

Police Need a Warrant to Install GPS Tracking Devices on Cars - So Says the Supreme Court

January 23, 2012 - In a case involving personal privacy and Fourth Amendment protections against unreasonable search and seizure, the Supreme Court has ruled that government agencies need to get a search warrant before they can install GPS devices on cars for tracking purposes. The ruling is a blow to the Justice Department, which had argued that no warrant was needed. But the case is far from a death-blow for government tracking of private citizens.

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The case reviewed by the Supreme Court involved the Washington, DC Police Department. That organization had installed a GPS monitoring device on the car of a suspected drug dealer. The data gathered was used in court and resulted in a conviction and life sentence for the suspect.

On appeal, the case was overturned based on Fourth Amendment violations. In today's ruling, the Supreme Court agreed unanimously. But within that decision, there was a lot of disagreement between the justices.

Five justices made the determination that the reason to overturn this specific verdict was simply because the government installed its own GPS device without the permission of the car's owner and without a warrant. Essentially, the GPS device was trespassing on private property—the private property being the automobile owned by the suspect.

The decision doesn't say that the government needs a search warrant to use GPS tracking involving a suspect's cell phone or from a manufacturer's installed GPS device on a car. Four of the justices said that they were disappointed by

this and that the court should have decided on the constitutionality of those issues as well.

The decision means that there are likely to be future cases based on the undecided scenarios mentioned above. The outcome of these future cases is anything but certain.

Most data stored by third parties, such as companies that provide GPS related services to automobile manufacturers and cellular providers, can be made available to law enforcement with a simple subpoena. Subpoena's have a much lower burden of court review than search warrants.

It is also worth noting that prior Supreme Court rulings have stated that people have no reasonable expectation of privacy when they are out in public. It is not a stretch to assume that the court could eventually rule that people have no reasonable expectation of location-privacy if they elect to carry a cell phone or drive a car with GPS installed on them.

The bottom line here is that the this particular Supreme Court decision is likely to have only limited affect on government monitoring of people as they go about their normal daily business.

byJim Malmberg

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