

GPS Tracking for Law Enforcement Purposes May Be Decided in Supreme Court

The use of global positioning systems (GPS) for tracking data from motor vehicles has been put at issue in a group of federal court cases. Currently whether GPS tracking data can be used without a court order for prosecutions or for a search warrant based on probable cause, depends on the jurisdiction in which it occurs.

On November 22, 2010 the U.S. Court of Appeals for the District of Columbia circuit affirmed, 5:4, that the lower court was correct in ruling that collection of GPS data did require a warrant and that the evidence could not be used against the defendant, Antoine Jones.

In Wisconsin, police were allowed to mount GPS transponders on cars to track citizen's movements without violating state (not federal) constitutional rights. That court ruled that a car's location was public information even if there was no one around and even if they were not criminal suspects.

The New York State Court of Appeals ruled that it was a violation of a criminal suspect's rights to

place a GPS transponder inside the bumper of a person's car and leave it there for 65 days, without ever getting a warrant. That court held it was an illegal search, but that portion of the ruling applies only in New York unless the US Supreme Court takes up the issue. The defendant in that case was Scott Weaver.

It's likely that the Antoine Jones or similar case will be appealed to the US Supreme Court.

What This Means For Counties

Counties should review their equipment use policies to determine if their written policies meet their business needs and to ensure that the policies they have can be enforced in a reasonable manner.

For more information, contact CTSI at 303-861-0507.