

## **SUPPORTING STATEMENT A**

### **Fourth National Juvenile Online Victimization Study (N-JOV4)**

#### **Overview**

The National Institute of Justice (NIJ) requests clearance for the Fourth National Juvenile Online Victimization Study (N-JOV4), which includes a pilot test and national data collection on technology-facilitated sex crimes against children known to law enforcement.

The overall goal of N-JOV4 is to protect children against online dangers by developing a better understanding of new threats, problems, and concerns encountered by law enforcement in its effort to protect children in the changing technological environment; tracking and monitoring new and continuing threats; and identifying which investigative strategies are associated with more favorable outcomes in protecting children.

Specific objectives of N-JOV4 are to:

1. Develop a sampling plan and pilot test a proposed N-JOV4 methodology;
2. Implement a national agency-level survey to produce accurate and reliable national estimates of the prevalence of arrests for technology-facilitated sex crimes against minors, and investigations involving youth-produced sexual images;
3. Conduct in-depth case-level interviews with investigators to understand how these cases were disclosed and managed by law enforcement agencies;
4. Combine the N-JOV4 data with all three prior N-JOV datasets to analyze how the prevalence and characteristics of such crimes have changed over time; and
5. Produce methodological reports; a final research report and statistical tables; a complete, archived dataset; and other research publications for dissemination of findings to practitioners, policy makers and the public.

In addition to these specific objectives, N-JOV4 will provide in-depth information about the detailed dynamics and outcomes of different types of technology-facilitated sex crimes against children. These will include cases involving online enticement by people met online as well as people known in person (i.e., family and acquaintance offenders), the production and possession of child sexual exploitation material, cases involving undercover operations, and cases involving youth-produced sexual images. More details on the information being collected about specific cases can be found in Statement B.

The study will replicate the highly successful design of the earlier N-JOV studies. It will collect

information from a nationally representative sample of law enforcement agencies (n=2,689) about specific technology-facilitated child sexual exploitation cases (n=2,000) involving arrests in 2019 through a mail screener survey followed by telephone interviews with investigators knowledgeable about the cases. Given that technology-facilitated child sexual exploitation crimes are characterized by rapid growth and changing dynamics, there is a great need for tracking this volatile environment and law enforcement efforts to respond. Further, as technology continues to evolve, research is needed to help the criminal justice system deal with an environment whose dynamics are not always conspicuous or tracked by other criminal justice data collection systems.

Specifically, this package seeks clearance for one pilot study and one national study:

1. A pilot study to assure that the case identification process works, that instructions are clear, and that the interview and data collection instrument performs as intended.
2. Implementation of the national N-JOV4 to produce national estimates and in-depth case characteristics.

This submission describes each of the above data collection efforts. The N-JOV4 pilot study will inform the design and implementation of the national administration of N-JOV4. While the current request seeks approval for both the pilot and national studies, NIJ will submit an amendment to OMB for approval of any changes to the national N-JOV4 based on pilot findings.

## **A. Justification**

### 1. Necessity of Information Collection

NIJ is authorized to conduct this data collection under the Omnibus Crime Control and Safe Streets Act of 1968. Copies of the relevant sections of the NIJ authorizing language are included in **Appendix A**.

The need for N-JOV4 is rooted in the 20-year mobilization of federal resources to combat technology-facilitated sex crimes against children. That mobilization began with the creation of the Internet Crimes Against Children (ICAC) Task Force program under the authority of the 1998 Justice Appropriations Act (Public Law No. 105-119). Continuing Congressional concern about this problem was then reflected in the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act ("the PROTECT Act") of 2008, (Public Law No. 110-401, codified at 42 USC 17601, et seq.), which was renewed in 2017. Among other important features of the federal mobilization has been the creation of 61 coordinated ICAC Task Forces representing over 4,500 federal, state, and local law enforcement and prosecutorial agencies.

In FY 2019, those task forces conducted more than 81,000 investigations and 85,700 forensic exams. Considerable federal and local law enforcement effort is directed toward investigating and prosecuting these crimes. Analyses show that some of these crimes, like child sexual exploitation material possession, have been growing in number, changing in their dynamics, and requiring new investigational skills that have not been an integral part of law enforcement training in the past.<sup>1</sup>

Federal, state and local law enforcement need statistics and research to help monitor the changing nature of the problem and their efforts to combat it. This need was recognized in the National Strategy on Child Exploitation Prevention and Interdiction report to Congress of 2016, as it recommended intensified efforts to identify victims, enhance public awareness and build evidence-based models.<sup>2</sup> The N-JOV study responds very directly to this need and is the only source of national data on a range of policy relevant subjects related to technology-facilitated crimes against children.

The N-JOV program of research has identified three categories of technology-facilitated sex crimes against children, about which it gathers detailed information. The incident types included in the collection and their definitions are:

- The possession, distribution or production of child sexual exploitation material (CSEM). These cases include photos, videos, and live feeds of children that meet the legal criteria of child pornography, images of children that are intended to arouse a prurient interest.
- Sexual exploitation involving identified victims (i.e., online enticement cases). These cases entail an attempt by offender to communicate with a minor for the purpose of enticing the minor into criminal sexual activities. These cases can involve actual minors or instances of offenders making overtures to a law enforcement agent posing as a minor or the custodian of a minor, in undercover or proactive cases.
- Youth-produced sexual images (i.e., sexting cases). These cases entail the production of sexual images by youth that would qualify as child sexual exploitation material in the US or their local jurisdictions, and which get disseminated via technology, consensually or non-consensually.

For each of these incident types, N-JOV has estimated the number of cases nationally, the ages of the victims and offenders, how the cases came to police attention, the specific criminal acts that were entailed, and the investigative techniques and collaborations that were used. See **Appendix B** for a list of past N-JOV publications.

