

Business Better (Season 2, Episode 21): Trauma-Informed Investigations, Part Seven: Online Victimization

Speakers: Jill Steinberg, Katharine Manning, and Katie Connell

Steve Burkhart:

Welcome to Business Better, a podcast designed to help businesses navigate the new normal. I'm your host, Steve Burkhart. After a long career at global consumer products company BIC – where I served as Vice President of Administration, General Counsel, and Secretary – I'm now Of Counsel in the Litigation Department at Ballard Spahr, a law firm with clients across industries and throughout the country.

Steve Burkhart:

This is episode seven of the “Trauma-Informed Investigations” series. In today’s episode, we discuss online victimization and trauma-informed responses to crimes committed dominantly online. We also discuss prevention, how parents and guardians can support their children if they are victims of online exploitation, and working with law enforcement. We’re joined by special guest Catherine “Katie” Connell. Katie is employed with the FBI as the Victim Services Division, Unit Chief for Child Victim Services and is also a Child/Adolescent Forensic Interviewer. She manages the FBIs Child/Adolescent Forensic interviewing program.

Steve Burkhart:

Speaking with Ms. Connell is my Ballard Spahr colleague Jill Steinberg, a Partner in Ballard’s Philadelphia Office; and Katharine Manning, author of “The Empathetic Workplace: Five Steps to a Compassionate, Calm, and Confident Response to Trauma on the Job,” and the President of Blackbird DC. So now let’s turn the episode over to Jill Steinberg.

Jill Steinberg:

This is Trauma-Informed Investigations, a podcast from Ballard Spahr. I'm Jill Steinberg, a partner at the firm and I'm joined by Katharine Manning. Good afternoon Katharine.

Katharine Manning:

Hi Jill.

Jill Steinberg:

Thanks for joining me again. As you know, but I will tell our audience, the intention of this podcast is to examine organizational responses to sexual abuse allegations. In prior episodes, we used a hypothetical to facilitate our discussion. That fictional scenario involves a sexual abuse of a teenager at a camp that's being held on a college campus. We discussed how to identify suspect behavior, the role of witnesses to these events and how they should respond. We also addressed investigatory steps that should take place once the information becomes known to all the relevant parties. In episode three, we engaged an expert to address trauma in the brain and how trauma impacts disclosure and memory among other things. We've also discussed child forensic interviews and victim's rights. Today, we will change the focus a bit to discuss child victimization online.

Jill Steinberg:

We have with us, Catherine Connell. Catherine is the unit chief of the FBI's child victim services unit, and a child and adolescent forensic interviewer. Additionally, she's a state licensed clinical social worker. She provides interviews, consultation and training for FBI agents, assistant United States attorneys, and other federal, state and international law enforcement. She has been qualified as an expert witness on multiple subjects in civil and criminal cases, in federal and state courts. She co-authored and published Interviewing Compliant Adolescent Victims, A Picture Is Worth a Thousand Words: Incorporating Child Pornography Images in the Forensic Interview, and working together building and sustaining a multi-jurisdictional response to missing or murdered indigenous children and adolescents. We are going to call Catherine, Katie for the purposes of this podcast. First of all, because she goes by that, but also because we have two Katherines. So thank you Katie so much for being here.

Katie Connell:

Thanks for having me.

Jill Steinberg:

You obviously have a lot of expertise in areas that relate to child victimization. We wanted to focus this episode to a large extent on online victimization of children, because of course it already existed pre COVID, but it's exploded even more so in the pandemic and post pandemic environment. And so I was hoping you could tell us a little bit about, which is, what's your job as an FBI, how it fits sort of into the overall scheme of the types of cases that the FBI handles. And then maybe we can dig in a little bit to particularly the types of online victimization that you've seen.

Katie Connell:

Sure. So as you mentioned, and again, thanks for having me, this is a great platform to be able to talk about some of these things. We don't always get the chance to do that. I'm the unit chief for our child victim services unit. And prior to that, though, and it kind of moved into that management role of managing our team of child and adolescent forensic interviews for the Bureau. And then I have also a child victim program advisor who is kind of my expert on child abuse things. But before that, I came into the Bureau back in, actually 2001, and came in contractually as a forensic interviewer, but also to help provide training in Indian country for our agents and really in response to how to interview victims that we had out there. The demand was so great that they needed as much help as possible to be able to conduct those victim interviews.

