



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL  
**Final Report**  
**October 14, 2008**

**DOT SUPERVISOR FACES DISCIPLINE AND PROSECUTION**  
**AFTER ACCESSING SEX WEB SITES AT WORK**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that an employee of the New York State Department of Transportation (DOT), Jack Hazen, misused his state-issued computer by accessing inappropriate Web sites containing images of sexually explicit material. This finding was referred to DOT for disciplinary action. DOT advised the Inspector General that it is pursuing disciplinary action against Hazen and that it referred Hazen's conduct to the Delaware County District Attorney's Office.

ALLEGATION

On March 20, 2008, the DOT advised the Inspector General's Office that Highway Maintenance Supervisor Jack Hazen was suspected of misusing his state-issued computer and possessing sexually explicit images.

SUMMARY OF INVESTIGATION

**Background**

Jack W. Hazen, Sr. commenced employment with DOT in 1988 as a Bridge Repair Assistant. In 1997, he was promoted to Bridge Repair Supervisor and in 2003 he was promoted again to his current position of Highway Maintenance Supervisor II. Hazen works at the Delaware South Residency, located in Hancock, New York. His duties include supervising several maintenance personnel on highway projects.

DOT has promulgated a policy entitled *Internet Access Policy*, which reads, "Access is provided to enable information exchange that facilitates NYSDOT's official work. Infrastructure used to interact with the Internet, such as computer hardware, software, networks, related equipment, facilities and/or services, are provided solely for NYSDOT business purposes." Further, under "Principles of Unacceptable Use" it reads,

“Information Users of NYSDOT shall NOT use NYSDOT’s Internet access or services for: Intentional transmission, access, display, or receipt of threatening, obscene, sexually explicit or harassing materials or correspondence,” among others (emphasis original).

In addition, each time a user logs on to a DOT computer, an admonition regarding computer misuse appears, which reads:

NYSDOT computer equipment and systems are provided for official use only. By signing on you are agreeing to comply with NYSDOT’s policies and procedures related to computer usage. Please note there is no right of privacy when using any DOT system. Your system use may be monitored and logged at any time.

DOT employs a Web filtering service and software program to regulate and monitor Internet usage by its employees. The service maintains a database of Web sites that employees are not permitted to access, including sites that contain sexually explicit content. The software prevents DOT employees from accessing sites that are included in the database and notifies an employee attempting to access such a site that the site is prohibited. Although the list is frequently updated, new Web sites are constantly being created, and at any time there may be Web sites containing sexually explicit content that are not listed in the database of prohibited sites. Regardless of whether a site is listed in the database, the filtering software records whether the DOT employee accessed or attempted to access the site.

### **Investigation into Hazen’s Internet Usage**

DOT Information Security, utilizing the Web filtering software, identified Hazen as having attempted to access numerous Web sites containing inappropriate sexual material that were listed in the database of prohibited sites and categorized as “Adult/Sexually Explicit.” As these sites were categorized as inappropriate, Hazen was barred from viewing their contents. In addition, the Web filter created a log that listed Web site addresses successfully accessed by the user and Web site addresses of “pop-up” or “pop-under” advertisements contained on the Web site being accessed by the user. A review of this log revealed that Hazen had successfully gained access to Web sites that appeared to contain inappropriate sexual material but were not yet categorized as inappropriate by the Web filtering software. DOT conducted a review of Hazen’s Internet activity for the period January 1, 2007 through February 19, 2008, and based on the excessive inappropriate Internet activity, referred the matter to the Inspector General on March 19, 2008.

On May 1, 2008, the Inspector General covertly copied the contents of Hazen’s desktop computer and conducted a computer forensic examination on the copy. This review revealed a dearth of Internet history and images commonly associated with Internet activity, and the results were not consistent with the activity captured by the Web filter. More specifically, although DOT’s Web filter recorded almost daily inappropriate activity by Hazen, the Inspector General found few images and artifacts of his Internet activity on Hazen’s computer. The limited number of recovered images and activity identified in the Inspector General’s analysis appeared indicative of a user purposely

concealing his actions. Subsequently, the Inspector General began monitoring Hazen's Internet activity, and obtained further evidence that Hazen intentionally searched for inappropriate material.

On July 22, 2008, the Inspector General's Office interviewed Hazen. Hazen initially denied having accessed sexually explicit Web sites, but later admitted to it after being confronted with the evidence described above.

When asked if he took any measures to conceal his activity, Hazen admitted to "deleting" his entries. He said, "I knew that you are not supposed to be doing what . . . I was doing." Later during the interview, Hazen demonstrated to the Inspector General the steps he took in an attempt to cover up his actions.

## FINDINGS AND RECOMMENDATIONS

This investigation determined that DOT employee Jack Hazen violated DOT's Computer Use Agreement by using the Internet for non-business purposes and accessing various Web sites containing sexually explicit material. Hazen used specific, sexually-explicit search terms to seek out and access inappropriate sexual material, and he took deliberate measures to conceal his actions. The Inspector General recommends that DOT take the appropriate disciplinary action against Hazen.

DOT advised the Inspector General that it is pursuing disciplinary action against Hazen and that it referred Hazen's conduct to the Delaware County District Attorney's Office.