

Internet watchdogs

Law enforcers go online with citizen sleuths from Perverted Justice to bring Internet predators to justice

In 2002, a 25-year-old restaurant worker used the Internet to lure 13-year-old Christina Long to her death. Saul Does Reis had sex with the Danbury, Connecticut, teen, then strangled her, dumping her body in a remote ravine.

Four years later, police arrested Lt. Stephen Robert Deck, 51, of Carlsbad, California, when he turned up at a Laguna Beach park where authorities say the California Highway Patrol officer expected to meet a 13-year-old girl for sex. Another teenager later came forward stating Deck met her online and molested her from January through December of 2003.

When police apprehended William Corbett of Tuscon, Arizona, in 2006, for using the Internet to solicit a minor for sexual exploitation, they got a whole lot more than they bargained for. Authorities began receiving calls – many calls – from other victims when the news media publicized his arrest. Corbett has since been sentenced to 20 years in prison.

Stories like these resonate across the nation. Whether it's an isolated rural area or a congested metropolis, Internet predators lurk

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– Det. Mike Burns, Darke County (Ohio) Sheriff’s Office

everywhere. To the law enforcers who claim this type of thing doesn’t happen in their town, Darke County, Ohio, Det. Mike Burns warns it can and does. Darke County’s NBC Dateline “To Catch a Predator” sting netted 18 arrests in three days. “We didn’t bring these people here -- they were already here,” he says. “By means of the Internet they were in our backyard.”

Time and money – there never seems to be enough of it. Where do time-crunched and cash-poor agencies unearth the resources to wage Internet investigations too?

The answer is many can’t, says Burns. He explored launching an Internet investigations team back in 2005 but quickly discovered his then 16-man-strong department could not afford it. Flagler Beach police

chief Roger Free also concluded this after an officer in this Florida agency posted an Internet profile and received 50 hits within 2 hours. Offenders sought the person’s age, sex, location, and expressed interested in meeting. “After seeing the number of hits, I couldn’t imagine what it would be like trying to run a full-scale operation,” he says.

“It isn’t that computers are so costly,” Burns adds. “It’s the man hours these operations require.”

The Flagler Beach Police Department and Darke County Sheriff’s Office joined a growing number of departments that have decided to plunge into uncharted territory. These agencies tapped into the resources of Perverted Justice, a Portland, Oregon-based organization whose volunteers pose as young kids, then trawl the Internet for predators. The group lists the arrests of Reis, Deck and Corbett among the success stories of such partnerships.

Proactive investigations

Perverted Justice, founded by Xavier Von Erck in 2002, is best known for its role in NBC Dateline’s “To Catch a Predator” programs where Internet predators

are exposed for their dirty deeds. Behind the scenes, the group aids law enforcement daily in proactive online investigations, where by posing as minors it gives police an opportunity to capture pedophiles before a youth can be victimized. Burns says it's difficult to turn the other way, when you consider the advantages this partnership can bring. Consider that Perverted Justice:

■ Possesses the resources to spend hundreds of hours on a single case. Its volunteers are able to chat all hours of the day and night. "We don't have other crimes taking place that effect what we could do," explains Del Harvey, Perverted Justice law enforcement coordinator.

Sixty-five volunteers, or contributors, conduct the chats. The organization retains approximately 20 phone verifiers (people cleared to talk to suspects because they sound like kids). Another 20 people form the support staff and 25 individuals create content (poems, drawings and other things) for the profiles. Forty-five thousand people read the forums available at www.perverted-justice.com.

"We have 4,000 sworn officers, and there is no way we have the resources to do what Perverted Justice did for the NBC Dateline sting [where 51 offenders were arrested in three days]," says Lt. Chad Bianco of the Riverside County (California) Sheriff's Department. "They had 45 people working around the clock."

■ Takes on all the grunt work. Though the organization cannot apprehend the criminal, its volunteers handle the chats, collect the evidence, arrange phone

Planning for a sting

When the Riverside County Sheriff's Department decided to cooperate with Perverted Justice on a sex sting designed to catch Internet predators in the act, Lt. Chad Bianco expected to catch around seven pedophile "wannabe's" a day. The department wound up apprehending 51 people. "We were amazed, 100 percent amazed, by the results," he says. "It was just a flood and we were overwhelmed." But thanks to some advance planning, the department easily handled its response.

Bianco's tips for a successful sting include:

(1) Put enough people in place to do the job. Sixteen sworn officers and many non-sworn community service officers aided the department in this sting. That's not counting the 45 people Perverted Justice brought to the table.

(2) Work with Perverted Justice on some one-off arrests before jumping into a three-day sting. "This is a big operation," he says. "If we hadn't worked with them previously, we would not have known what to expect."