Katie Connell:

I came on full time in the Bureau 2004. And so prior to that, I was a forensic interviewer at our Child Advocacy Centers at the local level. So 10 years there at the state and then moving to the federal side. So little bit of different nuances, definitely came from that CAC world where you had everything at your disposal, you had your whole team and same people you worked with and came to the federal side. And I was like, "What's happening? Where's my team?" And this program was brand new. There were two other original interviewers that came into the Bureau, Kim Poyer, Martha Finnegan, and I was the next and really started to say, what is this program going to look like? And I'm proud to say now, like I said, as I've moved through the years, our program's grown. We started with three of us and we're at 19 interviewers, and getting to 24 here soon. I've got two CAFI supervisors and a third one coming on soon.

Katie Connell:

So it's definitely grown and changed to address the needs of the FBI. And I think that people kind of probably wonder, well, what is that need? What does that look like? And when we came in 2001, like I said, it was definitely focused on Indian country. However, the Bureau was starting back then their Innocent Images Initiative, is what it was called, and this was dealing with online exploitation. And I think at that time when it was starting, it was really focused on the investigation. I really don't think people expected to have the victims that we came across. Like all of a sudden, there's this live victim and what do

we do with that? And yes, we had some community resources that were out there, but not that specialized piece in the Bureau where now as interviewers being there, it was like, okay, we need to utilize that expertise set service.

Katie Connell:

So we just started to see victims that, actually, I think the dynamic that was different coming from the CAC is we had victims there that came in and most of the time had made some kind of disclosure. That's why they were coming in to be interviewed. Here at the Bureau it was a different dynamic where the investigators were finding the abuse based on the images. So back then it was called child pornography. Now it's called child sexual abuse material. And so they were finding those images and going, oh my goodness, this is a live victim. Something's been happening to this minor and we need to locate them. That was really the role, identify them, locate them and help them. And so the interviewers became an integral part of that also to provide that forensic interview. And I think for those of your audience who, hopefully, I think you had the series before this that talks about interviewing and what that looks like, and really making sure that we are interviewing victims and using some type of research based protocol to gain the best statements about a potential crime.

Katie Connell:

So it's changed over the years. And we now have policy in the FBI that states CAFI should be the ones conducting these forensic interviews, because we want to make sure we always have the best trained person to conduct victim interviews. These range in all different crimes. We in the Bureau, we cover what? Terrorism, cyber crime, white collar crime, violent crime. And so really our focus, the CAFIs are focused in our child cases. Whether that's trafficking, sextortion, our CSAM cases, as I said, child sexual abuse material, all of those. But we also have been able to lend that expertise in other violations. Maybe we have kids that are in a home, that's somebody that's a target in a terrorism case. And we might go ahead and interview those kids based on what their knowledge is, what they've heard in their home, those types of things. So it's definitely grown. And like I said, super proud of where we have come for this entity in the Bureau.

Katharine Manning:

Thanks so much for all of that Katie and in my time at the justice department, it was just very clear how incredible a resource your program is for the department as a whole. And just to make clear, Jill and I spoke on a previous podcast about the jurisdictional differences. So I just want to make sure people understand that the difference between what Katie is doing and what somebody who works at a Child Advocacy Center is doing is, those at the Child Advocacy Center are largely looking at state and local crimes. Whereas Katie and the other child forensic interviewers in the FBI are working on crimes really all across the country. And so, I mean, my recollection is that Katie would sometimes get a call or Martha, get a call and say, okay, we need you to be in Missouri in like a couple of hours, please get on a plane because there's a child who needs to be interviewed right now. And we've got to figure out what's going on before we can release this child and let them go home. Is that right Katie? Am I remembering that correctly?

Katie Connell:

You are remembering that correctly. So as you said, the jurisdiction for the CAFIs is the entire United States and internationally for those federal pieces. And so yeah, thankfully we've grown, because when there were three of us, it was a lot. But it's definitely, there are those nuances and people will say, well, what makes it federal? What's the difference? And I will say one of the biggest pieces is that image, the CSAM images, which make that federal, the trafficking side of it. Did somebody transport a minor across state lines for the purposes of sex? All of those different federal pieces that we get in there that make it an FBI jurisdiction.

Katharine Manning:

Could you also answer Katie, why it is that people are using the CSM or child sexual material now instead of child pornography? Why was that change made?

