



# WE NEED TO DO BETTER

LET'S END ONLINE CHILD  
SEXUAL ABUSE MATERIAL  
CRIMES IN THE U.S.A.





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# DEFINITIONS AND ACRONYMS<sup>1</sup>

**CSAM** – Child Sexual Abuse Material. Any representation, by whatever means, of a child who is subjected to real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.<sup>2</sup> It includes photographs and recordings that are made during real criminal acts of sexual abuse of children and/or focus on the genitalia of the child.<sup>3</sup>

**Darknets/Dark Web** – Networks of technologies and platforms that can obfuscate traditional IP addresses and make it highly difficult to identify offenders. This anonymity emboldens users to commit more egregious offenses than are seen on traditional Internet platforms.

**Encryption** – Readily available, easy-to-use, often built-in software that thwarts the collection and analysis of critical evidence in child sexual exploitation cases. Even with proper legal process, law enforcement often is unable to obtain the evidence on an encrypted device.

**ICANN** – Internet Corporation for Assigned Names and Numbers.

**INHOPE** – International Association of Internet Hotlines

**Offender Communities** – Online communities dedicated to the sexual abuse of children, which have proliferated in closed and highly protected online spaces. Hand-picked members normalize each other's sexual interest in children and encourage each other to act on their deviant sexual interests.

**NASDTEC** – National Association of State Directors of Teacher Education and Certification

**NCMEC** – National Center for Missing & Exploited Children®. A private, nonprofit corporation whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. Since 1984, NCMEC has served as the national clearinghouse and resource center for families, victims, private organizations, law enforcement, and the public on issues relating to missing and sexually exploited children.

**NSOPW** – National Sex Offender Public Website. A search tool that allows the public to search sex offender data across registries.

**NSOR** – National Sex Offender Registry

**SORNA** – Sex Offender Registration and Notification Act. This sets minimum standards for sex offender registration and notification in the United States.

**USDoJ** – United States Department of Justice

<sup>1</sup>Terms throughout this report conform with the "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse," a 2016 report written by an Interagency Working Group coordinated by ECPAT International. This group was composed of the United Nations Special Representative of the Secretary General on Violence against Children, the United Nations Committee on the Rights of the Child, the International Labor Organization (ILO), the United Nations Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography, ECPAT, the International Centre for Missing and Exploited Children, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), and 10 other international organizations working in the field of children's rights.

<sup>2</sup>Definition from SECO Manifestations Factsheet. ECPAT International. Retrieved from [http://www.ecpat.org/wp-content/uploads/legacy/SECO%20Manifestations\\_CSAM.pdf](http://www.ecpat.org/wp-content/uploads/legacy/SECO%20Manifestations_CSAM.pdf)

<sup>3</sup>ECPAT International and Religions for Peace. 2016. "Protecting Children from Online Sexual Exploitation: A Guide to Action for Religious Leaders and Communities."

# INTRODUCTION

Despite the astounding growth in child sexual abuse material (CSAM) crimes over the past twenty years, the general public has little understanding about what it means, how vast the problem is, and how violently children are abused in order to produce the imagery depicted in photographs and recordings of child sexual abuse. A more accurate description of CSAM is “images of sexual assault on children.” Sometimes this assault is very violent, and some victims are as young as infants.

This report draws attention to the tremendous growth in the production and dissemination of child sexual abuse material. Because it is illegal to own even a single CSAM image, and many people have never seen or heard about CSAM, it is difficult for the public to grasp the nature and horror of the crime and the extreme abuse depicted. But it is important for there to be public knowledge about the problem if we are to create better policies and practices to protect children. Therefore, we provide here some details and graphic descriptions of a number of CSAM crimes.

ECPAT-USA's mission is to protect every child's right to grow up free from the threat of sexual exploitation and trafficking, including being used in child sex abuse material.

We seek to ensure that:

- Government policies protecting children from sexual abuse and exploitation are as strong and well-informed as possible.
- There are strong laws so the criminals responsible are prosecuted and imprisoned.
- Private companies take steps to ensure they are not inadvertently facilitating the production or dissemination of CSAM.
- The general public is informed and equipped with the information it needs to help keep children safe from exploitation.

From October to December of 2015, ECPAT-USA utilized Google Alerts to collect details of 538 CSAM cases in the United States. Contained in this report is a summary of ECPAT-USA's analysis of those cases.

This report describes CSAM itself and the violent crimes involved, and provides links to resources and materials that can enable the public to help protect children from these abhorrent crimes. It concludes with recommendations for policies to begin to grapple with the problem of CSAM in the United States.

# WHAT IS CHILD SEXUAL ABUSE MATERIAL?

ECPAT-USA defines CSAM as any representation, by whatever means, of a child who is subjected to real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.<sup>4</sup> It includes photographs and recordings that are made during real criminal acts of sexual abuse of children and/or focus on the genitalia of the child.<sup>5</sup>

In the pre-digital age, most CSAM consisted of physical photographs of nude children in sexual poses, classified under federal law as a “lascivious exhibition of the genitals or pubic area.”<sup>6</sup> In recent years, the problem has increased exponentially, with graphic images of abuse becoming the norm rather than the exception.

## Child Pornography versus CSAM

Although the term *child pornography* is used commonly in official documents and media, ECPAT-USA prefers the term *child sexual abuse material*. The word *pornography* refers to material with adult sexual content that in many cases is made and distributed

legally, involving individuals who are legally old enough to provide sexual consent. It is ECPAT-USA's position that the term *child pornography* does not adequately convey the horror and violence of sexual crimes against children. This statement should not be taken to condone adult pornography, but to highlight the vital and relevant differences between pornography and CSAM. Children cannot legally consent to participate in the making of sexually explicit content and, not infrequently, this content is produced without their knowledge or understanding. In addition, there is nothing beautiful or artistic about the photos and imagery of child sexual exploitation.

## Accounts of CSAM

Conveying the violence inflicted upon children in order to produce CSAM requires some description of these acts. Please note that this section includes descriptions of abuse that are highly disturbing. However, ECPAT-USA believes that it is vital to communicate the stark and severe levels of abuse involved in contemporary CSAM crimes.

<sup>4</sup> Definition from SECO Manifestations Factsheet. ECPAT International. Retrieved from [http://www.ecpat.org/wp-content/uploads/legacy/SECO%20Manifestations\\_CSAM.pdf](http://www.ecpat.org/wp-content/uploads/legacy/SECO%20Manifestations_CSAM.pdf)

<sup>5</sup> ECPAT International and Religions for Peace. 2016. “Protecting Children from Online Sexual Exploitation: A Guide to Action for Religious Leaders and Communities.”

