

BURLINGTON POLICE DEPARTMENT

Detective Services Bureau

Investigative Report

18BU021077

Detective Thomas Chenette

- 1) I am a full time Law Enforcement Officer employed by the Burlington Police Department. I was certified by the Vermont Criminal Justice Training Counsel in November, 2005. I am currently assigned to the Detective Services Bureau as a General Investigator and I was previously assigned to the Detective Services Bureau as a Drug Investigator in 2012. I have been a member of the Vermont Internet Crimes Against Children Task Force since 2011. I have conducted and/or participated in numerous investigations and search warrants that have resulted in the seizures of property, controlled substances, persons, and digital evidence.
- 2) On 9-12-18, Ciara Kilburn (DOB 7-9-93) came to the Burlington Police Department to report she had just learned she and her sister were the victims of a Voyeurism that occurred at 208 Flynn Ave in Burlington in November of 2012.
- 3) The following is an excerpt from the supplemental report of Officer Wu, who was the Officer initially assigned:
 - a. *On 9/12/18 at approximately 11:56 hours, I met with victim, Ciara Kilburn (7/9/93). She was hysterical and distraught over a voyeurism that occurred in 2012.*
 - b. *I met with Ciara and Sgt. Petralia sat in on the interview. In a sworn recorded audio statement, Ciara advised that her friend Allie McCausland(*unknown spelling) messaged her that a friend had found a video online with her and her sister Brona Kilburn undressing.*
 - c. *Ciara advised she was messaged the hyperlink that came from a website on Xvideos.com. Ciara stated she watched the video and identified the location and the date and time from an old email. Ciara advised that it was the Saturday in November after the 8th that Bill Simmons, her professor at CCV, teaching a film class, asked her to come after hours with a friend to film a commercial. She stated she was instructed to bring several outfits to change into and be filmed dancing in different seasons. Ciara advised she brought her sister Brona(5/16/95), who was 17 years old at the time. Ciara stated she was told to call Simmons to have him open the locked doors to VCAM, Vermont Community Access.*

- d. Ciara advised VCAM was located at 208 Flynn Ave and Simmons was still the director of the business, she stated she called down to VCAM and spoke to a receptionist. Simmons was at lunch but called her back on 324 5088 and she confronted him via telephone about the recording and she stated he was more speechless and had no response and told him she was at the police.
- e. Ciara advised that Simmons directed her and her sister to the storage room to change and no one had permission to film them as they were topless and changing.
- f. Ciara described Simmons as approximately 6ft, over 200 lbs with a black salt and pepper beard and hair. She stated Simmons also friended her on facebook after the CCV class.

4) Early that afternoon, Ofc. Wu and Sgt. Petralia came to me and briefed me on the case. I reviewed the video using the links Kilburn provided. There were two videos that showed the Kilburn sisters in different stages of undress. They were identified as "Backstage Magic" and were part of a series called "Meet the Creeper," or "MTC." The series depicted voyeurism of females who were partially or fully nude in areas like changing rooms or bathrooms. There was a watermark moniker for "Pornoplague.com" in the corner, which I later found to be a private pornographic website with paid membership. The two videos had been viewed nearly a half million times and had been posted several months earlier. Kilburn and I later found the video on several other websites under the same title.

5) Officer Wu provided me with emails sent to him by Ciara Kilburn. They were a series of emails between her and Simmon from November of 2012. The following is documentation of that conversation:

a. On Nov 8, 2012, at 11:49 AM, Bill Simmon wrote:
hey,

Wondering if you'd be up for shooting something at the VCAM studio on this coming Saturday evening. One idea I had could be done pretty quickly. I would shoot you in the studio in wildly different "looks" -- happy dressed-up, sullen autumnal, freezing winter, crazy party, hot summer day, some odd costume, business professional, religious devotee, etc. We'd see a few seconds of each and the edits get quicker and quicker until it's just single frames flashing by and the tag line is something like "VCAM: good for any occasion." or "VCAM fits all your moods."

Anyway, good times would be Saturday, or maybe Tuesday evening. A friday during the day could possibly work too, but that would have to wait until after Thanksgiving.

Let me know.

