

COVID-19

Still a Priority – Prosecuting Technology-Facilitated Crimes Against Children During a Pandemic Webinar Q&A



On May 11, 2020, CNA and the National District Attorneys Association (NDAA) partnered with the Zero Abuse Project to present a webinar about prosecuting technology-facilitated crimes against children during the COVID-19 pandemic. During this webinar, we received questions that we did not have time to answer. This document provides those questions and our answers, as well as follow-up resources.

FOLLOW-UP RESOURCES

- During the webinar, Robert Peters, a senior attorney with the Zero Abuse Project, discussed a sex offender who used a religious application (YouVersion Bible App) to target teen girls at church. Various news organization, including a local [Fox News affiliate](#) and [Gizmodo UK](#), covered this story.
- Mr. Peters also mentioned an [NPR story](#) that discussed the rising rates of child sex abuse live streams during COVID-19, an [NBC News piece](#) with statistics on the increasing rates of child sex abuse image and online exploitation, and a recent [New York Times](#) article that discussed a proposal to spend 5 billion dollars to combat online child sexual abuse.
- [SHIELD Task Force](#) developed a series of [videos](#) to help school aged children remain safe online as schools around the nation have moved to remote learning. SHIELD is a 501(c)(3) non-profit organization focusing on ending child abuse in West Virginia.
- The Child Protector App, developed by Children's Mercy and the University of Texas Health Science Center (San Antonio), assists law enforcement, prosecutors, and doctors in assessing possible cases of child abuse. This free application is available to download in Apple's [App Store](#) and on [Google Play](#).
- The National White Collar Crime Center has developed a number of relevant on-demand webinars, including [COVID-19 Considerations for Collecting and Handling Digital Evidence](#) and [Of Eggplants and Umbrellas: The Legal and Investigative Implications of Emojis](#).
- The Zero Abuse Project also offers [trainings](#) on adverse childhood experiences and trauma-informed case training. The Zero Abuse Project also offers trainings on using [forensic interviewers at trial](#) and [crime scene investigations](#).
- During his presentation, Mr. Peters also mentioned a number of books and book chapters that he finds helpful. These include the "Technology-Facilitated Child Abuse" chapter in the *Handbook of Interpersonal Violence Across the Lifespan*,¹ as well as the books *Investigation and Prosecution of Child Abuse*² and *Winning at Trial*.³

¹ Geffner, R., White, J., Hamberger, K.L., Rosenbaum, A., Vaughan-Eden, V. & Veith, V. (2020). *Handbook of Interpersonal Violence Across the Lifespan*. Switzerland AG. Springer International Publishing.

² American Prosecutors Research Institute (2003). *Investigation and Prosecution of Child Abuse* (3rd Edition). SAGE Publishing.

³ Read, S. (2007). *Winning at Trial*. National Institute for Trial Advocacy.

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QUESTION: CAN YOU DISCUSS HOW CHILD ADVOCACY CENTERS ARE CONDUCTING REMOTE INTERVIEWS?

ANSWER: The NDAA and the Zero Abuse Project developed this [document](#) to address how to prepare for and conduct remote interviews, as well as how to ensure this evidence is admissible in court. CNA and the NDAA will host a webinar in partnership with the authors of this resource on Tuesday, June 2, 2020, at 1:00 pm EDT. Register for the webinar [here](#).

QUESTION: BESIDES SHIELD WEST VIRGINIA, ARE YOU AWARE OF OTHER PUBLIC AWARENESS CAMPAIGNS/RESOURCES?

ANSWER: The Zero Abuse Project has a publication that reviews additional strategies for public engagement: [Responding to Child Abuse During Pandemic: 25 Tips for MDTs](#). As mentioned above, Victor Vieth and Rita Farrell will also be discussing the NDAA and Zero Abuse Project joint publication that addresses forensic interviews in an upcoming webinar.

The American Professional Society on the Abuse of Children has [resource lists](#) specific to parents and children, professionals, and others. The National Children's Alliance also maintains a list of COVID-19 [resources](#) for children's advocacy centers, partners, and caregivers.

The National Children's Advocacy Center is conducting prevention [work virtually](#). Additionally, The Academy on Violence and Abuse has a collection of COVID-19 [resources](#), including child-friendly resources.

Finally, Basyle Tchividjian and Shira Berkovits's book *The Child Safeguarding and Policy Guide for Churches and Ministries* (2017) discusses important prevention considerations, including insights on detecting abuse.

QUESTION: CAN YOU DISCUSS PROACTIVE CHATTING AND UNDERCOVER WORK BEYOND CYBERTIPS?

ANSWER: Only trained individuals should be engaging in these types of operations. These operations also need to be coordinated with local and regional law enforcement and prosecutorial partners, including the relevant [Internet Crimes Against Children \(ICAC\) Task Force\(s\)](#).

It is critical for both prosecutors and investigators to know and apply the ICAC Standards in these investigations, and to think through a host of logistical and personnel considerations in advance of operations. Perhaps most importantly, they need to understand offender psychology. Mr. Peter's chapter "Technology-Facilitated Child Abuse" in the *Handbook of Interpersonal Violence Across the Lifespan* (2020) discusses this, as does Dr. Michael Seto's book *Internet Sex Offenders* (2013).

Mr. Peter also has two workshops/webinars addressing offender psychology and considerations for proactive investigations: [Mindhunters: Leveraging Offender Psychology in Undercover Investigations](#) and [Of Eggplants & Umbrellas: The Legal and Investigative Implications of Emojis](#). One topic these resources cover is how offenders strategically utilize age-appropriate language, including emojis, to dialogue effectively with minors.

"A Qualitative Analysis of Offenders' Modus Operandi in Sexually Exploitative Interactions with Children Online" (Kloess et al., 2015) is a helpful article that discusses various themes in online offender strategies and includes excerpts from actual perpetrator chats. One theme noted in this article is the "next step" in the form of a physical meeting with the victim, often accompanied by strategies such as keeping things light, playing explicit discussions off as a joke, and demonstrating the offender's joy in hopes of flattering the victim—all with the goal of making the victim feel special. Another theme is fantasy rehearsal, in which the offender walks through the fantasized course of a physical meeting. When a chatter understands these concepts, they can be utilized to bring these offenders to justice, all while complying with pertinent case law and the ICAC standards.

Proactive mindsets and tactics are more critical than ever to making a meaningful difference for our children and communities. In the pandemic era, offenders are emboldened and children are increasingly vulnerable, so we live in a historically important time to prioritize these investigations.

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The following questions were answered during the Prosecuting Technology-Facilitated Crimes Against Children webinar. To access a recording of the webinar, please click [this link](#).

- Can you address preserving evidence/search warrants/foundation for electronic evidence testimony?
- Are kids being removed from the home? If they are removed, where are they placed in light of COVID-19?
- If you were to list the “Top 3 Failures” by investigators and DAs, what would they be?
- My office doesn’t typically do a letter of preservation. Do you do those often? We’ve had A LOT of cases involving Snapchat. Have you been able to use letters of preservation to get information from Snapchat?
- How is the Internet Crimes Against Children Task Force Responding to this?