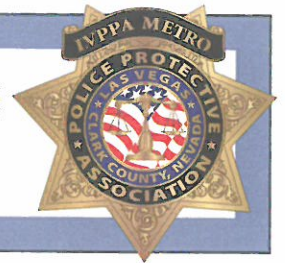




Las Vegas Police Protective Association Metro, Inc.



To: LVPPA Members
From: David Roger, General Counsel *DR*
Date: June 25, 2014
Subject: US Supreme Ct rules Officers Need SW to Search Cell Phones

Today, a unanimous Supreme Court held that officers may not search cell phones incident to an arrest. Instead, absent exigent circumstances, officers must obtain a search warrant to view the contents of the phone. You may access *Riley v. California*, 573 U.S. ____ (2014) at this link:
http://www.supremecourt.gov/opinions/13pdf/13-132_8l9c.pdf .

The court explained the rationale for allowing a search incident to arrest is to protect officers from hidden weapons and to prevent the destruction of evidence. The court concluded that data on a cell phone is neither a matter of officer safety nor susceptible to destruction while in police custody. The court dismissed law enforcement's concern that data may be remotely wiped.

Finally, the court allowed there may be exigent circumstances, determined on a case-by-case basis, that support a warrantless search of a cell phone. The court offered, as examples, "the need to prevent the imminent destruction of evidence in individual cases, to pursue a fleeing suspect, and to assist persons who are seriously injured or are threatened with imminent injury."

In conclusion, the court stated:

"Modern cell phones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans 'the privacies of life,' (citation omitted.) The fact that technology now allows an individual to carry such information in his hand does not make the information any less worth of the protection for which the Founders fought. 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."

Therefore, unless you have exigent circumstances, you must obtain a search warrant before examining the contents of a suspect's smartphone.

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