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DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

September 21, 2020

The Honorable Gavin Newsom
Governor, State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

I am writing you with urgency to provide pertinent information for your consideration in advance of your decision on Tuesday, September 22, 2020 regarding San Diego County's COVID-19 category status. While your decision will impact many aspects of San Diego County, as the elected District Attorney of the second largest county in California and 6th largest in the nation, my focus is on the unintended and devastating public safety impact on our children that we are experiencing because of school closures. I've dedicated the last 30 years of my life to protecting children and families, building expertise that I feel a responsibility to provide, as your decision will impact the reopening and continued opening of schools. From my observations, this critical public safety perspective has not been sufficiently discussed and I feel a duty to bring my concerns to your attention.

Education experts emphasize that social and emotional development halts when children are not in classrooms. Parents and teachers discuss the fact that children, especially those with special needs, cannot learn remotely. Although the healthy social and academic development of all children is paramount, we can't address it if children are not safe in their home environment.

We've known for years that children exposed to violence cannot achieve health and that violence affects them for a lifetime.

What people are *not* talking about amid the ongoing pandemic are the violent, abusive and predatory threats to children that are hiding in plain view as a result of schools being closed:

- There has been a drastic increase in child predatory behavior on the internet while children are not in school. San Diego County's reports to the Internet Crimes Against Children Task Force has tripled during school closures. These local statistics are duplicated nationally with the National Center for Missing and Exploited Children reporting the same alarming increase.
- Children are caught in the crossfire of abuse at home. Victim Advocates in my office have served about 1,000 more domestic violence victims compared to the same timeframe pre-COVID-19.
- Reports to the child welfare hotline decreased when schools were closed, obviating the problem that teachers and trained professionals were not able to be the eyes and ears of law enforcement to witness abuse and report it.

As difficult as it is to face, more than 80 % of child physical and sexual abuse occurs at the hands of someone in the child's circle of trust or who enters that circle by posing as a 'friend' on the internet. Too often, child abuse is inflicted by a co-habitant family member. The real dangers of abuse exist in the home where children are vulnerable, have no exit strategy, and must acquiesce to someone in a position of power or trust. These historic facts about child abuse are now compounded by virtual abuse by internet predators who now find children online for extended periods of time without any supervision. This sad and disgusting reality must be a part of our statewide discussion regarding school districts' options for distance learning versus safely opening with children in the classroom.

When evaluating the health of our children and our community, we must consider the effects of COVID-19 but also acknowledge and weigh the other real and potentially more life-threatening threat from violence and exploitation of children. This is the public safety lens that I sincerely hope you will consider.

Simply put, the emerging data is showing that closed schools mean children are more vulnerable to physical and mental health trauma.

1. Child pornography and child exploitation soars when schools are closed.

Our Internet Crimes Against Children Task Force is responsible for receipt and investigation of "cyber tips" from concerned parents or internet service providers reporting potential child exploitation crimes occurring in San Diego County. Most tips come from the National Center for Missing and Exploited Children (NCMEC) which contacts my local team when it believes there is a local case. These tips involve child exploitation with the development and production of child pornography, as well as criminals trying to lure children into meeting face-to-face.

Last year, the San Diego Internet Crimes against Children task force received 3,058 cyber tips for all of 2019. In June, not even halfway through the year, the task force had received close to 3,200 tips. The most compelling spike in data was the difference between the number of cyber tips before schools were shut down compared to the timeframe involving school closures. The number of cyber tips *more than tripled* in April 2020, the first full month of all school closures when compared against that time period last year. That number of tips quadrupled in May 2020, the second month of all school closures in San Diego.

# OF CYBER TIPS RECEIVED		
<u>2019</u>		<u>2020</u>
358	MARCH	464
287	APRIL	854
148	MAY	644

Nationally, the National Center of Missing and Exploited children experienced a 93.3% increase in online enticement reports between January and June 2020, when compared against the same time period in 2019. NCMEC experienced a 90% increase in cyber phone tip line reports between January and June 2020, when compared against the same time frame in 2019. NCMEC reported 4 million incident reports involving children during one month of school closures compared to the 1 million in the prior year.

