

Preface and Acknowledgements

This publication (the Manual) is the third edition of “Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations” and updates the previous version published in September 2002. During this seven-year period, case law related to electronic evidence has developed significantly. Of particular note has been the development of topics such as the procedures for warrants used to search and seize computers, the procedures for obtaining cell phone location information, and the procedures for the compelled disclosure of the content of electronic communications. In addition, as possession of electronic devices has become the norm, courts have had the opportunity in a large number of cases to address questions such as the application of the search incident to arrest doctrine to electronic devices.

Nathan Judish took primary responsibility for the revisions in this Manual, under the supervision of Richard Downing. Tim O’Shea and Jared Strauss took responsibility for revising Chapters 1 and 5, Josh Goldfoot for revising Chapter 2, Michelle Kane for revising Chapter 3, and Jenny Ellickson for revising Chapter 4. Scott Eltringham provided critical support to the editing and publishing of this Manual. Further assistance was provided by (in alphabetical order): Mysti Degani, Michael DuBose, Mark Eckenwiler, John Lynch, Jaikumar Ramaswamy, Betty Shave, Joe Springsteen, and Mick Stawasz. This edition continues to owe a debt to Orin S. Kerr, principal author of the 2001 edition. The editors would also like to thank the members of the CHIP working group.

This manual is intended as assistance, not authority. The research, analysis, and conclusions herein reflect current thinking on difficult and dynamic areas of the law; they do not represent the official position of the Department of Justice or any other agency. This manual has no regulatory effect, confers no rights or remedies, and does not have the force of law or a U.S. Department of Justice directive. *See United States v. Caceres*, 440 U.S. 741 (1979).

Electronic copies of this document are available from the Computer Crime and Intellectual Property Section’s website, www.cybercrime.gov. The electronic version will be periodically updated, and prosecutors and agents are advised to check the website’s version for the latest developments. Inquiries,

comments, and corrections should be directed to Nathan Judish at (202) 514-1026. Requests for paper copies or written correspondence may be honored only when made by law enforcement officials or by public institutions. Such requests should be sent to the following address:

Attn: Search and Seizure Manual
Computer Crime and Intellectual Property Section
10th & Constitution Ave., NW
John C. Keeney Bldg., Suite 600
Washington, DC 20530