

HB

278

HFIN

FILE

Alaska State Legislature

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Representative Bob Buch

Representative_Bob_Buch@legis.state.ak.us

CSHB 278 – Internet Identities of Sex Offenders and Child Kidnappers

HB 278 will require any person required to register as a sex offender or child kidnapper to also submit any electronic mail addresses, instant messaging addresses or other internet communication identifiers to the state.

Data generated under this bill will allow the Department of Public Safety to assist the public in keeping their families safe from online predators. By collecting this information, the Department will be able to tell those who ask if an email address or other online identifier belongs to a sex offender.

The bill will also protect the public by enabling the state to provide collected information to internet service providers and internet security firms. These providers can then use the information to prevent children from receiving messages from convicted sex offenders or warn parents of the sender's status. In order for these services to be utilized, states must take the first step and make the data available.

The Internet will likely never be a completely safe place, and parents will always be responsible for teaching their children to use the Internet responsibly. This includes teaching them how to react when asked for personal information, or if they find explicit material online. But, with HB 278 we have an opportunity to avoid a preventable tragedy.

Thank you for your consideration.

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Sectional Analysis CSHB 278

"An Act relating to sex offenders and child kidnappers; and providing for an effective date."

Section 1:

Amends AS 11.56.840(a) by adding language to further define what qualifies as a failure to register. Sex offenders and child predators would now commit the crime of failure to register in the second degree if they do not also provide their online information and identities in their registration information.

Section 2:

Amends AS 12.63.010(b) by adding clarifying language and adds a new subsection (I) that requires sex offender and child kidnapper registration forms to include a place for sex offenders and child kidnappers to list their email address, instant messaging address, and other online information.

Section 3:

Amends AS 12.63.010(c) by adding language that specifies when the establishment of or changes to online information must be made. Sex offenders and child kidnappers would have one business day notify the Department of Public Safety in writing of changes to this information.

Section 4:

Amends AS 18.65.087 to allow the Department of Public Safety to use a federal software system that gives parents the ability to confirm or deny that an email address from anywhere in the country belongs to a registered sex offender. This program will not enable sex offenders to seek out and network with one another anonymously, a concern from the Department of Public Safety in the original version of the bill.

The section also allows the Commissioner of Public Safety to share sex offenders' online information with internet service providers or security firms to prevent children from receiving messages from convicted sex offenders or to warn the public of the sender's status.

Section 5:

This section gives the Department of Public Safety one year to get this program up and running. Starting in 2009, sex offenders must provide their online identifiers to the Department of Public Safety beginning when they are required renew their registration and within one working day of changes to their online information from that day forth. The very worst offenders will have to begin registering online identifiers no later than three months after the effective date of this bill.

Section 6:

Provides for an effective date.

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MEMORANDUM

March 14, 2008

To: Representative Jay Ramras
From: Representative Bob Buch
Subject: Proactive Policy Actions to Prevent Online Sexual Predation

In the House Judiciary Committee, you asked if there exists a way to proactively address the problem of online sexual predation. Specifically, you wanted to know if it would be feasible to either prohibit all sex offenders from internet use or in some way mark all internet identifiers belonging to sex offenders so that all members of the public interacting with sex offenders online will know immediately that they are communicating with sex offenders.

I discussed these concerns with Legislative Legal Services and have attached their memo on this topic. Legislative Counsel does not recommend placing punitive provisions in a registration statute; these kinds of provisions are more appropriately handled in sentencing, probation or parole statutes. In addition, the US Supreme Court has ruled that registration laws cannot be "punitive" in nature; they must fall, instead, under the public safety category in order to avoid constitutional challenges. We will continue to research this issue to craft a bill that will pass constitutional muster.

I also called police departments around the state, and spoke to officers specializing in internet crimes. They pointed out that to label sex offenders in their email addresses or other handle-type monikers would provide a technological challenge, as well. Many internet sites provide specific requirements as to the format of such information. For example, some limit the number of letters allowed to be used in instant messenger names or email address while others require the use of a number or character in such names. Officers also raised concerns about an instance in which duplicate addresses exist. When creating a new email address, for example, most email providers will not allow a user to create a new email address that matches one already in use in the provider's system. So, while the idea may be an attractive one, it would be incredibly difficult, if not impossible, to implement.

Since the questions you raised are complicated, and will require additional legal research and technological problem-solving, we propose that we research these ideas during the interim and address them in separate piece of legislation next session. In the meantime, however, we do have the ability to give parents and children much-needed protection under CSHB278. We request that the Judiciary Committee pass the bill out in order to give law enforcement this additional tool to stop the sexual predation of our children.

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Representative Bob Buch

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MEMORANDUM

To: Representative John Coghill
From: Representative Bob Buch
Date: March 14, 2008
Subject: Clarification of the term "Internet Communication Identifier"

In the House Judiciary Committee on March 13, 2008, you asked for a more complete definition of the term "Internet Communication Identifier." Specifically, you asked what online information this term encompasses and if this can be better defined in HB 278.

In researching how other states have addressed this issue, law enforcement officers suggested we consider Arizona's registration law. Their language addresses your concern. The law defines a required online identifier as "electronic email address information or instant message, chat, social networking or other similar internet communication name, but does not include social security number, date of birth, or pin number." We believe that this language contains a better description of the items we intended to include in our bill's language while leaving enough room for law enforcement and the Department of Public Safety to address the issues of new internet communication technology as it becomes available.

We would therefore enthusiastically offer or accept amended language similar to that included above to better describe the online information we believe sex offenders should be required to register.

CC: Members of the House Judiciary Committee

LEGAL SERVICES

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MEMORANDUM

March 13, 2008

SUBJECT: Sex Offenders and the Internet (CSHB 278() "E" Version)

TO: Representative Bob Buch
Attn: Elizabeth Outten

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

You have asked a couple of questions about CSHB 278(). First, you have asked if the legislature could bar a sex offender from using a computer or the Internet or using a computer or Internet for certain activities or from accessing certain sites. I believe that the legislature could do these things but not under the guise of sex offender registration. The legislature would have to amend the sentencing statutes and the parole and probation statutes to accomplish this. Restricting the use of a computer or the Internet, or restricting an offender's access or use of certain Internet sites appears to me to be more akin to punishment and would have to be imposed as part of the sentence imposed on the offender or, at a minimum, as part of the conditions of the probation or parole an offender might be serving.¹ New York was considering a proposal to require probation and parole conditions that restrict certain especially dangerous offenders from accessing certain sites and allowing the imposition of those conditions for other offenders.

You have also asked about the use of the term "Internet communication identifier" in the bill. When drafting the bill I was directed to utilize the Connecticut statute which had recently been adopted. The term is utilized in the Connecticut statute.² Federal law uses

¹ Indeed it may currently be possible for the Board of Parole to impose a condition restricting an offender from accessing Internet sites used by children or social networking sites provided they make a finding that it will aid the offender's reformation or supervision.

² The Connecticut Department of Public Safety has the following information on their sex offender registry website:

Public Act 07-4 from the June 2007 Special Session requires 'any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such identifier'

Representative Bob Buch
March 14, 2008
Page 2

the term Internet identifier.¹ Arizona creates and defines the term "online identifier"⁴ and requires a sex offender to register their required online identifier and the name of any website or internet communication service where the identifier is being used or is intended to be used.

GPL:lmb
08-057.lmb

¹ See the Adam Walsh Child Protection and Safety Act of 2006.

⁴ "Required online identifier" means any electronic e-mail address information or instant message, chat, social networking or other similar internet communication name, but does not include social security number, date of birth, or pin number."

LEGISLATIVE RESEARCH REPORT

FEBRUARY 29, 2008



REPORT NUMBER 08.145

CHILD EXPLOITATION VIA TECHNOLOGY ASSOCIATED WITH THE INTERNET

PREPARED FOR REPRESENTATIVE BOB BUCH

BY PATRICIA YOUNG, MANAGER

You asked for information on the prevalence of individuals using cyberspace for the sexual exploitation of children in Alaska and across the nation. You also wished to know where in Alaska such offenses are most frequently committed, how law enforcement currently addresses this situation, and whether requiring sex offenders to register their online identifiers would assist law enforcement in preventing or catching such predators. Additionally, you requested information on the emotional consequences for children exposed to and involved in child pornography.

As you are aware, the phenomenally rapid expansion of communication technology has wrought many societal changes, not all of them positive. Perhaps the most insidious aspect of cyberspace is its potential for sexual predation. Sexual predators use the Internet, cell phones, and other technologies as highly efficient and relatively anonymous tools for communicating with other offenders, for identifying and contacting children, and for memorializing and circulating movies and images of children being victimized.

DATA ON TRAFFIC IN CHILD PORNOGRAPHY

The most comprehensive data on the prevalence of predation facilitated by Internet-related technology comes from Flint Waters, special agent, Wyoming Attorney General Division of Criminal Investigation and lead special agent for the Wyoming Internet Crimes Against Children Task Force (ICAC). A recognized expert in the area of child exploitation via the Internet, Agent Waters developed the software currently used to track computers sharing child pornography through Peer to Peer (P2P) networks. He testified before the U.S. House of Representatives Committee on the Judiciary on October 17, 2007, and before the Alaska House Judiciary Committee on February 15, 2008. Much of our information comes from these presentations. Also providing information were Sgt. Derek DeGraaf, supervisor, Computer and Financial Crimes

Group, Alaska Bureau of Investigations, Division of State Troopers, and Detective Kevin Vandegriff, Cyber Crimes Unit, Anchorage Police Department.¹

Because of the widespread access to broadband, or high-speed, Internet, the U.S. leads the world in terms of volume of trafficking in child pornography. In terms of per capita prevalence, however, the U.S. is seventh among countries. Our sources notes that while the vast majority of offenders are male, members of all social and economic backgrounds and all professions count on the odds of Internet anonymity to engage in this behavior which is similar to a narcotic addiction in the intensity of focus, need, and justification of risk.

Among states, Alaska has the highest per capita Internet use. Although not ranked among the highest in terms of the number of individuals trafficking in child pornography, Alaska's numbers are high. File sharing of child pornography is occurring in virtually every community—both large and small—in Alaska. Nevertheless, the density of traffickers corresponds largely to population centers and broadband availability.

Prevalence of Peer to Peer Child Pornography Traffic in Alaska, 2004 - Present			
Year	IP Addresses Sharing Files	Unique IP Addressess	Unique Serial Numbers
2004	87	53	
2005	2,803	935	85
2006	4,545	1,507	491
2007	10,149	2,856	832
2008	843	327	108
Totals	18,427	5,678	1,516

NOTES: Tracking began during 2004 and reflects activity through mid-February 2008. The ability to track serial numbers was implemented in late 2005.

Numbers of IP addresses do not correlate closely with the number of individual computers or the number of individual users since many Internet Service Providers (ISP) assign a number randomly each time a user logs-on.

Experts consider the number of unique serial numbers to be low since they capture serial numbers in only about half of their operations. Furthermore, only Peer to Peer (P2P) network sharing of child pornography is reflected, similar activity conducted through the use of chatrooms, social networks, cell phones, or other Internet-related technologies is not here addressed.

SOURCE: The algorithm developed by Special Agent Flint Waters, Wyoming Attorney General Division of Criminal Investigation and lead special agent for the Wyoming Internet Crimes Against Children (ICAC) Task Force, presented to Alaska House Judiciary Committee, February 15, 2008.

As you can see from the table, the program developed to trace and identify P2P transactions of child pornography has identified more than 1,500 unique computer serial numbers in Alaska containing such material. This number is low, however, in that serial numbers are captured in only about 50 percent of investigative operations. Further, as each of our sources emphatically underscores, these numbers reflect such activity on only one small part of the Internet—only one of the burgeoning ways of sharing such images and movies. As noted by Agent Waters in his brief for the U.S House Judiciary Committee,

¹ Sgt. Derek DeGraaf can be reached at 907 271 3220. Detective Kevin Vandegriff can be reached at 907 786 2683. Attachment A is a brief prepared by Agent Waters for presentation to the U.S. House Judiciary Committee on October 17, 2007. In "Child Sex Crimes on the Internet," he documents the widespread use of Peer to Peer (P2P) networks to traffic in child pornography and describes the methodology being used in P2P investigations.

[The data] originate from a single P2P network, one of many used daily on the Internet. . . . [They apply] to one P2P system where child sexual abuse movies and images were presented to undercover law enforcement throughout the world. [They do] not include traders using email, chat, social networks [such as MySpace and Facebook], news servers or paid and free web sites. At most it can be seen as a bare minimum of the trafficking of child sexual exploitative materials.

During recent presentations, Agent Waters noted that two separate federal studies have concluded that 80 percent of offenders serving time on federal child *pornography* charges had themselves *molested* children. At sentencing, these offenders were known to have molested 210 children; the studies revealed that, in actuality, more than 3,000 children had been physically victimized by this group of perpetrators serving time for child pornography. A third study, conducted through the University of New Hampshire and funded by the National Center on Missing and Exploited Children and the U.S. Department of Justice, found that 40 percent of child pornography possession cases also included some form of hands-on child sexual victimization. Based on the findings of such studies, agent Waters concludes that at least 30 percent—but possibly between 40 and 80 percent—of individuals who possess and trade child pornography are also contact offenders.

