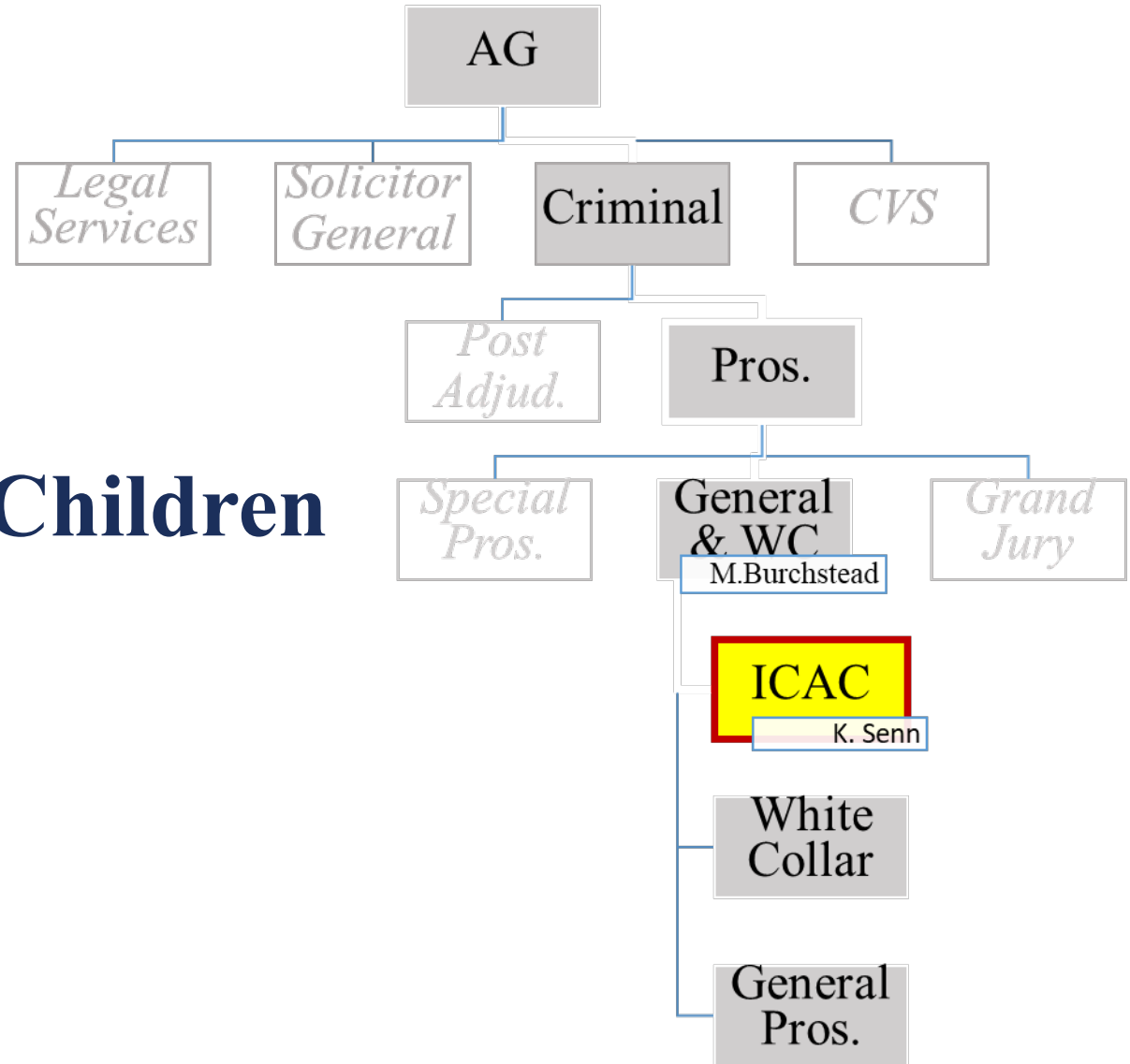




# Internet Crimes Against Children Section



# Internet Crimes Against Children (ICAC)

The Internet Crimes Against Children (ICAC) Task Force is a network of over 100 local, state and federal law enforcement agencies around South Carolina.

The ICAC section prosecutes crimes against children facilitated through the use of technology.

This includes possession and distribution of child pornography and criminal solicitation of a minor.

A continuing challenge is the intensive forensic investigation of seized computers, as well as keeping up with technology, often in the “Dark Web.”

# Background

The Internet Crimes Against Children (ICAC) Task Force and internet services history.

