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DOJ Sued Over FBI/Geek Squad Computer Searches

In the wake of revelations that the FBI recruited Best Buy's Geek Squad employees to search computers for child pornography without a search warrant, an Internet privacy group is suing the Justice Department. The lawsuit was filed Wednesday by the Electronic Frontier Foundation (EFF) and seeks information related to the training and payment of those employees by the FBI.



The crux of the case stems from the practice of the FBI to train and pay Geek Squad employees to search computers that customers bring in for repair to see if those computers contain child pornography. Recently revealed court documents from a case in Santa Ana, California, show that the FBI has provided training to Geek Squad employees on how to search computers to find even traces of deleted files and folders on customers' computers.

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*.

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. Those court documents 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.

The Geek Squad central facility in Brooks, Kentucky, handles data recovery, and it is customary for computers requiring data recovery to be sent there. The FBI's relationship to that facility makes it — in essence — a satellite office of the FBI. Since the FBI pays employees there to search computers for child pornography and report it to FBI agents, who then use that report to apply for a search warrant, those employees are — in essence — part-time agents of the FBI. The "find it, then get a search warrant to find it" approach is a clear violation of the Fourth Amendment's guarantee against "unreasonable searches and seizures."

According to a [statement](#) on EFF's website:

The Electronic Frontier Foundation (EFF) filed a Freedom of Information Act (FOIA) [lawsuit](#) against the Justice Department to obtain records about the FBI's training and use of Best Buy Geek Squad employees to conduct warrantless searches of customers' computers.

The records request aims to shed light on how the FBI co-opts Best Buy repair technicians in criminal investigations, and whether the computer searches they conducted were in effect government searches. The U.S. Constitution generally requires federal agents, or those acting on their behalf, to first obtain a warrant before searching someone's computer. If the Best Buy



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informants were acting as government agents, the warrantless computer searches they conducted would be illegal.

Court records in a child pornography case against a California man who sent his computer to Best Buy for repair showed a long, close relationship between company technicians and the FBI, according to [media reports](#). Informants at Best Buy's "Geek Squad City" repair facility in Kentucky received \$500 and \$1,000 payments from the FBI, and agency documents said the Best Buy informants were "under the control and direction of the FBI," media stories revealed. FBI agents were seeking training of the Geek Squad technicians to help them identify what type of files and images should be reported to the FBI.

"Informants who are trained, directed, and paid by the FBI to conduct searches for the agency are acting as government agents," said David Greene, EFF Civil Liberties Director. "The FBI cannot bypass the Constitution's warrant requirement by having its informants search people's computers at its direction and command."

The case stems from the infamous "Playpen" child pornography case. As *The New American* [reported previously](#), that case involved the FBI finding and seizing a server that operated the "Playpen" child pornography website. The FBI then made the decision not to take the site offline, but to allow it — for a period of two weeks in 2015 — to continue operating. During those two weeks, the FBI allowed images and videos of children as young as four or five years old being sexually abused to continue being viewed and downloaded. The FBI used a "network investigative tool" to infect the computers of visitors to the site and track the traffic back to them.

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.

As EFF said in [another statement](#) on its website:

Sending your computer to Best Buy for repairs shouldn't require you to surrender your Fourth Amendment rights. But that's apparently what's been happening when customers send their computers to a Geek Squad repair facility in Kentucky.

We think the FBI's use of Best Buy Geek Squad employees to search people's computers without a warrant threatens to circumvent people's constitutional rights. That's why we filed a Freedom of Information Act [\(FOIA\) lawsuit today](#) against the FBI seeking records about the extent to which it directs and trains Best Buy employees to conduct warrantless searches of people's devices. Read our complaint [here \[PDF\]](#).

If the FBI — which is itself guilty of peddling child pornography by keeping the website up and running under its control — can circumvent the Constitution by having paid informants perform initial searches before obtaining a search warrant, there may be no limit to what comes next. The Justice Department needs to be held accountable, because — as this case demonstrates — its moral compass is broken.

Image of Geek Squad: [Best Buy advertisement](#)



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