





Class 10: Stored Communications Act

Wiretap

C. Exceptions

Provider Exception

Rights or Property

Text: 18 USC 2511(2)(a)(i)

Auler

Facts

Held

McClelland

Facts

Held

Wisconsin telephone security officers detecting blue boxes on network

Review blue boxes and Cap'n Crunch

Monitoring using "2600 cycle detector"

TelCo uses detector

Warrant

Notify FBI

Search, but he has moved to Wisconsin Dells

Some contacts with FBI intertwined

TelCo uses detector again

TelCo starts recording all tones and conversations on suspect's line

3 - 4 days

Notifies FBI again

TelCo records 2-3 more days

Warrant

TelCo records 4 more days

Mid-way: search

TelCo employee accompanies on search

"Definition of chutzpah"

Kidnapping investigation

Ransom demands made by phone

TelCo does trace

Cell phone

Cloned

Police asked for continued monitoring

Phone detected in call to lifeguard station: "Not coming to work today"

Identified employee as Michael McClelland

Victim found and released

McClelland arrested

Never prosecuted

McClelland sued

Sued officers and police dept, but not TelCo







