

BACK TO BASICS: TECHNOLOGY-FACILITATED CRIMES AGAINST CHILDREN CASE

THE CHILD ABUSE PROSECUTION PROJECTS' BACK TO BASICS SERIES

The Association of Prosecuting Attorneys, Child Abuse Prosecution Project is pleased to offer its Back-to-Basics Series, a "to-do" list for both new and experienced child abuse prosecutors and their multi-disciplinary teams.

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TOP CONSIDERATIONS DURING YOUR INVESTIGATION:

1. Identify: the sources of technology that are likely to contain evidence: cell phones, computers, email accounts, cloud storage, text messages, digital photographs, cell location information etc and which technology companies may hold records for those sources (eg. Google, Apple, Verizon etc). Identify all IP addresses and begin to identify possible carriers: **neustar//UltraTools**¹. Identify phone carriers for phone numbers: **twilio**².

2. Preserve: Send one page preservation letters to any potential company with identifying information to request the company to preserve records while you generate formal process. Consider application of 18 USC 2703 for service of communications companies. Safely disable electronic devices (phones, computers) so that they cannot be remotely wiped. Careful consideration of turning phones off as they may lock and be difficult to search after that point. Consider airplane mode.

3. Search: Be thoughtful in how you approach whether the source contains evidence. One of the most underutilized aspects of this evidence is its capacity to corroborate a child witnesses' account even if that corroboration is on a minor point. Anything that

helps prove the child is a truth-teller is valuable evidence. Also consider whether a search of the source will uncover motive evidence – another underappreciated vehicle searching technology sources for evidence.

4. Analyze: The volume of information from technology sources can be overwhelming. Know ahead of time what you are looking for and be discriminating in how you search. Consider hiring an expert or utilizing FBI regional crime forensic team (RCFL) support to analyze devices.

5. Trial: Be careful in how you approach digital evidence. Make sure you are using forensically appropriate tools and preserving full forensic images of devices so that you can establish the veracity of your trial exhibits. Consider whether you need an expert to establish foundation for this evidence or to explain it to the jury. Particularly important in cases using location based information to prove suspect locations.

WEB RESOURCES

¹**neustar//UltraTools**

<https://www.ultratools.com/tools/ipWhoisLookupResult>

²**twilio**

<https://www.twilio.com/lookup>