

Digital Device Search Resources

Extra Materials for Criminal Defense Attorneys



EFF One-Pager
Revised 4.10.18

Support our
work on Digital
Device
Searches:
[eff.org/donate](https://www.eff.org/donate)

EFF Briefs

EFF Litigation Briefs

- *Alasaad v. Nielsen*, in the United States District Court for the District of Massachusetts
 - September 12, 2017, EFF press release announcing lawsuit filed with ACLU against the Department of Homeland Security, “Lawsuit on Behalf of 11 Travelers Challenges Unconstitutional Searches of Electronic Devices,” — <https://www.eff.org/press/releases/eff-aclu-media-conference-call-to-day-announce-lawsuit-over-warrantless-phone-and>
 - September 13, 2017, legal complaint — <https://www.eff.org/document/alasaad-v-duke-complaint>

EFF Amicus Briefs

- *U.S. v. Keith Gartenlaub*, 2016 WL 3607154 (C.D. CA 2016), in the Central District of California, [our amicus brief](#) argues for the use of ex-ante search protocols and provides examples of limiting factors
- *U.S. v. Molina-Isidoro*, in the United States Court of Appeals for the Fifth Circuit
 - August 7, 2017, [amicus brief](#) in support from EFF, Asian Americans Advancing Justice-Asian Law Caucus, Council on American-Islamic Relations (CAIR), CAIR California, CAIR Florida, CAIR New York, CAIR Ohio, and the National Association of Criminal Defense Lawyers in Support of Defendant-Appellant

EFF Blogs and Press Releases

- Digital Privacy at the U.S. Border one-pager — <https://www.eff.org/document/digital-privacy-us-border>
- Digital Privacy at the U.S. Border white paper — <https://www.eff.org/files/2018/01/11/digital-privacy-border-12-2017.pdf>
- Digital Privacy at the U.S. Border: Protecting the Data On Your Devices — <https://www.eff.org/wp/digital-privacy-us-border-2017>
- EFF Border Search Pocket Guide — <https://www.eff.org/document/eff-border-search-pocket-guide>
- Know Your Digital Rights Quiz — <https://www.eff.org/pages/know-your-digital-rights-quiz>
- Tips for Talking to the Police printout (2011) — https://www.eff.org/files/eff_police_tips_2011.pdf
- How to: Encrypt Your iPhone — <https://ssd.eff.org/en/module/how-encrypt-your-iphone>
- How to: Encrypt Your Windows Device — <https://ssd.eff.org/en/module/how-encrypt-your-windows-device>
- September 4, 2010, “Revised Opinion in Privacy Case Blurs Clear Limits to Digital Search and Seizure” — <https://www.eff.org/deeplinks/2010/09/revised-opinion-privacy-case-blurs-clear-limits>
- July 15, 2011, “Computer Search and Seizure: A Three-Panel Cartoon — <https://www.eff.org/deeplinks/2011/07/computer-search-and-seizure-three-panel-cartoon>
- February 21, 2017, “Sen. Wyden: Border Searches of Digital Devices Should Require a Warrant” — <https://www.eff.org/deeplinks/2017/02/sen-wyden-border-searches-digital-devices-should-require-warrant>
- August 8, 2017, press release, “Whether Conducted Manually or Using Forensic Software, Cell Phone Searches Are Highly Intrusive,” — <https://www.eff.org/press/releases/eff-court-border-agents-need-warrants-search-contents-digital-devices>
- January 8, 2018, “New CBP Border Device Search Policy Still Permits Unconstitutional Searches” — <https://www.eff.org/deeplinks/2018/01/new-cbp-border-device-search-policy-still-permits-unconstitutional-searches>
- January 26, 2018, “EFF's Fight to End Warrantless Device Searches at the Border: A Roundup of Our Advocacy,” — <https://www.eff.org/deeplinks/2018/01/round-ffs-advocacy-against-border-device-searches>

