



MR. DOUGLAS M. CHARLES
OFFICE OF ACADEMIC AFFAIRS
PENN STATE GREATER ALLEGHENY
4000 UNIVERSITY DRIVE
MCKEESPORT, PA 15132 7698

August 27, 2009

Subject: WASHINGTON FIELD OFFICE ANTI-OBSCENITY
SQUAD/2005 FORMATION
FOIPA No. 1133426- 000

Dear Mr. Charles:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552		Section 552a
<input type="checkbox"/> (b)(1)		<input type="checkbox"/> (d)(5)
<input checked="" type="checkbox"/> (b)(2)		<input type="checkbox"/> (j)(2)
<input type="checkbox"/> (b)(3) _____	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
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<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

19 page(s) were reviewed and 19 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - referred to the OGA for review and direct response to you.
 - referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown,

when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

In response to your Freedom of Information (FOIA) request submitted to FBI Headquarters (FBIHQ) and through consultation with the FBI Washington Field Office (WFO), enclosed is a processed copy of documents pertinent to the subject matter of your inquiry.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/29/2005

To: All Field Offices

Attn: SACs

VCP Program Managers
VCP Coordinators
FBIHQ, Manuals Desk

From: Criminal Investigative Division

VCS/Violent Crimes Unit, Room 3999

Contact: SSA [REDACTED]

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Approved By:

Swecker Chris

Burrus James H Jr

[REDACTED]

Drafted By:

[REDACTED]

jal

Case ID #: 319W-HQ-A1487699-CID
66F-HQ-C1384970

Title: DOJ ADULT OBSCENITY INITIATIVE

Synopsis: CID guidance regarding US Department of Justice (DOJ) adult obscenity initiative.

Administrative: Field offices are reminded that FBIHQ file 319W-HQ-A1487699-CID is reserved for issues relating directly to program guidance. Communications returned to CID should NOT include this file number.

Details: DOJ has an ongoing initiative targeting the manufacturers and purveyors of adult obscenity. Attorney General Gonzales has identified this initiative as one of the top priorities of DOJ and he has communicated the importance of this initiative to the United States Attorneys and the Director. As a result, CID anticipates field offices may receive requests for investigative assistance from US Attorney's Offices. DOJ and the FBI received Congressional support for this initiative through enhanced resources in the FY2005 budget.

CID has met with DOJ officials regarding this initiative and agreed to focus the FBI's efforts through the Washington Field Office (WFO). Additional guidance will be provided to WFO in a separate communication.

To: All Field Offices From: Criminal Investigative Division
Re: 319W-HQ-A1487699-CID, 07/29/2005

All other field offices may investigate obscenity cases pursuant to this initiative if resources are available. Field offices should not, however, divert resources from higher priority matters, such as public corruption.

Obscenity investigations encounter many legal issues including first amendment claims. It is important for FBI investigations to focus on clearly obscene conduct. Based on a review of past successful cases in a variety of jurisdictions, this conduct includes bestiality, urination, defecation, as well as sadistic and masochistic behavior. In addition, safeguarding mechanisms must be in place to protect Agents viewing material. In light of the many issues surrounding this initiative, field offices are encouraged to contact the Violent Crimes Section, Violent Crimes Unit, for additional guidance at the beginning of these cases. Investigations, including those related to the Internet, will be classified as 145B matters- Interstate Transportation of Obscene Material- non-LCN.

To: All Field Offices From: Criminal Investigative Division
Re: 319W-HQ-A1487699-CID, 07/29/2005

LEAD(s):

Set Lead 1: (Info)

ALL RECEIVING OFFICES

SACs, VCP Program Managers and VCP Program Coordinators should review and provide this guidance to appropriate field office employees.

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cc: 1 -
1 - Executive Staff - Strategic Planning & Coordination
1 - Budget Unit

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/29/2005

To: Washington Field Office

Attn: ADIC Mason
SAC Mines
ASAC Turner

From: Criminal Investigative Division
VCS/Violent Crimes Unit, Room 3999

Contact: SSA [REDACTED]

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Approved By: Swecker Chris
Burrus James H Jr

[REDACTED]

Drafted By: [REDACTED] jal

Case ID #: 319W-HQ-A1487699-CID

Title: ADULT OBSCENITY INITIATIVE

Synopsis: CID guidance to WFO regarding the DOJ adult obscenity initiative.

