

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

STEVEN KUCAN

CRIMINAL COMPLAINT

Mag. No. 11-3596 (MF)

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

From in or about December 2004 to in or about February 2011, in Bergen County, in the District of New Jersey, and elsewhere, defendant

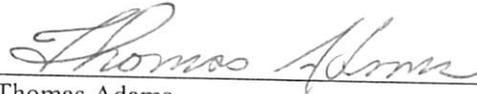
STEVEN KUCAN

knowingly and intentionally did embezzle, steal, purloin and convert to his own use and the use of another, and without authority did sell, convey and dispose of a thing of value of the United States and a department and agency thereof, and did receive, conceal, and retain the same with intent to convert it to his use and gain, knowing it to have been embezzled, stolen, purloined and converted, in violation of Title 18, United States Code, Section 641 and Section 2.

I further state that I am a Senior Special Agent with the Department of Homeland Security, Office of Inspector General, and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.



Thomas Adams
Senior Special Agent
Department of Homeland Security
Office of Inspector General

Sworn to before me and subscribed in my presence,
May 16, 2011, at Newark, New Jersey

HONORABLE MARK FALK
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

1. I am a Senior Special Agent with the Department of Homeland Security, Office of Inspector General, office in Jersey City, New Jersey (hereinafter "DHS-OIG"). I have been employed as a Special Agent with the DHS and or its predecessor components for approximately 15 years. Since joining DHS-OIG in September 2004, I have participated in the investigation of property theft, identity theft, bank fraud, wire fraud and credit card fraud, among other financial crimes, and have enforced the federal laws prohibiting these offenses.
2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, a review of documentary evidence, and information obtained from various federal agents and witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause to effect an arrest of STEVEN KUCAN, I have not included in the affidavit every detail of every aspect of the investigation. Rather, I have set forth the facts that I believe sufficient to establish probable cause to effect the requested arrest. Also, certain personal identifying information has been replaced in this affidavit with the characters "[XXX]."

Statement of Probable Cause

Background of the Investigation

3. DHS-OIG and Immigration and Customs Enforcement, Office of Professional Responsibility ("ICE-OPR"), are conducting an investigation into the conduct of STEVEN KUCAN (hereinafter, "KUCAN") in connection with a scheme to steal government property from the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Special Agent in Charge ("SAC") Office in New York, New York ("ICE-NY"). The investigation has revealed that KUCAN has stolen property from ICE-NY, received, concealed and retained such property at his residence in Wood Ridge, New Jersey, and sold such property for profit on the internet website known as eBay, which allows individuals to post items for sale to potential buyers who bid on the price to win the right to purchase the items.
4. ICE is the principal investigative arm of the DHS, the second largest investigative agency in the federal government. ICE was created in 2003 through a merger of the investigative and interior enforcement elements of the U.S. Customs Service and the Immigration and Naturalization Service ("INS").
5. Prior to the merger, KUCAN was a Special Agent with the INS located at 26 Federal Plaza, New York, New York. KUCAN then was assigned as a Supervisory Special Agent in an administrative group at ICE-NY and has remained in that position until he was placed on administrative leave in February 2011. KUCAN has been assigned or has supervised an administrative group since

the 1990s and has been responsible for obtaining, storing and controlling office equipment and supplies utilized by ICE-NY (including the legacy INS).

Kucan's Exclusive Access to ICE-NY Storage Rooms, Control Over ICE-NY Equipment, and the Disappearance of Items Under Kucan's Control

