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CHALLENGES AND SOLUTIONS FOR PROTECTING OUR CHILDREN FROM VIOLENCE AND EXPLOITATION IN THE 21ST CENTURY

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME AND DRUGS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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CHALLENGES AND SOLUTIONS FOR PROTECTING OUR CHILDREN FROM VIOLENCE AND EXPLOITATION IN THE 21ST CENTURY

WEDNESDAY, APRIL 16, 2008

U.S. SENATE,
SUBCOMMITTEE ON CRIME AND DRUGS,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Committee met, Pursuant to notice, at 2:07 p.m., in room SD–226, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., presiding.

Present: Senator Sessions.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Chairman BIDEN. The hearing will please come to order.

I apologize to our witnesses for the late start, and probably a quick interruption. We are supposed to vote at 2:15. The reason I was late, I was trying to find out whether that vote was really going to go up at 2:15. I probably wasted more time doing that than just coming here. But we're going to have to at least—we'll probably only get in an opening statement at this point in order to go vote and come back. So what I will do, as soon as I make my opening statement, assuming the vote goes off, with your permission, Senator, I'll take off and then you do yours, and we'll try to save a couple minutes that way.

But I want to thank you all for coming here today. We're here to discuss one of the government's most solemn obligations—maybe the most solemn obligation—government has, and that is to protect our children, and particularly protect them from violence and exploitation.

We've taken many important steps here in Congress toward protecting our children and I'm happy to say that my colleague and I, and others, have been deeply involved in trying to figure out how to make it safer for a long time.

But events, and technology, in this case, also have moved, in many cases, more rapidly than we have been able to move. The most important among the protections that we have created is the National Center for Missing and Exploited Children. Unbelievably, it was 24 years ago when Senator—God rest his soul—Paul Simon and I worked to create the National Center for Missing and Exploited Children.

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Our vision was that the center would become a 24-hour resource for law enforcement and families and a national hope for information on missing and exploited children. Needless to say, the National Center has exceeded our vision, and the cyber tip line has become an indispensable resource for law enforcement. So, I'm anxious to hear—we're both anxious to hear—from the National Center.

Just last year we passed the Adam Walsh Child Protection Act, which creates a national sex offender registry system so that concerned families and local law enforcement officials know when a convicted sex offender moves into their neighborhood or jurisdiction and are able to take appropriate actions to protect the children in that area.

Despite these efforts, child pornography and exploitation remains a growing and complex problem. According to recent studies, online child pornography has increased by 1,500 percent just since 1997. There are over 10,000 child pornography web sites worldwide, and child pornography has become a $3 billion industry.

We are not talking about morphed images of adults posing as under-aged teens, we are talking about sadistic, violent movies depicting actual abuse. I say to my friend, I had an opportunity which I almost wish I didn't have, to witness some of this in my office just a little while ago, as one of our witnesses brought in material to show me just what's going on. I don't know about my colleague—as a former Federal prosecutor he's prosecuted many cases—but lots of times we talk about these concerns and I've never seen them.

I could not watch, quite frankly, the one depiction, which if you go on the Internet, you'll see in a minute, on a computer, someone under 8 years old. I just watched the very beginning of it, before the abuse started and I couldn't watch it. Then I said, well, give me a contrast. Show me someone who is a teenager that's 14 or 15 years old. That was, in a sense, standard pornography and you couldn't tell whether this young woman was 14 or 16 or 18 or 20—at least I couldn't—but the range of the pornography that's on these web sites is astounding to me, and how easily it is to be accessed.

I am revealing an ignorance here. I'm revealing what I think I know, like you Jeff, an awful lot about violent crime in America, but this is an area that I didn't realize how incredibly easily accessible it is with so many, many, many, many different sites. Again, I want to make it clear. We're not talking about morphed images or adults posing as under-aged teens.

According to the 2006 study by the National Center for Missing and Exploited Children, 83 percent of arrested child pornography possessors had images of children between the ages of 6 and 12; 39 percent of the possessors had images of children between 3 and 5. And I'm not just talking about an image of a naked child, 3 to 5, in a provocative position. I'm talking about sex acts being performed on a child 3 to 5 years old. Not all of those were that. But 19 percent of the possessors had images of infants and toddlers under the age of 3, and 21 percent depicted violence such as bondage, rape, or torture.

The problem continues to grow. Last week, the National Center for Missing and Exploited Children handled its 580,000th—over half a million, 580,000th—reported child exploitation. The Peer Precision Program that Special Agent Waters will demonstrate later has identified over 600,000 individual computers in America, 600,000 computer serial numbers connected to trafficking of child pornography over a peer-to-peer witness, which all of our witnesses understand what that means, but I'm not sure the vast majority of Americans understand what that means and how easily accessible this is.

Ladies and gentlemen, the bottom line is, we're not making much of a dent in this problem. Due to lack of resources, we are investigating less than 2 percent of the known cases of child pornography trafficking. Again, we are only investigating 2 percent of the known child pornography traffickers.

Now, in fairness, because I bored down on this a little bit earlier in my office, that 2 percent is of the 600,000, and some of those folks in the 600,000 exchanged these files one time. It may have been accidental. You don't know whether it was real. As you narrow this down—and there are ways that I'm going to be asking all the witnesses how we do it to figure out who the really bad guys are—it gets to be considerably less than that.

I asked in the office for them to show me the number of people who have engaged in trading files in a 30-day period of over 100 times, and I think the number was 1,500 or something. So the thing I don't want people walking away from here today, is that this is such an immense problem, it's not manageable, such an immense problem we can't get our arms around it. We can get our arms around the worst aspect of this if we provide the resources for it.

Due to lack of resources, though, we've not been making the progress that we should. What makes this even more inexcusable is that when we do investigate these cases we have at least a 30 percent chance of rescuing a child from ongoing abuse. That's the statistic. I'm going to ask that that statistic be justified today, but that's the statistic that is pretty widely accepted in the community.

Some studies show that there is likely even a greater chance of finding a local victim. In other words, when they go in and investigate, get a warrant, roughly 30-plus percent of the time you may very well find a kid that you can identify and physically rescue from that local issuing of that warrant and going in and doing a search.

For example, a study of the National Center for Missing and Exploited Children found that 40 percent of child pornography possessors were dual offenders who sexually victimize children and possessed child pornography. Speaking for myself, they're the people we really want to nail.

The study at the Department of Justice on Federal prisoners found that 85 percent of child pornography possessors had committed acts of sexual abuse against minors, including everything from inappropriate touching to rape. As you'll hear from Special Agent Waters, the Wyoming Attorney General's Office has found that, based on the investigations that he's conducted there, a local

victim in at least one-third of each of the cases they pursue is found.

Don't get me wrong. The witnesses that we are going to hear from today and the thousands of Federal, State, and local investigators and prosecutors are out there working tirelessly to combat this problem. This is in no way to implicate the lack of resolve on the part of Federal or State law enforcement officers. But part of this is a learning curve. Part of this is, things are changing rapidly. Part of this is a lack of resources. So in my view, we've not dedicated enough Federal agents to this problem and we've not provided enough support for local law enforcement agencies in order for them to better be able to do their job.

In addition to restoring cuts to the COPS program and the Byrne Assistance Grants, we should pass the Combatting Child Exploitation Act, which authorizes $1.05 billion over the next 8 years to help combat this growing problem.

Under this bill we will triple funding for local Internet Crime Against Children Task Forces, to provide more resources to the FBI, the Immigration and Customs Enforcement Agency, and regional computer forensic labs.

Before I close, I'd like to show you how pervasive this problem has become. I asked Mr. Waters to run a quick check of all the computers that are currently, as we speak, trafficking in child pornography, which has been scrolling on the screen during my remarks. Now, Mr. Waters, if you would show us the interactive map showing the illegal activity over the last 24 hours.

[Whereupon, the map was shown.]

Chairman BIDEN. Each one of those red dots—correct me if I'm wrong, Mr. Waters—indicates a computer in the United States of America that in fact is located in the jurisdiction you see, that in the last 24 hours has engaged in the illegal activity of transferring over the Internet, from one computer to another, child pornography. As you can see, it is a pervasive problem. It's right out in the open for any trained officer to see. With enough resources, we could take action on a lot of that.

Now, again, before I turn this over to Senator Sessions, the one thing I always worry about, having dealt with, as my colleague has, criminal justice issues for my entire career as a Senator, is that we do not want to over-promise and we do not want to in any way exaggerate the problem, and we don't want to be in a position where what we're laying out there appears to be beyond the capacity of anybody to deal with.

This does not mean that there's that many child abusers out there, but it does mean it's a very fertile pond to fish in order to find the people we most are concerned about, and that is the people who are exploiting these children in the most violent and vicious and ugly ways so that we can put them behind bars, we can get them out of the system.

I now turn over the podium to my colleague, Senator Sessions, who has done an incredible amount of work in this area.

STATEMENT OF HON. JEFF SESSIONS, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator SESSIONS. Thank you, Mr. Chairman. Thank you for calling the hearing and for your excellent summary of the situation we find ourselves in today.

We are really dealing with modern challenges to child sexual exploitation and abuse. I am distressed by the dramatic growth of the criminal networks that traffic in child pornography over the Internet. I am also concerned by statistics, as you've noted, that suggest that Federal, State, and local law enforcement is overwhelmed by this rise in exploitation. There is no doubt that the Federal Government has an important role to play in combatting child exploitation, which often involves interstate crimes, but many cases are fundamentally State crimes and should remain so.

Although the scope of the problem and the havoc it wreaks in the lives of abused children and their parents is extremely distressing, I am encouraged by the fact that in the past we have addressed this crime successfully, and we can do so again.

I was a Federal prosecutor when President Reagan undertook an aggressive effort on child pornography cases. It was one of the most successful initiatives ever. It was greatly enhanced by the Supreme Court's ruling at the time in *New York* v. *Ferber*, that held that possession of child pornography is effectively a crime, per se, which removed the prosecutor's burden of establishing community standards and other complexities of pornography cases.

So possession cases were, therefore, much easier to prosecute. The Federal Government had only to show that the defendant knowingly possessed a sexually explicit image of a minor that had been shipped in interstate commerce. This was before the real explosion of the Internet. Modern distribution networks over the Internet present law enforcement with serious challenges, as one pedophile trades in child abuse photographs with another pedophile, all under the cover of sometimes computer firewalls, sometimes sent through the mail once they communicate with one another and identify one another. They shift addresses repeatedly.

I would note that when we started, really Congress passed the law, the child pornography law, and I'm sure you were probably part of passing it. But what happened was, we eliminated child pornography from almost any bookstore. You could go in bookstores in America, in newsstands, and find this kind of material. After the law passed, child pornography disappeared. There were no more cases to make. But it went underground, I think, is the situation.

So I am pleased to have Randy Hillman, the executive director of the Alabama District Attorney's Association here today to tell us what role his high-tech operation, the National Computer Forensic Center in Hoover, Alabama, might play in this critical effort, because it is an Internet-driven problem today.

I commend Mr. Hillman for his dedication to improving the technological skills of State and local law enforcement officers, prosecutors, and judges, and I look forward to hearing his testimony. I am also encouraged by technological advances in the investigative techniques used in some child pornography cases. These techniques allow law enforcement officers to target arrests on the most serious distributors of child pornography. This is an enormous develop-

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ment. I would note, it was a State official that developed this technology, Wyoming Special Agent Flint Waters, as you've indicated, Mr. Chairman. It further highlights the frontline role that State and local law enforcement must play in this effort.

I prosecuted a number of child pornography cases when I was a U.S. Attorney, and in virtually every one—more than the one-third, Senator—in virtually every case the defendant had a history of actually molesting children. In fact, I remember one of the cases. After a period of years, there appeared to be no evidence of that, I was told. I said, why don't you inquire a little further. I'm just curious. So we discovered that a sister, 25 years before, had admitted that the defendant had abused her, a younger sister. Recent statistics suggest that about one-third of these cases involve abuse of children, but I think it's bigger than that, really.

Important work has been done on the issue and I am proud to have served on the Adam Walsh Conference Committee and to be present at the White House when that important piece of legislation was signed into law. That Act imposed tough penalties for the most serious crimes against children, such as sex trafficking of children and child prostitution. The Act also made it harder for sexual predators to reach children on the Internet by authorizing the regional Internet Crimes Against Children Task Forces, which provide funding and training to State and local law enforcement officers who combat illegal exploitation crimes on the Internet.

So, in conclusion, I believe, Mr. Chairman, that you are correct. We are facing a very real problem, that it is damaging the lives of young children far more than we like to admit. As we will hear today, I think we can all agree we need to give it a higher priority in our law enforcement initiative.

Thank you.

Chairman BIDEN. Thank you very much, Senator.

We have about 4 minutes left in which to make this vote, to go over and vote, which means we will be put in a recess in a moment for about 10 to 12 minutes, is how long before we get back. But let me just announce the order in which we'll proceed.

Our first panel will be U.S. Attorney McGregor "Greg" Scott of the Eastern District of California. The second panel will be Special Agent Flint Waters of the Wyoming Attorney General's Office; Lieutenant Bob Moses, the High Technology Crimes Unit of the Delaware State Police; Randy Hillman, who's been mentioned earlier, of the Alabama District Attorney's Association; Michelle Collins, who is from the National Center for Missing and Exploited Children; and Grier Weeks, the National Association to Protect Children. They will be on one panel as well. So we have two panels here. First, when we come back, we'll swear in the U.S. Attorney from the Eastern District of California.

We're going to recess from somewhere between 8 to 12 minutes, as long as it takes to get there to vote and get back.

[Whereupon, at 2:28 p.m. the hearing was recessed.]

AFTER RECESS [2:47 p.m.]

Chairman BIDEN. The hearing will resume.

We appreciate the indulgence of the witnesses.

Our first witness, as I indicated, is the U.S. Attorney from the Eastern District of California. He's served in the post since 1993.

He's a graduate of Santa Clara University—my grandfather's university—in California and the Hastings College of Law.

Prior to his appointment as U.S. Attorney, he served as the District Attorney for Shasta County, California. Mr. Scott is a Lieutenant Colonel in the United States Army Reserve, with 22 years service as an infantry officer. He commanded an infantry company on the streets of Los Angeles during the riots of 1992, and he's a graduate of the Command and General Staff College.

Mr. Scott, welcome. We appreciate your making the effort to be here. The floor is yours.

STATEMENT OF MCGREGOR SCOTT, UNITED STATES ATTORNEY, EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO, CALIFORNIA

Mr. SCOTT. Thank you very much, Chairman Biden and Ranking Member Sessions. I want to thank you for this opportunity to present the perspective of the Department of Justice on this most vital issue, the protection of our children. I want to thank you for convening this hearing today to bring light to this very, very significant issue.

The Internet is one of the great advances of our age, an unprecedented source of information and ideas. But the Internet can also be a dark and sinister place, as those who mean our children ill use the anonymity it provides to advance their horrific objectives.

Let there be no doubt that these are not, to use the common phrase, "just pictures", as the Senator eloquently set out in his opening statement. Each photograph or video literally represents the sexual assault of a child and nothing less. The evidence grows every day of something we in law enforcement have known intuitively for a long time: the odds are overwhelming that a person who deals in child pornography is also a child molester.

It is not my intent to speak of uncomfortable things, but we need to be clear on what exactly it is that we're talking about here today. Let me reference a few cases from my own district to make this point. We prosecuted a main who live-streamed onto the Internet for viewing by others a video of himself masturbating over, and ejaculating onto, his 6-month-old daughter.

We prosecuted a psychiatrist from Saudi Arabia who communicated via the Internet with what he thought was the mother of a two-and-a-half-year-old girl. He traveled to this country for the purpose of having sexual relations with that little girl, but instead found police waiting for him because that mother was instead an undercover officer.

We prosecuted a fourth grade teacher who regularly had his daughter's friends over for sleepovers. He would drug the girls, molest them, and record the events, which he kept on his home computer.

Faced with this onslaught of crimes against our children, the question becomes: what are we doing about it? In May of 2006, the Department of Justice launched Project Safe Childhood, a nationwide effort to marshall all our resources—Federal, State, local, and private sector—to protect our children.

A great strength of Project Safe Childhood is that a broad strategic vision has been set at the department level, with each U.S.

Attorney tasked to develop an operational plan, in consultation with all our partners, as to what works best in his or her district.

Let me be clear: our partnerships with State and local law enforcement in general, and the Internet Crimes Against Children Task Forces in particular, are the engines which drive these operational plans.

Under Project Safe Childhood, we have two primary tasks: to prosecute and to educate. We are doing very well in both these areas. In the first full year of Project Safe Childhood, Federal prosecutions increased by 28 percent. In addition, U.S. Attorneys have sponsored scores of town hall meetings and school forums, and the department has sponsored public safety announcements all designed to arm parents and children with the tools they need to guard against online predators. The bottom line is that Project Safe Childhood provides a centralized strategic aim and a decentralized operational component for the department and all of our allies on this issue.

The Department of Justice fully welcomes an embraces the work of our many partners. As a former county District Attorney, it is my firm view that State and local law enforcement are absolutely crucial partners for us. That is why the department funds the Internet Crimes Against Children Task Forces across the Nation. In the past 5 years, the number of ICACs has been very nearly tripled, from 20 to 59. In fiscal year 2007, the department increased the funding for ICACs from nearly $15 million to $25 million. Today, more than 1,800 local law enforcement agencies are members of, or affiliated with, ICACs.

The Criminal Division's Child Exploitation and Obscenity Section is also critical, providing prosecution and computer forensics assistance to the field. CEOS, as it is known, provides technical assistance, legislative input, and prosecutorial aid on issues and cases involving child exploitation and they are an integral part of what we do.

Computer forensics and the capacity to deal with all of these cases is also a very crucial issue. Nearly 2 years ago, the Deputy Attorney General formed a Computer Forensics Backlog Working Group within the department, and I served as the U.S. Attorney's representative on that group. That group has worked long and hard with the FBI to find better ways to deal with the exploding caseload generated by Project Safe Childhood. Earlier this year in February, the Deputy Attorney General announced a series of steps the FBI will undertake to increase its computer forensics capabilities for child exploitation cases.

In summary, the Department of Justice understands and fully appreciates the significance of this issue. We now have in place a strategic plan at the department level, with operational plans in each district. We commend our allies for what they do and embrace them as full partners in this fight. We are grateful for the opportunity to work with you and your staff on this issue. I thank you for this time and I'd be happy to answer any questions that you may have.

[The prepared statement of Mr. Scott appears as a submission for the record.]

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Chairman BIDEN. Well, again, thank you for being here and thank you for the good work that you have done.

You referenced Project Safe Childhood.

Mr. SCOTT. Yes, sir.

Chairman BIDEN. I don't dispute for a moment the fact that prosecutions have increased over recent years, and I applaud the department for that effort, especially as I still think you are shorthanded. The Attorney General keeps telling me you don't need a lot more people, but I think you do. But that's an ongoing little battle we have.

What I've been a little more concerned about is the notion of what is the overall strategy for child exploitation prevention across the administration, so I'd like to ask you a couple of questions. If this goes beyond your brief, then I understand, and just let me know, OK?

Mr. SCOTT. I appreciate that, Senator. Thank you.

Chairman BIDEN. Has there been any distribution of resources made available by the Congress to the Justice Department for hires of U.S. Attorneys because of the increased workload in various jurisdictions, including your own?

Mr. SCOTT. Yes. In fact, in this present budget year there are 45 new Assistant U.S. Attorney positions, which are full-time employee positions, which will be allocated in the U.S. Attorney's Offices, and that process is fully engaged right now. It's essentially a competitive process, where each district submits a proposal as to why that district should receive a position. In addition to that, there were approximately 30 positions, I believe, in last year's budget, and perhaps the year before that, likewise, that were divvied out to the U.S. Attorney's Office. So, approximately 75 over the last two to 3 years have been allocated to the U.S. Attorney's Offices.

Chairman BIDEN. Got you.

Now, can you tell me a little more about—Senator Sessions and I, like you, have been doing this a long time.

Mr. SCOTT. Yes, sir.

Chairman BIDEN. Senator Sessions—I have a longer history, he has a broader experience.

Senator SESSIONS. I had to work hard using the laws you passed.

Chairman BIDEN. That is right.

Senator SESSIONS. As a matter of fact, when I was a U.S. Attorney, this Senate passed some great laws that really enhanced law enforcement. I'm glad that you have continued to show that interest.

Chairman BIDEN. I am not being—and the Senator is not implying this—either solicitous or in any way trying to exaggerate the involvement, but let me just talk to you like the three of us were in a room together, because we know the area relatively well from slightly different perspectives, but pretty broadly.

One of the things that happens when you're talking about allocation of resources, intra- and interjurisdictional, is there is competition. We get these great ideas up here about how we're going to pass a piece of legislation, setting up task forces, and we're going to have State, local, Federal officials working together—and by the way, some of them work incredibly well. But could you talk to us

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a little bit more about how many additional resources, department-wide, have been allocated for activities under the Project Safe Childhood? In other words, how do you allocate those moneys? Talk to us about what you focus on and who you cooperate with in the focus.

So in a way—excuse me for saying this—that your mom and my mom—I'm sure your mom is as well, my mom is a very intelligent woman and very well-informed—so that the average person, our moms, could understand what we're talking about. Not in Senate-speak or in Justice Department-speak. I mean, talk to us about how you spend the money.

Mr. SCOTT. And just so I can be clear, Senator, that is in terms of my own district, how we leverage the resources that we have?

Chairman BIDEN. Yes. Or if you know, speaking for the department, how the department is allocating these resources. Maybe that is not your—although you're representing the department, that may be beyond your brief, and I would ask for the department, in writing, to tell me, of all the Project Safe Childhood dollars, how have they allocated them? That tells us what the priorities are, what you think the best investment of the dollar is in terms of dealing with making children safer. But maybe you can talk to me about your district.

Mr. SCOTT. Well, I'll try to touch on—

Chairman BIDEN. Either way.

Mr. SCOTT. I can speak in very general terms about the department. I cannot give you line-for-line dollar amounts, but I can tell you sort of general subjects.

Chairman BIDEN. Right.

Mr. SCOTT. The FBI clearly has a cyber division and has some focused resources on this. They have a stand-alone unit right outside of the District here in Northern Virginia that works on these issues, so that's part of it. Another part is, within the department, the grant program, through OJJDP, allocates money to State and locals. Within the department, the department ponied up, I think, in excess of $11 million out of its own pocket last year for more money to create 13 additional ICAC task forces around the Nation, to include a second one in my district in Fresno. We already had one in Sacramento.

So in addition to that, I know that the Deputy Attorney General's Office has staff folks who are working from sort of an overview perspective on this thing. So that's the department. I can tell you that Immigration & Customs Enforcement also works on this issue. The Postal Service also works on this issue.

So how we make it work back in Sacramento, California, we have co-located under one roof the FBI cyber division, the ICAC that we have, and then there's a third entity, which is a State-funded high-tech task force which also works on these cases. So we've got all those folks under one roof working collaboratively together.

And then we have within my office a dedicated Project Safe Childhood coordinator, but a number of other Assistant U.S. Attorneys who also handle a certain number of those cases each year. That, in a general sense, is how we're allocated in terms of going after this thing.

Chairman BIDEN. I yield to my colleague.

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Senator SESSIONS. Just a few quick questions, if you know the answer to this. We're seeing a lot more indications of child abuse and child pornography on the Internet. Do you think that's because we're more adept at identifying it and they're using the Internet more, or do you think for some reason there's more abuse and more abusers out there, and is there any science to back that up?

Mr. SCOTT. I'm going to rely on what I see rather than any scientific studies that I've read in trying to answer that question, Senator. I think common sense tells me that, with the proliferation of child pornography that's taken place over the last 10 or 15 years, those who view this stuff have sort of grown and they've reached the level of where it's not enough. This picture, while last year it was enough for them to reach satisfaction, this year it's not, so it's got to be something even more egregious to create the instincts and desires that are generated by child pornography.

I think that's a big part of the problem, is that it's so widespread now within these particular areas and among these particular groups of people that there's a constant demand for more and a constant demand for more egregious pictures and videos. I think that's the problem.

Senator SESSIONS. To carry through, that would indicate that the more people have access to more and more violent and exacerbated cases of child abuse on the Internet the more likely they are to abuse children themselves. Is there any study on that, to your knowledge? I know there's a connection. I've seen the connection. I know that the average person is not interested in seeing child pornography. It's a certain mental problem that causes people to be attracted to that. Do you know the answer to that, if you know? Maybe some of our other panelists would.

Mr. SCOTT. I'll approach that from two perspectives. One is the study that Senator Biden referenced, which was done by the Board of Prisons, by Dr. Hernandez down at Buttner, which determined that something like 85 or 87 percent of those incarcerated for pornography possession only—in other words, no physical crime, just possession of child pornography—admitted having molested children, and on average the number was—

Senator SESSIONS. We've been using the number of one-third, and that is 85 percent, which is more consistent with my personal experience, which was anecdotal, I'll admit.

Mr. SCOTT. Yes. So beyond that study, what I would reference is looking at the cases that we are handling, that we are processing that we see. I'm hesitant to put a percentage number to it, but it's an overwhelming percentage of those cases that involve some kind molestation. And a very typical case for us to prosecute is one that starts out as a sexual assault or child molestation investigation by a sheriff's department or a D.A.'s office, and they'll do a search warrant and search the suspect's home computer, and guess what? There's child pornography on the home computer. That is a common pattern that we see on a regular basis.

Senator SESSIONS. Now, you discussed, in response to Senator Biden's questions about the difficulties of the entities involved in task forces. I agree with Senator Biden that they can be fabulously effective. When you co-locate, where they are all together at one

time, they can just bring to bear all kinds of capabilities that would not exist otherwise and be highly successful.

Though we want as much involvement from local police as we can, explain to us why a local policeman, through jurisdictional and State lines, has difficulties prosecuting effectively, many times, these kind of cases.

Mr. SCOTT. That's a great question. It's due to the very nature of the Internet itself. We may have one suspect in Fresno, we may have another in Reading. There may be one in Montgomery. I mean, literally, because of the Internet there are no limitations on jurisdictional issues because you push a button and that image can go anywhere in the world in an instant. So what we are able to bring, it's really—

Senator SESSIONS. Well, first of all, the police officer in Sacramento can't issue a subpoena for a computer in Montgomery, Alabama.

Mr. SCOTT. Yes. So that's why I think these task forces are so highly effective, is that you've got the manpower and the commitment and the horsepower from the locals, combined with the Federal jurisdictional resources, to get a search warrant to go look at several computers across the country simultaneously under the Federal authority, and then to have the Federal prosecutorial aspect as well where we can prosecute people from all over the country—all over the world, for that matter—if we have venue in our district, which, with the Internet, is not a very difficult thing to come up with these days.

Senator SESSIONS. And when you have a local prosecutor in California, a State prosecutor, they have difficulty issuing subpoenas to people in Montgomery or other places, but the Federal Government can do that quite readily. So, there is an important role for the Federal Government in these cases.

Thank you.

Chairman BIDEN. With your permission, I'd like to pursue two other points off of what the Senator said. One of the things that I've been thinking of, as one of the authors of this legislation where we're trying to increase the money available, is that I had met with one of the State Attorneys General who told me about Mr. Waters out in Wyoming.

His unit out there has developed—which we're going to hear a little bit about—the software to be able to identify by, literally, the click of a mouse—I watched it—all the transactions taking place where they are trading pornographic files, children's pornographic files.

I asked him, for example, to click up Delaware, asked him to click up Pennsylvania, asked him to click up—I forget where else. In Pennsylvania, just in the last 30 days, there is one person. I guess I'm not supposed to say where. We don't know exactly where this person lives, but we know the town he lives in, the zip code, if you will. You can go—as you know better than I do—with an identification, to Comcast, if it's Comcast, and you can get the name and address of that person. It lists all the files that he has transferred. I think the number was 2,700 in the last 30 days.

I asked him to go to Delaware and list every bit of trading on this particular Internet site that took place in the State of Dela-

ware. There were 40 individuals, 40 computers that traded material. The most frequently traded was, I think, 48 times in 30 days. There are roughly 40 who have done it 10 or more times.

I asked what the experience has been in Wyoming, and the studies that I have read and my staff has made available to me, and there seems to be the ability, without being able to scientifically prove it, that just through simple common sense if you identify someone who is trading large numbers of these files, you can read the title of the files. I actually viewed parts of several of them. It is pretty easy to pick out the person engaged in either transmitting or downloading violent scenes of rape and molestation of people under the age of 8 years of age. A lot of this material, the title will tell you. It's basically: watch the rape of an 8-year-old. I'm being a little—but we're going to show some of this, I think. We may or may not. I don't know whether it violates anybody's rights. I guess you'll tell me when we do it.

So it seems to me there ought to be a protocol that can be done at a Federal level or at a local level that would really enhance the training tools available to local law enforcement officers who would be able to identify and narrow down, just by looking at what was traded, what was transmitted, and you'll be able to get a pretty good picture of the person who you want to get the warrant for.

Once you get a warrant, even before you execute the warrant, you're able to immediately—now you have the name of an individual off that ID number and you're able to, from that, quickly check whether they have a criminal record, quickly check whether they're employed working with children, quickly determine whether or not they have been convicted of child molestation and the like. It seems to me, you could, through an office like yours or a State Attorney General's Office essentially assign one person to train to just go through the files and identify the highest value targets, because I know the ability to go out and look at 600,000 computers is just not within the realm.

I mean, just to put this in perspective, I asked the FBI—one of the reasons I asked you about the allocation of resources—and they responded to me on July 11 of—that can't be right. It must be 2007. It says 2008. We haven't hit July 11, 2008. The FBI indicated they had 32 agents dedicated to innocent images, meaning what we're talking about, a unit that specializes in this area, and a total of 260 agents that have worked these cases.

Now, by contrast, white collar crime, they have 2,342 agents working white collar crime cases; health care fraud, 430; organized crime—I'm not making a value judgment here, but it's just to put it in perspective—720 agents; gang-related crimes, 435 agents; and 260 for this area.

So one of the problems I think we have are resources, the available resources that the FBI has available to them, and in turn you have available to you, knowing you're not FBI.

At the same time, they estimated that there were at least 25,000 suspects that they knew of who had engaged in commercial child pornography trafficking in the last 5 years. So the point I'm trying to make is—which you already know—the universe is large, the number of people, notwithstanding the fact we do a good job, allocated at a Federal level to that large universe is relatively small.

So in addition to us—I realize this is more of a statement, but it ends in a question, believe it or not—providing Federal resources, and in turn local resources through task forces, I was thinking maybe—and this is a question I'm going to ask, and I'm going to ask my friend later if maybe he'd consider joining me—I think we should be also talking about something equivalent to the COPS bill or the local prosecutors' legislation we've done where States can apply directly for resources to deal with what is able to be done.

In the jurisdiction of Delaware, for example, the Attorney General can identify—because we have no State prosecutor, we have no local prosecutors-–40 cases, 40 individuals, you can see what they've traded in, all illegal, on the Internet, that where they've traded in a 30-day period more than 20 times, putting them in a category that is fairly highly suspect, and then decide within that category, you don't need a warrant in Alabama. I'm told that, as I mentioned in my statement, a significant number of victims are found in the local—the local—execution of these warrants.

So what I'm trying to get at is this. Would you view it as a help or a hindrance as a Federal prosecutor if, in fact, the local D.A. in your jurisdiction—I guess it's a D.A. in California—had additional resources in his or her account, meaning personnel and training, to be able to go after those individuals that are high-value targets that are located within their city limits, their town limits, et cetera? Do you understand what I'm trying to drive at here? What would help you the most?

Mr. SCOTT. Yes. I think, first of all, Mr. Waters is to be commended for the program. It is something that all the ICACs in the country are using. It's a terrific resource and we're going to make sure we maintain that as it transfers to the RISK program.

But to directly answer the question with respect to the local prosecutors, I think the question that has to be asked about that is, what is the local State law with respect to these crimes? By way of example in California, until very recently it was a misdemeanor. We couldn't get a felony. That's now been changed by State-wide proposition because nothing could be advanced through the State legislature.

But it really depends on what that local State law is, because as a result of that California law, we became the only game in town in terms of pursuing a felony and imprisonment for the most egregious of offenders. So I believe in Delaware it's a misdemeanor as well, from what I read last night somewhere. But that is the fundamental problem there, is you don't want to load up a local D.A.'s office if they don't have the tools to effectively go after the real egregious offenders.

Thank you. I have no further questions.

Senator SESSIONS. So you have now another 45 AUSAs totaling 75, which is almost one full-time position per U.S. Attorney Office. Frankly, would you not say, in those 32 FTEs, full-time equivalent, working on these cases, it seems to me the balance needs to be, the shift needs to be toward the FBI and the investigators, unless you're using an awful lot of State and local investigators because really you should have more investigators than prosecutors on most types of cases.

How would you evaluate the balance between Federal investigators and Federal prosecutors?

Mr. SCOTT. Well, I think quite honestly, in my experience the FBI does not have enough investigators dedicated to this particular area. And I'll be very candid with you, this is an issue that we've raised with the FBI on a regular basis in the context of the Attorney General's Advisory Committee and elsewhere. As a result of that shortage of FBI agents, we are essentially completely dependent on State and local law enforcement to do the investigative legwork for us on these cases. In my own district, ICE has been terrific. I don't mean to be critical of the FBI in my own district because they're working hard and they're bringing good cases.

Senator SESSIONS. What kind of jurisdiction does ICE have?

Mr. SCOTT. Essentially the same as the FBI in this particular area.

Senator SESSIONS. That includes Alcohol, Tobacco, and Firearms and Customs?

Mr. SCOTT. Immigration & Customs Enforcement.

Senator SESSIONS. Right.

