



SECURE COMMONWEALTH PANEL

**NOVEMBER 19, 2015 – VIRGINIA GOVERNOR'S OFFICE
WEST READING ROOM, PATRICK HENRY BUILDING
1111 EAST BROAD STREET, RICHMOND, VIRGINIA 23219
10:00 A.M. – 12:00 P.M.**

Draft Meeting Minutes

Panel Members:

Hon. Brian Moran, Secretary of Public Safety and Homeland Security
Hon. Karen Jackson, Secretary of Technology
Adam Thiel, Deputy Secretary of Public Safety and Homeland Security
Ellen Nicolas, Office of the Lt. Governor
Edward Macon, Assistant Executive Secretary & Counsel, Supreme Court of Virginia
Cathie Hutchins, Designee for Attorney General Mark Herring
Kirby Felts, Emergency Management Coordinator, Charlottesville-UVA-Albemarle
John Bell, Deputy Chief of Police, Virginia Beach Police Department
Dario Marquez, President, Chairman, CEO, & Co-Founder, MVM, Inc.
Mike Mohler, President, Virginia Professional Fire Fighters
Corey Jackson, GE Lighting
Mike Hamlar, President, Hamlar Enterprises
Reuben Varghese, Arlington County Public Health Department
Patrick DeConcini, DeConcini & Associates
Don Upson, Unicom
John Braun, Dynamis, Inc.

Attendees:

Tonya Chapman, Deputy Secretary of Public Safety and Homeland Security
Nicky Zamostny, Secretariat of Public Safety and Homeland Security
Kathleen Franklin, Secretariat of Public Safety and Homeland Security
Thomas Gagnon, Secretariat of Public Safety and Homeland Security
Jon Selby, Secretariat of Technology
John Kissel, Secretariat of Technology
Ronique Day, Secretariat of Technology
Bob Mauskapf, Virginia Department of Health
Dr. Jeff Stern, Virginia Department of Emergency Management

Curtis Brown, Virginia Department of Emergency Management
Teresa Gooch, Department of Criminal Justice Services
Barbara Peterson-Wilson, Department of Criminal Justice Services
Sam Hoffman, Department of Criminal Justice Services
Dave Johnson, Virginia Indigent Defense Commission
Liliana Judge, Virginia Parole Board
Ed Rhodes, Virginia Fire Chiefs Association
Keith Boswell, Virginia Economic Development Partnership
Phyllis Errico, National Association of Counties
Claire Gastanaga, American Civil Liberties Union

Welcome and Opening Remarks

Secretary Brian Moran, Chair, opened the meeting and thanked all for their attendance. The Secretary offered that the hearts and prayers of the Commonwealth of Virginia and the Secretary's Office are with those affected by the Paris attacks. The Secretary wished to assure Panel Members of the close, constant, and positive collaborations between the state and our federal and local partners regarding terrorism and its impact on Virginia.

Member Introductions

All Panel members, including new members, introduced themselves.

Adoption of Minutes

Minutes were adopted for August 20, 2015 meeting.

Update: Cyber Security Commission Update and Recommendations

Secretary Karen Jackson spoke on current cyber initiatives within the Virginia Cyber Security Commission. The Commission's continued focus is on cyber awareness, cyber education, workforce development, and cyber crime. Secretary Jackson informed the Panel of Virginia's robust information systems infrastructure but reminded Panel members that its upkeep is expensive. Secretary Jackson stated that with the support of the Commission, several cyber security budget items were included as recommendations for the Governor's budget.

As the Secretariat focuses on education, they want to place increased focus on utilizing the specialized cyber skills and training that Virginia's veterans have to offer for the betterment of the Commonwealth. In March, the state is hosting a Cyber Security and Education Conference which will feature a federal panel, private sector panel, and trends panel. In reference to the Paris attacks, the Secretary mentioned that we still have much to learn; reminding the Panel that Paris was coordinated somehow, but it remains to be discovered if it was handled on the dark web, the open web, or through encrypted means.

A panelist asked how many cyber attacks or incidents occurred daily in Virginia and if they were local or foreign. The Secretary responded that Virginia receives approximately 100,000 attacks per day from both homegrown and overseas adversaries; to the equivalent of approximately one attack per state employee per day. She was then asked how critical infrastructure was protected, as it mostly resides in private hands. The Secretary spoke about several federal initiatives for critical infrastructure security, as well as the strong relationships we foster with our private partners.

