

**COMBATING CRIMES AGAINST CHILDREN:
ASSESSING THE LEGAL LANDSCAPE**

HEARING
BEFORE THE
SUBCOMMITTEE ON CRIME, TERRORISM,
HOMELAND SECURITY, AND INVESTIGATIONS
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

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MARCH 16, 2017
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Serial No. 115-7

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Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://judiciary.house.gov>

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U.S. GOVERNMENT PUBLISHING OFFICE

26-992

WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

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COMBATING CRIMES AGAINST CHILDREN: ASSESSING THE LEGAL LANDSCAPE

THURSDAY, MARCH 16, 2017

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON CRIME,
TERRORISM, HOMELAND SECURITY, AND INVESTIGA-
TIONS, COMMITTEE ON THE JUDICIARY,

Washington, DC.

The subcommittee met, pursuant to call, at 2:25 p.m., in Room 2141, Rayburn House Office Building, Hon. Trey Gowdy [chairman of the subcommittee] presiding.

Present: Representatives Gowdy, Goodlatte, Gohmert, Chabot, Poe, Ratcliffe, Roby, Johnson of Georgia, Johnson of Louisiana, Conyers, Bass, Richmond, Jeffries, Lieu, and Raskin.

Staff Present: Margaret Barr, Counsel; Scott Johnson, Clerk; Joe Graupensperger, Minority Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Veronica Eligan, Minority Professional Staff Member; and Mauri Gray, Minority Crime Detailee.

Mr. GOWDY. The committee will come to order.

The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations will come to order.

Without objection, the chair is authorized to declare a recess of the subcommittee at any time.

We welcome everyone to today's hearing on Combating Crimes Against Children. And I will recognize myself for an opening statement, then I'll recognize the gentleman from Michigan, then the chairman of the full committee, if he is able to make it, and then we will begin our questioning.

So I want to thank each of you for being up here today. Today's hearing addresses one of the most difficult issues for people of good consciousness to contemplate, the exploitation of society's most innocent and vulnerable, which would be our children. Public safety is the preeminent function of government, and even among the preeminence of this function, protecting those who cannot fully protect themselves is most important.

Today begins our process of examining current laws pertaining to the exploitation of children and to evaluate the effectiveness of these laws and work together across every proverbial aisle that exists to make sure our laws are as tough and effective as possible, and then where needed, strengthen where needed.

I want to thank our witnesses for being here today, but more importantly for every day other than today, while you are living out your commitment and dedication to combating and preventing child

exploitation and abuse. No longer is it simply physical proximity that puts our children in danger, the internet and other things have created an alternative world where sex offenders can easily and sometimes surreptitiously exploit our children through just a few strokes on the keyboard.

Not only are offenders finding vulnerable victims, they are also finding other people who share their depravities. These online communities embolden predators leading to even more egregious and criminal behavior. The images being produced and distributed on the internet today target even younger children, including infants with ever more graphic images.

Over the past decades, Congress has enacted a number of laws to protect children from exploitation. In 1984, Congress established the creation of the National Center for Missing & Exploited Children, a nonprofit organization to help prevent child abduction and sexual exploitation, help find missing children and to assist victims and their families.

The National Center for Missing & Exploited Children has played a critical role in not only contributing to public awareness of the threats of sexual exploitation on the internet but also in assisting law enforcement by facilitating the reporting of these crimes and identifying and locating children so they can be rescued.

Tragically, more often than not a victim's image is redistributed time and time again long after a picture has been posted, the victim could be revictimized hundreds of times over. This permanent depiction of abuse can revictimize victims for the remainder of their lives. If you are a victim of sexual abuse or exploitation, there is no statute of limitations on your own personal suffering.

The goals of this National Center for Missing & Exploited Children, we are now able to use certain technology to identify a child in an image so we can assure they are fully able to seek justice.

In 1998, Congress passed the Jacob Wetterling Crimes Against Children and Sexual Violent Offender Registration Act, which require States to track violent offenders.

In 2006, the Adam Walsh Act was signed into law. Under this Federal statute came the creation of a national sex offender registry, which requires each State to apply criteria for public posting offender data on the internet. It also created an office at the Justice Department to oversee the standards for sex offender notification and registration requirements.

In 1998, the Department of Justice established the task forces to investigate Internet Crimes Against Children. This program has been incredibly successful. In 2015 alone, these task force programs conducted more than 54,000 investigations and 61,000 forensic exams. These efforts resulted in the arrest of more than 8,500 suspects.

In the wake of evolving technologies and new ways to commit crimes, Congress has also passed laws to combat child pornography. Last year we introduced the Justice For Child Victims Act, which creates a compensation fund paid for by child pornography defendants as an alternative avenue for victims to quickly obtain the financial support needed for recovery.

So remarkable progress has been made in preventing crimes against children as well as investigating and prosecuting these of-

fenses, but there is more to do. Predators will continue to do everything to remain undetected, and it is our fundamental and constitutional duty to implement tools to enable law enforcement and investigators to track down these predators.

Children are the most vulnerable and innocent of victims. They are completely dependent upon us. They merit the greatest protections our law allows. They merit the most severe form of punishment the law allows. This includes everything from preventing these crimes from occurring, strengthening the ability to investigate these crimes, strengthening the prosecution and pretrial methodologies so children are interviewed as few times as possible by trained professionals who know how to both talk to and listen to children, and assuring victims have access to restitution and support services to fully aid them in the recovery process.

So with that, I would thank our witnesses, again. I look forward to our conversation, and would recognize the gentleman from Michigan, the ranking member of the full committee, Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman.

May I read the three sentences of Congresswoman Sheila Jackson Lee, who is in a markup in another committee?

Mr. GOWDY. Yes, sir.

Mr. CONYERS. Thank you. And here's what is said in her behalf: Our ranking member, Congresswoman Sheila Jackson Lee is also a member of the House Budget Committee, which is currently debating the healthcare bill. She will not be able to attend this hearing today, but she expresses her passion for combating crimes against children, which is a major problem in her district and the city of Houston in the form of human trafficking.

As ranking member of this subcommittee and founder and chair of the Childrens Caucus, she pledges her support to work together to create a legal system that protects all our children and punishes the perpetrators of crimes against children.

Mr. CONYERS. And, now, in my own behalf, I wanted to mention that today's hearings, Mr. Chairman and members, by this subcommittee, will discuss the serious and disturbing issue of the criminal victimization of children.

With all of our efforts to fight the various forms of child exploitation, it continues to be a threat to our young people. However, we've developed strategies to both prevent and respond to these crimes and to assist the many children who are victims. I trust we will learn about our—about the strategies that are working and how we can do better.

In April of last year, the Department of Justice reported to us that the main threats in this area in the next 5 years will be child pornography, sex extortion, child sex trafficking, sex offender registry violations, and child sex tourism.

Response to these crimes involve an intricate network of Federal, State, and local law enforcement and prosecutorial agencies and private nonprofit organizations and advocates supported by direct Federal funding authorizations and grant programs, all working together to keep our youngest constituents safe from harm.

Today, we will hear from individuals representing some of the entities involved in this necessary mission, and their roles illus-

trate the ways we can do more and do better. We're proud to have these four witnesses with us.

First, we, in Congress, must recognize that while we can enact Federal legislation, State and local law enforcement are on the front lines, and we must support their partnerships with Federal agencies.

The Internet Crimes Against Children task force program, funded through the Justice Department's Office of Juvenile Justice and Delinquency Prevention, provides training and technical assistance and regularly conducts undercover, online investigative operations.

Since Congress mandated creation of this program, 3,500 Federal, State, and local law enforcement and prosecutorial agencies have joined to form 61 coordinated regional task forces.

These task forces are especially important now, because we're seeing a tremendous increase in crimes perpetrated against children on the internet.

Detective Patrick Beaver from the Loudoun County Virginia sheriff's office will speak to us today about his successes that his office have enjoyed working with the northern Virginia Internet Crimes Against Children task force to conduct an operation targeting internet predators last year.

Next, we must provide specialized assistance to families, victims, and law enforcement to help prevent child abductions, recover missing children, identify and assist victims of child pornography and child sex trafficking. That is the mission of the National Center for Missing & Exploited Children. And we will hear from their representative today about what they're experiencing in providing this assistance.

As a former local and Federal prosecutor, Ms. Francey Hakes will also help us about the challenges at the State and local level in fighting these crimes and enforcing our laws.

All of this will help us consider legislation to amend and reauthorize important statutes such as the Adam Walsh Act and the Trafficking Victims Protection Act.

Clearly, we must do more to prevent and investigate these crimes and especially assist their many victims.

When we do apprehend and convict offenders, we must recognize that most of them will be released back into society at some point.

The Sex Offender Registration and Notification Act is intended to establish a nationwide system of monitoring and trafficking sex offenders, particularly after they are released from prison.

Currently, there are over 850,000 registered sex offenders in this country. If we're going to have such a system, we must ensure that it is used in the appropriate circumstances and in the most effective manner.

However, only 17 States are in substantial compliance with its requirements. States, policymakers, researchers, and advocates, continue to object to the requirements established by SORNA for many reasons. One of the most pervasive criticisms of SORNA is the inclusion of juveniles on registries.

Ms. Nicole Pittman is here today to discuss the real impact of juvenile registration on the juveniles, their families, and the overall effectiveness of SORNA.

