



Legislative Fiscal Bureau

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May 19, 2009

Joint Committee on Finance

Paper #512

Internet Crimes Against Children Task Force (Justice)

[LFB 2009-11 Budget Summary: Page 429, #4]

CURRENT LAW

The Wisconsin Internet Crimes against Children (ICAC) Task Force was created in 1998 with federal funding to counter the emerging threat of offenders using online technology to sexually exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to police agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law enforcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children, to provide support services to children and families that have experienced victimization.

The Wisconsin ICAC Task Force is led by the Department of Justice (DOJ). The ICAC task force unit in DOJ is authorized 15.0 full-time equivalent (FTE) positions in 2008-09, including 10.0 GPR-funded positions, 4.0 PR-funded positions, and 1.0 FED-funded position.

GOVERNOR

Provide \$142,100 GPR in 2009-10, and \$164,200 GPR in 2010-11, and 1.0 special agent and 1.0 computer forensic analyst annually, to provide additional resources to the ICAC unit.

DISCUSSION POINTS

1. Through the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice, the federal government created the Internet Crimes against Children Task Force Program. Wisconsin was one of the first states to create such a task force.

2. Initially, DOJ did not have full-time special agents assigned to address its ICAC caseload. Instead, the ICAC caseload was addressed by special agents who worked overtime. The Department first retained dedicated full-time staff to work ICAC investigations in 2000. The Department utilized federal funding to hire a full-time special agent. In addition, DOJ: (a) reallocated a program and planning analyst position to the ICAC unit; and (b) trained a special agent in its technical services unit to conduct computer forensic examinations.

3. Department staff attributes additional resource reallocations to the ICAC unit to budget initiatives in 2002 and 2003, including the merger of the Division of Narcotics Enforcement (now the Bureau of Narcotics Enforcement) with the Division of Criminal Investigation. As of 2006-07, the ICAC unit had 10.0 FTE positions. Under 2007 Wisconsin Act 20, the Legislature created an additional 5.0 GPR-funded FTE positions for the unit. In 2008-09, the unit has the following 15.0 FTE positions: (a) 0.5 criminal investigation director; (b) 1.0 computer evidence recovery specialist; (c) 2.0 office associates; (c) 5.0 computer forensic analysts; and (d) 6.5 special agents. These positions and associated supplies and services costs are supported through a combination of state and federal funds.

4. Internet crimes against children cases generally fall into four broad categories: (a) "peer-to-peer" investigations; (b) investigations of cybertips received from individuals and Internet service providers through the National Center for Missing and Exploited Children; (c) online child enticement investigations; and (d) cases involving other law enforcement agencies.

5. First, "peer-to-peer" investigations identify the illegal file sharing of child pornography images over the Internet. Second, Congress has mandated that all Internet service providers register and report any child pornography on their servers to the Cyber Tips Program at the National Center for Missing and Exploited Children. The investigation of cybertips involves following up on such tips that may come from Internet service providers or from individuals. Third, online child enticement investigations involve investigations of chat rooms and other web-based communication sites to identify adults who want to meet children for the purpose of engaging in sexual activity, or adults who are willing to make their children available for adult sexual contact. Finally, cases involving other law enforcement agencies include: (a) child exploitation initiatives with other law enforcement agencies, such as following up on customer information from web-based companies identified as illegally trafficking images of child pornography; (b) assisting local law enforcement agencies with investigations of Internet-based or other child exploitation cases; and (c) assisting other ICAC task forces around the country.

6. In addition to DOJ, the Wisconsin ICAC Task Force includes 82 affiliate Wisconsin law enforcement agencies. Of these 82 agencies, 33 have been added to the task force since the beginning of 2008. All of these agencies have a capacity to conduct "reactive" ICAC investigations, responding to tips or information that an Internet crime against a child may have occurred. In addition, DOJ indicates that it has trained over 150 officers in the past year to conduct "proactive" investigations, such as peer-to-peer investigations and online child enticement investigations.

7. Computer forensic analysis is an important element to the successful prosecution of

ICAC cases. Computer forensic analysts are responsible for conducting on-site forensic previews of evidence, and subsequently developing the evidence more thoroughly in the laboratory. The analysis involves: (a) the creation of a duplicate image of relevant evidence; (b) an examination of all relevant computer files; and (c) restoring information pertinent to the investigation. Department staff indicates that this work can be laborious, often due to the large volume of data involved in ICAC investigations. Computer forensic analysts in the ICAC unit provide this analysis for both DOJ special agents as well as for local law enforcement agencies.

8. Despite the expansion of resources within DOJ dedicated to ICAC investigations, as well as the increasing number of local law enforcement agencies joining the Wisconsin ICAC Task Force, the Attorney General has expressed the concern that the Department has insufficient resources to respond to Internet crimes against children. As an indication of the scope of the problem, the Attorney General indicated in his testimony to the Committee that between January and October of 2008, the ICAC Task Force observed over 22,000 unique Wisconsin Internet protocol (IP) addresses offering to share child pornography. It may be worth noting that in some instances a single individual may utilize multiple IP addresses. However, the exchange of child pornography is also not the only type of Internet crime against children that DOJ is addressing. The Department indicates that each additional special agent would be expected to initiate between 30 and 40 investigations a year.

9. Under AB 75 the Governor recommends providing \$142,100 GPR in 2009-10, and \$164,200 GPR in 2010-11, and 1.0 special agent and 1.0 computer forensic analyst annually, to provide additional resources to the ICAC unit at DOJ. Administration staff indicate that the intent was to balance the fiscal constraints facing the state with the need to provide additional resources to combat Internet crime against children. The administration's intent with the recommendation was also to provide necessary resources for computer forensic work that would be generated by additional law enforcement investigations of an additional special agent. If the Committee agrees with the balance under AB 75, the recommendation could be approved.

10. Alternatively, the Committee could strike the balance requested by the Attorney General and provide \$341,300 GPR in 2009-10, and \$390,900 GPR in 2010-11, and 2.0 special agents and 3.0 computer forensic analysts annually to provide additional resources to the ICAC unit at DOJ. Based on DOJ statements, this would allow additional investigations to be conducted.

11. The Committee could also conclude that it is important to respond to these crimes, but that the initiative should be supported from base resources. Department staff indicates, however, that the agency has little ability to reallocate base resources to enhance its response to these crimes.

12. While this latter alternative would provide no additional state resources, it may be worth noting that DOJ has been invited by the federal government to apply for \$735,600 FED in ICAC funding under the Federal Recovery Act. However, unlike its budget request where the focus is on providing more law enforcement and analysis resources to the Department to undertake additional Department-led ICAC investigations, DOJ indicates that part of its intended utilization of

any supplemental federal ICAC award would be to provide additional support to affiliated law enforcement agencies in the task force and provide additional resources for school and public training. In addition, it is anticipated that Federal Recovery Act funding will be one-time in nature.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$142,100 GPR in 2009-10, and \$164,200 GPR in 2010-11, and 1.0 special agent and 1.0 computer forensic analyst annually, to provide additional resources to the Internet Crimes against Children (ICAC) Task Force unit at the Department of Justice.

2. Provide an additional \$199,200 GPR in 2009-10, and \$226,700 GPR in 2010-11, and 1.0 special agent and 2.0 computer forensic analysts annually, to provide additional resources to the ICAC Task Force unit. [*This alternative may be adopted in addition to Alternative 1.*]

ALT 2	Change to Bill	
	Funding	Positions
GPR	\$425,900	3.00

3. Delete provision.

ALT 3	Change to Bill	
	Funding	Positions
GPR	- \$306,300	- 2.00

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