Administrative: WFO is reminded that FBIHQ file 319W-HQ-A1487699-CID is reserved for issues relating directly to program guidance. Communications returned to CID should NOT include this file number.

Details: DOJ has an ongoing initiative targeting the purveyors of adult obscenity. Attorney General Gonzales has identified this initiative as one of the top priorities of DOJ and he has communicated the importance of this initiative to the United States Attorneys and the Director. DOJ and the FBI received Congressional support for this initiative through enhanced resources in the FY2005 budget.

CID and WFO have met with DOJ officials regarding this initiative and agreed to focus the FBI's efforts through the Washington Field Office (WFO). WFO has received an FSL enhancement of 10 SA positions to address this initiative.

STRATEGY

To: Washington Field Office
From: Criminal Investigative
Re: 319W-HQ-A1487699-CID, 07/29/2005

WFO, in coordination with CID, Violent Crimes Section (VCS), DOJ- Child Exploitation and Obscenity Section (CEOS) and the US Attorney's Office (USAO)- Eastern District of Virginia (EDVA) will identify and predicate the most significant targets and initiate appropriate investigations. The targets of these investigations will be manufacturers and distributors of the most egregious obscene material. Investigations will be focused on purveyors of obscene material depicting rape, "snuff" films, scat, bestiality, bondage, urination, defecation, sadistic and masochistic conduct. This initiative will not be focused on other graphic sexual conduct, such as that typically portrayed on "Girls Gone Wild" videos, and cable "Pay Per View" and Direct TV,

In addition to the Interstate Transportation of Obscene Material (ITOM) statutes, DOJ and the US Attorneys will consider application of all relevant United States Code violations, including enforcement of Title 18, U.S.C. 2257, which requires the producers of sexually explicit material to maintain records identifying actors portrayed in the material.

PREDICATION

Legally, the obscenity standard varies from community to community. To address this issue, the DOJ attorney and/or the Assistant United States Attorney (AUSA) in the appropriate district will make an initial determination of obscenity as part of the predication to opening substantive cases. This assessment and statement of predication will be documented in the opening electronic communication sent to FBIHQ by WFO. DOJ-CEOS will dedicate one full-time attorney to coordinate predication of cases and prosecutions with WFO and the USAO.

OPENING CASES

All case openings will be reviewed and approved by the Assistant Director In Charge (ADIC) of WFO or his designee. WFO will direct the case opening ECs to CID, Attention: VCS, Violent Crimes Unit, Room 3999, for notification purposes. WFO should assume FBIHQ's concurrence with case openings, unless advised to the contrary by CID. All investigations will be opened as 145B matters, Interstate Transportation of Obscene Matter - Non-LCN, including those that are Internet related.

VENUE AND OFFICE OF ORIGIN

DOJ-CEOS and the US Attorney's Office will determine venue on a case-by-case basis. Initially, DOJ-CEOS anticipates utilizing the federal grand jury located in the Eastern District

To: Washington Field Office
From: Criminal Investigative
Re: 319W-HQ-A1487699-CID, 07/29/2005

of Virginia during the initial stage of any investigation to issue grand jury subpoenas. Once the appropriate venue is determined, the federal grand jury in that district will be utilized.

EMPLOYEE WELFARE

Agents assigned to this initiative will participate in all Undercover Safeguard testing and training required by the Undercover Safeguard Unit.

FINANCIAL RESOURCES

Funding for WFO's squad during FY06 will originate from CID. Once WFO submits a budget proposal for FY06, a TR number will be generated and WFO will be notified accordingly.

To: Washington Field Office
From: Criminal Investigative
Re: 319W-HQ-A1487699-CID, 07/29/2005

LEAD(s):

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON DC

WFO will supply CID with a proposed operating budget for FY2006.

Set Lead 2: (Action)

WASHINGTON FIELD

AT WASHINGTON, DC

WFO will identify and assign investigative and supervisory personnel for this initiative.