Assuming that a unique serial number represents a single individual and that 30 percent of the 1,516 child pornographic collectors using P2P networks in Alaska engage in contact abuse, then more than 450 of those individuals would likely be hands-on abusers. Calculated at the 40 to 80 percent rates found in the studies noted above, the numbers would reflect approximately 600 to 1,200 persons actively preying on children. Again, these numbers reflect only a small portion of similar Internet-related activity.

As Agent Waters points out, although the software identifies traffickers in child pornography, law enforcement officials involved in this issue consider the investigative tools primarily as an *opportunity to get into the homes of potential predators*. Without doubt, these individuals are collecting and trading images; the tools, though, lead to "huge" numbers of children actively undergoing abuse and in need of rescue.

As some of the nation's most prominent and respected experts on child victimization have documented,

Although the stereotype of Internet crimes involves unknown adults meeting juvenile victims online, Internet use can also play a role in sexual crimes against minors by family members and acquaintances. Data were collected from a national sample of law enforcement agencies about arrests for Internet-related sex crimes against minors. Family and acquaintance offenders were nearly as numerous as offenders who used the Internet to meet victims online. They used the Internet in various ways to further their crimes including as a tool to seduce or groom, store or disseminate sexual images of victims, arrange meetings and communicate, reward victims, or advertise or sell victims.³

Sources agree that the problem—in both scope and enormity—is staggering.

³ Kimberly J. Mitchell, David Finkelhor, and Janis Wolak, University of New Hampshire, "The Internet and Family and Acquaintance Sexual Abuse," *Child Maltreatment*, Vol. 10, No. 1, February 2005, pp. 49-60. We include a copy of the article as Attachment B.

REGISTRATION OF ONLINE IDENTIFIERS

Although requiring sex offenders to register their online identifiers may present administrative challenges, the concept is supported by law enforcement personnel. These officials note that while many sexual predators using the Internet are increasingly sophisticated in eluding detection, many are not. If through any method, law enforcement apprehends a known sex offender who is exploiting children via cyberspace, and the online identifier is not among those registered, then there exists one more charge with which to possibly convict and incarcerate the offender.

TRAUMA

Researchers as well as parents, clinicians, and policy makers are concerned about the impact of child pornography circulating on the Internet. Concerns focus not only on the children who are victimized and whose images are circulated but also on children who are exposed to such material. The evolving nature of Internet-related technology continually allows for a more rapid and wide circulation of such images. As such, the trauma may be compounded as well. Research on the issue is relatively new, and authorities on child abuse note that important theoretical questions—for example, how Internet exposure may affect the formation of sexual interests—have yet to be answered.³

Among the studies we reviewed, we found high levels of distress, guilt, and fear often cited as reactions to unexpected and possibly extreme images presented through the close and intimate medium of a computer screen.⁴ Researchers have found that in cases of online sexual solicitation, the risk of distress is more common among younger children, among those who receive aggressive solicitations (that is, where the solicitor attempts or makes offline contact), and among those who are solicited on computers away from their own homes.⁵

For children whose abuse has been memorialized and circulated, children who may be bought and sold—even if such children are rescued, those children will always know that any computer may be storing or displaying the most horrific events of their lives at any time for anyone, anywhere to see—any current or future family member, any friend, colleague, or casual acquaintance. And as our sources point out, traders often collect and share images of specific children, identified by name. In many regards, this will be abuse that never stops.

Looking at the effects of sexual abuse in general—that is, *not specific to online abuse*—numerous studies document the high incidence of childhood sexual abuse among sex offenders. David Finkelhor, Ph.D., director of the Crimes Against Children Research Center, codirector of the Family Research Laboratory, and a professor of sociology at the University of New Hampshire is one of the country's leading experts on child sexual abuse. According to Dr. Finkelhor, studies generally show that between one third and one half of all offenders were, themselves, sexually

³ Mitchell, et al., "Inventory of Problematic Internet Experiences Encountered in Clinical Practice," p. 501

⁴ Kimberly J. Mitchell, Kathryn A. Becker-Blease, and David Finkelhor, University of New Hampshire, "Inventory of Problematic Internet Experiences Encountered in Clinical Practice," *Professional Psychology: Research and Practice*, 2005, Vol. 36, No. 5, pp. 498-509.

⁵ Kimberly J. Mitchell, David Finkelhor, and Janis Wolak, "Risk Factors for and Impact of Online Sexual Solicitation of Youth," (Reprinted) *JAMA*, June 20, 2001, Vol. 285, No. 23, pp. 3011-3014

abused as children.⁶ Studies also show that as many as 60 to 80 percent of adult sex offenders began offending as juveniles or adolescents; that sexually aggressive behavior escalates; and that by the time of apprehension, most offenders have committed numerous sexually abusive acts.

Data collected by Dr. Finkelhor and others suggest that the incidence of child sexual abuse, in general, is alarmingly high, and that boys are victimized nearly as frequently as girls: approximately one in four girls and one in five to seven boys are sexually victimized by age 18. Nevertheless, approximately 90 percent of the apprehended adult sex offenders are male. Thus, although many offenders have been victims, it is not likely that most victims become offenders.

Sharon Araji, Ph.D., professor of sociology, University of Alaska, Anchorage, and an authority on how sexual abuse in childhood affects adult development, stresses that although not everyone becomes a perpetrator, no one escapes the trauma of being victimized as a child. Dr. Araji and others agree that gender is significant in the manifestation of trauma associated with child sexual abuse: abused males have a far higher risk of becoming sex offenders than do females; females, on the other hand, tend to become lifelong victims—susceptible to rape, domestic violence, drug and alcohol addiction or other substance abuse.⁷ Furthermore, women who have been abused as children are generally less capable of preventing their own children from being sexually abused—thus perpetuating the cycle.

WHAT'S BEING DONE

In Alaska, while local police departments *respond* to reports of child pornography, most *proactive* efforts specifically directed at this particular issue are found within the Alaska State Troopers (AST) and the Anchorage Police Department (APD), where officers are trained in addressing this type of crime. The AST Computer and Financial Crimes Unit is comprised of one full time and two part-time investigators. The Cyber Crimes Unit with APD is made up of the supervisor, two online investigators, and three forensic investigators. Additionally, the University of Fairbanks has a part time investigator on campus, and U.S. Immigrations and Customs Enforcement (ICE) has two investigators.

In 1998, the Office of Juvenile Justice and Delinquency Prevention within the U.S. Department of Justice created the Internet Crimes Against Children (ICAC) Task Force Program to help law enforcement agencies develop ways to combat cybercrimes against children. Alaska belongs to one of at least 59 regional ICAC task forces. Federal participants include the Federal Bureau of Investigation (FBI), the Immigration and Customs Enforcement (ICE), the U.S. Postal Inspection Service, and U.S. Marshalls Service. Advocacy groups such as the National Center for Missing and Exploited Children participate, as do state and local law enforcement agencies. As noted previously, Agent Flint Waters is the lead special agent for the Wyoming ICAC task force, and he was in Alaska through ICAC funding for the Anchorage Police Department to train law

⁶ Some studies have shown much higher percentages. In "Victim to Victimizer," *Journal of Interpersonal Violence*, September 1989, p. 326. Gail Ryan of the Kempe National Center for Prevention and Treatment of Child Abuse and Neglect referred to studies showing that as many as 70 to 80 percent of adult sex offenders were sexually victimized as children (Groth and Freeman-Longo, 1979; Long, 1982; Kline, 1987). Fay H. Knapp commented in *Retraining Adult Sex Offenders: Methods and Models* (Orwell, VT: Sater Society Press, 1984), p. 53, that among sex offenders, sexual abuse during the development years is reported from a low of 20 percent to a high of 100 percent.

⁷ Numerous other problems including multiple personality disorders, depression, promiscuity, and a propensity for suicide have been documented as attributable, at least in part, to sexual abuse during childhood.

enforcement personnel in the use of the P2P tracking software and the tools that can convert computer serial numbers to physical locations. Because the tools can also reveal the frequency with which traders operate, law enforcement officers can prioritize their efforts to target the most serious offenders first. When the tools are coupled with an efficient process for obtaining search warrants, law enforcement officers can intervene, and because the evidence is present at the location, conviction is relatively straightforward.

According to Detective Sgt. Ron Tidler, supervisor of the APD Cyber Crimes Unit, the unit averages at least one arrest each week on this issue. But with the magnitude of the problem and the level of available resources, there is no possibility that law enforcement will be able to "arrest ourselves out of this problem."

GOOD NEWS AND BAD NEWS

The following are excerpts from Agent Flint Waters' comments before the U.S. House Judiciary Committee on October 17, 2007.

The good news is we know how to find these predators: they're just a subpoena away from arrest and prosecution.

The bad news is that while my task force and the ICAC network can tell you how to interdict tens of thousands of sex predators tomorrow, the vast majority of these leads will never be investigated. In fact less than two percent of these crimes we know about are investigated for sheer lack of resources. Most of these victims will not be rescued.

We are overwhelmed. We are underfunded, and we are drowning in a tidal wave of tragedy. We don't have the resources we need to save these children.

The price we pay for coming up short will be measured in children lost.

We hope this information is useful. Please contact us if you have questions or need additional information.

Attachment A

Flint Waters, "Child Sex Crimes on the Internet," Prepared for the U.S. House
Judiciary Committee, October 3, 2007



State of Wyoming Attorney General

Child Sex Crimes on the Internet

Prepared for: House Judiciary Committee

Prepared by: Flint Waters, Special Agent, Wyoming Attorney General Division of Criminal Investigation

October 3rd, 2007



Summary

Overview

The statistics herein come from documented observations of one particular type of technology being used to facilitate child exploitation globally. Therefore, at most, the staggering numbers reported reflect a small portion of the severity of this problem given the growing form of predation facilitated by several types of technology associated with the Internet. Prior efforts to measure the use of technology in child exploitation have proven difficult due to the complexity of the systems leveraged by Internet predators. However, this report is able to provide some clear insight into the use of Peer to Peer networks in this type of crime.

Approach

Investigators deploying software written by the State of Wyoming have identified a vast network of traffickers who have distorted the original uses of Peer to Peer (P2P) networks to feed their own needs. The tactics being deployed by law enforcement have resulted in the identification of staggering numbers of individuals trading child sexual abuse movies and images.

Introduction

This report is presented by Flint Waters, Lead Special Agent for the Wyoming Internet Crimes Against Children Task Force, (ICAC). Agent Waters is the hands-on supervisor of a team of investigators tasked with interdicting child predators for the State of Wyoming. He carries a daily case load alongside state and federal agents in the Wyoming ICAC Task Force. Agent Waters is the author of the software used in Operation Peer Precision and has trained law enforcement from around the world. He has been recognized as an expert in Internet Child Exploitation in state and federal court and has previously testified before congress.

Estimates

The details you are about to review originate from a single P2P network, one of many used daily on the Internet. These details relate to just one small corner of the Internet. It applies only to one P2P system where child sexual abuse movies and images were presented to undercover law enforcement throughout the world. This data does not include traders using email, chat, social networks, news servers or paid and free web sites. At most it can be seen as a bare minimum of the trafficking of child sexual exploitative materials.



State of Wyoming Attorney General

Just One System

During undercover operations officers are presented with the same search results viewable by the predator using the system in their home. These results contain hundreds if not thousands of images of child sexual abuse and are a virtual menu of movies depicting the brutal rape of children as young as infants. Based on the preference of the user, downloads can focus on children being tied up, abused by adults, forced to have sex with animals or any combination thereof.

Investigators can download thirty minute movies complete with sound where an adult is forcibly penetrating a child. The user can listen to the child cry out for help as the video permanently memorializes each horrifying moment.