Katie Connell:

Yeah. I think in light of when we think of pornography, we have adult pornography where we, and not all of it is, we tend to say there are those, the ability for an adult to consent. And not always, I understand we have cases that it's not, people are forced into that. But I think also there was the mindset that somehow combining child with pornography seemed like it was okay, that it was something to enjoy. And it isn't, it's abusive material. And so the field has come around and it's like evolution with anything else. The hard part is, is that still in our federal statutes child pornography is reflected. Those things haven't changed on the federal level. I think eventually they will to reflect CSM. But as you both know coming from DOJ, that's a lot of, a red tape groups that have to be brought together to change those. But CSAM, child sexual abuse material seems to really reflect what it is. It's an egregious abuse of images of children.

Jill Steinberg:

And I think it also helps to convey that these images are showing sex acts with children. And I think sometimes with child pornography, people would conflate it with what we would call in our field like erotica. And so just to emphasize, because people don't want to see the underlying images and videos by using a word that more accurate reflects the content of the underlying material. People can't really run away from how horrifying it is. And so I think that is helpful and it would, it's kind of hard as lawyers because the statute still does use pornography, so it's you're going back and forth, but we'll see if there'll ultimately be some statutory changes. It takes a lot for that to happen. So you definitely have been in Washington literally or figuratively for long enough to realize how hard that is.

Jill Steinberg:

So let me ask you a little bit, you talked about Innocent Images and I remember sort of at the early days of Innocent Images as well. Folks who are not familiar with the field might not totally realize what it is, but that was sort of at the beginning of the federal agencies, FBI initially, and then other agencies got into the business of getting leads from various sources that showed images of children being sexually abused. And at the time that those images were viewed by an agent or by somebody else who reported it, that person did not necessarily know who that child was. And so when we're talking about having a live victim or not a live victim, there were always victims. It's just whether or not you knew who that victim was. And in some of those cases, you never were able to figure out who that person was. And there's always this effort to find the actual human being that matches with the image. But when you sort of get called that's when they've figured out who that child is in that image. Is that fair to say?

Katie Connell:

Yeah, definitely. They've IDed them and located them, and we're ready to go for an interview. Yeah.

Jill Steinberg:

And so some of those cases might involve individuals who possess or distributed child pornography or child sexual abuse images, and others might also involve the actual production. So someone creating these images and that person being identified and arrested. What other types of cases sort of falls into that Innocent Images area that the FBI handles?

Katie Connell:

Yeah. Really now the exploitation is such a broad definition, when we have sexual exploitation in the Bureau. And so it could be trafficking victims, whether that's the trafficker who's taken images of their victim to post for purposes of being able to find them online and make dates and do all those types of things. It could be enticement cases which really fall under sextortion for us. And we'll talk more about sextortion, but our sextortion cases right now, we define those as really kind of an abuse of power by an adult with a minor to gain access to images of them, videos of them, and then coerce them, threaten them to produce more. Within that definition, you'll also get, like I said, the enticement, you may get what we've called sexting.

Katie Connell:

And there's a difference in sexting and sextortion. And so we'll deal with those and try to figure out what exactly do we have. We've seen revenge porn in some of our different cases. Usually we see that in the adult side of it. Where adults might have broken up or they were in some sort of relationship and images were consensually sent to each other. And now that other person is posting those, there's actually specific websites out there for revenge porn where you can post those images. And sometimes they weren't consensual, right? So it's kind of an interesting dynamic with all of that type of exploitation. So CSAM can fall within all of that. And we definitely will deal with that.

Jill Steinberg:

I saw a statistic from NCMEC recently, that's a National Center for Missing & Exploited Children, that said the number of enticement cases, and I don't know if that's coming through the cyber tip line, or if it's coming through some other analysis, has gone up an astonishing amount over the last couple years. It was, I don't know, it was it like 80 or 90%. It was some mind boggling number. Has your personal experience working with the FBI been reflective of an increase in, not just enticement crimes, but other online exploitation crimes against children since 2020?

Katie Connell:

It has. We definitely are seeing numbers that are pretty significant and pretty astounding in some ways. We have cases that, again, fall within our definition of sextortion that have hundreds into the thousands of victims that they are finding on these subject's computers when they start to go through the evidence. It's just the access and the availability. So accessibility, availability of victims online is just really endless. And so that's why I think we are seeing such significantly high numbers for these victims.

Jill Steinberg:

Have you noticed a pattern? And it might be that you're only seeing a portion of it, so you don't know, which I completely understand. But have you noticed a trend in terms of why it is that we're seeing so much more of it? Is it because kids are at home and doing their school online? Is it gaming? Are they different applications or software programs that individuals are accessing that are posing greater risks or are less sort of visible to parents? Is there anything that you sort of deciphered about why we might be seeing this?