I thank the chairman for holding this hearing on this important topic. We all wish that child exploitation could be eradicated, but the problem persists. With what we learn today, I hope we can work together to come closer to achieving our goal.

I thank the chair.

Mr. GOWDY. The chair thanks the gentleman from Michigan and now recognize the gentleman from California, the chairman of the full committee, Mr. Goodlatte.

Chairman GOODLATTE. Except I'm from Virginia.

Mr. GOWDY. What did I say?

Chairman GOODLATTE. California.

Mr. GOWDY. Whatever I said, I meant Virginia.

Chairman GOODLATTE. Mr. Chairman, notwithstanding that, I am very pleased that you're holding this hearing, and I thank you for the opportunity to say a few words about it. It's a very important hearing on combating crimes against children.

Much progress has been made over the past few decades in preventing, investigating, and prosecuting child exploitation crimes, but there is still work to be done. The Bureau of Justice Statistics once reported that 67 percent of all victims of sexual assault, reported to law enforcement agencies, were juveniles under the age of 18. 34 percent of all victims were under age 20—under age 12. These statistics are unacceptable and are especially frightening in light of the fact that most child sexual abuse goes unreported. It is for this reason we must remain vigilant in protecting the most vulnerable and innocent victims of crime, our children.

As a father and grandfather, I can think of no more important role for law enforcement. Over the past several years, Congress has taken important steps to prevent criminals from victimizing children in the first place. This includes the establishment of a national sex offender registry and the passage of the Adam Walsh Child Protection and Safety Act, a comprehensive set of national guidelines for State sex offender registries.

These registries are crucial in ensuring that sex offenders are not living off the grid, are not evading State and Federal law enforcement, and most importantly, are not having unsupervised interactions with children. I very much appreciate the work of the United States Marshals and the contributions of the National Center for Missing & Exploited Children to this effort. Each provides assistance to State and local law enforcement in locating non-compliance sex offenders, people who pose a very real risk to our children.

The U.S. Marshals were tasked with this mission in the original Adam Walsh Act in 2006 and have worked acidulously in locating and apprehending fugitive sex offenders. However, more work is needed to secure the implementation of the national standards in every State so important information can be easily shared between jurisdictions.

I thank Congressman Sensenbrenner for his introduction of the Adam Walsh Reauthorization Act, legislation that is necessary to maintain the good accomplished by this act and improve the system to be more efficient and more just.

Sex offenders will often go to great lengths to get close to children, to gain their trust, and then take advantage of their naivete.

That is why it's important that organizations that serve children and which are meant to provide children with mentors can be sure their volunteers and employees do not have a history of predatory behavior.

I commend the work of Congressman Bishop and Schiff introducing the Child Protection Improvements Act, which will give these organizations quick and affordable access and information to FBI databases when conducting background investigations.

We have a distinguished panel of witnesses here today to discuss this difficult subject, people who have dedicated their careers to protecting children and who are familiar with the pervasive nature of these crimes and the challenges in ending them.

I look forward to hearing from our panel about the problems that are being encountered in preventing and investigating these crimes and what Congress and the States can do to help further combat them.

Congress has passed a number of bills to address the crisis of child exploitation in the United States, but we must keep up with this ever evolving criminal behavior. This hearing will help us determine what more can be done to end these terrible crimes.

I thank all of you for being here today, and I yield back. Thank you, Mr. Chairman.

Mr. GOWDY. I thank the gentleman from the Commonwealth of Virginia and beg his forgiveness, again, for putting him in a State other than the Commonwealth of Virginia.

We have a very distinguished panel today. I will begin by swearing in our witnesses. If you would please rise and lift your right-hands.

Do you swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth so help you God?

May the record indicate that all witnesses answered in the affirmative.

You are welcome to sit down. I will introduce you as a group, and then I will recognize you individually. I would tell you upfront, all members have access to your opening statements. All members either have or will read your opening statements. So to the extent you can, summarize it within the 5-minute time period so the members—and we have a great participation today—so the members can get to their questions.

Our first witness is Mr. John Shehan, who is the vice president of the Exploited Children Division at the National Center for Missing & Exploited Children.

Our second witness is Ms. Francey Hakes. She's a child protection advocate, former AUSA and former national coordinator for child exploitation, prevention, and interdiction.

Our third witness is Detective Patrick Beaver of the Loudoun County Sheriff's Office. Detective Beaver is a member of the Internet Crimes Against Children task force.

And our fourth witness is Ms. Nicole Pittman. She's the vice president and director of the center on Youth Registration Reform at Impact Justice.

With that, Mr. Shehan, you are recognized for 5 minutes.

TESTIMONY OF JOHN SHEHAN, VICE PRESIDENT, EXPLOITED CHILDREN DIVISION, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN; FRANCEY HAKES, CONSULTANT & CHILD PROTECTION ADVOCATE, FORMER ASSISTANT UNITED STATES ATTORNEY, FORMER NATIONAL COORDINATOR FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION; DETECTIVE PATRICK MCNEIL BEAVER, LOUDOUN COUNTY SHERIFF'S OFFICE, MEMBER OF THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE; AND NICOLE PITTMAN, VICE PRESIDENT AND DIRECTOR OF THE CENTER ON YOUTH REGISTRATION REFORM, IMPACT JUSTICE

TESTIMONY OF JOHN SHEHAN

Mr. SHEHAN. Thank you. Good afternoon. My name is John Shehan. And I'm the vice president of the Exploited Child Division at the National Center for Missing & Exploited Children. I've been with NCMEC for 17 years and have served in my role as vice president since 2015. NCMEC was created in 1984 as a private, non-profit organization. Our mission is to help reunite families with missing children, to help reduce child sexual exploitation, and prevent child victimization. Our founders are John and Reve Walsh.

NCMEC is funded by both the private and public sectors, which enables us to engage in a coordinated national response to the problem of missing and exploited children. NCMEC has multiple programs to assist families, child victims, the families that serve them, and law enforcement on cases of sexual exploited children.

More specifically, NCMEC has two core programs to facilitate the reporting of child sexual abuse content and to help identify child victims. Those two programs are the CyberTipline and Child Victim Identification Program.

NCMEC launched the CyberTipline in 1998 to provide the public with an efficient method of reporting incidents of suspected child sexual exploitation, including child pornography. We later expanded this successful program to enable reporting by U.S.-based electronic service providers. Federal law now requires electronic service providers to report apparent child pornography that they become aware of on their systems to NCMEC CyberTipline.

CyberTipline reports are reviewed by NCMEC staff who examine the content, use publicly available resources to add relevant information, and then make the reports available to law enforcement for potential review by law enforcement in the investigation. Reports are triaged 24/7 to ensure that any children who may be in imminent danger are given first priority.

Since its creation, the CyberTipline has received more than 18 million reports. The number of reports continue to increase exponentially year after year, and we now average more than 250,000 reports per week. In the first 2 months of 2017, we received more than 2 million reports into the CyberTipline.

The increase in reports can be attributed to steps being taken by the leading U.S.-based technology companies, who voluntarily choose to proactively find child sexual abuse images and videos on their platform using hash values, often referred to as digital fingerprints. Even though our focus is on domestic crimes, many reports

come into the CyberTipline from U.S.-based companies where the crime occurred overseas. As a result, NCMEC has grown into a globally recognized clearinghouse for information on these issues and make CyberTipline reports available to more than 100 national police forces around the world, including Interpol and Europol.

As our Nation's clearinghouse, NCMEC's CyberTipline also provides key opportunities to discover emerging trends in the area of child sexual exploitation. While we do not see any slow down in child pornography reports, the crime of exploitation continues to evolve, including significant growth in sextortion and the online enticement of children for sexual acts. Despite these increasing trends, there is great work being done to respond and prevent these types of crimes.

NCMEC continues to partner with key leaders in combating this crime, including the technology coalition, nongovernmental organizations such as In Hope, the internet industry, and law enforcement.

I would like to specifically commend the Internet Crimes Against Children task force. They do amazing work, handle the bulk of domestic CyberTipline reports, and work tirelessly to protect children from sexual abuse. We are also working with victims and their families to address their ongoing needs for recovery through NCMEC programs such as Team Hope and our family advocacy division.

In addition, here in Congress, we want to continue to work with you to ensure that victims can find recovery and support services they need, including working with the committee to find a path forward after the Paroline decision to provide child pornography victims with restitution.

At NCMEC, we continue to look for ways to best educate our children, their families, and the public on how to prevent these crimes from happening and how to respond to them when they do. Our clearinghouse work provides us with data and research necessary to alert the public on new and emerging trends, which leads to the development of a number of new NCMEC products, technical assistance, and other services.

We also provide Congress, outside organizations, and the public with technical assistance and advice on possible legislation to provide safer environments for our children. For example, the Child Protection Improvements Act and the Adam Walsh Act. One pending before Congress and one already law, aim to provide mechanisms to ensure the safety of our children as they go about their daily lives.

I want to take a moment to thank the committee for your ongoing work on these initiatives.

In closing, I want to thank you, Mr. Chairman, Ranking Member Conyers, and this committee for having this hearing today. We at NCMEC look forward to continuing to work with you on these critical issues, and I look forward to any questions you may have.

Mr. GOWDY. Thank you, Mr. Shehan.

Ms. Hakes.

TESTIMONY OF FRANCEY HAKES

Ms. HAKES. Thank you, Chairman Gowdy, and Ranking Member Conyers. I'd like to thank you for inviting me to appear before this subcommittee.

