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July 21, 2011

Judge Patricia Ryan
Circuit Court Office,
Áras Uí Dhálaigh,
Inns Quay, Dublin 7
Ireland

Re: Sentencing of child pornography possessor Adrian Savage - an open letter

Dear Judge Ryan,

With respect. The two years custodial sentence of that you gave to Adrian Savage - a repeat offender for the possession of child pornography images - was wholly inadequate. The advice given the court by Dr Patrick Randall, director of Forensic Psychological Services Ltd., was in my opinion, badly formulated and misguided.

Contrary to Dr. Patrick's opinion, possession of child pornography is a clear indication of a sexual interest in children. It is also a red flag for contact offences against children.

Child pornography – which depicts the rape and sexual abuse of children, some as young as months old – is a record of a crime. A crime against our most vulnerable members of society.

Savage was in possession of 34,699 images and 460 movies, some depicting girls as young as two. Two.

The possession of images recording the rape and molestation of children is not a harmless crime; it is very much the opposite, each child depicted is a real person, a victim.

Research shows that possession of child pornography is also indicative of contact offenses against children. Let me quote a 2008 study: according to a polygraphed self-reported survey of U.S. Federal inmates convicted of child pornography offences 79.6% admitted contact offences against children (Hernandez A, (2008). 80% of the inmates were co-offenders. The chances that Savage is a contact offender is high.

By his own admission in court testimony as recorded in the Herald, Dr. Randall does not have a clear understanding of the behavior and motivations of child pornography possessors.

Dr Patrick Randall's comment that this was "a stand alone case" and (he) said it was the most unusual one he had ever dealt with. "I have never seen the like of it."

That does not mean that it is unusual or stand alone. It means that Dr. Randall has never been exposed to one like it before. As such Dr. Randall's lack of exposure to cases like these should have precluded him from giving evidence as an expert witness or an advisor in any capacity.

Child pornography possession, distribution and viewing online is quite common in Ireland.

Ali Bracken the crime correspondent for the now defunct Sunday Tribune wrote a revealing article in January of this year which disclosed the extent of child pornography downloading, viewing and distribution. I have enclosed a copy of the article but let me quote to give you an idea of how Dr. Randall's inexperience hinders his ability to effectively advise the court.

Quote starts:

"The depth of this problem (child pornography) we have in Ireland is beyond shocking," says Dr Niall Muldoon, national clinical director of CARI (Children at Risk in Ireland). "This has to be a wake-up call. The people who are doing this are living in communities all over the country. They are our neighbours, people we all know."

In the first six months of this year, there were almost 5,000 detections of people downloading or trading in child pornography in Ireland on peer-to-peer networks (P2P). Some of these individuals swapped and downloaded child porn hundreds of times within a few weeks.

The article continues "'The actual activity in child pornography I'm sure is actually much higher. As well as the thousands detected by TLO on peer-to-peer, that's only one way people access child porn. The other popular way is by buying child pornography on the internet. The rise in 'pay as you go' credit cards has ensured people can continue to do this," says John Carr of the European NGO Alliance for Child Safety Online (ENACSO).'

Quote ends

It's not so 'unusual' after all.

According to today's Herald article Dr. Randall seems to present Savage as a victim. The doctor 'felt that Savage had "anger towards society due to his estrangement from it" and this may have been the motivation behind hoarding such "horrendous items that are so disliked by society". Really?

The Doctor has no idea what he is talking about. Savage is no victim; he is a perpetrator of child abuse. The victims are the children depicted in every one of the 35,000 images and 400 videos in his possession.

There is mention that Savage is a repeat offender - he was caught twice before. At what point will he be regarded as incorrigible - a dyed in the wool criminal? After the third time? The first time he is caught having a contact offence with a child? 'Treatment' failed to make any impression on him as he was back offending again soon afterwards. Treatment has a very low success rate with offenders.

I wrote to Federal Court Justice Jack Weinstein in New York in May 2010 about this very issue. Let me quote a section of my letter to him where I listed some facts about child pornography.

1. Child pornography is illegal to possess, purchase or produce. Why? Because it portrays children being raped and molested. In the U.S. possession will result in a sentence of five years to life for repeat offences. That reflects the seriousness of the crime.
2. Child pornography is a visual record of a crime. The viewer gets sexual satisfaction out of viewing it repeatedly and from the suffering of the children depicted.
3. Child pornography records adults raping and molesting children.
4. Child pornography is consumed by pedophiles, men who have a sexual interest in children. They fantasize about having sex with children, from infants to pre-pubescent teens. Child pornography feeds that fantasy much as heroin feeds a drug addiction.
5. Child pornography is not a victimless crime enjoyed in the comfort of a private room. It is a demand (user)-driven criminal activity that trades imagery for cash or in-kind trade, without regard of the consequences for the children.
6. Child pornography comes from two primary sources.
 - a. The recording of a rape of a child by for example, a parent, a babysitter, family friend, a doctor, a visitor; anyone with unfettered access to children with a camera phone or videocam - which is then posted online for the sexual gratuity of other pedophiles. The currency of trade is imagery. This is a common source.
 - b. There is a child pornography industry which channels child pornography from around the world and sells it. The children depicted are raped, tortured, imprisoned, some are killed. It is a reportedly multi-billion dollar industry that destroys the lives and the innocence of nameless children for the sexual satisfaction of men who find it sexually stimulating.
7. Child pornography depicts the rape of infants and children. Specifically it includes oral, anal and vaginal penetration; digital penetration of the anus or vagina, tying and gagging children, ejaculating onto the children's faces and bodies, oral stimulation of the child or stimulation of the adults by the child, forcing the child to swallow ejaculate, urinating on the child...up to and including snuff movies where the children are killed. These children are left bleeding, bruised and broken, many with significant internal injuries including ruptured bowels and vaginas.
8. Child pornography feeds the fantasy cycle that pedophiles thrive on. At the least it legitimizes their rationalization that their fantasies and actions are not harmful – which they are. At worst, it can be the catalyst for behavioral change from fantasy to acting out the molestation of children.
9. Pedophiles keep large files of child pornography and pass it around for others viewing pleasure. It has been documented that they treasure these collections. It is not a quirky fetish curiosity or a hobby like stamp collecting, it is a criminal obsession. The larger the collection the greater the degree and depth of criminality.

10. When caught one of the most common responses possessors of child pornography use is the 'Townshend' or 'research' excuse – they were researching the industry, their own abuse, the abuse of others; all excuses designed to avoid responsibility.

11. Possession of child pornography is a large behavioral red flag. Many, perhaps most possessors of child pornography are already active child molesters. Some are molesters of their own and other children. Possession charges should set in motion a process to determine the extent of these abuses at home and in the community.

If you have any further doubt as to the seriousness of the child pornography I would be happy to offer a training or forum for you and other interested judges where experts in this field will provide extensive relevant information about child sex offenders.

There are a number of fine, qualified, experienced forensic behavioral analysts in Ireland who have ample qualifications to testify in a case like this. I would be happy to provide their names to you if you would like.

Sincerely yours,

EVIN M DALY

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Copy: Minister Alan Shatter, Minister Frances Fitzgerald, media
Online resources: http://www.abusewatch.net/res_reports.php#2
Encl: Herald article July 21, 2011/Tribune article January 30, 2011
One Child Int'l abuse prevention materials: <http://www.abusewatch.net/brochures.php>
Delivered via email and post