6. According to numerous ICE-NY employees, KUCAN maintained several storage rooms to which only KUCAN had access. KUCAN also had control over ICE-NY property and such property under KUCAN's control disappeared.
7. According to ICE-NY Employee #1, who was familiar with KUCAN, KUCAN was a trusted program manager who had access to storage rooms throughout the ICE-NY offices. ICE-NY Employee #1 also stated that KUCAN had keys and exclusive access to storage rooms at 26 Federal Plaza and at parking garages throughout Manhattan used by ICE-NY.
8. According to ICE-NY Employee #2, who reported to KUCAN, KUCAN stowed away ICE-NY equipment in storage areas to which only KUCAN had access.
9. According to ICE-NY Employee #3, who reported to KUCAN, in 2004, ICE-NY Employee #3 had been informed by two ICE Special Agents that KUCAN maintained a room at 26 Federal Plaza, New York, where INS had maintained an office. The Special Agents stated that, during a transfer of ICE/INS offices from 26 Federal Plaza to the ICE-NY office at 601 West 26th Street, New York, New York during the merger of the INS and the U.S. Customs Service into ICE, they had seen that the room was filled with technical equipment and supplies, but that several days later all of the items had been removed. ICE-NY Employee #3 was unaware of any of those items having been transferred to the ICE-NY office on 26th Street. An interview of one of the Special Agents confirmed the statements made by ICE-NY Employee #3.
10. ICE-NY Employee #3 also stated that KUCAN had exclusive access to a storage room at a parking garage on 53rd Street which ICE-NY used to store surveillance and other ICE-NY vehicles.
11. According to ICE-NY Employee #4, an ICE-NY employee, ICE-NY Employee #4 had assumed a new supervisory position at ICE-NY and, in April 2010, had installed new equipment in a former "tech" room on the 10th Floor, 26 Federal Plaza, New York City. ICE-NY previously had used the room to store equipment for use in criminal investigations. ICE-NY Employee #4 stated that inside the "tech" room there was a second room that was locked. ICE-NY Employee #4 stated that only KUCAN had the key and access codes to this second room. ICE-NY Employee #4 stated that ICE-NY Employee #4 did not know what, if anything, was stored in this room.
12. On May 12, 2010, I entered the tech room at 26 Federal Plaza and accessed the second room. Inside the second room was INS and ICE-NY equipment such as

batteries, lights, life jackets, printer cartridges, auto equipment and computer speakers.

13. According to ICE-NY Employee #5, KUCAN had been responsible in 2000 for equipment purchases for an INS boat. The items included life jackets, life vests, survival suits, air tanks, tools and marine equipment. ICE-NY Employee #5 stated that, after the terrorist attacks of September 11, 2001, KUCAN was responsible for procurement of items for INS in New York. These items included generators, satellite phones, protective gear, respirators and miscellaneous agent equipment. ICE-NY Employee #6 also stated that KUCAN was part of the administrative group that purchased the INS boat and that KUCAN purchased, or helped purchase, supplies and equipment for use on the INS boat, including tools, life preservers, jackets and uniforms.
14. ICE-NY Employee #6 also stated that KUCAN had been in control of items associated with an INS Special Response Team ("SRT") that was disbanded in 2003. The SRT items over which KUCAN had control included helmets, radios, radio headsets and radio speakers.
15. According to ICE-NY Employee #5, the items associated with the SRT disappeared after the SRT was disbanded in 2003, and KUCAN was the last person seen with the equipment.
16. DHS-OIG also interviewed ICE-NY Employee #7, an ICE-NY employee whose responsibilities included accepting and fulfilling purchase orders from ICE-NY employees. ICE-NY Employee #7 stated that ICE-NY Employee #7 had known KUCAN since the 1980s and that ICE-NY Employee #7 received purchase orders from KUCAN for items such as cameras, film and boat equipment. ICE-NY Employee #7 also stated that ICE-NY Employee #7 recalled receiving purchase orders for generators that were used for lighting after the September 11, 2001 terrorist attacks in Manhattan. ICE-NY Employee #7 stated that ICE-NY Employee #7 would sometimes question what KUCAN was ordering and was labeled by KUCAN as an "obstructionist."

