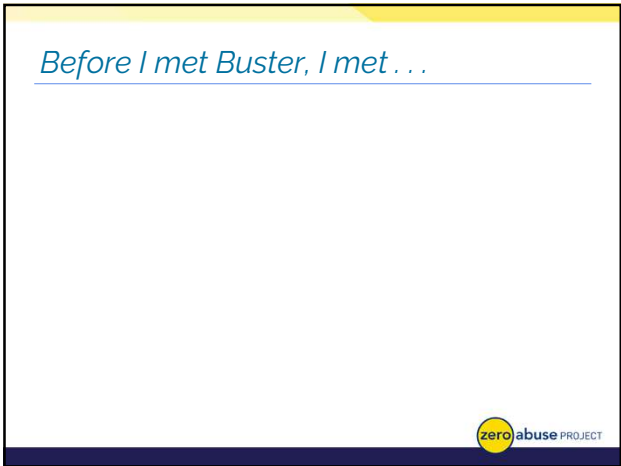




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Then we met Buster



4

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What's on the Agenda?

MDT's Need to Know:

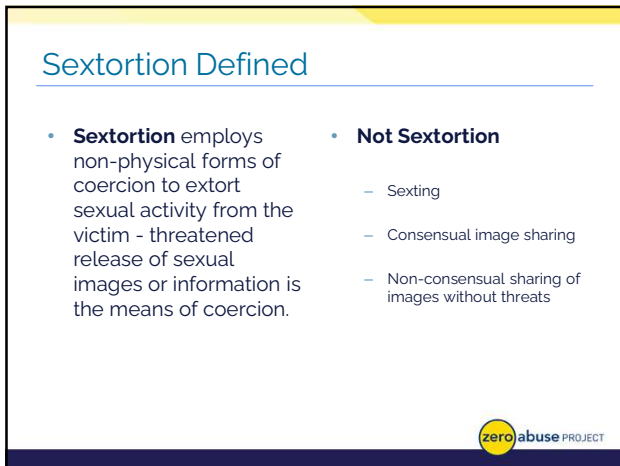
- *What Sextortion Is and Isn't*
- *Protecting Victims in Pre-Trial Process*
- *How to Educate Community*



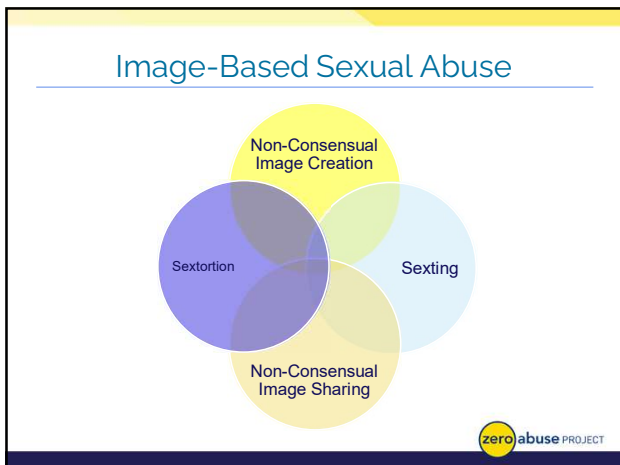
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9

Image-Based Sexual Abuse

- Image-Based Sexual Abuse *is* Virtual Sexual Abuse
- BUT to be sextortion, there must be coercion to create more sexual content



10

Sextortion: Quick Facts

- Primary Victims: 10 – 17 years old
 - Secondary Victims
- Starts on social media
 - Need: ability to chat privately
 - Multiple platforms to contact victims (over 45%)
 - Encrypted platforms
- If you want young boys . . .



11

How Sextortion Happens

- Tactics to obtain SEC
 - Offender will persuade the minor to communicate on an anonymous messaging application or livestreaming platform where the offender uses a variety of tactics to obtain sexually explicit content.