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cc: 1 -
1 - Executive Staff - Strategic Planning & Coordination
1 - Budget Unit
1 - USOU

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/24/2004

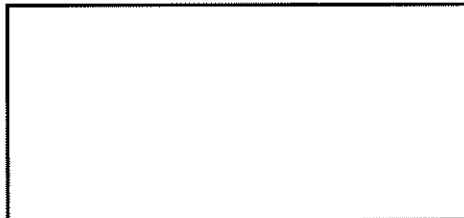
To: All Field Offices

Attn: SACs,
VCMO/Cyber ASACs,
VCMO/Cyber SSAs

From: Criminal Investigative
VCMOS/Crimes Against Children Unit

Contact: SSA [redacted]

Approved By: Gebhardt Bruce J
Ashley Grant D
Monroe Jana D



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Drafted By: [redacted] mag

Case ID #: 66F-HQ-C1256307
66F-HQ-A1420260

Title: CRIMES AGAINST CHILDREN UNIT
VCMOS/CID ADMINISTRATIVE MATTERS

INNOCENT IMAGES UNIT
CYD/IINI ADMINISTRATIVE MATTERS

Synopsis: To furnish information regarding the joint CID/Cyber Adult Obscenity Initiative.

Details: The Department of Justice - Child Exploitation Section (DOJ-CEOS) has implemented an initiative to combat purveyors of illegal adult obscene material. In cooperation with WFO, the Violent Crimes and Major Offenders Section (VCMOS) and the Cybercrime Section recently formed a squad consisting of six agents assigned to the Tysons Corner Resident Agency at the Washington Field Office (WFO). The mission of this squad is to address specific adult obscenity violations of Title 18, United States Code §1462 and §1465. Special Agent (SA) [redacted] telephone number [redacted] has been named Acting Supervisory Special Agent (SSA) for this squad.

To: All Field Offices From: Criminal Investigative
Re: 66F-HQ-C1256307, 02/24/2004

This initiative will focus on prosecution of the largest purveyors/producers of obscene material that depicts graphic violence, bondage, bestiality and defecation. In addition to the Interstate Transportation of Obscene Material (ITOM) statutes, DOJ will consider application of all relevant United States Code violations. Prosecution, therefore, will also focus on other illegal practices prevalent within the industry, such as, unwanted solicitation, unsolicited bombardment of obscenity, "mouse trapping", money laundering, tax evasion, trademark fraud, narcotics trafficking, involuntary servitude, etc. DOJ-CEOS and the FBI are also discussing issues regarding the enforcement of Title 18, U.S.C. 2257, which requires the producers of sexually explicit material to maintain records identifying actors portrayed in the material.

Obscenity is a legal term which was defined by the United States Supreme Court in its 1973 Miller v. California decision. Therefore, to be considered obscene, and unprotected by the First Amendment, a judge or jury representing a cross section of the community must determine the material meets the following criteria:

1. Taken as a whole, appeals to a prurient (sick, morbid, shameful, or lascivious) interest in sex.
2. Depicts sexual conduct in a patently offensive manner.
3. Taken as a whole, lacks serious literary, artistic, political and scientific value.

Both FBIHQ and DOJ-CEOS are aware of the issue concerning the obscenity standard varying from community to community. In an effort to ensure the successful utilization of resources and prosecution, it is anticipated the targets of these investigations will be manufacturers and distributors of the most egregious material. This material will typically include rape videos, "snuff" films, scat as well as bestiality material.

It is also recognized with regard to adult obscenity investigations, significant issues exist with regard to venue and the appropriate use of the federal grand jury. Following consultation with DOJ-CEOS, it has been determined venue will be decided on a case-by-case basis. DOJ-CEOS at this time anticipates utilizing the federal grand jury located in the Eastern District of Virginia during the initial stage of any investigation to issue grand jury subpoenas. Once the

To: All Field Offices From: Criminal Investigative
Re: 66F-HQ-C1256307, 02/24/2004

appropriate venue is determined, the federal grand jury in that district will be utilized.

This newly created squad will utilize three agents each from both the VCMOS and Cybercrime programs. It will be responsible for identifying and predicating the most significant targets, initiating appropriate investigations and directly coordinating prosecution with DOJ-CEOS. DOJ-CEOS recently hired an additional attorney, Bruce Taylor, in an effort to dedicate one full-time attorney to handle and coordinate prosecutions with WFO. Taylor and/or the Assistant United States Attorney in the appropriate district will review all cases for an initial determination of obscenity as part of the predication to opening substantive cases. This assessment and statement of predication will be contained in the communication sent to FBIHQ.