KUCAN Wheels Items Out of the ICE-NY Offices

17. According to ICE-NY Employee #5, in April 2010, ICE-NY Employee #5 had observed KUCAN leaving a "tech room" at 26 Federal Plaza with a cart filled with items, including strobe lights and other property belonging to ICE-NY.
18. According to ICE-NY Employee #8, who was assigned to the ICE-NY office at 26 Federal Plaza, several times after the terrorist attacks on September 11, 2001, KUCAN came into the INS office at 26 Federal Plaza on Saturdays and removed items from the office. The items would include printers, monitors, and office supplies. ICE-NY Employee #8 stated that KUCAN would place items on a cart and remove the items from the office. ICE-NY Employee #8 stated that KUCAN was not aware that ICE-NY Employee #8 was able to observe his conduct.

19. ICE-NY Employee #8 further stated that, in April 2010, KUCAN came to the ICE-NY office at 26 Federal Plaza, placed several printer and toner cartridges on a cart, and removed them from the office.

KUCAN's Sale of Items on eBay

20. Records from eBay indicate that KUCAN utilized two active eBay accounts—one in KUCAN's own name, the other in the name of a relative of KUCAN's ("KUCAN's Relative"), who is an approximately 81 year old man who resides at an address in Jersey City, New Jersey.
21. KUCAN's first eBay account was associated with user ID "Jupiter[XXXX]" (the "Jupiter Account") and has existed from July 5, 2002 to the present time. The Jupiter Account was registered to KUCAN, with the email address jupiter[XXXX]@yahoo.com, address of P.O. Box [XXX], North Bergen, NJ 07047. The address of KUCAN's Relative in Jersey City, New Jersey was given as the shipping address for the Jupiter Account, but was updated on or about March 20, 2010 to KUCAN's residence in Wood Ridge, New Jersey.
22. PayPal (a payment service that facilitates transactions on eBay) also provided information associated with the Jupiter Account. A PayPal account associated with the Jupiter Account was created on July 5, 2002 and registered to KUCAN, with KUCAN's social security number, an email address of jupiter[XXXX]@yahoo.com, and the address of KUCAN's Relative in Jersey City, New Jersey.
23. KUCAN's second eBay account is associated with user ID "csk[XXX]" (the "CSK Account") and has been registered to KUCAN's Relative from November 15, 2004 to the present time. The CSK Account is associated with an email address of csk[XXX]@yahoo.com, an active address of KUCAN's Relative in Jersey City, New Jersey, and an inactive address of P.O. Box [XXX], North Bergen, NJ 07047. The account identified a second active address of P.O. Box [XXX], North Bergen, NJ 07047.
24. PayPal also provided information for an account associated with the CSK Account. A PayPal account was created on November 14, 2004 and registered to KUCAN's Relative, with the social security number, date of birth, and address of KUCAN's Relative, and an email address of csk[XXX]@yahoo.com. Records from from Yahoo! show that email account csk[XXX]@yahoo.com was created on November 14, 2004 and registered to "Mr J K." The "City" given is "New Jersey," the State is "NJ," the Country is "United States," and the zip code is "00000."
25. Although the CSK Account is registered to KUCAN's Relative at the KUCAN's Relative's address in Jersey City, computer records indicate that the account is actually utilized at KUCAN's residence in Wood Ridge, New Jersey. Yahoo! provided Internet Protocol address connection records pertaining to

csk[XXX]@yahoo.com for the time period from April 22, 2009 to April 19, 2010. An Internet Protocol address is a numerical label assigned to each device (e.g., computer, printer) participating in a computer network that uses the Internet Protocol ("IP") for communication. The records indicate that email address csk[XXX]@yahoo.com accessed the Yahoo! site numerous times from IP address [XXX].63.204.114. Records from Verizon concerning IP address [XXX].63.204.114 for the period September 11, 2009 through May 27, 2010 show that IP address [XXX].63.204.114 was registered to "S. KUCAN" at KUCAN's address in Wood Ridge, New Jersey. Therefore, the CSK Account was utilized at KUCAN's residence even though it was registered to KUCAN's Relative, who lives in Jersey City.

