

# 4th admendment issue: computer forenics analysis of thumb drive

Law



Computer Forensic Analysis of Thumb Drive Computer Forensic Analysis of Thumb Drive The fourth amendment is a clause in the American Constitution outlaws unreasonable searches. The provision assures American citizens of their personal security, security in their homes, papers and belongings and protection against unfair searches and seizures (Kessler, 2010). The police or investigators can only conduct search or seizure on an individual if the individual have a justifiable guilt. The police conduct the search to avoid loss of evidence. The loss of evidence may compromise the integrity and quality of service the police department offers.

However, in the seized thumb drive issue, a fourth amendment issue did not arise. The search and seizure was of a warrantless type. The police seized the drive based on its physical perspective regarding the drive as an object. The contents of the drive are, however, considered as per the sub-container perspective. According to the sub-container perspective, a thumb drive consists of subfolders (Kessler, 2010). A search warrant is therefore necessary to search each and scrutinize each folder. It is a controversial issue, with the California Supreme Court regarding a drive as an object, not a place. Returning the drive to either Joe or Tom would lead to loss of evidence. In this case, the physical perspective is of valuable consideration, regarding the thumb drive as a physical object. The information in it locates in the sub-container. Therefore, the search should proceed via the subfolder perspective. It is only applicable to the seizure of the drive but to search the drive a search warrant should be present indicating the exact parts of the drive to search (Kessler, 2010).

## Reference

<https://assignbuster.com/4th-admendment-issue-computer-forenics-analysis-of-thumb-drive/>

Kessler, J. (2010). The Fourth Amendment select issues and cases.  
Hauppauge, N. Y.: Nova Science.