

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency Prevention

[OJP (OJJDP)-1222]

RIN 1121-ZB55

Internet Crimes Against Children Task
Force Program

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Announcement of Discretionary Competitive Assistance Grant.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to Public Law 105-277, October 19, 1998, Making Appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1999, is requesting applications from State and local law enforcement agencies interested in participating in the Internet Crimes Against Children Task Force (ICAC Task Force) Program. The ICAC Task Force Program encourages communities to develop regional multidisciplinary, multijurisdictional task forces to prevent, interdict, and investigate sexual exploitation offenses against children by offenders using online technology.

DATES: Applications must be received by June 21, 1999.

ADDRESSES: Interested applicants must obtain an application kit from the Juvenile Justice Clearinghouse at 800-638-8736. The application kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org.

FOR FURTHER INFORMATION CONTACT: Michael Medaris, ICAC Task Force Program Manager, Office of Juvenile Justice and Delinquency Prevention, 202-616-8937. [This is not a toll-free number.]

SUPPLEMENTAL INFORMATION:**Purpose**

The purpose of this program is to assist State and local law enforcement agencies to enhance their investigative response to sexual exploitation of children by offenders using the Internet, online communication systems, or other computer technology. For purposes of this program announcement, "Internet crimes against children (ICAC)" refers to sexual exploitation of children that is facilitated by computers and includes crimes of child pornography and online solicitation for sexual purposes.

Background

In his 1984 novel, *Neuromancer*, William Gibson created a world he named "Cyberspace." Gibson theorized that online human interaction with computers would create a virtual universe where electronic actions could entail physical repercussions. Fifteen years later, cyberspace is a reality. Started by the Internet, accelerated by the World Wide Web, and fueled by the data demands of the Information Age, today's cyberspace covers the entire world through instantaneous information exchange.

Industry experts estimate that more than 10 million children currently go online and, by the year 2002, 45 million children will use cyberspace to talk with friends, explore the universe, or complete homework assignments. In cyberspace, children are a mouse click away from exploring our greatest museums, libraries, and universities. Unfortunately, they are also a mouse click away from sexual exploitation and victimization.

While providing almost limitless opportunities to learn, the Internet has also become the new schoolyard for predators seeking children to victimize. Yesterday's enticements of puppy dogs and candy bars are augmented in today's chat rooms with anonymity and pornography. Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children, seeking victims with little risk of detection. Preferential sex offenders¹ no longer need to lurk in parks and malls. Instead, they can roam from chat room to chat room trolling for children susceptible to victimization. This alarming trend has grave implications for parents, teachers, and law enforcement officers because it circumvents conventional safeguards in place for the physical world and provides sex offenders virtually unlimited opportunities for unsupervised contact with children.

In 1982, *New York v. Ferber* (458 U.S. 747), the Supreme Court stated: "The distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children * * * the materials produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation." There are much more insidious implications to child pornography than the mere depiction of a child's molestation. It not only depicts the sexual assault of a child, but is also

used by child molesters to recruit, seduce, and control future victims. While not all molesters collect pornography and not all child pornography collectors molest children, there is a significant consensus among law enforcement officers about the role pornography plays in recruiting and controlling additional victims. Child pornography is used to break down inhibitions, validate sex between children and adults as normal, and control the victim throughout the molestation. When the offender loses interest, it is often used as blackmail to ensure the child's silence and in these most egregious cases, child pornography allows the molester to go unpunished—and what is most important and indeed tragic—the victim untreated. It is clear to OJJDP that this inexorable confluence of the increasing online presence of children, the proliferation of child pornography, and predators ceaselessly searching for unsupervised contact with underage victims presents a significant threat to the health and safety of children and a formidable challenge for law enforcement today and into the foreseeable future.

Many factors complicate law enforcement's response to these challenges. Because the Internet transcends State and local boundaries, very few investigations begin and end within the same jurisdiction. Most investigations involve multiple jurisdictions, which then require close coordination and cooperation between Federal, State, and local law enforcement agencies.