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<sup>1</sup> Bursztein, E., Clarke, E., DeLaune, M., Eliff, D. M., Hsu, N., Olson, L., ... & Bright, T. (2019, May). Rethinking the detection of child sexual abuse imagery on the Internet. In *The World Wide Web Conference* (pp. 2601-2607).

<sup>2</sup> US Department of Justice (2016). *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*. Washington, DC.

N-JOV has had a profound impact on the current understanding of sex crimes against children that involves technology among policy makers, law enforcement investigators, practitioners, researchers, and the larger public. The important insights include:

- Evidence of the rapid growth in arrests in cases of technology-related sex crimes against children, tripling between 2000 and 2009.<sup>3</sup>
- Growth of cases involving child pornography (i.e., CSEM) possession, while cases of solicitations of undercover investigators declined.<sup>4</sup>
- Growth in cases involving Internet Crimes Against Children Task Forces in comparison to the trend for other federal or local agencies.<sup>4</sup>
- Growth in the proportion of cases where offenders received sentences of five or more years.<sup>4</sup>
- Evidence of an increase in the number and proportion of cases involving younger offenders.<sup>5</sup>
- Evidence that a majority of online groomers were acquaintances of their victims and not primarily individuals met online.<sup>6</sup>
- Evidence that deception about age and motives was not the predominant solicitation technique, but that offenders manipulated victims needs and interest for romance and acceptance.<sup>7</sup>
- Helped identify features of child sexual exploitation material possessors that could predict the presence of additional hands-on offenses.<sup>8</sup>

The Consolidated Appropriations Act, 2019 (Public Law No: 116-6) provided funds to NIJ “for a study to better protect children against online predatory behavior as part of the National Juvenile Online Victimization Studies.”<sup>9</sup> In 2019, the University of New Hampshire (UNH) was competitively selected to serve as NIJ’s data collection agent (via a cooperative agreement) to implement the data collection and study design efforts outlined in this

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<sup>3</sup> Wolak J, Finkelhor D, Mitchell KJ. *Trends in Law Enforcement Responses to Technology-facilitated Child Sexual Exploitation Crimes: The Third National Juvenile Online Victimization Study (NJOV-3)*. University of New Hampshire: Crimes against Children Research Center;2012.

<sup>4</sup> Wolak J, Finkelhor D, Mitchell KJ. *Trends in Law Enforcement Responses to Technology-facilitated Child Sexual Exploitation Crimes: The Third National Juvenile Online Victimization Study (NJOV-3)*. University of New Hampshire: Crimes against Children Research Center;2012.

<sup>5</sup> Wolak J, Finkelhor D, Mitchell KJ. *Trends in Arrests for Child Pornography Possession: The Third National Juvenile Online Victimization Study (NJOV-3)*. Durham, NH: Crimes against Children Research Center, University of New Hampshire;2012.

<sup>6</sup> Wolak J, Finkelhor D. Are crimes by online predators different from crimes by sex offenders who know youth in-person? *Journal of Adolescent Health*. 2013;53(6):736-741.

<sup>7</sup> Wolak J, Finkelhor D, Mitchell KJ, Ybarra ML. Online “predators” and their victims: Myths, realities, and implications for prevention treatment. *American Psychologist*. 2008;63(2):111-128.

<sup>8</sup> Wolak J, Finkelhor D, Mitchell KJ. Child pornography possessors: Trends in offender and case characteristics. *Sexual Abuse: A Journal of Research And Treatment* 2011;23(Internet-Related Sexual Offending):22-42.

<sup>9</sup> Consolidated Appropriations Act, 2019 (Public Law No: 116-6; 133 STAT. 111.) <https://www.congress.gov/116/plaws/publ6/PLAW-116publ6.pdf>

submission.<sup>10</sup> The UNH Institutional Review Board (IRB) has reviewed the N-JOV4 study design, data collection instruments and respondent correspondence. The IRB determined that the study involved minimal risks to human subjects. A copy of the IRB approval notice is attached (**Appendix C**). NIJ social scientists will manage all aspects of the proposed pilot test and national data collection in collaboration with UNH.

## 2. Needs and Uses

The data to be collected in the pilot and national N-JOV4 studies will be used in a variety of ways: a) to increase awareness about the scope and severity of technology-facilitated crimes against children; b) assess new dynamics about these crimes that may need additional attention, resources and strategies from law enforcement and policy-makers; c) craft new prevention strategies; and d) help refine definitions and typologies to assist practice.

N-JOV4 builds on three prior N-JOV Studies which have provided the most extensive foundational data on law enforcement's response to technology-facilitated child exploitation crimes to date. These three studies described trends in the prevalence and characteristics of crimes, offenders, and victims in cases of technology-facilitated child sexual exploitation that ended in arrest in 2000, 2006 and 2009. The findings of these studies provided detailed descriptions of crimes that involve online predation,<sup>11,12,13,14</sup> technology-facilitated child sexual exploitation by family members and acquaintances of victims,<sup>15</sup> undercover operations,<sup>16,17</sup> child

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<sup>10</sup> National Survey of Internet- and Technology Facilitated Child Exploitation Solicitation, NIJ-2019-16572, <https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/NIJ-2019-16572.pdf>

<sup>11</sup> Wolak J, Finkelhor D. Are crimes by online predators different from crimes by sex offenders who know youth in-person? *Journal of Adolescent Health*. 2013;53(6):736-741.

<sup>12</sup> Wolak J, Finkelhor D, Mitchell K. Internet-initiated sex crimes against minors: Implications for prevention based on findings from a national study. *Journal of Adolescent Health*. 2004;35(5):424-433.

<sup>13</sup> Wolak J, Finkelhor D, Mitchell KJ. Trends in arrests of "online predators". *Crimes against Children Research Center, University of New Hampshire*. 2009:1-10. <http://unh.edu/ccrc/pdf/CV194.pdf>. Accessed May 29, 2009.

<sup>14</sup> Wolak J, Finkelhor D, Mitchell KJ, Ybarra ML. Online "predators" and their victims: Myths, realities, and implications for prevention treatment. *American Psychologist*. 2008;63(2):111-128.