Katie Connell:

I think summing it up in one word for all of those things you said is technology and access to technology. And so it's all of those things you mentioned. Gaming systems, we're seeing a tremendous trend of victimization in the gaming systems. Whether that's Call of Duty or Roadblocks, or all of the popular ones that the kids are in, there's most likely some kind of perpetrator that's in playing those games with them, all of the social media apps. There isn't one that you can avoid, whether it's Facebook, Snapchat, Instagram, all of those, and all the ones we don't know about. When we do the interviews, I find out so much more that's out there that I don't even know. All of those make kids vulnerable. I mean, it just really is. YouTube, YouTube's a big one. We have kids that are in watching YouTube videos.

Katie Connell:

So parents think it's pretty innocent. And then up pops some kind of site for them on there, a link to click on and they click on it, and it leads to egregious images or puts them in to chat rooms that we have perpetrators in. So I really do. I think it's the combination of that technology. Kids are very savvy in technology compared to their parents. And also what you alluded to is being home more, especially in the last couple years during this pandemic. Kids are home, not necessarily supervised on their technology. And we have that combination that leads to the victimization.

Katharine Manning:

That's also terrifying to hear as a parent. And part of me for a long time, I've thought, "I just won't allow them online at all. We just will not have that in our household." But that's not realistic. So do you have any words of advice for parents and others who care about kids on how to protect their kids?

Katie Connell:

Yeah. I mean, that's a great point Katharine, because we can't keep kids from technology. Almost every school that's out there is introducing technology at such a young age for kids to do their homework on, access their school portals. I think, and mine are soon to be 27 and 29. And so we were right at the height of that technology coming in. And I will say, I put it off as long as I could for cell phones. But I think the thing parents tend to forget is to me, and this is the message I give to them. Technology for your kids is a privilege. It isn't an automatic right. Nine year olds should not be an automatic they now deserve a phone. Those are things that are privileges, they're earned.

Katie Connell:

And you as a parent, your responsibility is, and I know it's hard. Trust me I know it's hard to keep up with it. But you need to convey that to your kids to say, listen, mom and dad know all your passwords, as best as you can because some can circumvent you. We know your passwords, we're going to check your media that you're on. We're going to check the sites that you're on. I mean, I just, you, as the parent are paying for that technology, you still have the right to look at that. I had somebody, a parent actually say to me, not too long ago, when their nine year old had a phone and had been victimized, and I'm not judging them. But in some ways it was interesting when they said, "Well, we wanted to respect their privacy." And I just said, at eight and nine, you don't have privacy.

Katie Connell:

Even as those teenagers, yes, you balance the privacy as a parent, but also there's safety concerns here. And I think just understanding that you need to look at those things and be checking them. My kids both knew that. And there were parameters that if I see this, dad and I see this, your technology's gone. And I can remember my son at the time he was in high school and he messaged one of his friends, somebody put something up there. I think there was swearing in it. And he said, "Listen, my mom checks my stuff. Don't say those kinds of things." And I'm sure that wasn't easy for him to say that, but it's the reality, is that you have to be monitoring and staying on top of what your kids are in and what they're looking at. Deadly combination I always say is Wi-Fi and technology at night in a bedroom and parents have gone to bed. Either the Wi-Fi gets shut off, or you have their technology in your bedroom with you and they don't have access to it. It's amazing what goes on at night with that combination.

Jill Steinberg:

Well, I'm wondering for folks who are not experts in the field, like the Katharine and Katie combo that we have here who are armed with lots of information and raising kids, still, I'm sure are confronting lots of complicated issues. For those folks who aren't armed with as much information or who have more limited time and other constraints on their ability to sort of constantly be monitoring what their kids are doing. What is it that parents should be looking for and what kind of vulnerability should folks listening to the podcast be aware of that we should keep an eye out for?

Katie Connell:

Yep. I agree with you. It's very difficult to stay on top of this. Especially like I said, when kids are more technologically savvy than their parents. For sure. I think one, just them knowing that you might monitor their stuff or you could be looking at it. But are they muting things when you walk up? I'd say if your kids are online gamers, not having headphones on. So you, as the parent, even if you're cooking dinner, you can hear the discord that's happening on that online game. And being able to say at that time, listen, there's a lot of egregious things being said, or I don't like the language, so you're going to have to pop off for

right now. Again, or if kids are taking their technology, they're up in their bedroom and you walk in and they hide it, or they close out their screens. Or you see a change in behavior where they're may be a little more withdrawn.