Evidence collection in cases of Internet crimes against children invariably requires specialized knowledge. Many preferential sex offenders tend to be avid recordkeepers, and their computers, magnetic media, and related equipment can be rich sources of evidence. However, routine forensic examination procedures are insufficient for seizing, preserving, and analyzing this information. In addition, specific legal issues regarding property and privacy rights may be triggered with the seizure of computers and related technology.

When appropriate, medical and psychological evaluation of child victims should also be a part of the law enforcement response. While ensuring that injuries or diseases related to the exploitation are treated, forensic medical examinations can also provide crucial corroborative evidence.

Routine interviewing practices are inadequate for collecting evidence from child victims of Internet crimes. Some children deny they are victims because of embarrassment or fear of ridicule

¹ For the purposes of this program, "preferential sex offenders" are defined as individuals whose primary sexual focus is children.

from their peers or discipline from their parents. Others bond with the offender, remain susceptible to further manipulation, and resent what they perceive as interference from law enforcement. Investigators who lack understanding of the dynamics of juvenile sexual exploitation risk losing information critical for conviction of the perpetrator or identification of additional victims.

The factors cited above almost routinely complicate the investigative process, and while no two cases will raise identical issues of jurisdiction, evidence collection, and victim services, it is logical to presume that investigations characterized by a multijurisdictional, multidisciplinary approach are more likely to result in successful prosecutions.

A variety of Federal activities are assisting and can further assist law enforcement in responding to these offenses. The Innocent Images program, located in the Federal Bureau of Investigation's (FBI's) Baltimore Field Division, works specifically on computer-facilitated child sexual exploitation cases and has developed substantial technical and investigative expertise. Each FBI Field Division has two designated Crimes Against Children coordinators who work with State and local law enforcement agencies to investigate and prosecute child abduction and exploitation cases that transcend jurisdictional boundaries.

The U.S. Customs Service (USCS) and the U.S. Postal Inspection Service (USPIS) have successfully investigated hundreds of child pornography cases and have developed specialized expertise in undercover operations targeting preferential sex offenders and child pornography.

With OJJDP and private sector funding, the National Center for Missing and Exploited Children (NCMEC) serves as the national resource center and clearinghouse for missing and exploited children issues. NCMEC's Exploited Child Unit coordinates a comprehensive training and technical assistance program that includes prevention and awareness activities, and the CyberTipline (www.missingkids.com). The Tipline collects online reports from citizens regarding computer-facilitated sexual exploitation of children and rapidly forwards the information to law enforcement agencies with investigative jurisdiction. Brought online in March 1998, the CyberTipline has provided information that has enabled law enforcement officers to arrest individuals seeking sex with underage victims and safely recover and return

children enticed from home by sex offenders.

NCMEC's law enforcement training and technical assistance program was developed in partnership with the FBI, OJJDP, USCS, USPIS, and the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division, U.S. Department of Justice. NCMEC has also developed a broad-based education and awareness campaign that features the Kids and Company curriculum, Know the Rules teen awareness program, and two pamphlets, *Child Safety on the Information Highway* and *Teen Safety on the Information Highway*, that provide information about safe Internet practices for children and youth. These programs and materials are offered free of charge, and OJJDP encourages communities working on child victimization issues to use them. Additional information regarding NCMEC's broad array of services for children, parents, educators, and law enforcement officers can be obtained by calling 800-843-5678 or by accessing NCMEC's Web site at www.missingkids.com.

In fiscal year (FY) 1998, OJJDP awarded funds to 10 State or local law enforcement agencies to develop regional multijurisdictional and multiagency task forces to prevent, interdict, and investigate ICAC offenses. Under the Internet Crimes Against Children Task Force (ICAC Task Force) Program, the following jurisdictions received FY 1998 funding: Bedford County, Virginia, Sheriff's Department; Broward County, Florida, Sheriff's Department; Colorado Springs, Colorado, Police Department; Dallas, Texas, Police Department; Illinois State Police; New York State Division of Criminal Justices Services; Portsmouth, New Hampshire, Police Department; Sacramento County, California, Sheriff's Office; South Carolina Office of the Attorney General; and Wisconsin Department of Justice. These agencies have become regional clusters of ICAC technical and investigative expertise and offer prevention and investigative services to children, parents, educators, law enforcement officers, and other individuals working on child sexual exploitation issues.

