



NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

Case Number: I-04100037

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In October 2004 OIG received information from the Help Desk indicating that one of their technicians had discovered pornographic images on an NSF computer assigned to the Subject¹ while performing a repair.

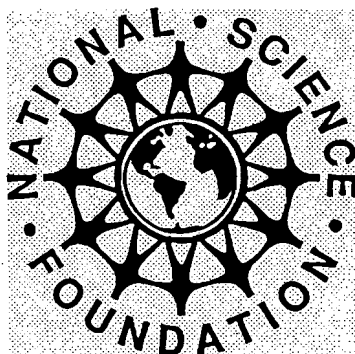
During our investigation we conducted a search of the computer and the Subject's Outlook e-mail account. We also interviewed the Subject regarding the files identified and he acknowledged downloading them to his NSF issued computer. Subsequently, we prepared a Report of Investigation(ROI) detailing our investigation. This ROI concluded that the Subject had violated NSF policies relating to use of electronic resources and recommended that appropriate administrative action be taken against the Subject.

The ROI was submitted to the Subject's supervisor² and we received confirmation that the subject's employment had been terminated because of his actions.

The ROI and termination notice are attached and constitute the close out for this case.

[REDACTED]

National Science Foundation Office of Inspector General



Confidential
Investigation Report
Case Number I-04100037
20 December 2004

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Summary

This investigation involves an NSF employee,¹ who acknowledged to OIG, that he had visited inappropriate web sites such as online gambling sites, singles dating sites and adult sites containing pornographic material from his NSF computer. This activity took place while the subject was on duty. Additionally, this employee downloaded various files to the hard drive of the NSF computer. These files included photographs of nude women and video clips containing sexually explicit activity. The NSF Office of Inspector General (OIG) identified a potential violation of current NSF Policy regarding the Personal Use of NSF's Technology and Communication Resources contained in NSF Bulletin 04-11.

OIG Investigation

In October 2004, the Help Desk received a trouble ticket from the I-T Computer Specialist for the subject's directorate requesting a service call.² The trouble ticket stated that the subject's PC was not functioning properly.

The Help Desk assigned a technician³ to troubleshoot the subject's computer.⁴ The technician reported that when he initially logged onto the subject's computer he was inundated with popup adds and spyware applications. The technician stated that as he was running a Spysweeper program he observed a large number of files in one of the subject's personal directories.⁵ The technician added that as he was checking on the files he observed several photographs of nude women. The technician stated that he then completed the spyware application and returned to the Help Desk area where he reported the photographs to his supervisor.⁶ The technician added that the supervisor then went to the subject's work area and removed the computer for further review.

OIG received information from the Branch Chief⁷ at the Help Desk indicating that one of their technicians had discovered numerous pornographic images on an NSF computer while performing a repair. The Branch Chief stated that the subject had submitted a trouble ticket indicating a problem with his computer and while attempting to identify the problem, the technician discovered a large number of jpeg and mpeg files. The Branch Chief added that the directories were set to thumbnails so the technician observed numerous nude photographs without opening any of the subject's folders. The Branch Chief also advised that after consulting with the subject's supervisor, his computer was removed from his work area and secured in the Help Desk area.

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The computer was turned over to OIG for further inspection. A backup image of the computer's hard drive was created prior to accessing any of the files contained on the computer.

The OIG investigator completed a search of the hard drive of the subject's computer with the assistance of an I-T Specialist. This search identified numerous files on the C: drive that included pornographic video clips and photographs and a number of other inappropriate video clips. A total of 35 video clips were identified in the various folders with names such as "Deep Tongue Massage and Swallow," "Lacy Duvalle-Nice Rack 6," and "Porn Eye Cum Shot". These were all found to be short (3-4 minute) video clips containing hard-core sexual content.⁸

This review also determined that all of the videos or photographs identified contained subjects that were obviously adults. There were no indications that any of the photographs or videos contained any underage subjects. Based on this finding it was determined that due to the lack of any criminal violations, this matter would be handled administratively and not require a referral to the United States Attorney's Office for its review.

