perform a thorough search of that person without providing "additional justifications" for the scope of the search.[258]

While rejecting a case-by-case evaluation of searches made post-arrest, the Court remains willing to make categorical evaluations regarding such searches. Thus, in *Riley v. California*,[259] the Court declined to extend the holding of *Robinson* to the search of the digital data contained in a cell phone found on an arrestee.[260] In *Riley*, the Court distinguished a search of cell phones, which contain vast quantities of personal data, from the brief physical search at issue in *Robinson*.[261] Focusing primarily on the rationale that searching cell phones would prevent the destruction of evidence, the government argued that cell phone data could be destroyed remotely or become encrypted by the passage of time. The Court, however, both discounted the prevalence of these events and the efficacy of warrantless searches to defeat them. Rather, the Court noted that other means existed besides a search of a cell phone to secure the data contained therein, including turning the phone off or placing the phone in a bag that isolates it from radio waves.[262]

Vehicular Searches.—In the early days of the automobile, the Court created an exception for searches of vehicles, holding in *Car-*

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[258] 414 U.S. at 235 (1973). *See also* id. at 237–38 (Justice Powell concurring). The Court applied the same rule in Gustafson v. Florida, 414 U.S. 260 (1973), involving a search of a motorist's person following his custodial arrest for an offense for which a citation would normally have issued. Unlike the situation in *Robinson*, police regulations did not require the *Gustafson* officer to take the suspect into custody, nor did a departmental policy guide the officer as to when to conduct a full search. The Court found these differences inconsequential, and left for another day the problem of pretextual arrests in order to obtain basis to search. Soon thereafter, the Court upheld conduct of a similar search at the place of detention, even after a time lapse between the arrest and search. United States v. Edwards, 415 U.S. 800 (1974).

On occasion, an opinion will maintain that a warrantless search incident to arrest must be aimed at weapons or contraband or at evidence of the crime of arrest. Maryland v. King, 569 U.S. ___, No. 12–207, slip op. (2013) (Scalia, J., dissenting) (objecting to DNA testing incident to arrest for a serious crime).

[259] 573 U.S. ___, No. 13–132, slip op. (2014).

[260] In *Riley*, the defendant was arrested for firearms violations, and his cell phone was accessed and examined at the scene and at the police station. Photographs and videos taken from the phone were introduced at trial to help establish the defendant's association with gang activity, an aggravating sentencing factor that carried an enhanced sentence. In a companion case considered in the same opinion, the police arrested a defendant for a drug violation, and, using information found on a cell phone taken from his person, were able to locate and search his home, where additional quantities of drugs were found.

[261] "Cell phones differ in both a quantitative and a qualitative sense from other objects that might be kept on an arrestee's person." 573 U.S. ___, No. 13–132, slip op. at 17.

[262] These so-called "Faraday bags" are made of aluminum foil, and are, according to the court, "cheap, light-weight, and easy to use." 573 U.S. ___, No. 13–132, slip op. at 14.