

(E) All other fines, penalties, costs, and other payments required under the sentence.

**18 U.S.C. § 2259B. ~~Child pornography victims reserve~~ Reserve for victims of child sexual abuse material**

(a) DEPOSITS INTO THE RESERVE.—Notwithstanding any other provision of law, there shall be deposited into the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) all assessments collected under section 2259A and any gifts, bequests, or donations to the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material from private entities or individuals.

(b) AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.—Amounts in the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material has insufficient funds to make all of the payments ordered under section 2259(d), the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

(c) ADMINISTRATION.—The Attorney General shall administer the ~~Child Pornography Victims Reserve~~ Reserve for Victims of Child Sexual Abuse Material and shall issue guidelines and regulations to implement this section.

(d) SENSE OF CONGRESS.—It is the sense of Congress that individuals who violate this chapter prior to the date of the enactment of the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, but who are sentenced after such date, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.

**18 U.S.C. § 2516. Authorization for interception of wire, oral, or electronic communications**

(1) The Attorney General, Deputy Attorney General, Associate Attorney General,<sup>1</sup> or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division or National Security Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

...

(c) any offense which is punishable under the following sections of this title: ... sections 2251 and 2252 (sexual exploitation of children), section 2251A (selling or buying of children), section 2252A (relating to ~~material constituting or containing child pornography~~ child sexual



abuse material), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), ...

(2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of ... child sexual exploitation, ~~child pornography production~~ production of child sexual abuse material ... and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.

### **18 U.S.C. § 3014. Additional special assessment**

...

(h) HEALTH OR MEDICAL SERVICES.—

(1) TRANSFER OF FUNDS.—From amounts appropriated under subparagraphs (E) and (F) of section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)), there shall be transferred to the Fund an amount equal to the amount transferred under subsection (d) for each fiscal year, except that the amount transferred under this paragraph shall not be less than \$5,000,000 or more than \$30,000,000 in each such fiscal year, and such amounts shall remain available until expended.

(2) USE OF FUNDS.—The Attorney General, in coordination with the Secretary of Health and Human Services, shall use amounts transferred to the Fund under paragraph (1) to award grants that may be used for the provision of health care or medical items or services to victims of trafficking under—

(A) sections 202, 203, and 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a, 14044b, and 14044c); 1

(B) subsections (b)(2) and (f) of section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105); and

(C) section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

(3) GRANTS.—Of the amounts in the Fund used under paragraph (1), not less than \$2,000,000, if such amounts are available in the Fund during the relevant fiscal year, shall be used for grants to provide services for ~~child pornography victims~~ victims of child sexual abuse material and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)) under section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)).

...

## 18 U.S.C. § 3509. Child victims' and child witnesses' rights

(a) DEFINITIONS.—For purposes of this section—

(6) the term “exploitation” means ~~child pornography~~ conduct relating to child sexual abuse material ...

(m) PROHIBITION ON REPRODUCTION OF ~~CHILD PORNOGRAPHY~~ CHILD SEXUAL ABUSE MATERIAL.—

(1) In any criminal proceeding, any ~~property or material that constitutes child pornography (as defined by section 2256 of this title)~~ child sexual abuse material (as defined by section 2256 of this title), or property or item containing such material, shall remain in the care, custody, and control of either the Government or the court.

(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any ~~property or material that constitutes child pornography (as defined by section 2256 of this title)~~ child sexual abuse material (as defined by section 2256 of this title), or property or item containing such material, so long as the Government makes the ~~property or material~~ child sexual abuse material, property, or item reasonably available to the defendant.

(B) For the purposes of subparagraph (A), ~~property or material~~ child sexual abuse material, property, or item shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the ~~property or material~~ child sexual abuse material, property, or item by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.

(3) In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any ~~property or material that constitutes child pornography~~ child sexual abuse material, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony, but under no circumstances may such ~~child pornography~~ child sexual abuse material be copied, photographed, duplicated, or otherwise reproduced. Such ~~property or material~~ child sexual abuse material may be redacted to protect the privacy of third parties.

## 18 U.S.C. § 3632. Development of risk and needs assessment system

...

(d) EVIDENCE-BASED RECIDIVISM REDUCTION PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES REWARDS.—The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

...

