

# News Debate: Phone Patrol

## *Should the police be allowed to dig through people's cell phones?*

Police officers in California have a new way to fight crime. If they arrest someone who is carrying a cell phone, officers can dig through the phone's content, including text messages, voice mails, e-mails, calendars, and photos.

In a 5-2 ruling, the California Supreme Court stated in December 2011 that police officers are allowed to "open and examine what they find" on an arrested person, without a warrant. A warrant is permission from a judge based on reasonable suspicion.



Fuse/Getty Images

The decision came about as a result of a 2007 case, *People v. Diaz*. Sheriffs in California's Ventura County arrested Gregory Diaz, saying they saw him participate in a drug deal. The sheriffs took Diaz's cell phone from his pocket and scrolled through the text messages. They found one linking Diaz to the sale. Diaz was convicted. Later, however, he appealed the charges. He said that phone snooping violated the Fourth Amendment, which protects against unreasonable searches and seizures.

The California Supreme Court's verdict upheld Diaz's conviction. The court stated that, based on past rulings from the U.S. Supreme Court, police can indeed look through anything "immediately associated with a person."

The two judges who voted against the verdict argued that cell phone searches are an invasion of privacy. They noted that smart phones can contain a wide variety of information about a person.

Here are the arguments from people on both ends of the call.

### **Protection Over Privacy**

The police need help keeping the streets safe, say supporters of cell phone searches. Officers in Shafter, Calif., note that the policy has already been helpful. "We were able to establish who [the arrested people] were in contact with. It helped us to find who may also be involved in that crime," Detective Chris Grider told Bakersfield's 23ABC.

Some people also believe that the policy will deter people from committing crimes. "The police now have better means to find out if you're guilty," California resident Chris Eddy told San Diego 6 News.

Furthermore, supporters of the ruling say it does not violate the Fourth Amendment. If you've already been arrested with reasonable evidence, they say, then it is fair for the police to search through anything on you.

### Abuse of Power

Stop snooping through smart phones, argue opponents of the new ruling. "People could have ... pictures in there, like of their girlfriends, that they don't want somebody else to see, and it would be an invasion of privacy not only for them, but the other person also," California resident Valinten Perez told 23ABC.



ICP/Alamy

San Diego resident Jim Tharayil added that he thinks the policy could be abused. He told San Diego 6 News that he can imagine police officers "using something else to pull you over and then using this to look through your cell phone."

Justice Kathryn M. Werdegar, one of the judges who opposed the decision, says that police officers should have to obtain a warrant. It is unfair of police officers to "rummage at leisure through the wealth of personal and business information that can be carried on a mobile phone ... merely because the device was taken from an arrestee's person," she says.

*Update: The Supreme Court ruled in June 2014 that cell phones can no longer be searched without a warrant. This ruling came after this text was first published.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

1. Which amendment protects against unreasonable searches and seizures?

- A. the First Amendment
- B. the Second Amendment
- C. the Third Amendment
- D. the Fourth Amendment

2. The passage shows two sides of this debate: Should the police be allowed to dig through people's cell phones? According to the passage, all of these people are against the police being allowed to dig through people's cell phones EXCEPT

- A. Detective Chris Grider
- B. Justice Kathryn M. Werdegar
- C. Valinten Perez
- D. Gregory Diaz

3. What can you most likely conclude about Gregory Diaz after reading the passage?

- A. He was probably sentenced to jail.
- B. He wasn't actually guilty of a crime.
- C. He was related to one of the judges.
- D. He used to work as a police officer.

4. Read these sentences from the passage:

"Diaz was convicted. Later, however, he appealed the charges."

In this sentence, the word **convicted** means

- A. reported angry
- B. acted alone
- C. looked after
- D. found guilty

5. The author's purpose for writing this passage was all of the following EXCEPT

- A. to present evidence for both sides of the argument
- B. to let the reader come to his or her own conclusions
- C. to provide facts about the 2007 case *People v. Diaz*
- D. to offer convincing proof that one side is clearly right

6. Why did sheriffs arrest Gregory Diaz?

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7. Why is the *People v. Diaz* case important? How do you know? Give specific examples from the text to support your answer.

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8. The question below is an incomplete sentence. Choose the word that best completes the sentence.

Gregory Diaz appealed the charges, \_\_\_\_\_ the California Supreme Court upheld his conviction.

- A. for
- B. or
- C. as
- D. but

**9. Vocabulary Word:** seizures: acts of forcibly taking an owner's property.

Use the vocabulary word in a sentence:

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