



Homeland Security Investigations

Forensic Interview Program

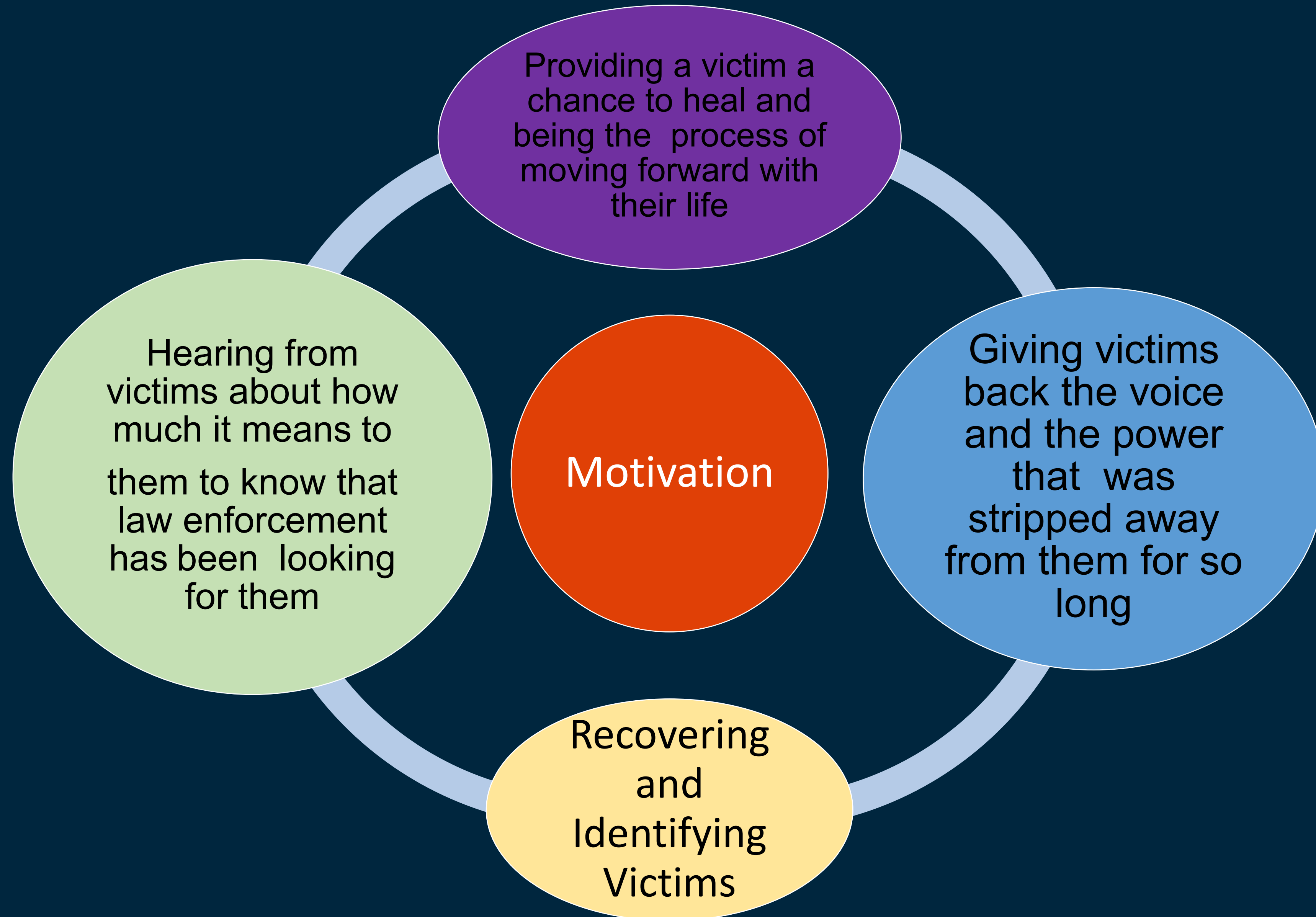
Keeping Your Child Exploitation Investigation Victim-Centered

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APSAC Virtual Training 2021

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Terminal Performance Objective

At the end of this presentation, given examples of victim-centered and trauma-informed techniques, participants will be able to apply those techniques to child exploitation cases using an all-in-one method of identification, notification and interviewing of victims.

remember the
END GOAL

Enabling Performance Objective



EPO #1: Differentiate between victim-focused and target or prosecution focused investigations.

EPO #2: Provide caretakers with information regarding an investigation using a victim-centered approach and avoid victim-blaming language

EPO #3: Incorporate the forensic interview into their investigations effectively

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- Review of the past
- Share techniques and strategies that are victim-centered and trauma-informed.
- Discuss and review both current and past cases
- Bringing it all together into a forensic interview

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Prerequisite Knowledge



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The past is
in your head.
The future is in
your hands.

IMAGES BLOGSPOT.COM

Investigators generally arrested the possessor

Little effort was given toward victim identification

Focusing on the one who possesses, means we miss the children and the producer/exploiter

Child sexual abuse cases have been focusing on the victim and obtaining victim statements for over 40 years.

We can take their lead and make sure we follow suit to victim-centered child exploitation investigations

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What is a forensic interview?

