

WSP Missing and Exploited Children Task Force (MECTF) Operation Net Nanny Factsheet:

Apr 2021 (v1.7)

Statistics:

- **Total Arrests (2015-2020):** 294¹
- **In Prison/Jail or persons who have done time:** 189²
- **Awaiting Trial/Plea/Sentencing:** 58²
- **% Under 25:** 22-25%²
- **Average Time Served (178 People Sentenced):** 76 Months (6.3 years)²
- **Plea:** 75%, **Trial:** 22%, **Acquitted/Dismissed:** 1%, **Death/Suicide:** 3%²
- **Total Trials:** 44, 42 (Guilty), 2 (Acquitted)²
- **Dismissals:** 13 (9 – Death, 1 – Two Hung Juries, 1 – Incompetency, 2 – Prosecutor “Interest of Justice” Decision)

The Basics:

Operation Net Nanny is a proactive sting operation which utilizes common adult dating websites like Craigslist as well as Social Media Dating Apps including: SKOUT, Badoo, Tinder, Whisper, OkCupid, Grindr, Scruff, Grizzly, Plenty of Fish, Book of Matches, MeetMe and others.³ The sting catfishes random individuals (not a specific target or potential predator) who are looking for dates or hookups on *adult* websites. The operation is **not** trying to infiltrate any kind of ongoing criminal activity. Law enforcement conducts several general scenarios or schemes 1) Law enforcement officers pretend to be a teenager (13 years old or younger) or 2) Law enforcement officers pretend to be a mom suggesting the unsuspecting citizen *teach* her children (often 13 and younger) about sex as her father did with her. In these cases, a bait-and-switch will occur: the “teen” will change her age and the mom will direct the conversation from her to the children. Photos of actual law enforcement officers may be used to match that of a child, but most of the time law enforcement officers use an image of an older person, such as 16 years old or older; they may disguise the image to further deceive the other party.

Throughout the conversations law enforcement officers use deception, manipulation, seduction, and luring. Many chat engaged individuals are wise to these tactics and quickly end the conversation. Some people are skeptical, yet continue to try and confirm if the child is real and in danger. The remaining few, especially those 17-25-year-old young adults whose brains (prefrontal cortex) aren't yet developed into adult maturity, are easily tricked and conned. They continue the conversation leading to their arrest. All those young adults who are arrested, are charged with Attempted Rape of a Child in the First (<12) or Second (<13) degree (RCW 9A.28.020, and 9A.44.073 or 9A.44.076) and potentially Communication with a minor for immoral purposes (9A.68A.090) and Commercial sexual abuse of a minor (9A.68A.100). Over 96% of those arrested end up serving time (3% commit suicide, 1% are acquitted/dismissed).

Challenges: Myth v. Reality

1. Statistics on Offenders:

- a. The overwhelming majority (>95%) of sexual assaults on juveniles are committed by family members or acquaintances.⁴ With children 17 years old and younger, only 4% of sexual assaults are committed by strangers. The old “stranger danger” saying is a myth.⁵ The “proactive” stings are going after random individuals or the “stranger” category which are less than 4% of actual sexual assault cases.

2. Internet Crimes Against Children (ICAC) Task Force:

- a. S.1738, Protect Our Children Act of 2008⁶
 - i. Provides grants/funding to state and local ICAC task forces. Sets forth the criteria for the distribution of ICAC grants funds.
- b. ICAC Training Manuals and WSP’s METCF Standard Operational Procedures both state:
 - i. *Absent prosecutorial input to the contrary, during online dialogue, officers shall allow the Investigative target to set the tone, pace, and subject matter of the online conversation.*⁷
 1. This same language appears in the WSP IAD Standard Operating Procedures Manual, Chapter 7 – 19, Item #4 e. In addition, the target shall initiate image uploading.
 - ii. Law enforcement is **not** complying with *their own* operational procedures. *Officers* are bringing up the subject of minors/children and sex with the children *first*. *They* are setting the tone, leading the pace and the subject matter in their discussions. Additionally, it is discovered law enforcement officers are the ones who typically *re-engage* the conversation and *lure* the target to travel. These actions alone allow law enforcement, prosecutors, and judges to arrest, convict, and sentence the random individual on an ASSUMPTION. Because a person arrives at a location, law enforcement can say the SOLE intent, purpose, and reason is the person WOULD in fact commit the crime. Even though the posting might have indicated woman-for-man (w4m) at an appropriate age on an appropriate 18 years and older dating app or website.