Cheers,
Bill

b. On Nov 8, 2012, at 11:50 AM, Ciara Kilburn wrote:

I can do Saturday and Friday's I'm not really free until four.

c. On Nov 8, 2012, at 11:52 AM, Bill Simmon wrote:

Would Saturday at 7 work? And can I get you to raid your closet? :)

d. On Nov 8, 2012, at 11:53 AM, Ciara Kilburn wrote:

Seven will work and tell me some things you'll need and I'll find them. I even have access to Sierra's. Her mom used to own a second hand clothing store and still has a lot left

e. On Nov 8, 2012, at 1:56 PM, Bill Simmon wrote:

okay, we need at least 10 completely different outfits head-to-toe. Here's a list you can shoot for:

Formal wear - evening gown, something you'd wear to a wedding (maybe a couple of these for options)

autumnal clothes - jacket, scarf - cozy

winter outerwear - bulky

party/club clothes - sleek, nightclub, etc.

hot summer - beach wear and/or shorts tube tops, sarongs... (bring options)

weird halloween costume - Sierra's dinosaur would be funny

business suit?

home cozy - pjs, sweat pants, etc. big fuzzy slippers? (options)

couple other changes of regular street clothes

Anything else you think would be good. You get what I'm going for.

Also, you'll need to be able to do really quick hair changes -- just up and down, keep it basic. Bring a mirror. We're not going to worry about makeup or whatever -- too time consuming. I'm hoping got do this in an hour or so.

Sound good? VCAM will be closed so I'll need to you call or text when you're 5 minutes away (or leaving your house or whatever) so I can unlock the door for you -- I may be buried in the studio.

Should be fun,

Bill

f. On Nov 9, 2012 12:36 PM, "Bill Simmon" <billsimmon@gmail.com> wrote:

hey, just checking in on this. You good for tomorrow? Any possibility of pushing to 8pm? If not no worries. 7 can work. Let me know.

Looks like I've got Connor coming in Tuesday.

Bill

g. On Nov 9, 2012, at 12:41 PM, Ciara Kilburn wrote:

I can do eight just earlier would be easier, is anyone going to be there when i am?

h. On Nov 9, 2012 12:44 PM, "Bill Simmon" <billsimmon@gmail.com> wrote:
just me, I think. VCAM will be closed, so text or call right before you come so I can leave the door unlocked for you. Want to say 7:30? I have to pick my wife up from work and I wouldn't want you to get there and me not be there yet! I can probably make 7 but 7:30 is safer.

Bill

i. On Nov 9, 2012, at 12:46 PM, Ciara Kilburn wrote:

Okay seven thirty is good, do you mind if i bring a friend to help with all the clothes

j. On Nov 9, 2012 at 12:48 PM, Bill Simmon wrote:

Feel free! The more, the merrier. Warn whoever you bring it might be boring. :) And if you bring Sierra I might press her into service too.

B

- 6) Officer Kratochvil and I went to Vermont Community Access Media (VCAM) where William (Bill) Simmon was the Business Manager. It should be noted a full two hours had passed since Kilburn had called VCAM, telling them a video of her from 2012 was on a pornographic website. She had spoken to Simmon directly, so he was aware of the allegation.
- 7) Simmon said he had spoken to Kilburn on the phone and was unsure what her problem was as she was upset, crying, and said something about police. He said she was a former student of his. I asked him if he recalled a photo shoot involving her years ago and if anyone helped him during it. He said it was just him and the Kilburn sisters. He said he was "toying with the idea of doing some promotional spots." He said they came in for a "green screen" shoot that took place at the VCAM studios. I asked if he ever used the footage and he said he did not because the colors they wore clashed with the green screen background, which was actually blue. I asked where they changed clothing during the shoot and he said they had used the bathroom down the hall and a storage room, which he pointed out to us.
- 8) I asked how often he did photo shoots with students. He said it was not often, and he could only recall one other time with a student named "Connor" in 2012. He described the photo shoot with Kilburn as a "one off" that he had not done since. I asked if the shoot was officially sanctioned by VCAM or if he did it on his own. He said that was hard to answer as it was "VCAM related" but he did not believe he had to get permission to do it.
- 9) Officer Kratochvil and I searched the storage room Simmon identified. After Simmon stepped out, I compared the room to still frames taken from the illicit video. I found several consistencies, including a mannequin bust stand, the doorway, and shelving that was unchanged. It was clearly the same space from the video. A wall had since been built to divide the space and additional shelving had been installed. We searched the room and were unable to locate any evidence of hidden cameras within the space. A thorough search of the women's bathroom, to include a shower/changing area, was also completed with no cameras being located.