<sup>6</sup> Gelber, Alexandra. 2009. “Response to ‘A Reluctant Rebellion.’”



Alexandra Gelber, in her 2009 United States Department of Justice (USDoJ) article, “Response to ‘A Reluctant Rebellion,’” describes one prosecution thus: “fourteen defendants were convicted for participating in a newsgroup where they traded over 400,000 sexually abusive images and videos of children, including images of toddlers and the sadistic sexual abuse of children.” In some of these videos, the children can be heard screaming and crying in response to the physical assault, and Gelber adds that one video depicts an adult male raping an infant girl. In another, a man is depicted having sex with a toddler wearing a dog collar around her neck.

In another section, Gelber describes the CSAM collection amassed by a defendant. According to her account, the collection included nude images of young girls revealing their genitalia, as well as images of:

- A naked young girl who appears to be screaming in pain while being sexually violated.
- Two young girls, one naked and kneeling with a dog collar and leash around her neck; the other standing in a see-through bodysuit holding a whip in one hand and a leash in the other.
- A series entitled “Young Bondage,” depicting a naked, young female with a thick metal collar around her neck, connected by chains to straps around her wrists.

Unfortunately, these descriptions are characteristic of many CSAM crimes. A 2012 NCMEC report breaks down the most common types of child sexual abuse depicted:

- 84% contained images depicting oral copulation.
- 76% contained images depicting anal and/or vaginal penetration.

- 52% contained images depicting the use of foreign objects or sexual devices.
- 44% contained images depicting bondage and/or sado-masochism.
- 20% contained images depicting urination and/or defecation.
- 4% contained images depicting bestiality.<sup>7</sup>

One of the survivors profiled in Gelber’s account survived a murder attempt by her mother and long-term sexual abuse by her adoptive father – including being chained in the basement and intentionally malnourished – from ages 5–10. The adoptive father later shared images of this abuse. In the words of the survivor:

**“Usually, when a kid is hurt and the abuser goes to prison, the abuse is over. But because [the defendant] put my pictures on the Internet, the abuse is still going on. Anyone can see them. People are still downloading them...”<sup>8</sup>**

In another case from 2009, in which the offender used child pornography to groom his own victims, a survivor testified, *“thinking about all those sick perverts viewing my body being... hurt like that makes me feel like I was raped by each and every one of them. I was so young... It terrifies me that people enjoy viewing things like this... Each person who has found enjoyment in these sick images needs to be brought to justice... even though I don’t know them, they are hurting me still. They have exploited me in the most horrible way.”<sup>9</sup>*

<sup>7</sup> Collins, M. 2012. Federal Child Pornography Offenses.” Testimony of Michelle Collins before the US Sentencing Commission. National Center for Missing and Exploited Children.

<sup>8</sup> Gelber, Alexandra. 2009. “Response to ‘A Reluctant Rebellion.’”

<sup>9</sup> “Child Molester Nets 40-Year Sentence under New Federal Anti-Grooming Law.” 2009. Federal Bureau of Investigation. Retrieved from <https://archives.fbi.gov/archives/mobile/press-releases/2009/mo071509a.htm>

# THE SCOPE OF THE PROBLEM

The wide availability of the Internet, along with easy access to mobile devices that record and share media, has enabled a transformation in how CSAM is created, distributed, and consumed. These factors have vastly increased the amount of CSAM in circulation.<sup>10</sup>

Before the Internet, and before digital cameras and mobile phones, CSAM perpetrators had to produce physical copies of photographs, which could only be shared via mail or in person. In 1995, Interpol estimated there were only about 4,000 such physical CSAM images in existence.<sup>11</sup> Since that time, there has been an astronomical increase in the amount of CSAM being produced. Between March 2010 and April 2012, 43 police departments in the United Kingdom were asked to participate in a survey. The five that responded reported that they had seized some *26 million* CSAM images during that two-year span.<sup>12</sup> According to a more recent report from the We Protect Global Network, there are hidden CSAM websites with over one million user profiles.<sup>13</sup> This same article reports that National Center for Missing & Exploited Children's (NCMEC's) CyberTipline received over 10.2 million reports of CSAM in 2017, a stark increase from the 1.1 million it received in 2014.<sup>14</sup>

The increase is partly due to digital CSAM's insidious ability to spread. According to a 2015 UN report, "88% of self-generated, sexually-explicit content of children was taken from its original online location and uploaded to a different Internet site, usually without the children themselves being aware."<sup>15</sup>

High tech tools such as encryption programs enable offenders to hide from detection and prosecution. Law enforcement has made important strides in gaining access to the same tools used by exploiters, but these efforts are hampered by globalization, constant advances in encryption programs, and the difficulty of penetrating the Dark Web and its heavily guarded offender communities. As far back as 2002, the FBI reported, "Those who trade in child pornography participate in... networks of like-minded individuals, which serve as support groups."

Because these individuals can easily find, identify with, correspond with, and trade child pornography with each other, they are comforted in the fact that they are not alone and thereby, their offending behavior is thereby validated. They feel they are part of a vast network of like-minded people who believe it is acceptable to engage in sexual fantasies about children."<sup>16</sup>

<sup>10</sup> We Protect Global Alliance. 2018 Global Threat Assessment.

<sup>11</sup> Carr, John. The Unbelievable Truth about Child Pornography in the UK. Huffington Post UK Edition. 10/17/2012. Retrieved from [http://www.huffingtonpost.co.uk/john-carr/child-pornography-the-unbelievable-truth-ab\\_b\\_1970969.html](http://www.huffingtonpost.co.uk/john-carr/child-pornography-the-unbelievable-truth-ab_b_1970969.html)

<sup>12</sup> Ibid.

<sup>13</sup> We Protect Global Alliance. 2018 Global Threat Assessment.

<sup>14</sup> Ibid.

<sup>15</sup> United Nations Office on Drugs and Crime. 2015. "Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children."

<sup>16</sup> Heimbach, Michael. 2002. Testimony. Federal Bureau of Investigation. Retrieved from <https://archives.fbi.gov/archives/news/testimony/supreme-courts-child-pornography-decision>



For the most part, CSAM transactions appear to be non-commercial. In 2014, 91% of CSAM analyzed or processed by the International Association of Internet Hotlines (INHOPE) were not sold or exchanged “for financial or other types of measurable gain,” but rather “shared or traded among like-minded criminal individuals at no cost.”<sup>17/18</sup> According to Gelber’s report, this “quid pro quo” trading practice is dangerous because it can turn a collector into a producer: “In order to have the requisite ‘new’ images needed to barter for images in return, a defendant may decide to produce images of his own abuse of a child.”<sup>19</sup>

CSAM crimes are committed throughout the United States. As this ECPAT-USA investigation reveals, there was at least one CSAM-related case reported in almost every state during the fourth quarter of 2015. In some states, these cases were being reported on once every few days.

