Supreme Court to Decide If Cops Can Search Cellphones Without Warrants

BY LORENZO FRANCESCHI-BICCHIERAI / 1 HOUR AGO

The Supreme Court will hear two cases on Tuesday that could decide whether police officers need warrants to search through the cellphones of people they arrest.

The justices' decision could extend beyond the two particular cases and have widespread ramifications on privacy rights: Should a cellphone be treated like a wallet, which a cop can rummage through upon arrest without a judge's permission, or like a home, which requires a warrant?

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"It's an opportunity for the court to decide and examine once again," said Hanni Fakhoury, a staff attorney at Electronic Frontier Foundation (EFF), a digital rights organization. "What does the Fourth Amendment mean in the 21st century?"

The Fourth Amendment protects Americans against unreasonable search and seizures in their "persons, houses, papers and effects," which usually requires law enforcement to obtain warrants from a judge. But in recent years, advances in technology have led to a debate about whether smartphones should enjoy the same protections.

In the two cases before the court, police officers obtained cellphone data without warrants.

In one case, police in Idaho seized a parolee's cellphone and read messages before obtaining a warrant. The parolee later filed a lawsuit, arguing that officers violated his Fourth Amendment rights.

In the second case, police in California obtained cellphone data from a suspect who had turned their cellphones over to police as part of a deal for assistance in another case.

The justices are expected to rule in both cases by the end of the current term, which is set to end in June.
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By Adam D'Agostino

The justices are set to hear arguments Tuesday over the Fourth Amendment's provision that says "unreasonable searches and seizures are prohibited." The question is whether authorities can search your cellphone without a warrant.Such a broad rule could impact privacy in the digital age, with billions of Americans using phones that contain "enormous amounts of data," according to lawyers for the American Civil Liberties Union (ACLU), the Electronic Frontier Foundation (EFF) and other plaintiffs.

What are the cases about?

Two very similar cases will be discussed on Tuesday: Riley v. California and United States v. Wurie. Both cases before the Supreme Court hinge on the so-called "cell phone exception." Under this doctrine, the police officers could seize the phone, search it and use its contents to help build a case, without a warrant. The justices may ignore the big issue — whether the police can search a cellphone without a warrant — but play a key role during the trial. The ruling wouldn't just apply to drug dealers and gang members. If the doctrine is upheld, it could impact how police search our homes and they should need a warrant before they search our phones. The 26-Year-Old Montana Legislator Fighting for Your Online Privacy

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"They take on too much technology and computers everywhere, that really no one can predict whose going to be caught," Gershowitz said. "There's nothing to go on, based on their prior writings, so no one really knows where this is going. I actually have no earthly idea what they're going to write."