All case openings will be reviewed and approved by the Assistant Director of CID and the Office of General Counsel (OGC). In addition, the Cybercrime Section will review all computer related obscenity case openings and advise the Section Chief of the VCMOS of their decision. Investigations with an internet/computer nexus will be classified as 316 (Cyber-other) matters.

It is anticipated WFO will be the office of origin on all investigations opened under this initiative. Once the appropriate venue for prosecution is determined by DOJ-CEOS, WFO will have the discretion whether to remain as the office of origin through prosecution or re-designate to the appropriate field office. In the event the decision is made to re-designate, WFO will provide assistance to the field office as necessary to ensure a successful prosecution. WFO will coordinate this decision with both CID and Cyber Divisions at FBIHQ as well as DOJ-CEOS.

Agents assigned to the squad will participate in all Undercover Safeguard testing required by the Undercover Safeguard Unit (USU).

DOJ-CEOS provided training for the squad during the second week of February, 2004. During the fall of 2003, DOJ-CEOS provided training to Assistant United States Attorney's, FBI agents, and other federal law enforcement personnel on this topic. Additionally, the Los Angeles Police Department VICE squad has extensive experience in obscenity investigations. Members of this squad will provide training, and assist in the development of an obscenity specific intelligence base for the FBI.

To: All Field Offices From: Criminal Investigative
Re: 66F-HQ-C1256307, 02/24/2004

Funding and Funded Staffing Level (FSL) enhancements for WFO's squad during FY04 will originate from CID and CyD. In FY05, funding and additional special agent positions for WFO are included in the proposed budget. Once WFO submits a budget proposal for FY04, a TR number will be generated and WFO will be notified accordingly.

Field Divisions will be updated of developments and significant changes with regard to this initiative as they occur.

To: All Field Offices From: Criminal Investigative
Re: 66F-HQ-C1256307, 02/24/2004

LEAD(s):

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON DC

In furtherance of aforementioned initiative, WFO will supply CID with a proposed operating budget for FY2004.

Set Lead 2: (Admin)

ALL RECEIVING OFFICES

Please bring this communication to the attention to appropriate personnel.

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Document Details:

Case ID: 319W-HQ-A1487699-Serial: 276
 CID

Ref Case ID: Ref
 Serial:

Office: DK Type: EC

Date: 09/05/2006

To: ALL FIELD OFFICES From: CRIMINAL
 INVESTIGATIVE

Author: Approver:

Topic: CRIMINAL INVESTIGATIVE DIVISION (CID) GUIDANCE

Classification: SN

Authority: Duration:

SCI Flag: Rule(6e):

IRS Tax: Handling
 Caveats:

Secure document:

----- Document Text -----

Precedence: ROUTINE Date: 09/05/2006

To: All Field Offices Attn: ADICs/SACs
 VCP Program Managers
 VCP Coordinators
 FBIHQ, Manuals Desk

From: Criminal Investigative
 Violent Crimes Section/Violent Crimes Unit/Room 3999
 Contact: SSA [redacted]

Approved By [redacted]

Drafted By: [redacted] cgw

Case ID #: 319W-HQ-A1487699-CID (Pending)

Title: PROCEDURAL AND OPERATIONAL ISSUANCES;
 CRIMINAL INVESTIGATIVE DIVISION;
 VIOLENT CRIMES SECTION;
 VIOLENT CRIMES UNIT;
 ADULT OBSCENITY INITIATIVE

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[redacted]

Synopsis: Criminal Investigative Division (CID) guidance regarding U.S. Department of Justice (DOJ) Adult Obscenity Initiative (AOI).

Administrative: Field offices are reminded that FBIHQ file 319W-HQ-A-1487699-CID is reserved for issues relating directly to program guidance and that communications to CID should NOT include this file number.

Details: For background purposes, FBIHQ created AOI to investigate criminal elements engaged in the production and distribution of obscene material. AOI was initiated at the direction of the Attorney General and the DOJ Child Exploitation and Obscenity Section. In 2006, Congress provided the FBI with ten positions to address AOI.

