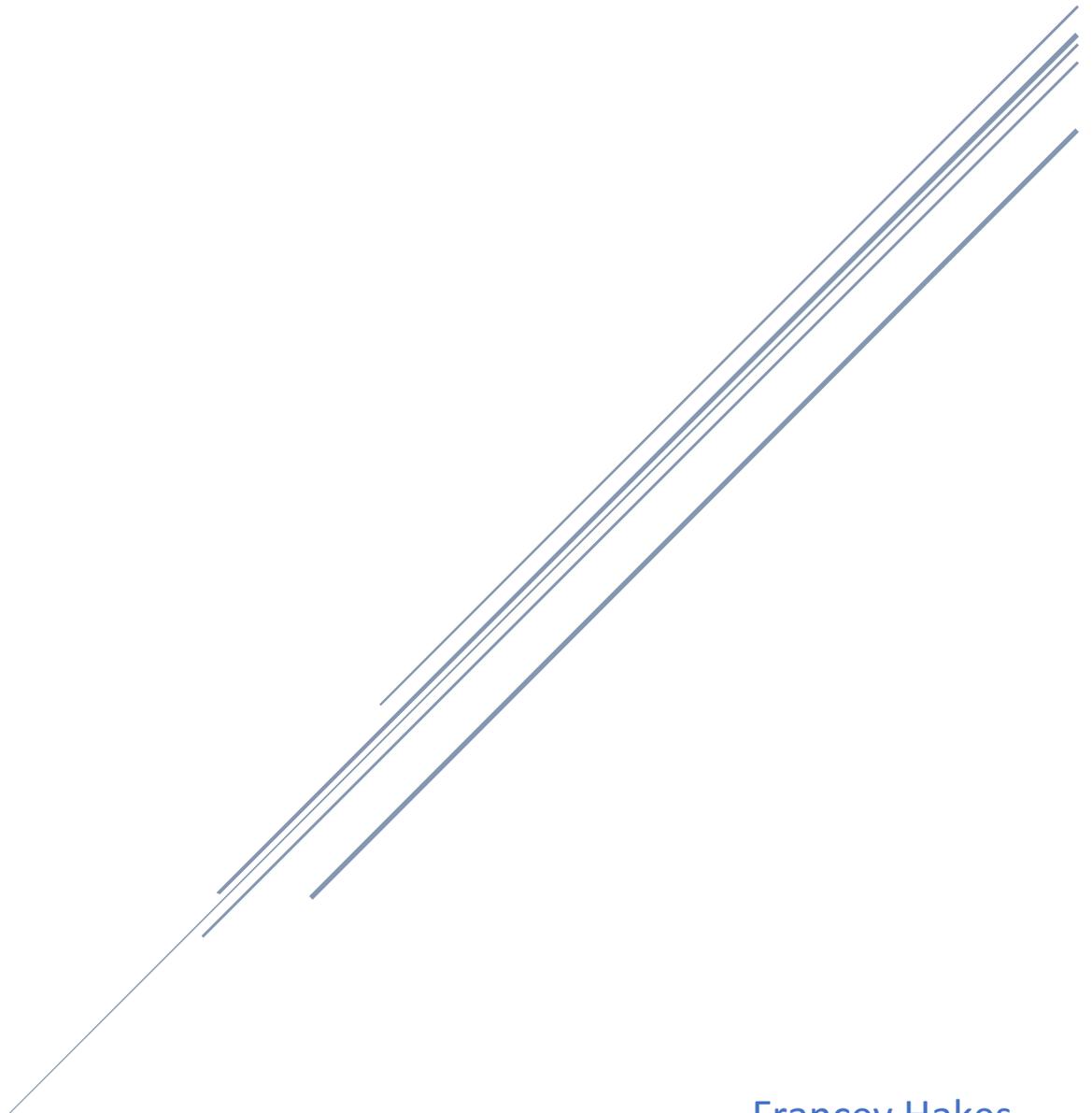


COMBATING CRIMES AGAINST CHILDREN: ASSESSING THE LEGAL LANDSCAPE

House Subcommittee on Crime, Terrorism, and Homeland Security

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Child abuse. Child exploitation. Child sex trafficking. Child molestation. Child pornography. They all sound a bit clinical for what really happens to children victimized by sex offenders. It is, often, the forcible rape of little girls and little boys. These acts of violence are captured on film or digital devices, in stills and videos. The images themselves encapsulate the crime scene, and are the permanent evidence of the crime, the humiliation, the pain, and sometimes the guilt and shame of the child victim.

