

Updated Google Unlock Language
by Aaron Edens, Police Technical all rights reserved © 2013
For Student Distribution Only

To assist a law enforcement officer or agency to unlock an Android phone, Google asks that the following language (or the equivalent) be included in the search warrant:

(i) Identify the place to be searched as the user's account identified by the IMEI/MEID number found on the back of the phone), the cellular phone and associated Gmail account, if known.

(ii) Command the government to:

Search and seize all stored electronic and wire communications and information in memory within the mobile device, including email, instant messaging, or other communications, and including any content that may be synchronized to or on the device from any service or application utilized by the subject as of the date of execution of the search warrant (i.e., the date of the password reset).

(iii) With regard to Google, include the following provision:

If necessary, and if the device can establish a data connection to the mobile network of the underlying service provider by law enforcement, Google is ordered to reactivate the Google account associated with the mobile device for the limited purpose of complying with the search warrant. Before beginning the unlock procedure, Google shall coordinate the time of executing the unlock procedure with the law enforcement officer executing the search warrant (hereafter "the law enforcement officer") to ensure all parties are prepared to conduct the device unlock.

Google is directed to provide a single password reset for the mobile device, to provide the new password to the law enforcement officer, and upon unlocking the target mobile device, again reset the Google account password promptly upon notice from the law enforcement officer that the unlocking of the phone is complete (but in any event no longer than 15 minutes), without providing it to the law enforcement officer or agency so as to prevent future access. The reset process need not be unobtrusive to the subject and the subject may receive notice to one or more accounts of the reset as a part of this unlock process; such notice is not a violation of any seal or nondisclosure requirement.

[AARON: There are a couple of things to note in the preceding paragraph. One, they are going to relock the email account after sending the unlock code to the phone. This is to prevent anyone from looking at the email contents without judicial authorization. As long as you are writing the warrant to reset the password you might as well include the email content. Also note that Google is telling you upfront the subject is going to be notified of the password reset. Keep that in mind. If you did not include the email content in the search warrant you may want to submit a preservation letter pursuant to 18 USC 2703(f) to preserve the emails before they get deleted. Make sure to include the preservation of any deleted or "Trash" emails. Once a Gmail user deleted an email it goes in to the trash and stays there. Those messages can be recovered. If they deleted their trash file the messages are gone and irretrievable.

The law enforcement officer is prohibited from using or attempting to use the new password to attempt to access the subject's online accounts other than as synchronized on and stored in memory within the target device at the time of execution of the warrant.

[AARON: This is why you want to include the email contents in your search warrant.]

In addition, Google's policy is to notify the user when we receive legal process on his/her account. Google will refrain from doing so if precluded by the court or upon your certification that disclosure would impede the investigation. Please include a court issued sealing order, order under 18 U.S.C. section 2705(b) or certify that notice to the user would impede your investigation.

[AARON: You don't need to do this if the suspect is in custody or you don't care if they get notified. But if notifying the suspect would impede the investigation use your state sealing authority, get a non-disclosure order built in to the search warrant, or get an order under 18 USC 2705(b).