Safe Harbor Work Group
Meeting Minutes
November 7, 2017

Members in Attendance: Secretary of State John Wobensmith; Senator Susan Lee; Doug Mohler, Maryland Department of Juvenile Services; Christi Megna, Maryland Department of Health; Lt. Matthew Kail, Maryland State Police; Melanie Shapiro, Office of the Public Defender Juvenile Division; Sara Kominers, Maryland Coalition Against Sexual Assault; Don Hogan, Governor's Office of Crime Control and Prevention; Det. David Blackburn, Baltimore County Police Department; Amanda Rodriguez, TurnAround, Inc.; Cpl. Chris Heid, Maryland Human Trafficking Task Force; Amelia Rubenstein, Maryland Human Trafficking Task Force; Ed Clarke, Maryland State Department of Education, Center for School Safety; Anne Hoyer, Maryland Safe at Home Address Confidentiality Program; Candy Edwards, Governor's Office for Children; Mona Long, Maryland State Education Association; Jonathan Turner, Maryland State Department of Education; Lisa Smith, Maryland State's Attorney's Association

Others in Attendance: Camille Cooper, PROTECT; Michael Lore, Chief of Staff for Senator Lee; Kimberly Sauer, Office of the State's Attorney for Baltimore City; Nathaniel Erb, Erb and Associates; Diane Banchiere, DHS, ret.; Kelley Mitchell, Maryland Safe at Home Address Confidentiality Program; Brittany Luzader, Maryland Safe at Home Address Confidentiality Program; and a few other guests

I. Welcome

Secretary Wobensmith welcomed everyone just after 1:00 pm and thanked them for their attendance. He spoke of the group's priority to identify Maryland's existing resources, and introduced Camille Cooper of the National Association to Protect Children, who would present on her work to combat child sexual abuse in Maryland, Virginia, and the rest of the country.

II. Approval of Minutes

The minutes from the meeting on July 31 were approved without any edits or additions.

III. PROTECT Presentation by Camille Cooper

Ms. Cooper thanked Secretary Wobensmith for the introduction and warned that her presentation was graphic. She shared that since PROTECT was formed in 2004, the organization has worked successfully to pass 5 acts of Congress and 50 laws in 25 states, focusing most of their efforts on building resources to support law enforcement in their fight against child sexual exploitation. She highlighted the following:

- PROTECT Our Children Act of 2008, the organization's first major federal effort allocated $350 million of new federal funding over 5 years for the Internet Crimes Against Children (ICAC) task force program, established the National Internet Data System (NIDS) for use by ICAC, developed a national strategy, and allocated an additional $2 million each year for New Dedicated Forensic Labs. This has resulted in up to 9,300 arrests per year.
- HERO Act of 2015 authorized the U.S. Immigration and Customs Enforcement (ICE) Cyber Crime Center, established the HERO Child Rescue Corps, made online victim identification a priority, and expanded resources to law enforcement.

- H.E.R.O. Child Rescue Corps, a partnership with PROTECT, ICE, and U.S. Special Operations Command (SOCOM) retrains wounded, ill, and injured veterans returning from combat to fight a new enemy, child sexual predators, on a new battlefield, the Internet.
- Alicia's Law creates an ICAC fund dedicated to rescue children and combat child sexual exploitation and establishes a dedicated state revenue stream for State and local ICACs. At the time of the presentation, Alicia's Law had been passed in 12 states, New Hampshire being the most recent, with ongoing campaigns in several other states including Ohio and South Carolina in 2017. Ms. Cooper explained how adopting this law provides for children to be sought out and rescued with no effort on the part of the child; they no longer have to come forward to expose their own exploitation.

Child Sexual Abuse Online

Ms. Cooper cited 1958's Miss America, Marilyn Van Derbur, as an example of how abused children compartmentalize. They are able to look happy in photos, giving the impression that nothing is wrong, even when standing next to their abusers. She discussed the medical and psychological issues resulting from such trauma and provided an idea of the prevalence of child sexual abuse in the United States. She said the ICAC task forces focus on pre-pubescent children, those under 12 years old. In 2006, 21% of images uncovered by ICAC depicted children violently bound. By 2016, the images were even more sadistic and the children in them were even younger. Her PowerPoint showed several maps of the U.S. with dots corresponding to computers containing child sexual abuse (CSA) images indicating over 39,000 children in need of rescue over the last 30 days. This number totals about 150,000 children awaiting rescue annually. She scaled the map to Maryland to reveal thousands of computers in our state with CSA images.

Ms. Cooper explained the culture of peer-to-peer (P2P) trading and the intent to find images of young children, from about 2 years old to age 13. Most child pornography producers have a close relationship to the children in their images. She said the U.S. provides half the global supply of child sexual imagery. Most of the predators collecting these images also commit contact offenses against children. She shared horrific details and examples of actual online advertisements of CSA, including fathers brutalizing their own children, some of them merely infants. The 2017 P2P report from ICAC for Maryland averaged 9,388 unique IP addresses, on only one-third of all P2P networks. Law enforcement is able to use CSA images as markers to find the children being abused. Ms. Cooper tied the trading of images to peer-to-peer trafficking and said that while Alicia's Law has gone a long way, there is still much work to be done to protect our children.

