

## Internet Stings and Operation Net Nanny – WSIPP Study Rebuttal

Rev 1.4 –4-Aug-2023

This rebuttal to the [Internet Stings and Operation Net Nanny WSIPP Study](#) by Corey Whichard and Katelyn Kelley notes our comments and concerns with certain sections of this study. This rebuttal was written, reviewed, and edited by founders and members of Citizens Against Government Entrapment (CAGE - [www.cage.fyi](http://www.cage.fyi)) as well as others affected by these sting operations. Various experts in criminal investigation, legal defense, and child trafficking have also been a part of the information gathering for this rebuttal. Those of us in CAGE represent many impacted by Operation Net Nanny and have been collecting data from these sting operations over the prior five years - long enough to qualify us as subject matter experts.

### **Page 1:**

---

Operation Net Nanny (“Net Nanny”) is an internet sting operation that has been active since August 2015. Net Nanny is designed to apprehend adults who use the internet to solicit sexual activity with minors (i.e., under age 16).

We have a concern with this language. The adults being arrested were all on Adult Dating and Hookup sites. So, if it is designed to apprehend adults that used the internet to solicit sexual activity with minors, then why is the WSP (MECTF) running these stings on 18+ sites? These stings appear to be nothing more than a ruse, designed to bait and switch and lure unsuspecting men from these “hookup” or similar Adult dating/meetup type websites. If minors appear on these sites, then is targeting adult subscribers the best way to effect public safety goals?

**Scenario #1 (57%): Undercover officers posed online as a minor posting personal ads on dating websites or internet forums.**

To clarify, online postings WERE NOT officers posing as a minor. The profiles were those of an adult which would indicate adults wanting adult interactions and activities. No description or mention of children is made in any of the profiles. Profiles included pictures of adult men and women.

**Scenario #2 (39%): Undercover officers posed online as a parent seeking adults to engage in sexual activity with their children.**

Online postings WERE NOT officers posing as a parent seeking adults to engage in sexual activity with their children. There was NOTHING in the ads indicating or suggesting a parent seeking sexual activity with their children. In fact, many of the ads included the phrase “W4M”, which means, “Woman for Man”, or Woman wanting sex with a Man, and included a playlist of role play activities.

There is nothing in the ads or profiles of either of the scenarios which indicates they have anything to do with child exploitation or sexual contact with a minor as the WSP repeatedly states. Detectives and Prosecutors use this language to create a mindset of someone preying children which was not the case.

On average, across these specific measures individuals convicted through Net Nanny resemble people convicted of sexual crimes against minors who were arrested via traditional police tactics.

We believe this statement references Exhibit 8 on page 18 of the study. The statistics show a lower percentage in ALL the Net Nanny cases with the exception of one (0.2%), representing a difference that might be statistically equal. When referencing a statistic like this, however, it is important to also have additional comparisons countering each with the general population. We believe you will find similar numbers. We talk in more detail about this below, but it is very important to note that prior convictions are overall LESS than those for similar crimes and without comparing to the general population; therefore, it doesn't hold weight. Your wording and conclusion here add bias to the report and does not increase understanding of the problem enumerated.

### Page 3:

---

Police have used sting operations in different ways to target various crimes. Depending on the sting operation, undercover police may pose as participants in a crime or as potential victims.

Each Net Nanny Operation has a stated "MISSION" describing how the plan would be realized. For Net Nanny #5 in Thurston County the MISSION reads: *MECTF is placing CL ads, answering CL ads, and chatting with individuals that want to perpetrate commercial and non-commercial sex crimes against children. The Online UC operation will focus on suspects that have history with sexually abusing children, have stated they sexually exploit children, and recovering children that are being sexually exploited.*<sup>1</sup>

By analyzing actual sting chat logs, interviewing targets, and in discussions with those arrested, CAGE has discovered the following:

- MECTF did place ads on Craigslist Casual Encounters with titles like "Family Play Time!?!? – w4m" - note the adult character of the ad.
- The individuals on these Adult, 18+ sites, were all introduced to the idea of perpetrating sex crimes against children by the undercover officer because they led the discussion and introduced the possibility of sex with children.
- **MECTF notes they would "focus on suspects that have a history"** yet the WSIPP study reveals that less than 10% of those arrested had any prior history of abusing children.
- MECTF was randomly fishing for suspects in a large pool of individuals. It appears that **no specific person was targeted.**
- Many arrested had NO prior criminal history and no predisposition, yet they were detained and prosecuted nonetheless. There was also NO diversion program offered. Instead, the harshest penalties were sought through police virtue testing, mischaracterization of user profiles, abuse of citizen rights, and manufactured criminality.

We would agree that if Law Enforcement (WSP – MECTF) is going to conduct an undercover sting operation then it would be best to catch someone known to police (a reported concern/Probable Cause), or one who had a history evincing serious concern in the community. We do not agree with the casting of a WIDE net on the Dating and Hookup sites, due to pervasive intrusion in one of the most intimate and vulnerable settings adults frequent. These have included: SKOUT, Badoo, Tinder,

Whisper, OkCupid, Grindr, Scruff, Grizzly, Plenty of Fish, Book of Matches, Skipthegames, MeetMe and many others.<sup>2</sup>

*The Miami Herald* recently published an article about an ICAC detective tipping off suspects during an ongoing child sting operation.<sup>3</sup> This is someone who worked the “child crimes unit” for more than 7 years. Though “the sheriff’s office did not release what may have prompted the detective to warn the suspects” we can imagine it was likely related to a gross ethical violation of fairness. Interestingly, LE arrested the detective and charged him with 15 felony counts! This is law enforcement working to protect their questionable practices and continue the cash cow (Collars for Dollars<sup>4</sup>). Sadly, as your report seems to show, this isn’t helping stop crime or protect children.

Chelsea Reynold’s 2017 Craigslist Casual Encounters research<sup>5</sup> found most Craigslist sex forum users were normal people seeking to explore their sexual desires with strangers online. She described the majority of the users as “sexual outsiders,” people who are LGBTQ, non-monogamous, or kink and fetish community members who are different from most people on regular dating sites. She also discovered “statistically very few” users of the website were victims of sex trafficking, a finding that didn’t match law enforcement’s and the media’s reports of Craigslist personal ads.

This report uses the term “internet sting operation” to refer to operations designed to target adults who use the internet to arrange face-to-face meetings with minors for sexual activity.

This refers back to what we said above. Police claims do not match the reality; please refer back to MECTF’s Mission Statement (for example NN#5<sup>7</sup>). We maintain it is unrealistic, unfair, and unreasonable to target adults on adult dating/hookup sites by claiming without cause that the chief reason adults appear on such platforms is to arrange a sexual meeting with a minor. What law enforcement does on these sites is lure unsuspecting individuals via deception and convince them to meet with a minor. This is exactly what MECTF has done for the majority of those arrested. Adults looking for minors would more likely be on social media sites where minors congregate. That might mean Facebook, Instagram, Snapchat, Tik Tok, Discord, Roblox, or similar.

- 1) An initial phase where undercover police officers engage in online communication with adults who express interest in having sexual contact with minors.
- 2) A subsequent phase where the targeted adult travels to an agreed-upon location for the express purpose of engaging in sexual activity with a minor.
- 3) A final phase where the targeted adult is arrested on-site.

**#1:** It is in fact the undercover officer who introduces the minor/children into the conversation (or bait and switch on the age) and then pushes the sex with the minor. Of course, being on a dating/hookup site it isn’t far-fetched that “sex” would be brought up by someone. Often, sex is discussed prior to knowing the exact age of the image in the profile picture, with adults relying on the language of the user agreement often stating minors are not welcome or allowed onto the site. Moreover, profile photos used are also of adults or individuals appearing over the age of consent.<sup>6</sup> Deception is often added by putting filters on the person's photo to further disguise the age so that one can not visually determine the age with certainty. This deliberate obfuscation is designed to set up the adult mark and transfer an unreasonable fact-checking burden onto the adult user, who has no reason to suspect he/she is not talking to an adult. If MECTF is looking for persons interested in

children, pictures of children should be supplied. They have the ability to do this as detailed in the ICAC manual Section 8.5, so long as the “Employee” has given their consent of use. But in that event, LE’s arrest stats would plummet.

