

**FLORIDA STING
OPERATIONS
COMPLAINT**

INTRODUCTION

Since 2010, the state of Florida has arrested over 1200 men during highly publicized sting operations creating the illusion that law enforcement efforts to combat the issue of child solicitation justifies the millions in federal funding it has received. But the reality is that that is the farthest from the truth. In an effort to promote awareness and effectuate change, many of those who have been affected by Florida's illegal sting operations are joining forces throughout the state to have their voices heard which is making a difference. This is a matter of great public importance.

THE PROBLEM

Law enforcement agencies are wrongfully subjecting men to the criminal justice system by using illegal tactics, violating federal law, misleading the public with false media reports, and using federal taxpayer dollars in the process. We understand the need to protect children, but these sting operations do little to do so due to the fact that men are not soliciting minors using adult oriented/dating sites.

THE ICAC AND THE LAW

Until recently, little was known about these ICAC sting operations conducted by various task forces throughout the state of Florida. In 2008, Congress passed the Protect the Children Act which essentially codified the authorization of the ICAC (see att #1). The purpose of the program is to help state and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases. Under this program, regional ICAC task forces serve as sources of prevention, education and investigative expertise to provide assistance to parents, teachers, law enforcement and other professionals working on child victimization issues. The ICAC Task Forces are funded by a grant from the Office of Juvenile Justice and Delinquency Prevention.

The Protect the Children act authorizes spending for things like training ICAC personnel, overtime, creating and supporting forensic laboratories, [equipment such as surveillance gear](#), or basically anything that law enforcement can say is needed for investigation, but after careful review of the federal code, there seem to be pertinent matters of law that are problematic. More specifically, under title 42 U.S.C § 17613 item(4): increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts , and under title 42 U.S.C § 17616 which essentially states that the grant formula requirements must consider—The number of successful prosecutions of child exploitation cases by a task force. But here is where a major problem lies; whether it was the intent of Congress to require that task forces must increase the number of offenses being investigated would be almost as asinine as the grant formula that pays for them. What this does is essentially create a quota system with an incentive for doing so. **Having to increase the number of related offenses is not part of the solution, it is part of the problem.** There are not any accurate statistics that justify law enforcement conducting the operations in the manner they have nor have they made an attempt to inform the public. What if there are not enough criminals who are truly committing these offenses? Too bad, that is not part of the grant formula so tough luck on getting money, right? Well it is apparent that

the ends do justify the means meaning that in order to get federal funds, law enforcement will ensure that there are a significant amount of those crimes being prosecuted no matter what. That is called manufacturing crime and they do this by breaking the rules, which brings us to the next topic—The Rules. (See att. #2)

Under the —Protect the Children Act , legislators also mandated that ICAC operations are to be governed by procedures which are the —minimum standards that ICAC operations must adhere to. To be more specific under title [42 U.S.C § 17614 item \(7\)](#) it clearly states that the ICAC is to —establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply , and went even further stating in item (11) that they shall —comply with national standards regarding the investigation and prosecution of Internet Crimes Against Children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located. In doing so, legislators laid the framework for the creation of the—[Operational and Investigative Standards](#) that govern all ICAC operations. Once again, it is these rules that are being completely ignored by law enforcement thus violating federal law.

SUPPORTING EVIDENCE/PROOF

It is required that any law enforcement agency participating in an ICAC sting operation must be signed into a Memorandum of Understanding (MOU) with the appropriate ICAC Task Force (see att. #3). In doing so, law enforcement agencies are ensuring that they will be in compliance of the rules and regulations that govern federally funded ICAC sting operations as noted previously. Exposing corruption on a very sensitive topic is not an easy battle. Fortunately, news media has begun to question these operations which has in turn changed the public's perception into these questionable operations (see att. #4). No longer are law enforcement officials being made out to be the “hero's” as the amount of corruption is continually exposed, and the statistics now show that numerous sting related cases have violated federal law by entrapping innocent men (see att. #5).

SOLUTION

As Florida's top ACLU leader mentioned in an attached article, an investigation into the alleged allegations of corruption should not only be required, but it should be mandatory. Either the state of Florida, or the federal government need to exercise their executive/legislative powers in doing so. There are no accurate statistics that show precisely how many cases that might be tainted, but there leaves little doubt that there are innocent men sitting in prison now that should not be. The state of Florida should be proactive in having to review all cases for possible violations/wrongdoing and those law enforcement officials who are responsible for wrongfully conducting federally funded sting operations should be held accountable.

CONCLUSION

The Protect the Children Act 2008 lays out the foundation for the ICAC, the ICAC Operational and Investigative Standards provides the minimum rules that govern sting operations, and the MOU's assure compliance by law enforcement agencies to ensure that law enforcement officials are targeting those predisposed to commit such crimes against children. Law enforcement is not above the law, yet they remain ignorant of the very rules and regulations that govern their conduct during ICAC sting operations in an apparent effort to continually secure federal funding. "IGNORANCE OF THE LAW IS NO EXCUSE!" This is a matter of great public importance.

ATTACHMENTS

ATTACHMENT #1

Public Law 110—401
110th Congress

An Act

To require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators.

Oct. 13, 2008
[S. 1738]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008” or the “PROTECT Our Children Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Providing
Resources,
Officers, and
Technology To
Eradicate Cyber
Threats to Our
Children Act of
2008.
42 USC 17601
note.

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

- Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
- Sec. 102. Establishment of National ICAC Task Force Program.
- Sec. 103. Purpose of ICAC task forces.
- Sec. 104. Duties and functions of task forces.
- Sec. 105. National Internet Crimes Against Children Data System.
- Sec. 106. ICAC grant program.
- Sec. 107. Authorization of appropriations.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

- Sec. 201. Additional regional computer forensic labs.

TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

- Sec. 301. Prohibit the broadcast of live images of child abuse.
- Sec. 302. Amendment to section 2256 of title 18, United States Code.
- Sec. 303. Amendment to section 2260 of title 18, United States Code.
- Sec. 304. Prohibiting the adaptation or modification of an image of an identifiable minor to produce child pornography.

TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

- Sec. 401. NIJ study of risk factors for assessing dangerousness.

TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

- Sec. 501. Reporting requirements of electronic communication service providers and remote computing service providers.
- Sec. 502. Reports.
- Sec. 503. Severability.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

42 USC 17601.

(1) CHILD EXPLOITATION.—The term “child exploitation” means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term “child obscenity” means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term “minor” means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term “sexually explicit conduct” has the meaning given such term in section 2256 of title 18, United States Code.

TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

42 USC 17611.

SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

Deadlines.

(b) TIMING.—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal

Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

- (A) Immigration and Customs Enforcement;
- (B) the United States Postal Inspection Service;
- (C) the Department of State;
- (D) the Department of Commerce;
- (E) the Department of Education;
- (F) the Department of Health and Human Services;

and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related

to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities

and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation.

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.

42 USC 17612.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the “ICAC Task Force Program”), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this

Consultation.

Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

Notification.

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than \$2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

42 USC 17613.

SEC. 103. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat

technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.

42 USC 17614.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

Standards.

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

Procedures.

(10) maintain—

Reports.

(A) such reports and records as are required under this title; and

Records.

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

42 USC 17615.

SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

Guidelines.

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

Establishment.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, \$2,000,000 to carry out the provisions of this section.

SEC. 106. ICAC GRANT PROGRAM.

42 USC 17616.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

Criteria.

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

42 USC 17617.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

- (1) \$60,000,000 for fiscal year 2009;
- (2) \$60,000,000 for fiscal year 2010;
- (3) \$60,000,000 for fiscal year 2011;
- (4) \$60,000,000 for fiscal year 2012; and
- (5) \$60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

42 USC 17631.

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, \$2,000,000 to carry out the provisions of this section.

CENTRAL FLORIDA INTERNET CRIMES AGAINST CHILDREN
TASK FORCE
MEMORANDUM OF UNDERSTANDING
July 1, 2012-June 30, 2013

The Polk County Sheriffs Office is the recipient of a United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) Grant to enforce laws regarding Internet Crimes Against Children (ICAC), and the Polk County Sheriffs Office utilizes this grant to administer and operate the Central Florida Internet Crimes Against Children Task Force.

This Memorandum of Understanding (MOU) is entered between the Polk County Sheriffs Office and the Clermont Police Department.