26. eBay furnished a summary of all listings for user ID's associated with the Jupiter Account and the CSK Account for approximately four years. The list included IP addresses that were utilized to enter the eBay site.
27. Records for the Jupiter Account (registered in KUCAN's own name) for the period July 2002 to March 2010 indicate the purchase of Nintendo games and accessories, watch batteries, broken cameras and a wireless internet card. The account records indicate minimal sales. Records seized at KUCAN's residence (see below) indicate that at least two of those sales were of government property in December 2004 and January 2005.
28. The records for the CSK Account (registered to KUCAN's Relative but utilized at KUCAN's residence) for the period November 2004 to April 2010 indicate the sale of numerous office supply and other items of the kind utilized by ICE-NY. These include:
 - a. 1 Cannon AE Motor Drive Battery
 - b. 1 Hewlett Packard 61X Toner Cartridge
 - c. 4 Hewlett Packard 23 color Cartridges
 - d. 32 boxes of Polaroid Spectra Film
 - e. 47 Motorola Saber Speaker Microphones
 - f. 11 Canon GPR-4 Toner Cartridges
 - g. 12 Canon GPR-2 Toner Cartridges
 - h. 12 HP-4600-4650 Toner cartridge sets
 - i. 8 Savin Toner Cartridges
 - j. 15 Ricoh Toner 450 Cartridges
 - k. 4 Surefire M500A Combat Lights
 - l. 657 Packs of Polaroid 669 Film
 - m. 2 Sony 5.2 GB Magneto Optical Disks
 - n. 1 HP 98X Laser Jet Toner Cartridge
 - o. 2 HP 96A Laser Jet Toner Cartridges
 - p. 1 Xerox Docucolor Toner cartridge set
 - q. 3 Canon FX-7 Black Toner Cartridges
 - r. 1 Canon FX-4 Black Toner Cartridge
 - s. 7 Brother Band Toner Cartridge

- t. 2 HP 38A Laser Jet Toner Cartridges
 - u. 10 Motorola Saber David Clark Headsets
 - v. 6 Canon Camera Lenses
 - w. 1 Ricoh Fax Toner Cartridge
 - x. 1 Stearns Immersion Suit
29. The listed items are identical to the kinds of items previously or presently utilized by ICE-NY.
30. eBay and PayPal records indicate that, since December 2004, a total of approximately \$37,400 was deposited from the PayPal account associated with the CSK Account (in the name of KUCAN's Relative). Monies from the PayPal account were transferred into a bank account of KUCAN's Relative. Since December 2007, approximately \$36,900 in checks have been written from that account to KUCAN, according to a review of bank account records.

Recovery of Government Immersion Suit Sold on eBay

31. Upon entering the second room inside the tech room at 26 Federal Plaza (as described in Paragraph 12), I located a box which contained numerous lifejackets identified with INS markings. I was able to determine that Lifesaving Systems Corporation was the supplier of those items. The shipment from Lifesaving Systems Corporation appears to have been associated with the INS boat described in Paragraph 13.
32. A sales invoice from Lifesaving Systems Corporation dated July 27, 2001 reflects the sale of marine life jackets, gloves, goggles and 1 Stearns immersion suit to the INS at 26 Federal Plaza, Room 4128, New York, New York 10278. An immersion suit is a special type of waterproof dry suit that protects the wearer from hypothermia from immersion in cold water.
33. A review of eBay records associated with KUCAN revealed that on February 15, 2005, one Stearns immersion suit was sold through KUCAN's CSK Account to "D.M." for approximately \$245.27. This is the identical model that was shipped to the INS at 26 Federal Plaza, New York, New York by Lifesaving Systems Corporation.
34. On May 20, 2010, I telephonically interviewed "J.M.," spouse of D.M., in reference to a Stearns immersion suit purchased via D.M.'s eBay account on February 15, 2005, from the CSK Account associated with KUCAN. J.M. stated that J.M. purchased a total of four immersion suits from separate eBay transactions from four different sellers. J.M. stated that J.M. gave the suits to a family friend identified as "G.S."
35. On May 20, 2010, I contacted G.S., who stated that the suits were located at G.S.'s residence. At G.S.'s residence, I located the four immersion suits and determined that two of the four suits were Stearns immersion suits. One of the Stearns immersion suits was stenciled with letters LNG LEO across the back

portion and was unused. A Google internet search determined that LNG LEO is a ship that is utilized to transport Liquefied Natural Gas around the world.

