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## Investigating cybercrime

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### Citation

Oerlemans, J. J. (2017, January 10). *Investigating cybercrime. Meijers-reeks*. Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University, Leiden. Retrieved from <https://hdl.handle.net/1887/44879>

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**Title:** Investigating cybercrime

**Issue Date:** 2017-01-10

## Acknowledgements

Writing a PhD thesis is a journey we do not take alone. Therefore, I would like to thank the people who assisted me in completing this project.

My former colleagues at Fox-IT helped me to learn more about cybersecurity and the practice of digital investigations. Gratitude is owed in particular to Ronald Prins, who has supported me throughout all of my research and has always been available for discussion. I would also like to extend special thanks to my colleagues at eLaw, Center for Law and Digital Technologies at Leiden University. Our many brainstorming sessions – and the informal discussions we had during our Friday afternoon drinks – really helped me to develop my ideas about IT law. I found writing a PhD thesis to be a humbling experience, and I learned to listen to all of the comments and suggestions made concerning my manuscript. This feedback eventually brought my research to a higher level. Since it is not customary in Leiden to thank your PhD supervisors in the acknowledgements, I will refrain from doing so. However, suffice it to say I have become acutely aware of the indispensable role that supervisors play in developing the academic writing skills of a young legal scholar.

I am also grateful to Orin Kerr, Daniel Solove, and Susan Brenner. All three were willing 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.<sup>1</sup> 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 cyber-crime investigations.

This research would not have been possible without assistance from Lodewijk van Zwieten. The many interviews and the opportunity to conduct dossier research at the office of the Public Prosecution Service in Rotterdam significantly contributed to my research. I would also like to thank all other interview respondents for both taking the time to speak with me and sharing their knowledge and insights.

While working on this PhD thesis, I co-authored several publications with Bert-Jaap Koops, Bart Custers, Charlotte Conings, Ronald Pool, and Rolf van Wegberg. I thank you all for your cooperation and hope we can continue to research together in the future. I would also like to thank my colleagues at the Research and Document Centre (WODC) and the Dutch Defence Academy for their good company and cooperation in research.

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1 My tenure here was sponsored by the Leiden University Fund and eLaw.

Finally, I would like to thank my parents and wife for supporting me in my research. My parents have provided me with love and support throughout my entire life. Eva, your love, support, and – perhaps above all – your patience have been very important to me. While I was never able to give you a realistic indication of when I would finish my dissertation, you graciously accepted the inevitable delays and low points I experienced along the way. During my PhD journey, we have gotten married and started our own family. I dedicate this work to our daughter, Violet.

## 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.

See <https://www.universiteitleiden.nl/en/staffmembers/jan-jaap-oerlemans> for more information and a full list of publications.



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TL;DR: We use a 20<sup>th</sup> 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.