



**Testimony of Cyber Division Assistant Director James E. Finch  
of the Federal Bureau of Investigation  
before the  
Commission on Security and Cooperation in Europe  
United States Helsinki Commission  
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Congressional Testimony**

Good afternoon, Mr. Chairman, Representative Smith and distinguished members of the Commission. On behalf of the FBI, I would like to thank you for this opportunity to address the FBI's role in combating the sexual exploitation of children through the use of the Internet. Specifically, I would like to explain to the commission how the FBI manages the Innocent Images National Initiative on a national and an international level.

Over the past 10 years, the Innocent Images program has grown exponentially. Between fiscal years 1996 and 2005, there has been a 2050% increase in cases opened (113 to 2500). During this ten-year period, the program has recorded over 15,556 investigations opened; 4,784 criminals being charged; 6,145 subjects being arrested, located or summoned to appear in a court of law; and 4,822 convictions obtained. In response to the launch of Project Safe Childhood, the FBI has initiated four new undercover operations targeting Innocent Images matters. Additionally, we are working more closely than ever with our state, local and federal partners.

The FBI's Innocent Images Unit is responsible for the creation and implementation of national and international initiatives targeting those who use the Internet to sexually exploit defenseless children. The unit, housed in Calverton, Maryland, also has a sizable contingent of FBI employees assigned to the National Center for Missing and Exploited Children. The FBI works very closely with the Center addressing all child exploitation matters.

The Innocent Images Unit serves as a central location for addressing major cases,

such as the sexual exploitation of children through pornographic websites. It also distributes investigative leads to our field divisions and Legal Attaché offices and manages the FBI's national program. Its responsibilities include developing and publishing policy, managing program funds, certifying undercover operations, and training FBI employees, state, local and international partners.

Not just anyone can do this work. Our dedicated men and women are exposed to the most graphic and disturbing images and movies that you could possibly imagine. They wade through thousands of pieces of material every day, all day, and then they go home and tuck their own children into bed. The men and women of the Innocent Images Unit, and those involved in investigating the sexual exploitation of children in our field offices, are some of the most dedicated and hard-working people in the federal government. They enjoy my respect and sincere appreciation for the work that they do everyday.

At this time the FBI has more than 4,000 active child sexual exploitation investigations. Because of the magnitude of the crime problem, and in an effort to capitalize on the FBI's strengths in intelligence collection, analysis, and investigations, our primary focus is on complex investigations targeting organized criminal groups involved in commercial child sexual abuse websites. These investigations almost always span multiple jurisdictions and usually extend beyond the borders of the United States. The international nature of this crime poses unique and difficult challenges for investigators. Laws pertaining to child pornography vary from country to country. In fact, in over 80 countries the possession of child pornography is not illegal. Insufficient language and translation resources sometimes impede investigations. Bureaucracy often thwarts investigative progress, making the passage of needed information between

investigators unnecessarily cumbersome and complicated. These operational realities impact every type of international investigation, but are particularly damaging to Internet-based investigations where timeliness is essential for successful case resolution. The FBI has taken the unique step of creating a task force composed of FBI agents and international investigators that allows each participating country to more efficiently address this crime problem. I would like to stress that this is not a virtual task force but a true task force modeled after the numerous gang and terrorism task forces currently operating in this country. Investigators from various countries are assigned to the task force in six-month rotations and work with their FBI counterparts in an FBI facility just a few miles north of here. To date we have had 18 countries and Europol participate. Currently there are officers from New Zealand, Australia, Sweden, Ukraine and the Philippines assigned to the task force. Additionally, in a few short weeks, officers from the Royal Canadian Mounted Police, Indonesia and Cyprus will join the team. I would like to add that the Department of Justice's Child Exploitation and Obscenity Section (CEOS) provides prosecutorial support for this initiative and every national and international initiative managed by the Innocent Images Unit.

Other areas where the FBI makes a major impact include investigations of the financiers of illegal websites and investigations of individuals or groups who engage in the production of child sexual abuse images. The FBI also investigates sexual predators that travel from one jurisdiction to another for the purpose of engaging in sex with minors. Finally, we target persons with large collections of child sexual abuse images. These individuals represent a real danger, as we find a large percentage of those arrested for the possession of child sexual abuse images are also committing contact offenses. Our investigative efforts are prioritized in an effort to maximize the FBI's impact on this

very serious crime problem.