(4) TIME CREDITS.—

(A) IN GENERAL.—A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

(B) AVAILABILITY.—A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed—

(i) prior to the date of enactment of this subchapter; or

(ii) during official detention prior to the date that the prisoner's sentence commences under section 3585(a).

(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY OR SUPERVISED RELEASE.—Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into prerelease custody or supervised release.

(D) INELIGIBLE PRISONERS.—A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

(xxxix) Section 2251, relating to the sexual exploitation of children.

(xl) Section 2251A, relating to the selling or buying of children.

(xli) Section 2252, relating to certain activities relating to material involving the sexual exploitation of minors.

(xlii) Section 2252A, relating to certain activities involving ~~material constituting or containing child pornography~~ child sexual abuse material.

....

### 34 U.S.C. § 20942. Project Safe Childhood

...

(b) Initial implementation

Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

...

(3) Increased Federal involvement in ~~child pornography and enticement cases~~ cases involving child sexual abuse material and enticement of children by providing additional investigative tools and increased penalties under Federal law.

...

**34 U.S.C. § 21111. Establishment of National Strategy for Child Exploitation Prevention and Interdiction**

...

(c) Required contents of National Strategy

The National Strategy established under subsection (a) shall include the following:

...

(16) A review of all available statistical data indicating the overall magnitude of ~~child pornography trafficking~~ trafficking in child sexual abuse material in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of ~~child pornography~~ child sexual abuse material;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to ~~child pornography~~ child sexual abuse material;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to ~~child pornography~~ child sexual abuse material;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of ~~child pornography trafficking~~ trafficking in child sexual abuse material; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of ~~child pornography~~ child sexual abuse material and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

...

**34 U.S.C. § 21115. National Internet Crimes Against Children Data System**

...

(e) Collection and reporting of data

(1) In general

The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) Real-time reporting

All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) High-priority suspects

Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) Annual reports

Any statistical data indicating the overall magnitude of ~~child pornography trafficking~~ trafficking in child sexual abuse material and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 21111(c)(16) of this title.

...

#### 42 U.S.C. § 671. State plan for foster care and adoption assistance

(a) Requisite features of State plan

In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

...

(20)(A) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28), for any prospective foster or adoptive parent before the foster or adoptive parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part, including procedures requiring that—

(i) in any case involving a child on whose behalf such payments are to be so made in which a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including ~~child pornography offenses involving child sexual abuse material~~), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if a State finds that a court of competent jurisdiction has determined that the felony was committed at any time, such final approval shall not be granted; and

(ii) in any case involving a child on whose behalf such payments are to be so made in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, such final approval shall not be granted;

(B) provides that the State shall—

(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

(ii) comply with any request described in clause (i) that is received from another State; and

(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;

...

#### **42 U.S.C. § 9858f. Authorization of appropriations**

...

#### **(c) Prohibitions**

##### **(1) Child care staff members**

A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual—

(A) refuses to consent to the criminal background check described in subsection

(b);

(B) knowingly makes a materially false statement in connection with such criminal background check;

(C) is registered, or is required to be registered, on a State sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

(D) has been convicted of a felony consisting of—

(i) murder, as described in section 1111 of title 18;

(ii) child abuse or neglect;

(iii) a crime against children, including ~~child pornography offenses~~ relating to child sexual abuse material;

(iv) spousal abuse;

(v) a crime involving rape or sexual assault;

(vi) kidnapping;

(vii) arson;

(viii) physical assault or battery; or

(ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years; or

(E) has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or of a misdemeanor involving ~~child pornography~~ child sexual abuse material.

...

**47 U.S.C. § 223. Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications**

(a) Prohibited acts generally

Whoever—

(1) in interstate or foreign communications—

(A) by means of a telecommunications device knowingly—

(i) makes, creates, or solicits, and

(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene or ~~child pornography~~ which constitutes child sexual abuse material, with intent to abuse, threaten, or harass another person;

(B) by means of a telecommunications device knowingly—

(i) makes, creates, or solicits, and

(ii) initiates the transmission of,

any comment, request, suggestion, proposal, image, or other communication which is obscene or ~~child pornography~~ which constitutes child sexual abuse material, knowing that the recipient of the communication is under 18 years of age, regardless of whether the maker of such communication placed the call or initiated the communication;

(C) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any specific person;

(D) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(E) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any specific person; or

(2) knowingly permits any telecommunications facility under his control to be used for any activity prohibited by paragraph (1) with the intent that it be used for such activity, shall be fined under title 18 or imprisoned not more than two years, or both.

