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May 26, 2016

Honorable Judith T. Won Pat  
Speaker, 33<sup>rd</sup> Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

33-1669  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 5/24/16  
Time: 9:40AM  
Received By: [Signature]

Subj: First Report on Public Law 31-09

Dear Madame Speaker:

*Hafa adai.* Attached please find the *First Report on P.L. 31-09*, an Act directed at protecting and informing parents and minors regarding the crime of sexting.

Our Office is currently taking aggressive steps toward compliance with the statute. We hope to provide the Legislature further reports as work progresses.

Sincerely,

ELIZABETH BARRETT-ANDERSON

Attachment

cc: Chief of Police, Guam Police Department  
Director, Department of Revenue & Taxation  
Project Foresight UOG MPA  
USAG Alicia Limtiaco, Guam

2016 MAY 27 AM 9:57

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**OFFICE OF THE ATTORNEY GENERAL**

**FIRST REPORT ON PUBLIC LAW 31-09**

**AN ACT RELATIVE TO BULLYING, CYBERBULLYING AND SEXTING CRIMES**

**Attorney General Elizabeth Barrett-Anderson**

**May 26, 2016**

On March 9<sup>th</sup>, 2011, Public Law 31-09 was passed into law, relative to Bullying, Cyberbullying and Sexting. This legislation was enacted to address not only the rise in the number of reported bullying cases, but more so, to ensure that Guam law addressed evolving issues that our community was facing – cyberbullying and other online crimes. As our society evolved, the use of the Internet and social media became the primary form of communication for many people, particularly among the younger generation. Information was either transmitted online, from computer-to-computer, or was transmitted from the Internet to cellular phones or other electronic devices, or vice-versa, which led to emerging technology crimes – crimes that no longer occurred in the physical presence of the victim, but that occurred in the cyber and electronic world, where no one has full control as to what happens once a person hits the send button.

*I Liheslaturan Guahan* noted its intent to address an increase in crimes committed through the use and accessibility of electronic devices, particularly sexting. Sexting carries criminal charges ranging from a 1<sup>st</sup> and 2<sup>nd</sup> degree felony charge of child pornography. It also has very serious long-term social, psychological and emotional consequences for victims.

In response to the law's mandate, the Office of the Attorney General (OAG) began efforts to develop a brochure to give notice to electronics sellers and purchasers about cyberbullying and sexting laws. The brochure is still in early development, and OAG will seek input from stakeholders in the criminal justice system and telecommunication vendors before it is made final.

In a meeting with the telecom companies recently, it was suggested that the brochures might be more costly than effective in the present era of social media. The law was enacted over five (5) years ago. The target population of children and young adults are less susceptible to brochures as a format of information as they are to active social media. Therefore, a combination of hard print and cyber information is the recommended approach to reach a wider audience.

Recognizing that this is the first report, we would like to provide the following outline of the efforts of the OAG since the law's enactment. These efforts have come about primarily through the efforts of the OAG Juvenile Division. Deputy Attorney General for Juvenile Division, Carol Hinkle-Sanchez, since the enactment of P.L. 31-09, has been actively involved in community educational outreach activities with respect to Sexting and Cyberbullying in many public and private schools and via presentations at various community conferences. Below is a list of outreach activities that she has participated in since 2011.

## 2011

- BASTA (Bullying Affects Student, Teachers and All) Conference – presented for two (2) break-out sessions on October 26 and October 27, 2011 at the Hyatt Regency Hotel.
- The Project Safe Neighborhoods (PSN) and Gang Resistance Education and Training (GREAT) Task Force – presented two (2) main sessions on bullying, cyberbullying, sexting and Internet safety (USAG and US DOJ Sponsored event) on April 8, 2011.
- GCC College Access Challenge Grant Program – presented on January 5, 2011, February 21, 2011, April 20, 2011, April 27, 2011, and July 23, 2011. The topics were Juvenile laws, Internet crimes and legal practice.
- Guam Association of School Counselors – GASC Fellowship Meeting – presented on February 7, 2011. The topics were bullying, cyberbullying, sexting and Internet safety.
- Rainbows for Life – suicide on Guam and Juveniles - presented on October 8, 2011. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – Marcial Sablan Elementary - presented on September 28, 2011. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – Yigo Elementary - presented on September 29, 2011. The topics were bullying, cyberbullying, sexting and Internet safety.

## 2012

- DODEA - McCool School – presented on January 10, 2012. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – Astumbo Elementary - presented on January 2012. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – Benavente Middle – date unknown. The topics were bullying, cyberbullying, sexting and Internet safety.
- GCC College Access Challenge Grant Program & JP Torres – presented on April 4, 2012. The topics were Juvenile laws, Internet crimes and legal practice.
- Guam Department of Education – JM Guerrero Elementary – date unknown. The topics were bullying, cyberbullying, sexting and Internet safety.
- Olweus Training Conference – presented on May 9, 2012 and May 11, 2012 at the Westin Hotel.