Child abuse, child exploitation, child sex trafficking, child molestation, child pornography, they all sound a bit clinical for what really happens to children victimized by sex offenders. It is often the forcible rape of little boys and little girls. These acts of violence are captured on film, in stills, and on video. The images, themselves, encapsulate the crime scene and are the permanent evidence of the crime, the humiliation, the pain, and often the guilt and shame of the child victim.

The first trial of my career was of just such a victim—of just such a criminal. A father spent the first 10 years of his precious daughter's life sexual assaulting her even when she was in diapers. An adorable red haired little girl we met after she waited years for someone to prosecute her case and save her from her father.

Looking into her eyes, I promised her justice. Making my first closing argument to a jury, I trembled so anxious that I had done everything right for KW. So anxious that they accept my righteous arguments and convict this depraved man. Terrified, really, that they would not convict him and that KW would have to go back to him and endure his assaults.

The jury convicted him, and he was sentenced to 50 years in prison. There are so many children who will never get the justice KW did. Child sexual abuse is underreported by as much as 90 percent. So many children, so much abuse, so much pain, and so many afraid.

I used to think the hardest thing I would ever have to do was look into the eyes of a child and listen to her story about being abused.

I was wrong. The hardest thing I ever had to do was watch their abuse. Sometimes still photos, sometimes video, sometimes with sound, all heart wrenching and even now, impossible to forget.

I remember all their faces. Sometimes they had a frozen smile. Sometimes they cried. Sometimes they screamed. These images included infants and toddlers, also very helpless. Most of them I would never learn their names, where they lived, or who was hurting them. The struggle to cope knowing how many are out there even now will always be with me.

No one who has seen these images is untouched by them. I would like to give my heartfelt salute to those analysts, officers, detectives, agents, and prosecutors who, today, search for these offenders, rescue these children, and endure these images.

As the first national coordinator for child exploitation at the Department of Justice, I learned about how budgets impact the ability of law enforcement like Detective Beaver to protect children. When last I sat here testifying before this committee, I was limited by the rules of DOJ about what I could or couldn't say. I was asked then if I thought this crime problem needed more resources for agents, cops, and prosecutors. My answer, dictated by DOJ was, we support the President's budget.

I now have no such constraints, and I can tell you today, as I would have liked to then, the answer is a resounding yes. It was yes then; it is yes now, and will always likely be yes.

If you all could talk to a child like KW, if you all were forced to watch every day the images and hear the sounds of children being exploited, victimized, or raped, you too would answer a resounding yes.

It is a sad fact that police agents and prosecutors all over this country are drowning in these cases. They are complicated, heart-rending, and frustrating. And while DOJ may not be able to ask for help, I will ask on behalf of all of the children whose faces I cannot forget. Like the little girl who, when rescued by a U.S. postal inspector said, I knew you'd come. I begged for your help with my eyes when he hurt me and taped it. I knew you would see and come for me.

So many others beg us for help with their eyes, and we aren't coming. So many millions and millions of the images of children being sexually assaulted are shared around the world, and the good guys are losing. You should see the children's faces and hear their voices, then maybe you would feel the same urgency of mission shared by police and prosecutors the world over. What higher mission is there?

When we prioritize other things, we should have to look into the eyes of KW or children like her and explain to her why we haven't done everything we could to see that her father never hurt her again.

I know this committee, and Congress in general, is constantly asked for resources for many worthy issues. Nelson Mandela said, there can be a no keener revelation of a society's soul than the way in which it treats its children. Given everything we know about child abuse, we are living in a society which has lost its soul. We can, we must, do better. Thank you.

Mr. GOWDY. Thank you, Ms. Hakes.
Detective Beaver.

TESTIMONY OF DETECTIVE PATRICK MCNEIL BEAVER

Mr. BEAVER. Good afternoon, and thank you very much for having me here today.

Coming before you today is an honor to really describe what we see through the eyes as a detective, investigator, or special agent, and the complications that we have in our investigations and the successes we have in our investigations.

I'm with the Loudoun County Sheriff's Office special victims unit. With that, I'm task forced out to the Internet Crimes Against Children task force. We aggressively go out each day, hunt down child predators, rescue victims, get them services, and allow them to go back to a normal lifestyle that they deserve.

Even this morning, before coming here, we did a search warrant at 3:30 or 4:30 in the morning. We stay busy every day, and we will continue staying busy fighting the exploitation of children.

What I want to cover today is some of the issues that we've encountered in investigating these crimes and the legal process that hinders us from finding the bad guy, hinders us from finding a

child victim, whose identity could be stuck in the cloud encrypted. So I will go into details in regards to that.

A child victim is solicited online, giving you an example, through social media to produce child pornography. Exploited by an unknown suspect and has sent several videos of child pornography to the suspect. The child victim has received threats and to keep producing child pornography or he will send—he or she will send those videos and pictures to families and friends. This is a common report we get sometimes two, three times a week in the northern Virginia-D.C. area.

Someone who is trapped in their own home by the exploitation of this child predator through the safety of their home. Their home, they could be sitting at the dinner table, suspects sends them a message, you need to go to the bathroom and produce child pornography now, or I will do this, this, and this. I will send these photos, these videos.

The young 10-year-old, 11-year-old—constantly, 11-year-old, 10-year-old, or younger, are trapped by this. They are unable to reach out to their family because of these threats, and they could live with this for hours, days, months, or years. And by the time we get to the victim, there could be hundreds of videos or images that are submitted.

When we submit legal process to whatever company that they use—you could pick any of them—we run into hurdles. And I want to get into some of those hurdles that we come across.

With submitting legal process to companies here in the United States, we receive emails back stating, we will notify the user of this account, the child predator. Think about that: We will notify the child predator. Yes, that is a customer of theirs, but also, that young victim was a customer of theirs. Okay?

We fight with them sometimes weeks at a time to just get them not to disclose to the predator. While certain laws in certain States are better than others that allow for nondisclosure, sometimes the companies do not accept those, and then, again, we get another email back saying, we will notify them, give them 10 days to challenge it, and have the ability to—for them to challenge it. And it comes back to us. And it's a ping-pong, back and forth. Meanwhile, that suspect is exploiting other children and is continuing with that process.

At times, they notify the suspect of our legal action. That, alone, you don't know how many victims we could've saved by just having an IP address to identify the suspect, to hold from notifying them for 90 days, and we don't—we don't have that.

Another issue we encounter is legal process that they do not notify, is our legal return. Our legal return, at times they'll say, well, we could give up the content that we store on our servers here in the United States, but we will not give you the content that we store outside of the United States. So you get one piece of the pie in your investigation, which may just be nonsense metadata that exists on our servers in the United States, but maybe in a server in a different country that this U.S.-based company has, no longer follows our legal process.

I would also say there are other companies that are outside of the United States that we send legal process to who honor our legal

process, turn around, give us the response within 1 or 2 days to help us rescue a child, help us identify the suspect, and be able to move forward with our case.

This is the brick wall we hit as investigators, and this is a true thing that we encounter on a day-to-day basis. I know that I speak for each agent, detective, investigator who works these cases, and in human decency, how we can notify a suspect of a legal process before we've executed that search warrant, you know—

In closing, I thank you very much for having us here today. And—thank you.

Mr. GOWDY. Thank you, detective. I promise you, and I will get into that during the Q&A. So hold that thought.

Ms. Pittman.

TESTIMONY OF NICOLE PITTMAN

Ms. PITTMAN. Thank you for the opportunity to testify on this important issue. My name is Nicole Pittman. I run the Center on Youth Registration Reform at Impact Justice. We are all here because we want to—we deeply care about children, and we want to prevent them from being harmed.

Over the past 20 years, Congress has enacted a series of well-intentioned legislation designed to combat crimes against children, but we must ask the question: What happens when these laws unintentionally harm the very children we seek to protect? Who are the children caught in the cross hairs of policies created to combat crimes against children? I'd like to share a story about Bobby.

Bobby is from Texas. He was 11 years old and lived in an area with a lot of kids. They were playing a game, and a 13-year-old was in charge and said, let's play this game. I'm going to turn off the lights, everybody take your clothes off and try to get dressed as quickly as possible. Bobby was a class clown, decided to not put any clothes on. The lights went on. Bobby was naked. Everyone laughed. Bobby put his clothes on. They ate pizza, the night was good. When Bobby—the little girl, the 6-year-old girl that was there, was picked up by her mother, she said, I saw Bobby's penis. The mother reacted in a very commonsense way, and the case went to the police. A couple of days later, she found out what happened, but they said we could proceed without the victim.

Bobby was adjudicated delinquent in Juvenile Court of indecent exposure, which is a registrable offense, and he went to juvenile detention from the age of 11 till 18 where he received juvenile sex offender treatment. When he got out, he was a registered sex offender, where you can't live anywhere near children and can't live with children under 18. He couldn't find a place to live.

That's a felony conviction servable by 2 years in prison, Bobby went to prison 2 years. This happened two more times. Three felony convictions for failure to register. Bobby couldn't get a job when he got out. At some point he was so desperate to try and make a living, he was convicted, eventually, of receipt of stolen goods. I went down to that hearing, and the Judge said, because you are a career sex offender, I am maxing you out to 15 years in the State penitentiary.