1998

- AG starts taskforce
- CyberTipline created by Congress through NCMEC
  - SLED takes lead
- Internet/Electronic Service Providers
  - AOL, CompuServe, Yahoo, GeoCities, MSN, Netscape

2010

- Cyber tips
  - SLED (under different leadership) prioritizes other crimes
  - AG takes lead

Major Tech Innovations/Platforms

- 2003 Myspace
- 2004 Facebook
- 2005 Reddit
- 2005 YouTube
- 2006 Twitter
- 2007 First Generation iPhone
- 2009 Pinterest
- 2010 Instagram
- 2010 First Generation iPad
- 2011 Snapchat
- 2015 Discord
- 2016 TikTok

# Personnel

	Turnover	Number of Employees	
		Leave unit during year	In unit at end of year
2016-17	15%	2	14
2017-18	13%	2	16
2018-19	20%	3	14
2019-20	12%	2	20

## 2020 Update

### Additions

- 2 Attorneys (Stephen Ryan, Elizabeth Major)
- 2 Forensic Examiners (Jamie Johnson, Frank Brennan)

### Departure

- 1 Attorney (David Collier)
- 3 Forensic Examiners (Chris Bomar, Rich Fazio, Germaine Fowlis)

### Open Positions

- 1 Forensic Examiner

## *Exit interviews or surveys conducted?*

2016-17	Yes
2017-18	Yes
2018-19	Yes
2019-20	Yes

## *Employee satisfaction tracked?*

2016-17	No
2017-18	Yes
2018-19	No
2019-20	No

# Terms of Art

## Child Sexual Abuse Material (CSAM)

- Term utilized instead of child pornography

## Internet Service Provider (ISP)

- Who you use to access the internet
- Examples - Spectrum, AT&T, Verizon

## Electronic Service Provider (ESP)

- What you use when on the internet
- Examples – Facebook, Instagram, Pinterest, TikTok, Google

## Internet Protocol (IP) address

- Associated with the internet service provider (ISP)
- Examples:
  - If you have a wireless router at your house with several devices using the internet, all of them appear to use the same public IP address because they are all using internet on that router
  - If you are using your cell phone and connect to the Wi-Fi at Starbucks, the IP address will be the Wi-Fi router at Starbucks
  - If you are using a computer at a school or public library, the IP address will be for that location
  - If you are using your cell phone and connecting to the internet through data, instead of Wi-Fi, the IP address will be the one assigned by your cell phone provider

# Terms of Art

## National Center of Missing and Exploited Children (NCMEC)

- Serve as clearinghouse for tips they receive from
  - ISPs and ESPs (required by federal law to report)
  - Concerned citizens

## ICAC Database (IDS)

- Location where NCMEC continually uploads information for state ICACs to access

## Internet Crimes Against Children Task Force (ICAC)

- Every state required to have at least one, some have more (61 nationwide)
- AG's Office is head of the Task Force in SC
  - Full membership on next slide



# Internet Crimes Against Children Task Force



## Task Force Principles

- **Protecting Children**  
*Making the internet a safer place*
- **Arresting and Prosecuting**  
*Working together to stop future abuse*
- **Public Awareness**  
*Educating our communities*
- **Innovating**  
*Developing investigative tools and techniques*
- **Training Law Enforcement**  
*Responding, investigating and prosecuting crime*
- **Collaborating**  
*Partnering & building relationships*