Katie Connell:

You see all of a sudden some anxiety you've never seen before. Yes. Each one of those on their own doesn't mean kids are being victimized, but taking the totality of going, gosh, that's just unusual behavior from my teenager or my little one. I'm not sure where that's coming from. Then maybe you take that phone or you take that pad, and you just start flipping through some things and checking on it, and seeing if you see anything. Go into their pictures, go into deleted files.

Katie Connell:

Those are some pretty basic things a parent can look at and see if there's anything in there. And if you're seeing a lot of deleted things that are gone and it says, delete, delete, delete. Then you're going to probably want to start questioning, hey, what's going on? And I also think just having that open communication. If somebody is asking you to do things online that are something that maybe mom and dad wouldn't agree with, you need to let us know. Just at a young age starting to socialize that kind of conversation. That it's okay to come to mom and dad and just let us know what's going on and you're not going to get in any kind of trouble.

Katharine Manning:

Yeah. I totally agree with all of that. And one of the things I've tried to do as a parent is start the discussion early and have it continually, and just reinforce things like, don't have any identifying information anywhere. Whether it's Roadblocks or something like that, we don't want anything related to your age, your school, the state that you live in, do you have siblings. Because people can use all of this and start to find ways to develop what seems like a closer relationship just based on putting together bread crumbs of things that you've said online.

Katharine Manning:

And the other thing is we do talk about it all the time. I mean, I've been sharing with the kids since they were under 10. This is what human trafficking is. This is what enticement is. This is how it happens. And I know that that doesn't mean that my kids are not ever going to be victimized. So it's a balance. We do what we can to try to give them tools and keep the lines of communication open. And then also make sure that they know that when they break the rules, which they're all going to do, it's always okay to come talk to us. That there's nothing that they can do that will ever make me stop loving them and I am always on their side.

Katie Connell:

And that is such a huge message. And I think that's one of the things we struggle with when we do bring victims in for an interview. Because, just to backtrack, like we said, it's usually the investigation finds it first and then it's a knock on the door to say, hey, we think your son or daughter might be involved with a subject that we're investigating online. They're not in any kind of trouble. But that's still tough to convey. Parents automatically get angry. And what do you mean that you were in this website? So we really try to work with parents to say, listen, they were victimized. They were groomed online. They trusted this person, all of those things. And then it's hard to convince the kids they're not in trouble and say, we really want to find out what's happened because we're worried about you.

Katie Connell:

We have to remember, and I think it's such a great point you bring up, we have to remember our kids' brains aren't fully developed right till mid 20s. And so what is natural for us as an adult to go, if I do A, here's the consequence B. It isn't that simple for kids whose brains aren't fully developed. They have a lot of shame. They have a lot of embarrassment. Or again, the big thing is, my mom, my dad, whoever my parents are, they're going to take away my technology. And that is their lifeline. That phone is their lifeline, that iPad. So there's a lot of valid fears for their age group and for their brain development, as

opposed to us as adults who just could rationalize that a little bit differently. So again, the communication, keeping that open, trying to remain calm if something's happened. And like you said Katharine, I've always said the same thing. I can educate my kids all day long about this, but it doesn't mean something might not happen. But really just hoping you've solidified that trust and that communication that they would come to you if it does.

Jill Steinberg:

One of the things that you mentioned is that in the cases you handle, it's often that investigators are approaching parents, in the circumstances in which they're minors to indicate that they've seen evidence that a crime is committed and their child might be a victim. But there are some circumstances, and I know I had some circumstances where a parent discovered it, through some of the signals that you've discussed or by looking at the phone and seeing these images. And then there was a lot of, sort of conversation between the parents about, do we go to law enforcement? Do we not go to law enforcement? Who do we go to? What do we do with the information that we have? Do we delete it? Do we keep it? So what's your advice to parents who might be in a situation where they've discovered that a crime might have been committed and they're concerned about going to law enforcement? What are the types of things that you would do to sort of give them advice on how to come forward, decrease the anxiety of what that process involves?

