

# David it came to the digital contents search



**ASSIGN  
BUSTER**

David Leon Riley belonged to the Lincoln Park gang of San Diego, California.

On August 2, 2009, he and his gang started opening fire on a rivaling gang.

The shooters then got into Riley's car and drove away. On August 22, 2009,

the Police pulled Riley over driving a different car. His car had an expired license registration tags. Due to his license being suspended.

The police had the car impounded. Before a car is impounded, police are required to perform an inventory search to confirm that the vehicle has all its components at the time of seizure, to protect against liability claims in the future, and to discover hidden contraband. While searching the vehicle, police located two guns and subsequently arrested Riley for possession of the firearms.

Riley had his cell phone in his pocket when he was arrested, so a gang unit detective analyzed files on his phone. Seeing that Riley was making gang signs and other gang related activity. Riley was subsequently tied to the shooting on August 2 via ballistics tests, and separate charges were brought to include shooting at an occupied vehicle, attempted murder, and assault with a semi-auto firearm. Riley was convicted and the California Court of appeal affirmed the judgement.

The case was granted a certiorari and was going to be heard by the Supreme Court. Chief Justice John Roberts was also going to be involved. They ruled that searching the contents of a cell phone without a warrant is unconstitutional. This case related back to *Chimel v. California* (1969).

In this case, the court ruled that if the police arrest someone, they have the right to search the body of the person without a warrant in "the area into which he might reach" in order to protect physical evidence and for the safety of the officers. This was all good until cell phones came into play. Courts were unsure about what to do with cases when it came to the digital contents search for an arrest. Lower courts were indifferent on whether or not the 4th amendment permitted officers to search the contents of a cellphone without a warrant.

Cell phones were becoming very powerful and held important information. It was time for an in-depth review and a serious decision. Riley moved to suppress the evidence that police obtained from his cell phone, but the motion was denied.

However, the California Supreme Court used a case called *People v. Diaz* as a precedent that granted the approval of a warrantless search of cell phone data incident to arrest. Of course, the main issue in the case was whether or not the government may conduct a warrantless search on a cell phone after the arrest. The police officer has to think safety first to protect himself.

He must search the pockets and bags of the person whom they arrest without the warrant. Cell phones have so much personal information and don't have a threat as a weapon. Cell phones having all this information was basically like having hard evidence right in front of them. The law officials were afraid they could lose this information by wiping it or a data encryption when the phone is locked. They decided it was justifiable and necessary to explore and obtain

this information on the spot. The United States Supreme Court decided that the government must obtain a warrant before conducting a search of contents on a cell phone in an arrest.

It would violate the Fourth Amendment to the United States Constitution. Chief Justice John Roberts reached the conclusion by noting "digital data stored on a cell phone cannot itself be used as a weapon to harm an officer." And the officers are only conducting this search for safety in the first place.

However, the arresting officers are allowed to examine the physical aspects of the phone but once there are no threats to safety there is nothing else they can do. Roberts made an argument that cell phones differ from any other objects as it contains one's whole life and personal information. Our founding fathers fought to protect our personal life and privacy. This is a case that hit hard in terms of the 4th amendment and a person's private information. It was concluded that the arresting officers did draw the line when searching the phone on the spot. It was unconstitutional and a violation of a person's privacy.

This issue needed to be resolved. There are great arguments for both sides and a lot of courts were indifferent on the subject. Some thought that when someone is being arrested for a crime that the arresting officers have all the rights to search any information he possibly can on the person as it could help a lot with the arrest. On the other side Chief Justice John Roberts knew that there was a line to be drawn when it came to search physical evidence and someone's whole life on a cell phone. I agree with Chief Justice John Roberts on this notion. A lot of people have their whole entire life

information stored on their cell phones. Ranging from locations, contacts, interests, messages, photos and many other things.

I think a cell phone goes right in with the 4th amendment and should be treated the same as houses, papers and effects, against unreasonable searches and seizures. Phones are basically hand-held computers and contain all the sensitive information of one. I think it is morally right to get the warrant and do the search before simply invading someone's privacy on spot like that.

Very rarely will someone get all the data wiped before you can get a warrant.