

	HARRISONBURG POLICE DEPARTMENT General Orders	Policy Number: 507
	Chapter: Investigation Operations	Total Pages: 4
	Section: Internet Crimes Against Children	Issue Date: 07/02/2021
	Issued By: Kelley Warner, Chief of Police	Effective Date: 07/02/2021
	Replaces: All General Orders Previously Issued Relative to Subject	
VALEAC Standards:		

A. POLICY AND PURPOSE

To establish procedural guidelines for all employees of the Department involved with the investigation of internet crimes against children. It is the policy of the Harrisonburg Police Department to investigate cases involving Internet Crimes Against Children (ICAC). The Harrisonburg Police Department entered into an agreement with the Northern Virginia –District of Columbia (NOVA-DC) ICAC Task Force in 2008. The Harrisonburg Police Department will participate in a regional effort in prevention, interdiction, investigation, and prosecution of individuals who use the internet to exploit children.

B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

C. DEFINITIONS

Controlled meet – When the Harrisonburg Police Department ICAC detectives/officers have a suspect coming to the Harrisonburg area to meet what he/she believes to be a child for the purpose of sexual relations.

NOVA-DC ICAC Force - The Northern Virginia-DC Internet Crimes Against Children Task Force. The NOVA-DC Task Force is a multi-agency group comprised of sworn federal, state, and local law enforcement officials in Virginia.

Proactive investigation – Is designed to identify, investigate and prosecute offenders, which may or may not involve a specific target, and requires online interaction and a significant degree of pre-operative planning.

Reactive investigation – Involves the investigation and prosecution of a known target(s), and where the need to proceed with the investigation is urgent. It also includes a response within the community or area of jurisdiction to a specific complaint brought to the attention of this agency by another law enforcement agency, a reputable source of information such as the Cyber-Tip Line at the National Center for Missing and Exploited Children or to a large, reputable Internet Service Provider. Also, response is required as a result of complaints made by citizens, schools, libraries, businesses, etc. who believe illegal material has been transmitted or potentially dangerous situations involving electronic transmissions and endangerment of children has or will transpire.

D. ICAC UNIT PERSONNEL

The Harrisonburg Police Department will assign personnel to the investigation of Internet Crimes Against Children to represent the Department and to participate with the NOVA-DC Task Force. The Harrisonburg Police Department shall appoint a supervisor and other appropriate detectives/officers to work ICAC cases.

The supervisor shall oversee the operations and work closely with the appointed detectives/officers. The supervisor shall be the contact person for the appointed investigative personnel, community education, and the ICAC Task Force.

No ICAC investigations shall be permitted by Harrisonburg Police Department personnel not assigned to the ICAC unit or approved and monitored by the ICAC assigned supervisor. All ICAC investigative personnel assigned shall be properly trained and certified through the NOVA-DC Task Force certification requirements (or an approved equivalent) in order to participate in ICAC investigations. These trainings shall include at a minimum:

- a. ICAC Investigative Techniques Training Program (ICAC-IT)
- b. ICAC Undercover Chat Investigations and Online Ads Training Program (ICAC-UC)
- c. ICAC Peer-to-Peer Investigations Training Program
- d. Image Scan

E. SUPERVISION

The existing Harrisonburg Police Department supervisory standards and procedures shall apply, with specific emphasis on observation, documentation, and periodic evaluation of ICAC cases being performed by assigned investigative personnel. Given the nature of these investigations, consistent and on-going supervision of these cases and investigative personnel assigned to the unit is essential. The minimum supervisory practices shall include:

- a. Review of the daily ICAC Task Force investigative reports and periodic review of undercover session records and documentation.

- b. Direct participation in undercover investigative planning, and other operational planning.
- c. Assessing of equipment and training needs.
- d. Coordinating with the NOVA-DC ICAC Task Force as the point of contact for the Harrisonburg Police Department for receiving cyber-tips, use of available Task Force resources and equipment, maintaining interagency cooperation and coordination, providing activity/statistical reports to NOVA-DC ICAC as per Memorandum of Understanding requirement.
- e. Coordination of public education opportunities and media relations for ICAC investigations.
- f. Overall delineation of responsibilities of ICAC assigned personnel.
- g. Making sure that a yearly mental and wellness is done for officers working ICAC cases.
- h. Ensure investigators/officers working ICAC cases go at least once a year for a mental health wellness visit with a approved ICAC psychiatrist.

F. WORKSPACE AND EQUIPMENT

The Harrisonburg Police Department shall provide a private workspace, covert Internet connection, and covert phone line dedicated to Internet crimes against children. Access to the ICAC undercover computer(s) and other assigned equipment shall only be for those who are certified and assigned ICAC detectives and/or computer forensics technicians/detectives.

G. DOCUMENTATION AND EVIDENCE PROCEDURES

- a. The Harrisonburg Police Department ICAC investigative personnel shall submit an Incident Report (IBR) for each proactive or reactive ICAC case. Cases can be initiated by referrals from the Cyber-tip line, Internet service providers, other law enforcement agencies, or information gathered through documented public sources or by other sources acceptable under the Harrisonburg Police Department Policies and Procedures. Keep the ICAC workbook up to date and send monthly to NOVA/DC.
- b. All undercover activity shall be recorded by ICAC approved software and documented by the ICAC assigned personnel performing the activity. Any deviations from this policy due to unusual circumstances shall be documented in the report and reviewed by the ICAC supervisor.
- c. The collection, storage, security, and destruction of investigative information shall be consistent with the existing Harrisonburg Police Department evidentiary policies and procedures. Access to investigative files and any evidence collected should be restricted to authorized personnel as per the ICAC supervisor with a legitimate need to access or review the materials or evidence.
- d. The Harrisonburg Police Department shall use the Department's internal Computer Forensic Examiner or the Virginia State Police Computer Evidence Recovery Unit (CERU) to analyze computers and other digital media devices collected as a result of ICAC investigations.

H. UNDERCOVER INVESTIGATIONS/OPERATIONS

- a. All online ICAC investigations and devices shall be conducted from law enforcement locations, namely the Harrisonburg Police Department and other approved locations. Prior approval shall be obtained from the ICAC supervisors when using other locations. Private citizens shall not be requested to seek out investigative targets nor shall they be authorized to act as agents in an on-line undercover capacity.

- b. Other than photographs of law enforcement officers who have provided their informed written consent, no human images shall be uploaded, transmitted, or forwarded by ICAC investigative personnel. Other than authorized above, images considered for uploading shall be approved by the ICAC Supervisor and reviewed by the Commonwealth's Attorney's Office. Images uploaded for investigative purposes shall be nonhuman and encrypted and sexually suggestive titles shall not be used.
- c. Undercover investigations dialogue should be initiated by the investigative target. ICAC investigative personnel shall allow the investigative target to set the tone, pace, and subject matter of any communications. Image uploading and communications of a sexual nature shall not be initiated by the ICAC investigative personnel, rather by the investigative target.
- d. All undercover operations shall be conducted in a manner consistent with the principles of due process.
- e. ICAC investigative personnel shall prepare an operations plan for all controlled meets of an investigative target. The operational plan will be forwarded for review to the Major Crimes Unit Commander as far in advance as practical.