- 10) I interviewed Executive Director Seth Mobley. He said he had not been alerted to any suspicion of wrongdoing by staff and he was not aware of any allegations in the past. I showed him the still frames of the space where the crime occurred and he showed us the area and pointed out how it had been renovated in 2015 or 2016. He said there had never been any allegations of wrongdoing by Simmon that he was aware of. He advised Simmon shares an office space with him and showed me the space. There were multiple hard drives and a large iMac computer that Mobley advised belonged to VCAM. Simmon had his own equipment mixed in with the Company owned.
- 11) I consulted with Commander Raymond of the Internet Crimes Against Children Task Force (ICAC) via phone. The decision was made not to seize the devices owned by Simmon as the underlying crime was beyond the statute of limitations and therefore not enough probable cause for a search warrant. I paused the audio recording during this conversation.
- 12) Shortly after speaking with Commander Raymond, I reengaged Simmon and asked for consent to search his devices in an effort to clear him from any wrongdoing. He denied consent for any devices, including those owned by VCAM, saying he had personal information stored on them. I asked what was so personal on his work computer and he replied he had used his personal email on the device, but further was not philosophically inclined to consent to any search. Simmon sorted out the devices that belonged to him and the remainder, including the desktop iMac, were seized. I provided Mobley with an inventory of the seized equipment and he gave me a copy of the employee handbook covering their equipment usage policy. They deferred consent to search the seized devices to their attorney.
- 13) Before leaving VCAM, I interviewed employee Jude Domski, who answered the phone call from Kilburn earlier that day. She said Kilburn was upset and asked to talk to [Mobley] but he was not present. She explained she was a former student of Simmon's and she and her sister had been asked to come in for a shoot, during which they changed in a closet area and a recording of it showed up on a "porn" site. She said she took her information down and sent a text message to Simmon, briefly describing the conversation. She showed me the message from 1221 hours that afternoon. She said Simmon asked for Kilburn's number 5 minutes later. She said she did not inform Mobley. It should be noted this was contradictory to the statement of Simmon that he was not aware of Kilburn's complaint because she was too distraught to explain it on the phone.
- 14) On 9-13-18, I contacted the website "XVideos.com", which is hosted in Czechoslovakia, via email asking them to remove the video as it depicted child pornography. It should be noted Brona Kilburn was 17 years old at the time video was taken. Soon after, they voluntarily removed the videos. I also contacted "Pornoplague", which I found to be a member website that took credit for the "Meet the Creeper" series moniker. They did not respond.
- 15) On 9-14-18, I consulted Deputy States Attorney Dasano about this case and possible criminal charges we could pursue. It was determined there were no charges that fell within the statute of limitations, unless more recent evidence could be found on the devices.
- 16) Later that day, I emailed Seth Mobley in order to obtain consent to search the devices. He provided me with information for their Attorney, who later gave written consent for a search of the devices.

17) On 9-17-18 and 10-30-18, Mobley met with me and turned over several devices that were located by VCAM after Simmon was terminated (as a result of an internal investigation) and they cleaned out his office area. An inventory was completed for all of these items.

18) On 9-17-18, Mobley informed me employee Matt Goudey had just informed him that about 6 years earlier, Simmon gave him an external hard drive that he thought was empty, but contained "pornography" in the deleted section of the device. He turned over the device in question, but a later search found no existing contraband as it had been rewritten many times in the course of business.

19) On 10-12-18, I conducted an openly audio-recorded interview with Matthew Goudey at the Burlington Police Department. He said he had worked with Simmon at VCAM since 2007 and Simmon was his indirect Supervisor. Goudey is the Digital Media Manager for VCAM. He confirmed he went to Mobley after Simmon had been put on leave and disclosed that at least 6 to 9 years earlier, Simmon had given him a hard drive (one of several that Mobley had turned over, but unknown which) that was supposed to be clear but had about 40 gigs of data in the deleted space. He recalled Simmon had the drive for about 3 months before giving it to him. Goudey said he opened the trash and observed "hundreds of jpg image" files. He said he opened the first file and observed it was a 12 year old girl (based on the 7yo daughter he had at the time) or younger, nude and seated. He did not believe the image was taken at VCAM and was not in the file format of VCAM equipment. He said he opened a second image accidentally after quickly clicking off the first image, and recalled seeing another girl who appeared younger than the first. Goudey said he regrettably deleted the trash on the drive immediately from fear that someone would walk by and see the images on his computer.

