



Office of the Attorney General
Washington, D.C.

May 4, 2006

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL
ASSISTANT ATTORNEY GENERAL FOR CRIMINAL DIVISION
ASSISTANT ATTORNEY GENERAL FOR LEGISLATIVE AFFAIRS
ASSISTANT ATTORNEY GENERAL FOR LEGAL POLICY
DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION
DIRECTOR OF THE OFFICE OF INTERGOVERNMENTAL
AND PUBLIC LIAISON
DIRECTOR OF THE OFFICE OF PUBLIC AFFAIRS

FROM: THE ATTORNEY GENERAL *F. R. Ives*
SUBJECT: Additional Efforts to Combat Child Pornography and Exploitation

I seek your assistance in implementing the following projects aimed at enhancing our efforts to combat child pornography and exploitation facilitated by the Internet.

1. *Interagency Coordination*

Several federal law enforcement agencies investigate child exploitation cases, including the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), the Postal Inspection Service, and the Secret Service. While generally there is good cooperation among many of these investigators at the operational, case-specific level—facilitated in part by the Criminal Division's Child Exploitation and Obscenity Section and by the Internet Crimes Against Children Task Forces—there may be opportunities for better coordination among the leadership offices in these agencies. I would like the Deputy Attorney General to survey the relevant agencies to learn what each is doing in the area of child exploitation, to determine whether there is any unnecessary redundancy, to encourage their partnership in Project Safe Childhood, and to assess the need for any further or ongoing Administration-wide leadership or coordination. I ask that the Deputy Attorney General provide me with a summary of his findings and his recommendations by June 16, 2006.

2. *Resources*

The problems of child pornography and exploitation have exploded in recent years as the Internet and related technologies have advanced and become more commonplace. The Department has dedicated substantial investigative and prosecutorial resources to combat these criminal activities, and we believe that Project Safe Childhood will both increase further the number of investigations and prosecutions, and produce efficiencies and improvements through coordination. Nonetheless, these heinous criminal activities are on the rise.

To help ensure that minors are not being used to produce what is marketed to be adult pornography, the Director of the FBI should implement promptly the FBI's plan to conduct warrantless administrative inspections to verify that adult-pornography producers are complying with the record-keeping requirements of the Child Protection and Obscenity Enforcement Act of 1988 (18 U.S.C. 2257). Such inspections should begin as soon as possible.

I would also like the Deputy Attorney General and the Director of the FBI to assess whether any additional resources should be dedicated to child exploitation, what benefits might be achieved, and at what cost. Resources of course are limited, and any additional resources allocated to child exploitation crimes would likely mean a decrease in resources now dedicated elsewhere. I would appreciate receiving a summary of findings and a list of recommendations by June 30, 2006.

3. Reduced Fees for Background Checks for Youth Organizations

Those who prey upon children often seek legitimate access to them through youth-oriented organizations such as the Boy Scouts, the local youth soccer league, or a church youth group. Private organizations can obtain background checks from the FBI for a fee, but, I am told, the cost of obtaining the necessary fingerprints and the FBI's processing is often prohibitively expensive. The National Center for Missing and Exploited Children (NCMEC) has developed a strategy that NCMEC believes would reduce substantially the FBI's work on these background checks, and hence should eliminate or substantially reduce the fee charged. I would like the Director of the FBI and the Assistant Attorney General for the Criminal Division to evaluate NCMEC's proposal and make a joint recommendation to the Deputy Attorney General by June 1, 2006, on how to proceed.

4. Outreach

As I indicated in my speech on April 20, I believe that the problems of child exploitation and pornography are so immense that law enforcement alone cannot defeat them. We need the help of responsible corporate citizens, political and community leaders, and parents. A starting point is to reach out to leaders of certain industries that are in a unique position to assist law enforcement, including Internet service providers (ISPs), wireless telecommunication companies, networking companies, and technology companies. In my speech, I committed to reaching out personally to the Chief Executive Officers of the leading service providers and to other industry leaders to solicit their input and assistance on the issue of data retention, and I should fulfill that commitment promptly. Other outreach efforts might include meetings with State Attorneys General and representatives of State and local law enforcement. Working with the Criminal Division and the Office of Legal Policy, the Director of the Office of Intergovernmental and Public Liaison (OIPL) should develop an outreach strategy by May 26, that includes recommendations on meetings that I should convene, meetings for other Department officials, recommended attendees, and specific topics for discussion.

5. *ISP Data Retention*

As I discussed in my speech, the investigation and prosecution of child predators depends critically on the availability of evidence that is often in the hands of ISPs -- evidence that will be available for law enforcement to use only if the providers retain the records for a reasonable amount of time. I have directed the Assistant Attorney General for Legal Policy to convene a working group of experts within the Department to examine the issue of data retention in consultation with industry and to provide me with proposed recommendations. I look forward to seeing those recommendations by May 26, and moving forward on this important issue.

6. *Legislation*

The Department assisted in the development of many provisions in H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2006, which has passed the House and remains pending in the Senate. The bill contains several provisions that will support our efforts to combat child pornography and improve the effectiveness of sex offender registration. The Department also recently developed, and cleared through the Office of Management and Budget, a few more legislative proposals that, among other things, are designed to ensure that electronic communications services comply with existing requirements to report violations of the child pornography laws. By May 26, the Assistant Attorney General for Legislative Affairs, the Director of OIPL, and the Director of the Office of Public Affairs should develop a strategy on how the Department might assist in securing passage in the Senate of H.R. 4472 and the Department's additional proposals this summer to ensure enactment of the bill this year.

7. *State Laws*

I understand that there are several States with fairly weak child exploitation laws and penalty provisions. In addition, many States do not provide their law enforcement agencies with some of the important tools they need to investigate cases involving crimes against children. By June 16, the Assistant Attorney General for Legal Policy should identify the States whose laws are deficient and, working with the Director of OIPL, should develop a strategy to encourage the States to strengthen them.

8. *Foreign Laws*

A recent study shows that more than half of the 184 Interpol member countries around the world have no laws addressing child pornography and, in many other countries, the existing laws are inadequate. There are a variety of efforts underway -- by, for example, the International Centre for Missing and Exploited Children, the FBI, and ICE -- to strengthen the laws of other countries and to work with our foreign counterparts on efforts to combat child pornography abroad. I would like the Assistant Attorney General for Legal Policy and the Assistant Attorney General for the Criminal Division to work together to evaluate what is being done and to make recommendations by June 23 regarding what, if anything, the Department should do to assist in these efforts.

✓ cc: Chair of the Attorney General's Advisory Committee