

PENDING APPROVAL

OKLAHOMA COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM REQUEST SHEET

FOR THE MONDAY, FEBRUARY 1st, 2010 AGENDA

DEPARTMENT: SHERIFF

REQUESTED BY: Major John Waldenville x-1010

REQUISITION NO.: N/A

REQUISITION SHEET ATTACHED: YES X N/A

NAME OF FUNDS: N/A

FUND NUMBERS: N/A

DOES THE AGENDA ITEM CONTAIN PRIVACY-PROTECTED OR SECURITY INFORMATION? _____ YES X NO

AGENDA ITEMS CONTAINING PRIVACY-PROTECTED OR SECURITY INFORMATION WILL NOT BE HYPERLINKED TO THE AGENDA.

NUMBER OF ORIGINAL DOCUMENTS TO BE RETURNED TO YOUR DEPARTMENT: One.

AGENDA ITEM READS AS FOLLOWS: Discussion and possible action to approve a Memorandum of Understanding between the Sheriff's Office and the Oklahoma State Bureau of Investigation (OSBI) to join the Oklahoma Internet Crimes Against Children Task Force.

APPROVED BY DA
(If Applicable)

APPROVED BY ENGINEER
(If Applicable)

APPROVED BY PURCHASING
(If Applicable)

ASSISTANT DISTRICT ATTORNEY

COUNTY ENGINEER

PURCHASING AGENT

Please initial that document has been reviewed for privacy-protected or security information

DISTRICT ATTORNEY: _____ YES _____ N/A

COUNTY CLERK: _____ YES _____ N/A

Indicate any privacy-protected information that exists _____

(NOTE: THE CHAIRMAN/CHIEF DEPUTY MUST APPROVE ALL EMERGENCY REQUESTS FOR ANY ITEM SUBMITTED AFTER THE DEADLINE)

DATE OF REQUEST: _____

APPROVED BY: _____

CHAIRMAN

81 11 25 A 11:18
RECORDED ON FILE
OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Internet Crimes Against Children Task Force

MEMORANDUM OF UNDERSTANDING

Parties

The Oklahoma Internet Crimes Against Children (ICAC) Task Force is a multi-agency, multi-jurisdictional initiative, funded with a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This Memorandum of Understanding (MOU) is entered into by and between the Oklahoma State Bureau of Investigation (OSBI) and the various federal, state and local law enforcement agencies that have signed this document. No part of this MOU shall be viewed as limiting or impeding the spirit of cooperation that exists among the agencies.

Mission

The mission of the Task Force is to deter, prevent, investigate, and prosecute predators who seek to exploit or engage minors in sexual activity through the use of computers and the Internet. The Task Force will engage in reactive and proactive investigations targeting those offenders who are actively involved in this type of criminal activity. Additionally, the Task Force will participate in a statewide effort to educate the public on issues regarding Internet safety for children. Training opportunities will be made available to Task Force members so they can become familiar with the most current trends and developments in the area of on-line child exploitation.

Purpose

The purpose of this MOU is to outline the relationship between all participating agencies in order to ensure that each understands and agrees to guidelines concerning policy, supervision, planning, training, and public relations. This document is devised to formalize the association between agencies and to foster an understanding of each agency's role within the Task Force. The goal of this MOU is to promote efficiency in operations and provide guidelines necessary to ensure standardization in policies and procedures among Task Force participants.

Organizational Structure

The Oklahoma ICAC Task Force includes investigators and supervisors from various local, state, and federal law enforcement agencies who provide assistance subject to availability.

Direction

All participants acknowledge that the Task Force is a joint operation in which all agencies act as partners. The chain of command and supervision of the OSBI ICAC Unit is responsible for the policy and general direction of the Task Force. The Task

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Force supervisor will periodically contact supervisors and investigators from other participating agencies to keep them informed of training opportunities, unusual circumstances, problems and successes of the Task Force.

Activities of the ICAC Task Force are further governed by the Operational and Investigative Standards of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. 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 ICAC Board. 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 Task Force is the responsibility of the ICAC Task Force Agent in Charge, assigned to the OSBI. The supervisor will work cooperatively with other supervisors and investigators from the participating agencies to keep them informed of Task Force issues and progress. Responsibility for the personal and professional conduct of Task Force members remains with the respective agencies, in keeping with each agencies rules regarding conduct.