<sup>15</sup> Mitchell KJ, Finkelhor D, Wolak J. The Internet and family and acquaintance sexual abuse. *Child Maltreatment*. 2005;10(1):49-60.

<sup>16</sup> Mitchell KJ, Finkelhor D, Jones LM, Wolak J. Growth and change in undercover online child exploitation investigations, 2000 to 2006. *Policing & Society*. 2010;20(4):416-431.

<sup>17</sup> Mitchell KJ, Wolak J, Finkelhor D. Police posing as juveniles online to catch sex offenders: Is it working? *Sexual Abuse: A Journal of Research and Treatment*. 2005;17(3):241-267.

pornography production<sup>18,19</sup> and possession and distribution.<sup>20,21,22</sup> N-JOV2 also added a component about cases that involved Internet-facilitated commercial sexual exploitation of children.<sup>23</sup> N-JOV3 added a component about cases of youth-produced sexual images and their characteristics and outcomes.<sup>24</sup>

Since publicly released crime statistics do not identify technology-facilitated sex crimes against children, the compilation and publication of statistics under N-JOV are an opportunity for alerting the public and policy makers about the size and nature of the problem. The completion and publication of the N-JOV statistics will be of considerable interest to law enforcement professionals, policymakers, the news media, and the public.

There are signs that the dynamics of technology-facilitated sex crimes against children have changed in the 10 years since the last N-JOV. The scope of the access to child sexual exploitation material may have increased considerably. Social media and cloud storage sites may be playing a much bigger role in the identification of technology-facilitated sex crimes against children. Investigative techniques have changed considerably with the development of PhotoDNA and other ways of automatically identifying illegal content. (PhotoDNA is a method to give every known illegal image a digital signature so it can be readily and automatically detected when it is transmitted or stored.) The analyses from N-JOV4 will be an important opportunity to alert law enforcement investigators and policy makers about changing dynamics that have funding and organizational implications, require new skills and new training. It will also provide a vantage from which to assess whether existing techniques have been successful and whether they have been making any progress at identifying and deterring crime.

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<sup>18</sup> Wolak J, Finkelhor D, Mitchell KJ. *Trends in Arrests for Child Pornography Production: The Third National Juvenile Online Victimization Study (NJOV-3)*. Durham, NH: Crimes against Children Research Center, University of New Hampshire;2012.

<sup>19</sup> Wolak J, Finkelhor D, Mitchell KJ. The varieties of child pornography production. In: Quayle E, Taylor M, eds. *Viewing child pornography on the internet: Understanding the offense, managing the offender, helping the victims*. Dorset, UK: Russell House Publishing; 2005:31-48.

<sup>20</sup> Wolak J, Finkelhor D, Mitchell KJ. *Trends in Arrests for Child Pornography Possession: The Third National Juvenile Online Victimization Study (NJOV-3)*. Durham, NH: Crimes against Children Research Center, University of New Hampshire;2012.

<sup>21</sup> Wolak J, Finkelhor D, Mitchell KJ. Child pornography possessors: Trends in offender and case characteristics. *Sexual Abuse: A Journal of Research And Treatment* 2011;23(Internet-Related Sexual Offending):22-42.

<sup>22</sup> Wolak J, Finkelhor D, Mitchell KJ. *Child pornography possessors arrested in Internet-related crimes: Findings from the National Juvenile Online Victimization Study*. Alexandria, VA: National Center for Missing and Exploited Children;2005.

<sup>23</sup> Mitchell KJ, Jones LM, Finkelhor D, Wolak J. Internet-facilitated commercial sexual exploitation of children: Findings from a nationally representative sample of law enforcement agencies in the United States. *Sexual Abuse: Journal of Research and Treatment*. 2011;23(1):43-71.

<sup>24</sup> Wolak J, Finkelhor D, Mitchell KJ. How often are teens arrested for sexting? Data from a national sample of police cases. *Pediatrics*. 2012;129(1):1-9. doi:doi: 10.1542/peds.2011-2242.

The development of effective prevention strategies is conditioned on an accurate assessment of crime dynamics, including age and sex of victims, how offenders gain access to victims, and the dynamics of victimization and its discovery. For example, the prevention of victim recruitment by strangers online is very different from the prevention of recruitment by acquaintances known from in-person environments. NJOV-4 will help in prevention strategies by identifying key offender and victim groups, as well as platforms and technologies that play a major role in victimization dynamics. These insights can be adapted for the development of prevention programs and strategies, for example, using warnings or monitoring in various technology platforms.

N-JOV4 will provide considerable new information about the nature and dynamics about self-produced youth sexual images, or sexting. Law and public policy are still trying to understand these episodes in such a way as to craft statutes and law enforcement practices to stop harmful episodes while minimizing their involvement in cases that are better handled by parents, school authorities or family counseling. This requires developing concepts, definitions and typologies that help distinguish various kinds of cases for the benefit of effective law enforcement practice.

#### DOJ Needs and Uses

The N-JOV collections have provided foundational information on the prevalence and characteristics of different categories of technology-facilitated crimes against children used to inform the development and implementation of various federally funded programs, training, and technical assistance. This has been reflected in substantial federal investments. For example, OJJDP awarded more than \$34.7 million under the ICAC Task Force program in fiscal year 2020.

#### Other Data Uses

The findings from N-JOV have been widely utilized by policymakers and law enforcement and have been the focus of media attention.

Some of the places that the NJOV findings have been posted and cited include:

- News reports in the New York Times, USA Today and other major media outlets;
- On the website and in the publications of the National Center for Missing and Exploited Children (NCMEC), the most publicly visible national organization on this topic;

- In publications from USDOJ,<sup>25,26,27</sup>
- In publications and websites for other child exploitation agencies like the Internet Watch Foundation and the Global Kids Online Network;
- At USDOJ-funded trainings on Internet crimes against children for law enforcement and other professionals conducted by the National Criminal Justice Training Center at Fox Valley Technical College;
- In information briefs on various state child welfare websites regarding child sexual exploitation, and risks to juveniles; and
- On fact sheets for family court professionals concerning the characteristics of Internet crimes (children at risk, circumstances, and types of perpetrators).

