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KILLEEN DAILY HERALD

Court: Police need warrants to search smartphones

By Michael Doyle
June 26, 2014

WASHINGTON — 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 search 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.”

New challenges possible

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.”

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.”

Key case

Riley, the man at the center of the more 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 he was detained, 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 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.”