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## **Minutes of the Technological Crime Advisory Board**

**March 20, 2012**

The technological Crime Advisory Board was called to order at 10:06 a.m., on Tuesday, March 20, 2012. Attorney General Catherine Cortez Masto presided in Room 4412 of the Grant Sawyer Building, Las Vegas, Nevada and via videoconference in Room 2134 of the Legislative Counsel Bureau, Carson City, NV.

### **ADVISORY BOARD MEMBERS PRESENT:**

Nevada Attorney General Catherine Cortez Masto (Advisory Board Chair)  
Nevada State Senator Valerie Wiener (Advisory Board Vice-Chair)  
Professor Hal Berghel, University of Nevada, Las Vegas  
Nevada State Assemblywoman Bustamante Adams  
Christopher Ipsen, Enterprise IT Services  
Special Agent in Charge Richard Shields, U.S. Secret Service (USSS)  
Special Agent Eric Vanderstald, (*meeting designee for Special Agent in Charge  
Kevin Favreau, Federal Bureau of Investigation (FBI)*)  
Jim Owens (*meeting designee for Sheriff Doug Gillespie, Las Vegas  
Metropolitan Police Department (LVMPD)*)

### **ADVISORY BOARD MEMBERS ABSENT**

Daniel Bogdan, U.S. Attorney, Department of Justice (DOJ)  
William Uffelman, President & Chief Executive Officer, Nevada Bankers  
Association  
Mike Haley, Washoe County Sheriff's Office  
Tray Abney, Reno/Sparks Chamber of Commerce

### **STAFF MEMBER PRESENT**

None

### **OTHERS PRESENT:**

James R. Elste, INOV8V CYBERCQRT  
Talova Davis, Nevada AGO  
Kareen Prentice, Nevada AGO  
Edie Cartwright, Nevada AGO  
Katherine Loudon, Washoe County Schools  
Mike Mieras, Chief, Washoe County School Police Department

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**Agenda Item 1 – Call to Order – Verification of Quorum.**

AG CORTEZ MASTO:

Good morning. The first item on the agenda is a call to order and the verification of the quorum.

*A role call of the Advisory Board verified the presence of a quorum.*

**Agenda Item 2 – Public Comments.**

AG CORTEZ MASTO:

This is the time for public comment. If anyone in the public wishes to address the board at this time, please come forward and state your name for the public.

IRA VICTOR

Ira Victor, President of Sierra Nevada Infra Guard. Madam Chair, I wonder if I might reserve my comments for later.

AG CORTEZ MASTO:

Absolutely, we will have the opportunity for public comments twice, once at the beginning of the meeting and once at the end. Seeing that there is no one else here in Southern Nevada, is there anyone in Carson City that would like to address the board at this time.

CHRIS IPSEN

There does not appear to be anyone here at this time.

**Agenda Item 3 – Discussion and Approval of Minutes from the December 16, 2011 Meeting.**

AG CORTEZ MASTO:

The minutes were provided to everyone and I would entertain a motion at this time.

Motion to approve the minutes was made by Senator Weiner and seconded by Mr. Berghel. The motion to approve the minutes was approved unanimously.

**Agenda Item 4- Reports Regarding the Task Forces and Board Members Activities**

ERIC VANDERSTELDT:

As a brief update to the board I can report the following activities that involve collaboration with southern task force agencies. A foreign national was arrested in Las Vegas after he attempted to receive illicit funds from a bank using a fraudulent foreign passport. Upon learning his true identity it was discovered there was an outstanding warrant for his arrest out of another jurisdiction. He had been personally responsible for over \$100,000 in losses although he had been part of a larger group that was responsible for a much greater loss.

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Approximately 5 individuals were convicted pursuant to federal child exploitation laws.

AG CORTEZ MASTO:

Thank you. Eric, this is part of your Internet Crimes Against Children Task Force, is that correct?

ERIC VANDERSTELDT:

Both events are part of the Cyber Crimes Task Force which the internet crimes against children task force is a part of.

AG CORTEZ MASTO:

And your agency is involved both North and South, is that correct?

ERIC VANDERSTELDT:

Yes, we have cyber agents in the North as well, but I'm just reporting on the activities that occurred in the South.

AG CORTEZ MASTO:

Great. Thank you very much. Any other member agencies?

JIM OWENS-LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Just in addition to what Eric just said, I just checked this morning and we've done 16 of these internet crimes against children search warrants year to date in conjunction with the FBI. Interesting, this year we've had several internet based robberies. These are responses to Craig's List type items. We have had 14 of those instances so far. One of these victims was shot right in front of a fire station where they were to make this deal. We had a mother and son show up on a school property after hours and were robbed at gun point. A series of three of these internet type robberies were from some high school kids who were trying to sell new style tennis shoes on line. So we have been in contact. We have some public service announcements that we've shared with Craig's List trying to warn people to be careful about these types of deals.

AG CORTEZ MASTO:

That's so important, the public awareness on that issue, because I think a lot of people do business on Craig's List and other similar websites and they don't realize the potential danger. Other than public service announcements, are there other warning signs that they should look for or be aware of when they are looking to purchase or sell something?

JIM OWENS

It's the basics. Don't show up after dark with a lot of money in your pocket in a dark parking lot. You don't know who you're dealing with and that's the big problem with the internet, you have no idea who you're dealing with. So people come with money with the intent to purchase something and the bad guys know they have cash, and they're robbed.

