



THE FEDERAL BUREAU OF INVESTIGATION'S EFFORTS TO COMBAT CRIMES AGAINST CHILDREN

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EXECUTIVE SUMMARY

Each year thousands of children are subjected to violent crimes such as sexual abuse and kidnappings. The U.S. Department of Justice (DOJ) considers protecting children from victimization a top priority.¹ The Federal Bureau of Investigation (FBI) is the DOJ's primary component that investigates crimes against children. Along with the FBI, many law enforcement agencies at the federal, state, and local levels are involved in the investigation and prosecution of crimes against children.

Background

The FBI investigates crimes against children primarily through two major investigative units: the Innocent Images National Initiative (IINI) Unit and the Crimes Against Children Unit (CACU). The IINI Unit is a component of the Cyber Crime Section within the FBI Cyber Division.² The IINI Unit investigates crimes against children facilitated through computers and other digital technologies (such as digital cameras and MP3 Players) and may be categorized into the following four types of subjects: (1) online groups, organizations, and for-profit enterprises; (2) major distributors, producers, and manufacturers of child pornography; (3) adults who entice minors through online activities; and (4) possessors of child pornography. As of July 2007, the FBI had 329 Special Agents and supervisors assigned to work on cyber-related cases of crimes against children.³

¹ See DOJ Strategic Plan, 2007 to 2012, Strategic Goal 2: "Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People." Appendix III discusses the DOJ's Strategic Plan in more detail.

² IINI began as a local initiative in 1993 at the FBI's Field Office in Baltimore, Maryland, before becoming a national program as a part of the CACU in 1995. The FBI created the Cyber Division in 2002 to address "cyber threats in a coordinated manner." In 2003, IINI officially transferred from the CACU to the Cyber Division. For a historical perspective of the FBI's crimes against children program, see Appendix IV.

³ Although the FBI designated 102 Special Agents as Crimes Against Children Coordinators and assigned 329 Special Agents and Supervisors to investigate cyber crimes against children, the actual full time equivalents of both was 326. The difference between the total number of Special Agents assigned to work these types of cases and the full time equivalents is attributable to Special Agents and supervisors also investigating violent and cyber crimes that did not involve children. From fiscal year (FY) 2001 to FY 2007, the total number of full time equivalent Special Agents and supervisors that investigated crimes against children increased 52 percent, from 214 to 326, respectively.

The CACU is a component of the Violent Crime Section within the FBI's Criminal Investigative Division. The CACU has oversight over various crimes against children, including: (1) child abduction without ransom, (2) international parental abduction of children, (3) sexual exploitation, (4) trafficking of children, (5) domestic parental kidnapping, and (6) interstate transportation of obscene matter involving children.⁴ As of July 2007, the FBI had 102 Special Agents designated as Crimes Against Children Coordinators throughout the FBI's 56 field offices.⁵

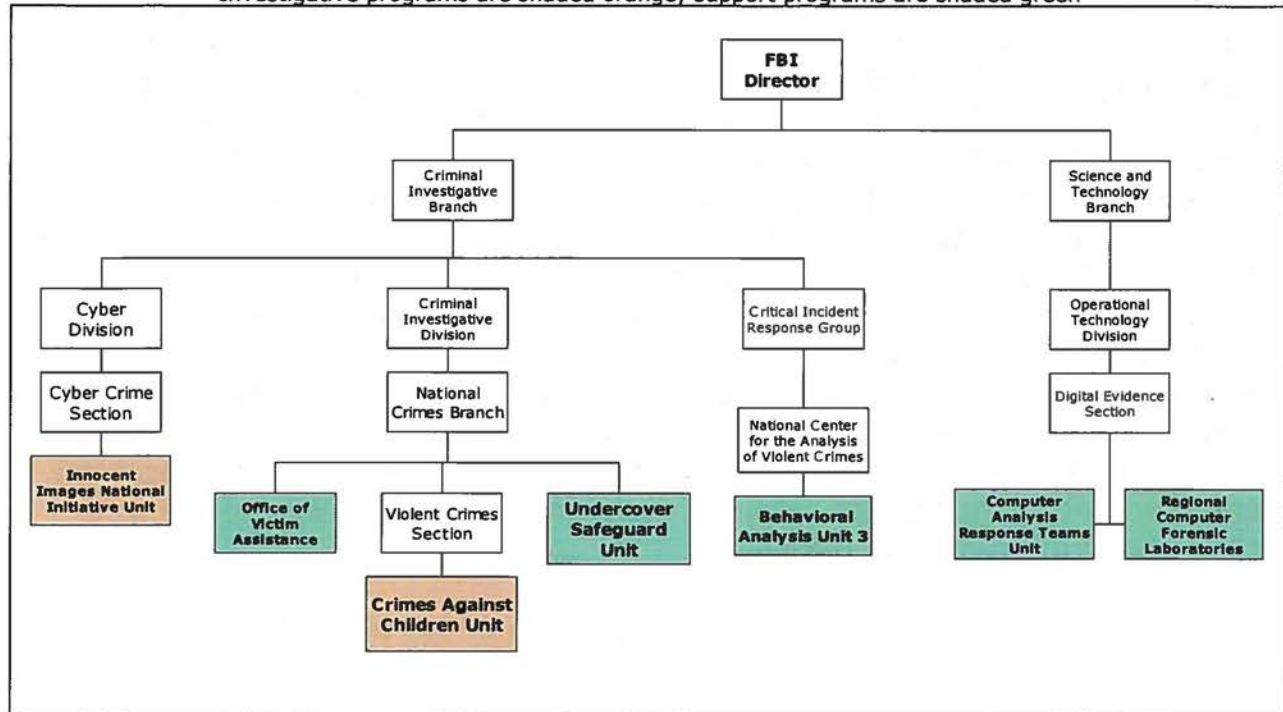
In addition, these two programs receive significant support primarily from four other components at the FBI: (1) the Behavioral Analysis Unit 3 (BAU-3) – a support and research center with a focus on crimes against children; (2) the Office for Victim Assistance (OVA) – an office designed to assist victims of crimes, with children as its highest priority; (3) the Digital Evidence Section (DES) – a unit for analysis of digital evidence seized from computers and other electronic devices in child pornography cases; and (4) the Undercover Safeguard Unit (USU) – a component that performs psychological assessments of undercover employees working on crimes against children. The following chart diagrams the organizational layout of these entities.

⁴ Appendix X lists the federal statutes governing crimes against children.

⁵ As the primary "go-to" persons, the Crimes Against Children Coordinators are responsible for establishing liaison with local law enforcement and social service agencies when addressing crimes against children occurring in their jurisdiction. These coordinating functions are considered collateral duties for Crimes Against Children Coordinators, who are also responsible for investigating a variety of violent crimes, including crimes against children.

THE FBI CRIMES AGAINST CHILDREN PROGRAMS

Investigative programs are shaded orange; support programs are shaded green



Source: OIG composite of the FBI organization chart

OIG Audit Approach

The DOJ Office of the Inspector General (OIG) conducted this audit to examine the FBI's efforts to address various crimes against children such as: (1) cyber-based child pornography, (2) child abductions, and (3) non-cyber sexual exploitation of children.

To evaluate the FBI's efforts to address cyber-based child pornography, we reviewed the FBI's national program dedicated to addressing online child pornography, IINI, and its policies and priorities for addressing this crime. We also examined FBI programs supporting IINI investigations, including behavioral analysis and research, forensic examination of digital evidence, and outreach programs for children.

For child abductions and other non-cyber crimes against children, we reviewed the FBI's policies and practices for responding to incidents of child abductions and the sexual exploitation of children. We also evaluated the FBI's efforts to coordinate with other agencies involved in investigating these crimes. We identified proactive FBI efforts designed to prevent children from being victimized.

During our audit, we interviewed over 200 individuals from the FBI and various law enforcement agencies, including FBI headquarters officials and field personnel involved in the FBI's crimes against children programs. Additionally, we met with officials from the Child Exploitation and Obscenity Section (CEOS) of the DOJ's Criminal Division; the National Center for Missing and Exploited Children (NCMEC); and other federal agencies, local law enforcement, and non-profit organizations involved in crimes against children matters. We also reviewed policies, procedures, case files, and data pertaining to the FBI's efforts to combat crimes against children. We performed fieldwork at five FBI field offices: San Francisco and Los Angeles, California; Miami, Florida; Boston, Massachusetts; and St. Louis, Missouri. Further, through questionnaires we obtained feedback from FBI personnel stationed in FBI overseas Legal Attaché (Legat) offices regarding international parental kidnapping and child sex tourism; and from local law enforcement agencies that received assistance from the FBI's specialized child abduction response teams.

Appendix I contains a further description of our audit objectives, scope, and methodology.

Results in Brief

In fiscal year (FY) 2007, the FBI initiated 2,891 crimes against children investigations and used the equivalent of 326 Special Agents working full-time to investigate these cases. Principally, the FBI investigates three areas of crimes against children: (1) online child sexual exploitation investigated by the IINI Unit; (2) child abductions investigated by the CACU; and (3) non-cyber sexual exploitation of children investigated by the CACU.

In the area of online child sexual exploitation, the FBI has implemented a national initiative with defined strategies and goals through the IINI. Within the IINI program, the FBI's priority is to target criminal enterprises that are sexually exploiting children. Our review of IINI resource utilization data determined that the FBI focused 70 percent of its IINI Special Agent resources on its top two priorities – criminal enterprises and producers who sexually exploit children online. These enterprises include individuals or organizations that operate commercial child pornography websites or Internet-based groups that promote and facilitate the exchange of child pornography amongst members. Producers include individuals or organizations that create, manufacture, and distribute child pornography.

We identified issues with the FBI's timely processing of digital evidence seized from computers and other electronic devices through investigations of cyber crimes against children. Digital evidence includes images and videos

that contain child pornography, as well as any text files that are stored on computer hard drives, disks, CDs, DVDs, and other digital storage devices such as cell phones and digital cameras. The review and processing of digital evidence can be very time-consuming because of the large volume of evidence in many cases, and we found a significant backlog in the FBI's review of digital evidence in crimes against children cases.

The FBI submitted a proposal to the Office of the Deputy Attorney General in March 2007 describing the problems contributing to the backlog and providing an outline of options for addressing the backlog. On February 13, 2008, the Deputy Attorney General issued a memorandum to the FBI, Criminal Division, Executive Office for United States Attorneys, and United States Attorney Offices, which included both short- and long-term strategies for handling the increasing volume of digital evidence seized during child sexual exploitation cases and requiring forensic analysis. The short-term strategy endorsed the FBI's plan to upgrade and expand its use of preview tools, hire additional forensic examiners, and establish new forensic laboratories dedicated to processing digital evidence for significant child exploitation investigations. The long-term strategy included the creation of a permanent working group to identify ways to address the increasing workloads of digital evidence resulting from advances in technology.

In the area of child abductions, the FBI created the Child Abduction Rapid Deployment (CARD) program to respond to the disappearance of minors. According to FBI officials, the FBI's unwritten policy is to elevate its child abduction response to a top priority. At the same time, FBI written policies emphasize the importance of a coordinated and timely response to reports of child abductions. However, the FBI did not track and evaluate the timeliness of its response to child abductions, including those cases where its CARD teams were involved. Given the importance of an immediate response to the safety of an abducted child, we recommend that the FBI develop response timeframe requirements and a mechanism for tracking and analyzing FBI responsiveness to reports of child abductions.

We reviewed nine CARD team deployments and found evidence in FBI files that the FBI coordinated with local law enforcement and that local law enforcement officials were satisfied with the FBI's assistance. However, we believe that the FBI can enhance its overall efforts to combat child abductions through better coordination with other major nationwide programs addressing missing children investigations, particularly programs at the Office of Justice Programs (OJP) and NCMEC.

We also found that coordination could be improved in the FBI's efforts in international parental abduction by implementing a 2000 U.S. Government Accountability Office (GAO) recommendation to develop a shared database among the FBI, Department of State, and NCMEC. In addition, FBI Legat personnel suggested more specific training on international parental kidnapping to enhance the FBI's effectiveness in addressing this complex crime.

In the area of non-cyber sexual exploitation of children, the FBI created the Innocence Lost National Initiative (Innocence Lost) to investigate the prostitution of children domestically. However, we found that the FBI does not have a similar program for child sex tourism cases – investigations of persons who travel abroad with the purpose of having sex with children. We believe that the FBI can improve its efforts to address child sex tourism by developing a programmatic strategy, guidance, and a separate investigative classification for tracking such investigations.

In our report, we make 13 recommendations to assist the FBI in its efforts to combat crimes against children. Our recommendations include that the FBI continue to develop strategies to help decrease the backlog of digital evidence, develop a mechanism to track the timeliness of the FBI's response to reports of child abductions, improve its coordination with other nationwide child abduction programs, and develop a strategy and guidelines for addressing child sex tourism.

Our report contains detailed information on the full results of our review. The remaining sections of this Executive Summary describe in more detail our audit findings.

Online Sexual Exploitation of Children

The pervasiveness of the Internet has resulted in the dramatic growth of online sexual exploitation of children. This is exemplified by data from NCMEC's hotline for reporting crimes against children – the CyberTipline®, which recorded a significant increase in the number of cyber-facilitated child pornography cases reported over a 5-year period, from 7,038 in 2003 to 20,760 in 2007.⁶ In 1995, the FBI specifically developed the IINI to target online child sexual exploitation. Between FYs 1996 and 2007, the number of IINI cases that were opened increased from 113 to 2,443 – a growth of over 2,000 percent. In FY 2007, the FBI's IINI investigations resulted in more

⁶ These statistics include reports sent to law enforcement where child pornography was facilitated by commonly used electronic-sharing technologies and do not represent the full universe of CyberTipline® reports of child pornography.

than 1,000 convictions for persons victimizing children through online sexual exploitation.

FBI IINI Priorities

In January 2002, to account for the variety of cyber crimes against children, the FBI increased from one to four the number of case classifications used to categorize online exploitation of children. Later, in September 2005 the FBI prioritized these classifications, placing the investigation of criminal enterprises involved in online child sexual exploitation as the top priority, as shown in the following table.

PRIORITIES OF THE FBI IINI PROGRAM

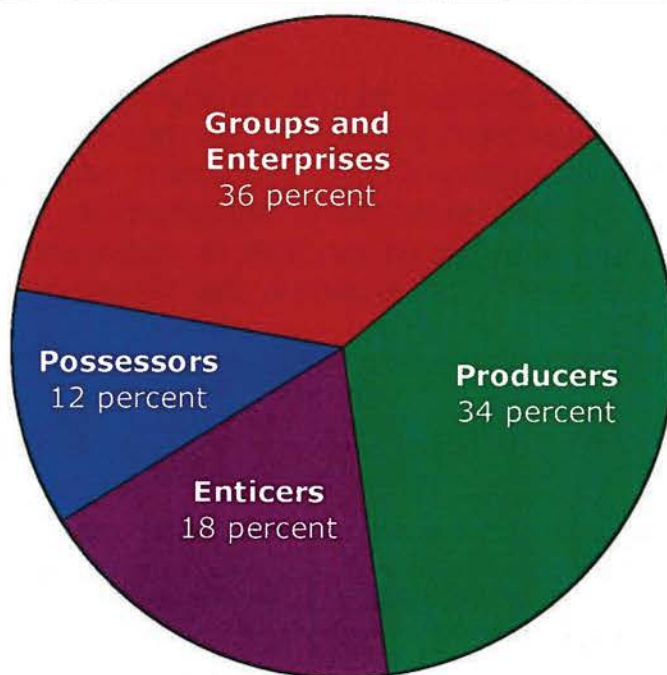
Ranking	Classification	FBI's Rationale for Priority Ranking
1	Enterprises operating commercial child pornography websites or promoting and facilitating the exchange of child pornography amongst group members ⁷	Complex multi-subject, multi-jurisdictional, and international investigations
2	Producers of child pornography	Opportunities to identify and rescue victims from on-going exploitation
3	Online enticement of minors through mechanisms such as chat rooms	Subjects who take concrete steps to exploit children
4	Possession of child pornography	Most common violation – investigate if an enterprise-level nexus exists

Source: FBI IINI

Our analysis of FBI resource utilization data showed that for FYs 2006 and 2007 the FBI focused investigative personnel working IINI cases in accordance with these priorities. On average during these 2 years, out of 238 Special Agents, the equivalent of 86 full-time Special Agents worked on enterprise-level IINI investigations, 81 agents investigated producers of sexually exploitative images of children, and 72 agents worked cases related to online child sexual exploitation enticement and possession. The FBI dedicated 70 percent of its Special Agents investigating IINI matters to its top priority cases: enterprises involved in sexually exploiting children online (36 percent) and producers of cyber-based child pornography (34 percent).

⁷ Enterprises that operate commercial child pornography websites are not necessarily involved in the production of the child pornography, but rather facilitate the distribution of pre-existing material.

SPECIAL AGENT UTILIZATION FOR IINI CASES⁸
AVERAGE FOR FYs 2006 and 2007



Source: OIG analysis of FBI Special Agent resource utilization data

Interagency Cooperation

The Internet requires law enforcement organizations at all levels to cooperate in the investigation of online exploitation of children. Individuals committing these crimes who possess exploitative images of children often live in a different state or country from the host of the website who posted the images. Inadequate law enforcement cooperation may lead to duplicative and inefficient investigative efforts, which can jeopardize the effectiveness of the investigation. The FBI currently participates in two major interagency initiatives in an effort to combat cyber crimes against children: Project Safe Childhood and its IINI International Task Force.

Project Safe Childhood

Project Safe Childhood (PSC), developed in 2006 at the direction of the Attorney General, encourages federal, state, and local law enforcement

⁸ Data represented in this pie chart is from the FBI's Time Utilization and Recordkeeping (TURK) system, which records the percentage of time devoted by Special Agents to various types of investigations. TURK converts that information into Average On-Board (AOB) data. One AOB is the equivalent of one full-time agent working in a specific investigative area for 1 year. All percentages are rounded to the nearest whole number.

agencies, to cooperate in combating cyber crimes against children. The FBI supports PSC by requiring its field offices to integrate with the DOJ-funded Internet Crimes Against Children (ICAC) Task Forces.⁹ Our review found that this integration took place in the geographic jurisdictions for four of the five FBI field offices we visited. For instance, the FBI St. Louis Field Office has a cyber crimes against children investigative squad co-located with the Missouri ICAC task force at the Clayton Police Department in Clayton, Missouri. This co-location facilitated the exchange of information and coordination on investigations between the FBI and members of the ICAC task force. ICAC task force members we interviewed were satisfied with the level of coordination between the Missouri ICAC and the FBI. Although not co-located with the local FBI cyber squad, ICAC representatives in Boston, Miami, and San Francisco expressed satisfaction with the level of coordination between their task forces and respective FBI field offices.

By contrast, we found that the Los Angeles Field Office did not interact with the ICAC Task Force based in the Los Angeles Police Department (LAPD). However, subsequent to our fieldwork in June 2007 and after two Central District of California Assistant U.S. Attorneys began serving as PSC co-Coordiators, we were informed that meetings between the PSC Coordinators, the FBI, and LAPD personnel were conducted in early 2008 in an effort to help enhance coordination in the investigations of cyber crimes against children. Yet, we believe further efforts are required in Los Angeles to ensure full coordination between the FBI and the local ICAC Task Force. A lack of coordination between federal and local agencies risks duplication of efforts and a generally poor use of resources and expertise dedicated to the same purpose.

Innocent Images National Initiative International Task Force

The FBI created its Innocent Images National Initiative (IINI) International Task Force in 2004 to enhance international coordination by hosting and providing training at FBI headquarters for foreign law enforcement officers, who become liaisons for child exploitation investigations on a global scale. As of March 2008, the IINI International

⁹ The ICACs were created by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Office of Justice Programs (OJP) through the FY 1998 Justice Appropriations Act to help state and local law enforcement agencies in their efforts to combat cyber crimes against children through training, investigative assistance, and victim-related services.

Task Force trained over 47 foreign law enforcement officers from 22 countries.¹⁰

The FBI has recognized the need to extend its coordination internationally on cyber crimes against children to additional countries. According to the IINI Chief, the FBI's next objective for the IINI International Task Force is to include law enforcement partners from South America. Such expansion of the IINI International Task Force to additional countries can enhance the FBI's global efforts in combating online sexual exploitation of children.

Forensic Analysis of Digital Evidence

For many IINI investigations, digital evidence seized, including computers and electronic files of exploitative images needs to be analyzed to establish the possession, production, transport, and distribution of child pornography. Accurate and timely analysis of digital evidence is critical for the prosecution of these cases. Computer Analysis Response Teams (CART) and the Regional Computer Forensic Laboratories (RCFL) administered by the FBI's Digital Evidence Section (DES) examine digital evidence seized by IINI and the CACU.

As of Fall 2008, the FBI had approximately 255 forensic examiners. Between FYs 2005 and 2007, the FBI's CART-certified forensic examiners at headquarters and in the field received a total of approximately 2,400 service requests each year from IINI. Although the number of service requests was relatively constant from year to year, the volume of data processed and analyzed increased by 38 percent from FY 2005 to FY 2007.

The DES categorizes a request for forensic analysis of digital evidence as in a backlog status if the request is not assigned to a forensic examiner within 30 days of receipt or if the request is assigned to a forensic examiner but the forensic analysis is not completed within 60 days of the requestor's

¹⁰ The 22 participating countries of the FBI's ITF are: Thailand, the Netherlands, Norway, United Kingdom, Finland, Croatia, Canada, Germany, Latvia, New Zealand, Sweden, Fiji, Ukraine, Australia, the Philippines, Indonesia, Cyprus, Belarus, Chile, Panama, Iceland, and Brazil. In addition, Europol, the European Union's law enforcement organization that handles criminal intelligence, also participates in the FBI's IINI International Task Force.

submission to DES.¹¹ Officials at DES said they have not established timeliness standards for conducting forensic analysis of specific evidence, because the type and amount of digital evidence, as well as the scope of each service request, varies from case to case, and this variance affects the length of time required for analyses. As of FY 2007, DES data indicated that on average IINI service requests were assigned to examiners within 19 days of receipt, well within the 30-day timeframe. However, as of the end of FY 2007, 353 out of 2,429 IINI service requests were considered in a backlog status.

In our review of 38 judgmentally selected closed IINI investigations at the 5 locations we visited, we found that 17 cases (45 percent) received forensic analysis of digital evidence, with 4 of these 17 cases involving multiple examinations. We analyzed the time elapsed between when the DES received the requests for forensic services and assigned them to a forensic examiner. For the 17 cases in our sample, the average elapsed time between receipt of a request for forensic services and assignment of the evidence to an examiner was 20 days, which was within the DES 30-day criterion. According to the DES, FBI computer forensic examiners completed their analysis on average in about 9 days after the service request was assigned to them, with the longest analysis taking approximately 90 days.

FBI officials in IINI and the DES acknowledged that the processing of digital evidence in some instances has taken unduly long periods of time. During our review, we were informed by IINI and DES that due to lack of personnel and resources, the processing time for digital evidence could range in some cases from 3 to 9 months. FBI data showed that it took FBI computer forensic personnel an overall average of 59 days to examine IINI digital evidence in FY 2007.

In March 2007, the FBI submitted to the Office of the Deputy Attorney General a proposal in which it stated that it needs "significant additional personnel and resources" in coming years to keep up with an ever-growing amount of digital evidence in criminal investigations. The proposal included a plan for the increased resources necessary to process digital evidence seized in cyber crimes against children investigations.

On February 13, 2008, the Deputy Attorney General issued a memorandum to the FBI, DOJ Criminal Division, Executive Office for United

¹¹ The FBI does not have criteria by which time a service request has to be assigned to a forensic examiner and by which time it has to be analyzed once it is assigned. The backlog list is not considered to be a criterion, but rather a tool to help field managers manage their forensic workflow based upon prioritization of other investigations pending examination.

States Attorneys, and United States Attorney Offices, which included both short- and long-term strategies on handling the increasing volume of digital evidence from child sexual exploitation cases requiring forensic analysis. The short-term strategy endorsed the FBI's plans to upgrade and expand its use of preview tools, hire additional forensic examiners, and establish new forensic laboratories dedicated to the processing of significant cases of child exploitation investigations. The short-term strategy also included the construction of a new forensic laboratory in Linthicum, Maryland. This new laboratory will be devoted exclusively to working on high-priority cases of sexual exploitation of children. DES officials said they hope this new laboratory will help address the current backlog of unreviewed evidence.

The opening of a new laboratory partially addresses the FBI's proposal that it submitted to the Office of the Deputy Attorney General, which requested two new forensic laboratories. However, there was no indication in the memorandum whether the DOJ would supplement the FBI's budget to fund these enhancements.

The long-term strategy includes a permanent Computer Forensics Working Group (CFWG) that seeks to efficiently allocate resources to process the growing volumes of digital evidence. Composed of representatives from various DOJ components, including the FBI, the CFWG is supposed to meet regularly and propose long-term prosecution and investigative strategies for the efficient use of forensic resources to help ensure the timely investigation and prosecution of cases involving digital evidence. The CFWG also is supposed to recommend guidelines and performance measures for computer forensic examinations, including time frame benchmarks for processing digital evidence.

Mental Health of Online Crimes Against Children Investigators

The Undercover Safeguard Unit (USU), a component of the FBI's Criminal Investigative Division, is responsible for assessing the mental health of FBI undercover employees and candidates for undercover assignments. Undercover activities of IINI typically involve Special Agents assuming the role of a minor to identify adults who entice children in cyberspace. Special Agents working in an undercover capacity also infiltrate online groups that target children for exploitation. Further, undercover agents may have to review child pornography as part of their duties.

The IINI Manual states that IINI Special Agents who investigate online sexual exploitation of children in an undercover capacity first must pass a psychological assessment administered by the FBI's USU. Agents who

remain in an undercover capacity must pass subsequent assessments at intervals determined by USU psychologists.

Due to the sexually explicit and occasionally violent nature of the images they encounter, undercover employees may experience trauma or commit acts that pose a liability to themselves, others, and the FBI.¹² Our review showed that of the 99 undercover IINI Special Agents whose USU assessment data were available, assessments for 31 agents were overdue between 1.5 to 10 months. Given the importance of ensuring the mental health of FBI employees exposed to these materials, we recommend that the FBI ensure timely psychological assessments for its IINI undercover employees.

Other FBI personnel not designated for undercover work but who are involved in cyber crimes against children cases, such as non-undercover Special Agents and DES forensic examiners, may also be exposed to images of children that are sexually explicit and violent. Currently, the FBI does not require these employees to undergo psychological assessments. While the USU stated that it would not refuse to provide a psychological assessment if requested by an employee, the USU concentrates its services on assessing undercover employees and relies on FBI management to refer non-undercover employees on an as-needed basis. Given the graphic content of the images that non-undercover FBI personnel may also encounter in the course of their duties and the associated mental health risks, we believe the FBI should establish guidelines for providing USU-approved psychological assessments or counseling for non-undercover personnel who have had or will have exposure to child sexual exploitation material.

Intelligence Analysis and Research

The objectives of the FBI's Cyber Crime Section for 2007 included expanding IINI's intelligence collection and analysis capability. During our review we identified several instances where the FBI conducted research to enhance its ability to investigate cyber crimes against children. At the FBI's Los Angeles Field Office, one Intelligence Analyst's primary task was to research current technological innovations and assess whether any would lend themselves to misuse in crimes against children. Likewise, an Intelligence Analyst at the San Francisco Field Office used her undercover identity to observe and analyze adult predators' behavioral patterns. Additionally, the Behavioral Analysis Unit (BAU-3) has been conducting a

¹² An analysis by the FBI's BAU-3 of the child pornography seized in FBI investigations determined that most collections also contain multiple paraphilic themes, including bestiality, bondage, sadism, and urophilia.

research project since 2002 that analyzed completed IINI cases to identify characteristics of offenders, victims, and seized images of child exploitation. We believe these research efforts of the FBI are useful and have the potential to enhance law enforcement efforts by providing agents with additional information on emerging technologies as well as insights into the behavior and thought processes of the individuals who produce or access online child pornography.

Online Safety for Minors

Frequent online activities of minors can expose them to the dangers of cyberspace, including adults who prey on children. The FBI considers online safety for minors a significant concern and has included in the IINI Manual a policy requiring field offices to promote "community outreach programs regarding online safety as it relates to children."

We found at all five locations we visited during our fieldwork that IINI Special Agents performed outreach activities to educate the public on Internet safety. For instance, at the FBI's offices in San Francisco, Los Angeles, and Boston, IINI Special Agents responded to requests from the public by making presentations on online safety issues. In Miami and St. Louis, Special Agents formed partnerships with local non-profit groups specifically devoted to online safety concerns for minors and participated in outreach programs to educate children about the dangers of unsafe Internet activities.

Child Abductions

According to a 2002 congressionally mandated study, 99.8 percent of children missing from their caretakers in 1999 returned home or were located alive.¹³ However, a 2006 study of more than 775 murders of

¹³ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (October 2002), <http://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf> (accessed October 22, 2008). The Missing Children's Assistance Act of 1984 requires the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct periodic studies to determine the number of children reported missing and the number recovered in a given year. OJJDP has sponsored two National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART). NISMART-1 was issued in 1990 based on data from 1988; NISMART-2 was issued in 2002 based on data from 1999. NISMART-2 is a comprehensive study that captured various scenarios where the caretakers did not know the whereabouts of the children: non-family abduction, stereotypical kidnapping, family abduction, runaway children, thrownaway children, involuntary missing-lost-injured, and missing with a benign explanation.

abducted children showed that three-quarters of such crimes occurred within 3 hours of the abduction.¹⁴ Consequently, it is critical for law enforcement to react quickly to a child believed to have been abducted.

To determine whether the FBI has responded quickly to instances of missing children, we reviewed FBI child abduction policy and a sample of investigative case files. Between FYs 2000 and 2007, the FBI opened 722 child abduction cases. According to FBI officials, child abduction cases are a top FBI investigative priority. FBI policy requires field offices to establish liaisons with local law enforcement agencies in order to react immediately to reports of the mysterious disappearance of minors.

At the five field offices we visited, we reviewed a total of five recently closed investigations on child abductions. In this small-scoped examination, we found documentation in case files suggesting that these field offices responded to missing children's reports and provided investigative assistance to local law enforcement agencies. In addition, we interviewed representatives from six local law enforcement agencies at the five field office locations, and we asked general questions about the FBI's response to child abduction cases. Representatives from the six agencies told us that there were no recent abduction cases, and therefore they could not specifically comment on the effectiveness of the FBI's response to such cases. Nevertheless, these six agencies expressed that their working relationship with the FBI was generally positive with respect to crimes against children.

Furthermore, we found that the FBI's liaison at NCMEC received timely notifications from NCMEC's missing children hotline and disseminated the missing child reports to the appropriate FBI field offices for further response. FBI Crimes Against Children Coordinators located in the field offices received notifications of missing children in a variety of ways, including NCMEC notifications, the AMBER alert program, and FBI's internal e-mail system.¹⁵

¹⁴ Attorney General of Washington and OJJDP, *Investigative Case Management for Missing Children Homicides: Report II* (May 2006). The Criminal Division of the Washington State Attorney General's office began this study in late 1993 with a sample of more than 600 child abduction murder cases and issued the results in 1997. A new edition of the study was released in 2006 by incorporating the results of an additional 175 solved cases of child abduction murders. OJJDP provided partial funding for this study.

¹⁵ The America's Missing: Broadcast Emergency Response (AMBER) Alert began in 1997 in Texas as a local program to inform the public about missing children. As of December 2007, AMBER Alert had expanded to 119 statewide, regional, and local AMBER plans.

