

Trends in America



Issue Brief

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POS: DEFENDING CHILDREN ON THE INTERNET

Many 13-year-olds could tell you “POS” is chat room-speak for “parent over shoulder,” a warning that their Internet conversation may be monitored. But in a 2005 poll conducted by Cox Communications and the National Center for Missing and Exploited Children, 95 percent of parents could not identify the most common lingo children use to alert people their parents are watching. According to the same study, more than 51 percent of parents do not know about or do not have software on their computers to monitor where their children go and with whom they interact with while online. And 42 percent readily admit they do not review what their children read and type in chat rooms or instant messages.

Technology has progressed rapidly in the last two decades. In 1984, *Time magazine* named the computer its “Man of the Year,” though, according to the U.S. Census Bureau, only 8.2 percent of households owned one at the time. Once viewed as a luxury, now more than half of American homes have at least one computer, and 73 percent of Americans use the Internet. Internet access is readily available in libraries, Internet cafes, restaurants and schools. The Internet is no longer limited to computers; it can be accessed on many cell phones, personal digital assistants and digital music devices.

Since its public debut in the early 1990s,

the Internet has evolved into a tremendous source of instant information. With the instant flow of information and the advent of digital cameras and webcams, the Internet has also become a principal resource for anyone seeking child pornography and child victims. Children and teenagers constitute the fastest growing age group on the Internet, and the potential dangers for youth online have become critical concerns for parents and state lawmakers.

Chat rooms, social networking sites, instant messengers and even Internet-based games have created a large playing field for potential predators. According to the Office for Victims of Crime, predators are using e-mail, instant messages, bulletin boards and chat areas to contact children, gain childrens’ confidence and even arrange face-to-face meetings. A study conducted in 2006 by the Crimes Against Children Research Center and the National Center for Missing and Exploited Children found that one in three youth were exposed to unsolicited sexually explicit material while accessing the Internet. One in seven youth reported receiving unwanted sexual solicitations while online. Approximately one-third of those solicitations were reported as “aggressive,” in which the solicitors made or attempted to make offline or “IRL” (in real life) contact with the youth, according to the study.



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The States Respond

States Take Up the Fight

The very nature of the Internet can allow individuals to engage in criminal conduct with virtual anonymity, committing crimes regardless of physical location. But prosecution of computer crimes has proved difficult. Many law enforcement agencies

and prosecutors’ offices are ill-equipped to properly combat cyber predators due to the relatively new nature of Internet crime and unfamiliar technology.

In response, 44 states have enacted laws prohibiting the use of electronic devices to solicit minors for the purpose of engaging them in illegal sexual conduct.

Sometimes referred to as part of “Jessica’s Law,” legislation that began in Florida to strengthen sex offender laws after the abduction, rape and murder of 9-year-old Jessica Lunsford in 2005, these statutes often include language stating the offender need only reasonably believe they are approaching a minor to be charged. These

revisions allow law enforcement to set up sting operations where trained personnel pose as minors online to capture offenders as they surf for victims.

Twenty-one states have adopted Internet filtering laws that apply to public schools or libraries. A majority of these laws require school boards and public libraries to adopt Internet policies to limit a minor's access to sexually explicit materials, while some laws require filtering programs to be installed on public computers.

Educating the public, children and parents about the potential dangers on the Internet while also providing information on how to use the Web safely has been a key component in state programs and task forces. Virginia recently enacted House Bill 3017, which establishes the Youth Internet Safety Fund. Although many schools across the nation have been inviting law enforcement into their classrooms to talk about Internet safety, the law in Virginia is unique. The fund created a campaign to integrate Internet safety instruction into the public school curriculum to help children learn about the potential dangers online, involving lessons about child predators. Virginia

legislators hope their law will serve as a model for other states.

States are also monitoring the Internet habits of convicted predators. Prohibiting offenders from accessing the Internet has raised numerous constitutional questions and has only been ruled acceptable under very specific circumstances. For that reason, some probation agencies monitor offenders' Internet use instead. To that end, software that allows probation officers or monitoring agencies to supervise the offenders' online activities is installed on offenders' computers.