DOJ Working Group Report, 2023, p. 5



12

How Sextortion Happens

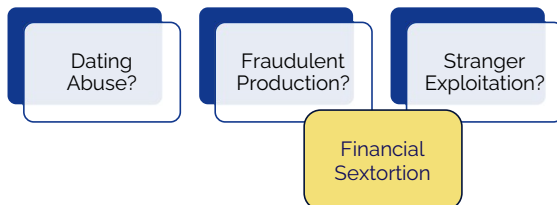
- Tactics to obtain SEC
 - Tactics may include
 - reciprocation ("I'll show you if you show me");
 - developing a friendship or romantic relationship;
 - secretly recording the victim during video chats;
 - using multiple online identities against a victim
 - presenting as both the blackmailer and a supportive friend;
 - threatening suicide if the victim does not provide the sexual content;
 - offering something to the victim such as money, gift cards, or drugs in exchange for the sexual images or videos; and
 - pretending to work for a modeling agency.

DOJ Working Group Report, 2023, p. 5



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What Sextortion Looks Like . . .



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Sextortion in the Context of a Relationship

Bark.com



15

Sextortion: Relationship

- Sextortion in the Context of a Relationship
 - Victim and offender are involved in some kind of romantic relationship
 - Victim voluntarily produces sexually explicit content (SEC) for the offender
 - Offender uses the SEC against the victim
 - Produce more SEC
 - Engage in sex acts with the offender
 - Remain in a relationship with the offender
 - Threat: "if you don't comply, I will share your images"



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What JO's Need to Know

- "Dating" Sextortion:
 - Image-based coercion can affect any case
 - It's a way to buy silence
 - You will see this with juvi offenders and victims
 - Differentiate between sexting and sextortion
 - Victims may be reluctant to ID the perp as a partner / former partner
 - Just want the conduct to stop



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Sextortion Through Fraud



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Sextortion: Fraud

- Sextortion through Fraud
 - Offenders often groom their victims by posing as a peer. Pretending to be minor boys and girls, offenders will stream pre-recorded videos (often referred to as loops) of other minors engaged in sexual acts to the targeted victim to trick the minor into believing they are watching a live video of someone their own age. This normalizes the sexual behavior and makes children feel more comfortable exposing themselves over a broadcast.

DOJ Working Group Report, 2023, p. 2



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Sextortion: Fraud

- Sextortion Through Fraud
 - Victim communicates with offender online, believing offender is someone else
 - Initial production of SEC may be voluntary BUT it is done under fraudulent pretenses
 - Offender may be doing this to compel more SEC production or other sexual conduct OR to obtain money



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Sextortion: A Growing Threat Targeting Minors

Offenders Deceive and Manipulate Victims to Create Sexually Explicit Material for Extortion Purposes

MEMPHIS, TN—The FBI wants to warn parents, educators, caregivers, and children about the dangers of online activity that may lead to the solicitation and enforcement of a minor to engage in sexual acts.

Sextortion involves an offender coercing a minor to create and send sexually explicit images or video. An offender gets sexually explicit material from the child, then threatens to release that compromising material unless the victim produces more. These offenders are seeking sexual gratification.

Financially motivated sextortion is a criminal act that involves an offender coercing a minor to create and send sexually explicit material. Offenders threaten to release that compromising material unless they receive payment, which is often requested in gift cards, mobile payment services, wire transfers, or cryptocurrency. These offenders are motivated by financial gain, not necessarily just sexual gratification.

Victims are typically males between the ages of 14 to 17, but any child can become a victim. For financially motivated sextortion, offenders are usually located outside the United States and primarily in West African countries such as Nigeria and Ivory Coast, or Southeast Asian countries such as the Philippines.

These crimes can lead victims to self-harm and have led to suicide. From October 2021 to March 2023, the FBI and Homeland Security Investigations received over 13,000 reports of online financial sextortion of minors. The sextortion involved at least 12,600 victims—primarily boys—and led to at least 29 suicides.

In the six-month period from October 2022 to March 2023, the FBI observed at least a 30% increase in reporting of financially motivated sextortion incidents involving minor victims compared to the same time period the previous year.

"The FBI has seen a horrific increase in reports of financial sextortion schemes," said Special Agent in Charge Douglas DePodesta of the FBI Memphis Field Office. "Protecting children is one of the highest priorities of the FBI. We need parents and caregivers to work with us to prevent this crime before it happens and help children come forward if it does."