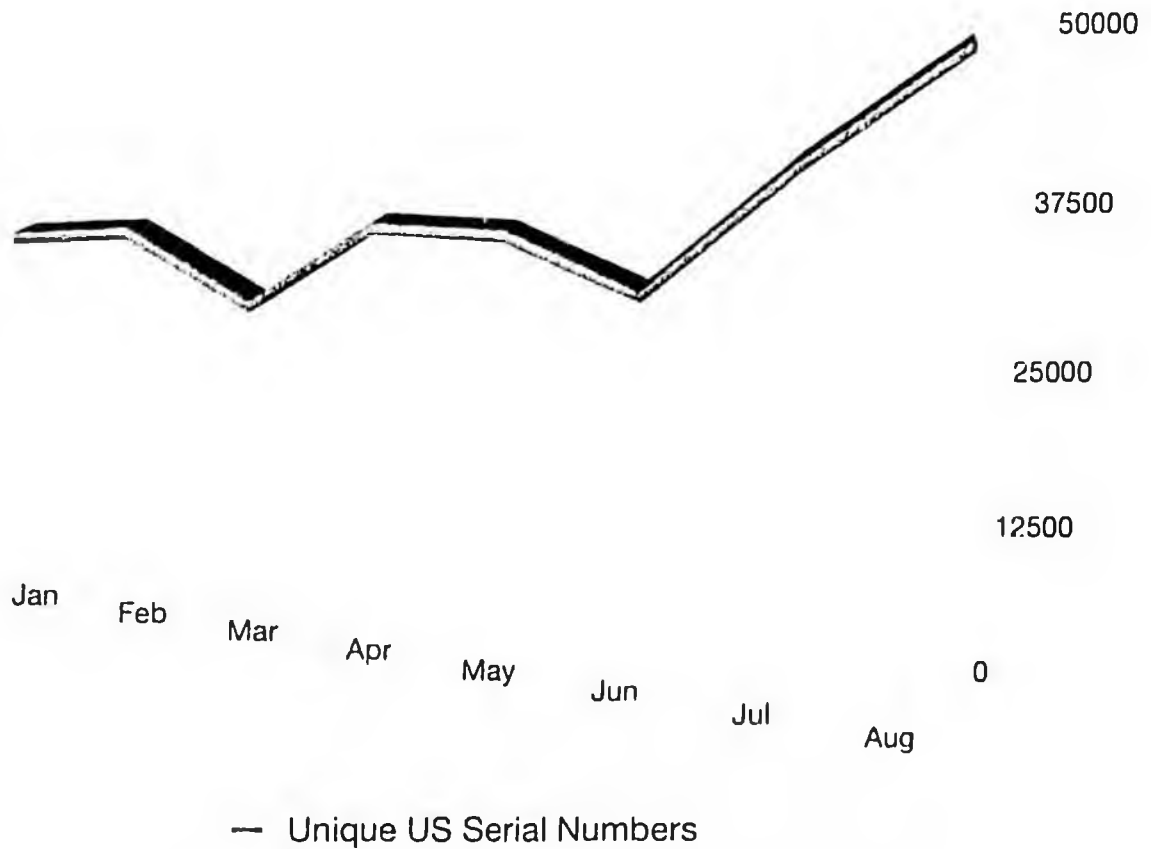
Problem Scope

The software used on this particular network maintains a unique serial number for each installed system. During undercover operations, investigators track these serial numbers to get a global perspective of individual users. Previously, investigators could only document the Internet Protocol addresses (IP) of these users, however, since IP addresses are dynamic and subject to frequent change, it is difficult to get a conclusive picture of the volume of individual trafficking.

With that in mind, the following chart represents the number of unique users identified trading child sexual abuse imagery in 2007. The numbers for each month represent one software application on one P2P network. These are only the U.S. offenders found by law enforcement during undercover operations.



Distinct P2P Use



	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>
Unique US Serial Numbers	30817	32017	26976	34167	34443	30803	41073	49554



Unique Traders

In the chart labeled Distinct P2P use we can see that over forty-nine thousand unique systems were found trading child sexual abuse imagery in August, 2007. That number represents the latest statistics available at the time of this report and we can see a continuing trend in the increase of this activity even though law-enforcement has been trying to disrupt this system for three years.

The monthly totals listed only depict unique use during that month. In most cases these users were also reflected in prior months. A review of the complete seven month period reveals 193,626 unique computers in the United States located by law enforcement trafficking child sexual abuse imagery. This ability to track serial numbers was implemented in late 2005. Since that time we have identified 377,044 unique serial numbers related to this activity.

We should note that individuals using two computers or who purchase a new computer will be reflected twice in these numbers. Simply upgrading the software does not change this serial number for the application reported. In Wyoming, we have seen only two cases out of over 100 search warrants served where an individual had two serial numbers associated with their activity.

Impact

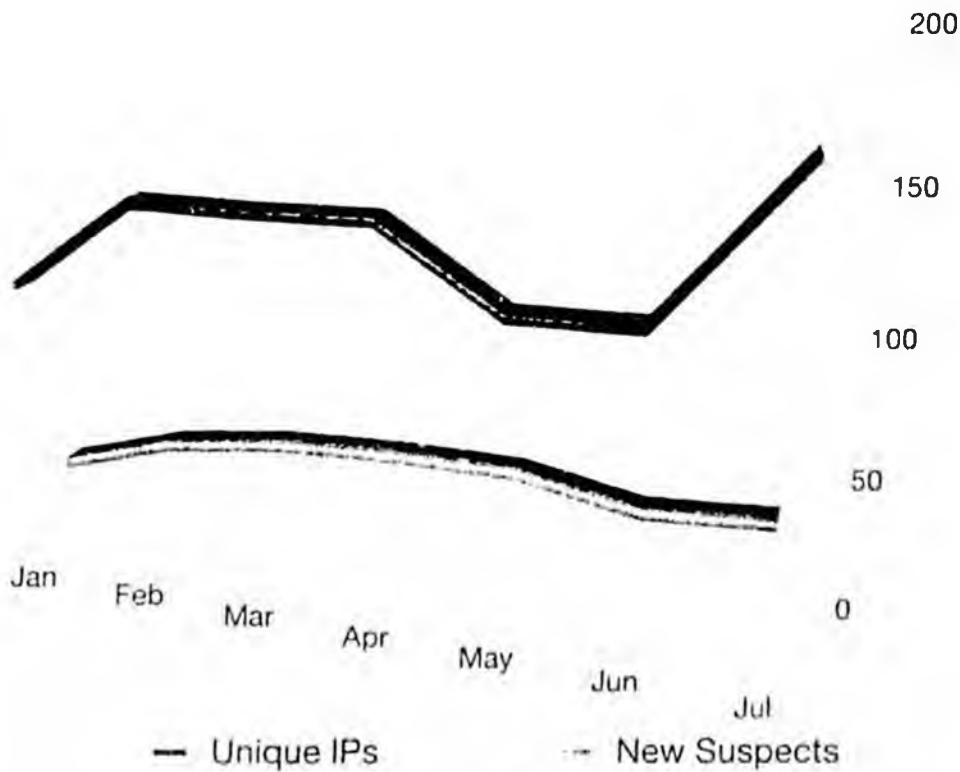
The impact of these traders on law enforcement's ability to respond has been catastrophic. This one small segment of the internet has caused the investigative and forensic infrastructure to be overwhelmed. In Wyoming alone we are behind over eight hundred (800) search warrants. With Wyoming being the smallest state by population, it is not difficult to imagine how these offenses have crippled much larger jurisdictions.



Growth

In Wyoming we send process on each IP address found during these undercover operations. Resulting records allow us to match the number of new IP addresses to the number of new individuals trading child sexual abuse material in Wyoming.

Wyoming growth



	Jan	Feb	Mar	Apr	May	Jun	Jul	Cumulative
Unique IPs	107	139	139	140	113	114	169	921
New Suspects	29	42	48	50	50	42	45	306
% of Unique IPs	27.1%	30.2%	34.5%	35.7%	44.2%	36.8%	26.6%	33.2%



The steady increase in Wyoming has continued to tax an already overwhelmed system. We have specific records that demonstrate how many IP addresses refer to specific individuals. Over the first six months of 2007 we were able to show that the nine hundred twenty one (921) unique addresses related to three hundred and six (306) individuals.

There have been 1,519,791 unique IP addresses identified in the United States. If the breakdown were constant with the results in Wyoming that would indicate 504,947 individuals identified throughout the United States in the last three years. This is a rough estimate but again, it only pertains to one of many P2P systems and does not include other methods of trading child sexual abuse material.

Methodology

Conducting the undercover portion of these P2P operations is fairly simple. Investigators use the search terms known to law enforcement to identify advertised child sexual abuse material. The investigator then initiates downloads and starts to identify IP addresses. By examining these addresses the investigator can see where an offender is located. This allows each investigator to focus their efforts within their own jurisdiction.

Once an offending computer has been identified in the local jurisdiction the investigator may download child pornography directly from the suspect computer. As this progresses the investigation is documented and memorialized through software applications. Investigators will also check the reported IP address for involvement in previous activities related to child sex crimes. Often records will be found associating the address with other investigations.

Once criminal conduct is confirmed the investigator sends process to the Internet Service Provider (ISP). This request will attempt to identify the physical address associated with the IP address. Most frequently this will match a residence or business with a paid internet account. If the ISP has records the investigator can continue the investigation.

Investigators will then research the location provided. Investigators will attempt to identify the occupants as well as immediate risks to children. Criminal history information will be obtained if available to help establish the priority of the investigation.

Once all background material has been reviewed a decision to apply for a search warrant will be made. If a warrant is appropriate an application will be submitted to a local or federal prosecutor. If approved, the application then goes before the appropriate judge. If signed the investigators have a limited amount of time to execute the warrant and seize any evidence found.

Interviews may be conducted pursuant to the investigation. All digital evidence will be submitted for forensic examination. Depending on the evidence and the potential for risk to individuals an arrest may be made during the execution of the warrant.

Rescues

These P2P undercover investigations have resulted in the rescue of many children.



Attachment B

Kimberly J. Mitchell, David Finkelhor, and Janis Wolak, University of New Hampshire, "The Internet and Family and Acquaintance Sexual Abuse," *Child Maltreatment*, Vol. 10, No. 1, February 2005, pp. 49-60

The Internet and Family and Acquaintance Sexual Abuse

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This article explores the dynamics of cases involving family and acquaintance sexual offenders who used the Internet to commit sex crimes against minors. Although the stereotype of Internet crimes involves unknown adults meeting juvenile victims online, Internet use can also play a role in sexual crimes against minors by family members and acquaintances. Data were collected from a national sample of law enforcement agencies about arrests for Internet-related sex crimes against minors. Family and acquaintance offenders were nearly as numerous as offenders who used the Internet to meet victims online. They used the Internet in various ways to further their crimes including as a tool to seduce or groom, store or disseminate sexual images of victims, arrange meetings and communicate, reward victims, or advertise or sell victims. Prevention messages and investigation approaches should be revised to incorporate awareness of such cases and their dynamics.

Keywords: *Internet; sexual abuse; offender; youth; family; acquaintance*

The Internet and its related technology is transforming many domains of social life, so there is every reason to believe that it will have an effect on child maltreatment as well. Thus far, the predominant concern about the Internet and child maltreatment has involved online meeting crimes in which, stereotypically, adult strangers have used the Internet to meet and develop abusive relationships with vulnerable youth

However, the Internet may have also affected the nature and dynamics of sexual abuse that occurs at the hands of nonstrangers including family and acquaintance sex offenders in a number of ways. First, the availability of digital photography and the market for child pornography on the Internet may have made the production and online distribution of child pornography a more frequent component of abuse by family and acquaintance offenders. Second, the availability and ease of online communications may allow some acquaintance offenders to bypass parents and other caretakers to develop abusive relationships with potential victims that they could not have achieved with face-to-face contact. Third, the Internet may provide new opportunities for family and acquaintance offenders to seduce children and adolescents for abuse, including new ways of bringing sexual topics into interactions and exposing children to sexual images and materials.

Family and Acquaintance Sex Offenders

Children and adolescents are more victimized than adults (Finkelhor, 1997; Hashima & Finkelhor, 1999). This is partly because of their dependency status that results in little choice as to whom they associate with. In other words, children who live in violent families or violent neighborhoods typically do not have the ability to leave these environments. Child victimization in the form of sexual abuse in particular has been an important focus of study for several

decades prior to the existence of the Internet. Most offenders in non-Internet, or conventional, child sexual abuse cases perpetrate their crimes against victims within their own families or with whom they are acquainted (Finkelhor, 1997). Children younger than the age of 12 are dependent on their caregivers, and, as such, most of the sexual abuse occurring in this age group is by family members. As children grow, they develop more connections with people outside of the family unit, and abuse at the hands of persons outside of the family, such as acquaintances and peers, increases.

Current Article

The current article will use a sample of acquaintance and family sex offenders identified in a study of Internet sex crimes against children to explore and illustrate how such offenders used the Internet. Specifically, this article will examine offender, victim, and case characteristics from a national sample of cases involving arrests made for Internet-related sex crimes against minors. Data will first address what proportion of arrests for Internet sex crimes against minors were committed by family and acquaintance offenders and compare this to the numbers of cases involving the more publicized online meeting crimes. Next, offender and victim characteristics will be examined between offender groups (i.e., family versus acquaintance offenders). Then, using a combination of qualitative and quantitative characteristics, we will explore the different ways the Internet is used by family and acquaintance offenders, the types of sexual assaults that occurred, and the aggravating features of the crimes contrasted between the two offender groups. Finally, case outcomes in terms of convictions of offenders and mental health referrals for victims will be examined across groups.

National Juvenile Online Victimization (NJOV) Study

The NJOV Study was undertaken to obtain a sense of the scope and types of law enforcement activity in this area and to serve as a baseline for monitoring the growth of Internet sex crimes against minors and related law enforcement activities.

Because Internet sex crimes against minors are a recent phenomenon, data about them have not been gathered in a national study. The NJOV Study is the first national research project to systematically collect data about the number and characteristics of arrests for Internet sex crimes against minors, and it had three goals

- to estimate a baseline number of arrests during a 1-year period so that the growth of these cases in the criminal justice system can be measured in the future,
- to provide a statistical portrait of the characteristics of Internet sex crimes against minors and a description of how they are handled within the criminal justice system, and
- to organize the variety of cases into a typology useful for tracking and analysis.