## Task Force Membership

**STATE:** SC Attorney General • S.L.E.D. • SCLEAP • Department of Public Safety • Children's Law Center • **FEDERAL:** AFOSI - Charleston • AFOSI - Shaw AFB • FBI • Homeland Security Investigations • NCIS - Parris Island • NCIS - Goose Creek • US Marshal • US Postal Inspection Service • US Probation • US Secret Service • **LOCAL:** • 8th Circuit Solicitor • 15th Circuit Solicitor • Abbeville Police • Abbeville County Sheriff • Aiken DPS • Aiken County Sheriff • Allendale County Sheriff • Anderson Police • Anderson County Sheriff • Bamberg County Sheriff • Barnwell County Sheriff • Beaufort County Sheriff • Beaufort Police • Berkeley County Sheriff • Bennettsville Police • Bishopville Police • Bluffton Police • Burnetown Police • Calhoun County Sheriff • Cayce Police • Charleston Police • Charleston County Sheriff • Cheraw Police • Cherokee County Sheriff • Chester County Sheriff • Chesterfield Police • Chesterfield County Sheriff • Clarendon County Sheriff • Clinton Police • Colleton County Sheriff • Columbia Police • Conway Police • Darlington County Sheriff • Dillon County Sheriff • Dorchester County Sheriff • Easley Police • Edgefield County Sheriff • Ehrhardt Police • Fairfield County Sheriff • Florence Police • Florence County Sheriff • Georgetown County Sheriff • Georgetown Police • Goose Creek Police • Greenville County Sheriff • Greenville County Schools • Greenville Police • Greenwood County Sheriff • Greer Police • Hampton County Sheriff • Hanahan Police • Hartsville Police • Horry County Sheriff • Irmo Police • Jasper County Sheriff • Kershaw County Sheriff • Lancaster County Sheriff • Laurens Police • Laurens County Sheriff • Lee County Sheriff • Lexington Police • Lexington School District 1 • Lexington County Sheriff • Marion County Sheriff • Marlboro County Sheriff • Mauldin Police • McCormick County Sheriff • Moncks Corner Police • Mt. Pleasant Police • North Myrtle Beach DPS • Newberry County Sheriff • North Augusta DPS • North Charleston Police • Oconee County Sheriff • Orangeburg DPS • Orangeburg County Sheriff • Pickens County Sheriff • Prosperity Police • Richland County Sheriff • Rock Hill Police • St. George Police • Saluda County Sheriff • Seneca Police • Simpsonville Police • Spartanburg County Sheriff • Spartanburg DPS • Springdale Police • Summerville Police • Sumter Police • Sumter County Sheriff • Travelers Rest Police • Union County Sheriff • Walterboro Police • West Columbia Police • Westminster Police • Williamsburg County Sheriff • Woodruff Police • York Police • York County Sheriff

**August 2016: 46<sup>th</sup> Sheriff joins the ICAC TF**



# Internet Crimes Against Children Task Force



## Task Force Activities

**Perform investigations  
(Discussed further on next slides)**

**Attend quarterly meetings**

**Attend local and national trainings**

**Present internet safety information to schools and other  
organizations**



## Internet Crimes Against Children: Case Flow

Case Type #1: Undercover catch a predator/sting	Case Type #2: Undercover file sharing	Case Type #3: Cyber tips from National Center of Missing and Exploited Children (NCMEC)	Case Type #4: Other
<p><b>Initial Investigation</b></p> <ul style="list-style-type: none"> <li>AG investigators go on social media to see if someone is willing to talk with child and bring up sex with a child</li> </ul>	<p><b>Initial Investigation</b></p> <ul style="list-style-type: none"> <li>AG investigators go on file sharing networks to see who is providing child pornography to others who want it (ex. – some people put out bowls of candy on halloween to see who wants it, same thing happens on file sharing networks)</li> <li>AG investigator downloads/is sent CSAM</li> </ul>	<p><b>Initial Investigation</b></p> <p><b>Receipt of Cyber Tip</b></p> <ul style="list-style-type: none"> <li>Concerned parent sees something online and sends to NCMEC</li> <li>ISP sends NCMEC following information (required in federal law to provide):               <ul style="list-style-type: none"> <li>Minimum - File; IP Address; Date/Time</li> <li>Potential additional – messages around the file when it was sent, etc.</li> </ul> </li> <li>NCMEC adds:               <ul style="list-style-type: none"> <li>Minimum - Geolocation of the IP address of the user reported by the ISP</li> <li>Potential additional – messages around the file when it was sent, etc.</li> </ul> </li> <li>NCMEC uploads: File; IP Address; Date/Time, geolocation of IP address of user + any other information ISP provided or NCMEC found               <ul style="list-style-type: none"> <li>NCMEC continually uploads information to a national ICAC taskforce database (IDS). NCMEC assigns a priority level and indicates the applicable state. NCMEC also sends email if it is a Priority 1 (e.g., immediate danger of sexual assault/kidnapping/suicide)</li> <li>Number of cybertips has continually increased each year as internet services continually grow (e.g., creation of instagram, tik tok, pininterest, etc.)</li> </ul> </li> <li>AG’s office has multiple staff continually monitoring information uploaded by NCMEC that are assigned to S.C.</li> <li>AG investigator reviews the information to determine the county or city within S.C.               <ul style="list-style-type: none"> <li>Option 1 - AG sends cyber tip to applicable law enforcement agency in the area to investigate (Sheriff or Police Department) if the agency is capable of working up the case                   <ul style="list-style-type: none"> <li>AG has agreement in which any law enforcement can ask AG to obtain a D-Order for them (see investigation below)</li> </ul> </li> <li>Option 2 – AG will keep and investigate</li> <li>Option 3 – AG sends to SLED (ones involving non-SLED law enforcement)</li> </ul> </li> <li>Investigators review cyber tip to determine applicable facts from it               <ul style="list-style-type: none"> <li>Individuals name may be in the email address (e.g., johndoe@gmail.com), facebook account, etc.</li> </ul> </li> </ul>	<p><b>Initial Investigation</b></p> <ul style="list-style-type: none"> <li>Spouses report other spouse is looking at CSAM on their phone, computer</li> <li>Investigation of unrelated crime finds CSAM</li> <li>Investigation is unique because of the different ways in which this type of case may arise</li> </ul>
<ul style="list-style-type: none"> <li>Someone violates law, then travels to try and meet with child</li> <li>Someone violates law (e.g., sent photo of genitals, solicit child for sexual encounter, etc.), but does not travel</li> </ul>	<p><b>Identify IP address</b></p> <ul style="list-style-type: none"> <li>AG investigator can see IP address at time of download (publicly available)</li> </ul>		
<p><b>Identify IP address</b></p> <ul style="list-style-type: none"> <li>AG sends one or more of the following to chat hosting company to obtain the IP address – see Cyber tip cases for more details on each)           <ul style="list-style-type: none"> <li>Search Warrant</li> <li>D-Order</li> <li>Subpoena through federal partner</li> </ul> </li> </ul>			

