

SP 7-0051 (3-98)		REPORT TYPE		DATE(S)/DAY(S) OF INCIDENT		INCIDENT NO.	
PENNSYLVANIA STATE POLICE		<input type="checkbox"/> INCIDENT		Varied		X43-33359	
CONTINUATION SHEET <input checked="" type="checkbox"/>		<input checked="" type="checkbox"/> OTHER Incident		TIME(S) OF INCIDENT		JUVENILE	
SUPPLEMENTAL INVESTIGATION REPORT <input type="checkbox"/>				Varied		DOMESTIC VIOLENCE <input type="checkbox"/>	
ATTACHMENTS:		<input type="checkbox"/> MISSING PERSON CHECKLIST		DISP.: <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> EXCEPTIONALLY CLEARED			
<input type="checkbox"/> FELONY CRIMES AGAINST THE PERSON		<input type="checkbox"/> STATEMENT FORM(S)		A <input type="checkbox"/> DEATH OF ACTOR		D <input type="checkbox"/> VICTIM REFUSED TO COOPERATE	
<input type="checkbox"/> VICTIM WITNESS ASSISTANCE GUIDE RECEIPT		<input type="checkbox"/> RIGHTS WARNING AND WAIVER		B <input type="checkbox"/> PROSECUTION DECLINED		E <input type="checkbox"/> JUVENILE IN CUSTODY	
<input type="checkbox"/> PROPERTY RECORD <input type="checkbox"/> OTHER				C <input type="checkbox"/> EXTRADITION DENIED		H <input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> MULTIPLE CLEAR-UP	
1. ORIGIN				2. DATE OF REPORT			
PAPSP3400 Greensburg				8/30/09			
3. OFFENSE				4. VICTIM			
Sexual Abuse of Children				Society			

On 7/23/09 I was instructed by Cpl. John LaRoche that he and I were going to proceed to St. Vincent's college on the following morning and meet with several members of the college concerning a possible child pornography investigation.

On 7/24/09 at 1000 hours I arrived at St. Vincent's college, accompanied by Cpl. John LaRoche. Upon arriving at the college we were met by Jack Perry, Assistant to the Arch Abbott. He related that the President of the College, Arch Abbott, and several other members were meeting with us. Perry then led us to the meeting room where everyone was introduced. In attendance were:

President H. James Towey  
Arch Abbott Douglas R. Nowicki  
Chief Information officer Eddie Dejthai  
Assistant to the Arch Abbott Jack Perry

Upon being introduced to everyone, President Towey then related that they had reason to believe that Father Mark Gruber, a professor and Monk at the college, was utilizing a college computer to view child pornography. He related that the discovery took place by the IT department when they reviewed his internet history. At that time several pages of websites was supplied to me and Cpl. LaRoche. I reviewed the internet history and found numerous websites that appeared to have a focus on young males. Many of the sites had the name "boys" in the URL address, such as the sites tenderboys.net, boyfluid.com, young-gay-boy-pics.com and boys-orgy.com . Several of the sites also had .RU and .CZ domains, which indicate they were registered in Russia and the Czech Republic. I personally know that Russia is known for the creation of Child Pornography. Many child pornography series, such as R@ygold have originated in Russia. After looking at the internet history I related that the websites did indicate the possibility of child pornography; however, the only way to confirm it would be to examine the computer system being used to access the websites. At that point Eddie Dejthia related that he was able to determine that a "wiping" program was being used on the computer system, and that he didn't think we would be able to access anything from the computer system. I related that the only way to determine that would be examine the machine, and that I believed we would be able to extract enough information to make a better determination if a crime had occurred. At that point Towey related that we had consent to examine the computer system.

Cpl. LaRoche then related that he would like for the opportunity to interview Gruber prior to seizing the computer system. We were told that arrangements would be made for us to interview Gruber.

On 7/24/09 at 1230 hours, myself and Cpl. LaRoche interviewed Mark Gruber in the office of the Arch Abbott. At the interview was myself, Cpl. LaRoche, Gruber, Nowicki and Perry. Cpl. LaRoche related that he would rather interview Gruber alone, but Gruber related that he would rather not be alone, and that he wanted the Arch Abbott present. We complied and began to interview Gruber. Gruber was asked about his internet history and whether he ever used the computer system to look at child pornography. Gruber did not answer the question directly and instead stated: "I would be surprised to know that websites contained child pornography". He was then asked if he was the one who used the computer system to look for young boys, to which he stated: "I don't think that is a relevant question". He was then informed that it was relevant since the computer system was used to access websites with the word boys in the domain name and we were trying to determine if the computer had been used to look at child pornography, and who was responsible. Gruber again stated that the question was not relevant and that he did not intend to answer it. He was then informed that he still never answered the question about looking at child pornography, which was the basis for the entire investigation, and again he stated that he would be surprised if child pornography existed on websites.

