

Remarks of

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Thank you for that introduction.

I'm very pleased to be here with all of you. You are invaluable partners for us at the Department of Justice in ensuring that the federal criminal justice system serves victims of crime and the public at large. Ensuring that the law respects victims' rights has been one of my top priorities since I joined the Department of Justice.

I've had the opportunity to discuss a variety of policy issues with some of you in Washington. I've benefited greatly from those conversations, and I welcome this opportunity to speak with you again.

Protecting victims' rights is not just a priority for my office. When Attorney General Gonzales gave the very first speech laying out his priorities for the Department of Justice, he stated his commitment to giving victims "a stronger voice in seeing justice done."

We work hard to ensure that this sentiment permeates Department policy and practice. I know that you're all familiar with the new Crime Victims Rights Act. The entire Department is working very hard to ensure that the CVRA is fully implemented. As with any new statute, there are many interesting legal questions that no one anticipated when the law was passed. It's important for all parts of the Department to adhere to a consistent policy of protecting victims' rights, and my office is responsible for ensuring that this is the case. For example, if a U.S. Attorney's office faces a novel legal issue under the CVRA, the prosecutors are required to check in with us to ensure that their approach is consistent with the Department's policy. We take the Department's obligations under the Act very seriously, and I have observed this same commitment from the U.S. Attorney's offices with whom we've worked on these issues.

Let me tell you one story about the efforts of our prosecutors on behalf of victims using the CVRA. In a case in federal court in Los Angeles, the district judge denied the relatives of several murder victims the right to be present in court during the trial, since, he said, they might be called as witnesses and their presence might prejudice the jury.

Under a new provision in the CVRA, the government may immediately ask the court of appeals for a writ of mandamus when a crime victim has been denied one of his rights. The U.S. Attorney in L.A. took advantage of this provision and asked the court of appeals to order that the victims' relatives be allowed to be present in the courtroom during the trial. The court of appeals agreed, and the families were allowed to attend. This provided important closure for many of these victims. Prior to the trial, they had not known the details of the last days of their loved ones, who had been kidnapped, held prisoner for days, and then killed, in some cases even after ransom money had been paid. For example, one victim heard for the first time during trial how her husband, after days of captivity, refused to eat a ham sandwich offered by his kidnappers because, as an observant Jew, he only ate kosher food. His wife found some comfort, she later said, in knowing that her husband had stuck to his principles, even as he was facing death. This

story reinforced for me the importance of the Department's mission to protect the rights of crime victims.

I know that the specific topic of your conference is crisis response and preparedness. I'd like to talk about two areas of the Department's work – identity theft and child exploitation – that are significant priorities for the Attorney General and where the Department worked to protect victims in the wake of Hurricane Katrina.

### Identity Theft

Identity theft is a nationwide problem well known to all of you and to most Americans. It has affected millions of people in all regions and of all backgrounds.

It has been extremely costly to individuals and businesses. Over the last few years, Better Business Bureau Surveys have shown upwards of \$50 billion a year in direct financial losses from identity theft.

As victims and victims' advocates know, the damage caused by identity theft goes far beyond dollars and cents. The time consumed and stress caused by having to restore one's credit, deal with debt collectors, and sometimes even prove one's identity to law enforcement if an identity thief has committed a crime in the victim's name, are enormous. The emotional toll can be significant and long-lasting. Many victims feel helpless, not knowing whom to contact or where to start. Identity thieves can be quite clever in developing new ways to use stolen information, so that in severe cases, the harm may recur again and again for years.

We at the Department are committed to preventing these crimes and assisting their victims. In 2005, when we revised the Attorney General's Guidelines for Victim and Witness assistance, we included for the first time a section on assisting victims of identity theft. Earlier this year, the President established an Identity Theft Task Force chaired by the Attorney General. I chair the policy development committee of that task force, and we are hard at work drafting a report to the President and seeking input from public interest groups, state and local governments, academics, and industry.

The report is still under development, but I can talk about the interim recommendations that the Task Force already has made public. Two in particular are of interest to victims' advocates.

First, the Task Force recommended developing a universal police report form for identity theft. The form has since been finalized and is now available on the FTC's website. In many cases, victims of identity theft need a police report documenting the misuse of their information in order to restore credit and otherwise undo the damage done by the thief. But we have heard that some police departments are reluctant to take police reports for identity theft or simply don't have a mechanism for doing so. We hope the availability of a universal form will make things easier for both victims and law

enforcement. And where local agencies pass the information along to federal agencies, a standardized form will make it easier for federal law enforcement to detect identity theft patterns and catch the perpetrators.

