



# PCHC Investigators Webinar



How to Investigate, Collect Evidence and Build a Case Against Child Sexploitation in Our Elementary, Middle and High Schools

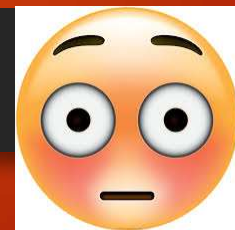
Presented by Larry Dershem, Esq.

President, National Law Center for Children and Families

Disclaimer: The views presented herein are those of the presenter, and do not reflect the views or policies of the National Law Center for Children and Families

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## The Problem



- Obscene material is still illegal in all 50 states (Miller Test - USSC)
- But 43 states currently have loophole laws, called *Obscenity Exemption Statutes* (or OES) that allow school employees (mainly teachers and librarians) to present and give damaging pornographic materials to our children through what is innocuously called *Comprehensive Sexuality Education* (or CSE)
- These CSE curriculums encourage & “groom” our children to engage in dangerous sexual practices that can lead to STD’s, abortion, participation in human trafficking, and long-term, if not permanent, physical and psychological harm. Unfortunately, parents are often unaware, or have misinformation about, what their children are actually being taught

## The Solution



- The Protect Child Health Coalition (PCHC) is committed to exposing CSE through ...
  - Awareness Education ... PCHC is dedicated to educating parents, church and synagogue leaders, and young people to the dangers and moral destructiveness of Comprehensive Sexuality Education in our public schools. Through grass-roots efforts, we believe communities can learn how to “roll-back” these CSE programs. PCHC also encourages parents to attend school board meetings, and serve on school boards wherever possible
  - Lobbying ... PCHC teams are being formed in several states, to meet with “friendly” legislators and request they introduce legislation to repeal obscenity exemption statutes
  - Litigation ... PCHC has also launched a strategy to file law suits in various courts around the country, to challenge the legality of CSE in K-12 public schools
  - Investigation and Evidence Gathering ... To accomplish these goals, PCHC has started a nationwide effort to train parents, students, and supportive teachers, administrators and librarians on techniques of evidence gathering and preservation, that can be used by our lobbying teams and litigation affiliates ... **AND THIS IS WHERE YOU COME IN**

## How to Investigate CSE Abuse

### Step 1: Recruit Your *Investigation Team* - Overview



- The **PURPOSE** of this training is to teach **PCHC Investigators** (or **PIs** for short) how to locate and document CSE abuse in our schools
- **Team Leaders & Field Agents:** To gather evidence, **PI Leaders** will need to recruit people who can get “inside” public school computer network portals, libraries, and classrooms where CSE is being taught. We will call these investigators **PI Agents**. NOTE: Sexually explicit, and offensive materials are being provided to children through non-CSE courses as well. **PI Agents** will be expected to collect evidence on these potential abuses too
- **Sources of Recruitment:** (a) **Parents** who have children in school; (b) **Students**; and (c) **Teachers, librarians, and school administrators**. These people can be close friends, or people in your church or synagogue, who support the goals of PCHC

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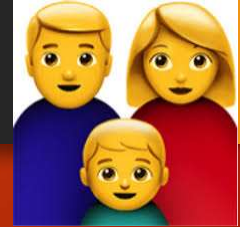
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**MEM7** and sexually explicit, offensive materials are being provided to children through non-CSE courses.

Mary McAlister, 6/12/2018

## How to Investigate CSE Abuse

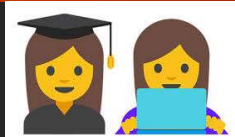
### Step 1: Recruit Your *Investigation Team* - Parents



- Sources of Recruitment: (1) Parents who have children in school
  - Look for like-minded parents in your church, synagogue or network of friends who have children in public schools, and ask if they can assist you in CSE evidence gathering
  - Find out if they have access to their child's school web portal. If they have access, give them a list of CSE books and media to look up in the school's online library catalog, then ask them to record their findings in a journal, where each entry is dated and time stamped. Also, collect screen shots of online materials with date and time stamps in case the materials "disappear" before the investigation is complete [←More on this later]
  - Ask parents on your team if they would **MEMB** willing to meet with school administrators, or the teachers in charge of CSE training. Have these parents **record in a date and time-stamped journal** any discussions they have with these school employees relating to CSE, and collect all CSE related documents provided them by the school at these meetings. Parents should also instruct their children enrolled in CSE courses, to share as much material from these courses as they can