In the 21st century, law enforcement will be increasingly challenged by sex offenders using computer technology to victimize children. To help meet this challenge, at the direction of Congress, OJJDP is continuing a competitive grant program, the ICAC Task Force Program, which will award cooperative agreements to State and local law enforcement agencies seeking to improve their investigative response to

the computer-facilitated sexual exploitation of children.

Program Strategy

The OJJDP ICAC Task Force Program seeks to enhance the national response by developing a State and local law enforcement network composed of regional task forces. The program encourages communities to develop multijurisdictional and multiagency responses and provides funding to enable State and local law enforcement agencies to acquire the knowledge, personnel resources, and specialized equipment to prevent, interdict, or investigate ICAC offenses. Although the ICAC Task Force Program emphasizes law enforcement investigations, OJJDP encourages jurisdictions to include intervention, prevention, and victim services activities as part of their comprehensive approach.

A total of \$2.4 million is available to fund new ICAC Task Force Program grants in FY 1999. OJJDP intends to award 8 to 10 new cooperative agreement awards of up to \$300,000 each to State or local law enforcement agencies or combinations of State or local law enforcement agencies. Successful applicants will be expected to serve as regional clusters of ICAC technical and investigative expertise, collaborate with existing OJJDP ICAC Task Forces, and become part of a national law enforcement network designed to protect children on the information highway.

Cooperative agreements will be competitively awarded as follows:

- At least two cooperative agreements will be reserved for rural States or rural jurisdictions.²
- No more than two cooperative agreements will be awarded to jurisdictions proposing to expand existing ICAC law enforcement programs.

² For the purposes of the ICAC Program, a "rural State" means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 population based on the decennial census of 1990 through FY 1997. "A rural area or jurisdiction" means one that lies outside a Metropolitan Area (MA) as determined by the Office of Management and Budget as of June 30, 1996, and that has a total population of no more than 100,000, based on the most recent census data. Tribal governments and small towns and cities may be included in this definition, provided they meet the above criteria. In small jurisdictions where the larger surrounding jurisdiction is responsible for providing any of the necessary human services (probation, law enforcement, social services, etc.), a joint application is recommended. To determine if a jurisdiction is within an MA and therefore not considered a rural jurisdiction under the ICAC Task Force Program, visit the Census Web site at www.census.gov/population/www/metroarea.html.

- Applicants from States where there are existing OJJDP ICAC Task Forces, *i.e.*, California, Colorado, Florida, Illinois, New Hampshire, New York, South Carolina, Texas, Virginia, and Wisconsin, must clearly indicate protocols or procedures to coordinate their investigations and other activities with existing Task Forces within their States.

Successful applicants will develop or enhance an investigative ICAC response that includes prevention, education, and victim services activities and investigators working in a multiagency, interdisciplinary task force environment.

Eligibility Requirements

Applicants must be State and/or local law enforcement agencies. Joint applications from two or more eligible applicants are welcome; however, one applicant must be clearly indicated as the primary applicant (for correspondence, award, and management purposes) and the other(s) indicated as coapplicant(s).

Applications should include evidence of multidisciplinary, multijurisdictional partnerships among public agencies, private organizations, community-based groups, and prosecutors' offices. Applications should also include prevention activities.

Goal

To enhance State and local law enforcement ICAC investigative response.

Objectives

Projects must accomplish the following objectives:

- Develop or expand multiagency, multijurisdictional task forces that include, but are not limited to, representatives from law enforcement, prosecution, victim services, and child protective services agencies. Relevant nongovernment organizations may also be included, and OJJDP encourages applicants to invite task force participation by Federal law enforcement.
- Institute policies and procedures that comply with the OJJDP ICAC Task Force Program Operational and Investigative Standards (see "OJJDP Program Management" below). Requests from eligible law enforcement agencies for copies of this document must be faxed on official letterhead to the Juvenile Justice Clearinghouse at 301-519-5600 (Attention: Corey Mackison).
- Ensure investigative capacity by properly equipping and training ICAC Task Force investigators. Task Force investigators should be computer

literate, knowledgeable regarding child exploitation issues, and familiar with Federal and State statutes and caselaw pertaining to ICAC investigations.