METHOD

NJOV Sample and Procedure

The NJOV study collected information from a national sample of law enforcement agencies about the characteristics of Internet sex crimes against minors and the numbers of arrests for these crimes during a 1-year period. The goals of the methodology were to construct a representative national sample of law enforcement agencies that would give an overall picture of these crimes in the United States, understand how these cases emerged and were handled in a diverse group of agencies, and obtain detailed data about the characteristics of these crimes from well-informed, reliable sources.

Law enforcement investigators were interviewed, because investigators have been in the forefront of identifying and combating these crimes and are the best sources of accessible, in-depth information about their nature. A focus was placed on cases that ended in arrests rather than crime reports or open investigations, because cases ending in arrests were more likely to involve actual crimes; had more complete information about the crimes, offenders, and victims; gave a clear standard for counting cases; and helped avoid interviewing multiple agencies about the same case.

First, a national sample of 2,574 state, county, and local law enforcement agencies was surveyed by mail asking them if they had made arrests in Internet-related child pornography or sexual exploitation cases. Detailed telephone interviews were then conducted with investigators who had such cases. The methodology was modeled after that used in the Second National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMA-2) to survey law enforcement agencies about child abduction cases (Sedlak, Finkelhor, Hammer, & Schultz, 2002).

Eighty-eight percent of the agencies ($n = 2,270$) responded to the mail surveys. Seventeen percent of the agencies ($n = 383$) that responded reported 1,723 arrests. To be eligible, cases had to (a) have victims younger than 18, (b) involve arrests between July 1, 2000, and June 30, 2001; and (c) be Internet-related

Cases were Internet related if any of the following criteria were met: (a) An offender-victim relationship was initiated online; (b) an offender who was a family member or acquaintance of a victim used the Internet to communicate with a victim to further a sexual victimization or otherwise exploit the victim; (c) a case involved an Internet-related, proactive investigation; (d) child pornography was received or distributed online or arrangements for receiving or distributing were made online; or (e) child pornography was found on a computer, on removable media such as floppy disks and compact disks, as computer printouts, or in a digital format.

We designed a sampling procedure for case-specific interviews that took into account the number of cases reported by an agency so that we would not unduly burden respondents in agencies with many cases. If an agency reported between 1 and 3 Internet-related cases, we conducted follow-up interviews for every case. Eighty-five percent of the responding agencies were in this group. For agencies that reported more than 3 cases, we conducted interviews for all cases that involved identified victims and sampled other cases. (The term *identified victims* denotes victims that were identified and contacted by law enforcement in the course of the investigation.) For agencies with between 4 and 15 cases, approximately half of the cases that did not have identified victims were randomly selected for follow-up interviews. In agencies that reported more than 15 cases, approximately one quarter of the cases with no identified victims were randomly selected. In some agencies, we could not find out which cases had identified victims, so we sampled from all cases, using the sampling procedure described above.

Of the 1,723 cases reported by law enforcement, 37% ($n = 646$) were not selected for the sample and 16% ($n = 281$) were ineligible thus resulting in 796 cases in the sample. Ineligible sampled cases were not replaced in the sample, because one study goal was to estimate annual numbers of arrests for which we used statistical weighting procedures that required non-replacement. Of these 796 cases, 79% ($n = 630$) of the telephone interviews were completed by six trained interviewers between October 2001 and July 2002. Of those not completed, 13% involved investigators that did not respond to requests for interviews, 3% involved respondents who refused to be interviewed, and 5% involved duplicate cases or cases that could not be identified. A total of 18 completed interviews were duplicate cases and thus dropped from the data set thereby resulting in 612 completed interviews. The present article examined a subsample of 126 arrests in which offenders had prior relationships

with their victims, either as a family member or an acquaintance.

Weighting Procedures and Prevalence Estimates

A statistical technique called *weighting* was used to estimate annual numbers of arrests involving Internet sex crimes against minors in a 1-year time frame within the United States. Weighting takes into account sampling procedures and nonresponse to allow use of the data to project estimated annual arrest totals with 95% confidence that the accurate number will fall within a specific range. Four weights were constructed to reflect the complex sample design. First, each case was given a sampling weight to account for the probability of selection to both the mail survey and telephone interview samples. The sampling weights were adjusted for agency nonresponse, case-level nonresponse, duplication of cases among agencies, and arrests by one federal agency that did not participate in case-level interviews. Second, primary sampling unit weights were created to account for clustering within each of the three sampling frames. Third, stratification weights were computed based on the different sampling strategies for each frame. Finally, finite population correction factors accounted for the sampling being conducted without replacing ineligible cases. (More detailed information about these weighting procedures is available at <http://www.unh.edu/ccrc/pdf/NJOVMeth.pdf>.)

Measures and Definitions

Cases involving family and acquaintance offenders arrested for Internet-related sex crimes against minors were defined as those in which the offenders were known to their victims as family members or face-to-face acquaintances prior to the crimes they committed (i.e., they did not first meet online) and who used the Internet in some capacity during their crime.

The victims described in this article were primary victims. In more than half of the cases (54%), they were the only victims involved in current crimes. Twenty five percent of the crimes had 2 victims, 14% had 3 to 5 victims, and 6% had 6 or more victims. In cases with multiple victims, the primary victim was chosen for follow-up based on the following hierarchical criteria: (a) the victim who used the Internet directly, (b) the victim who was the most seriously victimized, or (c) the victim who was the youngest.

Other variables used throughout this article were part of a survey developed for this study. Questions were developed through interviews and consultations with law enforcement. Completed surveys were also

pilot tested with police before the actual data collection began. These questions covered a number of different aspects of the case including how the case was initiated, specific case characteristics, offender characteristics, victim characteristics, and case outcomes.

RESULTS

Number of Arrests

An estimated 460 arrests (95% confidence interval: 435-485) were made in the United States for Internet-related sex crimes against minors involving family and acquaintance offenders in the 1-year period beginning July 1, 2000. This represents 18% of all arrests for Internet sex crimes against minors, which constituted approximately 2,577 arrests in the same time frame (Wolak, Mitchell, & Finkelhor, 2003). Arrests of family and acquaintance offenders represented approximately half of all Internet crimes against identified victims (39% of all arrests) with the other half representing offenders who used the Internet to initiate a relationship with the victim (i.e., Internet-initiated). Other Internet-related sex crimes against minors identified in this study included Internet solicitations to undercover law enforcement posing online as minors (25% of arrests) and Internet child pornography possession or distribution (36% of arrests; see Wolak, Finkelhor, & Mitchell, 2004, for more details on these other Internet-related sex crimes against minors).

Offender and Victim Characteristics Across Offender Groups

Offender demographics. All but 1% of offenders were male (see Table 1). Most offenders were 26 years of age or older (87%), and most were non-Hispanic Whites (95%). Fifty-one percent had annual household incomes between \$20,000 and \$50,000 with 19% having incomes greater than \$50,000. There was a range of highest education levels with 36% being high school graduates and 35% having at least some college experience. Twenty-four percent lived in suburban neighborhoods, and an additional 46% lived in small towns or rural areas. Thirty-three percent were single and never married, 35% were married, and 17% divorced. More than three quarters of offenders worked full time (78%) with 9% unemployed.

Some differences existed between family and acquaintance offenders on the above demographic characteristics. More family offenders were from small towns, whereas a greater proportion of acquaintances lived in urban locations. More acquaintance offenders had jobs that provided them with access to

TABLE 1: Offender Demographic Characteristics (Unweighted $N = 126$)

Demographic Characteristics	All Offenders (Unweighted $N = 126$)	Family Offenders (Unweighted ^a $n = 52$)	Acquaintance Offenders (Unweighted $n = 74$)
	% (n)	% (n)	% (n)
Gender			
Male	99 (123)	97 (49)	100 (74)
Female	1 (3)	3 (3)	0 (0)
Age			
Younger than 18 years old	5 (6)	0 (0)	9 (6)
18 to 25 years old	8 (8)	6 (2)	9 (6)
26 to 39 years old	43 (61)	48 (29)	39 (32)
40 years or older	44 (51)	46 (21)	43 (30)
Race/ethnicity			
Non-Hispanic White	95 (115)	97 (49)	93 (66)
Hispanic White	3 (7)	2 (2)	4 (5)
Non-Hispanic African American	1 (3)	1 (1)	2 (2)
Asian	1 (1)	0 (0)	1 (1)
Geographical location*			
Small town	35 (34)	45 (19)	27 (15)
Suburban	24 (31)	19 (12)	27 (19)
Urban	21 (31)	13 (8)	27 (23)
Rural	11 (14)	13 (7)	10 (7)
Large town	10 (16)	11 (6)	9 (10)
Highest education*			
Did not finish high school	9 (14)	4 (4)	12 (10)
High school graduate	36 (38)	45 (18)	29 (20)
Some college education	18 (28)	20 (12)	17 (16)
College graduate	12 (19)	6 (5)	17 (14)
Postcollege degree	5 (6)	0 (0)	10 (6)
Technical training	6 (5)	9 (3)	4 (2)
Don't know	14 (16)	17 (10)	12 (6)
Employment			
Full-time	78 (97)	72 (39)	83 (58)
Unemployed	9 (11)	13 (6)	5 (5)
In school	5 (7)	0 (0)	10 (7)
Part-time	6 (10)	6 (2)	6 (8)
Retired	5 (3)	11 (3)	0 (0)
Other (e.g., disabled, trust fund)	4 (6)	5 (2)	4 (4)
Don't know	1 (3)	3 (3)	0 (0)
Job provided access to children**	15 (22)	5 (3)	23 (19)
Household annual income^a			
Less than \$20,000	17 (27)	15 (11)	18 (16)
\$20,000 to \$50,000	51 (58)	57 (23)	46 (35)
\$50,000 to \$80,000	14 (20)	13 (9)	15 (11)
More than \$80,000	5 (6)	1 (1)	8 (5)
Don't know	13 (15)	14 (8)	12 (7)
Marital status***			
Single, never married	33 (41)	12 (6)	50 (38)
Married	35 (43)	38 (30)	18 (13)
Divorced	17 (22)	10 (5)	22 (15)
Living with a partner	6 (9)	8 (1)	5 (5)
Separated	3 (4)	6 (2)	2 (2)
Widowed	3 (3)	7 (3)	0 (0)
Don't know	2 (1)	0 (0)	1 (1)

NOTE: *n*s and percentages may not be proportional because results are weighted to reflect selection probabilities, and some cases have more influence than others. Some percentages may not add to 100% because of rounding.

a. Missing data represent more than 5%. A comparison dummy variable was examined and found to be nonsignificant.

* $p < .05$. ** $p < .01$. *** $p < .001$.

TABLE 2: Victim Demographic Characteristics (Unweighted N = 126)

Victim Characteristics	All Victims (Unweighted N = 126) % (n)	Family Victims (Unweighted n = 52) % (n)	Acquaintance Victims (Unweighted n = 74) % (n)
Relationship to offender			
Family member	44 (52)	100 (52)	
Adult relative (grandparent, uncle, aunt)	18 (14)	40 (14)	
Parent	9 (16)	21 (16)	
Stepparent	8 (11)	19 (11)	
Parent's intimate partner	8 (9)	18 (9)	
Juvenile relative	< 1 (1)	1 (1)	
Legal guardian	< 1 (1)	1 (1)	
Acquaintance	56 (74)		100 (74)
Neighbor or member of community	16 (17)		29 (17)
Friend or relative of juvenile friend	12 (11)		21 (11)
Teacher	9 (10)		16 (10)
Family friend or friend of parent	7 (10)		13 (10)
Leader or member of youth organization/athletics	4 (7)		7 (7)
Employer or co-worker of victim	2 (4)		4 (4)
Other youth known to victim	2 (1)		4 (4)
Boarder	1 (3)		2 (3)
Babysitter	1 (3)		2 (3)
Other	2 (5)		2 (5)
Demographics			
Gender***			
Female	70 (85)	93 (47)	51 (38)
Male	30 (44)	7 (5)	49 (36)
Age***			
3 years old or younger	2 (6)	4 (5)	1 (1)
3 to 5 years old	5 (9)	8 (6)	2 (3)
6 to 12 years old	45 (56)	70 (31)	25 (25)
13 to 17 years old	18 (35)	18 (10)	71 (45)
Race/ethnicity			
Non-Hispanic White	95 (116)	99 (51)	91 (65)
Hispanic White	3 (5)	0 (0)	5 (5)
Non-Hispanic African American	1 (2)	0 (0)	2 (2)
American Indian or Alaskan Native	1 (1)	0 (0)	1 (1)
Asian	< 1 (1)	1 (1)	0 (0)
Not ascertainable	1 (1)	0 (0)	1 (1)
Geographical location			
Small town	38 (33)	11 (18)	43 (15)
Suburban	20 (27)	16 (11)	21 (16)
Urban	19 (31)	16 (8)	21 (23)
Rural	11 (13)	9 (7)	12 (6)
Large town	10 (16)	11 (6)	9 (10)
Don't know/not ascertainable	3 (6)	1 (2)	1 (1)
Household annual income***			
Less than \$20,000	23 (27)	21 (12)	22 (15)
\$20,000 to \$50,000	42 (49)	52 (22)	31 (27)
\$50,000 to \$80,000	11 (17)	12 (7)	10 (10)
More than \$80,000	7 (9)	1 (1)	12 (8)

(continued)

TABLE 2 (continued)

Victim Characteristics	All Victims (Unweighted N = 126) % (n)	Family Victims (Unweighted n = 52) % (n)	Acquaintance Victims (Unweighted n = 74) % (n)
Don't know/not ascertainable	18 (24)	11 (10)	23 (14)
Who was victim living with*			
both biological parents	35 (48)	32 (16)	38 (32)
One biological parent only	39 (46)	35 (17)	42 (27)
One biological parent and a stepparent	19 (20)	30 (14)	11 (6)
Foster parent or other	5 (9)	2 (2)	7 (7)
Don't know/not ascertainable	1 (3)	1 (1)	2 (2)

NOTE: ns and percentages may not be proportional because results are weighted to reflect selection probabilities, and some cases have more influence than others. Some percentages may not add to 100% because of rounding.

a. Because missing data were greater than 5%, a dichotomous dummy variable was created to test missing versus other responses and found to be significant. As such, this variable includes the missing data in the comparisons.