## How to Investigate CSE Abuse

### Step 1: Recruit Your *Investigation Team* - Students



- Sources of Recruitment: (2) Students
  - Investigation Team Leaders should consult with parents on their investigation team, to find out if they have teens in public school who could help collect evidence of CSE abuse
  - Teens should be interviewed (vetted) by the PI Leader to find out if they are mature enough to assist in the investigation. Hopefully, young people who help out in this way are Believers, have a Biblical worldview, and fully support the mission of PCHC
  - Advantage of using students: Students will be witnessing CSE firsthand, and are in a perfect position to record/document CSE abuse that can be used by our affiliated litigation teams

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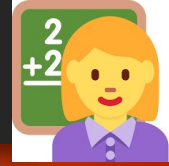
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**MEM3** Also, collect screen shots of online materials with date and time stamps in case the materials "disappear" before the investigation is complete.

Mary McAlister, 6/12/2018

## How to Investigate CSE Abuse

### Step 1: Recruit Your *Investigation Team* - Teachers



- Sources of Recruitment: (3) School Teachers & Staff
  - Cooperating school teachers, teachers' aides, parent volunteers, librarians, counselors, and administrators should be recruited, if possible, to assist in your investigation. For example, there are many school teachers, and you may have some in the church or synagogue you attend, that could help you collect evidence of CSE abuse
  - Caveat: Many school employees, even the ones that fully support our mission, will be hesitant to assist PCHC in gathering evidence of CSE abuse, for fear of losing their jobs, or suffering other forms of retribution
  - Reality Check: You may find you are unable to recruit anyone to assist you in CSE evidence collection. So be prepared to carry out your mission as your own one person "detective agency". But fear not—The effort you are making to protect the health, minds, and souls of children is so worth it!

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - Tools



- Introduction: After recruiting and training your *Investigation Team*, you are ready to launch your investigation
- PCHC Investigator's Toolkit: Before commencing your investigation, make sure you have your investigatory tools on hand, such as notebooks, pens, & PCHC Investigator's Handbook
- Recording Devices & Cameras - OPTIONAL WITH PCHC ATTORNEY APPROVAL & SUPERVISION: You may consider using MEM1 analog or digital sound recorders, cell phones (with video and still shot capability), or even purchasing a hidden spy cam that records voice & video. MEM4 These are those used by Project Veritas (projectveritas.com) in their famous undercover investigations. These cameras can be purchased from websites, such as spycameras.com, spyville.com & amazon.com. PI Leaders need to caution evidence gatherers about the possible need for consent if they MEM2 conducting their investigation in a two party (aka "all party") consent state, or else the recordings will not be usable as evidence

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**MEM1** Caution people about the possible need for consent if it is a two party consent state or else the recordings will not be usable as evidence.

Mary McAlister, 6/12/2018

**MEM2** Either way, the person making the notes must be prepared to testify in court as to the authenticity of the notes being introduced, i.e., they will need to be able to state under oath that they took the notes contemporaneously with what they saw, that the notes are accurate depictions of what they saw and that the notes have not been altered.

Mary McAlister, 6/12/2018

**MEM4** including screen shots of offensive materials.

Mary McAlister, 6/12/2018



## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Journals*



- **Notebooks & Incident Reports:** All PCHC Investigators should keep a journal (OR notebook) that documents CSE abuses their investigations uncover. Always record the date, time and place of each incident. Also note the names of people involved in the incident, including the name(s) of alleged perpetrator(s) and the names of any witnesses. It is suggested you use pen and ink when documenting misconduct, to make it easy to introduce your handwritten record as an exhibit in a court of law. As a backup, consider typing your investigatory notes on your computer or tablet, to make them easily searchable. MEM1
- **Either way**, the person making MEM4 notes must be prepared to testify in court as to the authenticity of the notes being introduced, i.e., they will need to be able to state under oath that they took the notes contemporaneously with what they heard and/or saw, that the notes are accurate depictions of what they heard and/or saw, and that the MEM2 MEM1 have not been altered. *Be sure to include date stamped screen shots of offensive materials as well*

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Capturing Screens*



#### How to Capture Screen Shots

- **Snip & Sketch app :** You can use the Snip & Sketch app built into Windows 10. It can easily capture entire screens & segments of screens. Tools built into the Snip & Sketch app allow for easy annotations next to, or on top of, your captured screens.
- **To Take Screenshot of only the Active Window** - Click on the window you want to capture, and Press **Alt + PrtScn**. A screenshot of your currently active window will be copied to the clipboard. Open your favorite image editor or wordprocessor, and press **Ctrl + V** to paste the image into that application MEM1
- **To Take a Screenshot of Full Computer Screen** - Press the **PrtScn** key. A screenshot of your full computer screen is now copied to the clipboard. Open your favorite image editor or wordprocessor, and press **Ctrl + V** MEM4
- **To Save Your Screenshot as a File** - Press the **Windows logo key + PrtScn**. The screen will dim for a moment, and you will see a screenshot appear as a file in a folder entitled "Screenshots", inside your default MEM2 MEM1 "Pictures" folder. The screenshot is automatically labeled with a number.





