



Written by [C. Mitchell Shaw](#) on April 8, 2017

FBI Informants Inside Geek Squad May Have Compromised Child Porn Case

Those who attack privacy usually do so while citing their two favorite beasts of burden: children and terrorists. A recent case coming out of Best Buy's Geek Squad City facility in Brooks, Kentucky, demonstrates the typical "it's to protect the children" approach to attacking privacy.



While it is normal for computer repair technicians to inform authorities when child pornography is found on computers being repaired, Best Buy's Geek Squad division has gone way beyond that. Recent court documents reportedly show that the company has created a special program to search customers' computers for child pornography as part of "a joint venture" with the FBI "to ferret out child porn." Part of that "joint venture" involves "supervisory personnel" at the Geek Squad facility in Kentucky "being paid by the FBI" for searching customers' computers for pornographic images and videos of children.

Granted, child pornography is among the worst of crimes and anyone who creates, buys, sells, collects, or is otherwise involved in it deserves to be found, prosecuted, and locked up. But that is not the only issue here. As this case demonstrates, the battle against child pornography is being used as a pretense for attacking the privacy of any and all by searching the personal files of customers who are not reasonably suspected of anything worse than being naive enough to leave their hard drive in their computer when they send the computer in for repair.

The court documents detailing the incestuous relationship between "Geek Squad City" and the FBI are from a case in which Mark Rettenmaier, a California surgeon, was "charged with possessing child pornography, after the doctor took his computer to a Best Buy store for repair," according to a report by the *Washington Post*. The report goes on to say:

Computers which require data recovery are typically sent from Best Buy stores around the country to a central Geek Squad City facility in Brooks, Ky., and customers consent to having their computers searched — and turned over to authorities if child porn is found.

While there is no question that Geek Squad technicians have notified authorities after finding child porn, the new court documents assert that there is a deeper relationship than has previously been revealed between the company and federal authorities. The court is now considering the extent of that relationship and whether it is grounds to throw out a pending child porn case, though it could



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also have ramifications for the dozens of cases which originate from the Kentucky facility annually. So, by overstepping legal and ethical boundaries to obtain evidence, the FBI may wind up with yet another child pornography case tossed out by a judge. This would not be the first time the FBI's fuzzy sense of right and wrong compromised a case involving child pornography. As [The New American reported](#) late last month, federal prosecutors dropped a case against Jay Michaud, a school administrator from Vancouver, Washington, rather than reveal the "network investigative tool" the FBI had used to identify Michaud as one of the people who had downloaded child pornography from a website operated by the FBI. As this writer said in that article:

The case goes back to 2015 when the FBI operated a child pornography website for two weeks. Yes, you read that right. From February 20 to March 4, 2015, the FBI ran a website with more than 23,000 actual pictures and videos of children being sexually abused, including more than 9,000 of which could be downloaded by visitors to the site. According to court records, some of those children were almost too young to be in kindergarten.

It began when the FBI discovered the location of the server for the so-called Playpen website, which was accessible only via the Tor network. The FBI raided the location, arrested the operator, and made the decision to leave the website up and running and allow visitors to the site to continue downloading images and videos. The FBI's reasoning (if it can rightly be called that) was that federal agents had the ability to inject malware into the server that would work its way back to the users' computers, defeating Tor's anonymity all along the way. The FBI tracked the site's visitors and later made more than 135 arrests including "a pediatrician, a math teacher, a professor, a public school administrator, a preschool teacher, a former bank executive and a federal drug enforcement agent," according to a report from [deepdotweb.com](#). Somehow, in the darkened mind of the FBI, the arrests justified spending two weeks peddling child pornography. And this is [at least the third time](#) the FBI has done this type of thing.

The FBI, it would appear, has a malfunctioning moral compass.

As the *Washington Post* article on the most recent case goes on to say:

Defense lawyers for the doctor argue that Geek Squad City's technicians acted as government agents by receiving payments from the FBI, regularly speaking with and referring cases to the FBI, and creating a program to search for child porn. If a government agent wants to search a computer, they need a warrant, and the case has raised issues of privacy invasion and violation of constitutional search and seizure rights.

Federal prosecutors and Best Buy deny any "joint venture" between the FBI and Geek Squad.

In a court briefing, federal prosecutors said, "Nothing unreasonable occurred here, and there was no arbitrary invasion of anyone's privacy by governmental officials." That brief also said, "There's not a shred of evidence that anyone at the FBI directed anyone at Geek Squad City to detect and locate child pornography for the purpose of reporting it to the FBI."

