

Senate Finance Committee

Deb Martone 271-4980

SB 99-A, funding the New Hampshire Internet crimes against children task force.

Hearing Date: January 31, 2017

Time Opened: 2:09 p.m.

Time Closed: 2:44 p.m.

Members of the Committee Present: Senators Daniels, Reagan, Morse, D'Allesandro and Feltes

Members of the Committee Absent: Senator Giuda

Bill Analysis: This bill establishes an Internet crimes against children fund and makes an appropriation for each year of the biennium ending June 30, 2019.

This bill is a request of the committee to study funding options for the Internet crimes against children task force established in 2016, 160 (SB 544).

Sponsors:

Sen. Fuller Clark

Sen. Bradley

Sen. D'Allesandro

Sen. Gannon

Sen. Hennessey

Sen. Kahn

Sen. Lasky

Sen. McGilvray

Sen. Watters

Sen. Woodburn

Rep. Cushing

Rep. Wall

Rep. Murray

Rep. McBeath

Who supports the bill: Senators Lasky, Hennessey, Gannon, Woodburn and Fuller Clark; Representatives Cushing and Wall; Chief David Mara; Detective Sergeant Tom Grella; Chief Todd Faulkner; Chief Peter Bartlett; Alicia Kozakiewicz.

Summary of testimony presented in support:

Senator Fuller Clark, Prime Sponsor:

- Senator Fuller Clark made note of Amendment #2017-0208s to this bill.
- The purpose of the bill is to establish at the state level an Internet Crimes Against Children Fund, separate and distinct from all other funds. The money would come from the state and could also include gifts, grants and donations. Funds would be disbursed through the Attorney General's Office to the Portsmouth Police Department's Internet Crimes Against Children Task Force ("ICAC"), for its use in investigating crimes against children. The funds shall be used for salaries, benefits, training and equipment, and to support local ICAC affiliate agencies in good standing with the task force in their efforts to combat crime in New Hampshire.

- The bill requests \$250,000 for FY 2018 and an additional \$250,000 for FY 2019. This would allow for 5 additional inspectors.
- Senator Fuller Clark chaired a commission that looked for ways to provide additional dollars needed to insure the work of the task force continues.
- High speed Internet access and other technologies have never been more accessible, even in this state's most remote areas. This cellular technology offers a cheap, if not free way for children to socialize with their peers. Text messaging by teens has simply become extraordinary. Text messaging is now the primary way of interacting with our young people.
- According to an April 2015 Pew Research Center report, 92% of teens in this country go online daily, with 24% going online almost constantly everyday.
- These interactions have resulted in a much greater exploitation of our children by deviants and sexual offenders. These deviants and offenders lure children into meeting them in person, resulting in tragic situations.
- As early as 2008 in New Hampshire, 2,797 individual computers were trafficking in sadistic crime scene images involving toddlers and children. The federal government, determining this situation was so serious, authorized the Internet Crimes Against Children Task Force Program, under the Protect our Children Act of 2008. Our New Hampshire Task Force has received to date \$256,152 from a federal grant.
- We are seeing these crimes dramatically increasing, with approximately 1,389 children being left at risk due to a lack of resources, staff and trained personnel to follow up.
- Eleven other states have already enacted such legislation, providing state funds to supplement federal funds. The federal funds, unfortunately, have been drastically reduced, while these types of crimes have been increasing.
- Currently, there is one full-time Director dedicated to the task force, and one part-time staffer. Local police departments supplement the task force dependant upon availability and training.
- Senator Daniels questioned the language in the bill designating the Portsmouth Police Department and other affiliated agencies. Senator Clark clarified that the task force itself is based in Portsmouth, under the Portsmouth Police Department. Its work, however, is done throughout the entire state. The task force then hires individuals from other police departments. Senator Daniels expressed that the language in question, "kind of muddies up the water". He has no idea what affiliated agencies are. Senator Fuller Clark is willing to work with the committee to further clarify the language of the bill.
- Senator Morse asked if the first recommendation of SB 544's Final Report, supporting an additional funding line item in the 2018-2019 budget, was actually included in the December 2016 budget presentation. Senator Fuller Clark stated a request was made to the Governor's Office to have the line item included. This bill is an insurance measure just in case the line item fails to make the Governor's Budget.
- Senator Fuller Clark informed committee members Representative Cushing has sponsored a comparable bill in the House.
- Copies of the SB 544 Final Report will be electronically mailed to committee

members.