**#3:** There have been many arrests where the individual never made it to the location (be it trap house, store, park, etc.). In some cases the individual was driving away or passed by and still was arrested and prosecuted<sup>7</sup>. If the study had access to the transcripts and reports it would be evident that a good percentage never made it to the trap house location or inside the trap house.

A statement made during one of the stings by the head of MECTF about Probable Cause (PC) was: *“If PC is established during the chats, that will be relayed from the CP to the arrest and surveillance team. If PC cannot be established, the surveillance TL will consult with the CP on whether or not to conduct a Terry Stop. Vehicles will be towed to Lakewood PD for search warrants and or seizure.”* Researching Transcripts of texts would have shown the many differences between Net Nanny Stings and other arrests made in teen chat rooms, the dark web, and sites where minors hang out.

Before the 1800s, courts only punished individuals based on actual behaviors and the consequences of those behaviors. Legal experts eventually abandoned this approach because they were concerned it limited the state’s ability to prevent crime.

In Washington State [RCW 9A.28.020](#) is the Criminal Attempt law that allows these stings to be prosecuted since the crime can be *factually or legally impossible of commission* – sex with a fictitious minor, for example. The Attempted Rape of a Child could be charged in a WA State Child Sex Sting operation but not in an OR State sting operation since it has a different Attempt Clause. This clause was enacted in 1975 well before the internet and these proactive child sex stings both existed and we do not believe it would have been the legislature's intent to support such bad faith policing tactics. One of the CAGE co-founders has spoken with several legislators who believe these arrests should be treated with a diversion program (as also noted by the SOPB’s Fall 2022 report to legislature).

#### Page 4:

---

1) there is evidence that the individual intended to commit a specific crime, and 2) there is evidence that the individual took a “substantial step” toward completing that crime.

It can be difficult to properly determine what constitutes a “Substantial Step.” Part of the challenge for the person arrested is there is often “doubt” about truth in these conversations, because a feature of the online adult dating platform is fantasy, chicanery, and dishonesty. Many subscribers are wary of being catfished, a real danger in the digital age where entire profiles are stolen, misused, and abused. Thus, by default a user may show up at the meet location as a “trust but verify” action. Many do not believe they are talking to minors or adults with minors (refer to text transcripts) due to role-play scenarios and smack-talk. No site subscriber can know for certain without seeking confirmation, and it cannot be confirmed unless one meets the person with whom you are chatting. This is the internet, remember: most people lie or exaggerate, even more so on “dating” type sites.

Verifying our claims can only be gleaned by reviewing the whole conversation, not by cherry picking parts of the text chatter. What we have found is that those arrested outside the “meet location” or trap house have often fared better in their trial and plea negotiations.

The only thing law enforcement has proven is that they can create these conversations, and they can get men to show up. They have not proven that any of the men would have consented to having sex with a minor much less the intent to do so.

**Page 5:**

---

Net Nanny generated relatively few arrests between 2020 and 2022. According to WSP officials, this was caused by complications arising from the outbreak of COVID-19.

The last pre-COVID sting was NN#18, January 2020, with 7 arrests out of Snohomish. This agrees with Exhibit #1 in your SIPP Study. Yet, this statement is somewhat misleading, because small one-offs and other stings did occur outside of Operation Net Nanny like Operation Day Care, March of 2021 in Pierce County. After a two year break Net Nanny returned in August 2022 with 7 arrests out of Grant County and another in November 2022 with 13 arrested in Lewis County; this includes the one additional arrest after the operation ended. Thus a total of 20 arrests were made in 2022 as a result of Net Nanny instead of 19 as shown. CAGE and various legislatures expected these questionable stings using bad faith policing would go away after the retirement of Carlos Rodriguez. Some legislators even believe they had. However, reviewing probable cause documents from both Grant and Lewis Counties has shown that nothing changed. The stings were still conducted on Adult (18+) dating and hookup sites like: Grindr, Skipthegames, Badoo, Tinder, and Meetme. Postings and conversations remained similar to prior stings with law enforcement leading the discussions and bringing up the topic of children first. Joshua Leonard's probable cause document noted the person (law enforcement) posted as a 32 year old, then miraculously became a 12 year old and they were on both MeetMe and Scout. The random police target was doubtful of the sudden claim the profile was actually a 12-year-old, and police capitalized on this confusion and the nature of the site to lured him in and arrest him.<sup>8</sup>

All Net Nanny operations are funded through the MECTF, which is primarily funded by the State General Fund.

Unfortunately, this is NOT correct. The study should have vetted this claim better. We know that the non-profit, Operation Underground Railroad (OUR), provided significant financial support to MECTF and to these stings. OUR contributed over \$255,439 between 2015-2020 based on the OUR 990, Schedule I. Joint press releases issued by both organizations often noted their contributions.<sup>9</sup> Based on press releases and FOIA documents we know OUR contributed: \$20k to NN#1, \$30k to NN#2, and \$10k to NN#5 within the first 2 years of working together. OUR continued to contribute until 2020 when it was cut off. The decision to stop accepting OUR funding was made by the WSP in 2020 as reported by VICE World News article:<sup>10</sup> *"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."* In July of 2020 the lead sergeant of MECTF retired from the WSP and went to work for OUR. Many court cases brought to light this conflict of interest yet the stings continued with the aid of OUR money.

MECTF also received public funding through the state legislature as well as through federal monies. These sting operations were funded by federal money through the Seattle PD ICAC division (FY 2021, \$573,845, FY 2022, \$655,092)<sup>11a</sup>.

WSP does not have its budget specified down to the Net Nanny level and thus was unable to provide WSIPP with a specific cost estimate. WSP approximates that each operation costs between \$20,000 to \$40,000.

It is interesting this data wasn't provided by the WSP for this study. We were able to acquire some of this data via FOIA request. Data shows the costs dating back to the 2016-2017 timeframe. We include an appendix showing the cost of a single operation running close to \$100k<sup>11b</sup>. It just shows that with all the people involved (> 30) the man-hour cost including frequent overtime easily exceeds \$40k, with at times upwards of 50% of the total cost going to overtime pay alone (perhaps similar to dollars for collars programs in the past). More documents can be provided to back this up if desired.

**Page 6:**

---

For most operations involving scenario #1, undercover officers post ads on platforms for adults seeking romantic relationships or casual sex. Because these platforms are intended for adults, the personal ads are designed to appear as though an adult posted them.

We are concerned about this cynical, dishonest police practice masquerading as legitimate police investigation. We understand there are two main scenarios police use which our research and findings have corroborated. We do appreciate the study mentioning that these are platforms "intended for adults" which hopefully reminds readers of this study that **NONE of these people are going out there looking for minors**. In ALL of these cases the age posted in the profile is a legal age. Age ranges posted run from 18 on up to 40's or more. But, then abruptly, as the trap begins to close, the age might randomly drop to 13, especially for Scenario #1. It is impossible for someone to specifically know the age of the other party when multiple ages are being disclosed. Adult users rely on the legal contract displayed in the terms of service, which often also forbid government agents (law enforcement) from being present, as well as prohibiting any impersonations. Law enforcement violates both; its ruse absolutely depends on it.

Soon after they start communicating with the other person, officers reveal that they are actually minors (i.e., under age 16). Officers are also trained to mimic the online communication habits of young adolescents. In addition, officers are instructed not to initiate communication about sexual activity and are only permitted to discuss sexual activity *after* the other person brings it up.

This conclusion is FALSE, misleading, and cruel. There are many good articles on Internet stings and some deal with the chats as well. One chat might begin: "I'm 13. I'm Online. U Believe Me?"<sup>12</sup> to which the study actually concluded they did believe the online persona based on multiple factors including sites, photos and speech. In many of these sting cases, there is disbelief and most do NOT appear to believe the online persona is the age they are claiming. Some wonder why the person is online pretending to be an adult. This research did contradict another study, more closely related to stings, by Lincoln and Coyle (2013) that noted the person DID NOT believe the online persona. Rather than studies, actual WSP-MECTF conversations should be reviewed to discover many did not believe what was being "sold." In fact, many suspected that the persona was actually a cop.

The problem is that law enforcement's behavior is not the behavior of a real minor. It mimics role-playing behavior of an adult who enjoys pretending to be a minor for whatever reasons.

