



Wash. justices uphold warrantless search of purse

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OLYMPIA, Wash. (AP) — A divided Washington Supreme Court on Thursday upheld a Yakima police officer's decision to search a woman's purse without a warrant.

Lisa Ann Byrd was in the passenger seat of a car with stolen license plates in 2009 when the officer arrested her and the car's driver. At the time of her arrest, she had a purse on her lap.

The officer handcuffed her and placed her in the back of a cruiser, then returned to the car, searched the purse and found a glasses case containing methamphetamine.

A Yakima County Superior Court judge determined that the meth seized couldn't be used at trial because the officer didn't have a warrant. The state appeals court agreed.

But in a 5-4 ruling, the state Supreme Court reversed that decision. Justice Debra Stephens wrote for the majority that officers are always allowed to search someone's "person" at the time of arrest, and because the purse was on Byrd's lap, it should be considered part of her person.

The dissent, written by Justice Mary Fairhurst, argued that searches of a suspect and his or her immediate surroundings are allowed to ensure officer safety and prevent destruction of evidence. In this case, neither of those concerns was at issue because Byrd had been secured in the car.

The case was sent back to Superior Court, but the justices raised further questions about the case. In a concurring opinion, Justice Steven Gonzalez questioned whether the officer had probable cause to arrest Byrd at all.

Byrd was arrested after the driver told the officer it was her car, but Gonzalez noted that the driver had significant motive to lie. He added that the driver's statement likely could not be taken as reliable evidence that Byrd had ties to the stolen license plates. If the officer did not have probable cause to arrest Byrd, then the arrest was illegal and so was the search of her purse, Gonzalez said.

The majority said Byrd could still pursue that line of appeal, which was not currently before the court.

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