If you or someone you know believes that they are a victim of sextortion or financially motivated sextortion, immediately report the activity to law enforcement. You can report to the FBI by calling 1-800-CALL-FBI or visiting [fbi.gov](https://www.fbi.gov/sexortion).

For more information on sextortion and financial sextortion, visit the FBI's resources on the threats at: <https://www.fbi.gov/sexortion> and <https://www.fbi.gov/how-we-can-help-you/scams-and-safety/common-scams-and-crimes/sexortion/financially-motivated-sextortion>.

<https://www.fbi.gov/sexortion>



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Sextortion Through Fraud

• JO's Need to Know

- Public messaging is key
 - Not "Catfishing"
 - Anyone can fall prey to a scheme
- More Male Victims:
 - Cooperation issues?
 - Support options
- Financial components to crime
 - Banking apps / Foreign defendants
 - Warrants vs. Subpoenas



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Sextortion Through Fraud

• JO's Need to Know

- Has your offender engaged in criminal conduct to "pay off" the sextortionist?
- Did your offender engage in criminal conduct at the direction of the sextortionist?
- Parent may report concerning behaviors – is it tied to sextortion?



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Sextortion Through Stranger Exploitation



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Sextortion: Stranger Exploitation

- Stranger Exploitation
 - The Lure:
 - I have photos of you already ...
 - I have hacked into your computer
 - The Threat:
 - Produce more SEC or I will share your images



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Sextortion: Stranger Exploitation

- Stranger Exploitation: The Shot Clock
 - Offender may use time constraints to get victim to act before consulting a friend or an adult
 - "you have 3 minutes to send me a pic or I'm sending your pics to everyone on your friend list!"



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Sextortion Looks Like . . .

- Whether criminal conduct is perpetrated by a stranger or someone known to the victim, the common element is coercive control
 - Victim is controlled by the threat of the release of sexually explicit images or videos



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JO's Need to Know

- Develop probation policies on how to handle cases
 - For juvenile offenders:
 - what are the consequences?
 - Are you recommending sex offender treatment?
 - How do you best ensure that conduct is not on-going?
 - Use ESD Kg's to search



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JO's Need to Know

- Ensure that sextortion victims are not threatened with prosecution to "make them" cooperate
- You may be asked to help identify victims
- What can you do to assist families and victims?
 - Counseling?
 - School change?
 - Physical safety?



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How Do We Handle Sextortion?

<https://knowlaw.in/index.php/2022/03/20/the-vice-of-non-consensual-pornography-and-the-liability-of-the-intermediary/>



31

How do investigations work?

- IL Internet Crimes Against Children Task Force
 - Investigation may start with the victim's disclosure or through investigation of the offender
 - Evidence is on devices and online
 - Often times, investigation involves multiple victims and may involve multiple jurisdictions



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Victim Interviewing

- Goal of interview
 - Always: Best interests of the child
- Additional goals in sextortion cases
 - Identity of offender (when unknown)
 - Sources of digital evidence
 - Identification of other victims



33

Interview Strategy

- Don't wing it!
- Approach interactions with victims
 - in a thoughtful, methodical, defensible way
 - utilizing a protocol or thought-out approach



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Types of Child Interviews



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Victim Interviewing

- Interview strategy
 - Start broad – Tell me what happened / why you're here
 - Be prepared to do a follow-up interview or plan for expanded forensic interview (EFI)
 - Victims may have detail that will help police to
 - Identify perp
 - Recover images
 - Protect victim safety
 - Identify other victims



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Victim Interviewing

- Interviewer needs to be informed
 - What is alleged to have happened?
 - What platforms are involved?
 - Victim / offender account names?
 - Do we have images and do they need to be identified?



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Victim Interviewing



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Victim Interviewing

- Rule of the Juvenile Officer:
 - Can you help build rapport and trust during interview process?
 - What has child revealed to you?
 - Do you know of a device that was used in the offense?