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**MEM1** Caution people about the possible need for consent if it is a two party consent state or else the recordings will not be usable as evidence.

Mary McAlister, 6/12/2018

**MEM2** Either way, the person making the notes must be prepared to testify in court as to the authenticity of the notes being introduced, i.e., they will need to be able to state under oath that they took the notes contemporaneously with what they saw, that the notes are accurate depictions of what they saw and that the notes have not been altered.

Mary McAlister, 6/12/2018

**MEM4** including screen shots of offensive materials.

Mary McAlister, 6/12/2018

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Mary McAlister, 6/12/2018

**MEM4** including screen shots of offensive materials.

Mary McAlister, 6/12/2018

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Capturing Video*



#### How to Capture Streaming Video

- Movavi.com : There are many excellent choices for apps that can capture streaming video, such as clips found on YouTube. One good choice is Movavi. They offer both a free trial version, and a program you can purchase

MEM1

MEM4

MEM2



## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Checklists*



#### Checklist of Things to Look For:

- What happened?
- What are the facts?
- Where and when did the incident or behavior take place?
- Do you have any evidence?
- Who was present?
- How did any others present react?
- How did you react?
- Does anyone else have additional information?
- Do you know of any others who may have reported this incident or behavior?
- Were there any other witnesses whatsoever?

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Mary McAlister, 6/12/2018

**MEM2** Either way, the person making the notes must be prepared to testify in court as to the authenticity of the notes being introduced, i.e., they will need to be able to state under oath that they took the notes contemporaneously with what they saw, that the notes are accurate depictions of what they saw and that the notes have not been altered.

Mary McAlister, 6/12/2018

**MEM4** including screen shots of offensive materials.

Mary McAlister, 6/12/2018

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Avoiding Mistakes*

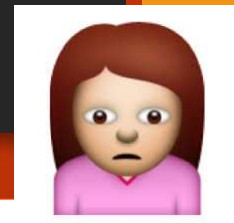


#### Mistakes to Avoid When Investigating:

- Potential bias in the investigation - Insure the PI conducting the undercover investigation does not have a bias against the teacher or instructor who is allegedly violating obscenity laws (e.g., bias may be suspected if the PI has previously received a low grade from the teacher or instructor)
- Inadequate documentation - Every investigation should be documented with the worst-case scenario in mind - that is, with the investigator being cross-examined in front of a jury about every sentence in the investigation report
- Witness statements - Ideally, witness statements should be signed and dated by the witnesses

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Sample Journal Entry*



Document every incident you become aware of

- You should have a file already created for the CSE class you are investigating
- Document everything - (1) Complaints from other students regarding CSE; (2) Individual CSE class sessions where offensive demonstrations or instructions were given, or offensive books, videos, and objects were used; (3) books assigned in non-CSE classes with sexually explicit content; (4) books available in the library without restriction; (5) MEMS of assignments in other subjects that contain sexually explicit references (e.g., math problems, history lessons, etc.)
- To help insure successful court outcomes, you will be asked by our litigation affiliates to provide all evidence and information gathered. The more you have, the stronger our court cases will be

#### **SAMPLE JOURNAL ENTRY**

*CSE Investigation Journal – Nancy Studentson (7<sup>th</sup> Grade, 3<sup>rd</sup> Period CSE Class, Rm. 801, Discovery Middle School, St. Louis, MO)*  
*Instructor: George Teachman*

*Monday, May 7, 2018, 10:03 AM – Mr. Teachman showed film to class, called "Our bodies, and Its None of Your Business". Film included scenes of people engaging in ..., with close-up images of .... This made me feel extremely uncomfortable and physically sick. At 10:15 AM, I, and my friend Mary Smith, asked Mr. Teachman if we could be excused from watching the remainder of the video. NS ←Initials*

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**MEM5** books assigned in non-CSE classes, books available in the library without restriction, portions of assignments in other subjects that contain sexually explicit references (i.e. math problems, history lessons), etc.