Second, the Task Force recommended a proposal developed by my office to allow victims of identity theft to recover restitution for the time they were forced to spend remediating the harms inflicted by the thief. Currently, the law allows restitution only for expenses or money lost, but in many identity theft cases, the financial loss is dwarfed by the expenditure of time dealing with bureaucratic hassles. Our proposal would give victims compensation for that time.

To turn to the focus of your conference – crisis response – I'd like to briefly talk about the Department's efforts against identity theft in the aftermath of Hurricane Katrina. The sad reality is that in the wake of natural disaster and in the midst of devastation, there are those who will attempt to profit from others' misfortunes.

Aware of that reality, the Attorney General established the Hurricane Katrina Fraud Task Force in September 2005. The Task Force includes numerous federal law enforcement agencies working with state and local law enforcement to deter and prosecute all types of fraud. This work is essential to preventing more people from becoming victims and to ensuring that individual-assistance benefits go where they are needed. We remain committed to keeping much-needed money out of the hands of criminals and putting it into the hands of the real victims of these natural disasters. The Task Force's efforts already have produced significant results, including criminal charges against over 400 defendants in 30 federal districts in the past year.

Identity theft is a common strand that ran through many of these cases, even where the eventual criminal charge was for something other than identity theft. In Katrina's aftermath, we saw repeated cases where individuals used a false identity to claim benefits to which they were not entitled, sometimes at the expense of actual hurricane victims.

For example, in one case, a married couple befriended an evacuee at a rescue shelter and offered to lend their mailing address to the evacuee, only to steal his FEMA checks when they arrived in the mail. When the couple received the checks, they went to the bank, forged a signature, and convinced the teller to cash the check by saying they were Katrina victims. Fortunately, these individuals were brought to justice and convicted earlier this year.

In another case, a woman living in Belleville, Illinois at the time of Hurricane Katrina claimed to have been displaced by the storm. She went so far as to tell FEMA that her two daughters had died during the flooding in New Orleans, and that she had watched their bodies float away. In fact, this woman had no daughters and had used false Social Security numbers to file her claims. Unfortunately, the supply of federal assistance is not unlimited, so with her actions, this woman tried to take money that was

intended to go to those who were really suffering. She pled guilty to a number of charges, including aggravated identity theft and was convicted last month.

The Department continues to work hard to protect victims of Katrina and all Americans from being victimized by identity theft.

### Child exploitation

I'd like to turn now to a completely different topic – the growing problem of the sexual exploitation of children through the Internet.

All the things that can be so wonderful about the Internet – its broad accessibility; the ease of publication to a practically unlimited audience; the opportunities it provides to connect with like-minded people around the globe; and its relative anonymity – are all the reasons why it is such a powerful and dangerous tool in committing these crimes.

In some cases, pedophiles entice children met on-line to meet them in person. In many more cases, images of child exploitation are posted on the Internet. The reason I refer to images of child exploitation and not to “child pornography” is that we are not talking about mere pictures where the subjects are children. These are not just pictures; they are images of crime scenes where children, sometimes toddlers and infants, are being raped, physically assaulted, and even tortured. They are pictures of real abuse with real victims. The harms that these child victims suffer are the worst imaginable – physical and emotional scars that will follow them much of their lives.

By some reports, the market for this material has become a multi-billion dollar enterprise. The exact number of these web sites is difficult to determine, but we do have a general idea of the scope of the problem. In 2001, the CyberTipline operated by NCMEC had received more than 24,000 reports of child exploitation. That figure has now topped 400,000.

We consider it a moral imperative to fight this growing problem. Earlier this year the Attorney General launched Project Safe Childhood. PSC, as we call it, will help law enforcement and community leaders develop a coordinated strategy to prevent, investigate, and prosecute sexual predators in their communities.

Every United States Attorney has been tasked with implementing PSC with local partners. Each has developed a strategic plan in coordination with partners such as the regional Internet Crimes Against Children Task Forces, NCMEC, and other non-profit groups. Right here in the Eastern District of Arkansas, I've been told that PSC coordination in just the last six weeks has resulted in half a dozen cases referred by state and local law enforcement for federal prosecution. In one case, the defendant was found with 50,000 images of child exploitation. Using a provision in the new Adam Walsh Act, federal prosecutors were able to take him off the streets as a presumptive threat to the

community. The office also is engaged in outreach to parents and children in schools and county fairs to educate them about staying safe on-line.

Next month, the Department will host the Project Safe Childhood National Conference in Washington, DC. The conference will bring together about 700 participants, including federal, state and local law enforcement officials and a variety of non-governmental groups, for partnership building, planning, and training.

