

No. _____

FRANKLIN COUNTY

MUNICIPAL COURT

Columbus, Ohio

THE STATE OF OHIO

vs.

The Offices of the Ohio Department of Public Safety, located at 1970 West Broad Street, specifically within the computer servers/system that contain the email messaging system of said Department, and specifically within the computer hard drives of the computers of Joshua A. Engel and Pamela A. Bolton and specifically within the Blackberry messaging devices of Engel and Bolton,

SEARCH WARRANT

To seize from the computer servers/system email messages sent or received by Engel and/or Bolton, that are from an Ohio Inspector General address and from the computer hard drives of Engel and/or Bolton email messages sent or received by Engel and/or Bolton and any other notes or documents or images that are from an Ohio Inspector General address, and from the Blackberry messaging devices of Engel and/or Bolton all incoming and outgoing calls, text messages, voicemail messages between September 22, 2010 and September 29, 2010, that relates to Ohio Inspector General and any other data stored on or in

said Blackberry devices, and for purposes of this warrant, all of which relate to the intercept of email messages to or from the Office of the Ohio Inspector General, the Columbus Dispatch newspaper, former Bureau of Motor Vehicles Registrar Frank Caltrider, Dispatch reporter Randy Ludlow's personal AOL email account or other persons and the use or transmission of said intercepted messages to other person,

Filed 13 day of October, 2010

Clerk Franklin County Municipal Court Columbus, Ohio

By Rachel Foley Deputy

Ordered on Application of

Steven W. Schierholt
Assistant Prosecuting Attorney
Franklin County Prosecutor's Office

and

Affidavit of

Richard Radcliff
Secret Service Agent/Investigator
Franklin County Prosecutor's Office

WARRANT TO SEARCH

THE STATE OF OHIO
FRANKLIN COUNTY,

ss.

CITY OF COLUMBUS.

To Lieutenant Richard Baron, Ohio State Highway Patrol, 1970 West Broad Street, Columbus, Ohio, Greetings:

WHEREAS, there has been filed with me an affidavit, a copy of which appears following, these are, therefore, to command you in the name of the state of Ohio, with the necessary and proper assistance, to enter, in the daytime into premises owned, occupied and used by the State of Ohio where evidence of designated state offenses are being kept, the premises known as

The Offices of the Ohio Department of Public Safety(DPS), located at 1970 West Broad Street, Columbus, Ohio and more specifically within the state owned computer servers/system that contain the email messaging system of said Department, and more specifically within the state owned computer hard drives of the computers that were assigned to Joshua A. Engel and Pamela A. Bolton, and also specifically within the Blackberry messaging devices formerly assigned to Engel and Bolton that are sequestered at DPS,

and to execute a search of the said premises within 72 hours after the issuance of this warrant. The said premises being in the City of Columbus, Ohio, aforesaid, and there diligently search for (the said goods, chattels, or articles), to wit:

Data relating to the interception of email messages to or from the Office of the Ohio Inspector General(OIG), the Columbus Dispatch, former Bureau of Motor Vehicles Registrar Frank Caltrider, Columbus Dispatch reporter Randy Ludlow. Such data is specifically found as follows: from the computer servers/system all email messages sent or received by Engel and/or Bolton, and from the computer hard drives of Engel and/or Bolton all email messages sent or received by Engel and/or Bolton and any other notes or documents or images, and from the Blackberry messaging devices of Engel and/or Bolton subscriber information, all incoming and outgoing calls and any text messages or voicemail messages between September 22nd and 29th, 2010. The search and seizure of said data will be executed so as to avoid personal and attorney client material.

and that you bring the same or any part thereof, found on such search, forthwith before me, or some other judge of this court having cognizance thereof, to be disposed of and dealt with according to law, after which the seized information and data shall be kept by Lt. Baron and/or the applicant. To the extent that it is required by law this search warrant should also be considered a court order 18 U.S.C. Sec. 2703.



