

Western Missouri Cyber Crimes Task Force (WMCCTF)

Memorandum of Understanding

Parties

The Western Missouri Cyber Crimes Task Force (WMCCTF) is an annual grant-funded, multi-agency endeavor. Funding for the WMCCTF is provided via a competitive grant process administered by the Missouri Department of Public Safety through the State Cyber Crimes Grant (SCCG) Fund. The Platte County Sheriff's Office is designated the fiscal agency for grant funds, on behalf of the WMCCTF.

This Memorandum of Understanding (MOU) is entered into by and between the following agencies:

Lee's Summit Police Department by and through the City of Lee's Summit,
Missouri and Western Missouri Cyber Crimes Task Force (WMCCTF)

Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation that exists between the participating agencies.

Mission

The mission of the WMCCTF is to apprehend and prosecute Internet sexual predators who exploit children through the use of the Internet, and other technological means. The WMCCTF will investigate crimes involving Internet sexual predators. The WMCCTF will produce high-quality investigations leading to successful prosecutions of Internet sexual predators. The WMCCTF will conduct forensic examinations of evidence seized through the course of an investigation. The WMCCTF will participate in community education efforts regarding the prevention of Internet crimes against children (ICAC). As funding is available, the WMCCTF shall provide funding for personnel, equipment, training and other approved investigative costs.

Purpose

The purpose of this MOU is to delineate the responsibilities of the WMCCTF, maximize inter-agency cooperation, and formalize relationships between member-agencies. The Task Force will investigate suspects who utilize the Internet to seek children as sexual partners and/or who possess or traffic child pornography. Specific ICAC crimes include, but are not limited to: Internet sexual exploitation of a minor and luring a minor for sexual exploitation as described in Missouri Revised Statutes, Title 38, Chapter 566, 568 and 573. Under Federal law, sexual exploitation of children is described in Title 18, Chapter 110 and the manufacturing, distribution and possession of child pornography. This MOU does not prohibit the investigation of other Internet crimes against children.

Organizational Structure

The WMCCTF is composed of an Executive Board. The Executive Board has a Chairman and Vice Chairman. The Executive Board is responsible for the overall operation of the WMCCTF and to provide direction to the Officer In-charge. The Officer In-charge (OIC) is responsible for the day to day operation of the WMCCTF. The Platte County Sheriff's Office agrees to provide the OIC. Each member agency that receives grant funds will provide an investigator(s) to conduct cyber crimes investigations and/or forensic examinations. The investigator(s) will be designated as "Task Force Officers". Task Force Officers (TFO's) will be assigned to conduct reactive and/or proactive ICAC investigations. Investigators assigned as Forensic Examiners (FE's) will be assigned to the Heart of America Regional Computer Forensic Laboratory (RCFL) to conduct forensic exams of digital evidence.

Direction

All participants acknowledge that the WMCCTF is a joint operation in which all agencies act as partners. The chain of command and supervision of the Platte County Sheriff's Office is responsible for the policy and general direction of the WMCCTF. The WMCCTF OIC, or designee, will periodically contact Executive Board members, supervisors, investigators and forensic examiners from the participating agencies to keep them informed of WMCCTF operations, training opportunities, unusual circumstances, problems and successes of the WMCCTF. WMCCTF TFO's and FE's will make every effort to attend monthly meetings to update the OIC or designee of their individual activity. TFO's, at a minimum, must electronically submit their monthly statistics by the 1st of every month.

Activities of the WMCCTF are further governed by the Operational and Investigative standards of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). The document describing the Operational and Investigative Standards contains confidential information not for public release. Member agencies must understand and comply with the standards. The standards are proprietary to the National ICAC Board and OJJDP. Release of the standards is protected because release will likely jeopardize ongoing investigations.

Supervision

The day-to-day operational supervision and administrative control of the WMCCTF is the responsibility of the WMCCTF Officer In-charge (OIC) assigned by the WMCCTF Executive Board. The Platte County Sheriff's Department will provide the OIC. The OIC will work cooperatively with other supervisors, TFO's and FE's from the member agencies to keep them informed of WMCCTF issues and progress. Responsibility for the personal and professional conduct of participating Task Force members remains with the respective agencies, in keeping with each agencies rules and policies regarding conduct.

Investigations

All WMCCTF investigations will be conducted in a spirit of cooperation. Investigations will follow guidelines established by each agency's respective policy manual or guidelines. This MOU is not intended to infringe on the ongoing investigations of any

other agency. It is agreed that unilateral acts on the part of employees involved in task force investigations are not in the best interest of the Task Force.

Task Force Officers

The WMCCTF operates under a "virtual task force" concept. Investigators assigned to the WMCCTF as Task Force Officers (TFO's) will work remotely from their existing agency location and adhere to all WMCCTF and home agency policies and procedures. The TFO will work independently and proactively. The TFO will be required to attend training to conduct on-line investigation, with travel being required for some training sites. The WMCCTF shall forward "Cyber Tips" to each TFO, as they are received. The TFO will be required to attend monthly WMCCTF meetings to provide updates of activity, receive updates, training and/or equipment. The TFO will be required to participate in scheduled WMCCTF joint operations and be available to conduct investigations anywhere in the service area, the state of Missouri and/or anywhere the internet is available. TFO's will be required to participate in scheduled "on-line" meetings and discussions. TFO's will be required to complete and file all reports via the WMCCTF Record Management System (RMS) in a timely manner. TFO's will perform additional duties as assigned.