- Investigative interview of victim and witness
- Can be conducted with victims of all federal, state and local crimes
- Purpose is to obtain the most accurate and critical information from a victim/witness
- Can be used for court and is not leading
- Does not contaminate the victim/witness statement
- Minimizes trauma to victim
- Hypothesis testing

What it is

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**Target-Focused
or
Prosecution
Focused**

Cyber Crimes Investigation

In home parent identification
of minor and notification to
parents

Possible in home/school
interview of minor if needed

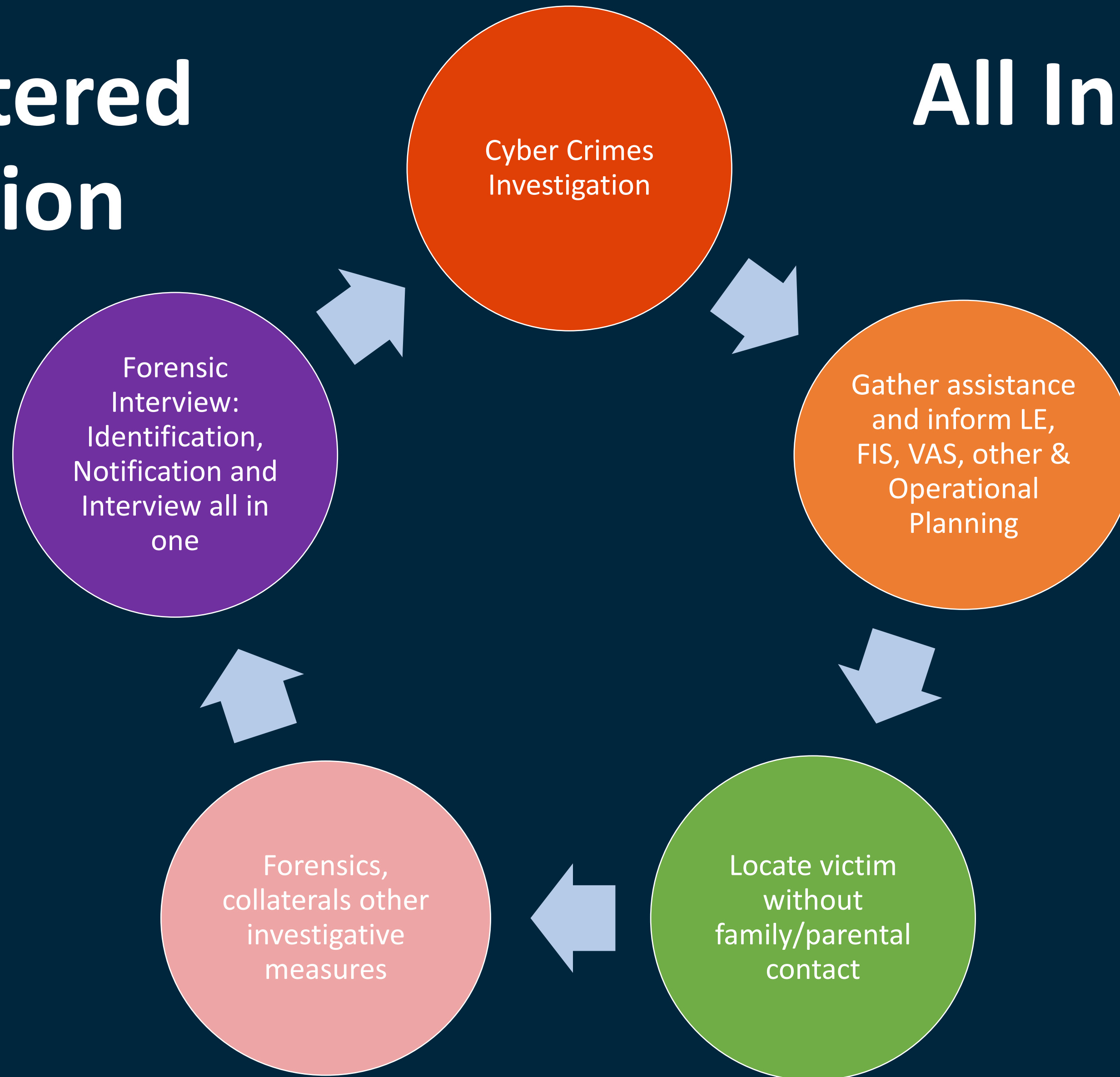
Possible Forensic Interview if
prior interview did not suffice

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Victim-Centered Investigation