(3) Plan as much as you can and be ready for the unexpected. Det. Mike Burns from the Darke County (Ohio) Sheriff's Office notes much advance preparation occurred before the department's Dateline sting that apprehended 18 guys. The department set up five teams of two, a deputy and a detective, to serve as take-down teams. Four similar teams stood on standby to block escape avenues if a suspect started running, and to help clear the area after an arrest. Two officers worked the impound lot, where the subjects' vehicles were towed. They also dedicated jail workers to book arrestees and placed a wrecker service on call to tow vehicles at a moment's notice.

But planning can only go so far, adds Bianco. He likens it to a drug bust, where undercover officers do a reverse and are in a house selling crack. "You take it as it comes," he says. "You don't know what you're going to get. You don't know if you'll have a foot pursuit. You don't know if they'll be armed. You need to prepare for the worst and hope it comes out for the best."

(4) Don't be afraid to change plans on the fly. Riverside planned to execute a search warrant for every individual who showed up. Department policy dictates a supervisor be present for every warrant. The first person arrived and his home was 2.5 hours away. "With the first person, we learned this was out the window," Bianco says. "The only ones we ended up doing search warrants on were those who sent child porn."

(5) Put an officer on site near the house around the clock. Bianco spent the night in the motor home behind the meeting place, just in case someone showed up before or after the operation each day. "It's good I did," he says. "We weren't supposed to start until noon every day and get done around 1 or 2 a.m. There were people showing up at 3:30 a.m. and 9 a.m. I ended up arresting four people."

conversations, and set up meetings. “You don’t have to worry about finding someone on staff who can convincingly sound like a 13-year-old girl. You don’t have to add a computer set up that masks your IP,” Harvey says. “This is a tremendous benefit to an agency lacking the money or the manpower for these investigations.”

■ Provides the equipment. Perverted Justice supplies computer, phone and video systems during a sting. “Everything we could not have afforded, they brought with them,” Free says.

■ Sets stricter criteria for arrest than many law enforcement agencies. According to Burns, Perverted Justice subscribes to protocols well within those followed by law enforcement. For instance, there must be an age difference of at least six years. “We would never bust an 18-year-old going after a 15-year-old,” Harvey clarifies.

The difference between 18 and 15 can be explained as a high school senior dating a high school sophomore. This explanation crumbles if the 18-year-old senior seeks a relationship with a 12-year-old sixth grader. “Though the first example may be illegal under the law, it’s worse in the second scenario,” Harvey explains. “If an 18-year-old is going after a 12-year-old, they’re already tending toward pedophilia.”

A six-year age difference is illegal everywhere, making it unnecessary for contributors to learn the laws for each state because one overarching rule satisfies all conditions. “There is no place in the country where it’s legal for an 18-year-old to sleep with a 12-year-old,” Harvey

emphasizes.

These electronic sleuths play teens between ages 10 and 15. Plans exist to eventually tackle problems with younger-age kids. However, the likelihood of someone under age 10 being left alone, with unsupervised access to the Internet, is greatly diminished, lessening the risk for Internet victimization.

■ Saves money. Free promotes

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— Del Harvey, *Perverted Justice*

the cost savings to a department. “There is no way we could have run an operation like this without their assistance,” he says. Meanwhile Burns claims it’s a force multiplier. Working with Perverted Justice triples or quadruples the forces an agency already has, he notes. “We don’t charge law enforcement anything – ever,” stresses Harvey.

■ Has experience. According to Burns, many agencies lack expertise in these investigations, while Perverted Justice volunteers specialize in them. Its volunteers know how to chat with offenders and how to work the investigation to avoid court problems later on.

“Sometimes it was a fine line,” Burns admits. “But they provided us with 140 people they were chatting with after 10 days, with possibilities of showing up for a meeting. There’s no way a department five times our size could have done that.”

More than one way to skin a cat

Mark Twain once wrote “there’s more than one way to skin a cat.” Though he was referring to cat fish, the same applies to Perverted Justice. A department does not have to consent to a sting being broadcast on NBC in order to participate. The organization created its Information First program to interface with police in a smooth and unobtrusive way. A department simply contacts Perverted Justice to enter this arrangement. A subsequent phone call hammers out the details of jurisdiction and what the agency requires of contributor chats. Contributors receive data on every Information First agreement and work in these agreed upon locales. When they encounter a case in a given area, they contact the nearest department with an Information First arrangement. Information First agreements, with more than 100 agencies, currently cover approximately two-thirds of the nation.

