



**GUILLERMO VIERA ROSA**

Chief Probation Officer

# COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

February 27, 2024

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The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

JEFF LEVINSON  
INTERIM EXECUTIVE OFFICER

Dear Supervisors:

### **AUTHORIZATION TO ENTER INTO AGREEMENT WITH THE LOS ANGELES POLICE DEPARTMENT TO JOIN THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE**

**(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

#### **SUBJECT:**

This is to request that your Board authorize the Chief Probation Officer to enter into an agreement (Attachment) with the Los Angeles Police Department (LAPD) to join the Internet Crimes Against Children Task Force (ICAC).

#### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Authorize the Chief Probation Officer to enter into an agreement (Attachment) with LAPD to join ICAC.
2. Delegate authority to the Chief Probation Officer to execute any agreements, amendments, related documents, or extensions with LAPD necessary to continue participation in ICAC, upon approval as to form by County Counsel.
3. Delegate authority to the Chief Probation Officer to execute agreements with other law enforcement agencies for the purpose of participating in other similar collaborative efforts.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDATION**

The LAPD is the recipient of a United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant of funding, the purpose of which is to enforce laws regarding internet crimes against children. The LAPD utilizes this grant to administer and operate ICAC.

Approval of the recommend actions will allow the County of Los Angeles Probation Department (Probation) to participate in, and join ICAC to: (1) properly investigate and prosecute those who

***Rebuild Lives and Provide for Healthier and Safer Communities***

sexually exploit children using the internet and/or computers; (2) provide training and equipment to those involved in investigating and prosecuting ICAC; and, (3) provide community education regarding the prevention of crimes.

ICAC has access to state of the art training and technology that will make it easier and more efficient to quickly identify potential probationer child pornography violators and/or charge them with new crimes if appropriate.

#### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommended actions are consistent with the County of Los Angeles Strategic Plan Goal I: Make Investments That Transform Lives. Specifically, it will address Strategy I.2 to Enhance Our Delivery of Comprehensive Interventions, and Goal III: Realize Tomorrow's Government Today.

#### **FISCAL IMPACT/FINANCING**

The proposed agreement is non-financial and has no fiscal impact.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The OJJDP created the ICAC Task Force Program, a national network of state and local law enforcement cybercrime units. The federal ICAC program assists state and local law enforcement agencies in developing an effective response to cyber enticement and child pornography cases. The program encompasses investigative and forensic components, training and technical assistance, victim services, and community education. Due to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency team approach to investigating and prosecuting ICAC cases.

#### **IMPACT ON CURRENT SERVICES**

This program is mutually beneficial in that affiliate agencies will be available to support Probation in its suppression efforts to hold accountable those who sexually exploit children. No other impact to services.

Respectfully submitted,



Guillermo Viera Rosa  
Chief Probation Officer

GVR:TH:JK:sa

Enclosures

c: Executive Officer  
County Counsel  
Chief Executive Office



**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE LOS ANGELES POLICE DEPARTMENT  
INTERNET CRIMES AGAINST CHILDREN TASK FORCE  
AND  
THE LOS ANGELES COUNTY PROBATION DEPARTMENT**

**I. PARTIES**

This Memorandum of Agreement (MOA) is entered into by and between the Los Angeles Police Department (LAPD) and the Los Angeles County Probation Department (LACPD).

**II. BACKGROUND**

The LAPD is the recipient of a United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant to enforce laws regarding Internet Crimes Against Children (ICAC). The LAPD utilizes this grant to administer and operate the Los Angeles ICAC Task Force.

The OJJDP created the ICAC Task Force Program, a national network of state and local law enforcement cybercrime units. The federal ICAC program assists state and local law enforcement agencies in developing an effective response to cyber enticement and child pornography cases. The program encompasses investigative and forensic components, training and technical assistance, victim services, and community education. Due to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency team approach to investigating and prosecuting ICAC cases.

The mission of the Los Angeles ICAC Task Force, therefore, is to: (1) properly investigate and prosecute those who sexually exploit children using the internet and/or computers; (2) provide training and equipment to those involved in investigating and prosecuting ICAC; and, (3) provide community education regarding the prevention of ICAC.

### III. PURPOSE

The purpose of this MOA is to delineate the responsibilities and expectations of the LACPD and the LAPD, and to formalize their working relationship within the Los Angeles ICAC Task Force. By signing this MOA, the LACPD agrees to join the ICAC Task Force for the primary purpose of vigorously and properly investigating ICAC. By joining this Task Force, the LACPD will benefit from grant resources, joint operations, and extensive training opportunities. By entering this MOA, the Los Angeles ICAC Task Force will benefit from the LACPD's investigative support.

### IV. INVESTIGATIONS

ICAC investigations will follow guidelines established by each agency's respective policy manual or guidelines, as well as by applicable federal and State law and/or local ordinance(s). However, ICAC investigations shall also be governed by the national ICAC program's Operational and Investigative Standards (attached). Violation of the ICAC operational standards by either party is cause for cancellation of this MOA. This MOA 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.

#### A. Los Angeles County Probation Department

Los Angeles County Probation Department may:

1. Use "authorized personnel" who themselves lack powers of arrest but have been authorized by their respective agency to participate in investigations and are being supervised by "sworn personnel." Each investigator involved with undercover operations must receive ICAC training prior to initiating proactive investigations and shall submit reports of all undercover activity to the OJJDP.
2. Conduct reactive investigations where subjects are associated within the LACPD's jurisdiction, including investigations of child pornography, CYBERTIP referrals from the National Center for Missing and Exploited Children, Internet Service Provider and law enforcement referrals, and other ICAC-related investigations. Additional case initiations may develop from subject interviews, documented public sources, direct observations of suspicious behavior, public complaints, etc.
3. Record and document all undercover online activity. Any deviations from this policy due to unusual circumstances shall be documented in the relevant case file and reviewed by the ICAC Task Force Unit Commander.
4. Provide the Los Angeles ICAC Task Force with access to all ICAC investigative files, including, without limitation, computer records, in order to ensure compliance with all national ICAC standards for a period of no less than three years.

