Document 68-11

Filed 07/18/2007

Page 1 of 18

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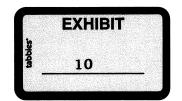
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# Governor's Office Computer System Investigation

**DIGNITARY PROTECTION SECTION** 

**FEBRUARY 1, 2007** 



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State of California

Business, Transportation and Housing Agency

Memorandum

Date:

February 1, 2007

To:

Ms. Susan Kennedy, Chief of Staff

Office of the Governor

State Capitol

Sacramento, CA 95814

From:

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Protective Services Division

File No.:

020.9261.12912.01

Subject:

GOVERNOR'S OFFICE COMPUTER SYSTEM INVESTIGATION

Attached is the recently completed investigation conducted by the California Highway Patrol (CHP), Protective Services Division, regarding the security and vulnerability of one of the Governor's websites. The investigation is being forwarded for your review and any action you may deem necessary.

As you are aware, the investigation focused on the security of the Governor's "Speeches" website and the downloading of a digital file containing private conversations between the Governor and his staff. That digital file was eventually edited, and a portion of the file had been sent to the Los Angeles Times newspaper. Additionally, the investigation focused on how the private conversations were inadvertently uploaded to the website. The attached report provides the details of the investigation and its findings. Our investigation concluded that the digital file in question was placed on the Governor's website in a manner consistent with previous practices and without criminal intent by the Governor's staff. Normal protocol was adhered to in the uploading of the digital file to the website.

Furthermore, an analysis of the computer system by the CHP's Computer Crimes Investigation Unit disclosed that access to specific unsecured files on the Governor's website was accomplished by individuals modifying a Uniform Resource Locator (URL). A URL, which is commonly called a web address, is a string of characters conforming to a standardized format and refers to a resource on the Internet by its location. Modifying the URL enabled the individuals to access and download computer files throughout the Governor's webpage. While the system was not originally designed to be accessed in this manner, the modification of the URL in this instance did not constitute a criminal offense.

Your support and cooperation in this investigation was appreciated. If you have any questions, please contact me or Lieutenant Andy Menard at (916) 327-5451.

M. V. NIVENS, Chief

Safety, Service, and Security

State of California

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9166578639 p.5 Business, Transportation and Housing Agency

Memorandum

Date:

November 30, 2006

To:

Protective Services Division

Attention: Chief M. J. Nivens

From:

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Dignitary Protection Section

File No .:

023.014114

Subject:

ANALYSIS AND RECOMMENDATIONS - GOVERNOR'S OFFICE

COMPUTER SYSTEMS INVESTIGATION

On September 8, 2006, the California Highway Patrol's (CHP) Protective Services Division (PSD) was contacted by the Governor's Office regarding what they thought may be an illegal unauthorized access of the Governor's "Speeches" website.

The Governor's Chief of Staff indicated that the Governor's "Speeches" website had been compromised and that someone had downloaded from the site a digital file containing private conversations between the Governor and his staff. The digital file had been edited and a portion was sent to the Los Angeles Times newspaper. During the meeting, it was related that 12 staff members of the Governor's Press Office had access to the "Speeches" website and that the site was password protected for use by the media. It was also related that the file was inadvertently placed onto the website. Three Internet Provider (IP) addresses were identified as accessing the "Speeches" website and downloading the digital file in question.

Information Management Division (IMD) assisted PSD with the investigation and conducted a forensics analysis of the Governor's Office computer system. PSD conducted 12 interviews from the Governor's Office and the Angelides Campaign. IMD also collected images from 11 computer workstations in the Governor's Office.

It was determined that an IP address associated with the Angelides Campaign had accessed the Governor's "Speeches" website hundreds of times. In examining how the website was accessed, it was further determined that the holder of the IP address never used a password. This prevented them from seeing any security/warning page.

The Attorney General's (AG) Office was contacted for an opinion on whether a criminal act had occurred. The Deputy AG reiterated that the individuals who accessed the website used the practice of backward browsing. This is a process that is a common practice in the media. Further, there appeared to be no security features in place which would have prevented an individual from accessing the website through backward browsing.

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Protective Services Division Page 2 November 30, 2006

He indicated that if one additional individual could gain access in a manner similar to the way the subjects gained access, the act would not be considered a crime.

#### . Conclusion:

The investigation concluded that the digital file in question was placed on the Governor's "Speeches" website in a manner consistent with previous practices and without criminal intent by the Governor's staff. Normal protocol was followed in uploading the digital file to the website.

