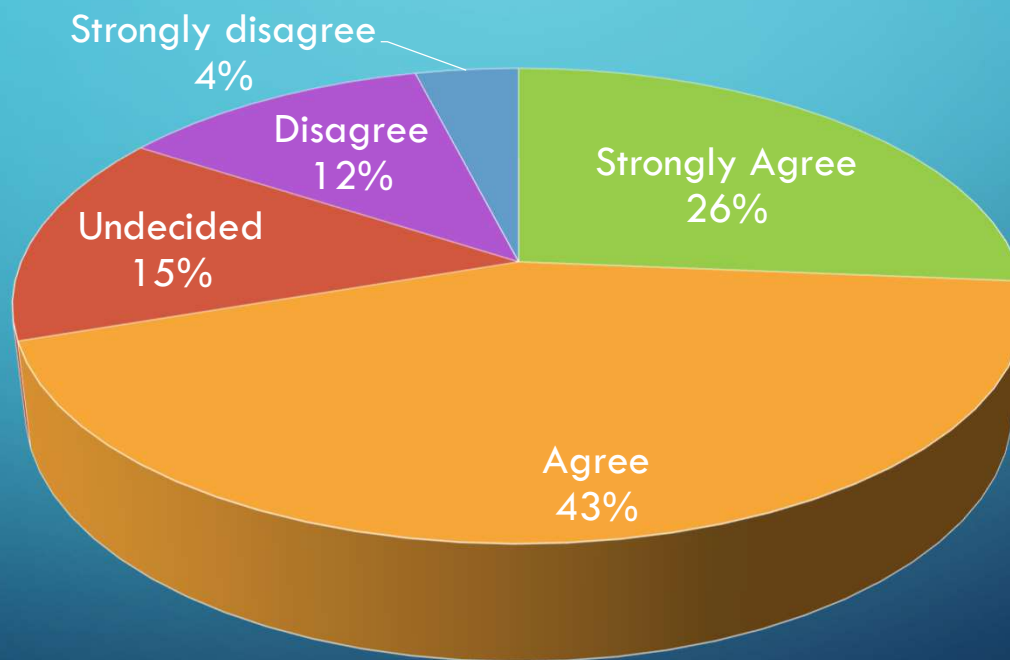
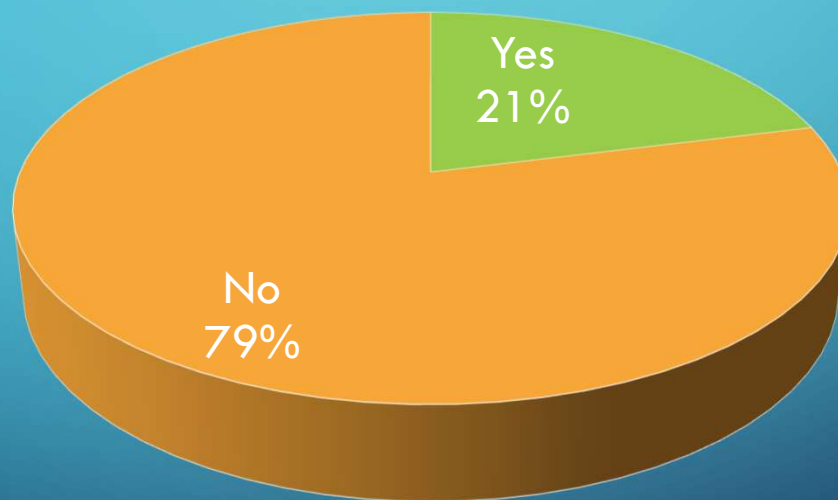


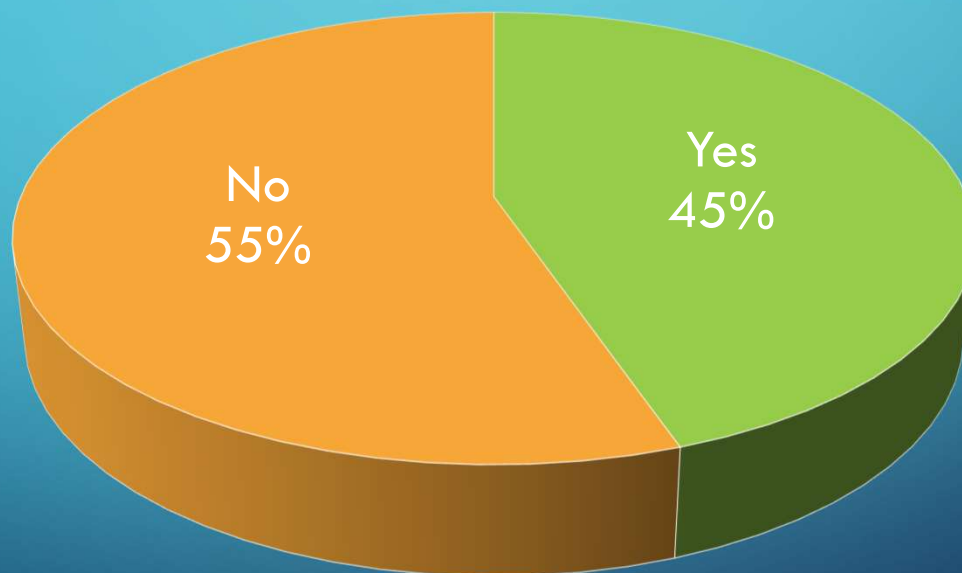
# THOSE IN COMMAND AT MY AGENCY ENCOURAGE THE USE OF SOCIAL MEDIA FOR INVESTIGATION

