

BEFORE THE  
COMMITTEE ON THE JUDICIARY  
U.S. HOUSE OF REPRESENTATIVES

HEARING ON

“SEX CRIMES AND THE INTERNET”

WRITTEN TESTIMONY OF  
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AOL thanks Chairman Conyers, Ranking Member Smith, and the distinguished members of this Committee for the opportunity to appear before you today to discuss the issue of online child protection. AOL strongly supports the interest and efforts of the Committee to address this issue, and shares the goals of protecting children’s experience online, and safeguarding online users from predators.

My name is John D. Ryan, Chief Counsel at AOL, where I oversee our efforts to assist law enforcement and keep criminal activity off our networks. Prior to joining AOL, I was a prosecutor in New York, where I investigated and prosecuted numerous high-tech crimes, including crimes against children. I am a founding member of the Electronic Crimes Task Force in New York, which has been used as the model for cooperation between law enforcement and industry in the prosecution of electronic crimes.

AOL has worked diligently to address the issues of child pornography and predation both on our network and on the Internet for more than a decade. My testimony today will focus on several key areas in AOL’s effort to promote Internet safety: (1) the technological solutions that provide safe areas for children and parental tools to monitor their activities; (2) our strong partnership with law enforcement; (3) our educational efforts to empower parents and children; and (4) and our ongoing work with others in the Internet community to develop best practices and solutions. For AOL, these efforts make good business sense, but more importantly, are the right thing to do.

**I. AOL’s Technology Solutions Provide a Safer Online World for Kids**

The Internet and the AOL service provide unprecedented communication, education, and entertainment tools for children. Unfortunately, there have been situations where individuals have taken advantage of children online. AOL is committed to protecting children from victimization by online predators or exposure to inappropriate content. The protection of children online is a critical goal and can only be accomplished

through cooperation of industry, law enforcement, educators and parents. What AOL brings is experience and expertise in technical innovation that provides the tools that the other partners can use to help protect children.

A. Parental Controls

A decade ago, AOL introduced the most powerful technology to help parents manage and oversee their children's activities online: state-of-the-art Parental Controls. AOL Parental Controls are available to any parent, regardless of whether they are an AOL member, and without a fee. The technology allows parents to make the decisions about what type of online experiences their children should have and with whom, and to oversee—through regular updates on child online activity—how their children are being protected and parental decisions enforced.

Let me explain how the technology works. Parental Controls are broken down into three age categories: Kids Only for ages 12 and under; Young Teen (13-15); and Mature Teen (16 and 17). Once parents assign their children to one of these categories, certain default protections apply. In addition, the technology is flexible so that parents can decide who their children can email or Instant Message ("IM"), what Web sites they can visit, and whether they are permitted to enter chat rooms, which are fully monitored by internal AOL enforcement teams. AOL Parental Controls also have practical features such as a timer that enables parents to monitor the amount of time spent online, with the ability to customize daily limits, as well as access controls that prevent a child from bypassing Parental Controls settings by using other Web access software. These protections are also integrated across AOL products and services.

As an additional protection, AOL has a feature called Web Guardian that allows parents to receive regular reports on their children's online activities. Parents who subscribe to this service receive a list for every session on AOL detailing all of the Web sites their children visit, which sites they attempted to visit, but were blocked from accessing; and how many e-mails and IMs they sent. AOL provides more than 1 million AOL Guardian reports to parents every week. All of these tools have been highly effective in educating and involving parents regarding their children's Internet experiences and technology more generally, which are key to empowering them to be able to guide their children toward safe and rewarding online experiences.

AOL Parental Controls do not merely restrict a child's access to potentially harmful encounters on the Internet. They also provide positive alternatives with a complete range of age-appropriate programming for parentally controlled accounts. AOL also has state-of-the-art Web filters that allow our Mature Teen visitors to access a much broader range of content while still blocking offensive content. AOL filters are able to rate the content of pages in real time and deliver only those pages that are appropriate, while blocking offensive sites. This gives teens the flexibility to use the Web while affording the maximum protection.

In a recent case, ACLU v. Gonzales, 478 F. Supp. 2d 775 (E.D. PA 2007), the Court evaluated the parental controls of various Internet service providers (“ISPs”) and concluded that, “the testimony of the witnesses as well as the evidence excerpted and referenced in these Findings of Fact are true, reliable, and credible and I accept those facts and that testimony as the foundation of the following Findings of Fact and Conclusions of Law.” Id. at 781. Among those findings the Court noted that, “85 percent of parents are highly satisfied with their AOL Parental Controls products, and that 87 percent of parents find them easy to use.” Id. at 794. The Court further observed, “that some products, such as AOL's filter, blocked close to 100 percent of all pornography or erotica when the most restrictive setting (for children under the age of 12) was chosen.” Id. at 795. Finally, the Court found that, “web pages that were returned in response to the most popular search terms, the AOL filter performed the best and blocked 98.7 percent of sexually explicit Web pages.” Id. at 796. The facts that the Court found with respect to AOL were not an accident. They reflect the dedicated effort of AOL over more than a decade to provide a parental control product that offers real protections for children.