The Governor's "Speeches" website was accessed by backwards browsing which does not constitute a crime.

The Governor's "Speeches" website was originally intended to load digital clips of the Governor's speeches and there were no security measures in place which would prevent backwards browsing.

### Recommendations:

The attached administrative report documents the incident and recommends that no charges be filed in this case. Furthermore, the CHP has provided recommendations to the Governor's staff to enhance the overall security of their computer network.

W. L. DONOVAN, CAPTAIN

Commander

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## CHRONOLOGICAL SUMMARY:

- 1. September 8, 2006, at 0945 hours, Chief Mike Nivens, Protective Services Division (PSD), was contacted by Governor's Office, regarding the "security and vulnerability" of one of the Governor's websites. Specifically, the Governor's "Speeches" website.
- 2. On September 8, 2006, Chief Scott MacGregor and Officer George Vasiliou, Information Management Division (IMD) had a conference call with Chief Nivens, Inc., Management Division (IMD) had a conference call with Chief Nivens, Inc., Management During the call, Inc., Management actions taken by the Governor's Office to secure the website to prevent further breaches. Additionally, requested California Highway Patrol (CHP) involvement in the investigation.
- 3. On September 8, 2006, at 1400 hours, Chief MacGregor, Officer Lockhart, and Officer Vasiliou of the CHP met with Manager, and the Governor's Office. The purpose of the meeting was to review information gathered by the Governor's Office staff.

  stated that he was requested, by the Governor's Office staff.

  to locate the following files on the "Speeches" Web server:
  - 03-01\_Speechwriting\_Meeting.MP3
  - 03-03 Speechwriting Meeting.MP3
  - 03-07 Speechwriting Meeting, MP3

was able to locate only one of the files

03-01\_Speechwriting\_Meeting. Once the file was located, requested

requested

downloaded the file. determined the file,

03-01\_Speechwriting\_Meeting, was downloaded by three separate IP addresses.

The IP addresses were:

- 69.236.165.97
- 75.26.22.172
- 70.133.83.182

additionally made available to the CHP, measures which he used to secure the "Speeches" Web server.

- 4. On September 8, 2006, at 1630 hours. Officer Vasiliou collected the desktop computer hard drive which was assigned to Office.
- 5. On September 9, 2006, at 1045 hours, Officer Vasiliou imaged the hard drive for . Once the image was completed, Officer Vasiliou conducted a recovery search for all audio and multi-media files. Several files were located, but none were a match to the files requested.

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6. September 11, 2006, a briefing was held at PSD to discuss the possible breach of the Governor's "Speeches" website. Those in attendance included, and from the Governor's Office. Representing PSD included Chief Nivens, Assistant Chief Pat Burnett, Lieutenant Andy Menard and Officer Scott Millspaugh. IMD was represented by Chief MacGregor, Lieutenant Paul Congi and Officer Vasiliou. National indicated that the Governor's website "Speeches" had been compromised and that someone had downloaded from the site a digital file containing private conversations between the Governor and his staff. That digital file had been edited and a portion of the digital file had been sent to the Los Angeles Times. During the meeting, it was related that 12 staff members of the Governor's Press Office have access to the "Speeches" website and the site was password protected for use by the media. It was also related the file was inadvertently placed onto the website. Three Internet Provider addresses were identified as accessing the "Speeches" website and downloading the digital file in question. They consisted of 69.236.165.97, which accessed the information on March 2, 2006; 75.26.22.172 which accessed the file on September 4, 2006; and 70.133.83.182 which accessed the file two times on August 29, 2006, and two times on August 30, 2006.

The definition of computer hacking as it applies to this scenario was discussed at length. It was articulated by the personnel from IMD that this would not be considered backing, nowever, runner clarification would be obtained from the Attorney General's Office.

7. September 11, 2006, at 1430 hours, a conference call was held regarding a proposed media release from the Governor's Office over what was believed to be a breach of security. The conference call included members from the Governor's staff who were present at the earlier meeting, Chief Nivens, Assistant Chief Burnett and Lieutenant Menard from PSD. Also from the CHP were General Counsel Jonathan Rothman, Chief MacGregor, Lieutenant Congi and Officer Vasiliou of IMD.

It was during this conference call that the Governor's Office asked the CHP to look into the IP address 70.133.83.182, as it was believed to belong to the Phil Angelides Campaign website. It was related that this was discovered by running that IP address through the website IP-Lookup.com.