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AG CORTEZ MASTO:

And then the other type of crime, and I'm curious if we're seeing any of this, are burglaries that result from people posting on their Facebook pages that they're going to be away from their home and someone is monitoring their website and shows up to burglarize their house. Are we seeing any of these burglary rings, this type of this activity ?

JIM OWENS

I'm sure it happens, I don't have those numbers to share with you right now but I can look into it.

AG CORTEZ MASTO:

Yes, I'd be curious to know about that as well. Hal?

HAL BERGHEL:

Yes, I'd like to make a few comments about that because it's one of my research areas. The social networking sites are gifts that keep on giving. The criminals are not using the entire integrative profile of an individual to steal their credentials and their identities. What the victims don't understand is every time they put information on those social networking sites, that information gets shared. It's not encrypted, it's not secure and there are no biometrics for authentication so what you do when you put your picture up is you give the thief an opportunity to develop a complete identity. That, along with a people search allows you to create a credential that is unmistakable as far as the identity goes. It's a crime that creates an awful lot of trouble and we don't fully understand the full ramifications of it yet. Unfortunately, the criminals are far ahead of us in that regard.

AG CORTEZ MASTO:

Thank you very much. Are there any other comments? Mr. Shields.

RICK SHIELDS

Rick Shields with the Secret Service. I would just like to report with our Las Vegas Electronic Crimes Task Force, we have a case that we wrapped up last Friday named Operation Open Market. We went out and executed 19 arrests in 9 states to include Las Vegas, California, Florida, New York, Georgia, Michigan, Ohio, New Jersey and West Virginia.

This was an investigation of trans-national organized crime that operated on multiple cyber platforms whose members bought and sold personal and financial information through online forums. The carder forum that was interrupted was called Carder Sue. The group engaged in crimes such as identity theft, counterfeit credit card trafficking. The investigation is the first secret service cybercrime case to result in racketeering influence, corruption organization and RICO indictments. The case involved over 20 million dollars in fraud activity. In all, 50 persons are charged in the investigation so there will be more arrests in the future. The defendants are alleged to be members of a

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sociative criminal organization who traffic and manufacture stolen and counterfeit id documents and access device cards. This forum was an underground forum much like a PayPal forum. You can buy Visa Cards, Master Cards, go to a checkout cart and access these and obtain these counterfeit credit cards. It's a very organized group and it also shows how organized law enforcement is with our electronic crimes task force members to organize and do a take down like this in 9 states resulting in 19 arrests. It is very significant.

AG CORTEZ MASTO:

Thank you Rick, I appreciate that. Are there any other comments from board members?

Ok, I will report on one activity in our office that is going to be an initiative moving forward, and that is on human trafficking. There are a number of AG's who signed on to a letter and sent it to a website by the name of Backpage.com. Our concern is that we see a lot of young juveniles and young women and young boys who are being trafficked for sexual exploitation on these web pages similar to what we saw on Craig's List and we were able to get them to shut down those sites. Backpages.com makes millions of dollars off of the advertisements on the back of their pages. Our concern is that what we see, when there are major events in any particular city, is a lot of activity on these back pages for the solicitation of these young juveniles in the human trafficking trade. This is something that we as AGs are addressing nationally to highlight public awareness of what's happening and stop this type of sex trade that's occurring. What we are seeing is a lot of these young juveniles are trafficked throughout various states so there is a route that these pimps are utilizing for this type of activity. So this will be a focus for my office. We currently have a working group addressing this, working with the local agencies who are partnering with us. We are going to continue to move forward in this initiative. I will be reporting the board to make you aware as we move through this process.

SENATOR WIENER:

Madam Chair, thank you. As you know and the committee/board members don't know, I chaired Child Welfare and Juvenile Justice and we addressed this in committee. If you have any recommendations you would like us to consider as your working group might come together, please present and we'll bring them to the committee in the work session because as you know, we have had significant presentation on this. So, if there are ideas that you feel could be addressed legislatively, please let me know. We have a meeting April 4<sup>th</sup> and the last meeting is in May. If you could have whoever needs to, have a conversation, because we have addressed this and if your ideas can help us, go forward with legislation or BDR's please let us know.

AG CORTEZ MASTO:

Thank you Senator. We are aware of your meetings and have had people there monitoring them and reporting back. We are looking at model legislation and what I

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mean by that is that we've got some great statutes on the books to address this. There's model legislature in other states that we're taking a look at to see if we need to fill in some gaps we have in our current legislation. So as soon as we have a sense of the type of legislation that may be needed in this state we will absolutely bring it to your committee and back to this board so you will know what we are working on as well. Thank you.

SENATOR WIENER

Thank you. All I ask is that being aware of our deadlines, you get to us so that we can cross (unintelligible).

AG CORTEZ MASTO:

Are there any other comments or questions? Alright, thank you.

**Agenda Item No. 5 - Presentation by Katherine Loudon.**

AG CORTEZ MASTO:

This is a presentation by Katherine Loudon, the counseling coordinator for Safe Schools-Substance Abuse, Violence, SHARE, Washoe County School District. Is Katherine there? I do see her. She has been a fantastic partner of our office and of the community addressing so many issues particularly in our schools. This one is going to be addressing the bullying that we're seeing state wide that as this board knows we've worked so well on with legislation to address this issue and bring public awareness. So Katherine thanks for joining us.

KATHERINE LOUDON:

Thank you very much for having me here. I have Chief Mike Mieras with the Washoe County School District Police Department here with a presentation today on sexting and cyber-bullying that is going to take an in depth look and go a little farther than some of the other presentations we have made previously. So I'm going to turn this over to Chief Mieras for a while, we have quite a bit to share. I hope you can see the power point and watch the video. We've brought some really significant video as well to show the committee.

