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Internet Crimes Against Children Program

OPERATIONAL AND INVESTIGATIVE STANDARDS

ICAC Program Operational and Investigative Standards
FOR LAW ENFORCEMENT PURPOSES ONLY

Last Update: May 31, 2011

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Definitions

As used herein, the following definitions shall apply:

“OJJDP” is the Office of Juvenile Justice and Delinquency Prevention.

“NCMEC” is the National Center for Missing and Exploited Children.

“CEOS” is the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice.

“Commander” is the individual designated as the leader of the state or regional ICAC Task Force

“Supervisor” is any manager responsible for supervising personnel involved in ICAC related cases.

“ICAC” is the Internet Crimes Against Children program composed of Task Forces and Affiliates.

“TASK FORCE” is defined as an ICAC law enforcement agency designated by OJJDP to act as the State and/or Regional Task Force.

“AFFILIATE” is defined as a law enforcement agency that is working in partnership with a Task Force and has agreed in writing to adhere to ICAC Operational and Investigative Standards.

“PARTNER” is defined as an agency assisting a Task Force absent a written agreement.

“NATIONAL INITIATIVE” is defined as any investigative proposal that relies on the cooperation and resources of all Task Forces or mandates action by OJJDP.

“Unlawful images, contraband images, images depicting the sexual exploitation of minors” Any visual depiction of child sexual exploitation as defined by federal and/or state statute.

“CVIP” is the Child Victim Identification Program operated by the National Center for Missing & Exploited Children.

“CYBERTIPLINE” is a reporting mechanism for cases of online child sexual exploitation and enticement operated by the National Center for Missing & Exploited Children.

For the purposes of this program, *crime* is defined as any offense that involves the exploitation of children facilitated by technology.

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Investigative interest is established when there is reasonable suspicion that a screen name or other potentially identifiable entity has committed a crime or that entity is engaged in a sequence of activities that is likely to result in the commission of a crime.

A *proactive investigation* is designed to identify, investigate and prosecute offenders that may or may not involve a specific target, and requires online interaction and a significant degree of pre-operative planning.

A *reactive investigation* involves the investigation of a complaint of a crime.

Reasonable suspicion is established when sufficient facts exist to lead a law enforcement officer to believe that an individual or organization is involved in a definable criminal activity.

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1. Oversight

1.1 Each ICAC agency shall have supervisory systems and procedures that shall provide for observation, documentation, and periodic review of ICAC activity. Such system should comply with the principles of quality case management and ensure that ICAC activities comply with both agency and ICAC Operational and Investigative Standards (hereto forth, "the Standards").

1.2 Task Forces shall submit all proposed national initiatives to OJJDP prior to project initiation.

1.3 OJJDP may suggest amendments to the original proposal following consultation with the presenting Task Force and other federal, state, and local entities.

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2. Selection and Retention of ICAC Task Force Personnel

2.1 Supervisors should evaluate prospective ICAC candidates for work history that indicates prior investigative experience, court testimony skills, ability to handle sensitive information prudently, and a genuine interest in the protection of children, and an understanding of the harmful effects of unlawful images.

2.2 Given the graphic nature of evidence routinely encountered in ICAC related investigations, the mental health of all personnel involved in such cases is a concern. ICAC supervisors are encouraged to make reasonable efforts to inform assigned personnel about departmental employee assistance program policies, procedures, and services available to them.

2.3 ICAC supervisors and/or his/her designee should work to ensure the long term well-being of any individuals involved with ICAC related child sexual exploitation investigations. The following recommendations are encouraged:

- *Workspace considerations* - The physical location in an office should be conducive to feeling comfortable while at work.
- *Preparation for new employees* - Develop an interview process in that the potential candidate is educated about the true nature of the crime.
- *Work flexibility* - Allowing investigators and others who are exposed to unlawful images, contraband images, images depicting the sexual exploitation of minors to have flexibility (e.g. frequent breaks, having an open-door policy, etc.)
- *Educating colleagues* - Colleagues should be aware that viewing of child sexual abuse images should be treated as serious, restricted and stressful.
- *Work with Mental Health Providers (MHP)* – In compliance with local agency guidelines work with MHP to make recommendations for care of unit staff and provide education/training regarding self-care and stress management, etc.
- *Best Practices* - ICAC Commanders and supervisors are encouraged to share or seek out any daily office practices used by them or other ICAC Task Forces that can promote mental health and wellbeing.
- *Training* – Encourage attendance at trainings that discuss the specific stressors associated with exposure to images or videos depicting child sexual abuse.

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3. Training

3.1 All professional and administrative personnel assigned responsibilities associated with ICAC operations shall be required to read and comply with the Standards. Additionally, all training program curriculum supported by ICAC resources shall be consistent with the Standards, and approved by OJJDP or, in instances of local training, the Commander.

3.2 Commanders are responsible for ensuring that the individuals nominated for ICAC sponsored training are employed by agencies that have agreed in writing to adhere to the Standards and that any prerequisite requirements for the training session have been met.