Portsmouth Police Chief David Mara, New Hampshire Association of Chiefs of Police:

- In the state of New Hampshire currently, 1.8 employees are funded by a federal grant. Specialized training is required, and the investigations are extremely time-intensive. The manpower resources just aren't available.
- There are many children out there being victimized. It is quite frustrating as the task force lacks the resources to be able to do something about it.
- The NH ICAC Task Force has been in existence for 19 years, resulting in the arrest of hundreds of deviant criminals. However, there are many, many more out there. Law enforcement wants the opportunity to investigate these cases and remove the criminals from society.
- It is tough to keep up with technology, but criminals have been able to do so. They hide within the Web. Investigating agencies have to adapt as well. It is difficult due to the lack of investigators. We need to keep pace, and not fall behind. New Hampshire has many law enforcement personnel dedicated to doing this; it's just a matter of funding, and getting the personnel trained.

Portsmouth Police Detective Sergeant Tom Grella, Commander, New Hampshire Internet Crimes Against Children Task Force:

- Regarding Senator Daniels' previous question on affiliated agencies, included in the Final Report is a list of approximately 95 agencies who have signed a Memorandum of Understanding with the Portsmouth Police Department and NH ICAC Task Force. (Since the filing of the Final Report the number of agencies has risen to 98.) Half of the police agencies in New Hampshire are members of the task force. This doesn't necessarily mean those members are working these cases every day. They can get pulled away to investigate crimes in their own jurisdiction.
- The task force is working on the kind support of agencies such as Manchester and Nashua, to supply an investigator on an as-needed basis.
- The task force receives approximately 30 cyber tips per month. Those are only the reactive cases from the National Center For Missing and Exploited Children. They also receive cases from school resource officers, parents, and Internet Service Providers, who are required to report.
- Proactive cases are being under-investigated.
- In the last 5 years, the task force has averaged 250 forensic exams, which can be anything from extracting information from a cellphone to a full-fledged desktop computer. They must extract the information, parse it out and place it into a readable format.
- The average salary of the 10 investigators currently qualified to conduct forensic exams is a little more than \$115,000. The approximate timeframe to perform one forensic exam is 20 hours. Many devices can be seized on one search warrant. With the amount of forensic exams performed in a year, it would completely deplete the requested \$250,000 appropriation.
- We need to be more proactive. It takes time and much money to train people. It takes 2-3 years to become proficient in conducting these examinations.
- We are hopeful the funding will provide an incentive.

- Senator Reagan inquired if there had been any attempt to find a contractor to perform forensic exams. Sergeant Grella explained no company performs the exams due to the highly sensitive material involved. A sworn officer must conduct the exams due to the sensitivity of the cases.
- Senator D'Allesandro asked how pervasive this activity is. Our kids are worth much, much more than \$250,000. Sergeant Grella reiterated the goal of protecting children. We know there are people trading in child pornography, just by identifying an IP address on their computer. What we don't know is exactly who they are, and where they are. We do know which geographical area they are located in within New Hampshire. A trained investigator is needed to go after these folks. Due to the lack of trained personnel, many of these individuals will not be apprehended.
- Senator Daniels asked for specifics on funding. Sergeant Grella explained that originally in 1998, the task force covered 3 states, Vermont, New Hampshire and Maine. In 2008 it was able to separate itself and became NH ICAC. The funding has remained between \$240,000-\$260,000. The bill is the result of an opportunity Sergeant Grella saw in other states to request state funding. The best way to protect our children is to get more of the investigations done. We need more money to do it. Senator Daniels clarified the \$240,000-\$260,000 is per year, and are federal funds. Sergeant Grella agreed. It should be noted the federal government sets the amount of the grant.
- The federal grant is an annual bid process. Portsmouth has always been very successful and dedicated, and has always met all of the goals and objectives set forth in the grant application. They are entering their 19th year in receiving this grant.
- If SB 99-A passes and \$250,000 is appropriated for each year, the task force will be operating at \$500,000, if they are successful in once again obtaining the federal grant.

Alicia Kozakiewicz, Victim/Survivor:

- Ms. Kozakiewicz described her horrifying ordeal for committee members. She was lured from home at the age of 13, taken across state lines, chained to the floor in a disgusting basement dungeon and tortured, raped and photographed for 4 days and nights by a sadistic, sexual, adult male predator. In spite of overwhelming odds, she was rescued by law enforcement.

Future Action: Pending

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Date Hearing Report completed: February 2, 2017