Katie Connell:

Yeah. I think one of the best pieces of advice is to, if you find things like that on your kids' technology, don't delete it. Number one thing, don't delete it. Take whatever that is, if it's their phone, their iPad, take that, shut it down, you can shut it down and then contact law enforcement. We have 56 field offices in the FBI. And so there's an office in every state. And then we have resident agencies that are also usually surrounding the big field office. Any one of those offices would take a call. We also have an online ability for people to report things online and then an agent would reach out to them, but they could also go to local law enforcement. But I always say too, if you are being treated other than being looked at as a victim your child is, then you need to move to the next level of law enforcement from there.

Katie Connell:

And it's not a criticism, but I think there's some departments that aren't very versed in handling sextortion cases, or they don't have enough personnel to handle something this online. Or they might take a look at it and go, this IP address is from overseas. We're never going to be able to get this person. That's, like I said, where you can move that next level from state to come to the federal side of it, where we may have more resources to be able to investigate this. But definitely don't engage with that subject. Just really, like I said, preserving the evidence that's there on the technology and engaging law enforcement as quick as you can.

Jill Steinberg:

One of the things that I heard from parents when I was doing sort of outreach, was their concern that if they reported something that their kids were involved in, like for example, if there were a group of kids who were taking images of each other and trading them. And I just heard a term a few weeks ago called consent video, it's not something I'd ever heard of. And now I'm just like, can't even get out of my head, because I'm so shocked by it.

Jill Steinberg:

Where the kids will record a sex act and at the beginning of the sex act, the person performing it will say, I'm consenting to do this and I'm consenting that this be recorded, and then the entire thing is recorded. I had to revive myself after I got through this conversation. That of course is still child pornography and potentially there's a minor who would be in possession of it and distributing it. And I think that causes anxiety. Is there anything that, I know what I said to folks and I was in a position to say that as someone who's a prosecutor in the district. But if you confronted that issue with parents and what is it that you respond, how is it that you respond?

Katie Connell:

Yeah. I think that, one, same thing that the new consent videos are pretty interesting and I was the same reaction as you as what is happening. We're seeing that with adults and some of the mindset is it came out of all of the different cases that are recently happening. So that was fascinating to me also. But I think that what we say to parents is, one, if the FBI's approaching you about your child, we're looking and saying, we'd like to forensically interview them. We are looking them as a victim and that is it. And if you have same aged kids involved, again, we have to look at interviewing all of them and saying, where's the impetus from this? Is there an adult behind this? 99% of the time there is going to be an adult.

Katie Connell:

Do we have maybe one teenager in there that was egregious? I'm not sure. I mean, we're not going to know till we interview everybody, but I also think the prosecution, and you both were on that side of that, is really looking at, is there an adult involved in this? And if we have minors, was there the intent of using those images for something more malicious? And then that's where we look at, is there a prosecution piece of that? But if we're approaching and we're looking at that saying, we're going to use one of our forensic interviewers, then they're strictly looking at that child as a victim and not as a subject in any way.

Katharine Manning:

I'm glad you mentioned that. Because I think there is sometimes a fear of parents of, if I discover a photo of my daughter on her phone that she has sent to somebody else, has she now produced child pornography? Is she going to be prosecuted? And it sounds like what you're saying is, what you're looking for is who is the adult perpetrator in this situation and that's who you're going to be looking to investigate.

Katie Connell:

Yeah. You heard me mention earlier sexting. So we look at sexting and the difference between that and sextortion is, okay, typically sexting is same age group. We see it a lot in the schools, the high schools. You have boyfriends, girlfriend and they end up sending pictures to each other or texts that are in a sexual manner. And then as we said, then what happens with that when they break up, does something get sent to other kids in the school? That now has changed from a sexting between young people that they agreed upon to now potentially something criminal.

Katie Connell:

Now, if we have two sets of kids, boyfriend, girlfriend, who were sexting with each other and the parents find it, and they want one or the other prosecuted. Most times I will say everybody is in agreement of that investigative team that, no, we're not doing that. Nobody sent these out to be malicious. Nobody did anything to hurt the other one with it. We understand parents are upset. However, a crime has not been committed. So again, as that investigative team really having to sort that piece out. And I think we get that with the interview process and shouldn't assume either one of them when they're the same age that there's something egregious with that.

Katharine Manning:

Thanks. I think the much more common criminal scenario is an enticement case. So can you explain a little bit how that works? How does enticement work online?

Katie Connell:

Sure. When we have those cases, we are looking at, again, where we've got a minor in, could be the social media, they're in a gaming situation and chat room, whatever that might be. And you have the subject who approaches them. It could be, we had one a couple years ago where the subject approached our minor and they were in groups about modeling, and they offered them, said that they could offer them a modeling contract. They just needed to start doing some pictures for them. And they would be able to start to shop those photos around.

