

TESTIMONY

of

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THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

for the

**UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY, AND
INVESTIGATIONS
COMMITTEE ON THE JUDICIARY**

**“PREVENTING CRIMES AGAINST CHILDREN: ASSESSING THE LEGAL
LANDSCAPE”**

March 16, 2017

Chairman Gowdy, Ranking Member Jackson Lee and Members of the Subcommittee, I am pleased to be here on behalf of The National Center for Missing and Exploited Children® (“NCMEC”).

As Vice President for NCMEC’s Exploited Children Division (ECD), we are reminded daily of the harmful and devastating impact of child sexual exploitation and the constant threat to children from offenders who seek to harm them online. We commend you for holding this hearing to address this issue.

NCMEC was created in 1984 by John and Revé Walsh and other child advocates as a private, non-profit organization to serve as the national clearinghouse and resource center and to provide a coordinated, national response to the problem of missing and exploited children. As the national clearinghouse, NCMEC provides resources and services to families, victims, private organizations, law enforcement, and the general public to assist in the prevention of child abductions, the recovery of missing children, and the provision of services to deter and combat child sexual exploitation.

NCMEC’s unique involvement in combatting and addressing issues related to missing and exploited children enables us to recognize developing trends and increased dangers for children as they arise. NCMEC has numerous programs to assist families, child victims, the professionals who serve them, Internet companies, and law enforcement on cases of sexually exploited children.

Growth of the Online Sexual Exploitation of Children

NCMEC has three core programs that facilitate the reporting of online child sexual abuse content, help identify child victims and prevent future victimization, and provide educational resources to parents and guardians who seek to better understand their children’s online activities. In recent years, each of these programs has experienced a tremendous explosion in the volume of reports received and activity undertaken by NCMEC to address these issues.

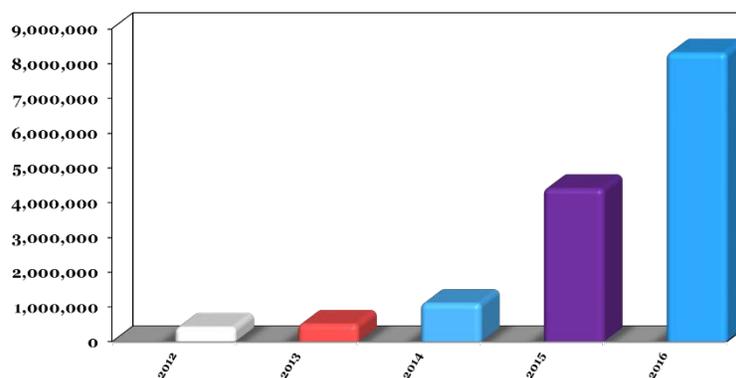
CyberTipline®

In 1998, with the help of a private donation and after starting to receive an increase in reports relating to the online sexual exploitation of children, NCMEC created the CyberTipline. The CyberTipline provides an online mechanism for members of the public and electronic service providers (ESPs) to report incidents of suspected child sexual exploitation, including child pornography, child sex tourism, online enticement, child sex trafficking, child sexual molestation, misleading domain names or words, and unsolicited obscene material sent to a child. Federal law (18 U.S.C. § 2258A) was later enacted to require ESPs to report instances of apparent child pornography that they become aware of on their systems to NCMEC’s CyberTipline.

As part of its work to prevent the further victimization of children and to discover trends that can assist in preventing these crimes, NCMEC staff review content reported to the CyberTipline and upon completion of processing these reports, make them available to law enforcement in appropriate jurisdictions for independent review. Throughout this process, NCMEC constantly triages reports to ensure that children who appear to be in imminent danger get first priority.

In the past several years, the volume of CyberTipline reports NCMEC receives has increased dramatically, from over 1.1 million reports in 2014, to more than 4.4 million reports in 2015, to more than 8.2 million reports in 2016. In 2017, NCMEC has already received over 2.3 million CyberTipline reports.

CyberTipline Activity



Reflects CyberTipline Reports received January 1, 2012 through December 31, 2016.

The exponential increase in reports to NCMEC's CyberTipline is due to multiple factors, including the international nature of the crime; voluntary adoption by ESPs of new technology to remove child sexual exploitation content from their platforms; and decreased barriers to using the Internet to facilitate storing and sharing large volumes of illegal images among offenders. Once content is distributed online, it is impossible to eradicate all copies, and the continual distribution of images leads to an increased number of CyberTipline reports submitted to NCMEC.