*p < .05 **p < .01 ***p < .001.

children (23% vs. 5%). In terms of marital status, family offenders were more likely to be married (58% vs. 18%), whereas acquaintance offenders were more likely to be single and never married (50% vs. 12%) or divorced (22% vs. 10%).

Victim relationship with the offender. Of the family and acquaintance offenders, 44% were family members that encompassed a variety of relationships such as adult relatives (e.g., grandparent, aunt, or uncle), parents, stepparents, and parent's intimate partners (Table 2). Offenders who were acquaintances of victims constituted 56% of cases and consisted of neighbors, relatives of juvenile friends, teachers, family friends, and leaders or members of youth organizations, among others.

Victim demographics. The majority of victims were female (70%), 45% of all victims were between the ages of 6 and 12, and 48% were 13 to 17 years old (Table 2). Most victims were non-Hispanic Whites and lived in a variety of geographical areas (e.g., small towns, urban, suburban). The majority (65%) lived in households with annual incomes of \$50,000 or less. Thirty-five percent lived with both biological parents, 39% with one biological parent only, and 19% lived with a biological parent and a stepparent.

The most notable differences between the victims of family offenders and those of acquaintance offenders were gender and age. Almost all of the victims of

TABLE 3: Usage of the Internet in Family and Acquaintance Sexual Abuse Cases (Unweighted $N = 126$)

Use of Internet ^a	Description	Cases Cases (Unweighted N = 126) % (n)	Family Cases (Unweighted n = 52) % (n)	Acquaintance Cases (Unweighted n = 74) % (n)
Seduce or groom	Sexual conversations online and sending sexual pictures, fondling or holding child on lap while viewing pornography, illustrating how to perform sexual acts	67 (75)	70 (29)	65 (46)
Child pornography productions	Using Internet as a tool to distribute child pornography	43 (64)	49 (34)	39 (30)
Arrange meetings or other communication***	Set up time and locations for meetings	26 (31)	6 (2)	43 (29)
Reward*	Attracting victims to home with promises of Internet use	4 (5)	0 (0)	8 (5)
Advertise or sell	Advertising victims for prostitution, offering minors to other offenders	2 (6)	2 (3)	2 (3)

NOTE: ns and percentages may not be proportional because results are weighted to reflect selection probabilities, and some cases have more influence than others. Some percentages may not add to 100% because of rounding.

a. Overlap between different uses of the Internet possible.

* $p < .05$. *** $p < .001$.

family offenders were female (93%) and younger than the age of 12 (82%), whereas nearly half (49%) of the victims of acquaintance offenders were male and most were teenagers (71%). Also, victims of acquaintance offenders were more likely to live in households with slightly higher annual incomes, although there were significantly more missing data for victims of acquaintance offenders that might account for this difference. Victims of family offenders were more likely to live with stepparents (30% vs. 11%).

Use of the Internet

Through examining both qualitative narrative descriptions and quantitative data, we identified five primary ways the Internet was used in the commission of these crimes: (a) seduction or grooming, (b) child pornography production, (c) arranging meetings and other communication, (d) rewarding victims, and (e) advertising or selling victims (Table 3). Most offenders (61%) used the Internet in only a single one of these ways, but 30% used two and 9% used three ways.

Seduction or grooming. The most common way the Internet was used by family and acquaintance offenders was to seduce or groom victims through online sexual conversations, sending sexual pictures to victims, fondling or holding victims while jointly viewing child or adult pornography, and using online pornography to show victims how to perform sexual acts. Most family and acquaintance offenders (67% overall; 65% of all acquaintance offenders and 70% of all family offenders) used the Internet to seduce or

groom. For example, a high school teacher gradually introduced sexual conversations to a 14-year-old female student online. He wanted to have sex with her and showed her soft-core photos he had taken of other girls at the school. The victim's older sister insisted she report this to the police. In another case, a 43-year-old offender was fondling his 5-year-old neighbor while showing her pornography on the computer.

Child pornography, production. The Internet was used by almost half of the offenders (43% overall; 49% of all family offenders and 39% of all acquaintance offenders) to store or disseminate produced child pornography images to other offenders online. For example, a 27-year-old offender was putting sexual pictures of his 9-year-old half-sister on his computer. He had been taking photos of her while she was in the bathroom, in the shower, and while changing through use of a hidden camera and by going into the bathroom himself to take pictures. These images were stored on his computer. He tried to force a towel from her when she was covering herself with it. She told her mother who called the police. In another case, a 39-year-old offender sexually abused his daughter from the time she was 7 until she was 10. He sometimes took pornographic pictures of the abuse and e-mailed them to other people.

Arranging meetings and other communication. Another way the Internet was used was as a tool to arrange meeting times and communicate with victims. Twenty-six percent of offenders used the Internet this way (6% of all family offenders and 43% of all

acquaintance offenders; $p < .001$). For example, a teacher used the Internet to communicate with a 15-year-old student by using code words to arrange meetings. Their sexual encounters occurred after school and on weekends until the victim's parents found the e-mails and reported him to the police. In another case, the offender was a high school teacher. This offender and his female student started talking online. The victim became uncomfortable when the conversations became more sexual. He solicited her for sex and kept asking for nude pictures, but she refused. In the school, he would do things like grab her buttocks and make it look like an accident.

Rewarding victims. The Internet was also used as a reward to attract victims into the offender's home in 4% of all cases. These were all acquaintance offenders (8%). For example, 1 case involved 3 brothers who met the offender through their mother. The offender's hook was to teach the victims how to use the computer. On weekends, he would take the boys and his computer from his home to a beach cottage where he would show them child and adult pornography and sexually assault them. In another case, the offender had about 12 computers in his home, and he allowed kids to have their own computer and view adult pornography. He was also producing child pornography with 7 of these victims.

Advertising or selling victims. In a minority of cases (2% overall; 2% of family offenders and 2% of acquaintance offenders), offenders used the Internet to advertise victims in prostitution cases or sell minors to other offenders. For example, a 38-year-old offender posted an ad on the Internet for an escort service involving young girls. The victims were 5- and 9-year-old girls who were the daughters of the offender's girlfriend. Undercover agents contacted the offender, and he, in turn, sent them images of the girls that were sexual in nature. As another example, a 30-year-old man was selling sex with a 12-year-old boy online. This offender also took pornographic pictures and sexually molested this boy. An investigator went undercover online as an adult who wanted access to the minor. In another case, an investigator identified an online sex ring involving 6 offenders involved in exploiting at least 3 victims through a prostitution ring that was advertising underage girls online. One of these offenders, a 24-year-old man, was advertising a 13-year-old girl.

Types of Sexual Assault Crimes

Some form of sexual activity occurred in all cases. The sexual activity commonly involved intercourse or some other penetration (45%), noncontact victim-

ization such as child pornography production or transmitting pornography online to a victim (21%), fondling (15%), oral sex (8%), inappropriate touching (7%), or something else such as solicitation, attempted penetration, or having the victim touch the offender sexually (2%). The lengths of time the crimes continued before becoming known to police varied with no differences between the two types of offenders. For 23% of the cases, the crime continued for 1 month or less; for 19%, it went on for 1 to 6 months; for 23%, it went on for 6 months to 1 year; and for 24%, it went on for more than 1 year.

Other Aggravating Features of Sexual Assault

Police reported on a number of aggravating aspects of these sexual assaults (Table 4). Specifically, police said coercion was involved in almost half of the cases (45%) with more coercion by the family offenders (63% vs. 30%). They reported that some of the sexual activity was voluntary on the part of victim (37% of cases) but was more likely with victims of acquaintance offenders (55% vs. 15%). Also, a small percentage of offenders (11%) used violence or threats of violence to sexually assault victims, more often by family offenders (22% vs. 1%). Victims were offered or given illegal drugs or alcohol in 28% of these crimes, and in a smaller number of cases, victims were abducted (4%), illegally detained (5%), physically assaulted (6%), or physically injured (3%). Seven percent of victims committed crimes when they were with offenders. Child pornography production was involved in 54% of these crimes. Although adult pornography was offered or given to victims in half of these cases, this happened more often among family offenders (57% vs. 46%).

Case Outcomes for Offenders and Victims

Convictions. The majority of both family and acquaintance offenders pled guilty (71%) or were convicted at trial (15%) for the crimes they were charged with (Table 5). Family offenders were more likely to plead guilty (82% vs. 63%), whereas acquaintance offenders were more likely to be convicted at trial (22% vs. 7%). Only a small percentage of cases involved dropped or dismissed charges (2%). Some cases were still pending (11%) at the time of data collection. More than half of the offenders received some incarceration for their crimes (60%). More than one third (33%) received some probation. Almost all offenders were required to register as sex offenders (92%), but this was the case for significantly more family offenders (97% vs. 88%).

TABLE 4: Illegal Sexual Activity and Aggravating Features of Assault (Unweighted $N = 126$)

Characteristics	All Victims (Unweighted $N = 126$)	Family Victims (Unweighted $n = 52$)	Acquaintance Victims (Unweighted $n = 74$)
Illegal sexual activity			
Type			
Intercourse or other penetration	45 (50)	52 (24)	40 (26)
Noncontact	22 (31)	17 (11)	25 (20)
Fondling	15 (18)	17 (6)	14 (12)
Oral sex	8 (12)	3 (3)	15 (9)
Inappropriate touching	7 (8)	9 (5)	6 (3)
Something else	2 (5)	4 (3)	1 (2)
Don't know	1 (2)	0 (0)	1 (2)
Length of time crime continued before it became known to police ^a			
1 month or less	23 (24)	19 (6)	27 (18)
1 month to 6 months	19 (21)	15 (7)	23 (14)
6 months to 1 year	23 (28)	29 (12)	17 (16)
More than 1 year	24 (39)	28 (19)	21 (20)
Don't know/not ascertainable	10 (14)	8 (8)	12 (6)
Aggravating features			
Child pornography production	54 (79)	61 (38)	49 (41)
Coercion ^{***d}	45 (51)	63 (28)	30 (23)
Voluntary ^{***b}	37 (42)	15 (8)	55 (34)
Use of violence or threats of violence ^{***d}	11 (11)	22 (9)	1 (2)
Offered or given illegal drugs or alcohol ^a	28 (34)	21 (9)	34 (25)
Abducted	4 (4)	7 (3)	1 (1)
Illegally detained	5 (6)	5 (1)	5 (5)
Physically assaulted	6 (14)	8 (7)	5 (7)
Physically injured	3 (6)	5 (4)	1 (2)
Victim committed crime when with offender	7 (7)	1 (2)	11 (5)
Offered or given adult pornography ^a	50 (62)	57 (27)	46 (35)

NOTE: ns and percentages may not be proportional because results are weighted to reflect selection probabilities, and some cases have more influence than others. Some percentages may not add to 100% because of rounding.

a. Missing data represent more than 5%. A comparison dummy variable was examined and found to be nonsignificant.

b. Because missing data were greater than 5%, a dichotomous dummy variable was created to test missing versus other responses and found to be significant. This variable includes the missing data in the comparisons.

* $p < .05$ *** $p < .001$.

Mental health referrals. Most of the victims in this study were referred to some type of mental health service (79%), although whether these services were utilized was not addressed in this study. Nearly one quarter (24%) of youth were referred to a child advocacy center, 15% to a victim advocate or victim service agency, and 15% to a sexual assault agency. Other re-

TABLE 5: Offender and Victim Case Outcomes (Unweighted $N = 126$)

Case Outcomes	All Victims (Unweighted % (n))	Family Victims (Unweighted % (n))	Acquaintance Victims (Unweighted % (n))
Offenders			
Guilty plea ^{***}	71 (84)	82 (37)	63 (47)
Convicted at trial ^{**}	15 (20)	7 (6)	22 (14)
Charges dropped or dismissed	2 (4)	1 (1)	3 (3)
Offender dead or missing	0 (0)	3 (2)	0 (0)
Case pending	11 (16)	8 (6)	13 (10)
Any incarceration	60 (79)	69 (36)	53 (43)
Any probation	33 (38)	30 (16)	36 (22)
Required to register as a sex offender ^{***}	92 (98)	97 (46)	88 (52)
Victims			
Any mental health referral	79 (103)	87 (44)	74 (59)
Victim advocate or victim service agency	15 (23)	21 (10)	11 (13)
Child advocacy center	24 (27)	25 (13)	23 (14)
Sexual assault support agency	15 (12)	10 (2)	18 (10)
Mental health agency	10 (10)	12 (4)	9 (6)
Child protective service agency	9 (15)	9 (9)	8 (6)
Other (medical, private services)	6 (11)	1 (1)	10 (10)

NOTE: ns and percentages may not be proportional because results are weighted to reflect selection probabilities, and some cases have more influence than others. Some percentages may not add to 100% because of rounding.

