

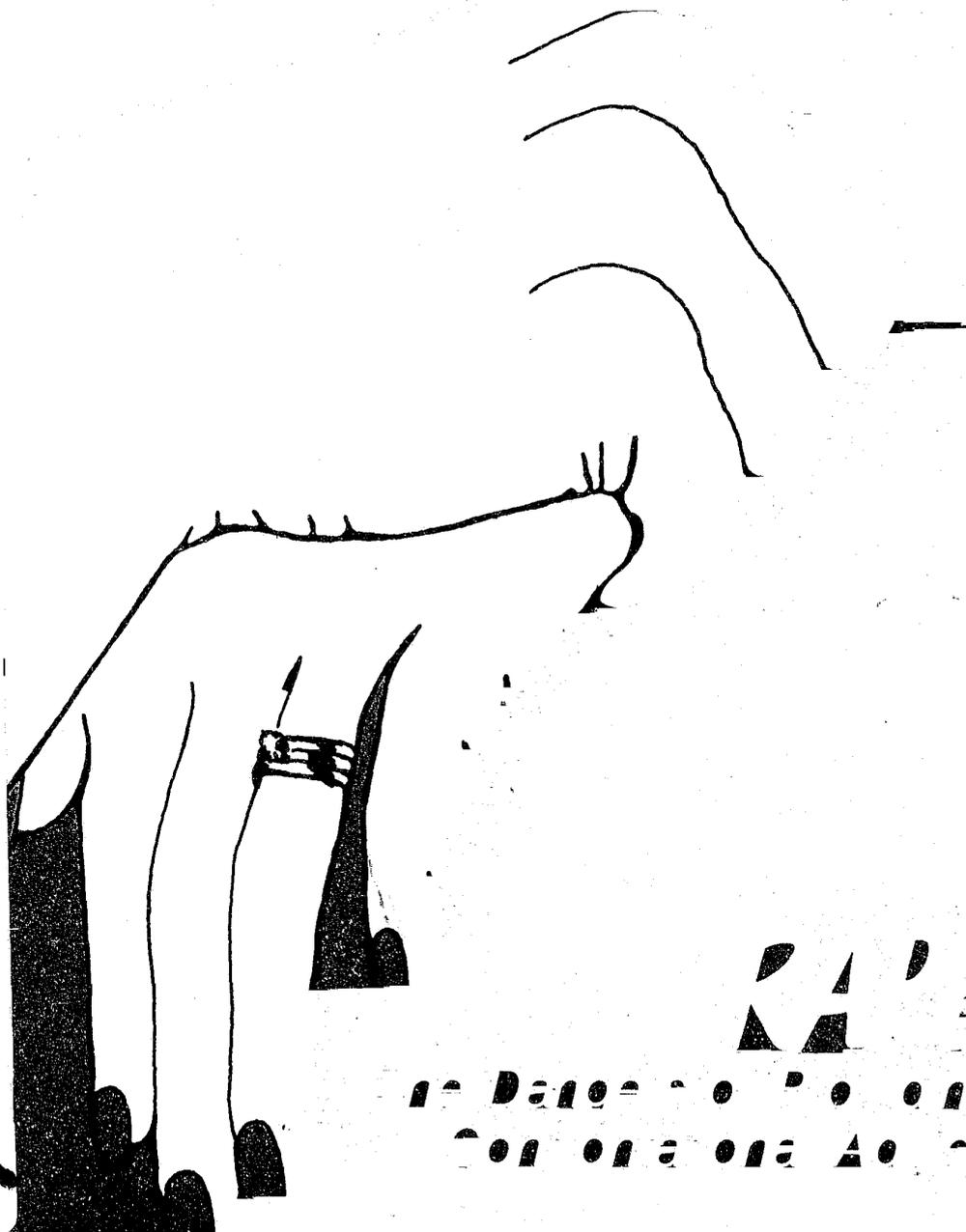


FBI

June 1986

Law Enforcement Bulletin

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FBI

Law Enforcement Bulletin

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

Published by the Office of
Congressional and Public Affairs,
William M. Baker, *Assistant Director*

Editor—Thomas J. Deakin
Assistant Editor—Kathryn E. Sulewski
Art Director—Kevin J. Mulholland
Production Manager—Marlethia S. Black
Reprints—Robert D. Wible



Raiding the Computer Room

Fourth Amendment Considerations

(Conclusion)

"... the legal standard by which ... searches and seizures [of computers and computerized information] will be measured is the same as is applied to searches less concerned with modern technology."

By
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Law enforcement officers of other than Federal jurisdiction who are interested in any legal issue discussed in this article should consult their legal adviser. Some police procedures ruled permissible under Federal constitutional law are of questionable legality under State law or are not permitted at all.

Part I of this article examined the fourth amendment's requirements of establishing probable cause and particularly describing the items to be seized in affidavits which support warrants to search and seize computers and computer-processed information. Part I concluded with the particular description of computer equipment. Part II continues with a consideration of the particularity requirement as applied to computerized information and a discussion of fourth amendment standards regarding execution of search warrants on computer facilities.