Katie Connell:

So they really started with things that weren't threatening, clothes on. And then after several of those, it went from less clothes to in the underwear, from bathing suit to in the underwear. And then once they got that underwear picture, in this situation, the subject then came back with the threat. So we've enticed them in by a lot of flattery, a lot of promises that something good was going to come of this, if you just continue to send more, send more. And then when they got to a point where they knew they had this minor in a situation, if we threaten to release these images to people in their Facebook or online, and they're not going to want to have that happen. Now that's turned into a sextortion situation. So it can really flip pretty quickly to a criminal situation.

Jill Steinberg:

And I think the classic enticement situation, sort of the Dateline scenario that people are accustomed to seeing where an adult shows up somewhere with the intention to have sexual contact with a minor. And so if anybody's familiar with Dateline, that's sort of your classic, I think enticement situation. And you're talking about a situation where the initial enticing activity then also becomes a case of sextortion. Meaning that the perpetrator is now using those initial images that they've extracted out of the minor to get more and more images that might be extremely sort of violent, internal violent and explicit content. And they just continue escalating the behavior in terms of the content and the numerosity. Is that fair to say?

Katie Connell:

It is fair to say. And I think you're correct. The original, as I say, like the OG enticement cases, yes, are the Dateline ones. I will tell you, I don't think we see those as much anymore, there are out there. But I think it's, again, this online platform it's like we used to see where they say, people lie to you online and you don't know who it is. We don't see that anymore either. There's a lot of truth out there pretty quickly of, hey, you're so beautiful. I'd like you to send me images. We've kind of almost skipped now some of this grooming process, which is really fascinating to me also, the changes that have occurred over the years with this.

Katie Connell:

But yes, you are correct. That would be kind of the initial. And now when we see this enticement online, it tends to be, like I said, a lot of that flattery, and you know what, appealing to, especially our teenagers, their vulnerabilities. Of maybe, we have somebody who comes from a really chaotic home life and this subject has really focused on that. I'm your sounding board, I'm your person, gaining that trust. And then the next thing we know, again, it switches into the victimization side of it.

Katharine Manning:

And one of the things that I just find so devastating is sometimes this escalates, these threats escalate, and the child feels so trapped that sometimes there can be suicide attempts because they cannot figure out how to get out of this situation.

Katie Connell:

So I think that is one of the messages we try to get across so significantly to law enforcement in general. Is that when we have the sextortion cases, everybody I really think tends to think they're less egregious because we don't always have hands on offenses with this. And I would say in the majority, there is no hands on offense. So they were looked at as this isn't the same as sexual abuse, real time, hands on touching, those types of things. And what we're finding, and I think our studies and surveys they're doing for teen populations or people that are online or kids that are online, I should say, we're starting to see what the egrediousness of this is. And people say, well, why? Why suicide for these? And what I would say to you is that, and this does not minimize people's victimization, but when we have more of the traditional hands on offense that has no technology involved, victims can choose what to disclose.

Katie Connell:

They have a lot more control over what they want to share with somebody, what they want to tell an investigator. And they can choose not to tell all of it, which is okay. When you have our sextortion victims, that their victimization has been memorialized in a video, in an image, they no longer have any kind of control. And we know sexual assault, sexual abuse is about power and control. Somebody asserting their power over a victim to control them. And so I think with our sextortion, exactly what you were alluding to is that the threats continue. They don't know how to get themselves out. Go back to that brain not being fully developed. All they see is the worst possible end result is, my family, my friends could see these images of me.

Katie Connell:

And so they keep complying with the demand. And therefore for many of these kids, when we interview them, they'll say, my only thought, my only way out was to kill myself. Which is devastating, devastating that they get pushed to that point. And as we have talked, unfortunately we have a case that's occurring in the Bureau right now that we've had a couple suicides and the Bureau's working really hard to investigate this case, because it's just unfathomable that kids are killing themselves or thinking about that over this situation.

Katharine Manning:

Yeah. That is just devastating. And it makes me really grateful that there are smart people like you working on these issues. And I think also comes back to the message, always with the kids, like no matter what has happened, what you've gotten yourself into, there's always a way out. I'm always here for you. There's always somebody to talk to. We can always figure this out. And what you're dealing with right now is not a forever issue. And I know for people who have had images of them online, whether it's through that revenge porn or the CSAM, there are still really bright, wonderful futures for them. So I just hope that everybody has an awareness, in whatever way this has touched your life or may in the future, that there is a way through this and beyond it.