Mr. SCOTT. So the ability to get search warrants, grand jury subpoenas, conduct search warrants across State lines or district lines rests with ICE as well. But you make an excellent point, Senator, which is that in all my years as a prosecutor, the number of investigators is supposed to outnumber the number of prosecutors. That's kind of a general formula, because you're always going to have more investigations going than you're going to have prosecutions at any given moment in time. There is a disparity in terms of the FBI resources that are allocated to this directly and the number of AUSAs and local prosecutors who are working on it. Which again brings me back to my fundamental point, which is that we love the locals when it comes to these kinds of investigations.

Senator SESSIONS. Well, really it is the locals that are working on protecting individual children in their communities. With regard to that, on a fundamental Federal, State law and the Constitution as you understand it, isn't it true that if there is a local production, if there's a local child abuse, there may not even be a Federal crime chargeable?

Mr. SCOTT. Well, that's exactly right, unless it's a military installation or an Indian reservation. There is no original Federal criminal jurisdiction for child molestation cases. At least in my State, the original jurisdiction rests with the local District Attorney's Office for physical acts of molestation of children.

Senator SESSIONS. So a lot of people don't realize, if someone shoots somebody in Sacramento, or let's say, to be safe, picks up a local rock and kills them, that's not a Federal crime and cannot be prosecuted in Federal court unless it's related to civil rights or some Federal connection.

Mr. SCOTT. In the absence of Federal land. If it's on a prison ground or—

Senator SESSIONS. I guess what I'm saying is, you need the local people. These task forces, to me, are the way to coordinate. Is there any kind of registry—Senator Biden, I think you touched on it—where, within every police department in America, people can be

designated officers with expertise in this area, so if you had a lead in California that ran to Tennessee in Knoxville, you could check the registry, and here's an experienced investigator who is committed to these kinds of things in Knoxville, Tennessee. Is that something that's in place now? If not, do we need it?

Mr. SCOTT. No. That is, again, one of the beauties of the ICACs, is that they all talk to each other. So an officer who works in my ICAC in Sacramento, if they discover a lead in Knoxville, Tennessee—

Senator SESSIONS. What percentage of—ICAC is what? What is that?

Mr. SCOTT. Internet Crimes Against Children Task Force.

Senator SESSIONS. But they may not have one in Knoxville.

Mr. SCOTT. We have pretty much covered the country at this point.

Senator SESSIONS. Oh, really?

Mr. SCOTT. We've got 59 up and running. Every State has at least one. It's something that we're going to look to continue to grow. This really, as I said in my statement, is the engine that is driving the train on these investigations. So you have that at least indirect communication link between the ICACs. Above and beyond that, we've got the Federal component too, so you may have an FBI agent in Sacramento who can call to an FBI agent in Knoxville and say, we've got this lead.

Senator SESSIONS. But I've found they're not always so interested.

Mr. SCOTT. Yes, sir.

Senator SESSIONS. Would you admit that based on your experience?

Mr. SCOTT. Well, I have to say—

Senator SESSIONS. An FBI agent has got his own child case there, and now somebody wants him to drop what he's doing and do something else and take up this case. It's not, oftentimes, as intensely important to him as to the person who asked him to do it.

Mr. SCOTT. Well, I think that's a product of human nature. We like to deal with what's right in front of us as opposed to what maybe someone is calling us about.

Senator SESSIONS. Let me quickly ask you this. You talk about, the ICAC task forces have trained over 10,000 officers in 2005, 15,000 in 2006, and 20,000 law enforcement officers in 2007 that were trained.

I'd like to understand a little about, what kind of training is this? Is this a one-day conference, a week-long conference? Is it hands on with computers and technology or is it briefing on the basic overall law, and so forth?

Mr. SCOTT. Training can really span the spectrum of all the things you just described. There are one-day trainings, there are multiple day trainings. Much of it is focused on the concept of learning how to build and bring a case for Federal prosecution, because we've got a deputy sheriff who hasn't necessarily ever done that before, how we go about procuring Federal search warrants, grand jury subpoenas. So, a familiarization process with the Federal prosecution component is part of it.

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Mr. Waters, I'm sure, will be able to answer that question in much greater detail than I can right now, representing the ICACs, but it really does cover the spectrum of how we bring these cases. There's no one-size-fits-all in terms of the potential things that you've sent out.

Senator SESSIONS. I would just say that if you're going to empower and really get the full benefit of State and local law enforcement, you would agree that training is very valuable, would you not? And No. 2, would you agree that it is a very appropriate Federal role? In other words, rather than trying to put Federal agents all over the country and prosecuting these cases directly and investigating them directly, if we can empower the local people to do that as part of their duties, that's more consistent with our Federal framework than the other way around.

Mr. SCOTT. I agree wholeheartedly with that observation. Just by way of example, on May 1 in Sacramento, May 2 in Fresno, the National Center for Missing and Exploited Children is providing training for our local law enforcement officers on this exact issue. Mr. Craig Hill is coming out. We're going to have approximately 100 agents in each location, and it really is an example, again, of the complete partnership of Project Safe Childhood, where we're doing this under that umbrella and utilizing the resources that are given to us by the National Center.

Senator SESSIONS. And of course, sometimes, like Mr. Hillman or Mr. Waters, they can train Federal agents in how to do it.

Mr. SCOTT. Absolutely. No question about it. Many times, some of the very best investigators that we have in my district are deputy sheriffs, and these guys are terrific at what they do and we can all learn from those kind of people.

Senator SESSIONS. And they do participate and they train. They are trainers at these conferences.

Mr. SCOTT. Absolutely.

Senator SESSIONS. It's not just Federal people.

Mr. SCOTT. Yes, sir. It's not top down exclusively.

Chairman BIDEN. I had to check. In Delaware, trafficking is 2 to 25 years, and simple possession is zero to 2. But you're right. Across the Nation, generally the Federal penalties are stronger and stiffer than State penalties, on balance, across the country, and even in Delaware, on simple possession.

But thank you very much. I'm sure we're going to want to talk to you again, or at least correspond with you, as this legislation wends its way through the process here and as we learn more.

Thank you very, very much.

Mr. SCOTT. Thank you again, Senator, for convening this hearing. I very much appreciate the opportunity to be here.

Chairman BIDEN. Thank you.

Now, our next panel. Our first witness will be Special Agent Flint Waters, who's been referenced a number of times here, the lead agent in Wyoming's Internet Crimes Against Children Task Force. He's widely recognized as a national expert in this area of investigating online exploitation. He's received numerous awards, including the 2006 Attorney General's Special Commendation Award, and the 2006 National Center for Missing and Exploited Children Law Enforcement Leadership Award. He teaches through-

out the Nation and abroad, and is responsible for the creation of the largest Internet undercover operation in law enforcement history and we look forward to hearing from him in a moment.

Next, is Lieutenant Robert Moses. He is the Unit Commander of the Delaware State Policy High Technology Crimes Unit. Lieutenant Moses has been employed as a police officer since 1981 and has been a detective since 1986. Lieutenant Moses is instrumental in the formation of the High Technology Crime Unit which was formed in 2001. He's received hundreds of hours in network and computer forensic training and he's recognized as a certified forensic computer examiner by the International Association of Computer Investigative Specialists.

I understand from the Attorney General of Delaware, who I just happen to speak to from time to time, that Mr. Moses is the unquestioned leader in our State, and an indispensable part of the team of how to move on this.

Mr. Hillman, again who's been referenced, is the executive director of the Alabama District Attorney's Association and the State Office of Prosecution Services, a position that he has held since 2002. Prior to this, he was Chief Assistant D.A. for the Shelby County District Attorney's Office, the 18th Judicial Circuit. I thank him again for being here.

Michelle Collins is the executive director of Exploited Children's Services at the National Center for Missing and Exploited Children. She directly oversees the cyber tip line, and she spearheaded the creation of the Child Victim Identification program and has worked with programmers to create the Child Recognition Identification system.

Ms. Collins is an unquestioned national leader in this field and she travels domestically and internationally to educate law enforcement officers and policymakers in the many aspects of online exploitation in how to come up with critical techniques to help identify these victims. She also has her B.A. in psychology from George Mason and her Master's in criminology from the University of Maryland. We welcome her as well.

And last, but not least, is Grier Weeks. Mr. Weeks is the executive director of the National Association to Protect Children, PROTECT, which we've referenced here, a pro-child, anti-crime grassroots organization with members in 50 States. In 2006, he was among the founders of PROTECT. Since that time he's led the organization's effort to pass legislation and change child protection policy in 10 States. He frequently writes and speaks on child exploitation policy and has testified on this subject before the U.S. House of Representatives Judiciary Committee and the Energy and Commerce Committees. He lives in Asheville, North Carolina.

We welcome you all. I would invite each of the witnesses, based upon the order in which they are called, to testify.

The floor is yours.

STATEMENT OF SPECIAL AGENT FLINT WATERS, OFFICE OF CRIMINAL INVESTIGATION, STATE OF WYOMING ATTORNEY GENERAL, CHEYENNE, WYOMING

Special Agent WATERS. Chairman Biden, Ranking Member Sessions, thank you for the opportunity to testify before you today on the subject of violence and exploitation against children.

I am Flint Waters, Special Agent with the Wyoming State Division of Criminal Investigation. Robert Leesonby, Bill Wiltzy, and myself have been working recently on a system that I built 2 years ago to provide law enforcement with the ability to work these cases and investigate these details throughout the world.

I'm here today, first, as a frontline investigator, as an officer who is pursuing these cases, serving the warrants, arresting the offenders, and rescuing children, and I see these challenges firsthand. Our system, known as Operation Fair Play, is a comprehensive infrastructure that gives law enforcement the tools they need to leverage the latest technologies to identify those who track and prey on children.

Through this system we are able to provide solutions that assist in peer-to-peer investigations, web site investigations, chat room, and mobile telephone undercover operations. I want to emphasize at the start the importance of responding to this problem with a multi-pronged attack. The National Center for Missing and Exploited Children, through its cyber tip hotline, is serving the critical task of receiving 911 calls for help from citizens and Internet service providers. Having someone there to respond to these reports of suspected criminal activity is essential if we hope to make use of this valuable resource.

Of course, it is also essential that law enforcement, to include State and local investigators, Internet Crimes Against Children Task Forces, the FBI, Homeland Security, and the U.S. Postal Inspection Service be ready not only to respond to these public reports, but to aggressively man a proactive attack as well. We cannot carry this fight without both a defense and an offense.

I'd like to share with you a bit of the material that we see every day. One of the most frequently seen movies being distributed now is of a toddler on a changing table. The video zooms in on the child's diaper as the child is being sexually penetrated by an unknown male. We're seeing the rape of more and more very young children, and in fact we're now seeing cases where the criminals are activating webcams, molesting their children, while participants out on the Internet watch and instruct them what to do. We rescued a Wyoming child in a case exactly like this.

We are also seeing modifications to the movies and the images. Offenders are compiling the material in an online instruction manual that trains each other how to rape children and how to make it more difficult to detect and more difficult to find during forensic examination. If you want to see how much we can do, consider some of the children that we've already rescued. In San Diego, our system resulted in the arrest of a respiratory therapist at Children's Hospital.

This offender was molesting children that were in his care, often hospice care. He targeted, often, the non-verbal, representing the most defenseless and most helpless children he could find. This is

not the type of person that is going to show up a neat dateline. This is an individual who already has legitimate access to children. He's using these horrific movies that he finds on the Internet to normalize his intentions to continue to victimize one child after another.

Using these systems, we were able to find an offender in Ohio who had been seen over 800 times trading child pornography by law enforcement. This monster would film himself—

Chairman BIDEN. Excuse me, sir. When you say "they have been seen", you mean, by Internet traffic, been seen.

Special Agent WATERS. That's correct, Senator.

He would film himself tricking them into drinking juice, and film as he raped the children. Numerous children were rescued because this predator traded child pornography on the Internet. Intervening on behalf of these children is more than working in chat rooms, web sites, or peer-to-peer, it's about placing law enforcement in every possible forum where the offenders are leveraging technology to victimize children, and we can do more.

We can't blame peer-to-peer systems or chat rooms or social networking sites. We are a society of technological advance. Sadly, there are a few that leverage those advances to hurt children. Blaming this problem on peer-to-peer innovation is like blaming the Internet highway system when someone chooses to transport drugs on it.

What we have to do is scale our law enforcement, prosecutorial, and judicial resources to ensure that we as a society are prepared to respond to the challenges and can move along and keep up with the innovation. We need to ensure that the national computer forensic capacity can retrieve and present the evidence of these computers, projects like the FBI Forensics Labs, as well as partner solutions like the National Computer Forensic Institute in Alabama.

To better understand how many offenders we could investigate, I'd like to show just some small details. In 2008 alone, we've seen over 1,400 IP addresses that have been found by law enforcement over 100 times. Imagine how many offenders—

Chairman BIDEN. Could you explain that? Again, when you told me that the first time—maybe I'm just a little slower than most—but I wasn't exactly sure what you meant. At the top it says, "USA PA 2,792". What does that mean?

Special Agent WATERS. That means that law enforcement, while downloading child pornography, saw an individual in Pennsylvania who was offering to trade this material over 2,700 times since January 1st.

Chairman BIDEN. So they were able to get, because of the number, an identification number that person had to have in order to be online, whether it's through Comcast or whatever mechanism, they were able to go on and see that someone with a certain number had traded, 2,792 times, child pornography. Is that what this means?

Special Agent WATERS. Yes, Senator. He appeared as a source to us for child pornography that number of times. Yes, sir.

Chairman BIDEN. OK.

Special Agent WATERS. I would like to be clear, I am not saying that law enforcement isn't doing enough with what they have. I'm

saying that there's so much more they could do if they had the resources.

Senators, I would ask you to picture the pile of work you leave waiting at the end of your day. Now imagine that in your in-box are hundreds of leads, and as you leave the office to go home, you're walking away potentially from dozens of children that are waiting to be rescued, and each of these children must wonder if anybody cares.

Please forgive the offensive nature of what I'm speaking about here today. I describe these despicable crimes to you because I hope you never have to see them. I want you to hear about the crimes being perpetrated on American children because I know you have some of the greatest power to intervene, and we can do more.

Thank you very much for your time, and I will be available to answer any questions that you ask of me.

Chairman BIDEN. During the question period I'm going to ask you to put up on the screen, if you're able, an example of one of those folks and how you can tell by looking at that file what kind of material they're trading in.

Special Agent WATERS. Yes, Senator.

Chairman BIDEN. Is that possible?

Special Agent WATERS. I will show the file names that are very egregious. Of course, we won't show the images.

Chairman BIDEN. No, I didn't mean the images.

Special Agent WATERS. Yes, sir.

Chairman BIDEN. All right. Thank you.

[The prepared statement of Special Agent Waters appears as a submission for the record.]

Chairman BIDEN. Lieutenant Moses, welcome.

STATEMENT OF LIEUTENANT ROBERT C. MOSES, HIGH TECHNOLOGY CRIMES UNIT, DELAWARE STATE POLICE, DOVER, DELAWARE

Lieutenant MOSES. Thank you, sir. Good afternoon, Chairman Biden, Ranking Member Sessions. My name is Lieutenant Robert Moses, and I am the officer in charge of the Delaware State Police High Technology Crimes Unit and the Delaware Child Predator Task Force. Thank you for the opportunity to discuss the most successful law enforcement program, the Internet Crimes Against Children Task Force.

I am particularly honored to be here with you and some of my peers in law enforcement. The dedication, knowledge, and skills of officers around the Nation, along with Federal funding, have helped to make the ICAC program such a success in Delaware and across the country. In particular, Flint Waters of the Wyoming ICAC has led the charge in his efforts against child sexual exploitation. His vision and technical skills have provided law enforcement officer agencies worldwide with Operation Fair Play.

Operation Fair Play software allows law enforcement to proactively identify criminals who possess and distribute child pornography. By using the Wyoming ICAC software, we will have a profound effect on the safety of our children by saving them from the physical and psychological trauma of sexual abuse.

To be clear, possessors of child pornography are predators, but moreover, research has shown that at least 30 percent of all these individuals who possess child pornography have had sexual contact with a child as well. We see these cases in Delaware all the time. Once instance involved a father of an 18-month-old boy who videotaped himself sodomizing his baby. We have encountered a child therapist who counsels children with sexual disorders abusing his clients and downloading child pornography. You have just heard a sampling, but even that cannot prepare you for the shocking nature of the violent, degrading pornography we see every day in our investigation.

In a process known as "grooming", predators use graphic material to lower the inhibitions of the children they are attempting to seduce. The predators use the same material in an effort to arouse the children or demonstrate the desired sexual acts. It cannot be forgotten that each time a graphic image moves on the Internet, the child in the photograph is being revictimized.

Investigators must not only deal with the complicated technical, legal, and jurisdictional issues when the Internet and computers are involved, but we also need highly trained and equipped individuals to conduct the forensic examinations of electronic media seized.

The forensic examiner provides the evidence necessary for the prosecution of online sexual exploitation and investigation, and also develops other investigative leads pointing to the identity of other victims or other suspects.

In particular, the Delaware ICAC received three cyber tips from the National Center for Missing and Exploited Children regarding an individual who sent child pornography imagines via e-mail. The investigation revealed that the sender of the e-mail was Paul Fillman of Georgetown, Delaware. A forensic examination revealed images and videos of sexually abusive images of children, as well as nearly 3,000 online chat conversations between Fillman and other individuals. These chats were discussions of their desires to have sex with children as young as 18 months old. As a result of our investigation, nine suspects were turned over to the U.S. Attorney's Office for prosecution, and five children were rescued.

There are many success stories, but the lack of skilled computer forensic examiners, equipment, and lab facilities create a burden on law enforcement because it prevents the timely investigation and prosecution of electronic crime. In Delaware, we now have the Child Predator Task Force that streamlines the efforts of Federal, State, and local law enforcement agencies to proactively go after possessors of child pornography. The task force was initially formed as the Delaware Internet Crimes Against Children Task Force in 2007 as a partnership between the Delaware State Police, the Delaware Department of Justice, and the U.S. Attorney's Office.

After receiving Federal ICAC grant funding last October, the task force secured additional training and equipment that is used by prosecutors and investigators who now work side by side in task force headquarters. The demands for fighting back against online sexual exploitations are intensive and will continue to increase dramatically as technology evolves.

With continued Federal funding and support from the Internet Crimes Against Children Task Force, we will continue to navigate the fast-changing terrain in an effort to outpace those who use the computer and the Internet to victimize our children. Thank you.

Chairman BIDEN. Thank you very much. I appreciate it, Lieutenant.

[The prepared statement of Lieutenant Moses appears as a submission for the record.]

Chairman BIDEN. Mr. Hillman, welcome.

STATEMENT OF RANDY HILLMAN, EXECUTIVE DIRECTOR, ALABAMA DISTRICT ATTORNEY'S ASSOCIATION, MONTGOMERY, ALABAMA

Mr. HILLMAN. Thank you, Mr. Chairman, Senator Sessions. My name is Randy Hillman. I am the executive director of the Alabama District Attorney's Association and the Office of Prosecution Services in Alabama. I have spent the last 20 years of my life in this field and there is no profession, in my judgment, that is any more important than what we are doing. It is an honor and a privilege to appear before this committee today to talk about a subject that is so vital to what we do every day, and hopefully what we discuss here will make a difference for victims in years to come.

While the Internet has been a great advancement and has made our world a much smaller place, it is not without its dark side. Those who would exploit our children, including child predators and child pornographers who were once relegated to back rooms and alleys to engage in their conduct, now with an Internet connection and a few clicks of a mouse they have an open window into our children's bedrooms.

Our research has indicated that State and local law enforcement in this country will handle well over 90 percent of the numbers of cases that are going through the criminal justice system in a year, probably in excess of 95 percent, and probably even higher than that.

State and local law enforcement and prosecutors are the emergency room doctors of the criminal justice system. We are on the front lines of fighting this fight and fighting child predators and molesters every day. In the past 50 years, there have been basically two watershed events that have occurred in the criminal justice system: the first is the advent of the science of DNA, and the next is digital evidence and digital storage devices. While DNA is relevant in many investigations and it is critical to those investigations, the numbers of cases that we're seeing that involve digital evidence far, far outweighs what we see with DNA.

State and local law enforcement and prosecutors are trained and skilled in investigating robbery cases, murders, rapes, and other similar crimes. Yet, too often when a call comes in to the local police department and says that a child is being cyber stalked for purposes of sex or what have you, we are at a loss. We don't have a clue what to do with those cases. While some larger law enforcement departments have available resources to handle them, other agencies are simply caught short.

Simply put, we know about blood and bullets but we are sorely lacking in our ability to deal with megabytes and megapixels. The

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most glaring disconnect in all of this is the lack of training for State and local law enforcement. That is due to basically two factors: the first is the availability of that training, and second, and just as important, is the cost of that training. That is the Achilles' heel of State and local law enforcement training all across the spectrum of crimes that we deal with. We frankly just do not have the money to train. In this case, with these types of crimes, we do not have the availability of training.

What we are asking this committee and you all to do, is help leverage State and local law enforcement as a tool. Make us your army out there, watching, prosecuting, pushing, and investigating these predators. The National Computer Forensics Institute, which Senator Sessions referenced earlier, was created as a solution to the lack of this cyber crime training for law enforcement, prosecutors, and trial judges throughout the United States.

This training facility was conceived, developed, and will soon begin implementation of curricula driven from a law enforcement perspective. The methods employed there are time-tested and proven in countless courts across this Nation. Purposefully it is not from academia and it is not merely a theoretical exercise, but it is designed to maximize our ability to catch and incarcerate cyber criminals and child molesters.

The NCFI is a partnership between Federal, State, and local governments who recognize the huge void in this area and join together to solve the problem. This partnership includes the U.S. Department of Homeland Security, the U.S. Secret Service, the State of Alabama, the Alabama District Attorney's Association, and the city of Hoover, Alabama. It is approximately 90 percent complete and will begin training State and local law enforcement, prosecutors, and trial judges May 19, 2008, about a month from now.

Once complete, we will have the ability to train nearly 1,700 students per year in all facets of digital evidence, from first responders, to network intrusion, to the true forensic examinations. Most importantly for today's hearing, the NCFI will equip State and local law enforcement officers to effectively investigate child pornography cases. The NCFI will teach law enforcement to use the most advanced law enforcement technology, including the technique that was so aptly presented to you a few minutes ago by Flint Waters.

In addition to classroom and hands-on instruction, we will have students practice courtroom skills using the in-house "Smart Courtroom" that we have placed at that facility. This training will be provided at absolutely no cost to any of the trainees, and many of those trainees will leave there with equipment, and software, and hardware to do what we've just trained them to do. Again, that is the impediment that we get when we do this training with State and local law enforcement. When they go home, they do not have the ability to do what we have trained them to do and we are taking care of that through this center.

Because the NCFI was designed by law enforcement for law enforcement, because we have a brand-new state-of-the-art facility that was designed exclusively for this kind of training, because this training is free of charge to all participants, and because this is our

sole function, this is all we do, I am convinced that the NCFI is one of the best tools this Nation has to fill this training gap.

Mr. Chairman and members of the Committee, you are truly in a unique position here. You are able to impact the lives of those children who cannot help themselves.

They are our most precious asset, and at the same time they're the most vulnerable. I would humbly ask, on behalf of all law enforcement, Federal, State, that you give us the training and the tools we so desperately need to see that our children are safe from those that would harm them.

Thank you, Senator.

Chairman BIDEN. Thank you very much.

[The prepared statement of Mr. Hillman appears as a submission for the record.]

Chairman BIDEN. Ms. Collins, welcome.

STATEMENT OF MICHELLE COLLINS, EXPLOITED CHILD UNIT, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, ALEXANDRIA, VIRGINIA

Ms. COLLINS. Thank you. Mr. Chairman and distinguished members of the subcommittee, I welcome this opportunity to appear before you to discuss child sexual exploitation. To begin with though, our president at the National Center, Ernie Allen, is unable to attend today. He sends his sincere regrets. He is currently out of the country meeting with financial leaders to discuss different ways and efforts to eradicate commercial child pornography.

Ernie has also asked me, on behalf of himself as well as the National Center's Board of Directors, former Chairman Robbie Calloway who is currently with me, to publicly express our sincere thank you to you for your central role in the creation of the National Center 24 years ago and your leadership with children.

Chairman BIDEN. Who is that important guy sitting next to Robbie?

Ms. COLLINS. There you go. Manus Cooney.

Chairman BIDEN. Manus Cooney used to run this committee for a long time. Manus, it is great to see you. You are a first-rate guy. Glad to see you here.

Mr. COONEY. Had a few hours in this room.

[Laughter.]

Chairman BIDEN. Thank you.

Ms. COLLINS. Well, as you know, the National Center is a not-for-profit corporation mandated by Congress, working in partnership with the Department of Justice. For 24 years, the National Center has worked under a congressional and statutory mandate to conduct specific operational functions, including our various programs to fight child sexual exploitation.

The National Center is attacking the problem of child sexual exploitation in several ways. One, we are fighting commercial child pornography on the Internet through mobilizing financial companies and have seen the use of credit cards to purchase child pornography virtually eliminate.

We are fighting non-commercial child pornography on the Internet by working with industry leaders to develop new technology tools to disrupt the traffic. With the hub of a national background

screening pilot that has identified individuals with criminal histories who are seeking to volunteer in positions that would give them access to children, we support the U.S. Marshals and State and local law enforcement in an effort to track down the estimated 100,000 missing sex offenders.

Our longest running program to date is the cyber tip line to fight the exploitation of children. Mandated by Congress, the cyber tip line is operating in partnership with the FBI, ICE, the Postal Inspection Service, the ICAC task forces, U.S. Secret Service, and CIOS at the Justice Department, as well as with local and State law enforcement agencies. We are receiving reports regarding seven types of crime against children online, including child pornography and enticement against children.

The reports are being made both by members of the public, as well as electronic service providers who are required by law to report apparent child pornography to the cyber tip line. Our analysts will then evaluate the content and related information, determine the geographic location of the apparent criminal act, and then provide all of that information to law enforcement for appropriate investigation.

Also, our reports are triaged so any child that's in imminent danger would get first priority. The FBI, ICE, and Postal Inspection Service all assign agents and analysts to work at the National Center. In the 10 years since we began the cyber tip line we've received over 580,000 reports regarding child sexual exploitation. Electronic service providers, in fact, have reported more than 5 million images of child abuse to the National Center.

In addition, law enforcement has submitted more than 13 million images and videos of child pornography in the last 5 years alone to the Victim Identification Program. Our analysts there are working to help prosecutors secure convictions, as well as help law enforcement identify children that are currently being abused and need to be rescued. Last week alone in that effort, we reviewed more than 166,000 images and videos of child pornography.

Because of our role working in these programs we have an unparalleled depth of knowledge regarding various ways across the platforms on the Internet that children are being victimized. Each of the platforms online, whether it be the World Wide Web, e-mail, news groups, peer-to-peer, provide different ways for individuals to exploit children, whether it allows them to directly communicate with a child or it allows them to discretely trade these types of files online.

The 18 million images that the National Center has reviewed actually came from a variety of these platforms. At the back of my written testimony I've actually included several success stories across the country regarding ways that law enforcement has worked cases that children have been victimized in a variety of the platforms.

Because of the diversity within the Internet, law enforcement uses a variety of tools and techniques to try to detect and investigate the range of crimes against children, from enticement of children on social networking sites to distribution of child pornography by the web, e-mail, and peer-to-peer networks. Law enforcement is actively engaged in the technology in these investigations every

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day using similar tools and techniques across State, local, and Federal levels.

After 10 years of working at the National Center and working with law enforcement who investigate these types of cases, I am pleased to say that law enforcement at all levels are working more closely than ever before on these important investigations and the level of cooperation really is unprecedented and has led to the rescue of thousands of children.

The cyber tip line is a major source of leads for law enforcement. It streamlines the process from detection to conviction. The process increases the efficiency of law enforcement and maximizes their limited resources. I cannot over-emphasize the need for increased funding for all law enforcement programs on the local, State, and Federal level.

Despite the progress that has been made in the fight against child sexual exploitation, it is well accepted that there are simply more of these potential cases than there are trained law enforcement officers to investigate them. But I can assure you that any additional resources to build capacity across the country will lead to more prosecutions and rescue more children, and that is what we are all working toward.

Thank you very much.

Chairman BIDEN. Thank you very much.

[The prepared statement of Ms. Collins appears as a submission for the record.]

Chairman BIDEN. Mr. Weeks?

STATEMENT OF GRIER WEEKS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION TO PROTECT CHILDREN, ASHEVILLE, NORTH CAROLINA

Mr. WEEKS. Senator Biden, thank you very much for allowing us to be here and for driving this train.

I want to correct one thing: PROTECT was founded in 2002. That was our mistake. We've got probably the most broad spectrum of people that I've ever seen, all who just come around one issue, which is protecting children.

One of the things that we do at the State level is work with legislatures to get the State resources to leverage the Federal dollars you are considering here today. In the last year, we've gotten money from States to essentially match or complement the Federal investment in California, Tennessee, and Virginia.

It is new ground, because essentially what we're doing is explaining to the States how this Federal task force program has worked, and is saying to them, now it's your turn to step up to the plate. It will make all the difference in the world.

I want to add one thing here that I didn't put in my written testimony. In listening to the way people have discussed this today, I want to suggest one way of looking at this that I think is critical. This is not just yet one more rotten thing we do to kids. I think a lot of people, the tendency would be to walk away and say, I thought I'd heard it all, you wouldn't believe what I heard today. This is actually the linchpin. This is enormously important historically, the technology that we now have in our reach, and I'll explain why.

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These are not just unbelievable movies and pictures, these are crime scene recordings. They are the proof—the proof—of massive child sexual abuse. These will lead us to the rescues and to the children. If you think about it, you might flip the question around that was asked many times today: how many possessors are abusers? What I would suggest is you ask: how many abusers are possessors? Because if you look at it at the local level, with all the legions of cases that are languishing in Child Protective Services or in the courts and nobody can prove it and the poor kid just can't get resolution, how many of those guys have child pornography? Instead of that fragile kid on the witness stand, you've got a hard drive. So, this is how we're going to get them.

I also want to say that the maps that we've seen today are not just graphics of Internet activity. They're not just maps to show us where the perpetrators are, these are child rescue maps. Those dots represent kids that desperately need us to come to those doors. Law enforcement is now providing you with the information that can lead authorities very predictably to tens of thousands of locations within the U.S. where children are waiting. I hope that Agent Waters will have a chance, privately or in this hearing, to explain how they are able to prioritize and target with a real high likelihood of finding actual victims, and that is revolutionary.

The reason why these are rescue maps is because, while every single one of these people—or the vast majority of them—are contributing to a black market in child exploitation, as we heard today, a lot of them are also sexual preying on children in their communities. The ramifications of this are clear. We now have, for the first time in American history, the ability to interdict and stop these crimes against children on a massive scale.

In the interest of time, I just want to touch on a few key points that I think it's important for the Committee to understand well. The first is, as you know as the author of this bill, the number-one issue is resources. With this kind of onslaught, the other things we can do are important. We need better State laws, we need better regulation of industry, but if we don't have the cops to go do anything about it, it's not going to get us very far. So the resources really are the key thing.

I think it's also important the Committee know that the FBI Innocent Images Unit—and this is one example of one of these law enforcement prongs in this attack, but a very important one—operates with essentially the same congressional funding that HUD gave Rhode Island for homeless assistance. It is a cause dear to me, but we're talking about the size of a mid-sized real estate office, basically. They have 32 people, but of those, there's 13 agents and 6 analysts. They can't come up here, or they don't come up here and tell you: help, the house is burning down. That's critical.

To make things worse, as it came out in the House hearings, what little they do have has been diverted to a large extent by the FBI. They essentially acknowledged in the House hearing in October that they had sent about $4 million of their little budget over to the Internet Crimes Complaint Center. Under some embarrassing circumstances, they said they wouldn't do that any more. I think the point here is, that unit needs a huge increase in resources whether the brass likes it or not, and they need the ac-

countability that's in your bill to make sure that they spend it the right way.

I quickly want to touch on two other things. One critical issue that is looming here that's of the utmost importance as a policy matter is the future of the Wyoming-based network, which is essentially the only deconfliction system in the country. The Department of Justice has announced that it's planning to do this project where they move a lot of this stuff to the RIAS network. We think that that is actually a very good goal long term.

It needs to be done very carefully and hand in hand with what's on the ground already out there in Wyoming. We've heard along the way some concerning talk about maybe privatizing or outsourcing this, whether it's to a university—that was discussed for months in the system, sort of—or to a private entity. We would strongly oppose that. We think this is critical law enforcement information that needs to stay with law enforcement. I would encourage the Committee to closely watch DOJ as that goes forward in how that is handled.

I would like to close, Senator, with a brief statement, just a few sentences, that the Surviving Parents Coalition asked us to share with you. You know them very well. These are Americans who have paid unthinkable prices for the wisdom that they've gotten, and by all rights might never talk about child pornography. It seems like a little counterintuitive even in this country that they would be focused on this, but they are because they understand, again, the strategic importance of this issue.

Ed Smart asked me to read this to you. They say: "As parents of missing and exploited children, we doubt there will be a more effective way of helping children than the ICAC task force program. More children will be rescued and saved from living nightmares than in any other effort that has been made. Enabling this team with the proper funding and the most effective tools will change the only 2 percent investigated. When we look at the thousands of programs currently in effect, none of them can compare to the possibilities of the ICACs in dollars spent for lives rescued."

Thank you.

[The prepared statement of Mr. Weeks appears as a submission for the record.]