The international nature of online child pornography crimes is pervasive. In 2016, 94% of the reports submitted to NCMEC's CyberTipline by U.S.-based ESPs involved an individual outside of the U.S. who uploaded an image or video of child pornography on the ESPs' platforms. As awareness of, and efforts to combat, this crime expand internationally, NCMEC has grown into a globally-recognized clearinghouse and resource center. Currently, NCMEC makes CyberTipline reports with an international nexus available to more than 100 law enforcement agencies around the world, as well as Europol and INTERPOL.

NCMEC knows that child pornography presents a serious and growing threat to the children of this nation. The continued dissemination of these illegal images violates and exploits its many child victims. Because of this, NCMEC partners with leading members of the Internet industry on voluntary initiatives that many companies choose to engage in to deter and prevent the proliferation of online child sexual exploitation images. Many Internet companies take proactive steps to limit the presence of child pornography on their platforms, including the use of innovative technology, such as PhotoDNA, a private hash matching¹ technology tool developed by Microsoft in partnership with Dartmouth College, and sharing best practices to eradicate the dissemination of child sexual exploitation images. The use of these hashing technologies enables companies to prevent child sexual abuse content from being transmitted across their platforms and to report users who attempt to transmit such illegal content. The use of PhotoDNA and similar technologies and information sharing among technology companies is an essential part of future efforts and best practices in combatting child sexual exploitation.

Child Victim Identification Program[®]

NCMEC also operates the Child Victim Identification Program (CVIP), which serves as the central U.S. repository for information relating to child victims depicted in sexually exploitive images and videos. CVIP has a dual mission to assist in identifying child victims depicted in sexually exploitive images and to provide information relevant to judicial proceedings relating to child pornography crimes. CVIP's central goal is to determine which children pictured in sexually explicit images and videos remain unidentified so law enforcement can focus on identifying and recovering these children who might still be in abusive situations.

Since CVIP was established in 2002, NCMEC has reviewed nearly 200 million images and videos of child sexual abuse. As with NCMEC's CyberTipline program, NCMEC's private partnerships

¹ Hash matching is an automated computer process used to detect duplicates of the same digital image.

with technology companies provide the tools and expertise that enable our small staff to triage and screen huge volumes of content and to facilitate the identification and recovery of children.

Of particular concern to NCMEC are actively traded series of child abuse images². Actively traded series contain sexually abusive photos of one or more children that NCMEC has seen in five or more CyberTipline and/or CVIP reports. Through NCMEC's work on these actively traded series, disturbing statistics have emerged. For example, NCMEC is aware that series of some children have been circulated hundreds of thousands of times—this means that images and videos depicting the sexual abuse of certain children are being sent repeatedly to offenders around the world.

NCMEC utilizes the expertise and awareness it gains by operating the CyberTipline and CVIP to craft and provide informational resources to parents and guardians, as well as technical assistance and educational programs to the public, law enforcement and other child-serving professionals. NCMEC's prevention and educational programs regarding child sexual exploitation are data-driven, and provide powerful guidance to the public on trends and prevention messages.

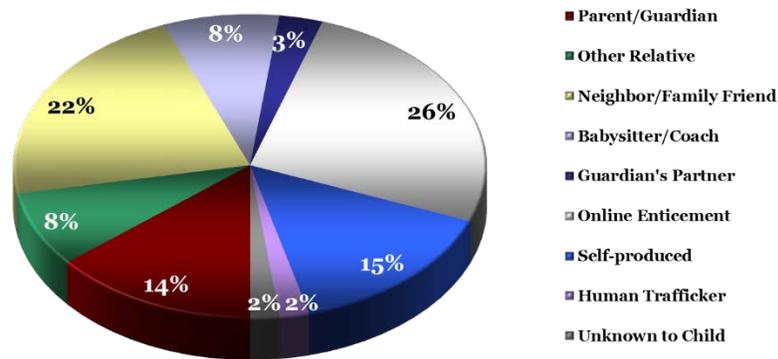
As an example, in October 2013, NCMEC began tracking a disturbing new form of online sexual victimization of children called sextortion. Sextortion involves the use of non-physical forms of coercion, such as blackmail, to acquire sexual content (photos or videos) of a child victim, obtain money from the child, or attempt to engage in sex with the child. NCMEC analyzed the data received in CyberTipline reports related to sextortion to develop a sextortion fact sheet that provides families, law enforcement and the public with valuable analytical information regarding this crime. This fact sheet is also designed to educate communities about this crime and encourage children to report if they are being sexually exploited or are victims of sextortion.

