



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



ICAC Investigations

Eff. Date 06/14/2024

Purpose

The Madison Police Department (MPD) is a member of Wisconsin's Internet Crimes Against Children (ICAC) Task Force, a collaboration of state and local law enforcement agencies that works to combat technology-facilitated child sexual exploitation and internet crimes against children.

MPD ICAC Task Force members should adhere to the ICAC Task Force Program Operational and Investigation Standards set forth in the National ICAC Standards established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the United States Department of Justice (DOJ).

This standard operating procedure (SOP) provides a standard of conduct by establishing guidelines and prohibitions for MPD-authorized ICAC undercover activity, such as online undercover activity and the use of online aliases, to specifically investigate Internet Crimes Against Children (ICAC) to combat child exploitation.

Definitions

Account Take Over: When an individual provides consent to the investigating officer to utilize their already established account to further investigative efforts.

National ICAC Standards: Standards established by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the United States Department of Justice (DOJ) to guide the administration and operation of the ICAC Program and its members when working on ICAC-related investigations and matters.

Online Alias: An online identity encompassing identifiers, such as name and date of birth, differing from the employee's actual identifiers, which may include use of a nongovernmental Internet Protocol (IP) address. An online alias may be used to engage in authorized online undercover activity.

Online Undercover Activity: The utilization of an online alias to engage in interactions with a person via social media sites that may or may not be in the public domain. This includes sending personal messages to other users or posting content on the timeline of other profiles. The act of simply joining an online group or sending or accepting a friend request would not be considered undercover activity unless messaging content accompanies said actions.

Partner: A civilian or non-sworn organization that OJJDP has recognized as a legitimate source of assistance.

Sexually Explicit Activity: Real or simulated (1) sexual intercourse of any kind; (2) masturbation; (3) sadistic/masochistic conduct; and/or, (4) lascivious exhibition of the anus, breast, genitals, or pubic area of any person.

Vigilante: A non-partner activist or organization engaged in investigative tactics or other law enforcement-like activities

Procedure

Authorized MPD personnel may engage in undercover ICAC activity, which includes undercover online activity and the creation and use of online aliases, for the purpose of ICAC investigations, in a manner consistent with this SOP.

ICAC investigators should follow the procedure set forth in the ensuing paragraphs when conducting undercover ICAC investigations.

Investigations

ICAC undercover operations will only be conducted by authorized sworn members of the Madison Police Department (MPD) who have received specialized training from the Wisconsin Division of Criminal Investigation (DCI), the National Criminal Justice Training Center (NCJTC), and/or MPD's internal training on ICAC undercover operations, and who have received command approval for their active participation in investigations from MPD's ICAC Task Force Commander (currently the Lieutenant of the Special Victims Unit [SVU]). At the direction of a supervisor, additional personnel may assist with undercover ICAC investigations and operations.

MPD's ICAC Task Force Commander (currently the Lieutenant of the Special Victims Unit [SVU]) is responsible for determining Investigative priorities and selecting cases for investigation. Those determinations may include an assessment of factors such as jurisdiction, agency resources, victim risk, background knowledge, and the likelihood of securing the information necessary to pursue each investigation. MPD will prioritize investigations that have a pre-existing nexus to our local community.

ICAC investigations may stem from online advertisements, posting boards, forums, online chatting, applications, reports from the community, or other avenues of online communication. ICAC investigators should allow the investigative subject to set the tone, pace, and subject matter of the online investigation. However, this does not prohibit ICAC investigators from posting information to establish an online presence, placing or posting advertisements, posting on message boards or chat rooms, and/or sending direct messages as part of their online alias.

Due to the incidental nature of some online interactions, not all online conversations will be documented; however, ICAC investigators will preserve and document all communications and materials when a criminal investigation commences.