The current participating agencies pursuant to this Central Florida ICAC Task Force MOU are as follows:

Avon Park Police Department	Okeechobee Police Department
Bradenton Police Department	Orange County Sheriff's Office
Casselberry Police Department	Orlando Police Department
Citrus County Sheriff's Office	Osceola County Sheriffs Office
Clearwater Police Department	Oviedo Police Department
Clermont Police Department	Pasco County Sheriff's Office
DeSoto County Sheriff's Office	Pinellas County Sheriff's Office
Florida Department of Law Enforcement	Plant City Police Department
Fruitland Park Police Department	Sanford Police Department
Hardee County Sheriff's Office	Sarasota County Sheriff's Office
Hernando County Sheriffs Office	Sarasota Police Department
Highlands County Sheriff's Office	Sebring Police Department
Hillsborough County Sheriff's Office	Seminole County Sheriff's Office
Immigration and Customs Enforcement	St. Petersburg Police Department
Kissimmee Police Department	State Attorney's Office/S" Judicial Circuit
Lake County Sheriff's Office	State Attorney's Office/LO" Judicial Circuit
Lakeland Police Department	State Attorney's Office/I J" Judicial Circuit
Largo Police Department	Sumter County Sheriff's Office
Longwood Police Department	US Attorney's Office Middle District
Manatee County Sheriff's Office	US Postal Inspection Service
Mount Dora Police Department	Winter Haven Police Department
North Port Police Department	Winter Park Police Department
Ocoee Police Department	Winter Springs Police Department
Okeechobee County Sheriff's Office	

PURPOSE

The purpose of this MOU is to formalize working relationships between participating agencies to achieve maximum cooperation in a combined law enforcement effort aimed at combating Internet and technology crimes against children in the State of Florida and nationwide. By signing the MOU, participants are agreeing to join the Central Florida ICAC Task Force for the purpose of promoting a coordinated effort in investigating and prosecuting said crimes. This MOU is not intended and should not be construed, to create any right or benefit, substantive or procedural, enforceable by law or otherwise, by

any third party against the parties, the United States, or the officers, employees, agents or associated personnel thereof.

CENTRAL FLORIDA ICAC TASK FORCE

With the advent of the Internet and the rapid advancement of computers and technology, criminals are able to victimize adults, children, businesses and organizations in an environment that affords them complete anonymity. This ability to cross jurisdictions in a medium is advancing in technology faster than law enforcement agencies can keep up, and the cost in keeping up with these technological advances in an environment which is subject to budget constraints, requires a multi-jurisdictional and multi-agency approach.

The Central Florida ICAC Task Force has been created to address these issues and participate locally and nationally in increasing the effectiveness and efficiency of investigations and prosecutions of Internet and technology crimes in Central Florida by providing such resources as expertise, investigative and prosecutorial support, training, and equipment.

GOALS AND OBJECTIVES

The Central Florida ICAC Task Force goals are to increase the effective response to cyber enticement and child pornography investigations and prosecutions and to increase public awareness and prevention of ICAC offenses.

The Central Florida ICAC Task Force objectives are to: (1) Increase the investigative capabilities of law enforcement officers in the detection and investigation of ICAC offenses; (2) Increase the apprehension of ICAC offenders; (3) Conduct proactive and reactive ICAC investigations; (4) Increase the number of ICAC State and Federal offenses being prosecuted in Central Florida; (5) Create a multi-agency task force response to ICAC offenses; (6) Develop and deliver ICAC public awareness and prevention programs.

POLICY AND DIRECTION

All participants acknowledge that the Central Florida Task Force is a joint operation in which all agencies act as allies. The chain of command and supervision of the Polk County Sheriffs Office, Bureau of Special Investigations, Computer Crimes Unit is responsible for the policy and general direction of the Task Force. The Task Force Coordinator will periodically contact supervisors and investigators from other participating agencies to keep them informed of training opportunities, unusual circumstances, problems/concerns and successes of the Task Force.

The policy and direction of the Central Florida ICAC Task Force will be consistent with and governed by its goals and objectives. Activities of the Central Florida ICAC Task Force are further governed by the Operational and Investigative Standards of the United States Department of Justice, Office of Juvenile and Delinquency Prevention. Affiliate agencies must understand and comply with the standards. These standards are proprietary to the Internet Crimes Against Children Task Force Program. A copy of the standards has been provided to each participating agency executing the agreement by the Polk County Sheriffs Office.

SELECTION AND RETENTION OF PERSONNEL

ICAC personnel should have proficient investigative skills, court testimony skills, ability to handle sensitive information prudently, and a genuine interest in the protection of children.

Due to the graphic nature of evidence encountered in ICAC investigations, supervisors are encouraged to make reasonable efforts to ensure that all assigned officers have access to Employee Assistance Programs for mental health concerns.

CASE MANAGEMENT

Central Florida ICAC Task Force affiliate supervisors should be familiar with the Case Predication and Prioritization in the ICAC Operational and Investigative Standards. Central Florida ICAC Task Force supervisors are responsible for determining investigative priorities and selecting cases for investigation.

CYBERTIP INVESTIGATIONS

The CyberTipline is Congressionally mandated as a reporting mechanism for cases of child sexual exploitation including child pornography, online enticement of children for sex acts, molestation of children outside the family, sex tourism of children, child victims of prostitution and unsolicited obscene material sent to a child.

Polk County Sheriff's Office is the clearinghouse for the Cybertips that occur in Central Florida and disseminate these investigations to the appropriate agencies with jurisdiction.

Central Florida ICAC Task Force affiliates are required to investigate these reactive investigations and report back to the Central Florida ICAC Task Force Coordinator the status of these investigations.

CONFIDENTIAL INFORMATION

It is understood that any confidential information pertaining to investigations of Internet and technology crimes will be held in the strictest confidence, and will only be shared with participating Central Florida ICAC Task Force affiliates or other law enforcement agencies where necessary, with the approval of the agency that authored the record or produced the information or as otherwise required by Federal or Florida law. Any confidential information disclosed to Central Florida ICAC Task Force affiliates or other law enforcement agencies shall be disclosed in a manner consistent with protections afforded under Federal and/or Florida law.

EVIDENCE

Seized evidence, the examination of computers and digital media, and any other related forfeiture/seizure will be handled in a manner consistent with the policies of the case agent's agency.

Child Pornography is contraband and should be maintained pursuant to each agency's policy. It is recommended that absent a court order specifically ordering otherwise, evidence containing child pornography shall not be released to any defendant or representative thereof.

Transfer of evidence containing child pornography among law enforcement shall be done in a secure manner. Methods may be hand-delivery or delivery via a service which tracks the shipment or methods consistent with agency policy and practices.

RECORDS AND REPORTS

Each task force member will maintain their own agency records and reports. To the extent possible, all investigative information will be available to each of the participating law enforcement agencies as it pertains to investigations of Internet and technology crimes with the approval of the agency that authored the record or report.

All affiliates will report their monthly activity to the Central Florida ICAC Task Force Coordinator by the 10th of each month using the ICAC Monthly Performance Measures Report.

ICAC EQUIPMENT

ICAC computers and software purchased utilizing ICAC Grant funded monies shall be reserved for the exclusive use of agency designated ICAC personnel.

MEDIA RELATIONS

Task Force members and agencies will coordinate all press releases/announcement with all involved agencies pertaining to the specific investigation.

TERMS OF AGREEMENT

The term of this MOU shall be effective beginning July 1, 2012 and shall expire on June 30, 2013.

Any affiliate agency may withdraw or cancel participation in this task force without liability to any other party by providing written notice of intent to the Polk County Sheriff's Office no less than 30 days prior thereto. Upon written notice of intent to withdraw from the task force, all equipment, software, hardware and/or supplies purchased from the federal grant shall be returned to the Polk County Sheriff's Office prior to the effective date of cancellation.

An agency's participation in the MOU may be terminated by and upon the Polk County Sheriff's Office giving written notice to the other participating agencies or in the event the federal grant funding ceases.

This MOU may be modified upon the mutual written agreement of the parties.

T~, l~jt~f __, 2012.

C!tttl ~ ~ l:Jrl4f4tvt
Agency Representative (Printed Name)

Signed on the __ __, __ day of -Apt'-t l '2012.

Q.rruuA rrcOJYoQci
Polk County Sheriff's Office Representative

Internet Crimes Against Children Program

OPERATIONAL AND INVESTIGATIVE STANDARDS

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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.
- *Workflexibility* - 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 taskforces 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.

*ICAC Program Operational and Investigative Standards
FOR LAW ENFORCEMENT PURPOSES ONLY*

Last Update: May 31, 2011

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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 all 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.

**SOUTH FLORIDA INTERNET CRIMES AGAINST CHILD (ICAC)
OPERATIONAL TASK FORCE
MEMORANDUM OF UNDERSTANDING (MOU)**

The Cape Coral Police Department, through the signature of Police Chief Bernard Murphy, hereby agrees to the terms and conditions set forth in the South Florida Internet Crimes Against Child (ICAC) Operational Task Force Memorandum of Understanding, which is attached hereto.