Initially, AOI was managed jointly by elements of the Cyber Crime Section / Cyber Division and the Violent Crimes Section (VCS)/ CID, both within FBIHQ. FBIHQ then assigned the Washington Field Office (WFO) with investigative responsibility for AOI investigations. Effective 02/02/2004, responsibility for AOI investigations at WFO was assigned to Squad CR-18, WFO's Cyber Crime Squad.

In May 2005, Attorney General Alberto Gonzales announced the creation of DOJ's Obscenity Prosecution Task Force and identified the obscenity initiative as one of the top priorities within DOJ. In July 2005, FBIHQ announced that AOI investigations were being reclassified from 316D to 145B (Interstate Transportation of Obscene Material - Non LCN) with Program Management oversight wholly assigned to the VCS/CID, FBIHQ. Although no longer part of the Cyber Division, FBIHQ directed that obscenity investigations continue to encompass both cyber and non-cyber related violations. Furthermore, FBIHQ and DOJ officials agreed that all AOI investigations conducted Bureau-wide would be initiated and directed by WFO.

In July 2005, in response to an FBIHQ directive to fully staff the AOI, WFO announced the creation of Squad CR-8, designed specifically to investigate obscenity violations. Effective 09/18/2005, Squad CR-8 was staffed with nine Special Agents and one Supervisory Special Agent, and aligned within Branch I of WFO's Criminal Division.

FBIHQ has tasked WFO with national investigative responsibilities for AOI matters targeting the producers and distributors of the most egregious obscene material. The substance of this material depicts rape, "snuff" films, scat, urination, bestiality, bondage, violence, and similar deviant activity.

WFO Special Agents have received specific guidance from FBIHQ indicating the threshold content by which an item may be considered evidence of obscene material, and thereby the means by which an AOI investigation may be opened. In identifying this threshold for opening criminal investigations, FBIHQ and WFO have set parameters which not only meet the requirements set by DOJ for AOI investigations, but also make the most efficient and

effective use of the FBI's resources in investigating and prosecuting these acts. In addition, safeguarding mechanisms are in place to protect WFO Agents from long-term exposure to AOI materials.

Recently, the DOJ Obscenity Prosecution Task Force has been traveling to various United States Attorney's Offices (USAOs) in Districts throughout the country to discuss this initiative. Additionally, DOJ will be holding a conference for all USAOs from 09/13/2006 - 09/15/2006. An objective of this conference is reinforce the Attorney General's support and commitment to the AOI and to secure prosecutive commitments from USAOs to prosecute AOI violators within their Districts. In securing these commitments, the Task Force has suggested that the local USAO contact the local FBI office to assist in these obscenity investigations.

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FBIHQ requests that Field Offices that are contacted, either by their USAO or by members of the DOJ Obscenity Prosecution Task Force, regarding participating in an AOI investigation, to coordinate with WFO's Squad CR-8, SSA [redacted] telephone number [redacted]. WFO will then maintain contact with relevant Field Offices through their SAC to further discuss this investigation and any impact it may have going forward. Field offices may investigate obscenity cases pursuant to this initiative if resources are available, but these cases must be coordinated with WFO. Field Offices should not divert resources from higher priority matters to conduct AOI investigations.

Finally, FBIHQ requests that Field Offices assist WFO in covering leads assigned to the Field Office by WFO in conjunction with AOI investigations. These leads may include assisting in the execution of search warrants or the use of CART examiners or Evidence Response Team personnel.

All inquiries regarding this matter may be directed to SSA [redacted] Violent Crimes Unit, FBIHQ, at [redacted]

LEAD(s):

Set Lead 1: (Action)

ALL RECEIVING OFFICES

SACs, VCP Program Managers and VCP Program Coordinators should review and provide this guidance to appropriate field office employees.

- 1 - [redacted] Rm 3036
- 1 - [redacted] Rm 3058
- 1 - [redacted] Rm 3842

----- Document Text -----

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[Redacted]

Testimony of

**James H. Burrus
Deputy Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation**

**Before the Senate Committee on Commerce,
Science and Transportation**

January 19, 2006

Good afternoon Chairman Stevens, Ranking Member Inouye and Members of the Committee. I appreciate the opportunity to appear and provide testimony about the FBI and its work on Internet based obscenity and child pornography.

