

**(U) Example Scenarios for Mandatory Reporting to State, Local, Tribal, and Territorial (SLTT) Law Enforcement Agencies and/or Child Protective Services Agencies**

(U) The following are examples intended to assist investigators with commonly encountered CAC case scenarios and the appropriate mandatory notification response. It is impractical to include examples for every possible scenario a CAC investigator may encounter. CAC investigators must evaluate the totality of the circumstances and exercise common sense judgment based on their training, experience, research, and discussion with other members of the multidisciplinary team (e.g., VS, CDC, SSA, etc.).

**Example 1:**

(U//FOUO) Scenario: A case agent opens a possession of CSAM investigation on an identified subject. The case agent has facts giving a reasonable indication that the subject is sexually abusing a child in the subject's immediate care.

(U//FOUO) Response: Although the subject is already under FBI investigation, the case agent is still required to make a report of the suspected abuse without delay (within 24 hours) to SLTT LE since the subject is identified and poses a threat of ongoing or imminent abuse to a child in the subject's care. The case agent is also required to report the suspected abuse to CPS if such reporting is reasonably necessary to protect a child (see *DIOG* subsection 14.8.3). Based on the scenario, the case agent is required to notify CPS within 24 hours, unless a limited temporary delay is approved in accordance with *DIOG* subsection 14.8. Pursuant to *DIOG* 14.8, the agent must notify their SAC (or designee) of the allegations within five calendar days and document their report to SLTT LE to the investigative file within five business days of making the report.

**Example 2:**

(U//FOUO) Scenario: A duty agent takes a walk-in report of a sexual assault in which an individual alleges she was abused by a school teacher. The incident allegedly occurred five years prior at a local school and the alleged abuser is still employed at the school.

(U//FOUO) Response: The duty agent should inform the complainant that there is no federal nexus to open an FBI investigation, advise her to contact the local police department to make a report, and advise her the FBI will be referring the matter to SLTT LE. The complainant says she intends to contact the local police.

(U//FOUO) The duty agent should document the interaction in an FD-71a Guardian incident. Although the complainant indicated that she would file a report with local LE, the duty agent is still required to contact SLTT LE and report the allegations of abuse without delay. The duty agent should provide all of the details conveyed to them, including the fact that the alleged abuser is still employed at the school, and document the coordination with SLTT LE as part of the FD-71a. Additionally, the duty agent should not notify the school. However, the duty agent should notify the School Resource Officer (SRO) if one is assigned to the school or district. Unless required by state laws, the duty agent is not required to notify CPS. The duty agent should notify the SAC (or designee) of the allegations within five calendar days pursuant to *DIOG* 14.8. Finally, the agent should submit the FD-71a Guardian incident to be closed as “information only.”

### **Example 3:**

Scenario: A Crimes Against Children squad receives a NCMEC CyberTip about an identified individual in the FO's AOR who is downloading confirmed CSAM. Based on preliminary investigative steps (e.g., searches of law enforcement sensitive and commercial databases, and publicly available social media), the suspect is believed to live alone and there is no indication that they have access to children or pose an imminent threat of abuse to any child. Record checks indicate the suspect has no known history of sexual exploitation of children. Due to limited resources focused on priority matters, the squad SSA determines they will not open an FBI investigation and will close the CyberTip.

(U//FOUO) Response: Since there is an identified individual involved in child sexual exploitation by possessing CSAM, but will not be the subject of a pending predicated investigation, the employee who received the tip is required to notify SLTT LE (see *DIOG* subsection 14.8.2) and properly document the dissemination. Since there is no evidence that reporting the matter to CPS would protect a child, the FBI is not required to report the matter to CPS.

### **Example 4:**

(U//FOUO) Scenario: A representative of a private company informs a FO that one of their employees, whose job duties entail supervising and mentoring minors in different settings, has engaged in physical and sexual abuse of several minors in their care. The abuse occurred across several states. The employee has ongoing access to and contact with the children in their care.

(U//FOUO) Response: Since the reporting includes identified child victims and an identified subject, the agent should instruct the representative to contact SLTT LE. The agent should also notify SLTT LE where the abuse is occurring and is alleged to have occurred within 24 hours. The agent should also notify CPS in the jurisdiction of the minors where the abuse is alleged to currently be occurring. Additionally, logical investigative steps and coordination with prosecutors must be conducted to determine if the reported abuse violates federal law. The agent must notify their SAC (or designee) of the allegations within five calendar days and document the reports to the local police department and CPS pursuant to *DIOG* 14.8.

### **Example 5:**

Scenario: A Crimes Against Children squad receives a NCMEC CyberTip about an identified individual in the FO's AOR who is downloading confirmed CSAM. Based on preliminary investigative steps (e.g., searches of law enforcement sensitive and commercial databases, and publicly available social media), the suspect is believed to have access to children within his home but there is no additional information indicating he poses an imminent threat of abuse to any child. Record checks indicate the suspect has no other history of sexual exploitation of children.

(U//FOUO) Notification to SLTT LE needs to occur within 24 hours, which can occur simultaneous to deconfliction with SLTT LE. The notification should be appropriately documented in the applicable file. This notification is warranted because the suspect is alleged to be downloading confirmed CSAM and is assessed to have access to a child. CPS would be dependent on state and local laws because, absent additional information, there is not sufficient information to identify a specific child being abused at the home.

### **Example 6:**

(U//FOUO) Scenario: Investigators are working on a complex, large-scale case involving a worldwide network of persons who possess and trade CSAM in a technically sophisticated fashion. Reliable intelligence and source reporting indicate that some persons in the network are directly and personally engaged in ongoing physical and sexual abuse of minors. To date, however, no subjects or minor victims of ongoing or imminent abuse have been identified fully (that is, sufficient information does not exist to

identify the name or location of any minor or subject believed to be engaged in imminent or ongoing sexual abuse of minors).

(U//FOUO) Response: Investigators must take appropriate action to attempt to identify and locate the persons actively engaged in ongoing or imminent physical and sexual abuse of children, or the child victims, as efficiently as possible. As soon as investigators can identify a particular child victim in a particular location or develop information that an identified subject poses a threat of ongoing or imminent abuse to a child, notification to SLTT LE must occur. Additional notification to CPS must also occur if it is reasonably necessary to protect any child.