Additionally, a review of a small sampling of the 700-jpeg files previously identified found numerous photographs of nude females, some sexually explicit. Both the video clips and the jpeg files were found to have modified dates ranging from early 2003 through 10/19/2004. A number of additional inappropriate video clips with names such as "911 Greatest Lie Ever Sold," "Brotherhood of Darkness," and "Police State 3-Total Enslavement" were also identified. These were found to be video clips ranging up to 2 hours in length presenting radical views of the government's involvement in numerous incidents. A number of these videos were downloaded from a web site identified as Prisonplanet.TV. These files contained modify dates ranging from 2001 through 10/19/2004.

A review of the subject's outlook folders identified a total of 1440+ e-mails with attachments, in the subject's sent box. A subsequent review of the attachments found a number of photographs and video clips containing pornographic material. A number of the attachments identified in the e-mails contained file names identical to files found on the subject's hard drive. Additionally, 1750+ files with attachments were found in the subject's In Box. These attachments included a number of photographs of nude women. All of the files reviewed contained modified dates ranging from 4/9/02 through 10/19/04.⁹

The subject was interviewed¹⁰ by representatives from NSF's Office of Inspector General in reference to the files found on the computer. Prior to the interview the OIG provided

⁸ See Tab#1- Partial list of files located on subject's computer

⁹ See Tab #2- Example of files located in subject's Outlook folders

¹⁰ See Tab #3

the subject with both a Garrity Warning¹¹ and a Weingarten Warning,¹² both of which were read and signed by the subject. During the interview the subject initially denied any knowledge of the files in question but after being presented with the evidence of the files and e-mails the subject admitted that he had found and saved the pornographic material on his computer. The subject also stated that he had sent some to himself at his personal email account. He stated that he understood that these activities were inappropriate at work. The subject also admitted to having heard of the website called Prison Planet TV, and to downloading several films from this website.

During the interview the subject was advised that the files on the computer would be removed prior to it being returned to the subject. The subject was also advised that he should review his outlook e-mail folders and remove all inappropriate files and attachments. The subject also acknowledged that he was familiar with NSF's personal use policy for use of government equipment. When presented with a copy of the personal use policy email that was sent to all NSF employees this past summer the subject reviewed the email and acknowledged he had received the e-mail and was familiar with the policy.¹³

OIG Analysis

Based on the information contained in this report and the subject's own admission, OIG concludes that the subject utilized his NSF computer to visit inappropriate web sites, download various photographs and videos and maintain these photographs and videos on the NSF computer.

OIG Conclusions

By accessing inappropriate web sites and downloading and maintaining inappropriate files on his NSF computer such as pornographic photos and videos, the subject knowingly violated policies contained in NSF BULLETIN 04-11, Personal Use of NSF's Technology and Communication Resources, which states; "Basic access to the Internet or electronic mail system does not result in an increased cost to the agency. Hence, employees may make use of the Internet and electronic mail for matters that are not official business provided that the following criteria are met: (1) the use does not result in an additional charge to the government (web sites are generally identified as such when the user attempts to access them), (2) the use is not offensive to co-workers or the public (such as sexually explicit or other wise inappropriate web sites), and (3) the use is not for illegal activities (such as gambling)." (Emphasis added)

¹¹ The written Garrity Warning advised the subject that he did not have to reveal information that might incriminate him (i.e. result in a criminal action against him). See Tab #4

¹² The written Weingarten Warning advised the subject of his right to have a bargaining unit representative present during the interview if he so desired. See Tab #5

¹³ NSF Bulletin No. 04-11. See Tab # 6

OIG Recommendations

In reference to the conclusions outlined above, we recommend that the National Science Foundation proceed with administrative actions that are appropriate and consistent with previous similar incidents.

Please advise us of the actions taken in this case by January 31, 2004.