- Develop and maintain case management systems to document reported offenses and investigative results and to make or receive outside agency referrals of ICAC cases.
- Develop response protocols or memorandums of understandings that foster collaboration, information sharing, and service integration among public and private organizations to provide services to sexually exploited children.

OJJDP Program Management

On the information highway, conventional law enforcement boundaries are virtually meaningless and the governing factors of time, place, and distance lose their sway. Offenders eagerly adapted the jurisdictional murkiness and metaphysical aspects of the Internet to further their criminal activities. These factors, which are conducive to criminal activity, present unique coordination and communication challenges for State and local law enforcement.

Few ICAC cases start and end within same the jurisdiction, and investigations usually cross town, State, or even international borders. Accordingly, nearly all ICAC investigations involve multiple jurisdictions and require interagency coordination and communication. Absent meaningful case coordination, it is likely that law enforcement will simultaneously investigate identical suspects and organizations or target undercover operatives of other law enforcement agencies. Lack of communication and coordination can also contribute to law enforcement officers inadvertently disrupting clandestine investigations of other agencies.

The obvious need for interagency cooperation and coordination also galvanizes interest in establishing standards for ICAC undercover investigations. Representatives from Federal, State, and local law enforcement agencies have repeatedly expressed concern about initiating investigations that are based on referrals from outside agencies that may be predicated on information acquired through inappropriate officer conduct or investigative techniques.

The clandestine nature of undercover operations along with the Internet's metaphysical aspect significantly exacerbates these concerns. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a

suspect's predilection to sexually exploit children. These operations allow law enforcement to go on the offensive and—what is most important—children do not have to be victimized to bring a case. While there is substantial consensus that carefully managed undercover operations by well-trained officers are very effective, they also generate significant concerns regarding legal, coordination, communication, and resource management issues.

To address these concerns, OJJDP's overall ICAC Task Force program management involves:

- Ensuring that ICAC Task Force personnel are adequately trained and equipped.
- Establishing and/or maintaining ICAC Task Force investigative standards to facilitate interagency case referrals.
- Advocating coordination and collaboration among Federal, State, and local law enforcement agencies investigating ICAC offenses.
- Fostering meaningful information sharing to avoid redundant investigations or activities that could disrupt ongoing investigations of other agencies.
- Maintaining a national oversight board composed of local prosecutors and law enforcement executives to review undercover operations proposals and to formulate policy for the operation of the ICAC Task Force Program.

OJJDP has established ICAC Task Force operational and investigative standards through a collaborative process with the 10 original ICAC Task Force agencies and the FBI, NCMEC, USCS, USPIS, CEOS, and the Executive Office for United States Attorneys. The standards were designed by the Task Force agencies to foster information sharing, coordinate investigations, ensure the probative quality of undercover operations, and facilitate interagency case referrals through standardization of investigative practices.

OJJDP has also established an ICAC Task Force Review Board (Board) to assist in the administration of the ICAC Task Force Program. As a condition of award, each grantee designates a policy-level law enforcement official or prosecutor to be a Board member. Although the Board's primary responsibility is to review proposed undercover operations for compliance with the standards, a major focus of the Board is to encourage case coordination and facilitate information sharing on trends, innovative investigative techniques, and prosecution strategies. Technical advice is provided to the

Board by CEOS, the FBI, and other Federal law enforcement agencies.

In addition, each ICAC Task Force member sends at least one investigator and one policy-level official to the ICAC Task Force orientation seminar. The next seminar, scheduled for September 26–30, 1999, at NCMEC's Jimmy Ryce Law Enforcement Training Center, was developed by OJJDP and NCMEC in consultation with Federal law enforcement agencies. The seminar will provide information regarding legal issues, specific investigative techniques, undercover operation documentation requirements, behavioral characteristics of preferential sex offenders, and other topics relevant to child exploitation cases.

Expenses associated with attendance at the orientation seminar will be reimbursed by OJJDP and NCMEC. Expenses associated with Board responsibilities will be covered by grant funds.

