

ANALYSIS

Department of Justice Internet Crimes Against Children

Analyst: Steve Robbins

Request: Acknowledge receipt of a report on the investment in the Oregon Internet Crimes Against Children Program.

Analysis: The Department of Justice (DOJ) provided its written report in response to the following budget note included in the budget report for SB 5701 (2024):

The Department of Justice is to report to the 2025 Legislature on the 2024 Legislature's investment in the Internet Crimes Against Children Program. The report is to include, but not be limited to, performance reporting on historic comparisons of data on the number of cybertips received by category of activities, number of resulting investigations by the Department, number of referrals to affiliates and number of referrals to affiliates that are investigated, and number of related arrests.

Oregon's Internet Crimes Against Children (ICAC) Task Force is one of 61 such task forces across the United States tasked with developing an effective response to technology-facilitated child sexual exploitation and internet crimes against children. SB 5701 appropriated \$2.7 million General Fund and approved 14 positions (6.50 FTE) to expand the ICAC Program in the 2023-25 biennium from 5 members to 19, with costs rolling up to \$4.8 million in the 2025-27 biennium. The budget note asks for comparative data and reporting on the impact of that investment.

The report includes a historical comparison of cyber-tip data dating back to 2020, showing a significant increase in incoming calls over that time period. The Department reports that they have eliminated the months-long backlog and increased the number of statewide investigations by 24%. The report also provides information on referral increases and that the number of arrests increased by over 50% after the funding and positions were added.

Finally, DOJ reports that training continues, and new mentoring programs provided to affiliate agencies is helping with investigations, as well as new educational programs in schools focused on teaching students the dangers of online threats.

Recommendation: The Legislative Fiscal Office recommends acknowledging receipt of the report.

Request: Report on the 2024 legislative investment to expand the Department of Justice's Internet Crimes Against Children Program by the Department of Justice.

Recommendation: Acknowledge receipt of report.

Discussion: Pursuant to a budget note included in the budget report for Senate Bill 5701 (2024), the Department of Justice (DOJ) was instructed to report to the 2025 Legislature historic comparisons of cyber-tips received by category of activities, number of resulting investigations by the department, number of referrals to affiliates, number of referrals to affiliates that are investigated, and number of related arrests.

The role of the Internet Crimes Against Children (ICAC) Task Force is to develop an effective response to technology-facilitated child sexual exploitation and internet crimes against children. Oregon's ICAC Task Force includes one lead agency (DOJ) and several law enforcement agencies ("affiliates"). DOJ's ICAC Program is dedicated to conducting investigations and forensic examinations; providing technical assistance and training; and presenting information to schools and community members.

In 2024, the Legislative Assembly appropriated \$2.7 million to support the establishment of 14 permanent full-time positions (6.50 FTE) to expand DOJ's ICAC Program. As a result of the 2024 investment, the ICAC Program eliminated its months-long backlog of cyber-tips that had existed for years; increased the number of statewide investigations by 24 percent; and began developing plans to address growing areas of concerns (e.g. the use of extortion techniques to exploit children).

Cyber-tips received by the ICAC Program increased considerably between 2020 and 2024 – the number of incidents reported in 2020 totaled 3,783 compared to 10,372 reported in 2024. The National Center for Missing and Exploited Children (NCMEC) implemented a new filtering software in 2023, to increase the likelihood that each tip involving child sexual abuse materials will lead to evidence of criminal conduct. Historically, 10 to 25 percent of cyber-tips referred to the ICAC Program resulted in leads for separate criminal investigations - this percentage is expected to increase with NCMEC's new filtering software.

In 2023, the ICAC Task Force initiated investigations in approximately 23 percent of assigned cases. In 2024, the percentage of investigations increased to 47 percent and the number of referrals increased by 45 percent. A similar trend occurred with respect to arrests, with the number of arrests increasing in the second half of 2024 by over 50 percent.

Training for law enforcement and prosecutors continued through 2024 with a plan to increase the number of offerings in 2025. Additionally, DOJ started a mentoring program for law enforcement officers assigned to ICAC affiliates to assist with

enhancing investigations. Based on the cyber-tip incidents reported between 2020 and 2024, sextortion/blackmail cases represent a significant threat to children. As a result, DOJ is developing a training program for law enforcement and prosecutors, as well as a presentation for parents, educators, and students with an emphasis on the dangers of online solicitors.



