



# Police need warrants to search smartphones, Supreme Court rules

By Michael Doyle  
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A unanimous Supreme Court on Wednesday dialed up privacy protections for the 21st century, ruling that police need warrants before searching smartphones.

In an emphatic decision, the court said smartphones must be screened off from warrantless searches because of their vast information capacity. The ruling distinguishes smartphones and their ilk from objects such as wallets and purses, which law enforcement routinely searches when arresting people.

“Cellphones differ in both a qualitative and quantitative sense from other objects that might be kept on an arrestee’s person,” Chief Justice John Roberts Jr. wrote. “They could just as easily be called cameras, video players, Rolodexes, calendars, tape recorders, libraries, albums, televisions, maps or newspapers.”

They’re also nearly omnipresent, making the separate cases brought by David Riley and Brima Wurie among the most closely watched of the Supreme Court’s term. An estimated 91 percent of U.S. adults own cellphones and an estimated 61 percent of these are capacious smartphones such as Apple’s iPhone and Samsung’s Galaxy.

“A decade ago, police officers searching an arrestee might have occasionally stumbled across a highly personal item such as a diary,” Roberts noted. “Today, by contrast, it is no exaggeration to say that many of the . . . American adults who own a cellphone keep on their person a digital record of nearly every aspect of their lives, from the mundane to the intimate.”

The 28-page majority opinion Wednesday, while among the last to be issued by the court before its summer recess starts, might kick off a new round of privacy challenges that involve technologies such as GPS data. Within hours of the ruling, lawmakers were pledging to follow up.

“Today’s decision is a huge win for individual privacy,” declared Sen. Ron Wyden, an Oregon Democrat who serves on the Senate Intelligence Committee. “I aim to use this decision as a springboard to secure greater privacy rights in the days ahead.”

Underscoring the potential stakes, Fred Cate, the director of the Center for Applied Cybersecurity Research at Indiana University's Maurer School of Law, declared the ruling was of "staggering importance in modernizing privacy law."

The ruling \_ which united eight justices, with Justice Samuel Alito adding his own reasoning in a concurring opinion \_ also unified outside advocates from the right and the left.

Douglas Kendall, the president of the liberal Constitutional Accountability Center, said, "It's a good day for the Bill of Rights and for every American who cares about their privacy," while Ilya Shapiro, a senior fellow in constitutional studies at the libertarian-leaning Cato Institute, said the ruling "means that being arrested for, say, not paying a speeding ticket will no longer open you up to having your entire life examined by law enforcement."

Riley, the man at the center of the most important of the two cases decided Wednesday, was pulled over by a San Diego police officer on Aug. 22, 2009. Prosecutors and defense attorneys agree, but they characterize him very differently. Riley's attorney, Stanford University Law School Professor Jeffrey L. Fisher, called Riley a "college student." California officials called him "a member of a San Diego Blood gang."

Police impounded Riley's Lexus for his driving with a suspended license, and in a subsequent search they found two guns. A police officer then scrolled through Riley's unlocked phone, finding video clips of gang initiation fights, pictures of gang signs and clips of a red Oldsmobile allegedly used in an earlier gang shooting.

Convicted on charges that included attempted murder, Riley was sentenced to prison for 15 years to life. Now 23, he's at California's Kern Valley State Prison.

The attorneys general of 14 states \_ including Idaho, South Carolina and Mississippi \_ supported California's law enforcement argument.

"We cannot deny that our decision today will have an impact on the ability of law enforcement to combat crime," Roberts wrote, while adding that "privacy comes at a cost."

In Wurie's case, Boston police lacked a warrant when they checked the call log on his gray Verizon LG phone after busting him on drug and gun charges. Wurie was convicted in 2009 and is serving a 262-month prison term at a federal facility in New Hampshire.

"Modern cellphones are not just another technological convenience," Roberts wrote. "With all they contain and all they may reveal, they hold for many Americans the privacies of life. 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."