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Operator: Good day and welcome to The President's Commission on Law Enforcement and the Administration of Justice conference call. Today's conference is being recorded. At this time, I would now like to turn the conference over to Director Phil Keith. Please go ahead, sir.

Phil Keith: Thank you Carrie. Good afternoon and thank you for joining us today. I'll call The President's Commission on Law Enforcement and the Administration of Justice to order. On behalf of Attorney General Barr, we thank you for joining us today for this important commission teleconference meeting.

This week's series of teleconferences will be focused on juvenile justice and the [juvenile justice] system. We are fortunate to have a great group of professionals spanning various aspects of the juvenile justice system. As mentioned last week, we're on track to continue this schedule of conference calls with three calls per week through the end of May and possibly into June if our schedule allows. We will continue to explore an in-person commission meeting toward the end of June. As we've discussed in our executive session yesterday, we will all greatly benefit from an in-person meeting. At this time, I'd ask our Executive Director Dean Kueter to conduct our roll call of commissioners.

Dean Kueter: Thank you Mr. Chairman, and before I call the roll, I would like to remind everybody that today's event is open to the press and for any members of the media on the call, if you have any questions, or need clarification on anything, please contact Kristina Mastropasqua in the Justice Department's Office of Public Affairs. And with that, I will call the roll. Commissioner Bowdich.

David Bowdich: I'm here.

Dean Kueter: Commissioner Clemmons. Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Here.

Dean Kueter: Commissioner Gualtieri.

Robert Gualtieri: I'm here.

Dean Kueter: Commissioner Hawkins.

Gina Hawkins: Present. Thank you.

Dean Kueter: Commissioner Lombardo.

Regina Lombardo: I'm here. Thank you.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Good afternoon. Here.

Dean Kueter: Commissioner Moody.

Ashley Moody: I'm here. Thank you.

Dean Kueter: Commissioner Parr.

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon, I'm here.

Dean Kueter: Commissioner Ramsey.

Gordon Ramsey: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego.

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood.

James Smallwood: I'm here.

Dean Kueter: Vice-Chair Sullivan.

Katharine Sullivan: Here.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

Dean Kueter: Mr. Chairman that completes the roll call.

Phil Keith: Thank you, Dean. I think I heard Sheriff Clemmons come on the line. So Commissioner Clemmons is with us. Any other announcements Dean?

Dean Kueter: No sir, we are good to go.

Phil Keith: As mentioned, we'll entertain the first panel of the week focusing on juvenile justice. This topic is very near and dear to my heart as I know it is with the other commissioners. All commissioners should have the bios and testimony for this panel. As a reminder, we'll be posting all of these materials on the Law Enforcement Commission website.

Once again we continue to acknowledge the commissioners, the working group members, federal staff for their commitment and efforts and contributions to meet the goals of this historic commission, and on behalf of General Barr, we thank each of you.

As noted, on previous calls, we encourage commissioners to take notes during the testimony of the panelist. We'll then open up for questions from the commissioners after the last witness. Our first distinguished panelist is the Honorable Judge Tim Irwin from Knox County, Tennessee juvenile court.

In addition to attending the University of Tennessee and being an academic All-American football player, Judge Irwin has had a remarkable - or had a remarkable 14-year NFL career, one of the longest continuous starting records in the NFL with over 200 games. When not playing in the NFL, Judge Irwin earned his law degree from the University of Tennessee law school and practiced law for 15 years prior to being elected to the Knox County Juvenile Court Judge in 2005.

He's very active in his community with a long history of work with The Boys and Girls Clubs of America. His father was a distinguished career law enforcement officer. In 2014, Judge Irwin received the acclaimed Abernathy Award for outstanding service and dedication to the children of Tennessee. Judge Irwin, thank you for joining us today, you are recognized.

Tim Irwin: Thank you, Director, and thank you, commissioners. I appreciate the opportunity to testify. I think it's important that I lay some groundwork, that you understand the size of my community and it might make more sense to you. Basically, the Knox County area is what I'm responsible for and I think about 430,000 people were the last Census.

When I got on the bench in 2005, at that time, we had 350 children committed to the Department of Children Services in Tennessee and that was 299 social service commitments and 51 juvenile justice commitments. Then came the opioid crisis and our numbers exploded. Today, we have 702 social service commitments and we have only 26 juvenile justice commitments.

When I got on the bench, my court director was a licensed clinical social worker who had been practicing a very long time and he told me he was certain that the juvenile justice commitments would follow the trend of the social service commitments. He also told me that he was now working on the grandkids of his original clients. Neither one of those two predictions was I very excited about. I wanted to lower the number of juvenile justice commitments.

I'd like to have fewer social service commitments but with the opioid explosion and the aftermath of other drugs that addicted folks are turning to, that hasn't happened. However, our juvenile justice commitments are down to about half with only 26 kids committed at the present time. And I wanted to talk about some of the ways we got there.

Before I do that, I also want to share - I have 120-bed detention facility immediately adjacent to my court and that's where our kids while awaiting trial that have to be held that are picked up and held for a detention hearing the next day and that 120-bed facility when I got on the bench generally had about 40 to 45 children per day. As of last count, there were 17 and only 6 of those children were Knox County children. Eleven were being held under contract, either for the state or another county.