** $p < .01$ *** $p < .001$.

ferrals included mental health agencies, child protective services, and medical services.

DISCUSSION

Despite the media emphasis on Internet sex crimes against minors involving online meetings, the findings of this study reveal that some sex offenders use the Internet to exploit and abuse children who are family members or face-to-face acquaintances. Internet-related crimes committed by family and acquaintance offenders comprised almost one fifth of all arrests made for Internet sex crimes against minors in a 1-year time period. Yet these arrests still constitute a relatively small portion of arrests involving all sex crimes against minors. This is indicated by the author's estimate of 89,000 cases of sexual abuse substantiated by child protection agencies or an extrapolated estimate of 65,000 arrests in the year 2000 for all types of sex crimes against minors based on National Incident-Based Reporting System data (Wolak et al., 2003). Another important fact to remember when try-

ing to place these crimes into perspective is that most sex crimes against minors are never reported, and many crimes that are reported often do not end in arrests. Our findings apply only to cases ending in arrests, and we do not attempt to characterize or count the cases that do not end in arrest.

Another important point to consider is that given the current stereotype that Internet crimes involve online meetings, the possibility that family and acquaintance sex offenders used the Internet may not have been considered during investigations of conventional child sexual abuse cases. The Internet may be used in these crimes more often than we know. If law enforcement investigators routinely ask youth about all the ways the offender talked with them and about everything the offender showed them (including through the Internet), they may find evidence like e-mail correspondence and pictures that could strengthen cases and result in additional charges for crimes such as child pornography production. In turn, this evidence could lead to more successful prosecutions in cases involving family and acquaintance offenders given that corroborative evidence in the form of physical trauma and witnesses is rare in child sexual abuse cases (Brewer & Rowe, 1997; Furniss, 1992).

Offender and Victim Demographics

Some interesting findings were observed regarding the demographics of victims and offenders. Similar to conventional child sexual abuse cases, the relationships between the victim and offender changed with the children's age (Finkelhor, 1997). Specifically, abuse by a family member was more common with younger children, whereas adolescents were more likely to be abused by acquaintances. This is due, in part, to the dependent nature of young children on their caretakers and the greater time away from the family that occurs during adolescence. Likewise, conventional sexual abuse is more likely to occur in households with stepfathers, and victims are more typically females (Finkelhor, 1986)—findings that were replicated in the current article.

The current article also found that nearly half of the victims of acquaintance offenders were boys. This is a larger percentage than those associated with conventional sexual abuse cases in which the gender of victims of acquaintance offenders are about 23% boys (Finkelhor, 1984). In general, the research on boy victims of child sexual abuse is ambiguous and thought to be underreported due to expectations of masculinity, public stereotypes of girls as victims, and the social stigma attached to homosexuality. This raises some

interesting questions concerning the role of the Internet in the sexual abuse of children.

One question that needs to be explored is whether higher percentages of boys actually are victimized in Internet-related cases, and, if so, why? One explanation of this finding is the possibility that some of these boys may have been gay or bisexual. The Internet offers a vast amount of information and support that allows for the exploration and development of sexual identity through more private avenues. This may open up the possibility for exploitation by those professing an interest in helping these youth. But this finding of more boy victims in Internet-related cases may also be explained not by the sexual identity of boys but by their interest in pornographic material and its widespread availability on the Internet (Mitchell & Ybarra, 2004). This is further supported by data from the current study indicating boys were significantly more likely than girls to have exposure to both adult (63% vs. 29% of girls) and child pornography (58% vs. 33% of girls) during the crime. Offenders may have more success in initiating boys into sexual conversations and behavior through use of this material. This, combined with the relative anonymity and ease of access to pornography and sexual chat rooms, may play a role in these findings.

The Role of the Internet in Family and Acquaintance Sexual Abuse

There are several features of the Internet that may facilitate sex crimes by family and acquaintance offenders. Three specific features are access, affordability, and anonymity (Cooper, 1997). Access refers to the increasingly large numbers of people around the world who can conveniently access the Internet from such locations as their home, school, work, and libraries. This access allows for communication among people of all ages and may have increased the pool of victims for some sex offenders. The Internet and its associated technology have also become very affordable (Cooper, 1997) thereby allowing for a more diverse population of users. A certain level of anonymity also exists online that may allow for exploration of sexual interests and affect sexual expression. The Internet allows for private conversation with minors and private access to pornographic material that is often used in these crimes. These and certainly other features most likely laid the foundation for the use of the Internet in the current cases.

Offenders used the Internet in a variety of ways in these cases with the most common being to seduce or groom victims (both online and offline), store or disseminate sexual images of victims, and arrange meetings or otherwise communicate with victims. The

Internet was used to seduce or groom in a number of ways including through online communications that involved sexual conversations and requests online and sending sexual images to victims through e-mail. These findings parallel conventional child sex offenders who are said to often operate through seduction or grooming (Lanning, 2001). Seduction or grooming involves providing children with attention, affection, kindness, gifts, and money until their inhibitions are lowered. Once inhibitions are lowered, victims are likely to cooperate or consent to the sexual activity. The nature of the seduction varies based on the developmental age, needs, and vulnerabilities of the child. Those offenders who prefer younger children will often make sex a part of a game or horseplay, whereas those who prefer adolescents will often rely on techniques involving ease of sexual arousal, rebelliousness, and curiosity to manipulate the adolescent into having sex. These techniques may be easier with the Internet and the ability it allows for private conversations that would be more difficult to broach in person. Offenders also used the Internet as a grooming tool by showing victims adult and child pornography while fondling a child in their lap or as a way to visually show the victim the sexual act he wanted them to take part in. In this sense, the Internet appears to be more a tool of convenience with quick access to millions of sexual images of a wide variety of types.

The production of child pornography played a large role in these crimes, occurring in more than half of these cases. For some offenders, the computer may have been a convenient location to store digital images, much like a photo album but with a much larger storing capacity. Another benefit of this digital technology is that it allows producers access to images without the risk of having them developed at a commercial facility where their actions could be detected and reported to police. Other benefits or issues that may arise in cases involving child pornography production is their potential to aid in the identification of child sexual abuse victims, and they also increase the ability of law enforcement and prosecutors to apprehend and convict these offenders due to better evidence in the forms of these images. The presence of these sexual images could also further the abuse and negative impact of the experience for the victim in terms of their mental well-being—a possibility that mental health professionals could address during treatment.

This study did find that some family and acquaintance offenders were posting images on their computers and disseminating their produced images online to other offenders—a behavior that is important to acknowledge and address for criminal justice and

mental health professionals working with sex offenders. Prior to the Internet, the possession, dissemination, and production of child pornography was largely an underground phenomenon (Jenkins, 2001; Taylor & Quayle, 2003). With the Internet, offenders can communicate, trade, sell, or otherwise disseminate sexual images of children. This ability to communicate and exchange images allows them to rationalize and encourage their behavior among each other. Some offenders, primarily those who were acquaintances of their victims, used the Internet to arrange meetings or otherwise communicate with their victims. These other forms of communication generally involved seduction or grooming through sexual conversations or the sending of sexual images discussed above. It is unclear whether the sexual assault in these cases would have occurred without the presence of the Internet, but it certainly could aid the process thereby potentially accelerating its progression.

Although some offenders used the Internet to reward or draw minors into their homes, this use was not common, nor was advertising or selling minors to other offenders online. It is possible that these may be aspects of the Internet that are not being picked up by police in their investigations, or it may be that most offenders are not utilizing the Internet in these ways. Use of the Internet for these behaviors should be investigated in future studies in this area.

Case Outcomes

The outcomes of these cases were successful with most offenders pleading guilty or convicted at trial. Interestingly, more family offenders pled guilty whereas more acquaintance offenders were convicted at trial. Higher rates of guilty pleas for family members may be due to the complex nature of the relationships with their victims, the younger age of the victims, and the possibility of better evidence. Furthermore, there were very low rates of dismissed or dropped cases. Many offenders received some incarceration, and most were required to register as a sex offender. These findings all speak to the idea that the criminal justice system is taking these crimes seriously and successfully prosecuting these criminals.

Implications for Prevention and Law Enforcement Investigations

The findings of this article suggest a number of implications for prevention and law enforcement investigations. First, the notion of Internet victimization needs to be expanded to include situations where offenders are family members and acquaintances. The number of arrests involving these offenders was

nearly the same as the number of arrests for online meeting crimes in the same time frame (Wolak et al., 2003). Although victims who meet offenders online are an important population to focus on for prevention, it is equally important to address prevention messages toward situations involving sex crimes with family and acquaintance offenders. These children and adolescents typically have relationships with their offenders based on trust or power differentials, and they may be ensnared by offenders and do not know where to turn for help. Prevention should focus on letting children and adolescents know that adult family members and acquaintances who use the Internet to engage them in sexual conversations or send them sexual material are committing crimes and should be reported to a trusted adult, the police, or the CyberTipline at www.cybertipline.com. They should also be made aware of the potential benefits of the Internet as a means of seeking support and reporting these crimes.

Second, law enforcement should be encouraged to investigate the possibility of all means of communication between the victim and offender in the context of all child sexual abuse cases including through the Internet. Identifying an Internet component may result in better evidence in the forms of chat conversations or sexual images. This, in turn, could lead to better prosecution of these offenders given that corroborative evidence in the form of physical trauma and witnesses is rare in child sexual abuse cases (Brewer & Rowe, 1997; Furniss, 1992).

Third, mental health professionals should be asking about Internet involvement when working with victims and offenders involved in child sexual abuse cases. Gathering information about this may help professionals establish how the sexual assault was initiated and better understand any aggravating features of the crime that may be hindering recovery, such as knowledge of sexual pictures being taken and potentially disseminated online. A complete understanding of Internet involvement, if any, could aid in the development of more effective treatment and future prevention strategies for their clients.

Fourth, the data suggest the need for different prevention and intervention messages for youth of different ages. Some of the most notable differences between the two types of cases examined in this article—those with family offenders and those with acquaintance offenders—were the gender and age of the victims involved. Family offenders were more likely to have female victims younger than the age of 12, whereas acquaintance offenders were more likely to have male victims in their teens.

Limitations

Although this study has a number of strengths, a few limitations must be noted. First, because most sex crimes against minors are never reported to the police (Finkelhor & Dziuba-Leatherman, 1994; Finkelhor & Ormrod, 1999) and many of those known to law enforcement do not culminate in arrest (Finkelhor, Cross, & Cantor, *in press*), this sample cannot be said to represent the characteristics of all Internet-related victimizations that occurred during this period but only those that ended in the arrest of an offender.

Second, some errors and biases may have been introduced because the respondents were law enforcement investigators. Police were regarded as the best sources for in-depth information about the nature of Internet-related crimes because their professional responsibilities require them to gather intensive information about these cases. However, the information they provided could be biased by training, professional attitudes, or the adversarial nature of their roles in some of these cases.

Third, these numbers are estimates based on the sample of cases that were the subject of the interviews. Although the study was designed to yield a nationally representative sample of cases involving Internet-related sex crimes against minors, sometimes samples can be randomly skewed. The margin of error could be larger than calculated.

Fourth, the information in this study was gathered from law enforcement investigators, so the information about victims is based on their impression at the time of the crime. Gathering information from mental health and victim services professionals or victims themselves would provide much more insight into this victim population in terms of their mental well-being and both the short- and long-term impact of involvement in these crimes. Fifth, some of the unweighted cell sizes are small because of the low endorsement of certain behaviors in the commission of these crimes (e.g., abduction). As such, instability of some estimates is possible.

Conclusion

The findings of this article suggest a need to expand the notion of Internet victimization to include situations where offenders are family members and acquaintances. Although the Internet may only be involved in a small proportion of sexual abuse cases, law enforcement and mental health professionals should be asking about Internet involvement when working with victims and offenders. This may allow for better evidence in the form of sexual images and

chat room conversations and the development of more effective intervention strategies. Prevention messages and investigation approaches should be revised to incorporate awareness of such cases and their dynamics.

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LEGISLATIVE RESEARCH REPORT

FEBRUARY 5, 2008



REPORT NUMBER 08.137

SEX OFFENDER REGISTRATION AND INTERNET ACCESS

PREPARED FOR REPRESENTATIVE BOB BUCH

BY PATRICIA YOUNG, MANAGER

You asked for background information on efforts to protect children from sexual predators, particularly those exploiting minors through use of the Internet and other electronic communications devices. Specifically, you wished to know the number of sex offenders registered in Alaska and the number of those who are in compliance with registration requirements. You also asked for background information on related provisions of the federal Adam Walsh Child Protection and Safety Act of 2006, and you wished to know if any states have passed legislation requiring sex offenders to register their Internet identifiers in response to passage of the federal act.