#### B. Removal of Child Pornography

Four years ago AOL implemented extremely effective technologies to identify and remove images of child pornography and to eliminate the sending of known child pornography through email. AOL developed a process that creates unique digital signatures from apparent pornographic images of children and uses these signatures to eliminate further dissemination of such images. AOL has assembled a library of these signatures and, if AOL identifies that someone is attempting to send a file through its network with a signature from that library, AOL prohibits the sending of that file and refers that image to the National Center for Missing and Exploited Children (NCMEC) to be investigated and prosecuted. Once the signature of the image is identified and referred to NCMEC, AOL deletes all record of the image and retains only the signature for future identification of such images. This procedure provides law enforcement with all of the information they require to initiate an investigation while insuring that a child is not re-victimized. As I will discuss in more detail in a moment, this approach has now become part of a broader, cooperative industry effort to remove these images.

Technological solutions such as these have been a highly effective way of protecting children on the Internet, and AOL continues to explore ways to enhance its protections.

## II. Partnering With Law Enforcement

A key part of AOL’s efforts to protect children online has been its partnership with federal, state and local law enforcement, including the Internet Crimes Against Children Task Forces, which are part of a federally funded program that includes state and local governments in an effort to combat Internet crimes against children. For more than a decade, AOL’s support for law enforcement has been broad, ranging from

providing critical information for investigations and prosecutions, to offering training and educational support for officers in areas such as online and computer forensics and statutory requirements. Let me describe a few significant efforts.

AOL has long been a leader in its efforts to ensure that law enforcement is notified about attempts to use our services to lure children. From its inception, AOL has included a visible and convenient “Notify AOL” button for members to report unacceptable behavior, including images of child pornography that they encounter on our network, to teams of trained professionals in the AOL Member Services department, which work closely with law enforcement. This practice soon became the sought-after standard and in 1999, this practice was codified into Federal law in 42 U.S.C. § 13032, which was subsequently amended to designate NCMEC as the sole recipient for referrals of child pornography. Today, our industry sends nearly 30,000 referrals to NCMEC per year. In addition, AOL voluntarily expanded its program to refer not only incidents of child pornography, but also referrals of child solicitation, which in the 2½ years of the program’s existence, has led to 153 arrests. That is 153 or more children who were protected from abuse at the hands of a predator.

For example, in August of this year AOL’s Public Safety and Criminal Investigations Unit received an urgent inquiry from law enforcement in Pennsylvania. The police had a lead indicating that a child molester was abusing two children and broadcasting video of the abuse in real-time to other Internet users through a web cam. However, the police did not know his exact location. Based on the information furnished by Pennsylvania law enforcement, AOL was able to provide the police with the location of the molester. The police caught the molester in the act and rescued the two children.

AOL has also been a leader in providing law enforcement with training and support to tackle the challenging aspects of computer and Internet-related crimes. Because police and prosecutors frequently need special assistance in dealing with these cases, AOL has a team of highly trained and dedicated professionals, including former prosecutors, who assist law enforcement on tens of thousands of cases per year. Through support services, such as our 24-hour dedicated law enforcement hotline, our team responds to law enforcement requests, answers officers’ questions about what types of information would help their cases, and provides guidance on obtaining the right information.

We not only assist law enforcement with their initial investigations, but we offer support throughout the prosecution of cases. Since 1995, AOL has offered pre-trial litigation support, as well as fact and expert witness testimony on criminal cases involving records obtained from AOL. Each day, AOL receives dozens of inquiries and requests from law enforcement officials who request assistance with the many aspects of their cases, and many prosecutors have reported that their success in convicting perpetrators would not have been possible without the assistance and testimony from AOL records, fact, and/or expert witnesses.

AOL also extended its technology capabilities to allow community involvement and cooperation with law enforcement to protect children. When Congress passed the nationwide AMBER Alert law, AOL reached out to NCMEC and became the first ISP to initiate an AMBER Alert program by which AOL members can receive e-mail alerts targeted to their area. To date, more than 365,000 AOL members have signed up to receive AMBER Alerts. This program is unique and innovative, and again demonstrates AOL's unflagging commitment to utilize the power of its network to provide protection to its users and others.

Also, in response to the recent tragedy at Virginia Tech, AOL has embarked on a project to make alerts available to colleges and universities, based on the Amber Alert program. Through this program, colleges and universities will be able to send out emergency notifications to all of their students, faculty, employees, and other interested persons. The alerts can include potential violent incidents on campus, but can also be used to deal with more routine emergencies such as school closings due to inclement weather. The advantage of the alert system provided by AOL will be the ability to simultaneously reach emails, instant messaging, and cell phones.

As these examples of our efforts underscore, we are committed to our close partnership with law enforcement and recognize that these efforts are critical to harnessing our technology to protect children and others online.