Judge Franklin County Municipal Court, Columbus, Ohio

Date: 10/7/2010 Time: 3:43pm

SEARCH - WARRANT AFFIDAVIT

THE STATE OF OHIO
FRANKLIN COUNTY,
CITY OF COLUMBUS



ss. Franklin County Municipal Court, Columbus, Ohio

FILED
OCT 12 2010
COUNTY COURT

Before me, the undersigned, a Judge of Franklin County Municipal Court, Columbus, Ohio personally appeared the Applicant for the search warrant Steven W. Schierholt, Assistant Prosecuting Attorney for Franklin County, Ohio and Affiant Richard Radcliff, Secret Service Officer/Investigator, Franklin County, Ohio, who provided a sworn statement in support of the application for the search warrant and who being duly sworn according to law, depose and say that based upon the information set forth in this sworn attachment the affiant submits that probable cause exists for evidence of various state offenses that include violations of Sections 102.03(B), 121.47, 2913.04(B), 2921.44(E), and 2933.52 ORC regarding the interception and/or disclosure of OIG emails and confidential investigative material are being kept in a certain building or room or location or vehicle known as The offices of the Ohio Department of Public Safety, located on State owned premises at 1970 West Broad Street, specifically within the State owned computer servers/system that contain the email messaging system of said Department, and specifically within the State owned computer hard drives of the computers of Joshua A. Engel and Pamela A. Bolton and specifically within the State owned Blackberry messaging devices of Engel and Bolton in said City of Columbus, Ohio in violation of sections 102.03(B), 121.47, 2913.04(B), 2921.44(E), and/or 2933.52 ORC regarding the interception and/or disclosure of OIG emails and confidential investigative material.

The facts upon which such belief is based are as follows: _____

SEE ATTACHMENT NO. 1

Sworn to before me and subscribed in my presence this 7th day
of October, A. D. 20 10.

[Signature]
Judge Franklin County Municipal Court, Columbus, Ohio

Time: 3:43 pm

ATTACHMENT NO. 1

The facts upon which such belief is based are as follows:

On April 29, 2010, the Franklin County Prosecutors Office and the Columbus City Prosecutors Office received copies of the Ohio Inspector General's (OIG) report relating to the aborted contraband delivery at the Governor's Mansion that occurred in January 2010. Steven W. Schierholt, Assistant Franklin County Prosecuting Attorney and Lara N. Baker, Chief City Prosecutor, have since that time been conducting a due diligence review of said report for violations of law. Richard Radcliff is a Secret Service officer/investigator in the County Prosecutors office and has been assisting in that review. During that review, in response to a lawful request, the Ohio Department of Public Safety (DPS) provided above Prosecutors with email messages of former DPS Chief Legal Counsel Joshua A. Engel and DPS Staff Attorney Pamela A. Bolton. Through review of such emails it was discovered that at least from January to June 2010, the period emails were requested, that all email messages originating from the OIG and sent or copied to any employee of DPS had been intercepted at the DPS server and secretly forwarded to DPS legal and IT personnel in addition to the DPS addressee. Two IT personnel that were interviewed by above Prosecutors along with Affiant, David Brown and Chris Ramsey, stated that a filter or rule was placed on the DPS server at the request of Engel, and that the effect of such rule or filter was to simultaneously and contemporaneously forward or direct any email from an OIG address to Engel, Bolton, Brown or Ramsey when the email had been sent or copied to a DPS email address. Observed among the Bolton emails provided were email headers/routing messages that reflected the interception and path of the OIG email with all addressees and the subject of the forwarded email, which included sensitive and confidential information regarding investigations being conducted by the OIG. Actual email communications, including attachments in some cases, were observed to have been captured by the rule or filter placed on the DPS server at the direction of Engel and forwarded to Ramsey or Bolton; and again, some of the intercepted email communications observed to have been delivered to Ramsey and Bolton as a result of the rule or filter contained highly sensitive and confidential information relating to ongoing criminal investigations, some of that information being cloaked by operation of state or federal rules of criminal procedure regarding the secrecy of grand jury information.