3. Training Manuals and Operational Procedures DO Exist:

- a. There are training Manuals and Operating Procedures⁷ which do exist regardless of the head of the task force saying there were none in discovery, as well as a WSP detective perjuring himself when they said otherwise during a trial.⁸ These items have been released via motions prior to trial in various cases.
- b. The procedures are enforceable via interagency agreements between the Seattle Police Department and various jurisdictions like Thurston County.⁹
- c. One of the training documents, “Academy class pres - Training for UC Op.pdf” notes on page 17 of the presentation the FOCUS: *Focus on suspects wanting to perpetrate crimes against children. History with sexually abusing children. Have stated sexually exploited/exploiting children.* With a goal of going after suspects answering ads on Craigslist in the Casual Encounters section.
 - i. These stings cannot “focus on suspects” when they are random going after people responding to online dating and hookup ads.

4. Conflict of Interest with Prosecutors:

- a. The WSP and Prosecutor work closely together to exploit the laws for these cases. This includes prosecutors attending training seminars with MECTF lead detectives.¹⁰
- b. The training emphasizes 1) knowing the state’s laws and 2) talking with the prosecutor.

5. Exploiting the Law:

- a. The training¹¹ notes the possible crimes for arrest include Rape of a Child (attempt) in the first, second, and third degree, commercial sexual abuse of a minor, and communication with a minor for immoral purposes. The criminal attempt Revised Code of Washington (RCW 9A.28.020) notes if a user has intent

(text chatter) and engages in a substantial step (traveling) they will be arrested and charged. It does not matter if the crime charged was factually or legally impossible.

- b. The prosecutor's office is using Class A and Class B felony laws when prosecuting to guarantee "to life" sentences, lifetime community custody and indefinite registration on sex offender registry. These are overly aggressive laws which are all used in these made up, victimless crimes.
- c. The WSP and prosecutors work together to limit the possibility of the entrapment¹² defense in trials. Rarely has it been allowed in the lower courts, and when it has been allowed the possibility of an acquittal has been greatly improved (e.g. State of WA vs. Rondeau, State of WA vs. Chapman, State of WA vs. Arbogast). *No proof is needed to show the person arrested has any pre-existing interest in children.*
- d. The WSPA (Privacy Law), RCW 9.73.230, allows for law enforcement to get an authorization to record messages if no probable cause existed before communications started. This works in favor of law enforcement by allowing all text chatter to be recorded and used against the defendant because of an "Implied Consent" ruling by the appellate court.¹³
- e. The State of Oregon has specific laws, like ORS 163.433 – Online sexual corruption of a child in the first degree, which takes into consideration a child and the Internet. This law was created in 2007, is a Class B Felony and punishable by a maximum of 18-20 months for someone with no record.¹⁴
- f. The use of SSOSA or other sentencing alternatives are not allowed in reducing a defendant's sentence as these are victimless crimes and no alternative exists. Prosecutors are utilizing this aspect of the law to abuse the law and obtain lengthy sentences.¹⁵
- g. In several cases law enforcement has either deleted or not disclosed relevant information towards the case putting the defendants at a disadvantage.¹⁶

6. Sentencing Manipulation:

- a. The WSP uses the age of the fictional victims to enhance the charges. When < 12 years of age, it is considered a first-degree class A felony; 12 to 13 years old is a second-degree class A felony and 14 to 15 years old is a third-degree class C felony (or gross misdemeanor when an attempted crime). Every Net Nanny Operation is conducted with the fictional ages younger than 13 to obtain class A felony with lifetime community custody obligations.
- b. Because the prosecutors have all witnesses and evidence for these fictional crimes, they can prosecute to the highest extent of the law and do not need to provide reasonable plea deals due to an almost guaranteed (99%) conviction rate. A similar crime with a victim almost always results in a shorter sentence.¹⁷