In attempting to review the timeliness of the FBI's response to child abductions, we also interviewed FBI personnel involved in investigations at the field offices we visited. While our review suggested that the FBI personnel responded in a timely manner, the FBI does not have a means to track and evaluate its response to child abductions on a nationwide level.

The FBI considers a missing child as someone in "imminent danger" and elevates such investigations automatically to a top priority, and has developed a policy to require Special Agents to respond immediately to such crimes. Thus, response timeframes should be a primary measure for determining the FBI's performance in responding to child abductions. We recommend that the FBI develop response timeframe requirements and a mechanism for tracking and analyzing FBI responsiveness to reports of child abductions. The data gathered should include the dates and times when the FBI was notified, when the FBI responded, and when other important steps in the investigation occurred. This will provide FBI management the ability to evaluate its response to child abductions and to identify offices requiring improvements.

The FBI Child Abduction Rapid Deployment Teams

To enhance its response to child abductions, the FBI in 2005 developed its Child Abduction Rapid Deployment (CARD) team program. CARD teams are comprised of Special Agents located throughout the FBI's field offices with experience in conducting investigations of child abductions in multi-jurisdictional settings. As of November 2007, 64 Supervisory Special Agents and Special Agents nationwide served on 10 CARD teams. The FBI field office within the jurisdiction of an abduction decides whether it wants the assistance of a CARD team. Once deployed, CARD team members travel to the crime scene and serve as technical consultants to local law enforcement leading the search for the missing child. From the first deployment in March 2006 through 2007, the FBI deployed its CARD teams 26 times. Eleven deployments resulted in the recovery of the children alive; 13 deployments resulted in the recovery of the children deceased; and 2 deployments did not result in the location of the missing child.

The FBI documents CARD deployments by providing a narrative summary detailing the facts of the case and recounting the efforts made in the investigation. Although this documentation provides the date on which the children were reported missing and the date of the CARD team deployments, it does not capture critical data such as the time that the FBI

was notified and the time that the FBI acted upon the notification.¹⁶ Without the ability to establish a precise chronology detailing the sequence of events in the search for a missing child, the FBI does not have objective data to evaluate whether the CARD teams took necessary steps during the first crucial hours of the child abduction investigation. Consequently, as we recommended for the FBI's overall child abduction assessment, the FBI should systematically track its CARD teams' response time and investigative actions.

CARD Post-Deployment Survey

The 2007 Strategic Plan of the CACU included developing a CARD post-deployment survey for field office management. This survey was intended to help the CACU develop policies to achieve satisfaction. We believe that such survey results would also identify best practices and any potential shortcomings to improve the CARD teams. However, the CACU Chief informed us during our audit that the post-deployment survey tool had not been completed as of June 2008.

In the absence of such post-deployment survey data, we selected nine CARD team deployments for evaluation by reviewing related documentation maintained by the CACU at FBI headquarters and interviewing local law enforcement officials assisted by the CARD teams. We found that local police agencies who received assistance from the CARD teams were satisfied with the FBI's assistance in all nine cases. Nevertheless, we believe that the FBI would benefit from developing the post-deployment survey that it identified in its 2007 strategic plan. Information obtained from the survey would allow the FBI to enhance its efforts in responding to these time-sensitive crimes, thereby increasing the chance of locating missing children alive.

International Parental Abduction

International parental child abduction refers to situations in which a parent "removes a child from the United States, or attempts to do so, or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights."¹⁷ The FBI investigates international parental abduction of children pursuant to the

¹⁶ The only exception among the 26 deployments of the CARD teams was the first deployment, where the CACU noted in the narrative summary both the date and time the police agency notified the FBI field office of the missing children.

¹⁷ See 18 U.S.C. § 1204(a) (2005).

1993 International Parental Kidnapping Crime Act, which made such abductions a federal offense. International parental abductions often involve foreign judicial systems and social customs that differ from U.S. laws and procedures. For instance, certain countries do not view parental abductions as kidnapping or a crime.

To evaluate the FBI efforts in addressing international parental abduction of children, we reviewed eight recently closed investigations and interviewed officials from the FBI and State Department's Office of Children's Issues (OCI).¹⁸ Additionally, we surveyed eight of the FBI's overseas Legal Attaché (Legat) Offices on international parental abduction matters.¹⁹

Our review of eight FBI case files found that FBI Legat Offices facilitated investigations by coordinating with both U.S. and foreign agencies. These investigations involve complexities of working with foreign governments, honoring the sovereignty of foreign countries and their laws, and adhering to international agreements. This operating environment requires FBI Legat personnel to have significant knowledge of the investigative and diplomatic tools available for addressing international parental abductions, which are different for each country. However, our survey of FBI Legat Office representatives indicated a need for training on international parental abductions, as Legat personnel received very little instruction in this area. We recommend that the FBI develop specific training for FBI Legat personnel on international parental abductions of children.

Coordinated Database

The Government Accountability Office (GAO) reported in 2000 that a weakness in the federal government's response to the international parental abduction of children was the lack of a coordinated database for sharing information among the State Department, DOJ, and NCMEC. GAO reported that the State Department planned to implement a new system by August 2000.

¹⁸ The OCI assists the "left-behind" parent with the international diplomatic aspects of the civil process, such as locating the abducted children, reporting on their general welfare, providing information on the status of judicial and administrative proceedings in other countries, and making contacts on behalf of the left-behind parent with local officials in foreign countries.

¹⁹ We surveyed Legat Offices in Israel, Mexico, Poland, the United Kingdom, Barbados, Ethiopia, Japan, and Saudi Arabia.

During our fieldwork, we met with officials from the State Department's Office of Children's Issues to discuss the implementation of the new system. None of the officials that we met were familiar with the proposed system or with the previous plan for implementation. According to the State Department officials that we interviewed, rather than develop a new database, the State Department considered in 2007 providing the FBI and NCMEC read-only access to its existing system for tracking parental kidnapping cases. In September 2007, we learned from the State Department that NCMEC planned to grant the FBI and State Department dial-up access to its database on international parental kidnapping. Subsequent discussions with the FBI and the State Department confirmed that this access was provided.

During our audit, officials from the FBI CACU stated that there were no recent instances of duplicative efforts on cases of international parental kidnapping among the FBI, State Department, and NCMEC. We did not review any case files to assess whether any duplication had occurred. However, the GAO reported in its 2000 review that investigative duplication involving the FBI and State Department had occurred on international parental kidnapping matters. One CACU official stated that the likelihood of duplication is higher between the State Department and NCMEC when both agencies file applications for civil resolution through the Hague Conference on Private International Law, the organization that had created the Hague Convention.²⁰

Nevertheless, given that duplicative investigations involving the FBI have occurred in the past and that coordination plays a central role in the investigation of international parental abduction of children, we recommend that the FBI coordinate with the State Department and NCMEC to promote the development of a central, integrated database of information on international parental abductions.

Non-Cyber Sexual Exploitation of Children

Prostitution of Children

Sexual exploitation of children constitutes a major category of the crimes against children investigated by the FBI. The FBI addresses the prostitution of minors mainly through investigating major criminal

²⁰ The Hague Convention seeks to bring about the voluntary return of the abducted child, including the use of judicial or administrative procedures that would result in the resolution of such cases of international parental abductions.

enterprises involved in this crime and gathering strategic intelligence on the issue.

The FBI coordinates with the Criminal Division's CEOS and NCMEC in addressing the organized prostitution of children through its Innocence Lost National Initiative (Innocence Lost). Through this initiative, the FBI investigates major enterprises that prostitute children for financial gain, the CEOS lends prosecutorial experience and advice, and NCMEC provides related training programs.

As of June 2008, the FBI had 24 Innocence Lost locations across the country, with 13 full-scale task forces and 11 informal working groups.²¹ Between FYs 2004 and 2007 the FBI's Innocent Lost initiative reported that it opened 365 cases on child prostitution organizations, which resulted in the location of 281 victimized children and the conviction of 216 persons for prostituting minors. Detailed statistics on the Innocent Lost initiative are provided in the following table.

FBI INNOCENCE LOST NATIONAL INITIATIVE STATISTICS²²

Fiscal Year	2004	2005	2006	2007	Total
Cases Opened	66	71	103	125	365
Located Child Victims	24	32	44	181	281
Indictments	26	44	68	55	193
Convictions	22	45	43	106	216

Source: FBI

²¹ The 13 task forces include: (1) Miami, Florida; (2) Cleveland and Toledo, Ohio; (3) Las Vegas, Nevada; (4) Reno, Nevada; (5) Dallas, Texas; (6) Boston, Massachusetts; (7) Newark and Atlantic City, New Jersey; (8) San Juan, Puerto Rico; (9) Los Angeles, California; (10) Phoenix, Arizona; (11) Detroit, Michigan; (12) Wichita, Kansas; and (13) Orange County, California. The 11 informal working groups include: (1) Indianapolis, Indiana; (2) San Francisco, California; (3) Denver, Colorado; (4) Oklahoma City, Oklahoma; (5) Houston, Texas; (6) Chicago, Illinois; (7) New York City; (8) Washington, D.C.; (9) Jacksonville, Florida; (10) Honolulu, Hawaii; and (11) Sacramento, California.

²² When the FBI established its Innocence Lost initiative in FY 2004, it also created a new classification code to track investigations of prostituted children at the enterprise level. However, before the establishment of Innocence Lost, child prostitution cases were categorized together with other non-prostitution related child sexual exploitation cases under the same classification code. Therefore, we could not obtain statistical information on child prostitution investigations dating back before the launch of Innocence Lost.

Sexual Exploitation of Children

In addition to investigating enterprises that prostitute children, the FBI's CACU also responds to leads on individuals who exploit children sexually across state and foreign boundaries without evidence of prostitution. Although a new classification code was created to account for the Innocence Lost, the FBI currently classifies all non-cyber related cases of sexual exploitation of children across state and foreign boundaries under the same code. FBI investigations in these areas include those who have allegedly traveled overseas for the purpose of engaging in illegal sexual relations with minors, referred to as child sex tourism cases.²³

Our review determined that the FBI conducts both reactive and proactive investigations to combat child sex tourism. In reactive investigations, the FBI responds to allegations that individuals are suspected of having sexually exploited children overseas. We reviewed four reactive investigations on child sex tourism, one case at each of the Miami, Boston, Los Angeles, and St. Louis field offices. In addition, to help assess the FBI's efforts overseas in conducting child sex tourism investigations, we surveyed two FBI Legat Offices for countries identified as having a significant problem with this crime: Thailand and Costa Rica. Responses to our survey, as well as interviews with CACU officials, suggest that the FBI faces significant challenges in its reactive investigations of child sex tourism, including obtaining necessary evidence, receiving the assistance of victims in prosecuting the offenders, and obtaining adequate and timely assistance from foreign governments.

In 2002, the FBI's Miami Field Office began a proactive online undercover operation directed against individuals who intend to travel abroad to engage in sexual activities with minors. Special Agents from the FBI's Miami Field Office pretended to arrange travel for persons wanting to visit a foreign country for the purpose of having sex with minors. As of Summer 2008, 15 individuals were convicted as a result of this operation. This proactive approach to addressing child sex tourism is employed only at the FBI's Miami Field Office.

Overall, our audit disclosed that the FBI's response to child sex tourism has not been as well managed as its efforts to combat domestic

²³ The 2003 Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act increased existing penalties for engaging in or attempting to engage in child sex tourism to a maximum of 30 years in prison. In addition, it is no longer necessary to prove that the traveler intended to engage in illicit sexual conduct at the time of travel, merely that the traveler actually engaged in or attempted to engage in illicit sexual conduct.

trafficking of children for prostitution under the Innocence Lost initiative. In reviewing Innocence Lost, we found that the FBI had established program goals, monitored its progress in achieving program goals, gathered intelligence, issued detailed guidance to Special Agents, and created a separate investigative classification code for accounting purposes. By contrast, we did not find that the FBI established program goals for its child sex tourism investigations, gathered related intelligence, or provided detailed guidance to Special Agents. Further, child sex tourism investigations were not tracked separately under a different investigative classification code. Instead, these investigations were combined under a single classification with other non-prostitution related sexual exploitation cases. This makes it difficult for the FBI to identify its operations addressing child sex tourism cases. Therefore, we recommend that the FBI develop for its child sex tourism cases a programmatic strategy, goals, guidance, and a separate investigative classification for tracking such investigations.

Conclusion and Recommendations

The FBI predominantly investigates three areas of crimes against children: (1) cyber-based child pornography (2) child abductions, and (3) non-cyber sexual exploitation of children. In each of these areas the FBI has developed national programs to guide its efforts, specifically its IINI, CARD Team, and Innocence Lost programs.

FBI data shows that in FY 2007 the FBI opened nearly 2,900 crimes against children investigations and dedicated the equivalent of 326 Special Agents to work these cases, an increase in personnel of approximately 52 percent from FY 2001.

In the area of cyber-based child pornography, we found that in FYs 2006 and 2007, the FBI devoted 70 percent of its IINI Special Agent workforce to investigate top IINI priorities – enterprises sexually exploiting children online and producers of cyber-based child pornography. In addition to investigative operations, we found that two of the five FBI field offices that we visited performed outreach activities to educate children on the dangers of unsafe Internet activities through partnership with local non-governmental organizations. Special Agents at the remaining three offices we visited stated that they responded to requests from the public to make presentations to children on Internet safety, but these offices did not have proactive outreach programs. We recommend that the FBI develop policies for field offices to form partnerships with non-governmental organizations to educate children on online safety issues.

The timely processing of digital evidence in investigations of cyber crimes against children was a challenge for the FBI. While FBI officials said they are attempting to expedite the processing of digital evidence, a continual backlog exists because of resource issues and the growth of digital evidence seized in child sexual exploitation cases. During our audit, the FBI opened a new digital forensic laboratory devoted to conducting forensic analysis on high priority crimes against children cases.

In the area of child abductions, we found that the FBI created Child Abduction Rapid Deployment (CARD) teams to provide technical assistance to its field offices and local law enforcement agencies in missing children investigations. The eight law enforcement agencies sampled in our review of CARD deployments expressed satisfaction in their experience of working with the FBI.

Regarding its international efforts to assist in recovering children abducted abroad by a parent, FBI Legat personnel we surveyed said they lacked sufficient training on topics that would assist them in more effectively addressing international parental abduction cases. In addition, our limited review of case files indicated that the FBI was generally coordinating with law enforcement partners, both domestically and internationally. However, the FBI could improve its coordination with the State Department and NCMEC in promoting the development of a shared database on international parental kidnapping to avoid possible conflicts if the FBI, State Department, and NCMEC were to investigate the same individuals.

In the area of non-cyber sexual exploitation of children, the FBI launched with the CEOS and NCMEC the Innocence Lost project in 2003 to combat domestic trafficking of children for prostitution. As of the end of FY 2007, Innocence Lost helped locate about 280 children victimized through prostitution. We found the FBI's approach to child sex tourism was less comprehensive than its Innocence Lost initiative in gathering intelligence and providing operational guidelines.

Our report makes 13 recommendations to assist the FBI in its crimes against children programs. We recommend that the FBI continue to develop strategies to alleviate its digital evidence backlog for crimes against children cases, develop a mechanism to track the FBI's response time to reports of child abductions, provide additional training to Legat personnel on international parental abduction cases, coordinate with the State Department and NCMEC to promote the development of a shared database for cases involving international parental abductions, and implement an FBI-wide strategy for addressing child sex tourism. Our findings and recommendations are presented in more detail in our full report.

**THE FEDERAL BUREAU OF INVESTIGATION'S
EFFORTS TO COMBAT CRIMES AGAINST CHILDREN**

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION	1
FBI Crimes Against Children Programs	1
FBI's Coordination Efforts.....	7
Prior Reports	9
Audit Approach	11
CHAPTER 2: ONLINE SEXUAL EXPLOITATION OF CHILDREN.....	13
Innocent Images National Initiative (IINI).....	15
The FBI's Management of IINI	16
Interagency Cooperation.....	18
Forensic Analysis of Digital Evidence	23
Mental Health of FBI Personnel	31
FBI Research on the Online Sexual Exploitation of Children	35
FBI Outreach to Minors	36
Conclusion	37
Recommendations.....	38
CHAPTER 3: CHILD ABDUCTIONS	40
FBI Authority and Policy.....	41
Timeliness of Child Abduction Investigations.....	43
Timeliness of Response of FBI's Child Abduction Rapid Deployment Teams.....	46
Coordination of Child Abduction Investigations.....	49
FBI Coordination with National Child Abduction Programs.....	54
International Parental Child Abduction	58
Research and Outreach Activities on Child Abductions	64
Conclusion	64
Recommendations.....	66
CHAPTER 4: NON-CYBER SEXUAL EXPLOITATION OF CHILDREN	67
Child Prostitution	68
Sexual Exploitation of Children	74
Conclusion	77
Recommendation	77

STATEMENT ON INTERNAL CONTROLS78

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS.....79

APPENDICES:

I. OBJECTIVE, SCOPE, AND METHODOLOGY.....80

II. ACRONYMS90

III. DOJ STRATEGIC PLAN FYS 2007 THROUGH 2012.....92

**IV. EVOLUTION OF THE FBI'S
CRIMES AGAINST CHILDREN PROGRAM.....94**

**V. PROGRAMS OF THE NATIONAL CENTER
FOR MISSING AND EXPLOITED CHILDREN.....96**

**VI. FEDERAL AGENCY TASK FORCE ON MISSING
AND EXPLOITED CHILDREN98**

VII. FBI INVESTIGATIVE PRIORITIES.....99

VIII. ANALYSIS OF FBI CARD TEAMS DEPLOYMENTS100

**IX. COUNTRIES AND THEIR EFFECTIVE DATES OF
PARTICIPATION WITH THE HAGUE CONVENTION
ON THE CIVIL ASPECTS OF INTERNATIONAL
CHILD ABDUCTION102**

**X. FEDERAL STATUTES ON CRIMES AGAINST
CHILDREN.....104**

XI. FEDERAL BUREAU OF INVESTIGATION RESPONSE.....105

**XII. OFFICE OF THE INSPECTOR GENERAL
ANALYSIS AND SUMMARY OF ACTIONS
NECESSARY TO CLOSE THE REPORT 113**

CHAPTER 1: INTRODUCTION

Each year thousands of children are subjected to violent crimes such as sexual abuse and kidnappings. The Federal Bureau of Investigation (FBI) is the U.S. Department of Justice's (DOJ or Department) primary component responsible for investigating crimes against children.²⁴ The DOJ has made protecting children from victimization a priority as reflected in its Strategic Plan, which includes an objective to prevent, suppress, and intervene in crimes against children and describes its strategies for achieving this goal.²⁵ Additionally, Attorney General Alberto Gonzales made protecting children from crimes facilitated by computers a top priority when he announced the Project Safe Childhood (PSC) initiative on February 15, 2006. The goal of PSC is "to enhance the national response to this growing threat to America's youth" through the collaboration of law enforcement agencies at all levels as well as non-profit organizations. The FBI is a critical link in the Department's efforts to combat crimes against children, and it is therefore crucial for the FBI to have a well-organized, aggressive, and effective investigative approach to help protect children and expeditiously bring criminal charges against violators.

In general, the federal criminal code defines a "child" as someone under the age of 18.²⁶ The federal statute on international parental kidnapping of children defines a "child" as a person under 16 years of age.²⁷

FBI Crimes Against Children Programs

The FBI does not investigate all crimes against children. Its primary responsibilities in this area relate to the three major types of crimes against children contained in the U.S. Code: child pornography, child abduction, and

²⁴ While the Office of Justice Programs (OJP) is also significantly involved in programs designed to address crimes against children at the local and national levels, our review was focused primarily on the FBI's efforts. Appendix I contains a more detailed discussion of our audit scope.

²⁵ DOJ Strategic Plan, 2007 to 2012, Strategic Goal 2: "Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People." Appendix III discusses the DOJ's Strategic Plan in more detail.

²⁶ The U.S. Code uses the terms "child" and "minor" interchangeably in codifying statutes on various crimes against children. Regardless of the term used, the definition of a "child" or "minor" is essentially the same – a person under the age of 18. See 18 U.S.C. § 1201 (g) (1) (A) for child abductions; 18 U.S.C. § 2256 (1) for sexual exploitation of children; and 18 U.S.C. § 2423 (a) for trafficking of children for illegal sexual activities.

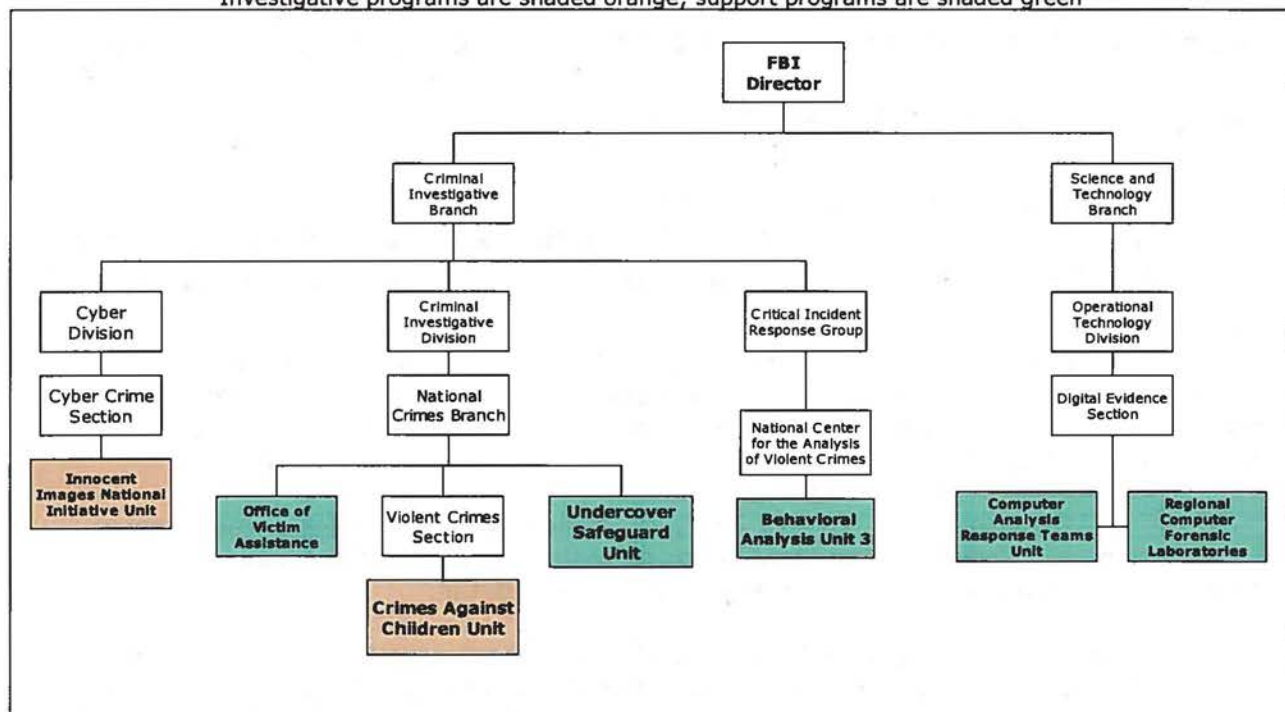
²⁷ 18 U.S.C. § 1204 (b) (1)

the prostitution of children.²⁸ In fiscal year (FY) 2007, the FBI employed the equivalent of 326 full-time Special Agents to address crimes against children, an increase of approximately 52 percent from FY 2001. It initiated 2,891 cases in FY 2007, an increase of approximately 23 percent from FY 2001, to address these types of crimes against children.

To fulfill its responsibilities in this area, the FBI primarily utilizes two investigative units and five support components. The two investigative units are the Innocent Images National Initiative (IINI) Unit that investigates crimes against children that contain a cyber element and the Crimes Against Children Unit (CACU) that investigates all non-cyber related crimes against children. The five support components are a 24-hour command center that ensures timely dissemination of missing children's reports, a support and research center, a victim assistance office, a digital evidence analysis section that analyzes evidence seized from computers and other electronic devices, and a unit for psychological assessment of FBI Special Agents who perform undercover activities in investigating cyber crimes against children. These investigative units and support components can be found throughout the FBI, as demonstrated in the following FBI organization chart.

THE FBI CRIMES AGAINST CHILDREN PROGRAMS

Investigative programs are shaded orange; support programs are shaded green



Source: OIG composite of the FBI organization chart

²⁸ See 18 U.S.C. § 1201, 18 U.S.C. §§ 2251 and 2252, and 18 U.S.C. 2421 *et seq.*, respectively.

The IINI Unit

The IINI Unit is a component of the Cyber Crime Section within the Cyber Division.²⁹ This unit investigates crimes against children facilitated through the use of computers and other technologies, such as cell phones. These investigations are categorized into the following types:

- online groups, organizations, and for-profit enterprises such as commercial child pornography websites;
- major distributors, producers, and manufacturers of child pornography;
- adults who entice minors through online activities; and
- possession of child pornography with a cyber nexus.

The IINI Unit provides administrative oversight for a nationwide program. The IINI Unit also conducts investigations on a broad and often a global scale through its two investigative teams, an analytical team and an international task force. At FBI field offices, Special Agents assigned to cyber crimes squads also may handle IINI investigations. As of July 2007, the FBI had assigned 329 combined Special Agents and supervisors to work on cyber-related cases of crimes against children. All of these Special Agents and supervisors did not work 100 percent of their time on cyber-related crimes against children cases. Other crimes on which they worked included Internet fraud, online identity theft, and e-mail scams.

In FY 2007, 250 Special Agent full-time equivalents worked specifically on cyber-related crimes against children, which represents a 62 percent increase since FY 2001.

²⁹ IINI began as a local initiative in 1993 at the FBI's field office in Baltimore, Maryland, before becoming a national program as a part of the Criminal Investigative Division (CID) in 1995. In 2002, the FBI created the Cyber Division to address cyber threats in a coordinated manner. In 2003, the IINI Unit officially split from the CID and was moved to the Cyber Division. Appendix IV contains a historical perspective on the FBI's crimes against children programs.

The CACU

The CACU, a component of the Violent Crimes Section within the FBI's Criminal Investigative Division, investigates child abductions and other non-cyber crimes against children, including:³⁰

- child abduction without ransom;
- international parental abduction of children;
- domestic trafficking of children for prostitution;
- other types of sexual exploitation of children, such as child sex tourism;
- domestic parental kidnapping of children;
- interstate transportation of obscene matter involving children; and
- crimes against children on government reservations.

At FBI Headquarters, the CACU performs managerial and administrative functions and is composed of a Unit Chief, four Supervisory Special Agents, three Intelligence Analysts, and an Administrative Support Assistant. At the FBI's field office level, crimes overseen by the CACU are addressed by squads investigating violent crimes.³¹

In May 1997, the FBI began requiring each of its 56 field offices to appoint at least two Special Agents to serve as Crimes Against Children Coordinators (CAC Coordinator).³² As the primary "go-to" persons within each FBI field office, the CAC Coordinators are responsible for establishing liaison with local law enforcement and social service agencies to help

³⁰ In addition to these types of crimes against children, the CACU's oversight had included violations of the Child Support Recovery Act and the National Sex Offender Registry. However, the FBI ceased its efforts in the Child Support Recovery Act in August 2001, citing reduction of resources. In addition, the FBI does not initiate investigations solely for registered offenders violating terms of the registration requirements. Sections 142 and 146 of the 2006 Adam Walsh Child Protection and Safety Act (Adam Walsh Act): (1) conferred on the U.S. Marshals Service investigative responsibilities of sex offenders who violate registration requirements, and (2) created within the DOJ the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office). The SMART Office administers the standards for the sex offender registration and notification program set forth in the Adam Walsh Act.

³¹ Despite the bifurcation of the FBI's crimes against children programs, several FBI field offices have adopted a combined approach to address these crimes. For instance, the FBI field office in Miami, Florida, has a hybrid squad that addresses all crimes against children, regardless of whether a cyber nexus exists.

³² The number of the required CAC Coordinators was reduced from two to one at each FBI field office in February 2004, following the transfer of the IINI from the CID to the Cyber Division and the resulting shift of resources.

coordinate crimes against children investigations occurring in their jurisdiction. As of July 2007, there were 102 CAC Coordinators in FBI field offices throughout the country. However, these coordinating functions are considered collateral duties for CAC Coordinators, who are also responsible for investigating a variety of violent crimes, including crimes against children. In addition, other Special Agents may be assigned to violent crime squads also investigating non-cyber crimes against children. Altogether, in FY 2007, 76 Special Agent full-time equivalents worked specifically on non-cyber crimes against children, which represents a 26 percent increase in full-time equivalents since FY 2001.

**TOTAL SPECIAL AGENT FULL-TIME EQUIVALENTS FOR IINI AND CACU
FROM FYs 2001 THROUGH 2007³³**

AOB	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
IINI	154	173	205	236	235	227	250
CACU	60	52	43	52	61	73	76
Total	214	225	248	288	296	300	326

Source: The FBI

Support Components

The IINI Unit and the CACU receive technical support for their investigations of crimes against children primarily from the following four FBI components:

- **Behavioral Analysis Unit 3:** The FBI has three Behavioral Analysis Units (BAU) that are staffed with FBI Supervisory Special Agents, Intelligence Analysts, crime analysts, major case specialists, and agents from other governmental agencies who perform research and provide support to Special Agents conducting investigations. The BAU-3 is dedicated to supporting the CACU and the IINI Unit investigations related to child abductions, missing children, sexual assaults, and child pornography.³⁴ In addition, the BAU-3

³³ Data represented in this table came from the FBI's Time Utilization and Recordkeeping (TURK) system, which records the percentage of time devoted by Special Agents to various types of investigations. TURK then converts that information into Average On-Board (AOB) data. One AOB is the equivalent of one full-time agent working in a specific investigative area for one year. All percentages are rounded to the nearest whole number.

³⁴ The BAU-1 focuses on counter-terrorism, counter-intelligence, communicated threats, bombings, arsons, weapons of massive destruction, and critical incident support. The BAU-2 focuses on crimes against adults, such as serial homicide, serial rapes, homicides, sexual assaults, and adult abductions.

accompanies Special Agents to crime scenes, consults with local law enforcement agencies, and assists with the training of CAC Coordinators and IINI Special Agents.

- Office for Victim Assistance: The FBI created its Office for Victim Assistance (OVA) to ensure that victims of crimes investigated by the FBI are afforded the opportunity to receive services required by federal laws and guidelines. According to OVA's Director, child victims are the number one priority of the FBI's OVA. As of Summer 2007, 112 victim specialists were located throughout the FBI's field offices.
- Digital Evidence Section: Currently, two programs under the FBI's Digital Evidence Section provide forensic analysis on digital evidence seized during investigations, including crimes against children investigations: the Computer Analysis Response Teams and the Regional Computer Forensic Laboratories. Computer Analysis Response Teams are comprised of approximately 270 forensic examiners located within 89 FBI field offices and resident agencies nationwide. These examiners help Special Agents analyze digital evidence, such as computer hard drives and other computer media, obtained during their investigations. In addition, the FBI has 16 Regional Computer Forensic Laboratories, which provides forensic analysis of digital evidence to local, state, and federal law enforcement agencies investigating a variety of crimes. The laboratories are staffed with both FBI forensic examiners and staff from local law enforcement agencies. In FY 2007, the Computer Analysis Response Teams and the Regional Computer Forensic Laboratories examined approximately 591 terabytes of digital evidence from investigations of online sexual exploitation of children.³⁵
- Undercover Safeguard Unit: The FBI's Undercover Safeguard Unit administers psychological assessments to employees who work in an undercover capacity. This unit, which includes two mental health professionals, conducts approximately 1,400 assessments of FBI personnel each year, including those personnel involved in covert investigations of online sexual exploitation of children.