However, if one is to take this as a minor posting, then posting an ad on Craigslist Casual Encounters, No Strings Attached to solicit men, and initiating a sexual conversation for casual sex effectively suggests law enforcement are exploiting minors, pimping them out. Then there is the argument as to why LE is creating a virtue test without any probable cause, which is violative of the 4th Amendment. Of the people who use dating sites or apps, 24 percent admitted to using them to find consensual casual sex partners (Pew Research Center)<sup>13</sup>. These sting operations target the 24% of men from that group.

It should be remembered ALL of these types of stings are conducted on a dating and/or hookup site so the sexual conversation is sure to come up. ***In the majority of these cases sex is initiated by the officers.*** It is 100% untrue that the officers do not initiate communication about sexual activity *first*. Again, for this we can refer to chat transcripts to prove who brings the idea up first and how it is often solicited from the person on the other end of the chat. For example, here is law enforcement prodding one to incriminate themselves, “...but tell me specifically what you want with me kids.” [sic]

However, in about 28% arrests involving scenario #1, undercover officers were contacted through ads posted on dating platforms for teenagers.

We disagree, and ask, which platforms? These platforms should be listed. We are aware of only one case conducted on Facebook (Brandon C. Pamon) and he has intellectual deficiencies. Yet, law enforcement reached out to him rather than him engaging first in the conversation. In the Appeal Opinion (3/2/2022 – No. 83468-1-I) *during sentencing, the court noted that the degree to which law enforcement targeted Pamon here was unusual compared to typical MECTF “Net Nanny” operations. The court found by a preponderance of the evidence **three mitigating factors** justifying an exceptional downward sentence. The first mitigating factor was that law enforcement, as the “complaining witness,” was “to a significant degree, an initiator, willing participant, aggressor, or provoker of the incident.” The second mitigating factor was that “the Defendant, with no apparent predisposition to do so was induced by others to participate in the crime” and the court found there was no evidence Pamon had been “friending young girls” on Facebook. And the third mitigating factor was that “the Defendant’s capacity to appreciate the wrongfulness of his conduct, or to conform his conduct to the requirements of the law, was significantly impaired.” The court found that Pamon “has a compromised intellect” and that Sam “initiated discussions of commercial sexual exploitation.” The court sentenced Pamon to an indeterminate sentence of **96 months to life in prison.***<sup>14</sup>

Officers then provide the other person with a residential address. Once the individual arrives and knocks on the door, an undercover officer dressed as an adolescent answers and invites them inside, where they are arrested.

If done at a TRAP HOUSE location law enforcement will provide an intermediate address, like a 7-11, gas station or similar for observation purposes before providing a “residential” address. There are other cases where men are told to meet at a McDonald’s; see cases of Daniel Kennedy (19-1-00352-34) and Aaron Lee Kinley (17-1-01639-37). And Todd Lee Schock (19-100341-34) was arrested at a Safeway. There have been cases where men never travel to the final location. In the case of Joshua A. Garcia (19-1-00349-34) he was told to go to a location, said no but because he shared his location, the police arrested him anyway, though not at the meet location. Kyran John Lien (17-1-01555-3) never went near the trap house and Kyle Jackson (16-1-01582-34) was arrested at the

gas station also never making it to the trap house. Mr. Kyle Jackson was later acquitted but spent almost 2 years in jail waiting for his trial, effectively punished for a crime he did not commit. Highly unlikely for any sexual encounter with a minor to occur at a McDonalds, Safeway, or on a neighborhood street, yet these individuals have been arrested and prosecuted anyway. There are others who were arrested while leaving and driving by the meet location. Apparently getting close was sufficient for law enforcement to make an arrest and prosecutors to continue their prosecution. While prosecutions using circumstantial evidence are common, where serious deprivation of citizen liberties is highly probable, law enforcement must respect the sensitivities inherent on dating and sex sites. It is not the job of law enforcement to be arbiters of virtue. Yet, the ruse works because it strikes at the heart of the most vulnerable, and, worse, does nothing to impact real public safety goals. Manufactured crimes lead to manufactured results.

It should be noted again that most caught up in stings have no criminal record and would never have taken affirmative steps toward commission of a crime absent police pressure or interference. By reviewing the Pre Sentencing Information (PSI) document or Psychosexual evaluation, one finds additional mitigating factors which law enforcement never considers but nevertheless effectively exploits. These include marital problems, family issues, homelessness, drug or alcohol addiction, porn addiction, loss of career, loneliness, identity issues, mental health issues and so on. While not an excuse, these men are an easier target for law enforcement, and are therefore at greater risk of exploitation, not unlike what one sees in physical assaults of citizens by police, which has captured the public's outrage in recent years.

#### Page 7:

---

Transcripts of the online communication provide evidence that the arrested individual intended to engage in sexual activity with a minor.

Clearly, WSIPP study authors took LE's word for this. Later in the study (p.26) **it is noted the transcripts were NOT reviewed**. How can this claim be made without analyzing at least SOME of the transcripts? There is NO justification for this claim, though it appears to be something the WSP would write in their Probable Cause document. Many of the transcripts note the target's shock and disbelief when ages or kids are mentioned. Most wonder then if this is a setup or cop, or similar that they must be chatting with. It is the undercover who claims those chatting with the target are NOT police, but continues to encourage the behavior and often leads the individual onward. LE does not merely provide an opportunity to commit a crime, as LE repeatedly claims. If they refuse to participate they might be shamed or called out as a flake or otherwise induced to aid LE in commission of the ruse. Transcripts can be reviewed to find this shaming behavior all **over the chats** (We can provide examples if requested). While we can all agree there was intent to engage in sexual activity, it was not necessarily with a minor, as there was still doubt on whom the conversation participants were. LE gets around this ambiguity they caused by claiming the mark should have disengaged in the conversation immediately upon learning a prospective minor was present, but this is not how people typically behave – there is confusion, shock, disbelief, checking for veracity, role-playing, and other mitigating behavioral factors which are not of themselves illegal. It should also be noted that in State v. Parker (Case #1910035434) some of the SCOUT text was lost/deleted. As a result Parker's case was later dismissed. It is unknown how many other cases had missing conversations especially with over 74% of those arrested taking pleas, but we have evidence in some used for that some altered chats were



used in prosecutions in other states (see Commonwealth v. Achin, 2019 - successful, but Commonwealth v. Rehm, 2023, - unsuccessful - both in Virginia).

The majority of arrests (70%) took place after undercover police were contacted in response to personal ads posted on adults-only platforms (i.e., age 18+). About 28% of arrests took place after undercover officers were contacted through online platforms designed for teenagers (i.e., age 13+).

The platforms should be listed. We are aware of the following platforms being used for these STING operations: Craigslist Casual Encounters as well as Social Media Dating Apps including: SKOUT, Badoo, Tinder, Whisper, OkCupid, Grindr, Scruff, Grizzly, Plenty of Fish, Ok Cupid, Book of Matches, Skipthegames, and MeetMe. The early stings were done in Washington state on Craigslist Casual Encounters until it was shut down due to new legislation (FOSTA) enacted in 2018. We do not believe this 28% number – as noted before, we are aware of only one sting that was conducted on FACEBOOK which consisted of questionable and aggressive tactics by law enforcement going after someone with compromised intellect.

#### Page 8:

---

These personal ads typically include text indicating the post is intended for adults interested in an unspecified type of sexual activity that is unconventional (i.e., “not for everyone”).

It is difficult to determine if WSP-MECTF is doing this to target the KINK community or perhaps to make their ad stand out or be a little different from all the other ads online. MECTF will say it targets “predators” but most respond to a variety of ads in their hookup question and encounter law enforcement randomly. The rate of rapid-fire response by law enforcement is unusual. It would require speaking with those arrested in these stings to verify this.

One example ad, posted on Craigslist Casual Encounters for NN#5 was titled: “Family Play time!?!? - w4m” With the the following text: “Mommy/daughter, Daddy/ daughter, Daddy/son, Mommy/son...you get the drift. If you know what I’m talking about hit me up we’ll chat more about what I have to offer you.”<sup>15</sup> This would certainly seem like a role play/fantasy type activity to most.

After arriving at this address and entering the premises, the individual is arrested.

There is NO OPPORTUNITY ever given for the target to **not commit the crime**. Detectives allow NO time to “observe and decide” the validity of their suspicion. They are always met by an adult, even when one is not supposed to be there. Why would they not assume the adult is playing a game?

