

Colorado at the Forefront: Modernizing our Child Pornography Laws

Technology has outpaced the law, hampering our ability to investigate and prosecute the sexual exploitation of children. HB 20-1120 modernizes our laws to confront the explosion of this type of material online.

Some facts:



Nearly 3 out of 5 reported child sexual exploitation material offenders have also committed unreported contact/hands-on offenses (based on offender self-report).¹



Last year, over 18.4 million reports of child sexual abuse imagery online were made by online tech companies, accounting for over 45 million photos and videos. That is up from 1 million reports in 2014 and 3,000 in 1998.²

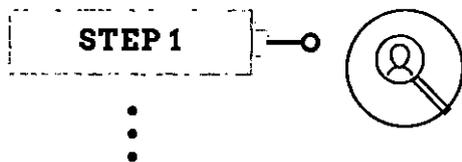
HB 20-1120: Critical Updates to Current Law

We no longer watch movies on VHS or buy music on CDs. Today, it's Netflix, file sharing, and storing and sharing our pictures and videos in the cloud. We even live stream our conversations and communicate using video calls and messaging. It's no different in the world of child pornography.

Our investigative techniques and laws have not caught up, leaving children unprotected and perpetrators untreated and unaccountable.^{2,3} This material is not just already created imagery; online child abusers live stream child sexual abuse and often tailor it to the requesting customer.⁴

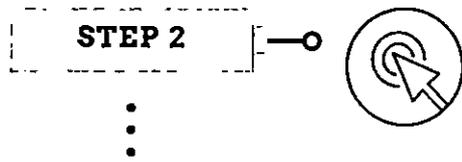
HB 20-1120 does not create a new crime. Rather, it modernizes how the law describes our current laws against sexual exploitation of children, by including terms that capture a perpetrator's access to this material - wherever found - and accounts specifically for live streaming of these heinous crimes. It also increases potential penalties for crimes associated with imagery depicting children under 12, children subjected to physical force, and children subjected to certain types of sexual contact or sadomasochism.

The Investigative Process



AN IMAGE IS DETECTED

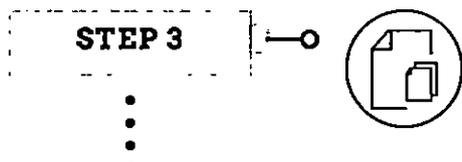
- ✔ An electronic service provider (ESP), such as Google, Facebook, or Dropbox, detects the hashtag (unique identifying number) of a known picture or video of child exploitation on its services.



REPORT MADE TO THE LOCAL AGENCY

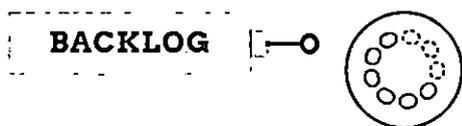
- ✔ The ESP notifies the National Center for Missing and Exploited Children (NCMEC) which serves as a clearinghouse for reports of images of child exploitation.
- ✔ NCMEC reports the image to the federal Internet Crimes Against Children Task Force (ICAC), which, in partnership with Homeland Security and Investigations, obtains a federal subpoena to determine the subscriber's information (for example, that it was uploaded from Denver, Colorado, to Google Drive). ICAC then sends the report to the correct local law enforcement agency.

! These reports are growing rapidly year over year: In 2017, NCMEC reported 2,080 instances of detection of online child pornography associated with Colorado locations. In 2018, that number was 2,985, and in 2019, there were 3,709 reports.



INVESTIGATION

- ✔ Local law enforcement agencies begin an investigation on the address associated with the report. Where supported by evidence, the agency may obtain a search warrant for the computers and other electronic devices at that location.
- ✔ These devices are then submitted for forensic examination to determine whether sexual exploitation of a child has occurred, and if so, the identity of the perpetrator.



! Long waits for these critically necessary forensic examinations harm both community safety - by delaying the prosecution of those sexually exploiting children - and the innocent, whose devices remain in limbo until the examination can occur.

For example, devices seized and submitted to the Northern Colorado Regional Forensic Lab in May 2019 are still in line for examination.

1 Seto, M. C., Hanson, R. K., & Babchishin, K. M. (2011). Contact sexual offending by men with online sexual offenses. *Sexual Abuse: A Journal of Research and Treatment*, 23(1), 124-145.

2 The Internet is Overrun with Images of Child Sexual Abuse: What Went Wrong, *The New York Times*, September 30, 2019, <https://www.nytimes.com/interactive/2019/09/28/us/child-sex-abuse.html> (last accessed 2/3/2020).

3 Preying on Children: The Emerging Psychology of Pedophiles, *The New York Times*, September 30, 2019, <https://www.nytimes.com/2019/09/29/us/pedophiles-online-sex-abuse.html> (last accessed 2/3/2020).

4 Child Abusers Run Rampant as Tech Companies Look the Other Way, *The New York Times*, November 9, 2019, <https://www.nytimes.com/interactive/2019/11/09/us/internet-child-sex-abuse.html> (last accessed 2/3/2020).