

ATTACHMENT A

Count 1
(Accessing a Computer Without Authorization)

Beginning at least as early as in or about April 2011 through on or about May 19, 2011, in the District of New Jersey, and elsewhere defendant

PATRICK RICCIARDI

intentionally accessed a computer without authorization and exceeded authorized access, and thereby obtained information from a protected computer, namely the servers of the City of Hoboken, in furtherance of a criminal act in violation of the Constitution and laws of the State of New Jersey, in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii) and Section 2.

Count 2
(Interception of Wire and Electronic Communications)

Beginning at least as early as in or about April 2011 through on or about May 19, 2011, in the District of New Jersey, and elsewhere defendant

PATRICK RICCIARDI

intentionally intercepted and endeavored to intercept, wire and electronic communications, in violation of Title 18, United States Code, Sections 2511(1)(a) and (4)(a).

Count 3
(Disclosure of Intercepted of Wire and Electronic Communications)

Beginning at least as early as in or about April 2011 through on or about May 19, 2011, in the District of New Jersey, and elsewhere defendant

PATRICK RICCIARDI

intentionally disclosed and endeavored to disclose to another person the contents of wire and electronic communications, knowing or having reason to know that the information was obtained through the interception of a wire and electronic communication, in violation of Title 18, United States Code, Sections 2511(1)(c) and (4)(a).

ATTACHMENT B

I, Christian Schorle, am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have knowledge of the facts set forth below from my involvement in the investigation, a review of reports and other evidence, and discussions with other law enforcement personnel. Since this affidavit is submitted for the limited purpose of establishing probable cause to support the issuance of a complaint and arrest warrant, I have not included each and every fact known by the government concerning this investigation. Any statements attributed to individuals are described in substance and in part.

1. Beginning in or around May 2011, the FBI has been investigating unauthorized access to computers belonging to the City of Hoboken (the “City”), the unauthorized use of those computers (and associated servers) to intercept e-mail communications belonging to the Mayor of the City and other City employees (the “Intercepted E-Mails”), and the subsequent disclosure of certain Intercepted E-Mails to individuals with no legitimate access to the Intercepted E-Mails, without the knowledge or consent of any of the parties to the Intercepted E-Mails. This unauthorized access, use, and interception was perpetrated by defendant PATRICK RICCIARDI and others in an attempt to obtain and disclose information relating to the City’s business to further their own ends.

A. BACKGROUND

2. At all times relevant to this Complaint:

a. The City, located in Hudson County, New Jersey, is a municipality of approximately 50,000 citizens.

b. The City is governed by an elected mayor (the “Mayor”) and a city council. The City also maintains numerous public agencies that operate to advance the City’s interests. These include a Department of Public Safety, led by a Director of Public Safety; a fire department, led by the Fire Chief; an Office of Emergency Management (“OEM”), led by a Director of OEM; and a Clerk’s Office (which deals with regulatory and other filings), led by the City Clerk.

c. The Mayor is the Chief Executive Officer of the City. As part of the Mayor’s duties, the Mayor makes appointments, creates and executes policies relating to the direction of the City, and directs the entire executive branch of City government. To carry out the Mayor’s duties, the Mayor employs a staff of approximately 150 employees. The vast majority of these employees work at 94 Washington Street, Hoboken, New Jersey.

d. Defendant PATRICK RICCIARDI was employed by the City as a Management Information Systems specialist, and had been employed by the City since in or around 1992. Defendant RICCIARDI had been hired under a previous political administration.

e. Defendant RICCIARDI's duties included managing and maintaining the servers and computers used by the Mayor and staff employees of the Mayor (the "Mayor's Office Employees"); maintaining the telephone systems in the Mayor's offices; managing and troubleshooting different computer programs used by the Mayor and the Mayor's Office Employees; and managing and maintaining the e-mail system used by the Mayor and the Mayor's Office Employees. To discharge these duties, Ricciardi was entrusted with so-called "administrative privileges." These administrative privileges allowed Ricciardi enhanced access to the network, computers, and servers for the Mayor's Office Employees.