7. Funding conflicts of interest:

- a. Public: The Washington ICAC Task Force Program is granted funding through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on a yearly basis.¹⁸ Monthly reports must be provided in order to receive the funding. The PROGRAM must comply with the ICAC Operational Standards. A FOIA on the Washington State ICAC performance has shown an increase in prosecution due to proactive stings. It appears, since 2017 the majority (>50%) of prosecutions and incarcerations are due to these proactive stings. Thus, the grant money is helping contribute to conducting more sting operations to pad their numbers.
- b. Private: A majority of the MECTF private funding (\$185,522k from 2015-2020)¹⁹ has been solicited and provided by Operation Underground Railroad (OUR); a religious organization based out of Utah. A quid pro quo (money for WSP and publicity for OUR) and questionable solicitation tactics violating the RCW were utilized to obtain this private funding.¹⁹ In July of 2020 the lead sergeant of MECTF retired from the WSP and went to work for OUR. Additionally the WSP decided to stop accepting OUR money in 2020 as

noted in a VICE World News article:²⁰ *Loftis said that it did so partly because the money wasn't needed, and partly because it simply didn't want to be involved with OUR. ... We are quite comfortable with our decision to forgo any further donations from them and avoid further association with an organization that might provide distraction from the core mission.* Many court cases brought to light this conflict of interest yet the stings continued with the aid of OUR money.

8. High Cost of Incarceration:

- a. The typical cost of incarceration in the State of Washington at a major prison institution is \$42.3k per year.²¹ Assuming the average sentence is 6.3 years and 189 have been convicted (as noted above) the cost per year of incarceration is \$7.99M and cost over the average sentence will be upwards of \$50.3M. This is an undue burden on the state's taxpayers when much less alternatives of education, counseling, and short-term community custody are available. Research shows these are much better alternatives to incarceration and lifetime supervision.
- b. The felony and SO registration may impact the family due to loss of the breadwinner. Earnings will be stifled due to the felony/SO record and welfare/other social programs will likely be needed, further placing additional financial burdens on the state.

Conclusion:

Operation Net Nanny skirts that fine line between ethical violations and compliance to the law. In the end, the law wins out. Arguments made for outrageous police conduct fails mostly because law enforcement and the prosecutor's office work to fine tune the operations to avoid entrapment. Also, because the Washington Privacy Act (RCW 9.73) is on their side due to implied consent case law rulings in the lower, appellate, and supreme courts. The WSP's MECTF task force also exploits the RCW (13.60.100 through 13.60.120), establishing the creation and activities of the task force on missing and exploited children.

Conducting proactive stings going after random individuals has resulted in many arrests of individuals with no criminal history and no predisposition to engage in the criminal activity they have been charged with.

Catfishing²² and casting a wide net is counterproductive and ends up punishing harmless individuals²³ versus those who pose a genuine criminal threat to the public. It is important we reform the law to keep law enforcement and prosecutors from abusing the current laws on the books. We must also revisit these sting cases (a la SB 6164²⁴ or similar) to end the injustice that has been brought onto otherwise law-abiding citizens. The state should release those who have been unjustly penalized by *Operation Net Nanny's* questionable practices. The children were fictitious, but the felonies, lifetime community custody, and indefinite registration are real.

In *Operation Net Nanny #5*, Thurston County, September 2016, Lt. Michael Eggleston with the WSP Stated: *We're not enticing people to do something they don't already have on their mind. We're just taking advantage of their weakness.*²⁵

*Subject to an extremely limited set of exceptions, all sting operations are per se gravely and deeply immoral for the simplest and plainest of reasons: They are calculated and deliberate attempts to bring out the worst in a fellow human being, to play to their weaknesses, and to pander to their blind spots. Whether performed by the government, the media, private organizations—for-profit or not-for-profit, or private individuals makes no ethical difference whatsoever, except one: When the government does it, everyone begins to think that such egregious behavior is just fine, although it is anything but. In fact, save violence and blackmail (and other like non-violent forms of extortion), there is precious little worse.*²⁶

