

case 2-190-513  
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Andrew Hoffman

## Apple and the FBI: User Privacy and Law Enforcement Cooperation

Avery Evans<sup>i</sup> sat in her office at Apple headquarters in Cupertino, California, viewing documents on a situation of national importance. As vice president of legal affairs, and part of the Apple general counsel team, she was contemplating the enormous decision to either prioritize Apple users' privacy or cooperate with United States law enforcement in the name of national security.

On December 2, 2015, Syed Rizwan Farook and Tashfeen Malik perpetrated a mass shooting at the Inland Regional Center in San Bernardino, California, killing 14 people and seriously injuring 21. Shortly after the attack, police pursued the attackers and both were killed in a shootout. The attack was called the deadliest mass shooting in the United States since the 2012 Sandy Hook Elementary School shooting in Connecticut<sup>1</sup> and "the worst terrorist attack on American soil since Sept. 11."<sup>2</sup> Questions about the shooters' motives, their potential connections to terrorist organizations, and how a future attack could be prevented rocketed around the country.

Two days after the killings, the FBI announced that it was taking over the case and would investigate it as a terrorist act.<sup>3</sup> As part of their investigation, the FBI found Farook's employer-issued phone. The attackers' personal phones had been destroyed. On February 9, 2016, the FBI announced that it was unable to unlock the phone (an iPhone 5c) because of the phone's advanced security features.<sup>4</sup>

On February 16, at the request of the US Attorney's Office in Los Angeles, a federal judge ordered Apple to help unlock the phone. Prosecutors said: "Despite...a warrant authorizing the search, the government has been unable to complete the search because it cannot access the iPhone's encrypted content. Apple has the exclusive technical means which would assist the government in completing its search, but has declined to provide that assistance voluntarily."<sup>5</sup>

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<sup>i</sup> Avery Evans is a pseudonym.

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