Cape Coral Police Department

Bernard Murphy, Police Chief

Date:_____

H:/contracts/ICAC Cape Coral Addition 12-8-11

**SOUTH FLORIDA INTERNET CRIMES AGAINST CHILD (ICAC)
OPERATIONAL TASK FORCE
MEMORANDUM OF UNDERSTANDING (MOU)**

WHEREAS, the below subscribed law enforcement agencies have joined together in a multi-agency task force intended to combat crimes committed against children and the criminal exploitation of children that is committed and/or facilitated by or through the use of computers, and to disrupt and dismantle organizations engaging in such activity; and

WHEREAS, the undersigned agencies agree to utilize applicable state and federal laws to prosecute criminal, civil, and forfeiture actions against identified violators, as appropriate; and

WHEREAS, the Broward Sheriff's Office is the recipient of a federal grant disbursed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington, D.C. to assist law enforcement in investigating and combating the exploitation of children which occurs through the use of computers by providing funding for equipment, training, and expenses, including travel and overtime funding, which are incurred by law enforcement as a result of such investigations.

NOW THEREFORE, the parties agree as follows:

**SECTION I
PARTICIPATING AGENCIES**

Each of the undersigned law enforcement agencies approve, authorize and enter into this Agreement to implement the South Florida Internet Crimes Against Child (ICAC) Operational Task Force:

The Atlantis Police Department
The Attorney General's Office (Jacksonville)
The Avon Park Police Department
The Bal Harbor Police Department
The Boca Raton Police Department
The Bowling Green Police Department
The Boynton Beach Police Department
The Broward Sheriff's Office
The Broward County School Board Inv
The Florida Department of Law Enforcement
The Charlotte County Sheriff's Office
The City of Miami Police Department
The Clewiston Police Department
The Coconut Creek Police Department
The Collier County Sheriff's Office
The Coral Gables Police Department
The Coral Springs Police Department
The Davie Police Department
The Delray Beach Police Department
The Fort Lauderdale Police Department
The Fort Myers Police Department
The Hendry County Sheriff's Office
The Hallandale Beach Police Department
The Hialeah Police Department

The Hollywood Police Department
The Homestead Police Department
The Indian Creek Police Department
The Indian River County Sheriff's Office
The Jupiter Police Department
The Key Biscayne Police Department
The Key West Police Department
The Lantana Police Department
The Lauderhill Police Department
The Lee County Sheriff's Office
The Monroe County Sheriff's Office
The Margate Police Department
The Martin County Sheriff's Office
The Martin County State Attorney's Office
The Miami Beach Police Department
The Miami Dade Police Department
The Miramar Police Department
The Palm Beach County Sheriff's Office
The Palm Beach Police Department
The Palm Beach Gardens Police Department
The Palm Beach School District Police
The Pembroke Pines Police Department
The Port St. Lucie Police Department
The Sebastian Police Department
The St. Lucie County Sheriff's Office
State Attorney, Fifteenth Judicial Circuit
The Sunrise Police Department
The Tequesta Police Department
The Vero Beach Police Department
The West Palm Beach Police Department
The Wilton Manors Police Department

Additional parties may enter into this Agreement at a later date upon signing the Agreement upon the approval of the Broward Sheriff's Office Task Force Commander. Any party may cancel its participation in this Agreement upon delivery of written notice of cancellation to all Parties to the Agreement.

SECTION II.

MISSION

The Task Force is to effect dedicated and intensive investigative, proactive, and general law enforcement efforts primarily with regard to the investigation of the criminal exploitation of children committed by or through the use of computers, computer technology, and the Internet. Such crimes include, but are not limited to, the procuring, collection, transfer or distribution of child pornography, and, the luring, seduction or enticement of a child for sexual purposes through computer on-line services, bulletin board services, or Internet services. The principal goals of the task force shall be the successful identification, apprehension and prosecution of child molesters, child pornographers, child pornography collectors or distributors, child abusers, and preferential sexual offenders who target children. The Task Force shall strive to prevent the victimization and sexual exploitation of children by also educating the public via Internet safety presentations. The Task Force shall strive to prevent the victimization and sexual exploitation of children and to identify and assist victims and potential victims of child pornography, computer pornography and child abuse. Such efforts shall include, but are not limited to, covert undercover operations designed to detect illegal activity and to identify those involved in such activity including those directing or otherwise controlling organized child pornography rings; the collection and maintenance of an intelligence database identifying known and suspected child molesters, child pornographers, child

pornography collectors or distributors, child abusers and preferential sexual offenders who target children; the arrest and prosecution of those involved (utilizing state and federal prosecutions, as appropriate); the seizure and forfeiture of assets of those engaged in such activity or otherwise supporting such activity (utilizing state and federal forfeiture options, as appropriate); and the referral of investigative leads and intelligence to such other federal, state, or local law enforcement authorities as may be required and appropriate under the Task Force's operations.

The Parties to this Agreement are contributing personnel and resources in support of the Task Force efforts, with the operations of the Task Force being coordinated with the Broward Sheriff's Office and other Task Force members.

SECTION III. **JURISDICTION**

The principal sites of Task Force activity shall be within our Areas of Responsibility (AOR) that include the cities within the following counties: Broward, Charlotte, Collier, Glades, Hendry, Indian River, Lee, Martin, Miami-Dade, Palm Beach, Martin, Monroe and St. Lucie. Nothing in this Agreement shall be construed as to grant jurisdiction outside a Task Force member's normal territorial boundaries. The appropriate federal and/or state authorities will be contacted should an investigation extend outside the jurisdiction of the respective Task Force agency.

Nothing herein shall otherwise limit the jurisdiction and powers normally possessed by an employee of the Participating Task Force agencies.

SECTION IV. **COMPOSITION AND SUPERVISION**

The undersigned agencies agree that the Broward Sheriff's Office as the grant recipient shall be the lead agency of the Task Force. The Broward Sheriff's Office Task Force Commander will be responsible for determining the equipment, personnel, and training needs of the Task Force.

The day-to-day operational decisions for individual cases will be the responsibility of the originating agency. However, all cases will be monitored by BSO and FDLE. Furthermore, the authorization of overtime, the purchase of equipment and any other expenditures will be the responsibility of BSO (as the grant recipient), to the extent that these costs will be funded - as permitted - by the federal grant disbursed by OJJDP.

All personnel participating in Task Force operations and the equipment utilized by such personnel as provided or assigned by the Advisory Board shall be under the supervision, direction and control of a Task Force Supervisor(s), who will be one member of BSO and one member of FDLE. Standard operating procedures will be further guided by the OJJDP Internet Crimes Against Children ("ICAC") Guidelines which are attached and incorporated herein as Exhibit "A." In no event will a Task Force member be expected or required to violate or otherwise fail to maintain restrictions or limitations imposed by law, or the member's employing Agency's rules, standards, or policies while the member engages in Task Force operations.

Upon written notification to all Parties, a Party to this Agreement may otherwise add, substitute, reinstate, or replace any of its sworn or support employees participating in the Task Force. However, the Task Force Commander may request that a particular sworn member or support person assigned to the Task Force no longer be allowed to participate in the Task Force.

SECTION V.

LIABILITY AND COST-RELATED ISSUES

Each Party to this Agreement agrees to assume its own liability and responsibility, as outlined below, for the acts, omission, or conduct of such Party's own employees while such employees are engaged in Task Force operations.

Each Party agrees to maintain its own comprehensive general liability insurance, professional liability insurance, automobile liability insurance and workers' compensation insurance policies or maintain a self-insuring fund or the term of this Agreement in the amounts determined by each Party to adequately insure such Party's liability assumed herein, but in no event shall such coverage be less than the amount of statutory waiver of sovereign immunity.

Each Party agrees to provide the other Parties with proof of insurance (comprehensive general liability, professional liability, automobile liability and workers' compensation) or proof that the Party maintains a self-insurance fund consistent with F.S.S. Chapter 768.28.

Each Party (indemnitor) hereby shall, to the extent permitted by law, indemnify from any liability and hold harmless the other Parties (indemnitees), their employees, agents, or servants against liability including, but not limited to, court costs and attorneys' fees, arising from any actions, causes of actions, suits, trespasses, damages, judgments, executions, claims, and demands of any kind whatsoever, in law or in equity, brought against the indemnitees, their employees, agents, and servants as a result of the indemnitor, its employees, agents or servants' negligent acts or negligent omissions, while acting within the scope of their employment. Each Party will at all times be entitled to the benefits of sovereign immunity as provided in F.S.S. 768.28 and common law. Nothing contained herein shall be construed as a waiver of sovereign immunity.

Each Party to this Agreement agrees to furnish necessary personnel, property, police equipment, vehicles, resources and facilities to render services to each other Party to this Agreement in order to affect the purposes of the Task Force and agrees to bear the cost of loss or damage to such equipment, vehicles, or property. Parties understand and agree that they will be responsible for their own liability and bear their own costs with regard to their property and resources. This provision shall not preclude necessary property, resources or costs being purchased or funded via legally vested Task Force funds, if agreed to by the Parties.