Academic Articles and Research

- Legal
 - NACDL white paper on digital searches:
<https://www.nacdl.org/WorkArea/DownloadAsset.aspx?id=33204>
 - “Rethinking Privacy: Fourth Amendment ‘Papers’ and the Third-Party Doctrine,” by Michael W. Price, —
http://jnslp.com/wp-content/uploads/2016/04/Rethinking-Privacy-Fourth-Amendment-Papers_2.pdf
 - “It’s Too Complicated: How the Internet Upends *Katz*, *Smith*, and Electronic Surveillance Law,” by Seven M Bellovin, Matt Blaze, Susan Landau, and Stephanie K. Pell, —
<http://jolt.law.harvard.edu/assets/articlePDFs/v30/30HarvJLTech1.pdf>
 - “Searching the Clouds. Why Law Enforcement Officials Need to Get Their Heads Out of the Cloud and Obtain a Warrant Before Accessing a Cloud,” by Sara J. Kohls, —
<https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1024&context=jolti>
 - “Executing Search Warrants in the Cloud,” by John M. Cauthen, —
<https://leb.fbi.gov/articles/featured-articles/executing-search-warrants-in-the-cloud>
 - “Search Engines, Social Media, and the Editorial Analogy,” by Heather Whitney, —
<https://knightcolumbia.org/content/search-engines-social-media-and-editorial-analogy>
- Technical
 - Videos
 - “Cellebrite: What is cellular forensics?” published by North Star Post — <https://www.youtube.com/watch?v=kxSjEQBlNgo>
 - “Cellebrite UFED Physical Analyzer - Getting Started,” published by Cellebrite —
<https://www.youtube.com/watch?v=V-x-uJ5TRuM>
 - “Physical Analyzer Use Advanced Decoding Techniques,” published by Cellebrite —
<https://www.youtube.com/watch?v=DOnSDhI19rU>
 - “Encryption: Last Week Tonight with John Oliver (HBO),” published by LastWeekTonight —
<https://www.youtube.com/watch?v=zsjZ2r9Ygzw&feature=youtu.be>

Legislation

- Federal
 - Email Communications Privacy Act
 - Federal Wiretap Act
 - Pen Register and Trap and Trace Device Act
 - Foreign Intelligence Surveillance Act

- State
 - California Email Communications Privacy Act
 - Prezi presentation by EFF staff attorneys Stephanie Lacambra and Lee Tien—
https://prezi.com/2at0-z5yyqaw/calecpa/?utm_campaign=share&utm_medium=copy
 - California Peace Officers' Association CalECPA factsheet —
<https://cpoa.org/wp-content/uploads/2016/04/SB-178-Electronic-Comms-Searches.pdf>
 - Illinois Citizen Privacy Protection Act —
<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0622>
 - Florida statute, Title 33, Chapter 501, Consumer Protection, 501.171 Security of Confidential personal information —
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String&URL=0500-0599/0501/Sections/0501.171.html
 - County surveillance laws
 - Santa Clara CCOPS, EFF blog “A California County Breaks New Ground for Surveillance Transparency,”
<https://www.eff.org/deeplinks/2016/06/california-county-breaks-new-ground-surveillance-transparency>
 - Proposed City of Oakland ordinance —
https://www.eff.org/files/2017/05/06/2017-04-28_oakland_surveillance_ordinance_0.pdf
 - Proposed New York City legislation, EFF blog, “Proposed ‘Right to Know Act’ Would Empower Users of Digital Devices to Decline NYPD Searches,” —
<https://www.eff.org/deeplinks/2017/11/proposed-right-know-act-would-empower-users-digital-devices-decline-nypd-searches>

Known Manufacturers

- **Cellebrite** (Israel) - <https://www.cellebrite.com/en/home/>
 - This article provides an illustration of what a Cellebrite extraction report looks like:
<http://www.zdnet.com/article/israeli-firm-cellebrite-grab-phone-data-seconds/>
 - You can also [watch a slideshow](#) to learn about one of Cellebrite’s data extraction tools
- **Secureview** - https://www.secureview.us/secure_view.html
- **Oxygen** - <https://www.oxygen-forensic.com/en/>
- **FTK imager** - <https://accessdata.com/products-services/forensic-toolkit-ftk>
- **Encase** - <http://www.lostpassword.com/encase.htm>
- **MSAB XRY** (Stockholm, Sweden) - <https://www.msab.com/products/xry/>
- **E-Fense Helix3** (Washington, D.C.) -
<https://www.e-fense.com/h3-enterprise.php>

Law enforcement Training Guides and Materials

- “Forensic Examination of Digital Evidence: A Guide for Law Enforcement,” — <https://www.ncjrs.gov/pdffiles1/nij/199408.pdf>
- “Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations,” published of Office of Legal Education Executive Office for United States Attorneys — <https://www.justice.gov/sites/default/files/criminal-ccips/legacy/2015/01/14/ssmanual2009.pdf>
- “Obtaining and Admitting Electronic Evidence,” issue of United States Attorneys’ bulletin, published by Executive Office for United States Attorneys, Office of legal Education, — <https://www.justice.gov/sites/default/files/usao/legacy/2011/11/30/usab5906.pdf>
- Cellebrite Extraction slideshow presentation — <https://www.slideshare.net/cellebriteUFED/reduce-lab-backlog-with-mobile-data-forensic-previews>