

Survey to Chief APOs

Issue: Cell Phone Search Warrant

Question (from Columbia County):

I'm being asked by our DA to put together a search warrant for a cell phone that we already have in our evidence but information on the phone is what is being asked for but can't get the defendant to release her password.

Any other county ever deal with search warrants?

Allegheny County

If you are looking to file charges, that should be moved to a LEO to get a search warrant. If technical violations only, you should not need a search warrant if phone was confiscated in a legal manner (reasonable suspicion by the PO).

Centre County

It appears the DA is requesting information on the phone for new charges so therefore a search warrant shall be completed by police. If you are searching phone for probation violations all you need is reasonable suspicion.

We have run into individuals refusing to provide their phone password unfortunately there is nothing you can do.

Erie County

In Erie County we have a DA detective who is assigned to our department as needed to deal with issues such as the scenario described. If the information to be retrieved is related to potential new criminal charges in my opinion the DA should process the warrant.

Indiana County

I believe it's a matter of whether you are looking for Probation/Parole violations or new crimes. I have never had to get a search warrant for violations, but when looking for new criminal information I have seen the police having to get a search warrant to proceed.

Philadelphia County

I don't know that our DA would make that request. They should have their own investigative team or ability to secure a warrant. If there was something in question that involved attainment of information as is relates to those under supervision, we would go through our judiciary to address the request. This would then be an argument from both sides.

Snyder County

Not sure the circumstances, but seems like a LEO should be asking for the warrant if it's part of criminal investigation. I am assuming this. If you have reasonable suspicion you shouldn't need a warrant for search of personal property unfortunately, I doubt the defendant will release the code unless you can persuade them.

Regardless we don't file for search warrants in Snyder under the above circumstances