

Terrifying Ways (American) Police Can Legally Screw You Over

Although Hollywood likes to tell us otherwise, being a cop is far from Lethal Weapon-style no-holds-barred crime solving. Real police officers operate under a thick book full of rules and regulations intended to protect the rights of people like you.

It would be easy, then, to assume that you're safe from getting screwed over as long as you obey the law, or at least keep your crimes minor and private. You'd be wrong. In America, the courts have again and again given the police all sorts of leeway to royally screw up your life for almost no reason at all. It's just that most of you haven't been unlucky enough to find out that the police can legally ...

Throw You in Jail and Repeatedly Strip Search You (Even if You're Innocent)

Strip searching is not in vogue these days. Ten states have made strip searching prisoners downright illegal, and even the federal government -- the people who are generally cool with stuff like Guantanamo -- looks down on it. This is because strip searches are a slippery slope at best: They are both humiliating and a potentially massive violation of human rights, to the point where they can cause diplomatic scandals. And they can be done to you at any time, for the tiniest misdemeanors that may or may not have happened at all. And there isn't a thing you can do about it.

Take the case of Albert Florence, the last guy you'd imagine getting grief from the cops: As a happily married family man with a spotless record, he was the definition of an average, non-threatening middle-class dude. This did little to save him from the long, overly grabby hand of justice when a cop pulled him and his wife (who was driving) over for speeding ... and promptly arrested Florence. Their computer said he had an unpaid fine from seven years ago, and thus he had an arrest warrant on his head. So, off to jail he went, where they kept him locked away for a full week.

Florence's only entertainment in the strange pit of despair his life had suddenly become were the two full-on strip searches he had to go through, complete with the whole "lift your balls in front of observers and cough" experience. Keep in mind that this was just a dude with an unpaid ticket. He wasn't a violent offender or a likely connoisseur in the fine art of rectal smuggling. There was literally no reason to put him through a strip search or, for that matter, throw him in jail, because in reality Albert Florence had no unpaid fines whatsoever. He had totally paid that thing years ago, and he had a receipt to prove it. It was just an administrative error.

Jail time interspersed with liberal stripping and nut sack-swinging search action did not make a fan out of Florence, who took that nonsense to court the second he was released. However, as the Supreme Court was happy to point out, the judicial system is completely cool with fondling minor offenders, even ones that turn out not to be offenders at all.

Search Your Cellphone

Think about all the stuff you have on your cellphone: your text messages, a complete list of everyone you know, a complete log of every time you contacted them, photos of yourself and everyone you know ... hell, just glance at a person's phone and every last speck of their privacy is gone. You know

everything. Law enforcement is well aware of this, and as such treats your phone with the utmost respect, by which we mean they're totally allowed to grab your phone mid-sexing and start browsing through your impressive collection of compromising pics any time they feel like it.

Like everything in today's America -- from quality television to ridiculous dentist bills -- it all started with a meth dealer. Abel Flores-Lopez was your everyday wannabe Heisenberg, pushing methamphetamine to the hardworking souls of Indiana. Only he wasn't too subtle about his work -- a police informant heard him gossiping on his phone about where he was going to sell his latest batch. The informant went straight to the cops, who swooped right in, arresting Flores-Lopez and a customer. For evidence, they took his phone and, with no search warrant whatsoever, rifled through its contents, checking the call history to make sure the time matched the informant's testimony, which it did.

Flores-Lopez appealed his arrest, arguing that the cops had no right to rummage through his private phone and thus had obtained the evidence illegally. After all, in the pre-cellphone era, the police would certainly need a warrant to search your phone records or look through your mail. Why would that change now that all of the same information happened to be stored in electronic form on one handy pocket device? The fact that this personal information is easier to access means it needs more legal protection, not less.

But Judge Richard Posner of the 7th Circuit Court of Appeals disagreed -- he promptly shot down the appeal and ruled that "containers" found on someone can be searched during arrest, comparing a cellphone to a diary. In other news, the cops can apparently snatch your diary whenever they feel like it.

The Obama administration has since sided with the judge, specifically recommending that the Supreme Court rule in favor of warrantless cellphone searches in future proceedings. But hey, you don't have anything on your phone you don't want strangers to see, right?

"Not me!" you say, "I keep that stuff on my laptop at home!" Well, guess what else the cops don't need a warrant to do ...

Confiscate Your Laptop

If there's one piece of personal property that law enforcement absolutely cannot touch without a ton of paperwork, it's got to be your computer. Movies confirm that the bad guys' mainframe can only be accessed through cunning plans involving a full team of agents and one eccentric computer geek. Even if you're running a drug cartel or actively researching weird stuff about the leaders of the free world, the government can't go searching through your personal files without a boatload of probable cause.

Unless you attempt to cross a border. In that case, your laptop is now theirs, if they want it.

Pascal Abidor, a major in Islamic studies, was traveling between New York and Canada when the Border Patrol yanked him off the train, locked him up, and interrogated him about why he felt the need to be so Muslimy about everything. While this was going on, his laptop was taken and searched, and they found something so filthy and un-American that they needed 11 more days to comb through it. The

compromising material that gave them this right was a bunch of Islamic pictures, something clearly only a terrorist would possess. Or, you know, a grad student majoring in Islamic studies.