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Illinois Sextortion Laws

(b) A person commits non-consensual dissemination of private sexual images when he or she:

- (1) intentionally disseminates an image of another person:
 - (A) (blank); and
 - (B) who is identifiable from the image itself, or whose personal identifying information is displayed or disseminated in connection with the image, or whose identity is known to the person who disseminated the image; and
 - (C) who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part; and
- (2) obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
- (3) knows or should have known that the person in the image has not consented to the dissemination.



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Illinois Sextortion Laws

(b) A person commits non-consensual dissemination of sexually explicit digitized depictions when the person:

- (1) intentionally disseminates a sexually explicit digitized depiction of another person who is identifiable from the image itself, or whose personal identifying information is displayed or disseminated in connection with the image, or whose identity is known to the person who disseminates the image; and
- (2) knows or should have known that the person in the image has not consented to the dissemination.

Sec. 11-25. Grooming.

(a) A person commits grooming when he or she knowingly uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense as defined in Section 2 of the Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child. As used in this Section, "child" means a person under 17 years of age.

(b) Sentence. Grooming is a Class 4 felony.
(Source: P.A. 102-676, eff. 6-1-22.)



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IL "Revenge Porn" Law

§ 11-22.5. Non-consensual dissemination of private sexual images.

(b) A person commits non-consensual dissemination of private sexual images when he or she:

- (1) intentionally disseminates an image of another person:
 - (A) who is at least 18 years of age; and
 - (B) who is identifiable from the image itself or information displayed in connection with the image; and
 - (C) who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part; and
- (2) obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
- (3) knows or should have known that the person in the image has not consented to the dissemination.



42

IL "Revenge Porn" Law

§ 11-23.5. Non-consensual dissemination of private sexual images.

(a) Definitions. For the purposes of this Section:

"Computer", "computer program", and "data" have the meanings ascribed to them in Section 17-0.5 of this Code.

"Image" includes a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body.

"Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area, anus, or if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing.

"Sexual act" means sexual penetration, masturbation, or sexual activity.

"Sexual activity" means any:

(1) knowing touching or fondling by the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal; or

(2) any transfer or transmission of semen upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or another; or

(3) an act of urination within a sexual context; or

(4) any bondage, fetter, or sadism masochism; or

(5) sadomasochism abuse in any sexual context.



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IL Civil Remedies

Elements of the Claim

To recover damages, the depicted person must prove:

1. The image was a private sexual image;
2. The depicted person is identifiable to someone else; and
3. The depicted person did not consent to the dissemination.

Sexual images here include those showing the subject fully or partially unclothed as well as depicting sexual activity of any kind. Under this statute, (1) consent to the image's creation is not consent to dissemination of that image; and (2) dissemination to one person does not equal permission to allow the recipient to distribute it further. 740 ILCS 190/10(b). In other words, sending a nude selfie to a significant other does not permit the recipient to show the image to anyone else or to post the picture online.



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IL Civil Remedies

Damages

If the plaintiff proves the nonconsensual dissemination of a private sexual image, they may be entitled to:

1. The greater of either (1) statutory damages up to \$10,000.00; or (2) amounts for provable, economic harm and damages for emotional distress;
2. An amount equal to any amounts made by the defendant from the dissemination; and
3. Punitive damages.



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State high court: 'Revenge porn' law is constitutional

By Sarah Mansur and Jordyn Reiland editor@lawbulletinmedia.com

Posted October 19, 2019 1:56 PM
Updated October 25, 2019 8:18 AM

Twitter Facebook LinkedIn

Illinois' "revenge porn" law passes constitutional muster, the Illinois Supreme Court ruled on Friday. In a 5-2 decision, the high court majority overturned a McHenry County judge's finding that the statute violated the First Amendment when it criminalized the distribution of a person's private sexual images without that person's consent. The Supreme Court's decision forecloses the possibility that individuals charged under the revenge porn statute can challenge those criminal charges on free speech grounds.