The following series of charts present a graphic summary of the CSAM cases reported in the news in the United States and captured by Google Alerts for the last three months of 2015. They include stories written at the time of arrest or, in some cases, at the time of trial or sentencing of a perpetrator.

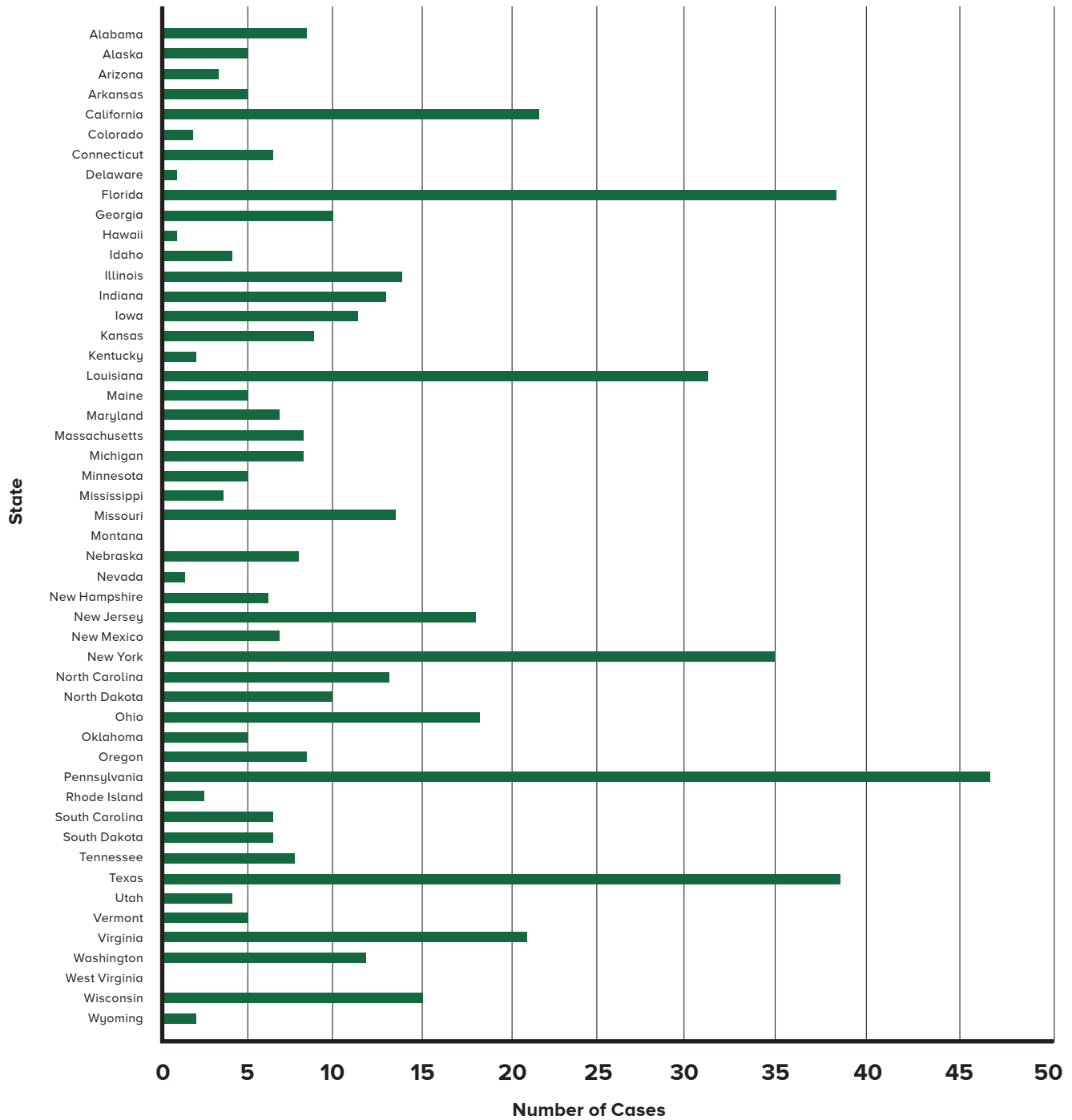
<sup>17</sup> ECPAT International and Religions for Peace. 2016. “Protecting Children from Online Sexual Exploitation: A Guide to Action for Religious Leaders and Communities.”

<sup>18</sup> International Association of Internet Hotlines. 2015. “InHope - Statistics and Infographics 2014.”

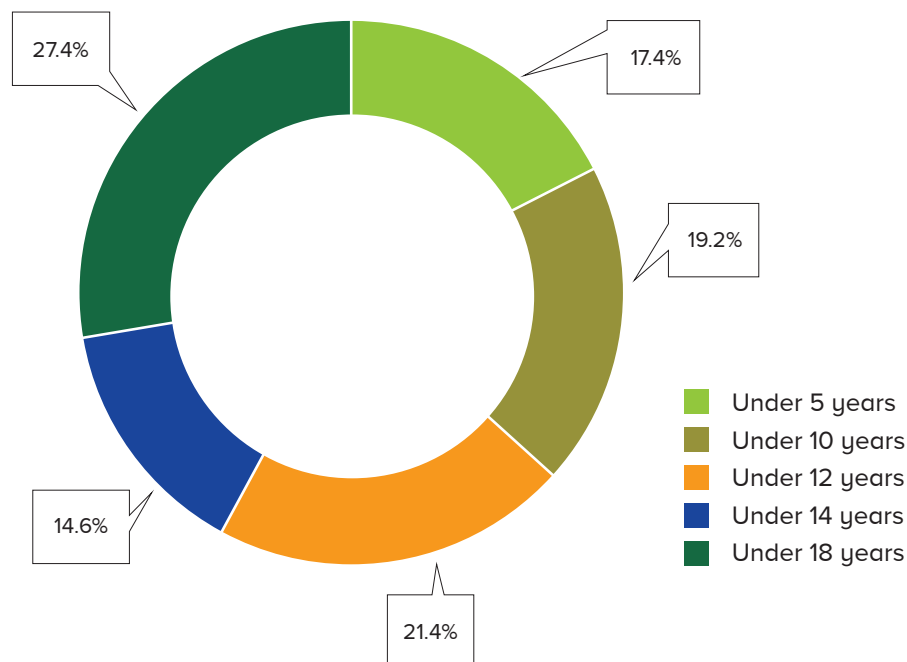
<sup>19</sup> Gelber, Alexandra. 2009. “Response to ‘A Reluctant Rebellion.’”