All In One Process

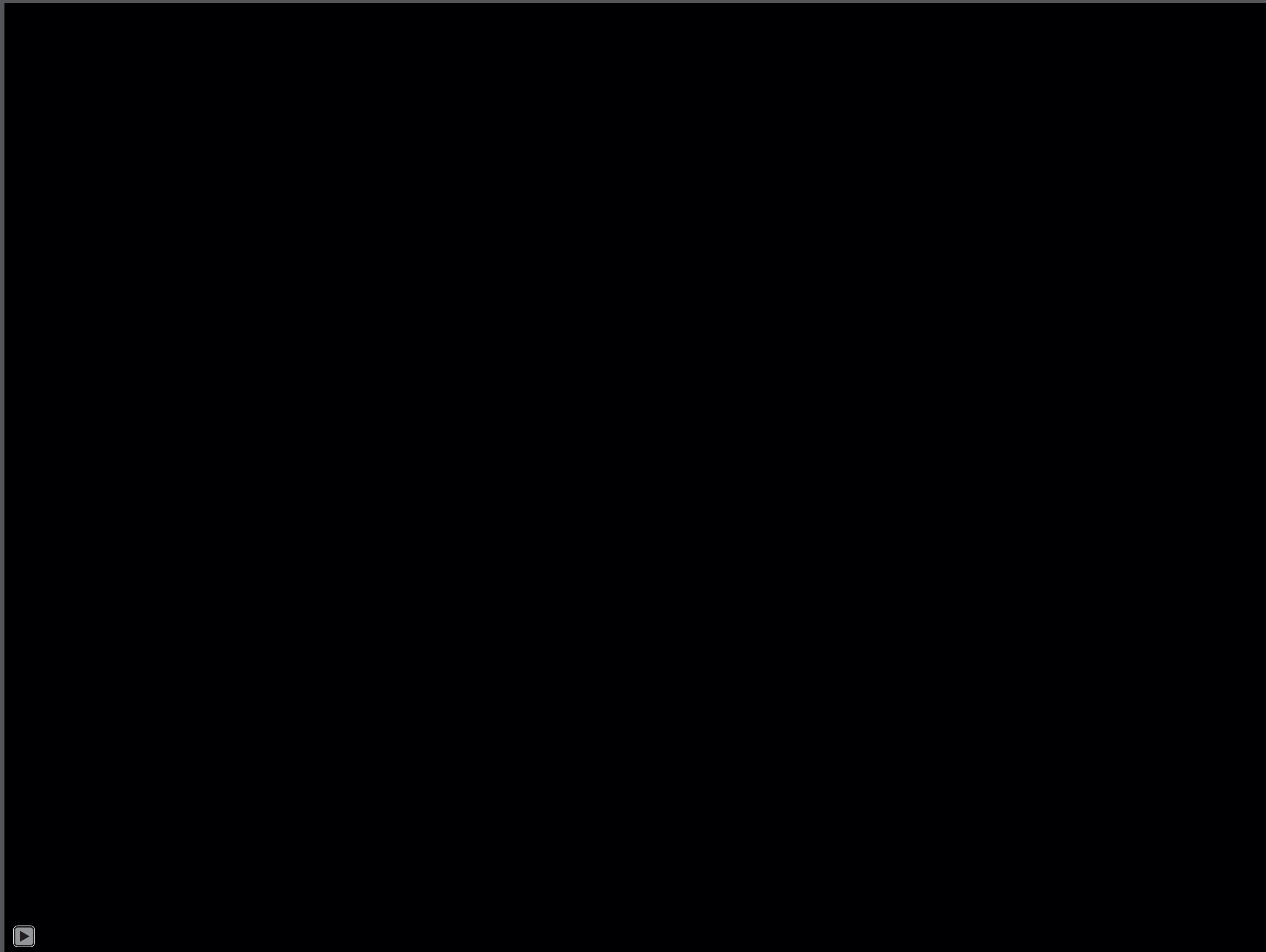


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- Allowing the victim to tell the experience in their words
- Not “outing” the victim to their parents or loved ones without warning
- Providing the victim to opportunity to share the details that are not in black and white
- Not shaming, blaming or judging for what happened
- Acknowledge that victims of all ages can be victimized and its never easy to talk about it

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Blake Robert JOHNSTON

Martinez Man Sentenced to 30 Years in Prison for Interstate
Travel to Engage in Sexual Acts with a Minor
94 Minor Victims Identified Through Federal Investigation

www.usdoj.gov/usao/can

Johnston **pleaded guilty** on December 1, 2015, to violating 18 U.S.C. § 2423(b), **travel with intent to engage in illicit sexual conduct with a minor**. According to the plea agreement, Johnston admitted to flying to Oregon for the purpose of engaging in a sexual act with a 14-year-old victim.

White described Johnston's conduct as "unusually heinous, cruel, degrading and completely inhumane to other individuals, and it is a sad day for our society when people engage in the kind of behavior that the defendant [did]." He added that, in all of his years as a judge, the "court has never seen ... such serious, heinous behavior."

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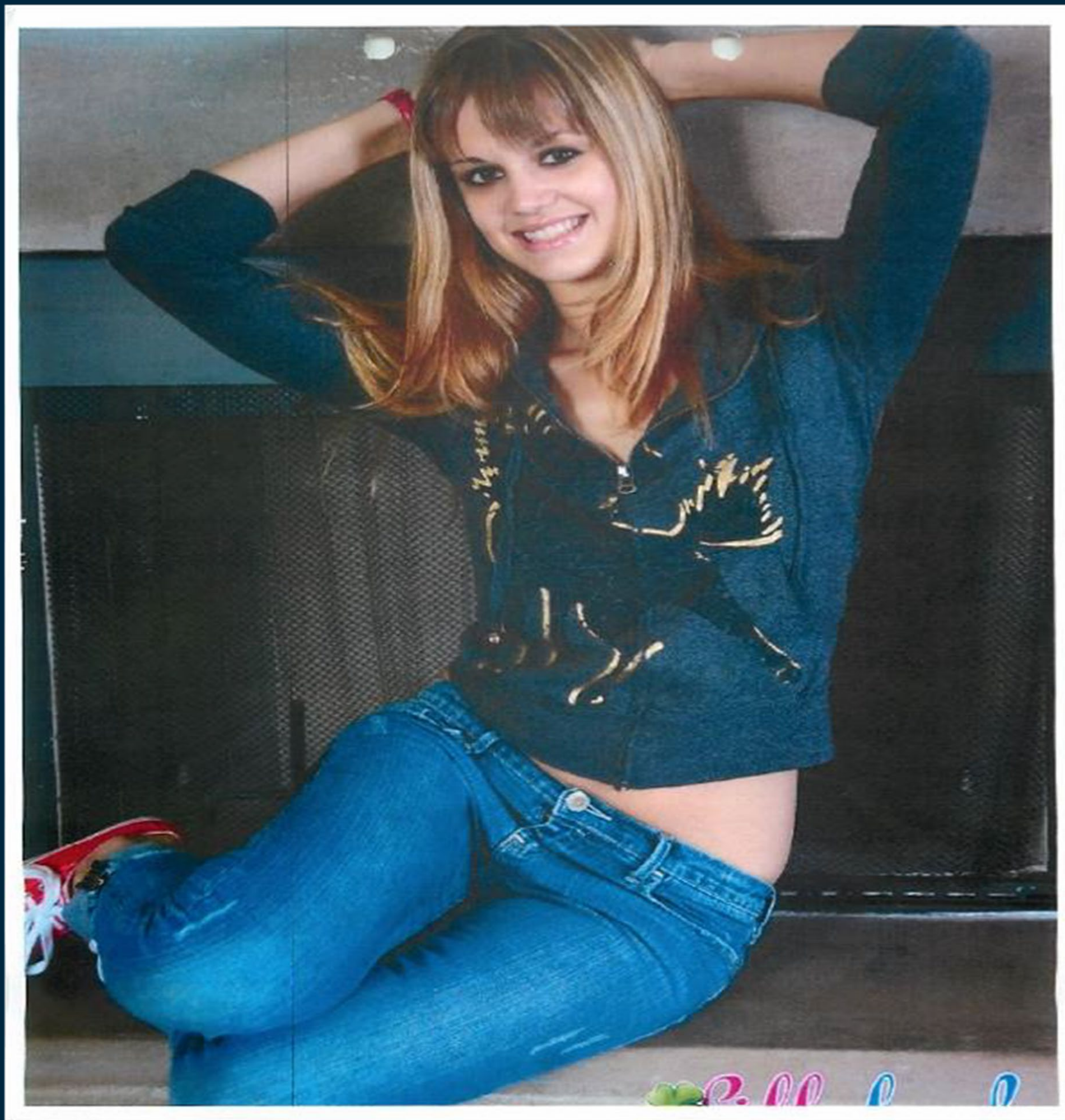
“You took away my childhood. You took me away from my family. You killed who I could have been. But I am free now, free to live without fears.”

