Questions for the Record from Senator Charles E. Grassley
U.S. Senate Committee on the Judiciary
"Protecting Innocence in a Digital World"
Submitted on July 16, 2019

Responses from Mr. John F. Clark
(President and CEO, National Center for Missing & Exploited Children)

Question 1

Human traffickers know that children use social media and other internet platforms frequently, so they take advantage of apps, websites, and other platforms to exploit them. This is particularly concerning because of the constantly changing digital landscape.

   a. **How can apps, websites, and other online platforms protect children from inappropriate content?**

NCMEC receives reports regarding child sex trafficking and other forms of child sexual exploitation through its operation of the CyberTipline. Apps, websites, and other online platforms vary dramatically in their business purpose, user-interface, and the amount and type of content they receive from users. Generally, all companies with an online presence can improve their ability to protect children from online sexual exploitation content, by adopting the following measures, as appropriate within their unique business models and online structures:

- Actively engaging in proactive measures, such as using hashing technology, AI, and machine learning to monitor platforms for inappropriate content, including child pornography and child sex trafficking, and keywords/phrases and known trends/patterns that are indicative of child sexual abuse online.
- Providing prominent information and "report" mechanisms for users to understand how to report inappropriate content they may encounter while on a platform.
- Implementing an age verification process for users.
- Offering information to parents/legal guardians on how the platforms work, how to monitor their child's activity on the platform, and how to help their children stay safer while using the platform.
- Actively preventing inappropriate conversations from developing between a child user and an adult user.
- Promoting basic avenues for children to understand how to report inappropriate content online (e.g., through a basic report mechanism to the company, to NCMEC, to a trusted adult).
- Providing resources to actively remove child sexual exploitation images on the platform when contacted by a child, their family, or their attorney.

- Sharing trend updates, new technology, and hashes of child sexual abuse images among their industry colleagues.
- Working closely with child-serving nonprofits and law enforcement agencies to determine trends, new risks to children online, and emerging offender activity.
- Sponsoring and co-branding with child-serving nonprofits evolving and up-to-date safety and educational materials for parents/legal guardians, children, and communities.

Question 2

In 2018, the FBI seized Backpage.com, the most prominent online platform for sex trafficking and child exploitation.

    a. **Has there been a migration of prostitution and sex trafficking activity from sites like Backpage.com to social media apps, since the FBI's seizure of Backpage.com? If so, how can we stop this activity?**

Prior to the FBI's seizure of Backpage.com, Backpage was recognized as one of the largest facilitators of sex trafficking advertisements online. Based on NCMEC's experience, it was also a central focus of activity relating to child sex trafficking ads. In fact, in 2017, of all child sex trafficking reports submitted to NCMEC by members of the public, 73% related to ads on Backpage.

In the past year and a half since the FBI's seizure and closure of Backpage and Congress' passage of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA) (Pub. L. 115-164), early indicators show that there has been a substantial disruption in the online commercial sex industry. Today, it is harder for a trafficker to readily sell a child for sex online or for a predator to find a child online to purchase for sex. In fact, since the passage of FOSTA, we are only aware of one case that is proceeding under the new law, and, as a result, it is still too early to see the legal impact just yet, however, we know that online crime tends to evolve more quickly than the legal system.

While NCMEC previously handled large volumes of child sex trafficking reports relating to advertisements on Backpage, we are aware that there were other websites and apps on which children also were trafficked for sex. Since the closure of Backpage, NCMEC has seen a gradual migration of trafficking activity to other websites and apps to fill the gap left by Backpage. Advertisements for the sex trafficking of children have moved to a range of platforms, rather than a single website like Backpage, including dating apps and classified apps on which items can be bought and sold.

NCMEC knows that child sex trafficking is a multi-faceted crime that always involves at a minimum a child victim and a buyer. Over the past several years, NCMEC has been gratified to see increased resources devoted to improving and expanding training, preventative work, and legislation directed to providing more access to justice for victims of child sex trafficking. There has not been a corresponding amount of resources or attention devoted to deterring and combatting buyers. Because child sex trafficking is predicated on adults being willing to pay to rape and sexually abuse a child, this criminal demand should be more robustly addressed moving forward. If buyers could be deterred at a more robust rate, through preventative/educational measures and especially through criminal prosecution, then the market for child sex trafficking victims would be diminished.

We look forward to continuing to work with you, the Committee, other members of Congress, like-minded non-profit organizations, and other stakeholders to support the families and children impacted

by this issue and to help reduce child sexual exploitation and prevent child victimization wherever it occurs.