Describing Computer-Processed Information

Officers seeking to describe particularly information that has been processed by a computer face two significant obstacles. The first obstacle is explaining in an affidavit for a search warrant that records being sought may be contained in sophisticated technological equipment. For example, digital computer systems store and process information in the form of electronic impulses.⁴⁷ For these purposes, this information is encoded into the binary number system, a "language" comprised only of the characters zero and one.⁴⁸ Since, for the officer seeking

authority to search and seize and the court reviewing his application, "information (either numbers or text) in binary form is useless unless it can be decoded,"⁴⁹ describing computerized information in its encoded form is not meaningful. Fortunately, therefore, for officers drafting search warrant applications, this first obstacle is easily overcome, since officers are not required to confront the technological realities of what occurs when information is transformed into an electronic record. They can simply state that the information sought may be in electronic or written form.

It is the information itself that must be described with particularity, rather than the form in which the information may be found. Thus, if what is sought is "a letter from John Jones to Bill Smith dated November 9, 1985, and concerning the ownership of 200 shares of IBM stock," the letter should be described in those specific terms. The descriptive problem regarding whether the letter should be found in the form of paper with writing on it or magnetic tape electronically inscribed with binary code is solved by using more general terms. Concluding the description of the letter and similar items with the statement that "the records sought are 'written or electronic'" should be sufficient to permit lawful



Special Agent Sauls

seizures of the documents in either form, if the *information* sought is itself (as in the letter example) described with sufficient detail.⁵⁰ As previously noted, the storage media (magnetic discs, etc.) which could contain the information in electronic form should also be described as concisely as the facts known will allow.

The more-difficult obstacle then is particularly describing the information which is the object of the search. Information, whether recorded in written or electronic form, is generally collected into documents. Documents are what officers usually describe in warrants authorizing the seizure of information. Because the particularity requirement is strictly applied where documents are concerned,⁵¹ the descriptive task is often a demanding one. Nonetheless, courts reviewing applications for search warrants evaluate the particularity of the description of a document in light of the degree of precision the facts of a case will allow.⁵² The officer must be as precise as possible in describing a document, consistent with the facts that are available to him. The detailed description is required whether the information is computerized or not.

For example, in the *United States v. Timpani*,⁵³ a search warrant authorizing the seizure of "... any and all records relating to extortionate credit transactions (loansharking) ..." ⁵⁴ was challenged as being insufficiently particular. In reviewing the warrant, the court noted that the warrant included a lengthy list of types of records (including "... lists of loan customers, loan accounts, telephone numbers, address books ..." ⁵⁵) and that the warrant "... provide[d] a standard

for segregating the 'innocent' from the 'culpable' in the form of requiring a connection with [the] specific, identifiable crime [of loansharking]."⁵⁶ Approving the particularity of the warrant, the court stated, "... most important, it is difficult to see how the search warrant could have been made more precise."⁵⁷

The task of the officer is to describe the information sought with sufficient particularity to avoid a forbidden "general" warrant. If he is aware of specific documents sought, he should designate them by type (letter, memo, etc.), date, subject, author, addressee, providing as much detail as possible. The earlier description of the letter regarding ownership of IBM stock is an example of this technique.

Where only the general nature of the information sought is known, a highly detailed description is impossible. In such cases, officers must use great care to give a description that includes the information sought but limits the search as narrowly as possible. This is accomplished by use of a general description that is qualified by some standard that will enable the executing officers to separate the information to be seized from innocent information that may also be present. This qualifying standard is known as a limiting phrase.

The limiting phrase must be crafted based on the facts establishing probable cause to search. If the facts establish that the information sought comes from a particular time period, the phrase should limit the warrant to information of that time period. If the information sought is known to have been produced by a particular individual, the phrase should limit the description to material authored by that person. If the phrase combines several such factors, it is even more ef-

"... it is often desirable to incorporate the affidavit into the warrant by appropriate language and to attach the affidavit to the warrant."

fective. As in *United States v. Timpani*, the phrase may restrict the description to particular criminal conduct. In that case, the limiting phrase was "... records relating to extortionate credit transactions (loansharking)..."⁵⁸ It is most important that the limiting phrase restrict the scope of the search so that it remains within the bounds of the probable cause set out in the affidavit. The warrant may not authorize the seizure of items for which probable cause to search has not been established. In upholding the description of items in the warrant in the *Timpani* case, the court noted that "[e]ach item is plausibly related to the crime—loansharking or gambling—that is specifically set out [in the affidavit]."⁵⁹ The description, even though the items to be seized were described in generic terms, did not exceed the probable cause because of the use of an appropriately narrow limiting phrase.