So I'm very proud of our children's conduct here in Knox County and I want to tell you a few of the reasons of how I think we got to these diminished numbers. One of the first things I noticed as I came on the bench was that there had not been a building-wide meeting held in about five years.

My predecessor was an older judge and had had some health problems but there just hadn't been a lot of communication. We changed that with monthly staff meetings but more importantly we also reinvigorated a series of meetings that we call safe policy.

I've noticed them referred to as a lot of different things as I've listened to testimony, but basically a meeting with community officials and leaders in the Knox County area and I think these meetings have been perhaps the most rewarding thing that we've done to lower our juvenile justice commitment number.

We have included in these meetings, we have our police chief, our sheriff, our law director, our attorney general. We have our sheltered care representatives - in our case, it's from Catholic Charities. We have our mental health professionals. The large agencies that deal with most of the indigent care are represented. We have all of our magistrates attending this meeting. We have our

public face on our fight against drugs, our community drug coalition, that also appears at the meetings.

We have our school resource officers there, their commissioner appears at the meetings as well and it's a large group of usually about 30 people and we meet every other month and we discuss children's issues and we have a standing agenda. We go down and we have plenty of time for discussion of individual facts, and I think this has been perhaps the most productive thing that we have done as a court to combat these numbers.

It provides problem-solving with the actual leadership that's there. It gets rights to the point and I would encourage anyone that's listening to this call. I know a lot of law enforcement is out there listening, probably just a few judges. It doesn't have to be initiated by a judge in your community. I believe this group was begun by Attorney General Randy Nichols and I sort of inherited leadership of it as he moved on. But it doesn't have to be driven by the judge of the juvenile court, but I think it's essential to have everyone on the same page.

We talk about small issues like who's missed a bed check-in our ShoCap program, our serious habitual program. We talk about trends and truancy. Which schools are struggling? We talk about school threats. We talk about the ever confusing and developing law and incidences regarding to internet threats and internet porn and child porn. We talk about all of that in these meetings, very frank discussions, very rewarding discussions.

So step number 1, I would encourage everyone listening to the call, if you don't have a vehicle like this available to you in your community, you need to see about developing one. Figure out who the key actors are and who you need, invite them and begin this process. You cannot run effective programming for children as a king in a kingdom. You have to run it as part of a village and you have to be open and that exchange has to be there and you have to be accountable to each other.

I also think it's very important in protecting both public safety and in rehabilitating our young people that we hold them accountable. One of my favorite programs that has been around since 1963 and I mentioned it earlier is the serious habitual offender program or ShoCap is the acronym for it.

And this is a program where children sign a contract saying they understand the rules and responsibilities, they are given a picture ID, and one of the responsibilities is they have a curfew and that curfew, they understand that they are going to be checked by a Knoxville City police officer or a Knox County sheriff's deputy depending on where they live. And those checks will be frequent, but inconsistent.

There may be two checks in the same night and when the door is knocked on, the children have to come to the door and produce an I.D. and we have found that is a very effective deterrent. The children do not like being on the program and work very hard to get off of it. We know that bad things happen in the late hours. This has been a particularly good way to keep children rehabilitated in their own homes, but yet have a good firm grasp of what's going on with them.

In addition to our regular probation officers who check during the daytime, the officers are good enough to go and check on these kids and the other ancillary benefit that happens when these officers are making these checks, is the kids become acquainted with the officers and the officers become acquainted with them and we start to form relationships that are also very beneficial to lowering the offenses and making the rehabilitation more successful.

Some of the other items that we discuss in safe policy again, we work very closely with the leaders of our school resource officers and we try to determine if there are particular problems involving a certain school. We talk in great detail about the number of school threats. Safety is the number one priority of this group, that's why we call it safe policy. Rehabilitating children would be second.



It also let's law enforcement know that we are listening. We talk about small matters as well. What day that the officers are supposed to put on their traffic citations. When is traffic court next month? Fundamental things. It also includes social groups like the Boys and Girls Clubs. In our county, that's a very large entity.

We have 18 clubs in the Boys and Girls Clubs in the Tennessee Valley. The director of the Boys and Girls Clubs of the Tennessee Valley asked us to perform a study and we were glad to comply. I have to tell you at this point, I was a Boys and - a Boys Club then child myself and grew up in that system and loved it. I was one of the kids that was upset when the parent did come to get him. I wanted to stay longer.

But one of the things that we have - one of the things that we learned in our study, we took 772 children with the names supplied to us by the clubs that had been participating for 100 days. We wanted a good long period of time to really evaluate if the program was working. Out of that 772 children, many of them from low-income families, 83% of them from non-traditional families, a high representation of minority children in the mix.

Out of that 772, only one child appeared before a judge or a magistrate in Knox County juvenile court. So I feel very confident that, that program has a value. They are also a representative at our safe policy meetings and they also have a facility in our detention which - you say what can you get done in a short time a child's in detention? Well, you can make a contact and hopefully that contact survives until the child is released and begins to participate at one of the clubs, get quality afterschool care, and gets some socialization.