Additionally, NCMEC has gathered extensive information relating to the relationships between abusers and child victims in actively traded series. NCMEC's information demonstrates that the majority of sexual abuse seen in reports to NCMEC's CyberTipline are committed by an individual who is known to the child victim. Of the child victims who have been identified by law enforcement, 55% were victimized by an adult they knew and/or trusted. Procuring this data from actual CyberTipline reports enables NCMEC to craft prevention messaging for parents and guardians that takes into account actual trends in the sexual exploitation of children and provides educational resources to help address these issues. NCMEC's analytical review of identified victims whose images are actively traded also demonstrates that 41% of these victims are boys and 59% are girls. Sixty-four percent of the series depict prepubescent children; 9% depict infants and toddlers; and 27% depict pubescent children.³

² A "series" may include both abusive and non-abusive content relating to a child.

³ The term "prepubescent" is used to describe any child who does not show signs of sexual maturation whereas the term "pubescent" is used to describe children who show signs of sexual maturation – often these are middle or high school-age children.

Relationship of Exploiter to Child¹



1. Abuser data based upon victim information submitted to NCMEC by law enforcement, as of December 31, 2016. The data represent the known relationships from 8,996 series (12,539 identified victims).
2. "Online Enticement" includes either (1) victims who met a perpetrator online and transmitted self-produced images or (2) victims and offenders who met online and then met offline, producing images.
3. "Self-produced" includes those victims who have produced and distributed images of themselves.
4. "Human Trafficker" includes victims of commercial trafficking.
5. "Unknown to Child" includes un-established relationships, i.e. photographers, child sex tourism, runaways, etc.

NCMEC also utilizes the expertise and awareness it gains by operating the CyberTipline to offer informational resources to parents and guardians through its NetSmartz411 program. This program is designed as a forum for parents and guardians to obtain basic information relating to Internet safety, computers, and the Internet, as well as to ask specific questions relating to their child's online activities.

Growth in Collection and Trading of Child Sexual Exploitation Images

NCMEC's experience indicates that the number of images being collected and traded by offenders worldwide continues to expand exponentially, and these images increasingly include graphic and violent sexual abuse and feature young children, including infants. Despite criminal and civil efforts to stem its tide, child pornography remains a pervasive and growing problem.

In recent years, the demand for, and trade of, child sexual abuse images has been increasingly facilitated by technological advances, including the increased use of digital recording devices, more expansive storage capacity, and faster Internet speeds. The ready availability of digital cameras (with no need for an outside photo developer), recording devices, and smart phones has facilitated the creation of new child sexual abuse images and videos, while technological advances permit offenders to view and share larger numbers of photos and videos—with some offenders creating collections containing tens of thousands of images and videos. In particular, the growing popularity of "peer-to-peer" file sharing, which permits direct, anonymous file-sharing between two or more users without cost to either user, as well as instant messaging and multi-media applications, have made distribution a common aspect of child pornography offenses. Collectively, these technological changes have facilitated offenders' ability to create, possess, and distribute ever-larger volumes of child pornography.

Child pornography is a market-driven crime that always demands the production of new content, thus encouraging continued production of images by the direct exploitation and abuse of vulnerable children. The high demand for child pornography leads individuals to sexually abuse children and also to “commission” the child sexual abuse for profit or heightened status among other offenders. Child pornography offenders span all geographic, professional, educational, and income levels.

As these images continuously proliferate and are traded online, child pornography victims suffer a perpetual invasion of their privacy and re-victimization as new offenders seek personal gratification from viewing the child’s rape and sexual abuse. It is simply impossible to remove images and videos of a child victim’s abuse from an unknown offender’s personal collection and prevent the continued circulation and redistribution of these images on the Internet. Once an image of a child’s sexual abuse is placed online, that image remains and can be viewed and traded perpetually.

Offenders who possess child pornography images perpetuate the ongoing harm to child victims. Each notification to a child victim that a new offender has been arrested for possessing images of his or her abuse can further exacerbate a victim’s psychological injuries. NCMEC believes it is critical to ensure prosecutors and law enforcement have adequate tools to combat those who engage in the online sexual exploitation of children for their personal gratification. It is equally crucial that children whose sexual abuse images are distributed online have adequate legal opportunities to seek recovery for the harm they continue to suffer, both in criminal and civil proceedings.

