

Supreme Court limits warrantless vehicle searches near homes

SCOTUS is putting limits on the ability of police to search vehicles when they do not have a search warrant

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WASHINGTON — The Supreme Court is putting limits on the ability of police to search vehicles when they do not have a search warrant.

The court sided 8-1 Tuesday with a [Virginia man who complained](#) that police walked onto his driveway and pulled back a tarp covering his motorcycle, which turned out to be stolen. They acted without a warrant, relying on a line of Supreme Court cases generally allowing police to search a vehicle without a warrant.



In this Oct. 10, 2017 file photo, the Supreme Court in Washington is seen at sunset. The Supreme Court is putting limits on the ability of police to search vehicles when they do not have a search warrant. (AP Photo/J. Scott Applewhite)

The justices said the automobile exception does not apply when searching vehicles parked adjacent to a home.

The court ruled in the case of Ryan Collins, who was arrested at the home of his girlfriend in Charlottesville, Virginia. Collins had twice eluded police in high-speed chases in which he rode an orange and black motorcycle.

The authorities used Collins' Facebook page to eventually track the motorcycle to his girlfriend's home.

Collins argued that police improperly entered private property uninvited and without a warrant.

Virginia's Supreme Court said the case involved what the Supreme Court has called the "automobile exception," which generally allows police to search a vehicle without a warrant if they believe the vehicle contains contraband.

Justice Sonia Sotomayor said for the court Tuesday that the state court was wrong. Sotomayor said that constitutional protections for a person's home and the area surrounding it, the curtilage, outweigh the police interest in conducting a vehicle search without a warrant.

"We decline Virginia's invitation to extend the automobile exception to permit a warrantless intrusion on a home or its curtilage," Sotomayor wrote.

Collins is not out of the woods, however. A separate legal doctrine allows warrantless searches in "exigent circumstances," including whether the evidence — in this case, the motorcycle — might disappear if not looked for quickly. The justices ordered Virginia courts to consider that issue.

Justice Samuel Alito dissented, saying the police acted reasonably. "If the motorcycle had been parked at the curb, instead of in the driveway, it is undisputed that Rhodes could have searched it without obtaining a warrant," Alito said, referencing the officer who pulled back the tarp.

Justice Clarence Thomas voted with the majority, but he wrote separately to question whether the Supreme Court has the authority to require states to suppress incriminating evidence that was acquired in violation of the Constitution. Thomas said that telling states they must apply the so-called federal exclusionary rule "is legally dubious."

The case is *Collins v. Virginia*, 16-1027.



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