The reason I gave you the numbers at the start of my testimony about the social levels going up so high and the juvenile justice level of children coming down, what my court director told me is the opposite has been true. The better job we do on the social end, the better job we do and be vigorous with our Department of Children Services at removing these children when their tots and babies

that need to be removed from unsafe situations, the better job we do there, the less problem we're going to have when they're teenagers.

If they're not raised in a feral nature, they won't turn feral. I don't really know any other way to say it. I think if I come out of this with one recommendation it's that you have - your court or your law enforcement needs to fully engage each other. Don't wait on your judge to convene and get a memorandum of agreement to support all the multi-disciplinary approaches in your area. Nobody can do this alone. It takes a village to raise a child. I think that's an African proverb, but I don't think anything could be farther from the truth.

When I came in as a young judge, I knew I was going to straighten things out and run that place. I have learned after 15 years that it runs me. But I think the close nature and relationship that I have with my partners, with my DCS, with my police, with my sheriff's department, with my school resource officers, with my law director, with the attorney general, with the schools in general, with the truancy program, with the Boys and Girls Club, with the national guard challenge academy that takes a lot our kids that don't have a hope of graduating from school - it's that strength, you know the relationship with our shelters.

That's the strength that's made us successful and it can't happen without an enhanced collaborative approach. It's got to be a community-wide effort. The accountability has to carry across the different components of the mental health providers, the rehab experts, the juvenile court, the law enforcement - we have to be accountable to each other. We have to hold our children accountable to us with programs like ShoCap, and that's the way we have found success at lowering that number of children that has to be locked up in Knox County.

Thank you very much for the opportunity. If you have any questions, I'll remain on the line until the end. Thank you.

Phil Keith: Thank you, Judge Irwin, for your informative testimony and certainly for your service to the juvenile justice system. Next, we'll hear from Brett Kyker who is an Assistant Prosecuting Attorney in the criminal division of Cuyahoga County prosecutor's office in Ohio. As part of his work with the FBI Violent Crimes Task Force, he a sworn in as a special assistant United States attorney and participated in prosecutions in the United States District Court for the Northern District of Ohio.

In December of 2018, assistant prosecutor Kyker was named chief of the juvenile justice unit. He is a graduate of John Carroll University in the Cleveland-Marshall College of Law. Mr. Kyker, thank you for joining us today. You are recognized.

Brett Kyker: Good afternoon. First and foremost on behalf of both myself and Cuyahoga County prosecutor Michael O'Malley, I would like to thank you all for the opportunity to speak here today.

The approach to criminal justice in Cuyahoga County in the prosecutor's office up here at least over the past several years has been simple: to divert low-level non-violent youth away from the justice system while taking an aggressive stance against repeat violent offenders. The prosecutor's office has worked in collaboration with Cuyahoga County juvenile court to launch an early intervention and diversion center which officially began accepting cases in February of 2019.

The purpose of the intervention center is two-fold. One is to link juveniles with necessary services at the front-end of the cases rather than months down the road when the case is resolved and two, to maximize diversion for low-level non-violent offenders. Basically, we being the court, the prosecutor's office, asked is there a better way to do things. And when we began looking around, we saw places like Montgomery County, Ohio that saw a decline in juvenile crime following the opening of an intervention center nearly two decades ago.

Under the old way of doing things, the decision to divert or go official on a case was made based on the facts of the case and the juvenile's history. If the decision was to divert, the juvenile would

be farmed out to one of 50-plus community diversion programs depending on where the juvenile lived and where the offense was committed. Each of these programs look different, having different requirements, offering different services.

Some of these programs would attempt to assess the juvenile, trying to identify the root of the problem. Why was this child there? Unfortunately, many of these programs did not. If the decision was to go official on a case, individual needs and services were not addressed until months down the road when the case went to disposition. This often resulted in juveniles picking up additional cases along the way.

Under the new way of doing things, all juveniles, whether their cases ultimately are diverted or go official, are assessed and linked with services out of the gate. When a case is submitted to the prosecutor's office, the intake prosecutor has the option of waiting on the results of the assessment before making a charging decision.

Under the intervention center, there are two basic tracks to diversion. We have care coordination and the more traditional community diversion programs. If an assessment identifies a behavioral or mental health need, the juvenile is referred to a care coordinator who oversees the diversion program that may include things like multi-systemic therapy. If the assessment does not identify a behavioral or mental health component, the juvenile is referred to a community diversion program where the diversion program consists of a more traditional elements like community service and restitution.

Beyond this dual-track approach to diversion, Cuyahoga County has worked to develop several specialized diversion programs that are designed to address specific behaviors. For example, Project Calm is a diversion program geared toward low-level domestic violence offenses. Oftentimes police are called out to a home for a family dispute - that falls more under the category of unruliness than domestic violence.

Prior to Calm, many of these juveniles would have been arrested and admitted to our detention center. Calm provides officers with the drop off location for juveniles who then meet with a mental health clinician for a brief screening. Based on the screening, juveniles may be referred for ongoing community-based services.

Calm also gives officers and families the option of placing juveniles in respite care for a cooling down period. But we also have the behavioral diversion education or BDE program which is a voluntary diversion program designed to divert children 13 years of age or younger who've been accused of committing a sex offense against a family or household member.