## NUMBER OF CHILD SEXUAL ABUSE MATERIAL CASES OCTOBER – DECEMBER 2015, BY STATE IN THE U.S.A.

Total Number of Cases: 538



## AGE OF CHILD VICTIMS



Out of the **538** cases examined in this study, **281 (52%)** reported age-related information on the victim.

For the 52% of cases that reported on the age of the victims:

- 17.4% of victims were under the age of 5.
- 36.7% of victims were under the age of 10.
- 58.0% of victims were under the age of 12.
- 72.6% of victims were under the age of 14.

According to the USDoJ, the ages of victims depicted in child abuse imagery have significantly decreased.”<sup>20</sup> In 2014, 7% of CSAM victims were infants, compared to 6% in 2011.<sup>21</sup> According to the We Protect Global Alliance, this increase in pre-verbal children in CSAM in recent years has been due to a deliberate effort to involve children who cannot self-report their abuse or describe what happened. A 2018 report from ECPAT International, which analyzed Interpol’s database of CSAM, found that more than 60% of victims depicted in the materials they examined were prepubescent, and that the younger the child, the more severe the abuse tended to be.<sup>22</sup> The most recent annual report from INHOPE shows that 82% of the victims are 13 years old or younger, including 3% of victims who are 2 years old or younger.<sup>23</sup>

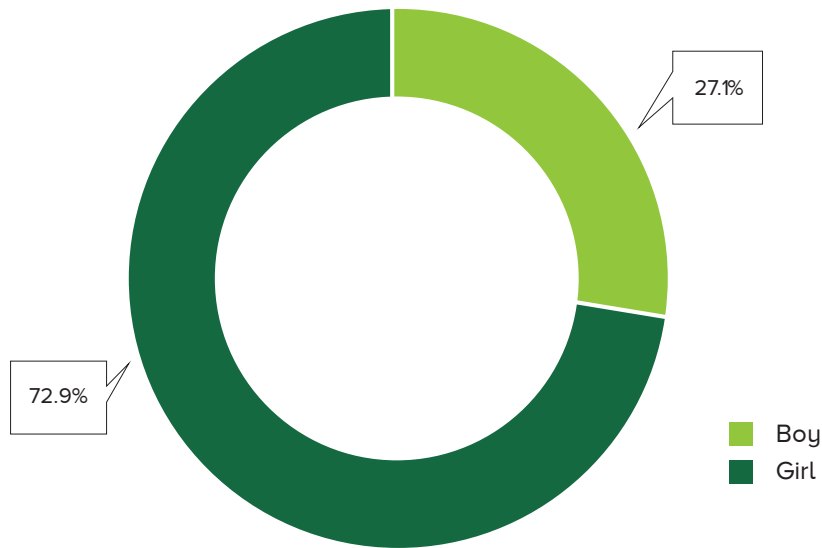
<sup>20</sup> U.S. Department of Justice. 2016. “The National Strategy for Child Exploitation Prevention and Interdiction.”

<sup>21</sup> International Association of Internet Hotlines. 2015. “InHOPE - Statistics and Infographics 2014.”

<sup>22</sup> ECPAT International and Interpol. 2018. “Towards a Global Indicator on Unidentified Victims of Sexual Exploitation Material.”

<sup>23</sup> International Association of Internet Hotlines, “INHOPE - Statistics and Infographics 2017.”

## GENDER OF CHILD VICTIMS



Of the **538** cases examined in this study, **133 (24.7%)**, reported the gender of the victim. When the victim's gender was reported:

- 72.9% of victims were female.
- 27.1% of victims were male.<sup>24</sup>

The general perception is that child sexual exploitation happens only to girls,<sup>25</sup> but over a quarter of cases in this sample involved male victims. Other studies have found that percentage to be higher, including a 2012 NCMEC report that found 43% of all depicted victims were boys.<sup>26</sup> In ECPAT and Interpol's recent research report, in those cases in which the gender of the victim was identified 72.5% were female, 31.1% were boys, and 4.1% depicted both boys and girls. In general the CSAM pictures of boys showed more severe abuse.<sup>27</sup>

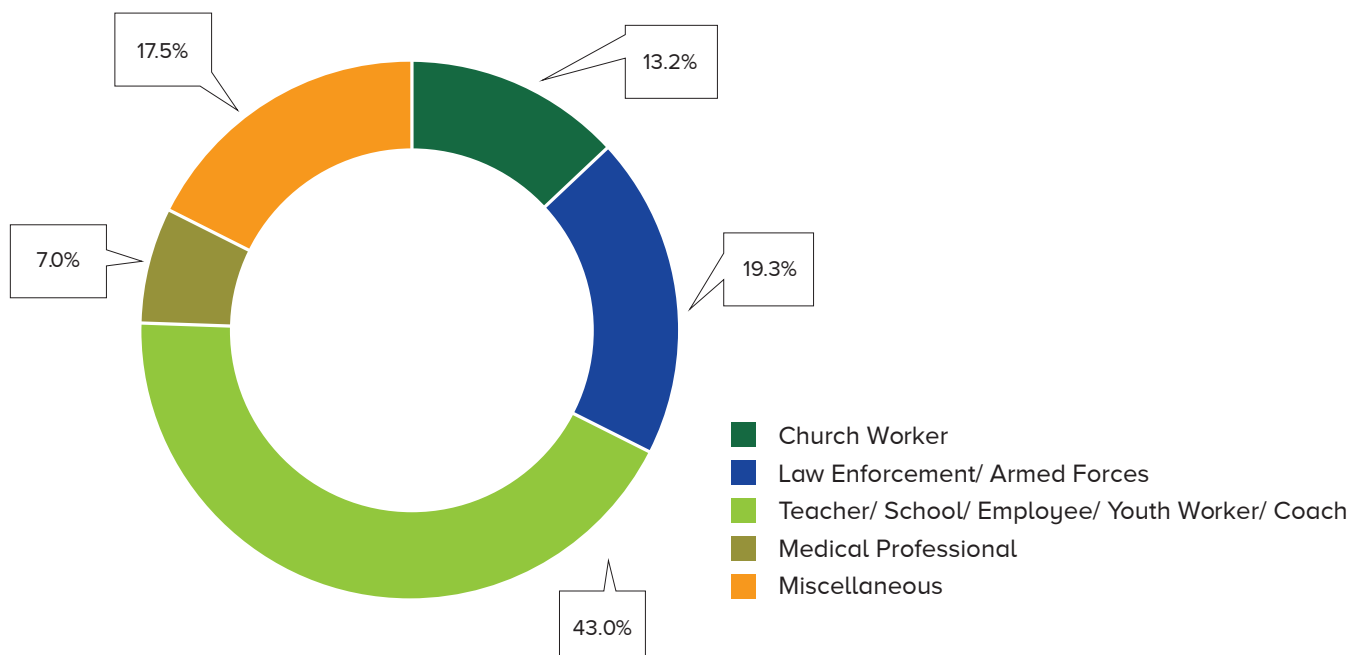
<sup>24</sup> Data sources only reported on male and female as genders, and thus data in this category reflects this gender binary.