The three prior N-JOV datasets are archived with the National Data Archive of Child Abuse and Neglect:

N-JOV1: <https://www.ndacan.acf.hhs.gov/datasets/dataset-details.cfm?ID=135>

N-JOV2: <https://www.ndacan.acf.hhs.gov/datasets/dataset-details.cfm?ID=162>

N-JOV3: <https://www.ndacan.acf.hhs.gov/datasets/dataset-details.cfm?ID=209>

A list of N-JOV publications is found in **Appendix B**.

### Anticipated Products

The national N-JOV4 study proposed under this submission will lead to the following reports and products:

- A report on the methodology and results on the N-JOV4 pilot study with proposed revisions for the national N-JOV4.
- A report on the methodology and results of the national N-JOV4, including national estimates and characteristics of arrests, victims and offenders in cases involving technology-facilitated sex crimes against children known to law enforcement.
- A final methodology report that provides an integrated and detailed description of the pilot and national N-JOV4 studies, including the sample design, data collection procedures and outcomes, response rate, editing and coding procedures, non-

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<sup>25</sup> Connelly, H. (2001). *Internet Crimes Against Children*. Washington, DC: US Department of Justice.

<sup>26</sup> Medaris, M., & Girouard, C. (2002). *Protecting children in cyberspace: The ICAC task force program*. US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

<sup>27</sup> Lewis, M., Miller, P., & Buchalter, A. R. (2009, October). *Internet crimes against children: An Annotated bibliography of major studies*. Federal Research Division, Library of Congress.

- response bias assessment, weighting for the national survey, and methods used to generate standard errors and documentation of constructed variables.
- An NIJ bulletin on the results of the national N-JOV4 with a focus on trends in prevalence estimates, overall and for different types of cases, with past N-JOV study findings.
  - Three or more scholarly articles for publication in a peer-reviewed journal.
  - A final, cleaned dataset and codebook for the N-JOV4 national study to the National Archive of Criminal Justice Data (NACJD) so that the data are available to other researchers for secondary analysis.

### 3. Use of Information Technology

The N-JOV4 national survey will maintain the cost-efficient and effective Phase 1 mail screener survey sent to law enforcement agencies; previous N-JOVs achieved excellent mail screener response rates of between 86% and 88% of eligible law enforcement agencies.<sup>28</sup> In the past, this process involved an initial mailing of the survey, followed by a postcard reminder to all agencies, another full mailing of the survey, and concluding with telephone calls to non-responding agencies. The new design of the N-JOV4 will leverage the power of information technology by incorporating a web-based self-administered screener option to be implemented at each of the mailings with a web link provided in the cover letters. Although prior N-JOVs indicated that the series of mail surveys are an effective and efficient way to collect this data from law enforcement, an additional effort to allow agencies to complete the screener online will allow for an additional mode of completion and may improve response rates even further than prior successes.

At the case-level, past N-JOV studies have found telephone interviews to be the most successful method for collecting this data as the cases tend to be complex and multifaceted. Law enforcement investigators have been interested and motivated to discuss these cases with project staff. Given this past success, N-JOV4 will continue to conduct telephone interviews. The telephone interview is programmed in an online system, Qualtrics, which simplifies data entry and improves accuracy for interviewers. Based on past N-JOVs, the complexity of these cases does not make a self-administered version of the case-level interview feasible.

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<sup>28</sup> Wolak, J., Mitchell, K. and Finkelhor, D. (2011) [Methodology Report: Third National Juvenile Online Victimization \(NJOV3\) Arrest Study](#). Crimes against Children Research Center, University of New Hampshire.

UNH's Qualtrics Software Program will be used to develop the N-JOV4 self-administered screener survey. Qualtrics protects data using industry best standards. Qualtrics servers are protected by high-end firewall systems and scans are performed regularly to ensure that any vulnerabilities are quickly found and patched. Complete penetration tests are performed yearly. All services have quick failover points and redundant hardware, with complete backups performed nightly.

The benefits of this new incorporation of information technology for N-JOV4 will allow for:

- Reduction in the data collection costs, since this will result in fewer non-responding agencies and thus less interviewer time spent calling non-responding agencies.
- Maintaining the historically high response rate in a time of increasing police demands. The option to complete the screener survey online and at their own convenience may increase response among busy investigators who would not otherwise participate.

The dataset and supporting documentation will be made available electronically without charge at the National Archive of Criminal Justice Data (NACJD). The findings and any statistical tables from N-JOV4 will be provided to the public on the NIJ website and through the National Criminal Justice Reference Service (NCJRS.gov).

#### 4. Efforts to Avoid Duplication

After reviewing existing NIJ survey efforts, other federal statistical collections, and the academic literature, NIJ finds that N-JOV provides information that is not duplicated by other collections. No other data collection effort yields national-level estimates of the number of technology-facilitated child sex crimes cases ending in arrest or describes detailed case, offender, and victim characteristics. NIJ reviewed related law enforcement data collections to better understand the potential for overlap in samples and key measures and located no such data.

##### Federal Statistical Collections

Existing federal statistical and tracking efforts do not collect detailed information on Internet and technology crimes against children. The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program collects no information about such crimes through

its Summary Reporting System (SRS). While the FBI's National Incidence Based Reporting System (NIBRS) is currently being expanded, only cursory information about crime dynamics that involve technology are collected, like whether a computer was involved. This could be in any undifferentiated capacity such as a stolen computer or a computer used to research a crime target. Survey studies like the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS) collect some information about cyber-bullying and cyber-stalking, but do not cover crime types that are the focus of N-JOV (i.e., technology-facilitated sex crimes) against children of all ages.