Kathryn Monfreda, chief of the Criminal Records and Identification Bureau within the Department of Public Safety provided the following information on registered sex offenders in Alaska. These data are current as of December 31, 2007.

Table 1: Status of Sex Offenders Registered in Alaska

Registration Status	Number	Notes
In Compliance	3,112	Paperwork is in the mail for 28 offenders registered in outlying areas.
Out of Compliance	216	Covers a wide range of issues, including late paperwork
Moving Out of State	31	No notification from destination state; offender is out of compliance if still within Alaska
Location Unknown	98	Out of compliance if still within Alaska
Flagged	45	Listed since program inception but never registered; offenders may be out of state or deceased.
Out of Alaska	1,134	Registered in another state.
Incarcerated	764	
Total	5,420	

Notes: Data are current as of December 31, 2007. Alaska's sex offender registration law is more restrictive than that in some other states. If an offender goes to a state that does not require registration, Alaska cannot track that individual.

Source: Kathryn Monfreda, chief of the Criminal Records and Identification Bureau, Alaska Department of Public Safety, 907 269 5581.

Title I of the Adam Walsh Child Protection and Safety Act (AWA), known as the Sex Offender Registration and Notification Act (SORNA), is intended to establish a comprehensive national system for registering sex offenders.¹ To that end, the act sets minimum requirements for sex offender registration among all states and sets a deadline for substantial implementation by July 27, 2009. One element in substantial implementation is that states must require sex offenders to register their Internet identifiers. Failure on the part of states to implement AWA provisions by the deadline will result in a mandatory ten percent reduction in Byrne Grant funding for criminal justice, although extensions may be allowed (a maximum of two extensions, each for one-year) on a case by case basis.²

Table 2, on the following page, describes attempts by lawmakers in a number of states to address this requirement of the AWA. As you will see, nine states incorporate requirements that sex offenders register their Internet identifiers along with other information. Two states either explicitly grant courts the power to prohibit unapproved access to the Internet through sentencing provisions or explicitly allow special conditions of parole and probation to prohibit such activity. Another two states prohibit sex offenders from accessing or using the Internet without prior approval of the court or a treatment program.

Judges typically have discretion in crafting sentencing provisions that are appropriate for the particular crime. As such, courts would have the power to include a prohibition against access or use of the Internet. Likewise, such provisions can be included among the conditions of probation and parole.³ Sentences, though, don't last forever, and so these prohibitions would have a limited duration. As such, restrictions made through sentencing or conditions of parole or probation would likely not pass muster for AWA compliance.⁴

Requiring sex offenders to provide all Internet identifiers may prove useful since registries (in Alaska and in the AWA) extend from 15 years to an offender's lifetime, depending on the level of criminal activity.⁵ Such requirements would, it appears, represent substantial compliance on this element of the AWA. The glaring reality, however, is that creating a new Internet identifier is a matter of a moment's effort and costs nothing. A sex offender can create multiple identifiers every day—making such a provision problematic to implement and problematic to enforce.

Attached you will find a letter from Richard Svobodny, deputy attorney general, Criminal Division, Department of Law, to Senator Hollis French and Representative Jay Ramras, chairs of the Senate and House Judiciary Committees. In this letter, Mr. Svobodny provides specific details of concerns about implementation of certain AWA provisions.

¹ The Adam Walsh Child Protection and Safety Act (AWA) was signed on July 27, 2006, as Public Law 109-248.

² The Byrne Formula Grant Program was created by the Anti-Drug Abuse Act of 1988 (Public Law 100-690). Funds are used to improve the functioning of the criminal justice system—with an emphasis on violent crime and serious offenders—and to enforce state and local laws that establish offenses similar to those in the federal Controlled Substances Act (21 U.S.C. 802[6] et seq.).

³ Conditions of parole and probation in Alaska can include such prohibitions if relevant to the crime. Likewise, Alaska courts have discretion to craft sentences prohibiting offenders from accessing the Internet when appropriate to the crime.

⁴ We note however, that Oklahoma law specifies that the court may also require a sex offender to register Internet identifiers, and New Jersey law refers specifically to conditions of parole restricting use of Internet for life offenders.

⁵ Alaska law requires that a person convicted of a sexual offense must register for 15 years following completion of probation, repeat offenders, and those convicted for the first time of sexual assault in the first degree or sexual abuse of a minor in the first degree must register for life.

Table 2: State Approaches to Sex Offenders' Use of the Internet for Criminal Activity

State	Authority	Provisions
Require Registration of Internet Identifiers		
Arizona	2007 Chapter 84 (HB 2734)	Persons required to register as a sex offender must provide online identifiers and names of any websites or Internet communication services where the identifier is being used. Includes electronic email address information, instant message, chat or social networking or other similar Internet communications. Requires the Department of Public Safety to maintain a separate database and search function of the sex offender registration website that contains the online identifies of registered sex offenders but is not publicly connected to other individual sex offender registration information.
Colorado	2007 Chapter 382 (HB 1326)	Any person required to register as a sex offender and who has been convicted of a sex crime against a child must register all email addresses, instant messaging or chat room identities
Illinois	2007 PA 95-229 (SB 14)	Amends section to require sex offenders to report to law enforcement all e-mail addresses, instant messaging identities, chat room identities, and other internet communications identities that the sex offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information; notification of any changes to such information is required.
Kentucky	Chapter 2007-29 (SB 65)	Adds e-mail, instant message, chat, and other Internet communication identities in the list a sex offender registrant is required to provide for the sex offender registration system.
Louisiana	2007 Chapter 460 (HB 970)	Revises information required to be supplied as part of sex offender registration to include DNA sample, email addresses and internet identifiers, cell phone numbers and temporary lodging information.
New York	Consol. Laws, Correction Law § 168-b	Requires the Division of Criminal Justice to establish and maintain a file of individuals required to register. Includes information that must be provided by each registrant: the sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any Internet accounts belonging to such offender and any Internet screen names used by such offender.
South Dakota	2006 Chapter 123 (SB 148)	Revises information that must be provided as part of sex offender registration to include (among other information) Internet accounts and screen names.
Virginia	Chapter 2007-823 (SB 1071)	Requires a sex offender to include in the sex offender registration information any electronic mail address and any instant messaging screen name that the offender uses or will use; requiring registration of any changes in such information within 30 minutes. The bill defines child pornography and establishes enhanced penalties for persons involved with child pornography.
West Virginia	§15-12-2	Requires as part of sex offender registration, that offenders provide information relating to any Internet accounts the registrant has and the screen names, user names or aliases the registrant uses on the Internet.

Prohibit Unapproved Access to Internet through Sentencing and Conditions of Parole or Probation

Nevada	NRS 213.1258	Allows special conditions of parole for persons convicted of use of the Internet to commit stalking, an offense involving pornography and minors, or luring a child or mentally ill person via a computer, to include prohibiting the offender from owning or using a computer, including use of electronic mail, a chat room or the Internet.
Oklahoma	Code of Criminal Procedure §22-991av1 (15)	In addition to the other sentencing powers of the court, in the case of a sex offender who is required by law to register pursuant to the Sex Offenders Registration Act, the court may prohibit the person from accessing or using any Internet social networking web site that has the potential or likelihood of allowing the sex offender to have contact with any child who is under the age of eighteen (18) years; or the court may require such person to register any electronic mail address information, instant message, chat or other Internet communication name or identity information that the person uses or intends to use while accessing the Internet.

Prohibit Unapproved Access to Internet by Law

Florida	2005 Chapter 67 (SB 1354)	Prohibits a sex offender from accessing or using the Internet or other computer services without an approved safety plan as part of sex offender treatment. (Safety plan defined and further used along with risk assessment in the act designed to monitor and restrict sex offender contact with children)
New Jersey	2007 (SB 1979)	Prohibits persons convicted of certain crimes and those required to register as a sex offender from accessing or using a computer with Internet capability without prior approval of the court, except in searching for employment or within scope of employment upon approval of the person's probation or parole officer. Must submit to random checks of personal computer, and installation of monitoring software. Allows Internet access conditions for parole supervision for life offenders, and of certain probationers.

NOTES: Section 124 of the Adam Walsh Child Protection and Safety Act of 2006 (AWA) provides, among other things, that states must require sex offenders to register all internet identifiers along with other information. Failure to substantially implement the requirements by July 27, 2009, will result in a reduction of Byrne Justice Assistance Grant funding. The AWA also established the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office, which, among other duties, will determine whether jurisdictions have met "substantial implementation."

SOURCES: National Conference of State Legislatures, and SMART Office

I hope this information is helpful. Please let us know if you have questions or need additional information.

DEPARTMENT OF LAW
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February 2, 2008

The Honorable Hollis French
Chair Senate Judiciary Committee
Alaska State Legislature
Alaska State Capitol, Room 417
Juneau, Alaska 99801

Re: Adam Walsh Act

Dear Senator French:

The Adam Walsh Child Protection and Safety Act of 2006 is federal legislation which will have an impact upon the State of Alaska. The legislation requires that each of the states receiving federal Byrne Gants funds comply with the Adam Walsh Act or have Byrne Grant funds reduced by 10%. This letter will describe the requirements of the federal legislation, then outline Alaska's sex offender registration law, areas where Alaska laws need to be changed to comply with the federal, and finally, set out some suggestions.

What Alaska Stands to Lose

The amount of money Alaska receives in Byrne Grants in state fiscal year 2008, was \$1,560,940. A 10% reduction in this amount would be a loss to the state of \$156,094. The legislature appropriated an additional \$1,121,360 for programs funded by Byrne Grants in SFY 2008. This means there was a total expenditure of \$2,670,820 by the programs funded by Byrne Grants. These grant funds support: a multi-jurisdictional drug task in Southeast Alaska, a special narcotics prosecution and violent drug traffickers unit in the Department of Law to deal with alcohol abuse and bootlegging in rural Alaska, a multi-jurisdictional drug and alcohol task force through ABADE in the Department of Public Safety, a program to improve criminal history record keeping, and a community drug enforcement program. The loss of these funds could impact all of these programs or cause the elimination of some of the programs. In FY 2006, the

Byrne Grant was \$565,971 with a state legislative appropriation of \$1,393,000. In 2007 the federal amount was \$922,156 with no state appropriation.¹

In addition to the loss of funding, there is a public benefit to uniformity in state sex offender registration laws. On the other hand, there are public policy implications for Alaska that may suggest that Alaska not change its sex offender registration laws.

What Does the Adam Walsh Act Require

The Adam Walsh Protection and Safety Act of 2006 (P.L. 109-248) was signed into law on July 27, 2006. The act has seven titles ranging from Title I - Sex Offender Registration and Notification Act to Title VII - Internet Safety Act. Most of the provisions of the act relate to the creation of federal crimes and creation of federal programs. However, Title I directly affects the states.

By the late 1990's, all states had enacted some form of sex offender registration. Alaska's sex offender registration law was passed in 1994. Title I of the Adam Walsh Act is known as the Sex Offender Registration and Notification Act. SORNA is the federal acronym. 42 USC § 16911 et. seg. SORNA's purpose is to set minimum requirements, among all the states, for sex offender registration. SORNA standards are different than Alaska. States are free to establish more restrictive standards but state standards must be substantially similar to the Adam Walsh Act.

¹ The question of the amount of future Byrne Grant money to the State of Alaska is problematical. On December 26, 2007, President Bush signed H.R. 2764, the Consolidated Appropriations Act, 2008. This bill has dramatically reduced funding for Byrne Grants. The program was funded at \$520 million in federal FFY 2007 and in FFY 2008 is \$170 million, a 67% reduction. The Department of Justice Appropriations Authorization Act Fiscal Years 2006-2009 (P.L. 109-162) authorized \$1.1 billion for Byrne formula grants.

The federal government contemplates that each state will need to rewrite its existing laws if the state wishes to not suffer the 10% reduction in Byrne Grants. The deadline for compliance is July 27, 2009.

The standards are:

- 1) Sex offender registration must occur before an offender is released from imprisonment or within three days of a non-imprisonment sentence.
- 2) Changes in registry information must be reported within three days. Each sex offender is to provide the following registration information: name; social security number; address or multiple addresses; employer and address; school (if a student) and address; license plate number and description of any vehicle owned or operated by the offender; and any other information required by the attorney general.

To write into state statute what is required to be reported is somewhat problematic because the United States Attorney General can add to the reporting requirements. A May 2007 proposed guideline by the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking office (with the questionable acronym of SMART), has signaled that this will happen. SMART suggests the additional identifying information include nicknames, pseudonyms, actual and purported dates of birth, purported social security numbers, e-mail addresses, IM "handles", passport numbers, immigration documentation, cell phone numbers, and land line telephone numbers be required additional reporting information.

- 3) Each jurisdiction must include the following information for each offender in the registry: A physical description; the criminal offense; the criminal history of the offender, including dates of arrests and convictions and correctional or release status; a current photograph; fingerprints and palm prints; a DNA sample; a photocopy of a valid driver's license or ID card; and any other information required by the attorney general.

