COURSE OVERVIEW

- substantive crimes and defenses related solely to child pornography; First Amendment concerns; understanding of various Internet distribution and investigative techniques; introduction to computer forensics; search and seizure issues peculiar to child pornography cases
- location: Oxford, MS
- This stand alone course addresses the computer crime that trial judges are most likely to encounter.

DETAILED COURSE AGENDA

day #1

8:00-9:30  COURSE INTRODUCTION  [tab #1]  
  Thomas K. Clancy
  
  OVERVIEW OF EVOLUTION OF CHILD PORNOGRAPHY REGULATION  [tab #2]
  - First Amendment categories of obscenity and child pornography
  - types of child pornography: real, virtual, and morphed
  
  Thomas K. Clancy

OFFENDERS AND VICTIMS

9:45-10:45  CHARACTERISTICS OF COLLECTORS/ OFFENDERS / INDICATORS OF OTHER OFFENSES  [tab #3]  
  Dr. Sharon W. Cooper

11:00-12:00  DIMENSIONS OF CHILD PORNOGRAPHY VICTIMIZATION  [tab #4]  
  - how children and youth are victimized by CP
  
  Dr. Sharon W. Cooper

TECHNOLOGY ISSUES

1:00-1:50  DIGITAL EVIDENCE LOCATIONS AND COMPUTER FORENSICS INTRODUCTION  [tab #5]  
  - overview, including hash values
  
  Don Mason
USE OF TECHNOLOGY TO DISTRIBUTE CP [tab #6]
- news rooms, web storage techniques, bulletin boards, peer-to-peer, chat, virtual worlds, other Internet distribution schemes

Don Mason

INVESTIGATION

COMMON FOURTH AMENDMENT APPLICABILITY ISSUES IN CHILD PORNOGRAPHY CASES [tab #7]
- includes Operation Fairplay type investigations; reasonable expectation of privacy analysis of various locations where digital evidence may be stored; voluntary exposure doctrine

Thomas K. Clancy

BREAKOUT GROUP: PROBABLE CAUSE AND INTERNET CHILD PORN GROUPS
- discussion of whether probable cause established that suspect has CP on his computer when suspect is member of CP related web site

day #2

WARRANTS / PROBABLE CAUSE IN CHILD PORNOGRAPHY CASES [tab #8]
- nexus: IP addresses and offender locations, including unsecured wireless and wardriving
- viewing vs. downloading
- characteristics of collectors as affecting probable cause
- sufficiency of description whether image is CP
- staleness, deleted files

Priscilla Grantham

OTHER SEARCH AND SEIZURE ISSUES LIKELY TO ARISE IN DIGITAL CHILD PORNOGRAPHY CASES [tab #9]
- plain view [10 minutes]
  Priscilla Grantham
- consent [10 minutes]
  Priscilla Grantham
- need for search protocols [15 minutes]
  Thomas K. Clancy

LITIGATION

SPECIFIC CRIMES: ELEMENTS OF CRIMES AND PROBLEMS OF PROOF [tab #10]
- Pandering, Manufacture, Distribution, Receiving, Possession, and Viewing CP
- Proving actual child
- Defining “Lasciviousness”
- Other crimes: Misleading Domain Names/ Words/ Images / Record
Keeping
Thomas K. Clancy

11:10-12:00 OTHER LITIGATION ISSUES [tab #11]
- discovery, including Adam Walsh Act
- authentication and other foundations for images, chatroom logs, etc.
- testimony of forensic examiner or digital imagery analyst (expert or fact witness?)
Don Mason

1:00-1:50 YOUTHFUL OFFENDERS [tab #12]
- sexting; self-produced CP
- “decriminalization” by some states
- prosecution and sentencing alternatives
Priscilla Grantham

2:00-2:30 BREAKOUT GROUP: HANDLING SENSITIVE MATERIALS IN COURT & IN COURT RECORDS
Mason to draft problem

SENTENCING

2:45-3:30 CONSEQUENCES OF CONVICTION (OTHER THAN INCARCERATION)[tab #13]
- Internet Use Ban/ Offender Monitoring
- Adam Walsh Act [sex offender reporting requirements]
Priscilla Grantham

3:45-4:50 INCARCERATION AND JUDICIAL DECISIONMAKING IN SENTENCING: ALL GROUP DISCUSSION [tab #14]
- Range of sentencing schemes, including Federal Sentencing Guidelines
- Indicia of other offenses and other sentencing considerations
- Recent Supreme Court cases on sentencing
- Recent opinions on sentence lengths
Don Mason

4:50-5:00 EVALUATIONS & WRAP UP

BINDER APPENDICES

A. Summary of state Child Pornography Laws
   National Conference of State Legislatures

B. Clancy, The Fourth Amendment Aspects of Computer Searches and Seizures: A Perspective
C. Sample warrant

D. Breakout problems

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