<sup>25</sup> ECPAT-USA, 2014. ECPAT-USA's PSA "It Happens Here."

<sup>26</sup> Collins, M. 2012. Federal Child Pornography Offenses." Testimony of Michelle Collins before the US Sentencing Commission. National Center for Missing and Exploited Children.

<sup>27</sup> ECPAT International and Interpol. 2018. "Towards a Global Indicator on Unidentified Victims of Sexual Exploitation Material."

## PROFESSION OF OFFENDER



Out of the **538** cases examined in this study, **114 (21.2%)** reported the profession of the offender.

Of these:

- 43.0% of cases involved an offender who was a teacher, school employee, youth worker, coach, or youth mentor.
- 19.3% of cases involved an offender who was in law enforcement or the armed forces, i.e., police sergeant, officer, state trooper, deputy, detective, public safety dispatcher, or a member of the army, air force, navy or coast guard.
- 13.2% of cases involved an offender who was a church worker, including priests and pastors.
- 7.0% of cases involved an offender who was a medical professional, i.e., doctor, surgeon, pediatrician, dentist, EMS worker, and health worker
- 17.5% of cases involved an offender with a profession that would not put them into consistent contact with youth. Examples include radio D.J., used-car salesman, politician, jail warden, fire department dispatcher, television star, and public transit authority worker

As Gelber notes, CSAM criminals are harder to spot; “unlike gang members, drug runners, alien smugglers, and illegal gun dealers, these defendants typically do not make their living through the violation of the law... there is a distressing tendency to place greater emphasis on a defendant’s outer appearance of normalcy than on his criminal conduct, which can lead to an under-estimation of their danger and an over-estimation of their capacity for rehabilitation.”<sup>28</sup>

<sup>28</sup> Gelber, 2009

Overall, a significant proportion of those arrested for CSAM crimes (whose occupations were noted) were in positions involving regular interaction with children. A recent report from NCMEC shows the following data about the relationships between children and those who abuse them<sup>29</sup>:

- In 32% of the cases, the abuser was a neighbor or family friend.
- In 21% of the cases, the abuser was a parent or guardian.
- In 11% of the cases, the abuser was another relative.
- In 7% of the cases, the abuser was a babysitter or coach.
- In 3% of the cases, the abuser was the guardian's partner.
- In total, 74% of the child sex offenders belonged to the child's "circle of trust."

A 2016 USDoJ report notes that some offenders may specifically seek positions that provide them with access to children, such as teacher, daycare provider, clergy, doctor or coach.<sup>30</sup> Gelber describes a situation in which a father of three was convicted for CSAM possession: "He may have been 'an otherwise law abiding father... but when it came to the child pornography laws that he was willing to break, he did so persistently, consistently, and with unwavering dedication. Notably, his effort to rehabilitate himself came only after his arrest.'"<sup>31</sup>

Some discrepancies exist between NCMEC's findings and ECPAT's. This may be due to the fact that the ECPAT-USA study gathered data from mainstream media outlets, who might be more likely to report the profession of the offender when that profession is higher-profile or more newsworthy (teachers, law enforcement, clergy), or some other reason.

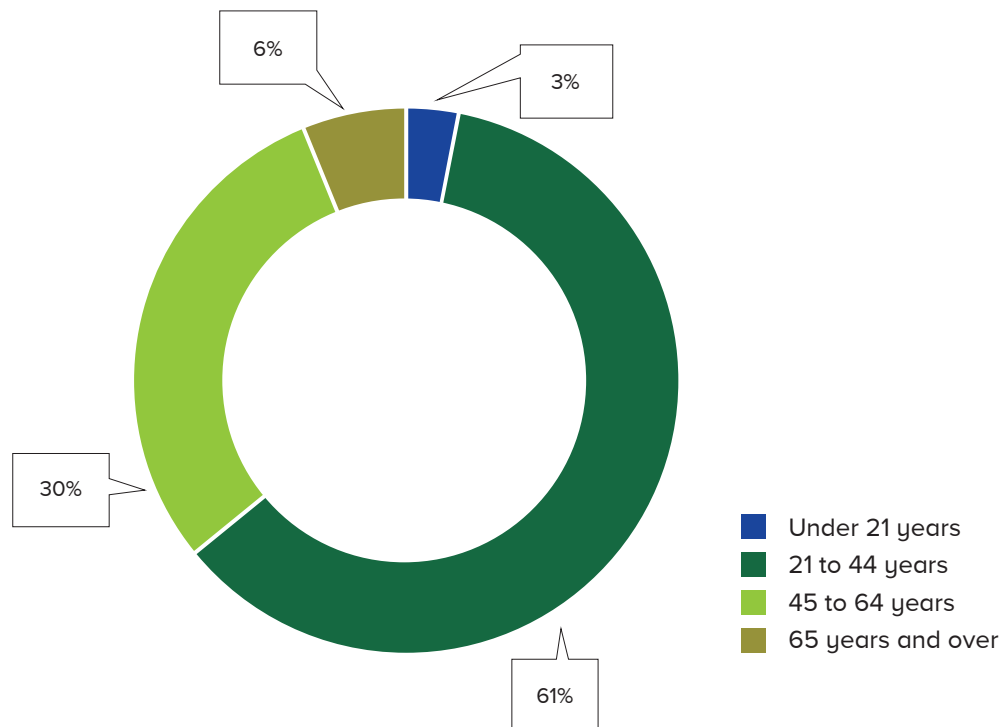
<sup>29</sup> National Center for Missing and Exploited Children. 2018. "Production and Active Trading of Child Sexual Exploitation Images Depicting Identified Victims."

<sup>30</sup> U.S. Department of Justice. 2016. "The National Strategy for Child Exploitation Prevention and Interdiction."

<sup>31</sup> Gelber, Alexandra. 2009. "Response to 'A Reluctant Rebellion.'"