Chairman BIDEN. Thank you all very, very much. Again, having been involved for a long time in drafting legislation dealing with violent crimes of all sorts, one of the most important things to do, I think, is to lay out accurately, without exaggeration—and none of you have exaggerated—the nature of the problem we're attempting to solve, as well as laying out for the public at large just how heinous this is, to be able to generate the necessary controlled outrage for people to prioritize, where is the most important place to place the resources of this country, which are limited.

So one of the things I did, and I hope at some point I will get—I would ask Mr. Waters to come back with some of you and maybe gather up a number of my colleagues in a closed room. Some of this is so offensive, it is so violative of the conscience and the sensibilities of most Americans, that although it's real, it is not salacious in the sense that it's designed to in any way arouse an interest, but it is somewhat as sickening. But I don't think people—I think the

examples that you gave, Bob, about what happened down in Seaford, having a father doing what he was doing, I mean, I think people find it so, so beyond the realm that it's almost unbelievable.

So what I'd like to ask you to do, if I may, Flint—and I'll rely on your judgment here—and it would be very hard, fortunately, for the cameras to pick up exactly the titles, but if you would do what you did for me and bring up—it doesn't have to be the most egregious offender in terms of the total number. Bring up—first of all, explain for the record "peer-to-peer", what that means. I know the vast majority of Americans do, but a lot don't know what that means. Speak to me for a second about what you said to me which really struck a chord with me. You said, it used to be this all was a commercial transaction. I asked you, what is made by this? There's no money changing hands in this area.

So while we focus on commercialization of child pornography, which is important to do, my impression is, within the next 5 years, there's really no need. If you own a computer, all you've got to do is go on these peer-to-peer networks and you'll find the most graphic and outrageous movies. I mean, some of these movies are how long?

Special Agent WATERS. Twenty, thirty minutes.

Chairman BIDEN. Twenty, thirty minutes. So it's not like you've got to go to a commercial outlet or a vendor who is selling child pornography in the same way that pornography is able to be sold legally for adults over the counter and on networks, et cetera.

So I was impressed with how widespread this peer-to-peer trading is. If you could briefly—and I'll not ask any more questions. I'll yield to my colleague. Briefly explain what you mean by peer-to-peer. Distinguish between that and traditional commercial transactions to acquire child pornography. Then give an example of how, without any intrusion, because this is being done out in the open, in effect. This is a transaction that's occurring out in the open.

You don't have to, other than have the software capability, of being able to figure out how to narrow it down. So if you'd go through a little explanation of what you would do if you went on a peer-to-peer network and said, you know, the little ID box, what do you want? I mean, do a little bit of that for us, and then how you can identify people who have engage in certain kinds of trafficking to give you an insight into how much of a predator they are.

Special Agent WATERS. Thank you, Senator. The peer-to-peer networks, by themselves, are actually a very impressive computer design that allows people to share files on a wide scale with a high volume of trading. It is unfortunate that there are some that are using it to exchange these images of child pornography. The way the system is set up, whatever material you wish to trade, be it legal material, maybe you have a small band and you're sharing your music, you can make that collection available by downloading peer-to-peer applications, put all your music in that shared folder, and allow other people on the network to get it very quickly.

It transfers that very fast from one computer directly to the collection of another computer in their home. It's referred to as peer-to-peer because the structure of the system is set so that after finding the other sources of the material I don't have to communicate

with any centralized server. I can just talk from my computer to theirs and get their collection.

Now, unfortunately in this area where we're working we're finding the folks whose collections consist of movies depicting the rape of children. We can go on very quickly by downloading various peer-to-peer applications. We can enter in a search term consistent with the type of criminal conduct we're investigating. Once we launch that search term, we are presented with a menu on our screen of all the types of child pornography that's available at that moment and we can look through the names and pick whatever it is of interest to that person.

Now, in our case we're working on the material where the crimes are very egregious, the children are very young, high levels of violence. We'll pick those files for download, and in a matter of seconds we start receiving those movies onto our computer. In addition to the transfer of the movie, we can see—

Chairman BIDEN. Do you know where those movies are coming from?

Special Agent WATERS. Yes, we do, Senator.

Chairman BIDEN. That's the critical point.

Special Agent WATERS. We can see—in our software we can actually display it as a map, but we can see the IP address of origin where this transfer is taking place.

Chairman BIDEN. What is an "IP address of origin"? What does that mean?

Special Agent WATERS. An IP address is just, in essence, the Internet phone number. It's the method that the computers use to find each other. It's normally not viewable—

Chairman BIDEN. And are you able, through that IP address, to determine the actual person who owns that, that has that number? How do you do that?

Special Agent WATERS. In many cases we can by submitting a court process to a service provider and asking them who has the IP number.

Chairman BIDEN. Give me an idea of a service provider.

Special Agent WATERS. Perhaps, well, you mentioned Comcast. We have many that we work with. We can send them a subpoena. We give them the address and we give them the time: we saw a crime at this precise moment; can they tell us what subscriber had it? It's not necessarily the suspect, but it tells us the physical location to start and then from there we track it back to their collection.

Chairman BIDEN. OK. Now, give us a little demonstration.

Special Agent WATERS. I pulled out a list, just a random sampling of file names from an individual. Without giving up too much investigative detail and allowing these individuals to hide, I can display these files names to the screen. I would warn folks, now, that this is very egregious material, extremely offensive. I'll put it up briefly.

Chairman BIDEN. It's like a film, like "Butch Cassidy and the Sundance Kid", only it has "Raping of a Three-Year-Old" kind of title, right?

Special Agent WATERS. That's correct, Senator.

Chairman BIDEN. So I don't need you to make it any clearer for the television. My point is, the verbiage we see on that screen are literally the titles of each of the files that have been downloaded and transferred to someone else's computer. Is that correct?

Special Agent WATERS. That is correct, Senator.

Chairman BIDEN. And so there are probably, what, 30, 40, 50? How many? I can't read them from here, and don't want to read them.

Special Agent WATERS. I cut out maybe 20 out of just one suspect's collection.

Chairman BIDEN. Right. So that if you went into that and you saw that what was being traded by that suspect or acquired by that suspect were things that related to violent behavior, the rape of a 3-year-old—I mean, I read what you had in my office. I mean, they're graphic descriptions—

Special Agent WATERS. Yes, sir.

Chairman BIDEN.—of what the video will contain. So you would be able to, an investigator, looking at that file you can easily access—you don't need a court order, you don't need anything to access what is sitting out there on the Internet, right?

Special Agent WATERS. That's correct. We can download it like any member of the public.

Chairman BIDEN. Like any member of the public, as if you were the one seeking the file, like you were in the peer-to-peer network and they could download it to you, right?

Special Agent WATERS. That's correct, sir.

Chairman BIDEN. And so you can look at those titles and then you can actually look at it. You can click on, because it doesn't cost anything.

Special Agent WATERS. Right.

Chairman BIDEN. You can click on and actually view what that particular file has in it. Correct?

Special Agent WATERS. That's correct.

Chairman BIDEN. And you're able to, if you had the time and unlimited resources, determine whether or not, on a repeated basis, multiple times, the person whose computer was acquiring this material had watched "Fifty Different Ways to Rape a Three-Year-Old Child", or a 7-year-old child, or whatever. Correct?

Special Agent WATERS. From our subsequent investigation, that's correct.

Chairman BIDEN. Yes. So there is a way. What Jeff and I were talking about—excuse us for being so colloquial here, but one of the disadvantages, but advantages, of having only a couple of members here at the time is it can be more conversational.

What we were talking about is—excuse me for referencing it this way, Jeff—Senator Sessions said, we can get our arms around this. We can handle this. This is doable. It's not like this problem is so gigantic and so out of our ability to deal with it. People just go, oh, God, it's so big, we just can't deal with it. You could literally, based upon a set of criteria, if you had unlimited resources, narrow down the field of people who are the most likely to be the most violent and deviant people in this whole field of child pornography, couldn't you?

Special Agent WATERS. Well, anecdotally we've been able to narrow it down and catch—

Chairman BIDEN. Because it's not scientifically tested.

Special Agent WATERS. Right.

Chairman BIDEN. But if a guy or woman is downloading pornography that has traditional sexual activity between a young woman who you don't know whether is 14 or 19, but is outrageously pornographic, that's one thing. If you have another thing of someone being tied down, beaten and raped repeatedly and someone filming it, or a father saying, this is my daughter, watch me rape my daughter who happens to be 6 years old, you're likely dealing with a more pernicious element of society. That's all I mean. Right?

Special Agent WATERS. Yes, sir.

Chairman BIDEN. And you can, by looking at the files, get a pretty good—you can increase the probability, at least anecdotally, that you're going to focus on and target on the most egregious offenders out there.

Special Agent WATERS. Yes, sir. That's correct.

Chairman BIDEN. Now, the reason I mention this, and I'm going to stop, years ago one of the sort of criminology epiphanies I had as a young Senator was a study done in the early 1980's in the California prison system, showing that 6 percent of the criminals behind bars in California committed over 50 percent of the violent crimes that were committed in that State over a certain period of time. Career criminals commit significantly more crimes than the occasional guy. The career criminal pool is relatively small.

So what we're trying to do—and I'll hush—is take limited resources and target them where you get the single biggest bang for the buck. I would like to prosecute every single person who, other than accidentally, found themselves being a purveyor of child pornography.

As you said—give me the example of the young woman you said who just haunted you, whose face you would see repeatedly, and how many tens of thousands of people across the world—you showed me a worldwide map where that one digital image of this young woman being repeatedly molested was literally—you showed me day by day, like a virus, how the image of that act against her was disseminated worldwide. Talk about that just for a second.

Special Agent WATERS. Yes, Senator. Because we are able to track by hash value the files as they're being traded, or the digital signature of the files, we looked at the image from one child, one little girl, a toddler, who had been horribly abused and we tracked where law enforcement was given the opportunity to receive that file, or that series of files on that little girl. We found over a million instances where law enforcement was presented the chance to get just her victimization, and it was all over the world.

Chairman BIDEN. Explain what you mean by "law enforcement", because people misunderstand that. It's making it sound like that this image went straight to the precinct headquarters and said, by the way, this is happening. What you mean by "presented", you mean it was repeated over a million times on the Internet that you could track, you could see it being punched up a million times, figuratively speaking. Explain.

Special Agent WATERS. Yes, sir. Undercover police officers working in the peer-to-peer environment were presented opportunities to download those movies, so we tracked the origin, where they were presented that opportunity from. It traveled all over the world. It was unbelievable, the saturation. To look at the map of her victimization and realize that that's the world that she has to grow up in, she's got to—

Chairman BIDEN. Even if she's rescued, even if she's taken out of that circumstance, for the rest of her life there's a file out there where millions of people have looked at and watched her graphically being abused. Is that correct?

Special Agent WATERS. That's correct, Senator.

Chairman BIDEN. And last, give me the example, because it's important for people to know, I think, of the young woman whose brother identified—explain to me how—you point out it's hard sometimes to go back and identify that young girl and actually "free" her from her circumstance.

Special Agent WATERS. Yes, sir.

Chairman BIDEN. You can pick up the people. You don't know, of the million people who had that file, who originated that file so you don't know who the rapist is in that case. But explain to me, explain for the record the case you told me about, the young brother in the library and what happened.

Special Agent WATERS. We have had investigations, and one in particular, where we watched this little girl grow up. In our forensic examinations over a period of several months, we would start seeing her picture change. We would see new images of her victimization. And this little girl would look at the camera and we would look into her eyes as we were running these forensics, and it started to haunt us.

We saw her grow up, so much so that over the years I would find myself apologizing to the pictures of this child that no one had found her. It was actually the National Center for Missing and Exploited Children that contacted us and let us know that, in her case, she had been rescued because a family member had come across her picture while being on the Internet and had confronted, and disclosure was made. I don't want to give—

Chairman BIDEN. But it was the brother, correct?

Special Agent WATERS. Yes, sir, it was.

Chairman BIDEN. It's amazing. It's amazing. I just wish there was some way we could—there's no way to sanitize this ugliness, but I wish there was some way that would shock the conscience of America just to see so much of this going on. I don't think we'd have trouble getting the resources if they had a clear notion of what it meant.

At any rate, I've taken much too much time, Jeff. I'm sorry. The floor is yours, and the panel is yours.

Senator SESSIONS. No, no. Thank you for your leadership and expression of concern. I have developed that same philosophy about crime. There's just not that many people who will murder somebody, not that many people who will rape somebody, and I'm sure even a less number of people that will—I don't know whether it's any less, but there's only a certain number of people that will molest a young child. They can be targeted.

Unfortunately, psychologists have told me that, if you're really honest about it, treatment is not very helpful. Discipline, arrest, punishment, incarceration are the only thing we know that work. Would you agree with that, Ms. Collins and Mr. Weeks, that we have not come forward with an effective treatment or cure for these activities?

Ms. COLLINS. I have not, as of yet, heard of a cure. I know that there's a lot of research and professionals who treat sex offenders. It was referenced earlier, at the Buttner Federal Correctional Center down in, I believe, North Carolina, they are also working with sexual predators who are arrested for child pornography-related crimes. I agree that when an offender is put in jail, at least there you have the guarantee that they're not going to be able to victimize another child for whatever amount of time that they're going to be incarcerated.

Senator SESSIONS. I don't know if we have any numbers. Has anyone attempted to ascertain any number of people in the United States who are pedophiles, who have these kind of tendencies and have taken these kind of actions? Do any of you all know?

[No response].

Senator SESSIONS. Well, I think it is clear, and I think Senator Biden is correct, that if we are more sophisticated and more effective in utilizing existing resources and additional resources, including utilizing the technological breakthroughs that you've made, Mr. Waters, and Randy, that you've worked on, I know, we can more effectively reduce the number of people who are abusing children in America. We can actually bring that number down. Would you agree, Mr. Waters?

Special Agent WATERS. Absolutely, Senator. Absolutely.

Senator SESSIONS. Lieutenant Moses, would you?

Lieutenant MOSES. Yes, sir.

Senator SESSIONS. Randy?

Mr. HILLMAN. Absolutely, Senator.

Senator SESSIONS. Would you agree with that?

Mr. WEEKS. I think not only can we do that, but we can measure it, we can count our success. We've spent billions of dollars in this country on prevention and awareness campaigns and we had no idea what the impact was. Can I also say, Senator, you raised a point earlier that I really wanted to agree with. You asked the question of whether it would be helpful to have sort of a registry of officers who were trained in this. I think that's an extremely important thing, because we see at the local level, even good-sized, fairly sophisticated police departments who are very sort of insecure about what in the world to do with a lead like this. You really need a contact in those places. The ICACs at this point are just little skeleton crews out there. They can't do all this themselves.

Senator SESSIONS. Well, I love the FBI and have great respect for them. But the way I read their report, the U.S. Attorney's analysis, they've got 32 people in the entire FBI who are experts and know how to handle this; 260 have worked on a case at one point in their life. That means they may have helped the expert execute a search warrant. So, I'm not impressed. We do need more people like Mr. Waters, like Lieutenant Moses, who are full-time, have studied these issues.

If you know what you're doing you can be a lot more effective. Wouldn't you agree, Lieutenant Moses? If you have some specialty in it and all the search warrant rules, the defenses that will come up, the legal statutes and penalties, the expertise you gain after doing a number of these cases is very, very valuable.

Lieutenant MOSES. On-the-job experience is the best. I mean, that's the way you learn, out there on the street, doing it every day, investigating these type of crimes.

Senator SESSIONS. Mr. Waters, you mentioned the National Computer Forensic Science Institute as a potential solution. Mr. Hillman has talked about it. But centers where people could come for some rather significant and intensive training throughout this whole area of prosecutions, in your opinion, would be helpful for the country?

Special Agent WATERS. Yes, I believe they'd be extremely helpful, not only in recovering the evidence so that we can prosecute that offender, but so that we will recover his collection and possibly find victims that we didn't previously know about by recovering those digital photos and movies.

Senator SESSIONS. Well, in my experience in the prosecuting of child pornography, we often did find victims. Is that your experience?

Special Agent WATERS. Yes, it is.

Senator SESSIONS. What about you?

Lieutenant MOSES. Yes, sir, it is.

Senator SESSIONS. Mr. Hillman?

Mr. HILLMAN. Yes, sir.

Senator SESSIONS. Any of the others want to comment on that? [No response].

Senator SESSIONS. In other words, some people say, so we've got some bad pictures, even bad pictures of children. Why is that important? Because Buttner said that 85 percent of the people they have in the jail—that's the Federal jail that has psychological expertise in handling people—have admitted to abusing children. I suppose some of them didn't admit it that did it, so we're talking about probably 90 percent or more. It's just not the normal person who collects child abusive pornography. This is a small but very dangerous group that we need to focus on.

Mr. Hillman, what are some of the things you train on and are doing and expect to train on when you're fully operational for an average police detective that may come there to be trained? How can you help that person do their job better?

Mr. HILLMAN. Thank you, Senator. We have, for State and local law enforcements, there are basically three curricula that we have set up. The entry-level curricula, which is probably the most bodies that we will handle through the center, is designed for the front-line investigator. It is that guy who will be out working these cases or starting these investigations. This curriculum will literally take a computer—we start them from the ground up and we work them up in their capacity and their knowledge of digital evidence.

They physically take a computer and take it apart and they learn about each part as it is being torn down, and then they put it back together. Then you go from that into a more intense, here's what it does and how it does, and when it does store information, here's

how you reach and grab it, or here's how to unplug, or when to unplug, a computer. Here's what you advise local law enforcement. You use those individuals who go through this basic training to them be a train-the-trainer type.

Senator SESSIONS. Back in their department.

Mr. HILLMAN. Yes, sir. They will be instructed on all sorts of investigation techniques. And then the next level of training was a network intrusion training, which I think will last around 4 weeks, which also deals with a lot of the things that Mr. Waters is dealing with. Then the ultimate training there—

Senator SESSIONS. You will train them in the techniques that Mr. Waters has perfected?

Mr. HILLMAN. Yes, sir. Yes, sir. And the last level of training is a 5-week course that is intense. It is the true forensic capability where you can take a machine, download what is in it—or image the hard drive in the case of these types of investigations—break it down, decide where the computer has been, what it's been doing, who's been doing it, and then you produce a report and then be available to testify to the District Attorney or in the courtroom.

Senator SESSIONS. And qualify as an expert?

Mr. HILLMAN. Yes, sir. Absolutely.

Senator SESSIONS. Well, that's good.

Mr. Waters, you established a standard method for local officers to get a search warrant. Still, Mr. Hillman, there are things you have to do. You're a prosecutor. You can't just go and peruse everybody's computer. You train the officers in what is legal and established and approved and how to get warrants when they need a warrant, do you not?

Mr. HILLMAN. Yes, sir. Absolutely. And then the second level is, we train the prosecutors to help the investigators get the search warrants and navigate those through the system, and we will train the judges who will receive the search warrant to sign off on it. We have had that happen more than I care to admit, where judges will refuse to sign a search warrant because they don't understand what they're seeing in the search warrant.

Senator SESSIONS. They don't understand what the current law is and they don't understand computers well enough to apply the law to the event.

Mr. HILLMAN. Yes, sir.

Senator SESSIONS. It makes them nervous. It would make me nervous.

Mr. Waters, so you have developed some models for search warrants. I've got to tell you, I am sure that is a critical step in this process. Is it? Briefly, how does it work?

Special Agent WATERS. Yes, Senator, it is critical that we get the search warrants put together. In a lot of ways we have developed the models from hard knocks. We take them before our State and Federal judges and we find out where we've messed up, and they make it clear and we make it right next time. We have, over the course of these 3 years, put together warrants now that are extremely solid. I don't know of any cases where they've been overturned, and mostly it's just because of learning from the bench.

Senator SESSIONS. Well, that's really important. There is no way a little group in Washington or somewhere can review everybody's

search warrants. You've just got to train people in the local areas, and most metropolitan areas and mid-sized cities need somebody, would you all agree, that has expertise in these investigations. Mr. Weeks?

Mr. WEEKS. Senator, I have often thought that if a police department doesn't know what to do with a hard drive, they don't know how to investigate child sexual abuse these days. I absolutely agree with you.

Senator SESSIONS. All right. Well, I'm proud of the forensic center that they put up and they developed at Hoover. Mr. Hillman really was the driving force in the State District Attorneys, which is a little unusual, you know, Senator Biden.

Chairman BIDEN. Not in Alabama. You and Hal Heflin get everything down there.

Senator SESSIONS. Well, no. I mean, they've got private investment, they've got the—

Chairman BIDEN. I know. I think it's a great—

Senator SESSIONS. And they've asked us for some help. But what I liked about it was, this was—on their own they came up with this conception of training people and it just drives home that, in modern-day investigations, even financial investigations and a lot of other crimes, but particularly child pornography, you have got to understand how the computer works, what he law is with regard to search warrants, how to access it, and how to present that evidence in court so a jury can understand what is happening and feel comfortable finding the person guilty beyond a reasonable doubt. I am sure that is not easy to do.

Thank you. I like this panel. I think it's valuable. I'm actually getting a little encouraged that maybe there are some things we can do to go after this group, this small but very damaging group that's causing this kind of problem.

Chairman BIDEN. Well, thank you, Senator. I do thank the panel. I can assure you, this is only the first in a series of hearings we are going to be having on this. My experience, again, is you've got to keep banging at this. You just can't have a hearing and walk away from it.

I want to—not for the record now, but the National Center has been such a gigantic resources, as Mr. Calloway has been kind enough to say. I've been very proud. It's one of the proudest achievements that I've been associated with. But what I want to do is, in another fora, talk with you all about one of the things that I and Mr. Cooney, having been the Minority Counsel for so long and become my personal friend over I don't know how many years, knows that I really think, Senator, that the need for hard, not drives, but data, the need for scientific studies relating to some of the questions we had. I wanted to talk with the National Center. It's been a repository of a lot of this Federal money to help us do that very successfully.

I think we have to bring in the National Science Foundation, I think we have to bring in some experts who are the leading psychiatrists and psychologists in the world, I think we have to bring in and begin to accumulate a body of academic—not weight, but while we are moving forward—studies in your chosen profession, Ms. Collins, from psychologists, psychiatrists, and criminologists so that

we have a better sense of a number of the questions that have been raised here.

This has really been, in a sense, a bootstrap operation. I mean, locally, whether it's what you're doing, Randy, down in Alabama, or what—look what we're talking about. We're talking about a State with a population smaller than Delaware, Wyoming, having an investigator who's put together a program that the whole country is looking at. So what I don't want to do is get at cross purposes with my friends at the National Center, so I'm going to need your advice.

If you were able to, any one of you, have a pen up here to write the laws, what additional information—I'm not asking you now—and sources of information would you be seeking? What other areas of expertise would you be trying to bring in to deal with this issue and identify the profile of these people beyond anecdotal and experiential evidence that you know from being in the field? So it's not part of my legislation now, but I want to talk about that.

I'd also like to tell you all, I'd like to talk about, and I'm really anxious to talk to my colleague here, how we can sort of walk and chew gum at the same time. We can have—for example, in our bill there's over a billion dollars over 8 years, $60 million a year for these ICACs, to expand them.

But I also think there needs to be a uniquely local component as well to be able to have a system whereby, like the COPS bill, where the local District Attorney, the local Attorney General can make an application based on a set of criteria that he or she needs, one or two investigative personnel who have been trained, have the money to train them, and then have, just like we did in the COPS bill, a standard by which they have to report back to main Justice in an office that they have investigated X, Y and Z and how they've done it.

So, we need a protocol. I want to talk to you guys about that. That in no way diminishes the pride that the Senator, I, and others have in the legislation we're introducing. But I think maybe we have to go beyond this as well. I mean, I'm anxious to talk to you all about that.

I'd like to introduce for the record, now, support letters for S. 1738 from the National Sheriffs, the National Association of Police Organizations, Miami-Dade, International Union of Police Associations, Go-Daddy.com, United States Internet Service Provider Association, and statements from three of our colleagues, both the Senators from California and the Senator from Vermont and chairman of the full Committee, Senator Leahy, as well as two articles by Woody Kotch of USA Today that I think are pretty explanatory for the public at large.

I would conclude by saying that one of the things I was impressed with, and I know you are, Senator, but I really am impressed with local law enforcement when you give them the tools and you give them some help. I was saying to my trainer today in my conference room, I said, you know, I can how in Delaware, how in Wyoming, and how in Montana, in relatively small States where there are not nearly as many dots, that we could have the resources to get a handle on it.

But in the big States like Florida, Pennsylvania, Texas, New York, et cetera, it must be so much harder. He said, Florida is doing a remarkable job. Florida has—and it's one of the things I'm going to want to hold a hearing on as well—almost totally, locally, breaking down the State in a way that their local prosecutors are coordinating with one another, had made some really, really significant progress in this area.

What is Florida, the fourth-largest State in the Union? I don't know what it is. I don't want to insult it by making it higher or lower than it is. But there's well over 10 million people there. So, that is the next piece I want to explore with you all. You've been incredibly generous with your time.

And as my mom—who is probably watching this hearing. She watches everything. She's 90 years old and lives with me, and as she would say, she's sharp as a tack—would say, you're all doing God's work here. This is really, really important stuff. To paraphrase old Hubert Humphrey, who I had the honor to serve with, he said, the measure of the civility of a society is how well they treat the youngest among us and the oldest among us. I mean, God, if we can't do better and learn with what is now, as you said sir—you can put it up on the screen, you can quantify it. You don't need a search warrant. You can quantify just how heinous and how frequent and how widespread this is.

So I thank you all very, very much. I count on your willingness to continue to help and educate the Committee, and I mean educate it. I mean in the literal sense, it's been an education for me today. I promise you we will stay with this.

With that, again, thank you, particularly those who have made the longest travel to get here. Lieutenant, you can ride home on the Metro with me.

[Laughter.]

Thank you all very much. We are adjourned.

[Whereupon, at 4:41 p.m. the Committee was adjourned.]

[Questions and answers and submissions for the record follow.]

QUESTIONS AND ANSWERS

Questions of Senator Joseph R. Biden, Jr. to
Michelle Collins
National Center for Missing and Exploited Children

"Challenges and Solutions for Protecting our Children
from Violence and Exploitation in the 21st Century"
Judiciary Subcommittee on Crime and Drugs

April 16, 2008

Question #1) Ms. Collins, during the hearing we discussed the problem that there is not enough scientific based research of the issue of online child exploitation and the linkage between the types of materials that an offender may view and the likelihood that there is a local victim.

Could you please provide me with a summary of the latest research related to child exploitation and areas where you think that more work can be done. In particular, I'd like to hear your thoughts on the participants and parameters of a comprehensive study that would explore the linkage between materials being viewed and the likelihood of a local victim with the ultimate goal being to better allocate limited law enforcement resources towards those offenders most likely abusing a child.

Answer: NCMEC has sponsored and released two national incidence studies on the online victimization of youth, one in 2000 and the other in 2005. These studies focused primarily on the sexual solicitation of youth online and unwanted exposure to sexual content, not specifically on child pornography. The study was performed by the Crimes Against Children Research Center at the University of New Hampshire. The most often-cited result of that research is the finding that "1 in 7 youth who are regular Internet users will be sexually solicited online." That number improved to "1 in 7" in 2005 from "1 in 5" in 2000, an indication that prevention, education and outreach programs are having some positive effect.

NCMEC also contracted with a British organization to "spider" the web, proactively seeking out child pornography sites in order to gauge how many there are, how they operate, and whether they are commercial or non-commercial. Ultimately, NCMEC concluded that it was not getting information about sites that it was not already learning about through public reporting through its CyberTipline or the reporting from Internet Service Providers.

The dramatic increase in the number of reports made to NCMEC's CyberTipline since its inception in 1998 helps illustrate how online child exploitation crimes have changed over the years. Specifically, reports about child pornography have increased 2,470%, reports about child prostitution have increased 1,182%, reports about child sex tourism have increased 729%, reports about extra-familial child sexual molestation have increased 591%, and reports about online enticement have increased 1,515%.

There is no current scientific, empirically-based research, nor are there any usable numbers to quantify the exact size and scope of the problem. However, there are a variety of estimates that have some validity and credibility. The problem is that most of them are now fairly dated. We are convinced that the size and scope of the problem has expanded even more dramatically since then:

- According to the Internet Watch Foundation in the UK, there has been a 1,500% increase in the number of child pornography images since 1997.

- In 2003 the National Criminal Intelligence Service in the UK estimated that child pornography websites had doubled worldwide; that half of the sites are hosted in the US; and that the number of sites in Russia had doubled.

- On December 4, 2002 Agence France Presse reported that Russia had become a major player in the distribution of graphic child pornography, that the content was becoming "more explicit and violent, and that the children used were younger than ever before, including babies and infants."

Question #2) Based upon the information that I've seen, it seems that the level of on-line child exploitation is growing exponentially. Ms. Collins, could you give me your general sense on the trends of on-line child exploitation, including

- How much, if at all, has child pornography trafficking grown in recent years;

Answer: As was mentioned above, reports to NCMEC's CyberTipline regarding child pornography have increased by 2,470% since 1998. In addition, a recent Bureau of Justice Statistics Bulletin entitled "Federal Prosecution of Child Sex Exploitation Offenders, 2006" found that the "main sex exploitation offense referred to U.S. attorneys shifted from sex abuse (73%) in 1994 to child pornography (69%) in 2006. Child pornography matters accounted for 82% of the growth in sex exploitation matters referred to U.S. attorneys from 1994 to 2006."

- How has the materials being viewed changed in recent years;

Answer: The images are becoming more graphic and more violent, and it's not uncommon for the victims in the images to be infants and toddlers. Several years ago, we asked Dr. David Finkelhor of the Crimes Against Children Research Center at the University of New Hampshire to review and analyze law enforcement case information regarding individuals arrested for Internet crimes against children. He found that 83% of persons arrested in the U.S. for possession of child pornography from 2000 to 2001 had images of children between the ages of 6 and 12, 39% had images of children younger than age 6 and 19% had images of children younger than age 3.

- What are the challenges in addressing this problem, including but not limited to Congress providing more law enforcement resources.

Answer: A primary challenge is that technology is constantly changing and offenders are becoming increasingly technologically sophisticated. For example, offenders can now access the Internet using their cell phones or portable mp3 players and they can chat live and interact with other players around the world while playing video games. Wireless technology has also enabled the trading of child pornography images via cell phone – making the operation of this enterprise not only mobile, but also able to fit inside a pocket and easily discarded to avoid detection.

In addition, wireless technology enables offenders to access the Internet anonymously by piggybacking on the wireless connections of neighbors or the free wireless service that is now available in a number of communities. This hinders investigations into online distribution of child pornography because of the difficulty in locating the source of the piggybacking activity, compounded by the increasing use of wireless access cards manufactured overseas which use radio channels not authorized by the Federal Communications Commission. Also, improved technology enables offenders to store enormous volumes of child pornography - both still images and videos- electronically. This is problematic for forensic analysts who must retrieve and analyze these images before prosecutors can even determine what, and how many, charges to bring. This causes a backlog in forensic facilities.

There is also another necessary yet missing link in the chain from detection of illegal conduct online to conviction of the offender. Once law enforcement has detected the illegal activity, there can be no prosecution until the date and time of that online activity is connected to an actual person. There is currently no requirement for electronic service providers (ESPs) to retain connectivity logs for their customers on an ongoing basis. Some have policies on retention but these vary, are not implemented consistently, and are for too short a time to have meaningful prosecutorial value.

In addition, law enforcement officers are often forced to attack this problem using limited resources; any additional resources would help them work more effectively.

Question #3) The National Center for Missing and Exploited Children has become the nation's repository for expertise on the issue of on-line child exploitation. Based on the expertise that you and your colleagues have gained over the years recent years, could you provide your top priorities and policy suggestions that Congress should take to help reduce this problem?

Answer: We believe that the problem of online child sexual exploitation is one that can be successfully attacked, if we adjust our methods and work together in a coordinated effort. There are three ways to achieve these goals:

1. increase prosecutions for all types of crimes against children across all Internet platforms for selectively targeted offenders;
2. use the technology that facilitates these crimes to help prevent them; and
3. increase prevention efforts such as Internet safety education.

Increasing prosecutions for selectively targeted offenders

The prosecution and conviction of individuals who victimize children has been the goal of policymakers and law enforcement since the Internet revolutionized the market for images of sexually exploited children and became a primary means to communicate with children. This is complicated by the fact that the Internet is comprised of a number of different platforms which include instant message, peer-to-peer, internet relay chat, email, websites, newsgroups, and FTP. Offenders who victimize children are not all the same; they use different means and methods to commit a broad spectrum of crimes against children. Even offenders whose primary tool is the Internet do not all use the same platform.

However, it is simply a reality that there are not enough resources to prosecute all the offenders. The already-limited resources should be utilized in the most efficient manner possible. This efficiency can be achieved by selectively targeting those individuals who present the greatest risk of committing crimes against children. The process of target selection requires a risk assessment tool(s) that offers a degree of certainty about the likelihood that an individual is one of the 'worst of the worst' offenders.

Reliable information about offenders and their methods is key to risk assessment/target selection. There is a great deal of anecdotal information about offenders, and assumptions drawn from this anecdotal information. However, in order to better maximize resources we need to get better information. The best sources for this information are casefiles on prior prosecutions for these crimes and casefiles of identified child victims. These resolved cases can yield valuable information about the various means and methods that the apprehended offenders used to victimize children. An analysis of these facts will enable us to create an effective risk assessment tool.

While it's impossible to know prior to the completion of a study which pieces of information will prove to be relevant when conducting a risk assessment, we think it would be useful to collect the following information about the offenders and the means and methods they used to victimize children:

- Was there a contact offense against a child? If so, what was the relationship between the offender and victim? Was there more than one victim?
- How did the case come to the attention of law enforcement?
- Age, gender, race, occupation of offender?
- Does the offender have a criminal history? If so, what kinds of crimes?
- Are images of sexually exploited children involved? If so, what kind of images were collected (video versus still images) and how many?
- Were there allegations of domestic violence?

