

Recovering and Viewing Text Messages

By Steve Polak

While some may hold text messages at a lower value, this form of communication can provide convenience and a more permanent form of messaging. In addition to allowing cell phone holders to send a quick message rather than having to make a longer call, text messages can also be used in the courtroom. More than just a virtual message, a text can offer evidence and insight into a case. While not all phone calls are recorded, and even recorded calls can be deleted, a text is more permanent and can offer inerasable facts.

While not all phone calls are recorded, and even recorded calls can be deleted, a text is more permanent and can offer inerasable facts.

Text messages cannot be viewed by just anyone, but with a warrant they can be obtained. Through the Federal Communication Commission (FCC) cell phone providers are forbidden from printing out messages, even when it is for the individual's personal account. Through online access, the amount of text messages and the numbers they were sent

and received from can be viewed. What will not be found is the actual content of the message.

For those that are looking to gain the printout of their text messages for a legal matter, it will be necessary to call local law enforcement to find out how this can be done. Based on the 2006 Consumer Telephone Records Protection Act, local law enforcement may be unable to help and the FBI may need to be sought instead. Contacting the FBI is a legal way to obtain records, but it should be only in more serious circumstances. They have the ability and the authority to use digital forensics to acquire a message from any type of electronically handheld device, including messages that have been deleted.

Under the U.S. Government Legal Code: Title 18 USC § 2703 - Disclosure of Customer Communications or Records (a) Contents of Wire or Electronic Communications in Electronic Storage- Government entities have the ability to require that the information from electronic or wire communication that is in an electronic communications system or storage for a period of a 180 days or less be disclosed by the provider. This must be done through a court with jurisdiction issuing a warrant that is in accordance with the Federal Rules of Criminal Procedure. If it is done through the State court, the warrant will need to adhere to those specific warrant procedures.

For those looking to retain copies of messages, the following steps should be followed:

1. USB SIM card reader software should be installed onto a computer.
2. Through the USB port, the SIM card readers will need to be connected to the computer. The SIM card from the phone with the messages will need to be inserted into the reader which will transfer the copies of the messages from the phone to the computer.
3. Text messages should then be printed out after being put on the computer.
4. Not every type of cell phone will come with a SIM card or messages that have been retained by the card reader. In these cases, a transcript should be sought from the cell phone provider and a court order will be needed to do so, pursuant to the Shared Communications Act. This is true even for a person that is trying to get the messages from their own phone since the messages were between the phone of another individual that still has certain protected rights. Different cell phone companies have their own way of holding on to text messages so it is important to be aware of this. Some may only hold on to them for a few weeks, while others may keep them on a file for a few years.

It is best to turn to a professional and make sure that you are following the correct procedure to ensure data is not lost.

About the Author

Steve Polak spent twenty-one years as a law enforcement officer, inclusive of supervisory positions, before he retired from the Los Angeles Police Department with the designated rank of Detective. His police involvement has provided a distinctive level of expertise in civil and criminal investigations, including witness interviews and suspect interrogations resulting in more than a thousand arrests and convictions.

His experience also includes the collection, processing and preservation of evidence. Steve has prepared detailed investigative reports and executed numerous search warrant affidavits. He has assisted clients with the filing of criminal cases with Offices of the District Attorney and U.S. Attorney. During these cases, Steve provided several testimonies during Grand Jury proceedings. He has also testified in depositions and in Federal, Superior and Municipal Courts on hundreds of occasions.

*Steve Polak – Owner/Private Investigator
Sunset Blvd. Investigations
<http://www.sunsetblvdinv.com/>
Telephone 888-639-4761*

End

1

OUR MISSION

Improve the Quality of Law Practice Through Effective Management and Innovative Technology

ARTICLES

Disabled Attorney, Dead Attorney: It Happened to Me



By Mary Lou Floyd, CCLS, Paralegal

On July 24, 2013, my career was turned upside down – more so than it had been in the previous six months.

Since January 2013, I had been working for a Family Law attorney in Oakland, CA. I knew when I was hired the attorney was disabled, but her reputation was that she was a pit bull in the courtroom and was a highly sought after attorney. My journey began well and this seemed like a good fit for me. There was one associate attorney working at the firm and another would be hired soon. The attorney envisioned having a powerful team comprised of three associate attorneys, myself as the paralegal, and a receptionist/legal assistant. ...More >

Minimum Viable Contracts: Enable Agility by Easing Agreements



By Dan Puterbaugh

Businesses that can make decisions, close deals, and execute agreements with speed have a competitive advantage over companies bogged

down by lengthy processes and complex contracts. Practices adopted from the startup world, like minimum viable product, have made their way into established companies as they seek to ways to increase productivity and decrease costs. ... More >

COLUMNS

MESSAGE FROM THE EDITORS



By Mike Fenger, Esq. and Cynthia Mascio, ACP, CEDS

Welcome summer and welcome to the June issue of LPMT's The Bottom Line. We are constantly striving to bring you current and interesting articles to help you with your law practice and technology needs. ...More>

NEW IOS VULNERABILITY COULD ALLOW ATTACKERS TO CRACK ENCRYPTED IMESSAGE ATTACHMENTS

By Semantec Security Response

Users of Apple devices such as the iPhone and iPad are advised to update to the latest version of the iOS operating system (iOS 9.3), following the discovery of a vulnerability that could potentially allow attackers to access and decrypt iMessage attachments. ... More >