20) Goudey said at the time, he rationalized that he could not be sure Simmon left the images on the drive. He said in retrospect, Simmon's behavior was odd but did not seem that way at the time. He said he would sometimes go to work late at night or early in the morning to get work done unbothered, but would often find Simmon there. Goudey said shortly after finding the images, he spoke at a staff meeting and said there were "disturbing images" on a drive that had been used, and asked people to please format them when received. He explained this was to protect the receivers. He said he watched for a reaction from Simmon and saw none. Thinking back, he thought Simmon would have typically given feedback, but stayed silent. Goudey saw this as a confirmation of guilt by Simmon and conveyed that he now deeply regrets not reporting the images when he found them. He said at the time he was "dead sure" the images were from Simmon.

21) I asked if he ever found Simmon with other people after hours. He said he had observed Simmon there with "college age" people before, after hours. He said it was not uncommon for employees to use VCAM equipment on their own time for personal projects, but getting permission was typical. He said Simmon had bragged to him around the same time, 6 years earlier, that he was "double-dipping" with outside clients on company time. Goudey said it was common for people to change clothing during shoots, but this was typically done in the bathroom, not the storage room. He recalled once finding Simmon engaged in a "modeling shoot" randomly one night after 1030PM, but he did not question him and assumed it was another side project. Goudey swore to the truthfulness of his statement.

22) From October 2018 to January of 2019, the devices containing digital storage that belonged to VCAM were analyzed by Sgt. Nash of the Burlington Police Department. No contraband was located. There were two large external drives and the large desktop iMac, initially seized from Simmon's workstation, which was not successfully examined due to its storage capacity. I later worked with Goudey to examine the remaining drives and found no contraband.

23) On 1-9-19, I delivered the iMac to Det. Trooper Jollymore at the Vermont Forensic Lab. He imaged the iMac and I retrieved it on 1-14-19. The data storage was extremely large and contained hundreds of thousands of images and videos. Over the next several weeks, I examined them manually. In the deleted space of an iTunes file, I observed a video that depicted a college-age female changing in a bathroom, fully nude at one point. The background did not appear to be VCAM, and was likely a restaurant based on the décor. The camera appeared to be hidden near the floor, similar to the video taken of the Kilburn's. If identifiable and not consensual, the video would have constituted the crime of Voyeurism in Vermont. Due to the nature of the file and extraction method, the age and location of the video origin could not be determined at that time.

24) On 1-29-19, I returned the image of iMac, stored on an external hard drive, to the VFL for additional analysis by Trooper Jollymore in order to determine a production date for the contraband image. On 4-9-19, he completed the examination of evidence and provided a supplemental report stating the video was from 5-14-13, again beyond the statute of limitations.

25) On 5-1-19, Matthew Goudey informed me he located a micro SD card that was one of several used in their GoPro devices. He said while going through the unallocated space on the cards he found what he believed to be images and/or videos of student-age individuals being recorded by a camera in a bathroom. He knew some of the images to be of Simmon, wearing "VCAM" attire. He brought me the SD card and said the GoPro devices owned by VCAM were seldom used and he knew Simmon to have signed the cameras out on occasion, so he took it upon himself to check them.

26) The SD card was examined by Det. Dalla Mura using Axium digital forensic software. Over the next several days, I examined thousands of still frame images that were taken as frames from the videos by the software. The images showed three different college-age females and one male using a bathroom in a residential setting. The camera was hidden on top of or above the toilet. The four can be seen changing, using the toilet, and two of the females can be seen showering in full nudity. Based on different clothing, the images appear to have been created on two or three separate days.

27) Simmon can be seen in separate images placing the camera on top of the toilet and manipulating the lens area. He places some type of plastic over the lens that is partially visible in some of the frames, consistent with secreting the device among or inside objects to avoid detection.

