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January 9, 2019

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Caroline Asher Yoost  
Founder and Chief Executive Officer  
Child Rescue Coalition  
4530 Conference Way South  
Boca Raton, FL 33431

CC: William Wiltse  
President  
Child Rescue Coalition

Dear Ms. Yoost:

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries and advocates for redress for abuses, including in the United States. We write to request input from Child Rescue Coalition (CRC) related to research we are conducting into law enforcement's use of investigative tools.

CRC's mission focus on ending the sexual exploitation of children is a goal that we, as an international human rights organization, share.

However, we have also become aware of several concerns related to whether CRC's Child Protection System (CPS) software suite<sup>1</sup> has been adequately tested, as well as law enforcement's potential access to TLOxp data about internet users through the system. Various other potential rights concerns have arisen in the course of our research into these issues, and we hope you will be able to provide clarification.

We would appreciate any comments you may be able to offer about the following matters. Where appropriate, please interpret references to TLOxp as references to its predecessor (TLO, LLC).

1. To your knowledge, have the components of the CPS software suite been subject to thorough testing by independent experts with peer-reviewed or publicly available results? If so, please explain the testing protocols used, who carried out the testing, what elements or aspects of the software suite they tested, the results of the testing (including any establishment of error rates), and where those results may be viewed.
2. Could you provide a list of any cases, aside from *United States v. Ocasio*, in which the CPS source code has been provided to criminal defendants for testing or other purposes?

<sup>1</sup> Please note that in this letter, we use the term "CPS" to refer to all software offered or used by CRC to facilitate law enforcement investigations of the possession, receipt, or sharing of child sexual abuse images, although we realize CPS may be an interface for interactions with other software (or information produced by such software).



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3. Are you aware of any instances in which any element of the CPS software suite has detected materials that were not stored in an area of a computer that was set to be shared with a peer-to-peer network?
4. Are you aware of any instances in which a search warrant was issued based wholly or partly on CPS results, but law enforcement did not locate any incriminating materials when executing the warrant—for example, because the files or fragments CPS indicated it had detected were not present on the device or were not illicit child abuse images? If so, could you discuss the circumstances that you believe led to this result?
5. When law enforcement uses CPS to identify an Internet Protocol (IP) address as sharing or possessing files that may constitute unlawful child sexual abuse images, do CRC, TLOxp, or TransUnion store this information about the IP address (or do others store it on property belonging to one of these entities)? If so, who has access to this information? Are individuals associated with these IP addresses able to discover, and obtain the rectification or deletion of, any information incorrectly linking them with suspicions of unlawful activity?
6. Insofar as CPS permits law enforcement officers to designate files as “Child Notable” for the purpose of other investigations using CPS, are these officers specifically trained to identify files as constituting unlawful images of sexual abuse of children? Does CRC train officers to make these designations, and if so, what standards does the organization employ? What does CRC do to prevent or address erroneous designations?
7. To your knowledge, have law enforcement officers ever knowingly used CPS to identify the possession of files other than unlawful child sexual exploitation materials?
8. CRC’s website indicates that CPS includes “[a]nalytics targeting the offenders at greatest risk of presently abusing children” (“The Solution,” <https://childrescuecoalition.org/the-solution/>). Could you explain the nature of these “[a]nalytics” and the types of information on which they are based?
9. A CPS manual copyrighted in 2010 was filed in *United States v. Dunning*, a federal prosecution in the Eastern District of Kentucky, in 2015 (case no. 7:15-cr-00004, documents 25-4 and 25-5). Is this the most recent version of the manual? If not, would you be willing to share a copy of the most recent version?
10. How would you characterize the relationship between CRC and TLOxp, both legally and in practice? Between CRC and TransUnion?
11. Are CPS users able to view or use data TLOxp holds about individuals? If so, have they done so, and how frequently? What information does this data from TLOxp include? If the data links individuals to IP addresses, how is this accomplished?

12. A CPS user agreement filed in 2015 in *United States v. Hartman*, a federal prosecution in the Central District of California (case no. 8:15-cr-00063, doc. 202-2), discourages CPS users from relying on data obtained from TLO “for probable cause.” Could you explain why the agreement includes this language? Does the current CPS user agreement still include it?
13. Do you regard the Fair Credit Reporting Act as applying to any of CRC’s activities? If so, which ones, and what steps does CRC take to comply with the Act?
14. Court documents suggest that CRC retained access to TLO, LLC’s proprietary BOLT algorithm following TLO’s bankruptcy and the purchase of the company by TransUnion. Is this correct? If so, could you explain the nature of the BOLT algorithm and how your organization uses it?
15. Government procurement records suggest that US Immigration and Customs Enforcement’s Information Technology Division paid \$400,000 for items and/or services offered by CRC on approximately September 27, 2017 (procurement identifier no. HSCETC17P00007). Could you provide details regarding the nature of the items and/or services purchased?

Thank you for your attention to this request for comment. In order that we may incorporate your responses and perspectives, we would appreciate receiving them on or before January 24, 2019.

If you have any questions, please do not hesitate to contact me at [email removed].

Sincerely,

[signature]

Sarah St.Vincent  
Researcher/Advocate on National Security, Surveillance, and Domestic Law Enforcement  
Human Rights Watch