## AGE OF OFFENDER

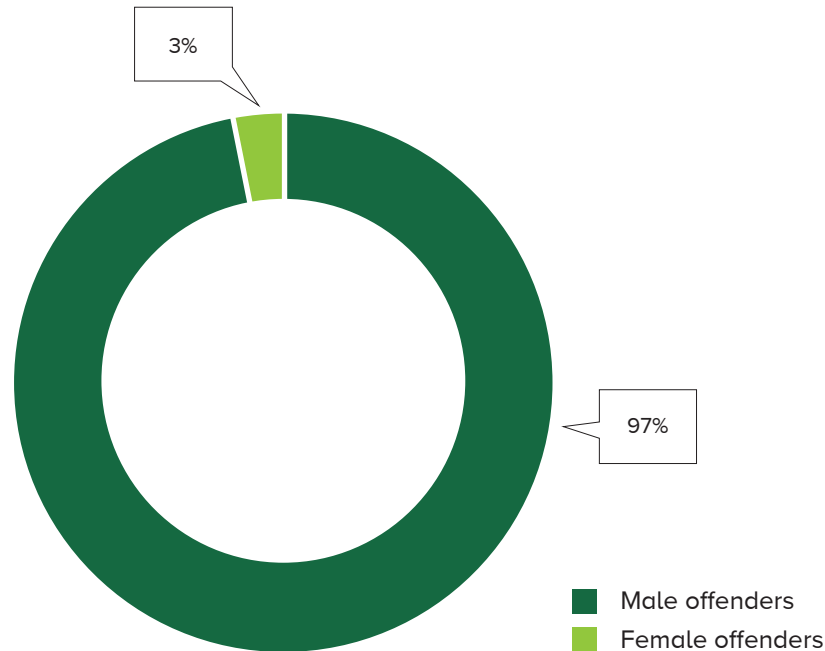


All of the news articles examined for this study disclosed the age of the offender(s).

- In 3% of cases, the offender was under the age of 21.
- In 61% of cases, the offender was between the ages of 21 and 44.
- In 30% of cases, the offender was between 45 and 64 years of age.
- In 6% of cases, the offender was over the age of 65.

While 61% of the arrest cases involved an offender between the ages of 21 and 44, it is important to note that offenders can be of any age.

## GENDER OF OFFENDER



All of the cases examined for this study disclosed the gender of the offender(s).

- 97% (521 cases) involved a male offender.
- 3% (17 cases) involved a female offender.

These statistics are supported by Interpol's 2018 analysis of their database of CSAM materials, which found that 92.7% of the offenders depicted in CSAM (when gender is determinable) are male. When female and male offenders were both depicted (5.5% of cases), it was typically the male recording the imagery while the female abused the child(ren). In a small percentage (2%) of cases, females seemed to be the sole abusers, and in such situations, the offenders tended to be younger in age (teens or young adults).<sup>32</sup>

<sup>32</sup> ECPAT International and Interpol. 2018. "Towards a Global Indicator on Unidentified Victims of Sexual Exploitation Material."

# THE IMPORTANCE OF BACKGROUND CHECKS

In June 2011, a survey of sex offender registries conducted by NCMEC concluded that there were approximately 740,000 registered sex offenders in the United States and its territories.<sup>33</sup> By 2017, this number had risen to 874,725.<sup>34</sup> Sex offender registries include those convicted for sex crimes against victims of all ages. There are no separate registries for sex crimes against children.

Many CSAM convictions involve first-time offenders, making it difficult to be proactive against these types of crimes.<sup>35</sup> One important step that employers can take is to have background screening policies in place to conduct thorough and proper background checks on all potential employees. However, the current, decentralized system of background checks and sex offender registries in the US is neither perfectly comprehensive nor easily comprehensible.

As a complement to background checks, employers can have detection tools installed on company computers, mobile phones, and servers to prevent them from being used to consume CSAM. The detection works like a virus detector with the difference that it detects child sexual abuse material that has been previously identified by law enforcement. The software detects when someone is viewing or downloading

CSAM and functions wherever the image comes from, whether the open internet, the Dark Web or a USB drive. This helps employers find those with a sexual interest in children and enables them to report the findings to law enforcement.<sup>36</sup>

## State Laws

Registries of sex offender information are organized by jurisdiction and include the 50 states, U.S. territories, Washington D.C., and participating Indian tribes. While there are general federal guidelines for what information must be stored, each jurisdiction has its own laws, and some jurisdictions give details that others do not, such as birth dates or penal codes for specific offences. Jurisdictions also have their own laws regarding how sex offender information is collected, maintained, and displayed.

Sex offenders are subject to the registration laws of the jurisdictions where they work, live, attend school, or were convicted. Each jurisdiction's registration requirements might be different. For example, some require a sex offender's registration information to remain on the public registry website even after they have relocated to another jurisdiction, while others do not.

<sup>33</sup> Whalen, Kelly & Weiss, Alexander. 2013. "Building Stronger, Safer Communities: A Guide for Law Enforcement and Community Partners to Prevent and Respond to Hate Crimes." Washington, D.C.: U.S. Dept. of Justice, Office of Community Oriented Policing Services.

<sup>34</sup> National Center for Missing and Exploited Children. 2017. "Map of Registered Sex Offenders in the United States."

<sup>35</sup> Phillips, Kyra, and Scott Zamost. 2017. "Theme Park Employees Caught in Child Porn Arrests." CNN.

<sup>36</sup> A survey conducted by NetClean revealed that 1 in 500 employees are using the company computer to consume CSAM.

Most frequently the computer is used outside the workplace, on business trips or in offline mode using USB drives or external devices.

Currently, the most comprehensive database of registered sex offenders available to the public is the National Sex Offender Public Website (NSOPW), which provides links to all the websites of US jurisdictions. While not a national database itself, the NSOPW does give the public the ability to search each jurisdiction for information free of charge.<sup>37</sup> However, a check of the registry will **not** help in cases where the person has not been convicted of a sex crime; it will only identify those that were. For the most part, when private vendors are contracted by organizations to run background checks on employees, they will always check the NSOPW. If a sex offender is identified through NSOPW, it eliminates the need for a criminal check.

The National Sex Offender Registry (NSOR), is currently only searchable by law enforcement. However, if a criminal history record search is requested through the state and/or FBI, NSOR is searched along with other criminal files. Currently, access to state and FBI fingerprint background checks is not available in all U.S. states, and is prohibitively expensive in the states in which such access is available. The Child Protection Improvement Act of 2017, which was signed into law on March 23, 2018, will increase access to FBI fingerprint-based records and allow them to be more readily and affordably available to everyone.

## Federal Laws

There are federal minimum standards for how individual states handle sex offender registration and notification, as well as for keeping their registries updated and current. Title I of the Adam Walsh Child Protection and

Safety Act of 2006, also known as the Sex Offender Registration and Notification Act (SORNA), sets base requirements for monitoring and tracking offenders when they are released back into the public. These include establishing tiers of offenders so that crimes of a more severe nature may be distinguished, and requiring offenders to keep their information current through in-person appearances, not only for the registry in which they reside, but also for the one in which they work or attend school.<sup>38/39</sup>

## Two Types of Background Checks: Criminal and Sex Offender Checks

Employers should always include both criminal history checks and sex offender registry checks for all job applicants for those working in close proximity to children. A criminal history check provides different information and both are relevant for screening.