### **Obtain Additional Information based on IP Address**

- AG sends one or more of the following to ISP (e.g., Spectrum, AT&T) to obtain additional information about IP address (listed in order of providing most to least information)
  - Search Warrant - Required to obtain “content” (email address, etc.)
  - D-Order (federal statute under Electronic Communications Privacy Act, 18 USC 2703(d)) - Basic subscriber information, transactional info (e.g., number of times logged in, etc.)
  - Subpoena through federal partner - Basic subscriber information (e.g., IP address was assigned to John Doe at 123 Doe Avenue during time period requested).

### **Perform additional investigation needed to determine residence of subject**

- Detailed investigations are needed because the subscriber may not be the person who committed the act since someone else may be living in the house, friend visiting the house, neighbor using the house’s internet, etc.
- Legal documents may also be sent to:
  - ESP (facebook, email company)
  - Other entities based on information discovered (e.g., phone company based on phone number associated with facebook account)

### **Transfers Case Back and Forth**

- Option 1 - AG has worked up the case and sends information for the first time to applicable law enforcement in the area to investigate (Sheriff or Police Department)
- Option 2 – AG will keep and investigate
- Option 3 – AG sends to SLED (ones involving non-SLED law enforcement)
- Option 4 – AG will take over cases previously sent to applicable law enforcement based on resources available to pursue

### **Search Applicable Residence**

- Once applicable residence(s) determined
  - Search Warrant at individual’s residence (possibly business)
    - Looking for all electronic devices
    - Devices seized go through forensic analysis

### Arrests, Bond Hearings, etc.

- Likely sufficient evidence to arrest if individual travels

### Arrests, Bond Hearings, etc.

- If sufficient facts exist after search at individual's house
  - Investigators obtain arrest warrant and make arrest
- If sufficient facts do not exist after search at individual's house
  - Request forensic analysis
    - If sufficient facts exist after forensic analysis, investigators obtain arrest warrant and make arrest
    - If sufficient facts do not exist after forensic analysis, likely decline to make arrest and stop investigation

### Forensic analysis of electronic devices

\*\*NOTE: Large backlog of forensic analysis\*\*

- If arrest was made prior to forensic analysis, law enforcement may still request forensic analysis occur to help prosecute the case
- Who does analysis depends on who is leading investigation
  - Local Law enforcement investigations
    - Some local law enforcement are capable of conducting their own analysis
    - Some send analysis to AG
    - Some send to ICAC federal partners
  - AG investigators perform analysis for their investigations
  - SLED investigators perform analysis for their investigations

### Information learned from forensic analysis

Searching for two major types of evidence:

- Child Sexual Abuse Matter (CSAM)
  - Of child that is subject of investigation (may find other children as part of the search, which results in opening of additional investigations)
- Knowledge and intent
  - Internet search terms
  - Browser history
  - Types of files used and opened recently
  - User account names and websites visited is evidence of who was using the computer
    - Example - CSAM accessed and someone's bank account accessed close in time is evidence of who was accessing CSAM