Investigator Selection Criteria

Each agency will identify specific officers who will be assigned to the Task Force. Only these officers will be permitted to conduct ICAC online investigations or perform forensic examinations pursuant to this agreement and ICAC operational and investigative standards.

Potential ICAC investigators should be evaluated for assignment to the Task Force based upon their work history, prior investigative experience, familiarity with computers and networks, court testimony skills, ability to handle sensitive information prudently, and a genuine interest in the protection of children. Each officer assigned to the Oklahoma ICAC Task Force must receive appropriate training prior to initiating online investigations.

Personnel

Personnel assigned to the Task Force will be evaluated by their respective agency heads/supervisors. Continued assignment to the Task Force will be dependent upon a satisfactory supervisory evaluation. At no time will the employees of a participating agency be deemed employees of another participating agency.

Supervision

The OSBI Agent in Charge of the ICAC Unit is responsible for assigning and coordinating daily operational and administrative activities of the Task Force. The ICAC

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Agent in Charge will maintain regular contact with ICAC Task Force officers in participating agencies to determine the status of investigations, provide supporting investigative and analytical information, and to identify and address issues pertaining to the overall operation of the Task Force. Each agency is responsible for the personal and professional conduct of its Task Force personnel.

Investigations

All Task Force investigations will be conducted in the spirit of cooperation among agencies.

Proper execution and documentation of undercover operations provides the well-trained investigator with virtually incontrovertible evidence regarding a suspect's intent to exploit children. Investigations will follow ICAC operational and investigative standards and principles of law and due process.

Prosecution

When necessary, case-by-case analysis will be performed on each potential prosecution to determine in which jurisdiction the case will be prosecuted. A preference will be given to the jurisdiction initiating the prosecution. Those cases being considered for federal prosecution will be investigated pursuant to guidelines established by the appropriate United States Attorney.

Prevention and Education

Public education and awareness are key components of the ICAC initiative. Task Force agencies will provide information and guidance to children, parents, educators, and any other individuals concerned with child safety issues, through public presentations. These presentations will not depict identifiable victims or use pornographic or sexually explicit images, nor will confidential investigative techniques be discussed. No member of the Task Force may endorse any product or service without the express consent of the OJJDP Program Manager.

Case Administration

As the lead law enforcement agency, the Oklahoma State Bureau of Investigation will be responsible for compiling and reporting Task Force activities to the ICAC Program Manager at OJJDP. Information on the activities of participating agencies will be collected in a prescribed format and reported in a timely fashion to the Oklahoma ICAC Agent in Charge.

Cases will be handled in compliance with each agency's case management policies and procedures.

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Information Sharing

All Task Force members shall contribute case information for inclusion into one or more common databases. Access to the ICAC investigative website is available only to ICAC members and serves as a pointer system to assist in investigations. Basic case information (submitting Task Force information, Offender's screen name, identifiers, synopsis of investigation), as well as case update information (criminal proceedings, sentencing information, additional data on suspect) shall be submitted to the ICAC Coordinator on a timely basis for inclusion in the database.

If any common target is identified, the initiating agency is responsible for contacting the other law enforcement agency targeting the suspect. Initiating agencies should also consider contacting other local, state, and federal agencies, which may be involved in similar investigations.

Records, Reports and Evidence

Task Force members will maintain their own agency records and reports. All necessary case information will be provided to the ICAC Coordinator on a timely basis for reporting purposes as outlined above.

Evidence will be impounded in the evidence room of the appropriate participating agency. Evidence will be handled by established rules of law regarding chain of evidence and property release.

The storage, security and destruction of investigative information shall be consistent with agency policy. At a minimum, information should be maintained in locked cabinets and under the control of Task Force personnel. Access to these files should be restricted to authorized personnel with a legitimate need to know.

Absent the availability of a trained and experienced forensic examiner in the investigator's agency, the OSBI's Computer Crimes Unit will conduct forensic examinations of computers and related evidence in ICAC cases.

Media Relations and Releases

No information pertaining to Task Force operations will be released to the media without prior approval of all agencies with an immediate investigative or prosecutorial interest in the case. Media releases may be made jointly by all agencies participating in the case. Media releases shall not include information regarding confidential investigative techniques.

For coordination purposes, media releases relating to on-going prosecutions, crime alerts, or other matters concerning ICAC operations shall be made through the Oklahoma ICAC Agent in Charge.