Each participating agency shall compensate its employees during the time they participate in Task Force operations and shall defray the actual expenses of its employees while so engaged, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in Task Force operations. The privileges and immunities from liability, exemption from laws, ordinances, and rules, and all pension, insurance, relief, disability, workers' compensation, salary (including overtime compensation or compensatory time), death and other benefits that apply to the activity of an employee of an Agency when performing the employee's duties shall apply to the employee to the same degree, manner, and extent while such employee acts under this Agreement. This provision shall not preclude payment of compensation (including overtime compensation), if allowed, through the use of legally vested Task Force funds, as agreed to by the Parties.

SECTION VI.

FORFEITURE ACTIONS

No funds or other property seized by Task Force operations are to be utilized by any Task Force agency prior to successful forfeiture or, if no forfeiture is pursued, until title or interest in the property otherwise vests in one or more Task Force agencies by operation of law. Forfeiture actions based upon seizures

made by the Task Force may be pursued in either state or federal actions. Actions shall be based upon current statutory and case law. The Parties agree that the local Sheriff's offices', which are signatories to this Agreement, by and through their attorneys, will be primarily responsible under this Agreement for pursuing all Task Force forfeiture actions on behalf of all of the Parties in state court when a seizure occurs in that particular Sheriff's jurisdiction. The Parties agree that FDLE, through its attorneys, will be primarily responsible under this Agreement for pursuing all Task Force forfeiture actions when a seizure occurs outside of the jurisdiction of any of the signatory parties to this Agreement, but within the State of Florida, on behalf of all parties in state court. However, this provision shall not preclude the use of other forfeiture attorneys or personnel as needed on particular matters. Distribution of the proceeds from successful forfeiture actions shall be equitable among the Parties to this Agreement and shall take into account their relative roles in support of the efforts of the Task Force unless an alternate distribution allocation among the Parties has been agreed to. Any Party to this Agreement may request copies of forfeiture complaints and pleadings filed by reason of Task Force seizures and such copies shall be promptly provided to the requester. All decisions regarding forfeiture proceedings shall remain with the agency (county or state), depending on which agency would be filing for forfeiture if an action is instituted. However, if any legal dispute or concern as to the form or sufficiency of forfeiture actions or other action proposing to vest the interest of Task Force agency(ies) in seized cash or property is raised by any of the Parties to this Agreement, an attempt to resolve the issue through informal discussion and contact shall be made. In the event any Party to this Agreement believes there is no legal sufficiency upon which to pursue the forfeiture of particular seized cash or property, and the concerns cannot be resolved, no forfeiture action on behalf of the Task Force is to be filed. All options available to state and local law enforcement agencies with regard to unclaimed evidence or abandoned property, gifts and plea agreements are available to the Task Force, provided the property under consideration otherwise qualifies under law for such consideration.

SECTION VII. **RECORDS AND REPORTS**

The Parties to this Agreement agree to forward a copy of all Task Force reports via USPS mail, electronic mail, or facsimile for maintenance to the Broward Sheriff's Office Task Force Commander. All Task Force reports shall include the designation "LC" (an acronym for LEACH-Law Enforcement Against Child Harm) case numbers which will identify the report(s) as a Task Force case investigation. All case reports will also be maintained by the lead-investigating agency for each individual case.

SECTION VIII. **OJJDP INTERNET CRIMES AGAINST CHILDREN** **TASK FORCE PROGRAM GUIDELINES**

The Parties to this Agreement acknowledge that they have received and reviewed the attached Office of Juvenile Justice and Delinquency Prevention (OJJDP) Internet Crimes Against Children (ICAC) Task Force Program Guidelines. The guidelines were promulgated for use in connection with funds dispensed by the Broward Sheriff's Office (BSO) under the 1998 Federal OJJDP Internet Crimes Against Children Grant awarded to BSO. The guidelines specify how Task Force investigations may be conducted, and include provisions on Case Management, Workspace and Equipment, Case Predication and Prioritization, Record Keeping, Undercover Investigations, Evidence Procedures, Information Sharing, Supervision, Selection of ICAC Personnel, Prevention and Education Activities, Media Releases, and the ICAC Task Force Review Board. The guidelines are specifically incorporated herein by reference and are attached hereto, and by entering this Agreement, the Parties agree to abide by all covenants, restrictions, limitations, and guidelines contained therein and conduct all investigation in accordance thereto. Failure to abide by said guidelines will result in the removal of said Task Force member by the Task Force LEACH committee members and/or the participating agency from the LEACH Task Force. In the event that a Task Force member's employing agency's own rules, protocols, procedures or guidelines are discovered to be in conflict with, and are more restrictive in application than the OJJDP ICAC Task Force Program Guidelines, that Task Force member shall immediately notify the Task Force supervisor and that Task

Force agency shall not be required to aid or assist in the investigation. In no event will a Task Force member be expected or required to violate or exceed or otherwise fail to maintain restrictions or limitations imposed by law, or the member's employing Agency's rules, standards, or policies while the member engages in Task Force operations.

In accordance with the OJJDP ICAC grant disbursed to the LEACH Task Force through the Broward Sheriff's Office, the OJJDP may order a review and audit of Task Force operations with regard to the seizure and handling of all evidence, property, or cash or any other aspect of Task Force operations. The Parties agree to cooperate in any such audit by allowing full access to documents, personnel and facilities necessary to perform the audit function.

SECTION IX.

INTERPLAY WITH STATE AND FEDERAL AUTHORITIES

The Parties to this Agreement recognize that the United States Department of Justice and the United States Customs Service have requested that the efforts of the Task Force be closely coordinated with federal authorities having interests in child pornography investigations and child exploitation investigations involving the use of computers and the Internet.

The Parties to this Agreement further recognize that investigations of this nature may involve violations of law in other state jurisdictions. In the event that a Task Force member determines that an investigation is outside of its jurisdiction or outside the Task Force's AOR, the agency shall immediately notify the BSO Task Force Commander. The law enforcement authority or regional ICAC task force that has jurisdiction shall then be notified in accordance with OJJDP ICAC policy guidelines and apprised of the facts of the investigation.

SECTION X.

COMPLAINTS AGAINST TASK FORCE MEMBERS

Whenever a complaint has been lodged as a result of Task Force efforts, the Task Force supervisor shall ascertain at a minimum:

The identity(ies) of the complainant(s) and an address where the complainant(s) may be contacted, the nature of the complaint any supporting evidence or facts as may be available, including the names and addresses of witnesses to that which has been complained about, the identity(ies) of the Task Force participant(s) accused and the employing Agency(ies) of the participant(s) accused.

The Task Force supervisor will promptly provide to each affected employing Agency the above information for administrative review and appropriate handling or disposition. Each affected employing Agency shall, upon completion of said review, notify all Task Force Advisory Board members of its findings and any actions taken.

SECTION XI.

OBLIGATION TO COORDINATE WITH PROSECUTOR'S OFFICE

The principal goal of this Task Force is the successful prosecution of criminal violators. Successful prosecution requires close coordination with prosecuting authorities, both in the state and federal courts. Members of the Task Force are obligated to coordinate their efforts in such a way as to support the efficient prosecution of cases, including, but not limited to, prompt responses to requests from prosecutors for information or assistance in handling Task Force generated cases, and reasonable availability for pretrial conferences with prosecutors, discovery depositions, pretrial hearings and trials. Civil or

administrative actions derived from Task Force operations are likewise to receive coordinated support efforts from Task Force members. The Task Force supervisors shall monitor the efforts of Task Force members in support of criminal prosecutions, civil actions, administrative actions and forfeiture cases. Such monitoring shall include regular contact with assigned prosecutors or attorneys pursuing actions on behalf of the Task Force to assure the expected level of support from Task Force members is occurring. Failure by a member of the Task Force to support such efforts on a routine and regular basis in the manner set forth herein shall constitute grounds for removal from the Task Force.

SECTION XII.
COPY TO EACH PARTICIPATING TASK FORCE MEMBER

When this Agreement is fully executed, a copy shall be provided to each Task Force member so that each member may be fully aware of the powers, limitations, and expectations applicable to Task Force members and operations.

SECTION XIII.
TERM AND TERMINATION

This Agreement shall be effective as to the executing Parties upon execution by the Broward Sheriff's Office and at least one other participating Agency. As each additional Party executes this Agreement, it shall be effective as to the newly executing Party. This Agreement may be duplicated for dissemination to all Parties, and such duplicates shall be of the same force and effect as the original.

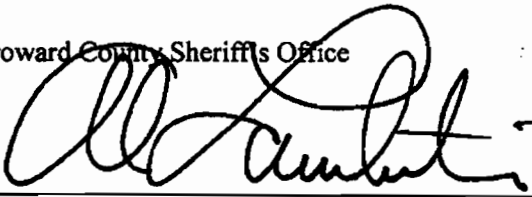
This Agreement shall be ongoing and remain in full force and effect as to all participating Parties unless terminated as provided herein.

This Agreement may be terminated upon the consent of all participating parties.

Any Party may withdraw its individual participation upon notification to all participating Parties.

IN WITNESS WHEREOF, the Parties hereto sign on the date specified.