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- Was there an Internet component to the crime?
- If there was an Internet component to the crime, what kind of platform was used?
- Were the images organized?
- Were the images of various age groups/genders or were they focused on a specific age/gender?

We believe that a thorough analysis of this and other information might enable us to determine which factors, if any, are most likely to lead law enforcement to those offenders most likely to commit a contact offense against a child. This would enable law enforcement to better tailor their investigations to target the 'worst of the worst' offenders.

Information about offenders with known contact offenses against children can be gleaned from the cases of the more than 1,300 identified child victims in NCMEC's Child Victim Identification Program (CVIP). In addition, data could be compiled after an examination of adjudicated casefiles from the ICAC Task Forces and the federal law enforcement agencies.

Use technology against those who use it to commit crimes against children
The Internet is the main tool used to victimize children today. This is because the Internet offers easy accessibility and anonymity that can be used to commit a variety of crimes against children. The distribution of child pornography on the Internet is the crime that offers the greatest likelihood of detection because it involves the transmission of image files. These image files can be detected by the companies providing the Internet access when the files enter their network system. The technology that has facilitated the market for these images can also be used as a tool to detect those who are sharing the images. The offenders who are sharing the images may also be committing contact offenses against a child or children.

The number of individuals who distribute child pornography over the Internet dwarfs the number of law enforcement officers tasked with investigating these crimes. Since these officers simply cannot investigate and prosecute every offender, it makes sense to bring Internet industry leaders into the fight against child sexual exploitation to attack the problem using their unique technological capabilities. Currently 25 companies provide Internet access to 82% of the market in the U.S. These are the 'top level' of Internet service. If these companies were provided with 'hash values' -- the digital algorithms which identify each digital image -- corresponding to known child pornography images (as determined by law enforcement), they could disrupt the transmission of the images across their networks. By inhibiting the easy, anonymous transmission of known child pornography, the market for these images will be severely impacted and force individuals to obtain images using a less-anonymous means, increasing the likelihood that they will be detected and prosecuted.

Prevention Education
Investigation/prosecution and industry partnerships alone cannot prevent these crimes. Children often lack the necessary skills to exercise good judgment and avoid engaging

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in risky behavior. This, combined with the increased availability of technology and the anonymity of the Internet, creates an increased threat of victimization. Although there will always be children who will engage in risky behavior, whether online or offline, it is vital to educate parents and children alike about the dangers of certain activity on the Internet. It is not effective simply to offer voluntary attendance Internet safety programs. Such education must be mandated and incorporated into the curriculum of the public schools, with age-appropriate guidance, from elementary school through high school.

To achieve all three of these primary goals, Congress might do the following:

- Authorize NCMEC to engage a technology consulting company to implement search mechanisms using NCMEC data across various Internet platforms to determine where child pornography is most likely to be found. This can be done in two phases: (1) a short-term 'snapshot'; and (2) a broader overview.

- Authorize NCMEC to implement a program with key Internet service providers wherein NCMEC will provide hash values of known child pornography images which the providers can then search for, detect and block on their servers.

- Authorize the National Academy of Sciences or another entity to conduct a long-term study of data from NCMEC and law enforcement of the characteristics of offenders and details relating to their victimization of children to determine whether commonalities exist that can be used for more efficient target selection in law enforcement investigations.

- Mandate Internet safety education in the public schools.

Questions of Senator Jeff Sessions to Michelle Collins
Hearing: "Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"
United States Senate Committee on the Judiciary
Subcommittee on Crime and Drugs
April 16, 2008

1. Please describe the training provided to law enforcement officers by the National Center for Missing & Exploited Children Training Programs.
    a. How many state and local law enforcement officers are trained in these programs annually?
    b. How extensive are the courses?
    c. How frequently do they occur?
    d. What material do they cover?

Answer: Over the 24 year history of the National Center for Missing & Exploited Children, we have trained 239,611 law enforcement, criminal/juvenile justice, and healthcare professionals nationwide and in Canada through our Jimmy Ryce Law Enforcement Training Center (JRLETC).

NCMEC's Exploited Children Services (ECS) staff also provides in-depth training on child sexual exploitation issues to law enforcement agencies both domestically and internationally. ECS also conducts instructional blocks within the investigative courses offered by the ICAC Training and Technical Assistance Program, which includes Project Safe Childhood. In 2007 alone, ECS staff trained 12,076 law enforcement officers and prosecutors.

An example of one of the courses we offer at JRLETC is Protecting Children Online for Prosecutors (PCO). This course is designed for officers and investigators who, by virtue of their first responder capacity, conduct reactive investigations for technology-facilitated crimes against children. The four and a half day course includes discussion of: electronic equipment; computer hardware; software and networks; ICAC task force operational and investigative standards; investigative techniques; technical considerations; laws and legal considerations; search and seizure; and resources, and concludes with a practical exercise. Last year we trained 294 prosecutors in six classes of the PCO course. We are planning on offering nine classes for 360 participants over the next 10 months.

Another JRLETC course is the Unit Commander (UC) course is designed for the men and women who supervise those conducting investigations of technology-facilitated crimes against children. A two and a half day program discusses technology, law and legal issues, ICAC task force investigative and operational standards, and resources and provides a solid background on the challenges of these types of cases. Last year

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we trained 203 officers in five classes of the UC course.

In addition, NCMEC conducts a CEO course for law enforcement executives (police chiefs and sheriffs), focusing on departmental policy on missing and exploited child investigations (3,596 officers trained to date); a general investigative course called Responding to Missing and Abducted Children (RMAC) (4,276 officers trained to date); and our newest course offering, Protecting Victims of Child Prostitution (911 officers trained to date).

Questions of Senator Tom Coburn, M.D.
Hearing: "Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"
United States Senate Committee on the Judiciary
Subcommittee on Crime and Drugs
April 16, 2008

1. Through what type of grant system have the ICAC Task Forces been funded in the past? Why would a formula grant method, as proposed in S. 1738, be an effective method to fund these Task Forces, rather than a competitive application process? Wouldn't a competitive process be an incentive to the states to ensure proper focus of the Task Forces, as well as to provide state funds to enhance the resources of the Task Forces?

   Answer: The ICAC Task Force funding has been available through a competitive grant process. DoJ's OJJDP conducts reliable oversight over the activities of the grant recipients, and this approach has proven to be both efficient and effective. The proposed formula program would disproportionately and adversely affect some ICACs, including some with an established track record of success for ten years.

   a. How much funding do states currently contribute to ICAC Task Forces, if any?
      Answer: NCMEC has no knowledge of state funding of ICAC Task Forces. However, we know that there are agencies within the states that focus on internet crimes against children which do not apply for federal ICAC funds, so presumably they are funded out of the state budgets.

   b. Will the amount states contribute change if S. 1738 is enacted in its current form?
      Answer: That is likely, given that the ICAC Task Forces would be required to compete with other state/local agencies for state funds under the matching requirement in the bill. The conditions placed on receipt of federal funds may lead states to conclude that it not the most efficient use of state funds.

2. Are forensic laboratories used in Internet crimes against children completely separate from forensic laboratories used by state and local law enforcement for investigation of other types of crimes? If an allowable use in S. 1738 for grants for ICAC task forces is to "establish and support forensic labs utilized in Internet crimes against children investigations," is it necessary to establish in Title II, Section 201, a separate authorization of $56 million over 8 years only for regional computer forensic labs?

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Answer: There are variations among the states, but generally the state labs conduct forensic analysis on all evidence for all offenses. State law enforcement agencies may send evidence for analysis to federal labs, within the criteria and caseload limitations of those labs. It is important to provide funding to both state and federal forensic facilities because of the sheer volume of evidence to be analyzed in child pornography cases.

Not only have increased efforts by law enforcement resulted in more of these cases, but there has also been a significant increase in the number of still images and videos being stored on computers. The average number of images that are sent by law enforcement to NCMEC's Child Victim Identification Program (CVIP) for determination of identified child victims is now approximately 150,000 images per week. In 2007 CVIP reviewed more than 5 million images and videos. NCMEC has been told by the FBI analysts assigned to work at our headquarters that the volume of images and caseload at the FBI lab and Regional Computer Forensic Labs has resulted in delays of months before the requested forensic analysis can be completed. In one recent FBI investigation, the target's computer contained approximately 63 terabytes of images. One terabyte is equal to 1,024 gigabytes. By comparison, note that the archive of the U.S. Library of Congress contains approximately 70 terabytes of data. This demonstrates the dire need for forensic analysis facilities and services at all levels.

a. In addition, do grants such as the Paul Coverdell Forensic Sciences Improvement grant program provide funding for forensic lab use in child exploitation cases?
Answer: No. The Paul Coverdell program is focused on firearms examinations, latent prints, toxicology, controlled substances, forensic pathology, questioned documents, and trace evidence. It does not cover forensic examinations of electronic evidence, such as that seized in computers during investigations of online crimes against children.

b. Further, would this grant program overlap the grant funds already provided by the U.S. Secret Service to NCMEC's Exploited Children's Division (ECD) for "forensic and technical assistance" to NCMEC, federal, state and local law enforcement?
Answer: The U.S. Secret Service funds that NCMEC receives are for "activities related to the investigations of missing and exploited children" which are used to support several of NCMEC's programs of service in these two areas, not merely the Exploited Children's Division. The U.S. Secret Service receives a separate appropriation for "forensic and related support of investigations of missing and exploited children." NCMEC does not have knowledge of how the U.S. Secret Service uses these funds. See Division E, Department of Homeland Security Appropriations Act, 2008, Public Law 110-161.

3. S. 1738 also states that an allowable use for ICAC Task Force grant money is to "conduct and assist with education programs to help children and parents protect themselves from Internet predators." What other federal programs currently exist to support this type of initiative?

   Answer: NCMEC is not aware of any other program of federal funds available to promote online safety education.

4. Under S. 1738, ICAC Task Force grant funds may also be used to "conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children." What other federally-funded programs currently exist to provide such training? Is there a need for more training resources for ICAC Task Forces, and, if so, why?

   Answer: The ICAC Training and Technical Assistance Program, which is federally funded, provides training to tens of thousands of investigators and prosecutors in the U.S. This national curriculum has resulted in consistent investigative techniques and standards across the nation. The ICAC Task Forces are able to maximize funds by providing training to other law enforcement agencies within their respective jurisdictions – an efficient approach that also benefits the Task Forces because it increases the number of trained officers able to assist with these investigations. Please see www.icactraining.org for a description of each of the many training courses they offer.

   Congress also appropriates funds to the Jimmy Ryce Law Enforcement Training Center, located at NCMEC, to conduct training on issues encountered by law enforcement and prosecutors during investigations/prosecutions of Internet child sexual exploitation.

5. Are there significant sources of private funds available to combat online child exploitation? What are the primary groups responsible for such funding?

   Answer: Private corporations have worked with law enforcement on substantive issues, such as cooperating with investigations, and developing new technology. However, there have been concerns among law enforcement that accepting funds from these entities may present a conflict of interest. Support from private corporations has been made available through non-governmental organizations such as NCMEC. For example, Microsoft pays for the training of law enforcement officers in other countries through the International Center for Missing & Exploited Children.

6. The Project Safe Childhood (PSC) program is a joint effort of federal, state, and local law enforcement, ICAC Task Forces, federal agencies, NCMEC along with community leaders, designed to protect children from online exploitation and abuse. In addition, the Child Exploitation and Obscenity section of the DOJ's criminal division, in partnership with the FBI's Innocent Images Initiative, also

integrates with the PSC Task Forces. Does this bill create overlap and confusion concerning the responsibilities and focus of various programs responding to child exploitation?

Answer: There is currently and will always be some degree of overlap because the nature of these crimes places them within the authority of many agencies. In NCMEC's experience, there is currently no confusion or lack of cooperation among the federal, state and local law enforcement agencies investigating crimes against children. In fact, there was ample testimony to this fact during hearings before the Oversight and Investigations Subcommittee of the House Committee on Energy and Commerce in 2006. Attempts at improved coordination of efforts may in fact have the opposite effect because of the additional layer of bureaucracy in the process.

a. PSC was only established in 2006. Was there a significant lack of communication among federal agencies, state and local law enforcement, ICAC Task Forces and NCMEC such that PSC was needed for coordination?
Answer: NCMEC's understanding is that the intent of PSC is to focus the resources within DoJ on online crimes against children and increase the federal prosecutions for these crimes. It was not created to remedy a lack of communication. It recognizes that these crimes are so numerous that each agency must maximize its contribution to the efforts.

b. What improvements were made in combating child exploitation with the installation of PSC Task Forces?
Answer: There has been a marked increase in state-federal coordination on crimes charged in federal court, and an increase in federal prosecutions.

c. How do the responsibilities of PSC Task Forces, ICAC Task Forces and the DOJ's Child Exploitation and Obscenity section differ?
Answer: NCMEC is more aware of the cooperation between these offices than the differences in their responsibilities and so is unable to provide any information.

7. What is necessary to allow Mr. Waters' program (Operation Fairplay) to be used in every state for law enforcement to increase the information they have on child exploitation suspects and the ability to track them? Which states have already begun using Operation Fairplay? How are officers in those states trained on the software?

Answer: NCMEC supports law enforcement's ability to use case-deconfliction tools such as Operation Fairplay and the ICAC Data Network. In addition, NCMEC supports giving law enforcement at all levels the technological tools they need to investigate all crimes against children on all Internet platforms, instead of

narrowing the investigative efforts to one type of crime that currently occurs on one application on one network on one platform.

8. It has been noted by several witnesses that law enforcement is doing what they can with the resources they currently have, but that more resources are needed. S. 1738 proposes to provide additional funds for agents and personnel for FBI, ICE and the U.S. Postal Inspection Service. If these agencies have been in such dire need of funds solely to combat child exploitation, have they not requested these funds in appropriations bills? If not, why not?

   Answer: NCMEC has no knowledge of the budget needs of federal agencies.

Answers from Randall Hillman to Questions from Senator Tom Coburn, M.D.

Hearing: *"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"*
United States Senate Committee on the Judiciary
Subcommittee on Crime and Drugs
April 16, 2008

1. Through what type of grant system have the ICAC Task Forces been funded in the past? Why would a formula grant method, as proposed in S. 1738, be an effective method to fund these Task Forces, rather than a competitive application process? Wouldn't a competitive process be an incentive to the states to ensure proper focus of the Task Forces, as well as to provide state funds to enhance the resources of the Task Forces?
    a. How much funding do states currently contribute to ICAC Task Forces, if any?
    b. Will the amount states contribute change if S. 1738 is enacted in its current form?

No expertise in this area

2. Are forensic laboratories used in Internet crimes against children completely separate from forensic laboratories used by state and local law enforcement for investigation of other types of crimes? If an allowable use in S. 1738 for grants for ICAC task forces is to "establish and support forensic labs utilized in Internet crimes against children investigations," is it necessary to establish in Title II, Section 201, a separate authorization of $56 million over 8 years only for regional computer forensic labs?
    a. In addition, do grants such as the Paul Coverdell Forensic Sciences Improvement grant program provide funding for forensic lab use in child exploitation cases?
    b. Further, would this grant program overlap the grant funds already provided by the U.S. Secret Service to NCMEC's Exploited Children's Division (ECD) for "forensic and technical assistance" to NCMEC, federal, state and local law enforcement?

No expertise in this area

3. S. 1738 also states that an allowable use for ICAC Task Force grant money is to "conduct and assist with education programs to help children and parents protect themselves from Internet predators." What other federal programs currently exist to support this type of initiative?

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No expertise in this area

4. Under S. 1738, ICAC Task Force grant funds may also be used to "conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children." What other federally-funded programs currently exist to provide such training? Is there a need for more training resources for ICAC Task Forces, and, if so, why?

The National Computer Forensics Institute is a federally-funded cybercrime training program that is a cooperative effort between the Federal Government, State government, Local Governments and the private sector. It has taken a completely new, holistic approach to training in this arena. It is designed to address the largest training deficiency in the criminal justice system nationwide – state and local law enforcement. Beginning May 19, 2008 the NCFI will train state and local law enforcement agents, prosecutors and trial judges on internet crimes against children as well as other types of cybercrime. It is the only facility of its kind in the U.S. and, to our knowledge, the world. This joint effort between the U.S. Department of Homeland Security, the U.S. Secret Service, the State of Alabama, the Alabama District Attorneys Association, the City of Hoover, Alabama and the Shelby County Alabama County Commission features a 32000 sq. ft., 5 million dollar facility specifically designed to train these groups on internet crimes against children and other types of cybercrime. It will employ proven curricula developed by the U.S. Secret Service, the National District Attorneys Association, the Alabama District Attorneys Association and the National Judicial College and has the capacity to train up to 1700 students per year.

There is a definite and extreme lack of training resources for ICAC Task Forces. Since these task forces will be comprised of state and local law enforcement agents, the NCFI represents the perfect partner for training opportunities. The NCFI will train those individuals and they can then be placed, fully trained, in an ICAC task force. As things stand now, if an ICAC Task force recruits a member from state and local law enforcement, the Task Force itself must provide "on-the-job" training or rely on a totally unreliable and often unavailable number of training opportunities for that member. By relying on the NCFI, the ICAC Task Force will receive a highly trained and skilled investigator from day one. He will be infinitely more productive and be immediately beneficial to the Task Force's objectives.

5. Are there significant sources of private funds available to combat online child exploitation? What are the primary groups responsible for such funding?

I am unaware of any significant source of private funding for training in this area.

6. The Project Safe Childhood (PSC) program is a joint effort of federal, state, and local law enforcement, ICAC Task Forces, federal agencies, NCMEC along with community leaders, designed to protect children from online exploitation and abuse. In addition, the Child Exploitation and Obscenity section of the DOJ's criminal division, in partnership with the FBI's Innocent Images Initiative, also integrates with the PSC Task Forces.

Does this bill create overlap and confusion concerning the responsibilities and focus of various programs responding to child exploitation?

a. PSC was only established in 2006. Was there a significant lack of communication among federal agencies, state and local law enforcement, ICAC Task Forces and NCMEC such that PSC was needed for coordination?
b. What improvements were made in combating child exploitation with the installation of PSC Task Forces?
c. How do the responsibilities of PSC Task Forces, ICAC Task Forces and the DOJ's Child Exploitation and Obscenity section differ?

While I have a broad knowledge of the PSC and ICAC Task Force operations, I do not have sufficient information to answer this question.

7. What is necessary to allow Mr. Waters' program (Operation Fairplay) to be used in every state for law enforcement to increase the information they have on child exploitation suspects and the ability to track them? Which states have already begun using Operation Fairplay? How are officers in those states trained on the software?

Both the availability of software and the training to use it are the two critical elements to this answer. It must be pointed out that, in order to effectively use this software, the user must have training in digital evidence and investigation techniques. For the most part, this type of training has been, and continues to be non-existent. This is why the NCFI was created. Again, the NCFI is the perfect answer to provide the skills law enforcement needs to pursue these cases.

8. It has been noted by several witnesses that law enforcement is doing what they can with the resources they currently have, but that more resources are needed. S. 1738 proposes to provide additional funds for agents and personnel for FBI, ICE and the U.S. Postal Inspection Service. If these agencies have been in such dire need of funds solely to combat child exploitation, have they not requested these funds in appropriations bills? If not, why not?

No expertise in this area

1. Through what type of grant system have the ICAC Task Forces been funded in the past?

The ICAC Task Force Program is funded under Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Individual task forces are funded through a cooperative agreement with OJJDP.

   a. Why would a formula grant method, as proposed in S. 1738, be an effective method to fund these Task Forces, rather than a competitive application process?

Currently ICAC grant funding is equally distributed based upon the investigative demands and population of the task forces. There are national ICAC task force objectives that exist. With these investigative objectives in existence, each individual ICAC task force works in a coordinated effort in the investigation of online child sexual exploitation investigations. In my opinion, a competitive application process would hinder the overall effectiveness of the ICAC program. Competing for funding will lead individual task forces to create new and different investigative objectives, decrease sharing of investigative matters, and stifle research and innovation. The Wyoming ICAC is a good example of why a competitive grant process would not work. Currently, compared to more populated states, Wyoming pales in comparison in the number of investigations conducted; however, their contribution to the national and international investigative effort far exceeds other task forces because of the innovative software development and technical support they provide to the ICAC program. Further, the competitive grant application would prohibit long term strategic planning because there would be no consistency in the amount of funding from grant process to grant process.

   b. Wouldn't a competitive process be an incentive to the states to ensure proper focus of the Task Forces, as well as to provide state funds to enhance the resources of the Task Forces?

No

Since July of2000, the State of Delaware has provided the resources necessary to investigate and prosecute online sexual exploitation investigation. In October of 2007, the State of Delaware received ICAC grant funding to enhance our current investigative efforts. The State of Delaware has been, and will continue to be committed to the investigation of child sexual exploitation. I think that a competitive grant process would create a level of bureaucracy that is not necessary. In a formula grant if you clearly identify the goals and objectives that are based upon a national investigative strategy and like now hold task forces accountable to those objectives. It is my opinion that the ICAC program is the most successful law enforcement program because all task force are measured on the same objectives.

   c. How much funding do states currently contribute to ICAC Task Forces, if any?

From July 1, 2000 through October 2007 the State of Delaware has provided the resources necessary to investigate and prosecute online sexual exploitation investigation. In October 2007 the State of Delaware received ICAC grant funding to enhance the current investigative effort. The State of Delaware has been committed to investigation of child sexual exploitation and below is current estimation of the resources that have been committed.

Description	*Estimated Cost Including benefits Yearly Costs*
Five full time employees assigned to the ICAC task force Salary and Benefits Costs (Base salary not including overtime)	*$558,563.00*
Five Forensic Examiner salary and benefits cost estimated. This cost is estimated on percent of time spent on the examination of child sexual exploitation investigations. (Base Salary not including overtime)	*$ 287,556.00*

Equipment Cost State including computer software, vests, weapons, and other investigative equipment	*$60,000.00*
Training	*25,000.00*
Vehicle Cost	*$28,000.00*
Rental space for Computer Forensic Lab .	*$40,000.00*
Total State Contribution	*$999,119.00*
Federal Contribution	*$250,000.00*

Note: The states contribution above does not take in account for the following:

- *Local agencies salaries and investigative costs. For example, New Castle County Police Department has two officer working proactive ICAC cases.*
- *If children are present in the residence resources to investigate child sexual abuse include:*
  - *Investigator salary and investigative expenses.*
  - *Child Protective service salary investigative expense.*
  - *Victim service and ongoing counseling expense.*

d. Will the amount states contribute change if S. 1738 is enacted in its current form?

No. The Delaware Department of Justice, Delaware State Police, New Castle County Police and the 33 local Delaware law enforcement agencies since 2000 to October 2007 and without any federal funding have made a commitment to the investigation of child sexual exploitation investigations. The ICAC grant funding, and any additional funding, will only enhance our investigative capacity and ability to participate in a national investigative effort in the investigation of online child exploitation.

2. Are forensic laboratories used in Internet crimes against children completely separate from forensic laboratories used by state and local law enforcement for investigation of other types of crimes?

In the state of Delaware, Internet crimes against children computer forensic examinations are not separate other computer forensic labs. The Delaware State Police High Technology Crimes has five forensic examiners, the New Castle County Police Department has two forensic examiners and the University of Delaware Police Department has one forensic examiner. Over 50% of all forensic examinations are in support of child sexual exploitation investigation. Like most state and local law enforcement with limited resources and trained personnel, we have consolidated our forensic examinations of all types of computer crime in an effort to maximize our investment.

a. If an allowable use in S. 1738 for grants for ICAC task forces is to "establish and support forensic labs utilized in Internet crimes against children investigations," is it necessary to establish in Title II, Section 201, a separate authorization of $56 million over 8 years only for regional computer forensic labs?

I do not possess the knowledge to answer this question. I would respectfully defer to the Federal Bureau of Investigation.

1. In addition, do grants such as the Paul Coverdell Forensic Sciences Improvement grant program provide funding for forensic lab use in child exploitation cases?

In the state of Delaware the $95,000.00 Paul Coverdell grant has been traditional used by the Medical Examiners for DNA and Drug testing.

2. Further, would this grant program overlap the grant funds already provided by the U.S. Secret Service to NCMEC's Exploited Children's Division (ECD) for "forensic and technical assistance" to NCMEC, federal, state and local law enforcement?

I do not possess the knowledge to answer this question. I respectfully defer to the National Center for Missing and Exploited Children.

3. S. 1738 also states that an allowable use for ICAC Task Force grant money is to "conduct and assist with education programs to help children and parents protect themselves from Internet predators." What other federal programs currently exist to support this type of initiative?

I-Safe.org and Netsmart provide some resources to assist with the development of training and education materials. It is still up to the individual task forces to provide the staff, brochures and other training materials necessary to educate children and parents on Internet Safety.

4. Under S. 1738, ICAC Task Force grant funds may also be used to "conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children." What other federally-funded programs currently exist to provide such training?

I know of no other federally-funded program that provides training specifically related to the investigation and prosecution of child sexual exploitation investigation. There are other federally- funded computer crime training programs offered by the National White Collar Crime Center, Search, FBI, Secret Service, etc. that deal with other types of criminal conduct. The cost for local and state police agencies to attend the training varies.

5. Is there a need for more training resources for ICAC Task Forces, and, if so, why?

Yes. Computer technology, both software and hardware, is changing at an explosive rate. The ability of offenders to prey upon children far exceeds law enforcement's capabilities. Persons who exploit children have always been on the edge of technology – Polaroid film, video cameras, and now computer and digital equipment makes it easier to produce AND disseminate child pornography. Private industry provides predators with tools never before envisioned. Federal law enforcement is lacking in resources to combat this problem. The bulk of the battle is being waged by state and local law enforcement. ICAC Task Forces simply cannot keep up with new, improved equipment and technology without additional training resources.

6. Are there significant sources of private funds available to combat online child exploitation? What are the primary groups responsible for such funding?

I know of no private funding sources for available to combat online child exploitation investigation. Further we would have to confirm with legal counsel if we could accept such funding.

7. The Project Safe Childhood (PSC) program is a joint effort of federal, state, and local law enforcement, ICAC Task Forces, federal agencies, NCMEC along with community leaders, designed to protect children from online exploitation and abuse. In addition, the Child Exploitation and Obscenity section of the DOJ's criminal division, in partnership with the FBI's Innocent Images Initiative, also integrates with the PSC Task Forces. Does this bill create overlap and confusion concerning the responsibilities and focus of various programs responding to child exploitation?

I do not possess the knowledge to answer this question. I respectfully defer to the National Center for Missing and Exploited Children, US Department of Justice and/or the Federal Bureau of Investigation.

a. PSC was only established in 2006. Was there a significant lack of communication among federal agencies, state and local law enforcement, ICAC Task Forces and NCMEC such that PSC was needed for coordination?

I do not possess the knowledge to answer this question. I would respectfully defer to the US Department of Justice.

b. What improvements were made in combating child exploitation with the installation of PSC Task Forces?

I do not possess the knowledge to answer this question. I would respectfully defer to the US Department of Justice.

c. How do the responsibilities of PSC Task Forces, ICAC Task Forces and the DOJ's Child Exploitation and Obscenity section differ?

I do not possess the knowledge to answer this question. I would respectfully defer to the US Department of Justice.

8. What is necessary to allow Mr. Waters' program (Operation Fairplay) to be used in every state for law enforcement to increase the information they have on child exploitation suspects and the ability to track them? Which states have already begun using Operation Fairplay? How are officers in those states trained on the software?

I do not possess the knowledge to answer this question. I would respectfully defer to the Wyoming ICAC task force.

9. It has been noted by several witnesses that law enforcement is doing what they can with the resources they currently have, but that more resources are needed. S. 1738 proposes to provide additional funds for agents and personnel for FBI, ICE and the U.S. Postal Inspection Service. If these agencies have been in such dire need of funds solely to combat child exploitation, have they not requested these funds in appropriations bills? If not, why not?

I do not possess the knowledge to answer this question. I would respectfully defer to the above federal law enforcement agencies. .

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Responses to the questions of Senator Tom Coburn, M.D.
Hearing: *"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"*
United States Senate Committee on the Judiciary
Subcommittee on Crime and Drugs
April 16, 2008

Respectfully submitted by Flint Waters, Wyoming DCI

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1. Through what type of grant system have the ICAC Task Forces been funded in the past? Why would a formula grant method, as proposed in S. 1738, be an effective method to fund these Task Forces, rather than a competitive application process? Wouldn't a competitive process be an incentive to the states to ensure proper focus of the Task Forces, as well as to provide state funds to enhance the resources of the Task Forces?

   I would not be the right person to speak to this. I do not represent the ICAC Task Forces as a whole, rather a single ICAC in the State of Wyoming. We are dedicated to insuring this task fore maintains focus on the mission. We provide monthly, quarterly and semi-annual reports about our investigations, arrests and other operations.

   a. How much funding do states currently contribute to ICAC Task Forces, if any?

   While we are not currently required to provide matching funds, the State of Wyoming provides the direct funding for our agents, their primary equipment and vehicles. Wyoming provides funds easily exceeding the $300,000 that we received for 2007.

   b. Will the amount states contribute change if S. 1738 is enacted in its current form?

   The proposed 25% matching funds would remain less than Wyoming is already contributing to this mission.

2. Are forensic laboratories used in Internet crimes against children completely separate from forensic laboratories used by state and local law enforcement for investigation of other types of crimes? If an allowable use in S. 1738 for grants for ICAC task forces is to "establish and support forensic labs utilized in Internet crimes against children investigations," is it necessary to establish in Title II, Section 201, a separate authorization of $56 million over 8 years only for regional computer forensic labs?

   This area does not apply to Wyoming. We conduct our forensics examinations within our task force. We don not currently use the regional computer forensic laboratories.

   a. In addition, do grants such as the Paul Coverdell Forensic Sciences Improvement grant program provide funding for forensic lab use in child exploitation cases?

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b. Further, would this grant program overlap the grant funds already provided by the U.S. Secret Service to NCMEC's Exploited Children's Division (ECD) for "forensic and technical assistance" to NCMEC, federal, state and local law enforcement?

3. S. 1738 also states that an allowable use for ICAC Task Force grant money is to "conduct and assist with education programs to help children and parents protect themselves from Internet predators." What other federal programs currently exist to support this type of initiative?

We do not receive any grant funding for education programs. I am unaware of programs dedicated to or supplementing this tasking.

4. Under S. 1738, ICAC Task Force grant funds may also be used to "conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children." What other federally-funded programs currently exist to provide such training? Is there a need for more training resources for ICAC Task Forces, and, if so, why?

There is a dramatic need for more training in this area. We frequently host courses on Internet child exploitation investigations. These courses, currently funded by the State of Wyoming, typically overfill within two days of our announcing them. We have conducted five weeklong training courses in 2008 alone and could easily have filled every working weekday with no noticeable reduction in demand. We are not primarily a training entity; there are dedicated training arms like the programs with SEARCH, the National White Collar Crime Center and Fox Valley Technical College. I can't speak to their overall demand but I do know the last course we taught in conjunction with Fox Valley had over ninety officers on the waiting list for a twenty-student course.

We are forced to turn down training requests almost daily. The inability to get trained investigators deployed to respond to the overwhelming number of leads has resulted in thousands of high risk offenders going free. We can only speculate how many of those were hands on abusers.

5. Are there significant sources of private funds available to combat online child exploitation? What are the primary groups responsible for such funding?

I do not know of private funds that are available for this type of investigation.

6. The Project Safe Childhood (PSC) program is a joint effort of federal, state, and local law enforcement, ICAC Task Forces, federal agencies, NCMEC along with community leaders, designed to protect children from online exploitation and abuse. In addition, the Child Exploitation and Obscenity section of the DOJ's criminal division, in partnership with the FBI's Innocent Images Initiative, also integrates with the PSC Task Forces.

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Does this bill create overlap and confusion concerning the responsibilities and focus of various programs responding to child exploitation?

a. PSC was only established in 2006. Was there a significant lack of communication among federal agencies, state and local law enforcement, ICAC Task Forces and NCMEC such that PSC was needed for coordination?
b. What improvements were made in combating child exploitation with the installation of PSC Task Forces?
c. How do the responsibilities of PSC Task Forces, ICAC Task Forces and the DOJ's Child Exploitation and Obscenity section differ?

This question would be better addressed to the Department of Justice. In Wyoming we have always had a very successful partnership among our State and Federal partners.

7. What is necessary to allow Mr. Waters' program (Operation Fairplay) to be used in every state for law enforcement to increase the information they have on child exploitation suspects and the ability to track them? Which states have already begun using Operation Fairplay? How are officers in those states trained on the software?

We need an intense one-day training course for investigators that wish to use these leads in conjunction with their other investigative efforts. This course should target the 'responders'. We would also need to conduct one-day courses for the forensics examiners on recovering P2P trace evidence.

Each larger jurisdiction, typically statewide or regional for larger states, would need a four day course to train undercover investigators. A small number of undercover investigators can provide sufficient leads to keep a large number of investigators functioning.

Adding so many investigators to the system would require a corresponding increase in resources in Wyoming to increase and manage the servers needed to handle the amount of data generated by these systems. There is also a need for technical support personnel to assist in the management of software and accounts related to the use of this software.

We have the following investigators licensed to conduct these P2P investigations:

ICAC Investigators	580
ICE Investigators	91
FBI Investigators	19
Other State/Local	69
International Investigators	190

8. It has been noted by several witnesses that law enforcement is doing what they can with the resources they currently have, but that more resources are needed. S. 1738 proposes

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to provide additional funds for agents and personnel for FBI, ICE and the U.S. Postal Inspection Service. If these agencies have been in such dire need of funds solely to combat child exploitation, have they not requested these funds in appropriations bills? If not, why not?

