

COMPUTERWORLD

Supreme Court set to hear landmark GPS tracking case

Ruling will determine whether warrants are needed to use GPS technology to track criminal suspects

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The U.S. Supreme Court Tuesday will begin hearing arguments in a landmark case involving the government's authority to use GPS tracking devices in criminal investigations without first obtaining a court order.

The court's ruling could have a far-reaching impact on warrantless GPS tracking practices, which critics contend is a violation of Fourth Amendment protections against unreasonable search and seizure.

The case has drawn widespread interest as the Yale Law School, the American Civil Liberties Union (ACLU), the Constitution Project, the Cato Institute and several other groups have filed amicus briefs arguing against warrantless GPS tracking. Roger Easton, the principal inventor of GPS technology, also filed a brief arguing opposing warrantless tracking.

"If the Supreme Court were to rule against warrants for GPS tracking, the state of Pennsylvania could, for example, decide tomorrow that all license plates would be issued with a GPS monitor," warned Norman Sadeh, a professor of computer science at Carnegie Mellon University, in a statement of the university's home page.

"It's actually economically practical today," said Sadeh who contributed to a brief filed by the Center for Democracy and Technology, a public interest group.

The case involves Antoine Jones of Washington, D.C., who was convicted in 2008 and sentenced to life in prison for possessing and conspiring to distribute more than 50 kilograms of cocaine.

Key government evidence in the case was gathered via a GPS tracking device that was surreptitiously attached to Jones' vehicle and used by the FBI to track his movements for about a month.

Jones, a nightclub owner, argues that the tracking was illegal because it was initiated and carried out without a court order.

His lawyers maintain that affixing the GPS device on his vehicle violated the Fourth Amendment by conducting search and seizure without a warrant. Jones sought to have evidence gathered from the GPS tracking suppressed.

The government contends that the GPS tracking was akin to observing activity in a public space.

Prosecutors have said the GPS tracker was installed while Jones' car was parked in a public space, and argued that that the device simply allowed them to more efficiently gather information that could also be gathered by physically following Jones' vehicle on public roads.

In a brief supporting the government, the Center on the Administration of Criminal law argued that GPS technology enhances the government's ability to strategically increase its presence in communities, and to better allocate resources. The brief urges the Supreme Court to uphold the ability of law enforcement to use a "new means of technology to conduct non-intrusive surveillance of vehicles in public spaces."

The U.S. Court of Appeals for the District of Columbia last August decided in favor of Jones, ruling that the government has no authority to conduct around-the-clock GPS surveillance of suspects without a warrant.

"It is one thing for a passerby to observe or even to follow someone during a single journey as he goes to the market or returns home from work," Judge Douglas Ginsburg wrote for the three-judge panel that reviewed the case.

"It is another thing entirely for that stranger to pick up the scent again the next day and the day after that, week in and week out, dogging his prey until he has identified all the places, people, amusements, and chores that make up that person's hitherto private routine," Ginsburg added.

Such tracking yields information that would not have been available to the government via other methods of surveillance. the appeals court held.

The Supreme Court's ruling in this case will be pivotal because lower courts have have so far been divided on the issue.