



Written by [Joe Wolverton, II, J.D.](#) on April 20, 2011

## Michigan State Police Reportedly Extracting Personal Info From Cellphones

The Michigan chapter of the American Civil Liberties Union is questioning the Michigan State Police's use of cellphone "extraction" devices. Specifically, the group claims that law enforcement is clandestinely using portable devices to secretly extract personal information from cell phones during routine stops.

The devices (pictured, left) are sold by a company called [Cellebrite](#) and facilitate the downloading of text messages, photos, video, and even GPS data from mobile phones. The handheld machines use various codes to work with different models and can be programmed to even bypass security passwords in order to access the desired personal information stored on the cell phone.



According to the ACLU, it has submitted several Freedom of Information Act (FOIA) requests over the past three years, none of which has been complied with by the Michigan State Police.

"It can contain information that many people consider to be private, to be beyond the reach of law enforcement and other government actors," said Mark Fancher, an ACLU attorney.

The procedure of obtaining personal information violates the Fourth Amendment's protection against unlawful searches and seizures.

"There is great potential for abuse here by a police officer or a state trooper who may not be monitored or supervised on the street," Fancher said.

In response to the requests for information, the Michigan State Police released a statement insisting that they are working "in accordance with the Freedom of Information Act."

"The State Police will provide information in accordance with the Freedom of Information Act ... there may be a processing fee to search for, retrieve, examine and separate exempt material ...," the statement reads.

Underneath the Michigan State Police's compliant tone, however, is an astonishing request.

The Michigan State Police insists that it will only release the information requested by the ACLU-Michigan if it pays a processing fee in excess of \$500,000.

Naturally, the ACLU views such a demand as extortionate. Furthermore, it insists that as the state police is a government agent, it must hand over the documents free of charge as part of the duty to the citizens of Michigan.



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“This should be something that they are handing over freely, and that they should be more than happy to share with the public—the routines and the guidelines that they follow,” Mark Fancher, told Detroit’s [WDIV](#).

This complaint (although no lawsuit has been filed) is similar to one made by the national office of the ACLU against the U.S. Department of Homeland Security’s use of similar devices to obtain information from the computers and cellphones of those traveling through the nation’s airports.

This battle between the ACLU’s Michigan chapter and the state’s law enforcement agency comes only weeks after Senator Ron Wyden (D-Oregon) introduced draft legislation that would require police to obtain search warrants before using GPS location data provided by many cell phones to track Americans.

“I think that a lot of people have not really put their arms around the dimensions of this, the fact that everybody’s got a handheld electronic device, a cell phone, a GPS system,” explained Wyden upon introducing his bill. “Everybody’s carrying them around everywhere and probably aren’t thinking that much about the fact that someone may be keeping tabs on them.”

The measure is being called the Geolocational Privacy and Surveillance Act, or [GPS Act](#).

Not surprisingly, the Obama Justice Department has argued in court that warrantless tracking should be permitted because Americans have no “reasonable expectation of privacy” in the cell phones they carry or the data stored therein or transmitted wirelessly thereby.

Law enforcement agents testified that requiring a search warrant before tracking criminals “will have a significant slowing effect on the processing of child exploitation leads.”

The so-called GPS Act would make it illegal to track someone using cell phone or GPS data without a properly endorsed warrant, prior permission of the Foreign Intelligence Surveillance Court, or during an emergency situation.



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