...

(d) Sending or displaying offensive material to persons under 18

Whoever—

(1) in interstate or foreign communications knowingly—

(A) uses an interactive computer service to send to a specific person or persons under 18 years of age, or

(B) uses any interactive computer service to display in a manner available to a person under 18 years of age,

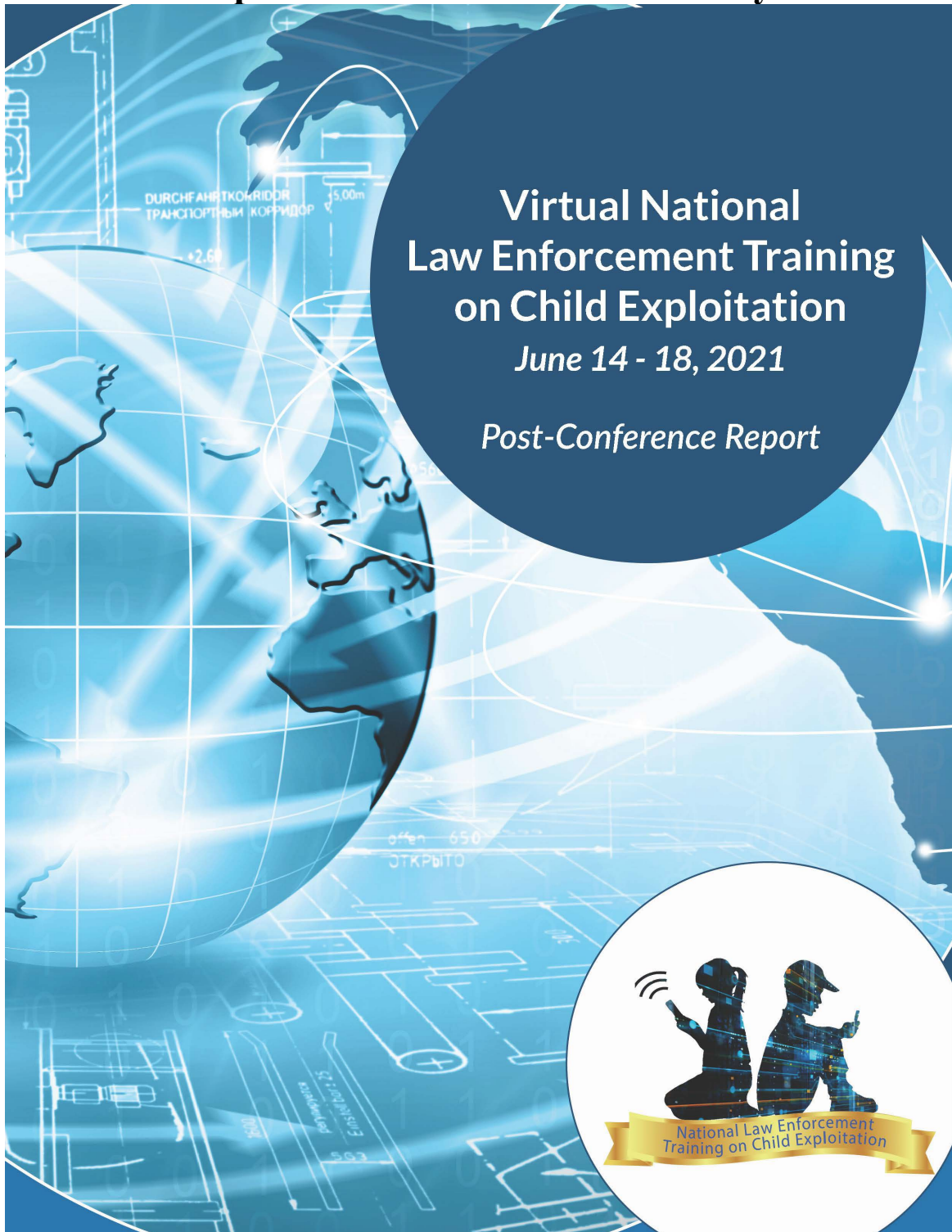
any comment, request, suggestion, proposal, image, or other communication that is obscene or ~~child pornography~~ which constitutes child sexual abuse material, regardless of whether the user of such service placed the call or initiated the communication; or

(2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity,

shall be fined under title 18 or imprisoned not more than two years, or both.



