Prosecuting Computer Crimes

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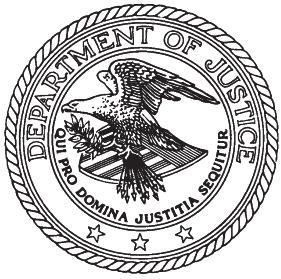

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Preface and Acknowledgements

This manual is a product of the Computer Crime and Intellectual Property Section (CCIPS) of the United States Department of Justice. Just as in *Searching and Seizing Computers and Electronic Evidence* (2d ed. 2002) and *Prosecuting Intellectual Property Crimes* (3d ed. 2006), we emphasize real world practice issues for working prosecutors.

This manual examines the federal laws that relate to computer crimes. Our focus is on those crimes that use or target computer networks, which we interchangeably refer to as "computer crime," "cybercrime," and "network crime." Examples of computer crime include computer intrusions, denial of service attacks, viruses, and worms. We make no attempt to cover issues of state law and do not cover every type of crime related to computers, such as child pornography or phishing.

We refer to people committing the crimes covered in this manual as "intruders" or "attackers" instead of the more widely-used but less-specific term "hackers."

This manual is a joint effort of the Computer Crime team of CCIPS, under the supervision of Martha Stansell-Gamm, Chief, and Christopher Painter, Principal Deputy Chief. Scott Eltringham is the primary editor, but this manual exists because of the work and experience of many CCIPS attorneys, both present and former, including Leonard Bailey, Howard Cox, Richard Downing, Tom Dukes, Josh Goldfoot, Jessica Herrera, Todd Hinnen, Amanda Hubbard, Nathan Judish, Kimberly Peretti, Richard Salgado, Jared Strauss, Joel Schwarz, Betty Shave, Joe Springsteen, Michael Stawasz, Michael Sussmann, Anthony Teelucksingh, Eric Wenger, Lisa Willmer, and William Yurek, paralegals Kathleen Baker and Aubrey Rupinta, as well as many of our legal interns.

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This manual is intended as assistance, not authority. The research, analysis, and conclusions herein relect 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).

If you have questions about anything in this manual, we invite you to call CCIPS at (202) 514-1026. Attorneys are on duty every day for the specific purpose of answering such calls and providing support to U.S. Attorneys' offices, law enforcement agencies, and other public- and private-sector partners.

Electronic copies of all three of our manuals are available at http://www.cybercrime.gov. The electronic version will be periodically updated, and prosecutors and agents are advised to check the website for the latest developments.

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