36. The other Stearns suit had no markings and also was unused. On May 20, 2010, an employee of Lifesaving Systems Corporation informed me that if a Stearns Immersion suit was ordered with stenciling, the cost associated with the stenciling would be reflected on the purchase order. No cost for stenciling the immersion suit is reflected on the INS purchase order, thus indicating that the suit shipped to INS in 2001 was unmarked and matched the suit sold from KUCAN's CSK Account in 2005.

Sale of Four Surefire Combat Lights

37. eBay records also show that 4 Surefire M500A, White Nav Millennium Forend Combat Lights were sold through the CSK Account. The Surefire Combat Lights are high-powered flashlights that affix to the kind of M-4 rifles that are used by ICE-NY. The lights are the identical make and model utilized by ICE-NY.

Light #1

38. eBay records indicate that, on November 21, 2008, "D.M. 2" purchased a Surefire Combat Light for \$345.96 from the CSK Account. D.M. 2 stated that D.M. 2 recalled purchasing the Surefire Combat Light. D.M. 2 provided me with the Surefire light, box, original packaging and PayPal paperwork identifying the purchase of the Surefire light.

Light #2

39. eBay records indicate that, on January 8, 2009, "M.W." purchased a Surefire Combat Light for \$401.90 through eBay from the CSK Account. M.W. stated that the Surefire Combat Light was shipped to M.W. and provided a copy of the eBay purchase receipt showing the purchase of the Surefire Combat Light from the CSK Account.

Light #3

40. eBay records indicate that, on December 27, 2008, "J.E." purchased a Surefire Combat Light for \$401.90 through eBay from the CSK Account. J.E. confirmed the purchase of the Surefire Combat Light and stated that it had been shipped to J.E. J.E. provided copies of the eBay purchase receipts showing that the sale occurred from the CSK Account.

Light #4

41. eBay records indicate that a fourth Surefire Combat Light was sold for \$401.90 on or about December 14, 2008, from the CSK Account to the eBay account of "L.S." As of this writing, the agents have been unable to make contact with L.S.

Parking Garage Surveillance Tape

42. I also learned during this investigation that a surveillance camera system existed at the ICE-NY parking garage on 53rd Street in Manhattan. According to ICE-NY Employee #3, there was a room at the 53rd Street parking garage to which only KUCAN had access before the locks were changed in or about July 2010. As of August 2010, which was after the locks were changed, the room contained only two used tires and a digital recorder for the garage's video surveillance system. As of August 2010, the digital recorder had been unplugged and was nonoperational.
43. DHS-OIG recovered digital recordings from the garage surveillance cameras for the period from September 17, 2008 to May 27, 2010. The recordings indicate that the DVR was shut off during certain periods. In particular, the DVR was off from January 28, 2009 through March 25, 2009. The DVR recorded briefly on March 25, 2009 and then was shut off until April 8, 2010. It recorded briefly on April 8, 2010 and was off again until May 11, 2010. It then recorded through May 27, 2010, when it was shut off again. During these periods, KUCAN was the only person who is known to have had access to the room in which the DVR equipment was located.
44. The DVR recordings indicate that on October 11, 2008, at 6:28 a.m. (video time—which appears to be approximately 4 hours behind actual time), KUCAN removed three green duffel bags from the trunk of his government vehicle (a black, four door sedan) to the trunk of a silver colored sedan that does not appear to be a government vehicle. A known friend of KUCAN's, "T.M.," helped KUCAN remove the bags. T.M. is the owner of a company that installs lights and other equipment on government vehicles. The company is a private company located in the same building as ICE-NY. The recordings show that the silver sedan left the garage after the duffel bags were loaded into its trunk.
45. The DVR recordings also show that on December 5, 2008, at 7:45 a.m. (video time), KUCAN arrived at the garage and removed two green duffel bags from the trunk of KUCAN's government vehicle, and placed the bags into a blue colored Chevrolet that does appear to be a government vehicle. T.M. helped KUCAN move the bags. At 8:06 a.m., T.M. drove the blue Chevrolet out of the garage with the green duffel bags in its trunk.
46. The DVR recordings also show that, on January 28, 2009, at 9:24 a.m. (video time), a black Sport Utility Vehicle (SUV) being driven by KUCAN arrived at the garage. This is not the government vehicle that KUCAN normally drives. At 9:30 a.m., a tan colored Ford entered the garage driven by an unknown individual. KUCAN and the individual then walked toward the garage's office area and the DVR recording was turned off after that point. The DVR resumed recording again on March 25, 2009.

