

Muster: Policy Regarding Border Search of Information

Headquarters POC: Operations, Tactical Operations Division
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Subject: Border Search of Electronic Devices Containing Information

The focus of this Muster is directed to all CBP employees conducting or overseeing the border search of electronic devices.

This muster is to reaffirm existing policy and appropriate protocol during the course of a border search of information contained in an electronic device. In all circumstances, this authority must be exercised judiciously and responsibly with close adherence to U.S. Customs and Border Protection (CBP) policy. With respect to the border search of electronic devices, strict guidance is provided by CBP Directive 3340-049 "Border Search of Electronic Devices Containing Information" (August 20, 2009).

Border searches of electronic devices may include searches of the information physically resident on the device when it is presented for inspection or during its detention by CBP for an inbound or outbound border inspection. This may include an examination of information stored on the device that is accessible through software, tools, or applications.

- Smartphones and other electronic devices may be configured to automatically connect to the internet or other networks.
- To avoid retrieving or accessing information stored remotely and not otherwise present on the device, where available, steps such as (b) (7)(E) must be taken prior to search.
- Prior to conducting the search of an electronic device, an officer will (b) (7)(E)
- If disclosing the search of the device would hamper national security or law enforcement or other operational considerations, (b) (7)(E)

The narrative of all Electronic Media Reports must include a statement confirming (b) (7)(E) It is imperative the supervisor confirms this statement prior to approving the report. In the near future, the Electronic Media Report module will be modified to include a yes or no field to record (b) (7)(E)

Questions regarding whether or not a particular search is a permissible under CBP's border search authority should be directed to the supervisor on duty, who will contact the appropriate Associate or Assistant Chief Counsel. If you have any questions about this policy muster or need additional information, please contact: (b) (6), (b) (7)(C) Program Manager, Tactical Operations Division at (b) (6), (b) (7)(C).

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**U.S. Customs and
Border Protection**

APR 13 2017

MEMORANDUM FOR: Directors, Field Operations
Office of Field Operations

FROM:

(b) (6), (b) (7)(C)

Acting Executive Director, Operations
Office of Field Operations

(b) (6), (b) (7)(C)

SUBJECT: Muster - Border Search of Electronic Devices Containing Information

This memorandum is to reaffirm existing policy and appropriate protocol during the course of a border search of information contained in an electronic device. In all circumstances, this authority must be exercised judiciously and responsibly with close adherence to U.S. Customs and Border Protection (CBP) policy. With respect to the border search of electronic devices, strict guidance is provided by CBP Directive 3340-049 "*Border Search of Electronic Devices Containing Information*" (August 20, 2009).

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Questions regarding whether or not a particular search is a permissible under CBP's border search authority should be directed to the appropriate Associate or Assistant Chief Counsel.

If you have any questions about this policy muster or need additional information, please contact me or have a member of your staff contact (b) (6), (b) (7)(C), Director, Tactical Operations Division at (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C), Program Manager, Tactical Operations Division at (b) (6), (b) (7)(C)

Attachment

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