Because this scenario involved multiple fictitious victims, we display information on the age of the *youngest* fictitious victim. On average, the youngest fictitious victim was about eight years old. In 50% of arrests, the youngest fictitious victim was six. Arrests typically involved fictitious victims of both sexes (52%).

Law enforcement knows that they can get double/ triple charges by inventing multiple children - extending the already excessive sentences and all but guaranteeing plea deals. Roughly 74% end up taking pleas and another 20% go to trial. Someone with 4 or more charges is looking at a 10 year plus

sentence if they lose in a trial (of which there have been over 55). Law enforcement typically sets 3 ages for the children: 6 year old girl, 11 year old girl, and 13 year old boy. This would allow for two charges of AROC1 and one charge of AROC2.

During court testimony from Sgt. Rodriguez, 1/6/202, in State v. Parker, Sgt. Rodriguez noted “*we have limited resources, so we do want to focus on the more egregious crimes, which is the AROC1 and AROC2.*”<sup>16</sup>

The majority of arrests (90%) took place after police were contacted in response to personal ads posted on adults-only platforms (i.e., age 18+). About 9% of arrests took place after police were contacted through online platforms designed for teenagers (i.e., age 13+).

This is not surprising, because most are on such sites to hookup and meet others. It requires responding to a bunch of ads or the “matches” that the dating platform algorithm pairs the dating profile with, either by geolocating those closest to the subscriber, or by swiping left or right. Many of the individuals likely sent out 5-10 other responses to post that same day. Since these are adult-only platforms, and matches were paired with 18 and older dating profiles, clearly none of these individuals were seeking minors, absent law enforcement enticements or badgering. CAGE does question the stats on the teenage platforms and would like to know what sites these 9% were on. Regardless of all this, if law enforcement wants to protect the community they would be on websites where minors are present, not on adult sites. Common sense dictates that; so what is the motive of LE, what is their purpose – perhaps to pad arrest numbers, to get additional funding, to appease OUR, and foster closer working relationship (quid pro quo).

Because most arrests from scenario #2 involved a fictitious victim younger than age 12, this explains the high percentage of charges for AROC1.

MECTF manipulates the age, often saying “almost 12” in order to get this AROC1, Felony A count to stick. In fact, the WSP’s training slides (delivered by Carlos Rodrigues at various conferences around the US) show they are going for the most aggressive felony charges like AROC1 and AROC2; it is a part of their scheme.<sup>17</sup> None of those online realize this is “Felony A” with lifetime CC and ISRB. They just realize having sex with a minor is wrong and against the law (as noted during some conversations). It has been noted in testimony (depositions, etc.) LE goes for the highest charges possible; otherwise, it isn’t worth doing these stings to prosecute people for 1-3 months of jail time and a minor felony or gross misdemeanor. By threatening many decades in prison, they achieve high rates of return by extorting plea deals of otherwise unlikely criminals.

## Page 9:

---

During discussions with WSP officials, we learned that it was relatively common for people arrested as a result of scenario #2 to arrive on-site with gifts intended for their fictitious victims, such as toys designed for young children.

When reading transcripts of the conversations you will discover that in most, if not ALL of these cases, the idea of gifts was requested and encouraged by the fictitious victim (law enforcement). The reason was to increase the evidence for the case they were building by manipulating the target into taking a

'substantial step'. Additionally, if LE could get the individual to bring a "gift," then they can stack on an additional Felony B charge: Commercial Sex Abuse of a Minor (CSAM), [RCW 9.68A.100](#). This charge also carries with it a huge fine, often \$2,500. One could consider this extortion by law enforcement to add money to their budgets. We refer you back to the WSP training slides;<sup>17</sup> all of this is a part of the MECTF's master plan to stack charges in order to obtain easy convictions (pleas).

This behavior demonstrates that the arrested person was attempting to provide minors with material rewards for sexual activity, leading to the initial charges for CSAM.

This is an assumption and law enforcement's deceptive way of leading the reader and public. Net Nanny is much like a shell game. The more one learns about what went on in and during the stings you will realize that the PERCEPTION OF LEGITIMACY WHICH THEY PORTRAY IS MORE IMPORTANT THAN THE LEGITIMACY ITSELF.

It is most likely the comment about behavior was written by the WSP. This does not belong in a study/factual document. This behavior demonstrates that law enforcement was able to encourage/manipulate the individual to bring something. Sometimes they did, sometimes they didn't. Many did not and went to the location for an assessment and confirmation, only to be arrested without the opportunity **not to commit the crime**.

Let's also not ignore the fact that this also goes along with the role-playing. If the person role-playing (pretending to be a deviant teen who was desperate for sex) requested gifts and demanded all along that the men play along with them, then of course, it makes sense that the men are playing along with this as well. A case in Jefferson County, David L. Sprague (Case #18-1-00069-16), hung the jury twice on a role play defense. His case was later dismissed.

## Page 10:

---

Internet sting operations could reduce crime through *incapacitation*. Incapacitation occurs when a person cannot commit a crime because they have been removed from the community, typically through incarceration.

The US has more people incarcerated than any other nation (more than 2.2M) which is about 0.7% of the US population; an incredibly high rate of incarceration compared to all other countries.<sup>18,19</sup> Why do we need to do stings to put more people into prison/incapacitate people? This obviously isn't working. The only thing this is doing is crowding prisons, courts, and destroying lives and families and creating collateral damage emanating through communities. The one notable 'benefit' is that it manipulates public opinion to believe public safety is mitigated by these efforts, and, of course, it fills the coffers of police and lawyers. The end result is people with felonies who have more difficulty finding jobs, housing, and resources to stabilize their lives, often end up relying on the state and federal government for support.

Importantly, it cannot be proven that any of these men would have ever "raped a minor" as they claim. They did not stop anybody from raping any minors (like they have falsely claimed) because these men were not looking for that, and it's not realistic that random police targets would have ever come across a real minor in one of these places who would be pushing sex on them or a parent who

would be demanding sex for their children from them and harassing them about it, etc. It was a fantasy created by law enforcement and forced on men visiting these sites; law enforcement did not merely create an 'opportunity' to commit a crime as they have often claimed.

If individuals arrested in internet sting operations are motivated and willing to commit sexual crimes against minors, then incarcerating these individuals will prevent them from committing additional crimes while in confinement. However, it is impossible to measure the number of crimes prevented this way.

We would agree it is impossible to measure the number of crimes this helped prevent. Generally we would put it very low since we do not believe law enforcement were arresting predators or individuals who would commit crimes against minors. In fact, most stings are 'proactive' in character. They do not rely on a tip involving endangerment of a real child. Therefore, the character, actions, and motivations are imputed by the subjective judgements of LE, which in turn create many opportunities ripe for abuse and mischaracterization. This too is deliberate, as officers get to control the narrative from sting to conviction, manipulating screenshots and placing them like puzzle-pieces into a preconceived scenario they themselves create. By referring to the transcripts, one will find law enforcement doing the inducing and luring with very aggressive and sexual language, all, of course, conducted on adult sites. Stings done correctly, on sites with minors, following proper procedures (not bringing up sex and letting the target lead the conversations) **might** arrest the right perpetrators but the Net Nanny Operations went a different route. We believe society was made worse through these operations as those arrested along with their families have had their "dreams" evaporated and their abilities to ever live a normal life is gone. The felony and SO registration label will hinder career opportunities and growth for the rest of their lives and all without improving public safety, but hindering it.

People aware that the sting operation exists may conclude that engaging in the targeted offense is too risky, resulting in less crime.

There are two other consequences the study does not mention: First, the public believes LE is keeping them safe when in fact they are refusing real cases (reactive cases) in favor of 'easy arrests' via proactive cases to claim more rescued children (this transition was noted on page 67 of a Jan 6, 2020 deposition: State v. Parker).<sup>16</sup> Second, it creates complete paralysis of their prey as those listed suffer emotional, financial, and physical trauma. They lose their jobs quickly with no way to make an income with which to fight the accusations. They are also often restricted from the family and home that would be their support, and the community which turns their back due to fear, loathing, and misinformation.

#### Page 11:

---

In contrast, internet sting operations are intended to prevent crime by allowing police to intervene *before* the offense can be completed. In theory, this means that internet sting operations can be used to punish adults who are intent on sexually abusing minors without needing to wait for a real-life victim to be harmed.

