

# THE DAILY CALLER

## **The police were really, really happy about this Supreme Court decision**

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A Los Angeles police union is thrilled about the Supreme Court decision earlier this week that gives cops new authority to conduct searches, but civil libertarians are wary that the decision could ultimately weaken people's Fourth Amendment rights.

In *Fernandez v. California*, a 6-3 majority ruled that the police may search a residence as long as they have the permission of at least one resident. The ruling clarified some confusion over whether the Fourth Amendment requires police to get the consent of all residents. In practice, police will no longer need to obtain search warrants if they can persuade a single resident to let them in.

In the case in question, LA resident Walter Fernandez refused to let police inside his home, telling them, "I know my rights."

Fernandez was later arrested for robbery. At that point, LAPD returned and asked Fernandez's girlfriend to let them search the premises. She consented, and officers found enough evidence of gang-related activity to put Fernandez away for 14 years.

The Los Angeles Police Protective League applauded the ruling.

"We could not be more satisfied," wrote LAPPL's board of directors.

The majority decision, authored by Associate Justice Samuel Alito, gives police a necessary tool to conduct lawful searches, they said.

"We thank [the Justices] for their wisdom and understanding of what it takes to protect the safety and rights of law abiding citizens," wrote the LAPPL.

But some, including the editorial board of the Los Angeles Times, expressed frustration that that the decision would give police even less reason to obtain search warrants.

"This rule will encourage police in other situations to arrest a suspect simply to overcome his refusal to consent to a search," wrote the editorial board.

The decision will encourage police to “skirt the Fourth Amendment,” according to the LA Times editorial board.

Trevor Burrus, a research fellow at the Cato Institute’s Center for Constitutional Studies, said the decision’s immediate impact would be slight.

“This didn’t change a lot about the law,” he said.

Still, civil libertarians should watch out for potential abuses, he said.

“Cops have a history of taking every loophole that the Court possibly offers and exploiting it,” he told The Daily Caller

The Fernandez ruling was one of two Supreme Court decisions released last week in which the majority sided with police authority. In *Kaley v. United States*, a different 6-3 majority ruled that defendants could not contest police forfeiture of their assets, even if they need the assets to pay for legal fees.