# Appendix J: National Law Enforcement Training on Child Exploitation Conference Summary



## OVERVIEW

Child sexual exploitation is a growing global threat facilitated by the expansion and ever-changing nature of technology. As technology advances, so do the techniques and platforms predators use to exploit children. Access to these online platforms, such as gaming sites, social media and messaging apps, is readily available to our children through smartphones and other mobile devices. As such, investigating and prosecuting these types of complex cases require specialized skills and expertise.

“The online threat to children around the world and the challenges we face in combating these threats has never been greater,” Deputy Attorney General Lisa O. Monaco wrote in a thank-you letter to attendees. “The present danger has only been exacerbated by the pandemic, which shuttered schools for over a year and caused children to spend record amounts of time online. Offenders were quick to exploit this effect of the pandemic by targeting children on the Internet.”

The 2021 Virtual National Law Enforcement Training on Child Exploitation provided a singular opportunity for more than 2,350 law enforcement and prosecutorial professionals from six countries and every level of government to come together for one purpose: to focus on how to successfully combat these horrific crimes. Over a five-day period, participants learned cutting-edge techniques in a virtual environment from subject matter experts across the country, improved collaboration by sharing information and strengthened critical relationships.



## OVERALL EXPERIENCE

Beyond the extraordinary training sessions offered during this five-day virtual conference, attendees had a unique opportunity to network and learn from like-minded law enforcement professionals. Attendees represented a diverse group from every region of the United States and several countries, with a common cause – the elimination and prevention of technology-facilitated crimes committed against children. While the majority of participants joined from the United States, others attended from Brazil, Chile, Canada, the Philippines, Turkey and various U.S. territories.

### Popular Workshops

**Child Sex Tourism (CST) Investigations**  
*Jeff Yesensky*

---

**Child Sexual Exploitation Offenders on Tor**  
*Jessica Diggons and Kyle Reynolds*

---

**CyberTips: Successful Searches and Beyond**  
*Sarah Mease*

---

**Google Images Lead Results in the Rescue of Three Children**  
*Marisol O'Leary, Kyle Reynolds and Callie Woolam*

---

**Innovative Approaches to Obtaining Information from Devices and Apps in ICAC**  
*Wayne Nichols*

---

**New to ICAC**  
*Debbie Garner*

---

**Psychological Characteristics of Sex Offenders**  
*Michael Bourke*

---

**Saving Data from Social Media**  
*Lauren Wagner*

---

**Search and Seizure: Geolocation Warrants**  
*Justin Fitzsimmons*

**Undercover Photography and Image Manipulation**  
*Chris Wilkinson and John Penn II*

## EVENT HIGHLIGHTS

**120**  
Workshop  
Tracks

**131**  
Expert  
Speakers

**17**  
Exhibitors

**106**  
Unique  
Workshops

**6** Countries  
Represented

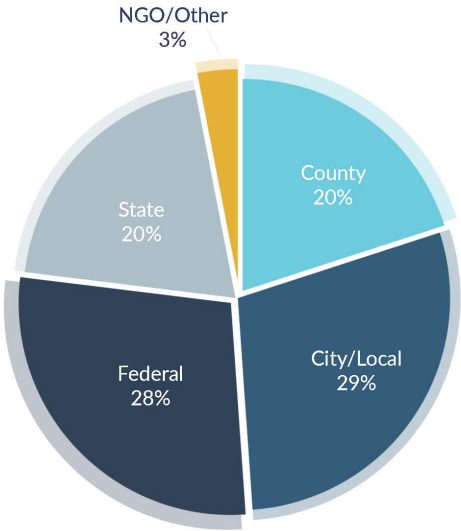


*Brazil, Chile, Canada, the Philippines, Turkey and the United States,  
including Puerto Rico and the U.S. Virgin Islands*