In *Application of Lafayette Academy, Inc.*,⁶⁰ a case involving a search for computerized information, the information sought was described in general terms with the inclusion of a limiting phrase, but the phrase was not made sufficiently narrow. Lafayette Academy, Inc., was being investigated for fraudulent activities in connection with their participation in the Federally Insured Student Loan Program (FISLP). The warrant authorized seizure of "books, papers, rosters of students, letters, correspondence, documents, memoranda, contracts, agreements, ledgers, worksheets, books of account, student files, file jackets and contents, computer tapes/discs, computer operation manuals, computer tape logs, computer tape

layouts, computer tape printouts, Office of Education (HEW) documents and forms . . . which constitute evidence of the commission of violations of the laws of the United States, that is violations of 18 U.S.C. Sections 286, 287, 371, 1001, and 1014. . . ."⁶¹ The probable cause in this case related to frauds pertaining to the FISLP. The court, in invalidating the search warrant, criticized the limiting phrase because it allowed seizure of items for crimes beyond the scope of the probable cause established. The court stated, "[t]he warrant is framed to allow seizure of most every sort of book or paper at the described premises, limited only by the qualification that the seized item by evidence of violations of 'the laws of the United States, that is violations of 18 U.S.C. Sections 286, 287, 371, 1001, and 1014.' The cited statutes, however, penalize a very wide range of frauds and conspiracies. They are not limited to frauds pertaining to FISLP, and there is no indication from the warrant that the violations of federal law as to which evidence is being sought stem only or indeed at all from Lafayette's participation in FISLP. Thus, the warrant purports to authorize not just a search and seizure of FISLP-related records as the government contends but a general rummaging for evidence of any type of federal conspiracy or fraud."⁶² The court continued that "... the precise nature of the fraud and conspiracy offenses for evidence of which the search was authorized—fraud and conspiracy in the FISLP—needed to be stated in order to delimit the broad categories of documentary material and thus meet the particularity requirement. . . ."⁶³

Occasionally, the nature of the probable cause will allow a very broad description. In *United States v. Brien*,⁶⁴ a search warrant was issued

for the premises of Lloyd, Carr & Company, a commodities brokerage firm. The warrant authorized the seizure of "Lloyd, Carr's bank statements, cash receipt books, option purchase records, sales material distributed to customers, employee compensation records, customer account records, sales training material and customer lists."⁶⁵ Noting that the described items constituted most of the business records of the company, the court nonetheless upheld the warrant's particularity, since the affidavit's facts "... warranted a strong belief that Lloyd, Carr's operation was, solely and entirely, a scheme to defraud. . . ."⁶⁶ Since the facts in the affidavit established that *all* of the records of the business probably were evidence of the crime being investigated, the scope of the description was sufficiently particular. In upholding the validity of the warrant, the court stated, "... where there is probable cause to find that there exists a pervasive scheme to defraud, all the business records of an enterprise may be seized, if they are, as here, accurately described so that the executing officers have no need to exercise their own judgment as to what should be seized."⁶⁷

The items to be seized should be described as precisely as the facts will allow, and items for which probable cause to search has not been established should not be included. An innovative means of limiting the items described to those for which probable cause to search has been established is found in the case *In Re Search Warrant Dated July 4, 1977, Etc.*⁶⁸ Here, the scope of the description of items to be seized was limited to documents related to "the crimes . . . which facts recited in the accompanying affidavit

make out..."⁶⁹ The court, in upholding the warrant, noted with approval the limiting phrase. As was done in this case, it is often desirable to incorporate the affidavit into the warrant by appropriate language and to attach the affidavit to the warrant. Officers preparing search warrants for computerized information should consider the use of this procedure.

EXECUTING THE SEARCH WARRANT

The protection of the fourth amendment does not end when an officer obtains a valid search warrant. The right of citizens to be free of "unreasonable searches and seizures" extends to the manner in which a search warrant is executed.⁷⁰ For the search to be lawful, it must be done in a reasonable manner.⁷¹ The U.S. Supreme Court has recognized the flexibility of this standard, stating "[t]here is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances."⁷² Perhaps because of the vagueness of this standard, certain statutes also regulate the action of officers executing search warrants.⁷³

Generally, officers must give notice of their authority and purpose prior to entering premises to execute a search warrant.⁷⁴ Once inside, the actions taken to secure control of the premises and prevent destruction of evidence must be reasonable under the circumstances.⁷⁵ The search itself must be performed within the scope of the warrant,⁷⁶ and care must be taken to cause no unnecessary damage during the search.⁷⁷ Finally, only items named in the search warrant may be seized, subject to a limited exception, the "plain view" doctrine.⁷⁸ These aspects of execution will be examined as they relate to computer searches.

The Announcement Requirement

To protect the privacy interests of citizens and the safety of both occupants of premises and the officers making entry to execute a warrant, officers are generally required to knock and announce their identity and purpose before forcibly entering premises to perform a search.⁷⁹ This requirement is subject to certain exceptions which allow entry without notice under some circumstances.⁸⁰ The exceptions include situations where the announcement would jeopardize the safety of the officers or others and where it would likely result in the destruction of evidence.⁸¹ This latter exception, destruction of evidence, becomes relevant in searching for computer-processed information.