In this format, Perverted Justice engages law enforcement once an individual crosses a specific, and agreed-upon, threshold of the law. Contributors forward lewd chats, instant messages, images, Web cam videos and audio logs at this point. When lacking an Information

First agreement in a specific area, Perverted Justice volunteers make cold calls until they locate an agency willing to make an arrest. Contributors summon police immediately, however, if the subject sends child porn or mentions holding a position where he or she has responsibility over children.

The Riverside PD entered an Information First agreement in 2005 then later teamed with Perverted Justice on a Dateline sting. He admits at times contributors' enthusiasm needed tempering in the beginning. "They were calling me at 2:30 in the morning and saying they had a guy wanting to meet at 7 a.m. and where did we want to do it," he recalls. "I had to explain that I needed at least a day to arrange people, a decoy and those types of things."

If an agency is convinced they wish to investigate Internet predator cases themselves, Perverted Justice aids them by training officers to set up profiles and chat online, and by providing access to a proxy server that masks IP addresses.

Citizen cyber slueths

Despite its track record in working with police to collar more than 157 criminals, Perverted Justice has its detractors, including some in law enforcement who prefer that police work be left to the professionals. The fact is these citizen detectives are not sworn law enforcement, and for many law enforcers that's a sticking point. But it needn't be, say those who've worked with Perverted Justice before.

It's true the staff primarily consists of volunteers; no one is

paid to chat. Perverted Justice organizers concluded long ago that compensating chatters might be a conflict of interest. "It cannot be good for the prosecution if someone is asked in court how much money they received for a chat log," Harvey explains.

But there's an in-depth background check in place to separate the wheat from the chaff. The organization also insists potential volunteers submit every user name and e-mail address they have ever used. "People leave a trail on the Internet," Harvey notes. Finally, volunteers undergo extensive training that covers setting up a profile, chatting online, steganography, Web cam transmission and documentation, sending audio files, building evidence packets, submitting evidence to law enforcement, audio authentication, making police statements, and so on.

"We are a specialized unit -- experts in our field," says Harvey. "Our people are taught, trained and drilled in one specific crime, that of Internet predators and their effects."

Like the government's system of checks and balances, Perverted Justice builds safeguards into its organization. Volunteers log in through a proxy server, which masks their IP. Technology double records every conversation with a prospective predator. When a contributor logs onto Yahoo, their chats are automatically recorded in an MD5 hash on their computer as well as on a secure server in another state. In essence, every keystroke is captured on two different computers and because it's MD5 hash any tampering would render

the file unreadable. Contributors capture Web cam images to preserve a record of what transpired. Using underage-sounding phone verifiers, who actually talk to the suspect, produces two people able to testify to the intent of the person being charged.

"Volunteers literally cannot make a move without us seeing what they are doing," Harvey explains. "Everything is watched. We're very Big Brother-esque."

Contributors remain available for court testimony later on. "Sometimes people get involved during a sting operation, and you never hear from them again," says Richard Howell, Darke County prosecuting attorney. "But if a case goes to trial, it's necessary to be available to testify. I never had a problem with Perverted Justice volunteers. The few that we had come back for a trial, came off very credible, and from the jurors' quick conviction, they thought so too."

But isn't it entrapment?

By definition entrapment doesn't apply, Harvey explains. Entrapment is a legal defense by which a defendant may argue that he should not be held criminally liable for actions that broke the law because he was induced (entrapped) by police to commit them.

Even so, Perverted Justice plunks precautions in place to thwart the entrapment issue. Volunteers never initiate contact with the person; all communication begins with the offender. Later, contributors never instigate lewd conversations or talks of sexual meetings.

"When you apply these three aspects it's hard to talk

entrapment,” Harvey points out. “You didn’t bring up sex or a meeting, but you entrapped them?”

Beyond that, volunteers refrain from sexual discussions before confirming the person’s age. Contributors inspect Yahoo profiles, which state age; run the chat name through MySpace, and so on to verify the person is more than 18 years old before participating in explicit discussions.

During the Riverside sting, contributors kept profiles to 12- or 13-years of age; once a person turns 14 it becomes a lesser crime under California law. Chatters also never initiated contact or sexual discussions. They even refrained from profanity. The volunteers played naive little kids who were swiftly taken advantage of. “It’s ridiculous how quickly it went from ‘Hi’ to ‘Do you want to have sex?’” says Bianco, who still works for the Riverside Sheriff’s Department but is presently assigned to the Marino Valley Police Department, a contract city.

Though defendants raised the entrapment issue in Riverside, a judge’s ruling later threw it out. The judge ruled it differs from a police officer presenting a handful of drugs to a subject and asking if he wants to buy some. In this scenario, the person’s being invited to make a snap decision. In contrast, driving to a meeting location afforded these Internet offenders plenty of time to change their minds.

Addressing court challenges

Ironically, entrapment wasn’t the primary legal challenge faced by departments teaming with Perverted Justice.