ICAC investigators shall not upload, transmit, or forward any contraband images to those outside their respective agency except to other sworn law enforcement officers or National Center for Missing and Exploited Children (NCMEC) employees for specific investigative purposes; such dissemination shall be done in a secure manner.

Undercover work shall only be performed on duty. Any approved undercover activity outside of an employee's regular duty hours shall be documented with an entry in Telestaff.

MPD personnel shall not collaborate with vigilantes. Furthermore, MPD personnel shall not approve, condone, encourage, or promote vigilante activities. This shall not preclude the use of information related to a crime that is provided and reported by victims or public community members who discover evidence (e.g., CyberTip reports, those who are mandated reporters, computer repair workers who report suspicious data, parental complaints, etc.).

Online Alias

An ICAC investigator seeking authorization to engage in online undercover activity will complete the MPD online undercover activity request form and submit it to the MPD ICAC Task Force Commander for approval. The MPD ICAC Task Force Commander will review the request and determine whether the online undercover activity serves a valid law enforcement purpose; see addendum.

During active investigations, investigators may use a visual depiction as a representation of an investigative persona/person/purported person under two circumstances, only:

First, when the following factors are met:

1. The visual depiction is of an actual person;
2. That person is an employee of a law enforcement agency;
3. The employee has provided written consent for the visual depiction to be used;
4. The employee was at least 18 years old when the consent was given regardless of whether or not the employee was a minor when the visual depiction was taken, and;
5. The image does not depict or convey the impression of sexually explicit activity.

Second, when the visual depiction is digitally altered to suit the needs of the investigation *and* does not depict or convey the impression of sexually explicit activity.

Any aliases relevant to criminal investigations where criminal charges have been filed, or an account taken over, shall be documented in a police report.

Deconfliction

All created aliases and completed account takeovers, for the purpose of undercover ICAC investigations, whether resulting in criminal charges or not, shall be entered into the National ICAC Data System's online portal for tracking and deconfliction purposes.

Account Take Over

The MPD Account Take Over Form shall be utilized to document activities related to account take overs; see addendum. Prior to conducting an account take over, the MPD ICAC Task Force Commander will be notified and provide written approval for the account take over and subsequent investigation. The MPD ICAC Task Force Commander will also be notified in writing on the Account Take-Over Consent Form when the account take over has concluded and the account take over form closed out. The conclusion of the account take over will also be documented in writing on the MPD Account Take Over consent form. The completed account take over consent form will be documented within the case file as an attachment to a report.

In situations involving any individual under 18 years old, the parents/guardians of the individual will be contacted and must also provide written consent for the account take over. Additionally, the MPD ICAC Task Force Commander as well as the Wisconsin ICAC Task Force Commander will be consulted and both ICAC commanders shall approve any such account take over prior to use of the individual's account. ICAC investigators and supervisors should never allow undue risks to the safety of those who originally operated the online account, community members, or law enforcement personnel.

Operations

ICAC investigations typically focus on child sex offenders who have committed serious state or federal crimes and due to the life-changing event, the impact on these offenders can result in a violent response to authorities.

Prior to arranging or conducting any in-person contact with the target of an online undercover operation, or if an undercover operation is anticipated, the ICAC investigator shall notify the MPD ICAC Task Force Commander and should consult relevant prosecutors about the operation.

All field operations resulting from undercover ICAC investigations require a written operations plan that is pre-approved and briefed to participating personnel prior to the field operation. All approved operation plans will be reviewed and signed by a commander within MPD's Investigative Services Bureau. No in-person contact will be made without prior command approvals.

Equipment

Investigations shall be conducted using approved equipment, as designated by the supervisor and/or commander of the Madison Police Department's ICAC Task Force. In cases where chatting is performed from outside of MPD operated facilities, a VPN (Virtual Private Network) or hot spot network from a department issued device may be utilized.

No personally owned equipment, accounts, or networks shall be used in ICAC investigations.

Original SOP: 06/14/2024
(Reviewed Only: 01/31/2026)