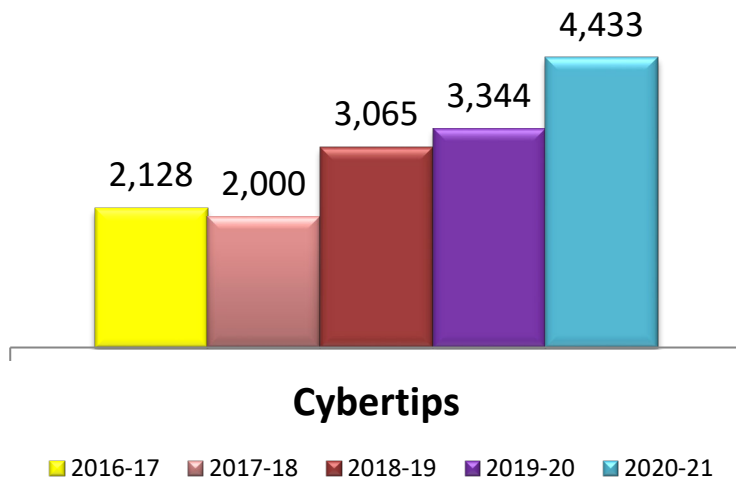
### Prosecution

- AG investigation
  - AG prosecutes (see previous slides related to general prosecution for steps)
- Outside agency investigation
  - AG has agreement with Circuit Solicitors that AG will prosecute, however, on occasion, local solicitors will prosecute. Note: Sometimes this occurs because law enforcement has not informed AG of the investigation results or local solicitors are unaware of opportunity to pass prosecution to AG, or have AG assist in their prosecution (e.g., assault case that has CSAM evidence uncovered during investigation)

# Determine whether internet against children crimes have been committed

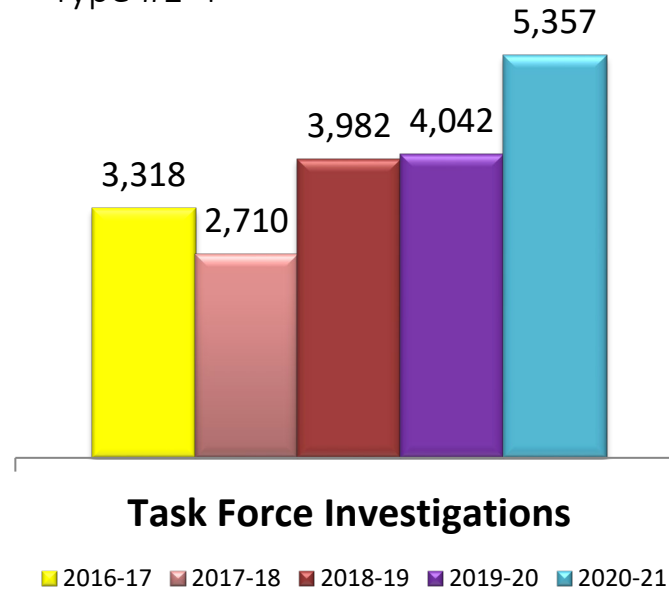
1. Review information in investigative leads

Below are leads for only Case Type #3 - Cybertips provided by the National Center for Missing and Exploited Children (NCMEC)



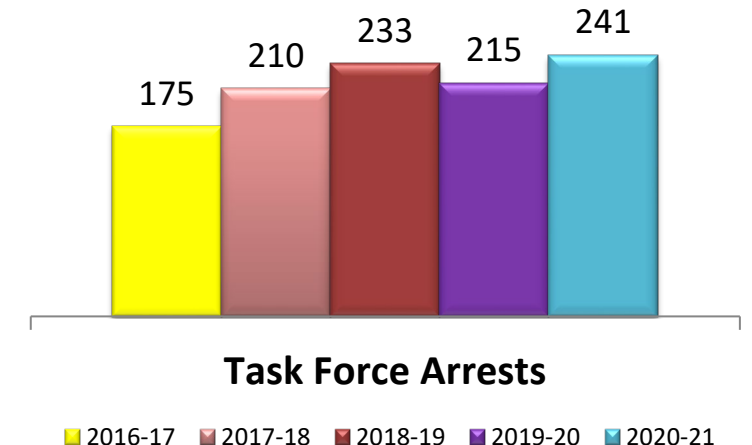
2. Conduct investigations to determine whether crimes have been committed

Below are investigations for Case Type #1-4



3. Find and arrest individuals committing technology-related child exploitation crimes

Below are investigations for Case Type #1-4



## Agency Service #178: Determine whether internet against children crimes have been committed

Does law require it: Yes

Assoc. Law(s): PROTECT Act of 2008 (S.1738 (110th))

