Major Privacy Ruling from the Supreme Court Bans Warrantless Cell Phone Searches

June 25, 2014 - A unanimous Supreme Court handed down a ruling today that forbids police from conducting cell phone searches without first obtaining a search warrant. Both the Obama administration and the State of California had argued that police should have the ability to search through cell phone data without court supervision. But the justices on the court made it clear that they disagree with that position.

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California and the federal government based their argument on previous Supreme Court rulings which allow an arresting police office to search through pockets of a suspect along with looking in their wallet. But the reason for those prior rulings was so that police could make sure that suspects weren't carrying any weapons on them. Today's ruling specifically states that since cell phone data poses no risk to the arresting officer there is no reason to allow a cell phone search.

The strongly worded ruling, which was written by Chief Justice John Roberts, addressed the highly personal nature of data that individual Americans now routinely carry on their cell phones. Roberts wrote, "The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought."

Roberts also said, "Modern cellphones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans â€˜the privacies of life." He concluded by saying, "Our answer to the question of what police must do before searching a cellphone seized incident to an arrest is accordingly simple: Get a warrant."

The decision reverses a ruling from the California Supreme Court in Riley v. California. In that case, the police had pulled over a car with expired tags. When the police officer who pulled the car over checked the license of the driver, he found out that his license was suspended. So he arrested the driver, searched the car and searched the suspect's phone.

Evidence on the phone linked the driver to a gang and to a drive-by shooting. Based on that evidence, Mr. Riley was convicted of attempted murder and sentences to prison for 15 years to life. California will now have to decide if there is enough evidence without the cell phone search to retry Mr. Riley.
byJim Malmberg
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