

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CONSENT FORM FOR MOBILE DEVICE FORENSIC EXAMINATIONS

I. PURPOSE

To provide guidance regarding the use of the Consent to Search Mobile Device form for mobile device forensic examinations.

II. SCOPE

This Training Bulletin applies to all Department personnel.

III. BACKGROUND

The California Electronic Communications Privacy Act (“CalECPA”) as codified in Penal Code section 1546, et. seq. requires that specific consent be obtained prior to searching a mobile device. Specific consent can be obtained from, among other things, a search warrant or from the “authorized possessor” of the mobile device. Penal Code § 1546.1(c)(1) & (3). According to CalECPA, the “authorized possessor” means the possessor of an electronic device when that person is the owner of the device or has been authorized to possess the device by the owner of the device Penal Code § 1546.

V. PROCEDURES

Department Procedure 3.02 has been updated to reflect these changes. In accordance with CalECPA and DP 3.02, **effective immediately**, all Department personnel shall follow this new update:

- A. Mobile Device Consent Search

The Consent to Search Mobile Device form, found in the Resource Library under Lab Resources\Cellphone Resources, must be used to obtain consent to forensically examine a mobile device. The “authorized possessor,” not the “owner,” must sign the form prior to searching the mobile device.