I always knew I wanted to be a prosecutor. Hamilton Burger, the prosecutor from tv’s “Perry Mason” inspired 5 year-old me, watching reruns with my Dad, with his honor and his zeal to bring criminals to justice. But it wasn’t until college that I realized I wanted to specialize in crimes against children. It was the story of a 3 year-old girl who was violently raped and unable to face her accuser in court that inspired in me a great passion, even a rage, against those who prey upon children. This 3 year-old was assaulted during a time when DNA was in its infancy, when child hearsay laws and court protections for children were not widely used. Because she couldn’t face her rapist, because he had instilled in her such fear of him and men in general, her rapist walked free. I became aware of a great injustice and was horrified and determined to join the ranks of those who protect the public by prosecuting offenders like him.

My early career was spent as an Assistant District Attorney prosecuting, mostly, those who murdered, physically assaulted, or sexually abused children. My first trial was of just such a criminal. A father spent the first 10 years of his precious daughter’s life sexually assaulting her, even when she was in diapers. An adorable red-haired little girl, we met after she waited years for someone to prosecute her case and save her from her father. Looking into her eyes, I promised her justice. Making my first closing argument to a jury, I trembled, so anxious that I had done everything right for KW, so anxious that they accept my righteous arguments and convict this depraved man. Terrified, really, that they would not convict him, and KW would have to go back to him and his constant assaults. The jury convicted him and he was sentenced



to 50 years in prison. 19 years later my phone rang. It was KW. She had tracked me down and wanted to thank me for what I had done, for telling her she would be ok, that she could do or be anything in life. She said I inspired her to follow a law enforcement path, and she would soon be graduating with a degree in criminal justice, and hoped to become a police officer. Every late night, every lost case, every soul rending photo, every frustration was instantly erased. It was all worth it.

There are so many children who will never get the justice KW did. Child sexual abuse is underreported by as much as 90%. So many children, so much abuse, so many in pain and afraid. I used to think the hardest thing I would ever have to do was look into the eyes of a child, like the eyes of KW, and listen to the story of their abuse, their pain, their suffering. I was wrong. The hardest thing I ever had to do was watch their abuse. Sometimes still photos, sometimes video, sometimes with sound, all heart-wrenching and, even now, impossible to forget. I remember all their faces; sometimes they had a frozen smile, sometimes they cried, sometimes they screamed. These images included infants, toddlers, all so very helpless. Most of them I would never learn their names or where they lived or who was hurting them. The struggle to cope knowing how many are out there, even now, will always be with me. No one who has seen these images is untouched by them. I would like to give my heartfelt salute to those analysts, officers, detectives, agents, and prosecutors who, today, search for these offenders and seek to rescue these children. It is a mission unlike any other, and it is one I pursued as a federal prosecutor at the Department of Justice for ten years.

My final three years at the Department of Justice were spent here in DC, formulating and implementing the first National Strategy addressing child exploitation. In that position, I learned about budgets and how they have a real world, instant, and serious impact on the criminal justice system, and chiefly, how budgets impact the ability of law enforcement to protect children. When last I sat here, testifying before this committee, I was limited by the rules in place at DOJ. I was asked by a member of this committee if I thought this crime problem needed more resources for agents, cops and prosecutors. My answer, dictated by DOJ rules, was simply that DOJ supports the President's budget. I now have no such constraints, and I can tell you today as I would have liked to then, the answer is a resounding "yes." It was yes then, it is yes now, and it will likely always be yes. If you all could talk to a child like KW, if you all were forced to watch, every day, the images and hear the sounds of children being raped, you too would answer a resounding yes. While I agree that there is simply no way we will ever investigate and prosecute our way out of child abuse, it is a sad fact that police, federal agents, and prosecutors all over this country are drowning in these cases. They are complicated, heart-rending, and frustrating. And while DOJ may not be able to ask for help, I will ask on behalf of all the children whose faces I can't forget.

Like the little girl who, when rescued by a US Postal Inspector, said "I knew you'd come. I begged for your help with my eyes when he hurt me and taped it, and I knew you would see and come for me." So many others beg us for help with their eyes and we aren't coming. Millions and millions of images of children being sexually assaulted are shared around the world and the good guys are losing. The bad guys are winning. Every child we don't find means



another sex offender goes unpunished, and another child despairs. You should see their faces and hear their voices. Then, maybe, you would feel the same urgency of mission shared by police and prosecutors the world over. What higher mission is there than the protection of the most vulnerable? NCMEC, here with me today on the panel, has a Herculean task: identify the children in these images. Many analysts there spend hours every day trying to piece together clues in these horrific images that will lead us to the children being abused. Their work is incredibly difficult and I salute them for it. They are truly unsung heroes in the fight against child exploitation. I don't know if they will ask, but I am sure they could put many more analysts to work identifying these desperate children if they were given more resources. They have identified thousands of children, but there are innumerably more.