This is what Law Enforcement wants the public to believe – that there is clear *intent*. We do not believe these individuals would have sought out minors without the prodding and encouragement by

law enforcement to follow through (e.g. Entrapment). In our research of independent cases have found NO EVIDENCE that intent existed in virtually all of those arrested.

People who are aware of these sting operations and familiarize themselves with them, understand that these sting operations are not targeting those who are seeking minors online to exploit and abuse. In all likelihood, it is protecting real people (predators) seeking minors because law enforcement is spending their time entrapping men looking for adult consensual sex online rather than going after the real groomers.

An additional benefit of internet sting operations is that they may lead police to uncover evidence of sexual abuse that was previously undetected.

LE variously claimed 31 children, or more, were rescued during Operation Net Nanny. This also does not appear to be true. For example, one man, Nathan, who was arrested was married with two infant children. These two children would be considered “rescued” as a result of the sting operation even though there was no proof of harm to these children upon investigation (a review which was not always undertaken). Nathan was separated from his children, not allowed to see them or attend to their needs. Psychologists will tell you that this action is hardly beneficial to infants. Nathan was forced to take a plea of 60 months and went to prison for those five years no longer able to support his wife and children. His wife divorced him and he has had difficulty holding down a job, finding lodging and supporting his family due to the sting operation, arrest, and prosecution. Had the operation been done properly they would have investigated and discovered no issues with his children and put Nathan on a diversion program so he could get some counseling (if/as needed) and continue to support his family. There was NO attempt to do that for ANY of these Net Nanny cases. Prosecutors were part of the stings (their names appear in the Safety Plans and they showed up at the Command Posts or were on call to provide legal cover for deprivation of liberty) *but* a diversion program was never a part of the operation. If investigations and diversions were part of these stings we would be less inclined to believe some ulterior motive was at play here (funding, power, hero-playing, pandering/manipulation of public perception, etc.). No real children were saved yet real children were harmed by ruining families across the state. A cynical irony.

Proponents have also argued that internet sting operations represent a necessary innovation in police tactics to protect minors in the internet era.

Unfortunately, this argument rings hollow. This would require each of these cases to be reactive, and vigorously worked and investigated, ideally prior to arrests. Law Enforcement only needs what is creatively massaged and collected during the sting to make an arrest and prosecute. Why spend more resources digging further if not needed? These cases as they stand are considered slam dunks because of the loopholes in the laws that exist. Reactive cases take work, cost more to prosecute, and result in lower sentences and conviction rates. In Virginia, independently, both an ICAC officer and a police public information officer recently admitted to a CAGE member that the proactive stings are preferred because they are simply easier.

**Page 12:**

---

Similarly, since the victims are fictitious and no sexual abuse took place, members of the public may conclude that individuals arrested in internet stings did not actually commit a crime and are being treated unfairly.

The fact that sting targets have been deemed ineligible for SOSA, and involve victimless crimes for which they often serve **more prison time than one does for crimes against a human being**, is certainly unjust. This is shown via the WSIPP Study's own statistics. Our statistics show sentencing has changed over time. As CAGE has fought more, spread the word, worked with others, the NY Times Magazine Article came out and other news about OUR (Operation Underground Railroad) funding some prosecutors have eased up and the sentences have gone down a bit. The average sentence in 2015-2020 was closer to 76 months (6.3 years) and now 3 years later we are closer to 64 months. This is a 1 year reduction in sentencing which took tremendous pressure by members of CAGE, legislators, lawyers, media, and others, but it still is not sufficient or enough to curb injustice.

In addition, police often reveal the identities of individuals caught in internet sting operations soon after being arrested. Since it is possible that the courts will later determine that an arrested individual is not guilty of a crime, there is a risk that this practice may cause significant reputational harm to innocent people.

This might be the understatement of the year. We just stepped back 330 years to 1692 and the Salem witch trials. Public shaming (via media and press releases), media reporting one side of the events – never mentioning how these were conducted (on Adult sites), and tainting a potential jury pool. The police have all the evidence, witnesses, and a person showing up to the meet location – all of which make these cases a slam dunk – 74% take a plea, 20% go to trial with 95% losing in trial (2-3 acquittals). This is a > 94% effective rate. Out of the 15 dismissals 9 of them were related to someone dying (3%) often of suicide, 1 hung jury, 1 due to insanity defense, 3 due to the prosecutor and 1 due to the judge dismissing the case. So 8 cases out of 313 or around 3% with a no charge outcome but still publicly shamed. Police and prosecutors use their position of power and qualified immunity to manufacture, manipulate, and prosecute these cases. There is no reason to reduce a plea for most cases and so they do not, no matter what evidence the defense presents. One prosecutor replied to a defense lawyer when asked for an offer, "why should I compete against myself." How can this arrogant, contemptuous behavior be a part of a fair, democratic, and just system?

So yes, the practice of naming individuals arrested does cause significant reputational harm. We have wondered about the legality of this naming and shaming prior to conviction but it seems that is how our society works – guilty until proven innocent.

For internet sting operations, this could happen if undercover officers make online contact with someone who repeatedly expresses reluctance to pursue a sexual relationship with an underage partner but eventually relents after prolonged efforts by police to entice the individual into participating in a sexual encounter.

Numerous cases presented the lack of desire or intent to have a sexual encounter with a child. Defendants repeated several times they weren't interested in children or stopped the conversation only to be pressured, shamed, or just plain harassed and pursued eventually leading them to capitulate and travel to a location.

Prior to Net Nanny there was Joshua Solomon (Appeal Case #76298-2-I). It was dismissed in the lower courts, appealed by the prosecutor and affirmed in the Appellate Courts. At least two cases during Net Nanny had heavy persuasion as well: Dillon Russell Lawson (17-1-01640-37) and Colin M. Wood (20-1-00682-31). There are many other conversations encouraging the subject to engage with a minor. Law enforcement uses manipulation and other grooming tactics to get individuals to show up and also re-engagement after the chatting has ended (Kenneth Chapman (15-1-01040-7) and Kevin Best (16-1-00594-7) are two cases).

Although entrapment is certainly a possibility, research indicates that defendants in internet sting operations are rarely successful when they attempt to argue that police entrapped them.

There have been over 55 trials. At least 18 requests for Entrapment were denied by the lower court. Approximately 7 cases were allowed to utilize the entrapment argument. Two cases denied entrapment won their appeal to retry the case with entrapment (Chapman and Arbogast). Out of the 7 cases allowed use of entrapment 3 were successful at getting an acquittal and/or hung jury leading to dismissal. Out of 25 cases, 7 cases were allowed to use the argument which is about 28%. The Arbogast ruling has now set the bar to allow for any case to ask for the entrapment defense. Many courts, especially prosecutors, exhibit open hostility to the entrapment defense.

Thus, if the police create an opportunity for someone to break the law, that fact alone is not sufficient for establishing entrapment.

We disagree. Enticement and inducement, as used by WSP-MECT to collect easy collars (dollars for collars again), is sufficient to establish entrapment. Therefore, the failure for the entrapment defense to work as it was intended can be explained by public bias, prosecutor overcharge, and WA judges knowledge that upholding the law in these cases could be portrayed as 'lenient' and therefore be detrimental to their careers.

#### Page 12:

---

By extension, it is theoretically possible that law-abiding adults who have a preference for this type of role-playing could become ensnared in an internet sting operation.

Theoretically possible? Outside of role-playing, adults are getting ensnared in these sting operations who have no predisposition to seek sex with minors. Reading a few of the psychosexual examinations will show this. The *ICAC Operational and Investigative Standards*<sup>20</sup> state in section 8.6:

*Absent prosecutorial input to the contrary, during online dialogue, Investigators shall allow the Investigative target to set the tone, pace, and subject matter of the online conversation.*

The WSP, MECTF IAD Standard Operating Procedures Manual also states this in Section 7 under Undercover investigations. This Rule should be followed, **but isn't**. Why? Is it because they have been successful in court depriving people of their liberty without meaningful oversight? The way the stings are run makes it VERY easy for **anyone** to become ensnared in these kinds of internet sting operations done on Adult Sites and Apps.

#### Page 13:

---

To avoid the risk of criminalizing innocent internet conduct, police should approach online communication in such a way that it is clear to the other person that they are interacting with a minor. For example, such tactics might involve undercover officers imitating the online communication style of adolescents and repeatedly stating that they are underage.