Secretary Jackson then spoke of Virginia's Unmanned Systems Commission established by Governor McAuliffe. She also reminded the panel that Virginia is one of the six FAA test sites for unmanned craft. As this technology continues to develop the Secretariat is considering such issues as privacy, acceptable uses, research and development and how Virginia can bring these industries and educational efforts to Virginia's workforce and economy.

Update: Health and Human Resources Sub-Panel

Robert Mauskapf updated the Panel on health issues facing Virginia starting with Ebola. While VDH continues to track this issue, Ebola outbreaks are significantly reduced with only one country (Sierra Leone) still reporting infections.

The Virginia Department of Health (VDH) continues to use all scheduled events as training exercises. Most recently VDH staffed and exercised during the World Police and Fire Games and the UCI Bike Race.

Currently, a major concern for VDH is highly pathogenic avian flu influences. While there have been no reported cases of a human transmission, the highly migratory bird populations present a constant risk of exposure to Virginia's bird populations. Many states have suffered adverse effects and avian population losses from avian flu.

Mr. Mauskapf then prompted a motion before the Panel to allow the HHR Sub-Panel to shift into an information group. The purpose of the group would be to mimic the structure of the Secure Commonwealth Panel including appointing members. Its continued role would include and develop into an advisory committee for grants, medical rules (such as quarantine), policy, legislation, and code issues regarding public health. The motion passed.

Panelists asked how many critical medical positions are funded by grant dollars and would dissolve if the federal money ceased. Mr. Mauskapf reported that many critical positions would end. Mr. Mauskapf also commented that the Secure Commonwealth Plan only mentions pandemics, leaving out behavioral health issues or naturally occurring diseases.

Update: Law Enforcement Technology (LET) Sub-Panel

Deputy Chief John Bell updated the Panel on the efforts of the LET Sub-Panel. Chief Bell noted that the Department of Criminal Justice Services (DCJS) developed a model policy for law enforcement relating to Body-Worn Cameras (BWC). The BWC Model Policy is intended to serve as a structured template to assist law enforcement agencies deploying BWCs. The policy should be considered a framework that localities can mold to fit the specific needs of their jurisdictions. Additionally, the Sub-Panel adopted five recommendations:

- 1) All localities and state agencies that purchase body-worn cameras should have a policy in place governing their use and resulting data with regard to FOIA considerations and Library of Virginia retention policies prior to deploying cameras in the field.
- 2) Localities and state agencies deploying body-worn cameras should consider implementing recommendations from DCJS' Body-Worn Camera Model Policy.
- 3) All officers equipped with body-worn cameras should receive training on proper use and agency policies.

4) Localities and the Commonwealth should recognize challenges and costs associated with body-worn cameras and pursue sustainable funding sources to support body-worn camera programs, which are significant tools for law enforcement, citizens, the Commonwealth and localities to improve accountability, transparency and public trust.

5) Localities and state agencies should develop their policies with input from all potential stakeholders including, but not limited to, special interest groups, citizen groups, elected representatives, courts, defense attorneys, judges, Commonwealth's Attorneys, local government attorneys, school administrators and parents. The draft policy, and ultimately the final policy, should be made available to members of the community upon request.

The full Panel adopted the recommendations from the Sub-Panel.

Update: C-THIRA

Dr. Jeff Stern updated the Panel that the 'Commonwealth – Threat and Hazards Identification and Risk Assessment' (C-THIRA) was now complete. Copies were on hand for members. While the THIRA is federally mandated, many states now conduct internal assessments, like the C-THIRA in Virginia. Dr. Stern pointed out that this year the C-THIRA had 2 new scenarios: cyber-attacks and small group attacks. The addition of the small group attacks was based on the 2008 Mumbai attacks, their need underscored by the recent events in Paris.

The document outlines core capabilities for legislative use and offers our readiness levels as self-reported by the localities. The C-THIRA also addresses preparedness activities and offers a strategic roadmap to further increase the Commonwealth's emergency readiness and response abilities. Echoing earlier concerns on funding, Dr. Stern relayed that only about 11% of their budget comes from the general fund and about 40% of the money they collect is a pass-thru to serve local government's needs.

Dr. Stern also noted that historically, emergency management has consisted of on-the-job training; Virginia is revolutionizing its emergency management by offering the first (outside of FEMA) Advanced Emergency Management Academy, hosted at the Trade Court facility.