Telecommunications/wiretap issues arose both in California and Ohio. Defense attorneys challenged the departments received phone call recordings and printed chat logs illegally. Exhibiting the prior agreements made with Perverted Justice mitigated these disputes. In these partnerships, contributors voluntarily released the data, overriding wiretapping concerns.

A judge also dismissed motions to throw out indictments against seven of the 18 men arrested in the Ohio sex sting. To date, 16 have pled guilty and two were convicted at trial. Defense attorneys contended the sting violated state law because of Dateline’s involvement with Perverted Justice and petitioned to have related videos, statements and photos suppressed. A judge ruled against the potential conflict of interest, noting department officials had partnered with Perverted Justice and were unaware NBC had paid the organization for consultation services.

The department kept itself separate from Dateline staff during the sting as well, to avoid legal hassles later on, says Burns. Officials were positioned in a location near but not inside the house where offenders arrived for meetings. Communications and video equipment permitted authorities to keep tabs on what transpired, and all chats were transmitted directly to officials as they took place. “We didn’t want to blur the line of ethics between law enforcement and the media,” Burns explains. “We didn’t even speak to Dateline officials during the operations.”

Ohio law includes a solicitation section, called importuning. The

way the law reads, for importuning to occur in these cases, a law enforcement officer must pose as a juvenile. The law further limits importuning to that which occurs in a specific county. So for instance, Darke County lacks the authority to arrest someone for importuning, unless the solicitation took place within the county itself.

Darke County deputized three Perverted Justice volunteers to circumvent potential problems written into the importuning law. This decision allowed authorities to nab one individual for importuning. The man came from out of state to visit what he believed to be a 15-year-old boy. Police stopped him for driving the wrong way down a four-lane highway during the commute. Rattled, the suspect turned around to make his return back to Indianapolis. But before leaving the county, he phoned a deputized Perverted Justice volunteer to make another solicitation. The district attorney charged him with importuning, and that’s what he pled guilty to, according to Howell. “Importuning is the same degree felony as Attempted Unlawful Conduct with a Minor, which is what he’d have been charged with if he’d arrived at the house,” he adds.

The best defense is a good offense, says Bianco, who notes he paired closely with prosecuting attorney Michelle Paradise of the County of Riverside District Attorney’s Office to address issues in advance. She reviewed entrapment concerns, jurisdictional issues, and laws pertaining to Internet cases. Teaming with the district attorney meant things were done right from the onset,

eliminating court challenges later on.

It's everywhere

Perverted Justice's work remains mired in controversy as some law enforcement professionals debate the value of citizen sleuths. Experts question whether the organization consists of concerned citizens desiring to assist the criminal justice system or vigilantes subverting people's Constitutional rights. As a result, many departments express skepticism about working with citizens in this way.

Harvey admits it's been an uphill battle for the organization to win law enforcement's trust. Officials initially questioned whether the organization's volunteers possessed the necessary background and experience to create prosecutable and winnable cases.

Today several hundred agencies, from local police to the Department of Homeland Security, have entered Information First agreements. The organization really gained ground after Dateline televised Perverted Justice's sting with the Riverside Police Department, says Harvey. The operation's 51 collars in three days shattered previous arrest records and made Perverted Justice a household name.

Even so, departments partnering with Perverted Justice have come under a storm of criticism. One law enforcement official blasted Bianco for not participating in a local Internet task force instead. After all, sworn law enforcement -- not civilians -- controlled this organization. Yet, when Bianco inquired about the task force's arrest numbers, he learned investigators

had caught just four people in a year.

"Negative comments really bother me when they come from people within my own field," Burns adds. "None of us hesitate to draw drug information from a druggie out on the street or a convicted felon. But everyone wants to turn their heads when it comes to an agency that's really trying to help."

Teaming with private entities is the wave of the future, stresses Free. Police alliances with organizations like Perverted Justice mark the beginnings of a trend.

"We need to move forward rather than do things the way we've always done," Bianco says. "You always have to be on the look out for progressive ways to handle problems."

However an agency decides to handle Internet predator investigations, one thing reigns true -- these individuals will continue combing the Internet seeking unsuspecting victims and it's up to law enforcement to do something about it. Burns cautions his peers not to stick their heads in the sand and say, "It can't happen here."

In Darke County's Dateline sting one individual drove more than 100 miles to get to Greenville, Ohio. Perverted Justice contributors had been trying to nab this guy for more than three years. Yet, he chose this small Ohio town -- population 13,294 -- for a meeting.

Why?

"Probably because he felt safe here, in this little 'podunk' town," Burns says. "If he had this mentality, you know others do too. We are all vulnerable." ■