Eligible offenders are referred to OhioGuidestone, which is one of the largest behavioral health agencies in the state, where they receive counseling, psychiatric care, and other services. We have sexting diversion program which is run in part by the Ohio Internet Crimes Against Crimes Task Force.

In addition to other elements of community diversion, the sexting program requires the juveniles to attend a class that is put on by the task force and to complete an essay afterwards. Cuyahoga County like most places has seen an explosion in sexting-related cases over the past decade. Unfortunately, Ohio does not have a law that specifically addresses sexting amongst youths.

Under Ohio law, this conduct falls under one of the child pornography statutes and ends up being a high-level felony that may require registration. So as a result, we typically reserve official charging for those sexting cases that involve things such as widespread dissemination, blackmail, or a repeat offending. Cuyahoga County also has a drug court which is a post-adjudication program. If an assessment by the intervention center reveals substance abuse issues and there's a recommendation for drug court, we will often follow that recommendation, take the case official, and offer a plea with agreed participation in the drug court program. If a juvenile completes the

program, charges are dismissed, sealed, and expunged. In planning for the intervention center, the prosecutor's office works with the court to develop a diversion criteria grid. The grid, which looks at the offense and the juvenile's risk level, serves as a guide in making diversion determinations.

In addition to adding an element of consistency to the diversion referral process, the grid has functioned to expand diversion eligibility for youth offenders. In 2019, the first year of the intervention center, the prosecutor's office diverted roughly 50% of all low-level felony and misdemeanor cases. An increase in diverted cases allows my staff to then focus on the more serious cases involving the more serious offenders.

Looking at data published by Cuyahoga County juvenile court, an annual report, the number of official delinquency cases has drastically declined over the past decade going from 8,584 in 2009 to 3,738 in 2018. Now part of this decline is in no doubt attributable to efforts to ramp up diversion, but we've also seen an overall decline in case submissions by law enforcement. While cases may be down, the same doesn't necessarily hold true for high-level felonies, offenses of violence, and gun offenses.

For example, just to throw out some numbers, there were an average of 26 homicide-related charges per year in the three years spanning 2009 to 2011 compared to an average of 73 homicide-related charges per year in the three years spanning 2016 to 2018. Looking at felony weapon charges, we saw an average of 188 felony weapon charges per year in the three years spanning 2009 to 2011, whereas there was an average of 459 felony weapon charges per year in the three years spanning 2016 to 2018.

So again, we're seeing that increase in those serious offenses. And we've also noticed other disturbing trends. Increases in carjacking, cell phone robberies, technology-fueled incidents including robberies using buy and sell ads. And what we're seeing or noticing is a small portion of the juvenile population are responsible for these offenses and more and more spree-like behavior.

Just by way of an example, we had a 16-year old juvenile who participated in six carjackings over a two week period at the end of 2019, the last of which also involved a sexual assault. So how do we combat these crime drivers? Well, several years ago we created a crime strategies unit within the prosecutor's office. The unit consists of analysts and prosecutors who helped piece together crimes by monitoring social media, reviewing police reports, and putting law enforcement agencies in touch with one another.

Crime doesn't occur in a vacuum. We have close to 60 police departments here in Cuyahoga County and it's important that they are all talking with one another. The crime strategies unit helps encourage and facilitate that communication. The five prosecutors in the unit including one who is detailed to juveniles, they attend regular meetings with the FBI Violent Crimes Task Force, the ATF, the Cleveland Police Department Gang Impact Unit, and other agencies to identify offenders.

And when criminals or crime drivers are identified, we in the prosecutor's office use the statutory tools at our disposal. Tools like bind over provisions which allow for certain juveniles based on age, conduct, and history to be transferred to the adult system and tools like serious youthful offender or SYO designations which allow jurors to impose blended sentences reserving the option of imposing the adult portion of the sentence down the road should criminal behavior continue.

So I guess the overall recommendation here out of Cuyahoga County would be to assess the juvenile when they first walk, through the door provide them with specifically tailored services to steer them away from the justice system, and, if their criminal conduct continues and escalates to them, hold them accountable using the tools at your disposal. Thank you.

Phil Keith: Thank you Mr. Kyker for your testimony and your distinguished service. Our last panelist today is Mr. John F. Clark, President and Chief Executive Officer of the National Center for Missing & Exploited Children. He has an extensive law enforcement background including 28 years with the

United States Marshals Service. Before joining NCMEC, Mr. Clark was Director of Security for Lockheed Martin Corporation, the nation's largest defense contractor. Mr. Clark was appointed Director of the United States Marshals Service in 2006 by President George W. Bush as its ninth director, a post he held for five years. Before joining United States Marshals Service, Mr. Clark worked for the U.S. Capitol Police and U.S. Border Patrol. He earned his undergraduate degree from Syracuse University. Mr. Clark, thank you for joining us today, you are recognized.

John F. Clark: Yes, good afternoon. Thank you Director Keith and Vice Chair Sullivan and, may it please the Commission, I've got the honor and privilege of serving as President and CEO at the National Center for Missing & Exploited Children. And I must say that when I took the job about five years ago, I really had no idea the level and depth of the crimes against children, the sexual abuse, sexual exploitation that's going on, not only in the United States but across the globe. You also may know that NCMEC's a private non-profit organization and I'm pleased to provide testimony to the Commission because, as I speak here in my testimony you'll hear me driving home the point about the public-private partnerships and the importance of them. John and Revé Walsh, when they made the - created the center from their garage after the murder of their son in Florida, we now have this center that works quite collaboratively across all sectors, especially our law enforcement community as we deal with the types of exploitation that we're seeing.