"It is imperative to include computer monitoring as part of treatment so offenders can learn the skills needed to control their behavior while external controls are still in place to detect deviations from treatment goals and to prevent further victimization. You can't treat a behavior you don't know about," said John Davis of Colorado Computer Forensics, an agency that provides monitoring services.

State Task Force Model

Before 1995, California had no coordinated effort to address this new criminal arena. With more than half its population em-

ployed in the technology field, the attorney general's office participated in the creation of the California High Technology Crimes Task Force, one of the first of its kind in the United States and a model for other states. Through collaborations with numerous organizations, the High Technology Task Force has created a variety of tools for law enforcement and prosecutors, including "State Rules of Evidence for Admitting E-Mail," "Search Warrant Primer for the Seizure of Digital Evidence," "California Case Digest on Child Exploitation" and "High Technology Crime: Email and Internet Chat Prosecutor/ Investigator Resource CD-ROM."

"As consumers and criminals increasingly incorporate technology in their lives, law enforcement needs the ability to secure and examine these items. What we did with DNA needs to be done with electronic evidence," said Robert M. Morgester, deputy attorney general of California, Special Crimes Unit and one of the task force founders. "One of the first things that we learned in 1995 is that our laws were not necessarily written with the Internet in mind."

The High Technology Task Force has also been instrumental in revising California law to incorporate Internet crimes. Prosecutors that serve the California High Technology Crimes Task Force have successfully offered or assisted with these legislative changes.

Interagency Cooperation

The federal government has attempted to regulate the material children and teenagers can access online, but these measures have failed to pass First Amendment scrutiny. Congress has had success with legislation such as the Child Online Privacy Protection Act of 1998, which helps protect minors from obscene advertising practices and the registration of personal information without parental consent.

The National Center for Missing and Exploited Children, the FBI's Innocent Images Task Force, the Bureau of Immigration and Customs Enforcement, the Internet Crimes

Against Children Task Forces and the U.S. Postal Inspection Service joined forces to create the CyberTipline in 1998. The CyberTipline offers the public a means to report child sexual exploitation, possession, manufacture and/or distribution of child pornography; online enticement; child sex tourism; extra familial child sexual molestation; and unsolicited obscene material sent to a child. The CyberTipline accepts tips either online or by telephone and is available 24 hours a day. It provides a streamlined reporting tool for law enforcement and enhances information-sharing and collaborative efforts between state and federal agencies to combat these crimes. Legislation passed in 1999 expanded the CyberTipline's responsibilities by requiring Internet Service Providers to report child pornography and child sexual exploitation directly to the CyberTipline.

Concerned citizens groups, which try to catch Internet predators by conducting sting investigations on their own, are also emerging. However, many dangerous offenders are not being prosecuted because these investigations are often improperly conducted and evidence is improperly preserved. These groups are "a far cry from a neighborhood watch," said Brad Russ, director of the Internet Crimes Against Children Task Force Training and Technical Assistance Program. The federally funded program was launched in 2003 to assist state and local law enforcement in improving investigative response to Internet predators, providing training in forensics techniques, prosecution and undercover operations, as well as educating the public about Internet safety. Russ has been a vocal opponent of citizen vigilante groups.

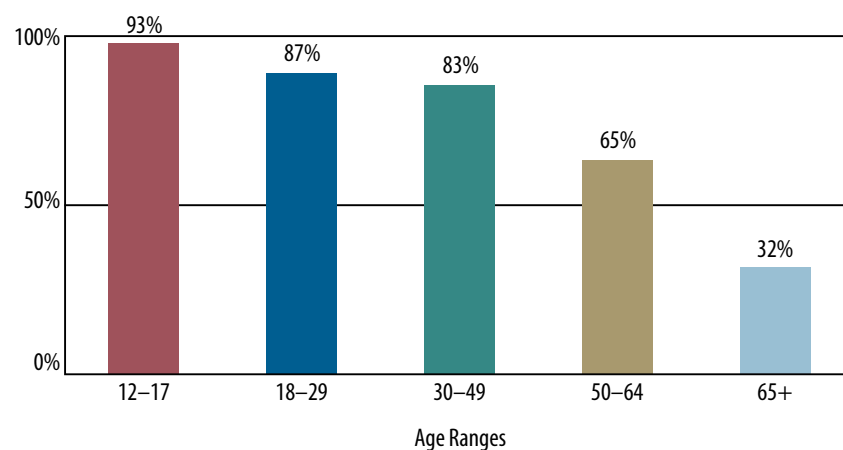
"There are certain training and investigative standards law enforcement must adhere to that civilians are not obligated to observe," he said. The goal of the program is to properly train and educate law enforcement about Internet predators. The program supports and provides training to 46 task forces in 40 states,



