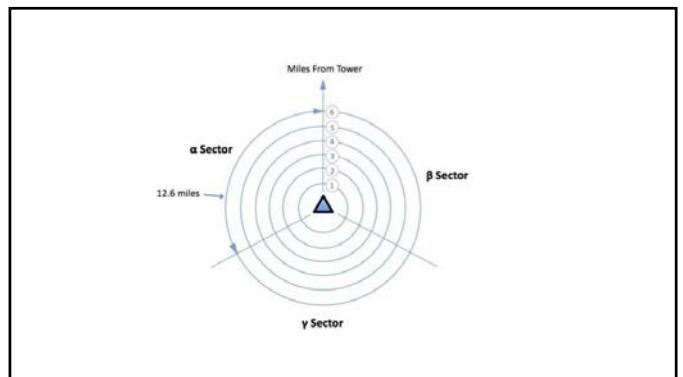
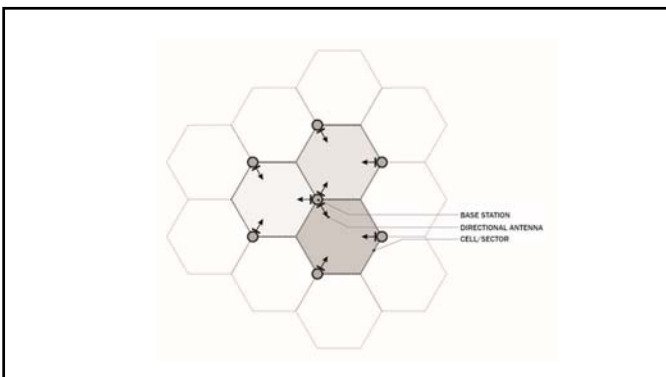
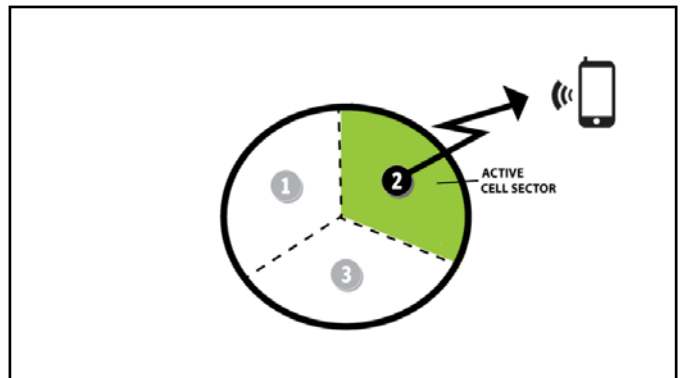
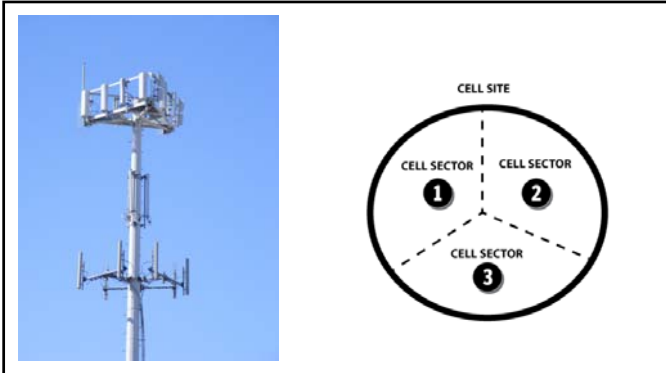