We've got about 350 employees and they operate many programs to address the missing and exploited children cases. And we provide services for families, child victims, but among the crimes against children that NCMEC works to combat, we have seen online child sexual exploitation emerging rapidly, and involving a tremendous amount of resources over the past two decades, and I'd say even more so in the last five years. In response, NCMEC has created and operates really two core programs, to combat the online sex exploitation, and that would be our cyber tip line and our child victim identification program, which I believe, perhaps, many of you listening in have heard about. The cyber tip line has served as the online mechanism for members of the public, and the electronic service providers, or ESPs as we call them, to report possible child exploitation. And



most of those reports to the cyber tip line deal with the distribution of child pornography, but we also receive reports related to child sex trafficking, online enticement of children, child sexual molestation, child sex tourism, unsolicited obscene materials, misleading domain names, misleading words and images, and a variety of messy things like that.

Today the cyber tip line is really a key tool, I would say, to help the electronic service providers and a number of the public and federal and state local law enforcement and prosecutors to combat exploitation. But since the cyber tip line was created about 22 years ago -- and I always think this is a staggering number and I report it to the Commission -- we've received more than 71 million reports of online sexual exploitation. The volume report has increased exponentially over the last few years, the images, the videos, content of each of those reports has also increased. In fact, last year, also staggering, we received 17 million such reports, containing over 69 million suspected child abuse images, videos related to content. So you can see just in those last few years this amount of abuse occurring online, and over electronic devices has increased.

So we have two primary goals in reviewing the cyber tip line reports first. We just want to prioritize them so we can make that report available to the appropriate law enforcement agency and help rescue and find that child.

Our second core program is to help combat the online child sexual exploitation, and that's through our Child Victim Identification Program, or CVIP as we call it. And through that program we track and provide information about previously identified child victims and we help locate unidentified child victims, so law enforcement can identify and rescue them. And many of the law enforcement agencies send copies of the child exploitation content seized from the offenders directly to us. So we help to triage this content to determine which images and videos are new so efforts can be focused on identifying these children as soon as possible.

So I also wanted to just mention a few key things that really we think the Commission should focus on, and especially as we look at maybe some recommendations, some ideas that we think the Commission ought to dig deeper on. One of them is our collaboration with the domestic international electronic service providers, law enforcement and non-profits, and we also said put international there as well. I know that the Commission would be focused more on U.S. initiatives, but this is a global issue. But because given the sheer complexity and volume of the exploitation online, combating these crimes requires a true public-private partnership among multiple agencies, and I would urge the commission and law enforcement in general to pursue close and relevant public-private partnerships. NCMEC collaborates closely with ESPs, other non-profits, law enforcement agencies around the world, federal, state and local level here in the United States. And we help facilitate this collaboration through a variety of initiatives and programs.

As an example, recently we convened a cyber tip round table which we did at our headquarters, which included the federal, state, local, international law enforcement, other non-profits, Department of Justice, and some of our technology partners as well. And through that round table we took a deep dive and a look at the reporting mechanisms, technology trends, how we can improve processes to detect and deter online child sexual abuse material. Because we do work very closely with Internet Crimes Against Children task forces around the country, especially working closely with our Department of Justice in that process, and as you probably know a lot of our cyber tip reports, we work directly - provide those directly - to the ICACs around the country.

We've also participated in trainings around the country, especially with our state and local law enforcement. I urge the continuation of training, the opportunity for law enforcement to continue to engage. We have found quite often law enforcement executives coming to our training, had really not a full understanding or maybe the idea of the depth and breadth of the situation, and what tools and techniques they might be able to use to be able to combat child sex abuse imagery online.

I also want to mention the victimization of children through the online enticement and sextortion, we've seen a great increase of that sadly, in the last few years especially. Online enticement occurs really on every type of online platform. The variety of apps on mobile devices today allows offenders to easily communicate with a child. I talked to many, many parents, and even those in law enforcement, who are not fully aware of how someone who's adept at navigating through these different apps might be able to entice their child to some type of offence. Where this is involving luring of children to share sexually explicit images, meeting children for sexual purposes, engaging in sexual conversation and role playing, compelling the child to perform sexual acts by themselves, and even selling and trading the images to others.

I also wanted to mention that a lot of the sextortion cases that we see as well, again, a new word entered our jargon not too long ago, many of the enticement sextortion cases involve an offender who's posing as an age-appropriate peer. And so we also urge the Commission as they look at the issue that we're talking about today, to consider ways to work with electronic service providers and do this type of training, get the law enforcement community better engaged as we also put a lot of emphasis on the victimization of the children.

And in closing I just want to say just a couple of recommendations that I think the Commission really should focus on as well. I mentioned the public-private partnerships but continued collaboration is essential, really, really necessary when it comes to making sure that this is a full court press by all of the interested parties. We just heard from a judge and a prosecutor, and I know many of you on the call in the law enforcement community, it will take all of us to do this and improve upon fighting this type of crime.