³⁵ One terabyte equals 1,024 gigabytes.

FBI's Coordination Efforts

The FBI's efforts to combat crimes against children include coordination with other law enforcement agencies and with non-profit organizations. The FBI considers its relationships with these partners critical to the effective investigation of crimes against children. These partnerships include:

- National Center for Missing and Exploited Children (NCMEC): NCMEC is a non-profit organization funded in part by the federal government to serve as a clearinghouse of information on missing and exploited children, operate a toll-free hotline for reporting information on missing children and Internet-related crimes against children, and provide training to law enforcement officers and other professionals involved in children's issues.³⁶ NCMEC also promotes coordination by providing office space at NCMEC headquarters for liaisons from the following federal agencies: the FBI, United States Marshals Service (USMS), Immigration and Customs Enforcement (ICE) of the Department of Homeland Security, and United States Postal Inspection Service (USPIS). Currently, the USMS, ICE, and USPIS each have one liaison at NCMEC; the FBI has six liaisons, including Special Agents and Intelligence Analysts. In addition, NCMEC receives reports of missing children through the National Crime Information Center (NCIC).³⁷ Upon receiving a missing children's report, NCMEC disseminates the report to the CACU at FBI Headquarters. This is one of several ways the FBI can be notified that a child has been abducted.³⁸
- Child Exploitation and Obscenity Section (CEOS): CEOS is a section of the DOJ's Criminal Division that is composed of attorneys and computer forensic specialists who provide expertise to U.S. Attorney's Offices on crimes against children cases, including assistance in prosecuting violations of federal criminal statutes

³⁶ NCMEC operates the Jimmy Ryce Law Enforcement Training Center at its headquarters in Alexandria, Virginia.

³⁷ NCIC is a computerized index of criminal justice information, including information on fugitives, stolen property, and missing persons that is available to federal, state, tribal, and local law enforcement and other criminal justice agencies.

³⁸ Other forms of notification can include local law enforcement agencies contacting the FBI directly, or parents of a missing child contacting the local FBI field office. Reports of missing children that are received at NCMEC through its 24-hour hotline are also forwarded to the FBI.

involving child pornography, prostitution of children, and international parental abduction of children.

- Office of Juvenile Justice and Delinquency Prevention (OJJDP): A component of OJP, OJJDP assists state and local law enforcement agencies through its technical and financial assistance on child abductions and Internet-related crimes against children.³⁹ OJJDP's financial assistance is provided to NCMEC, 59 Internet Crimes Against Children Task Forces, and Child Abduction Response Teams. In 1997, OJJDP created a task force entitled Federal Agency Task Force on Missing and Exploited Children to coordinate federal resources and services. The Task Force, which includes the FBI, 15 other federal agencies, and NCMEC, meets quarterly and has published the *Federal Resources on Missing and Exploited Children: a Directory for Law Enforcement and Other Public and Private Agencies*.⁴⁰
- United States National Central Bureau: INTERPOL is the international criminal police organization for coordinating law enforcement efforts among member nations, including investigating crimes against children with an international nexus. Each member nation designates a central bureau to act as an INTERPOL field office. The United States has designated the United States National Central Bureau, which is a component of the DOJ, to act as its INTERPOL field office.
- Immigration and Customs Enforcement: The Department of Homeland Security's ICE investigates crimes against children with a trans-border or transnational nexus.
- Department of State, Office of Children's Issues (OCI): The OCI works with parents, attorneys, private organizations, and government agencies in the United States and abroad to prevent and resolve international parental child abductions.

³⁹ The Assistant Attorney General for OJP serves as the National Coordinator of the America's Missing: Broadcast Emergency Response (AMBER) Alert system for notifying media and the public of missing children.

⁴⁰ Appendix VI includes a complete list of member agencies on the Federal Agency Task Force on Missing and Exploited Children. The most current version of the *Federal Resources on Missing and Exploited Children: A Directory for Law Enforcement and Other Public and Private Agencies*, Fifth edition, was issued in 2007.

- United States Postal Inspection Service (USPIS): The USPIS is responsible for investigating crimes involving the use of U.S. mail, including child pornography and child sexual exploitation offenses.
- State and local law enforcement agencies: The FBI interacts frequently with its local counterparts on crimes against children cases, including investigations of child abductions, child prostitution, and child pornography. Specifically, OJP-supported Internet Crimes Against Children Task Forces, FBI-sponsored task forces, and working groups for child prostitution under the Innocence Lost National Initiative provide a vehicle for coordination.

Prior Reports

We reviewed reports that were issued by the OIG and the U.S. Government Accountability Office (GAO), as well as other research products related to crimes against children.

OIG Audit Reports

The OIG has not conducted any prior audits specifically examining the FBI's efforts to address crimes against children. However, the OIG included a short discussion on the FBI's crimes against children investigations in its September 2005 audit report on the effect of the FBI's reprioritization of investigative programs following the September 11, 2001, terrorist attacks.⁴¹ According to this audit report, the FBI's field offices in Chicago, Miami, and New York City did not coordinate their investigations of child pornography with other federal agencies. Additionally, this audit report analyzed survey responses from 1,225 state and local law enforcement agencies on whether the FBI's shift in priorities had affected their investigations of crimes against children.⁴² Of the agencies that responded to the inquiry, 69 percent stated that there was "no impact." Only 3 percent reported a negative impact

⁴¹ U.S. Department of Justice, Office of the Inspector General, *The External Effects of the Federal Bureau of Investigation's Reprioritization Efforts*, Audit Report 05-37 (September 2005).

⁴² This survey was sent to 3,514 state and local law enforcement agencies located in the geographical jurisdictions of the following 12 field offices: Atlanta, Georgia; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Detroit, Michigan; Los Angeles, California; Miami, Florida; New Orleans, Louisiana; New York City; Phoenix, Arizona; San Francisco, California; and Washington, D.C.

resulting from the FBI's reprioritization, and 7 percent reported a positive impact.⁴³

U.S. Government Accountability Office Reports

Between July 2006 and July 2007, the GAO issued three reports that examined the U.S. international efforts to combat human trafficking. The July 2007 report stated that the FBI collaborated with CEOS and NCMEC in its efforts to combat domestic trafficking of minors for prostitution through the Innocence Lost National Initiative.⁴⁴

In February 2003, the GAO released a report on file-sharing programs that provide easy access to child pornography.⁴⁵ The report stated that peer-to-peer networks simplify access to child pornography by eliminating the need for a central server or website. In addition, GAO found a significant risk of inadvertent exposure to pornography, including child pornography, for juveniles who use peer-to-peer networks.

In November 2002, the GAO released a report examining coordinated efforts to combat child pornography by federal law enforcement agencies.⁴⁶ The report did not find specific issues needing improvement in the FBI's efforts to address crimes against children.

In March 2000, the GAO issued a report on international parental child abductions, which concluded that improvements were needed for coordination of efforts among the affected agencies.⁴⁷ The report cited an instance where the State Department made inquiries on a case of a missing child only to find that the FBI had located the child and closed its case a month earlier. The report recommended that an integrated database be

⁴³ Of the 1,225 agencies that responded to the survey, 254 (21 percent) indicated that they had no involvement in crimes against children investigations.

⁴⁴ U.S. Government Accountability Office (GAO), *Human Trafficking: A Strategic Framework Could Help Enhance the Interagency Collaboration Needed to Effectively Combat Trafficking Crimes*, GAO-07-915 (July 2007).

⁴⁵ GAO, *File-Sharing Programs: Users of Peer-to-Peer Networks Can Readily Access Child Pornography*, GAO-04-757T (May 2004).

⁴⁶ GAO, *Combating Child Pornography: Federal Agencies Coordinate Law Enforcement Efforts, But an Opportunity Exists for Further Enhancement*, GAO-03-272 (November 2002).

⁴⁷ GAO, *Foreign Affairs: Specific Action Plan Needed to Improve Response to Parental Child Abductions*, GAO/NSIAD-00-10 (March 2000).

maintained by the State Department, FBI, and NCMEC to facilitate the exchange of information and to avoid duplicative efforts.⁴⁸

Audit Approach

The objective of our audit was to examine whether the FBI has effectively established a nationwide investigative response to address the sexual exploitation, abduction, and abuse of children.⁴⁹ To accomplish this objective, we interviewed over 200 individuals from various agencies and reviewed thousands of pages of documentation. Specifically, we interviewed officials at FBI headquarters in charge of crimes against children programs and reviewed relevant FBI policies. We also interviewed the Director of the CEOS, NCMEC officials, and the FBI, USMS, ICE, and USPIS federal liaisons stationed at NCMEC headquarters.

Further, we visited five FBI field offices in San Francisco and Los Angeles, California; Miami, Florida; Boston, Massachusetts; and St. Louis, Missouri. At these locations, we reviewed recently closed investigations of crimes against children and interviewed FBI Special Agents, Intelligence Analysts, victim specialists, and forensic examiners involved in crimes against children cases. Additionally, we interviewed representatives from the local U.S. Attorney's Office, USMS, ICE, USPIS, and state and local law enforcement agencies.

Besides visiting the five FBI field offices, we disseminated questionnaires to eight FBI Legal Attachés (Legat) stationed in foreign countries on international parental abduction and to two Legats on child sex tourism. We also interviewed certain state and local law enforcement agencies that had received assistance from the FBI's Child Abduction Rapid Deployment teams.

We discuss our findings in the following three chapters of this report. In Chapter 2, we report on the FBI's efforts to combat the online sexual exploitation of children through its IINI program. Our review of IINI evaluated the FBI's prioritization of the various types of online sexual exploitation of children, the degrees of interagency cooperation, the analysis of digital evidence, and psychological assessments of employees who

⁴⁸ We also reviewed research literature on the topic of crimes against children. We consulted the studies most relevant to this review, which are cited where appropriate in this report.

⁴⁹ Appendix I contains a more detailed discussion of our audit objectives, scope, and methodology.

examine exploitive images of children as a part of their employment. We also discuss IINI's research and outreach activities.

In Chapter 3, we discuss the FBI's efforts to investigate reports of missing children. We analyze internal policies and procedures to ensure that the FBI responds to these crimes in a timely manner and with adequate coordination. This review also examined the adequacy and role of CAC Coordinators in missing children investigations. Furthermore, we present our review of the FBI's efforts in investigating international parental kidnapping of children through a review of recently closed case files and the deployment of a survey to eight FBI Legats.

Lastly, in Chapter 4 of this report we discuss the FBI's strategy for combating the sexual exploitation of minors without a cyber nexus, such as the prostitution of children and child sex tourism. In addition, we assess the strengths and weaknesses of the FBI's initiative for investigating cases of domestic trafficking of children for sexual exploitation, known as the Innocence Lost National Initiative.

CHAPTER 2: ONLINE SEXUAL EXPLOITATION OF CHILDREN

To combat the online sexual exploitation of children, the FBI established the Innocent Images National Initiative (IINI) in 1995. In FYs 2006 and 2007, the FBI opened over 2,000 IINI cases each year and, on average, focused 70 percent of its 238 IINI Special Agent personnel on investigating online child exploitation criminal enterprises and producers of online child pornography – the top IINI priorities. The nature of online activity makes cyber-related sexual exploitation of children a borderless crime and requires effective coordination to address enterprises and persons that sexually exploit children through the Internet. The FBI coordinated its IINI efforts domestically under the DOJ's Project Safe Childhood initiative and internationally through an international task force spearheaded by the FBI. We concluded that the FBI could improve its operations to address the online sexual exploitation of children in several areas. Specifically the FBI has a backlog of digital evidence in cyber crimes against children cases awaiting forensic analysis, which can impede the investigation of child exploitation cases. In addition, we found that the FBI's undercover employees working child pornography cases were not receiving timely, routine psychological assessments as required by FBI policy. Further, the FBI lacked a policy governing psychological assessments for other employees, such as forensic examiners and non-undercover Special Agents, whose jobs expose them to child pornography and the possible adverse mental health effects associated with such exposure.

Child pornography is defined in the U.S. Code as "visual depictions... of sexually explicit conduct" involving minors.⁵⁰ The advent of the Internet and continuing advances in technology have simplified the production, distribution, and ease of accessing such depictions. One distinguishing feature of Internet-facilitated child pornography from the printed counterpart is that an electronic file of the images can be easily copied, disseminated, stored, and archived. In short, the electronic file has no shelf life and may exist in perpetuity with limitless distribution potential. Additionally, the proliferation of Internet-facilitated child pornography has led to an increase in the number of violent images used in child sexual exploitation. An increasing number of victims of these crimes are younger children, including toddlers and infants.

⁵⁰ 18 U.S.C. § 2256 (8).

FBI officials pointed to a rapid rise in the incidence of online sexual exploitation of children. One measure of this increase is the growing caseload of NCMEC's CyberTipline[®], created in March 1998 as a clearinghouse for collecting intelligence and leads on sexual crimes against children. In 2003, the CyberTipline[®] received 7,038 reports relating to cyber-facilitated child pornography; in 2007, 20,760 of such reports were received. In total, the CyberTipline[®] received 77,167 reports from 2003 to 2007 specifically relating to cyber-facilitated crimes against children.⁵¹

Based on our analysis of the research literature, we identified the following characteristics of online sexual exploitation of children and issues for law enforcement.⁵²

- Internet accessibility and innovations such as digital cameras have led to a greater supply and demand in cyberspace for images of the sexual exploitation of children.
- Because cyberspace has no territorial borders, law enforcement agencies have had to operate with redefined "jurisdictions" when investigating cyber crimes against children.
- Innovations in digital storage devices have increased the volume of exploitative images of children and, consequently, the amount of digital evidence that must be forensically processed.

These characteristics present significant challenges for law enforcement officials investigating these crimes. Not only is the crime becoming more frequent, law enforcement officials must also keep pace with the constant evolution of technological capabilities being employed in the production and distribution of exploitative images of children.

⁵¹ These statistics include reports sent to law enforcement where the child pornography was facilitated by commonly used electronic-sharing technologies and do not represent the full universe of CyberTipline[®] reports of child pornography.

⁵² Literature on crimes against children is voluminous. The following are some of the documents we examined as part of this review: *Sexual Exploitation of Children Over the Internet*, Committee on Energy and Commerce, U.S. House of Representatives, 109th Congress, January 2007; *Project Safe Childhood: Protecting Children from Online Exploitation and Abuse*, May 2006; and *Child-Pornography Possessors Arrested in Internet-Related Crimes*, Copyright © 2005, NCMEC.

Innocent Images National Initiative

To combat the online sexual exploitation of children, in 1995 the FBI established a nationwide investigative response by creating its Innocent Images National Initiative (IINI). The IINI Unit is a component of the FBI Cyber Division that investigates major online groups, producers, manufacturers, and possessors of sexually exploitative images of children. Additionally, IINI has responsibility for investigating adults who entice minors via the Internet in an effort to exploit them sexually. Since its inception, IINI has reported significant increases in the number of cases initiated and the number of convictions obtained as a result of these investigations.

IINI's OPERATIONAL STATISTICS FISCAL YEARS 1996 THROUGH 2007

FY	Investigations Initiated	Convictions ⁵³
1996	113	68
1997	301	87
1998	698	84
1999	1,497	315
2000	1,541	476
2001	1,559	557
2002	2,370	646
2003	2,430	714
2004	2,645	881
2005	2,402	994
2006	2,135	1,018
2007	2,443	1,023
Total	20,134	6,863

Source: FBI

By comparison, the FBI's statistics on the non-cyber-related interstate transportation of obscene matter involving children have been significantly smaller. The FBI opened 47 investigations of non-cyber-related child pornography crimes in FY 2003 and only 13 investigations in FY 2007. These figures are consistent with the ongoing trend of offenders using cyberspace as the primary venue for the sexual exploitation of children.

⁵³ Statistics on convictions include a small number of cases known as "pretrial diversion," where the prosecutor and the defendant reach an agreement where the defendant pleads guilty and is committed to a sex offender treatment program instead of going to jail. According to FBI officials, charges are not dropped even after successful completion of the sex offender treatment program. There were 6 pretrial diversions in FY 2004, 12 in FY 2005, 5 in FY 2006, and 8 in FY 2007.

The FBI's Management of IINI

The FBI developed policies to help ensure that it provides adequate managerial controls over IINI. Our review of the application of these policies revealed that the FBI generally provided the necessary oversight of IINI to address the challenges of combating the online sexual exploitation of children.

Prioritization of Cyber Crimes Against Children

The investigation of cyber crimes – including those directed against children – ranks third among the overall investigative priorities of the FBI, behind only counter-terrorism and counter-intelligence.⁵⁴ Within the overall category of cyber crimes against children, the FBI increased the investigative classifications of IINI from one to four in January 2002 to account for the variety of these crimes. In September 2005, the FBI further established a priority order to help Special Agents address incoming leads. The following table outlines the priority ranking of the four classifications of the FBI's cyber crimes against children program.

PRIORITIES OF THE FBI'S IINI PROGRAM

Ranking	Classification	FBI's Rationale for Priority Ranking
1	Enterprises operating commercial child pornography websites or promoting and facilitating the exchange of child pornography amongst group members ⁵⁵	Complex multi-subject, multi-jurisdictional, and international investigations
2	Producers of child pornography	Opportunities to identify and rescue victims from on-going exploitation
3	Online enticement of minors through mechanisms such as chat rooms	Subjects who take concrete steps to exploit children
4	Possession of child pornography	Most common violation – investigate if an enterprise-level nexus exists

Source: FBI IINI

⁵⁴ Appendix VII lists the FBI's overall investigative priorities.

⁵⁵ Enterprises that operate commercial child pornography websites are not necessarily involved in the production of the child pornography, but rather the distribution of pre-existing material.

To assess the FBI's efforts in each of the four categories and whether the FBI adhered to these priorities for investigating cyber-related child exploitation, we analyzed FBI data on case openings and resource utilization for IINI investigations that started after the September 2005 establishment of the priorities. The following table shows the number of cases opened in FYs 2006 and 2007 for each IINI investigative category. In both FYs 2006 and 2007 the FBI reported opening over 300 enterprise-level investigations, and in FY 2007, the FBI reported opening more than 1,000 child pornography production cases.

**FBI IINI CASE OPENINGS
FISCAL YEARS 2006 THROUGH 2007⁵⁶**

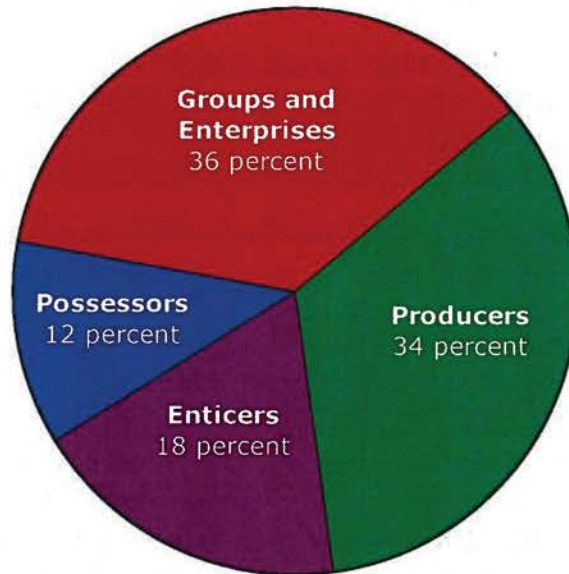
Fiscal Year	Groups and Enterprises		Producers		Enticement		Possessors	
	Cases	%	Cases	%	Cases	%	Cases	%
2006	309	14	862	40	488	23	474	22
2007	354	14	1,079	44	456	19	564	23

Source: FBI

The investigations of enterprise-level groups are time-consuming because they frequently involve multiple subjects and coordination with foreign law enforcement agencies. While the proportion of opened enterprise-level cases was the lowest of the four IINI investigative categories, FBI Special Agent resource utilization data shows that 36 percent of agents working IINI cases were involved in enterprise-level investigations. As shown in the following pie chart, 70 percent of the Special Agent resources utilized on IINI cases investigated enterprises and producers of cyber-related child pornography – IINI's top priorities. These data demonstrates that the FBI is adhering to its established priorities for investigating cyber-based sexual exploitation of children.

⁵⁶ Due to rounding, percentage figures do not always equal 100.

**SPECIAL AGENT UTILIZATION FOR IINI CASES⁵⁷
AVERAGE FOR FYS 2006 and 2007**



Source: OIG analysis of FBI Special Agent resource utilization data

Interagency Cooperation

Cyberspace has no territorial borders, requiring multi-jurisdictional investigations for cases of online sexual exploitation of children. According to a November 2003 study released by NCMEC, 79 percent of the 630 cases reviewed on Internet-related child pornography or sexual exploitation arrests involved 2 or more law enforcement agencies and 46 percent involved 3 or

⁵⁷ Data represented in this pie chart came from the FBI's TURK system, which records the percentage of time devoted by Special Agents to various types of investigations. TURK then converts that information into Average On-Board (AOB) data. One AOB is the equivalent of one full-time agent working in a specific investigative area for one year. On average during FYS 2006 and 2007, out of 238 Special Agents, the equivalent of 86 full-time Special Agents worked on enterprise-level IINI investigations, 81 agents investigated producers of sexually exploitative images of children, and 72 agents worked cases related to online child sexual exploitation enticement and possession.

more agencies.⁵⁸ In a typical scenario, a person living in one city may have downloaded child pornography from a website located in a different city, county, state, or country, and the victimized child may reside in yet another domestic or international location. In such a multi-jurisdictional environment, effective coordination is essential for agencies involved in investigating Internet crimes against children.

The FBI coordinates with other agencies in the investigation of cyber crimes against children through two primary mechanisms. First, the FBI participates in Project Safe Childhood, a 2006 DOJ initiative. Second, in 2004 the FBI created its IINI International Task Force (ITF), which is comprised of foreign law enforcement agencies to address this borderless crime.

Project Safe Childhood

Attorney General Alberto Gonzales made protecting children from crimes facilitated by computers a DOJ priority when announcing the Project Safe Childhood (PSC) initiative on February 15, 2006. The goal of PSC is to enhance the national response to Internet-based crimes against children through the collaboration of law enforcement agencies and non-profit organizations. Additionally, PSC requires each U.S. Attorney's Office to designate a PSC Coordinator, who is responsible for assisting agencies in improving the response to online crimes against children.

The Attorney General specifically cited in the PSC announcement the DOJ-supported Internet Crimes Against Children (ICAC) task forces.⁵⁹ The purpose of the ICAC task forces is to help state and local law enforcement agencies in their efforts to combat cyber crimes against children through training, investigative assistance, and victim-related services. After the announcement of the PSC, the FBI issued in August 2006 an internal memorandum to cyber crime supervisors at all field offices stating that the

⁵⁸ Janis Wolak, Kimberly Mitchell, and David Finkelhor of the Crimes Against Children Research Center, University of New Hampshire, *Internet Sex Crimes Against Minors: The Response of Law Enforcement* (Alexandria, VA: National Center for Missing and Exploited Children, November 2003), ix-x, 13. According to its website, the Crimes Against Children Research Center of the University of New Hampshire "seeks to combat crimes committed against children by providing high-quality research, statistics, and program evaluation to the public, policymakers, law enforcement personnel, and other child welfare practitioners."

⁵⁹ The ICAC Task Forces were created by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Office of Justice Programs (OJP) through the FY 1998 Justice Appropriations Act, Pub. Law No. 105-119.

"FBI will fully integrate ICAC task forces with state and local law enforcement" in support of the efforts to combat online sexual exploitation of children. The ICAC task forces began with 10 task forces in 1999. By October 2007, there were 59 ICAC task forces in all 50 states.

To learn about the FBI's level of involvement with and contribution to the PSC, we interviewed the PSC Coordinator at the U.S. Attorney's Office and representatives from the local ICAC task force at each of the five FBI field office locations that we visited.⁶⁰ The PSC Coordinators at all five locations generally made positive statements regarding the FBI's efforts in combating cyber crimes against children. For instance, the PSC Coordinator in Miami stated that although forensic examinations of evidence by the FBI generally take longer to complete than examinations conducted by other agencies, the quality of the examinations was consistently high. In St. Louis, the PSC Coordinator stated that the investigations by the FBI serve as a model for state investigators in bringing their cases to the federal level for prosecution, explaining that about half of the federal cases in that district originated in local jurisdictions but were transferred to the federal system in order to take advantage of the more severe penalties under federal law. On the other hand, a PSC Coordinator in San Francisco stated in May 2007 that the frequent turnover of staff, both at the FBI and in other agencies, adversely affected the continuity of investigations and the training of new personnel.

While conducting our site work, we identified St. Louis, Missouri, as a good example of a location with a well-established infrastructure on interagency coordination for investigating cyber crimes against children that pre-existed the PSC initiative. In 1999, law enforcement agencies from the St. Louis metropolitan area formed the Regional Computer Crimes Education and Enforcement Group (RCCEEG) of Greater St. Louis to combine the investigative resources and expertise of federal, state, and local law enforcement agencies and judiciaries. In 2001, RCCEEG became the Missouri ICAC task force after receiving an ICAC grant from OJJDP. Currently, the FBI squad that conducts investigations on cyber crimes against children is co-located with the Missouri ICAC task force at the Clayton Police Department in Clayton, Missouri. According to federal and state officials, this co-location facilitates the exchange of information and coordination on investigations between the FBI and members of the ICAC task force. Our interviews with members of the ICAC task force disclosed a high degree of satisfaction with the level of coordination between the Missouri ICAC and the FBI.

⁶⁰ During our fieldwork we visited the following FBI field offices: San Francisco and Los Angeles, California; Miami, Florida; Boston, Massachusetts; and St. Louis, Missouri.

Although three other FBI field offices we visited did not adopt the co-location concept, local ICAC representatives reported a positive working relationship and integration with its FBI counterparts in San Francisco, California; Boston, Massachusetts; and Miami, Florida.

By contrast, our fieldwork in Los Angeles identified issues of concern over the level of interagency cooperation when working investigations of cyber sexual exploitation of children. In June 2007, the PSC Coordinator at the USAO for the Central District of California praised the FBI Los Angeles Field Office for having created an effective mechanism for coordinating the FBI's crimes against children investigations: the Sexual Assault Felony Enforcement (SAFE) team, a multi-agency task force composed of the FBI and seven other law enforcement agencies.⁶¹ However, officials from Immigration and Customs Enforcement (ICE) and Los Angeles Police Department (LAPD) in Los Angeles stated that they rarely interacted with the FBI SAFE team. These omissions are significant because ICE specializes in cyber crimes against children with a trans-border or transnational nexus, while the LAPD houses the local ICAC task force.

In January 2008, the role of the PSC Coordinator in Los Angeles was reassigned to two Assistant U.S. Attorneys. The new PSC Coordinators informed us that they were holding meetings with the FBI, ICE, and LAPD in order to improve coordination among these agencies in cyber crimes against children investigations. These meetings discussed issues such as whether ICE would assign an officer to the SAFE team at the FBI Los Angeles Field Office, as well as the PSC's plans for all law enforcement agencies in the jurisdiction to conduct a major initiative of investigating adults who commit cyber crimes against children using peer-to-peer networks. Regardless of the eventual outcome of these meetings and the peer-to-peer initiative, we believe that opportunities exist for the FBI SAFE team to improve its relations with its partners. We recommend that the FBI Los Angeles Field Office continue to work with the PSC Coordinators in addressing these crimes with its counterparts at the local ICE and ICAC task force.

⁶¹ We noted that although the SAFE team had members from local agencies such as the Los Angeles County Sheriff's Department and California Highway Patrol, federal participation beyond the FBI was limited. There was one representative from the United States Postal Inspection Service, but none from the local ICAC task force or other federal agencies such as Immigration and Customs Enforcement.

IINI International Task Force

According to the FBI, cyber crimes against children increased by 2,050 percent from FYs 1996 to 2005. In the fall of 2004, the FBI created its IINI International Task Force (ITF) to address this global crime problem. The ITF trains law enforcement agents from other countries in the investigation of these crimes and helps the FBI establish working relationships within the international law enforcement community. Since its inception, the ITF has trained over 47 foreign law enforcement officers from Europol and 22 countries.⁶² According to the Chief of IINI, participating countries of the ITF generally fall into two categories: (1) developed countries where the citizens have disposable income to purchase child pornography and (2) developing countries where children are at risk of being victimized through sexual exploitation.

By participating in the ITF, foreign law enforcement officers have the opportunity to work alongside FBI Special Agents investigating cases of crimes against children.⁶³ This also helps the FBI establish relationships with its foreign counterparts, which are crucial to the successful coordination on crimes against children investigations after the foreign law enforcement officers return to their home countries. According to the FBI, global partnership through the ITF has facilitated the exchange of intelligence between the FBI and its foreign counterparts in international investigations of cyber crimes against children.

The IINI Unit Chief believed that the ITF was helpful in investigations requiring assistance from foreign law enforcement counterparts. For example, a law enforcement officer in Toronto, Canada, who was trained in the ITF program, discovered images posted on a British website of extreme sexual exploitation of a 6-year-old girl. The IINI Unit Chief and the Supervisory Special Agent who oversaw the investigation both informed us that these were probably the most heinous images of child sexual exploitation they had ever seen. Through analysis of these images, Canadian officers identified unique marks on the child's clothing and forwarded the intelligence to the FBI for investigative assistance.⁶⁴ The FBI

⁶² Europol, the European Police Office, is the European Union's criminal intelligence agency. The 22 participating countries of the FBI's ITF are: Thailand, the Netherlands, Norway, United Kingdom, Finland, Croatia, Canada, Germany, Latvia, New Zealand, Sweden, Fiji, Ukraine, Australia, the Philippines, Indonesia, Cyprus, Belarus, Chile, Panama, Iceland, and Brazil.

⁶³ The IINI's ITF is located within IINI, where foreign members of the ITF work closely with IINI Special Agents.

⁶⁴ More than 450 images were identified showing the same victim.

eventually traced the victim to a residence in North Carolina and identified the father of the victim as the producer of the images. As a result of the global ties established by the FBI through its ITF, the FBI recovered the child victim and arrested the father, who was convicted of 4 counts of sexual exploitation of a child and sentenced to 100 years in prison.

This example demonstrates that the IINI ITF can be an effective means to secure international coordination and recover victimized children. At the outset of our audit, one IINI official mentioned the possibility of extending the ITF to include law enforcement partners from South America. In August 2008, we learned that law enforcement representatives from Brazil are among the newest members of the IINI ITF. We agree expansion of the ITF would be valuable to the FBI's efforts in combating the sexual exploitation of children, and we encourage the FBI to pursue additional ITF partnerships.

Forensic Analysis of Digital Evidence

A criminal investigation conducted by IINI normally requires the forensic analysis of digital evidence seized. Currently, forensic analysis of digital evidence at the FBI is conducted by its Digital Evidence Section (DES), a component of the Operational Technology Division. The DES is comprised of five units, of which the Computer Analysis Response Team (CART) Unit and the Regional Computer Forensic Laboratories (RCFL) are the primary units assisting IINI. The CART Unit and the RCFLs provide forensic analysis of digital evidence for all types of crimes investigated by the FBI, including crimes against children.⁶⁵ As of Fall 2008, the CART Unit was

⁶⁵ In 2003, The American Society of Crime Laboratory Directors (ASCLD) formally recognized digital evidence as a "scientific discipline." Since then, any forensic laboratory formerly certified by the ASCLD must be reaccredited if that facility processes evidence in any of the following four sub-disciplines: audio, video, image, and computer forensics. The FBI's Digital Evidence Laboratory was accredited on January 16, 2007, in all four of these sub-disciplines.

composed of approximately 255 forensic examiners.⁶⁶ FBI computer forensic examiners, certified by the CART Unit, are responsible for forensically examining digital evidence supporting the FBI's national security and criminal investigative missions, including the IINI.