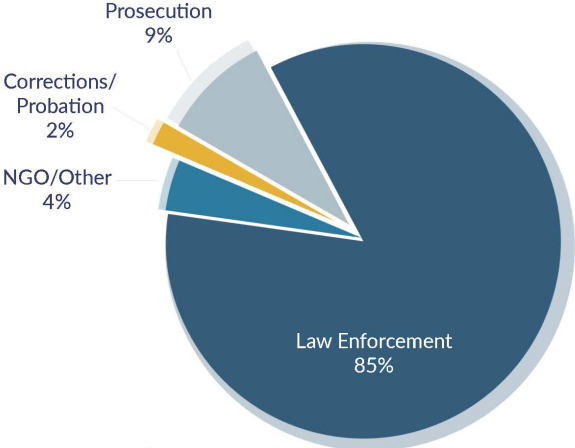


# ATTENDEE DATA

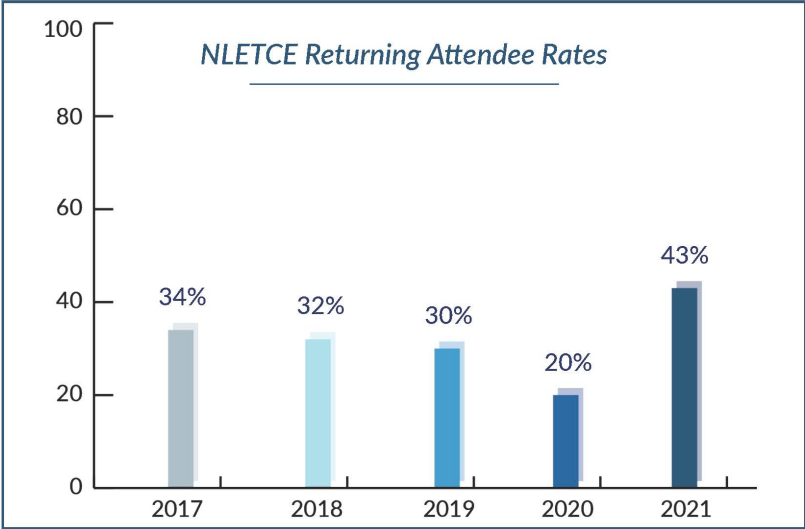
*Attendees by Agency*



*Attendees by Discipline*



In 2021, 43% of the attendees were returning attendees from the 2020 Virtual National Law Enforcement Training on Child Exploitation. Compared to the previous four years, the rate of returning attendees in 2021 was significantly higher. The chart below outlines the rate of returning attendees, year over year.

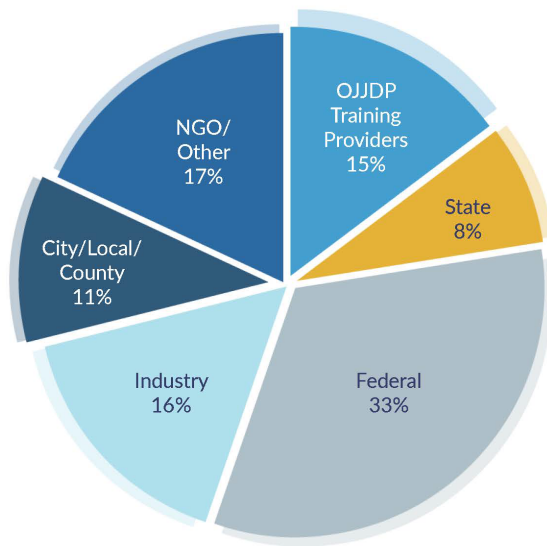


# EXPERT SPEAKERS

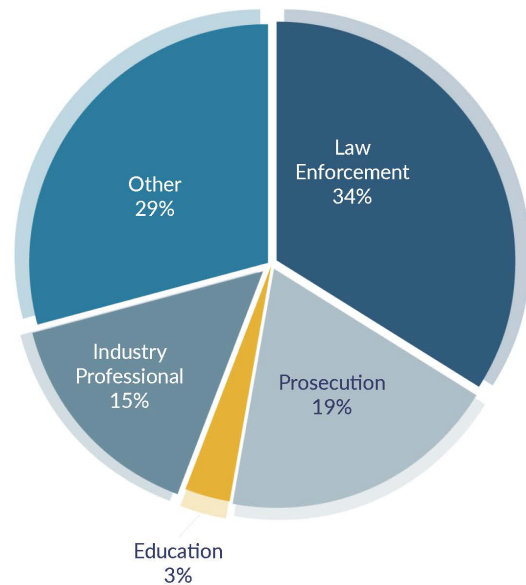
The Virtual National Law Enforcement Training on Child Exploitation focused on the prevention, investigation and prosecution of technology-facilitated crimes against children. Attendees had 106 unique live, instructor-led online workshops to choose from, giving them the ability to actively learn how to use the latest tools and techniques to identify predators.