I would like to describe to the Commission how the FBI investigates a typical case, such as one involving a child sexual abuse website.

An investigation may sometimes be initiated from a referral by the National Center for Missing and Exploited Children. We utilize a variety of investigative techniques, including administrative subpoenas and data base checks, to capture evidence in an attempt to locate the server where the website contents are physically located. Once the server is located, and upon finding probable cause, a search warrant is requested and issued. In many cases, the company that runs the server is not aware that its computers contain illegal content, as the company may also host hundreds of legitimate websites. Once the search warrant is executed, the media containing the illegal content is seized and delivered to our Computer Analysis and Research Teams (CART) for forensic analysis.

Upon completion of the computer analysis, the investigating agents and prosecutors from the Department of Justice prioritize the targets of the investigation. Information indicating the active sexual abuse of a child is a matter of great urgency and is given top priority. Our second priority is the identification of the website administrators. Generally, these individuals administer multiple child sexual abuse websites. Thereafter, the producer of the images is identified, as these images represent evidence of the actual sexual molestation of a child. Next, the funding vehicle and the financiers of the website are identified.

Once the illegal website and the organizations managing, financing, and producing the child sexual abuse and exploitation images have been taken out of business, the information associated with the customers paying for access to the site is

analyzed and acted upon. Of course, we recognize that the customers of the website may also be sexually exploiting children and we do everything possible to investigate these individuals.

First, we must accurately identify the customers accessing the website. This phase of the investigation requires vast resources, as child sexual abuse websites investigated by the FBI have been found to contain anywhere from 9,000 to more than 30,000 different customer entries. Another issue to consider is the fact that most illegal-website customer entries consist of outdated information up to several years old. Once outdated, this information cannot be utilized to show probable cause, request search warrants, or acquire the appropriate evidence to proceed with an investigation.

Even after all of the financial information is legally obtained and a thorough analysis of all of the information is conducted, without additional labor-intensive investigative steps there is rarely probable cause to justify a search warrant for the customer residences. If probable cause is not established, the only option that remains is to ask the customers for consent to search their residences and access their computers. If this consent is not granted, the investigation cannot proceed any further until additional incriminating evidence is uncovered. Again, let us remember that every illegal-website investigation will have a minimum of thousands, and sometimes tens of thousands of customers. We are exploring ways to expedite this process, but there are numerous hurdles to overcome.

In contrast, a totally separate investigative technique is currently being utilized by the FBI to address child sexual abuse matters being perpetrated through Peer-to-Peer services. This technique allows us to capture child sexual abuse and exploitation images as they are being exchanged by pedophiles and collect the identifying information of the

perpetrators the instant the crime occurs. Thereafter, we can obtain search warrants and seize evidence - often within a week's time. Using the technique I just described, and others also currently available, the FBI makes hundreds of arrests and prosecutable cases every year. For example, one such investigative effort resulted in over 400 cases opened, 300 search warrants, over 50 convictions to date, and 14 victim children identified and rescued.

This example was presented to you in order to better describe how the FBI has to prioritize not only who must be targeted in an investigation, but also what investigative tools must be utilized to put the most egregious sexual offenders behind bars.

Online abuse and exploitation is both ugly and widespread. To meet this challenge, the Attorney General's Project Safe Childhood initiative seeks to marshal all available resources, including the FBI, Immigration and Customs Enforcement, the United States Postal Inspection Service, State and local law enforcement, and non-governmental organizations such as the National Center for Missing and Exploited Children. This collaborative effort will make national investigations increasingly effective and help ensure that the leads generated from these investigations will be successfully investigated and prosecuted.

My comments today are intended to reassure the Commission and the American people that the FBI takes this issue very seriously and is aggressively pursuing those that sexually exploit our children. In closing, the FBI looks forward to working with other law enforcement agencies, private industry, and the Department of Justice in continuing to combat this very serious crime problem. The protection of our children requires the combined efforts of all members of society. I would like to express my appreciation to the Commission for addressing this very serious issue and thank Chairman Brownback,

Representative Smith, and the Commission for the privilege of appearing before you today. I look forward to answering your questions.