### Federal Program and Performance Data

The Internet Crimes Against Children (ICAC) Task Forces report monthly program data on arrests for technology-facilitated sex crimes against children to OJJDP. However, this data does not include arrests by other, non-ICAC affiliated agencies, who may also be handling these cases. This data also omits cases involving youth-produced sexual images that do not result in arrest, a key focus on the N-JOV4 study. Further, one of the strengths of the N-JOV study methodology involves the gathering of detailed case-level data from which future policy and law enforcement practice can be developed. This level of information is not captured in the monthly reports to OJJDP.

The National Center for Missing and Exploited Children (NCMEC) is the nation's clearinghouse and comprehensive reporting center for all issues related to the prevention of and recovery from child victimization. It takes reports of missing and exploited children through a hotline and an online portal -the CyberTipline. NCMEC's CyberTipline is the nation's centralized reporting system for the online exploitation of children.<sup>29</sup> The public and electronic service providers can make reports of suspected online enticement of children for sexual acts, extra-familial child sexual molestation, child sexual exploitation material, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the internet. NCMEC's cases are not a true national sample since it does not include cases sourced exclusively by local agencies. NCMEC archives also include cases with varying degrees of information or substantiation. There is also little information about actions taken once the case is referred to law enforcement, such as whether an arrest occurred. N-JOV provides a much more detailed and systematic sample based on uniform selection criteria.

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<sup>29</sup> National Center for Missing and Exploited Children. CyberTipline: Your Resource for Reporting the Sexual Exploitation of Children. 2003.

In summary, none of the potential alternative sources on technology-facilitated crimes against children provide data that are both nationally representative and sufficiently detailed to allow a full understanding of the characteristics and complexities of these cases. The details of case-level interviews, provided in **Statement B** and **Appendix D**, highlight the complexity of these crimes and the in-depth details gathered about individual cases in N-JOV4. Besides providing national estimates specific to technology-facilitated sex crimes against children, N-JOV4 will:

- Provide unduplicated data on arrests and police responses to these crimes, unlike other data which may over-count cases that involve multiple jurisdictions.
- Provide specific information on the prevalence and characteristics of different types of technology-facilitated sex crimes against minors, including online enticement cases with identified victims, the production of child sexual exploitation material, the possession of child sexual exploitation material, and youth-produced sexual images.
- Quantify national trends and assess overall progress in law enforcement investigative strategies targeting these offenders since 2000.
- Help determine whether there are some new or growing technology-facilitated crime types that need greater attention. For example, previous N-JOV studies identified a new surge in the number of youth-produced sexual images.
- Identify whether there are important changes in offender demographics or methods. For example, previous N-JOVs found that the number of young adults who were soliciting children had been rising.
- Identify where law enforcement efforts may be yielding some positive effects. The study will generate knowledge of where there have been changes in arrests and/or case outcomes (e.g., convictions) compared to previous N-JOVs. So, for example, the uptake in the use of PhotoDNA may be associated with an increase in arrests for CSEM possession.
- Identify whether law enforcement approaches have been improving due to training. For example, previous N-JOV studies identified growth in inter-agency collaboration. The current study will also allow for examination of any changes in the relative contribution of federal and local law enforcement.
- Provide valuable information about the impact of the federally-funded ICAC Task Forces and their training programs. One of the objectives of the ICAC program is to expand the skill sets to allow more investigation and prosecution by independent local LEAs. The study will be able to determine if such diversification has been occurring.

- Identify the major barriers to greater law enforcement effectiveness in dealing with these crimes. The patterns of crimes may show types of jurisdictions or regions of the country where activity may be more intensive or less developed. Examination of these patterns may help to identify challenges and areas where attention is needed.

## 5. Efforts to Minimize Burden

Several efforts have been made in the design of N-JOV4 to minimize burden. One of the key goals of the N-JOV4 pilot study is to test out burden-minimizing search strategies to obtain the relevant information from agencies. Among the most important of these is to test out strategies with law enforcement management systems that will easily and efficiently yield the universe of records that need to be checked for cases relevant to N-JOV4.

Participants completing the national mail screener survey will have an additional option of going online to complete the survey. Although we do not anticipate this will reduce participant burden in terms of the amount of time it takes to complete the survey, it provides a secondary convenient option for returning the survey for those who prefer this mode (compared to returning it by mail).

N-JOV4 will also be incorporating an online appointment scheduling system which will allow participants to easily schedule interviews with project staff, eliminating the, often, frequent back and forth by phone to find a time that works.

N-JOV4 will use information routinely gathered by the 61 ICAC Task Forces for reporting purposes to simplify the selection of target agencies to ensure adequate case numbers

Efforts were made to delete some of the prior N-JOV case-level interview questions to allow for the inclusion of new questions requested by the Expert Panel (described in more detail below).

## 6. Consequences of Less Frequent Data Collection

If this data collection does not proceed, NIJ will not have necessary information to provide to executive and legislative branch policymakers, or to support program offices in their efforts to plan and develop grant programs, training, technical assistance and other resources. Potentially more burdensome supplemental data collections would be needed to address the issues covered in this collection; and federal, state, and local law enforcement would need to rely on anecdotes or incomplete and inaccurate data rather than on

comprehensive, federally-collected data to inform the development of programs and policy. Additionally, a number of other federal agencies and initiatives that have used N-JOV for their own reports and publications would have insufficient information, and without this collection these efforts to understand and track data on technology-facilitated sex crimes against children would be severely hampered.

7. Special Circumstances Influencing Data Collection

No special circumstances have been identified for this project. The collection is consistent with the guidelines in 5 CFR 1320.9.

8. Adherence to 5 CFR 1320.8(d) and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60-day notice for public commentary was published in the Federal Register, Volume XX, Number XXX, page XXXXX on Month, Day, Year. The 30-day notice for public commentary was published in the Federal Register, Volume XX, Number XXX, page XXXXX, on Month, Day, Year.

