



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #460

### Digital Forensic Crime Analysts (Justice)

[LFB 2019-21 Budget Summary: Page 254, #10]

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#### CURRENT LAW

Local units of government are primarily responsible for law enforcement protection and investigating potential crimes. In addition, state statute requires the Department of Justice (DOJ) to investigate crimes that are statewide in nature, importance, or influence. Section 165.70 of the statutes specifically requires DOJ to enforce, among other crimes, the use of a computer to facilitate a child sex crime.

The Internet Crimes Against Children (ICAC) task force unit at DOJ is responsible for investigating Internet crimes against children in conjunction with other law enforcement partners in the Internet Crimes Against Children Task Force. The budget for the ICAC Unit at DOJ in 2018-19 is \$4,243,700 (all funds) and 35.0 positions. The unit's total funding is comprised of \$2,571,800 GPR, \$1,511,300 PR, and \$160,600 FED, supporting 26.0 GPR, 8.0 PR, and 1.0 FED positions. The unit's program revenue-funded budget is supported by the \$13 crime laboratory and drug law enforcement surcharge and the DNA surcharge.

The Digital Forensics Unit (DFU) was originally established in 2008, it focused mainly on investigating ICAC cases with material recovered from computers. Currently, none of the crime analysts work exclusively on ICAC but it is still the majority of the overall workload. With the proliferation of digital devices (for example, smart phones and smart watches) and their capacity, DFU work in the central laboratory and field offices also includes assisting with arson, homicide, kidnapping, human trafficking, drug trafficking, critical incident, white collar and public integrity cases.

## **GOVERNOR**

Provide \$153,200 GPR in 2019-20 and \$204,300 GPR in 2020-21, and 3.0 GPR positions annually to increase digital forensic services provided to local law enforcement.

## **DISCUSSION POINTS**

1. The ICAC program currently has 35.0 FTE. The unit is currently authorized the following positions: (a) 14.0 criminal analysts; (b) 19.0 special agents; (c) 1.0 program and policy analyst; and (d) 1.0 information services (IS) network services specialist. Ten crime analysts are located in Madison at the Risser Justice Center in the main digital forensic laboratory. There is one crime analyst assigned to the Eau Claire, Wausau, Appleton, and Milwaukee DCI field offices. The Department indicates that the services of DFU are particularly important as there are only 13 counties in the state in which at least one law enforcement agency has a digital forensic unit and there are limited digital forensic capabilities in nine counties.

2. In 2006-07, the ICAC task force was initially authorized 10.0 GPR positions. The provisions of 2007 Act 20 and 2009 Act 28, each provided an additional 5.0 positions for the task force. Additional positions were provided under 2011 Act 32 when 11.0 new positions were authorized. Finally, 2013 Act 20 provided 5.0 more ICAC positions.

3. Digital 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 2016-17, the ICAC task force conducted forensic ICAC examinations of 1,464 hard drives and 2,782 cell phones, for a total of 1,640 terabytes examined. In 2017-18, the ICAC task force conducted forensic ICAC examinations of 1,623 hard drives and 3,118 cell phones for a total of 680 terabytes examined.

4. Criminal analysts in the DOJ ICAC Digital Forensics Unit investigate crimes committed using the computer and analyze information contained in electronic formats. The personnel in this unit are trained to conduct forensic analysis of digital evidence. These cases include Internet crimes against children cases, audio and video enhancements, cell phone forensics, and other digital evidence and technical assistance cases. In 2016-17, these DOJ criminal analysts at the DOJ ICAC Digital Forensics Unit opened 550 cases and closed 526 cases, while in 2017-18 they opened 622 cases and closed 575 cases. Forensic ICAC cases are opened separately from criminal investigations initiated by the Wisconsin ICAC task force. Forensic ICAC cases are opened for the specific purpose of conducting forensic examinations of electronic devices. One forensic ICAC case is designated for the total number of devices submitted in a case.

5. The administration recommends the addition of 3.0 criminal analysts to assist the DFU with investigations. These positions would add to those available to assist with onsite investigations. Through the work of criminal analysts searching electronic devices associated with a suspect,

probable cause can be established on-site, which would give evidence sufficient for an arrest, much more quickly than if materials needed to be sent to a central location for analysis. These positions would be stationed at three DCI field offices. The department indicates that it would reallocate another position in order to all four DCI field offices.

6. Given the assistance that the additional criminal analyst positions can give with field investigations, the Committee may provide the additional 3.0 GPR positions. [Alternative 1] This alternative would provide \$153,200 GPR in 2019-20 and \$204,300 GPR in 2020-21, and 3.0 GPR positions annually.

7. To provide half the field offices with an additional crime analyst, the Committee may provide 2.0 additional crime analyst positions. [Alternative 2] This alternative would provide \$102,100 GPR in 2019-20 and \$136,100 GPR in 2020-21, and 2.0 GPR positions annually.

8. On the other hand, while the additional positions could provide increased assistance with ICAC, the workload has been managed using the current 14.0 criminal analysts. As a result, the Committee may decide to take no action at this time. [Alternative 3]

**ALTERNATIVES**

1. Provide \$153,200 GPR in 2019-20 and \$204,300 GPR in 2020-21, and 3.0 GPR positions annually to increase digital forensic services provided to local law enforcement.

ALT 1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$357,500	3.00	\$0	0.00

2. Provide \$102,100 GPR in 2019-20 and \$136,100 GPR in 2020-21, and 2.0 GPR positions annually to increase digital forensic services provided to local law enforcement.

ALT 2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$238,200	2.00	- \$119,300	- 1.00

3. Take no action.

ALT 3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	- \$357,500	- 3.00

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