This question is not related to the Wyoming ICAC Task Force.

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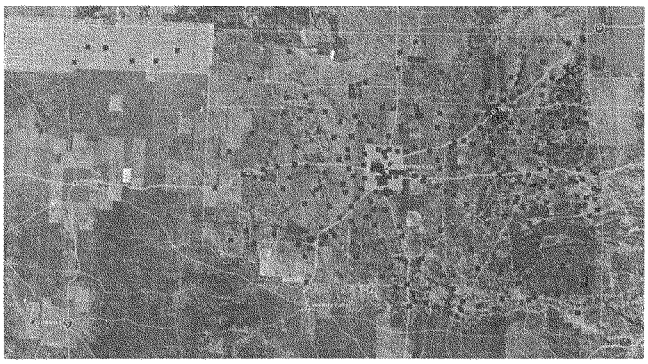
May 16, 2008

Honorable Tom Coburn, M.D.
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Senator Coburn:

Thank you for your follow-up questions to our testimony on Senate Bill 1738, the "Combatting Child Exploitation Act of 2008." By this letter, I am providing answers to those questions, and if you have any others, please don't hesitate to contact us.

Additional Information: Oklahoma Child Pornography Trafficking
In addition to the answers below, I have taken the liberty of providing you with a Google Earth map (below and attached), which shows just a small sampling of child pornography trafficking in Oklahoma during the first part of 2008. Each dot you see here represents one or more computers in your state, seen by law enforcement actively engaged in distribution of child sexual assault movies and images between January 1, 2008 and April 15th. This map was produced by Operation Fairplay of the Wyoming Attorney General's Office, which serves as the nerve center for Internet Crimes Against Children task force communication nationally.



The most important point that I can emphasize to you about this map is that it does not just pinpoint the approximate locations of child pornography traffickers. Conservative estimates indicate that at least one of every three of these red dots could lead law enforcement directly to the location of a "contact offender"—giving them a chance to rescue a child from sexual abuse. Thus, this is an Oklahoma child rescue map. Tragically, the vast majority of these Oklahoma children ***will not be***

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helped. Across the U.S., law enforcement is investigating far less than two percent of known child exploitation leads like these. If this were a map showing bank robberies or house fires in progress, would we ignore them, as we are now?

S. 1738 Spending Levels

I would also like to ask your help in communicating to Senate colleagues the extreme cost-effectiveness of the funds authorized by this bill. We have repeatedly heard from Senate staffers that some Senators see this legislation as "too expensive." We are forced to shadow box when we hear comments like these, because (of course) no one would assert publicly that just over $100 million a year is too high a price to pay to rescue children and interdict a flourishing U.S. child exploitation market. In fact, testimony heard by the Senate Judiciary Committee, as well as in the House, has made it clear that the number of children—in Oklahoma or across the U.S.—whose abusers can be interdicted and who can be rescued is in direct correlation to the resources available to law enforcement. With each new investigator and forensic analyst, more cases can be worked and more children saved. The less we spend, the less children we save, it's as simple as that. As a physician, I trust you appreciate that if anything, this legislation is not "expensive" enough.

My sincere hope is that you, who are known as a strong fiscal conservative, will rally to these children's defense, and that you will exercise your authority as a budget hawk to bring other Senators along. Unlike other legislation, this bill has no money for nonprofits, for "awareness" campaigns or for any program with outcomes that are difficult to measure. This bill simply gives law enforcement the tools it desperately needs to go after known predators.

ANSWERS TO QUESTIONS

QUESTION 1

Through what type of grant system have the ICAC Task Forces been funded in the past? Why would a formula grant method, as proposed in S. 1738, be an effective method to fund these Task Forces, rather than a competitive application process? Wouldn't a competitive process be an incentive to the states to ensure proper focus of the Task Forces, as well as to provide state funds to enhance the resources of the Task Forces?

a. How much funding do states currently contribute to ICAC Task Forces, if any?

b. Will the amount states contribute change if S. 1738 is enacted in its current form?

ANSWER:

S. 1738 Increases Competitiveness

Currently, the ICACs are funded through an ostensibly competitive process, however, we believe S. 1738 increases competitiveness and accountability in the program. It also would increase incentives for states to participate and leverage federal dollars. As operated now, the meagerly-funded, OJJDP staff-driven ICAC task force program has lacked the structure and permanence needed to be taken very seriously by state and local governments. This has the inevitable affect of limiting serious applicants, which substantially limits competition.

S. 1738 provides a base of formula funding, consistent with other well-established law enforcement grant programs. But it also apportions funding based on performance and adds extensive new performance measurements and reporting requirements for all grant applicants. There is no doubt S. 1738 will dramatically improve accountability and competitiveness.

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S. 1738 Increases State Investment

To my knowledge, our organization, the National Association to Protect Children, is the only entity in the U.S. that has worked for and won dedicated state appropriations for the ICAC program. Over the past year, we have been instrumental in securing $5.5 million in new appropriations in California, Tennessee and Virginia. I mention this to stress that we have a clear commitment to the duty of states to contribute. This new funding from just three states amounts to approximately one third of the entire federal program. However cash and in-kind contributions by ICAC task force grantees have long been greater than federal dollars, and these too will grow under S. 1738.

The legislation requires local funding matches, which is not currently a requirement. This created some consternation among some ICAC task forces, who feared that they might lose funding due to lack of local support. However, the bill's sponsors have been consistent in calling for this provision.

QUESTION 2

Are forensic laboratories used in Internet crimes against children completely separate from forensic laboratories used by state and local law enforcement for investigation of other types of crimes? If an allowable use in S. 1738 for grants for ICAC task forces is to "establish and support forensic labs utilized in Internet crimes against children investigations," is it necessary to establish in Title II, Section 201, a separate authorization of $56 million over 8 years only for regional computer forensic labs?

a. **In addition, do grants such as the Paul Coverdell Forensic Sciences Improvement grant program provide funding for forensic lab use in child exploitation cases?**
b. **Further, would this grant program overlap the grant funds already provided by the U.S. Secret Service to NCMEC's Exploited Children's Division (ECD) for "forensic and technical assistance" to NCMEC, federal, state and local law enforcement?**

ANSWER:

Forensic capacity the greatest bottleneck

It is important to note at the outset that lack of computer forensic capacity is the single greatest bottleneck limiting investigation and prosecution of child pornography at the federal, state and local level. Delays across the country commonly run 8 months or more, leaving children in danger and greatly reducing the number of cases that can be worked and prosecuted.

Forensic labs generally not separate now

At the federal level, we know of no law enforcement computer forensic labs specifically dedicated to child exploitation. This has been an ongoing source of problems for investigators, who frequently complain that white collar crime or terrorism-related cases take priority at federal labs over theirs. At the state and local level, specialization gets greater the more decentralized forensics become, so that a given forensic analyst, posted to an ICAC, might work only child exploitation cases. However, due to severe lack of resources everywhere, the norm appears to be that even local agents working with ICACs are frequently expected to drop child rape and torture cases to work ID theft. We toured an ICAC recently in California where a huge area of cubicles were devoted to ID theft and fraud cases, and only three to crimes against children.

S. 1738 now allows greater flexibility in forensic capacity-building

As introduced, S. 1738 specifically authorized funding for new "bricks and mortar" RCFL labs dedicated exclusively to child exploitation. This was, admittedly, far from ideal, but it was an

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attempt to mandate that the FBI make child exploitation a priority and to enforce that mandate by preventing commingling of cases within RCFL labs. The Department of Justice opposed this provision, either because they wanted greater flexibility, did not want to be told by Congress how to set up and run their labs, or both. The current version of the bill allows that funding to be used more flexibly to create dedicated forensic capacity, whether labs or more decentralized resources. We think this makes the most sense, and new accountability and reporting requirements have been added to the bill to keep federal agencies honest.

S. 1738 distinguishes between forensic capacity-building in the ICAC program and through the FBI because these are clearly distinct and complementary programs, both in dire need of their own resources. Law enforcement turf conflicts being what they are, this is the only realistic approach.

"Overlap" not operative concern now
Law enforcement now has evidence that can locate hundreds of thousands of criminals in the U.S. who are actively engaged in child pornography trafficking. Experience shows that a substantial percentage of these criminals (very conservatively estimated at 1 in 3) have sexually assaulted children directly. *All of them* are contributing to a criminal economy far more evil than any drug market. Yet, fewer than two percent of these suspects—and a negligible number of known crimes—are even being investigated nationally. Law enforcement at every level is overwhelmed, with forensic backlogs everywhere. The forensic resources authorized by S. 1738 will be "a drop in the bucket," and could not possibly result in any duplication.

QUESTION 3
S. 1738 also states that an allowable use for ICAC Task Force grant money is to "conduct and assist with education programs to help children and parents protect themselves from Internet predators." What other federal programs currently exist to support this type of initiative?

ANSWER:
Education is currently an allowable use
It is natural that law enforcement officers who see the horrors of child pornography and online enticement want to occasionally share their knowledge with their own communities. This typically takes the form of presentations to PTAs or the news media, and appears to be a limited and positive activity. We know of no case where ICACs have diverted significant funds from law enforcement to education.

No expertise on education programs
We do not have subject matter expertise in federally-funded Internet safety education programs.

QUESTION 4
Under S. 1738, ICAC Task Force grant funds may also be used to "conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children." What other federally-funded programs currently exist to provide such training? Is there a need for more training resources for ICAC Task Forces, and, if so, why?

ANSWER:
The problem of lack of training is now critical everywhere

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The lack of adequate training opportunities—both for (1) child exploitation investigation and (2) computer forensics—is at a crisis stage. ICAC task forces are severely frustrated in their efforts to recruit law enforcement partners (e.g. local police and sheriff's departments), because they cannot get them the most basic training. We often hear task force leaders complain that they are embarrassed and frustrated because they have convinced law enforcement agencies to participate in a regional effort only to find themselves unable to deliver on the next step. When training is available, long waits and waiting lists are common.

Lack of training opportunities also impacts ICAC task force staff directly. With technology changing rapidly, law enforcement professionals are often ten steps behind the criminals. In addition, we see a widespread need for training to local law enforcement agencies, who often do not know how to handle a child pornography referral, even if it is "tied up with a bow," by an ICAC. Local police agencies are often unsure about how to handle subpoenas and warrants or conduct searches of a suspect's home in these cases. As an example, Operation Fairplay or the Oklahoma ICAC could send out scores of high-priority child exploitation leads to law enforcement agencies across Oklahoma next week, but if these police and sheriff's departments have not received training, they are unlikely to respond adequately.

Existing training programs inadequate also
OJJDP currently contracts with Fox Valley Technical College in Wisconsin to conduct much of the ICAC training. We hear considerable criticism from ICACs nationwide about the quality of this program. ICACs wait many months for training classes, often to find themselves on waiting lists. Some complain of jumping through undue bureaucratic hoops. OJJDP and Fox Valley's preoccupation with centralizing and controlling training is akin to trying to feed an entire nation of law enforcement agencies through a straw.

Denying training resources will hurt children
However, it would be a mistake to insist that all of these bureaucratic problems be solved before reinforcements are sent to investigators in the field. Please remember, doctor, that these men and women are like emergency room physicians on high alert. They see unspeakable suffering daily, triage as fast as they can, and still go home at night knowing that there are thousands of children out there they cannot rescue. Giving them training resources right now is one of the best ways we have to help them get "more hands on deck."

Additional resources for training will greatly help diversify opportunities and encourage competition.

QUESTION 5
Are there significant sources of private funds available to combat online child exploitation? What are the primary groups responsible for such funding?

ANSWER:
Private funding is not a realistic or acceptable solution
No. Congress saw fit to appropriate approximately $36 million last year to the National Center for Missing and Exploited Children (NCMEC) for private sector activity that is tangentially-related to law enforcement. This is, as you know, three and a half times the entire appropriation for the FBI's Innocent Images National Initiative and over twice the entire ICAC Task Force program. However,

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NCMEC is not a law enforcement agency, it is a private nonprofit corporation, and it cannot arrest or prosecute anyone. Nor is it appropriate to look to regulated industries who may wish to contribute to Internet safety or online child protection initiatives as a source of revenue for core government services. The crisis of child exploitation is an urgent and serious law enforcement problem, not a charity cause, and it can only be combated by law enforcement.

QUESTION 6

The Project Safe Childhood (PSC) program is a joint effort of federal, state, and local law enforcement, ICAC Task Forces, federal agencies, NCMEC along with community leaders, designed to protect children from online exploitation and abuse. In addition, the Child Exploitation and Obscenity section of the DOJ's criminal division, in partnership with the FBI's Innocent Images Initiative, also integrates with the PSC Task Forces. Does this bill create overlap and confusion concerning the responsibilities and focus of various programs responding to child exploitation?

a. **PSC was only established in 2006. Was there a significant lack of communication among federal agencies, state and local law enforcement, ICAC Task Forces and NCMEC such that PSC was needed for coordination?**
b. **What improvements were made in combating child exploitation with the installation of PSC Task Forces?**
c. **How do the responsibilities of PSC Task Forces, ICAC Task Forces and the DOJ's Child Exploitation and Obscenity section differ?**

ANSWER:

Project Safe Childhood is a marketing program, not an operational entity

Project Safe Childhood is universally understood in the field to be a marketing program of the Department of Justice, not an operational entity. Since its inception, PSC was an attempt to re-brand and publicize already-existing efforts within and outside the Department of Justice without committing real funding. For the most part, it was launched and has operated without its own funding, leadership or staff.

S. 1738 might be characterized as creating "overlap and confusion" by persons who are unhappy that it does not originate from or fall neatly under the PSC umbrella, but there is no reason why S. 1738 isn't entirely consistent with PSC, nor why PSC could not become the overarching banner for all of the initiatives in S. 1738, if the Department of Justice desires to make it so.

Lack of communication and coordination

Yes, there was and continues to be a "significant lack of communication" among federal, state and local entities, bordering on dysfunctional. PSC is helping alleviate that somewhat, but it will require the much more aggressive planning and coordination in S. 1738.

PSC Improvements and CEOS

The one concrete and very positive result of PSC has been to make prosecution of child exploitation a greater priority of U.S. Attorneys and to require better reporting and accountability for federal prosecution of child exploitation crimes by these federal prosecutors. The Child Exploitation and Obscenity Section (CEOS) is a natural partner in that effort.

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Differences Between PSC Task Forces, ICAC Task Forces, CEOS
We see no reason for concern that these three entities are duplicative, if that is the basis of this question. The ICAC Task Force program is an enormously-successful catalyst for recruiting law enforcement to enter the anti-child exploitation arena and for building capacity. CEOS is the Department of Justice's program to provide expert assistance to federal prosecutors, similar to specialized criminal units within any state Attorney General's office. We cannot provide you with tangible information on what the Project Safe Childhood "task forces" do, though they don't spend much taxpayer money doing it.

QUESTION 7
What is necessary to allow Mr. Waters' program (Operation Fairplay) to be used in every state for law enforcement to increase the information they have on child exploitation suspects and the ability to track them? Which states have already begun using Operation Fairplay? How are officers in those states trained on the software?

ANSWER:
Background
Operation Fairplay performs two primary functions: (a) it is an online "undercover infrastructure," allowing law enforcement agents to use very powerful software in a dynamic, real-time setting; and (b) it is the largest and most powerful case deconfliction platform for anti-child exploitation work in the world. The program has succeeded far beyond expectations, in large part because Wyoming has encouraged innovation in ways that the federal government has not.

You should know that not all governmental and nongovernmental agencies involved in this issue wish to see these two functions—strong law enforcement coordination and a dynamic undercover infrastructure—thrive, or if they do, whether they are capable of setting aside their own narrow perceived interests to allow it to happen. There are important debates over this issue going on now behind the scenes—in a vacuum of federal planning, oversight and leadership.

Issues at stake include: (1) who controls deconfliction data and access to it; (2) which law enforcement agencies are allowed to participate and on what terms; (3) whether such a system remains in an appropriate law enforcement setting or is outsourced or privatized; (4) whether to support continued research and development through Operation Fairplay (the only entity that has consistently pioneered new solutions); and (5) whether to allow public release of statistical information about the magnitude of child exploitation.

S. 1738 contains strong provisions to foster cooperation and accountability on these issues.

Necessary preconditions for Operation Fairplay to be used in every state:

1. Adequate and secure funding for Operation Fairplay research and development and basic operations.

2. A stable platform for undercover infrastructure. This exists now through Wyoming and is functioning very well. Whether or not it remains in Wyoming over the long term, it is essential that it be housed in a secure law-enforcement or governmental setting. We see no realistic or desirable option over the next 5 years but that it remain with Wyoming. Any

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attempt by DOJ to recreate it and pressure participating agencies to use the new system before it is equal or better (in all respects) would be tantamount to vandalism.

3. A stable platform for case deconfliction. This also exists now, thanks to the State of Wyoming, and is functioning very well. Again, if it is moved in accordance with DOJ plans, it is essential that it be housed in a secure law-enforcement or governmental setting (as required by S. 1738). DOJ has stated its plans to move this platform from Wyoming to RISS (Regional Information Sharing Systems). While this could be a good solution, we stress that this will have very negative results if it is not well-integrated with the Wyoming "undercover infrastructure." It is not clear there is willpower to do this at present.

4. A focus on proactive investigations. All ICACs, overwhelmed by leads they cannot hope to investigate, should be prioritizing proactively based on (a) the likelihood of finding a child victim or an offender with access to children; (b) the likelihood of finding a major producer or distributor of child pornography; and (c) the seriousness of the offense. Operation Fairplay gives investigators incredibly powerful software tools to do that.

   However, under current OJJDP policies, ICACs are strongly pressured to work CyberTipline leads from NCMEC first. This is the result of two things: (1) ICACs are pressured by OJJDP to work CyberTipline leads as a condition of their grants, for reasons that appear to be as much political as bureaucratic; and (2) ICACs feel pressure to account for how they did or did not respond to CyberTipline leads, because their reports to OJJDP must track this activity. By contrast, ICACs are not pressured to work Operation Fairplay leads, even though these leads are far more numerous and virtually all are distribution crimes. Nor do ICACs have to account for whether they work them or not; they are simply treated as invisible in most cases. Thus, the typical ICAC ignores a mountain of Operation Fairplay leads every day of the week—leads which could be mined for extremely high-priority suspects—while working for the most part reactively on a mixed-bag of CyberTipline leads. None but the most aggressive and independent ICACs will begin to use Operation Fairplay to any significant degree until this problem is fixed, which S. 1738 does in large measure.

5. Training on Grid Sleuth, Operation Fairplay's main software application, is desperately needed. Wyoming has been training law enforcement agencies from around the nation *out of its own pocket*, due to lack of funding.

We are not subject matter experts in more detailed questions about Operation Fairplay participants and training.

QUESTION 8

It has been noted by several witnesses that law enforcement is doing what they can with the resources they currently have, but that more resources are needed. S. 1738 proposes to provide additional funds for agents and personnel for FBI, ICE and the U.S. Postal Inspection Service. If these agencies have been in such dire need of funds solely to combat child exploitation, have they not requested these funds in appropriations bills? If not, why not?

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In 2006, Rep. Joe Barton (R-TX) made the following impassioned plea to Department of Justice officials, making it clear, as he did on other occasions, that Congress would support increased appropriations requests if asked by the administration:

> "I think the Congress will work with the Administration to find a way. Instead of having a couple of hundred FBI agents, dozens or so specialists at DOJ… let's put *thousands*. If we're serious about this, let's put some real muscle. And again, I am not negative on what you're doing. But if I've got to put out a major forest fire, I don't send one firefighter, no matter how good he is. I mobilize the entire operation."

Rep. Barton is a principal co-sponsor of counterpart legislation to S. 1738 in the House. We believe the administration's budget priorities speak for themselves.

Thank you again for the opportunity to provide you with information.

Sincerely,

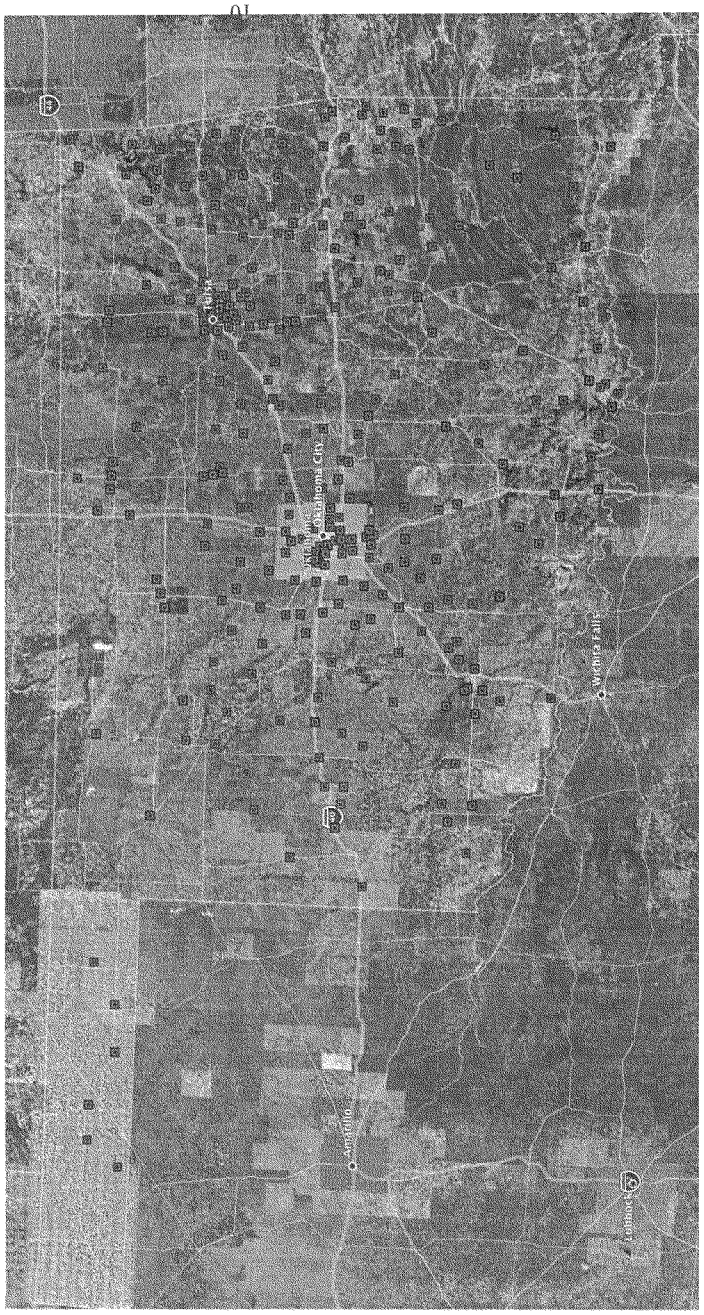
Grier Weeks
Executive Director
National Association to Protect Children

cc: Sen. Biden, Sen. Hatch, Rep. Barton, Rep. Wasserman Schultz, Senate Judiciary Committee

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Child Pornography Distribution in Oklahoma
Seen by Law Enforcement, Jan. 1-April 15, 2008
Source: Operation Fairplay, Wyoming Attorney General's Office



SUBMISSIONS FOR THE RECORD

Statement of Senator Barbara Boxer
Senate Judiciary Committee
Subcommittee on Crimes and Drugs
"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"
April 16, 2008

Thank you, Chairman Biden, for holding this important hearing and for your leadership on the issue of protecting our children.

This hearing is very timely. First, today marks the one year anniversary of the shootings at Virginia Tech. Our hearts go out to the students, families and other members of the community who were affected by that tragedy.

Also, this week is National Crime Victims' Rights Week, and this hearing provides a platform to discuss the importance of protecting our children from harm.

For me – as a mother, as a grandmother, and as a Senator – there is no greater obligation than the safety and well-being of our children.

Chairman Biden, together we teamed up to write the highly successful Violence Against Women Act, and I am proud to work with you again on legislation to protect our children.

I wish this was not necessary. I wish we could let our children play in the yard and walk to school or to a friend's house without worry. But we know we can't. According to the Bureau of Justice Statistics, children between the ages of 12 and 17 are more than twice as likely as adults to be victims of violent crime. And according to data from the National Incident-Based Reporting System, people under the age of 18 make up approximately 26 percent of violent crime victims reported to police, and 70 percent of all reported sexual assaults.

Those statistics tell me make clear that we are not doing enough to protect our children.

We also continue to see disturbing stories in the news. Earlier this week in San Francisco, a 12 year old girl went missing on her way to school. Billie McGee is a seventh grade honor roll student at S.R. Martin College Preparatory School. I know her family and friends are praying for her safe return, and I hope that anyone with information on her disappearance will come forward to police immediately.

That is why we are here today – to find better ways to protect our children as new and more complicated threats emerge each day.

First, I want to discuss the Combating Child Exploitation Act of 2007, which I am proud to co-sponsor with Chairman Biden.

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The internet can be a wonderful thing. We can email, share photos, listen to music and watch video clips on YouTube. But even when our children use the internet responsibly, there are dangers lurking around every corner. In 2005, we held a hearing in the Senate Commerce Committee on Napster and other file-sharing networks, which were popular with kids who were illegally downloading music. During the hearing, to demonstrate the danger of encountering child pornography on file sharing sites, I did a search on a network for Britney Spears. Instead of her music, more than 70% of the returns were pornography.

We have to be ready to confront exploitation on all fronts. The criminals have gotten more advanced, and so must we.

The Combating Child Exploitation Act will help prevent the exploitation of our children by providing law enforcement with additional tools and resources to hunt down depraved individuals who traffic in child pornography. The bill would establish the Internet Crimes Against Children Task Force, and requires that there be at least one task force in each state. The bill also requires the Attorney General to provide additional forensic capabilities to investigate internet crimes against children.

In short, Mr. Chairman, this bill will help us fight the battle against child exploitation more aggressively and effectively.

I also want to talk about two additional bills I have introduced to protect our nation's children.

The first is the Violence Against Children Act, which I am so proud to have introduced with Chairman Biden and so proud to have the support of Senator Feinstein. The Violence Against Children Act provides a comprehensive approach to combating violent crimes against children.

The tragic story of young Mynisha Crenshaw, from San Bernardino, CA, shows the need for us to take action. On November 13, 2005, 11-year old Mynisha was killed while having dinner with family when a gang-related dispute broke out and gunfire sprayed her apartment building, killing Mynisha and seriously wounding her 14-year old sister.

Imagine the heartbreak of her family, and the fear in the community that it could happen again. Well, just few months later, it did – 11-year old Anthony Ramirez was shot in San Bernardino while playing basketball at a middle school, just a week before graduating elementary school.

We must do more to help communities like San Bernardino, and the Violence Against Children Act would do exactly that.

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The Violence Against Children Act toughens federal criminal penalties for violent crimes against children that result in serious injury. The bill provides equal funding support for local police and prosecutors, and the children and families who are victims of violence. It also brings gang prevention resources to communities in need by creating an interagency task force – comprised of the Departments of Justice, Education, Labor, HHS and HUD – responsible for coordinating and administering comprehensive gang prevention and intervention resources.

Mr. Chairman, this bill has been endorsed by 60 organizations and officials, including the National Association of Police Officers, Boys & Girls Clubs of America, the National Center for Missing and Exploited Children, the KlaasKids Foundation, the California State Sheriffs Association, and the Peace Officers Research Association of California.

Finally, I believe the time has come for the Senate to take action and provide safer schools for our children.

A year ago today, the brutal and senseless murder of 33 members of the Virginia Tech community shocked all of us, and served as a painful reminder of our obligation to help schools – from K-12 to colleges and universities – provide a safe environment for our children.

That is why on April 25, 2007, I introduced the School Safety Enhancements Act along with Senators Salazar, Lautenberg, Schumer, Durbin, Kennedy, and Brown. The bill would provide resources for partnerships between local law enforcement agencies and K-12 school districts to develop and implement enhanced school safety measures, such as tiplines and capital improvements. The bill also requires colleges and universities to conduct annual safety assessments and maintain emergency response plans.

The bill passed out of the Judiciary Committee on August 2, 2007. Since then, however, the bill has stalled for reasons unrelated to the school safety bill.

Mr. Chairman, the price of our inaction is too high.

According to news reports, there have been six shootings at K-12 schools and colleges in the year since Virginia Tech, including the recent tragedy at Northern Illinois University that resulted in six dead.

We cannot sit idly by for one more second.

I urge those who are holding the package containing the school safety bill to work quickly to resolve their concerns.

In closing, Mr. Chairman, thank you again for giving me the opportunity to speak today on this important issue. We have great challenges before us. But the enormity of the threats must not paralyze us. We can and must do more to protect our children.

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TESTIMONY OF

MICHELLE COLLINS

Executive Director
Exploited Children Services

THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

for the

UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON CRIME AND DRUGS

"Challenges and Solutions for Protecting our Children From Violence and Exploitation in the 21st Century"

April 16, 2008

Mr. Chairman and distinguished members of the Subcommittee, I welcome this opportunity to appear before you to discuss the sexual exploitation of children. Chairman Biden, the measurable progress that has been made in the fight against these crimes is a testament to your decades of service in the Senate. We're grateful for your tireless advocacy and leadership in the area of child protection. The National Center for Missing & Exploited Children ("NCMEC") joins you and your colleagues in your concern for the safety of the most vulnerable members of our society and thanks you for bringing attention to this serious problem facing America's communities.

As you know, the National Center is a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice. NCMEC is a public-private partnership, funded in part by Congress and in part by the private sector. For 24 years NCMEC has operated under Congressional mandate to serve as the national resource center and clearinghouse on missing and exploited children. This statutory mandate includes specific operational functions, including a national 24-hour toll-free hotline; a distribution system for missing-child photos; training of federal, state and local law enforcement; and our programs designed to help stop the sexual exploitation of children.

As recognition of the prevalence of child sexual exploitation has grown over the years, so has the range of services offered by NCMEC to address this problem, many of them in direct response to congressional request. Senator Biden, in 2003 you asked NCMEC to serve as the information hub for performing fitness determinations on applicants for volunteer positions in selected nonprofit, youth-serving organizations. NCMEC created our Background Check Unit. Under this program, applicants to these organizations submit their fingerprints to the FBI, which runs them through their database and sends the criminal histories to NCMEC. Our analysts conduct a criteria-based analysis for each criminal history and send the participating youth-serving organization a color-coded determination: Red, if the criminal history indicates a potential threat to a child; Yellow, if the history indicates the need for caution and additional information; and Green, if the history reveals nothing that might place a child at risk.

To date, this Unit has processed more than 45,000 background checks. While 94% of the applicants met the criteria for a Green determination, 4% received a Yellow determination and 2% received a Red determination. The histories of the applicants who received a Red

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determination included offenses involving child sexual exploitation and other violent felonies. As a result, 864 individuals were prevented from being in a position to harm a child. But what is most disturbing is the pervasiveness of false information: all the applicants knew that their fingerprints were being run through the FBI's database, yet 26% applied using a different name, 6% applied using a different date of birth, 41% of applicants had a criminal history in a different state, and 53.4% of those found to have criminal histories stated that they did not have a history. And all of these individuals were trying to obtain legitimate access to children through these youth-serving organizations. Nothing could more clearly indicate the severity of the risk facing our children and the flaws in the system.

Another of our programs comes out of Congress' concern about registered sex offenders. There are now more than 600,000 offenders who are required by law to register their address and other information with law enforcement and update this information as it changes. However, the mobility of offenders and inconsistencies among current state registration laws have resulted in an alarming number of sex offenders who are "missing" – law enforcement does not know where they are, yet they are living in our communities. In 2006 Congress passed the Adam Walsh Child Protection and Safety Act, thanks to the leadership of many members of this Committee, which enhanced and tightened the sex offender registration system. The Act also conveyed 'fugitive' status on non-compliant sex offenders who have left the state and failed to register, and charged the U.S. Marshals Service with tracking them down. The Marshals Service came to NCMEC for assistance in carrying out their new responsibilities. In response, NCMEC created our Sex Offender Tracking Team, which runs searches of non-compliant sex offenders against public-records databases that are donated to us by private companies for the assistance of law enforcement. We also conduct internal searches for potential linkages of non-compliant sex offenders to NCMEC cases of child abduction, online exploitation and attempted abductions. We forward all information to the Marshals, who use it to locate the offenders so they can be charged with the crime of non-compliance. This has resulted in hundreds of arrests of fugitive sex offenders by the Marshals. In addition, NCMEC provides assistance to any requesting law enforcement agency trying to locate non-compliant sex offenders – to date, we have provided almost 600 analytical leads packages to law enforcement upon request, and act as liaison between local law enforcement and the Marshals Service, where necessary. To date, over 100 non-compliant sex offenders have been located.

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In response to the concerns of the Senate Banking Committee about the use of credit cards and other payment methods to purchase child pornography online, NCMEC created the Financial Coalition Against Child Pornography. This Coalition is made up of 30 companies, including MasterCard, Visa, American Express, Bank of America, Citigroup, Internet industry leaders and others, and represents 95% of the U.S. payments industry. This initiative recognizes that the sheer number of individuals engaged in this world-wide commercial industry prohibits the prosecution of all of them, no matter how aggressive law enforcement is. So we've come up with a new approach: based on tips to the CyberTipline, NCMEC identifies websites containing illegal images along with method of payment information. We forward this information to agents from the FBI and ICE, who make purchases on a particular site, enabling us to identify the merchant account. If law enforcement does not proceed with prosecution, the financial company is notified and will take appropriate action on the account based on their terms of service. Already we're seeing progress – in less than 2 years, the use of the credit card in these transactions has virtually disappeared. The logos still appear on the sites, but are used either for identity theft or to redirect the purchaser to a different method of payment. And the purchase price for these images of sexually exploited children has risen dramatically – an indication that our efforts may be affecting the profitability of these sites. Despite this, we know that the operators of these commercial child pornography websites are not going out of business – they are simply developing more sophisticated payment methods that are harder for law enforcement to detect. And as they evolve, so will we.

