

Course Learning Outcomes for Unit VI

Upon completion of this unit, students should be able to:

2. Evaluate criminal justice strategies, policies, and procedures to determine best practices.
 - 2.1 Discuss the relevant laws and initiatives related to cybercrimes.
 - 2.2 Evaluate criteria for law enforcement actions.

Reading Assignment

Chapter 10: Digital Laws and Legislation

Chapter 11: Law Enforcement Roles and Responses

Unit Lesson

As with many things in the world of law enforcement, these lessons start in the end or middle and are tracked back to the beginning to reach the ultimate result. How are these crimes and laws actually applied and prosecuted? With what will seem like (law enforcement officer) LEO 101, this unit will discuss the relevant definitions and applications. Identifying the relevant law, defining and explaining searches, and applying the appropriate Federal Rules of Evidence to prosecute these crimes at trial.

Then, you will examine the roles and responsibilities of law enforcement officers. You will also take a look at the limitations local law enforcement faces. Studying and understanding these concepts, in light of what we have reviewed so far, will give you a fresh understanding of how these concepts are applied in relation to computer crimes.

It is important to note that while digital crimes may seem intangible because they are seemingly committed in cyberspace, they are in fact very real, and they greatly affect those they target. They target consumers, children, and total strangers whose lives who can be ruined by the push of a button. As such, the prosecution of these criminals must be as real as the crimes they commit.

As law enforcement officers, it is our job to determine how to best enforce the laws and protect these citizens while facing the challenges inherent in the crimes committed by cybercriminals. Knowing and understanding the details of each law will make it easier to determine which law will apply.

Another challenge, other than the overall nebulous nature of these crimes, is fully taking on the criminals while protecting the privacy of the innocent. Think about recent hacks that you have heard about in the news. What are the implications of prosecution? How do we assert jurisdiction? What, if anything, can be done to right these wrongs and protect from future attacks?

It is also important to understand that while we may compartmentalize some of these crimes and criminals, they might fall under more than one law or theory, and it is important to recognize how these different laws and agencies work together.

Streamlining the process of enforcing these laws through the principles of our justice system coupled with devoting sufficient resources to catching and hopefully staying ahead of the threats is crucial to real life enforcement. Otherwise, we have already lost.

Keeping up with the changing laws in this area is as essential as keeping your computer software updated. It changes all the time, and it is up to you to stay abreast of the changes in law.

Here are some laws and cases to make sure you are familiar with:

- *Riley v. California* (warrant required to search cell phone)
- Silk Road warrantless search case
- *United States v. Fricosu* (Fifth Amendment, self-incrimination by revealing password)
- Compelling password disclosure
- Encryption cases

The following examples are some of the biggest challenges to government security:

- Drone flights in U.S.
- Intelligence agencies misconduct report
- National security letters
- Automated targeting system

Also consider the FBI's electronic surveillance of social media—what is the line between review of public information and a violation of privacy rights under the Fourth Amendment?

Click on the following link to view an interactive presentation about computer criminals:

<http://www.pearsoncustom.com/mct-enterprise/asset.php?isbn=1256689785&id=16311>

Suggested Reading

Chapter 10 PowerPoint: Digital Laws and Legislation

Click [here](#) for a PDF version of the Chapter 10 Presentation.

Chapter 11 PowerPoint: Law Enforcement Roles and Responsibility

Click [here](#) for a PDF version of the Chapter 11 Presentation.

The following items expand on the material discussed in this unit.

Using your favorite search engine, research the term *compelling password disclosure*.

Fakhoury, H. (2012). *A tale of two encryption cases*. Retrieved from <https://www.eff.org/deeplinks/2012/03/tale-two-encryption-cases>

Greenberg, A. (2014). *Feds 'hacked' Silk Road without a warrant? Perfectly legal, prosecutors argue*. Retrieved from <http://www.wired.com/2014/10/feds-silk-road-hack-legal/>

United States v. Fricosu (2012). Retrieved from http://www.wired.com/images_blogs/threatlevel/2012/01/decrypt.pdf