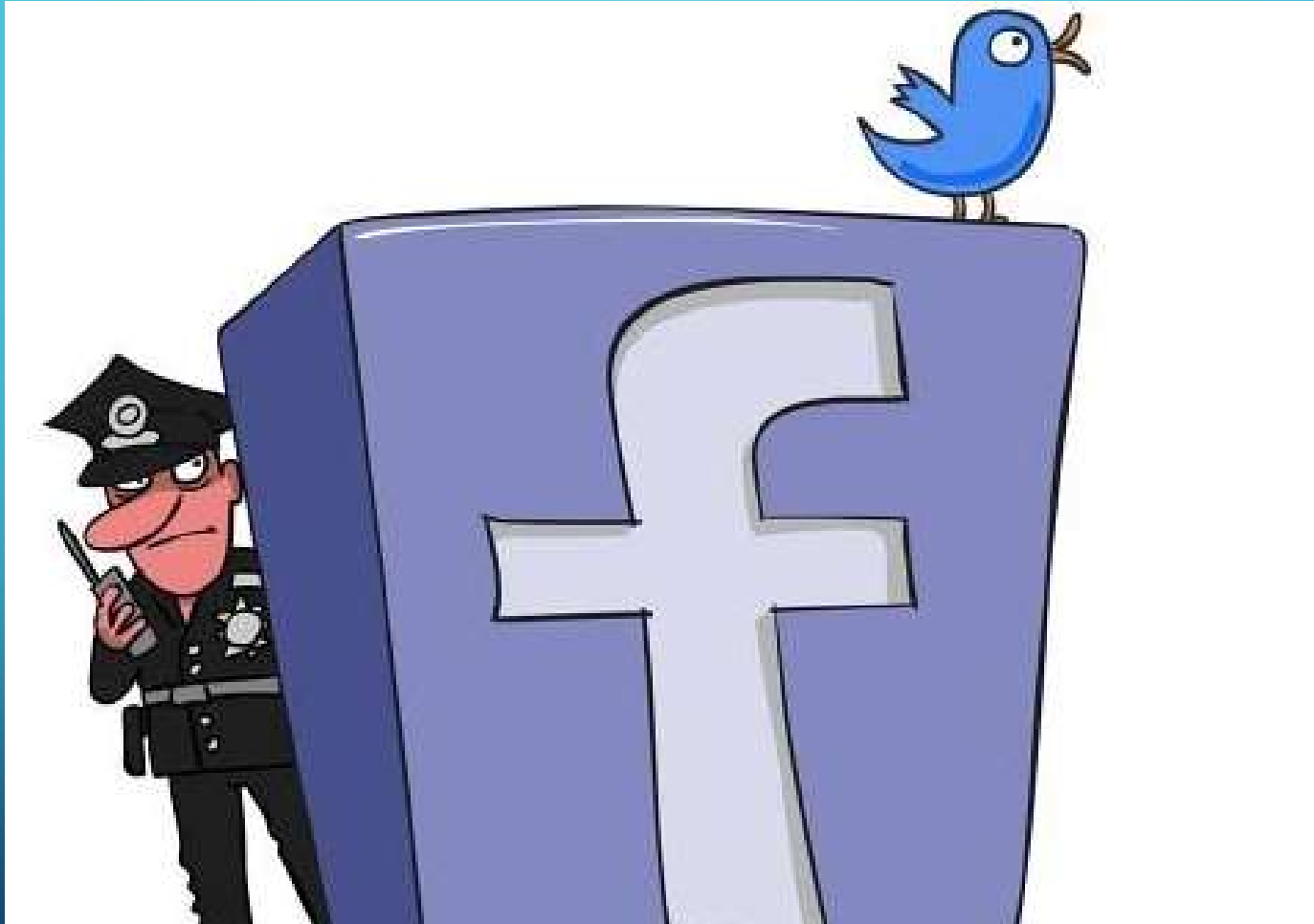


MY DEPARTMENT/AGENCY PROVIDES FORMAL TRAINING  
IN USING SOCIAL MEDIA TO GATHER EVIDENCE FOR  
INVESTIGATIONS.



DOES YOUR AGENCY/DEPARTMENT HAVE A POLICY FOR OBTAINING/SEARCHING EVIDENCE POSTED ON SOCIAL MEDIA FOR USE IN INVESTIGATIONS?





# DEFINING “SOCIAL MEDIA”

“We define social [media] as web-based services that allow individuals to

- (1) construct a public or semi-public profile within a bounded system,
- (2) articulate a list of other users with whom they share a connection, and
- (3) view and transverse their list of connections and those made by others within the system.

The nature and nomenclature of these connections may vary from site to site.”

-Boyd, D.M., and Ellison, N.B. (2007), *Social Network Sites: Definition, History, and Scholarship*. *Journal of Computer-Mediated Communication*, 13: 210-230, available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1083-6101.2007.00393.x/full>.



# INVESTIGATIVE METHODS



SCREEN CAPTURE



ARCHIVING SOLUTIONS



FORENSIC SOFTWARE



BUSINESS RECORDS

# INVESTIGATIVE METHODS

Screen Capture: Take screenshots of the page one is currently viewing.

Archiving Solutions: Google, Facebook, Twitter & LinkedIn all offer ways in which users can download & archive their data.



# INVESTIGATIVE METHODS

**Forensic Software:**  
Application Program  
Interfaces (APIs)  
forensically collect  
information from accounts,  
depending on permissions.

**Business Records:**  
Obtaining social media  
records through legal  
process served on the  
social media company

# SCREEN CAPTURE

## Pros

- Captures and preserves the information in a specific moment in time.
- Prevents the information from being deleted by the user.

## Cons

- Privacy settings may prevent access.
- Authentication problems in court.

# ARCHIVING SOLUTIONS

Retrieve & analyze data that a user has requested about his/her own account.

Many social media sites offer users the ability to download a copy of the information contained about the user on the site.

- Facebook: <https://www.facebook.com/help/131112897028467>
- Twitter: <https://blog.twitter.com/2012/your-twitter-archive>

Settings > Privacy

## Privacy

- Privacy
- Your Facebook information**
- Profile and tagging
- Public posts
- Blocking
- Stories
- Journalist resources
- Reaction preferences

### Your Facebook information

View or download your profile information and manage your profile activity.

<b>Access profile information</b>	View your profile information by category.	<a href="#">View</a>
<b>Transfer a copy of your information</b>	Copy your photos, videos, posts or other information to another service.	<a href="#">View</a>
<b>Download profile information</b>	Download a copy of your profile information to keep, or to transfer to another service.	<a href="#">View</a>
<b>Activity log</b>	View and manage your profile activity.	<a href="#">View</a>
<b>Off-Facebook activity</b>	View or clear activity from businesses and organizations you visit off of Facebook.	<a href="#">View</a>
<b>Managing your information</b>	Learn more about how you can manage your information.	<a href="#">View</a>

# INVESTIGATIVE METHODS



SCREEN CAPTURE



ARCHIVING SOLUTIONS



FORENSIC SOFTWARE



BUSINESS RECORDS

# FORENSIC SOFTWARE

Forensic software is specially built to collect content and metadata.

## Pros

X1 Social Discovery can provide all content & metadata that might be relevant to an investigation, all through the use of social networking sites' APIs.

Creates an MD5 hash of everything that will be useful for authentication purposes.

# FORENSIC SOFTWARE

## Cons:

May require information to be publicly available or obtained with consent, subpoena or court order. If information is not obtained under these circumstances, it may be excluded under the rules of evidence.

The software is based on each social media sites' API. Thus, if the site changes the way it offers data to be collected then the software needs to be updated to reflect these changes.



**DISCOVERY**





Unified Search & eDiscovery for Virtual, Cloud & Hybrid Environments

PRODUCTS

PARTNERS

ABOUT US

SUPPORT

CONTACT

BLOG

## X1 Social Discovery

Free Trial

Buy Now

Overview

Videos & Webinars

Whitepapers & Briefs

Case Law

REQUEST DEMO >

PRODUCT SUPPORT >

### Social Media Discovery and Web Collection

X1 Social Discovery™, the industry's first investigative solution specifically designed for eDiscovery and computer forensics professionals to effectively address social media content, website collection, webmail, and YouTube video capture, in one single interface.



