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Joint Committee on Finance

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Internet Crimes Against Children Taskforce (Justice -- General Agency Provisions)

[LFB 2013-15 Budget Summary: Page 272, #5]

CURRENT LAW

The Wisconsin Internet Crimes Against Children (ICAC) Task Force was created in 1998 with federal funding to counter the 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. As of April 29, 2013, there are 178 law enforcement agencies, including the Department of Justice (DOJ), participating in the Wisconsin ICAC Task Force.

The ICAC Task Force is led by DOJ. Base funding and positions for the ICAC Task Force unit at DOJ include \$2,012,600 GPR and 25.0 GPR positions, \$482,100 PR and 5.0 PR positions, and \$195,800 FED and 1.0 FED position.

GOVERNOR

Provide \$451,000 GPR and 5.0 GPR positions in 2013-14, and \$461,200 GPR and 5.0 GPR positions in 2014-15, to provide additional resources for the ICAC Task Force unit at DOJ to combat commercial sexual exploitation of children. Positions created under the recommendation would include 3.0 special agents, 1.0 criminal analyst, and 1.0 criminal analyst-senior.

DISCUSSION POINTS

1. Internet crimes against children cases generally fall into four broad categories: (a) investigations of cybertips received from individuals and Internet service providers through the National Center for Missing and Exploited Children; (b) online child enticement investigations; (c) "peer-to-peer" investigations; and (d) cases involving other law enforcement agencies. In 2010-11, the ICAC task force opened 1,015 ICAC investigations, while in 2011-12 the ICAC task force opened 1,122 ICAC investigations. These figures include investigations in which DOJ took the lead investigative role as well as investigations in which affiliated law enforcement agencies in the Task Force took the lead investigative role.

2. All 178 law enforcement agencies participating in the Wisconsin ICAC task force 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, most of these agencies can also conduct "proactive" investigations such as peer-to-peer investigations and online child enticement investigations.

3. 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. These investigations also include cases in which adults direct obscenity towards minors. "Peer-to-peer" investigations identify the illegal sharing of child pornography images and videos over the Internet.

4. 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.

5. In 2010-11, the Wisconsin ICAC Task Force made 124 arrests, and in 2011-12, the Wisconsin ICAC Task Force again made 124 arrests. Of the 124 arrests made by the Wisconsin ICAC Task Force in 2010-11, 46 arrests were for cases which had been assigned to DOJ special agents. Of the 124 arrests made by the Wisconsin ICAC Task Force in 2011-12, 58 arrests were for cases which had been assigned to DOJ special agents.

6. Computer forensic analysis is an important element to the successful prosecution of ICAC cases. Criminal 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. In 2010-11, the ICAC Task Force conducted 2,096 forensic ICAC examinations. In 2011-12, the ICAC Task Force conducted 2,768 forensic ICAC examinations.

7. The ICAC Task Force is led by DOJ. In 2006-07, the ICAC Task Force unit in DOJ

was authorized 10.0 positions. The provisions of 2007 Act 20 and 2009 Act 28 each provided an additional 5.0 GPR positions to the DOJ ICAC unit. Finally, 2011 Act 32 provided an additional 11.0 GPR positions for the unit. As a result, the unit has 31.0 positions as base resources in 2012-13.

8. Under AB 40, the Governor recommends providing an additional 5.0 GPR funded positions to the DOJ ICAC Task Force unit annually to combat commercial sexual exploitation of children. In addressing the need for additional staff, DOJ highlighted the national Innocence Lost Initiative from June, 2012. This initiative targeted those responsible for exploiting underage children through prostitution. The initiative was a three-day law enforcement action involving more than 8,500 local, state, and federal law enforcement officers and agents representing 414 separate agencies who recovered 79 juveniles and arrested 104 pimps nationwide. The Milwaukee office of the FBI and cooperating state and local agencies were credited with recovering six juveniles. It is unclear how many of the local juvenile recoveries were due to traditional law enforcement methods verses the use of information gained from the Internet.

9. As another measure of the need to address commercial sexual exploitation of children, DOJ staff referred to cyber tips received from the National Center for Missing and Exploited Children. As of September 4, 2012, the Wisconsin ICAC Task Force had received 76 cyber tips involving child prostitution in 2012. [Multiple cyber tips may sometimes be received for the same case.]