“Telling my mother broke her heart because she had no idea whatsoever of what was going on.”

One mother of a teenage victim told the judge that her family and her daughter have been dealing with nightmares almost every night.



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OPERATION ROUNDTABLE

Louisiana Man, Jonathan Johnson, Pleads Guilty and Sentenced to 21 Years in Prison for Operating International Child Exploitation Enterprise

Johnson, 27, plead guilty, and is responsible for organizing an underground website that featured a library of webcam-captured, pornographic videos and offered tutorials to more than 27,000 members on how to trick minors into creating sexually explicit videos.

During the course of the investigation of **JOHNSON**, special agents with the U.S. Department of Homeland Security, Homeland Security Investigations and the U.S. Postal Inspection Service determined **JOHNSON's** websites contained approximately 2,000 videos depicting the sexual exploitation of young boys.

Over 25 additional defendants have been arrested and charged by state and federal law enforcement and prosecutors.

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Review of Evidence and Case Coordination

- Whether you have one or 1000 victims? What's your plan?
- Do you having a team to assist with the evidence review?
- What is the timeline? Is it realistic? Is it victim-centered?
- Group all evidence by victim prior to reaching out
- Don't fall back on what has been done before just because its easier
- Remember that the interviews should be coordinated with the FIS and the VAS regardless of the victim's age

Enabling Performance Objective



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Who has the **right** to see?

The Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA) created a new code provision at 18 U.S.C. § 3509(m)(3)

<https://www.law.cornell.edu/uscode/text/18/3509>



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SEC. 6. Child pornography victim's right to evidence.

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

(3) In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any property or material that constitutes child pornography, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony, but under no circumstances may such child pornography be copied, photographed, duplicated, or otherwise reproduced. Such property or material may be redacted to protect the privacy of third parties.

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EOUSA Recommendations

Those entitled to view the child pornography are limited to "the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony " Where the victim is not yet eighteen years old or is deceased, incompetent, or incapacitated, **the parent or guardian may assume the victim's rights for this purpose**, though the defendant may not assert this right.

- What does this mean?
- Does this change what we just learned?
- The key word is “MAY”: ...the parent or guardian may assume the victim's rights...
- Remember the purpose, and the most victim-centered way to move forward?



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- Parents who are shown images of CSAM are often traumatized by those images
- A parent can never un-see those images of their children
- Even sanitized images can cause undue harm and stress
- Parents are not law enforcement, and they can't "just get over it"
- Parents can react in negative ways:
 - Destroy evidence
 - Harm themselves, their children, or others
 - Blame the victim

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What do we tell parents?

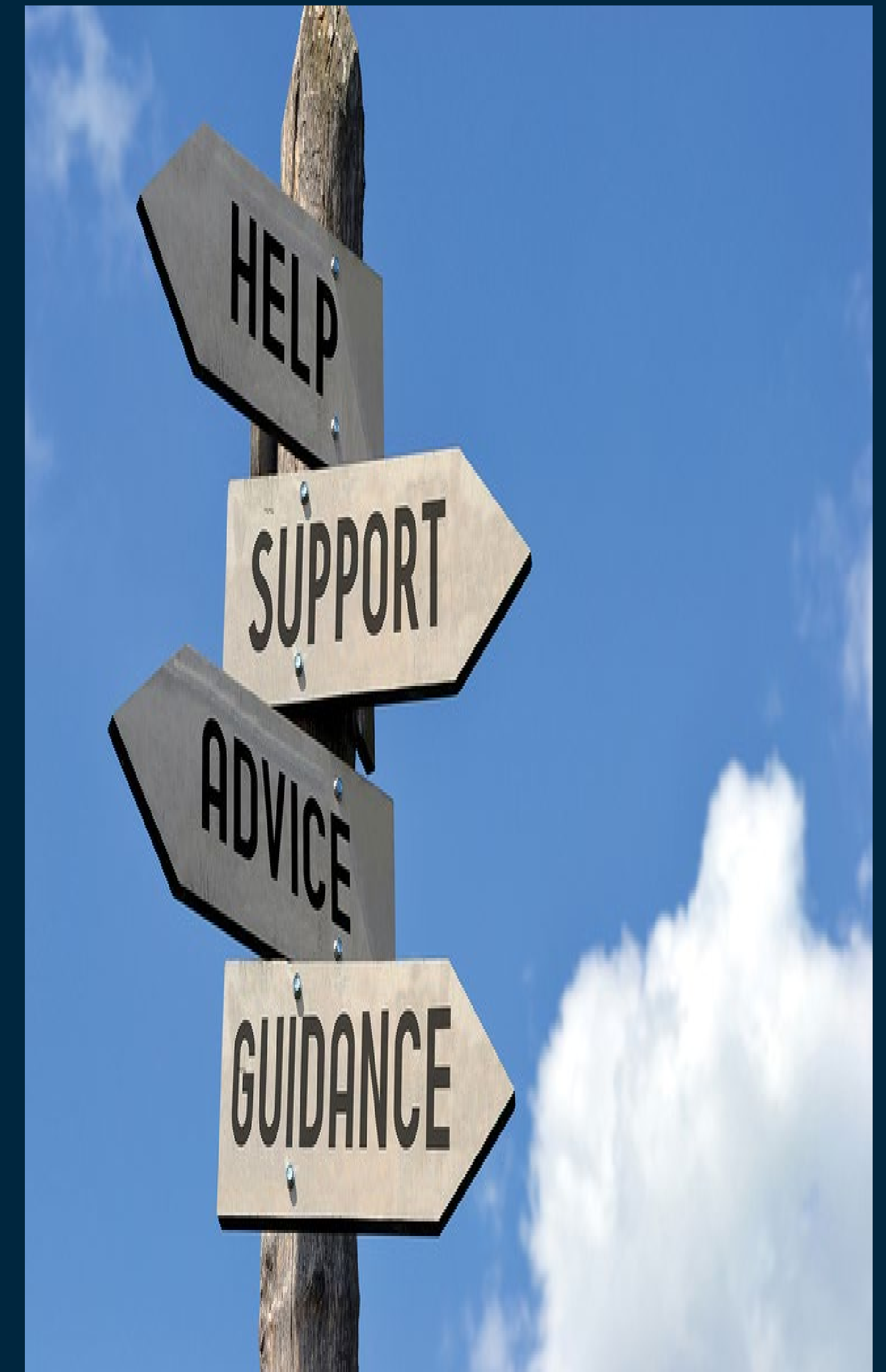
Remember – you do not know the family dynamics