28) Goudey informed me VCAM owns two GoPro devices, one purchased around 2011 and another around 2015. He said the time stamps associated with the videos would only be accurate if they were set by the user. He believed the devices would default to roughly the purchase date of the equipment if the time was not physically changed, meaning the video files were most likely created sometime after the date stamp and the exact date of creation would not have been stored on the file. The date stamps on the files show creation dates in either 2011 or 2015. As the background of the video never changes (the shower curtain and items in the shower), it was thought to be highly unlikely the time stamps four years apart were accurate.

29) Based on the above information, on 5-7-19 I applied for and was granted a search warrant by the Honorable Judge Maley of the Chittenden Superior Court, Criminal Division, to search Simmon's known residence at 80 Austin Dr. #163, Burlington, VT, for, and seize, any and all images of voyeurism and/or child pornography, including those that may be stored on any type of computer or electronic media device. I also requested permission to seize any computer and electronic media device that may contain those things, and if it became necessary for reasons of practicality, to remove the computers and/or electronic media and conduct a search off-site.

30) In addition, I was granted the Court's permission to continue the off-site search/analysis of any Electronic Media located for a period of 180 days from the date the items were seized.

31) The search warrant was executed on 5-23-19 by Burlington Police Detectives. Simmon surrendered the iPhone from his person and invoked his right to counsel, making no incriminating statements. A large number of items containing electronic storage, including thumb drives, hard drives, and a large iMac similar to the model that he used during his employment at VCAM were seized. The devices were imaged over the 180 day period by Sergeant Nash of the Burlington Police Department and the iMac was imaged by the Vermont Forensic Laboratory (VFL) on 10-2-19. Simmon's phone was imaged on 5-29-19, also by the VFL, pursuant to a search warrant granted by the Honorable Judge Fenster of the Chittenden Superior Court, Criminal Division, on 5-24-19.

32) Through investigation, I was able to rule out that the bathroom video (described in paragraph 26 of this affidavit) was associated with students who were taught by Simmon at Champlain College or CCV.

33) On 5-9-19, I met with Kilburn at the Burlington Police Department. She reviewed sanitary still frames of each individual in the bathroom videos and did not recognize them or the space.

34) The social media account of William Simmon is not publicly accessible. I reviewed the "friends" associated with Simmon's wife, Emily Stoneking (DOB 6-16-78), and found no persons resembling the individuals in the videos.

35) On 9-17-19, I met with the former Dean of Students at Burlington College, Greg Litchfield, who identified the individuals in the video as prior students in the film/digital media section where Simmon had been an adjunct professor. Based on the timeframe provided by Litchfield and the clothing worn by one of the male students, I was able to identify the members of the group who had been recorded nude or with their genitals exposed in the video as Liam Crowley, Katherine Aviles, and Caitlin Spadacinni. The fourth individual, a female notably older than the rest, was thought to be a fellow chaperone whose name he could not recall. Most of the recovered video contained Aviles. All now live out of State. I contacted each of them and they identified themselves from provided still-frame images. None of these victims were aware of the hidden camera or consented to any type of recording.

36) On 9-19-19, Liam Crowley informed me the video was taken during a class trip to the "South by Southwest Conference" in Austin, Texas in 2015. The group had rented a house for the film festival and Simmon was present as a Burlington College affiliated chaperone. Researching criminal voyeurism statutes in Texas, I found the crime to be beyond their statute of limitations for prosecution and therefore I did not inform the Austin Police Department.

37) Examination of the imaged items with the exception of the iMac was completed on 1-15-20. Hundreds of thousands of images and videos were reviewed. The Texas video was located, as well as a video of Simmon placing a camera in the bathroom at his residence, which I recognized from the search warrant execution. That video shows a female known to me as Simmon's wife, Emily Stoneking, clothed.

38) After extensive conversations with Sgt. Jollymore of the Vermont State Police about the possibilities for defeating the encryption of the image of Simmon's personal iMac computer, the image and download of Simmon's cell phone were delivered back to the lab on 1-17-20. The items were subsequently sent via secure means to the Secret Service laboratory in Massachusetts. On 4-8-20, I was notified by New England Digital Evidence Forensic Lab Director Fredrick Sanks that after running a program of 90 billion possible passwords, they were unable to defeat the encryption. The items were returned to Vermont.

