14-06 - Hotel/Motel Records Search (REVISED)

Los Angeles County Sheriff's Department
NEWSLETTER
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HOTEL/MOTEL RECORDS SEARCH

On June 22, 2015, the United States Supreme Court affirmed an earlier decision made by the Ninth Circuit Court of Appeals. The Court ruled (**Case Law: *Patel vs. City of Los Angeles)*** that L.A. Municipal Code Section 41.49 which allows police officers to inspect hotel guest records, without the consent of the hotel owner or a warrant is unconstitutional under the Fourth Amendment. In essence, hotel/motels are not compelled to provide guest information without consent or a warrant.

L.A. Municipal Code Section 41.49 mandates hotel and motel operations to "keep records with specified information about their guests," as well as authorizes "warrantless, onsite inspections of those records upon the demand of any police officer". The section further states that failure on the part of the hotel/motel owner to comply immediately is punishable as a misdemeanor.

The Fourth Amendment protects the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. A search occurs for Fourth Amendment purposes when the government physically intrudes upon one of these enumerated areas, or invades a protected privacy interest, for the purpose of obtaining information. The "papers" protected by the Fourth Amendment include business records like those at a hotel/motel registry.

The Court ruled that the hotel/motel owners have a constitutional property and privacy interest in their own business records. However, "the guests lack any privacy interest of their own in the hotel's records." Once a guest provides the hotel/motel with the information, he/she no longer can claim any privacy rights since the information has been voluntarily provided to the business. Therefore, the Court's decision does not prevent police from obtaining access to those records where a hotel operator consents to the search, where the officer has a proper administrative warrant, or where some other exception to the warrant requirement applies, such as exigent circumstances.

BOTTOM LINE: The burden is on law enforcement to conduct the search in a reasonable and lawful fashion. By obtaining the consent of the business owner (preferably via recording and/or in writing) or by securing a search warrant, these actions will avoid any issues rendered by this court decision.

Information regarding the content of this newsletter may be directed to Field Operations Support Services at (323) 890-5411.