I also wanted to mention about the electronic service providers best practices. We are urging technology companies across the globe, many of which are based here in the United States, to develop some consistent best practices. We've been working with them closely to be able to help shape what we consider to be best practices to keep children safe online, including making timely

reports, how to get the images to us quickly -- reporting is a big concern to us -- and how we can also prioritize and make those reports more quickly available to law enforcement.

I also wanted to make the recommendation, we should have a great deal of support for prevention and outreach, like getting law enforcement officers into our schools, into our communities, as a way to do outreach and prevention, especially on this issue of safety, internet safety - how to navigate the world wide web safely, and we have some great training and resources that we can help provide to law enforcement to be able to do that. And then expanding our survivors services, we're very interested in how we can protect those who we referred to as survivors, how we can utilize their knowledge to also fight the crime - the internet abuse online -and be able to engage with our survivor community to learn from them.

And then one thing that you've probable been hearing a lot about is encryption, whether or not the electronic service providers -- some of whom want to go to full end-to-end encryption. We have been publically out about that not being a good practice. We would fight this issue, that any internet service provider is going to end-to-end encryption would essentially take away our ability to see and be able to report images, child sex abuse material, and get those reports to law enforcement. So we are working very closely with ESPs to try to get that done, and we urge the Commission to also support that. So, Mr. Chairman, Director, thank you for the opportunity, and I'll be available for questions now.

Phil Keith: Thank you, Mr. Clark, for your testimony and service to protect children. Commissioners, we are now open for questions for the witnesses. Commissioner with a question, please state your name prior to your question and address your question and direct the question to a specific panelist or the entire panel. Just as a reminder to the commissioners, your mics are hot at all times. Thank you and now we'll have questions from our commissioners to our panelists.

Erica MacDonald: So this is Erica MacDonald. May I ask a question?

Phil Keith: Yes ma'am, you are recognized.

Erica MacDonald: First of all I want to commend each of our speakers today. You guys provided great information. Thank you so much. Before I was the U.S. Attorney for Minnesota, I was a judge for eight-plus years and I was one of our juvenile court judges and I appreciate what we're looking at in our juvenile justice system and you guys really have done some innovative work. Mr. Clark, I want to - if I could put ten exclamation points behind every point you made in your testimony I could and I would. We have - since I - I was a federal prosecutor before I was a judge and when I came back to the office the explosion that we've seen in sextortion cases and child exploitation cases is mind-boggling and frightening.

I think that, especially right now, there were many of us that were present on March 5 at Department of Justice when Attorney General Barr launched the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse on March 5, and two weeks later, basically, we've got schools closed and our nation's use their - they're using their electronic devices in unprecedented ways and this change in circumstances has really provided to help predators in a target-rich environment of children who are at home who are using their devices either for learning or for gaming, and with parents who are doing their very best but understandably are stretched thin who might not understand the applications and understand the threat that is posed to their children. And so my question for you Mr. Clark, is what can we do right now? Because I know the Commission will explore this and it will be a part of - our conversations and report we ultimately give to the Attorney General, but what can we do right now in our communities to raise awareness on this issue for these kids who are in danger?

John F. Clark: Yes, thank you Commissioner. That's a great question and one of the things we face quite frequently at the center is the - I put that under the umbrella, outreach and engagement, how you get your community aware, how you get your schools aware, how do you make your law

enforcement aware. One of the things we offer at the center is a number of tools, of resources that we can provide and do provide. What I guess I'd ask the Commission to do because law enforcement officers represent the visibility in the community, is to help take those resources into some of the schools, into some of the communities, and when they're having community meetings, make it a topic. Make it a point of interest so that parents can be equipped and engaged. I have spoken to many, many parent groups and sometimes am astonished that many of them don't really realize what their children are holding in their hands in a mobile device and how that could be a danger to them.

But we kind of package it under outreach and engagement, that is to say getting into the community, getting those resources spread. It does no good for a NCMEC to hold those resources. I love it when a school system takes our Netsmartz or our Kidsmartz training materials and uses them as part of their curriculum.

During this coronavirus time we've been promoting over social media the opportunity for kids being taught at home to have this as part of their home curriculum and many, many parents have been using our resources. We've also translated them into the Spanish language so we can hit that demographic as well. And as one of our - I think our speakers said, I think it takes all of us to be able to do that and get that type of messaging out.

Erica MacDonald: Mr. Clark, thank you very much. I just want to offer up, yesterday the Attorney General had a call with all of the United States attorneys across the nation speaking about different issues that have arisen during COVID-19. This is one of those topics, and I just want to offer to you whatever the United States attorneys' community can do for NCMEC in this time when it comes to these issues you have our full support and I'll do whatever we can from the District of Minnesota. Thank you.

John F. Clark: Thank you Commissioner. If I might add, also we just recently had the honor of getting the U.S. Attorney of the Eastern District of Virginia, Zach Terwilliger to join our Law Enforcement Advisory counsel. So we now have a sitting United States attorney on our advisory counsel, along with several other law enforcement heads.

Phil Keith: Thank you Mr. Clark. Other commissioners with questions?

Ashley Moody: This is Ashley Moody from Florida. I have a question.