AOL is not just engaged in the Internet community. When the federal authorities saw the enormity of the loss and dislocation caused by Hurricane Katrina, they turned to NCMEC to assist in locating children and reuniting them with the parents from whom they had been separated during the storm and its aftermath. One of the lessons learned from Katrina was that NCMEC's unique skill in locating children is a critical national asset. As a part of AOL's commitment to assist NCMEC in locating victims in the event of a future disaster, AOL has agreed to be one of the remote locations for the National Emergency Child Locator Program. AOL will house and support teams attempting to locate and reunite families in the wake of future emergencies.

### **III. Education**

A critical component of online child protection and AOL's safety mission is education. AOL has been a leader for many years in educating parents, children, and teachers about safety online. We recognize that the most important force in protecting children is actively involved and well-informed parents and teachers. That is why in addition to online tools, we have armed parents and teachers with tips, training, and information to monitor and guide children's online experiences.

Among our efforts, AOL was a leading corporate host of the *America Links Up* national public education campaign, designed to give parents information to help their children have a safe, educational, and rewarding experience online.

In addition, AOL created and distributed a special video for kids—called *Safe Surfin'*—that features online safety tips presented by some of the younger generation's favorite celebrities. This video was developed in partnership with the National School Boards Association, and has been introduced into schools across the country.

Working with the American Library Association, AOL also launched the *Internet Driver's Ed* program. This program is a traveling Internet education and safety class for children and parents, hosted in children's museums and other prominent venues in major cities nationwide.

AOL also was a key partner in forming the GetNetWise.org Web site—a resource designed to provide consumers with comprehensive online safety information that includes guidance from some of the major industry leaders.

AOL was also involved in the Virginia Attorney General's Youth Internet Safety Task Force and chaired two of its committees. One of the recommendations that came out of that task force was the involvement of schools and parents in the education of young people on the proper use of the Internet.

These are just a handful of examples of our many important educational outreach efforts.

#### **IV. Working with the Internet Community and Fortifying Our Efforts**

Finally, AOL has worked closely with other Internet companies to improve online safety. For example, last year, AOL joined with other companies, such as Yahoo!, Microsoft and Earthlink to develop effective technologies to investigate and prevent child pornography online. These companies have committed to providing financial and personnel resources to pursue these efforts and have met regularly to develop these plans. We anticipate that such measures will improve methods of removing and preventing distribution of online child pornography, as well as ensure that law enforcement has the data, resources and tools necessary for successful investigations and prosecutions. Also, AOL and other industry members have responded to the problem of child pornography on commercial Web sites. This illegal content is not on sites owned or operated by responsible industry members and, because it is not directly under the control of the companies, they can not remove it. However, AOL and other industry members have agreed to take steps to limit the availability of child pornography on the web accessed through their services.

In addition, AOL has also cooperated closely with Yahoo!, Microsoft and Google to identify policies that can effectively combat online child pornography and ensure Internet safety. Many members of Congress, especially on this committee, have also been tirelessly committed to implementing strong and effective solutions, and our company looks forward to working closely with them improve protections. Some suggestions are as follows:

(1) Enhance industry reporting and data preservation, as well as law enforcement tools. Internet companies have played a significant role in referring and preserving information to help law enforcement investigate and prosecute crimes. This program has been a success to date, but more can be done. For example, Reps. Carney and Chabot's RESCUE Online Services Act takes significant steps toward clarifying and enhancing the Title 42 requirements to ensure more effective reporting and preservation. In addition, Rep. Lampson's Intercept Child Predator Act clarifies state law enforcement authority to obtain wiretaps in case of child exploitation or pornography.

(2) Improve online education in schools and parents. Parents are the first line of defense, and they need information and training to protect their tech savvy children. Also, schools are often integrating computers and online training into their curricula, creating the opportunity for teachers to take an active role in guiding young online users. Proposals that move toward this important goal are Rep. Sanchez's bill to provide Internet safety education grants, and Rep. Bean's SAFER NET, which creates an Office of Internet Safety and Public Awareness to improve online safety education.

(3) Increase funds and training for law enforcement and parole officers. Investigating and prosecuting online crimes is resource intensive, and as you have heard, Internet companies provide nearly 30,000 referrals of specific incidents of child pornography and predation a year, many of which are not investigated and prosecuted today. Also, parole officers need sufficient resources and training to monitor and ensure that once released, convicted predators do not strike again. Important steps forward include Rep. Wasserman Schultz's "PROTECT our Children Act", which would increase support for the ICACs and improve forensic capabilities, and Rep. Scott's legislation to authorize additional grants to fight online crimes against children. Also notable is Section 12 of Ranking Member Smith's SAFETY Act, which would authorize funds for the FBI's Innocent Images National Initiative.

## **V. Conclusion**

AOL is proud of the great strides that we and others in the Internet community have made in addressing these issues, and is committed to continuing efforts to maintain a safe and secure medium for our most vulnerable users: children. We look forward to continuing to work with the law enforcement community, educators, our technology colleagues, this Committee, and other stakeholders to protect the safety of children online.