We mostly agree with this. We've found that often times nothing is ever "clear" on the internet – especially when it comes to dating and hookups where lies, mistruths, and deception are common. Toss in mixed messaging, aggressive conversations (especially for a 13 year old), pictures of individuals who are clearly over the age of 18 and so you leave the only clear way to truthfulness is the old-fashioned way – to meet in person. Perhaps even video / zoom type meeting can be done – although we haven't heard of any of these situations.

It does not matter how many times the person claims to be a minor or how many times they misspell words or use teen slang, etc. The pushing and controlling behavior LE uses does NOT match the behavior of a real teen or a real kid. If the fact is that they are soliciting the men for sex, pushing sex on the men, even demanding sex from them (sexual talk, etc.) and they are in an adult place that adults use for this, then it is more likely than not that it is an adult who simply enjoys pretending to be a kid who is desperate for sex (perhaps Catfishing). It would be better if the Study said this: ***To avoid the risk of criminalizing innocent internet conduct, police should not be soliciting men online for sex.***

Legal scholars have observed that it is common for defendants in internet sting cases to claim they never believed they were communicating with a minor and that they thought the other person was an adult pretending to be a minor as part of a fantasy or role-playing experience. When these cases go to court, this "fantasy" defense is typically not successful. See Rogers (2004).

Unfortunately this is correct. It is also true that rarely is ANY defense successful, leading to a new meaning for the old adage, "Sex sells." We have observed two cases where a "Role-Play" defense was used: David L. Sprague (18-1-00069-16) used the defense 2x with a 6/6, resulting in a 7/5 hung jury. His case was later dismissed. Benjamin A. Stott (18-1-03034-1) used the defense in his second trial (first was a hung jury) and was later found guilty.

This is because people who work in the system (and prosecutor, judge, jury, etc.) have to understand what these sites and apps are, who they are used by, how, why, etc. Clearly, they have not understood that, and they have not understood the fact that law enforcement has indeed been soliciting the men for sex in these sting operations. We are not certain that they would desist even if they understood the damage they caused.

#### **Page 14:**

---

To get additional information about each arrested individual's criminal history and demographic characteristics, we linked these arrests to WSIPP's Criminal History Database (CHD) records.

We would ideally like to see these records. We do question some of these results. If a "general population" statistic were added that would help.

#### **Page 15:**

---



Since individuals in the comparison group were arrested through traditional police tactics (i.e., after a crime took place), we expect it will be more common for these cases to be charged with *completed* offenses.

Traditional meaning *reactive* – a crime in process or completed. Thus the reason there are no “Attempt Rape” crimes for the comparison group and no actual “Rape” crimes for the Sting group as it would be impossible for non “attempt” crimes via proactive sting since no real person is involved. The ROC2 and ROC3 must have been actual pleas. We suspect that later in Exhibit 6 the limited “attempt” crimes in the comparison group is due to prosecutors having a difficult time at proving the “attempt” crime in these hands on cases so they default to something else like Child Molestation or similar, but again, not attempt because they are more difficult to prove. Interesting data.

Although CMIP and CSAM are technically completed crimes, the definition of these offenses applies to situations involving fictitious minors.

It should be noted that CMIP can be attempted or not but CSAM must be an attempted charge as it will not hold, outside a plea, without Attempt (Yasir M. Majeed, 17-1-00793-9, set precedence on this).

CMIP does have the 'believes' part - which cannot be 'proven' - CSAM does not: [RCW 9.68A.100](#)  
Commercial sexual abuse of a minor CSAM Class B felony A person is guilty of commercial sexual abuse of a minor if (a) he or she provides anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her; (b) he or she provides or agrees to provide anything of value to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or (c) he or she solicits, offers, or requests to engage in sexual conduct with a minor in return for anything of value.

#### **Page 17:**

---

For individuals in the Net Nanny group, the index case refers to the criminal case associated with their Net Nanny arrest. For individuals in the comparison group, the index case refers to the first child sex offense case filed during the study period.

Many of the Net Nanny cases will have multiple “stacking” charges. It isn’t surprising to see Scenario #2 with 2-3 charges and Scenario #1 with 3-4 charges. Wondering if the study tracked multiple charges here or just the main charge? This would be between Exhibit #5 and #6.

#### **Page 18:**

---

#### Exhibit 8 – Criminal History

Although individuals in the comparison group have a slightly higher percentage of prior convictions for nearly every measure, most of these differences are small in magnitude (i.e., less than 5%) and are not statistically significant.

We disagree.

We think adding in another column for GENERAL POPULATION would improve understanding of actionable statistics. For example, we know that in the US between 8-9% of people have a Felony conviction. It is higher for African Americans.<sup>17</sup> When CAGE and NY Times did its research we knew the number would be around that 10-15% number. The 18.4% is a surprise because it is so high. Also, about one third of the US population has a criminal record so the 35% with any misdemeanor or felony falls within the statistical norm for the US population. What is the bottom line here? It is that these numbers for NET NANNY arrest are similar to the general population as a whole. In the comparison group all categories are higher if not significantly higher. The one exception is the misdemeanor sexual offense which seems to be likely a statistical calculation error. **The big statistic to look at is the Felony Sex offense with child victim – 2.9% to 6.3% which is a VERY LARGE disparity. That is the key statistic to focus on. These stings are NOT catching predators by any means.**

More generally, about 30% of individuals in both groups had previously been convicted of a misdemeanor and about 20% had previously been convicted of a felony. These patterns are broadly consistent with past research on people convicted of sexual felony offenses in Washington State, who tend to have less extensive criminal records than people convicted of non-sexual felony offenses.

This appears to be similar to a comparison of the general population of WA State and others as well. It would appear to us that those being arrested tend to follow similar numbers to the population at large. The Felony convictions seem to be a little higher than expected and are above the general population.

#### Page 19:

---

However, because individuals convicted via Net Nanny have fictitious victims, they cannot meet this requirement and are automatically denied access to SSOSA.

Thank you for pointing this out in your report. Law enforcement knows this as well, that SSOSA can't be used and there is no diversion program. Also, most other states, like Oregon, have specific charges for online luring cases ([Luring a minor ORS 167.057](#)) and use those chargers versus an Attempted Rape charge. CAGE has worked with the SOPB and Legislature to get this changed and [enact diversions](#). Currently the laws, with the attempt clause, are being misapplied and misused for these stings.

#### Page 20:

---

#### Exhibit 9 – Confinement comparison

As noted previously this has changed over time. Today we (CAGE statistics) have N=251 and Average = 63.69 months. But a few years back we had N=178 and Average = 76 Months. Your study denotes N=210 so you are in-between these two numbers which would be accurate. Bottom line is these STING convictions are treated worse than the comparison hands-on group who have the ability to benefit from using the SSOSA diversion, but are denied this remedy. This is not justice at work.

It should be noted most of those under the Net Nanny group going to prison for these crimes will have LIFETIME CC - this group is about 50% of the Net Nanny cases. This is unknown for real cases but at least 36 months for most. And if Felony A , the penalty tilts to LIFETIME community custody. We have seen 20% of the sting cases (7 out of 29) before the ISRB flop be required to serve an additional 18-24 months making the true sentences for these ridiculously out of proportion to hands-on offenders.

The Sex Offender Policy Board (SOPB) has recommended that a sentencing alternative similar to SSOSA be enacted for individuals convicted through internet sting operations.

This page is the **MOST IMPORTANT** page in this whole document to us and everyone incarcerated or affected by these stings. Not having a diversion option has been a HUGE burden. Using the laws as aggressively as they are is unjust. CAGE will continue to work with the legislature to make changes; the SOPB also sees the need, and we hope the legislature will as well with the release of this study.

#### **Page 22:**

---

Among cases that received standard sentences, the average case in the comparison group was sentenced to 49% of the maximum term of confinement (Exhibit 10). This pattern is consistent with the idea that judges are using the mid-point of the standard range as the default punishment. In contrast, the average Net Nanny case was sentenced to 31% of the maximum term of confinement.