In the context of cyber crimes against children, digital evidence typically comes in the form of computers, storage media, and other devices that contain child pornography collected, received, produced, or distributed by the subject and text files such as e-mail messages or chat room transcripts showing exchanges between the adult subject and minor victims. The FBI's forensic examiners employ specialized techniques to review digital evidence and identify material for use in investigations and prosecutions of criminals.

To evaluate the FBI's program in the forensic analysis of digital evidence, we interviewed DES officials, evaluated policies and procedures, and reviewed data on forensic analysis of digital evidence. Our review found problems in the timely processing and forensic analysis of digital evidence.

The Process of Forensic Analysis of Digital Evidence

Forensic analysis of digital evidence formally begins when a Special Agent submits a request for services to the CART or RCFL. Upon receipt of the digital evidence, the DES assumes custody of the evidence and assigns the request for service to an available forensic examiner. Thereafter, the CART or RCFL forensic examiner works with the digital evidence through the following sequenced events:

1. preserving, imaging, and authenticating the evidence;
2. processing the imaged evidence to render it intelligible;

⁶⁶ The CART Unit, within the DES, administers the FBI digital evidence program by training, equipping, and testing the proficiency of computer forensic examiners. The CART Unit also established and enforces the digital evidence forensic protocols and procedures used by examiners. Except for approximately 45 examiners and specialty program managers who maintain digital evidence laboratories in Quantico, Virginia, and Linthicum, Maryland, the remaining examiners are deployed at locations across the country in FBI field offices and RCFLs. The total number of CART-certified personnel consists of approximately 54 percent professional support personnel and 46 percent sworn FBI Special Agents. While the CART Unit controls the processes applied by all CART-certified examiners, it does not control examination assignments of examiners in the field nor does it control their employee performance reviews. Those aspects are controlled by the local FBI field office management.

3. presenting the processed evidence to case investigators on a specialized review platform to facilitate their search through the data for information relevant to the facts of their specific investigation (and as needed, assisting investigators in that search process);
4. forensically retrieving information or data tagged by the investigators as relevant to their investigations; and
5. preparing a report of the forensic analysis.

According to the FBI, it generally takes about 3 to 4 hours to image and authenticate the digital evidence, which involves creating a copy of the evidence seized and ensuring that the copy is an exact duplicate of the original evidence. Processing the "imaged" copy of the seized evidence consists of creating a list of all files found, as well as generating and comparing known and unknown "hash values" (or a digital "fingerprint") to identify the files or images.⁶⁷ According to the FBI, processing the evidence may take an average of 40 hours depending on the condition of the computer or digital device and the volume of data contained therein.

Regardless of the timeframe required, a thorough analysis of computer forensics is an indispensable component of an IINI investigation because digital evidence can significantly improve (or a lack of quality digital evidence can hinder) the prosecution of a cyber crime committed against a child. For example, by obtaining the system files residing in digital evidence, a Special Agent may use the forensic analysis to prove possession, receipt, production, transportation, and distribution of child pornography.⁶⁸

⁶⁷ Hash values can serve as a "fingerprint" of a digital file. According to the Scientific Working Groups on Digital Evidence and Imaging Technology, a hash value is "a numerical value used to substantiate the integrity of digital evidence and for inclusion or exclusion comparisons against known value sets." During a digital forensic examination, the forensic examiner uses a hash value primarily to establish that: (1) a duplicate set of data created during the forensic process is an accurate representation of the source set of data; and (2) the duplicate set of data has not been altered from the source set of data during the examination process.

⁶⁸ Some of the system files used by the Windows operating system cannot be easily altered or tampered with by users and may assist forensic examiners in obtaining an account of activities of the subject on the computer, such as websites visited and files created and/or viewed. This holds true even when the subject has deleted files from the computer, because deleted files generally remain in the unallocated portions of the hard drive and may be recovered by a forensic examiner.

Timeliness of Forensic Analysis of Digital Evidence in Child Exploitation Investigations

The MIOG of the FBI states that the "CART's primary responsibility is to provide field office investigators who encounter computer-related evidence with reliable, comprehensive, and timely information and technical support." However, the FBI does not have criteria regarding the timeframe within which a forensic examiner must assign and complete a request for services. According to DES officials, it is impractical to impose criteria on timeliness for all requests for service because the amount of digital evidence submitted for analysis varies from one request to another. One investigation may result in the seizure of a single computer, while another investigation may involve a subject with multiple computers. Even with two requests for forensic services of a comparable type and amount of digital evidence, the time required for analysis may vary based on the condition of the evidence seized and the scope of the request for forensic assistance.

The only DES criteria on timeliness that we identified in our review concerned the backlog of requests for services from CART. According to DES officials, CART defines a request for service to be in backlog status when one of the following two conditions is met:

1. A lead examiner has not been assigned within 30 days of a request.
2. The request was assigned to an examiner but the examination of the digital evidence has not been completed within 60 days of the requestor's submission to CART.⁶⁹

According to an FBI official, however, the 60-day period does not represent the timeframe for when the analysis of digital evidence must be completed, in part because, as described above, a significant step in the process involves interactions between forensic examiners and case investigators when reviewing data relevant to specific investigations. Instead, the definition of the backlog status of a service request is primarily intended as a tool for field managers to monitor, manage, and reprioritize forensic examinations.

⁶⁹ Completed examination of digital evidence includes the completion of all 5 steps in the process of forensic analysis. Forensic analysis includes: (1) preserving, imaging, and authenticating the evidence, (2) processing the imaged evidence, (3) presenting the processed data for the investigator's review, (4) forensically retrieving of information tagged by the investigator as relevant to the investigation, and (5) preparing a report of the forensic analysis.

Officials of the DES stated that it has implemented initiatives to foster cooperation between forensic examiners and Special Agents to facilitate the analysis process. However, the overall amount of digital evidence analyzed by the DES increased nearly 2,200 percent between FYs 2001 and 2007, from 115 terabytes to 2.57 petabytes.⁷⁰ A contributing factor to the increasing workload of digital evidence is the tendency of collectors of child pornography to amass huge quantities of such materials, which has become worse in recent years as a result, in part, of the continual innovations in inexpensive storage devices for digital media. While the workload of the DES has increased dramatically, funding for the DES has decreased on an annual basis since FY 2004 from \$18.2 million to \$13.2 million in FY 2007. In terms of forensic analysis for child sexual exploitation investigations, the number of service requests from IINI from FYs 2005 to 2007 has remained relatively stable at about 2,400 service requests. However, the amount of digital evidence examined from these investigations in that same time period has increased by 38 percent, from 429 terabytes to 591 terabytes.

The following table illustrates for FYs 2005 through 2007 the number of IINI digital evidence service requests in backlog status at the fiscal year end.

**BACKLOG OF DIGITAL EVIDENCE SERVICE REQUESTS
FOR IINI INVESTIGATIONS
FISCAL YEARS 2005 THROUGH 2007**

FISCAL YEAR	End of Fiscal Year Backlog of IINI Service Requests Not Yet Assigned or Inventoried
2005	616
2006	527
2007	353

Source: OIG analysis of FBI data

An IINI official stated that it has taken on average about 100 days from the date of the service request to the date the completed results are provided from the forensic examiners. Outside the FBI, representatives from the United States Attorney's Offices also informed us that they have noted protracted processing time of forensic analysis of digital evidence from the FBI in child sexual exploitation cases.

⁷⁰ One terabyte equals 1,024 gigabytes. One petabyte equals 1,024 terabytes. According to the FBI, as printed text one petabyte equals approximately 100 billion reams of paper.

We selected a sample of 38 cases closed between October 1, 2005, and Spring 2007 from the 5 FBI field offices that we visited, and we analyzed the amount of digital evidence collected for each case and the dates when service requests were received, assigned, and processed by DES. Of the 38 cases that we reviewed, 17 (45 percent) received forensic analysis of digital evidence and 4 of these 17 cases involved multiple examinations. Altogether, 22 examinations were conducted for these 17 cases.

We analyzed the dates when the CART field managers received the requests for forensic services and assigned them to a forensic examiner. According to DES data, these examinations were assigned, on average, within 20 days of receiving the service request. This was well within the 30-day criteria on backlog, defined as the time period from when the CART managers receive a service request to when they assign that service request to an available examiner. For the 17 cases we reviewed, data from DES indicated that forensic analysis results were available for Special Agent review, on average, 9 days from the date when the service request was assigned to an examiner; the longest analysis in our sample took 90 days.⁷¹

The DES provided us with the national averages of all IINI-related forensic analysis of digital evidence performed by its Computer Analysis Response Teams and Regional Computer Forensic Laboratories from a database at these programs' Intranet.⁷² These figures are shown in the following table. The assignment cycle represents the time frame from the date that a service request is received by the CART or Regional Computer Forensic Laboratories managers in the field or at FBI headquarters laboratories to the date that the request is assigned to a forensic examiner. The overall cycle represents the time from the date that the request is assigned to the forensic examiner to the date that the Special Agent is informed that the digital evidence is ready for review.

⁷¹ This overall cycle covers the completion of the five sequenced events described above.

⁷² The DES has informed us that it is working to develop and deploy a different business process management system that it believes will be capable of providing real-time or nearly real-time information on digital evidence forensic examinations.

**FBI DIGITAL EVIDENCE SECTION
NATIONAL AVERAGES FOR
ASSIGNMENT AND OVERALL CYCLES ON IINI CASES**

Fiscal Year	Assignment Cycle (in days)	Overall Cycle (in days)
2005	39	90
2006	35	65
2007	19	59

Source: FBI

Despite an increasing volume of data being submitted for examination, the FBI improved its processing time related to cyber crimes against children in FYs 2005 through 2007. However, FBI officials in IINI and the DES acknowledged that the overall processing of digital evidence has in some instances taken unduly long periods of time. Interviews with IINI officials and data from DES indicate that forensic examinations of cyber crimes against children evidence take from 3 months to as long as 9 months to complete. Although we recognize that the processing of digital evidence may be complex, in our judgment taking 9 months for examiners to process and investigators to search through a case's digital evidence is too long. To ensure timely processing of digital evidence, the DES should establish appropriate deadlines or benchmarks for completing the service requests.

Although we did not find evidence of forensic examinations and analysis taking over 9 months for the cases that we reviewed, we did find that at the end of FY 2007 CART examiners had a backlog of 353 service requests from IINI waiting either to be assigned or inventoried. While the backlog numbers kept by the FBI have decreased in the past 3 years, 353 service requests out of 2,429 in FY 2007 represent a significant backlog because the examination of the digital evidence can help the FBI locate children being exploited and expedite the process of prosecuting the subjects. The following table details the end-of-fiscal-year service requests that were in a backlog status from IINI in FY 2007, based on the four investigative categories of IINI and the two-part definitions of backlog of service requests of the DES.

END OF FY 2007 CART BACKLOG OF SERVICE REQUESTS FROM IINI

IINI Investigative Category	Service Requests that were Incomplete or Without Completed Exams	Service Requests that were Unassigned	Total
Groups and Enterprises	54	27	81
Online Enticement	28	14	42
Producers	119	34	153
Possessors	52	25	77
Totals	253	100	353

Source: FBI

IINI and the DES officials said they have worked closely to develop a solution to address the amount of time required to analyze the large quantities of digital evidence that often accompany investigations of online crimes against children. In March 2007, the FBI submitted to the Office of the Deputy Attorney General its *Joint Proposed Revisions of Computer Forensic Examination and Cyber Protocols to Expedite the Review of Seized Digital Media in Child Exploitation and Obscenity Investigations (Joint Proposed Revision)* for review. In this proposal, the FBI stated that it needs "significant additional personnel and resources" in coming years to keep up with an ever-growing amount of digital evidence in criminal investigations. The *Joint Proposed Revisions* discussed a plan that included further enhancing technological tools used in previewing and processing digital evidence, hiring of 10 additional forensic examiners, and establishing 2 or more laboratories that would be devoted solely to the processing of digital evidence seized in cyber crimes against children.

On February 13, 2008, the Deputy Attorney General issued a memorandum to the FBI, the Criminal Division, the Executive Office for United States Attorneys, and United States Attorney Offices, which included both short- and long-term strategies on coping with the increasing volume of digital evidence from child sexual exploitation cases requiring forensic analysis. The short-term strategy endorsed the FBI's plans to upgrade and expand its use of preview tools, hire additional forensic examiners, and establish new forensic laboratories dedicated to the processing of significant cases of child exploitation investigations.

Additionally, the short-term strategy also includes the construction of a new forensic laboratory in Linthicum, Maryland. This new laboratory will be

devoted exclusively to working on high-priority cases of sexual exploitation of children. DES officials said they hope this new laboratory will help address the current backlog of unreviewed evidence in priority investigations.

The opening of a new laboratory partially addresses the FBI's proposal that it submitted to the Office of the Deputy Attorney General, which requested two new forensic laboratories. Other endorsements by the Office of the Deputy Attorney General include a real-time tracking system being developed by the FBI that would track the processing of digital evidence from the time of seizure. However, there was no indication in the memorandum whether the DOJ would supplement the FBI's budget to fund these enhancements.

The long-term strategy includes a permanent DOJ Computer Forensics Working Group that will seek to efficiently allocate resources to process the growing volumes of digital evidence. Composed of representatives from various DOJ components, including the FBI, the Computer Forensics Working Group is supposed to meet regularly and recommend "long-term prosecution and investigative strategies designed to maximize the efficient use of limited digital evidence forensic capabilities."⁷³ The Working Group also is supposed to recommend guidelines and performance measures for computer forensic examinations, including timeframe benchmarks for processing digital evidence.

DES officials cautioned that they believed that law enforcement would always be outpaced by fast technological changes that allow individuals to increase the amount of child sexual exploitation materials that is maintained in digital files. Specifically, DES officials believe that the amount of digital evidence seized in child sexual exploitation cases will continue to rise more quickly than law enforcement agencies' ability to adequately cope with processing such evidence.

Mental Health of FBI Personnel

According to an ICAC manager who we interviewed, law enforcement personnel who are exposed on a regular basis to child pornography that is sexually explicit and possibly violent can suffer long-term emotional consequences. A Supervisory Special Agent at an FBI field office we visited

⁷³ See Craig Morford, Acting Deputy Attorney General, memorandum to United States Attorneys' Offices, Executive Office for United States Attorneys, Criminal Division, and the FBI for FBI digital evidence, forensic examination, resources, and child exploitation investigations, February 13, 2008, 9.

stated that the FBI may also be at risk as the employer of these individuals should an agent working these cases suffer trauma, a job-related breakdown or commit an illegal act as a result of exposure to images of child sexual exploitation. For these reasons, we reviewed the FBI's efforts to address the mental health of individuals who must review child pornography as a part of their employment.

The FBI's IINI Manual requires Special Agents to undergo psychological tests administered by the FBI's Undercover Safeguard Unit (USU) to be certified to perform undercover investigations of cyber crimes against children. The USU assesses the psychological wellness and operational readiness of FBI personnel to engage in or continue to function in covert investigations.

One common example of undercover activity in cyber crimes against children investigations is for a Special Agent to pose as a minor in cyberspace to identify adults intending to exploit children sexually. Additionally, IINI undercover activities may involve infiltrating online groups that exploit children sexually as an investigative tool. USU psychological evaluations benefit both undercover employees and the FBI as an employer. Early detection of employees who may have a problem handling their undercover role or viewing child pornography can allow the FBI to take appropriate steps to ensure its investigations are not jeopardized or improperly handled and can also help the FBI ensure the mental health of its personnel.

Certified Undercover Special Agents

The USU administers an initial evaluation of Special Agents assigned to all undercover activities, including those related to investigating cyber crimes against children. The USU psychologist determines the psychological well-being of the employee who must undertake undercover activities and determines the proper time interval for follow-up assessments during the remainder of the individual's tenure in an undercover capacity.⁷⁴

We reviewed evaluation data from the USU to determine whether Special Agents certified to conduct undercover investigations of cyber crimes against children had received the required follow-up assessments. Based on the July 2007 roster of the IINI, we found that 130 Special Agents, supervisors, and task force officers from the IINI Unit were certified

⁷⁴ We noted that the intervals between assessments were from 6, 9, 12, and 24 months.

undercover officers. We considered a psychological evaluation to be timely if it took place within the timeframe established by the FBI or no more than 1 month beyond that timeframe.⁷⁵ The results of our review showed that, of the 99 undercover officers with assessment data at the USU, 68 were timely evaluated and 31 did not have timely evaluations.⁷⁶ For those agents with untimely USU assessments, the delay until re-assessments were performed averaged 4.5 months and ranged from 1.5 to over 10 months. We were informed that the 10-month delay was due to the demand for the Special Agent's time on a particular case.

We shared the results of our testing with IINI management and were informed that those employees whose evaluations were overdue would be notified to ensure that their follow-up assessments were promptly scheduled. In July 2008, we were informed by IINI management that the Special Agent whose assessment was over 10 months late had been re-evaluated in March 2008 as a result of our finding. Although IINI management informed us that controls are in place to ensure that certified undercover officers receive the required examinations, we concluded that these controls needed improvement because approximately one-third of its undercover agents had not received timely assessments. Without timely assessments of IINI undercover employees by the USU, the FBI management would not have the necessary assurance that these individuals were mentally fit in conducting sensitive operations on cyber crimes against children.

Other FBI Employees

We identified two additional categories of FBI personnel who are not certified undercover officers but whose duties expose them to child pornography and who are not required to submit to psychological assessments: (1) Special Agents who investigate cyber crimes against children but not in an undercover capacity, and (2) forensic examiners who review digital evidence of cyber crimes against children. USU officials informed us that they would not refuse to provide a psychological assessment if requested by an employee. However, USU officials

⁷⁵ In our judgment, it was reasonable to allow an extra month for completing the evaluations to allow for any scheduling issues that may arise.

⁷⁶ Of the 130 IINI certified undercover officers, the USU's records showed that there was evidence of a USU evaluation or follow-up assessment for 99 officers. For the remaining 31 officers on the undercover roster that did not have a record of a USU evaluation or follow-up assessment, about half had their undercover assignments discontinued or they were transferred out of their IINI investigative duties before we conducted our fieldwork in Summer 2007.

emphasized that the USU's mission focuses on assessing undercover employees and it relies on FBI management to refer non-undercover employees on an as-needed basis. For instance, we learned that forensic examiners at the Los Angeles Field Office had received mental health screening from the USU because their supervisor requested the screening.

The DOJ recognizes the mental strain on individuals involved in the investigation of child pornography.⁷⁷ In its February 2007 revision of the *ICAC Task Force Operational and Investigative Standards*, the DOJ notes that:

[g]iven the graphic nature of evidence routinely encountered in ICAC related cases, the mental health of investigators working such cases is a great concern. Task force supervisors at all levels are encouraged to make reasonable efforts to ensure that all assigned officers remain fit for duty.

An analysis by the FBI's BAU-3 of the child pornography seized in FBI investigations determined that most "collections also contain multiple paraphilic themes, including bestiality, bondage, sadism, urophilia, etc." Similarly, a 2005 study by NCMEC found that 21 percent of the images in a sample of 429 cases "had child pornography depicting violence such as bondage, rape, or torture. Most of these... images [were] of children who were gagged, bound, blindfolded, or otherwise enduring sadistic sex."⁷⁸

Considering the content of violent or sexual exploitative images of children and the mental and emotional risk it poses to FBI employees who are exposed to these images, we believe the FBI should consider broadening USU's evaluation services to more than Special Agents working undercover assignments. Therefore, we believe the FBI should establish guidelines for providing USU-approved psychological assessments or counseling to all

⁷⁷ Outside of law enforcement, we noted that employees at NCMEC's Child Victim Identification Program (CVIP) receive quarterly mental health evaluations. The CVIP "serves as the national clearinghouse for child-pornography cases across the country and the main point of contact to international agencies about child-pornography victims."

⁷⁸ Janis Wolak, David Finkelhor, and Kimberly J. Mitchell, *Child-Pornography Possessors Arrested in Internet-Related Crimes: Findings From the National Juvenile Online Victimization Study* (Alexandria, Virginia: National Center for Missing and Exploited Children, 2005), xi and 5.

personnel who have had or will have exposure to child sexual exploitation material.⁷⁹

FBI Research on the Online Sexual Exploitation of Children

Research on the online sexual exploitation of children is critical to an effective response to cyber crimes against children because of rapid advances in technology that provide offenders with new tools for committing such crimes. Results and insights gained through research can be refined into innovative investigative techniques and applied to improve law enforcement's effectiveness against criminals who exploit children. Consequently, the goals and objectives of the FBI's Cyber Crime Section for 2007 include the expansion of the "IINI's intelligence collection and analysis capability."

We found that the FBI's BAU-3 and Intelligence Analysts have conducted research projects on the online sexual exploitation of children. Since 2002 the BAU-3 has been conducting an ongoing research project on cyber crimes against children by reviewing the details of completed investigations. Using a 60-question protocol, this research project examines closed investigations conducted by IINI to address topics such as characteristics of offenders and the content of collections of child exploitation images, including the age and gender of victims. The BAU-3 has examined about 200 cases as part of this project. Although this research project is not yet completed, the BAU-3 has already issued an interim reference guide based on analyses to date and has provided training to Special Agents in courses offered by IINI.

Beyond the BAU-3's efforts, the FBI has also expanded its research through the use of its Intelligence Analysts. The FBI has increasingly required its Intelligence Analysts to focus on "strategic" intelligence assignments, which allow the FBI to identify patterns and forecast emerging trends in crime, instead of the more narrowly focused "tactical" assignments that focus on specific investigations. During our audit, we identified two Intelligence Analysts who perform research aimed at gathering strategic intelligence that supports the FBI's efforts to combat cyber crimes against children.

At the FBI's Los Angeles Field Office, an Intelligence Analyst researches current literature on digital technology to assess whether any

⁷⁹ According to the DES, it periodically informs its forensic examiners of the availability of psychological assessments and counseling, but it has made participation voluntary, unless managers recommend it for specific examiners.

new tools could be used to commit cyber crimes against children. Likewise, at the FBI's San Francisco Field Office an Intelligence Analyst was conducting research related to online exploitation of children. In one assignment, the Intelligence Analyst assumed an undercover identity and visited online cyber locations frequented by adults who exploited children. The goal of this assignment was to learn behavior patterns of offenders that would assist the Special Agents in their investigations of cyber crimes against children.

This type of research should assist the FBI by allowing it to become better informed of crime characteristics, perpetrators' psychology and patterns, as well as emerging technological trends.

FBI Outreach to Minors

Safety issues for minors in online activities constitute a critical aspect of any efforts to combat cyber crimes against children. The FBI's 2004 to 2009 Strategic Plan called for the Cyber programs to "[e]xpand efforts to educate children and parents about Internet dangers." Likewise, the IINI Manual states that the FBI's cyber crimes against children operations should promote "community outreach programs regarding online safety as it relates to children."

We found in the five FBI field offices we visited that the FBI had developed, to varying degrees, safety programs to address dangers posed to minors who engage in online activities. While the FBI offices in San Francisco, Los Angeles, and Boston did not have formal online safety programs, FBI officials said they provided presentations when requested by schools or community groups on the dangers encountered by minors during cyber activities. The frequency of such outreach activities ranged from around four a year by a Special Agent at the San Francisco Field Office to about one to four requests per month at the Los Angeles Field Office.

The other two field offices we visited, St. Louis and Miami, adopted more frequent and formalized approaches to online safety issues for minors. In St. Louis, the Cyber Squad participated in a local non-profit group specifically devoted to helping minors recognize the dangers of unsafe Internet activities. In Miami, the crimes against children squad formed a partnership with Nova Southeastern University in an initiative entitled "Safe Online Surfing." According to the Special Agent responsible for serving as the FBI point of contact for this initiative, more than 10,000 children participated in Safe Online Surfing since its inception in 2005. The Special Agent also estimated that within that same period, he participated in about 20 presentations where he discussed with children safety issues in online activities. In addition to these presentations, the FBI's Miami Field Office

assists in developing interactive web-based activities designed to teach children about the dangers of unsafe uses of the Internet.

The five FBI field offices that we visited recognized the value of community outreach in educating the public on the safety concerns of the Internet. Field offices in Boston, Los Angeles, and San Francisco respond to requests for presentations on Internet safety. However, the partnership between the Miami Field Office and a private program resulted in a larger number of children being informed on this critical issue. We recommend that the FBI field offices consider more formalized approaches to community outreach to minors concerning online safety issues, similar to the approaches taken in St. Louis and Miami.

Conclusion

Cyberspace has become the primary medium for the distribution of sexually exploitative images of children. To address this situation, the FBI established its IINI program, which, according to the FBI, has opened over 20,000 investigations resulting in the conviction of almost 7,000 persons for online sexual exploitation of children since its creation in 1995. In FYs 2006 and 2007 the FBI's timekeeping records indicated that it focused 70 percent of its IINI Special Agent personnel on investigating its top priorities – criminal enterprises sexually exploiting children online and producers of online child pornography.

Online child sexual exploitation is a borderless crime, requiring coordination among federal, state, local, and foreign agencies. The five FBI field offices that we visited generally coordinated with other state and local law enforcement agencies, particularly through the Attorney General's Project Safe Childhood initiative. In the international arena, the FBI created an IINI International Task Force to improve the partnership between foreign counterparts in online child sexual exploitation investigations.

The FBI has supplemented these efforts with behavioral research and intelligence assessments aimed at identifying common characteristics in crimes of child exploitation and of the perpetrators of those crimes. These efforts are designed to provide law enforcement agents with insights to enhance their investigations.

However, the FBI could improve certain aspects of its efforts to combat online child sexual exploitation. We found that the FBI is experiencing long processing times for the forensic analysis of digital evidence in some cyber crimes against children cases. Specifically, the FBI reported that it has taken up to 9 months for the FBI's forensic examiners,

working with case investigators, to complete the examination of digital evidence. Such delays can prevent the FBI from timely identifying children being sexually exploited and prosecuting the perpetrators. We recommend that the FBI continue to explore strategies that would relieve backlog of digital evidence from IINI cases awaiting forensic examination and analysis.

The FBI's Undercover Safeguard Unit (USU) is a headquarters component dedicated to assessing the psychological well-being of Special Agents who work in an undercover capacity, including those working undercover in cyberspace during IINI investigations. However, we found that certified personnel working in this undercover capacity were not receiving psychological re-assessments in a timely manner as required by FBI policy. Additionally, we found personnel not working undercover on IINI investigations but who were exposed routinely to sexually exploitative images of children, such as other Special Agents and forensic examiners, were not screened. Given the content of these images, we believe the FBI should establish guidelines for providing USU-approved psychological assessments or counseling for non-undercover employees who have had or will have exposure to child sexual exploitation material.

Finally, the FBI has policies that encourage the IINI to promote community outreach activities in educating children about the dangers of the Internet as a way to protect them from exploitation. To varying degrees, the five FBI field offices we visited have established outreach programs aimed at alerting young persons of the dangers they may encounter on the Internet. We believe that the FBI should encourage its field offices to explore the possibility of establishing partnership with programs like those instituted in Miami and St. Louis to enhance their ability to promote community outreach.

Recommendations

We recommend the FBI:

1. Enhance its interagency cooperation in Los Angeles with ICE and the ICAC task force.
2. Continue to develop strategies for DES to reduce the backlog of digital evidence related to crimes against children cases requiring forensic analysis.
3. Strengthen internal controls to ensure that IINI undercover employees receive timely mental health assessments from the USU.

4. Establish guidelines for providing USU-approved psychological assessments or counseling for non-undercover personnel who have had or will have exposure to child sexual exploitation material.
5. Consider implementing community outreach activities on Internet safety for children, similar to the cooperative model with external organizations at the Miami and St. Louis field offices.

CHAPTER 3: CHILD ABDUCTIONS

Between FYs 2000 and 2007, the FBI opened over 2,000 child abduction investigations. In 2005 the FBI created its Child Abduction Rapid Deployment (CARD) team program to assist in child abduction cases. Our review of 14 FBI child abduction by strangers cases indicated that in these cases the FBI had responded to incidents of child abductions in a timely and coordinated manner. However, we believe that the FBI could improve its management of child abduction investigations by establishing a mechanism to track and evaluate its timeliness in responding to reports of child abductions. Furthermore, the FBI should strengthen its cooperation with nationwide missing children programs of OJP and NCMEC through written protocol. Finally, the FBI should also provide its Legal Attaché personnel stationed overseas with specialized training on international kidnapping and work to implement a 2000 GAO recommendation to develop a shared database on international parental kidnapping with the State Department and NCMEC.

According to a 2002 federal study on missing children, 99.8 percent of children reported missing were located or returned home alive.⁸⁰ The remaining 0.2 percent either did not return home or were not found. The study estimated that most of missing children cases involved runaways from juvenile facilities and that only an estimated 0.0068 percent were true kidnappings by a stranger. The primary conclusion of the study was that child abductions perpetrated by strangers rarely occur. However, when they do occur, the results can be tragic.

⁸⁰ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP), National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (October 2002), <http://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf> (accessed October 22, 2008). The Missing Children's Assistance Act of 1984 requires the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct periodic studies to determine the number of children reported missing and the number recovered in a given year. OJJDP has sponsored two National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART). NISMART-1 was issued in 1990 based on data from 1988; NISMART-2 was issued in 2002 based on data from 1999. NISMART-2 is a comprehensive study that captured various scenarios where the caretakers did not know the whereabouts of the children: non-family abduction, stereotypical kidnapping, family abduction, runaway children, throwaway children, involuntary missing-lost-injured, and missing with a benign explanation.

The Washington State Attorney General's Office also conducted research on child abduction murders and made the following observations based on its review of over 775 cases between 1968 and 2002:

- in 76 percent of the murders of an abducted child, the child was murdered within 3 hours of the abduction;
- in 89 percent of the cases, the missing child died within 24 hours of disappearing;
- in nearly 60 percent of the cases, more than 2 hours passed between the time someone realized the child was missing and the time police were notified; and
- the primary motive for the abductor was sexual assault.⁸¹

These findings demonstrate that despite the low rate of child abduction murders, law enforcement needs to act quickly in investigating reports of missing children. Specifically, law enforcement agencies must have a notification system in place to receive and share reports of missing children, and law enforcement agencies must sufficiently coordinate to ensure adequate resources are available and effectively utilized in the search for missing children.

FBI Authority and Policy

The FBI has responsibility for investigating child abductions through the U.S. Code provisions on kidnapping.⁸² Additionally, the FBI has internal policies that promote assisting local law enforcement agencies in instances of child abductions.

At the outset of our audit, the Deputy Assistant Director of the FBI's Criminal Investigative Division told us that the FBI considers the victim of child abduction to be in "imminent danger," and as a result, cases of child

⁸¹ Attorney General of Washington and OJJDP, *Investigative Case Management for Missing Children Homicides: Report II* (May 2006). The Criminal Division of the Washington State Attorney General's office began this study in late 1993 with a sample of more than 600 child abduction murder cases and issued the results in 1997. A new edition of the study was released in 2006 by incorporating the results of an additional 175 solved cases of child abduction murders. OJJDP provided partial funding for this study.

⁸² See 18 U.S.C. § 1201 for the federal kidnapping statutes; 18 U.S.C. § 1073, commonly referred to as Unlawful Flight to Avoid Prosecution (UFAP), and amended in December 1980 to include parental kidnapping; and 18 U.S.C. § 1204, codification of the 1993 International Parental Kidnapping Crime Act.

abduction are automatically elevated to the FBI's highest priority. The Chief of the CACU informed us that local law enforcement in smaller departments or rural areas generally do not have the necessary personnel or resources to address child abductions. Further, the infrequent occurrence of child abductions makes the FBI an asset to these investigations. Therefore, the FBI makes it a priority to lend its expertise to local law enforcement during these investigations.