**Questions for the Record from Senator Amy Klobuchar
U.S. Senate Committee on the Judiciary
"Protecting Innocence in a Digital World"**

**Response from Mr. John F. Clark
(President and CEO, National Center for Missing & Exploited Children)**

Question 1

As the former chief prosecutor for the largest county in my state, I saw firsthand the pain and heartbreak that sexual abuse and exploitation caused survivors and their families. Here in the Senate, I joined a bipartisan group of my colleagues to introduce legislation reauthorizing the Internet Crimes Against Children Task Force program, which was signed into law in 2017.

- **How have advances in technology made the investigation and prosecution of crimes against children that occur online more difficult?**

- **In your view, what additional tools or resources would be helpful in combating the exploitation of children online?**

As the nation's nonprofit clearinghouse and resource center on issues relating to missing and exploited children issues, NCMEC does not engage in investigating or prosecuting crimes against children, but it has strong partnerships with federal and local law enforcement, including the 61 Internet Crimes Against Children (ICAC) Task Forces that work to recover children from sexually abusive situations.

Through its nonprofit work operating the CyberTipline and its partnerships with the ICACs, NCMEC is aware that technology advancements have led not only to increasingly large numbers of reports of online sexual exploitation submitted to NCMEC's CyberTipline,[1] but also have increasingly complicated how these reports are prioritized, reviewed, and ultimately used by law enforcement to curtail the proliferation of online child sexual exploitation images.

Technology has made it easier for offenders to access and victimize children, and evade detection by ICACs and child-serving professionals, in a variety of ways, including the following:

- The emergence of a multitude of chat and messaging apps – many of which are embedded in other apps and platforms (e.g., gaming, photo-sharing) and/or automatically delete content after

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[1]   In the past several years, the volume of reports to the CyberTipline has increased dramatically, from more than 1.1 million reports in 2015, to more than 8.2 million reports in 2016, to more than 10 million reports in 2017, and more than 18.4 million reports in 2018.

a short period of time – enables offenders to more easily evade detection while enticing, grooming, or sextorting children into sexual abuse.

- Increased use of partial or end-to-end encryption by technology companies enables offenders to engage in a range of sexually abusive crimes against children while virtually undetected.
- Offenders can more easily communicate with each other, especially on the "dark web," including Tor and peer-to-peer networks, to share images and tips on how to groom a child into sexually abusive situations and to discuss how technology companies and law enforcement may be tracking their illicit activities.
- Lower costs of high-capacity storage (e.g., cloud storage, external hard drives) allows offenders to more cheaply and easily maintain larger collections of child sexual abuse imagery.
- The use of VPN, proxy, and anonymizing technology increasingly complicates efforts to determine the geographic location of the abuse of children and the exchange of abusive images.
- Increased availability of webcams and live-streaming technology around the world has created a renewed market for the commercial sexual exploitation of children through live-streaming.
- The speed at which new technology and new apps emerge and proliferate makes it increasingly difficult for law enforcement to stay current with all the new platforms offenders are using and how each of these platforms work.
- The increasing international nature of online child sexual exploitation also complicates efforts of law enforcement to identify and investigate crimes against children which are occurring on non-U.S. platforms, ESPs, and services.

While technology is often the driver of increased distribution of sexually abusive images of children online, NCMEC believes it also can provide valuable tools to better identify, remove, report, and rescue children from these situations, such as through the following measures:

- Increased collaboration among U.S.-based and foreign technology companies to voluntarily share areas of concern, trends, and new strategies and techniques to curtail sexually abusive imagery from circulating online.
- Increased development and sharing of hashing, AI, and machine learning tools and technology to identify and remove child sexual abuse imagery across multiple platforms and services.
- Ensuring a universal commitment that the detection, reporting, and removal of child sexual abuse content is unimpeded by encryption technology.
- Expanded cooperation with victims and their families/legal counsel to ensure that their sexually abusive images are removed from online searches and online platforms.
- Additional efforts to reduce instances of cross-platform or repeat offenders who target children.

Additionally, NCMEC sponsors and supports a large number of educational and training programs to help create awareness and techniques to prevent and combat the exploitation of children online. These programs are offered to law enforcement, prosecutors, educators, parents/legal guardians, community centers, and directly to children through a range of age-appropriate content. The goal of NCMEC's prevention and outreach work is to empower, educate and provide resources and support to help prevent victimization; while a child and family are dealing with exploitation; immediately after recovery; and throughout the recovery period. All of NCMEC's training and educational materials to combat online child sexual exploitation are provided free of charge and are constantly adapted as technology and social habits of online users changes.

NCMEC also is a strong proponent of working with law enforcement, private lawyers, mental health providers, and survivors to develop expanded resources and protocols to preventing and deterring this

crime and improving the response of child-serving professionals when working on a case of a child who has been sexually exploited online.

We look forward to continuing to work with you, the Committee, other members of Congress, like-minded non-profit organizations, and other stakeholders to support the families and children impacted by these issues and to help reduce child sexual exploitation and prevent child victimization wherever it occurs.