Common sense dictates as to the reasons why these child exploitation numbers have soared. Children who are required to be at home, and not in school or after-school activities such as sports or other structured events, have unprecedented access to the internet and much more time to be online. Many parents are also working remotely or must go to work to put food on the table, so kids are unsupervised. This is a perfect storm and haven for predators who want access to our children. Research from Thomson-Reuter and the Massachusetts Institute of Technology tells us that one in five kids online are sexually propositioned through gaming and social media platforms. Non-contact online-oriented avenues for sexual exploitation are increasing. Economic hardship from the pandemic has forced pimps, traffickers and child predators to turn to the internet as a source of income. Glaring in this perfect storm is that fact that when kids are not in schools, victims have fewer places to find a trusted adult to tell and the abuse has less of an opportunity to be discovered by the professionals who are trained to report it. Our local and national experts tell us that experienced predators use the school closures to their advantage and actually talk online about what an amazing opportunity this is for them.

The Vice-President of National Center for Missing and Exploited Children (NCMEC) reported that in the first quarter of 2020, NCMEC became aware of predators openly discussing the pandemic as an opportunity to entice unsupervised children into

producing sexually explicit material. NCMEC also reported that some child traffickers have adjusted to the reluctance of the “buyers of sex” to meet in person due to local stay at home orders. Some traffickers are now offering “options” to the child sex-buyers for subscription-based services in which the buyers pay to access online images and videos of the child. In March 2020, as the pandemic was gaining traction in the U.S., the FBI issued a warning to parents regarding the presence of sexual predators on the internet and educating parents on red flags and warning signs of online abuse.

Being back in school decreases the dangers for our kids. The data tells us that and must be a part of our statewide conversation.

School Closures result in mandated reporters not being able to see and report child abuse.

We’ve been monitoring the data since schools have closed, and the story is a scary one.

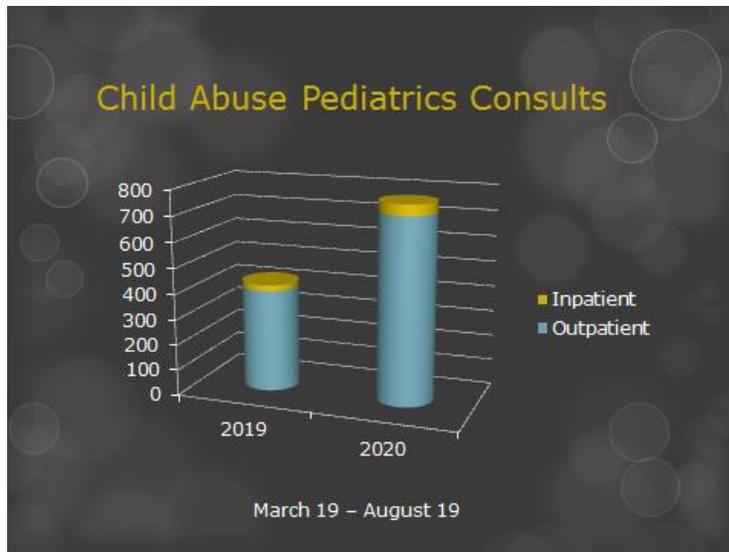
One of the statistics we saw in San Diego was the drastic decrease in calls to the child abuse hotline once schools were shut down. The chart below shows a 37% decrease in calls to the hotline during the months of April and 41% decrease in May 2020 when all schools were shut. I worked with our Superintendent of Schools to educate teachers about the duty to report suspected abuse, even if observations are made virtually, and the numbers have shown some improvement.

Month/Year	Calls Received	Month/Year	Calls Received
Mar 2019	5,844	March 2020	5,494
April 2019	5,731	April 2020	3,375
May 2019	6,104	May 2020	3,831

Some could argue – this is great news – child abuse decreased during this time. But we know better – we know the abuse suddenly didn't just stop. Many of the reports to a child abuse hotline come from our state's legally mandated reporters such as teachers, counselors, and those who are duty bound to care for our kids. When schools are closed, those trusted and trained professionals cannot see and hear the signs of abuse and report them. Those kids were now suffering in silence – and not getting the help they need to be safe.

2. Our local children's hospital data shows the dangers to kids when schools are closed.

San Diego's Rady Children's Hospital has a child abuse pediatric program where expertly trained child abuse pediatricians handle cases of suspected child abuse. They are available for consultation to other physicians across the county and to law enforcement when a question arises as to whether a particular injury was accidental or an intentional act of child abuse. During the time frame when the large majority of our schools have been closed due to COVID-19, our child abuse pediatric consult teams have had an 82% increase in consult cases.



Further, our children's hospital child therapists are reporting that parents are experiencing increased anxiety and depressive symptoms during this time when schools largely remain closed. In August, Rady's Children's Hospital had unprecedented Depression Screening Suicidal Ideation referrals to social workers needing immediate response. There were 28 children in the Medical Practice Foundation (MPF) clinics who were expressing suicidal thoughts and needing emergent assessment/planning/care. Typically, there are approximately five to 10 of these cases each month.

