



North Carolina Department of Public Safety

Prevent. Protect. Prepare.

Pat McCrory, Governor

Frank L. Perry, Secretary

December 17, 2015

Representative Larry D. Hall
506 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925

Dear Representative Hall,

The Department of Public Safety ("DPS") has answered your legislative inquiry dated November 20, 2015.

Inquiry: The Joint Legislative Commission on Governmental Operations requested a forensic analysis to find the memo authored by Joe Prater recounting the Charlotte meeting.

Response: DPS Information Technology ("IT") has been unable to retrieve or locate anything related to the Joe Prater memo in question. It is my understanding that the memo was created in the late October or November 2014 time frame on his office personal computer ("PC"). DPS IT has performed extensive forensics analysis using industry standard discovery tools on Mr. Prater's PC. The requested memo has not been located on that PC or in any of the email searches. It appears that the memo was potentially created using MS Word or similar application, immediately printed and not saved on our internal network servers. DPS IT transferred the investigated PC (HP 6305 serial number 2UA3420N0X) to Tim Brown of the Department of Information Technology for further analysis and validation of our current findings. Mr. Brown is presently on the Federal Bureau of Investigation ("FBI") security task force. The summary of his findings is attached.

Inquiry: Check with other agencies, states and/or jurisdictions to see if any industry standard or commonly used methodology exists for measuring safety and projecting costs for safety considerations in contracting and state measurement of state expense.

Response: DPS approached the Association of State Correctional Administrators ("ASCA") to conduct a national survey of correctional agencies for examples of monetary evaluations for comparing safety and security risk factors in reviewing and analyzing potential contracted services in correctional environments. Due to unforeseen circumstances, ASCA was unable to conduct the requested survey in the prescribed time required.

DPS reached out to other states. The correctional purchasing directors for Virginia and South

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Carolina indicated that their states do not have, nor are aware of, any commonly-used methodology which allows for the measurement and projection of costs associated with safety concerns related to custody and security operations.

Inquiry: Please provide the protocol or matrix that you propose to provide reporting to the Administration, NC Attorney General, and Ethics Commission in case of suspected or potential contract tampering, influence solicitation, ethical misconduct, improper consideration, and illegal contracting practices.

Response: DPS has an ethics liaison in the Office of General Counsel. The ethics liaison serves as a resource for DPS on matters related to the State Government Ethics Act as required under Chapter 138A. The liaison provides covered DPS employees counsel on ethical matters related to actual and potential conflicts of interests with lobbyist, lobbyist principals, and interested persons doing business with DPS.

The ethics liaison interfaces with the State Ethics Commission and seeks counsel from that body to aid DPS covered employees on any situation that may require deeper guidance from the Commission. The ethics liaison also provides support to non-covered DPS staff that may have questions regarding avoiding conflicts of interests in supporting DPS's missions.

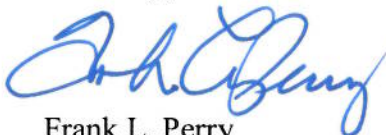
If any DPS employee or the general public suspects that there is fraud, waste, abuse, misconduct, or mismanagement in DPS, he or she is encouraged to report that to either DPS's Confidential Fraud, Waste and Abuse hotline: (844) 208-4018 or via the online form located at: www.ncdps.gov or report the misuse of state property to the SBI: statepropertyincidentreports@ncdps.gov. Both of these programs are displayed prominently on the DPS website.

Inquiry: Provide any and all requests and responses to the requests made to the federal government for assistance or information regarding Syrian refugees.

Response: There are no responsive documents.

I trust that this satisfactorily answers your request, but if you have additional questions or concerns, please let me know.

Sincerely,



Frank L. Perry
DPS Secretary

Attachment



**State of North Carolina
Department of Information Technology**

**Pat McCrory
Governor**

**Keith Werner
Acting State Chief Information Officer**

December 9, 2015

TO: Kim Smodic, CISO
Department of Public Safety

FROM: Tim Brown, Sr. IT Security Specialist *TB*

SUBJECT: Secondary PC Examination

I have examined the PC hard drive provided by your staff for artifacts concerning a one page untitled document provided with the computer.

The evidence examined was as follows:

- HP Compaq Micro Tower Desktop PC Serial Number 2UA3420N0X
 - o Seagate Barracuda 500 GB Hard Drive Serial Number 23TR6MGR

For the sake of expediency in this matter, my co-worker, Albert Moore, assisted in my forensic examination by accepting the drive, imaging it, and starting the FTK process on the image. Upon completion the FTK process, I conducted several indexed and live searches on the image of the hard drive which included data from unallocated space and file slack space. Using the specific words from the provided document, I constructed several search queries that would locate three to four word phrases from various sections of the document. The results of these FTK queries on the PC drive image data did not return any indicators that the document in question existed on the drive at the time of collection in the filesystem, unallocated or file slack space.

Given the additional information that a PC upgrade had taken place after the timeframe of the supposed document creation date and no indicators of the document existing on the evidence processed forensically by both myself and your examiner, further examinations for other evidence was not conducted by me as it my understanding that your examiner has already provided that information. I have returned the computer and hard drive to your staff.

Please let me know if you have any questions.

TB

cc: Maria S. Thompson, CIRO