No penalties even when deputies share a woman’s nudes after an illegal phone search

Carpenter, for his part, insisted that he was never willing to give the flash drive to Palmer or to show him its contents. He told Olson in his letter that he merely “took a quick look at the flash drive,” and after finding “content on the flash drive [that] was clearly personal in nature,” he made a “complete re-format of the flash drive.”

And yet somehow, people around town knew about the whole situation and even appeared to possess the pictures. Olson sued both Carpenter and Palmer for unlawful search and seizure under the Fourth Amendment.

The courts rule

The case has been bouncing through the court system for several years and recently landed at the 9th Circuit Court of Appeals, one stop below the Supreme Court. The 9th Circuit finally ruled on the case this week (PDF), and judges lambasted the behavior of the Oregon authorities, who had looked at her data without a warrant. The mere fact that Olson had signed a voluntary search form in Idaho was beside the point. “Olson’s consent in Idaho did not extend to a search by a different law enforcement agency, in another state,” wrote the court in its opinion, “and the search did not fall into any exception to the warrant requirement.”

The court noted that the case “presents a troubling example of the intrusion on Fourth Amendment rights that can occur with respect to highly sensitive cell phone data. More specifically, this circumstance involved a law enforcement agency accessing highly sensitive cell phone data from another jurisdiction in the absence of a warrant, consent, or even any investigation or suspicion of criminal activity on the part of a suspect.”

Whatever had actually happened with Olson’s data, the Oregon authorities had no right to look through it simply because the police chief was “curious” about it or because he wanted to go on a warrantless fishing expedition to see if one of his deputies was involved in anything nefarious. And Carpenter’s search was “highly irregular,” the court noted, even by his own standards. The 9th Circuit concluded that the situation was, in fact, a troubling violation of the Fourth Amendment.

https://arstechnica.com/tech-policy/2025/02/no-warrant-or-crimes-but-oregon-womans-nudes-were-shared-after-illegal-phone-search/