Sex offender registry searches only include queries for convictions for sex offences that appear on a state/territorial/tribal sex offender registry website or the national sex offender public website, as well as geolocation information that allows offenders to be located via computerized tracking. Criminal background checks do not contain such tracking information. They reveal only where an offender was convicted, not where they are currently living and registered. Importantly, though, not all convicted registered sex offenders appear on public sex offender registries. While some jurisdictions display information about all convicted sex offenders, others only display a portion of them.

<sup>37</sup> United States Department of Justice. 2017. "National Sex Offender Public Website."

<sup>38</sup> Hagen, Leslie A., and John Dossett. "Adam Walsh Child Protection & Safety Act of 2006."

<sup>39</sup> United States Department of Justice. "SORNA." Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Depending on the source of a criminal history check, it is possible that it will only uncover convictions for crimes that do not rise to sex offender status. Such crimes would not be uncovered in a search of the sex offender registry, although they may be relevant. For example, it is a federal offense to give obscene material to a minor, but not all states require that offenders register as a sex offender for this crime.

Criminal history checks conducted through the state or FBI will always include an NSOR check. If by chance the offender is not in NSOR, the crime would likely come up in their criminal history check, which also includes arrest history, charge, convictions, etc., for any type of crime.

### Problems with the System

Due to the nature of this state-centered system, offenders often slip through the cracks, especially when moving across state borders. There is no standardized set of rules for how a sex offender must register when moving between jurisdictions. We need to look in great depth and reevaluate the current sex offender registration systems, especially since it is well known that offenders seek out employment opportunities where they will be in direct contact with children and potential victims. Only by ensuring that all potential employees, especially in places such as schools, church youth groups, summer camps, boys and girls groups, and other similar organizations, are checked against sex offender registries can we prevent the hiring of employees who are sex offenders.

SORNA sets general guidelines that states should substantially meet in their sex offender laws in order to continue receiving federal aid. However, these guidelines are mere recommendations, not requirements. State and federal laws vary in enforcement of their registries of sex offenders and in their collection of information. A greater collaboration between these federal and state level registries is needed to ensure compliance.

The problem of weak systems of criminal and sex offender databases extends to the realm of education. In 2014, the U.S. Government Accountability Office examined the problem of child sexual abuse by school personnel, publishing a report identifying weaknesses in schools' ability to prevent and confront such abuse.<sup>40</sup> A 2016 *USA Today* article supported their findings, reporting that hundreds of cases of educators whose licenses had been revoked due to allegations of sexual or physical abuse had not been entered into the National Association of State Directors of Teacher Education and Certification's (NASDTEC's) screening database. These reports describe numerous gaps and inconsistencies that have made it possible for problematic teachers to be re-hired, often simply by crossing state lines.<sup>41</sup> There is currently no federal requirement for schools to report teacher sexual misconduct to law enforcement, child protective services, or NASDTEC, even when the individual is fired for their offense, nor is there a national database of disciplinary actions taken against teachers. So-called "Pass the Trash" legislation, which would force schools to share such information, has failed to get traction on the national level. However, laws that call for stricter background check policies have been passed in Pennsylvania, New Jersey, and elsewhere on the state level.

<sup>40</sup> Child Welfare: Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel. Retrieved from <https://www.gao.gov/assets/670/660375.pdf>

<sup>41</sup> Reilly, Steve. 2016. Broken discipline tracking systems let teachers flee troubled pasts. *USA Today*. Retrieved from <https://www.usatoday.com/story/news/2016/02/14/broken-discipline-tracking-system-lets-teachers-with-misconduct-records-back-in-classroom/79999634>

# PROBLEMS WITH INTERNET OVERSIGHT

As noted above, the widespread production and distribution of child sexual abuse exploded in scale due to the development of digital photography and the internet. Over time, some federal legislation has taken aim at this practice in a variety of ways. The 2008 Protect Our Children Act, for example, which requires electronic communication service providers to report instances of CSAM to NCMEC, has dramatically increased the number of reports to NCMEC's CyberTipline. More broadly, however, there has been little interest by policy makers to impose regulations or oversee the administrators of the internet.

In 2016, the two biggest internet domains – **.com** and **.net** – accounted for 70% of the child abuse imagery found on the open internet. Those two domain names only represented about 44% of all domain names, indicating they are the domain of choice for those who share child abuse imagery.

The global organization responsible for maintaining the Domain Name system is the Internet Corporation for Assigned Names and Numbers (ICANN). ICANN, a non-profit organization incorporated in California, sets the rules for how domains operate. Both the **.com** and **.net** domains are owned by a Virginia-based company called Verisign.

ICANN can do more to increase oversight, as it has done so at the request of private industry. In 2012, ICANN initiated a process which resulted in the creation of over 1,000 new "top level domain names." Some of these include names such as **.bank**, **.pharmacy**, and **.insurance**. Significantly, it also allowed the creation of a **.kids** domain name. Banks, pharmaceutical companies, and insurance companies were fearful of the consequences of bad actors being able to buy and run websites that implied a link to legitimate businesses. A vetting process was created requiring any company or individual desiring such a domain to undergo a pre-approval process to determine if they are fit and proper.

No such vetting process exists for the **.kids** domain name. By failing to insist on reasonable and prudent child protection measures, ICANN is creating conditions that will likely allow unknown persons to collect children's data, including contact information; see their conversations, intimate thoughts and relationship patterns; and enable them to commit other actions detrimental to children's well-being if they are so inclined. ICANN does not engage with Verisign to reduce the volume of child sexual abuse imagery being found within the **.com** and **.net** domains.







# RECOMMENDATIONS

The astronomical growth of CSAM in recent years is yet to be broadly understood and confronted by the public, policy makers, or private industry. These groups must understand the true nature of CSAM imagery, what is depicted, and how the images are portraying real sexual assault abuses and crimes being carried out on real children. Some tentative steps have been taken by all sectors, but there is much more that needs to be done to learn about why CSAM is so widespread and what to do about it. ECPAT-USA's aim is to educate the public about this huge horrific and prolific form of child sexual abuse and to address a few of the early steps to challenge and prevent it. Additional research, study, and action are needed. This list of suggested recommendations is the first step toward a robust public debate to grapple with this terrible and growing social problem.

## Recommendations for the public:

1. Educate yourselves and your children, whether through schools or some other medium, about child sexual abuse and exploitation.  
(See Resources section below.)
2. Listen to children. Believe a child who describes something that sounds like it could be sexual abuse. Note unusual changes in the child's behavior, such as becoming overly withdrawn, acting very secretive, or regressing in behavior.

