

Cops want jail terms for child porn offenders

Public often unaware how horrific material often is, officials say

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absolutely a crime and we treat it as a crime," Ms Huizer said. "And we know from research it is linked to offending behaviour."

Effective sentencing would send messages of condemnation and deterrence to the community at large, added Jan Austin, director of clinical services with YRAP.

"People don't always know just what you're talking about when you cite child pornography — in a lot of cases, it's quite horrific," she said.

"I think people are victimized not only by the crime, but then by the reaction of our society."

"If we want to end this, we have to look at the whole picture and the whole picture involves treating the offender," Ms Austin said.

Mr. Weber's two-day sentencing hearing in the Newmarket courthouse provided an unsettling glimpse into the shady world of on-line child porn: chatrooms in which fantasies were acted out on screen, encoded sites that offered access to hundreds of pictures and, in Mr. Weber's case, sites on which users exchanged images among themselves.

The material entered into evidence was graphic and disturbing: still photos of children from infancy to prepubescence in sexual situations. Text stories of fantasies involving incest. And a video clip, unseen by everyone except the judge, an investigating officer and lawyers, but heard by all in the basement courtroom: a girl, maybe three or four, crying for mercy as she was held down and ejaculated upon by an adult male.

Although he expressed his disgust at the material, Mr. Justice Bogusky cited case law and precedent in rejecting the Crown's recommendation of a jail term.

In passing sentence, the judge also made reference to the large amount of publicity the case had attracted, crediting the media with keeping public humiliation of the accused — he likened it to the placing of convicts in stocks in the town square — alive and well in Canada.

The sentence of house arrest is currently under appeal. Child pornography investigations aren't quick; months are spent gathering evidence, tracking the movement of suspects on the Internet and monitoring their transactions.

The images these cops encounter are probably well beyond the pale of the average person's imagination: photographic