8. September 11, 2006, at 1600 hours, a meeting was held at the Blue Anchor Building with Chief MacGregor, Lieutenant Congi and Officer Vasiliou of IMO, Lieutenant Menard of Dignitary Protection Section (DPS) and Information Technology Specialist for the Governor's Office. In speaking with it was learned that there is a security/warning page that is seen if an individual accesses the Governor's "Speeches" website with a security code.

did a search on the IP address of 70.133.83.182. It was determined that the IP address had accessed the "Speeches" website hundreds of times on August 29, 2006, and August 30, 2006. It was further determined that

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- the holder of the IP address never used a password to access the website, which prevented them from ever seeing the security/warning page.
- 9. On September 11, 2006, at 2120 hours, Officers Lockhart and Vasiliou collected images of all the computer workstations in the Governor's Press Office. The workstations were identified by the primary user and tag number. The following is a list of workstations:





- 10. September 12, 2006, a meeting was held at the Department of Justice, Attorney General's Office, in order to get an opinion from Deputy Attorney General Robert Morgestra regarding the possibility of filing criminal charges against the individual(s) who accessed the "Speeches" website. Those present at the meeting included Chief MacGregor, Lieutenant Congi, Officer Vasiliou of IMD, and Lieutenant Menard and Officer Millspaugh of PSD. In the discussion, Mr. Morgestra indicated that the individuals who accessed the website used the practice of backward browsing, a process that was common practice in the media. There also appeared to be no security features which would prevent an individual from accessing the website using this method. He indicated if one additional individual could gain access in a manner similar to the way the suspect had gained access this would not be considered a crime. He stated that based on the lack of security features there was no statute to charge.
- 11. September 12, 2006, 1500 hours, a meeting was held at PSD with Chief MacGregor, Lieutenant Congi, Officer Vasiliou of IMD, and Chief Nivens, Assistant Chief Burnett, Lieutenant Menard and Officer Millspaugh of PSD. A discussion was held regarding the opinions of the Deputy Attorney General and the lack of criminal charges which could be filed. The investigation was then assigned and spin between the Computer Crimes Investigation Unit and PSD. The majority of the interviews were assigned to Officer Millspaugh of PSD, and the computer forensic portion was assigned to the Computer Crimes investigation Unit. PSD was also assigned the responsibility of obtaining an Administrative Subpoena to look into the IP addresses and who accessed the digital files on the "Speeches" website.

- 12. September 12, 2005, at 1600 hours, Lieutenant Menard contacted Lieutenant Tim Malone from the Office of Internal Affairs (OIA) regarding the possibility of OIA assisting in obtaining an Administrative Subpoena. Lieutenant Malone indicated that OIA was the Office of Primary Interest in obtaining Administrative Subpoenas and would look into the matter.
- 13. September 12, 2006, at 1600 hours, Officer Millspaugh interviewed Inform the Governor's Office on the telephone. The content of the interview is documented in Exhibit # 1.
- 14. September 12, 2006, at 1630 hours, Officer Millspaugh interviewed of the Governor's Press Office on the telephone. The content of the interview is documented in Exhibit #2.
- 15. September 13, 2006, at 0830 hours, a briefing was held at PSD with Chief MacGregor, Lieutenant Congi, Officer Vasiliou of IMD, and Chief Nivens, Assistant Chief Burnett, Lieutenant Menard and Officer Millspaugh of PSD to discuss the progress of the investigation.
- 16. September 13, 2006, at 1000 and 1300 hours, Officer Millspaugh attempted to contact at the Angelides Campaign Office to schedule interviews with f
- 17. September 13, 2006, at 1415 hours, Officer Millspaugh interviewed in the Governor's Press Office. The content of the interview is documented in Exhibit #3.
- 18. September 13, 2006, at 1415 hours, a Computer Security Incident Report was taken by Officer Dave Tate, ID #16024, CHP ENTAC. Preported that the Web server for the Governor's Office had been inappropriately accessed on August 29, 30 and September 4th, 2006. The content of the report is documented in Exhibit #4.
- 19. September 13, 2006, at 1430 hours, Officer Millspaugh interviewed, in the Governor's Office. The content of the interview is documented in Exhibit #5.
- 20. September 13, 2006, at 1538 hours, Officer Vasiliou met with to discuss events surrounding a suspected intrusion into the Governor's Office Web server <a href="http://speeches.gov.ca.gov/">http://speeches.gov.ca.gov/</a>. The content of the interview is documented in Exhibit # 1.
- 21. On September 13, 2006, Sergeant Halbleib, and Officers Lockhart and Vasilion imaged the desktop workstation hard drives of and and of the Governor's Press Office.