5. Locate its ICAC investigators in a secured space provided by the LACPD with controlled access to all equipment, software, and investigative files. At a minimum, information should be maintained in locked cabinets and controlled by the LACPD ICAC Task Force personnel, with restricted access to authorized personnel only.
6. Conduct education and prevention programs to foster awareness of internet child safety, and to provide practical, relevant guidance to children, parents, educators, librarians, the business and law enforcement communities, and other individuals concerned about internet child safety. issues. Presenters shall not discuss ongoing investigative techniques and undercover operations utilized by the ICAC Task Force in the education and prevention programs.

## **V. SUPERVISION**

The LACPD will be responsible for the day-to-day operational supervision, administrative control, and personal and professional conduct of its officers and agents assigned to the Task Force. Internet Crimes Against Children investigations are a cooperative effort, and investigative decisions will be a joint process guided by ICAC standards.

## **VI. JURISDICTION**

The principal sites of task force activity will be within the jurisdictional areas of the respective member law enforcement agencies. Nothing in this agreement shall otherwise limit or enhance the jurisdiction and powers normally possessed by a LACPD employee as a member of the LACPD.

## **VII. EVIDENCE**

Seized evidence and any other related forfeiture will be handled in a manner consistent with the seizing law enforcement agency's policies, subject to applicable State and federal law and/or local ordinance(s).

## **VIII. LIABILITY**

The LACPD is responsible and liable for the acts and omissions of its own officers, agents, or employees in connection with the performance of their official duties under this MOA. For tort liability purposes, no participating agency shall be considered the agent of other participating agencies. Each participating agency shall be liable (if at all) only for the torts of its own officers, agents, or employees that occur within the scope of their official duties.

## **IX. REPORTING STATISTICS**

Using a form provided by the Los Angeles ICAC Task Force, the LACPD shall submit monthly statistics to the Task Force on all ICAC investigations or other investigative work pertaining to the sexual exploitation of children via the Internet. These statistics shall be submitted in the appropriate format by the 10th day of each month and shall include data on all related investigations opened or closed during the month, as well as forensic examinations, technical/investigative assistance provided to other agencies, subpoenas, and court orders issued, training hours attended and taught, and community outreach provided.

In addition, a breakdown of basic case data shall be included for each sexual exploitation of a minor (child pornography) case and/or criminal solicitation of a minor (enticement/traveler) case investigated by the LACPD. The Task Force will be responsible for all required reporting to the OJJDP.

## **X. RECORD RETENTION AND ACCESS**

Records pertinent to the award that the LACPD must retain for a period of three years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies, and to which the recipient (and any subrecipient ["subgrantee"] at any tier) must provide access, and include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 Code of Federal Regulations (C.F.R.) 200.333.

## **XI. COMPLIANCE WITH DOJ REGULATIONS PERTAINING TO CIVIL RIGHTS AND NONDISCRIMINATION - 28 C.F.R. Part 38**

The recipient and any subrecipient ("subgrantee") at any tier must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination based on religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (e-CFR) (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>) by browsing Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

## **XII. TRAINING**

The LACPD shall make investigators designated as Task Force members available for applicable specialized training provided through the national ICAC program and other appropriate training programs. The Task Force will review training requests and provide funding for ICAC-approved training when appropriate.

## **XIII. PARTICIPATING AGENCY OBLIGATIONS AND CIVIL IMMIGRATION ENFORCEMENT**

The LACPD, as a local law enforcement agency, is responsible for enforcing state and local criminal laws. It is neither authorized nor responsible for the enforcement of civil immigration laws or regulations.

The Congress of the United States has vested the United States Immigration and Customs Enforcement and the United States Customs and Border Protection with the legal authority and responsibility for enforcing civil immigration laws, including status violations and removal proceedings. Therefore, Task Force personnel must abide by the limitations in legal authority and responsibility for enforcing federal civil immigration laws.

The California Values Act or Senate Bill 54, other state laws, and each agency's existing policies and practices provide procedural protections to ensure that each agency's personnel do not go beyond existing legal authorities or contradict the agency's steadfast commitment to community and constitutional policing principles.

## **XIV. EQUIPMENT**

The Los Angeles ICAC Task Force will provide participating agency personnel with necessary ICAC assets, including supplies, investigative equipment, communication equipment, and technical equipment for all ICAC-related activities. Such assets, supplies, and equipment shall remain the property of ICAC and will be funded from the program's operating budget.

## **XV. CONFIDENTIALITY**

The parties agree that any confidential information pertaining to investigations of ICAC will be held in the strictest confidence and will only be shared with participating ICAC Task Force members or other law enforcement agencies where necessary or as otherwise permitted by federal and/or state law.

**EFFECTIVE DATE**

This MOA shall be effective on the date of the final signature of the parties and continue until such time as federal funding for the grant ends or the MOA is canceled by either party upon written notice delivered to both agency directors.

\_\_\_\_\_  
MICHEL R. MOORE  
Chief of Police  
Los Angeles Police Department

DATE: \_\_\_\_\_

\_\_\_\_\_  
GUILLERMO VIERA ROSA  
Chief Probation Officer  
Los Angeles County Probation Department

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

DAWYN HARRISON  
County Counsel

By Jason C Carnevale  
JASON C. CARNEVALE  
Deputy County Counsel