Of course, a key goal is to prevent these images from ever reaching consumers -- the largest percentage of which are here in the U.S. We created a Technology Coalition, made up of industry leaders America Online, Earthlink, Google, Yahoo, Microsoft and United Online. These companies have committed themselves to developing and deploying technology solutions directed at the use of Internet to victimize children. We are building a database of the digital fingerprints embedded in each image that companies can use to search their systems and disrupt their transmission to would-be consumers. Bringing together the collective experience, knowledge and expertise of the members of this Coalition is a significant step toward progress in the fight against child sexual exploitation.

We are also working on another initiative with the Electronic Service Providers ("ESP") and international law enforcement agencies. NCMEC has identified thousands of active websites

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containing child pornography. We are compiling a list of Uniform Resource Locators ("URL") for these sites, which participating ESPs can use to prevent their customers from accessing. A similar technique being implemented in the United Kingdom, Canada and several European countries has proven to be very effective.

Our longest-running program to prevent the sexual exploitation of children is the CyberTipline, the national clearinghouse for leads and tips regarding crimes against children on the Internet. Mandated by Congress, the CyberTipline is operated in partnership with the Federal Bureau of Investigation ("FBI"), the Department of Homeland Security's Bureau of Immigration and Customs Enforcement ("ICE"), the U.S. Postal Inspection Service, the Internet Crimes Against Children Task Forces ("ICAC"), the U.S. Secret Service, the U.S. Department of Justice's Child Exploitation and Obscenity Section, as well as other state and local law enforcement. We receive reports regarding seven categories of crimes against children:

- **possession, manufacture and distribution of child pornography;**
- **online enticement of children for sexual acts;**
- **child prostitution;**
- **child-sex tourism;**
- **child sexual molestation (not in the family);**
- **unsolicited obscene material sent to a child; and**
- **misleading domain names.**

These reports are made by both the public and by Electronic Service Providers, who are required by law to report to the CyberTipline. The leads are reviewed by NCMEC analysts, who examine and evaluate the content, add related information that would be useful to law enforcement, use publicly-available search tools to determine the geographic location of the apparent criminal act, and provide all information to the appropriate law enforcement agency for investigation. These reports are also triaged to ensure that children in imminent danger get first priority.

The FBI, ICE and Postal Inspection Service have "real time" access to the CyberTipline, and all three agencies assign agents and analysts to work at NCMEC. In the 10 years since the CyberTipline began operation, NCMEC has received and processed more than 580,000

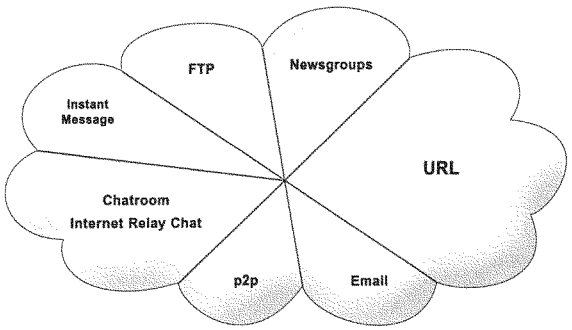
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reports. To date, electronic service providers have reported to the CyberTipline more than 5 million images of sexually exploited children. An additional 13 million images have been reviewed by the analysts in our Child Victim Identification Program, which assists prosecutors to secure convictions for crimes involving identified child victims and helps law enforcement to locate and rescue child victims who have not yet been identified. Last week alone, we reviewed more than 166,000 images and we expect our workload to increase. In 2007 we saw an increase in reports for nearly all our categories: 23% increase in child pornography reports, 66% increase in online enticement reports, 58% increase in child prostitution reports, 10% increase in child sex tourism, 9% increase in child molestation and 31% increase in misleading domain names.

Our unique role has given us an unparalleled depth of knowledge about how the Internet is used to victimize children and the challenges this presents to law enforcement. In order to clarify the term "the Internet", below is a diagram that shows the various types of platforms contained within it:

The Internet Segmented by Platform



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Each of these platforms offers distinct advantages to someone seeking to sexually exploit a child. Some platforms are used for direct communication with a child and some platforms are used to distribute sexually abusive images of children. The 18 million images we have reviewed were detected on a variety of these platforms.

Attached are examples of successful investigations and prosecutions in various states that demonstrate the ways children have been victimized on various parts of the Internet.

Because of the diversity within the Internet, law enforcement uses a variety of techniques in order to detect and investigate the range of crimes against children – from enticement of children on social networking sites to distribution of child pornography via email, websites and peer-to-peer networks. Law enforcement is actively engaged in these investigations every day, using similar tools and techniques on the local, state, and federal level. After ten years of working with officers and agents tasked with child exploitation cases, I am pleased to say that law enforcement at all levels are working more closely than ever before on these important investigations. The level of cooperation is unprecedented and has led to the rescue of thousands of children from abusive situations.

The CyberTipline is a major source of leads for law enforcement and streamlines the process from detection of sexual exploitation to prosecution and conviction. This process increases the efficiency of law enforcement's efforts and maximizes the limited resources available in the fight against child exploitation. However, innovations such as webcams and social networking sites are increasing the vulnerability of our children when they use the Internet. The use of the Internet to victimize children continues to present challenges that require continual adjustment of our tools and methods.

This problem is so vast that we must attack it from multiple angles. While law enforcement is tireless in its efforts, NCMEC contributes to the fight by combining its expertise with its relationships with industry leaders. We are bringing together key business, law enforcement, child advocacy, and governmental leaders to explore ways to more effectively address these new issues and challenges.

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I cannot overemphasize the need for increased funding of all the law enforcement programs at the local, state and federal level. Despite the progress made in the fight against child sexual exploitation, it is well-accepted that there are simply more of these potential cases than there are trained law enforcement officers to investigate them.

But I can assure you that any additional resources that build capacity for these efforts will lead to more prosecutions and fewer child victims.

And that's what we're all working toward.

Thank you.

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DELAWARE

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

On January 19, 2007, the CyberTipline received three reports from a major commercial Internet Service Provider (ISP) regarding a subscriber who allegedly sent sexually abusive images of a child via email. In compliance with Federal law, the ISP provided the CyberTipline with incident information, including the images in question. An Exploited Child Unit (ECU) Analyst viewed the uploaded files and found what appeared to be pornographic images of a prepubescent female. Based on information provided by the ISP, the analyst forwarded the report to Maryland Internet Crimes Against Children Task Force (ICAC), an OJJDP-funded initiative, via the Virtual Private Network (VPN). The report was then sent to the High Tech Crimes Unit of the Delaware State Police for investigation.

Investigators with the HTCU served legal process on the ISP and quickly identified the sender of the emails as a 28-year-old male residing in Georgetown, DE. On February 23, 2007, a search warrant was executed at his home. A preliminary review of his computer revealed numerous images of child pornography, as well as nearly 3,000 online chats between the suspect and other individuals who had been graphically discussing the sexual molestation of children. Investigators combed through the chat logs and set about tracking down the correspondents. To date, their hard work has resulted in the identification and arrest of the following additional suspects:

- A 24-year-old male firefighter/EMT from Harrington, DE who admitted to engaging in sexual activity with a 13-year-old female who had just been released from a drug treatment program. He has been charged with two counts of exploitation of a child, two counts of possession of child pornography, and one count of conspiracy to commit rape in the first degree on a child less than 14 years of age.
- A 29-year-old male from Lewes, DE who molested his 8-year-old daughter during a webcam transmission while the initial target of the investigation observed the assault. Charges against him include two counts of sexual exploitation of a child less than 12 years of age, and 3 counts of conspiracy to commit unlawful sexual contact with a child less than 12 years of age.
- A corrections officer who directed the initial suspect to take pornographic photos of his 3-year-old niece and 4-year-old nephew. He and the suspect also discussed renting a hotel room for the purpose of sexually abusing the children. He has confessed to repeatedly molesting a 15-year-old girl and to engaging in oral sex with a 17-year-old boy whom he met through the original suspect. He also admitted to receiving child pornography from him.
- A 28-year-old store clerk from Wilmington, DE who was the original recipient of the child pornography transmitted by the target of the Cybertipline report. In addition to receiving numerous images of child pornography from the original target, the pair had numerous graphic conversations, and detailed plans on how they were going to sexually molest the 3- and 4-year-old children.
- A 21-year-old convicted sex offender and father of two boys, ages one and a half years and three months, from Leipsic, DE. He was convicted of the repeated rape of a 13-year-old girl when he was 18. In March of 2006 he was placed on Home Confinement to serve the remainder of his sentence. Within two weeks, he engaged in chat discussions with the original target, offering to allow him to molest the one and a half year old while simultaneous receiving sexual favors from the target himself. Their plan was to do this during the suspect's permitted two-hour free time each day. He admitted to hundreds of peer-to-peer downloads of sexually abusive images of prepubescent females while on house arrest. The investigation is ongoing to determine if the sex offender and the original target actually molested the child.

The target from the CyberTipline reports has been charged with 19 counts of child sexual exploitation, 16 counts of possession of child pornography and one count of conspiracy to commit rape in the first degree on a child less than 12 years of age. Additional charges are pending the forensic examination of his computer. He is currently in custody.

Investigators with the HTCU continue to vigorously pursue additional targets from the initial case and anticipate more arrests in the near future.

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CALIFORNIA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

May 2006

On January 10, 2006, the CyberTipline received a report from a registered Internet Service Provider (ISP) which provided them with incident information, including an allegedly illegal image. The uploaded image appeared to be a screen capture of a web camera transmission depicting the sexual abuse of a prepubescent child.

An Exploited Child Unit (ECU) analyst immediately recognized the urgency of the situation and began conducting Internet searches on the provided information, including the suspect's screen name. The analyst found a possible name, location, and date of birth for the suspect. In addition, online photo albums containing numerous images of an adult male were found.

The analyst then conducted public records searches and found that the suspect was listed as a convicted sex offender. The analyst located the online sex offender registry photo of the suspect and a list of his known tattoos. The descriptions of the tattoos were compared to the visible tattoos in the suspect's uploaded images and were consistent, as were the photos.

The analyst then contacted the San Bernardino County Sheriff's Department, which is part of the OJJDP-funded Los Angeles Internet Crimes Against Children (ICAC) Task Force. Within a matter of hours, investigators obtained a search warrant and executed it at the suspect's home address. They noted that he answered the door wearing the same shirt he had been wearing in many of the photos.

They were quickly able to secure a confession from the suspect, who admitted to molesting his daughter live via web cam and that he was in possession of additional images of child pornography. The suspect was the primary caregiver for his two minor daughters. The children have been removed from the suspect's care and are currently in foster care, where they are reported to be thriving.

The suspect has been arrested and faces preliminary charges of child sexual molestation, child endangerment, manufacturing of child pornography, and distribution of child pornography. Additional charges are pending. The suspect is facing his third felony conviction in the state of California, which carries a possible sentence of 25 years to life in prison, if convicted.

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WISCONSIN

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

Text Messages Lead to Arrest, Additional Suspects Being Sought

The CyberTipline received a report on September 20, 2007 concerning suspicious text messages sent between three individuals. The messages discussed the trading of images of "young girls" and appeared to indicate that images of child sexual abuse were exchanged.

An analyst with NCMEC's Exploited Child Division (ECD) performed Internet and public database searches with the information provided in the report and found possible locations for each suspect in three states. She also tracked down personal information on each of the reported suspects.

The CyberTipline report was then forwarded to the Internet Crimes Against Children (ICAC) Task Forces, programs funded by the Office of Juvenile Justice and Delinquency Prevention, in each of the three states. The ICAC Task Force in Wisconsin reviewed and shared the report with the Milwaukee Police Department. Investigators in Milwaukee were able to link the suspect in the CyberTipline report to an ongoing investigation they had involving this individual. They took the suspect into custody on October 5, 2007 during what the suspect believed to be a meeting with a 14-year-old female.

The suspect has been charged with Use of a Computer to Facilitate a Child Sex Crime, as well as five counts of Possession of Child Pornography. At this time, he remains in custody pending his trial in January of 2008. In addition, the Milwaukee Police Department will be coordinating and sharing information with law enforcement in the other two states involved as they continue their investigations of the other suspects.

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NEW YORK

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

Multiple CyberTipline Reports Lead to One Suspect

Between May 2006 and February 2007, the CyberTipline received four reports regarding the same suspect who was allegedly uploading sexually abusive images of children to the Internet. In compliance with Federal law, the Internet Service Providers gave NCMEC specific information about the incidences, including the reported images, the suspect's e-mail address, and an Internet Protocol (IP) address. Also during this time, a concerned citizen notified the CyberTipline of a website that contained an image of a prepubescent female posing suggestively.

Based on the reported information, analysts with NCMEC's *Exploited Child Division* were able to link the reports to the same individual. Through various Internet searches, they determined that the suspect was accessing the Internet in New York. The analysts also located an online profile that indicated the reported suspect was posing as a 20-year-old female. NCMEC forwarded the reports to the New York State Police's Internet Crimes Against Children (ICAC) Task Force, a program funded by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, for investigation.

The investigation by the New York State Police led to the execution of a search warrant at the suspect's home on November 15, 2006. His computer and other media storage were seized, and were found to contain over 600 sexually explicit images of children. Investigators also seized notebooks filled with stories in which the suspect detailed his sexual attraction to, and interest in molesting several females in his community.

On March 26, 2007, the suspect pled guilty to one count of possession of child pornography. He was sentenced to the maximum penalty of 10 years of imprisonment, followed by 10 years of supervised probation.

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MASSACHUSETTS

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

On January 2, 2008, the CyberTipline received a report containing chat logs from an instant messenger conversation involving an adult male and a female who stated she was fourteen years old. In the conversation, the reported suspect made multiple sexually explicit comments and repeatedly asked the female for photos of herself. He also revealed that he was a high school teacher and informed her that he liked his "girls young, firm, and cute." The two also discussed the possibility of meeting at a local mall.

Using the provided email address, an Exploited Child Division (ECD) analyst conducted online searches and found various profiles for the suspect. All profiles gave a location of Massachusetts. Based on this information, and the contents of the chat log, the analyst forwarded the report to the Massachusetts Internet Crimes Against Children Task Force (ICAC), an OJJDP-funded program, out of the Massachusetts State Police.

Not surprisingly, law enforcement personnel were already acquainted with this particular suspect, as he had been the subject of an undercover investigation originating in Portsmouth, New Hampshire in December 2006. Detectives with the Portsmouth Police Department were able to establish his identity and turned that information over to the authorities in Massachusetts. The Massachusetts State Police picked up the case and determined that while communicating with both the undercover officer and the reporting person from the CyberTipline report, the suspect had disseminated material that was harmful to a child, including nude photos of himself.

The suspect was arrested on January 18, 2008 at his home, where investigators seized a laptop computer and a USB thumb drive. It was established that the suspect was, in fact, a history teacher at a Massachusetts high school. During his interrogation, he reportedly made admissions concerning the charges against him. He has been charged with five counts of disseminating obscene material to a minor and two counts of attempting to commit a crime (enticement of a child under 16). He has pleaded not guilty.

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ILLINOIS

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

US States News

February 21, 2008 Thursday 3:32 AM EST

HUNTLEY MAN ARRESTED ON CHILD PORNOGRAPHY CHARGES

The Illinois Attorney General issued the following news release:

Attorney General Lisa Madigan today said that a Huntley man has been taken into custody and faces child pornography charges after an early morning search of his residence revealed numerous computers and computer hard drives that allegedly contained images of child pornography.

Stephen H. McConnaughay, 64, of 10618 Michael St., is being held in the McHenry County Correctional Facility charged with one count of Possession of Child Pornography, a Class 3 felony, and one count of Dissemination of Child Pornography, a Class 1 felony.

After receiving a cyber tip from the National Center for Missing and Exploited Children (NCMEC), a search warrant was executed by Madigan's Internet Crimes Against Children (ICAC) Task Force along with the Huntley Police Department, South Elgin Police, and the Department of Homeland Security Immigration and Customs Enforcement (ICE) with assistance from the Kane County Sheriff's Department and the Kane and McHenry County State's Attorneys' offices.

The investigation is continuing and additional charges are pending. The public is reminded that these charges are merely accusations. The defendant is presumed innocent until proven guilty.

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PENNSYLVANIA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

Intelligencer Journal (Lancaster, Pennsylvania)

June 28, 2007 Thursday

Man arrested in child porn case;
Police: Lititz man had, sent images

A Lititz man was arrested and charged recently with possessing child pornography.

In a separate incident, a Mount Joy Borough man arrested on child pornography charges is now serving a sentence in federal prison.

Criminal charges were filed June 21 by Warwick Township Police against Peter Thayer Ringer, 37, of 4 Santa Fe Drive.

The Lititz man was charged with seven counts of possessing child pornography and two counts of dissemination of child pornography.

Ringer was arraigned before District Judge Dan Garret and released on $10,000 unsecured bail pending a hearing.

According to Warwick Township Police Detective Ed Tobin, the investigation began in November after a tip was called in to The National Center for Missing & Exploited Children Cyber tipline.

The information was sent to the Pennsylvania Internet Crime Against Children Task Force, and Delaware County detectives traced images of child pornography to Ringer's Internet account and e-mail address.

According to court documents, Delaware County detectives also received a compact disc with 205 photographs, some of which were child pornography.

The case was turned over to Detective Peter Savage of the Lancaster County District Attorney's Office and Warwick Township Police.

Police served a search warrant in February at Ringer's residence, confiscating computer hard drives, other related items and clothing.

Ringer admitted the computer "contained photographs of underage children," according to the affidavit.

According to court documents, Savage reviewed the confiscated items and found 113 photographs depicting child pornography, 68 movies containing child pornography and six computer disks containing images of child pornography.

Three pictures containing children pornography had been e-mailed to another person.

In a separate incident, Keith Gephart, 53, formerly of the 800 block of West Main Street, Mount Joy, was sentenced to 12 years and 7 months in prison by federal district court Judge James T. Giles.

The sentence includes 3 years of supervision upon release and $2,600 in fines and fees.

Gephart was a noted member of the community, serving as Mount Joy Memorial Day Parade chairman for more than 20 years.

Gephart was arrested June 15, 2006.

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He is incarcerated at a federal prison in White Deer, according to the Federal Bureau of Prisons.

Gephert was sentenced March 21. He began serving his sentence April 30, according to Rich Manieri of the U.S. Attorney's Eastern District Office in Philadelphia.

Gephart's guilty plea memorandum says that on June 8, 2005, Mount Joy police received a box belonging to Gephart containing 30 images of child pornography.

Police served a search warrant at the Mount Joy residence two weeks later and found home computers containing more than 2,000 still images and more than 10 videos containing child pornography.

Books, magazines and videos depicting adult pornography, child nudity and child erotica were also seized.

Gephart pleaded guilty in December to four counts of receiving child pornography and two counts of knowingly possessing still images containing child pornography.

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IOWA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

US States News

October 9, 2006 Monday 3:34 AM EST

DIVISION OF CRIMINAL INVESTIGATION MAKES ARREST AS RESULT OF CYBERTIP TO NATIONAL CENTER FOR MISSING, EXPLOITED CHILDREN

The Iowa Department of Public Safety issued the following news release:

On October 6, 2006, agents with the Iowa Division of Criminal Investigation arrested Darius Hernandez, age 31, of Des Moines, Iowa. Hernandez was arrested at 1801 Grand Avenue in Des Moines, as a result of a search warrant conducted at his residence on October 5, 2006. Hernandez was charged in state court with five counts of Sexual Exploitation of a Minor. The investigation was conducted as a result of a tip received by investigators from the National Center of Missing and Exploited Children.

The Congressionally mandated Cyber Tipline is a reporting mechanism for cases of child sexual exploitation including child pornography, online enticement of children for sex acts, molestation of children outside the family, sex tourism of children, child victims of prostitution, and unsolicited obscene material sent to a child. Reports may be made 24 hours per day, 7 days a week online at www.cybertipline.com or by calling 1-800-843-5678.

Follow this link for more information about the Cyber Tipline: http://www.missingkids.com/cybertip/

The DCI continues its investigation and it should be noted a criminal charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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NEW YORK

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN
Child Victim Identification Program (CVIP)
Case Summary

During the course of providing technical assistance to the United States Secret Service's (USSS) Newark field office in July 2005, staff with the Child Victim Identification Program (CVIP) at the National Center for Missing & Exploited Children (NCMEC) reviewed multiple child pornography images of a young pubescent boy. During the review, CVIP analysts also found non-pornographic pictures of the child. These images, which showed the boy partially and fully clothed, provided clues for a location of this never seen before child victim.

In the image that led CVIP analysts to the boy's location, the boy is seen wearing his Boy Scouts of America uniform. Visible on the boy's upper left sleeve was the patch for his Council as well as his Pack number. Together these patches are unique to a Pack located in Nassau County, NY. Within this image the boy is also seen wearing a 2003 first year camper award from Ten Mile River Boy Scout Camp also located in New York.

Prior to notifying law enforcement in New York, CVIP first contacted the USSS, ensuring that the child was not part of their current investigation. USSS confirmed that the child was not part of their investigation and agreed to provide copies of the pornographic images to the local law enforcement agency.

Once a possible location was identified, CVIP analysts determined that many of the images were taken between January and May of 2004 using both a Canon and a Seiko Epson camera. Most important, a serial number was listed for the Canon camera which was used to take the pornographic images.

CVIP analysts reviewed the Pack's website, looking for additional pertinent information. On the website they found one image from a parade that appeared to contain the same boy seen in the pornographic images.

On July 15, 2005, CVIP contacted the Nassau County Police Department and provided them with the Image Analysis Report, cropped images of the child victim along with an image of the boy's uniform. Upon receipt of the information Nassau County Detective Bob Shaw contacted the USSS and arranged the exchange of information and images. An investigation into the make and model of the camera yielded no further clues. However, using various investigative methods Detective Shaw determined the identity of the boy seen within the abusive images. As the boy did not reside within his jurisdiction, Detective Shaw forwarded the case to Detective James Held with the New York City Police Department, who is assigned to the Vice Enforcement Division, Sexual Exploitation of Children Squad.

On August 18, 2005, Detective James Held along with the Vice Enforcement Division interviewed the boy, who disclosed that the abusive images had been taken by a man who volunteered with his Boy Scout Troop. The next morning, NYPD arrested the forty-five year old suspect who worked for a security company and who had volunteered with the organization for over 15 years. During the search of the offender's residence authorities uncovered numerous sexual devices, and boys' underwear which the suspect had allegedly labeled with boys' names and dates of the sexual activities. NYPD also recovered a cache of child pornography, which appears to have been downloaded from the Internet, and hundreds of pornographic pictures and videos of the victims.

On August 31, 2005, the suspect was rearrested for the alleged abuse of a second boy, who disclosed being abused for the past 11 months. As this exhaustive investigation continues Detective Held believes that the suspect may have more victims. Police are currently conducting searches in their efforts to identify additional child victims.

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The Queens District Attorney's Office has charged the defendant with multiple counts including: sexual conduct against a child, use of a child in a sexual performance, criminal sexual act, promoting a sexual performance by a child, possessing an obscene sexual performance, endangering the welfare of a child and sexual abuse. If found guilty, the defendant could spend a total of 40 years in prison. He is currently being held on bond.

NCMEC wishes to congratulate the many agencies whose hard work and determination resulted in the apprehension of this alleged dangerous predator, removing multiple children from sexual abuse and preventing future victimizations. Specifically, we'd like to recognize the following agencies:

United States Secret Service
Nassau County Police Department
New York City Police Department
Queens District Attorney's Office

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SOUTH CAROLINA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

South Carolina ICAC Task Force Arrest

On November 8, 2004, agents from the South Carolina State Law Enforcement Division (SLED) received a complaint from the National Center for Missing and Exploited Children's (NCMEC) CyberTipline, stating that the Internet service provider, America Online (AOL), had reported that someone using an AOL email address attempted to send three emails containing three identifiable images of child pornography (or minors engaged in sexual activity) on November 4, 2004. Further investigation revealed that a known sex offender, Thomas Turner, 38 years old, used the AOL screen name and that he resided in Spartanburg County, South Carolina. Turner is a former correctional officer who was already on probation from a prior Criminal Sexual Conduct with a minor (under 13) conviction.

A forensic examination of the media taken from Turner's residence revealed over 200 child pornography images. Turner was ultimately charged with 4 counts of 3rd Degree Sexual Exploitation of a Minor.

Turner pled guilty on November 1, 2005 and received a total sentence of 31 years. He will not be eligible for parole until he serves at least 16 years.

This cooperative effort between the SC ICAC Task Force agencies also included assistance from Spartanburg County Sheriff's Office, SC Department of Probation, Parole and Pardon Services, and the US Department of Immigration and Custom's Enforcement

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ALABAMA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

On March 29, 2005, a concerned citizen submitted a CyberTipline report regarding a suspect who had allegedly posted pornographic images of children to a newsgroup. An Exploited Child Unit (ECU) analyst quickly accessed the newsgroup and located 32 images of children posted by the reported suspect. She confirmed that several of these images were pornographic and documented her findings. The analyst then carefully reviewed the expanded headers associated with the postings. She observed that the suspect had posted these images through the commercial service 'Earthlink'. She also noted two different IP (Internet Protocol) addresses in the headers. After finding that both IP addresses resolved to Alabama, the analyst forwarded the CyberTipline report to the Alabama Bureau of Investigations (ICAC), an OJJDP-funded program, for investigation. Investigators quickly launched an investigation and were able to successfully identify the individual responsible for the postings.

On May 11, 2005, investigators served a search warrant on the suspect's home and confiscated his computer and other printed materials. They found that he was in possession of a large quantity of child pornography. Investigators then attempted to arrest the suspect on May 31, 2005, but found he had left the state. They learned that he had sold his home and fled to Virginia in search of his girlfriend, who had left him when she learned of the allegations against him. The Alabama ICAC then enlisted the help of the Virginia State Police Fugitive Unit, who located the suspect on June 6, 2005 and arrested him without incident. The suspect was extradited back to Alabama shortly thereafter.

The investigation on the suspect revealed that there were two misdemeanor warrants out for his arrest in Olean, New York; one for Driving Under the Influence and the other for exposing himself to three 12 year-old children. The suspect has been charged with Possession of Child Pornography, with possible additional charges of Distribution of Child Pornography forthcoming. He is currently being held in the Madison County Jail in Huntsville, Alabama. If he is convicted of Possession of Child Pornography, a Class C Felony, he faces up to 10 years in prison.

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OKLAHOMA

National Center for Missing & Exploited Children
Exploited Child Division
Child Pornography Success Story

Published: May 07, 2007 12:07 pm

Man accused of attempting to sell kids for sex

THE CHICKASHA EXPRESS STAR (CHICKASHA, Okla.)

CHICKASHA, Okla. — A Chickasha, Okla., man is in jail on allegations of attempting to sell two children over the Internet for sex.

Assistant District Attorney Lesley March contends Jason Burns, 25, admitted to having a conversation in an Internet chat room where he allegedly promised to procure a 5-year-old and a 1-year-old for sex to a New York man.

The price - $5,000.

March said the National Center for Missing and Exploited Children picked up on the possible transaction and alerted New York State Police.

The investigation expanded to include the Oklahoma State Bureau of Investigation and the Chickasha Police Department.

Following up on information, Chickasha Detective Jason Maddox arrested Burns on Saturday.

March said the OSBI has seized a large amount of data and is sifting through it.

Formal charges are expected Tuesday. Burns is in the Grady County Jail.

The Chickasha, Okla., Express-Star

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Hearing Statement

"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"

Senator Dianne Feinstein

April 16, 2008

I thank Chairman Biden for holding this hearing on an issue of immense importance and urgency – protecting our children from violence and exploitation.

One of the fundamental issues facing us today is the rise of criminal street gangs and the effect these gangs are having our nation's youth. This country is in the midst of an epidemic of gang violence, often involving teens and children as both victims and perpetrators.

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Nationwide, the FBI has identified at least 30,000 gangs, with 800,000 members. More gang members are now on the streets of this country than police officers. The FBI estimates that gangs are having an impact on at least 2,500 communities across the nation. These criminal street gangs engage in drug trafficking, robbery, extortion, gun trafficking, and murder. They recruit children and teens, destroy neighborhoods, cripple families and kill innocent people.

A person only needs to pick up a newspaper or watch the evening news to see how gang violence is affecting our youth. Gang violence occurs on a daily basis across the country. Examples from California show the devastation that gangs cause on children.

In February, gang members in Los Angeles armed with AK-47 assault rifles and semi-automatic handguns, shot and killed a 37 year old bystander as he held the hand of a 2 year old girl.

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Late in February, eight people waiting at a South Central bus stop in Los Angeles were wounded when a suspected gang member fired into the crowd. Five of those wounded were children.

On March 2, Jamiel Shaw, a 17 year old football star and academic standout, was gunned down by two gang members outside his home in Los Angeles.

On March 4, 2008, six-year old Lavarea Elvy was shot in the head by gang members while riding in a family car in the Harbor Gateway area of South Los Angeles.

On March 7, 2008, 13 year old Anthony Escobar was killed by gang members while picking lemons in a neighbor's yard in the Echo Park area of Los Angeles.

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Stories like this are not limited to California. They are becoming commonplace across the country. Gang violence is literally holding neighborhoods hostage and Congress needs to do something about it. Our national gang problem is immense and growing, and it is not going away. Our cities and states need our help – a long-term federal commitment to combat gang violence.

It is time for the House of Representatives to act on S. 456, the Gang Abatement and Prevention Act of 2007, that was passed by unanimous consent by the Senate last year. That bill is a balanced, reasonable mix of prevention and enforcement policy and provides an extended Federal commitment to help fight criminal street gang violence nationwide. The bill would authorize more than $1 billion over the next five years in a coordinated approach that will combine Federal, State, and local law enforcement efforts, expand witness protection, and expand services geared toward gang prevention.

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Specifically, the bill would provide:

- $411.5 million in funding for gang prevention and intervention programs for at-risk youth.

- $270 million in funding for needed witness protection programs in gang prosecutions.

- $437.5 million in increased funding for the Justice Department, prosecutors, FBI agents and others to increase investigations and prosecutions of gangs and other violent offenders.

- Make recruiting members of criminal street gangs a federal crime – with extra punishments for recruiting minors.

- Criminalize violent crimes committed in furtherance or in aid of criminal street gangs, similar to the RICO laws currently used to prosecute Mafia-style organizations.

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- Increased federal penalties for gang-related crimes, including murders, carjacking, kidnappings, robberies, and money laundering.

- New High Intensity Interstate Gang Activity Areas, focusing federal, state, and local resources where the most gang activity is occurring.

This legislation recognizes that the root causes of gang violence need to be addressed – identifying successful community programs, and then investing significant resources in schools and civic and religious organizations to prevent young people from joining gangs in the first place. The bill is tough on gang crime, but also provides badly needed funding for gang prevention programs.

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I also strongly support Senator Boxer's Violence Against Children Act, and was an original co-sponsor of that bill. Her testimony at the hearing today will highlight that bill, and I am proud that we were able to incorporate the High Intensity Interstate Gang Activity Area concept contained in the Violence Against Children's Act into the comprehensive gang bill passed by the Senate.

It is past time for the federal government to come to grips with our escalating levels of gang violence and the devastating effect that gangs have on our children.

I thank Chairman Biden for holding this hearing, and I hope it will assist Congress in moving forward with comprehensive gang legislation.

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Writer's Direct Line
480.505.8835
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February 11, 2008

Senator Joe Biden
Committee on the Judiciary
Washington, DC 20510

Re: S. 1738 Combating Child Exploitation Act of 2007

Dear Senator Biden:

The Senate Judiciary Committee plans to soon consider your legislation S. 1738, the Combating Child Exploitation Act of 2007 which establishes a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

Go Daddy.com, the world's largest domain registrar, supports this legislation and applauds the efforts of the Committee to promote the safety of children on the internet and combat child internet predators.

We look forward to working with the Committee as this legislation works its way out of Committee to the Senate floor.

Very truly yours,

GODADDY.COM, INC.

Warren Adelman
President and Chief Operating Officer

/krw

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Testimony of Randall I. Hillman

Executive Director, Alabama District Attorneys Association

United States Senate Judiciary Committee

Subcommittee on Crime and Drugs

April 16, 2008

It is an honor and privilege to appear before you today. It is especially significant that we appear before you on a subject so vital to the future of effective law enforcement and prosecutors everywhere. What we discuss *this day* will make a difference for generations to come.

While the internet has been a great advancement and has made our world a much smaller place, it is not without its dark side. Those who would exploit our children, including child predators and child pornographers, were once relegated to back alleys and back rooms as places to engage in their terrible crimes. Now, with an internet connection and a few clicks of a mouse, that same criminal has an open window into the bedrooms of our children.

Our research has indicated that state and local law enforcement agents will handle well over 90 percent of the cases in America's criminal justice system annually. State and local law enforcement and prosecutors are the emergency room doctors of the justice system. We are on the front lines of fighting child predators and child molesters every day.

In the past 50 years there have been two major watershed events in the criminal justice arena, the advent of the science of DNA and that of digital storage and communication devices. While DNA is relevant in many investigations, its impact pales

in comparison to the numbers of criminal cases in which digital evidence is found. We are trained and skilled at investigating robbery cases, murders, rapes and other similar crimes. *Yet,* too often, when a call comes into that same department that a child has been cyber-stalked by a sexual predator via some communication device, the caller is met with silence. While some larger law enforcement departments have available resources to handle these cases, the majority of other agencies are caught short. Simply put, we know about blood and bullets, but we are sorely lacking in our ability to deal with megabytes and megapixels. The most glaring disconnect in the push to eliminate child predators lies in our lack of training. This is due to two equally important factors, cost of training and availability of training. Ladies and gentlemen of the Committee, we are asking you to leverage us as a resource. If properly trained, we would be a potential investigative army striking at the core of the most vile of all criminals – those who exploit and prey on children.