CHIEF MIERAS:

Thank you Katherine, Madam Chair, members of the board. It is an honor to be here. Thank you for allowing us to be here and do a presentation before you. This is something that I deal with and our department deals with on a daily basis. The hard work that you have done these last several years has really paid off but obviously there are still a few things we would like to see improved on. By showing a couple of videos today, I hope that this will help address this.

To start off, with regard to sexting, this case is something that we've seen and we're working on and is still an active case right now in one of our high schools. Four

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students created what they called a Pokemon Club. Out of this Pokemon Club, they traded nude photos of girls that they had obtained in various ways. Some of the ways they obtained these photos was by intimidation and coercion, i.e., "Hey I'll send you a photo, you send me a photo." We've identified over fifty victims in this case. Their interpretation was that they were sending the photo to one person and one person only. The sexting law clearly states that if you send it to another that it is a status offense. What these gentlemen decided to do was to take these photos and make this club and trade them with each other. You give me a photo of so and so and I'll give you a photo of someone else, without the girl's permission.

One of the students that is involved in this case had over 400 photos on his phone of nude and naked ladies ranging all the way across our district and even some UNR students. Another student had over 2000 image fragments on his phone that were erased off his hard drive at one time. Again, going back to how they got these photos, they were using intimidation, threats, minor threats not bodily harm threats. If you send me a photo of yourself in a bra, if you don't send me a photo of you nude then I'm going to pass that photo on to others. So we have made some referrals to Jan Evans at Juvenile Justice on this case and it's still ongoing. The magnitude and the amount of photos these young men had and what they were doing with them kind of shocks the conscience.

One of the images that we did find on this phone during this case was an image that we had found on a prior sexting case three years earlier at another school in our county, at a middle school. So we worked this case three years ago, came to a resolution, moved that case on to the DA's office, and charges were filed. Now, the photo of this young lady is still out there three years later at another school in these guys' photo collection. So with the sexting, this is something we are dealing with on a continuous basis. There on the power point you can see that this girl is still a victim three years later. We are trying to do a lot of education between Katherine's department and my department. Secret Witness jumped in and helped us produce a video that better educates and helps us get it out to young ladies and young men that once they put that photo out there, it is out there forever. You cannot get it back. That is the message we're really trying to get out because here is a prime example, three years later it ends up still out there.

We had a case where a young lady did send the photo, the photo ended up in the wrong hands and we ended up making an arrest of a 42 year old male because he was trying to persuade her to send more photos, kind of blackmailing her. So sexting is one of the issues we deal with.

Cyber-bullying has taken on a whole new world of its own. We try to keep up with it and social media and I know that you guys do. I don't know if we can ever stay ahead of the game but cyber-bullying has become a really big issue for us just like for other schools across Nevada and the nation. Sites such as Dirty.com, and I really hate to give them any kind of recognition, but if anybody has ever gone to Dirty.com, we've had several cases involving our school students in this. What this site is, and again, this site makes

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thousands of dollars from advertisements, I can go on Katherine's Facebook page, take photos of her off of her page and put them on Dirty.com and then go on anonymously and start calling her names, saying whatever I want about her. Others can then log on and make their own comments. Not only in our school setting do we get this but also people from out of state, other counties and around the world can log on to Dirty.com and make their comments. We've tried to work with the company to get the stuff removed. They are not very cooperative. They will not remove the comments. We do a lot of work with Facebook. Once we're involved they've been pretty good about taking down inappropriate stuff, false sites, and they work with us. But sites like Dirty.com will not work with us at all. It's a shame because these victims are victimized over and over again.

Facebook continues to be a big source of bullying for us but again they are working with us. Facebook becomes a jurisdictional issue because a lot of the stuff occurs on the weekend at their homes but it bleeds over into the schools on Monday or the next day. What I do, in being proactive, is that my guys will take the case if it involves our school students and move it forward. If jurisdiction becomes an issue, we take a courtesy case and then forward it on to Reno/ Sparks PD or County or wherever the jurisdiction is because it has such an impact on our school.

Incidents such as fights may take place at school. Here's something that if there was a way that we could address this and if you as a Chair could look at this, is the fights. I brought two videos. I don't mean to shock anyone with these videos but this is something we deal with on a daily basis. In both these fights these individuals are jumped and they are beaten up. But the video taping of these fights is again, what our problem is. Once that fight is, I don't even want to call it a fight, once the jumping is over, it is sent via text or email to 200-300 kids within 10 to 15 minutes at the school. So the victim keeps being victimized because they post these on the websites. The videos that I've obtained that I'm going to show you guys are off the websites. We found them from kids telling us "hey, they're on these websites." The next day when that young lady or young man walks into school, 500 kids at that school have seen the video. If they haven't seen it, someone will say to them, "Hey, did you see so and so get whapped yesterday? Here let me show you. I videoed it or I downloaded it off the website." It's the bystander effect. We deal with it constantly. If the fight occurs at school and somebody does videotape it, the schools have been suspending them for it. But right now that's all that can be done. We can ask some of these young folks to take it off their website but some of them will and some will just say no. With that, I'm going to show you the first video. These are two young men that are caught out on the back side of the school at the end of the day. The fight is the sad part of it but really what I want for you to focus on is how many kids have their phones out and the comments that are being made as this is taking place. These two young men are victims and they are jumped by about 10 other young males.

Video is shown.