Although the WMCCTF operates as a virtual task force, TFO's receiving full salary compensation from the WMCCTF are expected to focus their efforts on WMCCTF investigations. TFO's that do not receive full salary compensation are expected to allocate time to WMCCTF investigations as a secondary assignment and when duties with their home agency allows.

Forensic Examiner

The WMCCTF operates under a "virtual task force" concept. Investigators assigned to the WMCCTF as Forensic Examiners (FE's) shall be assigned to the Heart of America Regional Computer Forensic Laboratory (RCFL) The WMCCTF uses the RCFL for its laboratory analysis of digital evidence seized during WMCCTF investigations. The RCFL is supervised and managed by the Federal Bureau of Investigation. The WMCCTF FE's assigned will be required to comply with all policies and procedures established by the HARCFL. WMCCTF FE's will be required to successfully pass all security background checks and certified training courses to be assigned to the HARCFL. Failure to meet any or all of these requirements may result in the WMCCTF FE's being re-assigned and/or returned to their home agency. WMCCTF FE's will be responsible for planning, coordinating, and directing forensic science activities. WMCCTF FE's inventory, examine and perform comprehensive technical analysis of computer-related evidence such as magnetic media storage devices (floppy disks, hard disks, magnetic tapes, optical disks, memory cards, magnetic strip cards, etc.) and retrieve information stored on the device in a form useful to TFO's and prosecutors. WMCCTF FE's also prepare pertinent items of evidence for examination from crime scenes. FE's will perform other duties as assigned.

Prosecution

The criteria for determining whether to prosecute a particular violation in county, state or federal court will focus on achieving the greatest overall benefit to the public. Any question arising pertaining to jurisdiction will be resolved through discussions among the investigative and protectoral agencies having jurisdiction in the matter. When joint

jurisdiction exist, this MOU does not preclude additional prosecution(s) in other jurisdictions.

Media Relations and Releases

Media release information regarding WMCCTF operations shall be coordinated and if possible, made jointly by all participant agencies. If a joint press release is not possible, the primary investigating agency will conduct the press release and if possible, it is recommended that a reference to the WMCCTF be included in any press release.

All efforts will be made to protect undercover on-line identities. Member agencies will refrain from releasing the undercover on-line identity, age, or sex of investigators. Release of such information could jeopardize ongoing investigations where the same undercover name, age and sex are currently in use.

Grant Funding

Dedicated grant funds, if available, shall fund personnel, training, equipment and supply costs. The grant is a "re-imbursement" grant requiring the participating agency to fund the initial 100% and then receive re-imbursement upon supplying the Fiscal Agency (Platte County Sheriff's Department) with the required monthly budget reports. The monthly budget reports are due to the Fiscal Agency on the 6th calendar day of each month. The monthly re-imbursement shall be issued to the participating agency by the end of each month.

Funding for Personnel

Dedicated grant funds, if available, shall fund Task Force Officers (TFO's) and/or Forensic Examiners (FE's) salary, and normal benefits. The funds shall be distributed in a manner permitting member agencies to hire investigators (TFO's) and/or Forensic Examiners (FE's). Member agencies agree to dedicate the TFO and/or FE's to the WMCCTF mission and to conduct investigations of internet crimes against children as required. Specific crimes include, but are not limited to: enticement of a child, child pornography offenses and sexual exploitation of minors via the internet and/or technology. Member agencies may agree to dedicate TFO's to the WMCCTF on a part-time basis. Funding for part-time TFO's may include equipment and training, but will usually not include salary or benefits.

Funding for Equipment

Dedicated grant funds, if available, shall fund the purchase of equipment to be used in the course of investigations involving Internet crimes against children. The funds shall be distributed in a manner permitting member agencies to equip their Task Force Officers and/or Forensic Examiner with tools that will improve the investigative process. Member agencies utilizing WMCCTF /SCCG funds for equipment expenses agree to dedicate the equipment to the WMCCTF mission.

Funding for Training

Dedicated grant funds, if available, shall be provided to finance training that would be useful in the investigation of Internet crimes against children. The funds shall be distributed in a manner that will permit member agencies to gain the knowledge and skills needed to investigate Internet crimes against children.

Jurisdictional Authority

The power of arrest of any peace officer who is duly authorized as a member of a multi-jurisdictional Internet cyber crime law enforcement task force shall only be exercised during the time such peace officer is an active member of such task force and only within the scope of the investigation on which the task force is working. Notwithstanding other provisions of law to the contrary, such task force officer shall have the power of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification to the chief of police of a municipality or the sheriff of the county in which the arrest is to take place. If exigent circumstances exist, such arrest may be made and notification shall be made to the chief of police or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work with the multi-jurisdictional Internet cyber crime law enforcement task force at his or her option when such task force is operating within the jurisdiction of such chief of police or sheriff.

Duration and Termination

This MOU will remain in effect for the period of time that the WMCCTF is in existence. Renewal of the agreement will be automatic unless either party terminates the agreement. Task Force member agencies may voluntarily withdraw participation at any time by providing written notice. Membership may be terminated by written notice of violation of this MOU and/or ICAC operational and investigative standards.

Mark S. Owen
Chairman, Board of Directors
WMCCTF
Sheriff, Platte County Sheriff's Office

Randall Rhoads
MAYOR
City of Lee's Summit, Missouri

Date: _____

Date: _____