Social media, webmail, website data and YouTube video are very common sources of evidence in criminal and civil litigation and must be routinely addressed in discovery. However, legal and investigative professionals have lacked a means to cope with the vast amounts of data in their workflow, in the same manner as email and files, until now.

X1 Social Discovery is designed to effectively address social media content from the leading social media networking sites such as Facebook, Twitter and LinkedIn. In addition, it can crawl, capture and instantly search content from websites, webmail and YouTube. Unlike archiving and image capture solutions, X1 Social Discovery provides for a matter-centric workflow from search and collection through production in searchable native format, while preserving critical metadata not possible through image capture, printouts, or raw data archival of RSS feeds.

### Screenshots (6) [Click to view >](#)



### Blog Articles

[Live Social Media Evidence Capture from Today's Vegas Strip Shooting >](#)

[Social Media Discovery Hotter Than Predictive Coding? >](#)

social ediscovery Search Reset Hot Priv Responsive Not Responsive Interesting -Hot -Priv -Responsive -Not Responsive -Interesting

Twitter.com

All Twitter

- @SkipLindsey
  - Timeline
  - Mentions
  - Messages
  - Favorites
  - My Tweets
  - Lists
  - Searches
    - hlp integration
- Facebook
  - All Facebook
    - Posts
    - Messages
    - User Info
    - Friends
    - Album Items
  - Skip Lindsey
    - Wall
    - News Feed (Most Recent)
    - Posts
    - Photos
    - Videos
    - Links
    - Status Messages
    - Messages
    - Own Messages
    - User Info
    - Friends
    - Album Items
    - Query DWS
    - Query name

Ordered by: Date Created (Newest first) Tags

40 of 86 Results

frank\_Canterino frank\_Canterino  
 Social Media Bringing IT and LEGAL Together, Recommend Study Reveals  
<http://t.co/1eTNfluj> #Attorneys #lawyers #legalt  
 12/10/2011 5:25:45 AM

joseph\_bartolo joseph\_bartolo  
 Riding herd on social media ESI (Susanna Sharpe) <http://t.co/3x8kx36p>  
 12/10/2011 4:41:58 AM

joseph\_bartolo joseph\_bartolo  
 Survey: 66.1% understand the tech requirements of social media "pretty well" or "very well" - up from 52.4% in 2010. <http://t.co/TLFFc9su>  
 12/10/2011 4:24:05 AM

joseph\_bartolo joseph\_bartolo  
 Social Media Bringing IT & LEGAL Together, Recommend Study Reveals (Marketwatch) <http://t.co/TLFFc9su>  
 12/10/2011 4:21:23 AM

RTeDiscovery RTeDiscovery  
 eDiscovery FTW!! IT and Legal know we need eDiscovery and stats to boot. <http://t.co/ubsm5wEn> RT @ukpotluri  
 12/9/2011 8:54:59 PM

eDiscoveryBrief eDiscoveryBrief  
 RT @group: Learn about how  
 12/10/2011 4:21:23 AM

40 of 86 Results

Items indexed: 44,457

Active Case collection is on Indexing Twitter

joseph\_bartolo joseph\_bartolo  
 Social Media Bringing IT and LEGAL Together, Recommend Study Reveals  
 12/10/2011 4:21:23 AM

<http://www.itigationstechnologyandnews.com/2011/12/social-media-bringing-it-and-legal.html>

**Social Media Bringing IT and LEGAL Together, Recommend Study Reveals**

<http://ow.ly/TV1KD>

An article appearing on the marketwatch.com website, provided by the listed source Recommend.

This article discusses social media networks, and touches on the effect that social media use is having upon legal departments, as well as on corporate IT personnel.

The article focuses on Recommend's "third annual survey on the working relationship between corporate IT and legal departments. In contrast with last year's study, this year's indicates that the two departments are forging a more productive relationship as they work together to manage the most sensitive data in the enterprise."

The article cites a number of statistics about the relationship between legal and IT. The article also states that eDiscovery technical knowledge is improving, and that internal investigations and social media issues are bringing legal and IT closer together.

Among the statistics the article mentions, "Both IT and legal are making eDiscovery a higher priority -- 66.9% report that legal and IT are meeting to collaborate or strategize at least once per quarter, compared to 48.4% in 2010.  
 -- Only 26.3% said IT considered eDiscovery a "low" or "very low" priority, down from 39.1% in 2010.  
 -- Only 17.6% said that legal rated eDiscovery a "low" or "very low" priority, compared to 29.1% in 2010."

You might also like:

Share this on Facebook  
 Tweet this  
 View stats  
 [INFWI] Trv Share It-Pro >>

CLICK HERE AND JOIN OUR LINKEDIN GROUP

LinkedIn

CONTRIBUTORS

- Frank Canterino
- Joseph Bartolo

TWEET THIS BLOG OR FOLLOW JOSEPH\_BARTOLO AT TWITTER

Tweet

TWEET THIS BLOG OR FOLLOW FRANK\_CANTERINO AT TWITTER

Tweet

FOLLOWERS FOLLOW B

Join this site with Google Friend

Social Discovery | IMAP - goodmancathryn@gmail.com | Social Discovery 2.7.1 - Cathryn's Daily Collections Aug2012

Manage Collections | Trip to LA | Clear | Save | Tags | Metadata | Export Record

Ordered by: Received (Newest first) | Tags

- MarketingProfs Today 9/13/2012  
Your Outdated Website | Six Retail Trends | Mobile Shopping | Journos...
- Goldstar 9/11/2012  
Your Weekly Events Summary -- September 11, 2012
- Ann Handley, MarketingProfs 9/5/2012  
I [nickname], would like [verb] MarketingProfs' B2B Forum.
- Goldstar 9/5/2012  
Your Weekly Events Summary -- September 5, 2012
- HauteLook 9/5/2012  
Hobo Handbags, Nanette Lepore, New Balance Shoes, Vertigo, Report...
- Goldstar 9/3/2012  
\$5 for "Xanadu": Musical Comedy Based on the Classic Cult Film at T...
- Mark Keppel Magnet for the Visual and Performing Arts 5th Gra... 8/31/2012  
5th Grade Parents IMPORTANT CLASS INFORMATION UPDATE
- Dorothy Bird 8/23/2012  
Dance Project
- Dorothy Bird 7/31/2012**  
**Trip to LA Oct/2012**
- Pinterest Weekly 7/28/2012  
Pins You'll Love
- Virgin America 7/23/2012  
Virgin America Reservation JHEMCX
- Ed and Karen Essa 7/11/2012  
RE: Checking in...
- Ed and Karen Essa 7/11/2012  
RE: Checking in...
- Trish Rankin 7/10/2012  
Re: Look at me! I'm a real book!
- Trish Rankin 7/10/2012  
Re: Look at me! I'm a real book!