Bobby's story is not unique. This is happening to many of our kids. It's estimated that about 200,000 kids have been placed on

registries in the 20 years we have been registering kids. Not just by the Adam Walsh Act, of course, but in the 20 years. We're talking children 8, 9, 10, 11 years old, many on for life.

Kids end up on the registry for many things, playing doctor, streaking, having sex with teenage classmates, sexting. I'm working with a young man now, who is 14, that's on registry in Minnesota, for sending a picture of his own genitals to a classmate. He's the victim as well as the perpetrator of this sexting.

So I went around the country and interviewed 500 people on registries, raised on registry, all adjudicated in Juvenile Court not Criminal Court. One of the things I found out is that 100 percent of those kids, 100 percent of the 500 kids, were victims in the child welfare system before they went on the registry.

So we're putting children that are victims on our registries, and the registry doesn't work. There have been 20 years of research from one of the people sitting here, Dr. Elizabeth Letourneau of Johns Hopkins saying research definitively shows registration does not work for children. It doesn't make us safer. Kids do not re-offend. The recidivism rate for children who commit sex offense is 2.75 percent. The harm is great. We see with Bobby, unemployment, vigilante attacks, homelessness, stigmatization. Sadly, one in five attempt suicide. And we've heard that most of the crimes do happen in the home.

So what we know is a child on the registry is a family on the registry and also a victim on the registry, a victim sibling on the registry. We know what does work. Treatment works. Children respond very well to treatment.

We have people that have been working on this issue. Patty Wetterling, who doesn't believe children should be on registries. Stacie Rumenap of Stop Child Predators helped pass the Adam Walsh Act, is now working with us to say, remove children from the Adam Walsh Act. In fact, States—when the time the Adam Walsh Act was passed in 2006, States were moving towards getting kids off the registry, but now the mandate makes them—leaves them on and makes—States have to move in the opposite direction.

So what are our lessons learned? We've learned that since the Adam Walsh Act was passed, these registries are full of children who have been victims themselves. We've learned that treatment works. We know that a child on the registry faces lots of stigma. Thanks to research from R Street Institute, we know that it costs \$3 billion to register children. This could be spent on upstream solutions, such as interventions, that actually stop or prevent harm from happening in the first place.

So how do we fix this? We can look at it with what the antitrafficking community is doing. They've learned that laws intended to protect victims have unintentionally harmed them. The same thing is happening with the Adam Walsh Act. Advocates, survivors, and lawmakers on both sides of the aisle agree it was a mistake. It's time, indeed, to pass—to fix it. I urge to exclude children, adjudicate a delinquent in Juvenile Court from the Adam Walsh Act. Thank you.

Mr. GOWDY. Thank you, Ms. Pittman.

The chair will now recognize the gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman. Thank you all for your work and being here today.

And, Mr. Shehan, you had mentioned that you receive so many tips you have to triage them. What methods do you use to triage? What's the most important?

Mr. SHEHAN. Thank you. It's an excellent question. We have—of a ranking system, and it's based on the information that's received. We have a hotline that are there 24/7 that reviews all of these leads that come through. And in some cases you may have a company that's aware of an imminent situation. And they are going to escalate that report and bring it to our attention.

But oftentimes it's a parent or someone who is calling in and giving those key indicators that you have a child takes about to go and meet with someone. And there's imminent danger for that child. We escalate those reports. Those are our highest priority. It's the type of case that we're going to wake up Detective Beaver or some of the ICACs in the middle of the night so they can address that situation. But every time that case comes through, every report, it's reviewed, and it's triaged based on that imminent risk to the child if their life is believed to be in danger.

Mr. GOHMERT. When you are provided with child pornography, do you have any way of assessing, giving a rough percentage, about how often you are able to identify the children?

Mr. SHEHAN. Yes. That's a key component to both the CyberTipline and our victim identification program. We have worked with technology partners, such as Microsoft, to develop tools, like photo DNA, that allows for robust image matching technologies. And the idea is to weed out known images.

Our victim identification program is there specifically for that purpose of keeping track of which children have been identified so they can, in turn, focus on those new victims and help law enforcement ensure that that victim can be rescued from that harmful situation.

Mr. GOHMERT. Ms. Hakes, I'm grateful for your work. When you see girls who are used in sex trafficking, and they are victims, themselves, do you end up seeing them prosecuted themselves very often? How often if they are?

Ms. HAKES. Mr. Gohmert, that's a great question. And a lot of States are struggling with that very issue when it comes specifically to child sex trafficking. Something called safe harbor laws are making their way around the country where States are adopting not prosecuting children who are being forcibly prostituted. I certainly support those laws.

I would like to say—if you don't mind. I would like to say something Ms. Pittman said earlier about all of the 500 former children that she spoke to who grew up on the registry had been victimized or in some way prior to that. And I just wanted to say, on the victims' behalf, the vast majority of victims never become offenders.

And I want us to be very careful that we don't accuse victims of child sexual abuse as having some greater percentage chance of becoming victimizers, because they have no greater chance of becoming victimizers than the average person in the population. So I just wanted to clear that up.

Mr. GOHMERT. I know, I think—was it somewhere in California, I think, one of the cities there, maybe San Francisco, had taken away the illegality of someone under a certain age engaging in sexual activity, which it's—I understand motivation is to try to keep from making victims victims further.

But, on the other hand, from my experience as a judge and as a prosecutor, there are times when that's what gets the child out of the situation they're in. And if it's illegal, it seems like that would be more motivation for pimps, or whoever is doing the sex trafficking, to get more and more kids, because, gee, it's not illegal for them to do it.

Detective Beaver, do you have an observation about whether it should be illegal or not for children to engage in inappropriate sexual activity?

Mr. BEAVER. In regards to that, we find sometimes the only way to get them the services that they need is through the court. We seek them to voluntarily go and have treatment and to be able to be reentered into society and not have to be in that world.

But, unfortunately, sometimes the only way to do it is through forced services through the courts. But I would argue that there should be a multilayered—not just a one charge fits all for those situations and a better look at what violation there is that fits their situation.

Mr. GOHMERT. Thank you. My time has expired.

But it seems like it may be more appropriate to make sure prosecutors and judges are educated about the role they can play rather than making that kind of activity legal.

I yield back.

Mr. GOWDY. The gentleman yields back.

The chair would now recognize the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. I want to thank our witnesses today. This is a very important and sensitive subject.

I wanted to ask Ms. Pittman, first, you testified that the States are still grappling with the question of juveniles and that the Sex Offender Registration and Notification Act compliance. Can you tell us a little bit more about that and why this situation exists?

Ms. PITTMAN. Absolutely. So when 2006—the Adam Walsh Act was the first Federal law as we know to include juvenile adjudicated delinquent. That was an amendment that happened at the very last minute. So in terms of the interplay of how we put kids on the registry in States by guidance, by Adam Walsh Act, there's problems.

So, for example, it's supposed to be anything more serious than aggravated sexual abuse. However, certain statutes, South Dakota, for instance, does not have a consensual statutory exception so that a 14-year-old with a 13-year-old—you can't consent to sex under the age of 14. A 14-year-old, a 13-year-old is convicted, adjudicated, of forcible rape. So that is a rape in South Dakota. So if we said, hey, we want to get only—we're only going to keep serious children offenders, under the registry, we would exclude all of those kids where it's a consensual sex offense.

So the problem is that the Adam Walsh Act, really, has extra punishments when the child is under the age of 14, but they are

not looking at who the perpetrator is. And so that translation is just coming out disproportionately against children.

The other thing is, that as I mentioned, is that States are moving in the direction, 2005, 2006, we just had *Roper v. Simmons* where we found out kids are different. Got rid of the death penalty for juveniles. And at that time States were looking at the research and saying, we don't think we should be putting kids on registries, but then the mandate came down saying that they had to. So States really can't even follow what they want to do with their own public safety because of that mandate.

Mr. CONYERS. What's your view of how this could be corrected?

Ms. PITTMAN. In terms of how it could be corrected, juveniles were actually included in the act with—in five words, basically saying, for purposes of registration, a conviction includes a juvenile adjudication. That's never happened in any law where we're redefining what a juvenile adjudication is.

What I think is that we should take juveniles out, those five words, those—out of the Adam Walsh Act and allow States to do what they need to do, but also use that \$3 billion that is—that we're using for registering just children to use for prevention, intervention, and treatment services.

There are 10 States that have absolutely never registered children and, in fact, their incidences of child-on-child sexual harm are lower, and in some States, their recidivism is lower. Registration has no effect on stopping child-on-child sexual harm. We need to be putting things on the front end to stop it from happening.

Mr. CONYERS. Ms. Hakes, aside from prosecuting people who prey on children, can you discuss the importance of a holistic approach, variety of disciplines, to the problem of child sexual abuse?

Ms. HAKES. Yes, sir. Thank you very much.

We're never going to prosecute or investigate and prosecute our way out of child sexual abuse. That's just a simple fact. There is far too much of it to begin with. The National Children's Alliance noted that in 2015, alone, 300,000 children were seen by child advocacy centers around the country.

And if you do the math, which I was told there wouldn't be any in this hearing, but if you do the math and extrapolate, that's one year, and if child sexual abuse is underreported 75 to 90 percent, you're talking about anywhere between 1 in 3 million children a year maybe being abused, and we're only seeing 300,000 of them through child advocacy centers.

