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Former Acting HHS Cyber Security Director Sentenced to 25 Years in Prison for Engaging in Child Pornography Enterprise

Five Others Previously Sentenced to Substantial Prison Terms for Participation in the Same Tor-Network-Based Child Pornography Website

The former acting director of cyber security at the U.S. Department of Health and Human Services was sentenced to 25 years in federal prison today for engaging in a child exploitation enterprise and related charges in connection with his membership in a Tor-network-based child pornography website.

Assistant Attorney General Leslie R. Caldwell of the Justice Department's Criminal Division, U.S. Attorney Deborah R. Gilg of the District of Nebraska and Special Agent in Charge Thomas R. Metz of the FBI's Omaha Division made the announcement.

"Using the same technological expertise he employed as Acting Director of Cyber Security at HHS, DeFoggi attempted to sexually exploit children and traffic in child pornography through an anonymous computer network of child predators," said Assistant Attorney General Caldwell. "But dangerous criminals cannot be allowed to operate on-line with impunity. Today's sentence shows that the Department of Justice will bring criminals and child predators to justice, even when they employ anonymous networks like Tor."

"Today's sentence and the others imposed earlier demonstrate that those who exploit children will be aggressively pursued and prosecuted to the full extent of the law," said U.S. Attorney Gilg. "Those who think they are acting anonymously on the Internet will be found and held accountable."

"The production and distribution of child pornography is one of the most saddening, tragic crimes the FBI investigates," said Special Agent in Charge Metz. "Today's sentencing sends a message to those who advertise, distribute, possess, and trade child pornography that the FBI will look for you, will find you and will make sure you are prosecuted to the fullest extent of the law."

Timothy DeFoggi, 56, formerly of Germantown, Maryland, was convicted on Aug. 26, 2014, following a four-day jury trial before Chief U.S. District Judge Laurie Smith Camp in the District of Nebraska of engaging in a child exploitation enterprise, conspiracy to advertise and distribute child pornography and accessing a computer with intent to view child pornography.

According to evidence presented at trial, DeFoggi registered as a member of the Tor-network-based child pornography website on March 2, 2012, and maintained his membership and activity until Dec. 8, 2012, when the website was taken down by the FBI. The website's users utilized advanced technological means in order to undermine law enforcement's attempts to identify them. The website was accessible only through Tor, an Internet application specifically designed to facilitate anonymous communication. Acting under the cloak of anonymity, users advised others on best practices to prevent detection by law

enforcement, including advice about the proper use of encryption software, techniques to hide or password-protect child pornography collections, and programs to remove data from a user's computer.

Through the website, DeFoggi accessed child pornography, solicited child pornography from other members, and exchanged private messages with other members in which he expressed an interest in the violent rape and murder of children. DeFoggi suggested meeting one member in person to fulfill their mutual fantasies to violently rape and murder children.

DeFoggi was the sixth individual to be convicted as part of an ongoing investigation targeting three Tor-network-based child pornography websites. The websites were run by a single administrator, Aaron McGrath, who was previously convicted in the District of Nebraska of engaging in a child exploitation enterprise in connection with his administration of the websites. On Jan. 31, 2014, McGrath was sentenced to 20 years in prison by Senior U.S. District Judge Joseph F. Bataillon.

Four other members of the same website as DeFoggi were previously convicted and sentenced by Senior U.S. District Judge Bataillon in connection with their illegal activity on the site:

- Jason Flanary, then 42, formerly of Chicago, Illinois, the Philippines, and Guam, was sentenced to 20 years in prison on June 30, 2014.
- Wesley Cameron, then 22, formerly of Ashford, Alabama, was sentenced to 15 years in prison on Oct. 24, 2014.
- Zackary Austin, 28, formerly of Reno, Nevada, was sentenced to 16 years in prison on Nov. 6, 2014.
- Charles MacMillan, 29, formerly of Rockville, Maryland, was sentenced to 12 years in prison on Nov. 7, 2014.

These cases were brought as part of Project Safe Childhood, a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse launched in May 2006 by the Department of Justice. Led by U.S. Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), Project Safe Childhood marshals federal, state and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

This case is a result of investigative efforts led by the FBI's Omaha Field Office and the FBI's Violent Crimes against Children Section, Major Case Coordination Unit, and Digital Analysis and Research Center. The FBI was assisted in its investigation by Europol, the European Union's law enforcement agency, as well as members of the FBI's Violent Crimes Against Children International Task Force. This case was prosecuted by Trial Attorneys Keith Becker and Sarah Chang of CEOS and Assistant U.S. Attorney Michael P. Norris of the District of Nebraska.

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