Why all the research and data on sentencing? That is not in scope, and kind of sounds like WSP propaganda to us, trying to put bias in the report. Does the WSP (or someone) think the sentences are HIGH enough for these STING cases? Not enough prison time when they are effectively HIGHER than hands-on crimes? We disagree. We know these are substantially overcharged and over-prosecuted. Especially considering how these stings are conducted pushing the bounds of outrageous government conduct (which we would say they are but the courts have yet to be convinced of this).

This indicates that judges tend to issue more lenient sentences for Net Nanny cases than comparison group cases.

This would be an OPINION. We have found that as we've exposed more and more misconduct by detectives and prosecutors, newer cases are given lesser charges and sentences. That said, shouldn't this be the case; the judge being more lenient for a victimless crime? These are ALL being overcharged, the judge knows it but can't do anything because of the law! These cases are NOT hands-on, the STING entrapped all of these people – no one was specifically targeted as in a reactive sting, everyone was lured in via deception and coaxing. We implore you to read the transcripts of these cases. Most individuals were turned by law enforcement, convinced and often manipulated to show up.

#### **Page 23:**

---

We found that the Net Nanny group primarily consisted of high-severity offenses, while the comparison group had a greater percentage of cases with low-severity offenses. This explains how

both groups can have the same average sentence (i.e., 70 months), but the relative intensity of this punishment is still lower-than-expected for the Net Nanny group.

This statement is a framing bias. Many of the Net Nanny cases are Felony A – lifetime CC, with ISRB and indeterminate registration/lifetime registration. We would argue that many of the HANDS ON CRIMES end in PLEA deals that are likely FELONY B – 36 months CC, no board and 1/3<sup>rd</sup> off prison time. Where most of the Net Nanny cases end with FELONY A charges – lifetime CC and go before the board with a 20% chance of getting flopped and doing more time in prison. **The Net Nanny cases are OVERPROSECUTED!**

The prosecutors and law enforcement try to stack the charges in these cases. Some people have 5 charges making them more likely to take an 87 month plea versus facing 10+ years in prison. Fighting these cases, as we have seen and noted, is very difficult with the 94%+ conviction rate.

#### Page 24:

---

We did not find any studies that evaluated whether internet sting operations are effective at reducing crime. The subject is difficult to study, as the main ways that internet sting operations might reduce crime (e.g., incapacitation and deterrence) cannot be directly measured.

This is a stunning admission. There are substantial, professional, peer-reviewed articles and meta-analyses questioning these stings which do provide substantial insight into criminality, questionable police tactics, and equally questionable public benefit. We cannot know if a crime would have ever occurred without the creative intervention by police. We can assume that all these adult men were on adult sites not originally seeking minors. With the police getting hundreds of hits (let's say 500 over the course of a sting), it isn't difficult to imagine a 3-4% effective rate (15-20) at reeling people in. Statistically this would be reasonable for many people in sales, scams, or similar. Remember, law enforcement is casting a wide net by using multiple adult dating and hookup sites when doing these stings.

We also did not find any studies that examined the costs of administering internet sting operations.

Florida conducts dozens of these stings every year. Perhaps contacting the Polk County Sheriff's office and Sheriff Grady Judd would be helpful. Or any of the head ICAC offices around the US. Anyone running these stings should have these figures. We encourage you to look at our Appendix 5 as an example of the operational cost of a Net Nanny sting.

In contrast, critics argue that these operations involve controversial police tactics and—when conducted improperly—carry the risk of punishing innocent people.

Punishing innocent people with proactive stings is more than a risk, it's a certainty. That would be why the ICAC rules on investigations are explicit about setting the tone, using pictures of real children, and prioritizing investigations of real children above creating victimless scenarios. These stings are DEFINITELY punishing "innocent people." It just depends on one's definition of "innocent." If a man is going on a dating site and cheating on his wife, is he "innocent?" It would appear he is committing adultery. If he follows through maybe this could be considered attempted adultery. These stings

shame and they bring out those who may be “cheating” on another. This may be a perception in the public’s eye and why they accept these even if their tactics are suspect. However, it is not the function of a democratic police force to enforce moral judgment on a populace.

Overall, these results suggest that Net Nanny is arresting people with similar demographic characteristics and criminal records as individuals convicted of completed child sex crimes.

These results say little about those entrapped in proactive stings since the study was unable to find persons being charged similarly for similar actions. That alone speaks to the unrealistic manner in which people are charged and prosecuted. A DIVERSION program and/or new and more appropriate laws are very important to help correct an individual’s behavior versus punishment with prison. The report also should have done a comparison with the general population (public).

**Page 25:**

---

In contrast, none of the individuals convicted via Net Nanny received SSOSA.

As it was not allowed. This was tested and shot down in the lower court when in State v. Wright (2019) the Judge ruled as follows: *Based upon the guidance that this court must rely upon, which is case law, the court is determining that the case law results in Mr. Wright not being eligible for SSOSA in this case.*<sup>21</sup>

There is no diversion. Prosecutors know this and likely MECTF knows this. There is no escaping these aggressive charges.

Second, Net Nanny is not the only internet sting operation in Washington State. Because our data do not indicate whether an individual was arrested via an internet sting operation or through traditional police tactics, it is likely that at least some of the individuals in our comparison group were apprehended as a result of internet sting operations other than Net Nanny.

This is a huge issue. The FBI does not keep complete or disaggregated sting data thus making it impossible to distinguish who is and who is not charged in these undercover sting operations. Therefore, all of this data is in question!

For this report, we met with a King County prosecutor who works closely with the Seattle Police Department and the Washington Internet Crimes Against Children Task Force.

It would have been more prudent to connect with Sergeant Brandon James who is involved with the Washington ICAC Task Force, as well as with citizen groups who study this sting phenomenon.

**Page 26:**

---

We learned that between 2015 and 2022, major law enforcement operations in the state made fewer than 30 arrests via internet sting operations that resemble Net Nanny

We wonder why there have been so few. Perhaps they follow the ICAC standards?

Thus, we are confident that the vast majority (i.e., over 95%) of cases in our comparison group are people who were arrested via traditional police tactics.

We are guessing these are reactive operations, whereby the police get a tip and follow through. Or maybe the crime has already been committed. We know that 95% of the sex crimes on minors are committed by family or known individuals. Very few are committed by strangers.<sup>22</sup>

We spoke with WSP officials to learn about the general tactics that they used for the two primary sting scenarios.

As part of the study, WSIPP should have spoken with us (CAGE) at least to review/evaluate and vet this report before release. We offered up our assistance many times. It has taken us many hours of work to put this “rebuttal” document together. It is very important we have our facts straight along with our data. To offer up FACTS and not OPINIONS is simply honest and professional. One must be careful to put bias into the study which appears to be the case. We have done A LOT of research on these cases as well as we have contacts with over 100 individuals affected by these Net Nanny stings (in and out of prison) and/or their families. Not contacting CAGE or independent, non-partisan, outside researchers speaks volumes as to the bias contained within this study.

However, we did not conduct an independent investigation of these tactics, such as by reviewing transcripts of online communication between undercover officers and individuals who were later arrested.

And why not? This is unfortunate. The review of the transcripts would help answer some of the questions raised as we have noted above. Please refer to Appendix 4 for one example.

Finally, the current study also does not tell us whether it is likely that people convicted via Net Nanny would have committed child sex crimes in other circumstances. To address this question, we would need reliable measures of each convicted individual’s propensity (i.e., motivation/willingness) to commit child sexual abuse. The current study cannot address this question because we do not have access to such measures.

It is reasonable then to refrain from speculation. Thank you for not adding any more bias or opinion. One could have read the Psychosexual evaluation done to glean more detail on the charged individual. Many of the Psychologists concluded their report with “no pre-disposition.” Unfortunately the prosecutors often didn’t care; the pleas did not change. On occasion, the judges utilize these to minimize or keep the sentencing towards the low end of the range. Perhaps this can help explain your “judges were more lenient” comment on page 25.

**Page 27:**

---

Exhibit A1

Much of the data aligns with our data. It should be noted many of the dismissals were the result of death, often suicide. The convictions are so high because prosecutors know these are slam dunk

cases – they don't have to worry about a child not taking the stand or subjecting them to talk about the sex crime. And the public readily believes the police line that police are doing the work to protect endangered kids.

Nanny arrests occurred soon after undercover officers made online contact. Nearly half of the arrests (45%) occurred within 24 hours of initial online contact, and two-thirds (66%) occurred within 48 hours.