<https://www.chicagolawbulletin.com/illinois-revenge-porn-law-survives-high-court-challenge-20191019>

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State high court: 'Revenge porn' law is constitutional

By Sarah Mansur and Jordyn Reiland editor@lawbulletinmedia.com

The underlying case before the high court stems from McHenry County prosecutors' case against Bethany Austin, who was charged in August 2016 with one count of nonconsensual dissemination of private sexual images after she discovered nude photos of another woman on an iPad that was connected to her fiancé's iCloud account.

Austin and her fiancé ended their engagement. Following the split, Austin's fiancé told friends and family that they separated because Austin was crazy, no longer cooked or did house chores.

Austin responded by mailing a letter to their families explaining her version of events and attaching copies of the text messages and nude photos.

Austin moved to dismiss the charges, arguing the statute violates due process, equal protection, and her First Amendment right to free speech.

The majority found the statute is content-neutral and, therefore, intermediate scrutiny applies in this case. Under that standard, the government need only show that the law being challenged exists to serve an important public interest.

<https://www.chicagolawbulletin.com/illinois-revenge-porn-law-survives-high-court-challenge-20191019>

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Case Lessons

- "Revenge porn" isn't free speech
- Doesn't have to be done with sexual intent
- But probation . . .

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Child-Based Charges

- Big question: Can prosecutors prove there is a minor involved?



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Protecting Victim Privacy



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Intrusions on Victim Privacy

- Bringing an offender to accountability may result in further invasions of a victim's privacy
 - Searching victim devices and accounts
 - Identifying charging documents
 - Discovery of evidence
- Clash: victim has a right to be treated with respect and dignity while we need access to evidence



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Distinction Between Adult / Child Victim Cases

- Adult Participation: voluntary?
 - No requirement to make reports unless children are involved
- IBSA Against / Involving Children
 - Must investigate and protect child
- Clash:
 - When these crimes intersect
 - When the child does not self-identify or want to participate in investigation



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Minimizing Victim Privacy Intrusions

- | | |
|--|--|
| <ul style="list-style-type: none"> • Searches of Victim Devices <ul style="list-style-type: none"> – Victim device may be the primary source of evidence <ul style="list-style-type: none"> ○ Images and videos sent to offender <ul style="list-style-type: none"> – Including EXIF data ○ Chats with offender ○ Accounts involved | <ul style="list-style-type: none"> • Searches of Victim Accounts <ul style="list-style-type: none"> – DO obtain search warrants for offender accounts BUT – Accept that offender may be deleting accounts / content – Victim accounts may be your only source of evidence |
|--|--|



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Minimizing Victim Privacy Intrusions

- Victim devices which you may need to access
 - Anything used to communicate with offender
 - Any device that syncs with that primary device
 - Any device on which there are victim images
 - It's still CSAM...



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Minimize Victim Privacy Intrusions

- "Do you have to take my cell phone?"
- Can you just look at chat stream ID'd by victim?
- Can you just serve a search warrant on the single account, limiting return to chat between offender and victim, with victim ID'ing the accounts?



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Minimize Victim Privacy Intrusions

- Request consent . . .
 - Search warrant in pocket
- Work as a team: goal of making decisions that are in both best interest of victim and public safety



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Minimizing Victim Privacy Intrusions

- Ways to protect private victim information in discovery:
 - Disclose redacted chats between victim and offender
 - Do an evidence *review* instead of evidence turnover if defense will agree
 - Seek protective order in discovery



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Minimizing Victim Privacy Intrusions

- Remember the sensitivity of victim information involved
 - Financial information (if offenses involved money)
 - Photos of victim residence (comparison images)
 - Information that would identify victim if released



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Minimizing Victim Privacy Intrusions

- Charging documents
 - What references to victim are including in charging documents?
 - Relationship between victim and offender
 - Name of school / church or any other institution that could result in victim identification
 - Description of images / sex acts, etc



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Minimizing Victim Privacy Intrusions

- Work to protect victim identity
 - "Minor Victim 1"
 - "male relative of the Defendant"
 - "Defendant was in a position of trust with victim"
 - "Victim is a family or household member as defined by IL law"



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Minimizing Victim Intrusions

Description of Acts Involved

- "defendant made victim masturbate with a hairbrush"
 - vs.
- "Defendant coerced victim to engage in sexually explicit conduct and to record those acts"
- Be particularly cautious where
 - victim identity has been compromised,
 - victim has been compelled to engage in specific sex acts,
 - victim identified other online friends for victimization, etc.