The FBI is taking an aggressive course of action in the area of obscenity. The FBI formed an adult obscenity squad which is located in the Washington, D.C. Field Office. Agents assigned to the squad have both the legal expertise and internet training to conduct these investigations. The squad works closely with the Department of Justice's Obscenity Prosecution Task Force to initially determine if allegations meet the legal definition of obscenity prior to conducting investigations. Since 2001, the FBI has opened 79 Interstate Transportation of Obscene Material (ITOM) cases. Of these cases, 52 were opened since the beginning of FY 2004, the start of the initiative.

The exact volume of pornographic material available through the Internet is difficult to determine. A "Google" search of the word "pornography" results in approximately 19,000,000 hits. A "Google" search of the word "obscenity" results in over 3,000,000 hits. An online search for domain names with the words "porn" or "sex" with the com/net/org shows more than 200,000 titles.

The Internet is a new tool for all types of commerce, including obscenity and child pornography. In the past, sexually explicit material was available through direct purchase or the mail. Direct purchase required the purchaser to actually go to a merchant -- a face-to-face transaction. Mail purchase was more discreet. It required a purchaser to use a credit card and the product was then mailed to the address of the person ordering the product. While this eliminated the need to conduct a face-to-face



transaction, an actual videotape or DVD had to be purchased.

Technological advances have eliminated the need for an individual to purchase or obtain an actual DVD or videotape. A person seeking such materials can now go on-line, order nearly any media and have that product downloaded instantly onto the purchaser's computer. The purchaser can create their own DVD using the downloaded material. Additionally, the live feed capabilities of the Internet allow viewing of live sex acts on-line with interactive direction. Sexually explicit materials can be downloaded directly onto pocket size portable devices such as cell phones and digital music players. More than ever, sexually explicit materials are cheap and distribution channels widespread. With that comes the proliferation of obscene material and child pornography.

The FBI's lead role in the fight against child pornography is well known. By teaming up with other law enforcement agencies, the National Center for Missing and Exploited Children (NCMEC) and the public, we have successfully established "Innocent Images" task forces throughout the country and arrested thousands of predators who would use the Internet to entice children into exploitive sexual situations.

As an example, in January of 2002 the FBI led an investigation which resulted in the rescue of a thirteen year old girl who had been taken to Northern Virginia from Pittsburgh, Pennsylvania by an individual she met on the Internet. The girl was transported across state lines and held in a residence where she was repeatedly sexually assaulted. When the girl was rescued, she was restrained to a bed post with a dog collar and a chain. The subject was identified after bragging in an Internet chat room and sending photographs of the victim whom he identified as his "sex slave". The subject was prosecuted in the United States District Court for the Western District of Pennsylvania and sentenced to seventeen years in prison.

In the past year, we have increased the number of these task forces from 28 to 32. Since the inception of the "Innocent Images" initiative in 1996, we have seen a 2,000 percent increase in the number of cases and a similarly significant increase in the number of arrests. Across the country more than 240 Agents are working child pornography cases day and night with our state and local partners. We have trained these partners in digital evidence collection so they have the tools to fight this crime

problem. And it is a big problem.

We have also established working groups outside our borders, with countries around the world to combat the sexual exploitation of children. To demonstrate the importance of our international partnerships, let me discuss an investigation which recently resulted in a North Carolina man being sentenced to one hundred years in Federal prison. In late 2003, a detective in Denmark was conducting an undercover, on-line investigation when he came upon extremely disturbing and violent images of a young girl being molested and abused by an adult male. The Danish detective posted the images on an Internet site maintained by Interpol where a detective in Toronto, Canada recognized something familiar in the images and contacted the FBI's Innocent Images Unit. An FBI Agent assigned to the Innocent Images Unit was able to identify several numbers on a youth organization uniform worn by the victim in one of the images. This identification was made despite efforts made by the subject to blur the numbers and other potential identifiers in the photographs. Through the numbers on the uniform, the victim was identified as a member of a youth organization in the Charlotte, North Carolina area. The adult male in the photographs was identified as her father. A search warrant was executed at the family's residence and over 400 photographs as what has been described as some of the most violent and disturbing images ever documented by the FBI were recovered. It was also determined that the subject had been molesting his eight week old nephew and had devised a plot to kill his wife if she ever discovered the abuse.

The FBI and the Department of Justice are committed to curbing the production and distribution of obscene materials and child pornography. We look forward to working with this committee to accomplish this worthwhile goal. I would be happy to answer any questions.

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