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Joint Committee on Finance

Paper #510

Internet Crimes Against Children (Justice -- Law Enforcement Services)

[LFB 2023-25 Budget Summary: Page 371, #4 (part)]

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, created in 1998, is responsible for investigating internet crimes against children in conjunction with other law enforcement partners in the ICAC Task Force. The budget for the ICAC Unit at DOJ in 2022-23 is \$5,375,500 (all funds) and 38.6 positions. The unit's total funding is comprised of \$4,288,800 GPR, \$829,300 PR, and \$257,400 FED, supporting 35.6 GPR, 1.0 PR, and 2.0 FED positions the majority of which are special agents. The unit's program revenue-funded budget is supported by the \$13 crime laboratory and drug law enforcement (CLDLE) surcharge and the DNA surcharge.

The Department's drug law enforcement, crime laboratories, and genetic evidence activities appropriation is supported by revenue from the CLDLE surcharge and the DNA surcharge. More specifically, money is transferred from the CLDLE and DNA surcharge fund appropriation to the drug law enforcement appropriation. The drug law enforcement appropriation supports activities relating to drug law enforcement, drug law violation prosecution assistance, criminal investigative operations, and activities of the state and regional crime laboratories. Base funding for the drug law enforcement appropriation is \$9,317,000 PR annually.

DISCUSSION POINTS

1. The Wisconsin 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 August, 2022, there were 309 law enforcement agencies, including DOJ, participating in the Wisconsin ICAC task force.

2. Internet crimes against children cases generally fall into four broad categories: (a) investigations of cyber-tips 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 2021-22 the ICAC task force opened 4,049 ICAC investigations. The Division took the lead on 595 investigations in 2021-22.

3. All 309 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, many of these agencies can also conduct "proactive" investigations, such as peer-to-peer investigations and online child enticement investigations.

4. In 2000, Congress mandated that all internet service providers register and report any child pornography on their servers to the cyber-tiplines program at the National Center for Missing and Exploited Children. In 2021-22, the Wisconsin ICAC task force received 6,344 cyber tips from the National Center for Missing and Exploited Children. From these cyber tips, a total of 3,298 tips resulted in investigation by DOJ (901 tips) or were referred to affiliate law enforcement agencies (2,397 tips). When the ICAC task force receives multiple cyber tips involving the same suspect, these cyber tips are consolidated into a single case for subsequent follow-up by DOJ or affiliated law enforcement agencies.

5. In 2021-22, the Wisconsin ICAC task force made 447 arrests. Of the 447 arrests made by the Wisconsin ICAC task force in 2021-22, 76 arrests were made by DOJ special agents. The Department staff indicates that it does not currently have an electronic reporting system that would permit it to report the case types to which these arrests could be attributed, either for the ICAC task force as a whole or for DOJ.

A. ICCA Investigative Positions

6. Assembly Bill 43/Senate Bill 70, would provide \$223,000 GPR in 2023-24 and \$279,100 GPR in 2024-25 and 3.0 GPR positions annually (two special agents and one criminal analyst) to assist with an increase in the number of cybertips [Alternative A1]. The Department indicates, "the special agents will be able to support the ICAC Taskforce given the increasing numbers of cybertip investigations referred by the National Center for Missing and Exploited Children." The table below shows the increase in cybertips.

	<u>Total Cybertips</u>	<u>Annual Increase</u>
2018-19	2,845	
2019-20	3,040	7%
2020-21	3,920	29%
2021-22	5,712	46%

7. This increase in cybertips has resulted in an increase in the average monthly cybertip per 1.0 ICAC position from around 70 in 2018-19 to 133 in 2021-22, which represents a 90% increase in caseload. To reduce the average number of cybertips handled by each position, DOJ requested an increase of 5.0 positions.