47. On February 22, 2011, I interviewed T.M., who stated that KUCAN would remove old emergency equipment from government vehicles and place them in the trunk of other vehicles. T.M. stated that he did not know what KUCAN did with the items.

KUCAN's Inquiries Regarding Purchase Orders and Criminal Statutes

48. In or about January 2011, KUCAN began to make inquiries that apparently were related to the investigation being conducted by DHS-OIG and ICE-OPR.
49. According to ICE-NY Employee #6, on January 4, 2011, KUCAN contacted ICE-NY Employee #6 and requested to see documents pertaining to government property that was signed out to KUCAN, as well as equipment logs and purchase orders for ICE-NY equipment. ICE-NY Employee #6 informed KUCAN that purchase orders and equipment logs were kept in file cabinets and a computer in a certain room at ICE-NY at 26th Street, New York, New York, and KUCAN requested to see the room. No documents were removed from the file cabinets but KUCAN inquired whether ICE-NY Employee #6 had access to the computer.
50. In addition, a forensic analysis of computers seized at KUCAN's residence (see below) indicates that on January 2, 2011 and January 5, 2011, KUCAN conducted internet searches for the terms "federal statute of limitations."

The Search of KUCAN's Residence in Wood Ridge, New Jersey

51. On or about February 16, 2011, DHS-OIG and ICE-OPR executed a warrant to search KUCAN's residence in Wood Ridge, New Jersey. The following items, among other things, were seized from the residence:
- a. 3 Dell personal computers
 - b. 2 hard drives
 - c. 1 thumb drive
 - d. 2 Hewlett Packard ("HP") printers
 - e. 4 computer keyboards
 - f. 21 computer mouses
 - g. 1 20" computer screen
 - h. 3 computer cables
 - i. 1 router
 - j. 5 Sony or Dell CD drives
 - k. 2 floppy disk exchangeable drives
 - l. 111 HP, Canon or unknown brand printer cartridges
 - m. 9 Sony or Panasonic digital recording devices
 - n. 150 Olympus or Maxell micro cassette tapes
 - o. 17 laptop softsided computer cases
 - p. 31 police batons
 - q. 4 police baton holsters
 - r. 1 bullet proof vest

