

Beat: Technology

U.S. Supreme Court rules warrant is required to search cell phones

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USPA News - Officers in the United States cannot search the cell phones of individuals when they are arrested if police do not have a search warrant to do so, the U.S. Supreme Court unanimously ruled on Wednesday in a landmark endorsement of electronic privacy. The country's top court reviewed two separate cases in Massachusetts and California, both of which raised the question whether the police may, without a warrant, search digital information on a cell phone that is seized from an individual who has been arrested.

It has long been practice in many states that phones of suspects can be searched without a warrant. In both cases before the court, the suspects were separately convicted based on phone numbers, text messages, photos and addresses linking them to drug and gang activity after the information was acquired from their personal electronic devices. Both cases were appealed to the high court, reopening the public debate concerning the limits of privacy rights. Wednesday's court ruling deals specifically with cell phones, which Justice John Roberts called "such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy." Unlike technology in the past, cell phones, now used by more than 90 percent of Americans, can store copious amounts of information and media which can be accessed at any time. The court ruled in a 9-0 vote that smart phones and similar electronic devices were not in the same category as wallets, briefcases, and vehicles, all of which are currently subject to limited initial examination by police. These searches are normally permitted if there is "probable cause" that a crime has been committed, to ensure the safety of law enforcement officials and prevent tampering with evidence. "Digital data stored on a cell phone cannot itself be used as a weapon to harm an arresting officer or to effectuate the arrestee's escape," wrote Roberts, who delivered the court's opinion. "Modern cell phones are not just another technological convenience," Roberts continued. "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." The justice added: "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." With Wednesday's ruling, law enforcement officials remain free to examine the physical aspects of a phone to ensure that it will not be used as a weapon. After the officer has obtained the phone and eliminated any potential physical threats, the data on the phone is no longer considered a danger and cannot be searched without a warrant.

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