And Best Buy — which owns Geek Squad — issued a statement to the *Washington Post* that said:

As a company, we have not sought or received training from law enforcement in how to search for child pornography. Our policies prohibit employees from doing anything other than what is necessary to solve the customer's problem. In the wake of these allegations, we have redoubled our efforts to train employees on what to do — and not to do — in these circumstances.



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But those denials don't appear to hold water. James Riddet, the lead attorney for Rettenmaier, points out that in the course of an evidentiary hearing in January, the FBI provided documents showing that there has been close cooperation between the agency and "Geek Squad City" going back years. As part of that cooperation, eight Geek Squad employees were "FBI informants" and were paid between \$500 and \$1,000 for their services in finding and reporting child pornography. Those documents also show that Geek Squad's "data recovery system was designed to identify and report child porn from all over the country."

Another document — a letter from the FBI to the U.S. attorney in Kentucky — said:

Under the control and direction of the FBI, the CW [confidential witness] agreed to notify the FBI when CW detects the presence of child pornography during the regular course of CW's employment and is willing to testify in a court of law."

One of the paid FBI informants testified that he tried to return the \$500 the FBI paid him, saying he was "extremely reluctant and irritated that the FBI gave me money, and tried to give it back." He added, "The FBI indicated to me they could not take the money back because they had to spend it as part of their budget." He said he contacted the legal department at Best Buy/Geek Squad about the payment. So much for Best Buy being in the dark.

The statement Best Buy provided to the *Post* also said that in the process of performing repairs, employees "inadvertently discover" pornographic images and videos of children about 100 times a year. But in Rettenmaier's case, that cannot be what happened. The file on Rettenmaier's computer had been deleted and resided in the unallocated space of his hard drive. When files are created on a computer, a small line is added to the beginning and another to the end of the file to tell the operating system where to find the file. When a file is deleted, all that is actually removed is the lines denoting the beginning and end of the file; the actual file remains intact and is seen as "unallocated space." For Geek Squad employees to find that, they would have to be looking for it — the very opposite of it being "inadvertently" discovered.

As the *Post* reported, "The Geek Squad supervisor who alerted the FBI to that photo, Justin Meade, "sought out and scrolled through multiple images of suspected child porn to prepare them for viewing by the FBI." Furthermore, there were "dozens of emails" showing that Meade had "a very close working relationship" with an FBI agent in Louisville.

And, just to put in the for-what-it's-worth column, if the Geek Squad facility in Brooks, Kentucky, finds child pornography about 100 times a year out of the hundreds of thousands (if not millions) of computers it handles each year, it is difficult to imagine any justification for violating the privacy of all of those customers.

After the Geek Squad/FBI employees discovered the illegal materials on Rettenmaier's computer, FBI investigators obtained a warrant to "find" what they had already "found." After that warrant allowed them to search the hard drive, which had already been searched by a paid informant (read: off-the-books agent), the FBI got another warrant to search Rettenmaier's home, where they discovered "thousands of images of child pornography."

Rettenmaier's lawyer has asked U.S. District Judge Cormac Carney to declare the search illegal and suppress the evidence obtained as a result of that search.

Of course, it is entirely possible that Rettenmaier is innocent of the charges. As this writer [observed](#) in an article about the leaked CIA files and documents published by WikiLeaks showing the size and scope



of its hacking program:

Since the hackers would then have remote access control over any such device, all files and folders would be available to the hacker. Worse yet, having control of the device would also allow the hacker to either remove or add files and folders. If the hacker wanted to bring an adversary down, it would be a simple matter to create a hidden folder containing illegal files — including child pornography — on the victim's device to be “discovered” at a later date by investigators serving a warrant. Such a sting operation would look — for all the world — like a legitimate law-enforcement activity. Even if it did not end in a prosecution and prison, the victim could be branded for life. After all, this is almost exactly what happened to former CBS News correspondent Sharyl Attkisson. In her case, the hidden files that were secretly placed on her computer were classified government documents for which Attkisson could have been charged under the Espionage Act for possessing.

If Rettenmaier *is* guilty, he needs to be prosecuted and suffer the full weight of the law. But, thanks to the lack of anything resembling adherence to the protections guaranteed by the Fourth Amendment, he may well go free whether he is guilty or not.

Considering that the intelligence community — of which the FBI is a part — is behaving something like an amalgam of the KGB and the Keystone Cops, perhaps it's time to get rid of, at least, the worst elements of this community, and to make sure that legitimate intelligence does not overstep the Constitution. Jackbooted thugs would be bad enough; jackbooted idiots is a bridge too far. If this is the best they have to offer, Americans deserve — and can do — better.



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