- Working a cyber-crimes investigation
- You and your child are **not in any trouble with us**
- Your cooperation will not get either of you in trouble
- We believe that the **suspect may have had on-line contact with your child**
- We believe he/she has critical information that will be helpful to our investigation
- If applicable, inform the family that the **suspect is in custody** or that they are **not in current danger** from the target
- Inform them that **once we speak with their child** and gather more information, we will be able to share much more with them. But NOT over the phone.
- **Do not tell** them their child is a victim without positive ID from the victim – that comes later
- **Do not show** the parents images of their child
- Inform the parents we need to speak with the child at the designated neutral location and time (interviewing at home or school should not be an option)

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What if the parents already know?

- Assure the parent:
 - Your child has not done anything wrong and is not under investigation
 - We are here to help the victim and the family
- Provide the child a neutral location to talk where they can feel safe to share with an FIS
- Do not interview the victim in front of the parent **or within earshot**
- Do not expect the victim to tell you what happened in the presence of others
- Obtain as much evidence and forensics prior to the FI, share the information with the FIS, and allow the FIS to present evidence in the FI



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What do we tell parents at the time of a SW?

Remember – you don't know the family or who may be complicit

As little as possible

- Be careful not to scare them about their children unless we know it to be true (speculation can only cause damage)
- Be careful not to promise interviews unless they are happening that day