Delivering the 106 unique workshops were 131 nationally and internationally recognized subject matter experts, who adapted their presentations to be presented in an online format. While most are active practitioners in the fight against child exploitation, all of them provided instruction on innovative technology and current techniques in the virtual classrooms.

*Speakers by Agency*



*Speakers by Discipline*



## TESTIMONIALS

*"I'm always amazed at how these conferences are put together and run so smoothly, even virtually. Such professionalism and I always come away learning to make cases even stronger. Thanks for all you do!"*

*"As a fairly new ICAC investigator, I was impressed with the amount of information and the quality of the information that was presented at the conference. The professionalism of the presenters and their knowledge and willingness to answer questions and be helpful was tremendous."*

*"Diverse presentations, covering a variety of issues but all related back to real time investigations. Incredible selection of training courses."*

*"Lots of new techniques. Comforting to know that there are others out there sharing the same issues and concerns in this complicated area of law."*

*"What I liked most about the workshop was the ability to choose what stream to sit in on, as some information was not relevant to the tasks that I perform. I also like the vendor information that was available."*

*"Being new to ICAC, gave me ideas on how to do my job and a list of resources for the future. I really enjoyed the variety of workshops provided. I also liked being able to view workshops that I did not see due to being in another session."*

# TRAINING PARTNERS

The U.S. Department of Justice's Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention would like to thank their partners who have worked together to develop and deliver training pertinent to the mission of the National Strategy for Child Exploitation Prevention and Interdiction:

- Internet Crimes Against Children Task Force Program
- National Center for Missing & Exploited Children
- U.S. Department of Homeland Security
- U.S. Department of Justice
  - Child Exploitation and Obscenity Section, Criminal Division
  - Executive Office for United States Attorneys
  - Federal Bureau of Investigation
  - Office of the Attorney General
  - Office of the Deputy Attorney General
  - Offices of the United States Attorneys
  - U.S. Marshals Service
- U.S. Postal Inspection Service

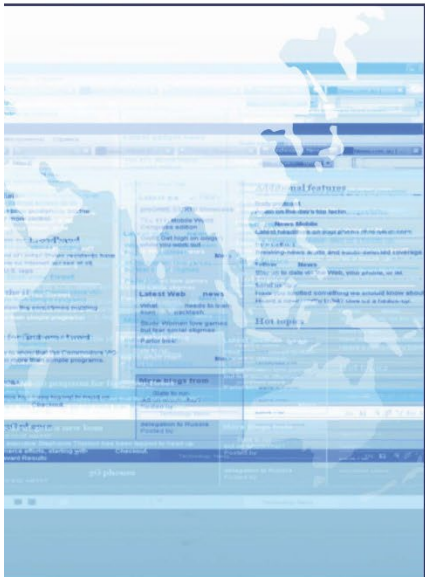




## EXCELLENT RESULTS

Successful events as large as this, especially those delivered in an online format, require careful planning and execution and the Virtual National Law Enforcement Training on Child Exploitation is no exception. The collaboration between the federal agency partners, the many members of the ICAC Task Force Program and the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) ICAC training providers was pivotal in making this virtual conference a monumental success.

The longstanding and strong partnership between the OJJDP and the National Criminal Justice Training Center of Fox Valley Technical College, the event coordinators, resulted in another successful U.S. Department of Justice large-scale, high-profile training event. The challenges posed by the COVID-19 pandemic were overcome with perseverance resulting in a conference that ran smoothly, received outstanding evaluations and provided vital training to those charged with protecting children. These partnerships and this dedicated team brought together the required expertise needed to thoughtfully and professionally execute this project from event conception through post-event initiatives.