Notes/References:

1. WSP Website, Snohomish County Sting (7 Arrested) Net Nanny Operation #18: <https://www.wsp.wa.gov/wp-content/uploads/2020/01/012820-Snohomish-County-Net-Nanny-Operation.pdf> Note: Three of the cases were dropped after the original arrested then brought back into prosecution 5-7 months later. So total arrested went from 294 to 291 then back to 294 where it stands as of Dec 2020.. The 291 arrest was also verified by the WSP in May of 2020 prior to bring back 3 cases from the Snohomish sting.
2. Statistics tracked and validated independently using published news articles and press releases on the Operation Net Nanny sting. Verified utilizing public court databases (Odyssey Portal - Washington) by Dan Wright. In May of 2020 the WSP verified there were 60 arrestees under 25. The WSP claims "Of the 60 arrestees under 25 years of age, 18 had previous criminal records (one of which was a registered sex offender)."
3. As noted during testimony of various cases including State of Washington vs. Quentin Parker (#19-1-00354-34) on 23-Sept-2019 and State of Washington vs. Timothy Rondeau (#18-1-00073-16) on 11-Jun-2019.
4. National Report, 2014, page 46 (<https://www.ojdp.gov/ojstatbb/nr2014/downloads/NR2014.pdf>).
5. Additional details on Stranger Danger can be found in the book *Stranger Danger: Family Values, Childhood, and the American Carceral State* by Paul M. Renfro.
6. ICAC Task Force Bill. S.1738. <https://www.congress.gov/bill/110th-congress/senate-bill/1738>
7. ICAC Operational and Investigative Standards. Released as part of this case: State of Washington vs. Bryan Glant (#16-1-01576-34) on 18-Jul-2017. WSP's IAD Standard Operating Procedures Manual (Chapter 7) released as part of this case: State of Washington vs. Curtis Pouncy (#19-1-00338-34) on 13-Jan-2020. Link to ICAC Standard: <https://www.co.benton.wa.us/files/documents/CommissionersPacket198020307070816.pdf>
8. In the trial State of Washington vs. Timothy Jay Rondeau (#18-1-00073-16) on 12-Jun-2019, day 3 of the trial, at 11:23:36 Det. John Garden (WSP) stated "There is no manuals." When asked about procedures or training manuals for the operation. Mr. Rondeau, through the use of entrapment, was acquitted of one charge and a second charge resulted in a hung jury; the second charge was later dismissed.
9. Example Interagency Agreement between Seattle Police Department and Thurston County Sheriff's Office: <https://www.thurstoncountywa.gov/tchome/tchomedocuments/Interagency%20Agreement%20between%20WA%20ICAC%20Task%20Force%20acting%20through%20Seattle%20PD%20and%20TC%20-%202011-18-2016.pdf#search=interagency%20agreement>
10. In 2019 both Carlos Rodriguez and Pierce County Prosecutor John Neeb participated together in a Crimes against Children conference in Dallas and Sex Trafficking conference in Tacoma, WA:
 - a. <https://www.eventscribe.com/2019/CACC/biography.asp>
 - b. <https://strapwaconference2019.sched.com/event/MhFS/lunch-and-operation-net-nanny-a-collaborative-attack-on-child-sex-trafficking>
11. Possible crimes for arrest (pages 66-70) from the Training Manual: *Academy class pres - Training for UC Op.pdf*
12. The training presentation, *Academy class pres - Training for UC Op.pdf*, notes the entrapment legal defense, how to minimize, and how to defend during a trial on pages 71 – 74. The training also notes, incorrectly, that the *Best part is: Defendant must admit the crime.*
13. In the State of Washington vs. Darcy Racus case (<http://www.courts.wa.gov/opinions/pdf/D2%2049755-7-II%20Order%20Withdrawing%20Opinion.pdf>) the ruling allowed for recording and usage of any text messages sent due to implied consent. <https://www.waspc.org/assets/docs/november%202019%20legal%20update%20final.pdf>
14. A similar sting case in Oregon, *State of Oregon vs. William Glenn Street* (Case No. 18CR06492) where a mother pimped her kids Mr. Street received only probation. The court found no prior felonies and recommended that *probation is more likely to offer rehabilitation than prison.* The same laws in Washington state would result in at least a 60-month sentences if a plea deal were reached and likely significantly more if going to trial.
15. In the cases State of Washington vs. Ezra Wright (#16-1-01590-34) a motion hearing regarding SSOSA was filed on 14-Feb-2019. The SSOSA argument was heard by the lower court and not allowed because of there being no known victim. Additionally, cases from an Operation Net Nanny in Clark County have noted in their plea agreements/pretrial settlement agreements with the defendant that *The defendant is NOT free to argue for SSOSA.*
16. In State v. Quentin Parker (19-1-003543-4) initial text chatter of the conversation was deleted. The judge ruled not to dismiss the case after a motion to dismiss hearing on 6-Jan-2020 but two months later the prosecutor dismissed the case "in the interest of justice." In State v. Jeffrey Weinstein (17-1-01669-37) initial e-mail conversations were lost/not provide on discover request. In State v. Ezra Wright (16-1-01590-34) an audio recording of the interrogation was apparently captured but never made available. This is only a few of the cases where evidence which could benefit the defendant was not made available.
17. In State v. *Younes Kerrou* (15-1-02848-2, 15-1-02891-1) where Rape 1, Kidnapping, and Rape of a Child in the Second degree occurred, the defendant received a 15 and 9 month concurrent sentence through a plea, whereas someone arrested during a Net Nanny sting in the same county (Pierce) and same year, typically received a 60 months or greater sentence. <https://www.thenewstribune.com/news/local/crime/article81713852.html>
<https://www.thenewstribune.com/news/local/crime/article199748519.html>
18. The OJJDP provides funding (<https://ojdp.ojp.gov/programs/internet-crimes-against-children-task-force-program#Overview>) to state ICAC Task Forces. Washington State, via the Seattle Police Department, received over \$450k in 2016 – 2018 and funding continues through yearly grants from this program. (<https://external.ojp.usdoj.gov/selector/awardeeDetail?awardee=Seattle%20Police%20Department&po=All>)