In August, 2020, NIJ shared a copy of a draft N-JOV4 survey instrument with an expert panel of law enforcement practitioners, researchers, and child advocates including those with 1) a known interest in law enforcement surveys, 2) a history of publishing research related to technology-facilitated child exploitation crimes, and 3) experience investigating cases on this topic. The 20 expert reviewers (**Table 1**) were given a draft of the survey instrument and asked to comment on existing questions and to identify new issues and considerations related to the survey topics.

**Table 1. Expert Panel Reviewers for the N-JOV4 Instrument**

<i>Name and affiliation</i>	<i>Expertise</i>
<b>Benjamin Adams</b> , Social Science Analyst National Institute of Justice Washington, DC 20531	Department of Justice
<b>Michael Bourke</b> , Chief Psychologist & Head of the Behavioral Analysis Unit U.S. Marshals' Service	Offender expertise
<b>James Cole</b> , Supervisory Special Agent Homeland Security Investigations, Nashville, TN Chair, INTERPOL Specialists Group on Crimes Against Children	Law enforcement, federal

**Table 1. Expert Panel Reviewers for the N-JOV4 Instrument**

<i>Name and affiliation</i>	<i>Expertise</i>
<b>Mike Duffey</b> , Assistant Special Agent in Charge Florida Department of Law Enforcement	Law enforcement
<b>Michael Edwards</b> , Commander High Risk Victims Section of Seattle Police Department Washington State ICAC	Law enforcement, ICAC
<b>Martha Finnegan</b> , Supervisory Child/Adolescent Forensic Interviewer Federal Bureau of Investigation Victim Services Division	Victim services
<b>Alan Flora</b> , Special Agent in Charge Computer Crimes Unit North Carolina State Bureau of Investigation Commander, NC ICAC Task Force	Law enforcement, ICAC
<b>Jeffrey Gersh</b> , Deputy Associate Administrator Office of Juvenile Justice and Delinquency Prevention Washington, DC 20531	Department of Justice
<b>Debbie Garner</b> , Special Agent in Charge Georgia Bureau of Investigation's Child Exploitation and Computer Crimes Unit Commander, Georgia ICAC Task Force	Law enforcement, ICAC
<b>Tom Kerle</b> , Program Administrator Criminal Justice Division National Criminal Justice Training Center Fox Valley Technical College	Department of Justice, Criminal Justice training
<b>Stacie LeBlanc</b> , JD, Med Chief Prosecutor, Felony Child Abuse Division in Jefferson Parish, AL Founding Director, New Orleans Children's Advocacy Center & Audrey Hepburn CARE Center	Victim services
<b>Fallon McNulty</b> , CyberTipline Specialist for Electronic Service Provider Relations National Center for Missing and Exploited Children	Victim services
<b>Karuna Nain</b> , Global Safety Public Policy Programs Manager Facebook Menlo Park, CA	Technology/Private sector
<b>John Peracchi</b> , Lt., Commander New Hampshire ICAC Task Force Portsmouth Police Department	Law enforcement, ICAC

**Table 1. Expert Panel Reviewers for the N-JOV4 Instrument**

<i>Name and affiliation</i>	<i>Expertise</i>
<b>John Pizzuro</b> , Lt., Commander New Jersey ICAC Task Force NJ State Police	Law enforcement, ICAC
<b>Brad Russ</b> , Executive Director National Criminal Justice Training Center Fox Valley Technical College	Department of Justice, training
<b>Michael Seto</b> , Director Forensic Research Unit The Royal's Institute of Mental Health Research Canada	Offender expertise
<b>Melissa Stroebel</b> , Head of Research THORN Foundation	Technology/Private sector
<b>Paul Wormeli</b> , Innovation Strategist Wormeli Consulting, LLC Executive Director, Integrated Justice Information Systems Institute	Offender expertise
<b>Chad Steel</b> , PhD University of Edinburgh Scotland	Offender expertise

In August 2020, the Expert Panel convened for a 6-hour virtual meeting, moderated by the study Principal Investigator (PI) Kim Mitchell and Co-Investigator's (Co-I's) David Finkelhor and Lisa Jones of UNH. **Appendix E** contains details of the Expert Panel and meeting. The goal of the meeting focused on gathering expert feedback about the content of the N-JOV4 screener and case-level surveys to ensure all changes in the investigation of technology-facilitated sex crimes against minors which occurred over the past 10 years (since the last N-JOV was conducted) were incorporated. This included updates on terminology, referrals of cases, and investigative strategies, and outcomes.

Changes made to the N-JOV instruments based on the Expert Panel's recommendations included:

- Changing the term "child pornography" to "child sexual exploitation material."
- The addition of questions and response options to better understand the increased role of NCMEC/Cybertips and social media companies in these cases, especially as a primary player in referring these cases to law enforcement agencies.
- The addition of questions at the end of the mail screener to better understand the volume of reports law enforcement agencies receive for these crimes so the arrest

data can be placed in a broader context, proportion of reports that comes from NCMEC, and an understanding of how agencies triage the reports they receive.

- Updates to the mail screener and case interview concerning the types of technology being used in these cases, including cloud storage and live streaming technology.
- Options for undercover cases that include peer-to-peer file sharing of child sexual exploitation material.
- Development of questions around international cases.
- Make the youth-produced sexual images question in the mail screener be specific enough to delineate minor-only versus adult-involved, by including non-arrest cases.
- Inclusion of questions about self-harm and suicide.

#### 9. Explanation of any Payment or Gifts to Respondents

Neither NIJ or UNH will provide any payment or gifts of any type to respondents for participation in the pilot or national N-JOV4 studies. Respondents will participate on a voluntary basis.

