Facts

Narayani and Ramfiel Patel own and operate motels in Los Angeles. The Los Angeles Municipal Code requires motel operators to maintain detailed guest registers and provide them for police inspection without a warrant or any judicial review. The Patels sued, arguing this provision is facially unconstitutional as it violates their Fourth Amendment protection against unreasonable searches.

The district court found that while motels were not subject to the same kind of pervasive and regular regulations as other recognized “closely regulated businesses,” motels do not have an ownership interest going into a private right in their records because the records were created for the purpose of compliance with the ordinance. The 9th U.S. Circuit Court of Appeals initially affirmed, but later reversed in an en banc rehearing, holding that the hotel records were private “papers” protected by the Fourth Amendment and that the warrantless search provision was unreasonable because it does not provide for pre-compliance judicial review of an officer’s demand to inspect a motel’s records.

Registry searches are a valuable law enforcement tool

By Alan Butler

T he Supreme Court’s decision in City of Los Angeles v. Patel, 13-1175 (March 4, 2015), presents several important questions.

Is a municipal ordinance that allows police to inspect hotel records without a warrant inconsistent with the Fourth Amendment’s privacy expectations?

The 9th U.S. Circuit Court of Appeals initially affirmed, but later reversed in an en banc rehearing, holding that the hotel records were private “papers” protected by the Fourth Amendment and that the warrantless search provision was unreasonable because it does not provide for pre-compliance judicial review of an officer’s demand to inspect a motel’s records.

The Supreme Court agreed to hear the case. In the opinion, Justice Anthony M. Kennedy wrote that “the Fourth Amendment’s protection against unreasonable searches and seizures is engaged if, upon a demand made by a public official in the course of an investigation under a statute or regulation, a person opens the property protected under the Fourth Amendment to the inspection of the official.”

It is a matter of public record that the property owner consented to the inspection of the property, Justice Kennedy explained, a fact that “distinguishes the situation presented here from the typical Fourth Amendment case in which the government seeks to locate a suspected criminal or information by hotels.”

The Justices’ decision is a landmark opinion that will have implications for the Fourth Amendment. The Court has rejected the lower court’s narrow interpretation of the Fourth Amendment, holding that a warrantless search of a motel guest registry is an unreasonable search.

By Alan Butler

E ven the Supreme Court has difficulty predicting the future. The question is whether the high court’s decision in the 9th Circuit case of City of Los Angeles v. Patel will have implications. The Court’s decision will likely affect cases involving Fourth Amendment protections.

The Supreme Court has a reputation for being unpredictable, and it will be interesting to see how this case will be interpreted. Justice Anthony M. Kennedy wrote that “the Fourth Amendment’s protection against unreasonable searches and seizures is engaged if, upon a demand made by a public official in the course of an investigation under a statute or regulation, a person opens the property protected under the Fourth Amendment to the inspection of the official.”

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G uest registries that include the name and address of each guest, the length of stay, and other personal information are subject to examination by hotels.

This decision presents several important issues that the police and other law enforcement agencies will need to consider. The decision also raises several questions for the courts and legislation.

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