3. Also as part of his responsibilities, defendant RICCIARDI was charged with maintaining and troubleshooting the e-mail system used by the Mayor and the Mayor's Office Employees. Within this system, each Mayor's Office Employee was assigned an individual e-mail account.

4. Defendant RICCIARDI, as an IT employee responsible for keeping the City's network running, was entrusted with increased access to the e-mail accounts within the e-mail system, as well as with increased access to other elements of the computer network maintained by the City.

B. THE UNAUTHORIZED ARCHIVE FILE

5. In or around April 2011, certain Mayor's Office Employees became suspicious that the subject matter of e-mails exchanged among themselves were being somehow "leaked" to outside parties.

6. As part of the investigation, law enforcement learned that the City's political culture is currently divided into two main factions. The current Mayor was sworn in to office as Acting Mayor on or about July 31, 2009, after the previous mayor was arrested on federal corruption charges. The Mayor subsequently won a special election to fill the remainder of the previous mayor's four-year term.

7. The investigation has also revealed that many of the elected and appointed officials in the City retain strong ties to the previous administration or are otherwise politically opposed to the Mayor, and have sparred with the current Mayor on a variety of municipal issues, large and small. These officials include several members of the City Council, as well as high-ranking employees of different City municipal agencies, such as Public Safety Department, the Fire Department, and the OEM.

8. Evidence of this schism in the City is apparent through the postings of articles and comments on City-related issues to different weblogs, or "blogs."

9. Given this environment, after learning of the possible leaks unauthorized disclosures, on or about May 16, 2011, the Mayor's office hired a private company to perform a security audit

(the "Security Audit") on the computers located within the Mayor's office.¹

10. During the course of the Security Audit, the private company identified an e-mail archive file (the "Archive File") on the hard drive of defendant RICCIARDI's work computer.

11. The Archive File contained copies of e-mails that had been sent to the Mayor's e-mail account and to the e-mail accounts of certain Mayor's Office Employees.

12. In the normal operation of an e-mail account, these e-mails would reside on the e-mail server that distributed mail to legitimate senders and recipients, and also on the particular computers of the e-mail's sender and recipient(s). The Archive File, however, contained a copy of all e-mails sent to and from the Mayor's official e-mail account and the accounts of certain Mayor's Office Employees.

13. The Archive File was not a standard backup kept in the normal course of business. This is true for at least two reasons:

a. First, the Archive File did not follow information technology best practices for backing up and storing e-mails. For example, true e-mail backup systems use tape backups or other electronic media to systematically save data.

b. Second, a true backup system would typically be housed remotely, on a server or other external location. The Archive File, however, was also saved on defendant RICCIARDI's computer.

14. Based on my training and experience, I know that software can be configured to download new e-mails from particular e-mail accounts for storage on particular computers. For example, e-mails appearing in Microsoft Outlook are typically downloaded from an e-mail server to a user's computer. More than one computer can be configured to download copies of e-mails from an e-mail account.

C. THE UNAUTHORIZED INTERCEPTION OF COMMUNICATIONS

15. The Security Audit also revealed that someone had configured software so that all e-mails that arrived in the Mayor's inbox would be automatically downloaded from the Mayor's e-mail account to the Archive File.

16. This configuration intercepted e-mails as they were being sent, and placed them in the Archive File.

¹ No law enforcement officers were present during the initiation or execution of this security audit.

17. Defendant RICCIARDI had access to the system administrators' log on and password, which would allow him to perform such a configuration.

18. Neither the Mayor nor any of the Mayor's Office Employees authorized defendant RICCIARDI to access the Mayor's e-mail account and forward the Mayor's e-mails to the Archive File.

19. Neither the Mayor nor any of the Mayor's Office Employees authorized defendant RICCIARDI to create the Archive File.

D. THE E-MAILS ARE FORWARDED TO OTHERS

20. The Security Audit also revealed that e-mails stored in the Archive File had been forwarded to at least two different accounts:

a. One recipient e-mail account belonged to Individual 1, a City municipal official (the "Individual 1 E-Mail Account").

b. A second recipient e-mail account belonged to Individual 2, a former City municipal official (the "Individual 2 E-Mail Account").