Decriminalization of Child Sexual Abuse

According to Ms. Cooper, with the passage of CAPTA in the 1970s, intra-familial CSA was decriminalized. She explained that if the child is related to the alleged abuser or under the alleged abuser's care, the first response is from social services, a non-criminal investigative agency. These investigations are led by social workers, not law enforcement officers. In high-functioning localities, Ms. Cooper claimed, social services works in tandem with law enforcement on these investigations. This is often accomplished through Multidisciplinary Teams (MDTs). Ms. Cooper stated that national research indicates that only one half of all CSA cases accepted for investigation have a concurrent law enforcement response.[1] Ms. Cooper considers this decriminalization. She shared statistics from 2015 for Maryland that of the 51,349 total reports of child abuse and neglect, only 20,623 were investigated, resulting in merely 1,551 founded cases of sexual abuse.

[1] https://cfrc.illinois.edu/pubs/bf_20120701_ConcurrentCriminalAndChildProtectiveServicesInvestigations.pdf

The Child Maltreatment Report of 2015 revealed that the number of children receiving investigations in Maryland dropped from 32,950 in 2011 to 13,637 in 2015. Ms. Cooper suggested that, while these statistics are alarming, as a nation we have spent decades tracking data incorrectly by keeping it at the State level without an effective system. She discussed the Virginia Child Protection Accountability System, which involves social services, law enforcement, and the courts and makes information on the response to reported cases of child abuse and neglect public. They changed the way their data is reported and found that they still were unable to track a single case from start to finish.

Maryland law, like that of many other states, requires that law enforcement and child protective services jointly investigate child sexual abuse cases. Nevertheless, Ms. Cooper warns, making the assumption that all CSA cases in the State are jointly investigated may prove inaccurate when observed closely and gives no objective assessment regarding the quality of the investigation, specifically by law enforcement. Ms. Cooper recommended that Maryland look back historically on all child sex abuse reports to determine the rate of concurrent law enforcement investigations by county, the response time for each agency (first contact with social services, first contact with law enforcement), if the child was forensically interviewed, if the alleged offender was polygraphed, if there was a search warrant for corroborative evidence, the number of cases criminally prosecuted by locality, the number of protective orders by locality, and if the child was either reunified or placed on supervised visitation with the alleged offender. Examining CSA reports and outcomes in this manner would provide a comprehensive look at how the cases are being investigated and inform the quality of each locality's investigative response.

Child Sexual Abuse and Child Sex Trafficking

Using statistics from certain counties in Virginia, Ms. Cooper demonstrated how the system keeps these cases from being criminally prosecuted. Social services tasked with handling these complex cases does not have the ability to seize evidence like law enforcement. They must rely on a confession by the offender, the child disclosing without recanting, or, in 6% of the cases, medical evidence. Not surprisingly, the vast majority of child sexual abuse cases are unfounded due to a lack of evidence. The system sets up these abused children to become victims of human trafficking. For those sexually abused while in foster care, the trafficking dynamic is strikingly familiar. The abusive custodian receives the money for the child being sexually assaulted, just as the trafficker receives money for the sexual assault of the child. Ms. Cooper offered some statistics: the average age of entry into sex trafficking is between 12 and 16 years old, most trafficking survivors are victims of prior childhood sexual and physical abuse, and the majority of child sex trafficking survivors were involved with foster care or social services prior to being trafficked.[2] One in 6 of the 18,500 runaways reported to the National Center for Missing and Exploited Children in 2016 were likely sex trafficking victims. Of these likely sex trafficking victims, 86% were in the care of social services or foster care when they went missing.[3]

Combating Child Sex Trafficking

One tool available to law enforcement to combat child sex trafficking, continued Ms. Cooper, is **Demand Abolition's Demand Tracker**. Using youth decoy advertisement, this software initiates investigations of buyers of sex with minors. From 2 decoy ads posted for 48 hours in the Maryland/DC area, over 1,200 messages were received from buyers seeking to purchase sex with children and over 1,000 attempts were made to arrange a sexual encounter with a child.

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[2] https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf Upon reviewing the minutes, Ms. Cooper noted that the average age of entry into sex trafficking, according to GEMS, is now 8 to 16 years old.

[3] http://www.missingkids.com/theissues/cse/cstt

Ms. Cooper claimed that the majority of child pornography possessors abuse children sexually, the majority of child sexual abusers as well as child pornography producers prey on family members (no citation given) or other children with whom the abuser has earned trust. She also shared that the majority of sex trafficking victims have a history of sexual abuse and social services involvement.[4] She claimed that where a child lives determines the systemic response, but that the criminal justice response can become more uniform with increased training, technology and personnel. She recommended stronger collaboration between ICAC, sex crime investigators, Child Protective Services, and Child Advocacy Centers; aggressive pursuit of evidence collection on all child sexual abuse investigations; increased dedicated resources; and deployment of technology. She suggested the implementation of a system similar to the **Virginia Child Protection Accountability System** that publishes data by locality to ensure reports are not lost in the large, statewide number and also to allow individual counties to collaborate more effectively, learn from one another, and encourage each other to increase their efforts.

