EFF Amicus Briefs

- **Carpenter v. U.S.**, 585 U.S. ___, 138 S. Ct. 2206 (2018) in the Supreme Court of the United States, our amicus briefs both encouraged the Court to take the case and argued that police must get a warrant before collecting the detailed location data that all phones generate as part of their routine functioning.

- **U.S. v. Elmore (Gilton), et al.**, in the U.S. Court of Appeals for the Ninth Circuit, our amicus brief argued that police need a search warrant to obtain historical cell site records from a cell phone provider.

- **Commonwealth v. Augustine**, 467 Mass. 230, 4 N.E. 3d 846 (2014) in the Commonwealth of Massachusetts Supreme Judicial Court, our amicus brief urged the Court to rule that police must get a search warrant in order to access historical cell site information.

- **State of Maine v. O’Donnell**, pending before the Maine Supreme Court, is a case where police asked Verizon to provide real-time CSLI on the phones of two burglary suspects. The carrier “paged” the phones and transmitted the locations to police, who arrested the pair. Our amicus brief argued that while the Carpenter decision involved historical cell phone location data, the rule articulated by the U.S. Supreme Court—that collection of historical CSLI from third party phone companies is a Fourth Amendment search that requires a warrant—applies equally to real-time CSLI collection.
Commonwealth of Massachusetts v. Almonor, pending before the Massachusetts Supreme Court, involves a similar case where police had a phone carrier "ping" the cell phone of a suspect in a murder case. The real-time CSLI search pinpointed the suspect in a private home. The state contends it can warrantlessly get cell phone location data to locate anyone, anytime, at any place for up to six hours. A trial court disagreed and the state appealed. Our amicus brief likewise argued that the Carpenter decision should apply to searches of real-time CSLI.

EFF Blogs and Press Releases

- Breaking News on EFF Location Privacy Win: Courts May Require Search Warrants for Cell Phone Location Records - September 7, 2010
- Location, Location, Location: Three Recent Court Controversies on Cell Phone & GPS Tracking (and a Congressional Hearing, Too) - November 30, 2010
- What Location Tracking Looks Like - March 29, 2011
- Local Cops Following Big Brother’s Lead, Getting Cell Phone Location Data Without a Warrant - April 3, 2012
- CA Location Privacy Bill Passes Assembly - August 22, 2012
- EFF Asks Appeals Court to Rehear Cell Site Tracking Case - September 7, 2012
- State Courts Join State Lawmakers in Demanding Warrants for Location Information - July 19, 2013
- Meet CO-TRAVELER: The NSA's Cell Phone Location Tracking Program - December 5, 2013
- A National Consensus: Cell Phone Location Records Are Private - July 29, 2014
- From California to New York, Cell Phone Location Records Are Private - June 26, 2015
- Sixth Circuit Disregards Privacy in New Cell Site Location Information Decision - April 13, 2016
- Federal Appellate Court Strikes Potential Death Blow to Privacy in New Cell Site Location Information Case - May 31, 2016
- The Supreme Court Finally Takes on Law Enforcement Access to Cell Phone Location Data: 2017 in Review - December 28, 2017

Academic Articles and Research

- Notre Dame Law Review presentation on the distinction between RCS and ECS in the Stored Communications Act, "A Distinctionless Distinction: why the RCS/ECS Distinction in the Stored Communications Act Does Not Work" by Eric R. Hinz
- Saint Louis University School of Law, “Ping! The Admissibility of Cellular Records to Track Criminal Defendants” by Alexandra Wells
- Brennan Center for Justice, "Cellphones, Law Enforcement, and the Right to Privacy" by Rachel Levinson-Waldman

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Legislation

- Federal
  - Electronic Communications Privacy Act of 1986 (ECPA)
  - Stored Wire and Electronic Communications and Transactional Records Access—the Stored Communications Act

- State
  - California Email Communications Privacy Act (CalECPA)
    - SCA & CalECPA Prezi presentation by EFF staff attorneys Stephanie Lacambra and Lee Tien
  - New Mexico Electronic Communications Privacy Act
  - Montana House Bill 603, search warrants for obtaining location information of an electronic device

Law Enforcement Training Guides and Materials

- Search warrants for cell site location information:
  - May 5, 2017 search warrant served to Google for an arson investigation
  - March 8, 2017 search warrant served to Google for a homicide investigation
  - March 7, 2017 search warrant for homicide investigation asking for information on devices within specified coordinates
  - April 7, 2017 search warrant for homicide investigation asking for information on devices within specified coordinates
  - October 27, 2017 search warrant for homicide investigation asking for information on devices within specified coordinates
  - July 29, 2016 search warrant for homicide investigation asking for information about individuals who made online searches for specific addresses

- Training guides and materials on cell–site location information
  - Police Technical LLC 2012 two-day training course on cell phone investigations
  - California District Attorneys Association Advanced Asset Forfeiture Update Course, 2010
  - Seattle Police Department Manual on locating a cell phone during an emergency
  - Undisclosed law enforcement guide on telephone investigations resources