Wouldn't this imply no grooming was going on. Psychologists tell us that generally predators take a long time to groom their victims. Again we go back to our argument about how these stings are being conducted. We have spoken with Seattle PD, ICAC Task Force, Brandon James via deposition and know they run their stings over a longer period of time.

**Page 28:**

---

Exhibit A2

It would be nice to see comparison data here.

**Page 30:**

---

Individuals convicted as a result of internet sting operations are not eligible for SSOSA, which requires defendants to have "an established relationship with the victim" (see Exhibit A4). SSOSA was originally developed during the 1980s, long before internet sting operations existed.

We force the court to rule on SSOSA for these sting cases.<sup>21</sup> They confirmed that without a victim they are not eligible.

## IN CONCLUSION

We thank you for reading our comments and concerns on your study. We would have liked to have contributed and/or been given a pre-read (as was done with some legislators) to provide feedback; this was noted in our numerous attempts to reach out to WSIPP over the past 6-12 months when this project encountered delays.

We have a couple questions below we hope you can answer for us. If you are willing to lend an ear and have an in person discussion a few of us in the area would definitely be willing to visit with you to speak more on this topic and share our data. We understand the Study is complete but as noted in the pages above we feel it is important for you to hear from the other side to understand the bias we saw when we read the study.

## QUESTIONS FOR THE AUTHOR(S) OF THIS WSIP STUDY

- 1) Did the WSP help in any way with writing any of this report (outside of providing data, and press releases)? Including any rewrites or edits of this document?
  - a) We see a potential conflict of interest depending on their level of contribution.
- 2) Please provide us a list of the ADULT and TEENAGE dating sites claimed to be used for these stings.
- 3) Would it be possible to get a copy of the data you used for this study?

Appreciatively,

Dan Wright ([danwright@fusecon.com](mailto:danwright@fusecon.com)) - Oregon  
Kathleen Hambrick ([ladyjusticemyth@gmail.com](mailto:ladyjusticemyth@gmail.com)) - Indiana  
Audra Garcia ([audra@audragarcia.com](mailto:audra@audragarcia.com)) - Colorado  
Aracely Yates ([aracely103@gmail.com](mailto:aracely103@gmail.com)) - Texas  
Norm Achin ([normanachin@gmail.com](mailto:normanachin@gmail.com)) - Virginia  
Heidi Brodt ([brodt.heidi@gmail.com](mailto:brodt.heidi@gmail.com)) - Arizona  
Bruce Glant ([bglant@msn.com](mailto:bglant@msn.com)) - Washington

***Attached/Enclosed: WSIPP Study Rebuttal Appendix.pdf***



## References:

1. NN#5 Safety Plan from September 2016. Plan was obtained via FOIA but had the Mission redacted. An unredacted version was obtained via other discovery methods in order to determine the MECTF's mission. See **Appendix 1**.
2. As noted during testimony of various cases including State of Washington vs. Quentin Parker (#19-1-00354-34) on 23-Sept-2019 (Kristl Pohl, p.11 "A. Grindr, Scruff, Grizzly, Plenty of Fish, OkCupid" and on p.12 noted Book of Matches and Double List) and State of Washington vs. Timothy Rondeau (#18-1-00073-16) on 11-Jun-2019 @2:18pm during trial by Det. Sgt. Carlos Rodriguez noted these sites: Craigslist (which was shut down), and other sites kids are being sexually abused or exploited: tinder, bumble, skout, meet me, badoo, book of matches. Also noted in Probable Cause Documents from NN#19 and NN#20 these social media sites: Tinder, Omegle, Skout, Grindr, Badoo, and skipthegames. See **Appendix 2**.
3. Detective tipped off suspects about child sex sting operation, Florida sheriff says, July 28, 2023, Miami Herald. <https://www.miamiherald.com/news/state/florida/article277751303.html>. See **Appendix 3**.
4. Police love overtime and incentive to bring in more money keeps the arrest coming. This was a big problem back in the 90's with the NYPD. <https://abovethelaw.com/2018/03/collars-for-dollars-an-unconstitutional-police-practice/>
5. Chelsea Reynolds (2021) "Craigslist is Nothing More than an Internet Brothel": Sex Work and Sex Trafficking in U.S. Newspaper Coverage of Craigslist Sex Forums, *The Journal of Sex Research*, 58:6, 681-693, DOI: [10.1080/00224499.2020.1786662](https://doi.org/10.1080/00224499.2020.1786662) Although this research was available this information was not used or cited in the WSIPP study. It might have helped with comparing Net Nanny/sting individuals to others.
6. For one such photo example of an "adult"posting as a minor 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>
7. Kyle Jackson (NN#5) was arrested at the parking lot of a gas station/convenience store, he never made it to the trap house. Kyle was acquitted. Kyran Lein (NN#9) never went to the trap house. David Williams (NN#13) was arrested at the Army Base and charged with Communicating with a Minor. Joshua Garcia (NN#15) was arrested on the street, not near a trap house. Steven Cantor (NN#3) was arrested several blocks away from the location while driving to meet his family for dinner. There are many others.
8. Refer to Probable Cause Document of Joshua Leonard (NN#19 - 96 month sentence) in **Appendix 4**. It includes text to show how LE profile started at 32, went to 12 and steered conversation into sex. Also pushing back. When Joshua figured it was a sting LE pushed back and said "I am real nd this isnt a sting lol." Joshua suspected it was a sting, was concerned for this minor but still showed up. There was quite a bit of manipulative text from LE like "either move the fuk on or get right" and "bro wut do u wanna do?, be upfront about it or fuck off and leave, acting like lil boys my age lol"
9. View various WSP and OUR Press releases: <https://cage.fyi/washington/>
10. 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>
  - a. WSP decided in 2020 to decline further donations by OUR. <https://www.spokesman.com/stories/2021/may/02/lawsuit-state-operation-to-catch-pedophiles-entrap/>
11. Various funding for the WSP MECTF Division:
  - a. Washington ICAC Task Force Program Funding in 2021, 2022 via OJJDP website: <https://ojjdp.ojp.gov/funding/awards/15pjdp-21-gk-03807-mecp>
  - b. Refer to **Appendix 5** where we included details on OUR contributions and operational expenses. One included is an email with Carlos Rodriguez discussing NN#3 with OUR and estimated operational cost of around \$100k with a 31 person staff. These documents came from Bryan Glant's Motion to Dismiss Exhibits from NN#5.
12. Article from 2017 in *Psychology, Public Policy, and Law*. Drouin, M., Egan, V., Yergens, N., & Hernandez, E. (2018). "I'm 13. I'm online. U believe me?": Implications for undercover Internet stings. *Psychology, Public Policy, and Law*, 24(1), 80–92. <https://doi.org/10.1037/law0000149>
13. Pew Research about ONLINE DATING from Feb 2023. <https://www.pewresearch.org/short-reads/2023/02/02/key-findings-about-online-dating-in-the-u-s/>

14. Brandon C. Pamon Appeal Opinion - No. 83468-1-I. See **Appendix 6**.
15. Sample Ad posted for NN#5 on Craigslist. See **Appendix 7**.
16. Sgt. Rodriguez Testimony on charges related to rescued children and harsher sentences from State v. Parker, January 6, 2020. See **Appendix 8**.
17. Various Charges used for these stings. **Appendix 9** contains three pages, 10, 11, 12 from the Operation Net Nanny: A Collaborative Attack on Child Sex Trafficking presentation delivered by Carlos Rodriguez at the Dallas, Texas 2019 Crimes against Children Conference (31st Annual) <https://cacconference.org/>
18. World Prison population report:  
<https://nic.gov/resources/nic-library/all-library-items/world-prison-population-listeleventh-edition>
19. Prison studies. And Prison Policy Websites. <https://www.prisonpolicy.org/blog/2020/01/16/percent-incarcerated/>  
[https://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_prison\\_population\\_list\\_11th\\_edition\\_0.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition_0.pdf)
  - a. Felony convictions: <https://news.uga.edu/total-us-population-with-felony-convictions/>
20. See **Appendix 10** for a recent version of the ICAC Operational and Investigative Standards.
21. Refer to the case State v. Wright (16-1-01590-34) during sentencing on 4-Mar-2019
22. National Report, 2014, page 46 (<https://www.ojdp.gov/ojstatbb/nr2014/downloads/NR2014.pdf>).