- s. 2 desktop computer scanners (HP and Fujitsu) with accessories
- t. 1 Brother P-Touch label-maker with 12 tapes cartridges
- u. 52 flashlights of various makes
- v. 15 spotlights and searchlights of various makes
- w. 62 pairs of fine leather search gloves
- x. 33 cases of latex rubber gloves of various makes
- y. 47 pairs of cotton or leather work gloves
- z. 11 pairs of neoprene cold-water gloves
- aa. 10 airtight, watertight "Pelican" cases
- bb. 4 gun vaults (used to secure firearms)
- cc. 2 toolkits
- dd. 87 equipment bags of various makes and models, including duffle bags, knapsacks, backpacks, flight helmet bags, and a wheeled travel bag
- ee. 11 AT&T wall phone systems
- ff. 4 desk lamps
- gg. 88 safety glasses and goggles of various makes and models
- hh. 9 pairs of earmuffs (used at shooting ranges for ear protection)
- ii. 28 breathing respirators of various makes and models, including one chemical and biological weapons gas mask
- jj. 14 construction hardhats and SWAT Team safety helmets
- kk. 16 orange safety vests
- ll. 7 emergency strobe lights
- mm. 1 set of kneepads
- nn. 23 Dixie USA yellow rescue blankets
- oo. 4 military canteens
- pp. 5 sets of rappelling ropes with carrying bags
- qq. 16 pairs of Smith & Wesson handcuffs
- rr. 10 Stearns lifejackets of various models
- ss. 6 pairs of binoculars of various makes and models
- tt. 11 knives of various makes and models
- uu. 7 Kleen Bore gun cleaning kits and 14 gun brushes
- vv. 49 gun holsters and gunslings of various makes and models
- ww. 2 speed loaders for revolver guns
- xx. 26 duty belts and accessories such as holders for batons, flashlights and handcuffs
- yy. 1 marine flare gun
- zz. 6 camera lenses of various makes and models
- aaa. 24 camera batteries and chargers
- bbb. 1 Sony camera bag
- ccc. 111 videocassette tapes of various makes and models
- ddd. 2 car safety kits
- eee. 2 jump starters
- fff. 12 jumper cables
- ggg. Emergency vehicle equipment including 24 grill-mounted strobe lights, 7 sirens, 13 dash-board mounted emergency lights, and 1 loudspeaker

- hhh. Clothing, including 23 pairs of cargo style workpants, 5 uniform work sweaters, 5 uniform wool hats and 2 law enforcement work shirts.
 - iii. 1 Motorola radio charger and 2 batteries
 - jjj. 3 radio headsets with adapters
 - kkk. 1 throat microphone
 - lll. 10 two-way radio systems with batteries and accessories
 - mmm. 4 Ford car radios and audio components
52. The approximate value of the items seized at KUCAN's residence is \$40,000.
53. The items seized from KUCAN's residence are consistent with the types of items used by ICE-NY. For example, ICE-NY Employee #10, a Range Officer for ICE-NY assigned to the ICE gun ranges, viewed safety goggles seized from KUCAN's residence and confirmed that they were the identical make and model used at ICE's shooting ranges. Also, ICE-NY Employee #5, who is familiar with the INS Special Response Team, viewed rappelling gear seized from KUCAN's residence and confirmed that it was the identical make and model used by ICE-NY. In addition, the lifejackets seized from KUCAN's residence were the same make and model as the lifejackets that I viewed at an ICE-NY store room in Manhattan.

The ICE-NY Purchase Orders

54. After execution of the search warrant, DHS-OIG and ICE-OPR identified a set of ICE-NY purchase orders dating back to 1987. The purchase orders are not a complete set of all purchase orders done by ICE-NY since 1987. However, the purchase orders indicate that ICE-NY (including the legacy INS in New York) purchased equipment identical to the kinds of equipment seized at KUCAN's residence and, in the case of certain Smith & Wesson handcuffs, the purchase orders show that handcuffs seized at KUCAN's residence are the same handcuffs that had been purchased by ICE-NY:
- a. On May 21, 1992 and August 3, 1992, ICE-NY purchased 54 Smith & Wesson handcuffs. Sixteen Smith & Wesson handcuffs were seized from the KUCAN residence. The serial numbers of four of the Smith & Wesson handcuffs seized at the KUCAN residence matched the serial numbers reflected on ICE-NY purchase orders for Smith & Wesson handcuffs.
 - b. On October 28, 1987, ICE-NY purchased King Portable radios. On November 18, 1988, ICE-NY took possession of 121 King radios model LPH 5142 C as well as handheld microphones, extra batteries and chargers. On June 6, 1991, KUCAN signed his name as the recipient for 5 King radios that had been ordered by ICE-NY. Ten King radios and 37 batteries were seized from the KUCAN residence. The serial numbers had been removed from the King radios seized at the KUCAN residence.
 - c. On February 17, 1988, ICE-NY purchased 6 pairs of Fujinon 7X50 binoculars; one pair of Fujinon 7X50 binoculars was seized from the KUCAN residence.

