

Historically, the FCC has harbored more than its fair share of employees engaging in acts of moral turpitude. Unfortunately, the more things change, the more they stay the same....

"On March 31, 1998, the OIG issued **Investigative Report No 97-4-C-08** to the Chairman. The report summarized the results of the investigation of Commission employees' utilization of the FCC's Internet access capability to access sites containing pornographic material.

The investigation was initiated in response to a complaint that pornography was being downloaded in violation of 18 U.S.C. section 2251, entitled "Sexual Exploitation and Other Abuse of Children."

The investigation identified individual employees who were using the Internet during their official tour of duty to "surf" pornographic sites and, in some cases, download and store pornographic images and textual depictions of pornographic events on Commission computers. Such conduct is in violation of Title 5 of the Code of Federal Regulations (CFR).

Specifically, this conduct violates 5 CFR section 2635.704, entitled "Use of

Government property" and 5 CFR section 2635.705, entitled "Use of official time". Additionally, use of the FCC's internet access capability to "surf" pornographic web sites violates FCC regulations as defined in Directive FCCINST 1479.1, entitled "FCC Computer Security Program".

The Chairman, Chief of Staff and responsible Bureau Chiefs were provided the names of the violating employees and pertinent information to use as a basis for taking appropriate administrative disciplinary action.

On September 13, 1996, the OIG received an allegation that a watch officer at the Commission's Columbia Operation Center was downloading child pornography onto a Commission workstation using a private Internet account. Working with Federal and local law enforcement, OIG investigators monitored the activity and recovered materials from the employee's workstation after business hours.

This material was presented to local law enforcement in Baltimore County, Maryland, and on February 17, 1997, a search warrant was executed at the subjects home in Baltimore County, Maryland. During that search, numerous computers, peripherals, and computer files were seized. On March 6, 1997, a search warrant was executed on the subjects private file drawer at the Columbia Operations Center. During that search, twenty-three (23) diskettes were seized.

During the period the case was being prepared for presentation to local prosecutors,

FCC officials placed the employee on administrative leave and temporarily suspended his security clearance, pending termination proceedings. On October 31, 1997, the employee resigned from the Commission.

On June 4, 1997, the employee was charged in the District Court of Maryland for Howard County under Article 27 section 419A of the Maryland Code of 1957, entitled "Child Pornography", and Article 27 419B, entitled "Possession of visual representations of persons under age 16 engaged in certain sexual acts."

On January 28, 1998, the case was heard by Judge Neil Axel of the District Court of Maryland for Howard County. In that proceeding, the employee agreed not to dispute the government's case and was given probation before judgment on the charge of possession of child pornography, ordered to pay fines and costs totalling \$305, given supervised probation for eighteen months, and directed to continue counseling sessions and to remain on prescribed medications.

On March 11, 1998, the employee was charged under the same statutes in Baltimore County, Maryland, for materials recovered from the employees residence. This case is scheduled for trial in June, 1998."