

WHAT TO DO IF YOU ARE E-MAILED CHILD PORNOGRAPHY

The Internet may be the greatest thing since sliced bread, but there are many evils associated with it, not the least of these is child porn. While distressing in extreme for the victims, child porn can have equally catastrophic consequences for the innocent recipient.

If you visit websites, or if your E-mail address finds its way onto a mailing list, or a directory listing, or none of the previous, you will very likely receive spam. The most annoying thing about spam is its volume; nobody minds receiving two or three unsolicited E-mails a week, but regular Internet users may receive dozens, hundreds or even thousands a day. Although most of these spams can be blocked, and some are screened by ISPs, they still take up unnecessary bandwidth, waste your time, and often cause offence. Spam that offers to enlarge your penis is one thing, but spam that offers you pictures of naked children is another thing entirely, and although you may receive it unknowingly, if you open even one such spam E-mail you could be breaking the law, and risk being placed on the sex offenders register with all the stigma, ostracism and other problems this can cause.

In a letter dated 4 February 2004, a Crown Prosecution Service lawyer made the following points:

“If you receive spam and unsolicited emails which are advertising (or you have cause to believe) are advertising children engaged in sexual activity, you should *not* open or click any link etc but immediately forward such spam or unsolicited e-mails to the Internet Watch Foundation <http://www.iwf.org.uk>...”

The leading case on Internet child porn is R v Westgarth Smith; Jayson [2002] in which it was held that “knowingly downloading an image that was capable of being converted into a photograph on to a screen or opening an email attachment is an act of making that image”.

In simple English, all it takes for you to become a paedophile in law is ONE CLICK of the mouse. Although in practice it is unlikely that a prosecution would be mounted or succeed on the basis of one image, nobody needs this sort of trouble. So what should you do if you are sent child porn?

The advice given by the CPS to forward such spam to the Internet Watch Foundation may cause you more trouble. In the event of the police being informed, your computer becomes evidence and can theoretically be seized as such. If you do receive child porn and innocently “make an indecent image”, the best thing is to delete it at once: picture and E-mail, and make sure you also empty your wastebasket, and delete any temporary Internet files in the relevant directory. Do not under any circumstances save such an image either to your hard drive or to a floppy disk. Do not forward it to anyone or to any authority. If you feel you must report the incident, phone CrimeStoppers anonymously from a public telephone and give them details of the offending E-mail address.

Use your killfile to block the E-mail address from which any such message/image is sent, although this can cause problems because many spammers use forged headers, and you may receive such an E-mail from a bona fide Internet user whose address has been used unknowingly.

You can also use your killfile to block E-mails which contain specific urls, or phrases such as “kiddie porn”. This is something you should do. Be wary of allowing other people to use your computer, or if you are sharing a computer out of necessity - at work say- take reasonable precautions to ensure that you will not take the rap for other people’s crimes or mistakes.

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