The National Computer Forensics Institute (NCFI) was created as a solution to the lack of cyber-crime training for law enforcement, prosecutors and trail judges throughout the United States. This training facility was conceived, developed and will soon begin the implementation of curricula driven from a law enforcement perspective. The methods employed there are time-tested and proven in countless courts across this nation. Purposefully, it is not from academia and is not merely a theoretical exercise, but is designed to maximize our ability to catch and incarcerate cyber criminals.

The NCFI is a partnership of federal, state and local governments who recognized the huge void in this area and joined together to solve the problem. This partnership includes the United States Department of Homeland Security, the United States Secret

Service, the State of Alabama, the Alabama District Attorneys Association and the City of Hoover, Alabama. The NCFI is approximately 90% complete and will begin training state and local law enforcement, prosecutors and trial judges May 19, 2008. Once complete, the NCFI will have the ability to train nearly 1700 students per year in all facets of digital evidence from first responders to network intrusions to forensic examinations. Most importantly for today's hearing, the NCFI will equip state and local law enforcement officers to effectively investigate child pornography cases. The NCFI will teach law enforcement officers to use the most advanced law enforcement technology, including the technique presented to the sub-committee by Special Agent Flint Waters, to insure that the worst abusers are brought to justice. In addition to classroom and hands-on instruction we will have students practice courtroom skills using the in-house smart courtroom. This training will be provided at absolutely no cost to trainees and many will be provided with equipment, hardware and software to carry out their newly acquired skills.

Because the NCFI was designed by law enforcement for law enforcement, because we have a brand new state of the art facility designed exclusively for this type of training, because this training is free of charge to all participants, and because this is our sole function, I am convinced that the NCFI is the best tool this nation has to fill the training gap that currently exists for state and local law enforcement regarding child exploitation and child predator cases.

Mr. Chairman and members of the Committee, you are in a truly unique position. Through this bill, you can make a substantial impact on the lives of people who can not help themselves. Children are our most precious asset and are, at the same time, our most

vulnerable one. I would humbly ask on behalf of all law enforcement, federal and state, that you give us the training and tools we so desperately need to see that our children are safe from those who would harm them.

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INTERNATIONAL UNION OF POLICE ASSOCIATIONS AFL-CIO
THE ONLY UNION FOR LAW ENFORCEMENT OFFICERS

SAM A. CABRAL
International President
DENNIS J. SLOCUMB
International Executive Vice President
Legislative Affairs
TIMOTHY A. SCOTT
International Secretary-Treasurer

July 11, 2007

The Honorable Joseph R. Biden
United States Senate
Washington, DC 20510

Dear Senator Biden;

On behalf of The International Union of Police Associations, AFL-CIO, I am proud to add our names to those who have endorsed S. 1738, the **"Combating Child Exploitation Act of 2007."**

There is no doubt that the internet, while giving us access to the world, has also given the world access to our children. Predators have exploited this link to enter into our children's lives without oversight. Many of them actually lure these children into making direct contact, almost always for unlawful and exceedingly harmful purposes. There are millions of child pornography arenas in which children are exploited, raped and otherwise injured and have had their lives devastated to satisfy the unnatural urges of these degenerates.

Our law enforcement officers have made a lot of progress in thwarting many of these crimes and have been successful in identifying, arresting and convicting these predators. Sadly they are not as successful as they could be if they were given additional training, equipment and personnel. This Act will do just that.

Additionally, it will create task forces, combining federal, state and local law enforcement agencies to address these crimes in a coordinated and systematic method. It will cause a nationwide sharing of information through data bases. It will also, and importantly, educate parents and caretakers on the recognition and prevention of these assaults on our most innocent.

I look forward to working with you and your staff to bring this critical legislation forward.

Very Respectfully,

Dennis Slocumb
Executive Vice President

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Statement of Senator Patrick Leahy
Chairman, Senate Committee on the Judiciary
On "Challenges and Solutions for Protecting Our Children from Violence in the 21st Century"
April 16, 2008

Today the Judiciary Committee considers the issue of how to protect our most precious resource – our children and grandchildren – in these complicated and sometimes dangerous times. It is National Crime Victims' Rights Week, and we need to do all that we can to protect our children from becoming victims of crime. I thank Senator Biden for holding this hearing and for his leadership on the issues of internet safety and crime prevention.

This Committee has been actively working to find ways for the Federal government to contribute to keeping our children safer. In December we reported for consideration by the full Senate three important pieces of internet safety and child protection legislation. The Committee passed legislation that reauthorizes the National Center for Missing and Exploited Children (NCMEC), an admirable organization that spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation. Further, NCMEC works to make our children safer by acting as a national voice and advocate for those too young to vote or speak up for their own rights.

The Committee also reported out the Internet Safety and Education Act, which sets up a grant program to give educators and parents the tools necessary to teach proper online interactions and promote safe Internet usage to their students and children in an age-appropriate manner. Lastly, the Committee unanimously reported Senator Schumer's KIDS Act, which would strengthen the nation's sex offender registry. While all of these bills have broad bipartisan support, a few Senators have placed holds on them, so far preventing them from passing the full Senate. I urge that the holds be lifted and that the full Senate pass these important bills.

Today's hearing focuses on S. 1738, the Combating Child Exploitation Act, a bill sponsored by Senator Biden. The bill continues the important work the Committee has been doing to keep our children safe. It seeks to streamline the protection and investigation of child exploitation cases by establishing a Special Counsel for Child Exploitation Prevention within the Department of Justice, and to combine state, local, and Federal insight into how best to address the growing problem of child exploitation on the Internet through creation of an Internet Crimes Against Children Task Force. I hope that this legislation will provide another chance for the Judiciary Committee to show that, by working together and incorporating new technology, we can make important strides to protect America's children from exploitation.

The Judiciary Committee has also been hard at work considering legislation that addresses other important aspects of the problem of how best to protect our children. This hearing on protecting our children from violence takes place on the first anniversary

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of the horrific incident at Virginia Tech that resulted in the tragic deaths of 32 students and faculty members, and serious injuries to many other innocent victims. Our hearts go out to the victims' families as they mourn their loved ones who tragically lost their lives before their time. Our sympathies also go out to the survivors of this terrible incident, as well as the entire Virginia Tech community, whose resilient spirit and courage in the face of tragedy over the past year have been truly remarkable.

Eight months ago, the Senate Judiciary Committee took a step to make our schools and college campuses safer when it reported the School Safety and Law Enforcement Improvement Act of 2007, S. 2084. Regrettably, the Senate has failed to take up and pass that bill to improve school safety. Today reminds us why this comprehensive legislation should be considered and passed without further delay.

Finally, the Judiciary Committee is hard at work putting together legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act. One of the best ways to keep all of our children safe is to find and advance the best approaches for keeping young people from turning to violence in the first place. Our recent hearing in Rutland, Vermont, on the rise of drug-related violent crime in rural areas also shed light on the effectiveness of programs which keep young people away from drugs and violence and on the need to a comprehensive approach to combating violent crime.

The Senate Judiciary Committee has been taking just such a comprehensive approach to the issue of keeping our children safe by exploring and addressing the problem from all sides. I thank Senator Biden and today's witnesses for their contributions to this important effort.

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Miami-Dade Police Department

Director's Office



An Internationally Accredited Police Service

We Care

We Protect

We Serve

November 13, 2007

The Honorable Joseph R. Biden, Jr.
United States Senate
201 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Biden:

On behalf of the Miami-Dade Police Department (MDPD), I am writing to express strong support of your proposed legislation, the Combating Child Exploitation Act of 2007 (S. 1738). If enacted, the bill will increase the resources available to MDPD to assist us in our efforts to combat Internet child sexual predators.

I believe that S. 1738 will allow us to step up enforcement efforts against those that prey upon our children. In recent years, law enforcement has had the enormous task of investigating, arresting, and prosecuting crimes against children perpetrated by offenders hiding or disguised in cyberspace. The MDPD has created a unit that specifically handles cases against sexual predators that utilize the Internet.

Although MDPD has made significant progress in identifying, investigating, arresting, and prosecuting these crimes, additional training, equipment, and personnel will allow us to better address the issue and protect our children. It is important to note that S. 1738 allows MDPD to request grant funds through the Internet Crimes Against Children (ICAC) Task Force Program for the additional training, equipment, and personnel.

Additionally, S. 1738 will allow MDPD to create task forces, combining federal, state, and local law enforcement agencies to address these crimes in a coordinated and systematic effort. It will allow a nationwide sharing of information through databases. But most importantly, it will greatly assist MDPD and law enforcement in combating sexual exploitation and abuse of our most innocent victims, our children.

Sincerely,

Robert Parker
Director

9105 NW 25 Street • Miami, Florida • 33172-1500
Telephone (305) 471-2100 • Fax (305) 471-2163 • Website http://www.mdpd.com

Testimony of Lt. Robert Moses

Delaware State Police

Senate Judiciary Subcommittee on Crime and Drugs

"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"

Wednesday, April 16, 2008, 2:00 PM

226 Dirksen Senate Office Building

Good afternoon Chairman Biden and Raking Member Sessions. My name is Lt. Robert Moses. I am the officer-in-charge of the Delaware State Police High Technology Crime Unit and the commanding officer of the Delaware Child Predator Task Force. Thank you for the opportunity to discuss a most successful law enforcement program; the Internet Crimes Against Children Task Force.

I am particularly honored to be here with you and some of my peers in law enforcement. The dedication, knowledge and skills of agents around the nation -- along with federal funding assistance -- have helped to make the ICAC program a success in Delaware and across the country. In particular, Flint Waters of the Wyoming ICAC has led the charge in the efforts against Child Sexual Exploitation. His vision and technical skills have provided law enforcement agencies world-wide with Operation Fairplay. Operation Fairplay software allows law enforcement to proactively identify criminals who possess and distribute child pornography. This software tool enhances our ability to quickly arrest and prosecute sexual predators.

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In the past, proactive undercover cases were only developed by officers communicating with predators in chat rooms and other Internet forums. These cases required hundreds of hours of investigative effort and caused unique legal and investigative challenges. In reality, only a small fraction of the predators were actually identified through that investigative method because law enforcement simply did not have enough time or the right resources to reach them. Thanks to Flint, and the dedicated men and women of the Wyoming ICAC, we now have an additional weapon in our fight against child sexual offenders that allows us to more efficiently and effectively identify more predators and take them off the streets.

By using the Wyoming ICAC software to target individuals who possess and distribute child pornography, we will have a profound effect on the safety of our children by saving them from the physical and psychological trauma of sexual abuse. To be clear – possessors of child pornography are predators. But moreover, research has shown that that at least 30% of all individuals who possess child pornography have had sexual contact with a child, as well.

We see these cases in Delaware all the time. One instance involved a father of an 18 month old male who videotaped himself sodomizing his baby. We have encountered a child therapist who counsels children with sexual disorders abusing his clients and downloading child pornography. We have investigated and prosecuted police officers who possessed child pornography.

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You have just seen a sampling, but even that could not prepare you for the shocking nature of the violent, degrading pornography we see every day in our investigations. Pedophiles often use these materials for their own sexual arousal and gratification. In a process known as "grooming," predators use graphic materials to lower the inhibitions of children they are attempting to seduce. The predators use the same materials in an effort to arouse children or to demonstrate the desired sexual acts. It cannot be forgotten that each time a graphic image moves on the Internet, the child in the photograph is being re-victimized.

Today, electronic crime investigations of child sexual exploitation can pose unique and difficult challenges to law enforcement. The technical nature of computer hardware and software, as well as the Internet and other forms of electronic communication are very complex. Sex offenders today communicate with children and transmit child pornography images using various techniques to conceal their electronic footprints. Investigators must deal with not only the complicated technical, legal and jurisdictional issues when the Internet and computers are involved, but also need highly trained and equipped individuals to conduct the forensic examination of the electronic media seized. The forensic examiner provides the evidence necessary for the prosecution of online sexual exploitation investigations, and also develops other investigative leads pointing to the identity of other victims or other suspects.

To illustrate this point, the Delaware ICAC received three "Cybertips" from the National Center for Missing and Exploited Children regarding an individual who sent child pornography images via email. Investigation

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revealed the sender of the email was Paul Thielemann, of Georgetown, Delaware. A search warrant was executed at Thielmann's residence and two computers and other electronic media were seized. A forensic examination revealed images and videos of sexually abusive images of children, as well as nearly 3,000 online chats between Thielemann and several other individuals. These chats were discussions of their desire to have sex with children as young as 18 months old. As a result of our investigation, nine suspects were ultimately turned over to the United States Attorney's Office to be prosecuted under federal laws that call for harsher penalties than current Delaware statute. Five children were rescued.

There are many success stories, but the lack of skilled computer forensic examiners, equipment, and lab facilities create a burden on law enforcement because it prevents the timely investigation and prosecution of electronic crimes. In response to these factors and the increased sophistication of technology challenging Delaware law enforcement in their investigation of electronic and computer crimes, in June of 2001 the Delaware State Police established the High Technology Crimes Unit (HTCU). Since its creation, the HTCU has seen a significant increase in requests from state and local law enforcement agencies for the forensic analysis of electronic media that contains evidence of online child sexual exploitation. Furthermore, due to the increased size of hard drives, the different types and the increased numbers of electronic media being seized, these examinations require much more time. Computer hard drives can now be inexpensively purchased in sizes up to 1000 GB. To put a Gigabyte (GB) into perspective, a 12 GB hard drive can contain approximately 4,300,000 pages. If stacked, those pages be would equal to 1,431 feet. In comparison, the Sears Tower in

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Chicago stands 1,450 feet tall. And these predators are filling their hard drives with evidence of child sexual abuse.

Advances in technology present the computer forensic specialist with continually evolving challenges. It is essential that forensic computer examinations be conducted by properly skilled and qualified staff who have the appropriate equipment and training. On average it takes 12 to 18 months and costs approximately $40,000 to fully equip and train a new forensic examiner. Additionally, given that technology is continually advancing, it is important that the examiner receive ongoing training and equipment upgrades.

In Delaware we now have a statewide Child Predator Task Force that streamlines the efforts of federal, state, and local law enforcement to proactively go after child predators and possessors of pornography. The Task Force was initially formed as the Delaware Internet Crimes Against Children Task Force in June 2007 as a partnership between the Delaware State Police, the Delaware Department of Justice, and the U.S. Attorney's Office. After receiving at $250,000 federal ICAC grant last October, the Task Force secured additional training and equipment that is used by prosecutors and investigators who now work side by side in the Task Force headquarters. The Delaware Child Predator Task force is the central hub for coordinating online child sexual exploitation cases across the entire state.

Additionally, the federal funding provided to Delaware law enforcement has enabled us to develop a coordinated approach to reducing the incidences of online sexual exploitation. Along with the previously mentioned agencies

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and with the help of the FBI, U.S. Immigration and Customs Enforcement, the National Center for Missing Exploited Children, and the 59 ICAC Regional Task Forces, we now have the resources and coordination necessary to develop an effective strategy to prevent, indentify, investigate and prosecute online sexual predators.

The demands for fighting back against online sexual exploitation are extensive and will continue to increase dramatically as technology evolves. With continued federal funding and support, the Internet Crimes Against Children Program will continue to navigate this fast-changing terrain in an effort to outpace those who use computers and the Internet to victimize our children.

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WILLIAM J. JOHNSON
Executive Director

September 13, 2007

The Honorable Joseph R. Biden, Jr.
United States Senate
201 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Biden,

On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing S. 1738, the "Combating Child Exploitation Act of 2007," and advise you of our strong support of the legislation. If enacted, this bill will increase the resources available to state and local law enforcement to assist them in their efforts to find, arrest, and prosecute those who prey upon children.

Child exploitation is a very serious and growing problem, particularly with the easy accessibility of the internet. Additionally, it is a crime that takes considerable time and resources to combat. The "Combating Child Exploitation Act of 2007" recognizes these issues and works to address them by providing the resources necessary to establish a national network of highly trained federal, state and local investigators to focus exclusively on child exploitation. Specifically, the legislation will establish a formula grant program for the Internet Crimes Against Children (ICAC) Task Force Program, which will ensure that local agencies have the additional support necessary to create robust cyber units with highly trained investigators. It is important to note that state and local law enforcement agencies will be able to use the ICAC Program grant funding for the hiring and retention of highly trained officers. S. 1738 will also authorize funding, over an eight year period, to hire 250 new federal agents at the FBI, the Immigrations and Custom Enforcement Agency, and the U.S. Postal Service, who will be dedicated to combating child exploitation.

Through the provision of new resources and the increase of existing resources to aid in the investigation of child exploitation cases, the "Combating Child Exploitation Act of 2007" will be a significant step towards protecting our nation's children. I thank you for your continued support of law enforcement. If you have any questions, please feel free to contact me, or NAPO's Director of Governmental Affairs, Andrea Mournighan, at (703) 549-0775.

Sincerely,

William J. Johnson
Executive Director

NATIONAL SHERIFFS' ASSOCIATION

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WWW.SHERIFFS.ORG • NSAMAIL@SHERIFFS.ORG

September 25, 2007

The Honorable Joseph R. Biden, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator Biden:

On behalf of the National Sheriffs' Association (NSA), I am writing to express strong support for the Combating Child Exploitation Act of 2007 (S.1738). The proposed measure would provide law enforcement unprecedented and the needed resources to fight Internet child sexual predators.

We believe that S. 1738 is the next aggressive step toward enabling Federal, State, and local law enforcement to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. In recent years, with the rapid growth of technology, law enforcement has had the overwhelming task of investigating and prosecuting crimes against children perpetrated by an offender hiding in the midst of cyberspace.

Not only would S. 1738 provide more funding, training, and technology for law enforcement Internet Crimes Against Children Task Forces (ICAC) in every state, but it also would establish a Special Counsel for Child Exploitation Prevention and Interdiction to coordinate Department of Justice policies and strategies for the prevention and investigation of child exploitation cases. Additionally, a newly created National ICAC Data Network Center would aid law enforcement in information-sharing.

Every day sheriffs across the country, led by ICAC are working hard to identify, stop and prosecute those who use the Internet to exploit children and the National Sheriffs' Association will continue to advocate for measures that would enhance law enforcement capabilities to ensure our children are safe. I would like to commend you for introducing this key measure that would greatly assist law enforcement agencies nationwide to combat sexual exploitation and abuse of children.

Sincerely,

Craig Webre

Craig Webre
President

Serving Our Nation's Sheriffs Since 1940

Department of Justice

STATEMENT OF

McGREGOR SCOTT
UNITED STATES ATTORNEY
EASTERN DISTRICT OF CALIFORNIA
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND DRUGS

CONCERNING

"CHALLENGES AND SOLUTIONS FOR PROTECTING OUR CHILDREN FROM VIOLENCE AND EXPLOITATION IN THE 21ST CENTURY"

PRESENTED

APRIL 16, 2008

Chairman Biden, Ranking Member Graham, and distinguished Members of the Subcommittee, thank you for the opportunity to discuss the Department's commitment to protecting the most vulnerable persons in our communities, our children.

My name is McGregor Scott and I am the United States Attorney for the Eastern District of California. I am proud to sit before you today to emphasize that the Department attaches the utmost importance to protecting America's children from sexual offenders through its coordinated and targeted efforts. Effectively employing various components and resources to combat crimes against children, the Department's efforts are enhanced by close cooperation with our state, local, and private partners in this critical fight.

As this panel knows, the Internet and other communications technologies are increasingly used by sexual predators and abusers as tools for exploiting and victimizing our children. These technologies have contributed to a significant increase in the proliferation and severity of child pornography. They provide people with sexual interest in children with an easily accessible and seemingly anonymous means for collecting and distributing a large number of images of child sexual abuse. Eventually, some offenders turn to producing their own images. The result has been that images of child sexual abuse today are more disturbing, more graphic, and more sadistic than ever before, and they involve younger and younger children, even infants.

As the Internet and related technologies have grown, children have become increasingly at risk of being sexually solicited online by predators. Law enforcement is uncovering an escalating number of enticement cases, where perpetrators contact children through the Internet or other technologies and arrange to meet for the purpose of sexual contact. The Internet, for all of its good and valuable purposes, has become a tool for evil in the hands of those who seek to exploit and abuse our children.

Responding effectively to the threats of child pornography and enticement offenses demands a comprehensive effort. It requires a coordinated and robust response by law enforcement at all levels. It also demands that non-law enforcement partners work together with law enforcement in, among other things, raising public awareness of these dangers, educating parents and children about Internet safety, and working with victims of child exploitation.

The Department's Commitment to Combating Child Exploitation

The Department's latest response to this challenge is Project Safe Childhood (PSC), launched in 2006. PSC is modeled on the blueprint of the successful Project Safe Neighborhoods initiative, a nationwide program started in 2001 to reduce gun crime. As with PSN, PSC created, on a national platform, locally designed partnerships of federal, state and local law enforcement officers in each federal judicial district to investigate and prosecute Internet-based crimes against children. With the U.S. Attorney as the convener, each local community has designed and implemented programs that are uniquely tailored to its needs, while maximizing the impact of national resources and expertise.

Since its launch, PSC has helped build and grow broad partnerships within the federal government and across the country and the world, involving federal, state, and local investigators

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and prosecutors, non-profit organizations such as the National Center for Missing & Exploited Children (NCMEC), private industry, and international bodies. In addition, since the start of PSC, the Department has added 73 Assistant United States Attorneys nation-wide. This approach to marshaling our collective resources is working.

In FY 2007, its first full fiscal year, Project Safe Childhood led to a 14 percent increase in Federal Bureau of Investigations (FBI) investigations over the previous year for a total of 2,443 new investigations and a 27.8 percent increase in cases filed by federal prosecutors. Arrests by the Internet Crimes Against Children (ICAC) Task Forces are up 15 percent to more than 2,400 arrests for the year. This success is not an aberration. Federal prosecutions of child exploitation crimes had increased in each of the ten years leading up to the implementation of PSC.

Figure 1.

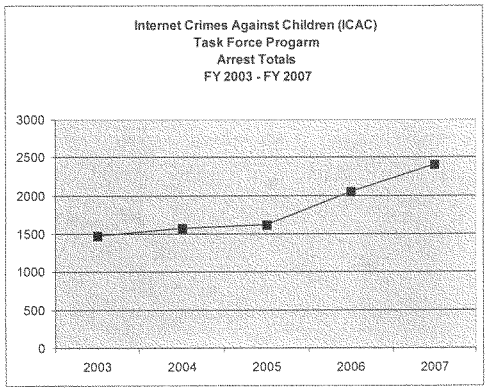


Figure 1 shows the increase in the number of arrests by the ICAC Task Forces from FY 2003 (1,474) through FY 2007 (2,403)

More importantly, law enforcement and NCMEC together have identified more than 1,200 victims of child pornography crimes, 323 of them last year alone. Those aren't just images—they're real children whom we can save. The Department hopes to continue to build on this successful model to prevent crimes, protect children, and punish the offenders.

But beyond these efforts, we need to acknowledge the nature of the challenge we face, with computer-savvy criminals committed to harming children. We cannot arrest and prosecute our way to a point where all American children are safe. Rather, we need to help young people make good decisions to keep themselves safe in the first instance. In partnership with the Ad Council and NCMEC, and thanks to tens of millions of dollars of donated air time, we launched a series of television and radio ads to encourage young people to "Think Before You Post."

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The Department, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), has also awarded six grants, totaling $4 million, to raise public awareness of internet safety issues and provide valuable training to adults and kids. These grants will help community groups in California, Washington, Michigan, Vermont and the District of Columbia get the message out, and provide the kind of information people need to protect themselves and their families.

United States Attorneys

Having provided an overview of how PSC has worked nation-wide, I want to point out that we have also forged strong relationships with our state prosecutors, and worked with them on numerous parallel prosecutions of the most serious offenders. These efforts have produced significant results in identifying, investigating, and prosecuting child sex offenders, and in ensuring that the most serious offenders are committed to prison for lengthy periods. PSC, through enhanced coordination, has led to successful prosecutions in my district through partnerships between my office, the Criminal Division's Child Exploitation and Obscenity Section (CEOS), and federal and local investigators.

Several cases come to mind. These cases are not unusual. I cite them because they typify the results we get by networking with our local counterparts.

The first was the result of a complaint to the Folsom Police Department from the parents of a 12-year-old girl who revealed that the father of a friend had molested her at a sleep-over at the friend's house. The father, who was a 4th-grade math teacher at a local elementary school, frequently hosted Friday night sleep-overs for his daughter's friends. The child also revealed seeing pictures of naked children on a computer in the home. Folsom Police ultimately searched the target's residence and seized his computer. Folsom Police requested the assistance of the FBI. When the computer was analyzed, agents found thousands of images of child pornography. Among the images were pornographic images the target had taken of children who had been invited to attend his sleepovers. Some of the images depicted sexual abuse by the target. Because of the partnership forged between local prosecutors and my Assistant U.S. Attorney assigned to the case, plea agreements were negotiated which required that the defendant, Scott Gmitter, plead guilty to multiple counts of state charges alleging lewd and lascivious acts with a minor under 14, and to several federal charges alleging production and possession of child pornography. The agreement provided that Gmitter would serve his federal sentence of 262 months first, before beginning his state sentence, which was effectively life in prison.

The second case was a child prostitution case prosecuted last year by our office. It started with a report to the Elk Grove Police Department of a missing 12-year-old girl. Because of concerns for the child's safety, Elk Grove Police immediately called in the FBI. The girl's computer was then seized and analyzed by officers from the multi-jurisdictional High Tech Crimes Task Force. Agents, detectives, and officers from numerous local, state and federal law enforcement agencies pitched in to locate the child who law enforcement believed had likely been taken advantage of by a local pimp. Five weeks after the child was reported missing, she was located getting on a bus in Seattle Washington. She was in the company of a known pimp and was on her way to San Diego where the pimp intended to have the child engage in

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prostitution. In all, due to the cooperative efforts of law enforcement from multiple jurisdictions, three pimps were identified as having facilitated sexual encounters with the child after she was initially picked up by the first pimp, a Deonte Santos of Sacramento. Federal charges were filed against Santos in the Eastern District of California, and against two other pimps in the Western District of Washington. A federal jury found Santos guilty last October of sex trafficking charges. Plea agreements were negotiated with the other two defendants. Local prosecutors in Sacramento have also filed charges against Santos alleging he sexually assaulted the 12-year-old girl when he talked her into working for him as a prostitute. Santos is looking at a possible life sentence in prison. He is scheduled to be sentenced on May 9, 2008.

The third case began in Fresno, California and was jointly investigated by the Fresno County Sheriff's Department and special agents with the Department of Homeland Security's Immigration and Customs Enforcement (ICE).

The Sheriff's Department received a lead that one of its own – a former detective in the Sex Crimes Unit who investigated child pornography offenses – may have been in possession of child pornography. Lacking enough evidence for a warrant, ICE and the Sheriff's Department visited the former detective at the photography studio he ran full-time, where he allowed investigators to search his laptop, where they found file names suggestive of child pornography. An analysis of the seized computer media showed that he had obtained sexually explicit images of children while working for the Sheriff's Department, and that he had also downloaded illegal images from the Internet through a peer-to-peer file sharing program after he left the Sex Crimes Unit. After the Assistant United States Attorney who prosecuted the case, and who was ably assisted by a CEOS Trial Attorney and a Computer Forensic Specialist from CEOS's High Technology Investigative Unit (HTIU), presented the evidence, a federal grand jury indicted the defendant on three counts: two counts of possessing child pornography and one count of receiving child pornography. After hearing six weeks of evidence in this hotly contested case, the jury deliberated for less than a day before finding the former detective guilty of all three counts. Sentencing is currently set for May 19, 2008.

Two of the prosecution witnesses at trial were law enforcement officers from North Carolina, who identified the children in some of the images found on the defendant's computer. These witnesses were found through the Child Victim Identification Program which is operated by NCMEC.

This case succeeded because of across-the-board cooperation between ICE, the Fresno County Sheriff's Department, the ICAC program, NCMEC, my office, and CEOS and its HTIU. While everyone in these agencies was deeply saddened to learn that a former member of law enforcement had broken the very laws he had sworn to uphold, the seamless cooperation of these agencies made it possible for us to prosecute him for his crimes to the fullest extent of the law.

Having given you a great case example of how the various parts of the Department successfully work together to investigate crimes against children together with our state and local partners, let me tell you more about the Department's strategy in the fight against crimes against children.

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Internet Crimes Against Children Task Forces

I would like to now turn to the ICAC task force program, which is a key part of the nation's fight against child sexual exploitation. The Department's Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention (OJJDP) is responsible for the ICAC task force program, which has been operational since 1998. In 2003, President Bush sought to increase funding and directed the Justice Department to expand the program to assure nationwide coverage. In the two years following the issuance of that directive, the number of task forces expanded from less than 20 to 46, achieving the national coverage the President requested. Since 2005, as part of PSC, 13 additional task forces have been added as the need for investigations has grown and technological changes have led to the need for greater forensic investigative capacity. As a result, there are now 59 task forces, with at least one in each state.

Figure 2.

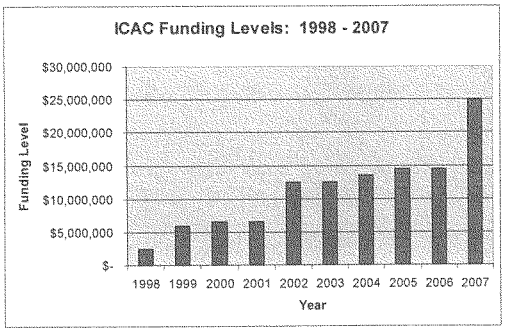


Figure 2 shows the growth in funding for the ICAC program from FY 1998 – FY 2007.

The ICAC task force program, in conception and execution, seeks to join state and local partners with United States Attorney's Offices and the Department's Criminal Division. ICAC task forces are key partners with PSC, which benefits from their long record of successful cooperation with their local federal prosecutors. Today, more than 1,800 local law enforcement agencies are members or affiliates of the 59 task forces.

ICAC task forces also benefit from OJJDP's central role as a program funder, manager, and policy development office for many of the most significant non-governmental organizations, including the NCMEC, service providers, training and technical assistance experts and smaller Internet safety programs. Although the funding for those organizations is not a part of the ICAC program, it nonetheless benefits ICAC task forces by ensuring that those organizations are available to support task force efforts. For example, those organizations develop materials and programs used by ICAC task forces to provide Internet safety education through schools and other community based organizations.

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There are a few defining features of the ICAC task force program that are critical to its success. First, OJJDP spends millions of dollars each year to provide technical assistance and training for ICAC task force investigators, prosecutors, and police management to assure that they are kept abreast of changes in case law, as well as the investigative techniques and operational protocols. This outreach enhances the field's ability to identify, investigate and prosecute predators and child pornographers. This coordination happens not only at the task force level but at the headquarters level as well. Quarterly meetings are held with all major participants, at all levels, to discuss investigative or prosecution issues with the goal of disseminating suggestions and solutions to the field.

Figure 3.

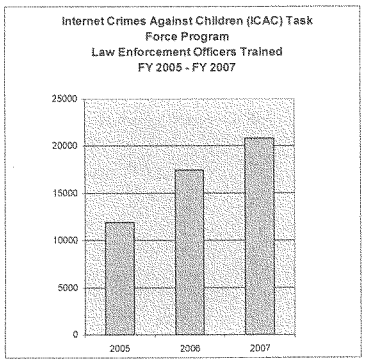


Figure 3 shows the increase in the number of law enforcement officers trained by the ICAC Training Program from FY 2005 – FY 2007.

Second, since the inception of PSC in 2006, data collection efforts were substantially enhanced to make sure that the Department could see progress by both federal and state agencies in protecting children. Today, each task force is required to provide information to the Office of the Associate Attorney General as to the number of investigations, referrals, and prosecutions undertaken by state and local law enforcement and prosecutors. The ICACs are also required to submit semi-annual reports to OJJDP outlining their accomplishments at developing a comprehensive, multi-agency, multi-jurisdictional response to technology facilitated child sexual exploitation. This allows us to examine in detail the progress of each task force.

Criminal Division's Child Exploitation and Obscenity Section

The Criminal Division, and in particular CEOS, plays an integral role in the Department's strategy concerning child exploitation issues. CEOS trial attorneys and computer forensic specialists litigate cases, train prosecutors and law enforcement officers, and develop policy and legislative initiatives.

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For three reasons, CEOS has a unique role in the Department's work on child exploitation issues. First, CEOS is unique in that it both litigates cases and analyzes and develops policy and legislative initiatives. The Department benefits greatly by having an office with attorneys who handle both litigation and policy responsibilities. Their practical experience and constant work with attorneys in the field places them in an optimal position to identify areas where legislation is needed or could be improved. They then often lead the field in using the new statutes they helped develop. For example, CEOS was involved in the creation of 18 U.S.C. § 3509(m), which governs discovery procedures in cases involving sexually explicit images of minors, and then was involved in defending against several constitutional challenges to this new provision.

Second, CEOS not only has daily contact with investigators in the field through its litigation of cases, but also works regularly at a management level with the FBI, ICE, the U.S. Postal Inspection Service, and other agencies, non-governmental organizations, and investigative authorities. CEOS relies on that range of experience and breadth of its relationships to coordinate the Department's work on these kinds of cases.