10. The Department has identified the Milwaukee area as the highest priority area of the state to respond to the commercial sexual exploitation of children. Madison was ranked as the area of the state with the second highest need, and Appleton and Eau Claire were rated similarly in third. Department staff have not quantified the level of commercial sexual exploitation of children in these regions of the state, but based on their experience have concluded that these regions of the state represent the areas of the state with the highest need.

11. If the Committee were to approve this recommendation, DOJ indicates that it would place the three special agents in the areas of the state identified as having the highest need for child sex trafficking investigations. In order to provide additional resources to address the commercial sexual exploitation of children, the Committee could approve the recommendation to provide DOJ \$451,000 GPR in 2013-14, \$461,200 GPR in 2014-15, and 5.0 GPR positions annually including 3.0 special agents. [Alternative 1]

12. While the Legislature typically creates new positions at the minimum salary for the position, under AB 40, the newly created criminal analyst-senior and special agent positions would all be budgeted annual salaries above the minimum. Typically, if state agencies wish to fill a newly created position above the minimum starting salary, the agency must receive approval from the Office of State Employment Relations, and is expected to utilize base resources to fund the difference.

13. The Department could raise concerns that funding the positions at lower salary levels may make it more difficult for the Department to recruit the level of candidate that it seeks for these new positions. In responding to this concern, the Committee could approve the

recommendation for new ICAC positions as submitted under AB 40. [Alternative 1]

14. On the other hand, in order to reduce the initial cost of creating additional ICAC positions, and as state agencies are typically provided positions at the minimum starting salary, the Committee could choose to create the positions as envisioned under AB 40, but fund the criminal analyst-senior and special agent positions at the minimum starting salary for the respective positions. Under this alternative, funding for the proposal could be reduced by \$60,000 GPR in 2013-14, and by \$79,900 GPR in 2014-15. [Alternative 2]

15. Alternatively, DOJ has indicated that Milwaukee is the highest priority area of the state to respond to the commercial sexual exploitation of children. The Committee could consider providing \$145,300 GPR in 2013-14, \$145,200 GPR in 2014-15, and 2.0 positions annually funded at the minimum (1.0 special agent and 1.0 criminal analyst) to provide DOJ additional resources to address the commercial sexual exploitation of children in the Milwaukee area. [Alternative 3] Under this alternative, \$305,700 GPR in 2013-14, \$316,000 GPR in 2014-15, and 3.0 positions annually would be deleted from the bill.

16. Under 2011 Act 32, the Legislature required that ICAC resources provided to DOJ be separately tracked for budgetary purposes. As a result, these resources cannot be applied by the Department for other functions, but are dedicated to ICAC. Under AB 40, as introduced, the administration inadvertently provided the additional resources for the DOJ ICAC unit to DOJ's criminal investigation subprogram. As with other ICAC resources, the Committee could consider providing any additional ICAC resources to the ICAC subprogram. [Alternative 4]

17. Finally, in light of the substantial additional resources provided to the DOJ ICAC unit since 2006-07, the Committee could delete the provision. [Alternative 5] Under this alternative, DOJ would be expected to utilize base resources to address the most urgent ICAC needs in the state.

ALTERNATIVES

1. Provide \$451,000 GPR and 5.0 GPR positions in 2013-14, and \$461,200 GPR and 5.0 GPR positions in 2014-15, to provide additional resources for the Internet Crimes Against Children (ICAC) Task Force unit at the Department of Justice (DOJ) to combat commercial sexual exploitation of children.

2. Modify the Governor's recommendation by funding the newly created special agents and criminal analyst-senior positions at the minimum salary for the respective positions. Reduce salary and fringe benefits funding for the positions by \$60,000 GPR in 2013-14, and by \$79,900 GPR in 2014-15.

ALT 2	Change to Bill
	Funding
GPR	- \$139,900

3. Modify the Governor's recommendation by deleting \$305,700 GPR in 2013-14, \$316,000 GPR in 2014-15, and 3.0 GPR positions annually. Under this alternative, DOJ would receive 2.0 additional positions annually funded at the minimum (1.0 special agent and 1.0 criminal analyst) to provide additional resources for the Milwaukee area to address the commercial sexual exploitation of children.

ALT 3	Change to Bill	
	Funding	Positions
GPR	- \$621,700	- 3.00

4. *This alternative may be adopted in addition to Alternatives 1, 2, or 3.* Provide that the additional funding and positions for the ICAC unit at DOJ be deleted from the criminal investigation subprogram and provided to the ICAC subprogram.

5. Delete provision.

ALT 5	Change to Bill	
	Funding	Positions
GPR	- \$912,200	- 5.00

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