234,168 items indexed | 9 of 46 | Active Case collection is on | All connectors paused

---

**Trip to LA Oct/2012**

Dorothy Bird dbird@sd83.bc.ca  
Date Received: 7/31/2012 8:34 AM  
To: goodmancathryn@gmail.com

Message | Alaska Airlines Confirmation Letter for Oct 2012.mht

If you have trouble viewing this message, [click here](#) to request a plain text-only version of this email.

*Alaska Airlines*

HOME | PLAN & BOOK | DEALS | DESTINATIONS

**Confirmation Code: MAJ PXX**

Below is your booking confirmation. Thank you and enjoy your trip.  
**Need to change your flight?** Visit us in advance, [online](#) or through [reser](#)

Flight	Departs	Arrives	Class	Ty
<i>Alaska</i> Alaska Airlines 2479 Bombardier Q400	Kelowna, Canada (YLW) Fri, Oct 26 3:10 pm	Seattle, WA (SEA) Fri, Oct 26 4:15 pm	W (Coach)	De
<b>Operated By Horizon Air as Alaska Horizon. Check in with Alaska Airlines.</b>				
<i>Alaska</i> Alaska Airlines 522 Boeing 737-700	Seattle, WA (SEA) Fri, Oct 26 7:30 pm	Burbank (BUR) Fri, Oct 26 9:55 pm	W (Coach)	De
<i>Alaska</i> Alaska Airlines 529	Burbank (BUR) Sun, Nov 4	Seattle, WA (SEA) Sun, Nov 4	Q (Coach)	De

C:\Users\cgoodman\AppData\Local\Social Discovery\Matter296038287 | Active Case collection is on | All connectors paused

Social Discovery | Twitter - @goodmancathryn | X1 Social Discovery 2.7.1 - Cathryn's Daily Collections Aug2012

Manage Collections | Search Twitter - @goodmancathryn | Tags | Metadata | Export Reco

Ordered by: Date Created (Newest first) | Tags

- Everything
- Facebook
- Twitter
- Gmail
- Yahoo
- Web Capture
- LinkedIn: Beta

**MarketingProfs** Ann Handley  
@jdefoore Ah. When you sign up you have to click the checkbox to agree to the terms that are listed there. You can't enter without checking.  
9/11/2012 2:07 PM

**ajcsec** ajcsec  
Our security survey from #ILTA12 on the awareness of lawyers and major obstacles <http://t.co/CVjDIsLP> #ILTA #LegalIT  
9/11/2012 2:06 PM

**globeandmail** The Globe and Mail  
Three key ratings to check if your #job is right for you. <http://t.co/qkVMtqzN> #careers  
9/11/2012 2:06 PM

**Gartner\_inc** Gartner  
Register now for #GartnerSYM in Goa India <http://t.co/Ofx80cNS>  
9/11/2012 2:06 PM

**lawcareerist** vivia zhen CorpCounsel  
Clients Will Drive You Crazy: The consensus is that RFPs and AFAs are the wave of the future. But does anyone li... <http://t.co/Ry7Th0DK>  
9/11/2012 2:05 PM

**OnlineLegalNews** lawyers\_settlements  
When Wage Garnishment Doesn't Work, Look to the Employer. Tampa, FL: The unfortunate fallout that comes with

lawcareerist Clients Will Drive You Crazy: The consensus is that RFPs a... Show

An ALM Website

# THE careerist

a lawjobs.com blog

lawjobs.com Home | Job Seekers | Employers | News & Views | Director

LSAT Scores at Top Schools Are Dropping Like Files | Main | Most Feared and Most Beautiful

## Clients Will Drive You Crazy

Vivia Chen  
September 11, 2012

I never thought being a lawyer was a ton of fun, but I must say it's worse than ever. I'll even go as far as to say that we should be nicer to law firm partners. Seriously.

Why am I so sympathetic to partners now? Well, I feel sorry for them because they have to work with clients who seem, at times, abusive or wishy-washy. The power dynamics have changed, and clients aren't treating outside counsel with much respect anymore. Clients tease them with the possibility of business, while ultimately treating them like doormats, to be used and discarded.

Two trends are contributing to this phenomenon: the proliferation of requests for proposal and alternative fee arrangements.

Corporate Counsel magazine reports that 42 percent of law firms have seen an uptick in RFPs from companies this year, according to a recent survey by LexisNexis. Okay, nothing wrong with that, but it's a big time-drain, which certainly doesn't help efficiency.

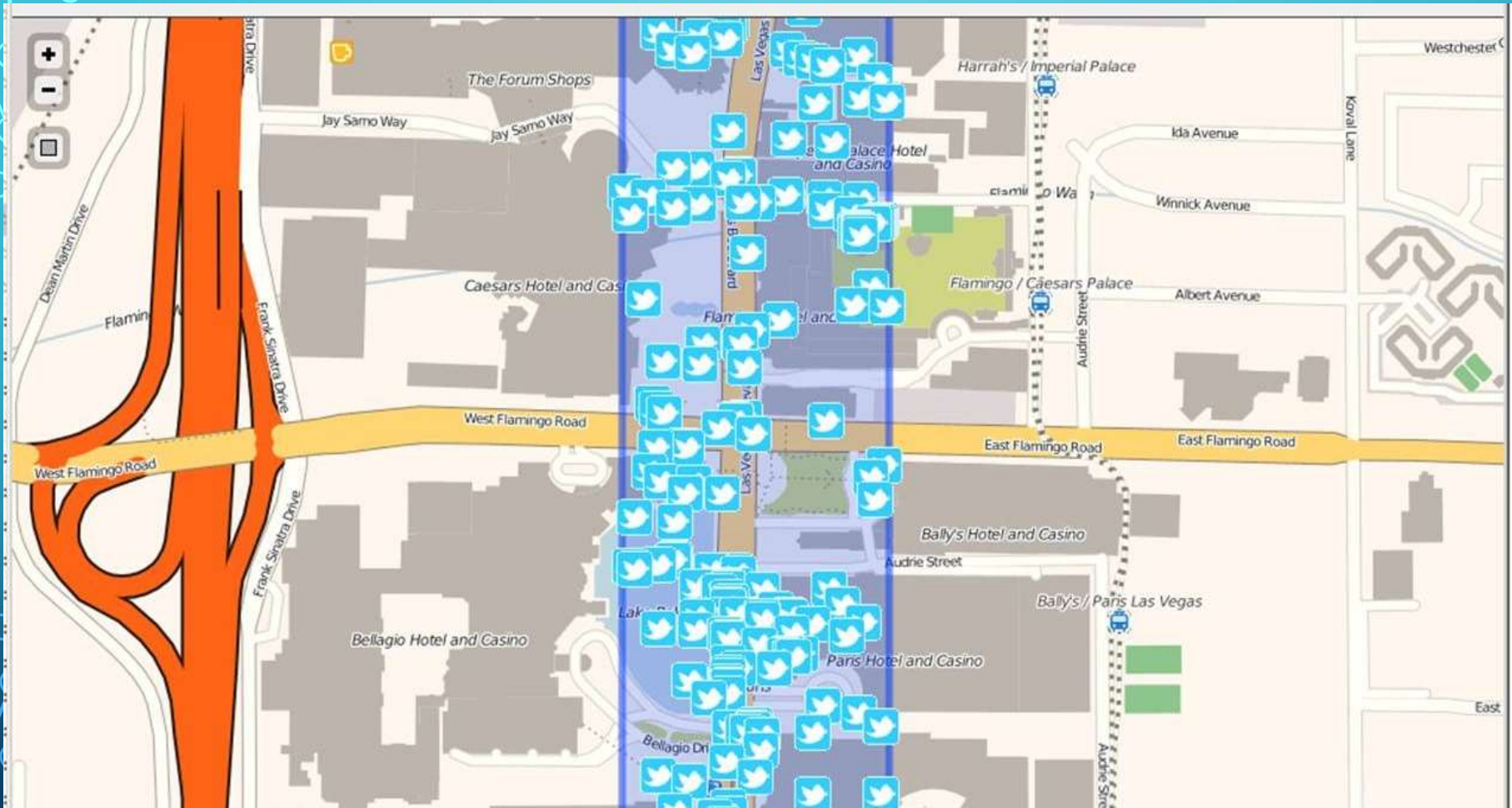
Worse, though, says Susan Hackett, CEO and chief legal officer at Legal Executive Leadership, is that some law departments are using RFP unfairly:

