



ISSUE BRIEF:

Search and Seizure at U.S. Borders

Discussion Points:

It was disclosed in 2008 that the Department of Homeland Security Customs and Border Patrol (CBP) may confiscate personal electronic equipment, including laptop computers and handheld devices, from travelers crossing U.S. borders without evidence or reasonable indication of wrongdoing.

Based on the standing guidelines on racial profiling, Arab American travelers could be targeted for confiscation of electronic devices during secondary screening on the basis of race, religion or national origin as sufficient evidence for suspicion.

Additionally, information collected from personal electronic devices may be shared with other federal agencies, as well as state and local law enforcement entities.

Recommendations:

DHS should prohibit CBP officials from conducting invasive searches or interrogations of law-abiding Americans returning from international travel, and should require reasonable suspicion beyond race, ethnicity, religion or national origin in order to seize data from personal electronic devices.

DHS should ensure that information gathered at the border by federal authorities is not disseminated or available to state and local authorities in a manner that circumvents Fourth Amendment protections against unreasonable searches and seizures.