19. Operation Underground Railroad funding <https://www.erieri.com/Form990Finder/Details/Index?EIN=463614979>. The Appeals court case of State of Washington vs. Bryan Glant has shown potential violations in obtaining private funding from OUR (<http://www.courts.wa.gov/opinions/pdf/D2%2052142-3-II%20Published%20Opinion.pdf>).
20. Vice World News Article about OUR titled “A Famed Anti-Sex Trafficking Group Has a Problem With the Truth” talks about OUR funding for Operation Net Nanny, the WSP’s acknowledgement of it and decision to forgo future donations. <https://www.vice.com/en/article/k7a3qw/a-famed-anti-sex-trafficking-group-has-a-problem-with-the-truth>
21. Cost per day/month/year in Washington State as provided by the WA DOC: <https://www.doc.wa.gov/docs/publications/reports/200-AR001.pdf>
22. Article on Catfishing as it relates to entrapment and the sting operation: <https://usobserver.com/catfishing-for-convictions-florida-police-bend-the-rules/>
23. Refer to the NY Times Magazine Article, *Convicted of Sex Crimes, but With No Victims*, August 2020. <https://www.nytimes.com/2020/08/26/magazine/sex-offender-operation-net-nanny.html>
24. Senate Bill 6164 (2019-2020 session) – A bill concerning prosecutorial discretion to seek resentencing. <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/Senate/6164.SL.pdf?q=20210404095054>
25. Q13 Fox Seattle article from 2016 on police arresting 21 in a child sex sting. <https://www.q13fox.com/news/police-arrest-21-adults-save-4-children-in-child-sex-sting>
26. Fulda, J.S. Sting Operations Revisited More Generally: Seeing the Forest *and* the Trees. *Sexuality & Culture* 15, 395–398 (2011). <https://doi.org/10.1007/s12119-011-9110-5>