Clients used to solicit proposals from firms when they were taking on a matter in which they lacked expertise, she says, but Hackett now often sees departments using the process to keep their existing firms from becoming complacent.

"They're pushing their existing firms to compete against each other," she notes, "and they're shopping for ideas" from other firms. While a firm may not have a "snowball's chance in hell" of winning a bid, she says, it has no choice but to respond to the proposal.

And then there's the rise of alternative fee arrangements. Few lawyers (at companies or law firms) like them, though everyone seem to embrace their inevitability. Reports [CC about a recent survey](#) of law departments and law firms by LexisNexis CounselLink.





Dashboard

ADMINISTRATION MATTERS COORDINATES

## Matters

Search

Keywords  Sort by name  Show inactive Matters

Search Create New Matter

## History

**ABC Company vs. Widget Solutions**

Status: active  
 Category: III Matter  
 Created: 2012-03-09  
 Model: 01000

**Custodians by Tier**

Feed-Back | Bar-Chart

**Top 5 Custodians**

Feed-Back | Horizontal-Bar-Chart

**Items Per Scanner**

Feed-Back | Horizontal-Bar-Chart

**Size Per Scanner**

Feed-Back | Horizontal-Bar-Chart

Jones vs. Widget Solutions

Top 5 Custodians

Items Per Scanner

Size Per Scanner

Custodians by Tier



# THE STORED COMMUNICATIONS ACT (SCA)

18 U.S.C. Chapter 121 §§ 2701–2712



# Stored Communications Act

(F) REQUIREMENT TO PRESERVE EVIDENCE.—

(1) IN GENERAL.— A PROVIDER OF WIRE OR ELECTRONIC COMMUNICATION SERVICES OR A REMOTE COMPUTING SERVICE, UPON **THE REQUEST OF A GOVERNMENTAL ENTITY**, SHALL TAKE ALL NECESSARY STEPS TO PRESERVE RECORDS AND OTHER EVIDENCE IN ITS POSSESSION PENDING THE ISSUANCE OF A COURT ORDER OR OTHER PROCESS.

(2) PERIOD OF RETENTION.— RECORDS REFERRED TO IN PARAGRAPH (1) SHALL BE RETAINED FOR A PERIOD OF 90 DAYS, WHICH SHALL BE EXTENDED FOR AN ADDITIONAL 90-DAY PERIOD UPON A RENEWED REQUEST BY THE GOVERNMENTAL ENTITY.

the term “governmental entity” means a department or agency of the United States or any State or political subdivision thereof.

STORED  
COMMUNICATIONS  
ACT (SCA)

*Crispin v. Christian Audigier Inc.*

2010 U.S. Dist. Lexis 52832 (C.D. Cal. May 26, 2010).

- Ruled that Facebook & MySpace fall under the definition of an Electronic Service Provider (ESP), as defined by SCA, because they provide message delivery services.
- Thus, the Court found the SCA is applicable to social networking sites.

# STORED COMMUNICATIONS ACT:

REQUIRED DISCLOSURE OF CUSTOMER COMMUNICATIONS OR RECORDS

18 U.S. Code § 2703 - Required disclosure of customer communications or records

Letter of Preservation

Warrants/Subpoenas



## STORED COMMUNICATIONS ACT: LETTER OF PRESERVATION

Letter of Preservation: “shall take all necessary steps to preserve records and other evidence in possession pending the issuance of a court order or other process.”

18 USC 2703(f)



223 N. Memorial Drive  
Independence, Missouri 64050  
(816) 325-7271 FAX (816) 325-7316

DATE:

Compliance Team  
YAHOO, Inc.  
701 First Avenue  
Sunnyvale, California 94089  
Fax: (408) 349-7941  
Voice: (408) 349-3300

Dear Custodian of Records,

Our agency is conducting an ongoing criminal investigation that involves one or more Yahoo! users. As part of that investigation, we are requesting that information related to the [Yahoo! ID or Yahoo! e-mail address or Yahoo! Group] listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all [subscriber information and/or account contents or Group information] related to the following customer or subscribers:

Yahoo! IDs:

Yahoo! e-mail address:

Name:

Address:

Additional Identifying Information (e.g. DOB, credit card number):

At this time we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

This letter is a request to preserve such records and is being made under the provisions of 18 United States Code Section 2703 (f) which states "...a provider of wire or electronic communication services or a remote computing service, upon request of a government entity, shall take all necessary steps to preserve records and other evidence in possession pending the issuance of a court order or other process."

You are also requested not to disclose the existence of this request to the subscriber or any other person, other than as necessary to comply with this request.

Please refer any questions to:

Detective -insert-  
Independence, Missouri Police Department  
Intelligence Unit  
223 N. Memorial Drive  
Independence, Missouri 64050  
Desk: (816) 325-7805  
Fax: (816) 325-7256  
Email: [jhowe@indepmo.org](mailto:jhowe@indepmo.org)

Thank you for your cooperation.

An Internationally Accredited Law Enforcement Agency



Dear Custodian of Records,

Our agency is conducting an ongoing criminal investigation that involves one or more Yahoo! users. As part of that investigation, we are requesting that information related to the [Yahoo! ID or Yahoo! e-mail address or Yahoo! Group] listed below be preserved pending the issuance of formal legal process. More specifically, we are requesting that you preserve all [subscriber information and/or account contents or Group information] related to the following customer or subscribers:

Yahoo! IDs:

Yahoo! e-mail address:

Name:

Address:

Additional Identifying Information (e.g. DOB, credit card number):

At this time we are expecting to obtain formal legal process in the next 90 days. We acknowledge that if we do not serve legal process upon you in the next 90 days, and do not request a 90 day extension, the preserved information may no longer be available.