E. INDIVIDUAL 3 HANDS OVER AN E-MAIL

21. The Individual 1 E-Mail Account and the Individual 2 E-Mail Account are not the only e-mail accounts that have obtained e-mails from the Mayor's e-mail account without the Mayor's knowledge or consent.

22. On or about May 18, 2011, Individual 3, a City municipal employee, came into the Mayor's office and provided – to certain Mayor's Office Employees – a hard copy of an e-mail that Individual 3 received from defendant RICCIARDI's personal e-mail account on or about February 1, 2011 (the "February 1 RICCIARDI E-Mail").

23. In the February 1 RICCIARDI E-Mail, defendant RICCIARDI forwarded, to Individual 3's e-mail account, a string of e-mails that had been exchanged between the Mayor and certain high-ranking Mayor's Office Employees. Neither defendant RICCIARDI nor Individual 3 were parties to any of the e-mails in the string exchanged by the Mayor and the Mayor's Office Employees.

24. Mayor's Office Employees have confirmed that neither they nor the Mayor knew of or consented to the transmission of the contents of the February 1 RICCIARDI E-Mail either to Ricciardi or to Individual 3.

F. SEARCH WARRANTS UNCOVER FURTHER EVIDENCE

25. On or about May 23, 2011, the FBI obtained search warrants for, among other locations, defendant RICCIARDI's computer and defendant RICCIARDI's personal e-mail account.

26. Law enforcement investigation has now confirmed that defendant RICCIARDI's City-issued computer did, indeed, contain the Archive File.

27. Moreover, law enforcement investigation has now has confirmed that an e-mail account linked to the Archive File contained Intercepted E-Mails, which had been sent to the Individual 1 E-Mail Account, the Individual 2 E-Mail Account, and the Individual 3 E-Mail Account. Neither Individual 1, Individual 2, Individual 3, or defendant RICCIARDI were parties to any of the Intercepted E-Mails.

28. The topics of the Intercepted E-Mails related to City business.

G. DEFENDANT RICCIARDI CONFESSES TO LAW ENFORCEMENT²

29. On or about May 25, 2011, Special Agents of the FBI interviewed defendant RICCIARDI at his home. During the course of a lengthy conversation with the FBI, defendant RICCIARDI admitted to creating the Archive File and forwarding intercepted e-mails to others. Specifically, defendant RICCIARDI admitted that:

a. He was responsible for managing the entire IT infrastructure for the City and all Mayor's Office Employees.

b. In early 2010, defendant RICCIARDI created the Archive File without the knowledge or consent of the Mayor or the Mayor's Office Employees.

c. Defendant RICCIARDI set up the Archive File so that it would automatically forward all e-mails sent to the Mayor and two high-ranking Mayor's Office Employees to the Archive File.

d. Neither the Mayor nor any other Mayor's Employee knew or consented to having

² On or about May 17, 2011, another City employee, Johnathan Cummins, confessed to a Mayor's Employee that he had used the Archive File to download Intercepted E-Mails from the Mayor's e-mail account to the Archive File and then to forward those Intercepted E-Mails to several external e-mail accounts. On or about May 25, 2011, however, defendant RICCIARDI admitted that he, in fact, was the one who had created the Archive File and forwarded the Intercepted E-Mails, and that Cummins had falsely confessed because of the friendship shared between Cummins and defendant RICCIARDI. Upon further questioning, Cummins confirmed that he had confessed falsely.

their e-mails forwarded to the Archive File.

e. Defendant RICCIARDI created the Archive File, and then directed the Intercepted E-Mails to the Archive File, so that he could “spy” on the Mayor and the Mayor’s Office Employees, and determine whether his job was secure.

f. Defendant RICCIARDI forwarded certain Intercepted E-Mails to Individual 1 and Individual 2 at the request of Individual 1 and Individual 2.