#### 10. Assurances of Privacy Provided to Respondents

The information gathered in this data collection are subject to the statutory and regulatory confidentiality requirements of 34 USC §10231a and 28 CFR Part 22. Both 34 USC §10231a and 28 CFR Part 22 provide that research and statistical information identifiable to a private person is immune from legal process and may only used or revealed for research or statistical purposes. All personally identifiable data collected are protected under the confidentiality provisions of 34 USC §10231a. A copy of this section is included in this submission (**Appendix F**). A copy of these regulations (28 CFR Part 22) is included in this submission (**Appendix G**). The covers letters that accompany the pilot and national studies will notify the respondents that their response is voluntary, and that the identity of all participants will be held confidential as required.

In addition, project staff will take the following precautions to ensure the confidentiality of all data collected:

- No specific agencies or cases will be identified in any published materials.
- The case-level telephone interview will not ask for personally identifying information about people involved in the case, such as the name of the perpetrators, suspects, or victims involved.

- Data submitted to a data archive as required by the Department of Justice will be fully de-identified with no mention of specific agencies who participated.
- No information shared publicly from the study will identify the respondent, the agency, or suspects or victims in the case.
- Research findings will be disseminated through presentations at professional conferences; peer reviewed journals; and reports assessable to the public, law enforcement, and legal professionals.

UNH also has extensive experience protecting and maintaining the privacy of respondent data collected from surveys. This includes the following planned procedures for N-JOV4:

- All information that would link any identifiable data with a particular agency will be stored on UNH BOX, a secure network server that only the PI, Co-I's and a few key research staff have access to.
- The telephone survey data will be collected through Qualtrics, a web-based survey and data service. Qualtrics protects data using industry best standards. Qualtrics servers are protected by high-end firewall systems and scans are performed regularly to ensure that any vulnerabilities are quickly found and patched. Complete penetration tests are performed yearly. All services have quick failover points and redundant hardware, with complete backups performed nightly. Data is communicated to a secure server at UNH. Once downloaded, the data will not be accessible from the Internet.
- Access to the data will be password protected within the UNH firewall.
- Upon completion of this research project, the security of identifiable data (i.e., agency name) will be protected by either complete physical destruction of all copies of the materials or the identifiable portion of such materials after the three-year required recipient retention period or as soon as authorized by law, or by removal of identifiers from data and separate maintenance of a name-code index in a secure location.

#### 11. Justification for Sensitive Questions

The information being collected is deidentified data on incidents involving technology-facilitated sex crimes against children from police records. This information is typical of all the widely used crime and victimization data that are collected and published from law enforcement, such as the UCR, the NIBRS, and many local law enforcement studies. While

the topic area might be considered sensitive, the questions being posed to law enforcement investigators about cases known to or investigated by them are not sensitive.

## 12. Estimate of Respondent Burden, Including Annual Hourly Cost

There are an estimated **1,779.80 total burden hours** requested for the pilot and national N-JOV4 studies (See **Table 2** for details).

The assumptions used to estimate burden hours are based on experience with previous N-JOVs, discussion with ICAC Task Force Commanders who sit on the study Expert Panel, and the study team's professional experience with similar data collections:

N-JOV4 Pilot: Based on our experiences with prior N-JOV studies, NIJ expects the 25 law enforcement agencies to spend an average of 15 minutes completing the mail screener survey, including the time to read the accompanying letter, identify eligible cases, consider additional search strategies as requested in the cover letter, and answer the questions (25 x 15 minutes = 6.25 hours). NIJ expects the 25 chiefs/department heads/Commanders to spend 20 minutes completing the telephone debriefing about the mail screener, based on prior experience with debriefings about new instruments (25 x 20 minutes = 8.33 hours). NIJ expects the five ICAC investigators who are asked to complete telephone interviews on specific cases identified in the mail screener to spend an average of 60 minutes of their time which includes the debriefing about the interview (5 x 60 minutes = 5 hours). The total amount of time for the N-JOV4 pilot is **19.58 hours**.

N-JOV National Survey: A total of 2,689 local, county, state and federal law enforcement agencies are included in the national stratified sample. All of these agencies except the three federal agencies will receive the mail screener, resulting a total of 2,686 non-federal agencies. Given the large number of cases expected from federal agencies (based on conversations with each one) we will not send the mail screener but instead work with them individually.

Based on experience with prior N-JOV studies, NIJ estimates that the time to complete the screener will be five minutes for agencies with no eligible cases and 10 minutes for agencies with eligible cases, including the time to read the accompanying letter, identify eligible cases, and answer the questions. Prior N-JOVs showed an additional 5% of agencies with eligible cases each time the study was conducted (approximately 5 years apart) – N-JOV1 (year 2000 – 15% eligible agencies with cases), N-JOV2 (year 2005 – 20% eligible agencies with cases), and N-JOV3 (year 2010 – 24% of eligible agencies with cases).<sup>17</sup> As such we are

estimating 35% of eligible agencies will report at least one case (given it will be almost 10 years since N-JOV3).

NIJ estimates that 1,343 (50%) of the law enforcement agencies will complete the screener by mail, based on the response rate for the mail screener obtained in prior N-JOV studies and experience with similar national studies using the same methodology. Of these, 35% are expected to have at least one case; these agencies will take approximately 10 minutes each to complete the mail screener ( $470 \times 10 = 78.33$  hours). The remaining agencies who complete the screener survey by mail are expected to take approximately 5 minutes each to complete the mail screener ( $873 \times 5 = 72.75$  hours). This equals a total of **151.08 hours** for completing the mail screener by mail.

NIJ estimates that 36 percent of the law enforcement agencies will complete the screener by telephone, based on the percentage of mail screeners completed by phone in N-JOV3. We are estimating that, of the 967 agencies who complete the mail screener by telephone, 338 will have a case ( $338 \times 10 = 56.33$  hours) and 629 will have no cases ( $629 \times 5 = 52.42$  hours) for a total of **108.75 hours** for completing the mail screener by phone.

There is no anticipated difference in participant burden between completing the screener survey by mail or online. The time estimate is expected to be the same and based on the agency search of their record system and answering the survey questions. The total number of burden hours to complete the mail screener is anticipated to be **259.83 hours**.