3. Report incidents of possession, distribution, receipt, or production of child sexual abuse material to NCMEC: [www.cybertipline.com](http://www.cybertipline.com) or 1-800-843-5678
4. Write to your elected officials calling on them to a) require ICANN to do more to increase oversight on **.kids**, **.net** and **.com** sites; b) provide child protection measures; c) apply a vetting process requiring that any company or individual desiring a website under these domains must undergo a pre-approval process to determine if they are fit and proper; and d) require that ICANN engage with Verisign to reduce the volume of child sexual abuse imagery being found within the **.com** and **.net** domains.

## Recommendations for policy makers:

1. Appoint a federal commission to investigate and develop recommendations for how to make the internet a safe place for children through the development of legislation and regulation.
2. Create new oversight on ICANN to a) require ICANN to do more to increase oversight on **.kids**, **.net**, and **.com** sites; b) provide child protection measures; c) apply a vetting process requiring that any company or individual desiring a website under these domains must undergo a pre-approval process to determine if they are fit and proper; and d) require that ICANN engage with Verisign to reduce the volume of child sexual abuse imagery being found within the **.com** and **.net** domains.

3. Strengthen federal and state mandates to improve the system of background checks. For example, create a standardized set of rules for how a sex offender must register when moving between jurisdictions and between states. Tighten regulations so that all states require that all child sexual offenders must register as a sex offender if they have committed a federal sexual offense against a child or children.
4. Create state authorities to collect and maintain background check information for educators statewide.
5. Require states to release records of teacher dismissals to any other state requesting the information.
6. Use technology in all government offices that protects company assets, such as computers, mobiles phones, and servers from being used to consume CSAM and report incidents to law enforcement.

#### **Recommendations for the private sector:**

1. Create robust background screening policies, require sexual abuse awareness training for all staff dealing with children, and include a reporting structure and mechanism for staff to report suspected or known sexual abuse.
2. Conduct thorough criminal history checks on anyone to be hired to work directly with children or whose work involves proximity to children. For example, online moderators who might have access to or view exchanges between children or children's data should be subject to background checks.

3. Consult and comply with the recommendations in the "Sound Practices Guide to Fight Child Exploitation Online" published by the organization Thorn. (See Resources section below.)
4. Report to the public thoroughly, transparently, and regularly on steps your company has taken to protect children from exploitation.
5. Verisign should take active steps to reduce the volume of child sexual abuse imagery found on **.com** and **.net** domains and ICANN should both insist on and oversee those steps.
6. Computer repair companies and technicians should receive awareness training about how and when to report child sexual abuse material to NCMEC's CyberTipline or law enforcement.
7. Use technology that protects company assets such as computers, mobiles phones, and servers from being used to consume CSAM and report incidents to law enforcement.
8. Report incidents of possession, distribution, receipt, or production of child sexual abuse material to NCMEC at [www.cybertipline.com](http://www.cybertipline.com) or 1-800-843-5678

#### **Recommendations for employers, who hire people to work with children:**

1. Employers of people who work with children should always include both criminal history checks and sex offender registry checks for all job applicants. While there are loopholes in these registries, criminal history checks conducted through the state or FBI will always include an NSOR check. If by chance the offender is not in NSOR, the crime would likely come up in their criminal history check, which also includes arrest history, charge, convictions, etc., for any type of crime.

2. Use technology that protects company assets such as computers, mobiles phones and servers from being used to consume child sexual abuse and report incidents to law enforcement.

#### **Recommendations for schools:**

1. Incorporate education for parents, educators, and youth about online safety.
2. Always include both criminal history checks and sex offender registry checks for all job applicants. While there are loopholes in these registries, criminal history checks conducted through the state or FBI will always include an NSOR check. If by chance the offender is not in NSOR, the crime would likely come up in their criminal history check, which also includes arrest history, charge, convictions, etc., for any type of crime.
3. Report to the police all incidences of child sexual abuse by teachers and other staff at schools.
4. Ensure mechanisms are in place for children to be able to report any incidence of child sexual abuse to safe and trusted adults.
5. Use technology that protects school assets such as computers, mobiles phones and servers from being used to consume CSAM and report incidents to law enforcement.

#### **Recommendations for religious leaders:**

1. Speak out about the huge growth of online child exploitation and explain what it is, the size of the problem, and its impact on children.
2. Provide guidance to congregations on how to protect their children.

3. Use technology that protects the organization's assets, such as computers, mobiles phones, and servers from being used to consume CSAM and report incidents to law enforcement.
4. Faith-based institutions, because of their position of trust within the community, should always include both criminal history checks and sex offender registry checks for all job applicants. While there are loopholes in these registries, criminal history checks conducted through the state or FBI will always include an NSOR check. If by chance the offender is not in NSOR, the crime would likely come up in their criminal history check, which also includes arrest history, charge, convictions, etc., for any type of crime.
5. Have mechanisms in place for children to be able to report any incidence of child sexual abuse to safe and trusted adults.

#### **Recommendations for the media:**

1. Report arrests for CSAM crimes, provide more information on the offenders: gender, age, profession, and identity.
2. Report the gender and age of the victim.
3. Report on the vast scale of CSAM; provide details.
4. Review all the recommendations above, aimed at other groups, and report on them to make the public aware of what actions are needed to protect their children.
5. Use technology that protects company assets, such as computers, mobiles phones, and servers from being used to consume CSAM and report incidents to law enforcement.

# FURTHER READING AND RESOURCES

- <https://www.ecpatusa.org>
- <https://www.justice.gov/jm/jm-9-75000-obscenity-sexual-exploitation-sexual-abuse-and-related-offenses>
- [www.kidsmartz.org/~media/KidSmartz/ResourceDocuments/KidSmartz\\_Setting\\_Physical\\_Boundaries.pdf](http://www.kidsmartz.org/~media/KidSmartz/ResourceDocuments/KidSmartz_Setting_Physical_Boundaries.pdf)
- <http://www.missingkids.org/theissues/sexualabuseimagery>
- <https://www.netclean.com>
- [https://www.ojjdp.gov/programs/csec\\_program.html](https://www.ojjdp.gov/programs/csec_program.html)
- <https://www.thorn.org>
- [https://www.ussc.gov/sites/default/files/pdf/training/annual-national-training-seminar/2010/009c\\_Reluctant\\_Rebellion\\_Response.pdf](https://www.ussc.gov/sites/default/files/pdf/training/annual-national-training-seminar/2010/009c_Reluctant_Rebellion_Response.pdf)
- <https://www.youtube.com/watch?v=hMVHz-1l1zY>

For further reading and resources, please also see the bibliography on the following pages.

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