Ms. Cooper outlined the **Rapid Response Model for Child Sex Crimes Investigations**, a model proven in one locality to increase arrests in contact offense child sexual abuse cases. In two years since its implementation, arrests increased by 30%. The Rapid Response Model dictates that social services must contact the sheriff less than 2 hours after any sexual abuse allegation. A tactical polygraph examination of the suspect must be completed in less than 24 hours as well as a forensic interview, observed by a prosecutor, to obtain as much detail as possible from the child in order to establish probable cause for a warrant to collect evidence from the home. Key to this model is searching the crime scene and all digital evidence, if even through the use of consent searches. If we triage our resources and increase focus on intra-familial cases, Ms. Cooper stated, this model can effectively be implemented in Maryland. She urged better use of technology and innovation on the ground to change the way we coordinate investigations so that all disciplines involved in a case work together simultaneously to yield better results and provide our children with the justice and protection they deserve.

Ms. Cooper concluded her presentation with four demand reduction strategies for sex trafficking focused specifically on buyers: reverse web and street stings, shaming by name publication, revoking licenses and impounding vehicles, and apology to spouse and family. She said we must make the rescue of these children the focus of all our efforts.

IV. Workgroup Comments and Discussion

Senator Lee thanked Ms. Cooper for the excellent briefing and her effective advocacy. Secretary Wobensmith wished Ms. Cooper had presented when the work group first formed, to have a full year of opportunity to implement these suggestions to improve the way we address child sexual exploitation. He said the Virginia model has a tremendous amount of applications to examine and build upon in Maryland. He hoped the whole work group was reenergized by what was presented.

Restorative Justice to Reduce Demand

Ms. Megna commented that she had never seen restorative justice, an apology to the spouse and family, as a strategy to reduce demand. Ms. Cooper responded that it was based on the Nordic model, but a variety of strategies are used in the United States, with Los Angeles and Seattle as trailblazers. She

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[4] https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf and http://www.missingkids.com/theissues/cse/cstt

said that many buyers live a double life which puts their spouse at risk, so the Nordic model focuses on offender accountability that also empowers the spouse to make her own decision and denies the offender the opportunity to hide the offense in the shadows.

ICAC Task Force in Maryland

Lt. Kail thanked Ms. Cooper for her presentation and explained that in Maryland none of these cases are cookie-cutter; each one is distinct. As part of the ICAC task force, he has seen that these offenders collect series of child pornography as if they were collecting stamps. Offenders claim they will always desire little kids. He questioned how to prevent offenders from reoffending. He said Maryland's polygraph program is robust; within the Maryland State Police, there are 13 examiners that use tactical polygraphs. He said that one case will often lead to 5 more, and that the number climbs each year. We average 1,500 cyber tips each year in Maryland; there is no shortage of work.

Possible Legislation

Ms. Rubenstein praised Ms. Cooper for demonstrating the important connection between trafficking and childhood sexual abuse in the home. We must insist upon solid treatment for the kids who have been abused. She said that in the sex crime world, victims and offenders often come from the same pool. Mr. Lore asked if it would be helpful to have mandatory training for mandatory reporters. Ms. Cooper said mandatory training is always a good idea because a lot of people miss it, but that we must be smart about where we put our resources. There are plenty of cases being reported, we need to focus on those reports we are already receiving. Her suggestion is to train everyone, all the stakeholders, together. We need to get everyone working together to make a real difference for the kids.

The question was raised about gaps in child maltreatment data collection; Maryland does not report statistics consistently. Would it be worthwhile to do a piece of legislation to get to that data, or at the very least, inquire as to why agencies never fulfill their obligation to share their data? The Secretary said we must follow up on this.

Mr. Clarke shared that the Board of Education is addressing the issue of trafficking at the school level by mandating reports, sharing resources with local school systems, and developing a training plan to identify strategies to train school staff and others within the school system.

The group briefly discussed legislative proposals including adding sex trafficking to the list of violent crimes. They agreed to do some research and circle back around. Secretary Wobensmith asked if everyone had the chance to look at the draft of the Final Report. He said we would leave it open for comment for one week, address any controversies, then get it to the General Assembly before December 1 as required. Ms. Rodriguez said that she does not object to the report as it is written but questioned why none of the recommendations include funding overall child welfare response. This was mentioned in the report, but not included as a specific recommendation. Ms. Rubenstein agreed that we need a specific recommendation around the creation and funding of specialized services including housing. She offered to provide language to be circulated to the group.

V. Closing Remarks

Secretary Wobensmith thanked everyone for their hard work and said we would meet again after the first of the year to plan specific proposals for the following session. He closed the meeting a few minutes after 3 pm.