It should be impossible for us to rest knowing how many children need our help. Politics, partisanship should all fall away in this arena. When we prioritize other things over protecting children, we should have to look into the eyes of a little girl like KW and explain to her what was more important than seeing to it that her father never hurt her again. Or, talk to the agent who rescued the little girl who just knew he would come. Rescuing children from child abuse and child sex trafficking is its own reward, but those who do this work know there are always others. There are also always others eager to profit off the sale of girls and boys. Child sex trafficking seems to be growing. Why? Gangs, pimps, and criminals are all increasingly trafficking in the bodies of children. Children are easier to sell and are more profitable than drugs. Why? Drugs are fungible and children are not. Children can bring as much as \$1000 a day by forcing them to endure multiple sexual assaults from adults in that one day. And who is selling these children? Adults? Yes. Teenagers? Yes, teen gang members are selling fellow teen girls. Abusing them, initiating them into the gang with rape and violence. Of the estimated 60-80,000 female gang members, about one quarter report being forced into sex.

I truly believe that the internet and the images of children being abused are contributing to the increase in the brazen and criminal behavior of those with a sexual interest in children. I include child sex traffickers and their child abusing clients, as well as those who prey on their own children or children in their school, church, or on their sports team. They find community, and perceived anonymity, in groups of like-minded individuals online. They share information on how to evade law enforcement, how to groom children to abuse them and ensure the conspiracy of silence, how to eliminate evidence in case they are caught, and of course, they share images of the sexual abuse of children, and even, sometimes, they share their own children to abuse. When faced with technological challenges like the darknet or these depraved images being hosted in far-flung places, or shared on encrypted devices, how do we fight?

One answer is increased resources for investigation and prosecution of these abusers. Another is to prevent the crime from happening in the first place. I speak around the world to schools and charities about preventing abuse from happening, about denying those with a sexual interest in children the opportunity to target and assault a child. Most sexual abuse happens in the home, and children are their own first, best defense against it. They must be armed with the knowledge that no one should touch them in a way that makes them uncomfortable or



ashamed. They must be given the outlet to report to counselors, teachers or law enforcement. Some children are abused by other trusted adults, teachers, coaches, or clergy. Their colleagues must be given the tools to recognize the signs that a preferential sex offender is grooming a child first for abuse and then to ensure their conspiracy of silence. The reluctance to report colleagues out of a mistaken faith that child molesters look different and the teacher or coach in the next room or field simply couldn't abuse children is ensuring children don't tell, offenders don't get investigated, and children suffer for it.

When children go through the unspeakable crime of sexual abuse and it is brought to law enforcement, they must endure the criminal justice system. Adult survivors of sexual assault can attest to the difficulties they face in this process. Imagine it through the eyes of a child. Many times, children must undergo a sexual assault exam, something adult women find humiliating and intrusive. For children, it is many times worse. They must also subject themselves to an interview, and are required to give intimate, painful details of the worst moments of their lives to a complete stranger like a detective or child protective services worker. Many times, children need follow up interviews and therapy. Fortunately, there is a network of Child Advocacy Centers – many accredited by the National Children's Alliance - across this country to help children through the system. I am on the board of the Children's Advocacy Centers of Georgia, and we accredit 46 CACs in Georgia. Around the country, there are over 795 CACs that provide services to children. Over 300,000 children needed CAC services in 2015 alone. If that is not an epidemic, I don't know what is, especially when you remember this is a small fraction of the children actually suffering. These services vary, though, mostly because of funding.

For example, some CACs provide on-site sexual assault exams by a trained professional in a child-friendly surrounding. In many places, children must go to a hospital emergency room. How frightening must that be? CACs also provide a child-friendly location for interviews and therapy. In some places, children must be interviewed in a police station where offenders and other criminals are interviewed. Pioneers in child-friendly services, interviews, and exams are CACs like the one in Dallas, co-host of the largest crimes against children conference in the world every August, and my own home CAC, SafePath in Marietta, GA, with whom I have proudly worked since 2000. SafePath does heroic work, but must constantly fund-raise so they don't have to turn children away. Children who are sexually abused are not like adult crime victims. They deserve extra protection and safer spaces in which to be examined, disclose their abuse, and receive therapy to help them on the long road to recovery. I hope this committee will see to it that these havens for child victims have the resources they need.

I am sure you are constantly asked for money for many worthy issues. Nelson Mandela said, "there can be no keener revelation of a society's soul than the way in which it treats its children." Given everything we know about child abuse, we are living in a society which has lost its soul. We can, we must, do better.