After the interview was completed, we related that we had received consent to examine the computer in his office and that Perry would be escorting us to his office to collect the machine. He related that he understood and accompanied us to his office.

Upon arriving in his office I found an IBM Lenovo Tower computer system in a common area attached to his office. The computer was not at his desk and was in a large open room. I then bumped the mouse and found that it was turned on, and that Gruber was logged into the computer system, and I was not prompted for a password to access the computer after turning off the screen saver. Refer to the following pictures:

I then seized the computer system and transported the computer back to PSP GBG for a forensic examination.

I removed the internal drive from the device and attached it to my forensic machine via the use of a SATA hardware write blocker. I then created a bit stream image of the device using Encase 6.10.2. The image is identical in every way, and includes slack, deleted, and unused space. To ensure that nothing is changed, the image is encapsulated, and if any of the data is changed in any way, the image file will not open. The following is the drive geometry and acquisition information:

<u>Device</u>				
Name:	X43-33359 St. Vincent Inv			
File Path:	G:\X43-0033359 St. Vincent Inv\image\X43-33359 St. Vincent Inv.E01			
Case Number:	X43-0033359 St. Vincent Inv			
Evidence Number:	X43A3-3247			
Examiner Name:	GKB			
Notes:	X43A3-3247 IBM Desktop			
Label:	Hitachi			
Model:	HDS721680PLA380			
File Integrity:	Completely Verified, 0 Errors			
Acquisition Hash:	4960b0ab4831c4cf66d74de0aa491ff7			
Verify Hash:	4960b0ab4831c4cf66d74de0aa491ff7			
GUID:	827b877b2a0deb48b4289d5a1033a9b6			
EnCase Version:	6.10.2			
Read Errors:	0			
Missing Sectors:	0			
CRC Errors:	0			
Compression:	Good			
Total Size:	80,032,038,912 bytes (74.5GB)			
Total Sectors:	156,312,576			
Disk Signature:	C547B3AA			
<u>Partitions</u>				
Code	Type	Start Sector	Total Sectors	Size
07	NTFS	0	147,974,715	70.6GB
12	Compaq Diag	147,974,715	8,321,670	4GB

I then examined the contents of the drive using Encase 6.10.2. My first function was to review any images or videos that were still saved to the drive. That review revealed numerous files but none that were notable. I then initiated several carve functions on the drive, including a "jpeg" carve and a video file carve. These carves yielded numerous results which I personally reviewed. The jpeg carve revealed several thousand files, many of which depicted young men, but none that fit the criteria of the "Sexual Abuse of Children" statute. I found the same results with a review of the video files.

After completing the video and image reviews, I then conducted a carve for any websites that may have been visited using the computer. Since I was informed that the computer was using a wiping program that deleted index.dat files (The file that holds internet history on Windows computer systems) I decided to conduct a keyword search on the hard drive for "http://www" and "https://www", these keywords would identify any website addresses, or even hyperlinks that may be found on the computer system. That search yielded thousands of results, many similar to the websites in the internet history provided by the college. I would then take the full URL and paste it into a web browser on my computer system, which would reveal the type of pages being viewed by the computer system. Of the sites that I reviewed, I did find images, videos and links to young nude men, but none that could be identified as under the age of 18 years of age.

Lastly, I conducted an e-mail analysis to determine if any pictures had been obtained via e-mail. That analysis revealed thousands of e-mails, including several different web based, as well as server based e-mail accounts. As I reviewed the e-mails, I found no notable files; however, it became apparent that the computer system was being used by more than just Gruber. I found several e-mail accounts on the computer system that appeared to belong to other students, or faculty members.

After my review was complete I spoke with Cpl. LaRoche, and District Attorney John Peck concerning the investigation. I relayed my findings, and my opinion that no prosecution should be sought since I was unable to substantiate that the computer had been used to view child pornography. Both of them concurred that no prosecution should be sought.

On August 4<sup>th</sup> at 1200 hours I returned to St. Vincent College and again met with Perry, Towey, Dejthai and Nowicki. At that time I relayed that a full investigation had occurred and that it was determined that no crime could be substantiated. I relayed that the investigation would be closed and that no further action would be taken by PSP. I also returned the computer system to Dejthai. At that time I was requested to conduct further examination to determine who was looking at any pornography, as well as identify the other e-mail accounts on the computer system. I then related that neither of those acts was a crime and therefore no further analysis would be completed.

On August 5<sup>th</sup> I spoke with Gruber via telephone and related that the investigation was being closed and no prosecution was being sought. Gruber requested a copy of the report and I related that he needed to obtain a subpoena duces tecum and serve it on the Commissioner of PSP.

Due to lack of evidence that a crime has occurred, this investigation to be closed.