The Attorney General is personally committed to and personally engaged in fighting this problem. He is constantly pushing all of us at the Department of Justice to ensure that we are doing everything we can to bring these abusers to justice and rescue victims from these horrific situations.

We have been very aggressive in pursuing these cases. Prosecutions have increased 350 percent in the last 10 years. The Department is currently conducting 18 multi-state investigations across the country, most of them involving hundreds or thousands of offenders. The coordination of these investigations is very complex, but the value – in children saved and predators locked up – is tremendous.

We also are adapting to the ever-changing methods that offenders use to purvey these images. The Department's High Tech Investigative Unit in Washington quickly studies new technologies, develops investigative and prosecution tactics against them, and provides guidance to agents and prosecutors around the country.

We are especially focused on protecting victims of exploitation. For example, working with NCMEC's Exploited Child Unit, federal investigators always examine a defendant's "collection" to identify both known and unknown victims in the images. Material depicting unknown victims is then analyzed for clues that can help identify, locate, and rescue them.

My office is committed to constantly re-evaluating and improving our legal tools to tackle this growing problem. Along those lines, Congress took a big step forward in enacting the Adam Walsh Act this fall. That legislation contained several provisions specifically benefiting victims of these crimes.

One, called Masha's Law, allows child victims to sue those who exploited them. Masha's Law is named after a girl adopted from Russia by a pedophile who photographed his abuse of her and distributed it on the Internet. Masha courageously came forward last year to describe her ordeal and to testify in support of this change.

The Act also changed the law to allow the government to maintain control over images seized as evidence during prosecutions of these crimes. This is crucial to ensuring that the images are not further disseminated when being reviewed by the defendant and his lawyers, causing further victimization of the child.

The Adam Walsh Act also strengthened the national standards for sex offender registration and notification. As you know, sex offenders are very likely to recidivate, and sex offender registries are among the most important tools in preventing them from claiming more victims.

Reforms in the Act include, among other things, expanding registration to cover a wider range of sex offenses, requiring registrants periodically to appear in person to verify and update registration information, and establishing more extensive requirements for public notification.

In addition to requiring strong state registries, the Act improved the federal aspects of the program. For example, it directed the Attorney General to use federal law enforcement resources to assist in apprehending sex offenders who fail to register, and created a new office in the Justice Department to administer the national standards for sex offender registries.

One early success story using the Adam Walsh Act was Operation FALCON III in which U.S. Marshals worked with thousands of officers and investigators from federal, state and local agencies to apprehend almost a thousand unregistered sex offenders over just a few days in late October.

Unfortunately, in the aftermath of a crisis, it is easier for sex offenders to escape monitoring. The Department was able to track down offenders displaced by Hurricane Katrina last year with some dedicated efforts by the U.S. Marshals Service and local law enforcement. Marshals Service personnel immediately responded to the areas hardest hit by Katrina to render law enforcement and humanitarian aid. Within days, Marshals Service personnel had retrieved computers and file cabinets from the New Orleans Police Department's headquarters and began identifying registered sex offenders and serious felon fugitives who were unaccounted for and who may have fled or been evacuated to other areas of the country. A deputy was assigned to work with the New Orleans PD on this full-time from October 2005 through January of this year, and continuing today Marshals Service personnel assist local agencies with investigating, locating, and arresting those fugitives. To date, the Marshals have been able to help locate hundreds of fugitive sex offenders in this operation.

### Safe Communities Initiative

Finally, I'd like to mention a project we are undertaking to better understand why certain cities in the United States experienced increases in violent crime from 2004 to 2005. As many of you are aware, even though the crime rate continues to be at a 30-year low, the 2005 statistics showed a national *violent* crime rate that was slightly higher than the record-low rate in 2004.

The Department has taken this very seriously. Even with very low crime rates overall, we want to understand why violent crime trended up over the last year so we can

make an effort to bring those numbers down again, preventing future crimes and future victimization.

The Attorney General recently announced that the Department will visit a number of communities around the country to talk to state and local officials about the reasons why crime has increased in those communities. We also will visit communities where crime decreased in the last year to find out what caused that improvement. I will lead the Department's delegation to most of these cities, starting tomorrow with meetings in Kansas City. I look forward to very productive discussions with state and local law enforcement and others in communities around the country.

### Conclusion

In conclusion, thanks again for inviting me to participate with you in this conference. All of us at the Department of Justice are committed to protecting Americans from being victimized by crime and to ensuring that those who are victimized are treated with dignity and respect throughout the criminal justice process. We look forward to continuing to work with you to further those two very important goals.

Thank you.