

Safety and Security in a Digital Age

South Carolina Bar Convention
Family Law Section
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SPOOF CARDS

Prepaid phone cards that allow the user to change what someone sees on their caller ID display when they receive a phone call.



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THE WAY IT WORKS



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Also a Facebook Application



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POTENTIAL FRAUDULENT USES

- Authenticating stolen credit cards
- Spoofed emergency calls
- Breaking into another's voicemail
- Falsifying text messages



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Scary SpoofCard Pranks

- Telling a friend he lost his job or his professional license was revoked
- Spoofing call from Planned Parenthood with “test results”
- Faking call from deceased relative

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Visit www.spooftcard.com for a demonstration

SpoofCard BE WHO YOU WANT TO BE

HOME BUY MINUTES CUSTOMER STORIES FAQ SUPPORT PIN LOGIN

"Sometimes, I just don't want them to know it's me calling.."

"...I call someone from my phone, and the person's caller ID displays a number that I intend them to see. My privacy is protected. Simple as that!"

Ready To Spoof Your Caller ID?

See Pricing!

Watch a 30 Second Demo

Test-Drive SpoofCard (It's Free!)

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CURRENT CASES

- *TelTech Systems Inc. v. McCollum*, July 2009
(Footnote 5 in your materials)
- Federal Court said *Caller Id Anti-Spoofing Act* violated Commerce Clause

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CURRENT CASES

Ali Wise Charged with Being Craziest Ex Ever



Ali Wise, the former Dolce & Gabanna publicist who got in a bit of trouble for hacking into the voicemail of anyone dating her ex-boyfriends, has been charged with four felonies. The true extent of her craziness is absolutely *crazy*.

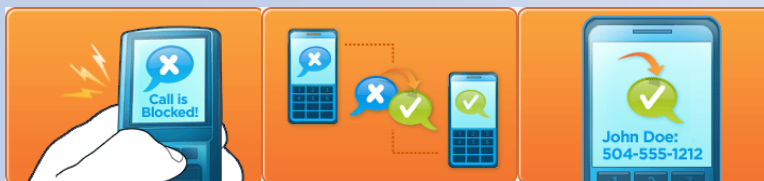
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TRAP CALL CARDS

Phone cards that allow users to unblock and reveal callers' identities and numbers even after people have tried to block their number by unlisting it or using *67.



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Visit www.trapcall.com for a demonstration



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OTHER STATES' TAPE RECORDING LAWS

<http://rcfp.org/taping/states.html>

A Practical Guide to Taping Phone Calls and In-Person Conversations in the 50 States and D.C.

- [Introduction](#)
- [State-by-state guide](#)
- [Tape-recording laws at a glance](#)
- [Consent and its limits](#)
- [Intrastate phone calls](#)
- [Possession and publication](#)
- [The FCC's role](#)
- [Cellular & cordless calls](#)
- [Citations to cases](#)

State-by-state summaries

Alabama	Illinois	Montana	Rhode Island
Alaska	Indiana	Nebraska	South Carolina
Arizona	Iowa	Nevada	South Dakota
Arkansas	Kansas	New Hampshire	Tennessee
California	Kentucky	New Jersey	Texas
Colorado	Louisiana	New Mexico	Utah
Connecticut	Maine	New York	Vermont
Delaware	Maryland	North Carolina	Virginia
District of Columbia	Massachusetts	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Oregon	Wyoming
Idaho	Missouri	Pennsylvania	

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SC Law re: Tape Recording

South Carolina



A Practical Guide to
Taping Phone Calls

One party can consent to the recording of a wire, electronic or oral communication. S.C. Code Ann. §§ 17-30-20, 17-30-30. It is a felony for a third party to do so. Under the statute, consent is not required for the taping of a non-electronic communication uttered by a person who does not have a reasonable expectation of privacy in that communication. See definition of "oral communication," S.C. Code Ann. § 17-30-15.

