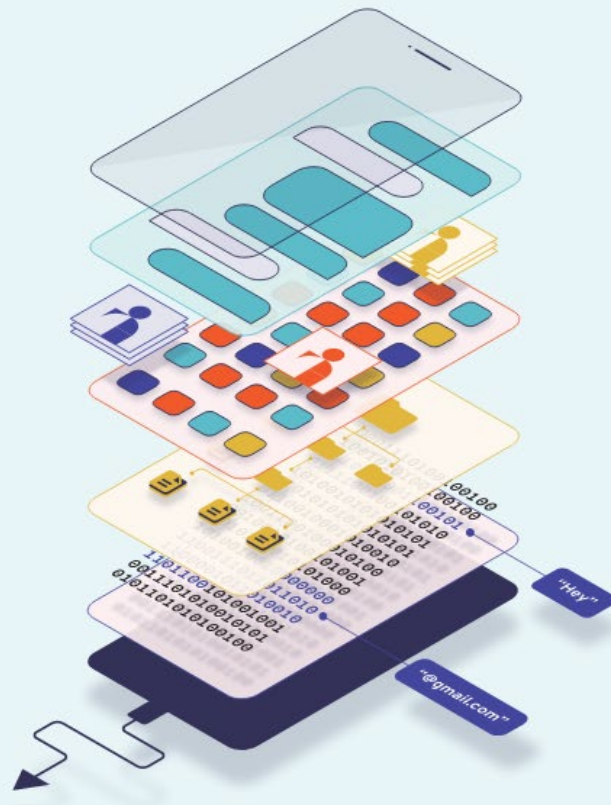


# Mass Extraction: The Widespread Power of U.S. Law Enforcement to Search Mobile Phones

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## The **Two-Way**

THE APPLE-FBI DEBATE OVER ENCRYPTION

# Apple, The FBI And iPhone Encryption: A Look At What's At Stake

February 17, 2016 · 4:18 PM ET

The New York Times

## *Barr Asks Apple to Unlock Pensacola Killer's Phones, Setting Up Clash*

The request set up a collision between law enforcement and big technology firms in the latest battle over privacy and security.



THE UNITED STATES  
DEPARTMENT OF JUSTICE

## Lawless Spaces: Warrant-Proof Encryption and Its Impact On Child Exploitation Cases

# Our research

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- 110+ public records requests to a range of law enforcement agencies.
- Requests asked for:
  - Purchase records
  - Records of use
  - Policies
- Examined government spending websites, grant databases, and other public info.
- Studied the technical capabilities of MDFTs.

# Key findings

- **Every American is at risk of having their phone forensically searched by law enforcement.**
  - At least 2,000 law enforcement agencies across the U.S. have purchased a range of products and services offered by mobile device forensic tool vendors.

# Widespread adoption



# Widespread adoption



# Widespread adoption



# Key findings

- **A pervasive tool for even the most common offenses.**

Law enforcement use these tools to investigate:

- graffiti
- shoplifting
- marijuana possession
- prostitution
- vandalism
- traffic crashes
- parole violations
- petty theft
- public intoxication
- and the full gamut of drug-related offenses



# A pervasive tool

## Coastal Division 2019 Cell Phone Forensics Log

CHP Case #	Date	Type of Case	# of Devices
M00271019	1/14/2019	Narcotics	2
M00371019	1/2/2019	187 PC	2
M00471019	1/18/2019	Parole	1
M00971019	1/9/2019	187 PC	1
M01171019	1/18/2019	Parole	1
M01271019	1/18/2019	Parole	1
M02071019	1/17/2019	459 PC	4
M02371019	2/11/2019	192 PC	2
M02871019	2/1/2019	192 PC	2
M03071019	2/4/2019	Unknown	3
M03171019	2/1/2019	Parole	1
M03271019	2/1/2019	Parole	1
M03371019	2/1/2019	Parole	
M03471019	2/18/2019	Parole	
M03571019	2/18/2019	Parole	
M03671019	2/18/2019	Parole	
M03771019	2/18/2019	Parole	

