



Following oral arguments heard on April 29, 2014, the U.S. Supreme Court has unanimously [ruled](#) that police must obtain a warrant prior to conducting a search of a cell phone seized from an individual who has been arrested.

White Collar Briefly previously [examined](#) the arguments underlying the two companion cases on the issue, [Riley v. California](#) and [United States v. Wurie](#)—which implicated both individual privacy interests in cell phone contents as well as law enforcement's interests in police safety and the preservation of evidence. Delivering the opinion of the Court, Chief Justice John G. Roberts Jr., noted that modern cell phones and "are now 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," and that smart phones, in particular, can contain millions of pages of text,

thousands of pictures or hundreds of videos. Unlike a "photograph of one or two loved ones tucked into a wallet," the data on a phone can contain thousands of photographs labeled with dates, locations and descriptions. The Chief Justice also highlighted the pervasiveness of cell phones, citing one poll that reported nearly three-quarters of smart phone users being within five feet of their phones most of the time, and that many of phones maintain a digital record of personal information ranging "from the mundane to the intimate." Recognizing the likely impact of the Court's decision on the ability of law enforcement to combat crime, the Court clearly stated that its holding is **not** that information on a cell phone is immune from search, but rather that a warrant is generally required before such a search, even when a cell phone is seized incident to arrest. According to the Court, other case-specific "exigent circumstances" exceptions may still justify a warrantless search of a particular phone, such as the need to prevent the imminent destruction of evidence, to pursue a fleeing suspect, and to assist persons threatened with imminent injury. However, *unlike a search incident to arrest*, "the exigent circumstances exception requires a court to examine whether an emergency justified a warrantless search in each particular case."

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