Mary McAlister, 6/12/2018

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Recording*

- RECORDING - AFTER OBTAINING APPROVAL FROM A PCHC AFFILIATED ATTORNEY, if there's a way for you to safely record audio or take photographs/video of CSE incidents when they happen, do it. It will help our litigation team affiliates when the matter goes to court
- In some states it is illegal to record another person without their knowledge and consent. So, even if the CSE teacher is doing something so bad you think it's probably illegal, your proof may not be admissible in court. However, it is still valuable to MEMO if possible, to help establish a pattern and practice of giving kids sexually explicit material.



## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Recording Laws*



In 12 states all parties involved need to consent before one of them can record the conversation. These states are:

1. California
2. Connecticut
3. Florida
4. Illinois
5. Maryland
6. Massachusetts
7. Michigan
8. Montana
9. Nevada
10. New Hampshire
11. Pennsylvania
12. Washington



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**MEM6** However, it is still valuable to record if possible to help establish a pattern and practice of giving kids sexually explicit material.

Mary McAlister, 6/12/2018



## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Recording Law Exceptions*



**Exceptions:** There are exceptions to the all-party consent rules:

- **Audible Beeps:** For example ... In *California* it is legal to record a conversation if an audible beep is included on the recorder the parties can hear, even though California is a two-party (aka "all party") consent state.
- **Serious Crimes:** Also, in California, you can record a conversation without the other person knowing if you believe it will collect evidence of a serious crime. During the trial of Scott Peterson, the court admitted a phone recording made by his mistress Amber Frey at the urging of police when she believed Peterson might have killed his wife.
- **No Reasonable Expectation of Privacy:** You can record conversations when there's no "reasonable expectation of privacy." For example, a conversation at a legislative hearing could be recorded without informing all parties, since recording things is what people do in legislative hearings. Same with public speeches, shouting matches on the street, or any other scenario where you simply can't expect privacy.
- **WARNING!!!:** If at all possible, ALWAYS seek advice from a PCHC affiliated attorney before making any audio and/or video recording of conversations. Many politicians in law enforcement positions have no qualms about prosecuting/persecuting disfavored political views.

LD1

## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Getting Permission*



- **Alternate approach to recording interviews - Getting permission from interviewee:** One technique to get someone to agree to be recorded is to tell them if they allow you to record the conversation, it would really save you the trouble of taking notes. Would you mind? Don't make a big production out of it. If your approach is low key and you make it sound like it's the normal thing you always do, most people won't object
- **Once you have the person's permission to record** you need to do four things at the beginning of the interview ...
  1. State your name and occupation
  2. State the date and location where the interview is taking place
  3. State the witness's name and indicate that she has given you permission to record this conversation. "Mrs. Johnson, you are aware we are recording this interview and I have your permission, is that correct?" Make sure the witness verbally says yes to that question. A nodding of the head can't be heard on the tape when you produce it in court one year later
  4. Indicate the subject matter of the interview: This interview relates to the CSE class held on such and such a date in a certain classroom at a certain school

Adapted from *Private Investigating*, 3<sup>rd</sup> Ed. © 2013, p. 111

LD1

## Slide 17

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- LD1** This "Warning" recommended by attorney Matt Heffron, of Thomas More Society.  
Larry Dershem, 8/3/2018

## Slide 18

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Larry Dershem, 8/3/2018

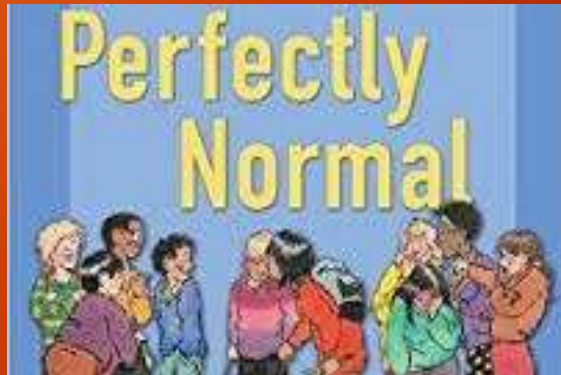
## How to Investigate CSE Abuse

### Step 2: Launch Your Investigation - *Documentary Evidence*



#### Documentary Evidence:

- **Class Handouts:** Collect all CSE class handouts. Record where the handout was received (e.g., in my CSE class at Jefferson Middle School), the date and time the document(s) was/were distributed, etc.
- **Books & Pamphlets:** All books and pamphlets that were required (or recommended) by the CSE instructor should be collected as well. This should include lists of "recommended reading". Again, the Investigator should record who gave this material to him/her, the location where the material was received, and the date and time it was received.