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As you can see the one man was actually videoing with this phone at the same time he was kicking the victim. I don't know if you heard, the young man did lose his tooth out of it and the young lady there wants to get up close and film the tooth laying on the ground.

This is another video about a young lady and obviously as you can see, the victim in this case doesn't want to fight. She keeps repeatedly saying she doesn't want to fight but again if you listen to the bystanders with their phones out you'll hear one young man say "Stop. Don't hit her yet. I'm not ready." because he doesn't have his phone ready yet to video tape it.

### Shows Video

And again, I apologize, I've seen these several times and each time I see it, it makes me sick to my stomach. But that is what we are dealing with today with the social media and the kid's ability with their phones. In this case, that young lady, when she comes into school the next day, is re-victimized every time someone pulls up that video and shows it.

The department monitors the social media sites because we get a lot of information off of those sites. Both of these videos were posted on social media sites and we downloaded from there.

So, that is my presentation. If the committee can look at this more along the lines of the bystanders and the video tapes and again these children who have to come to school the next day are victimized by the children who saw this or by those who continue to post it. At this time I can answer any questions.

AG CORTEZ MASTO:

Chief Mieras, thank you very much. Do we have any questions from board members?

UNIDENTIFIED SPEAKER:

In reference to the sexting example you gave, this is very similar to the situation we had 15-20 years ago with sex pictures over the internet. As long as we're using basic cell phone technology as instruments for texting, it's not going to be possible, but for anyone who has an I-phone or the more sophisticated phones, the next wave, and you may already be seeing this, is to morph the images. The reason that it will be done is so that you can't prosecute because you don't have anything to look at. But the app on the phone allows you to de-morph it and the app of course is encrypted. So I suspect that within a very short period of time you will not have any plainly visible images. They will all be like that. That will give you another challenge. Maybe you're already having experience with this.

CHIEF MIERAS:

We are. That's a great point. I'm not a forensic guy, but two of my officers are trained and we have a forensic telephone device that retrieves memory out of the phone. In that case I was talking about, one of those men did have an app on his phone. The photos were not in a photo album like they would be on a normal phone. The photos were inside what looked like a calculator app. Once my officers downloaded and

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plugged it in, that's where they found the photos. There are many other apps out there that look like standard apps and they are disguising the photos. Right now we can extract most of the items back out. The really scary part is on the new phones and with the new technology, you can get the GPS coordinates of the location where the photo is being taken. So if that photo is taken at a young lady's or young man's private residence and the photo is put out on the web, that GPS location is possibly put out there with the photo.

CHRIS IPSEN:

Madam Chair, I have a couple of questions. First of all, just as an observation, you can see how technology is being used, both good and bad, and I think this is a very graphic example of that. First of all you mentioned a jurisdictional issue associated with a number of these crimes that happen somewhere in the state. How do we, as a state, effectively manage the jurisdictional issues associated with these crimes. Secondly, my question is around the people in the immediate proximity who are encouraging the crime. I think that in a number of these cases you can see that the incident could subside except for the encouragement of their peers going forward. So I was wondering if you have any specific recommendations or if we as a board had some ideas as to how we could effectively address these issues.

CHIEF MIERAS:

Ok. First question, my department is part of ICAP. We're part with Metro out of Vegas, we're part with the FBI up here in Reno. So my one officer is cross deputized. Here in Reno, we have Reno/Sparks county jurisdictions. It would help us to get some assistance with the jurisdiction boundaries. Right now we continue to have a good relationship with those agencies so we do work together. But I will say this, as an agency that works in the schools every day, and that's our priority, these sexting cases and bullying cases become more of an issue to us because we see the impact more than the traditional law enforcement agency. I'm not saying that they don't take them seriously and don't handle them but we see the effects of them when they come into our schools. And your second question?

CHRIS IPSEN:

is it a crime to encourage someone else to commit a crime. I'm not an attorney, I don't know that but what is their culpability in these specific instances?

CHIEF MIERAS:

Well, that's tough for us. Under current law, what can we charge the bystanders, the instigators? A lot of those kids aren't instigating, their just videotaping. What I would like to see, me personally, is some repercussions if you do videotape an unlawful act, a girl getting jumped or two boys getting jumped, and post it on a social media site. I know it's a fine balancing act with your first amendment rights, but we are talking about videotaping a criminal act and putting it out there. These victims, again, are victimized every day and it continues while they are in school. it's a lot of work, between Katherine's counseling and my victim's advocate, to get these victims to feel

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comfortable to come back to school and focus on education. If you look at the one with the young lady, if you were the victim in that, it would be very hard to come in and take an English test the next morning. So that is something we could look at for the bystanders that would help me tremendously.

CHRIS IPSEN:

I do have one follow up question. You spoke about communication, could you speak to the awareness program that you currently have or aspects of awareness that we could assist you with going forward?

CHIEF MIERAS:

Well our Superintendent has been very pro-active from the very beginning doing media events and getting it out there. Next week we are doing another media event and press release on cyber-bullying and sexting. We work with Secret Witness who is a big partner of mine and Katherine. They're producing a video that's going to be put out in the schools that is elementary, middle and high school age appropriate. They're even putting out a parent video to get that information out. I'm sitting on the panel that is coming up in Lyon County that is going state wide in Nevada.

It's a matter of just trying to get it out there, to get the kids to understand. A lot of these kids just don't grasp it. Someone had mentioned earlier when the internet first came out that was a huge thing. You had to know where your kids were at. You had to put locks on your computer so they couldn't get to inappropriate sites. In today's technology the majority of kids have access right from their telephone. So again, it's re-educating, re-selling and promoting that out there.

KATHERINE LOUDON:

Hi I'm Katherine Loudon, Coordinator of Counseling. Chief Mieras mentioned our Washoe County School District's new era of safe schools. As you watch these videos, note the links to prejudice, discrimination and violence. We were hearing the stories about the cases we were dealing with being related to sexting and the connection to dating and domestic violence. Our district is taking pro-active measures to address these topics but what continually comes forth is the need for services for these victims. This is something we are very, very concerned about in our district.

Our press conference will be the 27<sup>th</sup> at 10:00 at Reno High School. We're going to be, as a district, sharing quite a bit related to this including the DVDs that our students created, intervention and prevention. A lot of this is the result of our changes to safe and respectful learning environments. The first changes that Senator Wiener was a part in putting forth was SB 163 as well as the new changes with SB 276. The connection between bullying and cyber-bullying to suicide, substance abuse, teen pregnancy, gangs and destructive behavior that our kids are participating in with being violent toward their peers. We've heard of the shootings and stabbings and other types of things related to bullying and cyber-bullying as well as turning that anger and aggression inward toward themselves.

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Washoe County School District has had two incidents where parents have agreed to announce that it was a student suicide. We have had other instances where they are being investigated and possibly called accidental but we are losing our children to suicide here in Nevada. Our Youth Risk Behavioral Survey and all of our data that we collaborate on related to mental health professionals indicate the interrelationship between all of these issues and the trouble that our youth is having. So we wanted to make that connection and also talk about that so that by dealing with bullying and cyber-bullying and focusing on victims and making sure that there is justice related to different crimes and that there are opportunities for students to relearn new behaviors and remediate new behaviors, we believe we can make a difference with our youth. Speaking to SB 276 and what has happened in Washoe County School District, we were asked to share a bit about this and I apologize to Senator Wiener, I think she has seen this three times because we have been testifying to other legislative committees, but it's very brief.

Washoe County School District Superintendent Keith Morrison recognized the very close relationship between school police and school counseling. What he did with SB 276, Safe and Respectful Learning Environments, is give it to our department because of where we sit on the continuum of services to students as far as implementing changes. There are other district departments and committees that are involved but as a result of our partnership, we have been able to very broadly reach across our district and do things that have been really important to promote change.

Our district has mandatory sixty minute facebook training for every single employee: bus drivers; administrators; teachers; and counselors. Everyone must participate in this sixty minute bullying, cyber-bullying training. It just gives vignettes and scenarios and shows how to address the issues. In addition to that, school police, counselors, and administrators have been doing face to face training and developing materials and curriculum that can be shared. We also have student curriculum that our district is using, evidence based curriculum that we are implementing in K-12 and we are partnering with our computer teachers and english teachers and others that directly taught prevention and intervention. We've created new reporting forms and Chief Mieras has shared about those forms. They enable us to follow up much better than we ever could before. We have district process maps, where the processes related to bullying and cyber-bullying are checked and rechecked. We have a new discipline matrix that we're using across our district. We're incorporating parent and family engagement. We have courses parents can take related to cyber safety comprehensively and also looking at issues related to bullying and cyber bullying. We have confidential reporting and Chief Mieras was talking about the posters and the outreach for students to be able to report bullying. We also surveyed over 19,000 students in School Climate and Culture Safety Surveys last year so that we were able to get a representative sample size for every single elementary, middle and high school in

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our district for students age 5 and up. Our superintendent is having that happen again so we are able as a district to target programs, services, law enforcement and other things in response to what students are saying is happening on our campuses. This is very powerful because not only will there be an emphasis on academic data but we will be looking at the comprehensive safety of the school. Emergency management, crisis response procedures, bullying, instances of substance abuse are all a part of this comprehensive project. We are collaborating with community agencies and organizations to deal with a lot of these issues that we've been talking about, suicide, bullying, cyber bullying, gangs, substance abuse. A lot of these are things that we in the district wanted to do but they have been able to be advanced and set up as a result of the changes in the law. We are very appreciative of that.

Also on the power point, is the contact information for Chief Mieras and myself. I didn't know if you had any other questions but I am very thankful for the opportunity to present to you.

AG CORTEZ MASTO:

Thank you, Katherine. Are there any other questions from the board members?

UNIDENTIFIED SPEAKER:

Yes. I have two observations and a question. One, with regard to cyber bullying, what I saw on the videos is not terribly different than what I experienced in high school when I was young. The difference is that unfortunately the technology has contributed to the participants taking this to a perverted kind of art form. I don't know if there is anything you can do about that. I think there is a disconnect between our concerns and many of the young people out there. To witness to that I'll share an experience I had a month or so ago when I was asked to give a talk at a local high school about digital security. This was an opportunity for 150-200 graduating seniors to ask questions of a technical nature like those you're discussing. How does the GPS signal get integrated in the movie that we capture on the cell phone? How does the ability of the phone technology allow us to distribute so much information like these photos and movies so quickly? All of these questions would have been relevant. None of them were asked. The last question of the period was someone asked if I understood in basic terms how one would hack into a bank system. I said yes, I understand in general terms how to do that. The student then asked "Then why are you wasting your time teaching in University?" That highlights what I think is a disconnect. I said "life choices." I didn't know what else to say at that point.

But it is quite clear that they were operating on a different plane. Now here is the question. I think that trying to deal with this after the event has been captured is not going to be as effective as trying to figure out exactly what's going through these students minds as they participate. I don't see this as a law enforcement issue but rather as a psychology issue. Katherine, that's really your bailiwick as I understand it. I would be interested to know how many psychologists you have brought into this

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process and what effect you're having in trying to communicate to these students that this is just a really bad idea.