Phil Keith: Yes ma'am, you're recognized.

Ashley Moody: Mr. Clark, I concur. We appreciate so much being with us and testifying in addition to being the Attorney General of Florida, I also oversee the statewide efforts against human trafficking in Florida. And we have noticed an explosion in the use of technology as you alluded to in your testimony used not only in trafficking adults but children, and one of the deficiencies I have seen as Attorney General is a lack of trained prosecutors in technology who understand the platforms and understand the mechanisms that are used by criminals to traffic children, and am pressing for an increased, not only staffing but staffing of trained attorneys in technology that can work with and speak the language of investigators in this arena. Are you seeing that that is something that other prosecutors around the country have faced and have you been advising that more training and resources go to not only training prosecutors or law enforcement in technology but retaining those employees.

John F. Clark: Yes indeed. In fact we'd applaud the effort if the Commission can help the prosecutors and those who are dealing closely with this type of criminal activity to be better trained. I can tell you, I'm from a generation that many of our youth today can talk and work through all these different apps and I would be pretty clueless about it, but getting the training, getting the knowledge behind how they're used, and even more importantly how the child predators use those types of things to

entice children is very, very important. Prior to the coronavirus issue, we were in the process of creating some training avenues for state and local prosecutors and others to be able to be better equipped to build good strong cases, and to understand even more so about what's going on in the online criminal activity, and I'm sure the judge who testified here today, probably has seen cases as well where judges and prosecutors at certain levels don't really understand the technology.

We also urge, for example, and I just want to make sure the Commission understands this as well, we still see the use of the terms child prostitution in a lot of the criminal codes. There's no such thing as child prostitution. Children aren't electing to prostitute themselves. This is 100% child victimization situation, so changing terminology. But getting all of that into an arena where it can be debated and having prosecutors well trained is something we would certainly advocate for.

Ashley Moody: Thank you, sir. Thank you, Chairman.

Phil Keith: Thank you Commissioner. Other questions from commissioners?

Nancy Parr: Yes, this is Nancy Parr and I have a question for Mr. Kyker.

Phil Keith: Yes ma'am, you're recognized.

Nancy Parr: Mr. Kyker, hi. I am the elected Commonwealth Attorney in Chesapeake, Virginia. I would like for you to talk a little bit about whether or not you think that it's important to advancing the prevention of juvenile delinquency and lots of other philosophies from the juvenile court about having committed prosecutors and defense attorneys in that court. You see, for a long time people have viewed juvenile court as a training grounds for young prosecutors and then they want to move to what they think are bigger cases and they get rotated out after a short period of time, and I would just like to know what you think about whether or not that's a good way to handle prosecutions in



juvenile court or whether there should be specific training and long-term assignments to juvenile court cases by the defense and by prosecutors?

Brett Kyker: Sure, and I think what you're getting at is obviously the difference between the two systems where the goal of juvenile court is to rehabilitate. That's a big difference from the adult court system where that may not always be the goal. And so there's more of an emphasis on rehabilitation and to steering the child away from the juvenile system. Here in Cuyahoga County, traditionally juvenile court has been viewed as a starting ground for prosecutors who quickly rotate up the system into other, more specialized units.

But we have recognized the importance of having some stability down in this unit and under the current prosecutor, what he's actually done is actually shifted resources back to the juvenile justice unit, putting more experienced prosecutors down here, loaning prosecutors from our major trial unit to authorize pleas, loaning prosecutors from our child victim and sexual assault units to provide guidance on those sorts of cases. We do have a safe harbor docket here geared toward victims of human trafficking who come to the court for their own offences. So we have more experienced prosecutors to handle those sorts of programs and to provide guidance maybe and training to the less experienced prosecutors coming up through the system.

Nancy Parr: Thank you very much.

Phil Keith: Any other commissioners with questions?

David Rausch: Mr. Chair, David Rausch.

Phil Keith: Yes commissioner, you're recognized.

David Rausch: Thank you. Judge Irwin, I just want to first of all thank you for the work that you do there in Knox County and obviously had an opportunity to see it firsthand. So a couple of things that I noted in your testimony, one is collaboration is key, engagement of youth is vital, but what I really walk away with is accountability and that seems to get [static] - I'm sorry. That seems to get lost in the system sometimes, in the juvenile system. Can you speak on accountability?

Tim Irwin: Sure commissioner, I'd be glad to. As a judge, as a citizen, one of the things that scares me to death are children with guns, and I don't disagree with anything I've heard today about an increase in those types of crimes. I haven't seen a large increase in my area, but I know there has been statewide and nationwide. And one of the things I think you have to do when you're dealing with children, is you have to let them know that there's a consequence for each action. It'd be really hard for me in my safe policy meetings to face a group of law enforcement when I hadn't been holding the children accountable for breaking the rules, when the officers are bringing them to me and I'm turning around and letting them go in the next hour without a good reason to. So I think accountability runs in a lot of different ways. I think you have to hold the children accountable because if you don't and word gets out they're going to ignore what you say, but I also think you have to be accountable as a judge to your law enforcement partners out there, to the men and women out on the street doing the work.