Due to the manner in which it is processed and stored, computerized information is easily and quickly destroyed. As previously discussed, information is encoded into the binary number system for processing purposes. This encoded information may then be stored in the computer's internal memory or on magnetic or other external storage media.⁸² Generally, the internal memory is used to store data that must be immediately accessible to perform the tasks for which the computer is presently being used. Because any power interruption will result in the loss of information stored in the computer's internal memory, important information is usually duplicated and stored on an external storage device, such as a magnetic tape or disc. Information that is in the computer's internal memory that has not been "backed-up" by more permanent external storage may be destroyed in the instant it takes to flip a power interruption switch. Depending on the memory

capacity of the computer, a considerable amount of information may be lost in this manner. Personal computers with internal storage capacities equal to 200 double-spaced typewritten pages are now common, and larger computers have much greater internal memory capacity. Information stored externally, especially if a magnetic storage medium is used, is likewise subject to rapid destruction. A device known as a degausser can instantly erase millions of data characters from a tape or disc.⁸³

A pre-entry announcement is not required where officers know facts that cause them to reasonably believe that the making of an announcement will result in the destruction of evidence.⁸⁴ The ease and rapidity of destruction of the evidence sought is a factor courts will consider in determining whether a "no-knock" entry was reasonable.⁸⁵ Consequently, where officers know prior to execution of a warrant that information sought has been stored by computer and that persons with a motive to destroy the information are likely present at the place to be searched, an unannounced entry is likely reasonable.⁸⁶

The announcement requirement is less stringently applied where warrants are executed against business premises.⁸⁷ Since computers are often located at businesses, this fact should also be considered in determining whether a pre-entry announcement is required.

Another alternative to the unannounced entry may exist when searching for processed data. Where computerized information is the target of the search, technology may allow the execution of the search without any physical entry. If the computer is one where access is available to persons with remote terminals via telephone lines, it is possible that the information sought

“Investigators executing a search warrant must use care to insure that the search is restricted to places where the items to be seized may be concealed.”

may be obtained by an expert who “breaks in” the system remotely, using his own terminal and telephone.⁸⁸ Also, the electronic operations of some computer systems may be observed from as far away as one-half mile if the proper equipment is used.⁸⁹ Presumably, where no physical entry takes place, no announcement is required. Such searches do, however, fall within the application of the fourth amendment and its attendant requirements,⁹⁰ and in most cases, a search warrant will be required for performing such a search.⁹¹ Additionally, some sort of notice to the operator of the computer that a search has been performed is likely required.⁹²

Controlling The Premises

The U.S. Supreme Court has noted the utility of officers who are executing a search warrant exercising “unquestioned command of the situation.”⁹³ Consequently, officers executing a search warrant have the power to control access to the premises being searched and to control the movements of persons present to facilitate the search and to prevent the removal or destruction of evidence. Due to the previously noted ease of destruction of computerized information and the size and complexity of some computer facilities, the need likely will exist to quickly take control of a computer facility being searched. Actions taken to control the premises and prevent the destruction of evidence will be evaluated based upon the reasonableness of the actions under the circumstances.

An example of this analysis is found in *United States v. Offices Known as 50 State Distrib.*,⁹⁴ where a search warrant was executed on a building housing a large “boiler room”

sales operation that was engaged in fraud and misrepresentation in selling its promotional merchandise. About 50 local and Federal officers entered the premises to perform the search. At least 300 employees were present. The warrant authorized the seizure of almost all business records present. Upon entry, the officers required all persons present to remain at desks or in their assigned work areas. No one was permitted to go to the restroom without an escort. The court, in upholding the validity of the execution of the warrant, noted, “[t]he breadth of the warrant . . . rendered the execution of the warrant a most difficult task at best. Some control over the 300 . . . employees was necessary for an orderly search.”⁹⁵

Searching Within The Scope Of The Warrant

The requirement of a particular description of the items to be seized limits the allowable scope of a search in two ways. First, it restricts the places where an officer may look. An officer may look only in places where the item sought might reasonably be concealed.⁹⁶ Second, it restricts the time of execution. An officer may only search under the authority of the warrant until all named items have been located or seized or until all possible places of concealment have been explored.⁹⁷ Failure to comply with either of these restrictions can result in an illegal, general search that violates the fourth amendment.

Investigators executing a search warrant must use care to insure that the search is restricted to places where the items to be seized may be concealed. This can be quite difficult where records are sought and a great number of files are present. Regardless of the difficulty, reasonable steps must be taken to ensure that the

search is no broader than authorized by the warrant.

