

LAW & ORDER EPISODE: “VIRUS”

2008-08-29

Here are some questions to think about as you watch the show.

1. Why does the doctor refuse to give the detectives medical records when they ask for them?
2. Does the clinic computer administrator have the right to look through the log files looking for possible uploads that might carry a computer virus? Is he breaching any laws against computer trespass?
3. Do the detectives need a warrant to ask the clinic's computer admin questions about the computer programs?
4. Are the messages on the Department of Doom's bulletin board privileged? That is, are they protected against investigation by the police?
5. Rinker, the BBS operator, Striker1 routed his calls through a company in Toronto using their PBX. What's a PBX?
6. Rinker hacks into Striker1's e-mail. Is he breaking any laws by doing this?
7. Why does Hat Trick sneer that he's a juvenile when he talks to the detectives?
8. Why do the detectives move Striker1 away from his computer instantly as soon as they enter his room?
9. Is John Cook right to assert that electronic identities don't necessarily tie electronic communications to a specific real-world person?
10. Cook argues that the presence of virus fragments on his computer does not implicate him in any illegal activity. What do you think of his argument?
11. Is it reasonable to suppose that Cook's mother has no clue about his activities in the computer underground?
12. The FBI agent describes the DoD hacker group as a bunch of misfit teenagers; does this description apply to today's criminal hackers?
13. The judge discusses the evidence from Cook's computer with the District Attorney and the defense counsel. The warrant was obtained based on e-mail that was acquired by Rinker, the DoD bulletin board operator when he hacked into Cook's computer with two detectives watching. So what happens to all the evidence that the police collected? [This principle is usually referred to as “The fruit of the poisoned tree.”]
14. What does “inevitable discovery” mean for the prosecution?
15. In the hearing before the second judge, the defense attorney argues that John Cook would surely have destroyed the evidence in the weeks required for discovery of the suspect's identity. The DA argues that the Constitution provides no protection for the right to destroy evidence.
16. In the trial, the police computer forensics expert says that anyone can obtain a password by chatting with a secretary. What is this technique called? Do you think it's illegal? How?