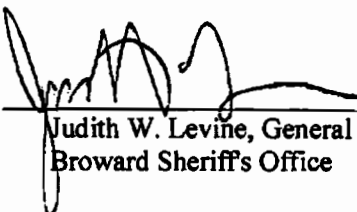
Broward County Sheriff's Office



Al Lamberti, as Sheriff of Broward County

Date: 2-9-11

Approved as to form and legal sufficiency
subject to execution by the parties.



Judith W. Levine, General Counsel
Broward Sheriff's Office

Date: 2/9/11



ACLU leader wants federal review of Polk sex stings

Noah Pransky, WTSP 4:24 p.m. EDT August 13, 2014



(Photo: WTSP)

TAMPA, Florida -- Following 10 Investigates' reports on problems with Central Florida's Internet Crimes Against Children (ICAC) task force, the local chair of American Civil Liberties Union (ACLU) is calling for a federal review.

Ret. Army Col. Mike Pheneger, the chair of the Greater Tampa Chapter of the ACLU, expressed concern Monday about how the "To Catch a Predator"-style stings, which remain as popular as ever in West/Central Florida.

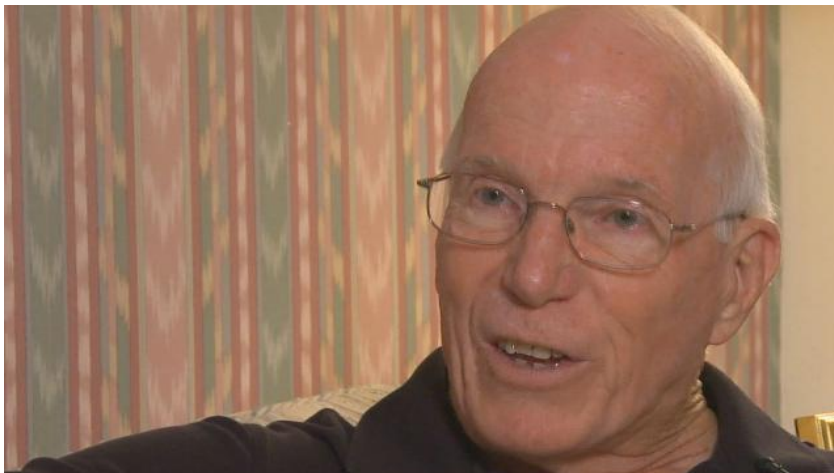
"The Justice Department (should) be asked to look into this, since this is federal money that's involved here," said Pheneger, who has also held ACLU leadership positions at the state and national level. "Find out if they are following the rules, because it would appear they are not."

10 Investigates showed how the Central Florida ICAC task force, under the watch of Polk County Sheriff Grady Judd, started reaching out to men who simply posted legal ads on legal dating sites. And a number of judges had criticized officers' overreach, their "failing to follow procedures" during sting operations, as well as methods to provoke "a law-abiding citizen to commit a crime."

[Part 1: Officers bending the rules on sex stings \(/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/\)](/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/)

[Part 2: Stings not arresting whom you think they are \(/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/\)](/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/)

A 10 Investigates analysis of more than 1,200 Florida arrests since 2008 shows the subjects of the stings often had no previous record and were able to avoid jail time. Many prosecutors have shown leniency, based on the facts of the case and the likelihood the defendant might actually commit a crime on a real child.



A local branch of the ACLU wants a federal review of the sex stings in Polk County.

"It's important to put actual sex offenders in jail," Pheneger said. "Law enforcement should be going after those people, not trying to entice people who have shown no disposition to any kind of criminal behavior toward children."

Some local agencies, such as the Hillsborough County Sheriff's Office and the Pasco County Sheriff's Office, do not take part in the stings, instead focusing cyber crime detectives on more immediate dangers such as child porn and sex trafficking.

ICAC guidelines, obtained by 10 Investigates through court records, indicate the online undercover stings, which typically don't involve real children or victims, are not even specified in the list of priorities agencies are supposed to target:

1. A child is at immediate risk of victimization.
2. A child is vulnerable to victimization by a known offender.
3. A known suspect is aggressively soliciting a child(ren).
4. Manufacturers, distributors or possessors of images that appear to be home photography with domiciled children.
5. Aggressive, high-volume child pornography manufacturers or distributors who either are commercial distributors, repeat offenders, or specialize in sadistic images.
6. Manufacturers, distributors, or solicitors involved in high-volume trafficking or belong to an organized child pornography ring that operates as a criminal conspiracy.
7. Distributors, solicitors and possessors of images of child pornography.
8. Any other form of child victimization.

ICAC guidelines also require law enforcement to determine if there is reasonable cause to investigate each potential target. But Judd told 10 News he would not turn over public records on the sting because every single person his task force came in contact with -- including those who showed absolutely no interest in the underage decoys -- was still "under investigation."

If Judd is investigating hundreds of men who showed no interest in breaking the law and provided law enforcement no "reasonable cause" to be investigated, Pheneger said it would be a clear violation of civil liberties.

"The ACLU believes in public records," Pheneger said. "We believe public records in the Sunshine is one of the most important things you can do in government. When people like Sheriff Judd appear to be going off the reservation, public records laws are the best ways to...find out how far off they've gone and to...make sure they don't continue to do it."

Pheneger also expressed disappointment that Judd told 10 Investigates last week that he had no remorse about holding a press conference to call men "sexual predators" who had already been cleared of wrongdoing.

"That's reprehensible in any respect. His job is to enforce the law, not to basically ruin the lives of people who got involved in this through enticement, not through any criminal intent," Pheneger said.

[Previous: Judd snubs due process \(/story/news/investigations/2014/08/05/grady-judd-polk-county-sex-offender-mugshots/13627259/\)](#)

[Previous: Pinellas, Polk, Clearwater secretive on sex stings \(http://archive.wtsp.com/news/local/story.aspx?storyid=360266\)](http://archive.wtsp.com/news/local/story.aspx?storyid=360266)

[Previous: Signs of entrapment from law enforcement \(http://archive.wtsp.com/news/local/story.aspx?storyid=354700\)](http://archive.wtsp.com/news/local/story.aspx?storyid=354700)

Judd and other local law enforcement agencies have a lot to lose if public records show widespread disregard for the rules - millions of dollars in federal grants (http://www.fedspending.org/faads/faads.php?recip_id=281274&sortp=u&detail=2&dtype=T&reptype=r&database=faads&fiscal_year=&submit=GO) could be in jeopardy if there are ICAC violations.

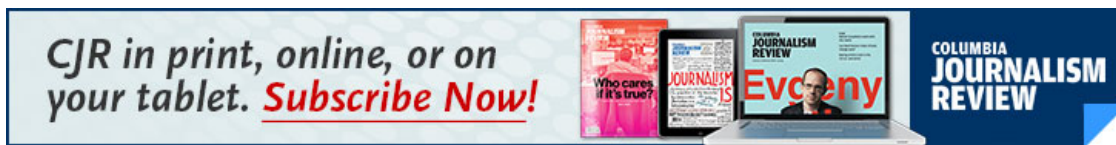
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06:50 AM - October 9, 2014

A TV reporter gets results tackling stories not always made for TV

WTSP's Noah Pransky sticks with the story

By **Susannah Nesmith**

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MIAMI, FL — “Being a creep isn’t illegal.”

That’s one of investigative reporter Noah Pransky’s takeaways from his recent work for Gannett-owned WTSP in Tampa. For several months, Pransky has been reporting on shady “To Catch A Predator”-style stings by local cops and the men looking to meet adult women online who got caught up the stings. These men are not sympathetic victims. It’s easy to discount their concerns when they feel like they were unfairly or illegally targeted. Some of these men engaged in very graphic conversations online.

Pransky’s work, which I **wrote about** in August, is getting results. WTSP aired a **story** last week pointing out that the stings have been curtailed in the Tampa Bay area in recent months, since Pransky first started reporting on them. The arrest numbers are down and the men who have been arrested no longer include young men—18- and 19-year-olds. Wrote Pransky on the station’s website:

A sting conducted by the Pinellas County Sheriff’s Office and Clearwater Police Department last weekend netted just 11 arrests, down significantly from the 30-40 arrests most Central Florida stings were netting in recent years. Local attorneys tell 10 News the drop is likely the result of increased attention on the officers’ behavior, prompting them to stop boosting arrest totals by bending the rules.

He also got significant traction from his August **story** about how the multi-agency sting operations included military police, in an apparent violation of a federal law going back to Reconstruction. Though local police may not have known it, the law has been clear for nearly 150 years: military personnel cannot be used to investigate local crimes. It’s actually a pretty central tenet to our civilian-run democracy.

Pinellas County Sheriff Bob Gaultieri recently told Pransky, “We did not have that person from the Air Force participate (in the latest sting), and we won’t in any future operations because that’s not something that we should have done.”

Pransky is a dogged investigative reporter who tackles stories that others overlook. He



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won a George Polk award this year for his investigation into **red light cameras**. He found that the state had quietly reduced the time a traffic light had to stay yellow, adding millions in fines that the cameras generated, while potentially making intersections less safe.

