

Statement by

Nicole, Mother of a Child Whose Sexually Abusive Images Were Circulated Online

Senate Judiciary Committee

March 11, 2020

Good morning, Mr. Chairman, Ranking Member Feinstein and esteemed members of the Senate Judiciary Committee.

My name is Nicole, and I want to thank you for the opportunity to be here today to represent myself, my family and all child sexual abuse material (CSAM) survivors who need a voice.

I am here today to give you a firsthand view of how CSAM affects the children who are depicted in the images and their families. So many of the children affected cannot have a voice – maybe they are still being abused, or they are afraid of being recognized, maybe they fear retaliation or maybe – hopefully- they are just trying to press forward to live the life they deserve to have. It is a privilege to speak on behalf of these amazing survivors and their families to talk about how the EARN IT Act could change the path for them.

WHAT HAPPENED TO ME AND MY FAMILY

It was a typical Wednesday morning until 9:24 AM when I received a phone call from a Detective in another city. He asked to see me right away and said he could be at my home in an hour. I was confused as to why a detective would want to see me.

It was the longest hour of my life waiting for him to arrive and in that moment life as I knew it was over. He said that sexual-abuse images of my child had been found in the Netherlands and had been forwarded to the National Center for Missing & Exploited Children (NCMEC) in Alexandria, Virginia. Analysts at NCMEC were able to trace the images to the city where the Detective worked. He in turn was able to identify the person who had produced them: my child's biological father.

I learned that he had started taking the abusive images when our child was 5 years old and continued doing so for more than 7 years. He had also been sharing these images on the Internet, and at that point, this series of images was the most highly traded in the world. They were everywhere - the dark web, social media sites such as Facebook and Instagram, and Wikipedia. Everywhere one could look for this filth the images were found.

That same day my child's abuser was arrested, and exactly two years to the day later he was sentenced to 60 years, eight months to Life in state court for the abuse he perpetuated against my child. He then accepted a plea for 30 years in Federal prison and currently resides there until he is sent back to our state prison system in 2035. After he was criminally prosecuted, I successfully terminated his parental rights and changed my child's identity.

Through this experience, I learned about a world of online child sexual exploitation I never knew existed. NCMEC's peer support group, Team HOPE, helped me through my ordeal. Our local and federal law enforcement supported us, encouraged us and most importantly fought for my child to get justice.

CONCERNS/FEARS

Even after the legal process was behind us, we endured a very difficult time. My child, who was a teenager when this horrible crime was revealed, received therapy and counselling. But it never occurred to me that the repercussions from the abusive images of my child circulating would be harder to overcome than the physical and emotional trauma my child had endured.

I was very naïve on that Wednesday morning because I felt relief there were images so there was proof of what he had done, and he could not lie his way out of whatever charges he was facing. I learned that NCMEC has seen my child in 168,474 files found across thousands of offenders collections of CSAM submitted to them by law enforcement. Even today, a decade later, these images are still being traded and found in new cases, and I know this because the Department of Justice sends out a notification letter each time these photos are distributed. We still receive a ton of notifications.

When I learned the images were still being circulated after his arrest, I was astounded that there were very few safeguards in place to prevent the distribution and redistribution of CSAM. I was frustrated that even with all the technological advancements there was no way to completely remove this type of material from the internet. Even more frustrating was the fact that the criminals always seemed to be one step ahead of the good guys who were working to eradicate CSAM. I learned that once these images are uploaded and shared, they will continue to be distributed for many more years. Once we learned how widespread the images were and how many more times these images could be redistributed across the internet, I became afraid. Afraid someone would recognize my child, afraid these images would haunt my child into adulthood but mostly I was afraid of the fact that they would never, ever stop being circulated.

Ten years later the advancements are even more impressive but there is still work to be done. The technology should be expanded to identify live streaming as well as grooming behaviors in order to proactively stop and prevent abuse. Companies should do more to prevent CSAM from being redistributed over and over again on their services. They should also include non-abusive images of a child who has been identified as the subject of CSAM. In our case the photos that held the evidence that led to my child's identification were all non-abusive images. Alternately, we have found images of the abuse material that have been cropped to redact the abuse but show my child's face in its entirety.

Every single company who hosts user uploaded content is responsible for identifying, removing and reporting all CSAM, known and unknown. Companies who do not do this are complicit in the abuse and need to be held accountable just like an individual person would be. Under the Terms of Service of most providers they own the content uploaded by users and should be fully responsible for it once received.

Child Sexual Abuse is one of the worst things that anyone can endure. The production, distribution and possession of CSAM make it so the abuse is relived every time the material is viewed or shared. There is nothing acceptable about any aspect of this crime and by including the verbiage to change the legal terminology from child pornography to Child Sexual Abuse Material this Committee is validation to the survivors that what happened to them is not OK and recognizing that the images are as big a part of the abuse they endured as the actual physical part. I am hopeful that the EARN IT Act can get companies to be more responsible and protect children. Companies that refuse to step up should be punished under our legal system.

CONCLUSION

Today my child and family are doing well. I am helping other families through Team HOPE and by speaking out on behalf of CSAM survivors and their families in order to give a voice on our behalves. Without the proper mechanisms in place success stories like my family's will cease to exist. As a mother – as a human – I cannot fathom a society that places anything above the safety of our kids. Frankly, that is not a world I want to live in. Nothing is more important than keeping kids safe.

Thank you for your time.

A handwritten signature in blue ink that reads "Nicole". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole