This assignment has two goals:

1. Familiarize students with search warrants for digital evidence
2. Understand the types of evidence law enforcement officers collect to investigate crime

A **search warrant** is an order signed by a judge that gives law enforcement the authority to search for objects or materials at a specified location and time.  An **affidavit** is a written statement produced under oath by an officer. The affidavits provide evidence to a judge establishing **probable cause** for a search of a person’s property.

What you will be reading in this assignment is (1) a short summary of digital search warrants entitled “Search Warrants for Digital Devices”, and (2) an affidavit from the collection provided to you on Blackboard.

Answer your questions on a word document. Number all of your answers.

Part I

To answer the questions below, you will need to read the article entitled “Search Warrants for Digital Devices.”

1. What constitutional amendment makes it unlawful for a citizen’s laptop to be searched by law enforcement without a court-approved warrant? **(5 pts.) The constitutional amendment that makes it unlawful for a citizen’s laptop to be searched by law enforcement without a court-approved warrant is the Fourth Amendment.**
2. Suppose a friend comes to your house with a laptop and uses your wi-fi to download child pornography on their laptop. Can law enforcement obtain a warrant and seize your electronic devices in your home – yes, or no? [read the section “Probable cause may be based on an IP address”]**(5 pts) Law enforcement can obtain a warrant and seize electronic devices in somebody’s home if their friend utilize their wi-fi to download child pornography on their laptop since the laptop was connected to home owner’s IP address when the crime occurred.**
3. When writing a warrant, an officer can request a location and all its digital devices be searched (e.g. the entire dorm room and all electronic devices in them) or the officer can request the specific files sought in the warrant. What does Welty recommend, and why? **(15 pts.)  When writing a search warrant, Welty recommends that officers should name the location of where they are searching for evidence. The officer should specify the type of devices that they are searching for. A warrant allowing the search of a given location for specific devices will permit the searching of the devices specified at the dorm that might have evidence of a crime. If an officer does not have a warrant, doubt will arise.**
4. Suppose an officer has probable cause that a person is running a darknet drug market from his home, selling opioids. The officer obtains a search warrant for several electronic devices at the suspect’s home. After seizing devices and doing a forensic search, the officer finds files that seem to be the social security numbers and other personal information of several prominent people. This is evidence, the officer believes, of another crime. What does Welty suggest the officer do? **(10 pts.) Welty suggests that if an officer happens to come upon evidence of another crime while doing a forensic search of electronic devices that he already was authorized to, the officer will need to obtain another search warrant for the files and other sensitive information of important figures. But there is some difference in opinion concerning whether officers need a second search warrant and claim the plain view doctrine instead. Overall, most federal courts believe that it is imperative to get a second warrant, especially if the evidence changes the direction of the investigation.**
5. When would an officer serve a search warrant on a cell phone manufacturer like Samsung? **(10 pts.)** **An officer should serve a search warrant to a cell phone manufacturer when the device is password-protected, and they do not know how to crack passwords. When contacting the manufacturer, Samsung, the company can access the device and gather evidence relevant to the case, such as call history, messages, photos, etc.**
6. T or F - Welty suggests that the officer should write the search warrant to specify that a suspect’s devices will be analyzed on-site (e.g., if the warrant is written to search a business’ server, the server is analyzed for evidence at the place of business).  **(5 pts.) I believe that it is true that Welty suggests that an officer should write a search warrant to specify that the suspect’s devices will be analyzed on-site since it demonstrates compliance with the recommended practice of having a warrant directed 48 hours of ins**

Part II

Select one affidavit from the collection on Blackboard, and answer the questions below.

1. What is the file name of the warrant you are analyzing? This is just for me to know what affidavit you are referring to (i.e. “woodman\_echo”). **(5 pts.) The file name of the warrant that I am analyzing is Rodriguez\_Holly.**
2. Describe the officer(s) submitting the warrant. Give his name, agency, and the training or experience they have. If the officer has extensive training, pick some relevant training or summarize. Note: The officer submitting the warrant application and swearing it is legitimate may be called the affiant. **(10 pts) The officer submitting the warrant is Victor Rodriguez, who works in the Federal Bureau of Investigations (FBI) and is part of the computer crimes squad in that governmental agency. He has experience in computer technology by being a senior computer software engineer for several years and by being trained by the FBI in online investigations. He also designed telecommunications software, network applications, etc., before he got into the FBI. He primarily examines crimes that include unauthorized access and usage of computers.**
3. What is the offense or the alleged violation? If there are several, pick one of them and choose the one that is most closely related to “cybercrime.” Usually, the specific act and legal code are given (e.g. Computer Fraud and Abuse 18 U.S.C. §1030). If you can, give the answer in everyday terms – hacking, revenge porn, cyberstalking, etc. (**5 pts**.)  **The offense is hacking a famous underage Myspace influencer’s Gmail account and distributing her private photos for a profit on Digitalganster.com, which is the website that attracts hackers. To obtain pictures of his famous target, the perpetrator hacked several accounts to gather the information that would unknowingly grant him access to the target’s Gmail.**
4. Where is the search to be conducted and what items are to be searched? Remember, the officer must write the warrant with particularity. If there are several items, select two or three. **(10 pts) The search was executed at the perpetrator’s home, Hayes Manor Apartments in Tennessee, pursuant to the search warrant that was originally given. While Rodriguez was at the perpetrator’s home, he seized several items related to the crime. During the search Rodriguez obtained the perpetrator’s Apple iPhone with the serial number being 83830V31Y7H, Six Philips DVD-R disks, and Toshiba Satellite A205-S5000 laptop computer, serial number 58136533K.**
5. What are some facts or evidence that support the officer asking for a search warrant to seize a computer or electronic device (probable cause)? Remember, a computer can be contraband, a repository of information, or an instrument of crime.  Select some key points, and summarize them in a paragraph or two **(20 pts.) Rodriguez has probable cause that supports him asking for a search warrant to seize electronic devices such as Six Philips DVD-R disks and other storage devices. The criminal most likely stored the victim’s photos on some storage medium since he revealed to others that he had unreleased pictures that he gathered on a storage device as a backup. The criminal's Toshiba Satellite laptop was confiscated based on him utilizing the device to hack his target's Gmail and steal sensitive information. He could have stored the photos on his laptop too. He could have also gained unauthorized access to the Gmail account from his Apple iPhone. Both his phone and laptop could have evidence of him visiting websites such as Digitalganster.com, Myspace, and other sites that he used to obtain and distribute personal information. The accounts and usernames associated with the stolen material, TrainReq, could have been stored on the devices too. Overall, the evidence that I outlined from the search warrant shows that Rodriguez has several reasons to seize the electronic devices and other media because they were relevant to the crime.**