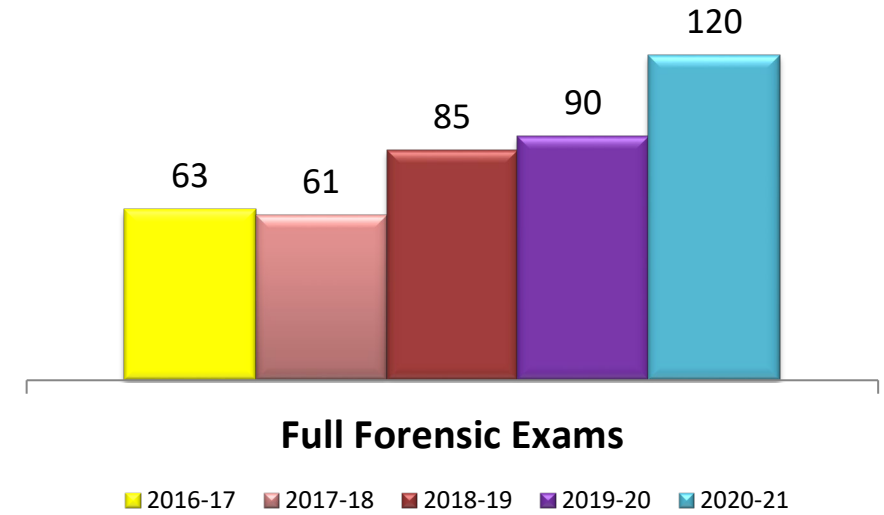
Single Unit		Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
Files Reviewed for Investigation	2016-17	2,432.00	\$2,326.03	3.65	\$334,322.46	1.70%
	2017-18	2,192.00	\$156.67	3.65	\$343,430.17	0.58%
	2018-19	3,207.00	\$110.33	3.65	\$353,837.68	0.53%
	2019-20	4,042.00	\$114.00	4.40	\$460,798.14	0.60%

# Prepare Legal Documents to Aid Investigation and Forensically Examine Evidence

Types of legal documents necessary include:

- Search Warrant
- D-Order (federal statute under Electronic Communications Privacy Act, 18 USC 2703(d))
- Subpoena through federal partner

- Examine digital forensic items to obtain evidence in technology-related child exploitation crimes
- Types of evidence examined include:
  - Cell phones
  - Laptops/Towers
  - Tablets
  - External storage media

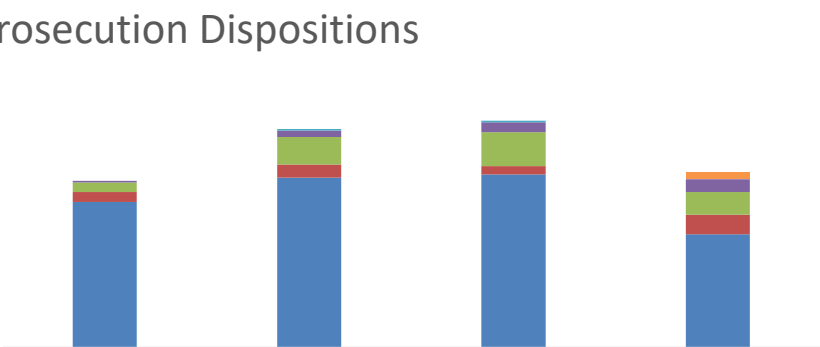


Agency Service #179: Prepare Legal Documents to Aid in the Investigation of internet crimes against children cases		Single Unit	Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
<u>Does law require it:</u> Yes <u>Assoc. Law(s):</u> PROTECT Act of 2008 (S.1738 (110th))	Court Orders, Subpoenas and Search Warrants prepared in conjunction with ongoing cases	2016-17	219.00	\$2,326.03	1.25	\$118,680.83	0.60%
		2017-18	276.00	\$508.25	1.45	\$140,275.86	0.24%
		2018-19	387.00	\$378.93	1.45	\$146,646.39	0.22%
		2019-20	445.00	\$703.66	3.00	\$313,130.48	0.41%

Agency Service #180: Forensically examine digital evidence in internet crimes against children cases		Single Unit	Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
<u>Does law require it:</u> Yes <u>Assoc. Law(s):</u> PROTECT Act of 2008 (S.1738 (110th))	Total Number of Items Digitally Examined	2016-17	1,204.00	\$2,326.03	3.25	\$283,127.71	1.44%
		2017-18	1,268.00	\$308.92	4.15	\$391,706.08	0.66%
		2018-19	1,656.00	\$249.55	4.40	\$413,256.61	0.62%
		2019-20	2,116.00	\$244.82	5.35	\$518,043.31	0.67%