A sensible first step is to make sure that all searching officers are aware of what items are listed in the warrant. In upholding the execution of the warrant in *In Re Search Warrant dated July 4, 1977 Etc.*, the court noted the procedure followed in that case, saying, “[i]n preparation for the search the agents attended several meetings to discuss and familiarize themselves with the areas and documents described in the search warrant and accompanying affidavit. They were instructed to confine themselves to these areas and documents in their search. During the search each agent carried with him a copy of the search warrant and its ‘Description of Property’ and could contact one of three persons on the scene who carried the supporting affidavit.”⁹⁸ In upholding a warrant execution in *United States v. Slocum*,⁹⁹ the court also noted a pre-execution meeting.¹⁰⁰ Familiarizing the search team with the language of the warrant will increase the likelihood that a search will be performed in a manner a court will deem reasonable.

Once on the scene, the officers should continue to use care to restrict the search to the items listed in the warrant. A problem that frequently arises is that of sorting the items subject to seizure from those that are innocently possessed. This problem is especially common in cases where business records are the target of the search. In all cases, officers must restrict their search to places where the items named in the warrant are likely to be found and to limit the examination of innocent items to an extent no greater than that necessary to deter-

mine whether the item being examined is one of the items named in the warrant.¹⁰¹ Again, the yardstick is reasonableness.

In many cases, a simple sorting process will be upheld as reasonable.¹⁰² In *United States v. Slocum*, a warrant authorizing the seizure of business records related to illegal importation of tropical birds was executed. The U.S. Court of Appeals for the 11th Circuit described the execution process as follows: "... [T]he offices were a shambles and ... there was no apparent filing system; it was therefore concluded that it would be necessary to view each document to determine if it fell within the warrant. When an agent discovered a document that he or she believed covered by the warrant, the document was taken to one of four supervising agents who made the ultimate decision whether to seize the document."¹⁰³ The court approved use of "a common sense standard"¹⁰⁴ in evaluating the reasonableness of the search method and noted that where a warrant authorizes the seizure of documents, "some perusal, generally fairly brief, was necessary in order for police to perceive the relevance of the documents to the crime."¹⁰⁵ The court cautioned, however, that "the perusal must cease at the point of which the warrant's inapplicability to each document is clear."¹⁰⁶

In Re Search Warrant Dated July 4, 1977, Etc. also concerned the execution of a search warrant requiring the examination of a multitude of documents. Fifteen agents conducted a search which lasted 9½ hours, during which they examined the contents of 93 file drawers, 14 desks, 3 bookshelves, and numerous boxes and piles of loose documents. The court described a systematic search

where each document encountered was evaluated by search personnel to determine whether it fell within the description of items to be seized contained in the warrant. The U.S. Circuit Court of Appeals for the District of Columbia Circuit, in upholding the reasonableness of the search, noted that nothing in the record indicated a "general rummaging operation"¹⁰⁷ had taken place and that the agents involved in the search had been "... extensively briefed, instructed and supervised."¹⁰⁸

Search for documents stored in electronic form by a computer will require use of the computer to view documents on a display screen or to print them by means of a printer. A sorting process similar to that employed in a search for "ink on paper" documents would seem reasonable under the circumstances. Such a sorting process was employed in *United States v. Harvey*.¹⁰⁹ There, an agent seeking, pursuant to a search warrant, an electronic device that produced telephone switching tones discovered some cassette audio tapes. He played about 12 of the tapes on a cassette player on the scene and determined that 2 contained recorded telephone switching tones. These tapes were seized. The U.S. Court of Appeals for the Eighth Circuit held these tapes were "properly seized as within the limitations of the warrant."¹¹⁰ Use of computer equipment to examine computerized records should likewise be reasonable, since the records are otherwise incomprehensible to the searchers. Obviously, certain operational knowledge regarding the computer equipment will be required to perform this type of search. Under these circumstances, expert assistance during the search may be essential.¹¹¹

The sorting process, performed at the scene of the search, serves to pre-

vent the seizure, and thus the denial of access and use by the owner, of innocent records. The mere fact that the sorting process is time consuming will not make a wholesale seizure of records reasonable. Obviously, where a valid warrant authorizes the seizure of all business records, no sorting is required other than the elimination of nonbusiness records.¹¹² Otherwise, the reasonableness standard may require an arduous sorting process. Thus, where agents seized 11 cardboard boxes of computer printouts which were bound in 2000-page volumes, 34 file drawers of vouchers bound in 2000-page volumes, and 17 drawers of cancelled checks and hauled these records to another location where they sifted through them to extract the relevant documents (that were described in the search warrant) as a consequence of their determination that sorting at the site of the search would take a very long time, the seizure was held to be an unreasonable one.¹¹³ Sorting at the scene of the search is generally required.

Certain characteristics of computerized recordkeeping may result in different treatment for computerized records.¹¹⁴ First, the storage capacity of some computerized systems is such that review of all documents stored in the system could take a very long time. Second, unlike with paper files, the number of investigators who may assist in the search is limited by the number of computer terminals available for document display. Finally, where the records are stored magnetically, they may be quickly duplicated in their computerized form. Based on these considerations, it may be reasonable in some cases to duplicate the records quickly, leave copies for the use of the owner of the records, and seize the original records for later examination.