KATHERINE LOUDON:

I really appreciate you bringing that up. Our school district does collaborate with a lot of mental health professionals and we do have school psychologists on our campuses. But I think what you are also talking about is the very basic core and science of prevention. Prevention has to begin in Kindergarten and before. It is building basic life skills and character traits. That is really what we're working on with kids, empathy, honesty, goal setting and being able to identify a future focus and make responsible decisions. At the very surface level people may not consider those steps to promote cyber-safety or prevent bullying but that is what core prevention is. Our district is very focused on prevention starting early and continuing onward. We are also focused on intervention. We are partnering with marriage and family therapists in our community and the review board, with several others, on providing some services for victims and on collaborating with agencies and groups who can address kids who have engaged in this problem behavior. We are going to continue with both core prevention and intervention and then follow up and referral and making sure they are receiving some services for this behavior that's really destructive to their opportunities, to their future and to our ability to operate as a community.

CHIEF MIERAS:

On the second part of that, there are still good kids out there who come forward with a video and say "Hey, this fight occurred, I taped it and now you know who did what." So we do have good kids out there who still step forward and do the right thing. Again, going back to the original statement about internet use long ago, these are the conversations we as parents need to have with our children. What's appropriate and what's not appropriate with the phone, everything from sexting to some poor girl getting beat up and posting it. So it does go back to those conversations we as parents need to have with our children and educate them that way also.

UNIDENTIFIED SPEAKER:

One follow up question. This may be relevant so I am certainly curious about this. When they talked to the young lady in the red outfit and you asked her why would you do this? What's the point? Where do you get the value out of this exercise in intimidating the other young lady, what does she tell you?

CHIEF MIERAS:

It really goes back, and Katherine touched on this earlier, it really goes back to the cycle almost of domestic violence, the power and control and notoriety of everybody videotaping it. You watch some of the television shows, within the first 30 seconds of the trailer you have everything from sex, violence, and alcohol, and these shows are marketed to the teens. Some of these teenagers look at that like this is a normal way of life, this is a cool way of life. It gives them power and control over that victim and with today's technology the whole school knows about it. When you and I were in high

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school we may have got in a fight with somebody and the word got out, but that's all there was to it. They didn't get to view it and it wasn't posted to the entire high school and the county.

AG CORTEZ MASTO:

Does anyone else have any questions or comments? Chief Mieras, a couple of things from my perspective. I definitely want to talk with you off line about Dirty.com and addressing the consequences for bystanders and re-victimization of victims. We didn't see your contact information. Please leave your contact information with Edie Cartright. One think we haven't talked about is school consequences. I'm assuming that as part of the penalties and justice associated with what we've seen here , there were school actions such as expelling or suspending these students or kicking them off of programs they may be involved in. Can you address that as well?

CHIEF MIERAS:

Yes we work very closely with our school administration. We deal with the suspects. The school deals with the bystanders. They do make suspensions and sit down and have parent conferences out of the suspension. If you look at the sexting case and the high school that we're working with, when we interviewed the victim we had a parent present. When we were dealing with the suspect we also had a parent present and educated the parent on where we were going and why. The schools I have personal contact with in Washoe County are very proactive in this area and will put out suspensions on those kids. This district runs "Violence Intervention." Katherine runs this. So if you are involved in a violent act, even if you agree to fight, you are suspended 10 days but 8 of those days are waived if you agree to go to Violence Intervention with your parents. It's four Tuesday nights for approximately 1.5 – 2 hours. They're required to do that or they take the 10 day suspension. 90% of the time parents agree to participate in Violence Intervention and so we try to educate the parents on what's correct behavior and what's not.

AG CORTEZ MASTO:

Thank you very much Chief Mieras and Katherine for bringing this presentation to us. One thing I will take away from this is that Washoe County School District is really on top of this issue, trying to address it. They have really looked at, and researched and been thoughtful about how we work to the benefit of our kids and the safe and a respectful learning environment. Thank you very much for all your hard work on this subject to protect our children and work with them. I'm very serious about following up with you on some of these issues and how we can work together as well. Thank you again, it was a marvelous presentation.

**Agenda Item No. 6 – Announcement of Resignation of Technological Crime Advisory Board Executive Director; Agenda Item No. 7 – Listing of Duties for Executive Director of Technological Crime Advisory Board; Agenda Item No. 8 – Replacement Process for Executive Director of Technological Crime Advisory Board.**

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AG CORTEZ MASTO:

You should all have received an email from Jim Earl, who was the Executive Director for the Tech Crime Advisory Board, who resigned to take a position as Chief of Staff of what was formerly DOIT but is now EITS. If you haven't, we have copies for everybody. I am going to take agenda items 6, 7 and 8 together. That's the resignation of the Executive Director, the listing of duties of the Executive Director and the replacement process. All of the board members will have in front of you the resignation and the NRS that sets forth the functions of the Tech Crime Advisory Board and then we've also prepared a draft position announcement that the State would utilize to post for this position.

I wanted to take the opportunity to talk with you all about this process. As you can see from the NRS, particularly NRS 205A.070, the Executive Director is actually appointed by the board members and serves at the pleasure of the board. So it is going to be our responsibility moving forward to interview and hire the next individual to serve as the Executive Director. I wanted to first throw that out there for discussion if anybody has any questions or concerns about this process.

