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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

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CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
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May 9, 2022

The Honorable Karen Umberger, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 14:30-a VI, authorize the Department of Justice to accept and expend federal funds in the amount of $720,000 from the American Rescue Plan Act of 2021 (ARPA) State Fiscal Recovery Funds (SFRF) for the purpose of subgranting funds to the Portsmouth Police Department to support activities for the Internet Crimes Against Children Task Force (ICAC) effective upon the approvals of the Fiscal Committee of the General Court and Governor and Executive Council through June 30, 2023. This is an allowable use of ARP FRF funds under Section 602 (c)(1) (C) for provision of government services to the extent of the reduction in revenue. 100% Federal Funds.

Funds are to be budgeted in account #02-20-20-201510-NEWXXXX; Department of Justice, Grants Administration, 24xx-ARPA ICAC Grant as follows. All transactions will be accounted for using activity codes, to be determined and assigned by the Governor's Office for Emergency Relief and Recovery:[1]

Class/Expense	Class Title	SFY 2022 Budget
029-500290	Transfers within an Agency	$5,000
040-500800	Indirect Costs	$11,500
041-500801	Audit Fund SetAside	$3,500
072-500574	Grants-Federal	$700,000
	Total:	**$720,000**
Source of Funds:		
000-400338	Federal Funds	**$720,000**

[1] All direct program costs will be accounted for using activity 00FRF602GS2003A and all administrative and indirect costs will be accounted for using activity 00FRF602GS2003Z. Accounting classifications may be subject to technical changes at the discretion of the Department of Administrative Services' Division of Accounting Services.

EXPLANATION

The Department of Justice is requesting to accept and expend funds from the Federal American Rescue Plan Act of 2021 (ARPA), State Fiscal Recovery Funds (SFRF) for the purpose of subgranting funds to the Portsmouth Police Department in order to support investigation activities of the Internet Crimes Against Children Task Force (ICAC).

Federal award funds, for this item, are budgeted to support grant activities as follows:
029-500290-Pay for Administration and monitoring of subgrant.
040-500800-SWCAP payments for the State.
041-500801-Audit fund set aside.
072-500574-Grant funds to ICAC.

ICAC has seen a rapid rise in the amount of investigations from multiple internet service provider cyber tips. In 2018, ICAC was averaging between 35-50 cyber tips per month. In 2022, the average has risen to approximately 180 monthly cyber tips. Children are spending more time online than ever before. Online predators are taking this opportunity to exploit children.

ICAC will utilize the ARPA funds to purchase new computer equipment, software and other technology devices in order to perform cyber forensic examinations. Funds will also be used to train police officers assigned to ICAC, pay for overtime for agencies able to dedicate a police officer to the task force and replace a current service vehicle that has over 120,000 miles on it. The ICAC is averaging 10-12 search warrants per month all over the state, so having a dependable vehicle to travel throughout New Hampshire is needed.

This is an allowable use of ARP FRF funds under Section 602 (c)(1) (C) for maintenance and building of critical state infrastructure necessary for government services.

In the event that Federal Funds become no longer available, General Funds will not be requested to support this program.

Respectfully submitted,

John M. Formella
Attorney General

#3550351

STATE OF NEW HAMPSHIRE
INTERNET CRIMES AGAINST CHILDREN TASK FORCE

March 28, 2022

Deputy Director Chase Hagaman
Governor's Office for Emergency Relief and Recovery
1 Eagle Square
Concord, NH 03301

Dear Deputy Director Hagaman,

I am writing this letter in an attempt to acquire $700,000 of GOFERR Funds to assist the New Hampshire Internet Crimes Against Children (ICAC) Task Force with the continued effort to investigate sexual abuse crimes against the children of New Hampshire.

Since 1998, the NH ICAC Task Force has been fulfilling its mission to aid NH law enforcement agencies in the form of computer forensic equipment, training, technical expertise, and community outreach and education so these crimes can be investigated in a comprehensive manner. I can say with a high level of confidence that if it weren't for the good work of the Task Force members, many of people committing these heinous crimes would not be identified and the victims would never receive the help and assistance they need to gain peace once again in their life.

THE PROBLEM

Much of the investigations NH ICAC conduct and assist with begin when we receive a CyberTip from the National Center for Missing and Exploited Children (NCMEC). These CyberTips are generated at NCMEC each time an internet service provider like Comcast, Instagram, Snapchat and hundreds of others, report child sexual abuse material on their platforms. NCMEC assigns them to ICAC Task Forces based on the geo-location of the IP address and an investigation begins. As recent as 2018, NH ICAC was averaging between 35 and 50 CyberTips per month. Investigations can take as long as a couple of months before a suspect and possible location is identified and based on the probable cause from that investigation, a search warrant is applied for and executed so we can identify and collect evidence of the crime. At that time, NH ICAC was executing an average of 5 to 7 search warrants per month.

