

UNITED STATES V. BERNARD FRUENDEL

2014 CMD 18262

**“GERSTEIN” (FACTUAL BASIS FOR
COMPLAINT) (3 PAGES)**

DISTRICT OF COLUMBIA SUPERIOR COURT
OFFICE OF THE UNITED STATES ATTORNEY

UNITED STATES

vs.

BERNARD FREUNDEL

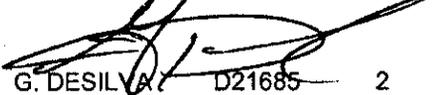
In the late evening of October 13, 2014, a Second District Metropolitan Police Department (MPD) Investigator applied for, and obtained, an emergency D.C. Superior Court search warrant to examine the contents of an audio and video recording device which had been disguised as a digital clock radio (hereinafter referred to as the "Recording Device"). MPD obtained the Recording Device from an individual who retrieved it on October 12, 2014, from the changing/showering area in the basement of the National Capital Mikvah ("the Mikvah") at 1308 28th Street, N.W., Washington, D.C., which changing/showering area is connected to a room with a Jewish ritual bath which is know as a mikvah. An individual associated with the Mikvah informed MPD that IT had previously seen the defendant Barry Freundel (DOB 12/16/51, PDID 686097) plugging in and operating what looked like the Recording Device in the changing/showering area of the Mikvah. At the time, the defendant was the rabbi at the Jewish congregation at 2801 N. Street, NW, Washington, D.C., which is affiliated with the Mikvah. IT did not know that the Recording Device was anything other than a digital clock radio and only learned of its recording capacity on October 12, 2014.

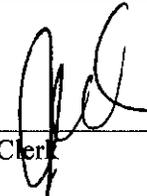
Your Affiant, along with a forensic computer examiner, viewed the audio and video contents of the Recording Device pursuant to the execution of the search warrant. Through open source databases and information obtained from an individual associated with the Mikvah, Your Affiant was able to identify the defendant as being the person depicted in the Recording Device setting up and manipulating the Recording Device which Recording Device surreptitiously and secretly captured at least six women totally or partially undressed and changing clothes without these women's knowledge and consent.

The defendant is seen on numerous occasions setting up and operating the Recording Device in the showering and changing area connected to the Mikvah. The defendant is seen positioning the Recording Device so that it faced the shower and, by so doing, the Recording Device was able to capture unsuspecting women totally or partially undressed or changing clothes without their knowledge and consent.

The events described above occurred in the District of Columbia.

Subscribed and sworn to before me this 15TH day of OCTOBER


G. DESILVA / D21685 2

Officer Badge District Deputy Clerk 

DISTRICT OF COLUMBIA SUPERIOR COURT
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UNITED STATES

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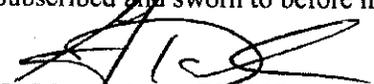
Three videos on the Recording Device dated June 2, 2014, capture two women separately partially undressing or changing clothes in the changing/showering room. Neither woman appears to know that she is being recorded by the Recording Device.

Again on September 13, 2014 (which date is reflected on the video) the defendant is seen manipulating the Recording Device while pointing the camera directly toward his face. His voice is heard on the recording. The Defendant appears to be correcting the Recording Device's displayed time before positioning it on the counter facing the shower stall area. Four women captured in approximately six videos totally or partially undressed or changing clothes before taking a shower. Each is in the room individually. They are shown without clothing before entering the shower. The video captures them exiting the shower and drying off before getting dressed. Through my observations of the Recording Device it appears that these women do not know that the Recording Device is, in fact, recording them and that they are being recorded as they are undressing. There is no indication that the six women depicted changing and partially or totally naked consented to having their naked body photographed.

A file dated October 6, 2014, depicts the defendant again placing the camera in the changing room facing the shower room. Later that same date a video confirms information obtained from the individual associated with the Mikvah who recovered the camera from the changing/showering room. The date stamp at this instant was approximately six days prior to the actual date, thus the date on the video may not be accurate.

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Badge

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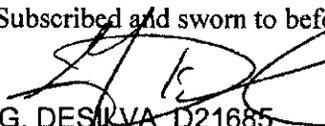
BERNARD FREUNDEL

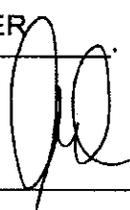
On October 14, 2014, a D.C. Superior Court Search Warrant was executed at the defendant's residence at 3026 O. Street, NW. At that time, the defendant was also arrested. Located at the defendant's residence, in his bedroom, was the manual for the Recording Device. Preliminary computer forensic examination of items seized from the defendant's residence demonstrates that the defendant does, in fact, back up the memory card contained in the Recording device to other storage media. Preliminary computer forensic examinations, and analysis of other items seized from the defendant's home, also reveal numerous media storage devices consistent with the one used in the Recording Device and other items with the surreptitious audio and video recording capacity.

Based on the aforementioned facts and circumstances Your Affiant believes that probable cause exists that the crime of Voyeurism has been committed by Barry Freundel against at least six female victims.

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G. DESILVA D21685 2



Officer Badge District Deputy Clerk