Update: Secure Commonwealth Strategic Plan Revision Sub-Panel

Deputy Secretary Thiel updated the Panel on the changes to the Secure Commonwealth Plan. The new plan takes a broad, encompassing position to guide future efforts. While it still must process through a thorough technical edit, it was offered to the Panel for content consideration. Discussion was offered on the inclusion of Social Media as a threat and that a new threat be added based on critical agencies fiscal constraints and grant-dependability. Deputy Secretary Thiel expressed interest that in the coming months and years discussions such as those would become a part of the Panel's regular efforts. Agenda topics would be given thorough explorations led by Subject Matter Experts; he recommended that Social Media be the inaugural topic at the next Panel meeting.

Comment was made that the plan was only for '2016' and not further out. The new Secure Commonwealth Plan is intended as a living document, never fully leaving the refinement stage. Therefore while the vision and direction is expected to remain relatively unchanged from year to year, there will be a continual process of refining and development. Offering date ranges, such as 2016-2018, might inadvertently encourage only periodic review and assessment of the Plan's vision, direction and goals.

There was some discussion on how the goals and objectives might be blended. As a living document, that would be the purview of the Panel, however aligning the Plan with the legislatively mandated C-THIRA has an inherent value. One of the goals of the Secretariat is to move efforts to “single source input” as much as possible. With the overlapping nature of many of our efforts and goals, a move to have localities enter in data points once – for use for the C-THIRA, the SCP, and other initiatives – would represent substantial savings and enhanced efficiency.

A Panelist pointed out that there are 3 security guards for every officer in Virginia and through DCJS we mandate their curriculum; adding robust training on terrorism/small group attacks would benefit our overall security.

The Plan was adopted, pending a technical edit.

Update: Homeland Security and Resilience Staff Group

Deputy Secretary Thiel updated the Panel on the changes within the Office of Public Safety and Homeland Security beginning with Secretary Moran’s appointment as the new Chief Resilience Officer and the formation of the Homeland Security and Resilience Staff. Five new positions have been created to form this staff, focusing on key focus areas in homeland security and resilience to include cyber security, resilience, critical infrastructure, and interoperability.

Consideration of an Unmanned Systems Operations (USO) Sub-Panel

Deputy Secretary Thiel spoke of the creation of a new Sub-Panel to look at operational and tactical issues regarding the use of all unmanned systems (air, land, sea, other). There have been many initiatives regarding the technology, but little guidance for responders in the field. The purpose is to address operational considerations (pros and cons) of USO use as well as develop informational guidelines. While there are national standards, there is no state level guidance. Guidelines could focus on public safety uses and operational guidance or identification of nefarious uses as well as suggestions for defeating the threat.

Deputy Secretary Thiel advised the Panel that the FAA had a ‘notice of proposed regulation’ currently pending regarding USO.

A Panelist asked if this was intended to be a permanent or need-only sub-panel. It was intended to be impaneled in order to craft guidance for state level agencies and responders on how to use and respond to USO within the confines of Virginia and Federal law. Therefore it would be disbanded when the panel felt sufficient guidance had been crafted. Another Panelist asked if it was just drone use or if other technologies, such as smart cities, would be included. While the overall focus is guidance-based, there are no specifics on the technologies to be discussed.

A motion passed to form the Sub-Panel. Interested members should contact Kathleen Franklin for inclusion on the Sub-Panel.

Public Comment

Claire Gastanaga, Executive Director of ACLU Virginia, wished to express concern with the LET Sub-Panel. Ms. Gastanaga indicated that she believed many issues were not addressed by the Panel to include the DCJS model policy. She noted concerns with several issues, including data collection, data access, and privacy. Ms. Gastanaga also raised concerns regarding the Panel’s composition stating law enforcement was over represented compared to civic representation and therefore civic interests were out-

voted. She further stated that not all recommendations were adopted by the Sub-Panel, which is reflected in the minutes. There were little considerations beyond FOIA requests regarding data collection, privacy, and access. Specifically there was no mention on the use of BWCs recording 1st Amendment protected activities. She also felt it was extremely important that every citizen of the Commonwealth experience their government in the same way. By not adopting consistent policies across all the localities, citizen's experience could vary significantly from jurisdiction to jurisdiction.

No further public comments.

Closing Remarks

Secretary Moran adjourned the meeting.