DEPARTMENT OF JUSTICE

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February 14, 2025

Senator Kate Lieber, Co-Chair
Representative Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs Lieber and Sanchez:

Nature of the Request

The Oregon Department of Justice requests that the committee acknowledge receipt of this written report on the 2024's legislature's investment in the Oregon Internet Crimes Against Children Program.

Agency Action

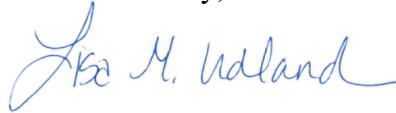
The Oregon Department of Justice is responding to the budget note to SB 5701 (2024) requiring it to report to the 2025 Legislature on the 2024 Legislature's investment in the Internet Crimes Against Children Program. The report is to include, but not be limited to, performance reporting on historic comparisons of data on the number of cyber-tips received by category of activities, number of resulting investigations by the Department, number of referrals to affiliates and number of referrals to affiliates that are investigated, and number of related arrests.

Senator Kate Lieber, Co-Chair
Representative Tawna Sanchez, Co-Chair
February 14, 2025
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Action Requested

The Oregon Department of Justice requests that the Joint Committee on Ways and Means acknowledge receipt of the report.

Sincerely,



LISA M. UDLAND
Deputy Attorney General

Attachment

cc: Dan Rayfield, Attorney General
Michael Slauson, Criminal Justice Division
Sarah Roth, Administrative Services Division
Steve Robbins, LFO
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Department of Justice

Report in Response to Budget Note Regarding ICAC Task Force

Introduction

The 2024 legislature's decision to invest in the Oregon Internet Crimes Against Children (ICAC) Task Force has had an immediate impact. With the new positions funded by the legislature, ICAC has completely eliminated the months-long backlog of cyber-tips that had existed for years, increased the number of statewide investigations by 24%, and began outreach and training plans designed to address growing areas of concerns, such as the use of extortion techniques to exploit children. The following report will provide further detail on ICAC's progress over the last six months.

Background

The Oregon Internet Crimes Against Children (ICAC) Task force is one of 61 such task forces across the nation. The role of the ICAC Task Force Program is to develop an effective response to technology-facilitated child sexual exploitation and internet crimes against children. That encompasses forensic and investigative components (including proactive investigations), training and technical assistance, and prevention and community education.

Each task force includes a "lead agency," which in Oregon is the Criminal Justice Division of the Department of Justice. The lead agency is supported by employees of the lead agency or another agency who are dedicated full time to the work of the task force. Those employees are responsible for, among other things, conducting investigations and forensic examinations, providing technical assistance and trainings, and giving presentations to schools and community members.

In addition to lead agencies, each ICAC is supported by "affiliates," which are law enforcement agencies, such as the Deschutes County Sheriff's Office and the Beaverton Police Department, that have agreed to support the work of the task force on an as-needed basis. Most typically, affiliates support the ICAC by conducting child exploitation investigations in the affiliates' jurisdiction.

Each ICAC is charged with investigating "cyber-tips" from the National Center for Missing and Exploited Children (NCMEC). When a service provider, such as Google or Facebook, discovers that its services have been used to exploit a child, which most commonly occurs when the services are used to transfer or download sexually explicit recordings of children, the provider is federally mandated to report it to NCMEC. NCMEC then refers the matter as a cyber-tip to the appropriate ICAC taskforce.

The Oregon ICAC task force reviews the tips for criminal content, then works to identify the location of the suspect. The task force then initiates an investigation internally or refers the information to local affiliates for further investigation. The task force is often involved in the referral cases, including providing search warrant assistance, forensic examinations, and other investigative support.

2024 Legislative Funding

In the 2024 legislative session, the Oregon Legislature authorized additional funding for the five-member Oregon ICAC Task Force. This funding provided for 14 additional positions to the Oregon ICAC, including eight criminal investigator positions (working title “special agent”), one managing criminal investigator, one assistant attorney general, two research analysts, and two legal assistants. The funding for the positions was phased in over a six-month period.

The legislature also required a report on the following information:

The Department of Justice is to report to the 2025 Legislature on the 2024 Legislature’s investment in the Internet Crimes Against Children Program. The report is to include, but not be limited to, performance reporting on historic comparisons of data on the number of cybertips received by category of activities, number of resulting investigations by the Department, number of referrals to affiliates and number of referrals to affiliates that are investigated, and number of related arrests.