- d. On August 30, 1993 and April 7, 1998, ICE-NY purchased 4 pairs of Bushnell binoculars; one pair of Bushnell 10x50 binoculars were seized from the KUCAN residence.
 - e. On April 7, 1998, ICE-NY purchased one pair of Aerolite 7x50 binoculars; one pair of Aerolite 7x50 binoculars was seized from the KUCAN residence.
 - f. On January 24, 2002, ICE-NY purchased 2 Sony Model M-627 micro-cassette recorders. Seven Sony Model M-627 micro-cassette recorders were seized from the KUCAN residence.
 - g. On June 24, 2001, ICE-NY purchased 3 computer mice and 10 Dell computer keyboards. Twenty-one computer mice and four Dell keyboards were seized from the KUCAN residence.
 - h. On May 9, 2002, ICE-NY purchased 10 HP C6578D color ink cartridges. Seven HP C6578D color ink cartridges were seized from the KUCAN residence.
 - i. On April 24, 1992, ICE-NY purchased nine Woolly Pully navy shirts. Five Woolly Pully navy shirts were seized from the KUCAN residence.
 - j. On April 16, 1992, ICE-NY purchased Federal PA 300 siren assemblies. Seven Federal PA 300 siren assemblies were seized from the KUCAN residence.
 - k. On June 17, 1992, ICE-NY purchased 50 "Kit Bags" (equipment bags). Forty-two Kit Bags were seized from the KUCAN residence.
 - l. On June 23, 1992, ICE-NY ordered 4,000 Flex Cuffs (plastic, disposal restraints that are used like handcuffs). Approximately 1,000 Flex Cuffs were seized from the KUCAN residence.
 - m. On March 10, 1993, ICE-NY purchased 12 Ballistic Helmets (head protection gear used by the military and law enforcement). Four Ballistic Helmets were seized from the KUCAN residence.
 - n. On March 26, 1993, ICE-NY purchased 7 "Battle Dress Uniform" navy combat cloth pants. Twenty-three "Battle Dress Uniform" pants were seized from the KUCAN residence.
 - o. On September 18, 1995, ICE-NY purchased 38 Pelican cases of various sizes, including size 1200, 1500 and 1650. Three 1200 Pelican cases and 6 1500 Pelican cases were seized from the KUCAN residence.
55. In addition, the ICE-NY purchase orders also contain more generic descriptions of items purchased by ICE-NY which match the kinds of items seized at the KUCAN residence. These include cassette tapes, film and camera equipment.
56. The ICE-NY purchase orders also indicate that ICE-NY purchased the same or similar items as those sold through KUCAN's CSK Account, including purchases of Polaroid film on February 8, 1993; Polaroid Spectra film on December 10, 1993, August 5, 1994, March 13, 1995 and April 12, 1995; and Polaroid 669 film on July 7, 1994.

57. The ICE-NY purchase orders also show that, on August 17, 1998, ICE-NY purchased numerous pieces of Canon camera equipment, including 6 EF- 70-200mm F2.8 lenses and 6 77mm Sky filters. During execution of the search warrant, documents were seized from the KUCAN residence that showed that on or about January 25, 2005, a Canon EF- 70-200mm F2.8 lens was sold from the Jupiter Account. The seized documents also showed that, on or about December 28, 2004, a Canon EF- 70-200mm F2.8 lens and a 77mm Sky filter were sold on the Jupiter Account.

KUCAN Had No Permission to Take Government Property

58. According to ICE-NY Employee #1, who was in a position of authority over KUCAN, ICE-NY Employee #1 never gave KUCAN permission to remove any government property, store such property at KUCAN's residence, or to sell government property on eBay.