3.3 ICAC task forces may develop and deliver regional training. The training shall comply with the Standards. Any subsequent support required as a result of the regional training shall be the responsibility of the task force providing the training.

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4. Case Management

4.1 Case Predication and Prioritization Factors

4.1.1 Cases may be initiated by referrals from the CyberTipline, Internet service providers, or other law enforcement agencies, and by information gathered through subject interviews, documented public sources, direct observations of suspicious behavior, public complaints, or by any other source acceptable under agency policies.

4.1.2 Supervisors are responsible for determining investigative priorities and selecting cases for investigation. Assuming the information is deemed credible, that determination should begin with an assessment of victim risk and should also consider other factors such as jurisdiction and known offender behavioral characteristics. The following factors should be considered:

- A child is believed to be at immediate risk of victimization
- A child is vulnerable to victimization by a known offender
- A known suspect is aggressively soliciting a child(ren)
- Manufacturers, distributors or possessors of images that appear to be home photography with domiciled children
- Aggressive, high-volume unlawful images, contraband images, images depicting the sexual exploitation of minors, manufacturers or distributors who either are commercial distributors, repeat offenders, or specialize in sadistic images
- Manufacturers, distributors and solicitors involved in high-volume trafficking or belong to an organized group sharing unlawful images, contraband images, images depicting the sexual exploitation of minors ring that operates as a criminal conspiracy.
- Distributors, solicitors and possessors of unlawful images, contraband images, images depicting the sexual exploitation of minors
- Any other form of technology facilitated child sexual victimization

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4.2 Record Keeping

4.2.1 ICAC agencies shall be subject to existing agency incident reporting procedures and case supervision systems. At a minimum, a unique identifier shall be assigned to each ICAC case.

4.2.2 All affiliated agencies will report their activity to the respective Task Force Commander by the 10th of each month using the ICAC Monthly Performance Measures Report.

4.2.3 Task Forces will compile and submit their monthly performance measures report to the OJJDP designated location before the end of the following calendar month. This monthly report does not replace the semi-annual progress report required by the Office of Justice Program's Financial Guide.

4.2.4 ICAC Case Tracker – Task Forces will compile and submit information on all cases referred for local, state, or federal prosecution. Information is required for all cases referred by the grant receiving agency, as well as all affiliates that received more than \$20,000 a year, or any affiliate the Commander selects to include. The report is on-going and begins with the prosecutorial agency the case is referred to and continues through the final disposition of the case. This on-going quarterly report will be due within 30 days of the end of the quarter and does not replace either the semi-annual progress report required by the Office of Justice Program's Financial Guide, nor does it replace the Monthly Performance Measures Report (see 4.2.3 above).

4.3 Undercover Investigations

4.3.1 Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing ICAC offenses.

4.3.2 Supervisors are responsible for ensuring that ICAC investigators receive a copy of the Standards.

4.3.3 ICAC investigations shall be conducted in a manner consistent with the principles of law and due process.

4.3.4 The following minimum standards apply to ICAC investigations:

- a. Only sworn, personnel shall conduct ICAC investigations in an undercover capacity. Private citizens shall not be asked to seek out investigative targets, nor shall they be authorized to act as police agents in an online undercover capacity.

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- b. ICAC personnel shall not electronically upload, transmit, or forward any contraband. This does not prohibit the transfer of evidence between law enforcement officials as provided by section 4.4.4 of these Standards.
- c. Other than images or videos of individuals, age 18 or over, which have provided their informed written consent, and at the time consent was given were employed by a criminal justice agency, no actual human images or videos shall be utilized in an investigation. Employee is defined as a sworn, or compensated individual, or any individual working under the direction and control of a law enforcement agency.
- d. Absent prosecutorial input to the contrary, during online dialogue, undercover officers should allow the investigative target to set the tone, pace, and subject matter of the online conversation. Image transfer shall be initiated by the target.
- e. Undercover online activity shall be recorded and documented. Any departures from this policy due to unusual circumstances shall be documented in the relevant case file and reviewed by an ICAC supervisor.

4.4 Evidence Procedures

4.4.1 The storage, security, and destruction of investigative information shall be consistent with agency policy. Access to files should be restricted to authorized personnel.

4.4.2 The examination of computers and digital media shall be consistent with agency policy and procedure.

4.4.3 Unlawful images or images depicting the sexual exploitation of minors are considered contraband, and should be maintained pursuant to each agency's policies regarding such. It is recommended that absent a court order specifically ordering otherwise, evidence containing unlawful images, contraband images, images depicting the sexual exploitation of minors shall not be released to any defendant or representative thereof.

4.4.4 The transfer of evidence containing unlawful images, contraband images, and images depicting the sexual exploitation of minors among law enforcement shall be done in a secure manner. Methods of transfer may include hand-delivery, electronic transmission of digitally protected files, delivery via a service that tracks the shipment, or other methods consistent with agency policy and practices.

