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VIA ELECTRONIC & EXPRESS MAIL

Tim Cook  
Chief Executive Officer  
Apple, Inc.  
1 Infinite Loop  
Cupertino, CA 95014

Dear Mr. Cook:

My office has been exploring the surge in thefts of iPhones and other handheld electronic devices in New York City and throughout the State of New York. Given Apple's publicly advertised commitment to safety and security for its customers, and the New York State Attorney General's responsibility to enforce deceptive trade practices statutes, including without limitation Executive Law §63(12) and General Business Law §349, I would like to know what Apple is doing to combat this growing public safety problem. Further, I write to ask that you collaborate with my office to develop a comprehensive approach to discourage theft, protect your customers, and fulfill Apple's expressed commitment to "safety and security by design."<sup>1</sup>

In particular, I seek to understand why companies that can develop sophisticated handheld electronics, such as the products manufactured by Apple, cannot also create technology to render stolen devices inoperable and thereby eliminate the expanding black market on which they are sold. I would be especially concerned if device theft accrues to your company's financial benefit through increased sales of replacement devices. A recent study found that lost and stolen cell phones cost consumers over \$30 billion last year.<sup>2</sup>

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<sup>1</sup> <http://www.apple.com/iphone/ios/> (as of May 3, 2013)

<sup>2</sup> <http://www.businesswire.com/news/home/20120322005325/en/Lookout-Projects-Lost-Stolen-Phones-Cost-U.S.>

In New York City, theft of Apple products has driven much of the increase in electronics thefts. Between January 1 and September 23, 2012, a total of 11,447 cases of stolen “iDevices” (iPhones and other iOS devices) were reported to the New York City Police Department (NYPD), a rise of 3,280 over 2011.<sup>3</sup> In fairness, the problem is not limited to Apple. A 2011 NYPD analysis found that companies other than Apple manufactured roughly 30% of all electronic devices stolen on subways and buses.<sup>4</sup>

In too many cases, these incidents turn violent. Consider some recent examples:

- On April 19, 2012, a 26-year-old chef at the Museum of Modern Art was killed for his iPhone on his way home to the Bronx.<sup>5</sup>
- In April 2012, twenty-year-old Alex Herald was stabbed during an iPhone theft.<sup>6</sup>
- In September 2012, in three separate incidents, women were violently attacked for Apple and Samsung devices.<sup>7</sup>
- In February 2013, three people were stabbed on a subway platform in Queens in a fight over an iPhone.<sup>8</sup>
- Earlier this month, a woman was mugged at gunpoint in Crown Heights for her Android device.<sup>9</sup>

Apple has made repeated public representations with regard to safety. On the first page of Apple’s website promoting the features of Apple’s mobile operating system “iOS,” Apple proclaims “safety and security by design.”<sup>10</sup> In “iOS Security: October 2012,” your company claims: “iPhone, iPad, and iPod touch are designed with layers of security...high-level OS features allow secure access to personal information and corporate data, prevent unauthorized use, and help thwart attacks” (emphasis added).<sup>11</sup> Another section of Apple’s website outlines more than 50 security features of iOS, asserts that “iOS is designed with security at its core,” and states that “[e]stablishing strong policies for access to iPhone is critical to protecting corporate information. iPhone provides a comprehensive approach to both configuration and enforcement.”<sup>12</sup>

The impression to the consumer is that Apple devices include an array of features that, together, ensure safety and prevent unauthorized use. This drives sales and creates good will with customers. I am concerned, however, that Apple may have failed to live up to these representations, limiting its focus to information security, without providing safeguards that would truly deter theft and thereby protect the safety of your customers.

<sup>3</sup> [http://news.cnet.com/8301-13579\\_3-57519902-37/iphone-ipad-thefts-jump-40-percent-in-nyc/](http://news.cnet.com/8301-13579_3-57519902-37/iphone-ipad-thefts-jump-40-percent-in-nyc/)

<sup>4</sup> <http://www.nydailynews.com/new-york/nypd-thefts-smartphones-ipads-prevalent-cash-criminals-turn-focus-electronics-article-1.987406>

<sup>5</sup> [http://www.huffingtonpost.com/2013/03/06/apple-picking-stolen-iphones\\_n\\_2818488.html](http://www.huffingtonpost.com/2013/03/06/apple-picking-stolen-iphones_n_2818488.html)

<sup>6</sup> [http://www.huffingtonpost.com/2013/03/06/apple-picking-stolen-iphones\\_n\\_2818488.html](http://www.huffingtonpost.com/2013/03/06/apple-picking-stolen-iphones_n_2818488.html)

<sup>7</sup> <http://newyork.cbslocal.com/2012/09/21/nypd-looking-for-violent-smartphone-robbery-suspect-in-astoria/>

<sup>8</sup> [http://www.huffingtonpost.com/2013/02/05/brief-nypd-3-stabbed-on-queens-subway-iphone\\_n\\_2620347.html](http://www.huffingtonpost.com/2013/02/05/brief-nypd-3-stabbed-on-queens-subway-iphone_n_2620347.html)

<sup>9</sup> <http://crownheights.info/crime/384045/woman-mugged-at-gun-point-on-president-street/>

<sup>10</sup> <http://www.apple.com/iphone/ios/> (as of May 3, 2013)

<sup>11</sup> [http://www.apple.com/ipad/business/docs/iOS\\_Security\\_Oct12.pdf](http://www.apple.com/ipad/business/docs/iOS_Security_Oct12.pdf)

<sup>12</sup> <http://www.apple.com/iphone/business/it-center/security.html>

Please designate appropriate Apple representatives to meet with attorneys in my office to discuss Apple's existing efforts in this area. In addition, I am inviting the industry's leading handset manufacturers and operating system developers to work with my office to develop better solutions to this escalating problem. Lookout, Inc., which has broad expertise in mobile security, has agreed to advise us on this work and help us find solutions. We hope and would expect that Apple will engage meaningfully in this process.

Please contact me at your earliest convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman". The signature is fluid and cursive, with the first name "Eric" being the most prominent.

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York