

14-20 - Riley v. California - Cell Phone Searches

Los Angeles County Sheriff's Department

NEWSLETTER

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RILEY V. CALIFORNIA – CELL PHONE SEARCHES

The Supreme Court of the United States ruled on June 25, 2014 in *Riley v. California and US v. Wurie (2014) 573 US ___, WL 2864483* that police officers may not, without a warrant, search the digital data of a cell phone taken from an individual who has been arrested. The Court recognizes the fact that just because technology allows an individual to store a vast amount of information, pictures and videos in the form of digital data within a cell phone does not make the data any less worthy of protection of the Fourth Amendment.

Officers may examine the phone's physical features to ensure that the phone is not a weapon, but the digital data contained within the cell phone may not be searched. If an officer believes there is a possibility the evidence contained in the cell phone may be destroyed, the phone may be turned off or the battery may be removed. The phone may also be placed in a RF shield enclosure that isolates the phone from radio waves, such as a "Faraday Bag". The cell phone may be searched once a warrant has been obtained.

The Court gave considerable thought to the impact this decision might have on Law Enforcement which is evident in the Court's statement, "We cannot deny that our decision today will have an impact on the ability of law enforcement to combat crime. Cell phones have become important tools in facilitating coordination and communication among members of criminal enterprises, and can provide valuable incriminating information about dangerous criminals. Privacy comes at a cost."

The effect on our Department is summed up by the Court in its statement, "Our answer to the question of what police must do before searching a cell phone seized incident to an arrest is accordingly simple— get a warrant."

Questions regarding the contents of this newsletter may be directed to Field Operations Support Services.
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References

http://www.supremecourt.gov/opinions/13pdf/13-132_8l9c.pdf