And he's taken this issue of the sex stings and run with it.

In addition to the broadcast story he did about how officials seem to be arresting fewer people in the stings, and focusing more tightly on older adults, he wrote a web-only **piece** last week about how local agencies are dodging his public records requests. The agencies denied his first requests for the conversations between undercover officers and the men they were targeting, arguing a legitimate exemption to the Florida public records law that allows police agencies to protect their investigative files. So Pransky asked for the cases that were no longer under investigation, the conversations with men who refused to go along with the undercover officer once they realized they were talking about sex with a child.

The agencies' response to Pransky's request for records of those conversations, that the records had been destroyed, shows the agencies were not complying with Florida law that requires records be archived, even after the cases are no longer under investigation. This is an important requirement in Florida. If it weren't in place, agencies could investigate—and harass—anyone they believed might be a law-breaker and then delete those files once they determined the person had not broken a law.

Public records stories are often difficult for TV. They don't make good video. They make even worse video when the story is about how officials aren't turning over records.

"This is more of a web series than broadcast," Pransky told me, referring to the public records requests he's been filing. "I did both stories at the same time, but only one made air. We pitched the other as a web exclusive."

Good for WTSP for recognizing that stories that don't make good video have a place on the web, and for unleashing Pransky on what his editors had to have known was never going to be a good video story. As news outlets converge their print, web and video operations, this sort of cross-platform reporting is important. And it's not nearly as common from local television stations as it is from newspapers.

Reflecting on his sex stings reporting, Pransky observed that "talking dirty to an adult" is not against the law. "There are a lot of things that don't pass the muster of social acceptability," he said, but aren't illegal. "In these cases, many times [the police] weren't drawing the line between criminal acts and free speech."

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TAGS: Bob Gaultieri, Noah Pransky, sex stings, To Catch a Predator, WTSP

Susannah Nesmith is a Miami-based freelance writer and the faculty adviser to Barry University's student newspaper, *The Barry Buccaneer*. Follow her on Twitter [@susannahnesmith](#).

Comments [Post a Comment](#)

Ms. Nesmith, thank you for recognizing Noah Pransky's efforts to uncover the illegal tactics and techniques that law enforcement is using to entrap innocent men by creating crimes in these Florida and other States DoJ federally funded internet sex stings.

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There are so many illegal actions and activities that these ICAC Task Forces are employing to get the arrest numbers that DoJ is asking for to keep giving them federal funds. It is truly all about the \$\$\$\$\$\$ and the media visibility that they seek to keep high public support. Thank you again.

#1 Posted by **Rick Trapman** on Thu 9 Oct 2014 at 02:24 PM

They're lying. They are always required to retain records and old records can be fished out from ISP & phone companies. The police have something to hide. That's why they're lying and saying they don't have the records anymore. They do.

#2 Posted by **RR** on Fri 10 Oct 2014 at 12:58 AM

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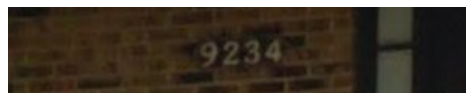


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Noah Pransky, WTSP-TV, Tampa-St. Petersburg, Fla. 4:55 p.m. EDT August 8, 2014



(Photo: Calvin Knight, AP)

BARTOW, Fla. — In the decade since *Dateline NBC's* To Catch a Predator segments popularized Internet sex stings, more than 1,200 men in Florida have been arrested, accused of preying on underage teens (<http://www.wtsp.com/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/>) and children for sex.

But as the stings put more and more men behind bars, detectives are working harder and harder to keep up their arrest numbers. And the tactics they're using to put alleged sexual offenders in jail are sweeping up large numbers of law-abiding men, too.

Many of the men whose mugshots sheriffs have been paraded in made-for-TV press conferences were not seeking to meet children online, according to a yearlong WTSP-TV investigation. Instead, they were looking for other adults when detectives started to persuade them to break the law.

Detectives used to post ads suggesting that an underage teen or child was available for sex but now routinely post more innocuous personal ads of adults on traditional dating sites.

JULY: Report reveals theme park workers arrested in child sex stings (/story/news/nation/2014/07/15/theme-park-sex-sting/12661539/)

2012: Pro golfer, swim coach arrested in child sex sting operation (<http://content.usatoday.com/communities/gameon/post/2012/01/pro-golfer-swim-coach-arrested-in-child-sex-sting/1>)

When men, many of them younger than 25 with no criminal history, respond, officers switch the bait and typically indicate their age is really 14 or 15 years old. However, sometimes the storyline isn't switched until the men, who were looking for legal love, already start falling for an undercover agent.

Officers also now are responding to men's ads on dating sites like PlentyOfFish.com. After the men start online chats with people they think are adults, agents change the age they claim to be but try to persuade the men to continue the conversation anyway.

Other examples include undercover officers showing interest in a man then later introducing the idea of having sex with the agent's "child." If the men indicate they aren't interested, many still were arrested for talking to the adult.

Critics of the stings say the operations make for better press conferences than crime fighting. Many of the men charged with sexual-predator crimes see little jail time.

But when Polk County Sheriff Grady Judd was asked about overly aggressive detectives, he went on the offensive.

"The concern (I have) is that you inflate your investigative reporting to make it glitzy," he said.

Judges also have been critical of some tactics used in the stings, which violate Internet Crimes Against Children guidelines. Among the judges' comments in recent entrapment decisions:

It was the agent who repeatedly steered the conversation back to sexual activity with a minor.

The government made a concerted effort to lure him into committing a crime.

The undercover officer failed to follow the procedures.

The law does not tolerate government action to provoke a law-abiding citizen to commit a crime.

The judge in one dismissed case criticized the undercover officer for failing to follow procedures, saying "the officer controlled the tone, pace and subject matter of online conversation, pushing toward a discussion of sexual activity."

Defense lawyer Anthony Ryan, who has a practice in Sarasota, Fla., just got a 23-year-old client's case dismissed in Manatee, Fla. A judge ruled that deputies entrapped his client, writing that their tactics had "no place in modern day law enforcement."

"They are really good at subtly turning conversations and normal statements into sexual innuendo — whether or not the other side intended that," Ryan said.

The blurring of legal and ethical lines has led many agencies such as the Pasco County Sheriff's Office, the Hillsborough County Sheriff's Office and others in south Florida to focus their cybercrime resources in other areas such as child porn and sex trafficking.

Hillsborough and Pasco county detectives say those investigations yield better conviction rates and longer prison terms. They also provide law enforcement with additional leads.

"Any way you can take a sexual predator off the street is tremendous, especially those that are online looking at child pornography," said Sheriff Chris Nocco of Pasco County. "They may do something physically against a young little kid."

But predator stings are still alive in central Florida, operating under Judd, who is head of the Florida Sheriff's Task Force on Internet crimes against children.

Predator hunting is one sheriff's 'favorite topic'

Sheriff of Polk County since 2005, Judd has made it clear that targeting sexual predators is his top priority.

He called hunting predators his favorite topic at a recent press conference, and he has invited national media outlets along for some of the operations. His office's predator stings have been featured in three MSNBC specials as well as a recent CNN series.

But Judd has been much less forthcoming on how detectives lure targets and whether innocent men are getting swept up.

Judd has failed to provide information on the following issues, which are considered public records under Florida's Sunshine law:

- The language in the ads that detectives post.
- How detectives respond when innocent men show no interest in speaking to teens.
- Whether they see a problem of teens looking for adults online.
- How many men detectives contact before finding someone to investigate.

An overwhelming majority of men who communicate with detectives either end communication or report the undercover officer's activities to authorities, Judd said.



Chris Hansen hosts the To Catch a Predator segment on Dateline NBC in this 2006 photo. (Photo: NBC)

Judd maintains that the records are exempt from state open-records laws because all of the men are still under investigation because they may surface in future stings. However, that response indicates that Judd and other law-enforcement leaders who have used the same exemption to withhold requested records have investigations open on hundreds, maybe thousands, of men who legally communicated with adults on legal websites.

Judd also showed little concern for due process during a Tuesday press conference to tout arrests since March in predator-style stings. He pointed to 132 mugshots on a giant posterboard and called the men "sexual predators."

Some of the men already have been cleared of charges, he called them fair game

"We have a very liberal — a very forgiving — criminal justice system," Judd said.

The other victims of sheriffs' stings

Men who victimize children or look for underage victims online can't be excused.

However, it's easier to make a case for men swept up in stings when they were looking for adults online.

"(My son) was stalked by law enforcement for three days," said the mother of a 22-year-old arrested in one of the stings who asked not to be identified because of the stigma that the arrest has brought.

Her son was on Craigslist's personals pages looking to meet other adults. He responded to a no-strings-attached ad for a 26-year-old woman.

The story from the woman, really an undercover agent, changed a few times, including a claim that she was only 13, but he said he was skeptical.