Although the state is to obtain all this information, the states are not required to make public the victims identity, offender's social security number, passport number, immigration documentation, arrests that did not result in convictions, and at the discretion of the state, the offenders employer or school.

4) The law defines and requires a three-tier classification system for sex offenders. The tier levels are established as:

- Tier I are those offenses other than a tier II or tier III.

Registration is for 15 years.

- Tier II are those other than Tier III with an offense punishable by imprisonment for more than one year and comparable to or more severe than the following federal offenses involving a minor: sex trafficking; coercion and enticement; transportation with intent to engage in criminal sexual activity; abusive sexual contact. Tier II also includes any offense involving use of a minor in a sexual performance, solicitation of a minor to practice prostitution, or production or distribution of child pornography.

Registration is for 25 years.

- Tier III are sex offenses punishable by imprisonment for more than one year and comparable to or more severe than the following federal offenses: sexual abuse or aggravated sexual abuse; abusive sexual contact against a minor less than 13 years old; offenses involving kidnapping of a minor (parent or guardian excepted); or any offense that occurs after one has been designated a tier II sex offender.

Registration is for life.

- Registration periods may be reduced, according to the tier system, for completing certain programs or having a clean record for specified periods of time.

Federal law is substantially different than Alaska law and determining which Alaska offenses are equivalent to federal offenses will be a substantial undertaking.

- 5) The act defines a conviction for purposes of registration and classification to include juvenile adjudications if the juvenile offender is at least 14 years of age at the time of the offense and the offense adjudicated is comparable to or more severe than the federal offense aggravated sexual abuse.
- 6) Registered sex offenders are required to appear in person to verify their address and other registry information and for update of the

required photographs. Frequency of personal appearance is set according to the tier system. Tier I offenders must appear in person each year; tier II offenders every six months; and for tier III sex offenders in-person verification is required every three months.

- 7) The law requires that states make registry information available on the Internet, in readily accessible form and with certain mandatory exemptions. Each state's website must have search capabilities compatible to the National Sex Offender Public Registry. The attorney general is to develop software to enable jurisdictions to establish and operate uniform registries and Internet sites, and states will have one year to implement it after it becomes available. The act also requires prompt sharing of information on registered sex offenders among state, local and federal law enforcement agencies and other entities.
- 8) The penalty for a violation of the sex offender statutes must be a felony.
- 9) Offenders are required to maintain their registration in the community where they live.
- 10) The state must maintain criminal history, DNA, fingerprint, and palm print for the offender.

Alaska's Sex Offender Registration Law

Alaska sex offender registration laws AS 12.63.010 through AS 12.63.100, were created by two pieces of legislation, CCS HB 69 in 1994 and CSHB 252 (FIN) in 1998. The 1994 law created a two tiered system of sex offender registration. A person convicted of a sexual offense is required to register for 15 years following completion of probation. A person who has two or more convictions for sexual offenses is required to register for life. The sex offender's name, address, photograph, place of employment, date of birth, crime for which convicted, date and place of conviction and length of sentence are made available to the public on a central registry. In 1998 there were several changes in Alaska's laws. These changes were to comply with federal law; otherwise Alaska would lose federal funding. The Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act ("Wetterling Act"), Megan's Law, and the Pam Lynchner Sexual Offender Tracking and Identification Act ("Lynchner Act") require states to adopt sex offender registration laws that meet certain standards in order to

continue to qualify for Byrne formula grant funds. The state was then receiving about \$200,000 each year in grant funds. Although Alaska's sex offender registration laws already met many of the federal requirements, several adjustments were required. They include the following:

1. Requiring registration upon conviction of certain crimes involving victims under 18 years of age; these include child kidnapping, inducing a person 16 and 17 years of age to engage in prostitution, and sexual abuse of a minor in the third degree if the victim is 16 or 17 years of age;
2. Requiring registration as sex offenders or child kidnappers those persons convicted of solicitation to engage in offenses requiring registration;
3. Requiring a person registering to supply information about identifying marks, whether the person has been treated for a personality disorder or mental illness, and any anticipated future residence. The Wetterling Act only requires sexually violent predators to submit this information. However, because Alaska's registration provisions do not distinguish between sex offenders and sexually violent predators, this information is required of all persons who register.²
4. Requiring persons convicted for the first time of sexual assault in the first degree and sexual abuse of a minor in the first degree, both unclassified felonies, to register as a sex offender for life. This is a variation on the recommendation of the Wetterling Act that states establish expert panels to evaluate persons convicted of sex offenses and to recommend to the sentencing court if a person is a sexually violent predator (*see* footnote 2);
5. The law clarified when an offender must register. If an offender is incarcerated at the time of conviction, the person must register in the

² The Wetterling Act suggests states establish expert panels to examine convicted sex offenders and make a recommendation to the trial court regarding whether the offender is a sexually violent predator. The trial court would make a finding based on the recommendation and other evidence. The Wetterling Act also allows for the possibility of the panel later making a recommendation to the trial court that the person is no longer a sexually violent predator. The consequences of a finding that a person is a sexually violent predator under the Wetterling Act, is to require the person to verify his or her address every 90 days. Alaska's alternative approach is to require all persons who must register for life to verify their address every 90 days. This avoids the expense of expert panels, the lengthy litigation associated with the finding by the trial court and provides a higher level of public safety by requiring the most dangerous offenders to verify their addresses regularly. This alternative was apparently sufficient in compliance that Alaska did not lose Byrne Grant funds.

30-day period immediately before release from prison; if the person is not incarcerated at the time of conviction, he or she must register on the next working day following conviction. If the offender moves to the state, he or she must register by the next working day after becoming physically present in the state. If an offender changes residence within the state, the offender must notify the local police or the nearest post of the Alaska State Troopers by the next working day after the move; or, if the move is out of state, the offender must notify the central registry of sex offenders;

6. Requiring offenders who must register for life, repeat offenders and persons convicted one time of sexual assault in the first degree and sexual abuse of a minor in the first degree, to verify their addresses with the Department of Public Safety every 90 days.

Other changes to the law suggested by the Department of Public Safety were to make administration of the program easier for the state and more informative to the public included requiring the offender to supply proof to the state of the date the offender's obligation to register expires, rather than the state having to make this determination. It also allows the Department of Public Safety to make more information about offenders available to the public and to obtain information about offenders from other sources, in addition to the information supplied by the offenders themselves. The changes allow the Department of Public Safety to include in the central registry of sex offenders, and make available to the public, information obtained from court judgments, the Federal Bureau of Information (FBI), a criminal justice agency, and other reliable sources. Additionally, it requests that the court judgment provide information, if available to the court, concerning whether the person convicted must register for 15 years or for life.

Alaska law requires the state to notify the FBI if an offender gives notice that he or she is relocating to another state; further, the state must notify the agency in the other state responsible for sex offender registration in that state. It also requires the state to notify the FBI if the state is unable to locate an offender required to register. This reporting is required by the Lynchner Act, that asks the FBI to establish a national tracking system for sex offenders, and requires states to cooperate by supplying information to the system about sex offenders.

Additionally, the law change increases penalties for failure to register as a sex offender or child kidnapper, by adopting failure to register in the first degree, a class C felony. The increased penalty applies if a sex offender has previously been convicted of failing to register, or if the failure to register was done with the intent to escape detection and thus to facilitate another sex offense or child kidnapping. A class C felony is punishable by a maximum term of five years incarceration and a \$50,000 fine. Failure to register as a sex offender or child kidnapper in the second degree includes failure to verify an address or supply all the information as required by law. The penalty is a class A misdemeanor. The maximum penalty for conviction of a class A misdemeanor is one year incarceration and a \$10,000 fine. Alaska has a mandatory minimum term of imprisonment for conviction of failure to register in the second degree of 35 days incarceration.

Alaska law also requires that all information provided to the state by a person required to register must be provided under penalty of perjury. Perjury is a class B felony; the maximum penalty for a class B felony is 10 years incarceration and a \$50,000 fine.

Where Alaska and Federal Law Are Inconsistent

Alaska law and the Adam Walsh Act generally set out the same requirements for sex offender registration. In many instances Alaska's laws are more restrictive. However, there are three areas that the state would not meet the substantial compliance test of the Adam Walsh Act. The first is the requirements that juveniles 14 years of age or older are required under the Adam Walsh Act to register as sex offenders. (See numbered paragraph 5 above). Alaska law excludes juveniles from the registration requirement unless the juvenile has been waived to adult court or is subject to dual sentencing. AS 12.63.100(3). If Alaska were to conform its laws to this requirement, a 14-year-old juvenile could, given the offense, be required to register for the rest of his or her life. The Adam Walsh Act requires the states to make registration retroactive for: 1) those who are incarcerated or under supervision for the registration offense or some other crime; 2) those who are already subject to a pre-existing sex offender registration requirement; and 3) those who re-enter the "jurisdiction's justice system because of a conviction for some other crime." 72 Fed. Reg. 30, 212-13. This retroactivity standard will include a substantial number

of juveniles. The goals of the juvenile justice system are set out in AS 47.12.010 and appear to be inapposite to the registration requirement. The Division of Juvenile Justice asked SMART if the state would be in compliance if Alaska required juvenile registration but the registration information would not be made available to the general public. The answer was that the state would not be in compliance.

Also of concern is numbered paragraph 6. This provision of the act requires the offender to appear in person for registration or any update. This provision is impractical for people living in rural Alaska. Under tier III, an offender would be required to make an in-person appearance every 90 days and either within one or three days of any change in status, depending on if Alaska were to keep its one day requirement for reporting changes or accept the three day reporting requirement of Adam Walsh.

If the state is to comply with the in-person requirement, either the Department of Public Safety will need to expand registry locations into small rural villages or accept that rural people will not be complying. An additional requirement of the Adam Walsh Act is that any reporting failure is a felony. The first failure to register would need to be changed to a felony in Alaska. The failure to register would be a presumptive C felony with financial implications for the Department of Corrections which could exceed the loss of Byrne Grant funds.

A third area of state law which needs to be changed would be Alaska's two tiered system. Alaska could maintain a two tiered system as long as the state's second tier encompassed all the federal second and third tiers. This would mean there would be more Alaskans who would be required to register for life, where under the federal system, some of these people would be required to register for 25 years. This would also have a fiscal impact on the Department of Corrections.

Some Suggestions

Independent of the issues created by the Adam Walsh Act, there are some technical changes that the state would like to see to Alaska's sex offender registration act. The issue of

whether dual sentenced juvenile offenders are to register as sex offenders needs to be resolved. The Adam Walsh Act requires the offender to provide a palm print. Palm printing is becoming standard in police investigation. It is another identifier if there is a re-offense by the sex offender. Palm prints should be included in the sex offender registration statutes along with the fingerprinting statute.

The sex offender statutes should be amended to require registration in Alaska of a person convicted of a crime in another state where the person is required to register as a sex offender in the state where the crime was committed. Presently, an out of state sex offender who moves to Alaska, is required to register if they committed an offense in a state which has "a similar law" to Alaska's law. A problem arises when the other state's law, like lewd and lascivious conduct, does not have elements similar to a crime committed in Alaska but is clearly a sexual offense. Presently Alaska reviews the other state's law and the underlying conduct of the sex offender to determine if the conduct, if committed in Alaska, would be "similar" to a sex crime in Alaska. This process of evaluating whether an out of state offender needs to register has not been reviewed by an appellate court. This suggested change would stop sex offenders from avoiding registration by committing sex offenses in other states that has a different structure to its laws than Alaska.

The Department of Public Safety is concerned about persons who are in Alaska for employment, but maintain residence in another state. Transient workers, like "slope workers" who work two weeks on and two weeks off or people employed in the commercial fishery industry, who are in Alaska during fishing season but who reside in other states, should be subject to registration.

Homeless sex offenders and vacationers also pose problems in registration. The Adam Walsh Act deals with these latter categories by requiring offenders with no fixed address to provide a "more or less specific description" of where they are staying. This resolution is unworkable. A more specific address may be the "streets of Anchorage" and a less specific address could be "Alaska". With tourists, the Adam Walsh Act requires the offender to notify the registration office of their state and provide the place they will be "staying for seven days or

Senator Hollis French
Re: Adam Walsh Act

2/2/08
Page 11

more" so that the destination state can be notified. 72 Fed. Reg. 30,226. Neither of these resolutions appear practical. Nonetheless the Department of Public Safety needs statutory directions on this issue.

The Adam Walsh Act creates public policy questions that need to be addressed. To aid you in resolving these questions, several documents have been attached. Appropriate stakeholders in these issues are ready to provide you any additional information you need in making these decisions.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By:

Richard A. Svobodny
Deputy Attorney General

Attachments:

The Adam Walsh Child Protection and Safety Act Section by Section Analysis

The Sex Offender Registration and Notification Provisions of the Adam Walsh Child Protection and Safety Act of 2006, summary

June 22, 2007, letter to Senator Lisa Murkowski by Steve McComb, Director of Juvenile Justice, Department of Health and Social Services

August 21, 2007, letter from Senator Lisa Murkowski to Director McComb

Minutes of Senate Prosecutor Caucus, October 3, 2007