So one part of the holistic approach, I think, sir, is child advocacy centers. These centers are the way to have a child friendly, as much as is possible, experience for children going through the court systems. So this is what happens after there's been a crime committed. These child advocacy centers help children sometimes with medical exams. They help children with therapy and treatment, all in a child-friendly atmosphere by people who are specially trained.

Many of these child advocacy centers, including some of those in my own home State of Georgia—I'm on the board of a child advocacy centers of Georgia, many of these child advocacy centers simply don't have the funds. They have medical personnel, sometimes therapeutic personnel at the child advocacy center.

A child has to go to the detective's office, to a police station, to a hospital for an invasive medical exam. These things all contribute to the recantation rates of children who have been sexually abused, who, once they start experiencing the criminal justice system, they recant. These child advocacy centers are critical to helping children through the process, because children are not just little adults.

And then on the prevention side, prevention is so important. Children are their own first best defense against being abused, and they need to be educated about it. Good touch, bad touch just isn't working. We've been doing that in schools for what, a couple of decades. It's not working. Mr. Shehan said child pornography reports aren't decreasing. So if child sexual abuse is not decreasing, what aren't we doing? We're not arming children with knowledge. We're not arming teachers, and parents, and coaches, and the clergy with knowledge to look for the predator next door, the predator in the next house, the predator in the next classroom.

Without these kind of, as you noted, holistic approaches, we're never going to prevent child abuse, and all the cases will fall to Detective Beaver to try to locate the children, to NCMEC to try to identify them, and to prosecutors to try to prosecute the cases, and it's never going to be enough.

Mr. CONYERS. Thank you so much.

Mr. GOWDY. The gentleman yields back.

The chair will now recognize the gentlelady from Alabama, Mrs. Roby.

Mrs. ROBY. Well, first, I want to thank you, Mr. Chairman, for holding this hearing.

This is a very tough subject matter, but a most necessary conversation.

And to all of you that are here today, as Momma, I will tell you, it means a lot for you to share your experiences and your stories. And as a new member of this committee, I'm really just honored to be a part of this legislative body to have an opportunity to fight on behalf of the victims and do what we can to give you the tools that you need to further prevent these horrific acts against our Nation's children.

So, I was struck a bit by your testimony, Ms. Pittman. As I understand it, the numbers that I have in front of me—and I was very surprised to learn that 200 of the roughly 900,000 individuals on the sex offender registries are children. And you've made a very strong recommendation that—in proposing that all children be eliminated.

I did watch the faces of the other folks on the panel as you were giving your testimony, and I wanted to give you an opportunity to respond to that. I think that there has to be some middle ground on this issue, and I think it's incumbent upon us on this committee to hear from the others on the panel with your expertise as well to have an opportunity to respond to that.

So, I don't care what order, but if you would weigh in, that would be most helpful.

Ms. HAKES. Thank you, Congresswoman, I appreciate that. There's no question that it is a troubling topic when you think

about children abusing children. But in my practice as a prosecutor, I have handled cases of children abusing children.

I had one case that was a gang rape case of an 11-year-old girl by 20 men and boys starting at age 11 and ranging all the way up to age 30. This little girl was mentally disabled and was trapped in a closet for 8 hours while these 20 men and boys took turns sexually assaulting her.

The one that was under 12 was treated as a juvenile. That was a sex offense. He attacked her in a dark closet while they videotaped it. There's no question that that child understood what he was doing was wrong. And I will fight to my dying breath to say that the public deserves to be protected from him, and that is the purpose of a registry. It is not punitive. It may have punitive consequences, as sex offenses should. But the purpose of it is public protection.

And you, who are a mother, would you or would you not like to know that the man living next door, 5, 8, or 10 years ago, trapped an 11-year-old mentally disabled girl in a closet and sexually assaulted her, or do you think it's okay not to know and your kids might play in his backyard on his trampolines? We have trampolines in the south.

This is why there is leeway given on the registry. The Adam Walsh Act requires registration for serious offenses for children over 14. States deserve to make some of their own decisions on this. The district attorneys in those States are in the best position to assess whether that 11-year-old boy that I prosecuted should be on—should convicted of a registrable offense. But I will always defend the right of the public to know that they are forced to live next door to a sex offender, and that is the function of the registry.

Mrs. ROBY. Thank you.

Mr. SHEHAN. Well said, Francey.

I'll be brief, because I know your time is tight.

No registry is perfect, and I think critical voices are important to encourage a review and to help make improvements along the way.

I saw some comments and testimony by Director Harlow of the United States Marshals Service last year, where he, based on some of these criticisms and the quite high numbers, these 200,000 statistics, he had the U.S. Marshals dive into the registry and a bit of this data. And according to their review last year, it was around 2,000 juveniles that are on the registry. And they're for very serious offenses. They must be at least 14 years old at the time—what I would consider worst of the worst.

So, in many ways, I would encourage this committee to reach out to the United States Marshals Service, the SMART Office, and try and get some of that updated information and dig into it a bit more. You may have some updated numbers, and it's not nearly as high as some may suspect.

Mrs. ROBY. So my time has expired, Chairman, but, Detective, if you want to respond for the record, that would be great. I'd love to hear your perspective.

Mr. Chairman, I yield back.

Mr. BEAVER. Quickly, I will—I have dealt with these situations for years, working special victims' cases, where you have a situa-

tion where you have to go to the prosecutor and say, we are charging this child, this juvenile, for this horrible act that they committed against another juvenile or sometimes against an adult.

We weigh heavily on our prosecutors to be educated and assisting us with kind of an MDT approach, a multidisciplinary approach, to what is best for the child, what is the best for the public and the safety of the public. And we weigh each case heavily on these MDT meetings.

But I would say that we have encountered juvenile sex offenders who, in my career, are some of the scariest people I've ever met. And in my written statement, I placed that in there.

Mr. GOWDY. The gentlelady from Alabama yields back.

The chair would now recognize the gentlelady from California, Ms. Bass.

Ms. BASS. Thank you, Mr. Chair.

What was the scariest thing? What did you just say? I'm sorry.

Mr. BEAVER. Yes. I'm happy—it's a case that I worked over multiple years involving a juvenile. And by "scariest" is what the potential of that individual could have done, in separate occasions could have killed four juvenile victims.

This was a 16-year-old male who attacked two juvenile females on the way to school one day on a bike trail behind his house that he sees people walk on every day—attacks them. They fought back. Luckily, another student who walked by as well, they fought back, clawed him in the neck, and he ran away.

When interviewing him post-Miranda, after giving him his Miranda rights, he stated that he had every intent to take them back to his home, or at least one, to molest them and then push them in front of a bus.

Ms. BASS. Okay.

Mr. BEAVER. To continue on—

Ms. BASS. Gotcha.

Mr. BEAVER. This further down, we encountered him again after he got off the registry. At the age of 19, he was released from DJJ, which is our juvenile justice. Within a year, he attacked younger children, while he was on the registry, while he was GPS-monitored, while he was allowed to work inside of a restaurant.

Ms. BASS. Okay. I did want to ask you—thank you.

And I also want to thank all of the panelists for the work that you do.

I wanted to ask you, Detective Beaver, a couple of questions, because you were making reference in your testimony to companies. You talked to them about notifying, essentially, the predator. And I wanted to know—and you also talked about some barriers, and I wanted you to elaborate about that.

And I don't want to run out of my time, because I would like Ms. Pittman to respond, you know, as well.

Mr. BEAVER. Quickly going over the barriers, we do have companies that—several companies that will use verbiage as the following: Yahoo will respond to us to—they will notify users about governmental requests for their information except when prohibited by law. I submit to you that several States lack those laws in order to protect the children in the legal process in trying to get the legal returns. They say that this is a policy within their own

agency or their own company, and for certain circumstances they're able to waive that.

So we write back, we say, we are looking—this is a child exploitation case. Outlined in my affidavit is some of the worst things you will ever read about the exploitation of a child, the rape of a child. And we get the response, this generic response back that, well, you need to submit to us a nondisclosure order or show that the child is in imminent danger.

Ms. BASS. In your written testimony, do you elaborate on the barriers that are there? Because it sounded like you were making reference to some recommendations for the committee as to how we could respond to the barriers.

Mr. BEAVER. That's correct. A unified approach, maybe even more of a roundtable, to address these issues with the companies—

Ms. BASS. With the companies.

Mr. BEAVER. And any type of legislation that would enable law enforcement, with the proper legal authority, with a search warrant or a subpoena, that we have to establish probable cause in front of a judge or a magistrate to get that legal paperwork to them.

Ms. BASS. Ms. Pittman, you mentioned, I think you said 10 States that do not allow children on the registry. And I was just wondering if—and you said that they hadn't had any problems. So I was just wondering how you would respond to Detective Beaver and the cases that he mentioned, as well as Ms. Hakes.

Ms. PITTMAN. Thank you.

Yes, 10 States have never registered, some because there's a constitutional issue, but others because they believe that they have the secret of how to monitor children. So, number one, that children get treatment in the juvenile justice system.

The second thing, though, what we have is, when we have a 16- or 15-year-old, in New York it could be 14, they can be certified to adult court. The kids that I am talking about are children adjudicated delinquent in the juvenile justice system, where you can't bring cameras in, you can't use their real names, there's confidentiality, and they don't have the same due process. This is kids in family court are the only children I'm talking about. We do have certification laws.