After observing such emails Affiant and above Prosecutors conducted interviews with DPS legal and IT personnel relating to this secret interception of these email messages. DPS Staff Attorney Pamela A. Bolton and the IT Security personnel Brown and Ramsey informed Affiant and above Prosecutors that former DPS Chief Legal Counsel Joshua A. Engel had instructed them to create in the case of the IT personnel, and monitor in the case of Bolton, the interception of the OIG emails. Bolton advised Affiant and above Prosecutors that for a period after first being instituted Engel had the OIG emails directed to him, then on 11-5-09 Engel advised IT personnel and Bolton she would be receiving them thereafter.

In addition, it was learned through observing emails and the statements of Engel and DPS IT personnel that Engel had also requested a filter or rule on the DPS server regarding emails between the Columbus Dispatch newspaper and DPS addresses, between former Ohio Bureau of Motor Vehicles Registrar, Frank Caltrider and DPS addressees, as well as on emails between Dispatch reporter Randy Ludlow's personal AOL email account and DPS addressees.

As a result of this discovery, on September 29, 2010, the above Prosecutors interviewed Engel at the office of his Attorney, Larry H. James. Engel confirmed that he

had instructed Bolton and DPS IT personnel to create and monitor the interception of emails originating from OIG and the Dispatch. Engel advised Prosecutors that he did not have the independent authority to request/authorize the email rule or filter that resulted in the interception of the emails, and that he dually reported to the Director of Public Safety for administrative purposes and to Governor's Chief Counsel Kent Markus on legal issues relating to DPS. Engel stated that the OIG interception was requested by him after he sought and obtained authority from then Director of Public Safety Henry Guzman. Engel further stated he did not seek specific authority to continue the filter from Cathy Collins-Taylor, Guzman's successor, but that after she became DPS Director that he had informed her of the OIG filter. Engel related that he did not seek authority for the OIG filter from Chief Legal Counsel Markus before instituting the request to Guzman regarding the OIG filter but that he may have informed him at some point that the OIG emails were being captured.

In an interview that was conducted by Schierholt after speaking with Engel, former DPS Director Guzman denied approving or being aware of the OIG filter that intercepted emails directed to DPS, and stated that he was unaware of the scope and purpose of any Dispatch intercept except for purposes of improving DPS response to public record requests from the Dispatch. Former DPS Director Collins-Taylor has not been interviewed to date, although a request has been made to do so through her counsel. Present DPS Director Thomas Stickrath was unaware of the OIG intercept and discharged Engel on September 29, 2010. Bolton resigned her position on the same date. Both Engel and Bolton became aware of the Prosecutors inquiry prior to their terminations, prosecutors first learning of the OIG intercept on 9-22-10, and had the opportunity to make phone calls, receive voicemails send and receive emails on the subject of the OIG interception, and for that reason authority to search the Blackberry's for emails, voicemails, and texts for the 9-22-10 to 9-29-10 period is sought. DPS had provided these smart phones, or Blackberries to both Bolton and Engel, and these items were sequestered by Stickrath at the request of above Prosecutors along with the State computers assigned to Bolton and Engel.

Computer hard drives and Blackberry devices keep, maintain and store emails, and the Blackberry stores recent text messages and a record of phone calls made or received. Those devices assigned to Bolton and Engel would contain such information that should be reviewed to confirm the existence of the OIG filter, the interception of OIG emails and any other communications to or from Bolton, Engel or others on the subject.

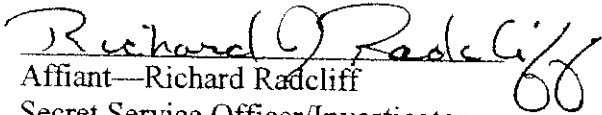
The Ohio Inspector General conducts investigations, interviews witnesses, drafts and issues reports regarding the misconduct of state employees, and such files may be in whole or part confidential pursuant to statute, and email communications regarding sensitive or confidential information, including items subject to grand jury secrecy, are protected from disclosure. The OIG is currently involved in sensitive task force investigations with other state and federal law enforcement agencies, the Ohio Ethics Commission, and local prosecutors offices. Some of the emails retrieved and observed by affiant and above prosecutors that were intercepted due to the Engel OIG email filter or rule illegally intercepted and disclosed confidential law enforcement information on pending investigations to DPS IT and legal personnel. This illegal interception/disclosure would occur when an email originated from an OIG source and was directed to one or multiple persons which included as an email addressee one or more State Patrol investigators, or officers in the chain of command, involved in an investigation or on such state or federal task forces.