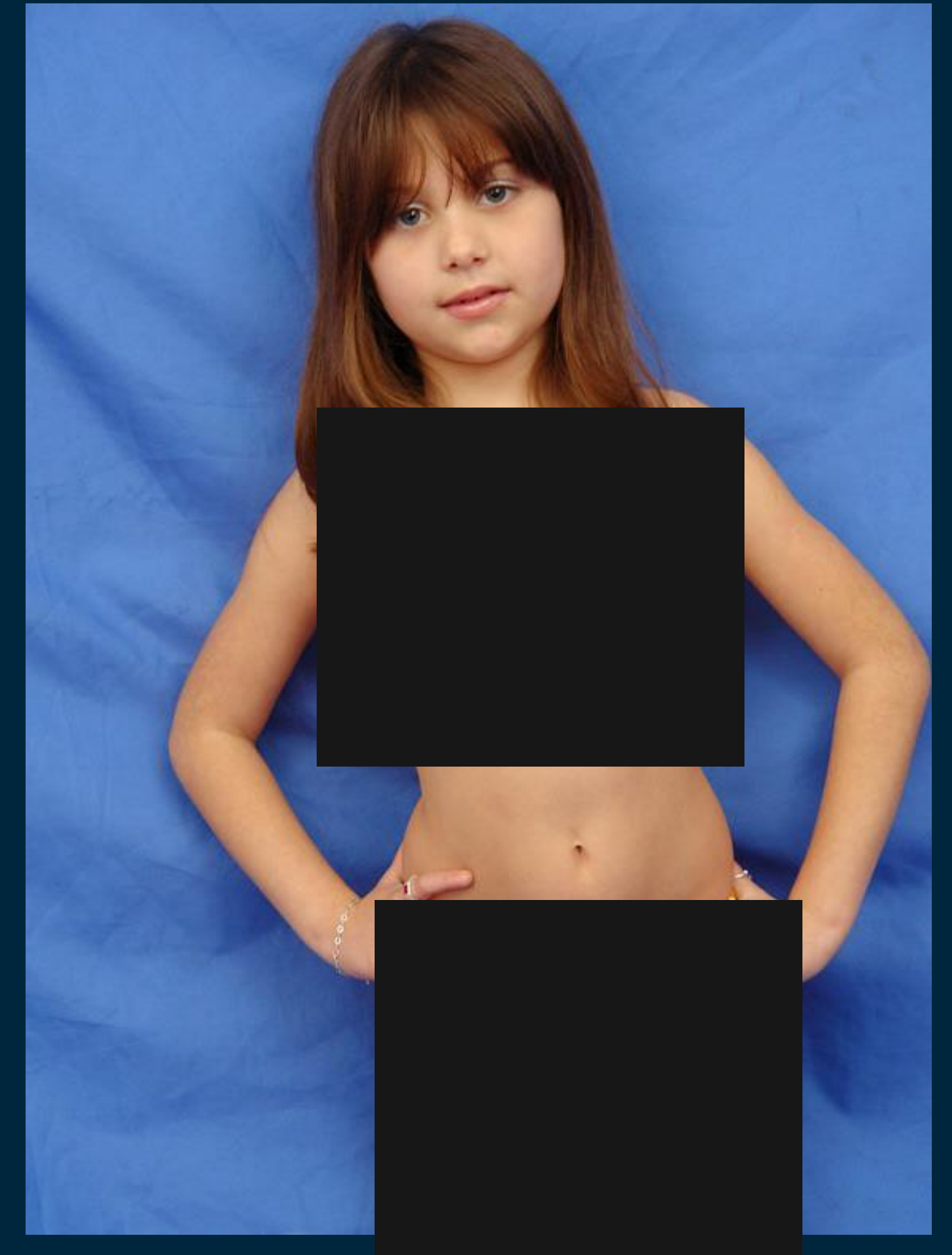
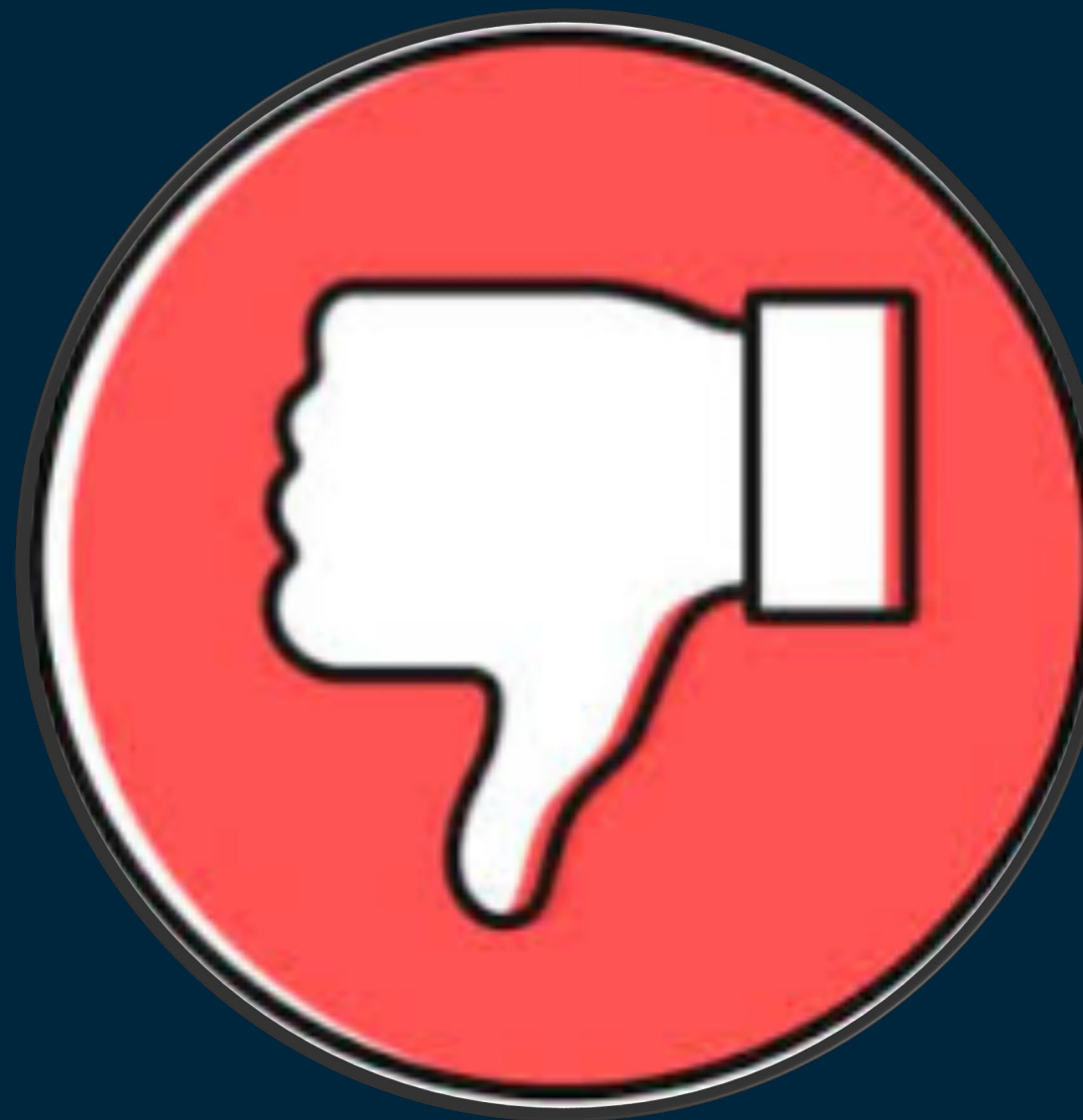
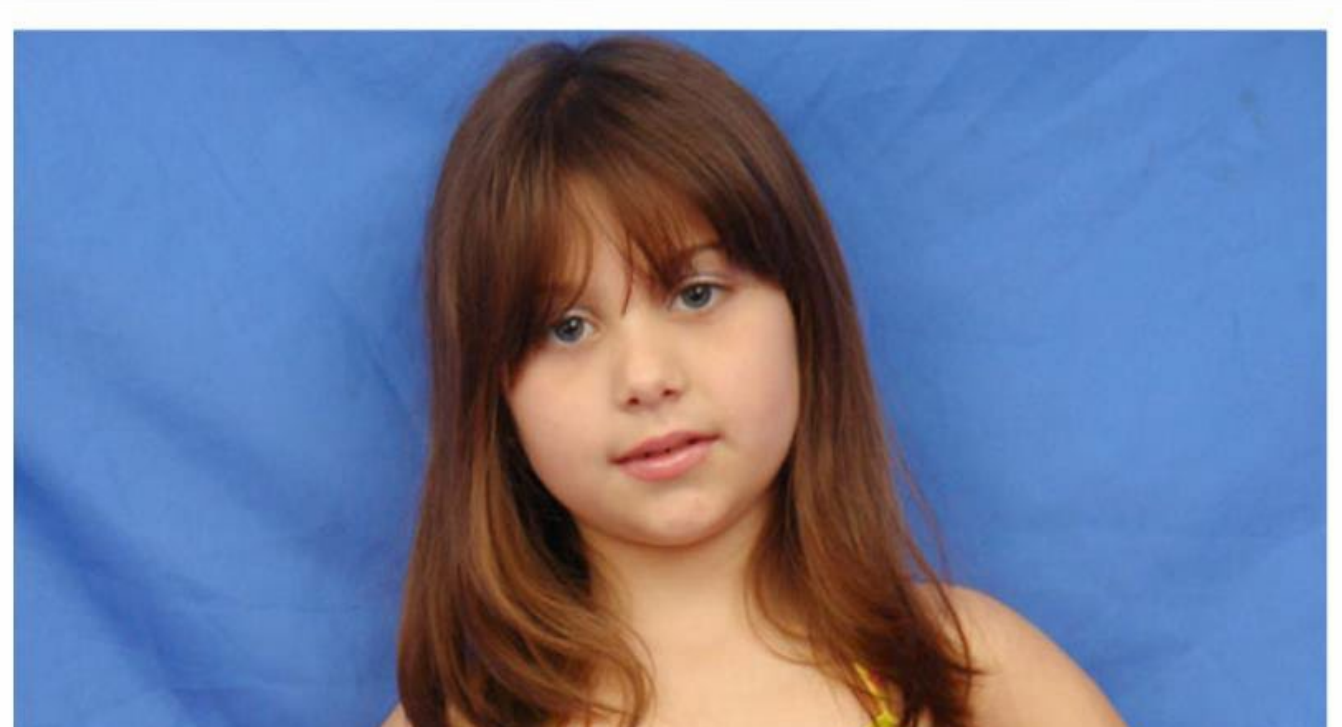
This is still early stage of an investigation