The FBI's Manual of Investigative Operations and Guidelines (MIOG) contains policies relating to the proper investigative response to child abductions. The MIOG states the following with regard to child abductions:

- "[the] mysterious disappearance of a minor. . . should receive an immediate FBI response;"⁸³
- "[each] field office should establish effective liaison which will ensure that local law enforcement agencies are made aware of the FBI's resources, legal jurisdiction and investigative/preliminary inquiry policy;" and
- "all elements of the federal kidnapping statute need not be present in order to institute a preliminary inquiry."⁸⁴

Officials at FBI headquarters reiterated these policies and highlighted areas for improvement through the issuance of two internal memoranda to field offices in 2005. One memorandum issued in January 2005 noted that field offices were inconsistent in how quickly they were responding to reports of missing children. The second memorandum, issued in September 2005, urged field offices to establish effective liaison with state and local law enforcement agencies for child abduction investigations. To highlight the importance of an immediate response and to maximize the possibility of a

⁸³ In addition, the FBI has developed a term, "a minor of tender years," to designate those under the age of 12. The FBI considers minors of tender years particularly vulnerable because of underdeveloped survival and social skills when compared to older children. FBI's MIOG also states that "minors of tender years" may include anyone under 18 "based on several variables such as life experience, intellectual capability, physical and emotional maturity, and other factors." Consequently, the MIOG urges all field offices to react quickly to the disappearance of minors, especially those of tender years.

⁸⁴ Elements of the federal statutes on kidnapping, codified at 18 U.S.C. § 1201, include: presence or absence of ransom or reward; transport of the victim in interstate or foreign commerce; special maritime, territorial or aircraft jurisdiction; victim's status as an internationally protected person or a foreign official; the refutable presumption that a person has been transported to interstate or foreign commerce if not released in 24 hours; and the authorization for a federal investigation to commence within that 24-hour period.

successful recovery, the memoranda referred to findings from the child abduction murder study referenced earlier in this report.

Based on our review of the MIOG and internal memoranda, we believe the FBI has adequate policies to guide personnel in responding to and investigating cases of child abduction.

Timeliness of Child Abduction Investigations

The FBI separates its investigation of child abductions into three classifications: child abduction without ransom (non-parental kidnapping), international parental kidnapping, and domestic parental kidnapping.⁸⁵ Since FY 2000, the FBI has opened over 2,000 child abduction investigations. Specifically, in FY 2007 the FBI opened a total of 77 child abduction cases, 48 domestic parental kidnapping cases, and 58 international parental kidnapping cases.⁸⁶ The following table shows the number of cases opened for these three types of investigations from FYs 2000 through 2007.

⁸⁵ The MIOG explains that kidnappings may be "committed for reasons other than just ransom or reward," including "sexual assault, abuse, or exploitation; child stealing; romance; and custodial or domestic disputes." Also, the FBI tracks abduction cases with ransom requests under a separate classification code that is not unique to children but also includes adult cases. Child abduction cases with ransom requests are not handled by the CACU, but rather the National Violent Crimes Unit, which is also organizationally located within the Violent Crimes Section. Because the FBI does not separate out cases involving child abductions with ransom requests from adult kidnapping cases with ransom requests, we did not include these crimes in our audit.

⁸⁶ The FBI MIOG instructs Special Agents to initiate domestic parental kidnapping investigations under the federal UFAP statutes when: (1) a state or local felony warrant has been issued, (2) local authorities have requested assistance from the FBI, or (3) probable cause is shown that the fugitive parent has fled the state to avoid prosecution. During our fieldwork, we reviewed a total of five cases of domestic parental kidnapping and saw evidence in these files that the FBI assisted local authorities in cases of custody interferences. In all five cases, the missing children were recovered alive; three of the five cases became international in scope after the abducting parents took the children outside the United States.

FBI CASES OPENED ON CHILD ABDUCTIONS AND KIDNAPPING

Investigative Type	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	Total
Child Abduction - no ransom	106	94	102	90	79	87	87	77	722
Domestic Parental Kidnapping	139	118	100	81	66	57	44	48	653
International Parental Kidnapping	126	84	73	83	87	65	72	58	648
Total	371	296	275	254	232	209	203	183	2,023

Source: FBI

As a part of our fieldwork, we selected a sample of five investigations classified as child abduction without ransom – one case at each of the five FBI field offices visited – that were closed between FY 2006 and the dates of our fieldwork at each location in Spring and Summer of 2007.⁸⁷ Of these five cases, three were true abductions of children without ransom and the remaining two were found to be runaway instances. Our review of these case files and subsequent interviews with FBI personnel involved in these investigations determined the following:

- On July 11, 2003, local police in Concord, New Hampshire, notified the FBI of a case of child abduction, resulting in the FBI initiating an investigation that same day. This case involved a father who kidnapped his two children from his estranged wife during a visitation and later murdered them. The FBI's efforts on this case included mobilizing its national resources to assist in tracking leads and locating the remains of the children.
- In 2005, a 13-year-old Missouri girl was reported missing by her mother. The FBI began participating in the investigation the same day it was notified of the child's disappearance. We found documentation showing that the FBI assisted in tracking leads and that the local sheriff's office thanked the FBI for its assistance. However, the FBI administratively closed this case in May 2007 because all leads had been exhausted. The missing girl continues to be featured on the FBI's website in the hope of acquiring new leads.

⁸⁷ We conducted fieldwork at these five FBI field offices: San Francisco and Los Angeles, California; Miami, Florida; Boston, Massachusetts; and St. Louis, Missouri.

- In San Francisco, two parents reported to the FBI in October 2005 that their teenage daughter was missing. An FBI Special Agent initiated an investigation that same day by conducting background research on a possible subject. The girl was found to have run away with her boyfriend and was returned home.
- In Los Angeles, we reviewed a case where the FBI responded to an April 2006 request for assistance from the Los Angeles Police Department on the parental abduction of an infant who was a ward of the state. The FBI responded on the date the request was received and provided assistance in tracking cell phone activities and conducting surveillance at a residence where the missing infant might have been taken. The infant was recovered alive.
- In Miami, the FBI initiated a child abduction investigation in September 2005 for the disappearance of a teenager in response to a lead from local police. Within 2.5 hours of receiving the lead an FBI Special Agent worked the case by conducting a consent search at the residence of a possible subject, tracking leads, and arranging for a polygraph examination on the subject. The teenager had run away and eventually reported herself to local police.

Based on details that we noted in these case files, the FBI personnel appeared to have responded in a timely manner and contributed to the investigations. However, we could not determine how long it took for the FBI, on average, to respond to reports of missing children on a nationwide basis because the FBI does not maintain such data.⁸⁸ The Unit Chief of the CACU stated that the importance of timely response has been emphasized in recent training sessions with CAC Coordinators. Additionally, this Unit Chief said he did not know of any recent instances of untimely response provided by the FBI to missing children reports.

However, the FBI has not established response requirements or a formal mechanism for tracking or assessing the timeliness of its investigative responses to child abduction cases. Responsiveness to child abductions is critical to the well-being of the victimized children and a primary measure for determining the FBI's performance in responding to child abductions. The analysis of response data would enable the FBI to identify any weaknesses in response times and take action for improvements. We recommend that the FBI develop response timeframe requirements and a

⁸⁸ While these details for the five case files reflect the timeliness of the FBI's efforts to respond to each investigation, it was necessary for us to supplement case file information with interviews of FBI personnel related to each case. The case files alone did not allow us to identify and track the time when each critical investigative step occurred.

mechanism for tracking and analyzing FBI responsiveness to reports of child abductions. The data gathered should include the date and time the FBI was notified, when the FBI responded, and when other important steps in the investigation occurred.

Timeliness of Response of FBI's Child Abduction Rapid Deployment Teams

While the FBI does not currently have a formal tracking mechanism on the timeliness of its response to missing children's reports, it became aware of inconsistencies in field office responses to instances of child abduction. As a result, in 2005 the FBI created Child Abduction Rapid Deployment (CARD) teams to help address delays in responding to the disappearance of minors. These CARD teams have become integral to the FBI's response to child abductions.

The FBI conceived of CARD teams as a cadre of Special Agents with experience in conducting investigations of child abductions in multi-jurisdictional settings. The CARD initiative originally consisted of eight teams divided among four geographic regions. In 2007, the FBI expanded the CARD initiative to 10 teams divided among 5 geographic regions.⁸⁹ As of November 2007, there were a total of 64 Supervisory Special Agents and Special Agents nationwide serving as members on 10 CARD teams.⁹⁰

From its first deployment in March 2006 through 2007, the FBI deployed CARD teams on 26 occasions. Eleven deployments resulted in the recovery of the children alive; 13 deployments resulted in the recovery of the children deceased; and 2 deployments did not result in the location of the missing child.⁹¹

⁸⁹ The five regions of the FBI CARD teams are: (1) Northeast, (2) Southeast, (3) Central, (4) South Central, and (5) West. The map in the "FBI Coordination with National Child Abduction Programs" section later in this chapter shows the five regions of the FBI CARD teams.

⁹⁰ The CACU specified the following nine criteria in recruiting CARD team members in August 2005: (1) 5 years broad-based investigative experience with an emphasis on crimes against children, (2) experience in handling multi-jurisdictional cases and crisis management, (3) knowledge of available resources in searches, multi-jurisdictional and international lead coverage and management, (4) knowledge of FBI policies regarding non-family abductions, (5) demonstrated liaison and interpersonal skills, (6) demonstrated organizational and analytical skills, (7) demonstrated operational leadership, (8) demonstrated oral and written communication skills, and (9) approval of the field office's Special Agent in Charge.

⁹¹ See Appendix VIII for our analysis of FBI's first 26 CARD deployments based on the narrative summaries provided by the CACU.

The CACU at FBI headquarters manages CARD team activity and is responsible for reviewing all incoming reports of missing children. After the CACU determines that a child abduction report warrants an immediate investigative response, the CACU contacts the corresponding field office to offer assistance from a CARD team.⁹² If the field office's management accepts CARD team assistance, the CACU deploys the regional CARD team members. BAU-3 Supervisory Special Agents deploy as an integral part of the FBI's CARD team to provide specialized assistance to child abduction investigations.⁹³ Once deployed, CARD team members travel to the crime scene and serve as technical consultants to local law enforcement leading the search for the missing children. The CACU stated that the goal of the CARD deployment is never to take over the investigation but to provide assistance to local law enforcement.

To assess whether the CARD concept has enhanced the FBI's capabilities for providing a timely response to missing children investigations, we reviewed internal controls developed by the FBI to account for program operations. We found that the FBI documents CARD deployments by providing a narrative summary detailing the facts of the case and recounting the efforts expended in investigating the case. Although this documentation provides the date on which the children were reported missing and the date of the CARD team deployments, it does not capture critical data such as the time that the FBI was notified and the time that the FBI acted upon the notification.⁹⁴ Without the ability to establish a precise chronology detailing the sequence of events in the search for the missing child, the FBI does not have necessary data to evaluate whether the FBI and its CARD teams took timely action during the first crucial hours of the missing child investigation that would maximize the chance of recovering the child alive.

Consequently, we recommend that the FBI evaluate its CARD Teams according to established response timeframe requirements and use its tracking mechanism for all child abduction cases to track and analyze CARD team deployments. Again, data collected should include the precise date

⁹² In evaluating incoming reports of missing children, the FBI uses criteria specified in the MIOG, such as the concept of a child of tender years mentioned earlier in this chapter, and whether the missing child is a routine runaway.

⁹³ In June 2008, the BAU-3 Chief informed us that he has made it a mandatory requirement for BAU-3 personnel to participate in all CARD team deployments to assist in the efforts of recovering missing children.

⁹⁴ The only exception among the 26 deployments of the CARD teams was the first deployment, where the CACU noted in the narrative summary both the date and time the police agency notified the FBI field office of the missing children.

and time of critical investigative actions, such as when and how the FBI was notified of the missing child, when the FBI began its involvement in the investigation, and when important steps in the investigation occurred.

FBI CARD Team Post-deployment Review

One of the CACU's FY 2007 strategic goals included developing a post-CARD team deployment survey of FBI field offices that received aid from CARD teams. The purpose of this survey was to assist the CACU in developing policies and procedures that would enhance customer satisfaction from CARD deployments. However, as of June 2008 the CACU had not completed its development of this survey. We believe that the FBI should complete and issue such post-deployment surveys as part of the CARD program. Information obtained from such a survey may also provide the FBI with opportunities to improve the CARD program, enhance its investigative response to these time-sensitive crimes, and improve the chance of recovering missing children.

We surveyed the external customers of the CARD teams to assess their experience of working with the FBI. We selected nine deployments for review and obtained the opinions of the local law enforcement agencies regarding CARD deployments. We selected three deployments from each of the following three categories: (1) deployments that resulted in the recovery of the children alive, (2) deployments that resulted in the recovery of the children deceased, and (3) deployments where the children remained missing.⁹⁵ Altogether we interviewed eight local law enforcement agencies that received assistance from FBI CARD teams, one of which received assistance from CARD teams on two occasions.⁹⁶ We inquired with these local law enforcement agencies as to whether the FBI provided a timely and adequate response to their investigations of missing children.

⁹⁵ Since our initial selections of CARD deployments for further review in Spring 2007, one missing child was recovered deceased among the three deployments where the children had remained missing.

⁹⁶ The eight local law enforcement agencies we contacted were: (1) Franklin County Sheriff's Department in Union, Missouri (recipient of two CARD team deployments); (2) Salinas Police Department in Salinas, California; (3) Salt Lake City Police Department in Salt Lake City, Utah; (4) DeSha County Sheriff's Office in Arkansas City, Arkansas; (5) Allegheny County Police Department in Pittsburgh, Pennsylvania; (6) Smyrna Police Department in Smyrna, Tennessee; (7) Leesburg Police Department in Leesburg, Florida; and (8) Buxton Police Department in Buxton, Maine.

All eight local law enforcement agencies that we contacted were satisfied with the assistance received from the CARD teams and stated that they would not hesitate to contact the FBI in future cases of missing children. In addition, all eight agencies informed us that they were satisfied with the timeliness of the FBI's response. The following is a sample of the agencies' descriptions of the FBI's response:

- In October 2006, the Salinas Police Department in Salinas, California, was contacted by the FBI regarding the disappearance of a seven-year old boy after the FBI learned of the disappearance from the missing person's report submitted by the local police to the FBI's National Crime Information Center. Special Agents from the FBI arrived on scene to provide assistance about 1.5 hours after contacting the police agency. The boy was recovered alive.
- In January 2007, the Franklin County Sheriff's Department in Union, Missouri, contacted a local FBI Resident Agency regarding a missing boy. A Special Agent from the Resident Agency arrived within about 45 minutes of the call, followed by about seven additional FBI Special Agents reporting within 1 to 1.5 hours. This deployment resulted in the recovery of two children alive who had been abducted by the same individual.
- In February 2007, the Allegheny County Police Department in Pittsburgh, Pennsylvania, was searching for a missing two-year old girl. It contacted the local FBI field office and Special Agents arrived in approximately 30 minutes to offer investigative support. Unfortunately, the child was recovered deceased.

In addition to satisfaction with the timeliness of the response of the FBI CARD teams, all eight local law enforcement agencies expressed satisfaction with the FBI CARD teams in terms of coordination. Positive statements about the FBI's coordination included: efforts to share information through daily briefings; cooperative attitude; the absence of secret meetings; ability to access information; and an absence of overbearing attitudes.

Coordination of Child Abduction Investigations

A full investigation of a missing child typically consists of a wide array of investigative tools, including establishing a command center, conducting a neighborhood canvass, interviewing individuals, managing law enforcement officers and volunteers, fielding telephone calls on potential leads, producing and distributing flyers, responding to media inquiries, and maintaining

contact with the victim's family. However, without adequate coordination between agencies and across all levels of law enforcement involved in the investigation, these and other important tasks may become chaotic and counter-productive.

In addition to coordination during an actual investigation of missing children, law enforcement in the same jurisdiction must also establish an on-going working relationship and become aware of each other's resources as preparation for any possible future missing children investigations. The FBI regards this coordination as an indispensable aspect of missing children investigations and thus requires each field office to establish liaison with the local law enforcement agencies to ensure that they are made aware of the FBI's resources, legal jurisdiction, and investigative policy.

To review the adequacy of coordination for instances of child abduction, we evaluated the efforts made by the FBI field office CAC Coordinators to work with their local counterparts from other agencies. We also assessed the degree of coordination evidenced in recently closed investigations and CARD deployments. We reviewed FBI's coordination with two nationwide tactical programs on child abduction: OJP's Child Abduction Response Teams (CART) and NCMEC's Team Adam consultants. Our audit generally found good coordination but identified areas where tracking mechanisms and formal protocols for cooperation between the agencies would further enhance interagency coordination.

FBI Crimes Against Children Coordinators

Since May 1997, each FBI field office is required to designate at least two Special Agent as a Crimes Against Children (CAC) Coordinator.⁹⁷ The CAC Coordinator serves as the FBI's primary link with local law enforcement agencies for missing children investigations and is responsible for advising FBI field office management on available resources for investigating crimes against children. Given the importance of coordination in child abduction investigations, the establishment of the CAC Coordinator by the FBI is an affirmative measure to ensure that each field office maintains liaison with local agencies.

The FBI CACU has issued internal memoranda stressing the importance of building effective liaison with local law enforcement agencies. Specifically, a September 2005 memorandum to the field stated that

⁹⁷ The number of the required CAC Coordinators was reduced from two to one at each FBI field office in February 2004, following the transfer of the IINI from the Criminal Investigative Division to the Cyber Division and the resulting shift of resources.

historically “many FBI field offices [had] not received timely, if any, notification from local and state law enforcement agencies on matters involving child abductions.” The memorandum urged the field offices to ensure other agencies understood the FBI’s responsibilities in instances of child abductions. The Chief of the FBI Violent Crimes Section stated that the ability to establish effective liaison with local law enforcement agencies is a critical factor of the CAC Coordinators’ performance evaluations.

We interviewed the nine CAC Coordinators at the five field offices we visited on their liaison efforts with local agencies as well as their methods of receiving missing children reports in their jurisdiction.⁹⁸ All nine CAC Coordinators stated that they maintained contact with local law enforcement agencies on crimes against children issues. To verify their opinions, we interviewed representatives from local law enforcement agencies at the five locations we selected for field work. Altogether we interviewed six local law enforcement agencies at these five locations.⁹⁹ Officials from these six agencies informed us that there had been no major child abduction cases at the time of our interviews; consequently, they had no specific comments on the effectiveness of investigative response from the local FBI field office. Nonetheless, these officials expressed generally positive working relationship with the FBI in crimes against children cases.

Our field work further suggested that the CAC Coordinators we interviewed had various methods of receiving information on missing children, as detailed in the following table. One CAC Coordinator stated that it is possible for him to receive the same missing children’s report from multiple sources. In our opinion, the CAC Coordinators we interviewed appeared to have adequate means of becoming informed of missing children’s reports occurring in their jurisdiction.

⁹⁸ The five field offices we visited in this audit had two CAC Coordinators. However, the second CAC Coordinator at the Miami Field Office focused on cyber crimes against children and did not typically evaluate incoming reports of missing children. Therefore, we did not include this CAC Coordinator in this aspect of our review.

⁹⁹ We interviewed representatives from these local law enforcement agencies during our field work at the five selected FBI field offices: (1) San Francisco Police Department, (2) San Jose Police Department, (3) Los Angeles Police Department, (4) City of Miami Police Department, (5) Boston Police Department, and (6) St. Louis Metro Police Department.

**SOURCES FOR FBI CAC COORDINATORS
TO RECEIVE REPORTS ON MISSING CHILDREN**

Field Offices	Coordinator No.	FBI Internal E-mail System¹⁰⁰	NCMEC	Local AMBER Program¹⁰¹	Wireless AMBER Alert¹⁰²	Local Law Enforcement Agencies	News Reports from Media
Boston	1	Y	Y	Y	Y	Y	Y
	2	Y	Y	Y	N	Y	Y
Los Angeles	1	Y	Y	Y	Y	Y	Y
	2	Y	Y	Y	Y	Y	Y
Miami¹⁰³	1	Y	Y	N	N	Y	N
San Francisco	1	Y	Y	N	N	Y	Y
	2	Y	Y	Y	Y	Y	Y
St. Louis	1	Y	Y	Y	Y	Y	Y
	2	Y	N/A	Y	N/A	Y	Y

Source: OIG tabulation from responses of FBI personnel

¹⁰⁰ The category of missing children reports from the FBI's internal e-mail system includes reports sent to the CAC Coordinators from: the local FBI field offices; the CACU, and the Critical Incident Response Group; and the FBI's liaison at NCMEC, who reviews missing children's reports received by NCMEC and then forwards such reports to the appropriate FBI field offices for further response. One significant category of missing children reports comes from the FBI's National Crime Information Center (NCIC), which distributes the reports to NCMEC for further dissemination. The National Child Search Assistance Act of 1990 requires federal, state, and local law enforcement agencies to enter information about missing children into NCIC without the observance of any waiting periods.

¹⁰¹ The America's Missing: Broadcast Emergency Response (AMBER) Alert began in 1997 in Texas as a local program to inform the public about missing children. As of December 2007, AMBER Alert had expanded to 119 statewide, regional, and local AMBER plans and resulted in 365 successful recoveries. Nevertheless, one FBI official stated that the FBI has investigated child abductions that were not broadcast through the AMBER plans because not all criteria of the plans were met.

¹⁰² Anyone may sign up to receive wireless AMBER Alerts by designating up to five zip codes. These notifications on missing children are sent to a subscriber's wireless devices.

¹⁰³ Although the Miami Field Office has two CAC Coordinators, the second coordinator is assigned to crimes against children facilitated through high technology and did not typically evaluate incoming reports of missing children. Therefore, we do not include this CAC Coordinator in this table.

While FBI headquarters has issued reminders and evaluated the liaison efforts of the CAC Coordinators as a part of their performance ratings, we found that the CACU did not have a means to measure the sufficiency of these liaison efforts, such as the name and number of agencies contacted by the CAC Coordinators on child abduction investigations. By not tracking liaison activities of CAC Coordinators, the CACU at the FBI headquarters does not know which CAC Coordinators have not performed liaison activities or which jurisdictions have local law enforcement agencies that are resistant to FBI's investigative assistance. Consequently, we believe that the CACU should develop a mechanism to track the liaison efforts of its CAC Coordinators.

FBI Investigative Coordination

To verify that the FBI field offices coordinated its child abduction investigations with local law enforcement agencies, we reviewed a limited sample of recently completed child abduction investigations conducted at the five FBI field offices that we visited. Our sample consisted of one child abduction investigation at each of the five FBI field offices visited that was closed from FY 2006 to the time of our fieldwork in Spring and Summer 2007. In reviewing these five case files, we looked for evidence that the FBI field offices coordinated their investigative efforts with local law enforcement agencies in attempting to recover the missing child. Our review of these cases found:

- At the San Francisco Field Office, the FBI Special Agent responded to a step-father's request for assistance in locating his step-daughter in October 2005. The FBI Special Agent contacted the San Ramon Police Department in San Ramon, California, as a part of the investigation. The step-daughter voluntarily returned home after running away with her boyfriend.
- At the Los Angeles Field Office, the FBI Special Agent assisted the Los Angeles Police Department (LAPD) in April 2006 in locating a 10-month-old child who was believed to have been abducted by the mother who lived out of state. The FBI assisted the LAPD by tracking cell phone activities and performing surveillance at the mother's residence. The child was recovered alive.
- At the Miami Field Office, the FBI responded to the local police agency's report of a missing teenager in September 2005. Documents in the case file supported the FBI's coordination with at least four state and local law enforcement agencies in tracking

down the missing girl who had run away to meet with an adult male whom she had met online. The girl was recovered alive.

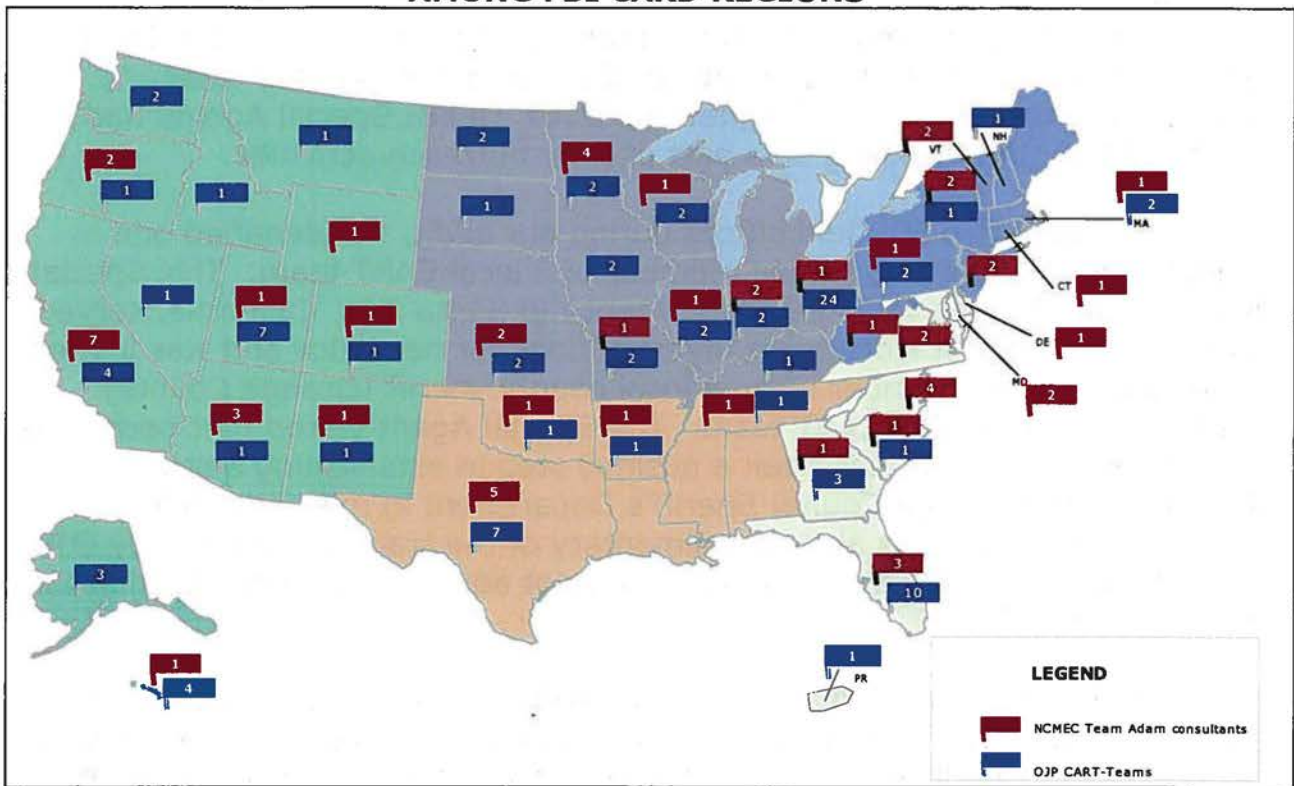
- At the Boston Field Office, we reviewed a child abduction investigation that required extensive coordination among FBI field offices as well as the FBI Legal Attaché in Australia. This case involved a father who in July 2003 abducted his two children in New Hampshire and killed them both in Ohio. He was later arrested in California. The case file contained documents showing the FBI's contacts with its field offices; local police agencies; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the Australian Federal Police. The case file also included an April 2004 letter from the office of the Attorney General of New Hampshire thanking the FBI for its assistance in the investigation.
- At the St. Louis Field Office, the FBI assisted the Lincoln County Sheriff's Department in the search for a missing 13-year-old girl in March 2005. Our review of the case file found that the FBI maintained contacts with the Lincoln County Sheriff's Department throughout the investigation. Furthermore, the Lincoln County Sheriff's Department thanked the FBI in May 2005 for providing assistance in the search operation. The child was not recovered.

FBI Coordination with National Child Abduction Programs

In addition to the FBI's CARD teams, two other non-FBI national programs assist in investigations of child abductions: the OJP Child Abduction Response Team (CART) and NCMEC's Team Adam consultants. These programs – supported in part by DOJ funding – exist to enhance the effectiveness of child abduction investigations. Because of the potential that individuals from these programs and the FBI CARD teams could participate in the same investigation, it is important for the FBI to coordinate with these programs to ensure the effective use of resources.

The following map illustrates the number and the distribution of OJP CART teams and NCMEC Team Adam consultants among the five regions of FBI CARD teams.

**DISTRIBUTION OF OJP CART TEAMS AND
NCMEC TEAM ADAM CONSULTANTS
AMONG FBI CARD REGIONS¹⁰⁴**



Source: OIG compilation of data from the FBI, OJP and NCMEC

OJP Child Abduction Response Team (CART)

The OJP CART is modeled after an initiative of the same name created by the Florida Department of Law Enforcement (FDLE).¹⁰⁵ The premise of the FDLE CART is that because child abductions without ransom rarely occur, most local police departments lack investigative experience in this crime and could benefit from training. OJP adopted the same philosophy when it created its CART program in early 2005 to provide training to local law enforcement agencies on conducting such investigations. Central to the OJP CART training is the development of a Memorandum of Understanding that encourages participating agencies to identify and commit resources for deployments in the search for missing children. As of November 2007, OJP CART had trained 101 child abduction response teams composed of 974 team members (see map above).

¹⁰⁴ This map was prepared based on information obtained in November 2007 from OJP and NCMEC.

¹⁰⁵ The FDLE conceived of the CART after the abduction and murder of 11-year-old Carlie Brucia in February 2004.

During the initial phase of our fieldwork in Spring 2007, we found that the FBI had an informal method of coordinating with OJP CART. Specifically, FBI headquarters advised CARD team members to reach out to OJP CART team members when CART training sessions were held in their area. According to the CACU, as of September 2007 14 FBI Special Agents had attended OJP CART training as a part of their outreach activities.

In visiting five FBI field offices during our audit, we identified one Special Agent who was a formal member of a local CART team. This Special Agent, located at the FBI's Resident Agency in Santa Ana, California, served as the coordinator of kidnapping investigations for her office and was invited to become a team member when a local county sheriff (Orange County) decided to form an OJP CART team. The Special Agent stated that becoming a member of the CART has been a positive step in establishing a strong liaison with the Orange County Sheriff's Department in missing children investigations. She was also complimentary of the training provided by OJP but felt that the resources of the FBI were not adequately represented in the training materials.

In June 2008, the CACU Chief informed us that the FBI would adopt a formal approach to its liaison efforts with the OJP CART teams. Specifically, the FBI stated that it began drafting a written protocol that would include guidance for Special Agents on how to interact with OJP CART teams.

Based on the fact that the FBI CARD teams have become central to the agency's response to missing children and that the OJP CART has expanded to 101 teams nationwide, the potential exists for the two programs to respond to the same child abduction investigations. We believe that the FBI has taken positive steps in beginning to draft a formal document regarding the interaction between the two programs. We recommend that the FBI complete this protocol with the OJP CART program so that an official policy exists for CARD team members to resolve any problems that may arise while working with OJP CART members in missing children investigations.

NCMEC Team Adam

NCMEC created its "Team Adam" program in January 2003 with a volunteer corps of retired law enforcement officers, referred to as "consultants," who were experienced in child abduction investigations.¹⁰⁶

¹⁰⁶ NCMEC named its Team Adam program after the son of the organization's co-founders, John and Revé Walsh. Adam Walsh was abducted and murdered in 1981.