### Cellebrite Log Sheet

CCP and Case No.	Detective	Squad	Primary Offense	Date of Extraction	Device Make/Model	Notes
19N0702 191711414	Cassel	Div	CDS Dist	6/27/19	Apple A1633	Saw for Gunner
19N0764 192260760	Cassel	Div	CDS Dist	8/13/19	Alcatel A4050P Samsung Galaxy J2 Motorola G7	Saw for Simone
19N0692 192260554	Cassel	Div	CDS Dist	8/23/19	Apple iPhone	Saw for Francis
170941 192270583	Cassel	Div	Overdose	8/23/19	Samsung J3	OD for Becker
19N0726 192250578	Cassel	Div	CDS Dist	8/23/19	Apple iPhone XR Apple iPhone XR	Saw for Becker
1901053F	Dutton	ECU	Fatal 01	9/15/19	Motorola	Did Not download
19N0526 192760570	Cassel	Div	CDS Pass	10/4/19	Samsung S9	Saw for Wood
19N0591	Cassel	Div	CDS Pass	10/6/19	Samsung J7 LG L51	Saw for Kate
19N0985	Cassel	Div	CDS Dist	10/9/19	Apple iPhone 6	Saw for Summer
19N0237	Cassel	Div	CDS Dist	12/7/19	Samsung S10 5G Samsung S10 5G Samsung G920U	Consent
19N1016	Cassel	Div	CDS Dist	1/6/20	Apple iPhone 6S	Saw for Wood

### TESU PHONE EXTRACTION LIST MARCH

DATE	UNIT	DETECTIVE	OFFENSE	# OF PHONES	WARRANT	CONSENT
3/4 3/5	Gang		Graffiti	1	N	Y
3/6 3/6	Homicide		Homicide	2	N	Y
3/7 3/7	Robbery		Robbery	1	N	Y
3/6 3/7	Domestic		Harrasment	1	N	Y
3/7 3/7	Robbery		Robbery	1	N	Y
3/6 3/12	Dist 2 Narc		PCS	1	N	Y

# Key findings

- **Few constraints, little oversight.**
  - Many departments have no policies at all — despite using these tools for years.
  - Nearly half of the departments that responded to our records requests (40 out of 81) indicated they had no policies in place.
  - Of the 41 policies we received, only nine are detailed enough to provide meaningful guidance to officers.

# Key findings

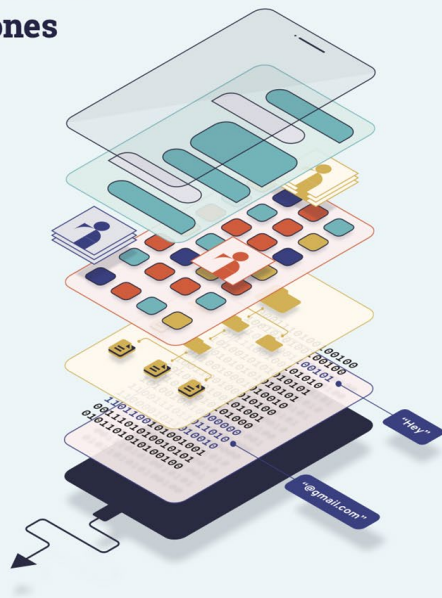
- **A dangerous expansion in law enforcement's investigatory power.**
  - With the amount of sensitive information stored on smartphones today, the tools provide a "window into the soul."
  - Given how routine these searches are today, and given racist policing practices, it's more than likely that these technologies disparately affect and are used against communities of color.

# Recommendations

1. Ban the use of consent searches of mobile devices
2. Abolish the plain view exception for digital searches
3. Require easy-to-understand audit logs
4. Enact robust data deletion and sealing requirements
5. Require clear public logging of law enforcement use

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## Report

<https://www.upturn.org/reports/2020/mass-extraction>