The likely legal concern in this situation is that the innocent documents included in the records would be available for unrestrained viewing by investigators resulting in a postponed "general search." A potential control for this problem would be continuing judicial supervision of the sorting process.¹¹⁵

Finally, when all items named in a warrant have been located and seized, the warrant provides no authority to continue the search.¹¹⁶ Absent other legal justification, the search must terminate.

Avoiding Damage During a Search

A further requirement for the reasonable execution of a warrant is that the officers take care to avoid unnecessary damage to the property being searched and seized. Since computers are complex and fragile,¹¹⁷ considerable care must be exercised where one is seized. Expert assistance may be necessary to ensure a damage-free seizure.

The "Plain View" Doctrine

As previously noted, an officer executing a search warrant will frequently need to sort through information to determine what portion of it may be seized pursuant to the warrant. If, during the course of the process, the allowed limited perusal of information is sufficient to cause the officer to conclude that the information is probable evidence of a crime, he is not required to leave the document behind, even through it is not described in the warrant. He may seize it under the "plain view" exception to the warrant requirement provided that he is lawfully present (searching reasonably within the scope of the warrant), it is readily apparent that the document is evidence, and the discovery of the document is "inadvertent" (that is, the officer did not

possess probable cause to search for the document prior to beginning the search he is presently engaged in).¹¹⁸

CONCLUSION

Since judicial guidance is still limited in the area, investigators seeking and executing search warrants authorizing the seizure of computers and computerized information are on untested ground. However, the legal standard by which such searches and seizures will be measured is the same as is applied to searches less concerned with modern technology. Careful adherence to established fourth amendment principles, coupled with the use of expert assistance where needed, will enhance the likelihood of obtaining computerized evidence that is judicially admissible.

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Footnotes

- ⁴⁷14 Am. Jur. *Proof of Facts* 2d 183 (1977).
⁴⁸*Id.* See also *King v. State ex rel Murdock Acceptance Corporation*, 222 So 2d 393, 398 (1969).
⁴⁹*Id.* at 184.
⁵⁰See *United States v. Truglio*, 731 F.2d 1123 (4th Cir. 1984), *cert. denied*, 83 L.Ed.2d 130 (1984). See also *United States v. Offices Known as 50 State Distrib.*, 708 F.2d 1371 (9th Cir. 1983), *cert. denied*, 79 L.Ed.2d 677 (1984).
⁵¹See *Andresen v. Maryland*, 427 U.S. 463 (1976).
⁵²For a thorough discussion, see Rissler, "Documentary Search Warrants," *FBI Law Enforcement Bulletin*, vol. 49, No. 7, July 1980, pp. 27-31.
⁵³665 F.2d 1 (1st Cir. 1981).
⁵⁴*Id.* at 4.
⁵⁵*Id.*
⁵⁶*Id.* at 5.
⁵⁷*Id.*
⁵⁸*Id.* at 4.
⁵⁹*Id.* at 5.
⁶⁰610 F.2d 1 (1st Cir. 1979).
⁶¹*Id.* at 3.
⁶²*Id.*
⁶³*Id.* at 3, 4.
⁶⁴617 F.2d 299 (1st Cir. 1980), *cert. denied*, 446 U.S. 919 (1980).
⁶⁵*Id.* at 306.
⁶⁶*Id.* at 308.
⁶⁷*Id.* at 309, *contra Voss v. Bergsgaard*, 774 F.2d 402 (10th Cir. 1985).
⁶⁸667 F.2d 117 (D.C. Cir. 1981), *cert. denied*, 102 S.Ct. 1971 (1982).
⁶⁹*Id.* at 141.
⁷⁰*Go-Bart Importing Company v. United States*, 75 L.Ed. 374 (1931).
⁷¹*Id.*
⁵⁸*Id.* at 382.