The goal of the Team Adam program is to provide technical expertise to law enforcement agencies as well as to families affected by child abductions. Its consultants do not participate in the actual investigation of a missing child and instead provide technical advice or monetary assistance when necessary. As of November 2007, there were 61 Team Adam consultants in 33 states (see previous map).¹⁰⁷

We found that the FBI has made progress in coordinating with NCMEC's Team Adam program, particularly in the area of training assistance. The FBI liaison at NCMEC and representatives from the FBI's BAU-3 have made presentations at training sessions of Team Adam consultants on the FBI's resources for investigating child abductions. NCMEC reciprocated when the FBI staged its initial week-long training for new CARD teams in February 2006 by providing a 1-hour presentation on the Team Adam program. In a September 2007 training conference for all CAC Coordinators, the FBI again invited a representative from NCMEC to discuss the Team Adam program and other NCMEC resources.

In our interviews with FBI Supervisory Special Agents and Special Agents, however, we noted two instances where Special Agents reported concerns in working with Team Adam consultants. In both instances, the FBI employees stated that they had worked on CARD team deployments where the Team Adam consultants extended beyond their status as retired law enforcement officials and became involved in investigative matters. We believe that a formal protocol for coordinating FBI and Team Adam resources would address concerns of Special Agents and enable FBI and Team Adam personnel to operate with greater coordination.

The CACU Chief stated in June 2008 it was completing a written protocol on FBI and Team Adam coordination. We recommend that the FBI complete and implement the written protocol to ensure that the FBI and Team Adam members can have a clear delineation of their respective roles on investigations of missing children.

¹⁰⁷ As of December 2007, Team Adam deployed to 44 states on 305 cases involving a total of 353 children. The investigations led to the recovery of 329 children, 89 of whom were found deceased. Twenty-four children remained missing.

International Parental Child Abduction

International parental child abduction refers to situations in which a parent "removes a child from the United States, or attempts to do so, or retains a child (who has [previously] been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights."¹⁰⁸ The applicable federal law, enacted through the 1993 International Parental Kidnapping Crime Act (IPKCA), defines a child as "a person who has not attained the age of 16 years" and defines parental rights as including physical custody, whether joint or sole (including visitation), and "arising by operation of law, court order, or legally binding agreement of the parties."¹⁰⁹

The parent that is left behind in an international parental abduction case can seek help from the federal government through a civil process to secure the return of or gain access to the abducted child, and through a criminal process to prosecute the abducting parent. For civil procedures, the United States is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), a multi-lateral treaty created by the Hague Conference on Private International Law.¹¹⁰ The Department of State's Office of Children's Issues assists the left-behind parent with the international diplomatic aspects of the civil process, such as locating the abducted children, reporting on their general welfare, providing information on the status of judicial and administrative proceedings in other countries, and making contacts on behalf of the left-behind parent with local officials in foreign countries.¹¹¹ Similarly, NCMEC, under separate federal

¹⁰⁸ See 18 U.S.C. § 1204(a) (2005), codification of the 1993 International Parental Kidnapping Crime Act.

¹⁰⁹ See 18 U.S.C. § 1204(b) (1) and (2) (2005). The definition of a "child" in international parental kidnapping is someone under the age of 16 instead of 18 because of the multi-lateral treaty from the Hague Conference on Private International Law, the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention), Article 4. The U.S. ratified the Hague Convention through the International Child Abduction Remedies Act of 1988.

¹¹⁰ See Appendix IX for a list of countries and effective dates under the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

¹¹¹ Executive Order 12648 of August 1988 appointed the Department of State as the Central Authority for administering terms of the Hague Convention. Article 6 of the Hague Convention requires the designation of a "Central Authority" for the discharge of "duties which are imposed by the Convention upon such authorities."

authorities, provides services to families whose child or children have been abducted abroad by a parent.¹¹²

Role of the FBI in Investigations of International Parental Kidnapping

The Department of Justice is responsible for pursuing federal criminal charges against the abducting parents in accordance with the IPKCA, and the FBI has sole jurisdiction for investigating these cases and must coordinate its response with foreign governments and law enforcement agencies through its Legal Attaché (Legat) Offices with foreign governments and law enforcement agencies. According to the FBI, two conditions must be met prior to initiating an international parental kidnapping warrant: the FBI must file a request for a federal felony warrant with a United States Attorney, and law enforcement must believe that the abductor has fled the United States.

As part of our review, we performed testing of international parental kidnapping cases at the five FBI field offices visited. We reviewed eight cases of international kidnapping that were closed between October 1, 2005, and June 30, 2007. These eight cases include 13 children abducted to the Bahamas, Canada, China, Dubai, Ethiopia, India, Latvia, and New Zealand. The following table briefly describes these cases.

¹¹² See 42 U.S.C. § 5771 and 42 U.S.C. § 5773 (b) (1) (G) for NCMEC's role in international kidnapping of children.

**OIG REVIEW OF FBI INVESTIGATIONS OF
INTERNATIONAL PARENTAL KIDNAPPING**

FBI Field Office	Country	Outcome
Boston	China	The mother voluntarily returned to the United States with the child.
Boston	Canada	The mother remained in Canada with the children. Federal and local prosecutors declined prosecution because the mother may have had a basis for fearing domestic violence if she returned the children.
Los Angeles	Ethiopia	The father permitted the mother to take custody of three children in Ethiopia and return them to the United States.
Miami	Bahamas	The mother voluntarily returned the children to the United States and was subsequently convicted in state court.
Miami	India	The mother voluntarily returned to the United States with the child.
San Francisco	Dubai	One of two abducted children voluntarily returned to the United States after reaching the age of majority.
St. Louis	Latvia	The mother remained in Latvia with the child. A federal warrant for international parental kidnapping was obtained. The father has initiated civil proceedings in Latvia.
St. Louis	New Zealand	The father was arrested in New Zealand, deported to the United States, and convicted of international parental kidnapping. The child was recovered alive.

Source: OIG review of selected FBI case files

Our review of these eight cases found that FBI Legat Offices facilitated the investigation by coordinating with both U.S. and foreign agencies. At the same time, details from these cases also suggest a wide range of issues that can hinder the FBI's ability to secure the return of children that are abducted by a parent. For instance, in the case where the child was abducted by the mother to Latvia, the FBI's involvement was limited because the United States does not have provisional arrest authority with Latvia. Consequently, the father had to pursue civil procedures to obtain assistance. In another case initiated by the FBI's San Francisco Field Office, documentation in the case file demonstrated continual efforts by the FBI and other law enforcement agencies to return the child to the United States. The case was resolved after 10 years, but not because of any criminal or civil procedures. Instead, the resolution came about simply because the abducted child had reached the age of majority and wanted to reunite with the left-behind parent.

FBI Legal Attaché Offices

To obtain insight on the role of the FBI Legat Offices in responding to cases of international parental kidnapping, we surveyed FBI Legat personnel stationed in eight countries.¹¹³ Four of these countries (Israel, Mexico, Poland, and the United Kingdom) have ratified the Hague Convention, and the other four (Barbados, Ethiopia, Japan, and Saudi Arabia) have not. Of the eight locations surveyed, 6 of the Legat Offices had 13 active cases of international parental kidnapping of children.

In general, most respondents (five of the eight Legat personnel) described their role as more of a facilitator than an investigator. Some of the typical duties mentioned by Legats in relation to international parental kidnapping included liaison between the United States embassy and foreign law enforcement, coordination in obtaining a provisional arrest warrant, and liaison between the State Department and FBI Special Agents at field offices in the United States. Some Legat respondents also noted that parental kidnapping of children may not be a crime in other countries. For instance, the FBI employee in the Tokyo Legat Office stated that parental kidnapping of children is not a crime in Japan unless the abductor uses force, intimidation, deception, or enticement to carry out the kidnapping.

Of the eight respondents, six suggested the need for more in-depth training on IPKCA issues, including the Hague Convention, the role of the State Department, case studies, and other more specialized issues unique to a particular country. Currently, the FBI Office of International Operations, which oversees the FBI Legat program, provides a 3-week training course before Legat employees report to their foreign posts. This course includes a segment on IPKCA. The primary focus of this training is to equip employees with general knowledge that is necessary for working in a foreign country as an overseas FBI representative. This includes preparing Legats to be able to handle all types of crimes. Therefore, the coverage of IPKCA issues at the pre-deployment training is general in nature and not as specialized as Legats believe is necessary to effectively assist in the investigation of international parental kidnappings.

¹¹³ We made our judgmental selection of eight countries based on statistics from the Department of State. We learned from the FBI that the agency's current information system, the Automated Case Support (ACS) system, is not able to produce an accounting of international parental kidnapping of children by the country to which the children were abducted. Presently, the FBI is replacing the ACS with a new system under the Sentinel project. The third of the four phases of the Sentinel project is intended to provide a "Universal Index" that would enhance the research capabilities of case-related information residing in ACS.

In February and April 2008, the CACU presented training at regional conferences in the Middle East and in Asia, respectively. These 1-week training courses included more in-depth coverage of IPKCA issues and country-specific matters. We believe the CACU should build on this effort and provide Legats with more specialized training opportunities. As one survey respondent suggested, training could be conducted through a web-based module, which may facilitate the process by making training opportunities available anytime and at all locations.

The complexities of working with foreign governments, honoring the sovereignty of foreign countries and their laws, and adhering to international agreements require FBI Legat personnel to have significant knowledge of the investigative and diplomatic tools available for addressing international parental kidnapping, which are different for each country. Our survey of FBI Legat Office representatives indicated that FBI foreign personnel believed they needed more training on international parental kidnapping. We recommend that the FBI develop training for FBI Legat personnel on international parental kidnapping, whether during Legat pre-deployment training, through web-based tutorials, or by other means.

Coordinated Database on International Kidnapping

In March 2000, the GAO reported that one weakness in the federal government's response to the international parental abduction of children was the lack of a coordinated database for sharing information among the State Department, DOJ, and NCMEC.¹¹⁴ The report noted that each of these components had separate databases for information on international parental abduction cases, which were not integrated and used different criteria to categorize case information. The GAO cited an instance where the State Department contacted a foreign government about an abducted child not knowing that the FBI had investigated the incident and recovered the child a month earlier. The GAO report stated that an integrated, comprehensive database would have prevented such redundancy. The report also stated that both the State Department and DOJ recognized the need for an integrated tracking system to help improve coordination on international parental kidnapping, and the State Department's Office of Children's Issues (OCI) took the lead to develop this system.

¹¹⁴ GAO, *Foreign Affairs: Specific Action Plan Needed to Improve Response to Parental Child Abductions*, GAO/NSIAD-00-10, (March 2000), 3, 6, and 7.

However, contrary to the State Department's stated intention to implement the system by August 2000, our audit found that as of June 2008 a coordinated database had still not been established. At the outset of our fieldwork in March 2007, officials at the OCI were unfamiliar with the tracking database suggested by the 2000 GAO report. Instead, the OCI officials informed us that they were in the process of providing read-only access to its database of cases of international parental kidnapping of children for the FBI and NCMEC. By September 2007, when we interviewed officials at the OCI for follow-up information, we learned that the project of providing read-only access to the OCI's database had been abandoned, although we were not provided the reasons why. Additionally, we learned in September 2007 that as a renewed effort to enhance coordination in case management among the three agencies, NCMEC would grant dial-up access to its database on international abduction of children for the FBI and State Department. Subsequent interviews with officials at the FBI and State Department confirmed all of these developments.

During our fieldwork, CACU representatives informed us that no recent duplicative efforts on international parental kidnapping of children have come to their attention involving the State Department and NCMEC. At the same time, CACU representatives further informed us that the likelihood of duplication is much higher for the State Department and NCMEC when both agencies file applications for civil resolution through the Hague Conference on Private International Law, the organization that had created the Hague Convention.¹¹⁵

Given the complexities and the global nature of recovering missing children abducted abroad, agencies involved in such recoveries must coordinate well to maximize the chance of locating the children. We recommend that the FBI continue to work closely with the State Department and NCMEC on the development of a central, integrated database of information on international parental abductions.

¹¹⁵ The Hague Convention seeks to bring about the voluntary return of the abducted child, including the use of judicial or administrative procedures that would result in the resolution of such cases of international parental abductions.

Research and Outreach Activities on Child Abductions

According to the Protection of Children from Sexual Predators Act of 1998, the FBI's Behavioral Analysis Unit-3 (BAU-3) is responsible for providing investigative support, research findings, violent crime analysis, and, if requested, on-site consultation and advice in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations.¹¹⁶ For child abduction matters the BAU-3 has published a law enforcement investigative guide, conducted research projects, and provided consulting services to law enforcement agencies.

The BAU-3 published the original *Child Abduction Response Plan* (CARP) in 1997 and a second edition in 2008. The CARP is intended to serve as an investigative guide to law enforcement in the search for missing children. As of Spring 2007 approximately 200,000 copies of the CARP were distributed free of charge to law enforcement officials in the 10 years after its publication. In addition, the BAU-3 has made the CARP available in both English and Spanish and has developed and distributed a small, abbreviated guidebook so that criminal investigators may easily carry it while searching for a missing child.

Additionally, the BAU-3 conducts research projects on child abductions, with the goal to share results with operational personnel conducting investigations on crimes against children. For example, investigative procedures for infant abductions have been formalized in the FBI MIOG based on the results of research conducted by the BAU-3. During our review, BAU-3 was conducting four research projects on child abductions: (1) child abduction homicide; (2) child abduction criminal history study; (3) epidemiology of infant abduction; and (4) false allegation of child abductions, where the victim's parent or caregiver claims the child was abducted or went missing in an effort to cover up a homicide or an attempted homicide.

Our audit also found examples where staff members of the FBI's BAU-3 have offered assistance on cases of crimes against children and provided training to FBI field personnel and to other law enforcement agencies.

Conclusion

Between FYs 2000 and 2007, the FBI opened over 2,000 child abduction investigations. The FBI considers child abductions a high priority

¹¹⁶ 28 U.S.C. § 531 (1998).

and has developed internal policies that Special Agents should respond immediately to instances of child abductions. In addition, the FBI requires its field offices to establish effective liaison with local agencies as a means of being prepared to coordinate its response when a child is abducted. These liaison requirements constitute a rating element for the FBI's CAC Coordinators' performance evaluations. In addition, the FBI's BAU-3 has conducted research projects, lent support, and published an investigative guide on child abduction investigations. Moreover, the FBI has developed its CARD team initiative to provide technical consultation in investigating mysterious disappearances of minors, which has become an important facet of the FBI's response to missing children investigations.

However, the FBI has not implemented a mechanism to evaluate whether it was responding to incidents of child abduction in a timely and coordinated fashion or whether its CAC Coordinators are performing liaison responsibilities with local law enforcement agencies on a routine basis. We recommend that the FBI develop such a mechanism to better account for the date and time when the FBI receives and responds to notifications of potential abductions. We also recommend that the FBI implement procedures for evaluating, at least annually, the CAC Coordinator's liaison efforts with law enforcement agencies and non-profit organizations involved in combating crimes against children.

The FBI's CARD program is integral to its child abduction operations in assisting state and local law enforcement in the search for missing children. However, the FBI has not yet employed a post-deployment survey of the recipients of a CARD team's assistance, which was a CACU strategic objective. We believe that such a survey can provide important feedback for identifying best practices and areas for improving CARD team coordination.

We identified two national programs with similar goals as the FBI CARD program: the OJP CART and NCMEC Team Adam programs. We found that FBI did not have an adequate mechanism to coordinate with these programs, which could inadvertently hamper the search for missing children. We recommend that the FBI complete the written protocols with these agencies for operating in a complementary fashion.

Finally, addressing incidents of international parental kidnapping is difficult because of the differing laws of foreign countries and the complexities of international investigations. FBI Legat personnel said they did not receive sufficient training on international kidnapping, including tutorials on international and foreign country laws regarding parental kidnapping. We also found that the FBI, State Department, and NCMEC had

not implemented a 2000 GAO recommendation to develop a shared database on international parental kidnapping.

Recommendations

We recommend the FBI:

6. Develop a mechanism to track investigative events for child abduction cases, especially the date and time when the FBI received notification of a potential abduction and when and how the FBI responded to the incident.
7. Develop and implement procedures for evaluating, at least annually, the CAC Coordinators' liaison efforts with law enforcement agencies and non-profit organizations involved in combating crimes against children.
8. Implement a post-deployment survey of CARD team customers.
9. Complete a written protocol on coordination between the FBI CARD teams and the OJP CART.
10. Complete a written protocol on coordination between the CARD teams and the NCMEC Team Adam consultants.
11. Provide specialized training to Legat personnel on international parental kidnapping.
12. Coordinate with the State Department and NCMEC to promote the development of a database of information regarding instances of international parental kidnappings.

CHAPTER 4: NON-CYBER SEXUAL EXPLOITATION OF CHILDREN

The FBI investigates two primary forms of non-cyber commercial sexual exploitation of children: (1) prostitution of children by criminal enterprises and (2) sexual exploitation of children across state or foreign boundaries, including child sex tourism. In 2003, the FBI implemented its Innocence Lost National Initiative focusing on commercial sexual exploitation of children. Between FYs 2004 and 2007, the FBI opened 365 investigations under this initiative, resulting in the dismantling of 31 criminal enterprises, the arrest of 965 subjects, and the conviction of 216 persons involved in child sexual exploitation. However, we found that the FBI has not developed a program to combat adults who go abroad to exploit children sexually — child sex tourism — with the same degree of thoroughness as it has with child prostitution. In the absence of a program, the FBI has relied to a large degree on reactive investigations that do not appear to result in a significant number of arrests and charges being filed.

Besides child abductions, the FBI's CACU investigates two types of non-cyber related sexual exploitation of children crimes: criminal enterprises that systematically recruit, transport, and exploit minors through prostitution; and the sexual exploitation of children across state or foreign boundaries, including child sex tourism committed by U.S. citizens and legal aliens.¹¹⁷ This chapter analyzes the FBI's efforts to address its responsibilities in investigating and coordinating on cases of child prostitution and the sexual exploitation of children across state and foreign boundaries.¹¹⁸

¹¹⁷ The statute on sex trafficking of children, codified at 18 U.S.C. § 1591, criminalizes the movement of minors in interstate or foreign commerce for the purpose of having the child victim "engage in a commercial sex act," defined as "any sex act, on account of which anything of value is given to or received by any person."

¹¹⁸ Besides investigating child prostitution and the sexual exploitation of children across state lines, the FBI also began operating an inspection program in 2006 to assess the adult entertainment industry's compliance with recordkeeping requirements codified at 18 U.S.C. § 2257. These requirements are intended to ensure that no minors are employed in the production of adult entertainment. However, in October 2007 the U.S. Court of Appeals for the Sixth Circuit decided in *Connection Distributing Co., et al v. Keisler* that 18 U.S.C. § 2257 was "overbroad and therefore violates the First Amendment." Consequently, the FBI suspended the inspection program in February 2008. As a result, we did not review this inspection program as part of our audit.

Child Prostitution

The exact number of child prostitution victims is not known, and estimates of children at risk of commercial sexual exploitation vary widely.¹¹⁹ Nevertheless, the FBI's research has identified the following characteristics of prostituted children:

- The estimated age of entry into child prostitution is 12 years old, while girls as young as 9 years old have been known to be recruited for prostitution.
- Child victims frequently do not report sexual trafficking crimes committed against them.
- It is difficult for law enforcement to detect victims of child prostitution for several reasons, including the fact that children can often look older than their real age and may carry false identification.
- Pimps and prostituted children often evade law enforcement detection through frequent movements across state lines.
- Pimps have become more discreet by advertising services through the Internet and using text messaging technology to conduct their illicit activities.

According to CACU officials, the FBI's mission and resource limitations cause child prostitution to rank as a lower priority. The FBI categorizes non-cyber crimes against children as violent crimes, which currently rank eighth on the FBI's overall priority list. For crimes against children specifically, child abductions are given a higher priority than child prostitution related

¹¹⁹ David Finkelhor and Richard Ormrod, "Prostitution of Juveniles: Patterns From NIBRS," *OJJDP Juvenile Justice Bulletin*, June 2004: 10. These co-authors noted that "[m]ost discussions of the prostitution of juveniles rely heavily on anecdotal case studies. . . . Statistics on the prostitution of juveniles have often been based on guesswork."

Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children In the U.S., Canada and Mexico*, (Philadelphia, PA: University of Pennsylvania, September 18, 2001, Revised February 20, 2002), 142. This particular study stated that "[r]eliable estimates of the number of commercially sexually exploited children in the United States do not exist."

crimes.¹²⁰ Despite the lower priority, we found that through its Innocence Lost National Initiative the FBI CACU has made a focused effort to investigate crimes where children are forced into prostitution.

Innocence Lost National Initiative

In June 2003, the FBI implemented its Innocence Lost National Initiative (Innocence Lost) to address the trafficking of children for commercial sexual exploitation. Innocence Lost brings together the FBI, the Child Exploitation and Obscenity Section (CEOS) of the DOJ's Criminal Division, and NCMEC to combat the prostitution of children. In this coordinated approach, the FBI developed task forces to investigate, with the help of local law enforcement agencies, criminal enterprises that prostitute children; NCMEC provided training opportunities to educate law enforcement officers on how to address child prostitution; and the CEOS provided prosecutorial expertise. In support of Innocence Lost, the FBI also conducted intelligence assessments to evaluate the severity of child prostitution in the United States and to identify new ways offenders exploit children through prostitution. Furthermore, the FBI began tracking investigations of child prostitution enterprises by creating a unique classification code. From its inception in June 2003 through September 2007, the Innocence Lost program dismantled 31 enterprises that exploited children through prostitution and located 281 victimized children. Based on these statistics, the Innocence Lost initiative has resulted in an overall increase in the amount of FBI investigations of prostituted children and the number of offenders convicted nationwide between 2004 and 2007. The following table displays these and other accomplishments reported by the FBI.

¹²⁰ A Supervisory Special Agent assigned to the CACU at the FBI headquarters expressed the opinion that a prostituted child should also be elevated to the status of a "child in imminent danger" and receive immediate attention. This Supervisory Special Agent stated that despite the extensive media attention generally paid to children abducted by strangers, the number of such cases is relatively few when compared to minors victimized by prostitution at the enterprise level.

**ACCOMPLISHMENTS OF INNOCENCE LOST¹²¹
FISCAL YEARS 2004 THROUGH 2007**

	FY04	FY05	FY06	FY07	Total
Cases Opened	66	71	103	125	365
Located Child Victims	24	32	44	181	281
Enterprise Dismantlements	10	6	4	11	31
Arrests	118	382	157	308	965
Indictments	26	44	68	55	193
Convictions	22	45	43	106	216
Sentences	15	38	27	89	169

Source: FBI

In 2003, the CACU identified 13 U.S. cities with a high incidence rate of child prostitution and designated these locations as High Intensity Child Prostitution Areas where the FBI would establish Innocence Lost task forces.¹²² As of June 2008, there were 24 Innocence Lost task force locations across the country. Of these 24 locations, 13 had formal task forces and 11 had informal working groups.¹²³

As part of Innocence Lost task forces, police officers from local law enforcement agencies meet regularly, receive training provided by NCMEC, cooperatively investigate leads of child prostitution, and forward leads of victims of domestic trafficking to the FBI for further review. When warranted, a federal investigation of enterprise-level child prostitution is

¹²¹ Before the establishment of Innocence Lost in FY 2004, all forms of sexual exploitation of children were classified under the same code. When the FBI established its Innocence Lost initiative in FY 2004, it also created a new classification code to track investigations of prostituted children at the enterprise level. Therefore, there are no statistics available from before the launch of Innocence Lost in FY 2004 to which we can compare more recent statistics.

¹²² The 13 High Intensity Child Prostitution Areas were: (1) Los Angeles, California; (2) Minneapolis, Minnesota; (3) Dallas, Texas; (4) Detroit, Michigan; (5) Tampa, Florida; (6) Chicago, Illinois; (7) San Francisco, California; (8) San Diego, California; (9) Miami, Florida; (10) New York City; (11) Washington, D.C.; (12) Las Vegas, Nevada; and (13) St. Louis, Missouri.

¹²³ The 13 task forces include: (1) Miami, Florida; (2) Cleveland and Toledo, Ohio; (3) Las Vegas, Nevada; (4) Reno, Nevada; (5) Dallas, Texas; (6) Boston, Massachusetts; (7) Newark and Atlantic City, New Jersey; (8) San Juan, Puerto Rico; (9) Los Angeles, California; (10) Phoenix, Arizona; (11) Detroit, Michigan; (12) Wichita, Kansas; and (13) Orange County, California. The 11 informal working groups include: (1) Indianapolis, Indiana; (2) San Francisco, California; (3) Denver, Colorado; (4) Oklahoma City, Oklahoma; (5) Houston, Texas; (6) Chicago, Illinois; (7) New York City; (8) Washington, D.C.; (9) Jacksonville, Florida; (10) Honolulu, Hawaii; and (11) Sacramento, California.

initiated and investigated by the task force. Working groups are generally led by an FBI Special Agent and may be comprised of other FBI Special Agents as well as representatives of local law enforcement agencies involved in investigating the prostitution of children.

Investigations of the Prostitution of Children

The FBI receives leads on commercial sexual exploitation of children from a variety of sources, including: (1) street-level investigations and surveillance at locations frequented by prostitutes and their patrons; (2) monitoring of Internet social networking sites and advertisements for escort services; (3) tips received through NCMEC's 24-hour CyberTipline®; and (4) local law enforcement agencies that reach out to the FBI. Additionally, the FBI's liaison at NCMEC reviews incoming reports from NCMEC and, if the report on a missing child contains prostitution-related concerns, forwards the information to the appropriate FBI field office.

During our fieldwork we reviewed a total of three child prostitution cases to examine the FBI's investigative efforts and coordination with other agencies in this sample of cases. Our review of these case files identified evidence that in these cases the FBI field offices pursued leads on allegations of child prostitution. In one of the three cases, the FBI received a referral from a child welfare organization and investigated the lead. In another case file that we reviewed, we noted evidence that the FBI worked closely with local police agencies in investigating possible allegations of child prostitution. Although our limited sample does not permit us to draw an overall conclusion of the FBI's efforts in addressing child prostitution, information from these case files suggest that coordination exists between the FBI and local agencies.

Database of Prostituted Children

Prostituted children frequently relocate because their pimps: (1) try to evade detection by law enforcement agencies; (2) move the prostituted children to venues with a perceived demand for prostitution; and (3) trade children like property. In response, FBI has been developing an Innocence Lost nationwide database of information regarding prostituted children and pimps to identify and track their interstate movements. This database is accessible to FBI personnel and authorized local law enforcement officers

through the shared Law Enforcement Online network.¹²⁴ In early June 2008, the FBI reported that it had imported into the database 17,000 records from prior investigations of child prostitution. When the database is officially deployed later in 2008, authorized users will be able to add additional records from their ongoing investigations of child prostitution into this nationwide database.

According to the FBI, the Innocence Lost database is designed to include basic facts on pimps and their victims, such as names, aliases, and physical characteristics. In addition, the database is capable of storing images or audio files. Information such as the number of pimps that have victimized a child or other states through which the victim has been transported can also be collected within this database. Information in the database can be used to locate targets and victims and help establish the existence of an interstate criminal enterprise trafficking children for sexual exploitation.

Training

The FBI provides training hosted by NCMEC on the Innocence Lost initiative, which helps to educate state and local law enforcement officers on the chief characteristics of domestic trafficking of children for prostitution. The FBI's curriculum on child prostitution typically includes two topics: task force formation and the initiation of child prostitution investigations. Documentation provided by NCMEC revealed that the FBI participated in 16 1-week training sessions held at NCMEC from the inception of Innocence Lost from 2003 through August 2007. During our fieldwork, we obtained from NCMEC the course evaluations from these training sessions completed

¹²⁴ We did not audit the database or the information entered into it, and we reach no conclusions on the accuracy of the data. According to the CACU officer who provided a demonstration to us in June 2008, the FBI had completed a DOJ-required privacy impact assessment as a part of the process of creating the database of child prostitution. Furthermore, records in the database submitted by state or local law enforcement agencies must comply with local laws and regulations regarding such records on minors, and would be purged from the database in accordance with applicable laws and regulations when the minors reach the age of majority.

by course participants. The average overall participant satisfaction rating for these training sessions was very high.¹²⁵

Intelligence Assessments

In recent years, the FBI has emphasized the need to gather strategic intelligence to help it "connect the dots" and discern trends regarding crimes, including child prostitution. In January 2007, the CACU issued a 24-page report entitled, "Child Prostitution in America," which synthesized information from FBI investigations and relevant research by external organizations and discussed child prostitution enterprises in terms of recruitment, marketing, transportation, venues, and control and punishment of victims. The report noted new trends in advertising victims and sexual services on social networking and community bulletin board Internet sites. The report also identified nine areas in which there was limited intelligence regarding child prostitution, including the number of children victimized through sex trafficking, the nature of the operators who traffic children for sexual exploitation, the extent of involvement by gangs or other organized criminal enterprises in the prostitution of children, and the use of the Internet and technology in sexual trafficking of children. We believe that the report is a useful primer on the severity and complexities of child prostitution in the United States.

In addition to intelligence on a national level, we also found that intelligence assessments have been conducted at the local level to aid programs and investigations targeting child prostitution. For example, in June 2007 an Intelligence Analyst at the FBI's Resident Agency in Santa Ana, California, produced an intelligence assessment report describing the extent of child prostitution in Orange County, California. As a result of this assessment, the FBI's CACU established an Innocence Lost task force to address the sexual trafficking of youths in Orange County. We were told that the Intelligence Analyst at the Santa Ana Resident Agency was asked to train the FBI San Diego Field Office on developing a similar assessment of prostitution in that jurisdiction.

¹²⁵ According to the evaluation results of "Protecting Victims of Child Prostitution" training sessions provided by NCMEC, all five training sessions between 2003 and 2004 received an average rating of 4.52 or better on a 5-point scale in the following six categories: (1) time allocation, (2) training topics, (3) curriculum organization, (4) manual, (5) training design, and (6) overall rating. Beginning in 2005 NCMEC switched to a 10-point scale for course evaluation rating, and all 11 training sessions for "Protecting Victims of Child Prostitution" between 2005 and 2007 received an average rating of 9.42 or better in the same six categories.

However, during our fieldwork, we identified FBI regions that had some difficulties in obtaining intelligence assessments on prostituted children in their jurisdictions. For example, in April 2007 a San Francisco Field Office Assistant Special Agent in Charge for criminal matters stated that the office would benefit from an updated intelligence assessment on child prostitution. However, no Intelligence Analysts were available until November 2007 to initiate this assessment of domestic trafficking of children for prostitution.

The CACU Chief informed us that Intelligence Analysts have made significant contribution to the efforts to combat crimes against children. However, Intelligence Analysts at field offices are supervised by and report to local management and are not directed by the CACU. Based on what we observed at the FBI's Resident Agency in Santa Ana, California, an intelligence assessment can be helpful in identifying the severity of the crime of prostituted children and the potential value of a task force dedicated to addressing the problem. At the time of our audit, the FBI did not have training materials for conducting intelligence assessments of the domestic trafficking of children for sexual exploitation. While the Intelligence Analyst from the Santa Ana Resident Agency provides such training to the FBI's San Diego Field Office, we believe that the FBI could build on this Intelligence Analyst's work to create training materials for developing future intelligence assessments on prostituted children.

Sexual Exploitation of Children

Another responsibility of the CACU is to respond to leads on individuals who exploit children sexually across state and foreign boundaries without evidence of prostitution. Cases involving individuals who travel overseas for the purpose of engaging in sexual activity with minors – a crime referred to as child sex tourism – are complex investigations.¹²⁶ The FBI's responsibility in this area includes identifying, investigating, and helping prosecute U.S. citizens and legal aliens who travel to foreign countries with the intent to engage in illegal sexual relations with minors. According to the FBI, two regions with a high incidence of child sex tourism are Latin America and Southeast Asia.