## How to Investigate CSE Abuse

### Step 3: Completing the Investigation

**Time Frame:** A well planned investigation should include a specified time frame of how long it will take, and when it should be concluded.

**Examples:** Some investigations may last for the duration of the CSE course, whether that be a few weeks, months or full school year. Other investigations may be wrapped up in a much shorter time period, e.g., after several visits to the school library, or subsequent to conducting several online sessions on the school's web portal.

**How to Know Your Investigation is Complete:** Basically, when the Investigator notices he or she is not finding any **new** evidence that furthers the case of CSE abuse, it may be an indication it's time to wrap up the investigation.



## How to Investigate CSE Abuse

### Step 4: Review of Evidence Gathered - *Oral Review*



- Once your CSE investigation is concluded, it is important that the investigator and/or investigator's supervisor, meet with a PCHC affiliated attorney for an *oral review* of all evidence collected. LD4
- This *oral review* of the evidence by a PCHC affiliated attorney is needed *before any written reports* are created, since all aspects of the investigation will be open to *discovery* by our opponents after a lawsuit is filed by (or against) PCHC.



## How to Investigate CSE Abuse

### Step 4: Review of Evidence Gathered - *Writing Your Report*

- After the oral review of evidence by a PCHC affiliated attorney, and if the attorney agrees, a report of the investigator's findings should be written with the help of the attorney
- Attorney supervision is **EXTREMELY IMPORTANT** at this point, so the evidence can be protected from discovery under the work-product doctrine [*Federal Rules of Civil Procedure, Rule 26(b)(3)*] -in anticipation of litigation), and at least the evidence will be vetted to avoid cross-examination LD2 of the material gathered



## Slide 21

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- LD4** Oral review of evidence with PCHC attorney recommended by Matt Heffron, Thomas More Society.  
Larry Dershem, 8/4/2018

## Slide 22

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- LD2** Conducting "oral review" of evidence before writing report, recommended by attorney Matt Heffron, Thomas More Society  
Larry Dershem, 8/3/2018

## How to Investigate CSE Abuse

### Step 4: Review of Evidence Gathered - *Contents of Your Report*

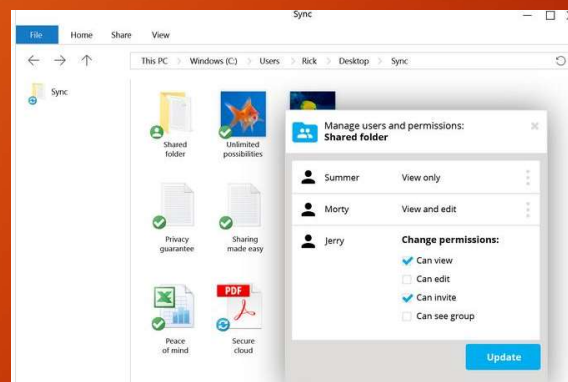
- This report will typically include the background of why the target of the investigation was selected, the evidence and supporting documents, and the content of the investigative interviews. It will also include the conclusion(s) of the PI Agent and/or PI Leader.
- Remember, this report, and the details therein, must only be written under the supervision of the PCHC affiliated attorney or law firm, and must not be provided to the parties or anyone who was not investigating or supervising the investigation
- If the conclusion of the report reveals instances of violations of obscenity statutes, witness testimony and gathered evidence must be carefully preserved, as directed by the PCHC affiliated attorney or law firm



## How to Investigate CSE Abuse

### Step 5: Protecting & Preserving Evidence

- Written records, audio recordings, and video compiled during a CSE investigation needs to be securely stored, so it can be used in possible future litigation by PCHC affiliate law firms
- All digital and digitized information should be uploaded to the PCHC account at sync.com



- LD3** Writting report under supervision of PCHC affiliated attorney, recommended by attorney Matt Heffron, Thomas More Society. This will protect written reports from "discovery" under the work-product doctrine.

Larry Dershem, 8/3/2018



# How to Investigate CSE Abuse

## Further Reading

- Further Reading ...

- *The Complete Idiot's Guide to Private Investigating*
- *Computer Forensics: Cybercriminals, Laws, and Evidence*
- Dewey Decimal: 363
- Library of Congress: HV8093

- Questions?