- Guam Department of Education – JFK – presented on August 29, 2012. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – JQ San Miguel – November 8, 2012. The topics were bullying, cyberbullying, sexting and Internet safety.

## 2014

- Guam Department of Education – Southern High School - presented on February 26, 2014. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Community College - presented to entire students and faculty of GCC - all day trainings – (including night classes) on March 11, 2014, March 12, 2014, March 13, 2014, March 14, 2014, April 4, 2014, and June 13, 2014. The topics were bullying, cyberbullying, sexting and Internet safety.
- Guam Department of Education – JFK – March 18, 2014. The topics were bullying, cyberbullying, sexting and Internet safety.

## 2015

- Patti Arroyo Show – November 18, 2015 - The topic was juvenile law, with a focus on sexting and Internet safety.

## 2016

- Buzz with Jesse Lujan – March 4, 2016 - The topics were bullying, cyberbullying, sexting and Internet safety.
- PNC News Interview (Janela Carrera) – January 20, 2016 - The topic was juvenile law, with a focus on sexting and Internet safety.
- DODEA – Guam High - presented to entire school with FBI on March 14, 2016 and March 15, 2016. The topics were bullying, cyberbullying, sexting and Internet safety.
- DODEA – Guam High - presented to parent organization with FBI on March 16, 2016 (5:30 p.m. to 8:30 p.m.). The topics were bullying, cyberbullying, sexting and Internet safety.
- Roundtable meeting with 4 telecommunications companies on Guam to discuss development and distribution of informational sexting brochures to purchasers of cell phones.
- OAG is coordinating efforts for the adoption of Project Foresight’s campaign, “Don’t Let Send Be the End,” as the theme for all future sexting education and training.

Project Foresight is a non-profit organization founded by students from the University of Guam’s Master’s in Public Administration Program 2016.

Aside from the efforts made by the Juvenile Division, the Prosecution Division has also made great strides in ensuring that the staff of prosecution is trained and equipped with necessary skills in handling these types of complex cases. Jerome Lorenzo and Anthony V. Camacho, criminal investigators for the Prosecution Division, have been trained and are capable of using computer forensic tools such as FTK and Encase, to exploit computer hard drives, external hard drives, memory cards, thumb drives, etc. searching for images and text associated with sexting investigation, and sometimes even after data is deleted.

A forensic examination of a smart phone by a forensic lab is able to identify, isolate and retrieve the following information:

- Calls made, received and missed
- SMS text, instant & social media messages (including deleted messages)
- Details of contacts in address book
- Delete, encrypted and password files
- Documents of all types
- Emails and calendar of appointments
- Internet search and surf histories
- Photos & images
- Phone locations (call locations and phone journey)

Smart phones are crucial storage of information and evidence when investigating sexting crimes.

The investigators have also been trained to examine and extract images and text from mobile devices, such as cell phones and smart phones, using Cellbrite Mobil Forensic tool. Our office is in the process of obtaining additional mobile forensic tools to handle the more advanced Apple I-Phones, I-Pads, I-Pods, etc. This forensic tool is known as Lantern.

The OAG Juvenile Division in 2016 is currently developing a Balanced & Restorative Justice program as a pre-charging diversion alternative for first-time offenders to include low-risk offenders involved in cyberbullying and sexting. Low-risk juveniles who are arrested will be assessed and screened using a juvenile risk assessment tool adopted from the Judiciary of Guam (JOG) Juvenile Probation Division for possible diversion into a restorative justice program that is currently being developed by the OAG, Guam Police Department (GPD), Department of Youth Affairs (DYA) and the JOG. Since the enactment of this legislation, the OAG Juvenile Division, and the JOG Juvenile Probation Division have collaborated on the development and implementation of a Sexting educational curriculum that incorporates all the necessary information as mandated under this law. A Juvenile Division Attorney has been conducting this curriculum at the Probation Office for all juvenile offenders charged with the offense of sexting.

## **SUMMARY**

The OAG is committed to fulfilling its statutory mandate to educate, inform, and enforce P.L. 31-09. In the coming months, the OAG will meet and seek input from stakeholders such as the Guam Department of Education (GDOE), cellular service providers, cellular phone retailers and the Project Foresight Group. The OAG along with Project Foresight will meet with cellular companies and collaborate to create appropriate publications, brochures, public service announcements and make recommendations to amend the statute to reflect changes in technology.

In an effort to educate students, the OAG will meet with GDOE to enhance the current LaniKate curricula for SY 2016-2017 by incorporating sexting lesson plans. Continued training for teachers from K-12, as well as administrators, under LaniKate is planned for the remainder of calendar year 2016. More importantly, the OAG is committed to expanding outreach efforts to all our schools, public, private and DOD, and our entire community through the joint cooperative efforts of Project Foresight and the Juvenile Division.