¹²⁶ The 2003 Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act increased existing penalties to a maximum of 30 years in prison for engaging in or attempting to engage in child sex tourism. In addition, it is no longer necessary to prove that the traveler intended to engage in illicit sexual conduct at the time of travel, merely that the traveler actually engaged in or attempted to engage in illicit sexual conduct.

We interviewed officials of the CACU at FBI headquarters and Supervisory Special Agents and Special Agents at the field offices we visited, surveyed two FBI Legats, and examined four recently closed investigative case files to assess the FBI's coordination and investigative efforts regarding child sex tourism. Our review found that the FBI conducts both reactive and proactive investigations to combat child sex tourism. In reactive investigations, the FBI responds to allegations that individuals are suspected of having sexually exploited children overseas. Through its proactive investigations, the FBI conducts undercover operations directed against those who intend to travel abroad to engage in sexual activities with minors.

Reactive Investigations

As part of our fieldwork, we reviewed four reactive investigations on child sex tourism, one case at each of the Miami, Boston, Los Angeles, and St. Louis field offices.¹²⁷ Although we found evidence that FBI Special Agents pursued various leads in these cases, all four cases were closed without prosecution because the allegations could not be substantiated.

In the four cases that we reviewed, we found that FBI Special Agents experienced difficulties in pursuing subjects who have allegedly exploited children overseas because these crimes occurred on foreign soil. One CACU Supervisory Special Agent stated that it is difficult to identify and obtain cooperation from victims living in a foreign country. Some children exploited by foreign tourists come from disadvantaged backgrounds, and instances of bribery of victims and their families can prevent their cooperation with law enforcement. Even in cases where the victims agree to cooperate with law enforcement, traveling to the United States and staying through an investigation and prosecution can be complicated and expensive for law enforcement agencies.

To further understand the FBI's efforts overseas in conducting child sex tourism investigations, we surveyed two Legats assigned to countries identified as having a severe problem with this crime, Thailand and Costa Rica. The FBI official responsible for Costa Rica was stationed in Panama City, Panama. He stated that he met with government officials in Costa Rica who investigate and prosecute child sex tourism cases to facilitate the exchange of case-related information. However, this official stated further that additional investigative resources through undercover operations and Special Agents with language training would be required to adequately address this crime.

¹²⁷ We also visited the FBI field office in San Francisco as part of our fieldwork, but it had no child sex tourism cases for us to select and review.

The Bangkok Legat stated that it is difficult to respond timely to leads on child sex tourism because the Legat consists of only two individuals and they have other priority matters that take precedence. According to this official, a small investigative staff and corruption at local law enforcement agencies also impede efforts in addressing child sex tourism in Thailand. Nevertheless, this official stated that the FBI launched a new working group in early 2008 with ICE and the Royal Thai Police in Thailand with the intention of addressing child sex tourism in a proactive manner, with an emphasis on Pattaya, Thailand, and Phnom Penh, Cambodia. By establishing partnership overseas with the Thai Royal Police as well as ICE representatives, the FBI has shown an initiative in pursuing investigations overseas where local children are sexually exploited by tourists—including those from the United States.

Pro-active Investigations

In 2002 the FBI launched an undercover program targeting child sex tourism. This proactive initiative consisted of creating a fictitious travel agency website managed by the FBI's Miami Field Office – the only location conducting this initiative. This travel agency pretends to arrange trips to Latin America for individuals who express an interest in traveling overseas to engage in sexual activities with minors. According to the FBI, a proactive undercover operation on child sex tourism allows law enforcement to gather evidence while controlling the pace of the investigations as the potential subjects interact with the fictitious travel agency in finalizing plans for such trips. In successful proactive investigations, subjects are arrested at the airport prior to departure and the case is referred to the U.S. Attorney's Office for prosecution. As of Summer 2008, 15 individuals were convicted for arranging child sex tourism trips through the FBI Miami Field Office's undercover operation.

When we compared the FBI's management of child sex tourism cases with its management of domestic child prostitution cases, we found several contrasts. For example, unlike the Innocence Lost, we found no goals and guidance established for child sex tourism investigations. Moreover, investigations on child sex tourism are classified under the same classification used for all other types of sexual exploitation of children. As a result, it is difficult for the FBI to track its efforts and accomplishments in this area. By contrast, Innocence Lost accomplishments are tracked by a separate classification. Also, we did not find research projects by the BAU-3 or Intelligence Analysts that would provide greater insights into child sex tourism and the types of investigative techniques that could aid FBI Special Agents. Consequently, we recommend that the FBI create the appropriate program structures – goals, guidance, research projects, and a separate

investigative classification – to more fully develop its investigative efforts to combat child sex tourism.

Conclusion

Our audit found that in 2003 the FBI developed a nationwide program to combat non-cyber commercial sexual exploitation of children known as the Innocence Lost National Initiative. According to FBI statistics, between FYs 2004 and 2007, 365 Innocence Lost investigations resulted in the dismantling of 31 criminal enterprises, the arrest of 965 subjects, and the conviction of 216 persons involved in child sexual exploitation.

Compared to its efforts to address sexual exploitation domestically through Innocence Lost, the FBI does not have a similar strategy to address the victimization of children internationally through child sex tourism. We recommend that the FBI develop for its child sex tourism operations an organizational strategy, guidance and goals for its domestic and foreign offices, and a unique investigative classification code.

Recommendation

We recommend the FBI:

13. Develop for child sex tourism cases a programmatic strategy, goals, guidance, and a separate investigative classification for tracking such investigations.

STATEMENT ON INTERNAL CONTROLS

As required by the *Government Auditing Standards* we tested as appropriate, internal controls involving auditee operations and procedures pertaining to our audit objectives. In planning and performing our audit, we considered the FBI's internal controls to determine whether significant deficiencies existed. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. This evaluation was not made for the purpose of providing assurance on the auditee's internal control structure as a whole. FBI management is responsible for the establishment and maintenance of internal controls.

Through our audit testing, we found no significant deficiencies in the FBI's internal controls that we believe would affect its ability to effectively and efficiently operate, to correctly state financial and performance information, and to ensure compliance with laws and regulations.

Because we are not expressing an opinion on the FBI's internal control structure as a whole, this statement is intended solely for the information and use of the FBI. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

The audit of the Federal Bureau of Investigation's (FBI) efforts to combat crimes against children was conducted in accordance with generally accepted government auditing standards. As required by these standards, we reviewed management processes and records to obtain reasonable assurance about the FBI's compliance with laws and regulations that if not complied with, in our judgment, could have a material effect on FBI operations. Compliance with laws and regulations applicable to the administration of the FBI's crimes against children programs is the responsibility of the FBI's management.

The specific criteria for the crimes against children issues and programs that we reviewed in our audit include the federal statutes listed in Appendix X. We planned and designed our audit work with these laws and regulations in mind, and where needed we incorporated specific testing to determine compliance. Our audit identified no areas where the FBI did not comply with the laws listed in Appendix X.

With respect to areas that were not tested, nothing came to our attention that caused us to believe that FBI management was not in compliance with the laws and regulations cited in Appendix X.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

The objective of our audit was to determine if the FBI has effectively established a nationwide investigative response to address the sexual exploitation, abduction, and abuse of children.

Scope and Methodology

We conducted the audit in accordance with the generally accepted government auditing standards, and included the tests and procedures necessary to accomplish our objective. To accomplish our objective, we interviewed numerous officials at the FBI headquarters and five field locations as well as representatives from external agencies. Altogether we conducted more than 200 interviews during our fieldwork to obtain program information as well as perspectives on the FBI's crimes against children programs. The following section is divided to explain further our fieldwork at the FBI headquarters, FBI field offices, external organizations, and surveys.

FBI Headquarters

Our fieldwork at the FBI headquarters in Washington, D.C., included interviewing officials representing the following components:

- The Criminal Investigative Division
- The Violent Crimes Section
- The Crimes Against Children Unit
- The Cyber Crime Section
- The Innocent Images National Initiative Unit
- The Behavioral Analysis Unit 3 of the National Center for the Analysis of Violent Crime
- The Digital Evidence Section
- The Computer Analysis Response Team Unit
- The Office for Victim Assistance

We reviewed documents received from the above components, including the following:

- applicable chapters from the FBI’s MIOG on CACU’s and IINI’s investigative responsibilities as well as procedures for the DES;
- electronic Communications, i.e. internal memoranda, issued by the CACU and IINI;
- narrative summaries of the first 26 CARD team deployments; and
- 1997 and 2008 editions of the Child Abduction Response Plan

FBI Field Offices

Beyond FBI headquarters, we performed fieldwork at five judgmentally selected field offices and at least one Resident Agency within each field office jurisdiction. The following table details the office locations included in our review.

FBI FIELD OFFICES AND RESIDENT AGENCIES VISITED

No.	Field Office	Resident Agencies
1	Boston, Massachusetts	Providence, Rhode Island
2	Los Angeles, California	Santa Ana, California
3	Miami, Florida	West Palm Beach, Florida
4	St. Louis, Missouri ¹²⁸	Rolla, Missouri Cape Girardeau, Missouri
5	San Francisco, California	Oakland, California San Jose, California

Source: OIG

At each of these five locations, we interviewed management officials where possible, as well as Supervisory Special Agents and Special Agents involved in investigating crimes against children with or without a cyber nexus. Moreover, we interviewed forensic examiners, victim specialists, and

¹²⁸ We did not visit the resident agencies in Rolla and Cape Girardeau, Missouri. Instead, representatives from these offices discussed with us their involvement in crimes against children investigations at the field office headquarters in St. Louis, Missouri.

local coordinators for the FBI's National Center for the Analysis of Violent Crimes.

One component of our fieldwork schedule was the review of case files of judgmentally selected investigations on crimes against children that were closed from the start of fiscal year 2006 to the time of our fieldwork at each of the five locations: April 2007 for San Francisco, California; June 2007 for Los Angeles, California; July 2007 for Miami, Florida, and Boston, Massachusetts; and August 2007 for St. Louis, Missouri. The following table displays the sample universe and actual files reviewed for crimes against children with and without a cyber nexus, respectively.

**CASE FILE UNIVERSE AND ACTUAL FILES REVIEWED FOR
CRIMES AGAINST CHILDREN INVESTIGATIONS
WITH AND WITHOUT A CYBER NEXUS**

Field Offices	Boston, MA		Los Angeles, CA		Miami, FL		St. Louis, MO		San Francisco, CA	
	Universe	Reviewed	Universe	Reviewed	Universe	Reviewed	Universe	Reviewed	Universe	Reviewed
<i>CACU Investigations:</i>										
International Parental Kidnapping	8	2	1	1	6	2	4	2	1	1
Child Abductions/ No Ransom	2	1	3	1	2	1	1	1	2	1
Sexual Exploitation Of Children	3	2	4	2	1	1	3	2	3	0
Child Prostitution	2	2	0	0	2	1	0	0	7	0
Crime on Government Reservation	0	0	1	1	0	0	0	0	0	0
UFAP/Parental Kidnapping	0	0	7	2	3	1	1	1	7	1
Interstate Transport Of Child Pornography	0	0	1	0	0	0	0	0	5	3
CACU TOTALS	15	7	17	7	14	6	9	6	25	6
<i>IINI Investigations:</i>										
Groups and Enterprises	18	3	43	2	20	5	4	1	18	2
Producers	15	2	41	2	1	1	28	4	15	0
Enticement	12	2	33	2	2	1	4	1	11	2
Possessors	6	2	48	2	1	1	17	2	5	1
IINI TOTALS	51	9	165	8	24	8	53	8	49	5

Source: OIG analysis of FBI data

Beyond FBI Headquarters and Field Offices

Federal Agencies

At the outset of the audit, we visited NCMEC headquarters in Alexandria, Virginia to interview liaisons from the following federal agencies: the FBI, the United States Marshals Service (USMS), Immigration and Customs Enforcement (ICE) of the Department of Homeland Security, and the U.S. Postal Inspection Service (USPIS).

Additionally, our field work in the Washington, D.C., area included interviews with representatives from the:

- Child Exploitation and Obscenity Section of the Criminal Division, the DOJ;
- Child Protection Division of the Office of Juvenile Justice and Delinquency Prevention, the Office of Justice Programs;
- Office of Children's Issues of the Department of State; and
- Child Exploitation Section of the ICE's Cyber Crimes Center.

At the five judgmentally selected locations for fieldwork (San Francisco and Los Angeles, California; Miami, Florida; Boston, Massachusetts; and St. Louis, Missouri), we also interviewed officials from the local office of the USMS, ICE and USPIS. Beyond those federal agencies, we also visited the United States Attorney's Office at the following Districts to interview the local coordinator for the Project Safe Childhood.

- Northern District of California in San Francisco, California
- Central District of California in Los Angeles, California
- Southern District of Florida in Miami, Florida
- District of Massachusetts in Boston, Massachusetts
- Eastern District of Missouri in St. Louis, Missouri¹²⁹

¹²⁹ At the USAO for the Eastern District of Missouri, we also interviewed two additional Assistant U.S. Attorneys besides the PSC coordinator who had prosecutorial experiences in child prostitution and international parental kidnapping of children matters.

Local Law Enforcement Agencies

While conducting our fieldwork at the five judgmentally selected FBI field offices, we also visited other local law enforcement agencies, as follows.

- San Francisco Police Department in San Francisco, California
- San Jose Police Department in San Jose, California
- Los Angeles Police Department in Los Angeles, California
- Florida Department of Law Enforcement, Palm Beach Field Office in West Palm Beach, Florida¹³⁰
- The City of Miami Police Department in Miami, Florida
- Boston Police Department in Boston, Massachusetts
- St. Louis Metro Police Department in St. Louis, Missouri

ICAC Task Forces

Besides local law enforcement agencies, we also interviewed representatives from the following Internet Crimes Against Children (ICAC) Task Forces funded by OJP.

- The Silicon Valley ICAC Task Force at the San Jose Police Department in San Jose, California
- The ICAC Task Force at the Los Angeles Police Department in Los Angeles, California
- The Broward County ICAC Task Force at the Broward County Sheriff's Office in Ft. Lauderdale, Florida
- The Massachusetts ICAC Task Force at the Massachusetts State Police in Boston, Massachusetts
- The Missouri ICAC Task Force at the Clayton Police Department in Clayton, Missouri

¹³⁰ We included the Florida Department of Law Enforcement in our scope in order to review its Child Abduction Response Teams program, which served as a model in 2005 for the OJP's program by that same name.

Agencies Assisted by the FBI's CARD Teams

To assess the effectiveness of the FBI's CARD Team deployments, we interviewed representatives from a judgmental sample of eight law enforcement agencies that received CARD Team services. These eight agencies as well as the method of our contact are as follows:

- Franklin County Sheriff's Department in Union, Missouri (recipient of two CARD team deployments): in-person interview;
- Salinas Police Department in Salinas, California: telephone interview;
- Salt Lake City Police Department in Salt Lake City, Utah: telephone interview;
- DeSha County Sheriff's Office in Arkansas City, Arkansas: telephone interview;
- Allegheny County Police Department in Pittsburgh, Pennsylvania: telephone interview;
- Smyrna Police Department in Smyrna, Tennessee: telephone interview;
- Leesburg Police Department in Leesburg, Florida: telephone interview; and
- Buxton Police Department in Buxton, Maine: in-person interview.

Non-Governmental Organizations

We also visited the following non-governmental organizations to gain an understanding of various crimes against children and the perspective these organizations had on the FBI's efforts in combating crimes against children.

- NCMEC: headquarters in Alexandria, Virginia; two regional offices in Tustin, California and Lake Park, Florida; and six Team Adam consultants located in various parts of the United States
- Crimes Against Children Research Center of the University of New Hampshire in Durham, New Hampshire

- Children of the Night in Van Nuys, California
- Standing Against Global Exploitation Project in San Francisco, California

Surveys

During the audit, we developed and deployed two surveys, as follows.

- (1) To evaluate the efforts by FBI's overseas representatives on international parental kidnapping of children, we developed and deployed a survey to eight judgmentally selected foreign locations: Israel, Mexico, Poland, United Kingdom (countries that have ratified the Hague Convention); and Barbados, Ethiopia, Japan and Saudi Arabia (countries that have not ratified the Hague Convention).
- (2) To evaluate the efforts by FBI's overseas representatives on child sex tourism, we developed and deployed a survey to two judgmentally selected locations: Thailand and Costa Rica.

Conferences

We attended two conferences as a part of our fieldwork to assess outreach efforts by the FBI on crimes against children: (1) the 19th Annual Crimes Against Children Conference, and (2) the California Child Abduction Task Force: Intervention and Resource Training.

(1) The 19th Annual Crimes Against Children Conference was presented by the Dallas Children's Advocacy Center and the Dallas Police Department from August 13 to 16, 2007, in Dallas, Texas. We attended the first two days of this four-day conference and observed twelve presentations, as detailed in the following table.

**PRESENTATIONS ATTENDED BY THE OIG AT THE
19TH ANNUAL CRIMES AGAINST CHILDREN CONFERENCE**

No.	Presentation Title	Presenters
1	Child Abduction Response Plan	The FBI
2	Destination Cambodia: an International Sex Tourism Case Study	The CEOS
3	Cases of Child Abduction, Part 2	The FBI
4	Case Study: Destiny Norton ¹³¹	The FBI and the Salt Lake City Police Department
5	Windows Vista and the Forensic Examiner	The CEOS
6	Medical Analysis of Child Pornography	OJJDP and the University of North Carolina at Chapel Hills
7	Basic Child Forensic Interviewing, Part 1	The FBI
8	Digital Imaging with Adobe Photoshop—What's Real?	NCMEC
9	NCMEC Child Abduction Project	NCMEC
10	The Adam Walsh Act	OJP
11	Legal Issues in Child Porn Cases	Fox Valley Technical College, Fox Valley, Wisconsin
12	Female Sex Offenders	A consultant to the Wisconsin Department of Corrections

Source: OIG

(2) The California Child Abduction Task Force: Intervention and Resource Training, was held on September 18 to 19, 2007, in Burlingame, California. We attended this training on September 19, 2007. A Special Agent from the FBI's Los Angeles Field Office is a member of the California Child Abduction Task Force, created officially in 1998 by the State of California Governor's Office of Criminal Justice Planning to "reduce the risk and incidence of child abduction and increase the effectiveness of a multi-disciplinary response by enhancing skills, knowledge and awareness of child

¹³¹ Destiny Norton was the deceased victim of a child abduction that occurred in July 2006 in Salt Lake City, Utah. The FBI's CARD Teams assisted in the investigation and this deployment was selected in our review of the CARD Teams.

abduction."¹³² At the September 2007 training in Burlingame, California, the FBI Special Agent participated by presenting on the following two topics:
(a) Federal Agencies' Resources and Response to Child Abductions and
(b) Child Abduction Case Scenario.

Data Verification

During the course of our audit, we collected information from the FBI's Time Utilization and Recordkeeping (TURK) system. We did not audit TURK or test whether the Special Agents were accurately reporting their time and, thus, we cannot guarantee that the time utilization reported by the FBI is accurate. We do not report any findings related to the FBI's TURK system.

In addition, we collected data from a DES tracking database on the national averages of all IINI-related forensic analysis of digital evidence performed by its CART teams and RCFL laboratories. We did not perform testing to verify the accuracy of data from this tracking database as part of our audit. We do not report any findings related to the data we collected or the database.

¹³² This Special Agent is also a Crimes Against Children Coordinator at the FBI Los Angeles Field Office and a member of the CARD Teams.

APPENDIX II**ACRONYMS**

Acronym	Description
ACS	Automated Case Support
AMBER	America's Missing: Broadcast Emergency Response
AOB	Average On-Board
ASCLD	American Society of Crime Laboratory Directors
AUSA	Assistant United States Attorney
BAU	Behavioral Analysis Unit
CACU	Crimes Against Children Unit
CARD	Child Abduction Rapid Deployment
CARP	Child Abduction Response Plan
CART (FBI)	Computer Analysis Response Team
CART (OJP)	Child Abduction Response Team
CEOS	Child Exploitation and Obscenity Section
CID	Criminal Investigative Division
CVIP	Child Victim Identification Program
DES	Digital Evidence Section
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FDLE	Florida Department of Law Enforcement
FY	Fiscal Year
GAO	Government Accountability Office
ITF	International Task Force of the FBI's Innocent Images National Initiative
ICAC	Internet Crimes Against Children Task Force
ICE	Immigration and Customs Enforcement
IINI	Innocent Images National Initiative
INTERPOL	United States National Central Bureau
IPKCA	International Parental Kidnapping Crime Act
LAPD	Los Angeles Police Department
Legat	Legal Attaché
MIOG	Manual of Investigative Operations and Guidelines
NCIC	National Crime Information Center
NCMEC	National Center for Missing and Exploited Children
NISMART	National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children
OCI	Office of Children's Issues
OIG	Office of Inspector General
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OVA	Office for Victim Assistance
Project ALERT	Project America's Law Enforcement Retiree Team

Acronym	Description
PROTECT	Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act
PSC	Project Safe Childhood
RCCEEG	Regional Computer Crimes Education and Enforcement Group
RCFL	Regional Computer Forensic Laboratory
SAFE	Sexual Assault Felony Enforcement team at the FBI's Los Angeles Field Office
SMART	Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking
TURK	Time Utilization and Recordkeeping system
USC	United States Code
USMS	United States Marshals Service
USPIS	United States Postal Inspection Service
USU	Undercover Safeguard Unit

APPENDIX III

DOJ STRATEGIC PLAN FISCAL YEARS 2007 THROUGH 2012

Goal 1: Prevent Terrorism and Promote the Nation's Security	
1.1	Prevent, disrupt, and defeat terrorist operations before they occur.
1.2	Strengthen partnerships to prevent, deter, and respond to terrorist incidents.
1.3	Prosecute those who have committed, or intend to commit, terrorist acts in the United States.
1.4	Combat Espionage against the United States.
Goal 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People	
2.1	Strengthen partnerships for safer communities and enhance the Nation's capacity to prevent, solve, and control crime.
2.2	Reduce the threat, incidence, and prevalence of violent crime.
2.3	Prevent, suppress, and intervene in crimes against children.
2.4	Reduce the threat, trafficking, use, and related violence of illegal drugs.
2.5	Combat public and corporate corruption, fraud, economic crime, and cybercrime.
2.6	Uphold the civil and constitutional rights of all Americans.
2.7	Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction.
2.8	Protect the integrity and ensure the effective operation of the Nation's bankruptcy system.

Goal 3: Ensure the Fair and Efficient Administration of Justice	
3.1	Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.
3.2	Ensure the apprehension of fugitives from justice.
3.3	Provide for the safe, secure, and humane confinement of detained persons awaiting trial and/or sentencing, and those in the custody of the Federal Prison System.
3.4	Provide services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards.
3.5	Adjudicate all immigration cases promptly and impartially in accordance with due process.
3.6	Promote and strengthen innovative strategies in the administration of state and local justice systems.
3.7	Uphold the rights and improve services to America's crime victims.

Source: DOJ

**EVOLUTION OF THE FBI'S
CRIMES AGAINST CHILDREN PROGRAM**

The FBI has always investigated crimes against persons regardless of the victim's age. However, a distinct unit devoted exclusively to children's issue did not exist until the early 1990s. While responding to the disappearance of a child in May 1993, the FBI's field office in Baltimore, Maryland investigated two suspects who were exploiting children through the use of a computer. This case led to a recognition that the problem of child exploitation through the Internet extended far beyond the suburbs of Maryland. Through the following three milestones, a local investigation gradually evolved into the two principal investigative programs on crimes against children within the FBI.

(1) 1995: The Innocent Images National Initiative

In May 1995, the FBI launched its IINI, modeled after the initial response of child abduction in 1993 by its Baltimore, Maryland Field Office. IINI was part of the Criminal Investigative Division (CID) of the FBI, and its investigative focus was on those who exploit children through the use of computers.

(2) 1997: The Office of Crimes Against Children

In January 1997, the FBI reorganized and established within the CID the Office of Crimes Against Children. IINI became a part of the Office of Crimes Against Children as well. The FBI created the Office of Crimes Against Children to address the victimization of children and issues on interagency-liaison, legislative concerns, budget, and training. In May 1997, the FBI Director required each field office to have at least two Special Agents serve as coordinators on crimes against children.¹³³ The duties of the coordinators include establishing and maintaining "multi-agency, multi-disciplinary" resources to ensure "effective investigation and prosecution" of crimes against children. The name of the office changed twice, most recently in January 2000 to the Crimes Against Children Unit (CACU), which

¹³³ The number of the required CAC Coordinators was reduced from two to one at each FBI field office in February 2004, following the transfer of the IINI from the Criminal Investigative Division to the Cyber Division and the resulting shift of resources.

is still used today. Currently, the CACU is a sub-program under the Violent Crimes Section of the CID.¹³⁴

(3) 2002: The Cyber Division

In July 2002, the FBI created the Cyber Division to respond to all crimes facilitated through the use of the Internet, computer systems, or networks. IINI was formally transferred to the Cyber Crime Section of the Cyber Division in January 2003, thereby splitting the FBI's investigative response to crimes against children into two parts: IINI and CACU. The CACU under the CID responds to traditional criminal concerns without a cyber nexus such as child abductions and prostitution of children. IINI under the Cyber Division responds to computer-based crimes where the victim is a child.

¹³⁴ The FBI classifies its investigations through a three-tiered system of programs, sub-programs and classification codes. As of 2006, the FBI has 13 programs, one of which is the Violent Crime program. The Violent Crime program is further divided into eight sub-programs, including Crimes Against Children.

**PROGRAMS OF THE NATIONAL CENTER FOR
MISSING AND EXPLOITED CHILDREN**

The National Center for Missing and Exploited Children (NCMEC) provides a wide array of services; the following are highlights.

Call Center

- NCMEC's toll-free hotline operates 24 hours a day, 7 days a week, 365 days a year. Since its inception in 1984 through the last quarter of 2007, more than 2.2 million calls have been received.

Investigative Assistance

- America's Law Enforcement Retiree Team (Project ALERT) and Team Adam are composed of retired law enforcement officers skilled in investigating crimes against children. Both programs provide free, on-site assistance to local law enforcement investigating missing or exploited children.
- Cold Case Review Unit investigates long-term missing child cases by collaborating with law enforcement, medical examiners, and families to try to resolve these cases.

International Division

- Provide assistance to parents, attorneys, law enforcement, and others in cases of international abduction of children.
- Provide financial assistance to parents who are unable to reunite with their children once they have been found.

CyberTipline®

- Congressionally mandated to provide an online reporting tool for the public to report suspected incidents of child exploitation, including child victims of prostitution and pornography, extra-familial molestation of children, and child sex tourism.
- Since the launch of this service in 1998 through the last quarter in 2007, there have been more than 500,000 incident reports collected.

Child Victim Identification Program

- The Child Victim Identification Program (CVIP) was established in 2002 as a clearinghouse for child pornography cases.
- Work with federal, local and international law enforcement, prosecutors to locate the victims and prosecute the perpetrators that trade, sell, distribute these images.

NetSmartz Workshop®

- An online interactive resource for children to raise awareness on safety and prevent victimization.

Age Enhancement, Facial Reconstruction, and Imaging/Identification

- Provide computerized age progression of the photographs of long-term missing and exploited children.
- Reconstruction of facial images from morgue photographs of unidentified, deceased children.

Photo and Poster Distribution

- Lost Child Alert Technology Resource (LOCATER) program provides a free-of-charge, web-based, poster creation and dissemination tool to law enforcement agencies nationwide.
- Provide posters of missing children to major corporations, major media outlets to ensure wide exposure.

Training

- Jimmy Ryce Law Enforcement Training Center (JRLETC) was established in 1997 to train law enforcement on crimes against children investigations. The JRLETC has trained more than 214,000 individuals since its inception.

**FEDERAL AGENCY TASK FORCE ON
MISSING AND EXPLOITED CHILDREN**

Membership includes:

- I. U.S. Department of Defense
 1. Family Advocacy Program
 2. Legal Assistance Office

- II. U.S. Department of Education
 1. Office of Elementary and Secondary Education/Office of Safe and Drug-Free Schools

- III. U.S. Department of Health and Human Services
 1. Family and Youth Services Bureau
 2. Office on Child Abuse and Neglect

- IV. U.S. Department of Homeland Security
 1. U.S. Immigration and Customs Enforcement
 2. U.S. Secret Service/Forensic Services Division

- V. U.S. Department of Housing and Urban Development
 1. Office of the Inspector General

- VI. U.S. Department of Justice
 1. Child Exploitation and Obscenity Section of the Criminal Division
 2. Federal Bureau of Investigation
 3. Office for Victims of Crime
 4. Office of Juvenile Justice and Delinquency Prevention/Child Protection Division
 5. U.S. National Central Bureau (INTERPOL)

- VII. U.S. Department of the Interior
 1. Bureau of Indian Affairs

- VIII. U.S. Department of State
 1. Office of Children's Issues

- IX. U.S. Postal Service
 1. U.S. Postal Inspection Service

- X. National Center for Missing and Exploited Children

FBI INVESTIGATIVE PRIORITIES

The FBI accomplishes its mission by prioritizing its investigations of crimes based on an overall priority ranking, as follows.

No.	Priority Description
1	Protect the United States from terrorist attack
2	Protect the United States against foreign intelligence operations and espionage
3	Protect the United States against cyber-based attacks and high-technology crimes ¹³⁵
4	Combat public corruption at all levels
5	Protect civil rights
6	Combat transnational/national criminal organizations and enterprises
7	Combat major white-collar crime
8	Combat significant violent crime ¹³⁶
9	Support federal, state, local and international partners
10	Upgrade technology to successfully perform the FBI's mission

Source: FBI

¹³⁵ IINI investigates online sexual exploitation of children and is a component of the Cyber Crime Section within the Cyber Division that addresses third-ranked priority: cyber-related crimes.

¹³⁶ The CACU investigates crimes against children without a cyber nexus and is a component of the Violent Crimes Section within the Criminal Investigative Division that addresses eighth-ranked priority: "Combat significant violent crime."

ANALYSIS OF FBI CARD TEAMS DEPLOYMENTS

The FBI first deployed its CARD teams in March 2006. As of December 2007, there have been 26 deployments of the CARD teams. Based on the narrative summary provided by the FBI on these deployments, we analyzed the CARD operations, as follows.

- Results: In 11 deployments (42 percent), the missing children were recovered alive; in 13 deployments (50 percent), the missing children were recovered dead; and in the remaining two deployments (8 percent), the children remained missing after the FBI-CARD teams' participation had ended.
- Size of the deployment: The number of the FBI CARD team members deployed ranged from one to seven; the average size of deployment is four team members; the mode — the most frequently occurring size of deployment — was also four team members (12 of the 26 deployments, or 46 percent).
- Locations: The 26 deployments have occurred in 18 states, further divided by the number of deployments that have occurred in each state, were as follows.
 - 12 states (67 percent) had 1 deployment:
 - Wisconsin,
 - Tennessee,
 - Utah,
 - Florida,
 - Arkansas,
 - Mississippi,
 - Maine,
 - Minnesota,
 - West Virginia,
 - Texas,
 - Connecticut and
 - North Carolina;
 - 4 states (22 percent) had 2 deployments:
 - Oklahoma,
 - California,
 - Missouri and
 - Alabama; and

- 2 states (11 percent) had 3 deployments:
 - Pennsylvania and
 - Washington.
- Number of missing children: There were 30 missing children involved in these 26 deployments; 22 of the deployments (85 percent) involved one missing child, while the remaining 4 deployments (15 percent) involved 2 missing children.
- Age of missing children: The ages of missing children range from infants as young as 4 days old to 17 years. Additionally, we noted that 5 (17 percent) of the 30 missing children were under 2 years old, considered infants.