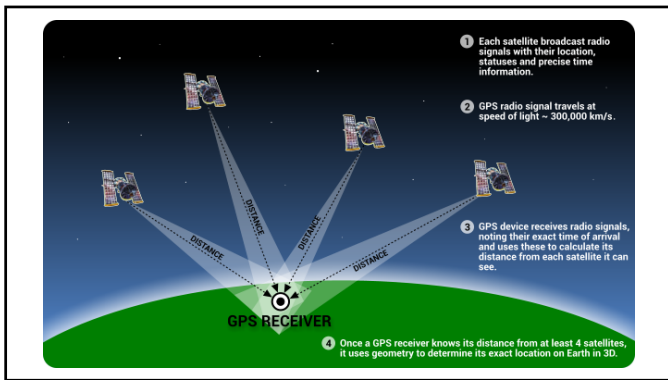
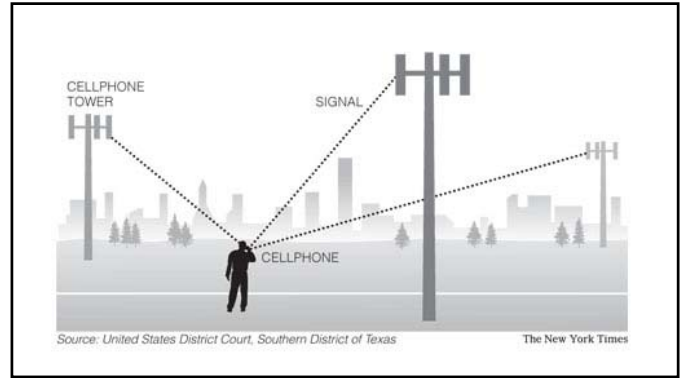
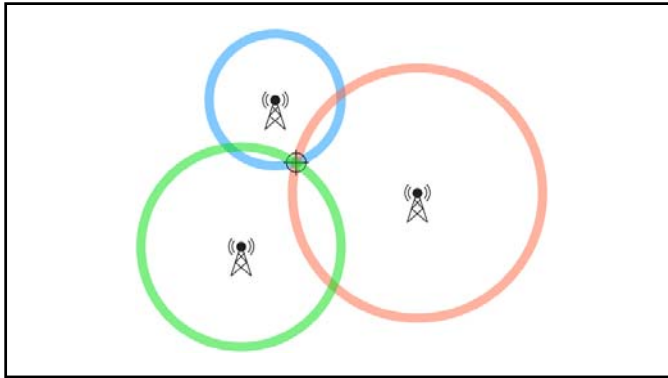
Carpenter v. United States

Jeff Welty
 UNC School of Government
 December 2018

Outline

- How cell phone tracking works
- Review of Carpenter
- Easy cases under Carpenter
- Hard cases under Carpenter





Location Demands
(Breakout detail of data included in Total U.S. Criminal & Civil Demands)

	Jan. – June 2016	July – Dec. 2016
Total	36,935	33,593
Historic	27,909	25,198
Real-Time	8,363	7,608
Cell Tower	663	787

Review of Carpenter

- Police obtained CSLI for a robbery suspect using a less-than-PC court order under 18 U.S.C. § 2703(d)
- The defendant’s motion to suppress was denied, he was convicted, and he lost before the Sixth Circuit
- The Supreme Court ruled, 5-4, that “[g]iven the unique nature of cell phone location records . . . an individual maintains a legitimate expectation of privacy in the record of his physical movements as captured through CSLI,” and obtaining long-term historical CSLI is a search that normally requires a warrant

(Relatively) Easy Cases under Carpenter

- Collection of real-time CSLI
- Using a court order based on probable cause in lieu of a search warrant

Hard Cases #1: Short-term historical CSLI



Hard Cases #2: Tower Dumps

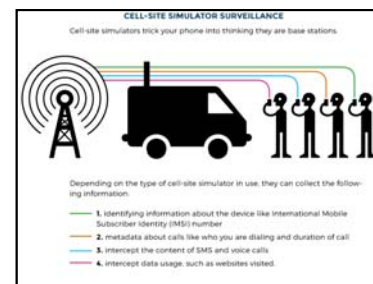
THE HILL **Verizon reports spike in government requests for cell 'tower dumps'**

BY KATIE BO WILLIAMS — 08:31 PT 12:00 PM EDT 38 COMMENTS

46 SHARES

f SHARE t TWEET

Hard Cases #3: Cell site simulators



Hard Cases #4: Location Data Collected by Apps

Your Apps Know Where You Were Last Night, and They're Not Keeping It Secret

Dozens of companies use smartphone locations to help advertisers and even hedge funds. They say it's anonymous, but the data shows how personal it is.

By JENNIFER VALENTINO-DHYRES, NATASHA SINGER, MICHAEL H. KELLER and AARON KROLIK DEC 10, 2018

Hard Cases #5: Big data/data brokers

What Are 'Data Brokers,' and Why Are They Scooping Up Information About You?

These sites you haven't heard of are sharing boatloads of data about you.

Hard Cases #6: Browsing History

The screenshot shows the top of an Ars Technica article. The header includes the 'ars TECHNICA' logo and a navigation menu with items like 'ABOUT', 'TOP', 'SEARCH', 'FAQ', 'GAMES', 'GARDEN', 'CULTURE', and 'STORE'. The main heading is 'ISPs see virtually all your Internet activity'. Below the heading, there are three paragraphs of text. The first paragraph discusses the timing of opt-in rules. The second paragraph provides a link to a related article. The third paragraph explains how ISPs can identify domains visited by customers.

"ISPs can identify every domain a customer visits and see all activity in unencrypted websites"

Carpenter v. United States

Jeff Welty
UNC School of Government
December 2018