Katie Connell:

I try to convey that to the kids I interview. And you don't ever want to minimize what they've gone through, but I always try to say, listen, this is a bump in the road for you. This is just the beginning of your life. You have your whole life ahead of you. Don't let this define you. Don't let this subject's control that they've tried to exert over you define you moving forward. Everybody has made mistakes. And there's a lot of self blame on there. And again, you try to measure your words because you don't want them to think they made a mistake, but you're trying to explain to them, listen, we've all done things. And we didn't have technology many of us as we grew up. And now there is, and these things are happening. And so yeah, exactly that. Don't let this define who you are or have you make decisions that just, you can't reverse.

Jill Steinberg:

This has all been helpful, sad in a lot of ways. We've tried to end on a positive note. We're inching towards something positive, but maybe a positive way to end would be to talk about resources, whether those are FBI resources or other resources that you would advise people to look at. Whether they're online or in person accessible resources for more information or help with respect to these topics.

Katie Connell:

Yeah. There has been a huge trend lately to get the word out about sextortion, whether that's through public service announcements, the Bureau has done some. NCMEC as you mentioned when we started talking, National Center for Missing & Exploited Children. They have great programs on their websites about internet safety, things for parents to watch for. As we said, people can report to tips to the FBI. They can report those to NCMEC, we partner with NCMEC in the FBI. That's how we get leads. We have a recent, again, quite a few teenagers that have been calling into the FBI themselves to say, hey,

here's what's happening to me, but I don't want my parents to know. So we work around that and eventually tell them we need to engage your parents.

Katie Connell:

Yeah. So I think there's definitely those resources out there. I think if we talk about kids who are even having thoughts about suicide, there's definitely the National Suicide Hotline. We would always encourage somebody to reach out. If you don't have somebody within your circle that you can reach to and talk to, call the hotline. I think that that's important, again, that we just, it's the communication, it's the messaging that there is help and you're not going to be in trouble for what's happened. This is not your fault.

Katie Connell:

We didn't mention, but I think that some of our subjects who threaten our kids, they threaten their wellbeing. They engage them into taking images of their siblings while they're sleeping. There is a lot that's happening with these, but even something like that doesn't mean you are in trouble or that you're responsible for what happened. We understand that you engaged in that behavior because you were being threatened. And so it's just, again, just communicating. Yep. This is what's happening online and we want to make sure that we offer, we understand what's happened so we can investigate that. There's always the twofold, the investigative side, but how can we help you after this?

Katharine Manning:

Yeah. I wanted to mention the NCMEC, which you were talking about and the resources there. Their website is missingkids.org, and they have some, if you go to the education tab, they have some games and things that kids can play to help educate them, as well as some phenomenal information for adults on their tab, the issues. And then the Crisis Text Line which is available 24/7 for anybody who's looking for support is 741741. I want to thank you both so much. Katie, it is such a pleasure to get to run into you again after working with you at the Justice Department. And I really applaud the fantastic work that you and your colleagues are doing for the FBI and very, very grateful that you're out there. And Jill, thank you for this conversation. I also have a special announcement for people. If you are a lawyer who is looking for more information on ways to support clients in trauma, I'm actually doing a training on that in August.

Katharine Manning:

It's called working with clients in trauma: serving them, protecting ourselves. And I'm going to talk about ways to mitigate the effects of trauma in the clients and witnesses we're working with and also ways to protect ourselves from secondary trauma and compassion fatigue. So that's going to be in August. It'll be a five hour training, once a day for a week over Zoom. It'll be live so we can have Q&A. If you want more information on that, go to katharinemanning.com, K-A-T-H-A-R-I-N-E-M-A-N-N-I-N-G.com. And I want to thank you so much for listening to this episode and for everything that you are doing to try to take good care of the kids in your lives. Thank you.

Steve Burkhart:

Thanks again to Jill Steinberg, Katharine Manning, and Katie Connell. Make sure to visit our website, www.ballardspahr.com where you can find the latest news and guidance from our attorneys. Subscribe to the show in Apple Podcasts, Google Play, Spotify, or your favorite podcast platform. If you have any questions or suggestions for the show, please email podcast@ballardspahr.com. Stay tuned for a new episode coming soon. Thank you for listening.