This letter is a request to preserve such records and is being made under the provisions of 18 United States Code Section 2703 (f) which states “...a provider of wire or electronic communication services or a remote computing service, upon request of a government entity, shall take all necessary steps to preserve records and other evidence in possession pending the issuance of a court order or other process.”

You are also requested not to disclose the existence of this request to the subscriber or any other person, other than as<sup>189</sup> necessary to comply with this request.



## STORED COMMUNICATIONS ACT: JUDICIAL WARRANTS/SUBPOENAS

- Warrants/Subpoenas: Obtain the information directly from the social networking site via warrant, subpoena or other legal mechanism. 18 USC 2703(d)
- \*Direct Presence of Officer is not Required. 18 USC 2703(g)

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS

Warrant# \_\_\_\_\_

IN THE MATTER OF THE APPLICATION OF  
DETECTIVE \_\_\_\_\_ SHIELD NO. \_\_\_\_\_  
OF THE NYPD FOR A SEARCH WARRANT

SEARCH  
WARRANT

TO ANY MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT AND TO ANY  
POLICE OFFICER OF THE STATE OF NEW YORK:

Proof by affidavit and/or oral deposition, having been made this day before me by  
Detective \_\_\_\_\_ Shield No. \_\_\_\_\_ of the New York City Police Department,  
there is reasonable cause to believe the following will be found at  
Street, \_\_\_\_\_ Queens County, New York:

- Computers (as that term is defined in Section 156.00 (1) of the Penal Law of New York), also known as electronic devices, including but not limited to desktop CPUs, laptops, cell phones, tablets and gaming devices;
- computer-related equipment such as video gaming devices, smart TVs, BluRay players, printers, scanners, keyboards, video display monitors, video game systems, optical readers, related communications devices such as modems and other devices that allow a user to connect to the internet;
- external storage media including hard drives, video gaming systems, optical storage devices, Smart TVs, memory storage devices including cameras, web cameras, and devices capable of storing and/or transmitting digital images;
- portable storage media such as flash drives, thumb drives, USB devices, memory cards, compact discs, DVDs, BluRay discs, magnetic media such as tape, cassette, disk, diskette or memory storage devices such as optical disks, programmable instruments such as telephones including cellular telephones, electronic calendar/address books, calculators, wristwatches, personal communication service (PCS) devices or any other storage media;
- documents in both hard copy format (printed, written, typed, photocopied, faxed, photographs, etc.), and electronically stored as computer data (as that term is defined in Section 156.00 (2) of the Penal Law of New York) (also known as electronic data) which may be contained on internal storage media or on any external storage media and which is likely to contain emails, chat transcripts or instant message transcripts, text messages, histories of access to internet websites, any contact information for correspondents including names, addresses, telephone

numbers, email addresses, screen names, profiles, etc. which may be contained in compilations such as buddy lists, or address books or in any other files;

- any documents or data, including but not limited to concerning email accounts, instant message accounts, and internet access accounts, regarding the possession, acquisition, storage, or transmission of images of adults or children engaged in sexually explicit conduct;
- any evidence including but not limited to any software that may be used for communicating over the internet or for storing said data or documents on an electronic device or on the internet including any online storage accounts also known as "cloud storage", e-mail accounts, or other remote electronic storage account including unique software for such account, subscriber information, user logs, or archived data that shows connection to such service, and user login and password for such service;
- any records containing or concerning addresses, telephone numbers, e-mail addresses, e-mails, instant messages, text messages or other electronic correspondence between or regarding correspondence between persons any person(s) appearing to be a minor child or person(s) interested in sex with young children including but not limited to correspondence and other records concerning attempts to contact young children, obtaining sharing or storing of photos or image files including video and still, any depictions of young children and/or adults engaged in sexual contact or lewd exhibition of the genitals;
- any software that may be used for sharing files over the internet or a local network including but not limited to any peer to peer software;
- records regarding the ownership of any electronic devices not limited to those recovered from the premises as well as manuals or notebooks regarding the operation of said electronic devices and any programs or external electronic device connected or contained on them;
- any notes regarding the protection of files by passwords, as well as any handwritten notes containing the name or any portion of any screen name, email address, profile name or password for any account;
- records regarding the ownership or use of said premises and equipment including but not limited to utility bills, telephone bills, cell phone bills, internet service provider bills, and bank account records which may be found at the premises described as follows:

Street, \_\_\_\_\_ Queens County, New York – an attached, private house with beige siding with suckers affixed to the exterior of the front, first-floor storm door which state Two entrances are in the front of the building – one beige door on the left side, garden-level and one red door with a glass window on the right-side, first-



floor – both with exterior glass and metal storm doors. In the center of first-floor storm door is a mail slot.

MOREOVER, there is reasonable cause to believe that the property set forth above will be at the premises set forth above and that said property is stolen or unlawfully possessed or has been used or is possessed for the purpose of being used to commit or conceal the commission of an offense or constitutes evidence or tends to demonstrate that an offense was committed in this state, or that a particular person participated in the commission of an offense in this state, to wit: Promoting a Sexual Performance by a Child, New York Penal Law Section 263.15; Possessing a Sexual Performance by a Child, Penal Law Section 263.16 and Conspiracy to commit those crimes as defined in Article 105 of the Penal Law.

YOU ARE THEREFORE COMMANDED to make a search of the above-described premises, to wit: Queens County, New York, within ten (10) days of the signing of this warrant and commencing between the hours of 6 am and 9 pm, without first announcing your presence or authority,

**NO KNOCK**

AND, if you find such property and/or evidence, or any part thereof, to bring it and this warrant before this or another Court without unnecessary delay, and it is further;

ORDERED that Special Agents from Homeland Security Investigations, Child Exploitation Group may assist in the search of the above-described premises;

ORDERED that you may forensically examine such computer(s), computer related equipment, internal or external storage media, portable storage media, or personal communication devices and computer data as you may find, and copy any computer data, and examine and photograph or videotape or digitally copy any of the above described property and that the premises may be photographed, to assist in the documentation of the search;

ORDERED that the affidavit of Detective \_\_\_\_\_ of the New York City Police Department, in support of the application for this warrant is hereby sealed pending the further order of this Court or another court of appropriate jurisdiction.

ORDERED that you may utilize fingerprint unlocking or facial recognition require any occupant of \_\_\_\_\_ Queens County, New York to press their finger(s) against the fingerprint sensor of the

locked device(s) found at the premises in an attempt to identify the device user(s) and unlock the device(s).

ORDERED that should the device require facial recognition, you may have each occupant look at the phone screen in an attempt to unlock the device.

