Investigating cybercrime

Oerlemans, J.J.

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I am also grateful to Orin Kerr, Daniel Solove, and Susan Brenner. All three were willling to spend time with me discussing the U.S. regulations for digital investigative methods with me during my tenure as a visiting scholar at George Washington University in Washington D.C.[1] My visits to the Dutch national high tech crime unit, the U.S. Secret Service headquarters, and the FBI headquarters also helped me to better understand the practice of cybercrime investigations.

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Curriculum Vitae

Jan-Jaap Oerlemans (1985) studied law (IT law and criminal law) at Leiden University and the University of Amsterdam. From 2010 to 2015, he worked for Fox-IT as a researcher and legal consultant. In 2014, he started working for the Research and Documentation Centre of the Dutch Ministry of Security and Justice and in 2015 for the Dutch Defence Academy. In his professional work he focuses on cybercrime, privacy, digital investigations, and cybersecurity. Jan-Jaap conducted his PhD research at eLaw, Center for Law and Digital Technologies, and the E.M. Meijers Institute of Legal Studies of Leiden University. Via his supervisor, Jaap van den Herik, he was also affiliated with SIKS, the Dutch Research School for Information and Knowledge Systems.

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TL;DR: We use a 20th century legal framework as a basis to apply digital investigative methods in cybercrime investigations. This creates interpretation problems and ambiguity for all actors involved in the criminal justice system. The Dutch legal framework must be updated to provide clarity about the regulations that apply to digital investigative methods and adequately protect the individuals involved. This study provides recommendations to update both the Dutch legal framework and the international legal framework.