Don't show your hand too early

- You don't know what you have yet
- You don't know where loyalties are yet
- You don't know who may be complicit

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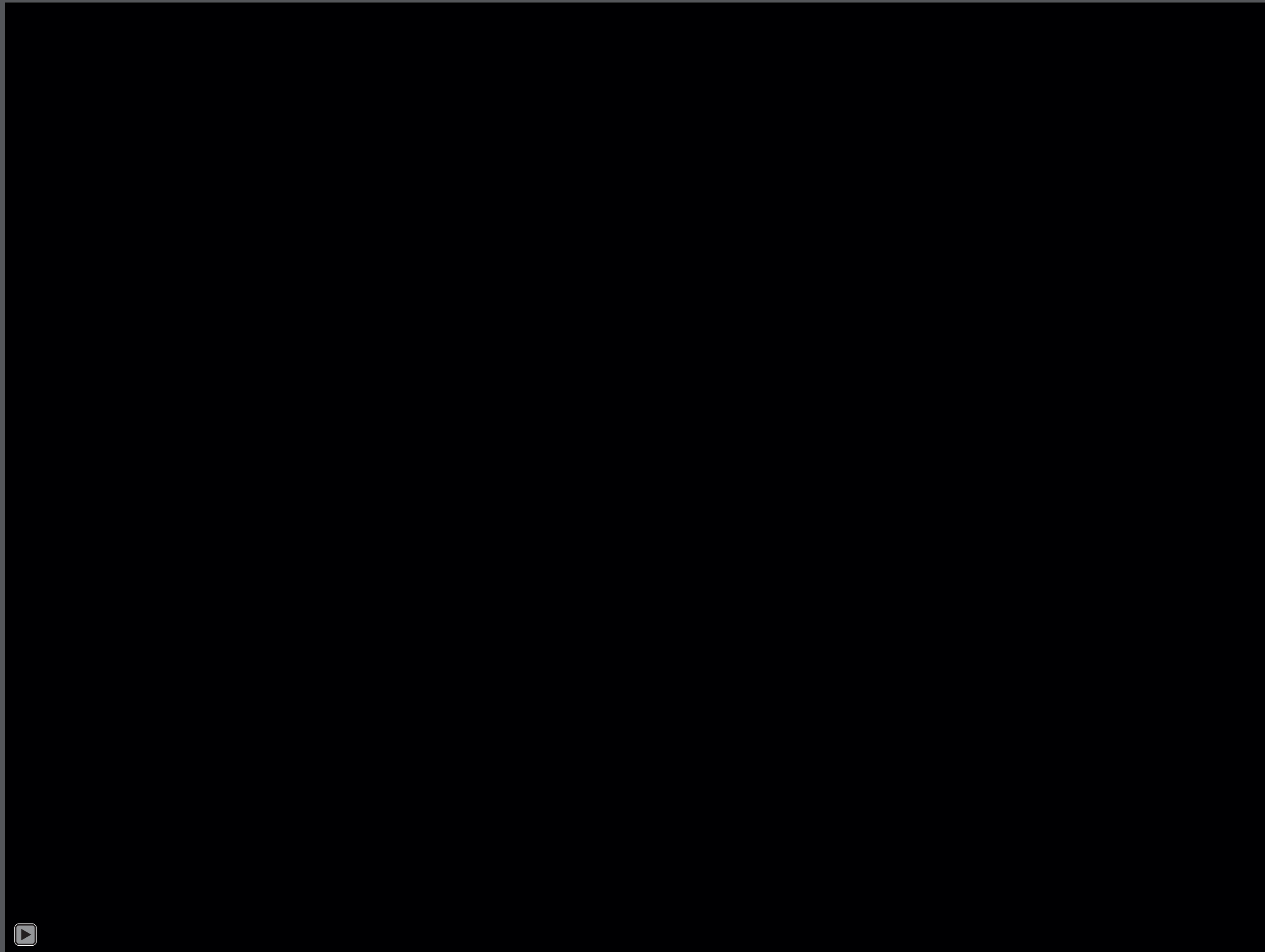
Some "Dos and Don'ts" when talking with parents

Remember – you do not know the family dynamics

- **Provide Reassurance**
 - ✓ Child and parent are not in trouble
 - ✓ Child may have helpful information
 - ✓ Suspect/Target is in custody and unaware of meeting
- **Ensure** they come to meet you at the interview location; getting them in the door is the first step to the forensic interview occurring
- **Encourage** face-to-face meetings for questions and answers
- **Do not** tell them their child is a victim without positive ID from the victim – that comes later
- **Do not** show the parents images of their child
- **Avoid** using the following terms:
 - ✓ Child Pornography
 - ✓ Victim
 - ✓ Interview
 - ✓ Child was sharing their photos
 - ✓ Compliance with the suspect/target