IT IS FURTHER ORDERED, that in performing the forensic examination you are hereby authorized to utilize the assistance of others with expertise in decoding and/or obtaining password protections and/or encryptions, and in transferring, downloading, converting, dumping or draining of data from the memories of such electronic devices, in order to minimize the possible loss or alteration of such data in the course of making such data legible and storable in legible form. Such experts may be members of law enforcement organizations not empowered to execute search warrants by New York law, industry trade associations, or from companies which manufacture or service such electronic devices or telecommunications industries.

Queens, New York

Judge of the Criminal Court

Date: 11/18/19

Time: 2:46 PM

NO MINUTES TAKEN

## *US V. MEREGILDO,* 883 F. SUPP. 2D 523, S.D.N.Y. (2012)

- Court ruled “the Government did not violate the Fourth Amendment when it accessed Colon's Facebook profile through a cooperating witness” as there was no justifiable expectation of privacy that his friends would keep his posts private.
- [http://scholar.google.com/scholar\\_case?case=1305448164744211386&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](http://scholar.google.com/scholar_case?case=1305448164744211386&hl=en&as_sdt=6&as_vis=1&oi=scholar)

*Commonwealth v. Williams*  
926 N.E.2d 1162 (Mass. 2010)

- Determine who has access to the account and what protective measures are deployed.
- Held “that MySpace messages were not properly authenticated, because State failed to offer evidence regarding who had access to the page and whether the purported creator authored the relevant message.”

## ACCESS TO ACCOUNTS

## AUTHENTICATION

*Griffin v. State of Maryland,*  
2011 WL 1586683 (Md. 2011)

- Ruled the testimony of witnesses with knowledge was insufficient to support the evidence as authenticated.
- Stated a photo of the defendant & her date of birth, along with the name of the defendant's boyfriend, were "not sufficient 'distinctive characteristics'".

## AUTHENTICATION

The Court stated: “The potential for abuse and manipulation of a social networking site by someone other than its purported creator and/or user leads to our conclusion that a printout of an image from such a site requires a greater degree of authentication than merely identifying the date of birth of the creator and her visage in a photograph on the site in order to reflect that [the alleged] was its creator”.

# AUTHENTICATION

Court provided suggestions on how to authenticate such evidence:

“Ask the purported creator if she indeed created the profile and also if she added the posting in question”.

Get a computer forensic expert to analyze the computer of the person who allegedly made the post “to determine whether the computer was used to originate the social networking profile and posting in question”.



---

## Did multiple people have access to the account?

Metadata can help depending on the social media site.

---

Try to find out who had access and when.

---

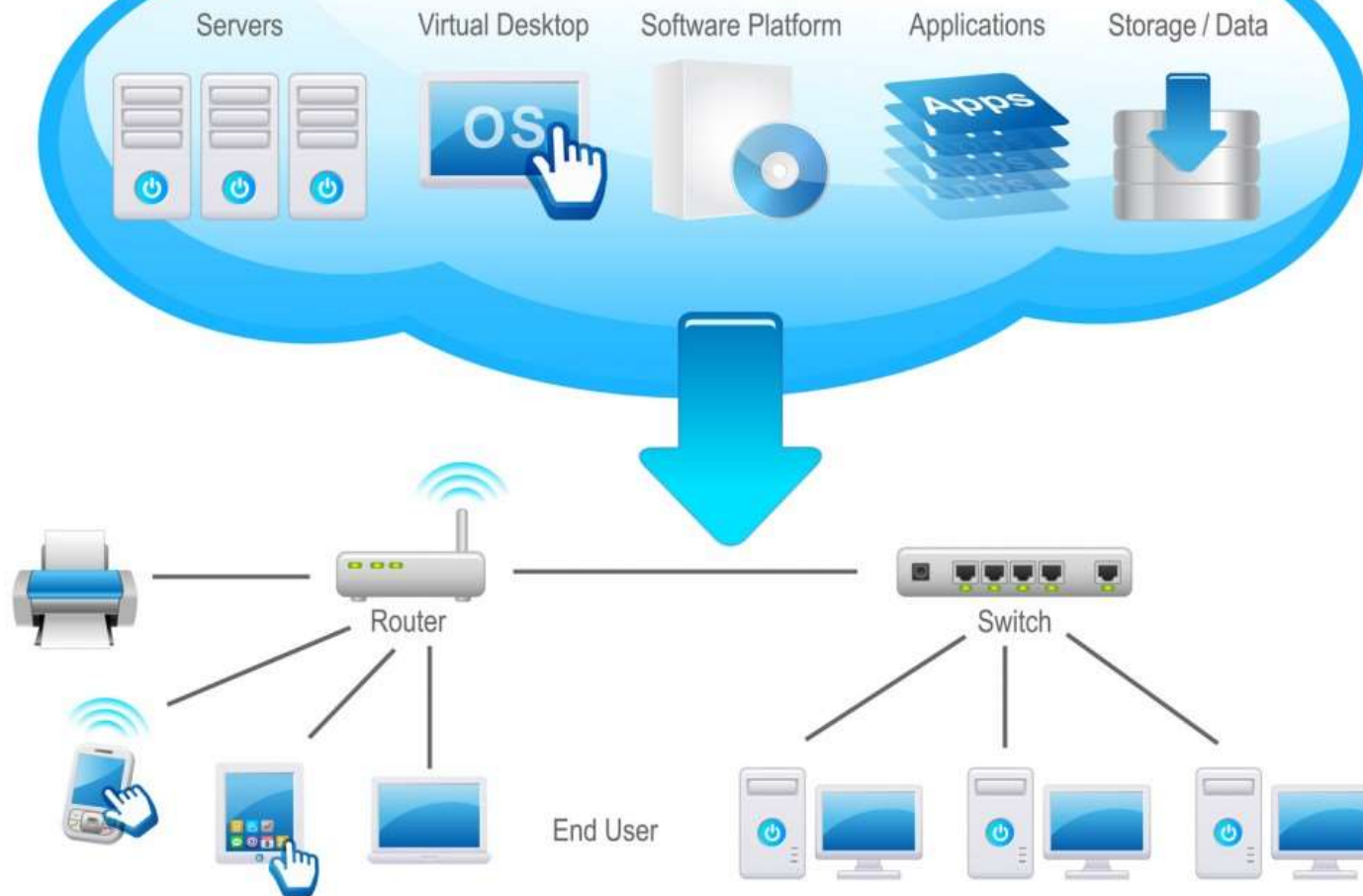
Look at the past IP address logins. If they repeatedly show up you can insinuate that past activity shows a pattern of behavior that a user was responsible for.