Over the last few years, a virtual perfect storm developed. With the dawn of 5G, internet speeds increased and provided a pathway for the development of more applications and much faster download times. Statistics from the American Academy of Child and Adolescent Psychiatry were already showing that teens were spending an average of 9 hours per day in front of their devices so now that time was being divided among a higher number of applications like Snapchat and TikTok. As a result, by the end of 2019, NH ICAC saw an increase in CyberTips, and our monthly average rose to between 80 and 100 per month. When the impact of the Covid-19 pandemic began to solidify in the middle of 2020, NH ICAC's numbers rose once again to an

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average of 150-180 CyberTips per month. That number has not leveled off. January 2022 saw 189 CyberTips alone. We also increased the number of executed search warrants to an average of 10 to 12 per month somewhere in the State. Children were practically forced to increase their screen time and sexual predators took advantage of it. Law Enforcement was not only faced with a massive influx in case load, but we were tasked with accomplishing our mission without the ability to increase the assets to do so. NH ICAC also saw an increase in the basic cost of doing business. Vendors who we regularly used to purchase forensic equipment, computers, and software licenses raised their already high prices which stretched our budget even thinner. As a matter of perspective, NH ICAC purchases one particular license which is housed in Manchester and allows us to conduct unlimited forensic examinations on both Android and Apple phones. That license costs $101,000 for 12 months. In some cases, software license costs rose 43% and because the cost to manufacture the laptops and computers we need to utilize the software rose, that cost increase was passed onto us as the consumer. We were now faced with investigating an over 200% increase in CyberTips with the same amount of assets which were in place back in 2018.

For the most part, the NH ICAC Task Force is comprised of law enforcement officers from a variety of affiliate agencies across the State. It's truly the relationship we have with these affiliate agencies that make the Task Force successful. Often times, when an affiliate agency signs on with NH ICAC, Chiefs are reluctant because they are already facing massive staffing shortages not only due to Covid policies and restrictions but also due to recruitment and retention issues. To ask a Chief to dedicate personnel to assist with an ICAC investigation that sometimes doesn't involve their jurisdiction, is a difficult request even though ICAC is already paying for the training for that officer to become proficient in a particular skillset (forensics, suspect interview techniques, or investigative methods). So, as an added incentive, NH ICAC will also offer overtime reimbursement on a case-by-case basis to the agency for the time the officer is spending assisting NH ICAC. This becomes a win-win scenario because the task force is now benefitting from a highly trained officer who is providing expertise in their particular area, and it doesn't cost their agency any additional funds from their budget. The addition of more affiliate agencies across the State increases the chances to successfully investigate the increased number of CyberTips NH ICAC has seen over the last two years.

INVESTMENT OF FUNDS

The intention of the funds I am requesting is to invest in the assets NH ICAC retains and utilizes on a variety of levels.

Several years ago, NH ICAC expanded its forensic examination resources beyond the lab in Manchester and invested in additional equipment which was placed with agencies in the western, northern and southern parts of the State. The equipment was made available for ICAC investigations, and it ultimately saved valuable time in personnel hours that was previously spent traveling back and forth to Manchester. At this point, some of the computer equipment has reached beyond its capability and needs to be replaced. There are also circumstances where an affiliate agency wishes to play a larger role in ICAC investigations and forensic examinations but can't afford to pay for the initial start-up cost for equipment and software, which is always the most expensive. Some of these funds would also be used to strategically place additional forensic equipment in the form of laptop and desktop computers at additional agencies with the understanding and agreement that ICAC would pay for the initial start-up cost for equipment and first year of licensing and the agency would continue to fund the additional years. In the same manner, money will be utilized to pay for forensic examination training for affiliate personnel.

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Investing in training for additional examiners increases NH ICAC's ability to conduct forensic examinations of seized evidence in a timely fashion which aids in convictions during trial. Another portion of the funding would be utilized for overtime reimbursement to affiliate agencies. As I mentioned earlier, overtime reimbursement is a very favorable selling point when I try to sign on additional agencies and is often the deciding factor when Chiefs are determining the benefits of being affiliated with ICAC. It's important to note that this portion of the money is not spent by affiliates automatically. Each reimbursement request to ICAC must be previously approved by the ICAC Commander and must be directly related to the investigation of ICAC cases. It is never used to supplement other portions of an affiliate agencies budget. That said, NH ICAC has been directly impacted by staffing shortages brought on by the pandemic, which has forced investigators to investigate an increasing number of ICAC cases outside of their normal 40-hour workweek because their previously existing case load is also more demanding than ever. The money utilized for overtime reimbursement will address this burden and increase the likelihood of solving these crimes in a timely fashion.
Additionally, some GOFERR funding will be used to replace one of the vehicles assigned to NH ICAC. The current vehicle is a 2015 model year with over 120,000 miles on it. This is a vehicle utilized daily during the execution of ICAC related search warrants and for forensic examinations and is also used for transportation to a variety of ICAC related training classes.

With the investment of these funds being utilized in the following areas:

- Purchasing new computer equipment and programs used for Forensic Examinations
- Software programs and the first year of licenses to operate such programs
- Forensic Training of addition ICAC task force members in various parts of the State
- Overtime reimbursement to ICAC affiliates for time spent investigating ICAC related cases
- ICAC Vehicle replacement,

the NH ICAC Task Force will be able to successfully address the continued increase in CyberTips and be able to conduct more proactive investigations all to protect the children of New Hampshire from child sexual abuse and exploitation.

I welcome an opportunity to discuss this request in the future.

Thank you,

Lieutenant Eric Kinsman
Commander, NH ICAC Task Force
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