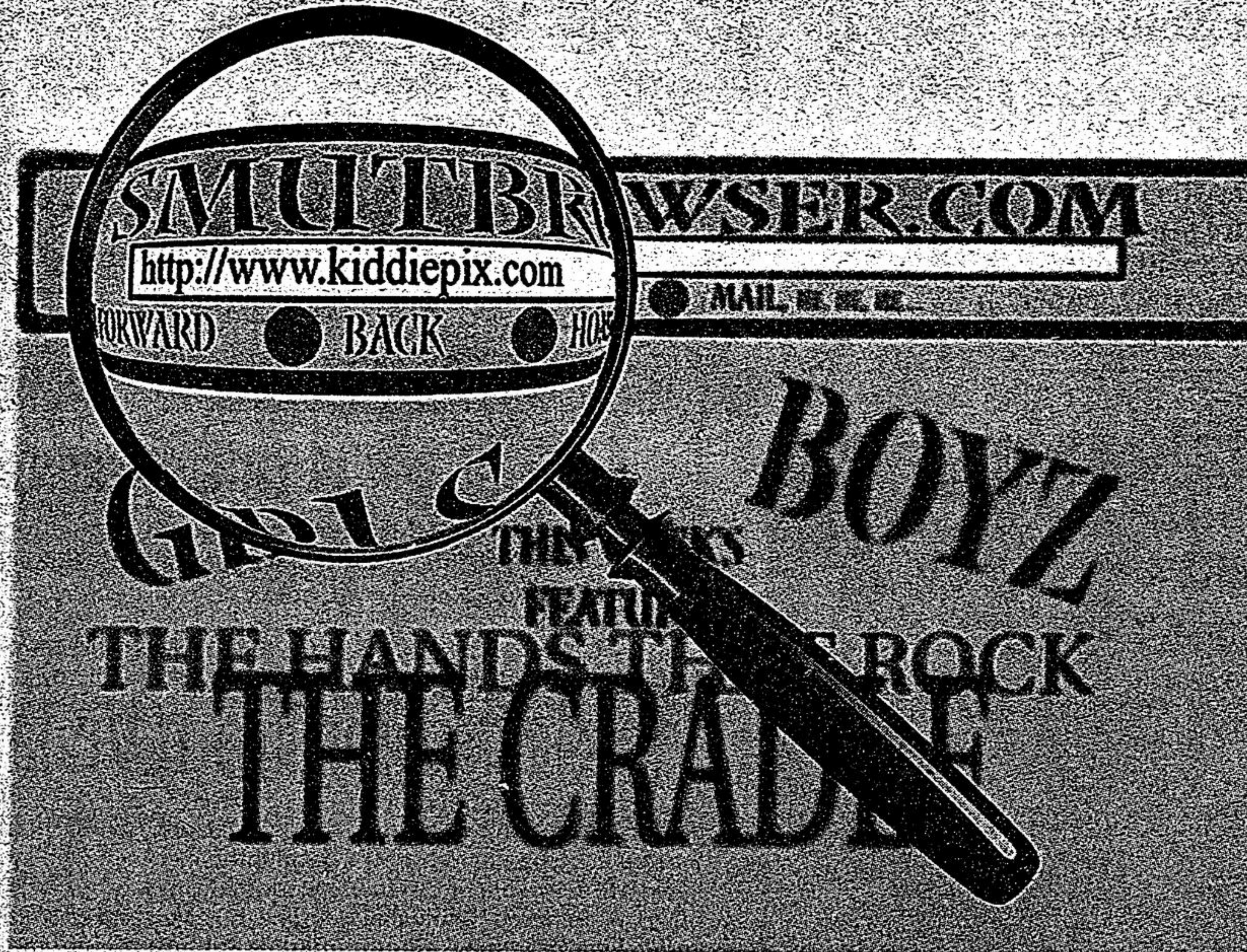


PHOTO ILLUSTRATION/MIKE BARRETT

images of sexual torture and degradation of the young and very young — even infants. One wonders how they cope with it.

"It has to be done," said York Regional Police Det. Const. Rob Thomson, a 41-year-old father of two young children.

The challenge in fighting child pornography is enormous. The World Wide Web is vast beyond imagination, as is the global network of producers and consumers of child pornography.

Tackling the problem, user by user, is beyond daunting. But there

are breaks. A couple of years ago, police in Texas busted a couple who were providing Internet access to child pornography for users around the world.

Seized during the raid on the operation — which was estimated to be grossing \$1.5 million a month — was an extensive database of subscribers, which was distributed to police in jurisdictions including Toronto, where some 200 suspects were identified, and in York Region, where the list of suspects exceeded 40.

Project Snowball, as it became

known, has resulted in a number of charges in Toronto and York Region, including the arrest a week ago of a 31-year-old Vaughan man. And if nothing else, Snowball revealed to police and the population in general the scope of this shadowy world.

"It's brought to the forefront how big this is. And it's widespread," Det. Const. Thomson said. "It's all across the province and it's all across Canada and it's all across the world."

It is the hope of cops like Det. Const. Thomson that by pursuing charging and exposing the con-

Tougher sentencing starts at grassroots: advocate

If judges are going to impose tougher sentencing for child pornography crimes, the demand for change has to come from the grassroots, says one advocate.

Julie Anderson of Newmarket is an Ohio native who formed an advocacy group and successfully lobbied that state's legislature for a law preventing people from viewing pornography on public access computers in libraries.

She said the uphill battle — foes accused her of assaulting First Amendment rights to free speech — was won only through dogged deter-

mination and tireless lobbying.

The same sort of resolve is necessary if police and the Crown are to get the resolution they're seeking in court, Ms Anderson said.

"They are only working within the parameters of the law. What needs to be changed is the law," she said.

At the heart of the argument for stiffer sentencing is the fact child pornography is not a victimless crime, Ms Anderson said.

"Some people might say that compared to child molestation, (pornography) pales in comparison," she said. "But it's perpetuat-

ing the crime."

"Child pornography itself is a picture of a crime."

Like other sources contacted for these articles, Ms Anderson stressed the importance of ordering counseling for people found in possession of child pornography.

"Punishment is stage one, compassion is stage two," she said.

"You can't jail and imprison a mental disease. Once that pedophile has served his sentence, he's right back to square one."

"We need to get these people help."

sumers of child porn, demand will be diminished.

Obtaining convictions means hours of investigation, including sifting through every nauseating image on a computer hard drive. "The light at the end of the tunnel is these guys appearing in court and being sentenced," Det. Const. Thomson said.

It may seem as though fighting this war by arresting one user at a time is rather like attempting to remove a mountain, one pebble at a time. And busting a computer user living in, say, Richmond Hill will not have the same impact as arresting the person who manufactured and sold the material in the first place.

But, Det. Const. Thomson argues, it's a start.

"Would we like to find that person? Yes," he said. "Have we found that person yet? No. But we will. We will get that person."

And then? It's up to the courts to finish the job, according to Det. Sgt. Kevin Adam, a member of the Ontario Provincial Police's famed Project P child pornography unit.

He described sentencing trends in various jurisdictions as "all over the map" — and expressed frustration over a reluctance among judges to use the full sentencing power of the law.

"We would definitely like to see jail terms in all (cases), but we're just not seeing that," Det. Sgt. Adam said.

He agrees with the argument strict and thorough sentencing, including court-imposed counseling, would accomplish the two stated goals of the justice system in meting out punishment: to express societal condemnation of the act and to create a deterrent.

"We'd love to see sentences that are more realistic, but what can we do?" Det. Sgt. Adam said. "We do our job and hand it over to the courts."

Some groups, including YRAP, are attempting to influence sentencing. Through community agencies, including counselors, lawyers and probation officers, they are stressing the necessity of effective sentencing, Ms Huizer said.

"We're trying to do it at a higher level, bringing people together from a philosophical viewpoint and saying this is what makes sense and this is what victims need and this is what offenders need," she said.

Ms Huizer realizes judges are bound by precedent, but she believes precedents, like rules, are made to be challenged — and occasionally broken.

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