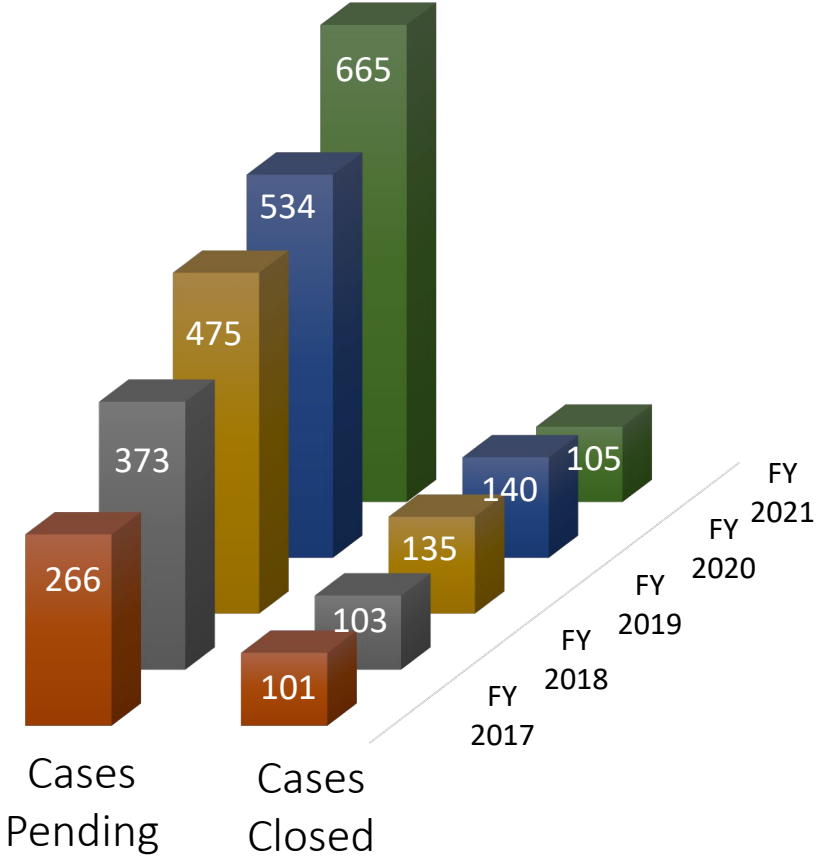
# Prosecute Internet Crimes Against Children Cases

Prosecution Dispositions



	2017-18	2018-19	2019-20	2020-21
Other	0	0	0	4
Trials	0	1	1	0
Deaths	1	4	6	8
Insufficient Evidence	6	17	21	14
Federal/Other Adoption	6	8	5	12
Pleas	90	105	107	70

- Pleas
- Federal/Other Adoption
- Insufficient Evidence
- Deaths
- Trials
- Other



## Agency Service #181: Prosecute Internet Crimes Against Children Cases

Does law require it: Yes

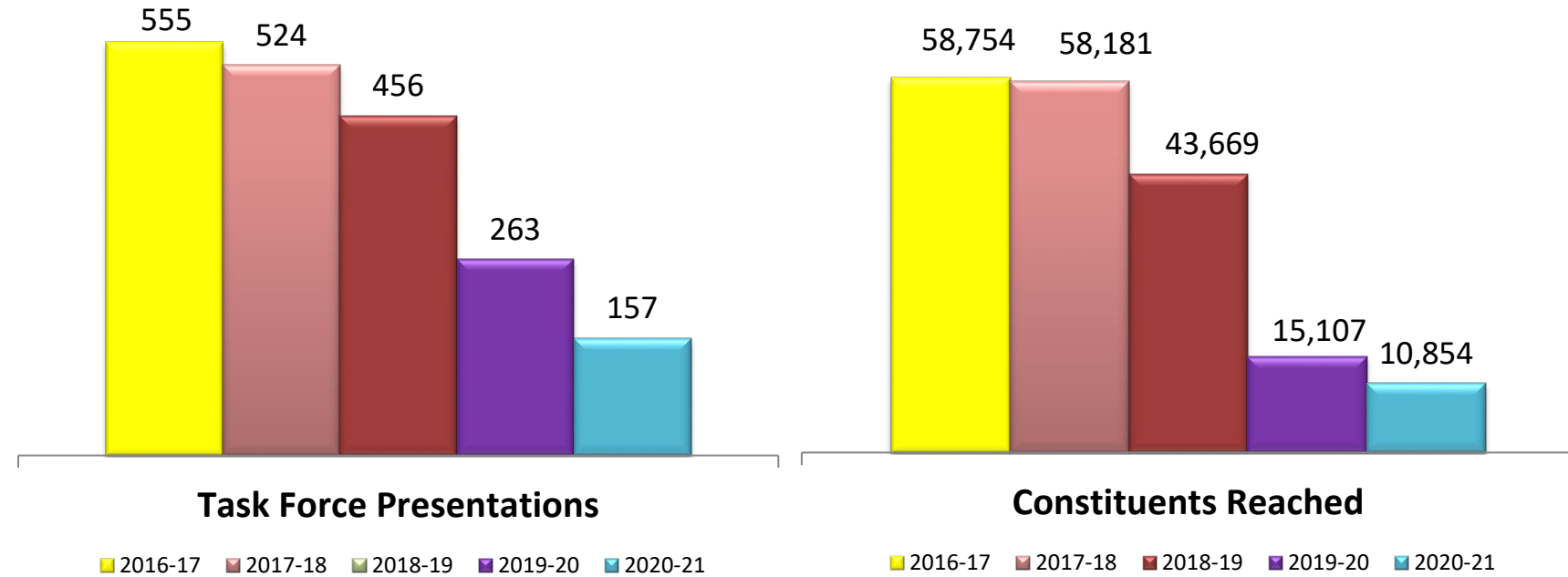
Assoc. Law(s): SC Constitution Article V, Section 24