NIJ estimates that over 10,000 eligible technology-facilitated sex crimes against children cases will be identified through the mail screener. This estimate is based on the reported number of arrests made by ICAC and affiliate agencies (~9,500 cases), the 5-year average increase in number of eligible cases across all three prior N-JOV studies for the smaller agencies in those samples (~588 cases),<sup>30</sup> and federal agencies. We also anticipate an additional 1,500 non-arrest youth produced sexual image cases to be reported by agencies, based on a planned 50% increase in the number of eligible cases since N-JOV3.<sup>31</sup> The combined number of eligible cases reported in the mail screener is expected to be over 11,500. To reduce the burden on investigators, cases will be sampled for telephone interviews utilizing the strategy described above (*see also Statement B*). The power analysis indicates that a total of 2,000 completed telephone interviews is sufficient for all planned

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<sup>30</sup> Wolak J, Mitchell KJ, Finkelhor D. *Methodology Report: 3rd National Juvenile Online Victimization (NJOV3) Study*. Durham, NH: Crimes against Children Research Center, University of New Hampshire;2011.

<sup>31</sup> Wolak J, Finkelhor D, Mitchell KJ. How often are teens arrested for sexting? Data from a national sample of police cases. *Pediatrics*. 2012;129(1):1-9. doi:doi: 10.1542/peds.2011-2242.

data analyses. NIJ estimates that the telephone surveys we take an average of 45 minutes based on prior N-JOV studies, including 5 minutes for introductions and study details, 3 minutes for data retrieval, and 37 minutes for study questions (2,000 x 45 = **1,500 hours**).

The total time for the N-JOV4 national survey is **1,779.41 hours**.

<b>Table 2. Estimate of Respondent Burden</b>			
<b>Phase of Study</b>	<b># respondents</b>	<b>Time estimate per participant (minutes)</b>	<b>Total burden estimate (hours)</b>
<b>N-JOV4 Pilot Study</b>			
Agency screener survey	25	15	6.25
Case interviews			
Non-ICAC debriefing	25	20	8.33
ICAC case and debriefing	5	60	5.00
<b>Total Pilot Study</b>	<b>55</b>		<b>19.58</b>
<b>N-JOV4 National Study</b>			
<i>Screener survey</i>	2,686		259.83
Agency screener survey - mail	1,343 <sup>a</sup>		
No cases (65%)	873	5	72.75
At least one case (35%)	470	10	78.33
Agency screener - telephone	967 <sup>b</sup>		
No cases (65%)	629	5	52.42
At least one case (35%)	338	10	56.33
<i>Case interviews</i>	2,000	45	1,500
<b>Total National Study</b>	<b>4,686</b>		<b>1,759.83</b>
<b>Grand total (pilot &amp; national)</b>	<b>4,741</b>		<b>1,779.41</b>
<sup>a</sup> 50% of the 2,686 non-federal agencies are expected to complete screener via mail; <sup>b</sup> 36% are expected to complete screener via telephone			

### 13. Estimates of Other Total Annualized Cost Burden

There are no capital/start-up or ongoing operation/maintenance costs associated with this information collection.

### 14. Cost to the Federal Government

The total estimated cost to the Federal Government for the pilot and national N-JOV4 is \$1,074,264. This includes costs of \$994,744, over a 48 months period, for work conducted by the data collection agent (UNH) and its subcontractor (Westat) for planning, developing survey instruments and methodologies, preparation of materials, collecting the data, evaluating the results, and generating deliverables and reports. In addition to the costs for data collection, a NIJ GS-Level 13 social scientist will be responsible for overseeing the data collection agent’s work at 10-percent time for 48 months (\$46,500) plus a fringe benefit rate of 28-percent (\$13,020). The NIJ cost to produce and print a statistical bulletin and related products on results of the national N-JOV4 survey are estimated at \$20,000.

15. Reason for Changes in Burden

Not applicable as this is a new data collection.

16. Project Schedule and Publication Plans

The anticipated schedule for major project activities and deliverables are found in **Table 3**. Specifically, NIJ plans to release the final research report including detailed statistical tables within one year after the data are collected. NIJ archives data from its funded studies at the National Archive of Criminal Justice Data (NACJD),<sup>32</sup> maintained by the Interuniversity Consortium for Political and Social Research at the University of Michigan. Making the data and documentation available through NACJD is essential for future efforts by others to reproduce the project’s findings and/or to extend the scientific value of the data set through secondary analysis.

<b>Table 3. N-JOV Project Timeline</b>	
<b>Tasks and Objectives</b>	<b>Month, Year of Completion</b>
Expert panel meeting	August, 2020
All materials to support OMB clearance to OMB for review	December, 2020
Data collection for N-JOV4 pilot study	October 2021
Report on the results of the pilot test to NIJ	November 2021
Report with final administration plans for N-JOV4 national study to NIJ	November 2021
Data collection (mail screener) for N-JOV4 national study	June 2022
Data collection (case interviews) for N-JOV4 national study	December 2022
Written documentation of data processing procedures	February 2023

<sup>32</sup> <http://www.icpsr.umich.edu/icpsrweb/NACJD/index.jsp>

**Table 3. N-JOV Project Timeline**

<b>Tasks and Objectives</b>	<b>Month, Year of Completion</b>
Final plans for non-response adjustment, item imputation and weighting	April 2023
Draft methodological report for study	June 2023
Final research report	November 2023
Data documentation and codebook	November 2023
Archiving of datasets to NACJD	November 2023
Wrap-up meeting to present findings to NIJ	January 2024
List of citations, scientific papers, report for LEAs, NIJ bulletin	February 2024

17. Display of Expiration Date

All data collection instruments will display the OMB control number and expiration date.

18. Exceptions to Certification for Paperwork Reduction Act. Submissions

There are no exceptions to the Certification for Paperwork Reduction Act (5 CFR 1320.9) for the N-JOV4 study.