Anyone whose communication has been unlawfully intercepted can recover actual damages in the amount of \$500 per day of violation or \$25,000, whichever is greater, and also may recover punitive damages, litigation costs, and attorney fees. S.C. Code Ann. § 17-30-135.

Another South Carolina statute makes it a misdemeanor to eavesdrop or be a "Peeping Tom" on the premises of another. S.C. Code Ann. § 16-17-470. The term "Peeping Tom" includes using video or audio equipment to invade the privacy of others. However, the statute does not apply to bona fide newsgathering activities. S.C. Code Ann. § 16-17-470(E)(5).

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GLOBAL POSITIONING SYSTEMS

Cell phones and other electronic devices can be used as GPS devices to keep track of children, employees, and spouses.



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Post & Courier March 6, 2009

GPS helping district keep tabs on employees

BY DIETTE COURRÉGE
The Post and Courier
Friday, March 6, 2009

Charleston County School District officials know when some workers break the speed limit, go home or spend too much time at the hardware store while on the clock.

The school district added a Global Positioning System service to about 150 employees' two-way radios last summer at a cost of about \$8 per radio or \$14,000 per year. Those who drive Charleston County vehicles had the service added to their radios, and affected employees included maintenance, technology and warehouse personnel. The service enables officials to track employees' exact locations.

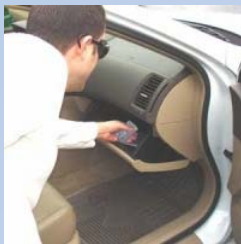


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Various GPS Devices

- Variety of sizes depending on whether device is a real-time tracker or a recorder

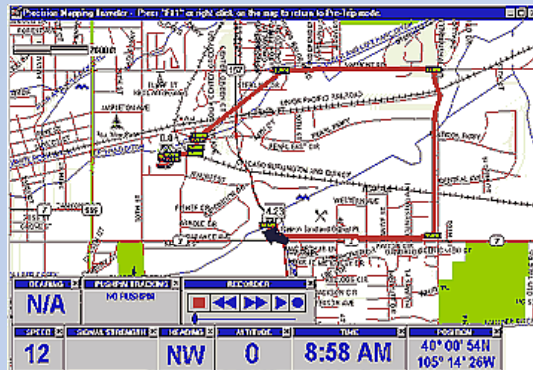


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Real-Time Location Tracker

Screen Shot of Sample Report



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Sample Report--Summary

Summary Statistics:

Total stop time (d:hh:mm)	0:01:01
Number of stops	3
Average stop time (hh:mm)	00:20
Maximum stop time (hh:mm)	00:52
Minimum stop time (hh:mm)	00:03
Total duration of in-transit times (d:hh:mm)	0:00:54
Number of in-transit runs	3
Average in-transit time (hh:mm)	00:18
Maximum in-transit time (hh:mm)	00:27
Minimum in-transit time (hh:mm)	00:01
Total distance traveled (miles)	48.3
Average speed traveled (mph)	53.0
Maximum speed traveled (mph)	77.7

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Detailed Report

Activities Report

Created October 6, 2002

Filename: C:\Program Files\Precision Mapping Traveler 4.0\test2.gps

Vehicle ID: Test Vehicle

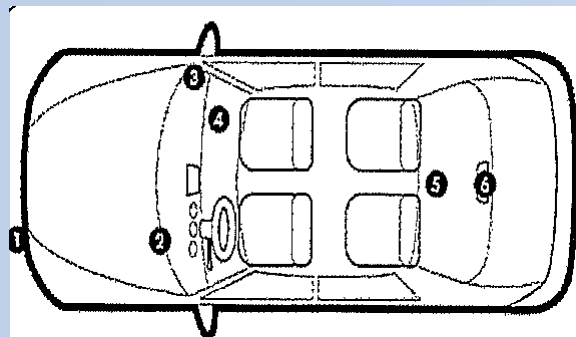
Date	Action	Begin	End	Duration	Mileage	Max Speed	Location
06/12/2002	Power On	10:09:13	-	-	-	-	-
06/12/2002	Stopped	10:09:13	10:14:26	0:00:05:13	-	-	Lat: 33.9426 Lon: -117.2443
06/12/2002	In Transit	10:14:26	10:15:33	0:00:01:07	0.0	15.4	-
06/12/2002	Stopped	10:15:33	10:19:03	0:00:03:30	-	-	Lat: 33.9425 Lon: -

