

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

KIRK EADY

Mag. No. 14-6502

CRIMINAL COMPLAINT

I, Linwood Bridgeforth, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least on or about March 8, 2012 to on or about July 6, 2012, in the District of New Jersey and elsewhere, defendant

KIRK EADY

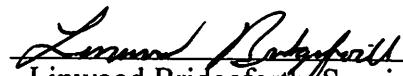
intentionally intercepted, endeavored to intercept and procured another person to intercept and endeavor to intercept the wire, oral, and electronic communications of others.

In violation of Title 18, United States Code, Section 2511 (1)(a) and Section 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:


SEE ATTACHMENT A

continued on the attached page and made a part hereof.



Linwood Bridgeforth, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
January 14, 2014, at Newark, New Jersey
HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

1. I, Linwood Bridgeforth, am a Special Agent with the Federal Bureau of Investigation (“FBI”). I have held this position for approximately 9 years. I have been involved in this investigation of illegal wiretapping and other offenses. I am fully familiar with the facts and circumstances set forth herein based on my own investigation, my conversations with law enforcement officers, and my examination of reports, documents, and items of evidence, including recordings. Because this Attachment A is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of this investigation. Statements attributable to individuals contained in this attachment are related in substance and in part.
2. At all times relevant to this complaint, defendant Kirk Eady (“Eady”) was the Deputy Director of the Hudson County Correctional Center (the “HCCC”). The HCCC is a correctional facility located in Kearny, New Jersey and houses over 2,200 inmates. As Deputy Director, Eady’s responsibilities included, but were not limited to, reviewing and overseeing the disciplinary procedures taken against correction officers. Eady also had the authority to approve, deny or modify the disciplinary recommendations by HCCC sergeants against HCCC officers. As Deputy Director, Eady also was a member of the HCCC’s executive management and, as such, participated on the management side of labor negotiations between HCCC and the Policemen’s Benevolent Association for the HCCC’s law enforcement personnel (“PBA”) which was the union that represented the HCCC officers.
3. According to the investigation conducted by law enforcement, Eady accessed a publically available website (“the website”) which provided paying customers with the ability to place telephone calls to individuals while hiding the telephone number from which the call originated. The website also gave its customers the ability to call and record two people simultaneously and make the telephone call appear as though each person, and not the website customer, initiated the telephone call. The website labeled this capability as its “Evil Operator” service. Using the Evil Operator service on the website, Eady recorded several telephone conversations between individuals without their permission or knowledge that he was doing so.
4. Specifically, law enforcement’s investigation revealed that on March 8, 2012, Eady paid the website \$11.95 using his paypal account which was linked to his Bank of America checking account in New Jersey. A check of the publically available information on the website revealed that for \$11.95 a customer could purchase their “newborn” package which gave the purchaser 55 tokens which could be used to purchase various services, include the Evil Operator service on the website. In addition to that payment to the website, law enforcement learned of at least four additional payments of \$5.95 each made by Eady to the website from his paypal account from on or about July 26, 2010 to on or about August 26, 2011.
5. Law enforcement also obtained information from the website which demonstrated that on at least 12 occasions the user account associated with Eady, with email address kirk033@[provider].com accessed the Evil Operator feature of the website. Based on the information provided to law enforcement by the website, when Eady accessed the Evil Operator feature of the website, the telephone numbers that he inputted between on or about March 8, 2012 and on or about July 6,

2012, were telephone numbers associated with Victim 1, Victim 2, Victim 3 and Victim 4. Victims 1, 3, and 4 were all employees of the HCCC and members of the PBA while Victim 2 operated a website that had posted articles which were critical of Eady's performance as Deputy Director. Victims 1,2,3 and 4 were all residents within the District of New Jersey. Further investigation revealed that the IP address used to access this service was associated with the Hudson County Management Information System Department which is located in Jersey City, New Jersey and handles the computer systems for Hudson County municipal buildings (the "Hudson County MIS"). Using the information provided to law enforcement by the website, law enforcement was able to obtain a copy of the recorded telephone conversations between the victims which Eady recorded between March 2012 and July 2012. After obtaining these recordings, law enforcement verified that the participants in the conversations were Victims 1, 2, 3 and 4. Victims 1, 2, 3, and 4 have indicated to law enforcement that Eady did not have permission to record or otherwise monitor their telephone conversations.

6. In or about June 2012, Victim 1 engaged in a recorded conversation with an individual ("Individual 1") and subsequently turned that recording over to law enforcement. A review of this recorded conversation revealed that, Individual 1 informed Victim 1 that Eady had admitted to Individual 1 that he possessed recordings of individuals. Also, according to Individual 1, after Eady admitted this, Eady used his cellular telephone and played a recording of a telephone conversation of two parties. Individual 1 told Victim 1 that one of the voices sounded like Victim 1, but Individual 1 was not certain.
7. Additionally, law enforcement learned in June 2012 from a cooperating witness ("CW1") that in or about April 2012, Eady admitted to CW1 that he recorded Victim 1 because Victim 1 was in the PBA and Eady wanted to obtain private information about the PBA.
8. Law enforcement also learned in June 2012 from CW1 that Eady used the Evil Operator service on multiple occasions. CW1 informed law enforcement that Eady admitted and described to CW1 how he recorded the conversations between Victim 1 and Victim 2, as well as between Victim 1 and Victim 3. Eady's description mirrored the process necessary to use the Evil Operator service. According to CW1, Eady admitted to CW1 that he recorded Victim 2 because Victim 2 was the owner and operator of a website which published information about Eady that Eady did not like.
9. Under the supervision of law enforcement, between on or about April 2012 and on or about September 2012, CW1 made several recorded telephone calls to Eady. During these conversations, Eady admitted that he knew how to make two telephone numbers call each other and record the ensuing conversation. He further admitted to CW1 that when the two numbers called each other, each telephone number would appear on the other persons "Caller ID" so that it would look like they called each other, but it would really be Eady who initiated the telephone call. Eady also admitted that he had to pay to make two telephone numbers call each other and record the conversation without the permission of the parties to the telephone conversation.