

Testimony of

Mr. Thomas Spota

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Statement of Thomas J. Spota, Suffolk County District Attorney

Thank you Mr. Chairman and members of the committee. I appreciate the opportunity to come before you this afternoon to discuss the issue of child pornography on peer-to-peer file sharing networks and the efforts of those of us in Suffolk County to combat what we view as a growing concern for law enforcement nationwide.

Earlier this year I was so disturbed by information brought to my attention about the nature and accessibility of child pornography on peer-to-peer networks that I authorized the commencement of an investigation by members of my staff into KaZaA, a popular file-sharing program. I was amazed that the file sharing programs used by so many of our children and adolescents to download music were also the repository of some of the most graphic child pornography available today.

There is no special code or unique search term required to unlock the key to child pornography in these networks. If you search for songs by artists as popular as Brittany Spears or the Beatles, if you are looking for any song with the word "young" as a part of its title, your search results will include child pornography. The names of the files are disturbing enough; a simple click of the mouse is all that is necessary for anyone, including our children, to be exposed to the dark, disturbing and violent world of child sexual abuse.

Working in conjunction with the entire staff of the Suffolk County Police Department Computer Crimes Section the investigation conducted by my office relied upon sophisticated computer technology and good old-fashioned police work. Numerous grand jury subpoenas were issued to Internet service providers. Search warrants were executed and computers, cd's and other storage medium were seized. Police officers who are also forensic computer analysts evaluated the seized evidence and recovered hundreds of images of child pornography.

Upon the completion of the forensic analysis, evidence was presented to a grand jury that resulted in the indictment of eleven Suffolk County residents' for over 180 counts of the possession and promoting of child pornography. The defendant's range in age from 16 to the mid 40's and include a college student using a laptop computer and a chemist for a major cosmetics company. They are fathers, brothers and in one instance a young woman living with her grandparents.

The images of child pornography available on peer-to-peer networks are some of the worst seen by law enforcement to date. Included in the images seized by police in the cases being prosecuted by my office, are still photographs of very young children engaged in sexual acts with other children and adults and video clips lasting several minutes of children being subjected to unspeakable acts of sexual violence. Some of these video clips have sound and in one case a child can be heard screaming, "No daddy, stop, no daddy" in a futile effort to prevent a rape. To say that this is disturbing is an understatement.

Contrary to the assertion of some, child pornography is not a victimless crime. Not only does every image represent the sexual assault of a helpless child, the use of a medium such as the Internet or a peer-to-peer network allows the assault to be broadcast worldwide and re-victimizes the child each and every time that the image is viewed. Today, it is not uncommon for a child to report that their abuse has been recorded and later for the images to turn up in the forensic examination of a computer in a totally unrelated case. Thus, this child's abuse will be available forever on the Internet or on a peer-to-peer network. How devastating

this must be for a child, to know or come to understand that your victimization is available to the world in perpetuity.

The government must act to make peer-to-peer file networks responsible for the child pornography available to their users. Law enforcement activities can serve to punish offenders and educate the community but they will never be enough to ultimately stem the tide. The profit must be taken out of the business of sharing child pornography for the operators of these networks.

The government must do more to educate and inform American parents. Seasoned child abuse prosecutors in my office and elsewhere were unaware of the capability of KaZaA to file share child pornography until they undertook my directive to begin this investigation. How many other parents are unknowingly putting their children at risk by allowing them access to a program they believe is harmless? Americans employ a rating system for movies and TV shows to protect children. Compact discs contain parental advisories. KaZaA and programs like it do not contain such warnings. This is wrong.

As far as I am aware I am the only District Attorney to investigate and prosecute users of a peer-to-peer file-sharing network for the possession and promotion of child pornography. This case has generated considerable interest from other law enforcement agencies and I hope that they will initiate additional prosecutions. Our investigation is also continuing in the hopes of identifying some of the perpetrators of these horrific acts and the children so that they can be protected from further abuse. As is standard protocol in these cases the images will be forwarded to the National Center for Missing and Exploited Children to aid us in this endeavor.

Thank you again for inviting me to address the committee on this important issue. I will be happy to answer any questions members may have.