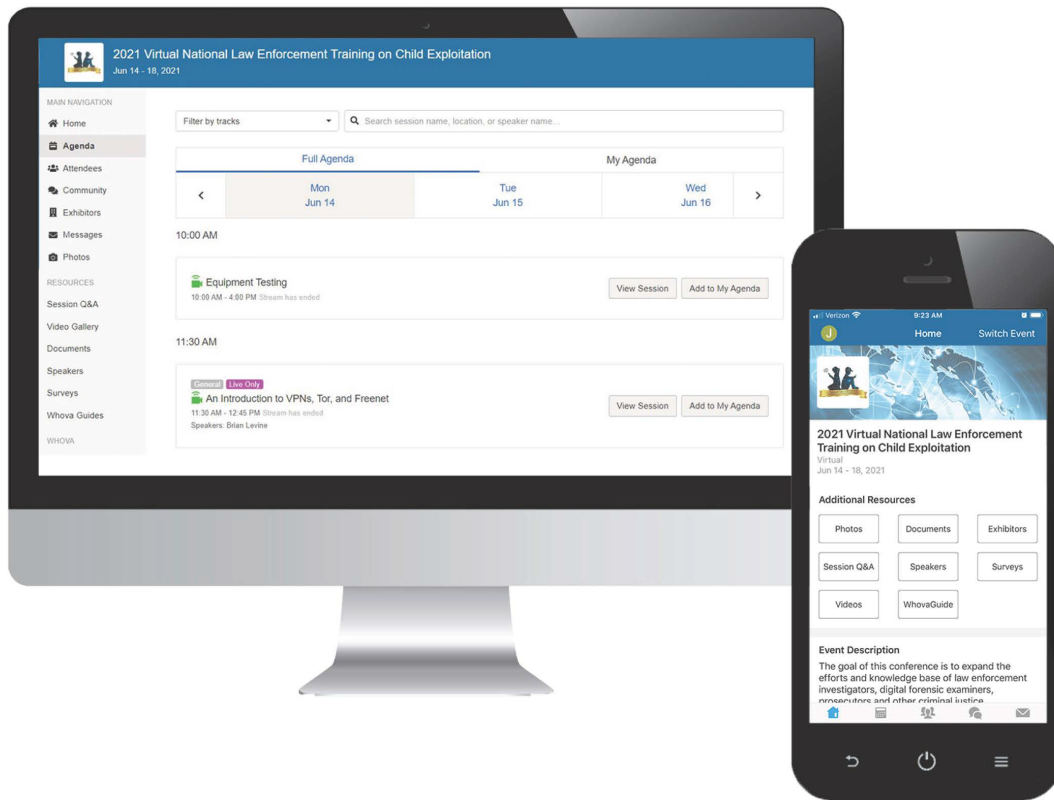
# EXHIBITORS

Seventeen exhibitors participated to showcase the latest in software, hardware, tools and training. These exhibitors allowed attendees the opportunity to ask questions about the products and services being offered and view live demos in the online delivery platform, Whova.

For the exhibitors, the virtual conference offered a unique opportunity to reach nearly 2,500 potential and existing clients at a single event to continue to build and strengthen business relationships. As technology continues to advance at such a rapid rate, national events such as this help bridge the gap between providers and consumers of innovative solutions.



# DELIVERY PLATFORM



A secure delivery platform that was available to attendees through the web and on mobile devices was critical to the success of this event. Security within the platform remained at the forefront of our needs to protect the law enforcement sensitive content from being shared publicly. Extensive research and testing into various web platforms and apps was conducted prior to Whova being selected as the exclusive delivery platform for this conference.

Whova provided attendees with a customized web platform, that was accessible even through their agency's restricted networks, to attend live sessions and view recorded workshops for up to three months after the event. Administrators of the platform were able to apply various levels of access to attendees and afforded them the opportunity to network amongst themselves, with speakers and exhibitors, as well as with the event organizers when they needed assistance.



June 14 - 18, 2021 | Post-Conference Report

*This project is supported by Grant #2020-MC-FX-K002 awarded by the OJJDP, OJP, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# Appendix K: Existing and Requested Funding for the Prevention & Interdiction of Child Exploitation

## U.S. Department of Justice (DOJ): Crimes Against Children Funding (2016-2019)<sup>108</sup>

(Dollars in Thousands)

