

**Cyber Security Commission  
Cyber Crime Working Group  
Inaugural Meeting**

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August 1, 2014  
Teleconference, 11:00 am until 11:40 am

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Chair:

Paul Tiao, Attorney and Partner, Hunton and Williams, LLP

Members Present:

Brian Moran, Secretary of Public Safety and Homeland Security  
John Wood, CEO, Chairman of the Board, and Director, Telos Corporation

Volunteers/Advisors/Staff in Attendance:

Rear Admiral Bob Day, Cyber Commission Staff Lead  
Josh Heslinga, Office of the Attorney General, Cyber Commission Counselor  
Adam Thiel, Deputy Secretary of Public Safety and Homeland Security  
Elizabeth McGrath, Mitre Corp.  
Captain Kirk Marlowe, Virginia State Police  
Isaac Janak, Office of Public Safety and Homeland Security  
Rich Robinson, Telos Corporation  
Samuel Fishel, Office of the Attorney General  
Linda Bryant, Office of the Attorney General

Public Members Present: None.

Minutes

**11:00** Introductions

**11:05** Chair Paul Tiao reviewed the assigned Work Group mission and objectives to focus the group on identifying core issues to work on. Proposed core areas for evaluation and recommendations should include:

- Review of existing Commonwealth cyber related statutes for gaps.
- Review of current Commonwealth ~~cyber~~ resources ~~to-for~~ investigat~~e~~ing and prosecut~~e~~ing cyber intrusions and cyber-enabled crimes, and identifi~~c~~ation of key gaps.
- Overall assessment of cyber information sharing and collaboration across

citizens, businesses, the Commonwealth, and the Federal government levels ~~to and~~ identification of areas needing requiring improvement..

**11:15** Working group members and volunteers discussed proposed areas for work group Committee effort.

Captain Marlowe highlighted resource issues related to current capabilities to investigate cyber intrusions and cyber-enabled crimes, and conduct digital forensic investigations in support of cyber elements related to traditional criminal cases. He also discussed several statute issues, including Internet Service Provider disclosure notifications and secondary search warrant orders, that may merit legislative change issues complicate timely investigations.

Linda Bryant provided additional insight into statutory issues, e-issues including the need for stronger criminal penalties for cyber intrusions and cyber-enabled crimes, current code identifies cyber-related crimes as misdemeanors, and inter-state issues associated with rapidly obtaining timely data custodian certifications from social media groups, approvals from social media companies. Linda also advised identified that resources constraints at the Commonwealth and local levels really make it difficult to expand programs prevent expansion to investigate into cyber intrusions crime area because of the high level of technical expertise required to operate in this rapidly changing technology area. Additionally, obstacles exist at the international level regarding extradition of cyber criminals from other countries to stand trial in the U.S.

Comment [LB1]: Added the last sentence.

Secretary Moran provided an assessment of current information sharing and collaboration initiatives, where some good progress has been made (Fusion center, relationship with FBI, and critical infrastructure operators like Dominion Power) but concludes that there is much more work remains to be done in this area, especially with respect to critical infrastructure.

**11:30** Chair Tiao summarized discussion and established a working group goal to complete a preliminary work group plan of action by 8 August 8, 2014. This plan would focus on the assessments and gap analyses discussed during the teleconference. The plan will be submitted to the Commission co-chairs and briefed at the 4 September 4, 2014 full Commission meeting in Richmond. Chair and work group members targeted 18<sup>th</sup> of September 18, 2014, at 11 am, for a one hour work group meeting.

Minutes recorded by Rear Admiral Bob Day