Single Unit		Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
Cases Involving All Related Charges with a Single Defendant	2016-17	101.00	\$2,326.03	5.00	\$116,809.79	0.60%
	2017-18	103.00	\$1,222.40	6.00	\$125,906.87	0.21%
	2018-19	135.00	\$930.14	5.50	\$125,569.08	0.19%
	2019-20	140.00	\$4,277.14	5.55	\$598,800.12	0.78%

# Provide Education to the Public and Technical Assistance to Law Enforcement

Presentations made to:

- Schools to speak to parents, students, staff
- Anyone who requests presentation: Rotary clubs, churches, etc.



## Agency Service #182: Provide Internet Safety Information to S.C. Citizens

Does law require it: No

Assoc. Law(s):

Single Unit		Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
Presentations conducted	2016-17	318.00	\$2,326.03	1.40	\$426,095.30	2.17%
	2017-18	315.00	\$1,513.51	1.40	\$476,755.23	0.80%
	2018-19	363.00	\$1,418.97	1.40	\$515,087.76	0.77%
	2019-20	155.00	\$691.92	1.20	\$107,248.04	0.14%

## Agency Service #183: Provide Technical Assistance To Law Enforcement Across S.C.

Does law require it: No

Assoc. Law(s):

Single Unit		Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs
Communication and assistance with investigators during the investigation process	2016-17	685.00	\$2,326.03	2.25	\$210,764.39	1.07%
	2017-18	717.00	\$391.58	2.90	\$280,761.75	0.47%
	2018-19	938.00	\$298.22	2.90	\$279,728.11	0.42%
	2019-20	1,539.00	\$113.21	1.40	\$174,228.29	0.23%



# Associated Successes and Concerns

The next slides only contain information on services that are associated with this section of the agency.





# Successes and Concerns

## Successes

- Increased cases forensically examined
- Increased arrests task-force wide, especially during pandemic

## Concerns

- Hiring, training, and turnover for
  - Forensic examiner positions
  - Attorney positions
- Cases pending, and judicial-run dockets



# Needs

## Legislation

### Long Arm Statute

- More Circuit Court judges around the state are denying search warrants to out-of-state internet and electronic service providers
- Law change recommendation #16 was previously presented by Criminal Appeals division

### Administrative Subpoena Power

- The ability for limited subpoena authority to obtain subscriber information improves efficiency and expediency
- See law change recommendation #28

## Positions

- Attorneys

## Increased technology

- Ability to handle status conferences and other applicable non-witness hearings virtually



# ICAC - Law Recommendations

The next slides only contain information on recommendations for law changes that are associated with this section of the agency.

# LAW CHANGE RECOMMENDATION #28

- Law: No current law applicable
- Current Law: No current law applicable
- Recommendation: Provide ICAC investigators at the Attorney General's Office the power to subpoena subscriber information from internet and electronic service providers.
- Basis for Recommendation: The current process of requiring orders and search warrants slows law enforcement down dramatically. With over 3000 cyber tips alone in the 2018-2019 fiscal year, each case requires law enforcement obtain an order or a search warrant from a circuit court judge
- Proposed Wording:

In addition, any judge of any court of record of the State may issue a search warrant to search for and seize electronic or digital data or information from any provider of electronic communication services or remote computing services as defined in the Stored Communications Act at 18 U.S.C. §2701 et seq., even if such data or information is not located in South Carolina to the same extent allowed under federal law pursuant to section 18 U.S.C. § 2703. This authority extends to any data or information stored in the United States and its Territories, and any data or information stored by any business located in the United States and its Territories.