SENATOR WIENER:

Thank you Madam Chair. As the most tenured member of this board, I've been privileged to participate since its creation. I will miss it when I term out and retire in November. I was a participant in the selection of Mr. Earl. We had members at both ends of the state and conducted the interviews through video-conferencing. The process worked pretty well and vetted well.

AG CORTEZ MASTO:

As I envision this process moving forward, it is just that. We are subject to the Open Meeting Law, so for that reason as we put the information out there to recruit for this position, the actual interview process for the Executive Director will come before the board in a public forum just like this. We'll ask questions and then pick the individual we think is the best fit for the board moving forward. That is why we want to make sure, particularly for our federal partners in this, they are comfortable with this process.

I know that when we were looking at passing state legislation at one time there were concerns as to whether or not you had the ability to get behind and/or support the passage of state law because you were federal authorities. I just wanted to see if you had any concerns about whether you were able to participate or not. You don't have to answer now. If you want to think about it and go back and talk to individuals to see if somehow you are prohibited from doing so. Please let us know.

The other thought is, knowing what our function is, by looking at the NRS, I would like your comments about where you would like to see the Board in a year, the types of items we would like to focus on, what we would like to see coming before the board

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moving forward. I think that will play into the Executive Director and the scope of their duties to prepare the board for each meeting which is a quarterly meeting.

CHRIS IPSEN

Specific to the job announcement, I would recommend some experience with technology. I would be more than happy to suggest a couple of lines for there. I think it has been helpful in terms of the quality of people we have presenting to have some understanding around that. I would love to submit some items for review by the board to include with that job announcement.

AG CORTEZ MASTO:

Thank you Chris. That would be very helpful. You could just submit those to my office.

SENATOR WIENER

It's not specific to our moving forward as it is in reviewing where we've been and where we are now. Having served with Mr. Earl from the moment he was interviewed and beyond, accolades. He has done such an extraordinary job, way above and beyond anything that, I'm sure any of us who interviewed him, could have anticipated. He lived the job, and he had a passion for it and wanted to be a voice for us in any form, any environment, not only for this board for the work we as legislators did.

He traveled where the work needed to be shared. He constantly stayed up on his homework. I know Chris probably did a little tutoring and that's great because Chris is an exceptional part of this process as well. It was a gift to have Mr. Earl with us and what he added to this board can't be captured in words because of the magnificent contributions he made and he will continue to do that for Nevada. I'm thrilled that he will be involved at the level he is now

AG CORTEZ MASTO:

Any other comments?

IRENE BUSTAMONTE ADAMS:

Is the Executive Director responsible for forming an overall state plan, a strategic direction, so that we are not just reacting and that we are proactive as a state regarding this issue?

AG CORTEZ MASTO:

That's a great question. It's in combination with the Board duties. If you look at NRS 205A.060, it really sets out the duties of the Board that the Executive Director is targeted to follow. One of them is Section 4 "Assist the Division of Enterprise Information Technology Services in securing governmental information systems against illegal intrusions and other criminal activities."

So that addresses the State's specific issues. But there are other issues, as you can see, such as coordination with state, local and federal officers in detecting, investigating

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and prosecuting tech crime. There are a number of items there that we have as a function of this board. But the Executive Director is required to help us continue to manage, monitor and address and quite frankly, keep up to speed in cutting edge technology and issues that we deal with. I agree with Senator Weiner that Jim Earl was fantastic at that. He was always cutting edge, staying up to date, always brought forward to the board the newest technology, the newest crimes, the newest issues, the newest things that were happening out there that we needed to be aware of. I think, quite often, because of his expertise and knowledge in that area and passion for it, it helped us identify areas in state legislation that we had to address that made Nevada cutting edge in this arena unlike some other states that don't have similar legislation. Any other comments or questions?

CHRIS IPSEN:

I have one comment echoing Senator Weiner's comment. I would like to be on the record as stating that Mr. Earl did an exemplary job. He'll be grossly missed on this committee. I look forward to participating in the process of selecting his successor but I just want to capture the effectiveness that he presented to this committee and compliment him on the fine service that he performed.

AG CORTEZ MASTO:

Thank you Chis. Are there any other questions or comments? Alright, those items are not action items. I just wanted to have a discussion, give you a sense of the process, make you aware of the NRS and what our functions and job duties are and to throw out there to our federal partners and have them take a look at their participation in the future. We will bring this back to the board at our next meeting as an action item. Because our meetings are quarterly I may bring this back just a little bit earlier just to get us moving in this process.

### **Agenda Item 9 – Public Comments**

Ira Victor:

There are two items I would like to bring to the attention of the board.

As president of Infra Guard, we worked very closely with Mr. Earl and he will be sorely missed by members of our chapter. He was wonderful. He attended our meetings. He was very much engaged in the efforts in what we are trying to do which is very much in synch with this board. We look forward to working with the future Executive Director and I'm sure that I speak for myself and the other members of our organization that we will be available to the board for any questions related to the successor of Mr. Earl. On tomorrow night's NBC network program called Rock Center there will be a feature story about the critical role that Gary Warner of the FBI Infra Guard Chapter in Birmingham played in the take down called Trident Breach. This was one of those banking attacks that effects small and medium size businesses where their business bank accounts are virtually sucked dry of their money through fraudulent wire transfers and other more sophisticated attacks. Although I cannot give details, there have been

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businesses here in Nevada that have been victims of this attack. Some of them close to the point of bankruptcy if it wasn't for some valiant efforts on the part of law enforcement members in Nevada. The Infra Guard members in the Birmingham Chapter participated in the prosecution of some of these criminals. This group was responsible for over 70 million dollars in bank account attacks against businesses across the country. That's tomorrow night at 10:00 p.m. on NBC. I have no official financial connection with NBC.