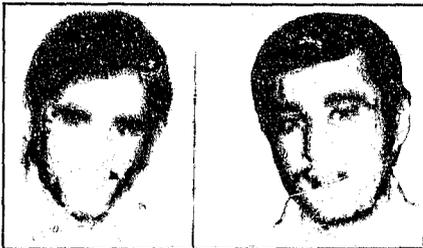
- ⁷³An example is 18 U.S.C. §3109.
⁷⁴*Cf. Ker v. California*, 374 U.S. 23 (1963) (concerning an entry to arrest). For a thorough discussion, see 2 W. LaFave, *Search and Seizure*, 122-140 (1978).
⁷⁵See *United States v. Offices Known as 50 State Distrib.*, *supra* note 50.
⁷⁶*Cf. Harris v. United States*, 331 U.S. 145 (1947). For a thorough discussion, see 2 W. LaFave, *Search and Seizure* 160-163 (1978).
⁷⁷See 2 W. LaFave, *Search and Seizure* 161 (1978).
⁷⁸See *Coolidge v. New Hampshire*, 403 U.S. 443 (1971). For a thorough discussion, see 2 W. LaFave, *Search and Seizure* 163-184 (1978).
⁷⁹*Supra* note 74.
⁸⁰*Id.*
⁸¹*Id.*
⁸²See generally 16 Am Jur. *Proof of Facts* 285-291 (1965).
⁸³D. Parker, *Fighting Computer Crime*, page 42 (Charles Scribner's Sons, 1983).
⁸⁴*Supra* note 74.
⁸⁵*Id.*
⁸⁶*Id.*
⁸⁷See *United States v. Francis*, 646 F.2d 251, 258 (6th Cir. 1981), *cert. denied*, 70 L.Ed.2d 616 (1981).
⁸⁸For a discussion of the ease with which an expert can gain access to a supposedly secure system, see T. Whiteside, *Computer Capers*, pp. 117-121 (1978).
⁸⁹T. Schaback, *Computer Crime Investigation Manual*, section 9.2.9 (Assets Protection, 1980).
⁹⁰See *Katz v. United States*, 389 U.S. 347 (1967).
⁹¹*Id.*
⁹²See *Berger v. New York*, 388 U.S. 41 (1967).
⁹³*Michigan v. Summers*, 452 U.S. 692, 703 (1981), citing 2 W. LaFave, *Search and Seizure* 150-151 (1978).
⁹⁴See *United States v. Offices Known as 50 State Distrib.*, *supra* note 50.
⁹⁵*Id.* at 1376.
⁹⁶*Supra* note 76.
⁹⁷*Id.*
⁹⁸*Supra* note 68, at 123.
⁹⁹708 F.2d 587 (11th Cir. 1983).
¹⁰⁰*Id.* at 601.
¹⁰¹See generally 2 W. LaFave, *Search and Seizure* 173-178 (1978).
¹⁰²See, e.g., *In Re Search Warrant Dated July 4, 1977, Etc.*, *supra* note 68. See also *United States v. Tamura*, 694 F.2d 591 (9th Cir. 1982).
¹⁰³706 F.2d 597, 602 (11th Cir. 1983).
¹⁰⁴*Id.* at 604.
¹⁰⁵*Id.*
¹⁰⁶*Id.*
¹⁰⁷*Supra* note 68, at 124.
¹⁰⁸*Id.*
¹⁰⁹*United States v. Harvey*, 540 F.2d 1345 (8th Cir. 1976).
¹¹⁰*Id.* at 1354.
¹¹¹An expert accompanied officers executing the search warrant in *Citizensmeyer v. Chesapeake & Potomac Telephone Co.*, 756 F.2d 986 (4th Cir. 1985). Another case considering the role of an expert accompanying officers executing a search warrant is *Forro Precision, Inc. v. International Business Machines Corp.*, 673 F.2d 1045 (9th Cir. 1982).
¹¹²See *United States v. Brien*, *supra* note 64.
¹¹³*United States v. Tamura*, *supra* note 102.
¹¹⁴See e.g., *United States v. Tamura*, *supra* note 102.
¹¹⁵*Id.* See also *DeMassa v. Nunez*, 747 F.2d 1283 (9th Cir. 1984) (special master appointed to supervise sorting of documents during search of attorney's office).
¹¹⁶In addition to suppression of evidence, civil liability may result when a search continues after all items named in warrant have been seized. See *Cremer v. Porter*, 754 F.2d 1311 (5th Cir. 1985).
¹¹⁷For a discussion of the ways a computer may be physically damaged, see *Fighting Computer Crime*, *supra* note 82, pages 41-42.
¹¹⁸*Supra* note 78.

WANTED BY THE FBI

Notify the FBI

Any person having information which might assist in locating these fugitives is requested to notify immediately the Director of the Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535, or the Special Agent in Charge of the nearest FBI field office, the telephone number of which appears on the first page of most local directories.

Because of the time factor in printing the FBI Law Enforcement Bulletin, there is the possibility that these fugitives have already been apprehended. The nearest office of the FBI will have current information on the fugitives' status.



Photographs taken 1973



Right ring fingerprint

Robert Ralph Moret,

also known as Robert Ralph Benliza, Robert Ralph Moret Benliza, Ralph Mantelli, Benliza Moret, Benliza Morett, Bobby Moretti. W; born 12-29-36, Brooklyn, NY (not supported by birth records); 5'8"; 146 lbs; sldr bld; brn hair; brn eyes; ruddy comp; occ-aircraft mechanic; scars and marks: scars on forehead, left wrist, and right bicep, mole on back. Wanted by FBI for INTERSTATE FLIGHT—ARMED ROBBERY.