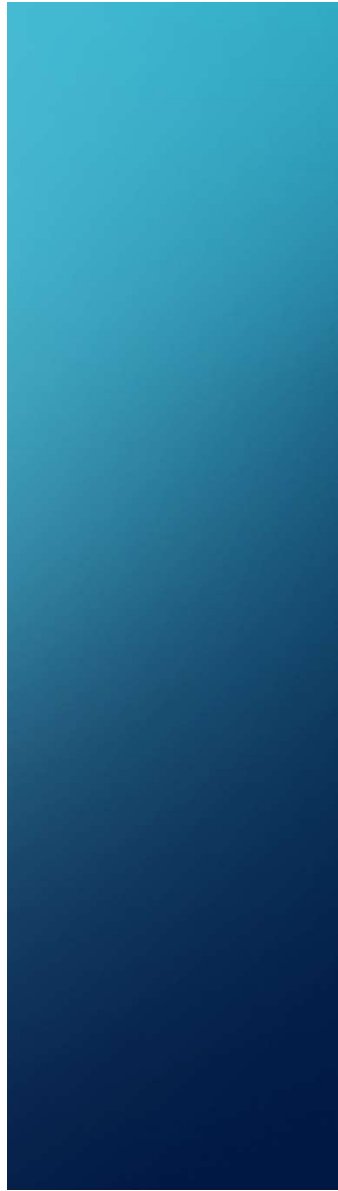
---

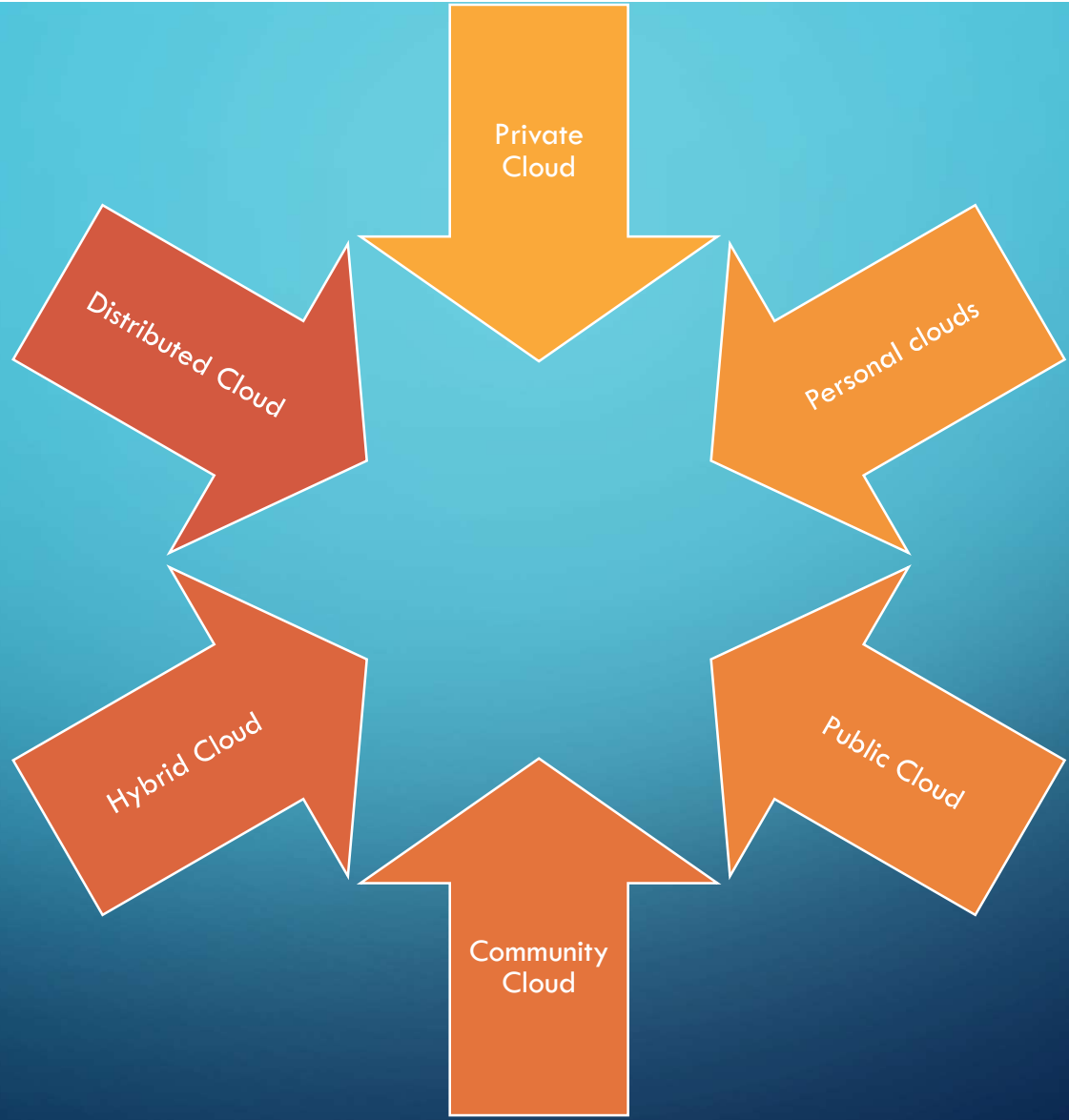




# Cloud Computing







# SERVICE MODELS

iaaS = Infrastructure as a Service

PaaS = Platform as a Service

SaaS = Software as a Service

# CLOUD TYPES

Cloud  
Storage /  
Cloud Data

Cloud  
Computing  
Providers

Cloud  
Applications

Cloud OS

# CLOUD TYPES

## Cloud Storage / Cloud Data

- Dropbox, Google Drive, Sky Drive, PC Backup, SugarSync, Mozy, Box, CrashPlan

## Cloud Computing Providers

- VMware, Microsoft, AmazonWS, Bluelock, Citrix, Joyent, Verizon/Terremark, Rackspace

# CLOUD TYPES

## Cloud Applications

- Adobe Creative Cloud, Salesforce, Waze, Audiobox (music), Pandora, Do, Spotify, Evernote

## Cloud OS

- Microsoft Cloud OS, Chrome OS

# CLOUD NETWORK FORENSICS

---

Still in its infancy.

---

Depending on level of access: use a tool like tcpdump or Wireshark to perform network analysis on the network traffic.

---

Follow Legal Procedures to obtain logs.

---

Usually task & time inattentive.

---

Logs....Logs....Logs.





# SOCIAL MEDIA INVESTIGATIONS POLICY

A REQUEST FOR SOCIAL MEDIA  
INVESTIGATIONS POLICIES TO BE  
EMAILED TO

[AWANDT@JJAY.CUNY.EDU](mailto:AWANDT@JJAY.CUNY.EDU)

CERTIFIED INSPECTOR GENERAL INVESTIGATOR

SOCIAL MEDIA & CLOUD FORENSICS

**JOHN  
JAY** COLLEGE  
OF  
CRIMINAL  
JUSTICE



**ADAM SCOTT WANDT, J.D., M.P.A.**  
ASSISTANT PROFESSOR OF PUBLIC POLICY  
JOHN JAY COLLEGE OF CRIMINAL JUSTICE

[awandt@jjay.cuny.edu](mailto:awandt@jjay.cuny.edu)

<http://wandt.us>