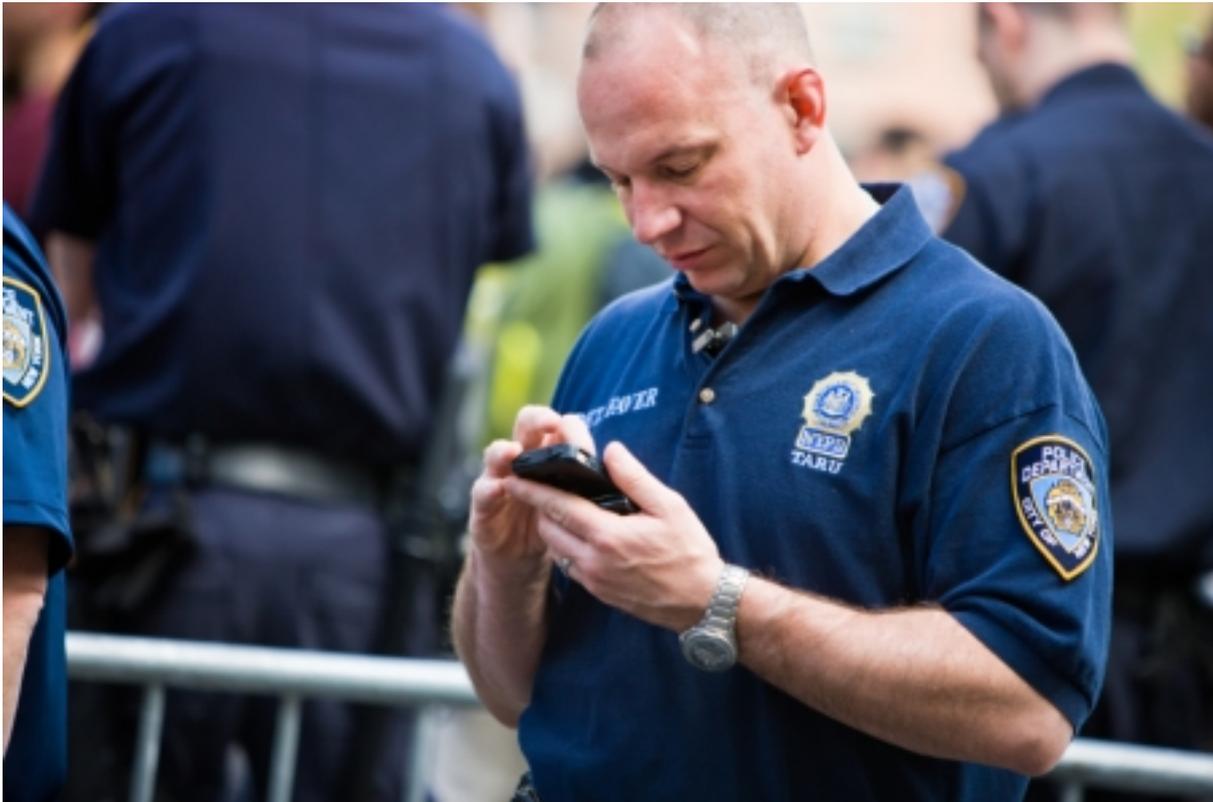


Police! Stop or we'll Search!



mobilesecurity.com [[San Francisco, CA](#)] You learned from Jay-Z that in the US it's illegal for police to [search your car](#) without probable cause or a warrant. But not only are there no songs that dictate what's to be done when a cop asks you to hand over your smartphone, there are barely any legal precedents either.

Individual state rulings on the matter have been divided thus far. But most current legislation treats smartphones like any other mobile device. Last October, California governor Jerry Brown [vetoed a bill](#) that would've made it illegal for police to search an arrested suspect's cellphone without a court-issued warrant. The current California Supreme Court ruling means that an officer is allowed to access any data you have stored on your phone – texts, photos, search history, call log, and so on.

Likewise in Indiana, an appellate court judge ruled against a defendant's case that argued police unlawfully obtained evidence as a result of searching his cell phone without a warrant. [In his decision](#), the judge admitted that "a modern cell phone...is quite likely to contain, or provide ready access to, a vast body of personal data," indicating that "the potential invasion of privacy...is greater." (United States v. Flores-Lopez)

In December of 2009, Ohio's Supreme Court made history by being the highest court in the nation to rule that police must have a warrant before pulling data from a seized cell phone. The defendant's attorneys likened a modern cell phone to a personal computer, which usually can't be searched without a warrant.

We're not advocating that you put yourself in a position where you might be arrested, but it's

good to bear in mind that your smartphone, contrary to most legal definitions, contains a wealth of personal information that differentiates it from a regular cell phone. That's why making sure that your mobile security encompasses encryption and password protection is more important than ever.

In the US, if your smartphone is password-protected, police typically aren't allowed to force you to disclose your password. Fifth Amendment rights that guard against self-incrimination prevents them from forcing you to do so.

However, there's no law that prohibits them from trying to crack your password. So having up-to-date and comprehensive encryption software on your smartphone might be a good idea. US citizens will be protected under the Fifth Amendment – and laws vary across the globe – but anyone with concerns around this would do well to make sure their mobile device is protected too.

References:

- [Why You Should Always Encrypt Your Smartphone](#)
- [Do Police Need a Warrant to Search Your Phone?](#)
- [Police Can Search Cell Phones Without a Warrant](#)

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