NCIC Classification:
12590857PM1557090913

Fingerprint Classification:
12 M 1 R-r
M 5 R 13

Ref: 17
5

I.O. 4746

FBI No. 157 773 F

Caution

Moret, who has been convicted of armed robbery and murder, is being sought as an escapee from custody. He is reportedly a narcotics addict with suicidal tendencies. Moret should be considered armed and dangerous and an escape risk.



Photographs taken 1972



Right index fingerprint

Jasper Jackson,

also known as James Jackson, James J. Jackson, James Jasper Jackson, James P. Jackson, Jimmy Jackson, Joseph Robinson, James Sutton. N; born 4-22-34, Columbia, SC; 5'7"; 160-180 lbs; med-stocky bld; blk hair (may be wearing Afro wig); brn eyes; drk comp; occ-farmer, gas station attendant, handyman, laborer; scars and marks: scars on bridge of nose, left eyelid, and right forearm; pierced left ear; tattoos: J.J.J. on right forearm and J.J. on left forearm; remarks: ambidextrous. Wanted by FBI for BANK ROBBERY; THEFT FROM INTERSTATE SHIPMENT—ARMED HIJACKING.

NCIC Classification:
PIPIPIPO18PIPOPOPI17

Fingerprint Classification:
1 31 W 1 10 18
1 28 W 001

I.O. 4792

Social Security

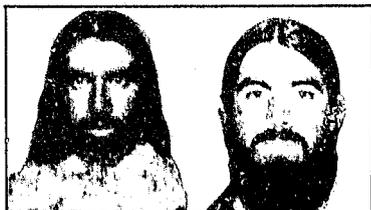
Numbers Used: 131-26-7159; 131-26-5971

FBI No. 575 595 B

Caution

Jackson, who is wanted in connection with an armed truck hijacking and abduction and for armed bank robbery, is also being sought by local authorities for the shotgun murder of an associate. Consider Jackson armed and dangerous.

WANTED BY THE FBI



Photographs taken 1974 and 1975



Right index fingerprint

Roy Clinton Sieg.

also known as Roy Clinton Sleb. W; born 1-22-47, Kentfield, CA; 6'; 170 lbs; med bld; brn hair; hzl eyes; med comp; occ-carpenter, chimney sweep, hod carrier; scars and marks: scar left knee; remarks: is a motorcycle enthusiast and reportedly associates with motorcycle gang members; allegedly has suffered shock damage to the left eye, causing poor vision. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

NCIC Classification:

POPI15PO161713141816

I.O. 4796

Fingerprint Classification:

15 O 25 W 100 16
L 17 U 000

Social Security

Numbers Used: 555-72-1263; 555-73-1263

FBI No. 516 057 L10

Caution

Sieg, who reportedly trains attack dogs and who may be armed with an automatic pistol, is wanted for the murder of an individual who after being beaten was shot through the head at point-blank range. Consider Sieg armed and dangerous.



Photographs taken 1967



Right index fingerprint

Richard N. Nickl,

also known as Richard Gleason, Brandon A. Hanck, Jack Johnson, Richard M. Nickel, Richard M. Nickl, Richard Michael Nickl, Richard Nicholas Nickl. W; born 8-6-34, Chicago, IL; 5'9"; 160 lbs; med bld; drk brn hair (balding); brn eyes; med comp; occ-bartender, construction worker, dog kennel operator, dog trainer, laborer, salesman; scars and marks: scar left forehead to scalp, scar over left eyebrow, brown mole right side of face, vaccination scar upper left arm, scar left hand; remarks: may have mustache, beard, or longer hair, may wear wig or have hair transplant, reportedly suffers from arthritis and may walk with a slight limp. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

NCIC Classification:

PO67161816DIP0171717

I.O. 4770

Fingerprint Classification:

17 O 5 R 000 16
I 19 W 000

FBI No. 849 635 A

Caution

Nickl, who is believed to be armed, is being sought as an escapee from custody. At the time of his escape, Nickl was serving a life sentence for the murder of one police officer and the wounding of another. Consider Nickl armed, dangerous, and an escape risk.



Photograph taken unknown



Right ring fingerprint

William Thomas Smith,

also known as William Thomas Smith, Jr., William Thomas, William Tee, Smitty. W; born 10-15-24, Cincinnati, OH; 5'4"; 135 lbs; sm bld; gray hair; bl eyes; med comp; occ-bus driver, private security guard, sales, shipping and receiving clerk, vacuum cleaner repairman; remarks: reportedly an avid square dancer and bridge player. Wanted by FBI for INTERSTATE FLIGHT—MURDER.

NCIC Classification:

PMDOPMPO1713PM161917

I.O. 4776

Fingerprint Classification:

13 M 25 W OMO 17
M 27 W MOO

Social Security

Number Used: 293-14-2197

FBI No. 846 350 A

Caution

Smith, who may be armed with a .32-caliber handgun, is being sought in connection with the abduction-shooting murder of his estranged wife. Consider Smith armed and dangerous.