Sharing too much information is more harmful than limiting what is told

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Place the Blame Where it Belongs

The blame **always** belongs on the target /
suspect of the investigation

Use language that reflects that:

*“We believe the target may have had
online contact with your child.”*



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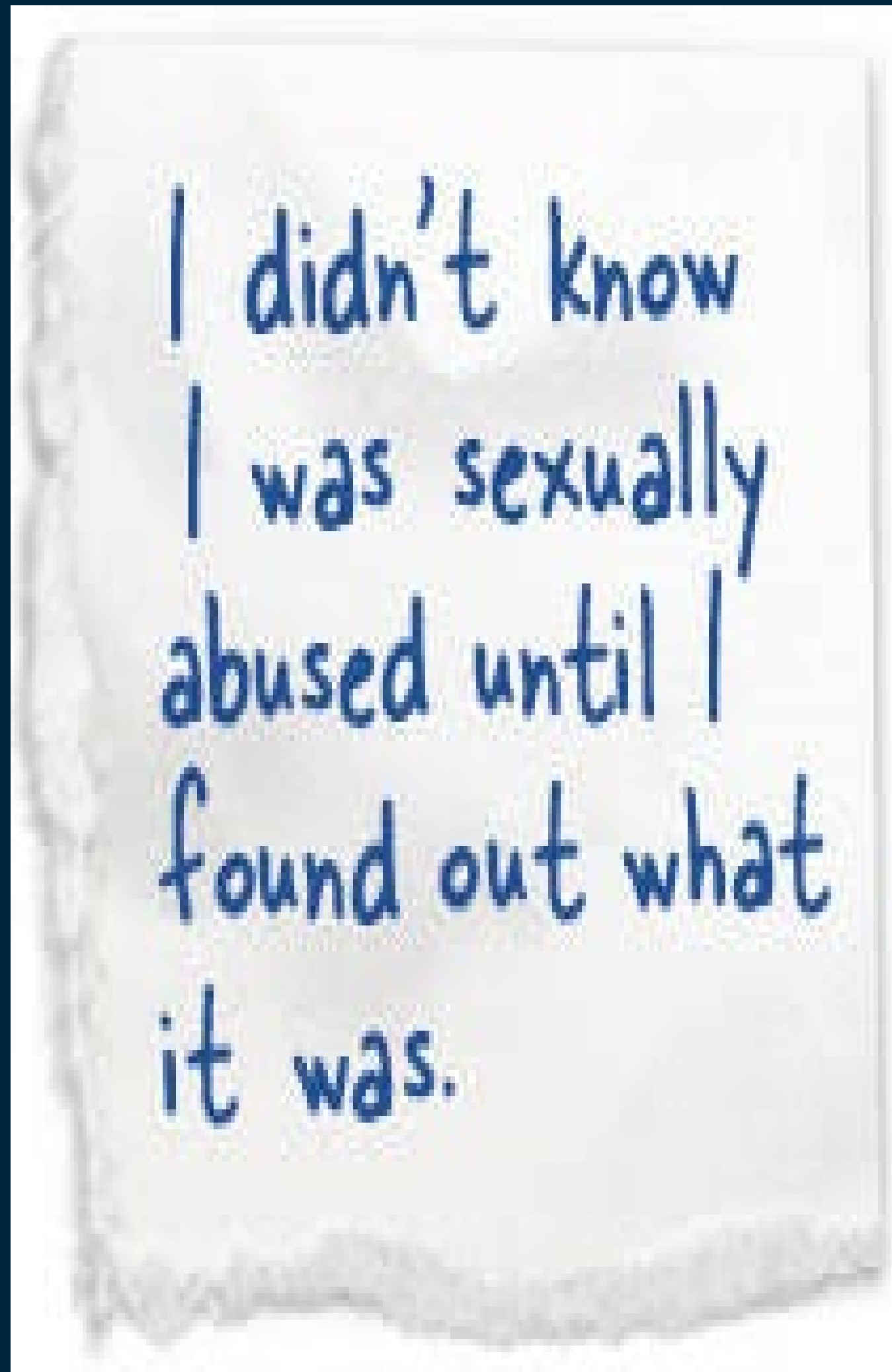
Blaming the Victim: JOHNSTON

At the time the government's **sentencing memorandum** was filed, investigators identified 94 minor victims, from at least 30 states and six countries, whom Johnston enticed into creating child pornography or sexually exploited online. **Investigators confirmed that four minor victims met with Johnston and engaged in illicit sexual activity with him.** In Johnston's communications with underage victims, he encouraged the girls to commit harmful and violent acts such as cutting themselves, penetrating their bodies with foreign objects, strangulation, and drug abuse.



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Concerning and Blaming Statements

- The 14-year-old male had been having an inappropriate relationship with his coach for the past year
- The woman admitted that she was having sex with approximately 20 men per night.
- The girl confessed to giving oral sex for \$5 since she was 9-years-old

Non-Blaming Language

In the image on XXXX's phone, MF1 was positioned on her back, wearing a multi-colored, star patterned jumper. MF1 was laying on the bed with her legs being spread apart.

The image showed an adult hand pulling MF1's jumper to the side exposing her nude vagina to the camera.



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All-In-One Forensic Interview

Everything that has been done until this point brings you to the all-in-one

Before the FI the caretakers will be informed:

- More specifics about the investigation and the interview process
- The FI is conducted, where the victim will:
 - Provide details of abuse/exploitation, provide ID, and be notified
- After the FI, the caretakers will sit down with the team:
 - Where they will be officially notified that their child is a victim of child exploitation; victim rights; and what comes next...

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Terminal Performance Objective

At the end of this presentation, given examples victim-centered and trauma-informed techniques, participants will be able to apply those techniques to child exploitation cases using an all-in-one method of identification, notification and interviewing of victim



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Q & A



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