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Trauma-Informed Trial Prep



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How Can You Help Prep for a Trial

- May need multiple victim assistance personnel for trial
- Support animals?
- Neutral waiting locations
- Transportation to Court
- Immediate support for victims during trial



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Support Person

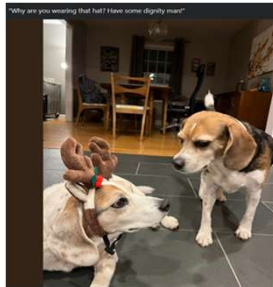
- Discuss with family and victim who support person will be.
 - Understand how shame will affect victim's desire to have another person present
 - Be ready to explain to support people that victim may not want them in court
- Family members may need support separate from victims



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Advocate for Comfort Items / Support Animals

- Dogs don't judge



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Our Mission



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Pre-Trial Motions

- Motion *in Limine* on prior acts / abuse
 - Rape shield
 - Has victim sent images voluntarily to someone else?
 - Abuse by another perpetrator
 - Other sexual contact with perpetrator
- Motion *in Limine* regarding mental health issues
 - Save this for sentencing unless necessary
- Motion *in Limine* barring subpoenas
 - Requests for school records
 - Requests for medical records
 - Requests for DCFS records



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Sextortion Survivor Safety

Mental Health

- Risk for Suicide and Self-Harm
- Disruption of child's schooling / other places where victimization is known



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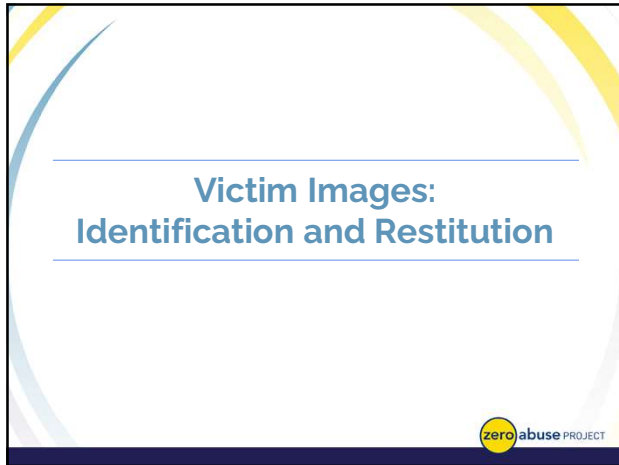
Sextortion Survivor Safety

Mental Health

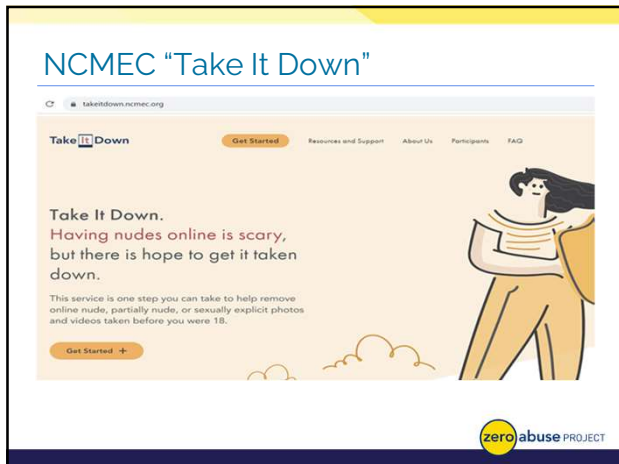
- Trauma-Informed Counseling
 - In addition to immediate triage of mental health needs, can your team help to meet long-term needs for therapy?
 - Recommended counselors
 - Low / no-cost options
 - Family support
 - Support groups