Chat Room Lingo

Chat Lingo	Meaning
A/S/L?	Age, Sex, Location
I43	I love you
BRB	Be right back
EMA?	What is your Email address?
F2F	Face to face
LMIRL	Let's meet in real life
PA or P911	Parent alert
POS	Parent over shoulder
ROFL	Rolling on floor laughing
TAW	Teachers are watching
WTGP?	Want to go private (chat room)?
g	Giggle
k	Kiss
5	Wait a few minutes to speak, a parent (or guardian) is in the room
55	Coast is clear, we can talk about anything

Who's online?



Source: Pew Internet and American Life Project, 2006/2007



and plans to expand to 61 task forces in the next year, reaching into states without task forces.

But federal legislation isn't enough to combat the problem. Former Attorney General Alberto Gonzales officially launched Project Safe Childhood Feb. 6, 2006, to attack the growing trend of child sexual exploitation on the Internet and to enhance the existing state task forces. Gonzales pointed out that in 2005, federal prosecutors charged 1,447 child sexual exploitation cases involving child pornography, coercion and enticement offenses—up from 540 such cases in 1996. The initiative calls for each U.S. attorney's office to collaborate with an Internet Crimes Against Children Task Force and other federal, state and local law enforce-

ment officials and prosecuting agencies to coordinate efforts to identify, investigate and prosecute child sexual exploitation cases. It also calls for infusing funds to help expand these cooperatives. This collaborative approach gives rural areas access to forensics and resources unavailable in their smaller jurisdictions. The coordinated effort also gives prosecutors a chance to pursue both state and federal charges against offenders, where appropriate. Whereas the federal system offers harsher penalties, such as lifetime supervision, longer jail sentences with more time served before probation, and forfeiture of personal property, states may have more lenient definitions, allowing for charges not possible in federal court.

The Internet, a virtual world with no boundaries and no true location, has expanded traditional ideas of jurisdiction. Federal and state agencies across the country have seized this opportunity to join forces. In working together, these agencies are building stronger cases and accessing greater resources. And Project Safe Childhood has been a driving force in expanding these cooperatives.

Planning for the Future

One persistent issue facing law enforcement and prosecutors dealing with Internet predators is the need for more forensics. As the public increasingly incorporates technology into their lives, law enforcement needs the ability to secure and examine these items. Most states report a large backlog at laboratories and limited

staff, creating delays in prosecuting offenders. Analysis on one computer hard drive can take 1,000 hours, according to Lt. Mike Tsuchida of the Sacramento County, Calif., Sheriff's Department.

Hydee Hawkins, assistant U.S. attorney for the Eastern District of Kentucky, explains the dilemma. "While we're waiting for the forensics to come back, these offenders are still out there," she said.

New and more sophisticated technology also presents a need for continued specialized training. "Cellular technology is the next step. Cell phones are the 'smoking gun' of this decade. Law enforcement needs the training and tools that will enable them to preserve, search and use this evidence," said Morgester, California's assistant attorney general.

Protecting children online is not limited to one level of government—it should be approached from all sides. Collaboration of multiple agencies can prevent children from becoming victims and lead to taking more predators offline.

—Amy Vandervort—Clark is a public safety and justice research associate at The Council of State Governments.

Trends in America

The most dominant characteristic of the 21st century is not just change, but the rate of change. Understanding change is the first step toward identifying and implementing effective responses. Trends in America Issue Briefs are designed to help state leaders promote positive change through forward-looking policies and strategic investments.