Reporting on Historical Comparisons

As the chart below illustrates, the ICAC has received an increasing number of cyber-tips each year:

INCIDENT TYPE	2020	2021	2022	2023	2024
CSAM (possession, manufacturing, distribution)	3468	4471	6813	9353	8235
Online Enticement of Children for Sexual Acts	197	233	288	409	1886
Unsolicited Obscene Material Sent to a Child	37	29	30	30	130
Child Sex Trafficking	22	14	16	49	43
Misleading Words or Digital Images on the Internet	14	22	14	23	33
Other Online Crime Against Children	8	6	1	1	2
Child Sex Tourism	0	7	2	4	13
Cyber Bullying/Harassment	0	2	2	2	4
Misleading Domain Name	0	4	3	6	12
Child Sex Molestation	37	75	68	96	12
Travel with Intent to Engage in Sex	0	0	1	0	2
TOTAL	3783	4863	7238	9973	10372

Notably, the increase in cyber-tips between 2023 and 2024 was less than the increase in year-to-year cyber-tips in the proceeding years. According to NCMEC, that difference is due to new filtering software NCMEC has utilized to increase the likelihood that each tip involving child sexual abuse material (CSAM) will lead to evidence of criminal conduct. In the past, about 10-

25% of the cyber-tips referred to the Oregon ICAC resulted in leads for separate criminal investigations, which is consistent with reporting by ICACs in other jurisdictions. There are various reasons why not every cyber-tip would result in a separate investigation, including because some do not contain information constituting a crime, the suspect identified in the tip is outside of the jurisdiction of the ICAC (*e.g.*, in another state or country), or, as is often the case, NCMEC refers multiple cyber-tips related to a single suspect that results in a single investigation related to that suspect.

As mentioned, with NCMEC's new filtering software, the percentage of tips that lead to separate criminal investigations is expected to increase, which means that, even if the year-over-year increase in cyber-tips is less than in years past, the percentage of cyber-tips leading to investigations is expected to increase. Of additional concern is the large increase of cyber-tips relating to enticing children to engage in sex acts and sending children obscene material. Anecdotally, we expect this increase to lead to more criminal investigations.

Elimination of Cyber-tip Backlog

In the beginning of 2024, an average of 58 days passed from the time the ICAC received a cyber-tip to the time an ICAC member reviewed it. With the addition of the first of two legislatively funded analysts positions in June, the backlog dropped to 31 days. After the second analyst started in November, each cyber-tip received by the Oregon ICAC taskforce is reviewed within one day. **Due to the legislative funding, we currently have no backlog in cybertips.**

Statewide Criminal Investigations and Arrests

According to data available to us,¹ the ICAC task force and affiliate agencies initiated investigations in about 23% of the cases assigned for investigation in 2023. In 2024, the total percentage of investigations increased to 47%, with most of the increase occurring after positions were added to the ICAC (compare 42% of referred tips investigated from January to July with 52% investigated from July to December). The difference represents a 24% increase in statewide investigations, which is twice the projected increase expected with the new positions. Significantly, the percentage increase in the number of investigations occurred at the same time the ICAC increased the total number of referrals by 45%.

A similar trend occurred with respect to arrests, with the number of arrests increasing in the second half of the year by over 50%.² Most compelling, two children were rescued from

¹ One of the purposes in increasing the personnel assigned to ICAC was to increase our ability to track and monitor progress on cybertips referred to affiliate agencies.

² Most investigations do not result in an arrest prior to the filing of formal charges. Because most investigations involve the forensic examination of multiple digital devices and computers, arrests often only occur prior to criminal charges when the suspect represents an imminent threat of ongoing abuse.

ongoing abuse from January to July 2024, and 19 more children were rescued from July to December 2024.

Trainings and Presentations

We have continued to provide training for law enforcement and prosecutors and have a plan to increase the number of trainings in 2025. We have also started a mentoring program for law enforcement officers assigned to ICAC affiliate agencies to assist them with enhancing their investigations. We have reached out to local schools with an emphasis on educating our youth of the dangers of online solicitors. As evident in the cyber-tip reporting chart above, sextortion/blackmail cases represent a significant threat to children in 2025, and we are developing a training program for law enforcement and prosecutors, as well a presentation for parents, educators, and students.

Conclusion

The legislative investment in ICAC has already made a significant impact on the safety and wellbeing of children targeted for sexual exploitation and abuse in our communities. We have significantly increased the number of investigations, rescued children from ongoing abuse, eliminated our backlog of cybertips, and prepared trainings and presentations for our law enforcement and community partners. Looking ahead, the legislative funding will permit us to better track referrals to affiliate agencies and to gather data on investigative outcomes. With those efforts, we expect to see more agencies across the state become further involved in these investigations.