



AG REQUEST LEGISLATION – 2009 SESSION

YOUTH INTERNET SAFETY TASK FORCE RECOMMENDATIONS

**BACKGROUND:**

In 2006, Attorney General McKenna requested legislation increasing the penalty for possession of child pornography from an unranked felony to a Level VI with a minimum one year of prison time. This legislation was incorporated into SB 6172 and signed into law.

In August 2007, AG McKenna convened the Youth Internet Safety Task Force to take advantage of Washington's unique position as a technology leader and identify educational, collaborative and law enforcement strategies to make the Internet safer for the people of Washington and their families.

The committee is comprised of representatives from across Washington's education, law enforcement and technology communities who have formed three working groups to address Internet safety.

Based on the recommendations of the law enforcement group, the Attorney General's Office requested two bills to address this problem in 2008. One created a new crime of "Viewing Child Pornography." The second allowed non-commissioned police personnel trained in forensic analysis to assist in child pornography investigations. Both bills were combined into one, but died on the floor of the Senate without a vote.

The law enforcement group also recommended creation of a virtual digital computer forensics lab to assist in Internet crime investigations, including child pornography investigations. The Attorney General's Office has been studying models used by other states to develop a highly effective new lab within the Washington State Patrol.

**THE PROBLEM:**

- In a 2000 study issued by the Federal Bureau of Prisons, 76 percent of offenders convicted of Internet-related crimes against children admitted to contact sex crimes with children previously undetected by law enforcement and had an average of 30.5 child sex victims each. (*Source: American Prosecutors Research Institute, 2004*) Prosecutors indicate that possession of child pornography on computer hard drives is more difficult to prove than viewing.
- More and more frequently, computers and other digital devices such as cell phones, are vital links in a criminal investigation. Predators use cell phones to photograph children on playgrounds. Drug dealers take pictures of their couriers so customers can recognize them when they deliver drugs, and terrorists can activate bombs using cell phones. Whether a case involves terrorism, homicide, illegal narcotics, stalking, child pornography, harassment, robberies or another crime, a cell phone can link a suspect to a crime. ([http://articles.directorym.net/The\\_new\\_frontier\\_in\\_digital\\_evidence\\_New\\_Hampshire-r909356-New\\_Hampshire.html](http://articles.directorym.net/The_new_frontier_in_digital_evidence_New_Hampshire-r909356-New_Hampshire.html)) Local jurisdictions are not equipped to handle the variety and complexity of technology used to commit modern crimes so a state digital forensics lab would be a valuable resource.

**LEGISLATION:**

In 2009, the Attorney General's Office requests two pieces of legislation:

- Studying the feasibility of developing a digital forensics lab to be housed at the State Patrol.
- Creating a class C felony crime of viewing depictions of child pornography and protecting non-commissioned law enforcement personnel from prosecution when viewing depictions during investigations.