Mass Extraction:

The Widespread Power of U.S. Law Enforcement to Search Mobile Phones

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

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

- 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

<table>
<thead>
<tr>
<th>CHP Case #</th>
<th>Date</th>
<th>Type of Case</th>
<th># of Devices</th>
</tr>
</thead>
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<tr>
<td>M00271019</td>
<td>1/14/2019</td>
<td>Narcotics</td>
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</tr>
<tr>
<td>M00371019</td>
<td>1/2/2019</td>
<td>187 PC</td>
<td>2</td>
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<td>1/8/2019</td>
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<td>1</td>
</tr>
<tr>
<td>M00971019</td>
<td>1/9/2019</td>
<td>187 PC</td>
<td>1</td>
</tr>
<tr>
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<td>1/18/2019</td>
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<td>1/17/2019</td>
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<td>192 PC</td>
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## TESU PHONE EXTRACTION LIST MARCH

<table>
<thead>
<tr>
<th>DATE</th>
<th>UNIT</th>
<th>DETECTIVE</th>
<th>OFFENSE</th>
<th># OF PHONES</th>
<th>WARRANT</th>
<th>CONSENT</th>
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<tr>
<td>3/4</td>
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<td>Gang</td>
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<td>N</td>
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<td>3/6</td>
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<td>Homicide</td>
<td>Homicide</td>
<td>2</td>
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<tr>
<td>3/7</td>
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<td>Robbery</td>
<td>Robbery</td>
<td>1</td>
<td>N</td>
<td>Y</td>
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<tr>
<td>3/6</td>
<td>3/7</td>
<td>Domestic</td>
<td>Harrassment</td>
<td>1</td>
<td>N</td>
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<tr>
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<td>3/7</td>
<td>Robbery</td>
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<td>1</td>
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<td>Y</td>
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<tr>
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<td>3/12</td>
<td>Dist 2 Narc</td>
<td>PCS</td>
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<td>N</td>
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</tbody>
</table>
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
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