



January 27, 2020

Dear Chair, Vice-Chair and Committee Members,

The Frederick County Cybercrime Task Force (FCCTF) is a multi-agency initiative between the Frederick County State's Attorney's Office, Frederick County Sheriff's Office, Frederick Police Department and any other local law enforcement agencies. The mission of the FCCTF is to investigate, apprehend, and prosecute internet sexual predators who exploit children through the use of the internet and technology, consistent with Maryland Internet Crimes Against Children Task Force standards and procedures. The FCCTF writes today to support HB246/SB231.

Our law enforcement officers have a combined experience over 30 years and have assignment to two multi-agency state and federal child exploitation task forces in Maryland, including the FBI Baltimore Child Exploitation Task Force. As part of our current assignment we have received training and conducted online undercover investigations, wherein we pose as a minor online to identify and arrest adults seeking to meet minors for the purposes of sex and/or exploit minors by soliciting the production/distribution/receipt of child pornography, among other crimes.

We have personally conducted online undercover child exploitation investigations in Maryland, assisted with those in other states, and conversed with numerous other Federal and State law enforcement officers who have many years of experience in the conduct of online undercover investigations. Through these experiences, we have become acutely aware of an important deficiency within existing legislation in Maryland that seriously limits law enforcement's ability to protect the public from online offenders who seek to abuse children with the help of a complicit third-party or caregiver. This legislative deficiency also limits law enforcement's ability to identify and rescue vulnerable victims who are not old enough to communicate directly with an offender on the internet.

Law enforcement officers from jurisdictions around the United States are aware of numerous websites and online communities used by offenders seeking to exploit a child through a third-party facilitator, such as a caregiver. The most effective way for law enforcement to identify these subjects and prevent this type of abuse is to insert themselves into these predicated websites in an undercover capacity, so that the subject will communicate with the undercover officer, instead of a real third-party facilitator of a real child. However, the current legislation does not outlaw communications between the subject and an online undercover officer posing as the third-party facilitator of the abuse; as a result, these offenders in Maryland operate with impunity from state charges.

Based on our experience and conversations with federal and state law enforcement officers, including those in other states, there appears, based on anecdotal evidence, to be a qualitative difference between the subjects identified during online undercover investigations where the undercover officer poses as a minor and communicates directly with an offender, which is illegal according to Maryland State Law, versus as a third-party (caregiver). Anecdotal experience



suggests such that the latter is a more dangerous offender, while the former appear to be more opportunistic and to seek older minor victims (teenagers) who are actively communicating online in various social media forums. It stands to reason that it would be more difficult for law enforcement to uncover abuse involving a caregiver, and therefore, requires more proactive methods by law enforcement.

We also know that law enforcement officers who are conducting investigations in the predicated online communities mentioned above by posing as a third-party facilitator, such as the caregiver, have often identified other caregivers or facilitators who are sexually exploiting their own young children and seeking to share explicit material of this abuse.

We would also submit that the abovementioned proposed legal change in Maryland is required so the methods of law enforcement can keep up with advances in technology that have made it increasingly difficult for an adult law enforcement officer to pose as a minor boy or girl to identify/apprehend online offenders. The reports of children being exploited online has risen drastically in recent years as evidenced by the increase in reports filed by Electronic Service Providers with the National Center for Missing and Exploited Children (NCMEC). Unfortunately, though, child sexual abuse is an underreported phenomenon and if it is ever reported, it can be several years later when the victim is an adult. We would submit that cases where the parent/guardian is complicit in the sexual abuse of a child are also underreported and might necessitate proactive efforts by specially trained law enforcement who put themselves between the subjects and the real children they are seeking to exploit.

We are am confident, and so too are our colleagues, that Passage of laws HB246/SB231, will prevent the sexual exploitation of many children, and possibly identify children that are currently being abused.

Sincerely,

Detective David Dewees, Cpl. Michael Toste, and Detective Stephanie Kelley
On behalf of the Frederick County Cyber Crimes Task Force