Abidor was eventually released, and he showed his appreciation by immediately suing the government, because come on. He had some unexpected backup, too: The National Association of Criminal Defense Lawyers and the National Press Photographers Association also filed suit, recognizing that both professions would be royally screwed if a policy of "let's confiscate every laptop with weird pictures when their owners cross borders" took hold. Mutual interests make for weird partnerships sometimes.

Sadly, none of that swayed Judge Edward R. Korman of New York's Eastern District Federal Court, who squashed the suit. According to him, the federal government doesn't need a reason to search our computers at the border, and we shouldn't worry about it because those searches are, like, totally super rare anyway. And surely they'll stay rare, now that the courts have said that government agents can do it whenever they want, with impunity. That's how it works, right?

Board and Search Your Boat

The greatest thing about boats is a distinct feeling of invincibility. You're free to sail the seas to wherever your vices are tolerated. You're Boat-Man, master of the universe! Hahaha! Aaaahahahaha! Wait, hold on. Is that a Coast Guard ship rolling up on your starboard side and yelling something about a boarding? They'd better have one of those waterproof sea warrants, baby!

As free as you might be in international waters, good luck getting there if the officials feel they don't like your stupid face. It turns out that the Fourth Amendment does not apply in America's waters. As far as the law is concerned, authorities can freely swoop down, search your ship, and (possibly) keelhaul your drunken guests at any time they feel like it, without any reason or obligation to explain why.

This little legal curiosity came to light back in 1980, when the Coast Guard stopped a sailboat called the Henry Morgan II because it had been shaken up by a passing ship's wake, and they wanted to make sure everyone was all right. There was no suspicion of any crime, no probable cause -- it was purely a safety check. However, they were greeted by an overwhelming smell of marijuana, and further investigation indeed revealed a couple of bales of the stuff. The people on board were arrested and charged with smuggling drugs.

The culprits took it to court, going as far as the Supreme Court, and claimed that there was no reasonable suspicion for the Coast Guard to search the boat. The Supreme Court listened politely and laughed the smuggler out of the building to the tune of a 6-3 vote, citing a ruling that goes all the way back to the very first Congress as precedent. Yes, although we'll probably never know what America's founders thought about universal health care, they've made themselves pretty clear when it comes to privacy on boats: There's no such thing. Hey, if you didn't want the authorities watching you do it, you should have done it on land!

The only problem is, on land it's still pretty easy for police to ...

Barge into Your House

Let's say you find the police at your door. Maybe the neighbors called them because of the strange sounds from your house, or maybe they just popped by to marvel at your glorious abs. Regardless of the reason, you feel safe. Countless TV shows have taught you that cops are like vampires in this particular regard: Unless you invite them in, they're powerless. Without a warrant, the doorstep is where they stop.

This makes it all the more surprising to you when the officers on your porch look at each other with a "Hey, did you hear that?" expression on their faces and walk right in without a second thought. "But where's your warrgblblblaargh," you inquire, your voice slightly muffled by the carpet that is suddenly in your mouth as they cuff you.

The officers who just mistook the sounds of your Looney Tunes/Cthulhu Rule 34 cartoon for a war zone were legally allowed to barge in because they invoked exigent circumstances, an emergency regulation that permits law enforcement officers to enter a building without a warrant. They're allowed to do it as long as they think evidence is about to be destroyed, someone's in danger, or a suspect is fleeing. And please note that the key phrase is "if they think" here: Although exigent circumstances are only meant to eliminate inconvenient "Hold on, I'll go get a warrant so I can come inside and stop that dude from stabbing you" situations, there's a lot of wiggle room for the arrest-minded officer.

For example, a police dog may detect that you're smuggling cats.

Just ask Hollis King, a Kentucky resident who ended up with a 10-year prison sentence for smoking pot in 2005. The police were chasing a coke dealer in King's neighborhood when they randomly passed his place and noticed the smell of weed wafting out. King had been enjoying a quiet 420 with a few friends, which prompted the officers -- who had missed their original culprit and were in full "We'll take any damned drug arrest we can get" mode -- to start banging on his door, yelling "Police!"

When the people inside made a ruckus (as drug-smoking people interrupted by cops banging at the door are wont to do), the officers immediately assumed evidence was being destroyed. They kicked the door right in, arresting Hollis and his friends for possession of marijuana and, ironically enough, cocaine.

There were also three murders and 15 robberies in town that night, but the Lexington police clearly had their hands full.

Unsurprisingly, King appealed, claiming that his Fourth Amendment rights were violated. Although the Kentucky Supreme Court did agree with him, the U.S. Supreme Court overwhelmingly disagreed, ruling 8-1 in favor of the Kentucky cops and calling the search entirely lawful. But really, isn't it worth it so that you can rest easy knowing that none of your neighbors are quietly smoking weed in their living rooms? This is just the price you have to pay in the USA.