4.5 Workspace and Equipment

4.5.1 ICAC equipment will be reserved for the exclusive use of agency and/or designated ICAC personnel. When possible, undercover equipment and online accounts shall be

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purchased covertly. No personally owned equipment shall be used in ICAC investigations and all software shall be properly acquired and licensed.

4.5.2 ICAC personnel shall not use ICAC computers, software, or online accounts for personal use.

4.5.3 Absent exigent or unforeseen circumstances, all ICAC investigations should be conducted in a professional and ethical manner in an approved workspace as designated by a Supervisor. Alternative workspace policies may be developed and approved by the Commander (in consultation with OJJDP when appropriate) to allow for investigations to continue during event driven instances where the physical location of the investigator may vary.

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5. Information Sharing

5.1 Conventional boundaries are virtually meaningless in the electronic world of the Internet and the usual constraints of time, place, and distance lose their relevance. These factors increase the possibility of ICAC agencies targeting one another, investigating the same subject, or inadvertently disrupting an ongoing investigation. To foster coordination, collaboration, and communication, each ICAC agency shall make every effort to deconflict all active investigations.

5.2 When a common target is identified, the agency should consider contacting other local, state, and federal agencies that may be involved in an investigation of the same target.

5.3 When transferring an ICAC investigation to another agency, the appropriate ICAC Commanders shall be notified that a referral has occurred.

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6. Victim Identification

6.1 Identifying child victims is a critical element of the ICAC Program. DOJ and OJJDP require all Task Forces and affiliates to submit child victim images to the Child Victim Identification Program (CVIP) as a means to improve child victim identification. Absent exigent circumstances, child victim images will be sent to the CVIP consistent with NCMEC guidelines. In addition, ICAC agencies are encouraged to collaborate with NCMEC to identify children depicted in unlawful images, contraband images, images depicting the sexual exploitation of minors.

6.2 A focus of the ICAC Program is to protect children. In circumstances where reporting of child abuse is not required under existing laws, ICAC agencies are strongly encouraged to report instances where a child may be at risk for abuse or exploitation.

6.3 Absent exigent circumstances, victim-identifying information should be protected from public disclosure.

6.4 Adhere to state and federal victimization notification and assistance laws.⁷

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Community Education and Crime Prevention

7.1 Prevention education activities are a critical component of the OJJDP ICAC Program. ICAC agencies should foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, and other individuals concerned about child safety issues.

7.2 Presentations to school staff, parents, and community groups are excellent ways to promote awareness. These presentations shall not depict identifiable victims, not otherwise in the public domain, nor shall they use pornographic or sexually explicit images. Presenters shall not discuss confidential investigative techniques.

7.3 No member of an ICAC Task Force may endorse any product or service without the express consent of an OJJDP Program Manager. While appearing at public presentations, ICAC members may indicate a preference for a product or service, but to avoid an implicit endorsement, such ICAC members should indicate adequate alternatives.

7.4 The materials and presentation should be consistent with the national ICAC goals as outlined below:

Purpose of the ICAC Program

The mission of the Internet Crimes Against Children (ICAC) Task Force program is to assist state and local law enforcement agencies in developing an effective response to cyber enticement and the production, possession, and distribution of unlawful images, contraband images, and images depicting the sexual exploitation of minors. This support encompasses forensic and investigative components, training and technical assistance, victim services, prevention and community education.

Background on the ICAC Program

The Internet Crimes Against Children (ICAC) program is a national network of 61 coordinated local task forces and nearly 3,000 local and regional affiliated agencies engaged in both proactive and reactive investigations, forensic examinations, effective prosecutions and community education. The ICAC Program was developed in response to the increasing number of children and teenagers using the Internet, the proliferation of unlawful images, contraband images, images depicting the sexual exploitation of minors, and the heightened online activity by predators searching for unsupervised contact with underage victims. By helping state and local law enforcement agencies develop effective and sustainable responses to online child victimization and unlawful images, contraband images, images depicting the sexual exploitation of minors, the ICAC program delivers national resources at the local level.

The ICAC program actively protects children who use the Internet by proactively investigating the online sexual exploitation of children by predators. Because ICAC practitioners understand that arrests alone cannot resolve the problem of on-line victimization, the ICAC program is dedicated to training law enforcement and educating parents and youth about the potential dangers online and offering safety tools.

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8. Media Relations and Releases

8.1 Media releases relating to prosecutions, crime alerts or other matters concerning ICAC operations shall not include information regarding confidential investigative techniques and should be coordinated (when applicable) with other Task Force participants, Federal law enforcement agencies, and State and local agencies involved in the investigation consistent with sound information management and media relations practices.

8.2 Commanders and supervisors (or their designees) may speak to members of the media about their own departments' ICAC-related activities according to their own agency's guidelines. No individual affiliated with the ICAC program may speak on behalf of the ICAC Program as a whole.

8.3 Commanders should inform an OJJDP Program Manager if approached by national media outlets about the ICAC Program (as opposed to media seeking information about local activities) so that a coordinated national response can be prepared by OJP.

8.4 Information provided by ICACs to the media shall be consistent with the information provided in Section 7.4.