NCMEC works extensively with private counsel for victims of child pornography to ensure that they have every opportunity to seek civil restitution for the enduring harm that is inflicted on these children as their sexually abusive images continue to be recirculated among offenders. Once an identified child victim is made known to NCMEC by law enforcement, NCMEC will enter information related to the newly identified victim into its systems. This begins the process of victim notification by the U.S. Department of Justice’s Office for Victims of Crime. Each time NCMEC becomes aware that an identified child victim is seen in a federally-prosecuted case, it notifies the Federal Bureau of Investigation’s Office of Victims Assistance as part of the victim notification process.

NCMEC is able to analyze information processed as part of our image review requests to help private attorneys ensure they are receiving proper victim notification from the Office of Victim Assistance and to assist them with obtaining restitution on behalf of their clients in both civil and criminal judicial proceedings. NCMEC can also facilitate communications between private counsel and government and law enforcement agencies on behalf of these child victims. Additionally, NCMEC provides therapeutic resources from our master-level trained therapists to provide support to child victims and their families as they address the unique harm and suffering caused by the dissemination of their images of sexual exploitation.

Every individual who views, possesses, creates or distributes child pornography contributes to the grave harm suffered by child victims. Restitution can never undo the damage these victims have suffered, but it can provide necessary funds for them to receive therapy and compensate them for related losses they suffer. The full cost of the harm suffered as a result of the global trafficking of child sexual abuse images should be on the shoulders of the guilty perpetrators and not the innocent child victims.

Assistance in Locating Noncompliant Sex Offenders

NCMEC further advances its mission to help prevent the future victimization of children by providing assistance in locating noncompliant sex offenders. NCMEC achieves this goal by providing technical assistance and publicly-available, open-source information relating to noncompliant sex offenders. The Adam Walsh Reauthorization Act provides significant support by reauthorizing two central programs that assist state and local law enforcement agencies in their efforts to improve sex offender registry systems and to bolster information sharing capabilities. Importantly, this proposed legislation would reauthorize the essential work being accomplished by the U.S. Marshals to aid state and local law enforcement in locating and apprehending sex offenders who fail to comply with registration requirements.

Through its work in helping locate noncompliant sex offenders, NCMEC also recognizes the important role background check programs can fill in providing valuable information, especially to child-serving organizations, about potential applicants and volunteers who will have contact with children. While no single method standing alone is ever sufficient to protect children from potential harm, NCMEC recommends background check programs as an essential part in child protection and commends the recently introduced Child Protection Improvements Act for its focus on providing this additional layer of protection for children.

Outreach & Prevention

Each day, NCMEC strives to transform accumulated statistics regarding missing, abducted, and exploited children into a positive impact by crafting audience-appropriate safety and prevention messaging for families, educators and the public. The message of prevention is ingrained in NCMEC's mission. Over the past thirty-three years since NCMEC was created, it has become increasingly clear to us that one of the first steps in protecting children is educating not only children, but also their families, teachers and communities about safety risks and providing them with clear safety messaging. To address this key priority, NCMEC continues to expand our safety and prevention programs for families, teachers and community leaders on child abduction, child sexual exploitation and Internet safety. NCMEC's central education programs include the NetSmartz[®] Workshop, an interactive, educational safety resource for children ages five to 17, and KidSmartz[®], a free child safety program that educates families about preventing abduction and empowers kids in grades K-5 to practice safer behaviors.

NetSmartz

Through a series of age-appropriate games, cartoons, videos, worksheets, safety pledges, and grade-specific handouts and teaching curriculums, NetSmartz prepares children to be safer online, especially when confronted with cyberbullying, inappropriate content, sexting, enticement, and revealing too much personal information. Our safety programming is created to enable parents and educators to easily select particular aspects of the NetSmartz materials to share with children depending on time constraints and the child's age. NCMEC is always seeking new ways to expand its prevention messaging to those who have the most contact with children. One example of NCMEC's newest safety messaging is Safety Central, NCMEC's online safety app. Safety Central provides parents and guardians with a means to create a secure online ID for their children as well as constantly updated safety messaging and information about currently missing children.

Conclusion

Thank you for the opportunity to provide you and the Committee with information on NCMEC's role in combatting and preventing child sexual exploitation

In closing, we are gratified by the recent efforts by the House Judiciary Committee to address many of these dangers to children, including new threats to children online, through key legislation, including: The Adam Walsh Reauthorization, the Child Protection Improvements Act, the Justice for Child Victims Act, and continued refinements to clarify and strengthen the reporting of online apparent child sexual exploitation. NCMEC has been publicly supportive of these legislative efforts and welcomes the opportunity to continue to provide guidance and support as this legislation moves forward.

We look forward to continuing to work with you on these very important issues.