APPENDIX IX

**COUNTRIES AND THEIR EFFECTIVE DATES OF PARTICIPATION
WITH THE HAGUE CONVENTION ON THE CIVIL ASPECTS
OF INTERNATIONAL CHILD ABDUCTION**

No.	Country	Effective Date
1	Argentina	1-Jun-1991
2	Australia	1-Jul-1988
3	Austria	1-Oct-1988
4	Bahamas	1-Jan-1994
5	Belgium	1-May-1999
6	Belize	1-Nov-1989
7	Bosnia & Herzegovina	1-Dec-1991
8	Brazil	1-Dec-2003
9	Bulgaria	1-Jan-2005
10	Burkina Faso	1-Nov-1992
11	Canada	1-Jul-1988
12	Chile	1-Jul-1994
13	China	
	<i>Hong Kong S.A.R.</i>	<i>1-Sep-1997</i>
	<i>Macau</i>	<i>1-Mar-1999</i>
14	Colombia	1-Jun-1996
15	Costa Rica	1-Jan-2008
16	Croatia	1-Dec-1991
17	Czech Republic	1-Mar-1998
18	Cyprus	1-Mar-1995
19	Denmark	1-Jul-1991
20	Dominican Rep.	1-Jun-2007
21	Ecuador	1-Apr-1992
22	El Salvador	1-Jun-2007
23	Estonia	1-May-2007
24	Finland	1-Aug-1994
25	France	1-Jul-1988
26	Germany	1-Dec-1990
27	Greece	1-Jun-1993
28	Guatemala	1-Jan-2008
29	Honduras	1-Jun-1994
30	Hungary	1-Jul-1988
31	Iceland	1-Dec-1996
32	Ireland	1-Oct-1991
33	Israel	1-Dec-1991
34	Italy	1-May-1995
35	Latvia	1-May-2007
36	Lithuania	1-May-2007
37	Luxembourg	1-Jul-1988
38	Macedonia	1-Dec-1991
39	Malta	1-Feb-2003

No.	Country	Effective Date
40	Mauritius	1-Oct-1993
41	Mexico	1-Oct-1991
42	Monaco	1-Jun-1993
43	Montenegro	1-Dec-1991
44	Netherlands	1-Sep-1990
45	New Zealand	1-Oct-1991
46	Norway	1-Apr-1989
47	Panama	1-Jun-1994
48	Paraguay	1-Jan-2008
49	Peru	1-Jun-2007
50	Poland	1-Nov-1992
51	Portugal	1-Jul-1988
52	Romania	1-Jun-1993
53	San Marino	1-Jan-2008
54	Serbia	1-Dec-1991
55	Slovakia	1-Feb-2001
56	Slovenia	1-Apr-1995
57	South Africa	1-Nov-1997
58	Spain	1-Jul-1988
59	Sri Lanka	1-Jan-2008
60	St. Kitts and Nevis	1-Jun-1995
61	Sweden	1-Jun-1989
62	Switzerland	1-Jul-1988
63	Turkey	1-Aug-2000
64	Ukraine	1-Sep-2007
65	United Kingdom	1-Jul-1988
	<i>Bermuda</i>	<i>1-Mar-1999</i>
	<i>Cayman Islands</i>	<i>1-Aug-1998</i>
	<i>Falkland Islands</i>	<i>1-Jun-1998</i>
	<i>Isle of Man</i>	<i>1-Sep-1991</i>
	<i>Montserrat</i>	<i>1-Mar-1999</i>
66	Uruguay	1-Sep-2004
67	Venezuela	1-Jan-1997
68	Zimbabwe	1-Aug-1995

Source: Department of State

APPENDIX X**FEDERAL STATUTES ON CRIMES AGAINST CHILDREN**

The following table lists statutes from Title 18 of the United States Code (U.S.C.) on crimes against children that are investigated by the FBI.

Title 18 of U.S.C. Section No.	Description
1073	Unlawful Flight to Avoid Prosecution
1201	Kidnapping
1204	International Parental Kidnapping
1462	Importation or Transportation of Obscene Matters
1465	Transportation of Obscene Matters for Sale or Distribution
1466	Engaging in the Business of Selling or Transferring Obscene Matter
1470	Transfer of Obscene Material to Minors
1591	Sex Trafficking of Children or by Force, Fraud, or Coercion
2241(a)(c)	Aggravated Sexual Abuse
2243	Sexual Abuse of a Minor or Ward
2251(a)(b)(c)	Sexual Exploitation of Children
2251A(a)(b)	Selling or Buying of Children
2252	Certain Activities Relating to Material Involving the Sexual Exploitation of Minors
2252A	Certain Activities Relating to Material Constituting or Containing Child Pornography
2260(a)(b)	Production of Sexually Explicit Depictions of a Minor for Importation into the United States
2421	Transportation Generally
2422	Coercion and Enticement
2423(a)	Transportation of Minors with Intent to Engage in Criminal Sexual Activity
2423(b)	Interstate or Foreign Travel with Intent to Engage in a Sexual Act with a Juvenile
2425	Use of Interstate Facilities to Transmit Information About a Minor

Source: FBI

FEDERAL BUREAU OF INVESTIGATION RESPONSE



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

December 16, 2008

Mr. Raymond J. Beaudet
Assistant Inspector General
for Audit
United States Department of Justice
Suite 6100
1425 New York Avenue, NW
Washington, DC 20530

RE: THE FEDERAL BUREAU OF INVESTIGATION'S EFFORTS TO COMBAT CRIMES
AGAINST CHILDREN

Dear Mr. Beaudet:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your report entitled, "The Federal Bureau of Investigation's Efforts to Combat Crimes Against Children" (hereinafter, "Report").

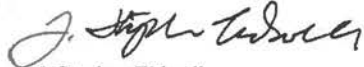
The Report documents the FBI's efforts to address crimes against children which predominantly includes investigations of cyber-based child pornography, child abductions, and non-cyber sexual exploitation of children. As noted, in each of these areas the FBI has developed national programs to guide its efforts, specifically its Innocent Images National Initiative (IINI), Child Abduction Rapid Deployment (CARD) Team, and Innocence Lost programs. As described, the IINI Unit, a component of the Cyber Division, targets enterprises sexually exploiting children online and producers of cyber-based child pornography. The CARD Team provides rapid assistance to all FBI field offices and local law enforcement agencies when a child is critically missing, while the Innocence Lost programs identifies and disrupts domestic trafficking of children for prostitution.

As your Report confirms, the pervasiveness of the Internet has resulted in the dramatic growth of online sexual exploitation of children resulting in a 2,000 percent increase in the number of IINI cases opened since 1996. In fiscal year 2007 alone, the FBI's IINI investigations resulted in more than 1,000 convictions for persons victimizing children through online sexual exploitation. Your analysis recognized the FBI has appropriately focused investigative personnel to meet the FBI's crimes against children priorities. Based on a review of the Report, the FBI concurs with all of the recommendations made and has already implemented measures to resolve many of the identified issues. The FBI remains committed to protecting the most vulnerable among us, our children.

In conclusion, the FBI appreciates the professionalism exhibited by your staff in working with our representatives throughout this audit process. Enclosed herein is the FBI's

response to the report. Please feel free to contact me should you have any questions.

Sincerely yours,



J. Stephen Tidwell
Executive Assistant Director
Criminal, Cyber, Response and Services
Branch Division

**RE: THE FEDERAL BUREAU OF INVESTIGATION'S EFFORTS
TO COMBAT CRIMES AGAINST CHILDREN**

RECOMMENDATION # 1 - Enhance its interagency cooperation in Los Angeles with ICE and the ICAC task force.

FBI RESPONSE – CONCUR - FBI Los Angeles has remedied any lack of interagency coordination between the FBI, the Bureau of Immigration and Customs Enforcement (ICE), and the DOJ-funded Internet Crimes Against Children (ICAC) Task Force assigned in Los Angeles County, California. In the past year, FBI Los Angeles established strong working relationships with the ICAC Task Force and ICE. As one example, FBI Los Angeles, ICE, the ICAC Task Force, and the U.S. Secret Service joined together to work a peer-to-peer investigative initiative that targeted mass distributors of child pornography. This joint operation culminated in the federal arrests of 55 people for the distribution, possession, and/or production of child pornography. In addition, ICE has assigned a full-time Agent to FBI Los Angeles' Sexual Assault and Felony Enforcement (SAFE) Team in Orange County, California. Similarly, the FBI has placed an Agent to work full-time on the ICE Child Exploitation Task Force in Long Beach, California. The ICAC has committed to sending a full-time Task Force Officer to Orange County, California, in January 2009 to support a nationwide case that originated in Los Angeles, as well as to support the investigation of leads received from the National Center for Missing and Exploited Children. Furthermore, FBI Los Angeles routinely provides training and operational support to the ICAC Task Force.

RECOMMENDATION # 2 - Continue to develop strategies for DES to reduce the backlog of digital evidence related to crimes against children cases requiring forensic analysis.

FBI RESPONSE – CONCUR - The FBI Digital Evidence Section (DES), is working within and without the Deputy Attorney General's Computer Forensic Working Group (CFWG) to "continue to develop strategies for DES to reduce the backlog of digital evidence related to crimes against children cases requiring forensic analysis." The FBI strategy is fourfold: 1) Increase internal efficiencies in the examination process and the management of examiners and backlogs in field offices; 2) Empower investigative agents to utilize forensically tested tools at search scenes to make informed decisions on what media to seize and not seize, thereby more strategically controlling the ingestion of data in the first instance; 3) Assist the DOJ in the development of a permissible plea negotiation policy which seeks to felony convict more low risk offenders with less forensic resources, thereby reversing the trend of exhausting scarce forensic resources in a limited number of investigations while reserving greater forensic bandwidth for more egregious investigations, and; 4) Seek to acquire additional personnel and funding resources to attempt to keep pace with the burgeoning influx of digital evidence requiring forensic examinations not just in child exploitation investigations, but in all investigative categories.

RECOMMENDATION # 3 - Strengthen internal controls to ensure that IINI undercover employees receive timely mental health assessments from the USU.

FBI RESPONSE – CONCUR - The IIU and Undercover Safeguard Unit (USU) work closely together to maintain the mental health of all undercover agents and Task Force Officers (TFO) who investigate online crimes against children. Per documented Innocent Images policies, all IINI agents and TFO assigned to an Innocent Images online undercover operation are required to be safeguarded before they conduct any online undercover activity and every year thereafter. If an investigator does not pass the assessment, they will not be able to work as an online undercover investigator. All Agents and TFO are aware it is their responsibility to maintain current safeguard assessments. In fact, a current date of safeguarding must be noted for each Agent and TFO listed on all Innocent Images undercover operation renewals, which are reviewed by IIU Program Managers every six months. If the Agent or TFO is late in their assessment due to a pending investigation, trial, or sickness, they are required to make an appointment with USU as soon as possible to remedy the delinquency. Without an acceptable safeguard date associated with each online undercover investigator, the entire undercover operation will not be approved until an appointment is made for the delinquent assessment, the assessment is completed, or that Agent or TFO is removed from the undercover operation. Concurrently, the USU also notifies the Agent or TFO when they are due for an assessment via internal FBI email. The USU also holds regional assessments in different parts of the country to provide better access to each candidate for the assessment.

To strengthen internal controls and ensure safeguard assessments are conducted in a timely manner, in October 2008 the IIU and USU implemented a new procedure that requires an IINI investigator be safeguarded prior to attending the mandatory IINI Basic Online Undercover Course. Previously, an investigator was only required to be safeguarded sometime before they initiated their first online undercover case. This procedural change ensures that all new online undercover candidates successfully pass safeguarding before they attend any online undercover training, which will further protect the mental health of those employees who do not pass their safeguard assessment. Furthermore, proof of their successful pass of safeguarding is now required before the IIU will even enroll the candidate in any IINI undercover training.

RECOMMENDATION # 4 - Establish guidelines for providing USU-approved psychological assessments or counseling for non-undercover personnel who have had or will have exposure to child exploitation material.

FBI RESPONSE – CONCUR - Historically, DES/CART has long made the psychological assessments and/or counseling voluntarily available to its digital evidence forensic examiners who request it, unless managers recommend it for specific examiners.¹ At present, the CAIR process used by digital evidence examiners typically requires only that examiners process and present for investigators' review the digital imagery forensically recovered from seized computers or media that tends to be the most harmful to examiners. This process has proven fruitful because investigators are more likely than examiners to know details discovered during the course of an investigation that would lead them to recognize relevant evidence in "plain

¹ Id. at p.34, fn.77.

view” or to identify a potential live victim or a culpable image of the suspect(s). This process also has the effect of distancing examiners from a sea of sometimes horrific imagery.

Notwithstanding past practice, the DES is increasingly advocating for and, with regard to the “IINI-CART Laboratory” at BWI in Linthicum, MD (operated jointly with Cyber Division), has begun establishing digital evidence examination processing centers which exclusively process child exploitation evidence. In these environments, it is inevitable that digital evidence forensic examiners will be exposed to a greater volume of child exploitation material. As a consequence, the DES will establish policy in concurrence with the Cyber Division no later than February 1, 2009 that all examiners assigned to such facilities or who are otherwise exclusively assigned to child exploitation matters shall be provided Safeguard assessments by the Cyber Division USU at the expense of the Cyber Division. Moreover, Safeguard assessments will be provided to any CART-certified digital evidence examiner requesting an assessment, and the availability of such assessments shall be noted on the CART FBI Intranet. Finally, Safeguard assessments shall be provided whenever a CART Coordinator, Supervisor, RCFL² Laboratory Director, or RCFL Operations Manager requests an assessment for a digital evidence examiner. Such supervisors will be encouraged, by policy to require Safeguard assessments or, at the minimum, a group outreach support session from the FBI’s Employee Assistance Program (EAP) to encourage seeking such assessments, whenever the facts of a particular investigation and the foreseeable evidence generated thereby are likely to expose examiners to particularly graphic or heinous material (e.g., death, torture or violent sexual abuse of a child).

All personnel within the IIU must be safeguarded even if their duties do not include working in an online undercover capacity, since there is a constant threat of exposure to sexually explicit material within the IIU. The IIU is working with the USU and FBI Field Offices to establish further guidelines which will ensure that non-undercover Agents, analysts, and other employees who are exposed to images depicting child exploitation as part of their daily work may be afforded safeguarding. Nonetheless, any FBI employee wishing to undergo a safeguard assessment is willingly accepted by the USU. It is also IIU policy that an investigator cannot be required to work IINI matters.

The IIU and USU are currently evaluating its current resources to determine the anticipated expense and staffing requirements that would be needed to effectively fulfill the OIG’s recommendation. Per USU, in fiscal year 2008 they conducted a total of 394 safeguard assessments of IINI personnel. These assessments were for Online Covert Employees (OCE) who were assigned to an online undercover operation. Based on this figure and allowing a 5% delinquency rate (20 assessments) for those who did not get assessed by years end, the IIU calculated an annual baseline of 420 assessments per year.

To address the OIG’s concern to have non-OCEs also get safeguarded, the IIU estimated the number of other employees that have had, or will have, exposure to child sexual material. The IIU conservatively estimates that in each of the FBI’s 56 field offices an additional 12 personnel

² The lawfulness of involuntarily requiring non-predicated Safeguard assessments for existing or proposed RCFL digital evidence examiners who are detailed employees from other state and local governments will require a case by case determination. In some instances, existing state and local collective bargaining agreements may prohibit or, at the least, significantly complicate such an approach.

on average would be exposed to child pornography: eight (8) non-OCE Agents, one (1) Intelligence Analyst, one (1) CART Forensic Examiner, and two (2) miscellaneous support staff (Investigative Operations Analysts, Secretary, etc...). These additional 12 employees in each of the FBI's 56 Field Offices yields an additional 672 non-OCEs that would require safeguarding based on the OIG's recommendation. Thus, the estimated grand total of both OCEs and non-OCEs requiring safeguarding would be 1,092 employees per year [420 OCEs + 672 non-OCEs]. Each safeguard assessment costs an average of \$1,500 per person to pay for related travel, hotel, and meal expenses. Therefore, it would cost an estimated \$1,638,000 annually to conduct 1,092 assessments. This expense excludes the required cost to hire additional safeguard assessors.

In light of the above, the FBI has determined only those employees with prolonged or intense exposure to child exploitation material should be required to be safeguarded. The IIU and USU will work closely with Innocent Images Supervisors in each Field Office to identify those employees who require safeguarding and implement mechanisms to have them attend annual safeguard assessments.

RECOMMENDATION # 5 - Consider implementing community outreach activities on Internet safety for children, similar to the cooperative model with external organizations at the Miami and St. Louis field offices.

FBI RESPONSE – CONCUR - In early 2008, the Innocent Images Unit (IIU) disseminated a communication to all FBI Field Offices emphasizing FBI Miami's Safe Online Surfing (SOS) initiative and its utilization as a community outreach program pertaining to internet safety. Field Offices were requested to contact FBI Miami if they wanted to have schools within their territory join the program. In November 2008, the IIU evaluated Miami's SOS community outreach program and, with Miami's concurrence, submitted a proposal to FBI Cyber Division management to assume the program and transition it into a nationwide community outreach initiative run by the IIU. The proposal assigns the IIU full program management oversight to a new FBI-wide Safe Online Surfing initiative, which will yield greater exposure and emphasis from the FBI Headquarters level. An IIU Program Analyst was requested to become the primary coordinator and daily contact for the initiative under the leadership of a Supervisory Special Agent overseeing the entire program. It is anticipated FBI Miami will continue to have a significant role in the initiative, since the proposal seeks to enhance the FBI's relationship with Nova Southeastern University. In fact, the IIU seeks to utilize the existing success and infrastructure of this program and expand it nationally, instead of recommending each FBI Field Office initiate their own individual internet safety franchise or similar initiative. The IIU has since provided \$10,000 in funding to supplement the FBI's SOS program, a \$5,000 increase over its previous years funding. In fiscal year 2009 it also expects to spend several thousand dollars on community outreach materials which promote internet safety, such as pencils, rulers, and mouse pads.

All FBI Field Offices promote internet safety via Innocent Images Agents giving presentations to parent and school groups, through the FBI's Citizen's Academy program, and in support of requests from state and local law enforcement. The point of contact for a particular Field

Office's internet safety program is the designated Community Outreach Specialist or the Innocent Images Supervisor.

RECOMMENDATION # 6 - Develop a mechanism to track investigative events for child abduction cases, especially the date and time when the FBI received notification or a potential abduction and when and how the FBI responded to the incident.

FBI RESPONSE – CONCUR - The FBI maintains a list of each case in which it deploys the Child Abduction Rapid Deployment Team (CARDT). The FBI will further maintain a list of the FBI's response to Amber Alerts pertaining to the mysterious disappearance of a child where no abductor has been identified

RECOMMENDATION #7 - Develop and implement procedures for evaluating, at least annually, the CAC Coordinators' liaison efforts with law enforcement agencies and non-profit organizations involved in combating crimes against children.

FBI RESPONSE – CONCUR - The FBI will issue guidance to the field divisions requiring the CAC Coordinators to develop and submit a CAC Resource List. This list will contain points of contact within law enforcement, social services and non-governmental agencies responsible for addressing child exploitation. Furthermore, the CAC Coordinators will be required to update these lists on an annual basis, as well as provide results of these liaison contacts.

RECOMMENDATION # 8 - Implement a post-deployment survey of CARD team customers.

FBI RESPONSE – CONCUR - The FBI will develop an on-line post-deployment survey accessible to field divisions utilizing the CARDT resource. The FBI will also issue guidance requiring the field division to solicit feedback from local and state law enforcement regarding their use of the resource.

RECOMMENDATION # 9 - Complete a written protocol on coordination between the FBI CARD teams and the OJP CART.

FBI RESPONSE – CONCUR - The FBI has provided each CARDT member with a list of Office of Justice Programs (OJP) CART personnel within their region. The FBI has also issued guidance requiring each team member to coordinate with their respective OJP CART. The FBI had invited representatives from the OJP CART to present on their resource during annual CARDT training. The FBI will continue to coordinate with OJP CART to develop a written protocol as recommended.

RECOMMENDATION #10 - Complete a written protocol on coordination between the CARD teams and the NCMEC Team Adam consultants.

FBI RESPONSE – CONCUR - The FBI has provided each CARDT member with a list of NCMEC Team Adam personnel within their region. The FBI has also issued guidance requiring each team member to coordinate with their respective Team Adam consultants. The FBI had

invited representatives from NCMEC to present on their resource during annual CARDT training. The FBI will continue to coordinate with NCMEC to develop a written protocol as recommended.

RECOMMENDATION # 11 - Provide specialized training to Legat personnel on international parental kidnapping.

FBI RESPONSE – CONCUR - In FY 2008, the FBI provided specialized training regarding international parental kidnapping (IPK) matters to Legat personnel at the Asia and Middle East Regional Conferences. The CACU will coordinate with the Office of International Operations and Training Division to develop an on-line training module regarding IPK investigations accessible to the Legats.

RECOMMENDATION #12 - Coordinate with the State Department and NCMEC to promote the development of a database of information regarding instances of international parental kidnappings

FBI RESPONSE – CONCUR - The FBI participates in regular coordination meetings with NCMEC and the Department of State (DOS) Office of Children Issues regarding de-confliction on instances of international parental kidnapping (IPK). The FBI maintains access to a NCMEC database containing information regarding IPK matters. In the past, DOS had direct access to this NCMEC database. CACU will coordinate with OGC regarding legal issues associated with the submission of FBI data into this existing database, or the feasibility of the development of a separate database to share information with DOS as recommended.

RECOMMENDATION #13 - Develop for child sex tourism cases a programmatic strategy, goals, guidance, and a separate investigative classification for tracking such investigations.

FBI RESPONSE – CONCUR - The FBI will issue appropriate guidance to the field regarding child sex tourism matters. Furthermore, the FBI will pursue the use of a separate investigative classification for tracking such investigations.

**OFFICE OF THE INSPECTOR GENERAL
ANALYSIS AND SUMMARY OF ACTIONS NECESSARY
TO CLOSE THE REPORT**

The OIG provided a draft of this report to the FBI. The FBI's response is incorporated in this report as Appendix XI. The FBI concurred with each of our 13 recommendations. This appendix contains our analysis of the FBI's responses to our recommendations and the actions necessary to close each recommendation.

Status of Recommendations

1. **Resolved.** The FBI concurred with our recommendation and stated that it has remedied any lack of interagency coordination between the FBI, Department of Homeland Security's Immigration and Customs Enforcement (ICE), and the Internet Crimes Against Children (ICAC) Task Force in Los Angeles County, California. The FBI stated that it has established strong working relationships with the ICAC Task Force and ICE, exemplified in part by a joint investigation that targeted mass distributors of child pornography. The FBI also noted that the personnel from the FBI, ICE, and the ICAC Task Force have been assigned to work full-time on the other agencies' crimes against children squads. Lastly, the FBI commented in its response that it routinely provides training and operational support to the ICAC Task Force.

This recommendation can be closed when we receive: (1) evidence of the FBI's participation on the ICE Child Exploitation Task Force; (2) evidence of the placement of a full-time ICAC Task Force Officer on the FBI's SAFE Team in Orange County, California; and (3) documentation supporting the training and operational support provided by the FBI Los Angeles Field Office to the ICAC Task Force, such as training agendas, sign-in sheets, and written communications regarding training and operational efforts.

2. **Resolved.** The FBI concurred with our recommendation and stated that it is working "within and without" the Deputy Attorney General's Computer Forensic Working Group (CFWG) to execute a four part strategy for reducing the backlog of digital evidence requiring forensic analysis.

This recommendation can be closed after the FBI provides us with written documentation supporting that it has successfully implemented its proposed strategy to reduce the backlog of digital evidence requiring forensic analysis by: (1) increasing internal efficiencies in its forensic examination process and in the management of forensic examiners and the digital evidence backlogs in field offices; (2) providing necessary training and equipment for Special Agents to utilize forensically tested tools at search scenes to make informed decisions on what media to seize and not seize; (3) developing, in conjunction with the Department of Justice, a permissible plea negotiation policy that seeks to obtain felony convictions of low-risk offenders by using fewer forensic resources while reserving greater forensic bandwidth for more egregious investigations; and (4) implementing a long-term strategy for reducing its current digital evidence backlog and for keeping pace with the influx of digital evidence requiring forensic examination.

3. **Resolved.** The FBI concurred with our recommendation to strengthen its internal controls for ensuring that Innocent Images National Initiative (IINI) undercover employees receive timely mental health assessments from the FBI Undercover Safeguard Unit (USU). In its response, the FBI noted its current policy for requiring psychological assessments of undercover personnel both before and during undercover assignments. Additionally, the FBI stated that in October 2008 a new procedure was implemented requiring an IINI investigator to pass a psychological assessment prior to attending the mandatory IINI Basic Online Undercover Course. Furthermore, the FBI stated that proof of an individual's successful passing of the mental health assessment is now required before the Innocent Images Unit will enroll the candidate in any IINI undercover training.

This recommendation can be closed when we receive: (1) evidence of the FBI's reinforcement of its existing policy on the timeliness of psychological assessments for IINI undercover employees, given the deficiencies identified during our audit; and (2) documentation of the FBI's new policy requiring IINI investigators to pass a USU psychological assessment prior to enrollment in any IINI undercover training.

4. **Resolved.** The FBI concurred with our recommendation and stated that no later than February 1, 2009, the Digital Evidence Section (DES), in concurrence with the Cyber Division, will establish policy requiring that psychological assessments be provided to all examiners assigned to facilities exclusively processing child exploitation evidence

or who are otherwise exclusively assigned to child exploitation matters in other facilities. In addition, the FBI stated in its response that assessments will be provided to any FBI Computer Analysis Response Team (CART) certified digital evidence examiner requesting an assessment, and the availability of such assessments will be noted on the FBI Intranet. Further, the FBI stated that psychological assessments will be provided whenever a CART Coordinator, Supervisor, Regional Computer Forensic Laboratory (RCFL) Laboratory Director, or RCFL Operations Manager requests an assessment for a digital evidence examiner.

For non-undercover IINI employees exposed to child exploitation material, the FBI noted that any employee who wants to be evaluated by the USU would be provided that opportunity. However, the FBI also stated in its response that due to resource limitations only non-undercover IINI employees "with prolonged or intense exposure to child exploitation material" should be required to undergo mental health assessments. We understand the financial and operational challenges that would be created should all 672 non-undercover IINI employees handling child exploitation material be required to undergo psychological assessments. We therefore agree that the FBI should prioritize those requiring psychological assessments according to the level of exposure to child sexual exploitation material. However, the FBI did not define "prolonged or intense exposure" or how it planned to make this determination. We believe that the FBI needs to define this threshold to effectively implement corrective action.

This recommendation can be closed after the FBI issues and provides a copy of its policy that includes: (1) a requirement that all forensic examiners who are exclusively assigned to work child exploitation matters shall be provided psychological assessments by the USU; (2) a provision that psychological assessments will be available to any CART-certified digital evidence examiner or non-undercover IINI employee who requests an assessment; (3) a provision that psychological assessments will be provided whenever a CART Coordinator, Supervisor, Regional Computer Forensic Laboratory (RCFL) Director, or RCFL Operations Manager requests the assessment of a digital evidence examiner; (4) a requirement that psychological assessments be performed on non-undercover IINI employees exposed in the course of their duties to sexually explicit material and who request an assessment, and (5) a definition for what the FBI considers to be "prolonged or intense exposure."

5. **Resolved.** The FBI concurred with our recommendation and stated that the IINI Unit will be assuming the Miami Field Office's Safe Online Surfing community outreach program and transitioning it to a nationwide initiative. This recommendation can be closed after the FBI provides us written documentation supporting that it has implemented nationally a Safe Online Surfing community outreach program similar to the Miami initiative.
6. **Resolved.** The FBI concurred with our recommendation and stated that it already maintains a list of each case in which it deploys the Child Abduction Rapid Deployment (CARD) teams. The FBI stated that it will begin maintaining a list of the FBI's response to Amber Alerts pertaining to the mysterious disappearance of a child where no abductor has been identified. However, the FBI did not specifically include in its proposed corrective actions how it will track its responses on all other types of missing children cases that do not include Amber Alerts or when an abductor is identified. This recommendation can be closed after the FBI provides us evidence that it has developed a mechanism to track investigative events in all child abduction cases, especially the date and time when the FBI received notification of a possible abduction and when and how the FBI responded.
7. **Resolved.** The FBI concurred with our recommendation and stated that it will issue guidance to the field divisions requiring the Crimes Against Children Coordinators (CAC Coordinator) to develop and submit a CAC Coordinator Resource List containing points of contact within law enforcement, social services, and non-governmental agencies involved in combating child exploitation. In addition, the FBI stated that its CAC Coordinators will be required to update these lists on an annual basis, as well as provide results of these liaison contacts. While the FBI explained the information it will collect concerning CAC Coordinator liaison efforts, it did not detail how FBI management will utilize this information to evaluate the CAC Coordinator's liaison efforts. This recommendation can be closed after we receive evidence of the FBI policy and guidance to its field divisions pertaining to procedures and requirements for evaluating CAC Coordinator liaison efforts on at least an annual basis.
8. **Resolved.** The FBI concurred with our recommendation and stated that it will develop an online post-deployment survey accessible to field divisions utilizing the CARD team resource as well as issue guidance requiring the field division to solicit feedback from state and local law enforcement regarding CARD team assistance. This recommendation can be closed after we receive from the FBI:

(1) evidence in the form of screen prints for the online post-deployment survey; and (2) evidence of issued guidance requiring each field division to solicit feedback from local and state law enforcement agencies that receive assistance from the FBI's CARD teams.

9. **Resolved.** The FBI concurred with our recommendation and stated that it will continue to work with the Office of Justice Programs' Child Abduction Response Team (OJP CART) to develop a written protocol to enhance coordination between OJP CART and FBI CARD teams. This recommendation can be closed after we receive a copy of a written protocol concerning coordination between FBI CARD and OJP CART teams on child abduction investigations.
10. **Resolved.** The FBI concurred with our recommendation and stated that it will continue to work with NCMEC to develop a written protocol for coordination between NCMEC and FBI CARD teams. This recommendation can be closed after we receive a copy of a written protocol concerning coordination between the FBI's CARD teams and NCMEC's Team Adam consultants on child abduction investigations.
11. **Resolved.** The FBI concurred with our recommendation and stated that the Crimes Against Children Unit (CACU) will coordinate with the Office of International Operations and Training Division to develop an online training module accessible to FBI Legal Attachés regarding international parental kidnapping investigations. The recommendation can be closed after the FBI provides us evidence that it has deployed to its Legal Attachés an online training module for international parental kidnapping investigations.
12. **Resolved.** The FBI concurred with our recommendation and stated that the CACU will coordinate with the FBI Office of General Counsel regarding legal issues associated with the submission of FBI data into NCMEC's existing database, or the feasibility of developing a separate database to share information with the Department of State. This recommendation can be closed after the FBI provides us evidence that it has either begun submitting FBI data on international parental kidnapping matters into the existing NCMEC database or has, in conjunction with NCMEC and the Department of State, developed a separate database to share information on international parental kidnapping.
13. **Resolved.** The FBI concurred with our recommendation and stated that it will issue appropriate guidance to the field regarding child sex

tourism matters and pursue the use of a separate investigative classification for tracking such investigations. However, the FBI did not specifically discuss in its response the development of a programmatic strategy or goals as part of its overall guidance for addressing child sex tourism matters. This recommendation can be closed after the FBI provides evidence that, for its child sex tourism efforts, it has (1) developed and issued guidance to the field, including an overall programmatic strategy and goals; and (2) created a separate investigative classification for tracking investigations.