I would also like to bring to attention something that's in the news today, ironically, about social networking with young people. There is an Associated Press story that's in the news this week entitled "Job Seekers Being Asked for Facebook Passwords." According to the story, potential employees, during the interview process, are being asked to turn over their passwords to their social media sites or email accounts or to be "friended" so that people in the company can see what is essentially private information. Potential employees are being faced with a very difficult situation. They may have sent out 1,000 resumes. This may be the only company that has put them through the interview process and now they are faced with a very difficult decision of turning over this information or not getting the job. There are some states that are looking into legislation that would prohibit employers from doing this and also at the state level, preventing state human resources departments from this activity. This could have a very big impact on civil liberties and privacy. As always, I remain available for questions or any way that the board would like to join with us to work together to fight cyber-crime.

AG CORTEZ MASTO:

Thank you. We so appreciate your partnership with us and the information like you just passed on to the board and working with us on legislation and various issues that the board has been addressing over the years, so thank you very much. Are there any other comments or questions?

UNIDENTIFIED SPEAKER:

One general observation that's consistent with the presentation we saw before. The information on these social networking sites has been used by employers for different purposes. One of the things we need to get out to our young people in the school systems is that these are really not the appropriate venues for pictures of your latest binge drinking exercise. When a potential employer sees that, they automatically have a perspective of you that may or may not be one you want to share.

AG CORTEZ MASTO:

Thank you. Any members of the public in Carson City that would like to address the board at this time?

CHRIS IPSEN:

There do not appear to be any members of the public wishing to testify.

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### **Agenda Item 11 – Scheduling Future Meetings**

AG CORTEZ MASTO:

I am going to suggest that my office be responsible for scheduling future meetings, particularly centered around the recruitment and hiring of the Executive Director.

### **Agenda Item 10 – Board Comments**

AG CORTEZ MASTO:

We're going to move back to Agenda Item No. 10, Board Comments.

HAL BERGHEL:

Thank you Madam Chair: I'd like to make an information item of this. For the past 10 years Nevada has had a research center in Identity Theft and Financial Fraud that was started by myself and Dennis Cobb, who at that time was Deputy Chief of Metro. One of the things that we do is conduct research that is not investigative in its nature. For example we have a reading room that has a collection of thousands of examples of identity theft and financial fraud that's been covered in the media. We have five patent disclosures and one patent that is jointly owned by Metro and UNLV in technology that can lead law enforcement to successfully prosecute identity and financial fraud. We have dozens of publications on a website that is available. I just wanted the board to be aware of that. If there's any interest in understanding more of what ITFFROC does, I'd be happy to provide backup details [ITFFROC.org](http://ITFFROC.org).

AG CORTEZ MASTO:

Thank you. Are there any other questions or comments?

CHRIS IPSEN:

I have a couple of follow ups from our meeting last time. Our CS training is proceeding nicely. That was the Center for Infrastructure Assurance and Security. They have a fourteen month DHS sponsored awareness and assessment program. We won that request and that training is proceeding nicely. Those meetings are being attended. The first meetings were by executive level individuals. I believe we have excellent support from the State. Timothy Cary reported on this at the last meeting.

Also, with respect to Alan Paller, he had implored me to do a number of things at the last meeting. I wanted to let you know that I'm continuing my discussions with him around an intelligent approach for the State to proceed with respect to training of cyber professionals and also specific to the defense signal directorate for controls. He mentioned that the Australian government had received an award for implementing four controls that demonstrate an absolute effectiveness in thwarting active cyber-attacks on critical infrastructure in computers. I want to let all of you know, I have put in for a grant for the fourth control which is application white listing. A number of the agencies from the state wide cyber security community had some form of maturity around the first three controls but none of them had any maturity around application white listing so I

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saw that as an opportunity to put a grant proposal in before the Commission on Homeland Security. I would love to be able to say we have the support of this committee going forward with this grant. I'm presenting it tomorrow to the Homeland Security Commission Working Group. If passed, it will give us a working model to demonstrate how that fourth control can be deployed in our state. And again, these are from the Homeland Security Grant Fund. These funds have been reduced significantly, however cyber security has been listed for the first time in one of the top six priorities going forward. I'm very encouraged by that. Hopefully we'll have an opportunity for a grant application going forward on that.

I also want to let you know that the State is actively pursuing involvement in the NSTIC program which is the National Strategy for Trusted Identities in Cyber Space. The federal government has defined this as an important federal initiative and I'm very proud to say that a number of individuals including Hal Berghel who is there and Jim Elste are actively involved in that process. I think this is an opportunity to distinguish ourselves as a state moving forward with respect to identities. These meetings do have an impact. It really helps me as I put forth initiatives to build consensus and also define what areas are necessary for the state to proceed effectively with respect to protecting the citizens which I know we all value very much. It is very important in our strategic direction for the state.

AG CORTEZ MASTO:

Thank you. Are there any other questions or comments?

### **Agenda Item 12 – Adjournment**

AG CORTEZ MASTO:

Do we have a motion? A second? Thank you. Will all those in favor signify by saying Aye. All opposed no. Alright we are adjourned. Thank you everybody.

*The Board voted unanimously to adjourn at 11:21 a.m.*

*Respectfully submitted, (subject to approval at the next Board meeting)*

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Approved by the Board on its subsequent meeting on [date]

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