The emails from the DPS server, including the backup or archives, from the hard drives of Bolton or Engel, text messages, phone calls on the Blackberry are all information or evidence that are sought pursuant to this Search Warrant. It is necessary

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to obtain and review such intercepted emails from the time the rule or filter was created for OIG originated emails, believed to be in the spring or summer of 2009, to September 2010 when the filter was terminated in order to determine the extent of this security breach as well as collect evidence of statutory violations. Based upon the information set forth in this sworn attachment the affiant submits that probable cause exists for various state offenses that include violations of Sections 102.03(B), 121.47, 2913.04(B), 2921.44(E), and 2933.52 ORC regarding the interception and/or disclosure of OIG emails and confidential investigative material and by seizure seek to stop further unauthorized distribution of confidential information and determine the number and extent of unauthorized interceptions/disclosure of confidential investigative material.


Affiant—Richard Radcliff
Secret Service Officer/Investigator
Franklin County, Ohio Prosecutors Office

Sworn to and subscribed before me this 7th day of October, 2010.



Judge, Franklin County Municipal Court
Columbus, Ohio

IN THE COUNTY OF Franklin

INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH WARRANT:

STATE
VS.
OFFICES AT THE OHIO DEPARTMENT OF
PUBLIC SAFETY

PAGE NO. 1 of 1

CITY
CLERK

QTY.	DESCRIPTION
1	Verizon Call records for 614-204-6086.
1	Verizon Call records for 614-406-5457.
1	Digital Forensic Image of Dell Optiplex 755 S/N: 5H91NG1.
1	Digital Forensic Image of Dell Inspiron E6500 S/N: 9MLNTL1.
1	Digital Forensic Image of Engel' Blackberry SD card.
1	The State owned server and with the aid of IT personnel identified emails
	intercepted with a rule or filter requested by Joshua Engel produced copies,
	such copies on compact disks.
1	Blackberry Curve 8530 ESN HEX 80BC3651, which was held pending seizure under authority of search warrant. Device remains in custody in anticipation of receipt of requested information and secondary search warrant.
1	Blackberry Curve 8530 ESN HEX 805F1CFF, with SD Card, which was held pending seizure under authority of search warrant. Device remains in custody in anticipation of receipt of requested information and secondary search warrant.

Sgt. R. C. [Signature]
10/13/2010
10:56

[Signature]
10/13/10
10:50 am

IN THE COUNTY OF Franklin

STATE

VS.

OFFICES AT THE OHIO DEPARTMENT OF PUBLIC SAFETY

FRANKLIN COUNTY COURT

The itemized inventory sheet which is attached hereto consisting of 1 pages is a listing of items seized in the search of OFFICES AT THE OHIO DEPARTMENT OF PUBLIC SAFETY known for address purposes as 1970 West Broad Street, Columbus, Ohio.

A copy of the search warrant was served in the below manner:

1). A copy of the search warrant was presented to _____ of _____ city of _____ state of _____.

2). A copy of the search warrant was left at the Office of Director Thomas Stickrath Department of Public Safety, 1970 West Broad Street, Columbus, Ohio as he was not present to serve.

A copy of the inventory was served in the below manner:

1). A copy of the inventory was presented to _____ of _____ city of _____ state of _____.

2). A copy of the inventory was left at the Office of Director Thomas Stickrath Department of Public Safety, 1970 West Broad Street, Columbus, Ohio as he was not present to serve.

[Signature] Inventory Officer

[Signature] Witness or Receipt

Date: 10/13/2010

Time: 1050