He spoke on the phone to her and she sent a photo in which she was wearing a wedding ring. He said he was sure she was an adult — she was — so he made plans to meet her. When he arrived, he was arrested.

He later was sentenced to two years of house arrest and a lifetime as a registered sex offender.

"He had a life of promise. He had an education," his mother said. "That's all been shot."

Internet Crimes Against Children stings typically cost tens of thousands of dollars — sometimes close to \$100,000 — and that doesn't include prosecuting and incarcerating defendants.

Light sentences sometimes are offered because suspects aren't considered dangerous offenders, contrary to Judd's claims.

Defense attorney Ryan adds that officers are pushing the boundaries to keep their arrest numbers up and keep federal grants flowing. And responding to legal ads on legal dating sites crosses the line.

"Once the low-hanging fruit is sort of gone, taken off the tree, there's still pressure from high above to justify these actions," he said.

Guidelines for Internet Crimes Against Children probes

Tampa-area authorities refused to turn over the federal government's guidelines for Internet Crimes Against Children investigations, saying they are confidential investigative material. However, a list of the following targets was part of public record in one court case:

1. A child at immediate risk of victimization.
2. A child vulnerable to victimization by a known offender.
3. A known suspect aggressively soliciting a child or children.
4. A manufacturer, distributor or possessor with images that appear to be home (pornography) photography with children.

5. Aggressive, high-volume child pornography manufacturers or distributors who either are commercial distributors, repeat offenders, or specialize in sadistic images.
6. Manufacturers, distributors or solicitors involved in high-volume trafficking or who belong to an organized child-pornography ring that operates as a criminal conspiracy.
7. Distributors, solicitors and possessors of images of child pornography.
8. Any other form of child victimization.

Source: *Florida court records*

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Oct 02, 2014

Air Force aiding Florida police in sex stings

A new investigation finds a member of the Air Force's Special Investigations Office has helped Tampa, Florida police trap service members in questionable "predator" sex stings. But he also admitted to targeting, and helping arrest, civilians. VPC

USA TODAY NETWORK Noah Pransky, WTSP, Tampa 12:51 p.m. EDT August 26, 2014



(Photo: WTSP)

CLEARWATER, Fla. - Not only have Central Florida law enforcement officers violated federal rules in conducting "To Catch a Predator"-inspired sex stings, but WTSP in Tampa has learned they may also violate longstanding federal law that prohibits the use of military resources to enforce state laws.

While Tampa Bay-area law enforcement agencies refuse to turn over public records from questionable "predator" roundups, court records show that a member of the Air Force's Office of Special Investigations (OSI) has been a regular participant in Central Florida undercover stings for more than a year.

In a recent deposition, the agent indicated his goal was to trap service members who might be willing to break the law. But he also admitted to targeting, and helping arrest, civilians. According to an operation plan from a recent Pinellas County sting, Agent William Glidewell, acted as a "chatter," communicating with potential investigative targets online. He was put up in a Clearwater Beach hotel for four days and reported to the sting's lead agencies, the Clearwater Police Department and Pinellas County Sheriff's Office.

"It's odd that you would have a military (investigator) being so treated like civilian law enforcement," said Charles Rose, a Stetson Law professor and retired U.S. Army prosecutor in the Judge Advocate General (or JAG) Corps. "You cannot assign military personnel -- on orders -- to a (local law enforcement) organization."

Unlike the original "To Catch a Predator" stings, which posted suggestive ads indicating the availability of children, detectives in recent Central/West Florida operations began reaching out to otherwise law-abiding men who posted ads themselves on legal dating sites. An ACLU leader has called for a federal review of the stings.

Violation of federal law

Now, a number of the prosecutions could be in jeopardy with the discovery that the Air Force OSI agent may have broken the law with his involvement.

A court motion filed last week by defense attorney Peter Aiken in Pinellas County contends a civilian case from April's "Operation Home Alone II" that Glidewell participated in should be immediately dismissed on the violation of the longstanding Posse Comitatus Act.

The federal law, which dates back to Reconstruction and Southern aversion to Northern influence, mandates the military may not be used to enforce local laws. Violations are considered felonies, although Rose couldn't remember a case ever being prosecuted.

Aiken's motion contends "the Clearwater police, over the course of four days, made direct, active use of Glidewell, the 'military investigator' to execute purely state laws" and "in this case, it is particularly egregious in that it was counseled, planned and executed with the knowledge and consent of numerous members of state law enforcement."

Other law enforcement agencies involved in the Clearwater/Pinellas sting include the Florida Department of Law Enforcement, St. Petersburg police, Department of Homeland Security, FBI and the Polk County Sheriff's Office.

Several agencies had no immediate response to questions about the Air Force's involvement, but Pinellas Sheriff Bob Gualtieri, interviewed after a recent press conference, said he "didn't know" how or why the military investigator got involved.

"I think (OSI) got involved because (there was a target) from MacDill (Air Force Base) and I think they got involved because of that on the backside," Gualtieri said, indicating the agent wasn't a part of the initial sting plan.

But documents obtained through court records, after the Pinellas sheriff's office would not turn them over, indicated the Air Force OSI had been involved from the early planning stages of not just the April "Operation Home Alone II" sting, but the January "Operation Home Alone" sting as well.

Furthermore, OSI Agent Glidewell admitted in a recent deposition that he had been a part of multiple stings around the state for almost a year. Glidewell works out of Detachment 340 at MacDill, but reports to Air Force leaders in Quantico, Virginia.

The Air Force said OSI agents are involved with internet crimes against children task forces across the U.S. and typically get involved after a servicemember is identified in a sting. That was not the case in Pinellas County.

Rose, from Stetson Law, said aside from entrapment and posse comitatus issues, there should be concern regarding how the Air Force investigators are prioritizing their time.

"Every moment that OSI has been doing this work, for free, for the civilian government, is a time where he's not out investigating military cases and handling military issues," Rose said. "If you have military members engaging in criminal activity, it very often has a national security component."

Targeting servicemembers

The Air Force OSI agent said in his deposition that his goal was to identify servicemembers who may commit crimes. It included posting ads specifically designed to get responses from servicemembers, including posting military seals and referencing "men in uniform."

However, Gualtieri denied knowing anything about ads that target servicemembers.

"I haven't seen anything to that, and I don't know if that's the case. If someone says 'targeting men in uniform,' that doesn't necessarily mean the military either. It could be any one of a number of different things. There are all kinds of uniforms out there, and it doesn't necessarily mean the military."

In his deposition with attorney Aiken, the Air Force investigator said he had worked on a handful of other stings around the state, with other civilian men arrested. Depending on what the judge rules on Aiken's motion, the case could impact several other prosecutions.

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<http://media.ign.com/video/16586425/wait-is-wait-is-pluto-a-planet-again-7-4-usa-now-pluto-a-planet-again-usa-now/>

Oct 02, 2014



10 Investigates reports prompt sex sting changes

Noah Pransky, WTSP 6:47 p.m. EDT October 3, 2014



(Photo: WTSP)

Pinellas County, Florida -- Detectives are sharpening the focus of their undercover, "To Catch a Predator"-inspired sex stings following a series of 10 Investigates reports.

A sting conducted by the Pinellas County Sheriff's Office and Clearwater Police Department last weekend netted just 11 arrests, down significantly from the 30-40 arrests most Central Florida stings were netting in recent years. Local attorneys tell 10 News the drop is likely the result of increased attention on the officers' behavior, prompting them to stop boosting arrest totals by bending the rules.

"(Detectives) are trying to toe the line a little bit more than they were six months ago," said Hillsborough County defense attorney Tony Candela. "They were doing things that were not productive. They were going after people who had not done anything wrong."

Pinellas County and Clearwater ran a similar sting in January, netting 35 arrests. But then 10 Investigates ran its initial story questioning how the stings were operated.

A subsequent sting in April netted "in excess of 20" arrests. Then, 10 Investigates ran a four-part series prior to the most recent sting:

[Part 1: Officers bending the rules on sex stings \(/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/\)](#)

[Part 2: Stings not arresting whom you think they are \(/story/news/investigations/2014/08/07/law-enforcement-crosses-lines-on-sex-stings-entrapment/13734121/\)](#)

[Part 3: ACLU leader calls for federal review of DOJ dollars \(/story/news/investigations/2014/08/12/aclu-leader-wants-federal-review-of-judd-sex-stings/13914073/\)](#)

[Part 4: Air Force participation appears to break federal laws \(/story/news/investigations/2014/08/25/air-force-sex-stings-federal-law/14568993/\)](#)

Other Central and West Florida agencies have seen similar drops in arrests in recent months.

10 Investigates has also been fighting for public records on the secretive stings, which prompted a fifth story:

[Part 5: Law enforcement admits to deleting records from stings \(/story/news/investigations/2014/10/03/law-enforcement-admits-deleting-controversial-sex-sting-records/16642219/\)](#)

Another noticeable change in the most recent Pinellas County operation was how few young adults were targeted. In a drastic shift from previous Florida "Predator"-inspired stings, none of the men arrested were under 28 years old.