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PLACES TO HIDE A GPS DEVICE



[1] inside plastic bumper [2] in gap between window and hood [3] inside stereo speaker [4] in front dash [5] Under rear-dash fabric [6] in rear dash or third brake light

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REAL LIFE EXAMPLE

Sherri Peak was stalked by her ex-husband through a cell phone equipped with GPS and a recording device that he had attached to the battery of her car.

[See the Dateline Video](#) (From footnote 15)

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FEDERAL GPS LAW

- ***US v. Garcia*** (Footnote 20)
 - 7th Circuit, 2007
 - Examined Fourth Amendment as it related to law enforcement use of GPS
 - No “search” if vehicle located on a public road
 - No “seizure” if GPS device did not use power from vehicle or otherwise alter its driving capabilities



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- ***US v. Knotts*** (Footnote 21)
 - U.S. Supreme Court, 1983
 - Law enforcement’s surveillance using digital beeper basically the same as following an automobile on public streets.
 - A person traveling in an automobile on public roads “has no reasonable expectation of privacy in his movements.”

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Federal Wiretap Act

- GPS excluded from Act in 18 USC 2510(12)(C)
- (12) “electronic communication” means any transfer of signs, signals, writing, images, sounds, data . . . transmitted in whole or in part by a wire, radio . . . system that affects interstate or foreign commerce, but **does not include**—
 - (C) . . . any communication from a tracking device

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PRIVATE INVESTIGATORS

- PIs can install GPS devices onto ANY car in SC as long as the PI does not:
 - trespass
 - use vehicle's power, or
 - enter a closed compartment
- Examples of GPS use in divorces and the different rules that apply:
 - Between spouses
 - For use on paramour's vehicle

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Pending GPS Legislation In GA

- Potentially the first state to prohibit the use of GPS devices by PIs.
- Proposed bill prohibits the use of GPS devices by anyone other than:
 - law enforcement,
 - parents or guardians, and
 - business owners monitoring employees.
- State PIs hired lobbyists to hopefully prevent this legislation

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“Nanny Cams”

- Expectation of privacy
- Restrictions
 - Areas
 - Audio



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SPYWARE



- **What is it?**

- Collects personal information, monitors browsing habits, and takes snapshots of screens
- Can be installed on computer without consent of owner

- **How can you help your client protect him or herself?**

- Install pop-up blockers
- Do not install software from pages you do not trust

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Recorded Information Activity Sheet



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KeyKatchers

- Small devices resembling flash-drives that are connected to a computer's keyboard or tower and record keystrokes.
- Device is later removed and up to 160 pages of recorded material can be downloaded.



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LEGAL IMPLICATIONS

- Federal Wiretap Act
 - 18 U.S.C. § 2515
 - Prohibits admittance of illegally obtained evidence (Footnote 38)
- Tennessee firm *Berke, Berke, and Berke* sued for \$2 million

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www.chatcheaters.com

Cell Phone Spy™: Read Deleted Text Messages & Private Data From *Any SIM Card



Clock Radio Motion DVR Camera



No Need to hassle with complicated camera and VCR wiring or wireless cameras that transmit your images all over the neighborhood! The new MC/Radio-Camera/DVR (digital video recorder) is completely self contained, totally secure, and easy to use. All functions of the clock radio work normally and the hidden high resolution camera is totally invisible. [Click here.](#)

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TIPS TO HELP PROTECT YOUR CLIENT

- Install anti-spyware programs
- Do not open emails or click on links from unknown sources
- Activate privacy settings for phone and Bluetooth
- Change computer passwords and PINs frequently
- MANY more tips included in article!



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