



Digital & Multimedia Sciences Section - 2013

B22 The Impact of Child Pornography Analysis on Military Legal Proceedings

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After attending this presentation, attendees will have a general understanding of the concerns associated with the digital evidence child pornography investigation process and gain an understanding of how results are currently being used by the military judicial system.

This presentation will impact the forensic science community by providing an understanding of the effect of child pornography on the outcome of judicial proceedings, discussing how advancements in technology and the current examination processes affect the digital evidence field in child pornography cases at the USACIL.

Recently, digital evidence examiners have experienced an increase of submitted evidence due to both better agent identification of digital evidence as well as rapid advancements in technology. Storage devices will soon have the capability to hold over 60 terabytes of data. There does not exist sufficient time or manpower to effectively and efficiently keep up with today's constantly developing technology. Currently, during an investigation, digital evidence examiners at the United States Army Criminal Investigation Laboratory (USACIL) must duplicate and examine all submitted evidence, which is not only time consuming but requires a large amount of digital evidence storage capacity for both examination processing and subsequent storage of the case file. Focusing specifically on child pornography, an issue prevalent in military investigations, some form of limitation must be created to maintain current case output with the increasing amount of data required to be examined.

To facilitate this study, 66 U.S. Army case files dating from 2009 to 2011 were collected, all of which involved child pornography. Information such as the date the exam began and finished, number of digital evidence exhibits submitted, number of exhibits with child pornography, number of exhibits with information of possible interest to the investigation, as well as the amount of child pornography found on each specific device was recorded. Once all the applicable information was attained, the results showed that a large portion of exhibits submitted did not contain child pornography. The study continued by determining which cases included submitted pictures/videos that were identified by the digital examiners and sent to the National Center for Missing and Exploited Children (NCMEC). The number of pictures/videos identified by digital examiners and confirmed by NCMEC as child pornography was recorded to determine the percentage of cases where examiners successfully identified previously known and identified child victims. All of this information was collected in order to characterize which cases had confirmed child pornography and if that had an effect on the overall judicial outcome of a case.

To determine the effect of child pornography on the legal outcome of a case required each case's Commander's Report of Disciplinary or Administrative Action (DA Form 4833) and a review of case documentation within the final forensic reports. Items that were collected for correlation analysis included: the number of pictures/videos identified, numbers of items submitted for analysis, the types of items submitted, and the results of the disciplinary action. It was expected that the results would show a relationship between number of items submitted, the number of photos/videos identified, and the outcome of the judicial process. It should be noted that in 2012, the Uniform Code of Military Justice (UCMJ) implemented a revision to the code concerning child pornography, which affects how individuals are charged and sentenced pertaining to these cases. It is expected that with these modifications, there will be a more direct relationship between the number of photos/videos and the severity of punishment.

*The opinions or assertions contained herein are private views of the author and are not to be construed as official or as reflecting the views of the Department of the Army or the Department of Defense.

Child Pornography, Digital Evidence, Judicial Impact