Additionally, Sheriff Bob Gualtieri forewent the traditional post-operation press conference, which also came under scrutiny during 10 Investigates' coverage.

"The effort (from detectives) was the same, and we're getting (fewer arrests), so...its a good sign," Gualtieri said, adding that his detectives are operating with the same guidelines and integrity they always have.

"I don't think we were doing anything wrong to begin with. We're always careful...certainly never want to entrap anybody or entice anybody or do anything that's improper."



Investigation spurs change in stings

"There's a problem," Gualtieri said of sex offenders in the community. "So we need to make sure they aren't doing it...and we will continue to conduct these investigations to keep the kids safe."

Gualtieri noted fewer outside agencies lent detectives to this operation, including the Air Force, which 10 Investigates pointed out was participating in civilian stings illegally.

"We did not have that person from the Air Force participate (in the recent sting)," Gualtieri said, "and we won't in any future operations because that's not something that we should have done."

Find 10 Investigates reporter Noah Pransky on Facebook (<http://www.facebook.com/noahpransky>) or follow his updates on Twitter (<http://www.twitter.com/noahpransky>). Send your story tips to noah@wtsp.com (<mailto:noah@wtsp.com>).

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A Voice For Working Families



Steve

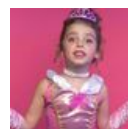
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Potty-Mouth Princesses concern parents

(/story/news/local/2014/10/24/potty-mouth-princess-viral-video-concerns-

Trey Gennette
1137 Bloodworth Ln
Pensacola, FL 32504
February 4, 2014

The Honorable Eric Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW Rm 5111
Washington DC 20530

Dear Attorney General Holder:

It is a distinct pleasure to be writing this letter but it is unfortunate that I am having to do so after filing several complaints within the DOJ that seem to have fallen on deaf ears. Myself as well as others, have been working tirelessly into trying to uncover a severe injustice in regards to the ICAC program and their inability to properly perform proactive sting operations. How do I know this? Well I too had my life destroyed for no other reason than to become a statistic, but am now a free man after a court of appeals properly ruled that I was entrapped. This is a serious **CRISIS** that needs to be addressed.

As a US Army war veteran who served twice in the military as both enlisted and as an Army aviation warrant officer, although short lived due to an unfortunate accident, I feel I have served my country well, but the disservice my country has done to myself and many other veterans, retirees, active duty, reservists, and other normal law abiding citizens is beyond belief. To say the last 2.5 yrs has been difficult is an understatement since my freedom was stolen from me. I used that time to research these operations, while gathering data in the process as well as meeting others with similar stories. Of course, I lost my job and was turned down several times for employment that I was clearly qualified for, but I am here to tell you sir; the information about these illegal operations is rather disturbing and I have a plethora of it. Law enforcement is cooking the books by using the nature of the charges, public sentiment, and a high conviction rate to justify continued funding for a problem that doesn't exist as they claim. They provide absolutely no justification for performing these "random virtue testing" stings whatsoever nor are these rogue operations a necessity. I have written several articles on this subject and we recently have had some success with getting news agencies to expose this problem. I am all for wanting to protect the children, but when law enforcement overreaches like they are doing as well as using **pathetic** tactics in order to reel men in; well that is about as un-American as it gets.

I have carefully reviewed the federal code authorizing the creation of the Internet Crimes Against Children's Task Force and have submitted two FOIA requests to the DOJ on the North Florida ICAC searching for clues as to why this is happening. Although much of the information I received was not provided for whatever reason (I am filing an administrative appeal on these missing documents), there are some issues that are

problematic for sure and the article I wrote titled, "Florida's Sting Operations Explained" will elaborate on those.

First and foremost, according to title 42 USC § 17611, it is the Attorney General of the United States that "shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction". The code further stipulates the criteria for doing so as well as the formula for the authorization of funding under § 17616 (a)(2)(b). Training LEO's, periodic reviews (site visits by DOJ officials), and statistical reports such as case tracker information, are also a part of the reporting requirements for each ICAC Task Force. In turn, under § 17616(d)(2)(A) and § 17616(d)(2)(B), it is the responsibility of the Attorney General to submit a yearly report on the "progress" of the ICAC program as well as statistical data covering the 12 month period. But when the data that is being submitted per US code is insufficient and incomplete, the information is invalid and any analysis or report submitted to Congress will be flawed. There are several important factors are completely non-existent but elemental to understanding why so many are being arrested on solicitation charges. Predisposition, tactics involved, along with the use of adult dating sites are just a few of the things not taken into consideration. Couple those with the fact that there seems to be no oversight at all to ensure that those arrested were actually true predators and we have a recipe for creating criminals. Of the numerous cases that I have reviewed, and I must add that I majored in Criminology, I have yet to see one instance where someone was actually using an adult website as means to prey upon children. We took our research even further and after a few short months we created our own database at www.ICACarrests.com comprised mostly of Florida arrests made from the highly publicized "Craigslist" related stings. It is rather apparent that law enforcement has focused their attention on utilizing this site because of its often immoral or even taboo content. Not only that, but the high volume of visitors/users makes it easy for law enforcement to ensnare unsuspecting men. We have a break down of the data in my article, but here are some of the latest numbers from 892 entries:

- There are currently 7 deceased defendants (1.15% of 608 Disposed cases). Of those 7, 4 have been definitively confirmed as suicides, 1 was a heart attack, 1 died 'unexpectedly' and no other information has been found concerning the 7th. There were 9 deceased defendants but as it turns out two defendants had faked suicides, absconded and were later found again.
- There have been 47 (7.73%) trials which resulted in 38(6.25%) Guilty verdicts and 9(1.48%) Not Guilty verdicts. Interestingly one of the guilty verdicts was for carrying a concealed firearm without a license. That individual was acquitted of all sex offenses. Just in case you were wondering that works out to be 19.15% of cases that went to trial resulting in complete acquittal.
- 35(5.76%) cases were voluntarily dropped by the state and an additional 9(1.48%) were dismissed for cause such as a motion to dismiss. Additionally 1 case has been overturned on appeal resulting in another dismissal. There are also 3 cases where the defendant was found incompetent to stand trial. So far that totals up to 57(9.4%) of the cases disposed in which the state was unwilling or unable to obtain any conviction much less a conviction

for a sex offense. There is one other case not counted here where a woman was arrested with her boyfriend. The state dropped all of her charges in return for testifying against her boyfriend

- Some ICAC task forces have gone so far as to claim nearly 100% of all those arrested had prior victims, possessed child pornography or both. Unfortunately Florida ICAC task forces cannot make that claim. Only 15(2.47%) have any evidence of prior victims whatsoever. That number includes defendants that were already RSO's, had been investigated for a sex offense before regardless of outcome or evidence of prior victims was found during the investigation. Only 9(1.48%) were found to be in possession of child pornography. Of those 24 defendants only 1 has evidence of prior victims and possessed child pornography.

Although our data is specific to Florida, we are finding that illicit tactics are not limited to just the Sunshine State. The problem with Florida is that it stands out more than any other state in the number of stings being performed and when you crunch the numbers, it shows us that 97% of men were more than likely not predisposed to commit such crimes, **97%!** Our recent analysis also seems to be consistent with past research on the use of [social networking sites in online sex crimes against minors](#) and that is adult sites like Craigslist do not pose a potential risk to children compared to sites that are more teen oriented.

I am going to attach a few links to news stories on this topic along with the article I wrote. Not only do I elaborate on this issue, but I offer possible solutions on what needs to be done to remedy this injustice. Most immediately, these operations need to be shut down and investigated before any more harm is done, and as the Attorney General of the United States, you have that authority. My article also highlights just a few of the numerous examples of ICAC procedural violations, but there are so many more that clearly prove that law enforcement could completely care less about the Operational and Investigative Standards as well as due process. I am hopeful that you will at least temporarily cease these "proactive" operations immediately in a similar fashion to the NW Georgia task force that was shut down. I am also aware of others like Sam Odom who have contacted your office in the past. Unfortunately he is in a jail cell right now when he should not be, and I promised him I would do everything I can to help.....**this is a cause worth fighting for**. Having said that, I completely understand the need to protect children and I am hopeful that a resolution can be found. Unless something is done soon, more innocent men are going to be wrongfully persecuted by law enforcement and a justice system that has been more like an injustice system in regards to these stings. Had I not fought for the truth like I did, I very well could be sitting in a jail cell like so many are right now. The word is spreading, and it is time for our government to step up to the plate and correct this issue because I can assure you that we will not stop until our voices are heard. I am asking you to please review the information below and find those who are responsible for creating this mess. This should not be happening in our country. I am available at the number and email address below and am looking forward to a response from your office. Thank you

Hon. Holder
February 4, 2014
Page 4

Sincerely,

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