Third, CEOS has unsurpassed in-house forensic capability with national impact. Six years ago, in recognition of the growing relationship between advanced computer technology and child exploitation crimes, CEOS created an in-house computer forensic unit, the HTIU. It was the first of its kind among federal prosecutorial offices, and provides the Department with the capacity to investigate and prosecute cutting-edge, technologically complex child exploitation crimes. Additionally, because they possess advanced technological expertise in child exploitation crimes and work at CEOS, the computer forensic specialists in HTIU develop protocols and help shape policy designed to make investigations and computer forensic analysis more effective for law enforcement nationwide.

CEOS also plays a key role in promoting child exploitation cooperation with our international counterparts. For example, CEOS meets regularly with international delegations to share the experience of the United States in investigating child exploitation crimes and has worked with the United Nations, the G8, the Council of Europe, and individual countries, including China and Russia, on child exploitation issues.

Project Safe Childhood benefits from the expertise of CEOS attorneys and computer forensics specialists. CEOS contributes to PSC by developing and coordinating national and international operations targeting mass distribution mechanisms, such as commercial websites or peer-to-peer software, and also by regularly conducting training, including regional PSC training sessions. Moreover, CEOS provides training as part of the annual Crimes Against Children conference in Dallas, Texas, the annual Internet Crimes Against Children conference, the seminar on Protecting Victims of Child Prostitution held regularly at NCMEC, as well as annual course sponsored by CEOS held at the National Advocacy Center.

While CEOS plays an important role, the Department has many other key components whose collective experience is critical to our efforts to combat child exploitation crimes. In addition to CEOS, investigators from the FBI, prosecutors from the US Attorney's Offices, and policy and program expertise from OJJDP and the ICAC Task Forces, also enable the

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Department to advance domestic interests by building relationships with international law enforcement entities and by working with a variety of international organizations. For example, the Department meets regularly with international delegations to share the experience of the United States in investigating child exploitation crimes and has worked with the United Nations, the G8, the Council of Europe, and individual countries, including China and Russia, on child exploitation issues.

It is crucial to recognize that these successes do not happen by accident. Rather, they occur because law enforcement and others at all levels are talking to each other and working in cooperation. This is a strong, nationwide coalition of the committed—with countless partners dedicated to supporting each other and pulling together toward our simple goal of making childhood the safe and hopeful time it should be.

Conclusion

We continue to look for ways to coordinate and better leverage limited resources. For example, Department components--including OJJDP, the Bureau of Justice Assistance (BJA), CEOS, and the Office of the Chief Information Officer (OCIO)--are currently collaborating to map out the development of a joint data sharing and case deconfliction system to serve federal, state and local law enforcement. This effort will build on an existing network by adding additional tools to the current system.

As the Subcommittee is aware the Department issued a views letter on the introduced version of S. 1738, the "Combating Child Exploitation Act of 2007" which recognized the important goals of the legislation while expressing concerns about the unintended consequences of a number its provisions. The Department strongly supports the commitment of Senator Biden, Senator Hatch and other sponsors of this legislation to combat crimes against children. We appreciate the opportunity to work with the Committee's staff to address the Department's concerns and look forward to providing continued technical assistance to further enhance the vital goals of this legislation.

Senator Biden, Senator Hatch and other members of this Subcommittee have shown a deep bipartisan commitment to protecting our children. We at the Department thank you for that commitment and appreciate your support for our efforts. I hope that my testimony here today has helped explain the breadth and depth of the Department's efforts to combat child sexual exploitation.

Thank you. I would be happy to answer any questions you may have.

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Limited funds hinder child porn fight

By Wendy Koch, USA TODAY

More than 624,000 computers in the USA have traded child pornography, much of it showing the sexual abuse of very young children, in the past 2½ years, a leading police authority planned to tell Congress at a hearing Wednesday.

Yet federal authorities with limited resources pursue fewer than 1% of the leads, according to a USA TODAY analysis of government data.

Flint Waters, chief of the Wyoming Internet Crimes Against Children task force, has been tracking child porn to specific computers, by serial number, since October 2005. He says that last year, he identified nearly half the computers, 267,120, on just one online network.

U.S. attorneys prosecuted 1,705 cases last year and won 1,409 convictions, according to court records obtained by Transactional Records Access Clearinghouse at Syracuse University. The Justice Department says the numbers are higher — 2,118 prosecutions and 1,715 convictions — but it includes other online crimes against children. The cases result from all kinds of tips, not just those from Waters.

As child pornography becomes increasingly pervasive, spreading from the Internet to cellphones and iPods, police have new tools, such as the software Waters developed, to identify traffickers. A Senate Judiciary Committee hearing today will probe whether law enforcement, given those tools, is doing enough.

TECHNOLOGY: Software tracks child porn traffickers online

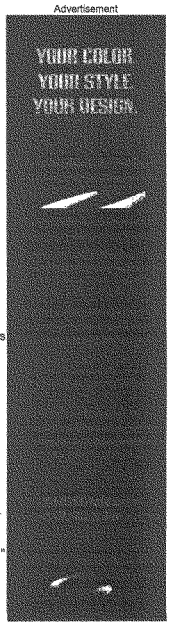
The Justice Department, particularly under former attorney general Alberto Gonzales, has called enforcement a top priority. Prosecutions more than doubled in the past five years, the department says, and the number of federal-state Internet Crimes Against Children task forces increased from 46 to 59 last year. In 2006, the department launched a program, Project Safe Childhood, to coordinate federal efforts.

"We're trying to use every available resource," says Drew Oosterbaan, chief of the department's Child Exploitation and Obscenity Section. He says there is "unparalleled" federal-state cooperation. "We're supremely more effective than we were."

A boom in funding, though, hasn't followed. "Everyone says great things, but ... it hasn't happened," says Arnold Bell, chief of the FBI's Innocent Images Unit, a program to fight child pornography. He says his program's funds have barely budged. It got $33.1 million in 2006, $34.8 million in 2007.

The number of child porn cases hasn't changed much. Innocent Images opened 2,440 cases last year, compared with 2,430 in 2003 and 2,370 in '02.

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"This problem is growing by leaps and bounds," says Sen. Joseph Biden, D-Del. He says the Justice Department hasn't committed enough resources to fight it and that department leadership on the issue is "non-existent." He is sponsoring a bill, passed by the House of Representatives in November, to spend $1.05 billion over eight years on fighting child porn. That would more than triple funding for the task forces, he says.

"You could easily apply another 1,000 agents" to fight online child exploitation, says Shawn Bray of the Cyber Crimes Center at U.S. Immigration and Customs Enforcement, which investigates child sex tourism, trafficking and porn.

"We're not even scratching the surface," says Waters, who has helped train 1,800 investigators to use his software. "We have to tell folks we're hurting."

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Software tracks child porn traffickers online

By Wendy Koch, USA TODAY

Police investigator Flint Waters types "toddler" on his laptop keyboard, and in the time it takes to read this paragraph, up pop dozens of pictures and videos that show young children being sexually molested.

"This is all live," meaning the files are currently being traded, Waters says. There are rapes of toddler in such innocent settings as diaper changes or bath time, and even more violent acts.

In a few keystrokes, Waters identifies the computers that contain one of the files, and with a few more, he finds how many such files each has. One in Arizona has 16,871, including "sleepover in her room" and "little girls mix."

His search is over in minutes.

Waters, chief of Wyoming's Internet Crimes Against Children task force, has developed software that identifies computers, by serial number, that trade child pornography on one online network. The information is used to locate the traffickers and obtain search warrants.

His software, used by 1,800 police investigators nationwide, is one of the most powerful new tools being used to combat a growing child porn industry.

"I don't think the public realizes how pervasive this is," says Alice Martin, U.S. attorney for the northern district of Alabama. "This is a problem that is going to require a lot more investigative and prosecutorial resources."

Waters says only a small share of traffickers are prosecuted, because police lack the resources to go after more of them. He worries that by revealing how few leads are pursued, he "may embolden some to keep trading."

Still, "I can't live with it," says Waters, 46, a father of four who works 70-hour weeks because he says he's haunted by images of abused children who haven't been rescued.

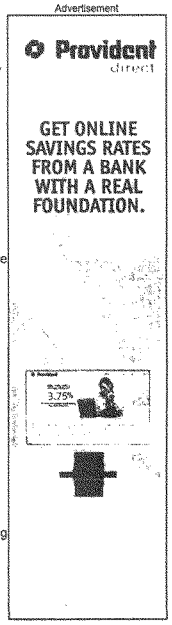
Who are the traffickers?

Almost all owners of the 624,000-plus computers that Waters has identified since he began tracking them in October 2005 have a collection of child porn and are not accidental downloaders, Waters says. His work has won awards from the Justice Department, the National Center for Missing & Exploited Children and the International Association of Chiefs of Police.

He says most cases prosecuted involve images of children younger than 8.

Of people arrested for possessing child porn, 83% had images of prepubescent kids and 80% had pictures of sexual

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penetration, according to a Justice Department-funded study that examined 1,713 arrests in 2000 and 2001. More than 99% of offenders were male, 91% were white, and 86% were older than 25.

"They're preachers, attorneys, cops" and other professionals, says Sheriff Mike Brown, head of southern Virginia's Internet Crimes Against Children (ICAC) task force.

Kevin West, lead special agent at North Carolina's ICAC, says that Waters' software generates far more leads than prosecutors can handle. In 2005, he investigated 66 cases in two weeks. The evidence tied up the state lab for two years.

Police receive other tips, too. More than 580,000 tips on child exploitation, mostly porn, have been reported to the CyberTipline, which was begun in 1998 by the National Center for Missing & Exploited Children, an organization that received $36 million in federal funds in 2006.

LACK OF RESOURCES: Limited funds hinder child porn fight

Last year alone, the CyberTipline received 105,000 tips involving more than 1.8 million still pictures and videos, many of which were then removed from Internet sites, says the center's Michelle Collins. "The numbers are increasing so fast," she says, because the storage capacity of computers has grown.

Waters' software tracks only one of several popular networks. It does not track chat rooms, e-mail, social networking sites or paid websites.

He says he has tracked hundreds of thousands more computers but can't always get their physical locations or serial numbers.

The number of computers identified is equal to less than 1% of the 70 million personal computers sold last year in the USA, according to sales data from research firm IDC.

Arnold Bell, chief of the FBI's Innocent Images Unit, a program to fight child porn, says there may be fewer traffickers than computers identified, because an individual could have more than one.

"There aren't enough cops in the world" to pursue every lead, he says, so the FBI focuses on cases in which kids may be located and rescued. He estimates that about a third of people who trade child porn also physically molest kids.

Bell says child porn has become more graphic, involving ever younger children. "Five years ago, I never saw babies," he says, and now there are "baby rape rooms" and videos of newborns. He says traffickers are savvier, too, using more encryption and new ways to distribute it, including cellphones.

"We're seeing a lot more teenage kids" using webcams and cellphones to take nude pictures of themselves, says Sgt. Scott Christensen, head of Nebraska's ICAC.

"Our phones ring off the hook with parents who say their kids are being solicited online,"

Are they molesters?

Teens may hurt only themselves when they post such videos. Researchers are trying to figure out how dangerous the adults are who traffic in child pornography.

People who collect it are more likely than others to molest children, but not all collectors are pedophiles, says David Finkelhor, director of the Crimes Against Children Research Center at the University of New Hampshire.

"Some people have voyeuristic interests who just don't act on them," says Fred Berlin, founder of the Johns Hopkins Sexual Disorders Clinic. For some, he says, voyeurism is an end in itself and may actually defuse sexual tension. For others, it could whet an appetite.

Finkelhor says 16% of people arrested between July 2000 and June 2001 for possessing child porn were found to have molested children.

Michael Seto, a research psychologist at the University of Toronto's Center for Addiction and Mental Health, found in several studies that one in four men arrested for possessing child porn had a history of molesting kids.

After sex offender treatment, 80%-85% of inmates convicted of possessing or distributing child porn admitted that they had molested children, according to two studies by Andres Hernandez at the Federal Correctional Institution in Butner, N.C. At the time they were sentenced, 26%-45% acknowledged molestation.

To reduce the risk, children must be educated to know how predators entice minors online, Sheriff Brown says. In 2006, Virginia passed a law requiring schools to teach Internet safety.

Education is important, but federal and state authorities need to do more, says Grier Weeks, head of the National Association to Protect Children, a group that lobbies for increased funds to fight child exploitation.

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If a sniper is shooting at kids on a street corner, Weeks says, it's good to tell kids to avoid that area, but, "at some point, you have to take out the sniper."

Find this article at:
http://www.usatoday.com/news/nation/2008-04-15-childporn-side_N.htm?loc=interstitialskip&POE=click-refer

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April 15, 2008

The Honorable Joseph R. Biden, Jr.
Chairman, Subcommittee on Crime and Drugs
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: S. 1738, Combating Child Exploitation Act

Dear Chairman Biden,

The Senate Judiciary Subcommittee on Crime and Drugs is scheduled to consider your legislation, S. 1738, the Combating Child Exploitation Act, to increase funding and provide additional resources for the nation's Internet Crimes Against Children (ICAC) task forces. US ISPA has long supported added resources and appropriations for the ICACs, and we applaud your efforts to assist law enforcement in preventing, investigating and prosecuting crimes against children.

S. 1738 would make available additional personnel and agents, and establish a position of Special Counsel for Child Exploitation Prevention and Interdiction within the Department of Justice to assist with coordination of interagency and legal matters. The proposed funding would provide for further technology improvements and the advancement of regional forensics labs; a much needed information-sharing and analysis capability. The legislation would also grant local and state authorities additional investigatory tools in circumstances involving the exploitation of a child, which US ISPA supports.

We look forward to the discussion during the hearing.

Sincerely,

Christopher G. Bubb
Chairman

###

The United States Internet Service Provider Association (US ISPA) is a national trade association founded in 2002 to represent the common policy and legal concerns of the country's largest service providers, portals and network providers. US ISPA focuses on issues of legal compliance, online child protection, content regulation, privacy and national security.

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TESTIMONY OF

Special Agent Flint Waters
Lead Agent for the Wyoming Internet Crimes Against Children Task Force

WYOMING DIVISION OF CRIMINAL INVESTIGATION
OFFICE OF THE ATTORNEY GENERAL

for the

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND DRUGS

"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"

April 16, 2008

Chairman Biden, Ranking Member Sessions, distinguished Senators, thank you for the opportunity to testify before you today on the subject of violence and exploitation against children. I am Flint Waters, Special Agent with the Wyoming State Division of Criminal Investigation. We are home to the Wyoming Internet Crimes Against Children (or "ICAC") task force. We also developed child exploitation investigation software and host the undercover infrastructure that is used by law enforcement agencies throughout the United States and the world.

I am here today first as a front-line investigator—as an officer who is on the ground, pursuing these cases, serving the warrants, arresting the offenders and rescuing the children. I see the challenges first hand.

I am also here today to offer my insight from a broader perspective. Because of Wyoming's role in research, development and deployment of anti-child exploitation programs and systems, we see a "big picture" that was not visible just three years ago.

Our system, known as "Operation Fairplay," is housed by the State of Wyoming and used throughout the world. It is a comprehensive computer infrastructure that gives law enforcement the tools they need to leverage the latest technologies to identify and track those who prey on children, just as the offenders use technology to identify and track the children that would be their prey.

The Wyoming system has enabled law enforcement to begin to bring into focus a picture of the staggering magnitude of child pornography trafficking today. Along the way, we have learned a great deal about how law enforcement can effectively fight back, interdicting hundreds of thousands of criminals and rescuing countless children. When I

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am not working these cases, I am training investigators from around the world to do what we do.

Through this system we are able to deliver solutions that help investigators working peer-to-peer, chat room, online gaming and mobile phone undercover operations.

With the rise of the Internet, child pornography trafficking has exploded, both commercially and non-commercially. I want to emphasize at the start the importance of responding to this problem with a multi-pronged attack. The National Center for Missing and Exploited Children, through its CyberTip hotline, is serving the critical task of receiving the 911 calls for help from citizens and Internet service providers (ISPs). As you know, having someone there to respond to these reports of suspected criminal activity is essential if we hope to make use of this valuable resource.

Of course, it is also essential that law enforcement—to include state and local law enforcement agencies, the Internet Crimes Against Children Tasks Forces, the FBI Innocent Images Initiative, the Department of Homeland Security and the US Postal Inspection Service—be ready not only to respond to these public reports, but to aggressively mount a proactive attack as well. We can not carry this fight without both a defense and an offense.

Let me share with you some of the material we see every day:

One of the most frequently seen movies being distributed now is of a toddler on a changing table. The video zooms in as the child's diaper is removed and an unknown male penetrates her. We are seeing the rape of more and more extremely young children like this. Criminals are even using live web casts, where online participants direct what is done to the child. We trace this activity into our own states and rescue children in our own communities.

We are also seeing modifications of these movies and images. Offenders are compiling the material in online instruction manuals, training each other how to rape children in ways that make it more difficult to detect, in ways that are harder to prove during medical examinations.

If you want to see how these methods work, consider some of the children we have already rescued and those where we were too late. In San Diego our system resulted in the arrest of a respiratory therapist at a children's hospital. This offender was molesting children that were in his care, often hospice care. The victims he targeted were often non-verbal, representing the most defenseless, the most helpless children he could find. This isn't the type of person that is going to show up to meet Dateline. This is a person that already has access to children. He goes online and trades these horrific movies to normalize his decision to victimize one child after another. Shortly after his arrest two of the children he had been victimizing died.

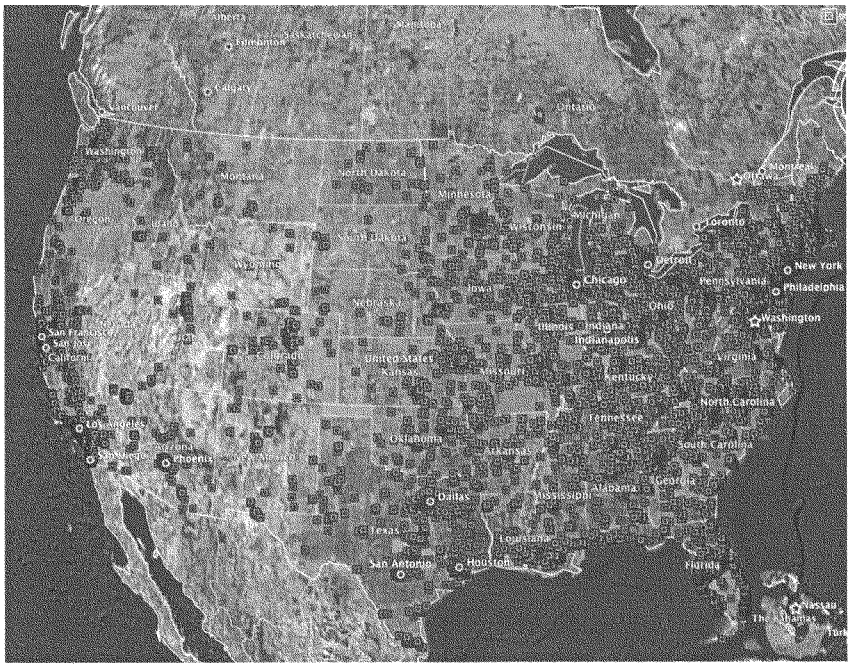
Using data modeling features in Fairplay we were able to find an offender in Ohio who had been seen over 800 times. This monster would film himself drugging the juice boxes of neighborhood children. He would film himself tricking them into drinking the juice. Next he would film himself as he raped the children. Numerous children were rescued because this predator traded child pornography on the Internet. Intervening on behalf of these children is more than working in chat rooms, or web sites, or peer-to-peer. It is about placing law enforcement in every possible forum where the offenders are leveraging technology to isolate and victimize children.

We can't blame the peer-to-peer systems. We can't blame chat rooms or social networking sites. We are a society of technological advance. Sadly, some leverage those advances to hurt children. Blaming this problem on peer-to-peer innovation is like blaming the Interstate highway system when someone uses it to transport drugs.

What we have to do is scale our law enforcement, prosecutorial and judicial resources to ensure we, as a society, are prepared to respond to the challenges that come from innovation, that we are prepared to rescue children when the map to their abuse is sitting right in front of us.

We need to insure that the national computer forensic capacity can recover and present the evidence of these crimes. Not just the FBI regional computer forensic labs but also partner solutions like the National Computer Forensic Institute in Alabama.

In the twenty-four hours preceding the submission of this testimony we found individuals trading this material all over the United States.



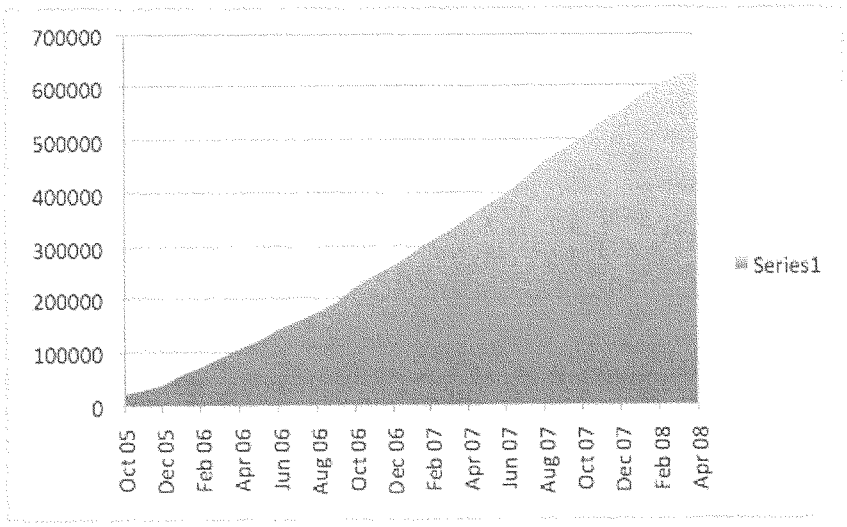
To better understand how many offenders we could investigate if we had the resources please consider these details:

In 2008 alone we have seen over 1,400 IP addresses that have been found by law enforcement 100 or more times. Imagine how many offenders have exchanged files with these top traders. The number next to the state only identifies how many times law enforcement saw the computer, not the offenders trying to trade child pornography.

2792	US,PA	759	US,FL	597	US,OH
1182	US,NJ	754	US,WA	590	US,NY
1076	US,MS	749	US,NC	557	US,VA
1049	US,TN	707	US,IL	556	US,IN
892	US,TX	703	US,AL	554	US,TX
889	US,MN	691	US,VA	551	US,NY
881	US,AZ	642	US,NH	551	US,CT
862	US,IN	631	US,LA	544	US,FL
841	US,NH	629	US,GA	536	US,PA
828	US,WA	629	US,CA	531	US,CA

824	US,MD	611	US,KY	529	US,NY
794	US,KY	607	US,MI	516	US,NY
772	US,VA	601	US,MN	516	US,MI
768	US,AZ	601	US,NY	509	US,TN

The identification of unique serial numbers that can be traced to the United States is still on the rise. Currently we only capture the serial number in about half of our undercover communications. We have exceeded 624,000 unique serial numbers that we can trace to the United States. We have 650,000 additional serial numbers that we cannot trace nationally because of the type of IP address they use. Typically over 40% of all leads trace to the United States. While we can speculate that another 260,000 unique computers are within the U.S. we are unable to be certain so we do not include them in this calculation.



Series one represents the progressive increase of unique serial numbers seen since we started widespread capturing of these details in Oct, 2005.

As you have seen the new technologies we have developed give us the unprecedented ability to locate and stop hundreds of thousands of suspects, before another child is targeted. Unfortunately, facing the scope of this problem can prove daunting.

I would like to be clear, I am NOT saying law enforcement isn't doing enough with what they have. I am saying they could do so much more if they only had the resources.

Senators, I would ask you to picture the pile of work you have to leave waiting at the end of your day. While you want to make more progress at some point you have to go home,

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as it is there isn't enough time for home and family. Now imagine that in your inbox are hundreds of leads. And as you leave the office to go home, you know you are walking away from dozens of children who are waiting to be rescued. Each of those children must wonder if anyone cares.

Imagine if a serial rapist was on the loose in the U.S. attacking innocent citizens and then uploading videos of those rapes onto the Internet. That's exactly what we see flooding the Internet now. But the sexual assault victims are children. Many are infants and toddlers. Some cry and scream for help. Others have stopped crying.

Please forgive the offensive nature of what I am speaking about here today. I describe these despicable crimes to you because I hope that you never have to see them. I want you to truly understand the crimes being perpetrated on American children because I know that you have some of the greatest power to intervene.

Thank you for your time and attention on this matter.

TESTIMONY OF

Grier Weeks,
Executive Director
National Association to Protect Children

Before the

United States Senate
Committee on the Judiciary
Subcommittee on Crime and Drugs

"Challenges and Solutions for Protecting our Children from Violence and Exploitation in the 21st Century"

April 16, 2008

Chairman Biden, Senator Sessions, distinguished members of the Subcommittee, thank you for the opportunity to testify before you today on the subject of child exploitation.

I am Grier Weeks, Executive Director of the National Association to Protect Children, or PROTECT. PROTECT is a nonpartisan, pro-child, anti-crime membership association founded in 2002 and dedicated exclusively to the issue of child protection. We have members in all 50 states, and do most of our work in the state legislatures, from New York to California and Illinois to Arkansas. On the issue of child exploitation, we have focused efforts on securing new state funding to leverage the federal dollars you are considering here today. Within the past year, those efforts have been successful in California, Tennessee and Virginia. We have also worked extensively with law enforcement experts at the local, state and federal level to determine the challenges they face and what resources they need.

Twenty years ago, millions of Americans watched a rescue effort in Midland, Texas, when 18 month-old Jessica McClure was trapped at the bottom of a well. For two days, the fate of that one little girl was national headline news, as rescuers raced to save her.

Imagine—wherever you were in 1987—if a law enforcement officer had come to you and said: "We know where thousands more children like this one are, trapped and waiting for rescue. But we'll have to leave them there because we don't have the people or equipment we need."

That is the situation we are in right now.

The maps you are seeing today of domestic child pornography trafficking are not simply visuals depicting illegal Internet activity. Nor do they simply tell us where the criminals are. These are rescue maps. Law enforcement is now providing you with information that can

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lead authorities, very predictably, to tens of thousands of locations within the United States where children are in immediate danger and waiting for help.[1]

That is because while *all* of these suspects are contributing to a massive black market that commissions the rape of children, a certain percentage are also directly sexually assaulting children themselves. Law enforcement has consistently estimated that somewhere between 30-40% of arrests for child pornography possession turn up evidence of local child victims.[2]

The ramifications of this should be clear: for the first time in our history, we have the power to stop and prevent the abuse, rape and exploitation of children on a massive scale. With this power comes a clear duty to protect.

April is "National Child Abuse Awareness Month," a good time for honest assessments. One is that we, as a nation, have not done a good job of detecting, investigating and stopping child sexual abuse. We spend billions on child abuse "prevention" and "awareness" campaigns. The outcomes of these efforts are, by and large, impossible to measure.

The technology now in our hands changes all of that.

Key Legislative and Policy Issues
Time does not permit me to go into detail on all aspects of Senate Bill 1738 and this issue, but I would like to focus my comments on a few aspects of this crisis we believe are most important.

Resources are the Most Urgent Need
There are a number of legislative and policy issues that must be addressed soon relating to child pornography, including state laws, regulatory issues associated with Internet-related industries and making child exploitation a greater formal priority internationally. However, our greatest problems now are simply resource issues. Law enforcement is investigating fewer than two percent of known suspects, and the percentage of suspected crimes law enforcement can investigate is negligible.[3] The other legislative solutions will not help if there is no one there to investigate these cases.

FBI Innocent Images: The FBI Innocent Images unit operates with approximately the same amount of Congressional funding HUD spends on homeless programs in Rhode Island ($6.4 million in FY 2006).[4] In a letter from the FBI to Senator Biden (July 11, 2007), the Bureau reported that the unit proper includes a grand total of 32 people, including 13 agents, 6 analysts and support staff.[5] The FBI estimates approximately 242 full-time equivalents agency-wide working child exploitation cases.[6] By contrast, Rep. Wasserman Schultz, in questioning FBI Director Mueller last year, pointed out that the FBI has over 2,300 agents dedicated to white collar crimes.[7]

Despite this, the FBI admits it diverted almost $4 million of the Unit's budget over a two year period to the Internet Crimes Complaint Center.[8] (In House testimony last October, an FBI official stated the Bureau would no longer divert these funds.) The critically-important

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Innocent Images unit needs a major expansion of dedicated funding, whether FBI leadership wants it or not, with the accountability and oversight to ensure it is used as intended.

A National Child Exploitation Law Enforcement Network

One emerging issue that desperately needs your attention is the future of the law enforcement nerve center now housed in Wyoming. As a legislative and policy matter, this is of the highest importance.

In 2003, the issue of a secure online system that could be used by law enforcement agencies around the world in the fight against child exploitation was raised when the Toronto Police approached Bill Gates and asked for Microsoft's assistance.[9] Microsoft reports it spent over $7 million to create what it called CETS: the Canadian Child Exploitation Tracking System.[10] Microsoft offered CETS to the U.S., an offer declined by the Department of Justice, over concerns about conflicts of interest. Subsequently, language was included in the Adam Walsh Act that directed the Attorney General to "deploy technology... modeled after the Canadian... System."[11]

During that time, a U.S. alternative to CETS emerged, now known as Wyoming's Operation Fairplay. The Wyoming system was in fact deployed successfully, as called for in the Adam Walsh Act, and over 1,000 law enforcement investigators have been trained on it. In just a few years, the Wyoming system has revolutionized law enforcement, easily rivaling the Microsoft system.

Now, the Department of Justice has announced a plan to create a next generation system, to be hosted on the RISS (Regional Information Sharing Systems) network. This platform could complement the Wyoming system and link it with other computer networks, such as the FBI and ICE's. We support a multi-agency DOJ solution, provided that it takes advantage of the best features of the current system, statistical reporting to the public and funding for research and development to ensure the system benefits from outside innovation.

We have heard discussion of a plan to host this law enforcement network in a university, corporate or nonprofit setting. We believe strongly that any law enforcement information-sharing system belongs with law enforcement. It would be inappropriate at best to house a database containing records on hundreds of thousands of U.S. citizens and millions of crimes in private or corporate hands, or to outsource such a core law enforcement function. We encourage you to exercise close oversight of the Department of Justice as it makes these decisions over the coming year.

ICAC Task Force Program

Finally, we want to emphasize the absolutely paramount role that the ICAC—or Internet Crimes Against Children—task force program serves, and why it is so important to expand it. This program has created most of what little infrastructure we have in this country to combat child exploitation. Using federal seed money and support, the ICACs have become anti-child exploitation outposts across the U.S., greatly accelerating the entry of state and local agencies into the anti-child exploitation arena. The program has also been very successful in leveraging precious taxpayer dollars with local and state investment.

On the ground, we see local police and sheriff's departments who, while they may be taking their first steps into computer forensics in response to ID theft or computer fraud cases, generally are not prepared to investigate child exploitation. In some cases, we see fairly sophisticated police departments who are still unsure of how to handle an incoming child pornography case lead. Help from the ICACs is essential in these cases.

We have some serious concerns about the way the Office of Juvenile Justice and Delinquency Prevention has handled its ICAC Training and Technical Support program, but Senate Bill 1738 wisely includes sunshine and accountability provisions that could remedy those problems.

Going back to 1987 again, if someone had told you or I then that law enforcement knew where thousands of child sexual predators are and could easily prosecute them and remove them from access to children, we probably would not have believed it.

We would have asked, "What are we waiting for?"

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[1] Operation Fairplay, Wyoming Attorney General reports identifying over 600,000 unique computers engaged in child pornography trafficking since October, 2005. Operation Fairplay has reported seeing as many as 50,000 in a single month. In testimony before the House Energy and Commerce Committee (May, 2006), Assistant Attorney General Alice S. Fisher estimated "hundreds of thousands" of Americans are engaged in child pornography crimes.

[2] A widely-cited research study conducted by the University of New Hampshire for the National Center on Missing and Exploited Children found that 40% of individuals arrested for child pornography possession were "dual offenders" who had also sexually assaulted a child, and that an *additional* 15% had attempted to entice a child online ("Child Pornography Possessors Arrested in Internet-Related Crimes," 2005.)

[3] From FY 2001-2007, the FBI reports the number of suspects it "identified and arrested" for online child exploitation was 5,048. The entire ICAC Task Force program reported just over 2,000 arrests in FY 2006. While confirmed, unduplicated counts that include cases worked by ICE, U.S. Postal Inspection Service and other agencies are not available, they would be well under 10,000.

[4] "HUD Announces $6.4 Million to Support Homeless Programs in Rhode Island." Press Release, U.S. Department of Housing and Urban Development, D ecember 21, 2007. The FBI states that "in FY 2006, the IINI received $6,397,771 in Congressional funding." (James E. Finch to Senator Joseph Biden, July 11, 2007.)

[5] Finch to Biden

[6] Ibid.

[7] U.S. House Judiciary Committee hearing, July 27, 2007.

[8] The FBI's diversion of funds from the Innocent Images National Initiative to the Internet Crimes Compaint Center (IC3) was disclosed in the FBI's letter to Senator Biden, July 11, 2007 (Finch to Biden). It was also discussed in testimony before the U.S. House Judiciary Committee on October 17, 2007, by Michael A. Mason, Executive Assistant Director, Criminal, Cyber, Response and Services Branch.

[9] "Microsoft Technology Helps in Fight Against Child Pornography." Microsoft website (http://www.microsoft.com/industry/publicsector/government/cetsnews.mspx)

[10] Ibid.

[11] Adam Walsh Child Protection and Safety Act of 2006, H.R. 4472.