Accountability kind of permeates everything. One of the ways we achieve it is with this coming together every couple of months and making sure we're on the same page and understanding what each others' needs are and what each others' expectations are. And that's why I said at the end of my thing, if you don't have a judge where you live that's willing to facilitate this type of communication, then you facilitate it. I'm pretty sure General Nichols was facilitating this before I came on board in Knox County. I don't think Judge (Jett) was doing it. He may have participated but I don't think he was organizing the meetings. The General pretty much handed it off to me and I quickly realized how important these meetings were and this communication with the leadership. We can't all be working towards the same goal if we don't ever talk.

Accountability has a lot of different meanings. Accountability of children to the system is what keeps the public safe. I can't trust kids back out on probation and back out awaiting trial if I don't have the police going by at night checking on them. And when they do catch them out of the house after curfew, there's has to be a graduated set of sanctions for that and that's what accountability means. And like I say, gun crimes scare the courts too, they scare us all, and kids with guns is a really bad mix. And that's why if you look at the ShoCap materials that I think came out in 1983, you'll see that gun crimes takes you straight to the top of the list. So, no, I think accountability may be the most important feature that you have when you're dealing with young people. Appreciate the question, Commissioner. Thank you.

Phil Keith: Other Commissioners with questions for our panelists?

Donald Washington: Chair, this is Don Washington.

Phil Keith: Yes, Commissioner, you are recognized.

Donald Washington: Thank you. First of all, let me just say to Director Clark, thank you for everything you've done throughout your outstanding career and you finally found, I think, a position that's even better than the Director of the Marshals Services. We'll talk some more about that at some point in time in the future.

But my questions are for the other two panelists, for Judge Irwin and the prosecutor, Kyker. How do you manage your success in your programs? I mean, across the course of a year, I sure you have individual times where you feel really, really good about what you just did. But from a program managed standpoint, how do you determine whether you're actually making any progress or whether you're just, you know, standing still?

Judge Irwin: I'll be glad to go ahead and go first. A couple of things. One, does the child reappear in my court with another charge? That's a loss. If the child reappears that's a loss. Number two is, does that child go on and become a parent and raise children who are not offenders? I told you at the beginning of my presentation that my Court Director was so proud that he is now working on the grandchild, grandchildren of his original clients. And I told him that wasn't in my model court idea, and I didn't like that idea at all. I want my, I want my court to be able to close when I leave it because there's no more need but we've got to attack this.

We've got to attack the issue and prevention with organizations like the Boys & Girls Clubs, with the shelters for kids that are just out there and don't have anywhere to go right then. They don't need to be brought to detention, they just need to be taken to a shelter. And we need to have shelter care organized and it needs to be interface with law enforcement. But no, I measure, do I see the child again and how has the child's life been and is the child now raising children that are appearing in my court? That's the things I look at.

Prosecutor Kyker: Just to build on what the Judge just said, you know, in terms of seeing kids again. I think a lot of the evaluation is based on recidivism levels. You know, it turns into a numbers game and I know here in Cuyahoga County, we value partnerships with different research entities through study programs. I know that we have contracted with Case Western Reserve University.

As I mentioned, our intervention center is kind of in the early stages of its existence. We know from places like Montgomery County that it's worked out well there. But we've sought out an outside agency to evaluate our program to tell us what we're doing right, what we're doing wrong, and to see what the long-term effects are of what we're doing. I mentioned some of the different diversion programs that we offer up here, one of them being the Calm Program. Which is directed toward low-level, misdemeanor domestic violence charges.

We know through research studies that this program, which began as a pilot in 2014, that the participants in the program, they tend to have much lower recidivism rates than the national average. So, that right there tells us that there is some value to what's taking place. Thank you.

Donald Washington: I thank all three of you for what you're doing. I think you all know that you're in the ring and you're fighting for our most precious resources and so I commend you for it. Thank you very much.

Phil Keith: Thank you, Commissioner. Thank you Panelists. Other Commissioners with questions? Other Commissioners with questions? Hearing no further questions, we want to close by thanking our distinguished Panelists once again for your time and your most valuable testimony and certainly the responses and questions from Commissioners. On behalf of the Attorney General and his leadership team of (Rachel Bissick) and (Jeff Aveda) and all the Commissioners. Your contributions you provided today are sincerely appreciated and will assist the Commission in their deliberations and work.

Before we close, just a reminder that our next two hearings this week will be on Wednesday and Thursday at 2, starting at 2 pm. Also, please check the President's Commission web page for additional updates and documents and information on the Main Justice Website and we will update it regularly when we receive information.

Just for the record today, I want to make sure that we have Commissioner Clemmons here, being on the call.

Commissioner Clemmons. Thank you, Mr. Chair. I'm here.

Phil Keith: Yes, sir, Sheriff. Glad to have you today. We want to thank the FBI for their continued support by providing their teleconference network to the Commission. And certainly all the program

managers working diligently behind the scenes to support the efforts of the Commission and the working groups.

Are there any questions or comments from Commissioners? If there's no further business before us today, the President's Commission is adjourned. Thank you again, Commissioners, for your dedication and commitment. Be safe.

Female: Thank you.

Male: Thank you.

Male: Thanks (Phil).

Male: Thanks (Phil).

Operator: Thank you, ladies and gentlemen, this concludes today's teleconference. You may now disconnect.