DOJ Component	FY 2016	FY 2017	FY 2018	FY 2019
<b>Asset Forfeiture Fund (AFF)</b>				
Crimes Against Children Base				
<b>Bureau of Prisons (BOP)</b>				
Crimes Against Children Base	9,936	9,917	10,135	10,135
<b>Criminal Division (CRM)</b>				
Crimes Against Children Base	12,136	15,177	14,350	16,696
<b>Federal Bureau of Investigation (FBI)</b>				
Child Abduction Rapid Deployment (CARD) Teams	4,544	6,107	8,325	7,492
Child Sex Tourism	3,284	1,962	2,413	2,202
Innocence Lost (Child Sex Trafficking)	64,206	67,275	75,221	74,925
Innocent Images	85,606	86,662	94,575	88,580
Regional Computer Forensic Labs (RCFL)*	8,729	8,035		
<b>INTERPOL Washington (IPOL)</b>				
TVCD Missing/Exploited Children	1,392	1,408	2,737	1,499
<b>Office of Justice Programs (OJP)</b>				
Child Abuse Training for Judicial Personnel	2,000	2,000	2,000	3,000
Child Sexual Predator Elimination Program/SORNA	1,000	1,000	1,000	1,000
Court-Appointed Special Advocate (CASA) Program	9,000	9,000	12,000	12,000
Missing and Exploited Children Program (ICAC, NCMEC, AMBER TTA, etc.)	72,160	72,500	76,000	82,000
Victims of Child Abuse (VOCA): Investigator/Prosecutor Training	20,000	21,000	21,000	22,500
<b>United States Attorneys (USA)</b>				
Project Safe Childhood Base	44,339	46,378	48,341	50,570
<b>United States Marshals Service (USMS)</b>				
Adam Walsh - National Sex Offender Targeting Center**	4,498	4,565	4,623	4,703
Adam Walsh - Sex Offender Investigative Program**	28,790	29,284	29,709	30,326
International Megan's Law**		5,000	6,646	7,022

\*Includes funding for work on all digital crimes and evidence

\*\*Includes adult sex offenders

<sup>108</sup> Source: Justice Management Division, U.S. Department of Justice, updated June 2023.

## U.S. Department of Justice (DOJ): Crimes Against Children Funding (2020-2024)<sup>109</sup>

(Dollars in Thousands)

DOJ Component	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024 <sup>110</sup> (Projected)
<b>Asset Forfeiture Fund (AFF)</b>					
Crimes Against Children Base	200	200	200	350	350
<b>Bureau of Prisons (BOP)</b>					
Crimes Against Children Base	10,536	10,651	10,938	11,441	12,036
<b>Criminal Division (CRM)</b>					
Crimes Against Children Base	14,773	15,121	15,689	19,677	20,858
<b>Federal Bureau of Investigation (FBI)</b>					
Child Abduction Rapid Deployment (CARD) Teams					
	11,301	7,562	9,340	11,613	11,279
Child Sex Tourism	2,924	12,200	7,389	9,951	9,802
Innocence Lost (Child Sex Trafficking)	59,124	46,816	62,395	78,354	75,818
Innocent Images	106,585	81,815	95,717	77,417	75,035
<b>INTERPOL Washington (IPOL)</b>					
TVCD Missing/Exploited Children	2,436	2,575	2,774	3,035	3,346
<b>Office of Justice Programs (OJP)</b>					
Child Abuse Training for Judicial Personnel	3,500	3,500	4,000	4,500	6,000
Child Advocacy Training		1,000	2,000	2,000	1,000
Child Sexual Predator Elimination Program/SORNA	1,000	1,000	1,000	1,000	1,000
Court-Appointed Special Advocate (CASA) Program	12,000	12,500	14,000	15,000	14,000
Missing and Exploited Children Program (ICAC, NCMEC, AMBER TTA, etc.)	87,500	94,000	99,000	105,000	130,000
Prevent Trafficking of Girls	2,000	2,000	4,000	5,000	10,000
Victims of Child Abuse (VOCA): Investigator/Prosecutor Training	27,000	30,000	33,000	41,000	50,000
<b>United States Attorneys (USA)</b>					
Project Safe Childhood Base	50,570	61,671	61,671	63,408	63,408
<b>United States Marshals Service (USMS)</b>					
Adam Walsh - National Sex Offender Targeting Center**	4,799	4,907	4,976	5,104	5,268
Adam Walsh - Sex Offender Investigative Program**	30,809	32,075	32,268	32,626	33,083
International Megan's Law**	7,127	7,272	7,343	7,474	7,641

\*\*Includes adult sex offenders

<sup>109</sup> Source: Justice Management Division, U.S. Department of Justice, updated June 2023.

<sup>110</sup> Based on FY 2024 President's Budget.