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Workplace and Equipment

Each participating agency agrees to make available its resources in support of a joint Task Force investigation. These may include, but are not limited to:

1. **Vehicles:** When appropriate, each agency will supply vehicles for its participating personnel.
2. **Communication Equipment:** Each agency will supply their personnel with two-way radios, pagers, and if available, cellular telephones. A list of current pager and cellular telephone numbers will be provided to the ICAC Deputy Inspector.
3. **Safety Equipment:** Each agency will ensure its officers and agents assigned to the Task Force shall have all necessary equipment including, but not limited to, agency-authorized firearms, handcuffs, ballistic protective vests, tape recorders, and any other equipment judged to be essential by the Board.
4. **Dedicated Computer Hardware, Software, and Network Access Services:** Each agency shall provide or make available computer and peripheral hardware, software, and network access services dedicated to the exclusive use of its Task Force members. No personally owned equipment shall be used in ICAC investigations, and all software shall be properly acquired and licensed. The Board, in an effort to standardize certain investigative and forensic procedures, may formulate guidelines for the selection, purchase and use of equipment and software. If sufficient funds are available, the purchase of equipment and services may be made through the ICAC grant.
5. **Dedicated Work Space:** In lieu of establishing a centralized facility or regional locations, each agency shall make available to its Task Force personnel sufficient workspace and office equipment in a secure area. This space must allow officers, agents and representatives to perform their duties away from public view and without undue distractions from personnel not assigned to the Task Force.

Compensation

Each participating agency agrees to provide wages and benefits for its personnel assigned to the Task Force. Payment of overtime expenses is the responsibility of each member agency.

Training

Task Force members will be provided advanced training to improve and enhance the job skills required to combat Internet crimes against children. Grant funds may be used to finance the training, subject to the availability of funding for this purpose.

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Liability


Each agency shall assume responsibility and liability for the acts and omissions of its own officers, agents or employees in connection with the performance of their official duties under this MOU. It is expressly understood and agreed that no agency or governmental entity executing this agreement in any way agree to alter or waive in whole or in part any privileges or immunities otherwise enjoyed by the agency or governmental entity executing this agreement. All agencies and governmental entities to this agreement agree to hold harmless all other agencies and governmental entities to this agreement for any liability, claim or damages arising by reason of negligence or other wrongful acts of any officer, agent or employee of any agency or governmental entity to this agreement.

Term of Agreement

It is agreed that this MOU will be in force for a 12-month period from the first day of the month following the date upon which the last required signature of acceptance is received, through the last day of the 12th month. Each MOU may be considered for renewal after a review process that is to begin prior to the expiration date of the MOU.

The MOU may be terminated at any time by a participating agency by delivering a written notice of termination to the Agent in Charge of the OSBI's ICAC Unit, who will, in turn, notify all other participating agencies. An agency's termination of its involvement in ICAC will not negate the remaining agencies' participation and agreement under the MOU.

In case any one or more of the provisions contained in this MOU shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision.


Signature

01/25/2010
Date

JOHN WHETSEL
Please Print Name Appearing as Signature

SHERIFF
Title (e.g., Chief, Resident Agent In Charge, etc.)

OK 055 0000
Agency ORI Number

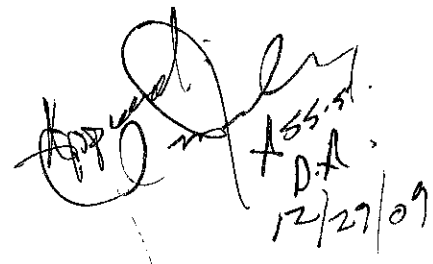
OKLA COUNTY SHERIFFS OFFICE
Agency Name

405-869-2511
Agency Telephone Number (with area code)

201 N SHARTEL, OKLA CITY, OK 73102
Address

Director, OSBI

Date


A.S.S.
D.A.
12/27/09

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For OSBI ICAC Administrative Use Only:

EFFECTIVE DATE OF MOU: _____
EXPIRATION DATE OF MOU: _____
COPY TO OSBI LEGAL OFFICE: _____

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APPROVED this _____ day of _____, 2010.

Board of County Commissioners
Oklahoma County, Oklahoma County

Chairman

Member

Member

Approved as to form and legality:

Assistant District Attorney

ATTEST: _____, Deputy
Carolynn Caudill, County Clerk