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- 22. September 14, 2006, Lieutenant Malone contacted Lieutenant Menard and inquired into the authority the CHP has in conducting investigations of State property and elected officials. This information was needed in order to ascertain if the Commissioner of the CHP has the authority to sign and issue an Administrative Subpoena for an investigation outside of the CHP. He indicated that OIA had contacted the Attorney General's Office to ascertain if the requested information fell within the parameters of an Administrative Subpoena.
- 23. September 14, 2006, Officer Millspaugh contacted at the Angelides Campaign Office to schedule interviews with and and and. advised the campaign's attorney, land would contact Officer Millspaugh.
- 24. September 14, 2006, at 1010 hours, Officer Millspaugh interviewed State Lottery, on the telephone. The content of the interview is documented in Exhibit # 6.
- 25. September 14, 2006, at 1037 hours, Officer Vasilion met with from the Governor's Office of Planning and Research. The purpose of the meeting was to clarify steps taken in the post incident release of a Movie Picture Experts Group Audio File Layer 3 (MP3). The MP3 in question was identified as 03-01\_speechwriting\_meeting.MP3. login page for an individual to upload information onto the Governor's website. An individual who accesses the website by using the login page would also view a warning page (Exhibit #8). The person who accessed the MP3 file in question never accessed the page through the login page and, therefore, never viewed the warning page. The content of the interview is documented in Exhibit #7.
- 26. September 14, 2006, at 1100 hours, Officer Millspaugh interviewed in the Governor's Press Office. The content of the interview is documented in Exhibit #9.
- 27. September 14, 2006, at 1130 hours, Officer Millspaugh interviewed in the Governor's Office. The content of the interview is documented in Exhibit #10.
- 28. September 18, 2006, Officer Millspaugh was contacted by the Angelides Campaign Attorney, to finalize the time and place for the interviews with and
- 29. September 18, 2006, at 0900 hours, Officer Millspaugh interviewed at her home. The content of the interview is. documented in Exhibit #11.

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- 30. September F9, 2006, at 0830 hours, a briefing was held at PSD with Chief MacGregor, Lieutenant Congi, Officer Vasiliou of IMD, and Chief Nivens, Assistant Chief Burnett, Lieutenant Menard and Officer Millspaugh.
- 31. September 20, 2006, at 1000 hours, Officer Millspaugh interviewed of the interview is documented in Exhibit # 12.
- 32. September 22, 2006, at 1300 hours, Officer Millspaugh and Officer Vasiliou, interviewed \_\_\_\_\_\_, at 428 J Street, Suite 400, Sacramente. Also present were \_\_\_\_\_\_, who represented the Angelides Campaign, and \_\_\_\_\_\_. The content of the interview is documented in Exhibit # 13.
- 33. September 22, 2006, at 1330 hours, Officers Millspaugh and Vasiliou interviewed in, at 428 J Street, Suite 400, Sacramento. Also present were who represented the Angelides Campaign, and the content of the interview is documented in Exhibit # 14.
- 34. October 3, 2006, a briefing was held at PSD to discuss elements of 502 PC and the Department of Finance Report. Those in attendance included Assistant Chief Burnett, Lieutenant Menard and Officer Millspaugh from PSD. IMD was represented by Assistant Chief Reginald Chappelle, Sergeant Halblieb and Officer Vasiliou.
- 35. December 4, 2006, a compact disc containing recordings of the interviews was booked into evidence (#E20060431-025). The CHP 36 Evidence Form is attached as Exhibit # 15.

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Assistant Chief Pat Burnett		M
RESIDENCE ADDRESS	TELEPHONE	METHOD RECEIVED
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1801 9th Street, Sacramento, CA 95814	(916) 323-1514	
COMMENTS		
Assistant Chief Burnett was a CHP management contact	t in the case.	
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'801 9th Street, Sacramento, CA 95814	(916) 327-5451	1
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Lieutenant Andy Menard	TELEPHONE	METHOD RECEIVED
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2555 Firs	si Avenue,	Sacramento, C	CA 95818			(916) 657-7171	
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