The other thing is, the Federal Adam Walsh Act, when I say removal, removing the mandate to put children on the registry so that States can figure this out themselves. Because at one—I believe the Adam Walsh Act has a very good purpose, and the purpose is to have a comprehensive system and not have the leaky patchwork of States, different States. But the way that they have to change, the SMART Office has to change their laws in order to get juveniles—Maryland, a child can get off the registry in 5 years; they're in compliance. South Carolina, a child is on the registry for life, on the public website, and has GPS monitoring. It's moving us away from the intent of the Adam Walsh Act because of the inclusion of children. So I'm really just talking about the mandate.

The last thing, the 200,000—I really have worked with and tried to work with the SMART Office and Mr. Lou deBaca. We had a conversation a few months ago about this. One of the problems is

that there is no key to decide who a juvenile is, a juvenile adjudication. It goes on as a conviction. You have to manually search to figure out what people went on as juveniles in juvenile court.

So the 2,000, I am really interested in finding that out too, because in the State of California, there are 3,000 kids, juveniles. In the State of Texas, there are 9,000. This is all since 1994. So right there and then, we're already over 2,000.

So those were just some of the points.

Ms. BASS. Thank you, Mr. Chairman.

And, by the way, in regard to California, what the California law says is that a child underage cannot be considered as a prostitute, but she would be a victim, for my colleague over there.

Mr. GOWDY. The gentlelady from California yields.

The chair will now recognize the gentleman from Louisiana, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman.

And thank each of you. I will be praying that you have God's favor and wisdom in doing your important work. It's hard to listen to. And your written testimonies were something I wish everybody would be aware of but I wouldn't recommend reading for everyone, you know?

Look, Ms. Hakes, in your written testimony, you mentioned further resources are needed to recognize the signs of a sex offender conspiring to act. And I wonder if you'd elaborate here on what those resources—where they would go or how we would enhance training, I guess, of law enforcement to recognize that.

Ms. HAKES. Thank you, Mr. Johnson. Yes.

And what I was referring to was the kind of training that lots of law enforcement gives. I'm sure Detective Beaver has done this himself. I train schools, charity organizations, law enforcement all around the world on something called grooming. And that is where you can recognize, there are recognizable methods of grooming children to ensure the conspiracy of silence and the cooperation of their own abuse.

There are signs of child victimization that can be recognized and that are known around the world to professionals, like those sitting at the table, that you can train teachers, parents, children—most importantly, children—whether that is in schools, whether that is in churches, whether that is law enforcement going to visit them at the Girl Scouts or Boy Scouts or soccer, whatever their activities are. Those people should all be receiving that kind of sophisticated training that allows them to observe the signs that an offender is grooming a child.

Now, for children who are being abused at home, which—and Ms. Pittman noted earlier the vast majority of children who are sexually abused are sexually abused by someone in their circle of trust and oftentimes someone at home—there aren't necessarily any grooming signs, but there may very well be signs of child victimization that can be recognized by teachers, coaches, counselors, and others. And they should be trained on those so that they can hopefully intervene before that child is victimized for a long period of time.

Mr. JOHNSON. Thank you for that.

Detective Beaver, one complaint I hear from sheriffs back in Louisiana is the issue with processing and then instructing sex offenders on what their registration requirements are. And I wonder, in your experience, if you would have any ideas on how to make that process maybe more streamlined or make it more clear to those who are registered what the requirements are.

Mr. BEAVER. I can speak to the Commonwealth of Virginia. The Virginia State Police is in charge of the Sex Offender Registry and keeping checks on the Sex Offender Registry.

I would say that they meet with them constantly, and, through my experience, they lay out every bit of what is needed from them. I'm not sure if they hand them literature as far as what needs to be done, but I would recommend if that does not exist—a step-by-step process and where they fit on the Sex Offender Registry and what their responsibilities are as a now citizen back in society.

Mr. JOHNSON. Yeah. Maybe every State differs. In Louisiana, I think, at least in the jurisdictions we've checked on, they actually hand the sex offender a copy of the Federal law, which most wouldn't understand, you know, what that is.

The idea would be to enhance compliance. And so if there's a way to streamline that somehow or put it in a vernacular or put it in, you know, common parlance, I guess, you know, so that they know exactly what's required, then when we're holding them accountable, it helps, you know.

Mr. BEAVER. I know the State troopers often have a roundtable with the—he sits down with the sex offenders in that respective jurisdiction, and they have a roundtable, is my understanding of what takes place. And it's that in-faith approach that—explaining to them where not to go, not what to do, and really, I think, literature breaking it down, more than just a Federal code, would help.

Mr. JOHNSON. Thank you. I appreciate that.

Mr. Shehan, I've got just maybe 50 seconds or so. Does your organization currently communicate any information or update the State and local agencies that oversee absconded offenders of your specific efforts in apprehending noncompliant sex offenders?

Mr. SHEHAN. So, in 2006, after the Adam Walsh Act was enacted, we at the center created a sex offender tracking team. That group of analysts specifically works with local, State, tribal, and Federal law enforcement, primarily United States Marshals Service, to assist as they investigate noncompliant registered sex offenders. Since that time, we have helped in more than 75,000 investigations.

Mr. JOHNSON. Wow.

Thank you all.

I yield.

Mr. GOWDY. The gentleman from Louisiana yields back.

The chair will now recognize the other gentleman from Louisiana, Mr. Richmond.

Mr. RICHMOND. Thank you, Mr. Chairman.

Let me just kind of pick up—and, Ms. Pittman, Nicole, let me just say it's nice to see you. We went to law school together in Louisiana at Tulane.

And, Ms. Hakes, I heard your testimony, Mr. Shehan, and the detective.

In Louisiana, we incarcerate more people per capita than anywhere in the world—not the United States, the world. And many of us on both sides of the aisle believe that we've gotten past the point of diminishing returns in terms of incarceration, that every dollar we spend now on incarceration actually makes the country less safe, because it's money and it's resources that could go into making sure that people who should be on the registry are on the registry and other things to keep our neighborhoods safe.

So I guess, as I reconcile the Miller v. Alabama case, where juveniles can't be sentenced to a mandatory life term without the possibility of parole at some point, how do we reconcile, one, just criminal justice reform, in terms of mass incarceration and are we utilizing effectively alternatives to incarceration, like drug courts and others, with the need to have resources to go after predators?

And then the last question would be, is there middle ground on juveniles being forced to be on the registry, in terms of looking at the severity of the case? Because, oftentimes, when we do mandatory minimums or we do blanket cases, then you get unintended consequences. And I think if we look at Ms. Pittman's testimony of the first case, I would have to argue that that's an unintended consequence that most people didn't want.

So, Ms. Hakes, I would start with you, and then Ms. Pittman, and then Mr. Shehan.

Ms. HAKES. Thank you, Mr. Richmond.

I have to say, respectfully, I think we're going off on, again, drawing on my Southern roots, what my fellow Southerners in the room would recognize, on a bit of a snipe hunt when it comes to this juvenile registration issue.

First, with respect to the factual scenario that Ms. Pittman laid out, I don't know that particular case, the one in Texas. It sounds odd to me. I'm a former baby prosecutor, I'm a former district attorney. And I can assure you that if a child had taken off his clothes as a joke in a room full of other children who had just done the same thing, I would not be prosecuting that case. There would be no juvenile adjudication or prosecution. That's what prosecutorial discretion is all about.

Mr. RICHMOND. Well, Ms. Hakes, let me just stop you there, because I'm a defense lawyer, and I'm also African American. I've been in court many times where prosecutorial discretion extends to the more affluent kid and it doesn't to the other.

And I know we're all shaped by our life experiences, so I won't impugn to you any bias, but I have to see the world the way that I see it. And in my defense practice and in my life, I have seen where kids are treated differently based on social factors of income. Some kids get pushed to diversion, some kids get tried.

So the question is still the same. And I'm not picking a fight, but the question is: Can you see a case where there should be some middle ground? Let's assume this kid was prosecuted. Could you see a sense where we could find middle ground?

Ms. HAKES. Yes, sir. The Adam Walsh Act does not require that child to be registered, bottom line. It doesn't require it. He was under 14 when the supposed offense occurred.

And with respect to your earlier question about mass incarceration—and, first, as far as being colorblind and biased, I have a bias. I am absolutely, positively 100-percent biased against sex offenders. And I will always err on the size of incarcerating someone who victimizes a child.

I don't think we have a sex offender over-incarceration problem. We can talk about other kinds of cases, but I don't think we have an over-conviction, over-incarceration problem for sex offenders. It's under-incarceration.

Mr. RICHMOND. And I'm not talking about—let's be clear, I'm not talking about sex offenders.

Ms. HAKES. Yes, sir.

Mr. RICHMOND. I'm typically talking about drug crimes.

Ms. HAKES. So I agree with you completely. There are things that need to be talked about. This committee should be having discussions, as you are today, about the best policy with respect to juveniles on the registry. But we are at epidemic proportions of child pornography and child sexual abuse. We're not at epidemic proportions of children being registered on the Sex Offender Registry.

So, while I certainly respect your question, I understand what you're saying, and I can't solve the problems that you've asked me about today, but what I can say is that the bigger problems are about, broadly, child sexual abuse and whether or not people like Detective Beaver and Mr. Shehan have the resources that they need in order to rescue these children and prosecute the offenders. And I say the answer is no.

Mr. RICHMOND. And I'll yield back, but, Mr. Chairman—and we've worked on this—I think a lot of those resources that they need are going to prisons to house low-level drug offenders, that we could use that money better.

