

Testimony of
Grier Weeks

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TESTIMONY OF

Grier Weeks,
Executive Director
National Association to Protect Children

Before the

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Committee on the Judiciary
Subcommittee on Crime and Drugs

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

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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 lead authorities, very predictably, to tens of thousands of locations within the United States where children are in immediate danger and waiting for help.

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.

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. 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). 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. The FBI estimates approximately 242 full-time equivalents agency-wide working child exploitation cases. 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.

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. (In House testimony last October, an FBI official stated the Bureau would no longer divert these funds.) The critically-important 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. Microsoft reports it spent over \$7 million to create what it called CETS: the Canadian Child Exploitation Tracking System. 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."

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?"

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, December 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 Complaint 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.