8. In order to provide DOJ with some additional funding and positions for law enforcement activities related to ICAC, but at a lower amount, the Committee could provide \$111,500 GPR in 2023-24 and \$139,600 GPR in 2024-25 and 1.5 GPR positions annually to DOJ's ICAC appropriation. [Alternative A2]

B. ICAC Local Assistance

9. Further, AB 43/SB 70 would provide \$250,000 PR annually during the 2023-25 biennium only to support law enforcement activities relating to ICAC. The administration intends for program revenue for these costs to be supported from a transfer of monies from DOJ's CLDLE and DNA surcharge fund. Under the bill, the fund is projected to have an opening balance of \$8,013,600 and to conclude the 2023-25 biennium with a balance of \$8,703,900.

10. Under 2015 Act 369 (also known as Alicia's Law), \$1,000,000 was transferred from the CLDLE surcharge and the DNA surcharge to a new continuing appropriation that may be used for criminal investigative operations and law enforcement relating to Internet crimes against children, prosecution of Internet crimes against children, and activities of state and local Internet crimes against children task forces.

11. Under 2017 Act 59 and again under 2019 Act 9, \$750,000 PR was provided in each year of the biennium on a one time basis to the same continuing appropriation. This funding was made permanent under 2021 Act 58. Revenue was transferred from the CLDLE surcharge and the DNA surcharge. Funding is used to support: (a) overtime for DCI and local law enforcement ICAC affiliates to increase the number of cases investigated and ensure prompt investigation of tips; (b) for critical equipment; (c) advanced and basic training for the ICAC task force; (d) vehicles for DCI ICAC to expand on-site evidence previews statewide; (e) staff LTEs to help manage tips from the National Center for Exploited and Missing Children; and (f) to provide investigative support to ICAC investigators through WSIC [Wisconsin Statewide Intelligence Center].

12. The bill includes \$250,000 PR annually to increase Alicia's Law funding for DCI and local ICAC taskforce affiliates, increasing funding to \$1 million per year. The Department indicates that this funding is intended "to increase the support available to local law enforcement agencies participating in the statewide ICAC Taskforce as affiliates, which have increased from 229 in 2015 when the funding began to 309 currently, an increase of 74%." The additional funding is intended "to

support overtime reimbursement for case investigations, training, software and hardware for local law enforcement officers investigating ICAC cases."

13. In order to provide DOJ additional funds for law enforcement activities related to ICAC, the Committee could provide \$250,000 PR annually during the 2023-25 biennium to DOJ's ICAC appropriation. [Alternative B1] Under this alternative, funding for the ICAC appropriation would be supported by a transfer of funds from DOJ's drug law enforcement PR appropriation.

14. The Committee could also approve a reduced level of funding for the ICAC appropriation, as compared to the amount recommended. Specifically, the Committee could provide DOJ with \$125,000 PR annually. [Alternative B2] Under this alternative, funding for ICAC would be supported by a transfer of funds from DOJ's drug law enforcement appropriation and would result in a concluding 2022-23 revenue balance of \$8,953,900.

15. The Committee could also maintain current law and not provide DOJ additional resources at this time for the ICAC appropriation. [Alternative B3]

ALTERNATIVES

A. ICAC Investigative Positions

1. Provide DOJ's GPR allocation for ICAC under the Division of Law Enforcement Services appropriation \$223,000 GPR in 2023-24 and \$279,100 GPR in 2024-25 and 3.0 GPR positions annually for the ICAC task force.

ALT A1	Change to Base	
	Funding	Positions
GPR	\$502,100	3.00

2. Provide DOJ's GPR allocation for ICAC under the Division of Law Enforcement Services appropriation \$111,500 GPR in 2023-24 and \$139,600 GPR in 2024-25 and 1.5 GPR positions annually for the ICAC task force.

ALT A2	Change to Base	
	Funding	Positions
GPR	\$251,100	1.50

3. Take no action.

B. ICAC Local Assistance

1. Provide DOJ's ICAC appropriation \$250,000 PR annually. Funding for the ICAC appropriation would be supported by a transfer of funds from DOJ's CLDLE surcharge and the DNA surcharge.

ALT B1	Change to Base
PR	\$500,000

2. Provide DOJ's ICAC appropriation \$125,000 PR annually. Funding for the ICAC appropriation would be supported by a transfer of funds from DOJ's CLDLE surcharge and the DNA surcharge.

ALT B2	Change to Base
PR	\$250,000

3. Take no action.

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