39) On 1-27-20, I was contacted by the initial complaining victim, Ciara Kilburn. She was very upset that a friend of a friend had just located the original VCAM video on the website "PornHub.com", where it had previously been found and removed. There were two videos, each showing a different camera angle of her and her sister changing. The first video, entitled: "**SISTERS GOT SPIED IN A FAKE MODEL GIG PART 2**", included a picture montage in the beginning that she recognized from her Facebook page from 2017. The second video was entitled: "**STEP SISTERS GOT SPIED IN A FAKE MODEL GIG**" was a separate camera angle and did not include the pictures from Facebook.

40) The first video was watermarked "SPYIRL.COM", which I found to be inactive. Both videos were uploaded by user "**spythereman**" around February of 2019 and had over 50,000 views. A reasonable person would conclude the individual who created the first video knew the name of the victim, had access to her private Facebook account (as Kilburn indicated Simmon did in 2017), was aware they were sisters, and had knowledge that they had been lured to a "fake modeling gig."

41) Researching PornHub.com, I found them to be owned and operated by MG FREESITES LTD, c/o CT Corporation System in Los Angeles, CA. Although the website is hosted in the Country of Cyprus, they are responsive to legal process from the United States and can provide user email, log dates, and limited IP address information.

42) Based on the above information, on 2-3-20 I applied for and was granted a subpoena by the Honorable Judge Maley of the Chittenden Superior Court, Criminal Division, for MG FREESITES LTD ordering them to produce subscriber information for PornHub user name "**spythereman**" and the uploading of videos titled: "**SISTERS GOT SPIED IN A FAKE MODEL GIG PART 2**" and "**STEP SISTERS GOT SPIED IN A FAKE MODEL GIG**" to include: the name, names of additional account users, account number, billing address, physical address, e-mail address, telephone number, payment method, record of services used, and record of duration of service provided. Also current account status, 180 days of IP address history for the identified account to include dates and times, and date of account creation. The subpoena was served by email that day.

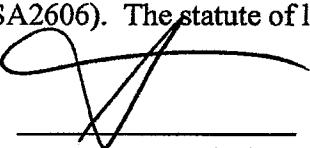
43) I received the records from MG Freesites LTD on 4-8-20. They informed me the user "spythereman" was a host from the Country of Turkey who is registered with the company to sell video access through their premium service. As part of that process they must provide identification and associated documentation to the company, which they kept on file and provided me.

44) Based on my training and experience investigating crimes related to child pornography and sexual deviance, I know the majority of suspects to amass collections of images and/or videos of child exploitation or voyeurism for ease of access or as "trophies" when they produce the images – as in this case. These images and videos are stored indefinitely on devices with electronic storage and can be easily ported onto new devices, shared on the internet, or kept on accounts utilizing remote servers (cloud storage). Because of the nature of such material, it is often kept in the safest location possible. A reasonable person would conclude the safest location for most people is their private residence and therefore it would be the most likely place contraband of this nature would be kept.

45) Based on my training and experience with cases involving child exploitation, it is clear that Simmon lured Kilburn to an unsanctioned, after-hours promotional "shoot" that required her to fully change her clothing no less than 7 times. She intended to bring a friend because she felt uncomfortable going alone, so she brought her sister with her, who was 17 at the time. Simmon knew both sisters, and as an instructor at the Community College of Vermont, he was in an influential position over them. Once there, he directed them to change in an equipment storage room that was not typically used for that purpose. Simmon was the only person with knowledge that anyone would be changing in that space, and it is clear that he set up the hidden cameras.

46) As the only person with access to the illicit footage, Simmon subsequently edited the footage and shared it to the internet where it was undoubtedly duplicated, given or sold to "Pornoplague.com" who monikered it. Sometime after, it was either distributed by a member or used by them as advertising to various free pornographic websites as part of the "Meet the Creeper" series. This caused the video to be viewed millions of times on various websites before most were taken down as the result of reports by law enforcement and Ciara Kilburn. Unfortunately, due to the viral, global nature of the distribution, it is impossible to remove the video entirely from the internet and it will exist forever.

47) Based on the above information, probable cause exists to show Simmon committed the Vermont crimes of Voyeurism (13VSA2605) and Disclosure of Sexually Explicit Images without Consent (13VSA2606). The statute of limitations has expired for both crimes.



(Affiant)

Subscribed and sworn to before me on 6/2/2020, at Burlington



#267

Notary (expires 1/31/21)