Thank you, Mr. Chairman. I yield back.

Mr. GOWDY. I thank the gentleman from Louisiana.

The chair would now recognize the gentleman from the great State of Texas, Judge Poe.

Mr. POE. I thank the chair.

Thank you all for being here. Thank you for what you do. I'm a former prosecutor. I left the DA's office in Houston as the capital prosecutor. Spent 22 years on the bench in Houston, trying only felony cases. Saw about 25,000 people coming through the courthouse, or the palace of perjury, as I like to refer to it.

And I want to specifically, first of all, thank you, Mr. Shehan, for what you do with NCMEC. It's a wonderful organization, and it has done a lot of good things for our country.

I'm glad that the Adam Walsh Child Safety Act passed. It's coming up for renewal again. I added in that legislation the section 113, the registration requirement that if you leave one State, you've got to register in the next.

And while a lot's going on in this building today and there's a lot of hearings going on, what we're talking about are the greatest resource we have. We're not talking about roads and bridges and taxes; we're talking about children.

And myself and Jim Costa from California, we're chairs of the Victims' Rights Caucus that promotes victims' rights. A lot of it has to do with this lady right here, Jessica Lunsford.

Jessica Lunsford, in 2005—and that was a rash of kidnappings, sexual assaults, and murders of children throughout the country. She lived in Florida. She lived with her dad, Mark Lunsford, who I've gotten to know very well. He worked for the city; he drove a truck.

She's asleep in her house. In the middle of the night, an intruder comes in and kidnaps her and takes her to his house. And, as you talked about other cases, Ms. Hakes, he put her in a closet, and he took her out from time to time when he wanted to abuse her. And it was over a period of days. He did a lot of bad things to Jessica Lunsford.

When he learned that the police was after him, he told her what he was going to do to her, and that's what he did. He tied her up with an extension cord, and he put her in trash bags, and he buried her alive. She was 9 when that happened to her. I guess she'd be 21 now.

Because of her and what happened to her and who the perpetrator was—because he lived in Georgia, and he moved to Florida. And he was a sex offender registered in Georgia, a child sex offender, imagine that, crossed State lines. Nobody knew who he was. Didn't register. And, thus, Jessica Lunsford ended up being another victim of somebody who preyed on kids.

I'm glad we added to the Adam Walsh Child Safety Act the requirement that if you're a sex offender and you're registered, you change States, you've got to register again or it's another Federal offense. I believe that has been effective.

But, you know, we don't talk about Jessica Lunsford anymore. Time's moved on. And I just point this out because what the committee is doing, made up of a lot of trial lawyers, prosecutors, defense lawyers, we have an obligation to get it right with children and, I say, especially victims who have been killed or sexually assaulted, you know, just because they're kids. And that's who these predators pick.

And I think we build prisons—we can talk about drug offenders and thieves and all of that kind of stuff, but we build prisons for people who hurt kids. That's why we build prisons, to keep them away from the rest of us and away from other kids.

So I just wanted to thank you for what you all do in looking out for, you know, all kids, even juvenile offenders who are kids. Because I think we have an epidemic on our hands now. And now, because of trafficking—that's something we didn't even talk about in 2006 when this bill was passed—that we have more of an issue of making sure we protect our most valuable resource. So thank you all for what you do to make life better for kids.

Thank you, Mr. Chairman. I yield back.

Mr. GOWDY. Thank you, Judge Poe.

The chair will now recognize Mr. Lieu.

Mr. LIEU. Thank you, Mr. Chair.

I want to thank the witnesses for the work that you do. When I was Active Duty in the Air Force, I worked on sex offender cases as a prosecutor. And in the California State legislature, I authored and coauthored a number of bills on sex offenders. This is a very important issue to me.

I, in my experience, do have the sense that sometimes it may take a long time for a victim of a sex offense to come forward, including children who are victims of sex offenses. So I want to ask the panel, is that true? And if it is, why does that happen?

Ms. HAKES. Thank you so much, Mr. Lieu.

It is true. And if you look, for example, at the clergy or Catholic Church abuse cases, we have some good statistics on that. And there have been as many as 10,000 victims who have come forward in those cases, but many of those victims came forward after 10 years and 20 years and 30 years and even 40 years. And, even now, there's a percentage of them we know about because the priests have confessed to a certain number of children that they've abused, but those same children who are now adults have not come forward.

And I think it's a very complicated issue, why children don't tell. It is often a grooming process, when you're talking about things like clergy abuse or abuse by a coach or a teacher. That is, the child is sort of bombarded with a constellation of behaviors designed to secure the child's trust, then secure the child for sexual activity, and then secure the child's conspiracy of silence in the end by showing them love and giving them gifts.

It's almost the same way that sex traffickers gain their victims' trust, bring them into what they consider potentially to be a family, give them gifts, a roof over their head, clothing, and then slowly force them to engage in sex against their will. The same is true for child victims.

I think, also, because most of the abuse happens in the family, children are very well aware that they're going to blow up their family when they disclose abuse. They understand fundamentally someone may be in trouble, someone may be going to jail, and they're unwilling to do it.

I've found in my practice—I'm sure Detective Beaver can talk about this—that oftentimes the reason children do come forward is because a younger sibling is now going to be targeted by the offender in the family, and so they feel compelled. They wouldn't have done it just for themselves, but now they feel compelled to rescue a sibling. It's very complicated.

Mr. LIEU. Thank you.

So let me ask you, would you support extending the statute of limitations in the Adam Walsh Act? Should we do that?

Ms. HAKES. I do. Many States no longer have statutes of limitations for child sexual abuse, and I certainly support all of those efforts, because I do think it is an incredibly complex problem.

I tell people—I think I was telling someone at dinner last night—that, as a prosecutor, as a Federal prosecutor or a State prosecutor, I never tried a single child case where I did not have one person on the jury panel stand up and say, "I can't sit on this case because I'm a victim." Some of those people said that was the first time they had ever disclosed that abuse. And one man I remember in particular was 65 years old, and he'd never told anyone.

So, yes, I support those.

Mr. LIEU. Thank you.

Now, earlier today, you had said that we should provide more resources to crack down on sex offenders. Are you aware that the

President's budget proposal has a nearly 4-percent cut to the Department of Justice?

Ms. HAKES. I did read that. I think that budget came out this morning, and I did read that in the news, yes. Although I have to say I'm no longer with the Department of Justice, and so I don't have to support, defend, or say I oppose the President's budget.

Mr. LIEU. Thank you.

So, Mr. Shehan, first off, thank you for your work. My friend Sam Solakyan is on your board, tells me great things that you all do.

And having, myself, worked on this issue as well, it does seem to me that the scale of this problem is monumental. You talk about 250,000 reports to your CyberTipline.

And I'll let you, sir, answer—my time is soon up, so I'll let you answer this last question.

We have a lot of laws cracking down on sex offenders, and there is still all this offending going on. What sorts of things do we need to do differently to try to mitigate this problem?

Mr. SHEHAN. Well, when you look at the issue of child sexual exploitation and the internet, it's vast. There is tremendous work that's being done by the technology companies to proactively identify, remove, and report. It's fantastic. And from a public safety standard, that's very, very good.

However, the internet is vast. And to kind of go back to the resources piece, law enforcement are overwhelmed. And, in many ways, they have to go into the dark corners of the internet to try and investigate these cases. So while the likes of Google and Facebook and Microsoft can actively patrol their own network, you've got places like Tor and the darknet, where there are highly sophisticated individuals who are trading child sexual abuse images, and you need highly trained law enforcement who can go into those areas and rescue those children.

What we're finding are brand-new content in those types of forums, as well as dedicated boards towards children who are preverbal and being sexually abused, so they can't even identify their offenders. They're heading in that type of direction. You have peer-to-peer, where there's file-sharing.

From a technological standpoint, you need to have highly trained investigators that can respond to these types of cases.

Mr. LIEU. Thank you.

I yield back.

Mr. GOWDY. The gentleman yields back.

The chair would now recognize the gentleman from Texas, the former U.S. attorney, Mr. Ratcliffe.

Mr. RATCLIFFE. Thank you, Mr. Chairman.

This is an incredibly important topic, one that I realize is difficult to talk about sometimes. I can tell you that, from my time as a Federal prosecutor, it is the child exploitation images that I have been forced to view, from an in camera evidentiary standpoint, that I will remember always as the most disturbing and difficult part of my job.

Under President George W. Bush, the prosecution of child exploitation crimes became one of our core priorities at the Justice Department. And under Attorney General John Ashcroft, the Project

Safe Childhood initiative was created. And it was in that context that I had my first interaction with NCMEC and was witness to the truly amazing work that is being done there.

To that point, Mr. Shehan, as of a few years ago, the most prolific child pornography image series in the country, at least at that time, was known as the Jan-Feb series. And by “prolific,” I mean the most widely shared, the most widely collected, the most widely traded among child predators. Hundreds of thousands of times, child predators around not just the country but around the world shared the most graphic images of the sexual molestation, abuse, rape, and torture of a 6-year-old girl at knifepoint in a cage—images so disturbing and so grotesque that, as long as I live, I fear that I will never be able to get those images out of my mind.

But the story of the Jan-Feb series victim also serves as an incredible testament to the importance of the issues that we’re discussing today and the work that’s been done at places like NCMEC and by ICAC detectives and by prosecutors.