While I'm focusing on the impact of school closures, it is important to note that the same increased statistic for kids experiencing anxiety and mental instability is being seen in adults in San Diego County, reflected in the tripling of gun violence restraining orders for potentially suicidal people and those who may self-harm.

While the reporting of child abuse to the hotline has gone down, the injuries seen at our children's hospital in the emergency department are far more severe. Rady Children's Hospital is seeing a higher percentage of physical abuse cases in children under the age of two, and more severe mental health needs in teenagers. While the severity of abuse in toddlers cannot be directly attributed to school closures, it is reasonably

attributable to the overall stress that families experience – many of whom have multiple, other school-aged children in the home simultaneously.

3. Decreased school enrollment and lack of access to the internet should be considered.

The pursuit of equity and fairness is important to me and the measure of our society, and the impact on communities with lower economic means that can't afford to boost their internet, hire a tutor or create learning pods is of great concern. It is a reality that communities of color who continue to fight for educational equity are expected to suffer the most from school closures. In San Diego, we are also seeing a drop in student enrollment within our county's largest school district, San Diego Unified. As of last week, 100,348 students were enrolled in schools within the district. That's 2,474 fewer, or a 2.4 percent drop in what was expected by school officials compared to last year's numbers. The largest group of students not enrolled in the 2020/2021 school year is kindergartners, who were expected to enroll in the fall. Obviously, kindergartners need to be in school because this is the most critical time to learn socialization and how to read and write. But we cannot forget about their physical safety and the data described above regarding child predators being better at their craft when kids are not in school.

Remote learning is very difficult and not available to many students in our county. Two of the highest needs we are getting in our CARE Center, which is the District Attorney's community partnership crime prevention hub, are for student internet access and food. Our county sprawls 4,572 square miles and the lack of reliable internet for many rural areas and low-income families is significant. At the start of the pandemic, about 100,000 of my county's roughly 500,000 public school students lacked reliable internet, according to our county office of education. Food insecurity that is mitigated by children eating in school and parents working is another factor.

When children are in school, they are:

- away from their abusers
- with trusted adults who are mandated to report abuse
- mitigating the collective family stress which often leads to family violence or substance abuse.

Even *one* adverse child experience such as abuse or neglect has lasting health effects throughout a child's lifetime, proven by Dr. Felitti's renowned Adverse Childhood Experience Study. (ACES)

The current discussion has completely forgotten about the real public safety risks that plague our kids every day that they are not in school. Kids who are suffering in silence at home or online at the keystrokes of a predator is the *antithesis* of health. Schools reopening would rid this suffering, enable trusted and trained professionals to report

suspected abuse, and would reduce a predator's access to victims in their own homes or via the dark web.

I'm obviously not an expert in infectious diseases and I acknowledge that as Governor, you must consider many factors and rely on medical experts when setting public policy. I appreciate the steps you've taken to keep Californians safe. Similarly, I'm proud of San Diego County's leadership during the COVID-19 pandemic. Our County has worked tirelessly with the leadership of CAO Helen Robbins-Meyer, Chairperson Greg Cox and the Board of Supervisors to do everything possible to safeguard the health of our residents. As you're aware, the rolling percentage of positive tests and case rates in San Diego County has been lower than other metropolitan areas in the state. For the most part, small businesses in our county have complied with health orders and our community has been responsive to warning from our public health experts. I have faith in the leadership of our school districts in San Diego County and absolutely trust administrators to create and maintain safe strategies for teaching students in person, if you allow them to do so.

Writing this letter reminded me of valuable leadership in government training that I received at the Harvard Kennedy School where I learned that good government uses information to 'reduce harm.' We can't prevent all harm, but we can reduce it. We can't eliminate all risks of the pandemic or all risks of abuse to our kids, but we can reduce the harm by bringing about balance that considers all the harms and manages them under a totality of circumstances and not by one narrow focus.

As you consider whether or not to place San Diego County back in the more restrictive 'Purple Tier,' I would ask that you seriously consider the grave health and safety risks to our children that I've outlined above, giving weight to those very real dangers and ultimately allowing school districts in our county to make their own, safe determinations regarding re-opening.

Sincerely,

A handwritten signature in cursive script that reads "Summer Stephan". The ink is dark and the signature is fluid and legible.

Summer Stephan
San Diego County District Attorney