

Law of digital evidence

Law



Questions on search warrants for computers Given the nature of digital evidence, officers who execute any search warrant for computer devices can turn the search into a “ general warrant”. Is this a valid concern?

The argument is valid due to the comprehensive nature of computers as related to other properties. The unequivocal nature of information stored in computers as compared to other properties promoted the increases of concern on the determination of their warrants. Computers have an increased level of personal data. Additionally, the control of such information, as stored in these devices, remains unwarranted by the user. It would not be argued that all the information established from a personal computer belongs to the user since some may be uploaded via virtual modes. Additionally, computers are known to save some files irrespective of the user having deleted them or considered them eliminated from the device. Such observations allow for the complicating the entire process of promoting a search warrant on these devices. It further suggests that computer devices may not be classified along the regards or presentation of general warrants. It also implies that the interest of attributing computer searches to a different set of warrants acknowledges their unique qualities (Jarrett and Bailie, 100-114).

Should judges require law enforcement to forego the plain view exception to the warrant requirement when they are executing search warrants on computer devices?

Computers are general hubs of extremely personal information. They are considered to host information that defines individuals in a wholesome manner. They, further, have customized safety measures to allow for the protection of the contained information. Such attributes allow for the

reflection of the personal nature of the information hosted or stored in these devices. Additionally, computers are utilized extensively in the expression of their users. Such is achieved via the extensive programs that are installed in these devices. The observations map these devices as rather unique to be subjected to the plain view of a search warrant (Jarrett and Bailie, 112).

The decision over the approach that is considered to affect the respective computer devices remain advised by the nature of the information that aspires to be extracted. Apparently, search warrants are developed to in anticipation of the information to be established. Such observations regarding the particulars of these searches allows them to be regarded as rather exceptional from routine searches. The concern is further complicated by the elemental superiority associated to computers, especially on user security. Additionally, computers remain regarded as the best exemplification of personal space. The implication of these thoughts proposes the enforcement of a search warrant on these devices. However, the warrant should not be regarded or spelt under the general terms due to the difference in interests (Jarrett and Bailie, 129).

Assume that the courts in your jurisdiction are considering requiring a judicially-approved “ search protocol” before a judge will sign a search warrant authorizing a search of any computer device. Do you support or refute this idea?

I fully embrace the decision to develop a sense of protocol regarding the search warrants associated to computers. The decision is further advised by the prospective limitations that have been achieved in the conduct of these searches in previous cases. Computers may hold information that may not be anticipated by police. Additionally, they remain positioned to allow the <https://assignbuster.com/law-of-digital-evidence-essay-samples/>

autonomous discovery of information that is not found in the primary search warrant. The implication of such critical observation points on the essence of providing a committed, but particular approach to executing their warrants. The considered warrants should be structured in a manner that allow for the realization of the flexibility associated with the information to be extracted from these devices. Additionally, the prospective of a customized search warrant allow for the inclusion of possible surprises that ay be envisioned in the entire process. Such measures may be critically essential for the proposed search activity (Jarrett and Bailie, 129).

Work cited

Jarrett , Marshall, H. and Bailie, Michael, W. Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations. Washington, D. C: Computer Crime and Intellectual Property Section Criminal Division, Office of Legal Education: Executive Office for United States Attorneys, 2009.

Internet resource.