Selection Criteria

The OJJDP Administrator is committed to the concept of a national network of State and local law enforcement to respond to online enticement and child pornography offenses. Under this concept, the ICAC Task Forces will be positioned throughout the country to serve as regional sources of technical, educational, and investigative expertise to provide assistance to parents, teachers, law enforcement, and other professionals working on child sexual exploitation issues. Therefore, in selecting applicants, consideration will be given to achieving an equitable geographic distribution.

OJJDP will convene a peer review panel to evaluate and rank applications and to make funding recommendations to the OJJDP Administrator. Although peer review recommendations are given weight, they are advisory only and final award decisions will be made by the OJJDP Administrator. OJJDP will negotiate specific terms of the award with applicants being considered for the award. Applicants will be evaluated and rated according to the criteria outlined below.

Problem(s) To Be Addressed (10 points)

The applicant should clearly identify the need for this project and demonstrate an understanding of the program concept. While OJJDP recognizes that Internet crimes against children are an emerging problem, applicants should include data that illustrate the size and scope of the problem in the State and local jurisdiction, where available. If statistics

or other research findings are used to support a statement or position, applicants must include the relevant source information.

Goals and Objectives (10 points)

Applicants must establish clearly defined, measurable, and attainable goals and objectives for this program.

Project Design (35 points)

The applicant must present a clear workplan that contains program elements directly linked to the achievement of the project objectives. The workplan must indicate significant project milestones, product due dates, and the nature of the products to be delivered. The applicant must explain in clear terms how the State or local task force will be developed and implemented. In those States currently participating in the OJJDP ICAC Task Force Program, an explanation of how activities will be coordinated with the existing OJJDP ICAC Task Force must be included. In addition, letters of support from State and local prosecution offices and the cognizant United States Attorney should be provided.

Management and Organizational Capability (30 points)

Applicant's management structure and staffing must be adequate and appropriate for the successful implementation of the project. Applicants must present a workplan that identifies responsible individuals, their time commitment, major tasks, and milestones. Applicants must describe how Internet crimes against children activities will be continued following Federal funding support. In addition, direct letters of support from State and local prosecution offices and the local district United States Attorney should be provided.

Budget (15 points)

Applicants must provide a proposed budget that is complete, detailed, reasonable, allowable, and cost effective in relation to the activities to be undertaken. Budgets must allow for required travel, including four trips for one individual to the quarterly ICAC Task Force Board meetings.

Format

The narrative must not exceed 35 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½- by 11-inch paper, double-spaced on one side of the paper in a standard 12-point font. These requirements are necessary to maintain fair and uniform standards among all applicants. If the narrative does not

conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

The project will be for up to an 18-month budget and project period. Funding of the project beyond the initial project period will be contingent upon performance of the grantee, and availability of funds.

Award Amount

The total amount available for this program is \$2.4 million. OJJDP intends to award 8 to 10 cooperative agreements of up to \$300,000 each for the 18-month project period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.543. This form is included in OJJDP's Application Kit, which can be obtained by calling the Juvenile Justice Clearinghouse at 800-638-8736 or sending an e-mail request to askncjrs@ncjrs.org. The kit is also available online at www.ojjdp.ncjrs.org.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice is requesting applicants to provide information on the following: (1) active Federal grant award(s) supporting this or related efforts, including awards from the U.S. Department of Justice; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

"Related efforts" is defined for these purposes as one of the following:

- Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
- Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
- Services of some kind (*e.g.*, technical assistance, research, or

evaluation) to the program or project described in the application.

Delivery Instructions

All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301-519-5535. Note: In the lower left-hand corner of the envelope, the applicant must clearly write "Internet Crimes Against Children Task Force Program."

Due Date

Applicants are responsible for ensuring that the original and five copies of the application package are received by 5 p.m. EDT on June 21, 1999.

Contact

For further information, call Michael Medaris, ICAC Task Force Program Manager, Missing and Exploited Children's Program, 202-616-3637, or send an e-mail inquiry to medarism@ojp.usdoj.gov.

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Dated: May 3, 1999.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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