



Roll Call Training Bulletin

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Hotel/Motel Registry Searches

QUESTION:

Does demanding a warrantless inspection of a Hotel/Motel guest registry list constitute a search and violate the 4th Amendment?

BACKGROUND:

The City of Los Angeles enacted a city ordinance requiring Hotel and Motel operators to gather and assemble guest information, which was to be made available for inspection to local law enforcement upon request. Hotel operators, Naranjibhai and Ramilaben Patel, challenged the constitutionality of the ordinance claiming it violated their civil rights under the 4th Amendment against unreasonable searches. The City of Sacramento has a similar ordinance (5.76.020 SCC) stating that Hotel/Motel operators must provide the guest list to the chief of police or any police officer when requested to do so.

ANSWER:

The answer is YES. On June 23, 2015, the U.S. Supreme Court ruled that the ordinance is unconstitutional, and violates the 4th Amendment. This ruling upheld the 9th Circuit Court of Appeals decision that an “inspection of records” of a Hotel/Motel constitutes a search under the Fourth Amendment. The conclusion was based on the fact that the inspection involves both a physical intrusion and an invasion of the hotels’ protected privacy interests since a guest registry list is considered a business record.

WHAT DOES THIS MEAN FOR US:

The City of Sacramento can still require a Hotel/Motel to maintain a hotel guest registry list, but the Hotel/Motel is no longer compelled to allow an inspection by the chief of police or any police officer (without a warrant). Remember, there’s nothing precluding you from **asking** for the Hotel/Motel registry. If the operator consensually provides you a copy, there’s no violation of the 4th Amendment. If, however, a hotel operator **refuses** to allow you to inspect their registry, you are not to take any further action. If you feel that the registry contains criminal information, or that it may provide evidence of criminal activity, a search warrant must be obtained.