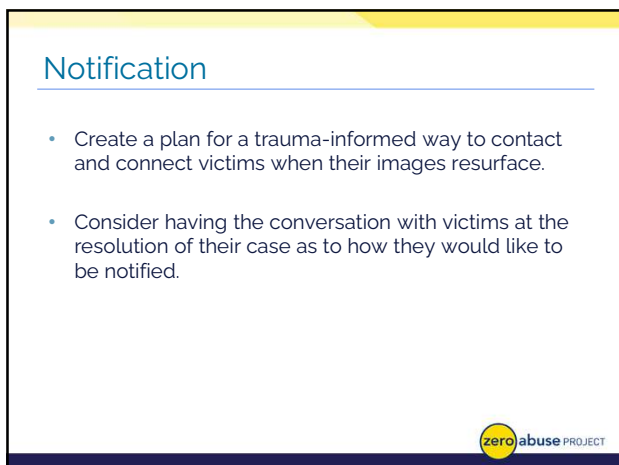
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Restitution

- In the United States, CSAM survivors can seek monetary compensation through criminal restitution or civil remedies in federal and state court, and from every offender who is convicted of possessing or distributing images depicting their abuse.
- Attorneys representing victims can help guide through this process from the point where a victim is notified their image has been distributed all the way through the process for restitution and recover.

Source: Be the Solution: Helping Victims of Child Sexual Abuse Material: A Guide for Law Enforcement. National Center for Missing and Exploited Children, 2020.



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Restitution

- **Victim's attorneys have several benefits.**
 - Victims can rely on the attorney to handle notification, therefore reducing the trauma.
 - Lawyers can help reduce the burden on victims to navigate financial restitution outside of the criminal process.

Source: Be the Solution: Helping Victims of Child Sexual Abuse Material: A Guide for Law Enforcement. National Center for Missing and Exploited Children, 2020.



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Community Education: How Do We Stop This?



75

Public Education

- JO's may be asked to deliver educational pieces on sextortion
 - Is there an agency already providing this training?
 - Seek guidance from state coalitions
 - Be aware of recording



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Public Education

- Who is the audience?
 - Difference between audience of minors, parents, community groups?
 - Is request prompted by an event?



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Public Education

- Can your state coalition create community education materials?
 - Consistency is critical
 - Cases will cross county / state lines
 - Can share potential pitfalls



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Community Education

- What doesn't stop sextortion: **"Just don't take the pics"**



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Community Education

- What won't work:
 - Shaming victims
 - Pretending it won't happen to your child or in your school / church
 - Only having the "computer" in public spaces



80

Community Education

- The hard truth
 - Your child's cell phone is not a diary
 - Parents and schools can absolutely make rules regarding cell phone usage



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What Does "Looking" Look Like?



More than half of teens (54%) said they'd rather go 7 days without their device than **give their parents permission to look through their phone.**

WhistleOut partnered up with Lux insights to survey 304 teens about cell phone privacy, safety, and rules. (August 2020).



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Community Education

- Talk about warning signs
 - Individual behavioral changes
 - Suicidal ideation: Do we ask about sextortion?
 - If it's happened to one child, what about others?



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Community Education

- Public Messaging: Empathy for Victims
 - DON'T shame the victim
 - Praise their courage
 - Encourage empathy from other kids and parents
 - *Anyone of us could be caught on camera...*



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Community Education

- Public Messaging:
 - Place blame on the offender
 - Talk about making good choices if someone sends something to you
 - Open the door to future conversations
 - Give real examples

© Christine Garlough



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Community Education

- Public Messaging:
 - *"I don't believe boys / girls / parents are the problem. But I believe you are the solution."*
 - *If you see a friend sharing someone's images . . .*
 - *If a friend is being pressured to share videos . . .*
 - *If a parent is struggling to talk to their child . . .*



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Community Education

- Public Messaging:
 - What would your child do if . . .
 - Someone asked for an image?
 - Someone told you they already had an image of you?
 - Someone threatened you online?



87

Protecting Children

- Teach them early on about healthy, age-appropriate relationships;
- Help them practice refusal skills; impulse management and emotion control
- **Bystander mobilization (making sure their friends help put the brakes on potentially dangerous choices).**

—David Finkelhor

"Banning apps won't protect kids from predators," Washington Post, 2016/02/12, www.washingtonpost.com



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Never let the jury or the judge forget...



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