

The University of Mississippi
School of Law
National Center for Justice and Rule of Law
Search and Seizure of Computers and Electronic Evidence:
Two day Judicial Conference Agenda ©

Day #1

7:30-8:00 *Registration*

8:00-8:50 **Welcome & Introduction to Fourth Amendment Framework**
Thomas K Clancy

- *overview of course
- * basic F/A/ framework
- * introduction: are computers containers or something “Special?”

9:00-9:50 **Sources, Types, & Locations of Digital Evidence, Introduction to Computer Forensics**

Don Mason

- * *digital evidence is everywhere*
- * *user created and computer created data*
- * *introduction to forensics*

10:00-10:50 **What is Cyber Crime?**

Priscilla Adams

- * ways digital evidence used in crimes
- * some examples of new statutory crimes

11:00-11:50 **Fourth Amendment Applicability: Expectations of Privacy (inside the box)**

Don Mason

- * voluntary exposure doctrine
- * in & out of the box
- * non-private computers: common access
- * deleted files

1:00-1:50 **Fourth Amendment Applicability: Private Searches**

Priscilla Adams

- * private search doctrine and replication issues
- * repairmen, hackers

2:00-2:50 **Breakout group: Elements of Warrant for digital evidence / Objects Police Want to Seize at Digital Evidence Crime Scene: Scope of *desired* seizure**

3:00-3:50 **Fourth Amendment satisfaction**

Thomas K Clancy

- * general f/a discussion on warrant issuance and review
- * Probable Cause issues
 - * general principles
 - * “model” warrant probable cause statement to justify broad seizures

4:00-4:50 Search Warrants in Computer Cases: issuance requirements

Thomas K Clancy

- * discussion of “special” limitations of some courts
 - including search strategies, limits such as file names, types, or dates
 - CCIPS manual and federal search strategies
- * particularity of description
- * document searches, including *Andresen*, with comparison to digital evidence, including *Carey* and *United States v. Giberson*, 527 F.3d 882 (9th Cir. 2008)

Day #2

8:00-9:00 Search Execution Issues

Don Mason

- * on site vs. off site examinations
- * when is a warrant “executed” -- applicability of rule based execution time limits
- * businesses and networks
- * First Amendment concerns: materials held for publication

9:10-9:40 Plain View

Priscilla Adams

- * general principles
- * screens and unopened files
- * *Carey, U.S. v. Osorio*, 66 M.J. 632 (2008), Wisconsin case
- * getting second warrant

9:40-10:20 Search Incident to Arrest, Inventory, Probable Cause based Vehicle Searches

Thomas K Clancy

- * traditional doctrine
- * applicability to laptops, PDAs, cell phones, GPS devices
- * inventory of evidence lawfully in police custody

10:30-11:20 Consent Searches

Priscilla Adams

- * consent standard, scope of consent
- * third party consent
- * new case law on technology that avoids passwords

11:30-12:00 breakout: internet child porn groups

1:00-1:50 Child Pornography Cases

Thomas K. Clancy

- * statutory framework
- * characteristics of collectors
- * staleness issues
- * CP intent site memberships & probable cause

2:00-2:50 *Outside the Box: the Internet, Networks, and New Technologies*

Don Mason

working with ISPs: identifying the computer and the person at it
email (delivered vs. non-delivered)

chat rooms, P2P, new technology
connecting to local networks

3:00-3:50 Electronic Exchange of Documents: The Ethics of Metadata.
Hans Sinha

3:50-4:00 *Evaluations and Wrap Up*

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