You see, it was a police detective working in an ICAC, part of the ICAC task force, who, in analyzing those disturbing images, saw in the background a school logo. And working with the good folks at NCMEC, they were able to identify the school and then the child and then the child’s biological father, who was, in fact, the child predator who was raping and sodomizing his own 6-year-old daughter, unbeknownst to the rest of the family.

Because of the good work at NCMEC and with the ICAC, not only is that child predator currently serving a sentence of more than 200 years in a Federal prison, but I had the opportunity to seek restitution under 18 USC 2252 and 2252(a) on behalf of that child victim, again, with the support, Mr. Shehan, of the young lady sitting behind you, the general counsel for NCMEC, Yiota Souras, and we were successful in doing so.

And so, around all of the unhappy stories today, I’m happy to tell you that the victim of the most prolific child pornography image series in the United States has been able to live a remarkably ordinary life, extraordinary only in the sense of what she’s been able to achieve, based on what’s happened to her, inasmuch as she will shortly be graduating with honors from one of the finest universities in the southeastern United States.

Now, I offer that as my continued thanks to NCMEC and to ICAC detectives and former prosecutors, but I also offer that as an example to my colleagues on this committee about what we’re talking about. This is not just law and policy; this is law and policy that is incredibly important and, when done right, works well. Everything from the CyberTipline, the CVIP, the Adam Walsh Act, all of those things are necessary and are needed. And so I appreciate you all being here today.

I am curious, Mr. Shehan, to talk a little bit about—to follow up on Mr. Lieu’s question about the technology companies. Does NCMEC have any partnerships with those technology companies to utilize innovative techniques to combat current trends in online sexual exploitation?

Mr. SHEHAN. Thank you.

Yes, absolutely. We couldn’t do our job without partnerships with technology companies like Google, Microsoft, Intel, Palantir, for ex-

ample, and our Child Victim Identification Program. Since 2002, that team has reviewed more than 200 million images and videos of child sexual abuse at the request of law enforcement. We are using robust image-hashing technologies through photo DNA to quickly weed out the images that are known and have already been identified by law enforcement as known victims and focusing on those new children.

Palantir is helping us to make sure we're not missing the needle in the haystack. And when we're talking about these needles in this haystack, we're talking about children and children's lives. We want to make sure that anything that comes through our system, we can alert law enforcement quickly so they can act upon those who are most vulnerable.

So the technology companies, they are probably the shining star of our public-private partnership and enable us to do so much more. And they are in it for the right reasons. So, absolutely.

Thank you.

Mr. RATCLIFFE. Terrific.

Well, if the chairman will indulge me, I'm sure someone's asked this, but I had to go to another meeting, another committee hearing.

But one of the things in your report really jumped out at me, the CyberTipline. Despite the good work being done, I know it's been incredibly effective, but those numbers have jumped at an alarming rate. I mean, 8 million—what, 4 million, it jumped to 4 million reports in a single year, I think, a 700-percent increase over a 2-year period. How is NCMEC dealing with that challenge?

Mr. SHEHAN. Well, we're certainly struggling in some perspectives. I mean, yes, we've gone from 1.1 million to the following year, 4.4 million; the year after that, 8.2 million. The same 25 to 30 analysts are processing those reports on a daily basis. So we have invested in technology. You can't hire an army of staff to review those types of reports, so we're using technology to help us work smarter and not harder along those lines.

It's also a testament to how the internet companies have embraced technology to proactively find, remove, and report this content. We are thrilled to have the opportunity to provide them with child sexual abuse hash values from publicly available images or from reports they've sent to us before so they can find this type of content and keep it out of the public view.

Mr. RATCLIFFE. I appreciate the chairman's indulgence. I would like to ask questions of all of you, but let me just commend you all and thank you for the work that you've done and hopefully will continue to do in this important space.

With that, I yield back.

Mr. GOWDY. I thank the gentleman from Texas.

I will recognize myself last.

Ms. Hakes, there's a special bond among prosecutors and Congress, frankly, on both sides of the aisle. There is a really small chance that our previous jobs will enable us to go to heaven, so we are united in that. But Johnny and Judge Poe put their finger on it; more than anything else, we're united in our inability to get the images out of our heads. And Johnny's got them, and Judge Poe

has them, and you have them, and any of us who did child pornography or child sex abuse cases.

And it's not just the physical imagery of the abuse. It's trying to qualify a kid to testify. I mean, I hear the word "children" used. We refer to them as juveniles, not children. There's no children's court in South Carolina; there's a juvenile court.

If you're a child and you don't know the difference between right and wrong, you're not going to be prosecuted, but you're also not going to be able to testify. So trying to get a 4- or 5- or 6-year-old kid qualified to testify in his or her own abuse case, that's the image that I'm sure you still—as well as a defense attorney positioning himself or herself so that child has to look at the perpetrator while he or she is telling what happened to them.

So I go last because I want to encourage my colleagues to come—and they were great today in their participation, but I also want to kind of close up any loose ends.

When I hear the term "children," there is no children's court in South Carolina. There's a juvenile court, and it is for those under the age of 16. And there is a judge. So not only do you have to have a conviction, you have to have a judge exercise his or her discretion to put that person on a registry.

And you put your finger on it. A registry a notification document. The public is hereby notified that this happened.

Mr. Shehan, if there is an 8-year-old, as Ms. Pittman says there is, if there is an 8-year-old that is on the Sex Offender Registry for life, that 8-year-old needs a new lawyer, not a new law. They need a new lawyer. I'd be curious if the Marshals found any 8-year-olds that are on the Sex Offender Registry for life. And I would love a list of all 8-year-olds who are on the Sex Offender Registry for life. Because they need a new lawyer, or else it's the most egregious fact pattern an 8-year-old has ever committed.

Detective Beaver, I said you and I would come back to this. This is what I want you to do for me. We won't do it today, and I've got to get the permission of the chairman of the full committee, who's already not happy with me because I had him in California and not Virginia. But if we can work through that, this is what I want you to do for me. I want you to give me a list of the providers that are giving you a hard time. And we'll have another hearing. We may let them come and publicly explain why they are having a hard time complying with law enforcement in child exploitation and child abuse cases. My guess is that would be a very tough public explanation for them.

So give me the names of the providers that you're having a hard time dealing with. And I may not make them do it, but I can make them come and explain why they're doing it. And my guess is they won't want to do that. Their customers, 99.9 percent of their customers, would expect them to work with you, not to thwart you.

In my remaining time, Ms. Hakes, I want you—you mentioned the child advocacy centers. Not only are they indispensable in the prosecution of child exploitation and child sex abuse cases, at least in South Carolina, an alarming number of them are not even funded at the State level.

So would you agree with me that having someone particularly trained in prepping witnesses for trial is an indispensable aspect to your success as a prosecutor?

Ms. HAKES. Yes, Mr. Chairman. Absolutely, 100 percent indispensable.

Mr. GOWDY. All right.

So we have the victim component, where they are entitled to certain rights as the victim. You have the indispensability of their—the necessity of their testimony at trial, all of which is a law enforcement function, all of which is a State function.

So why are the States and the counties not funding what is primarily a State crime?

Ms. HAKES. Because they're cheap, and kids don't vote, unfortunately. I truly believe that. Like I said, there are 795-ish certified by the National Children's Alliance child advocacy centers around the country, and the vast majority of them have to seek private funding to keep the doors open. There's no excuse for it. I don't understand the lawmakers in the States.

The Federal Government gives some money to the National Children's Alliance, and they, in turn, dole a very small amount of money out to these centers. But they're seeing hundreds of thousands of kids every year, and I guarantee that's one of the reasons why kids recant, are incapable of testifying, don't get up on the witness stand.

So that's why, even though you have a number of cases brought, they never lead to a conviction, because children need advocacy centers and a child-friendly process to go through this very difficult system, and they don't have it.

Mr. GOWDY. And you would agree with me that these are among the very toughest cases of all to prosecute. So you're either going to have a child as your star witness or you're going to have a pediatrician, preferably highly trained in being able to detect indications of abuse. But I never once had DNA in an incest case or a child sex abuse case. It's a witness, and it's an expert, and it's maybe a forensic therapist. Oftentimes, all of them come under the Children's Advocacy Center, and very little money is dedicated to that at the State and local level, and I find it astonishing.

I'm out of time. I'll tell you what I would benefit from, based on your experience as a prosecutor. If there are investigatory, procedural, or evidentiary things that you think Congress should look at, for which we have jurisdiction, that would level the playing field for child victims—and I'm thinking about everything from the legality of allowing a child to testify behind a veil, where they don't get stared at by the perpetrator and 12 adults they've never met before.

Any of that that you have in your experience that has leveled the playing field for victims, I would greatly appreciate your sharing it with me. And I know my friends on both sides would, as well. So—

Ms. HAKES. Yes, sir. Thank you.

Mr. GOWDY. I will recognize Mr. Conyers if he has any closing remarks.

Mr. CONYERS. No, sir, I don't.

Mr. GOWDY. Well, I want to thank the witnesses, especially, for coming. There's not a more important topic that we will deal with. So thank you for your expertise. Thank you, all four of you, for the way that you spend the other 364 days out of the year.

And if you have suggestions on what we can do to help or make it better, no matter whether it's the registry for juveniles or investigation, prosecution, hotline, you name it, let us know.

And, with that, we are adjourned.

