Police GPS Tracking Case to be Heard by Supreme Court

James Vicini | Edited by Bill Trott

(Reuters) - The Supreme Court for the first time will hear arguments on Tuesday on whether police need a warrant to track a suspect's vehicle with a GPS device, another clash between new surveillance technology and basic privacy rights.
It is the latest case involving constitutional privacy rights protecting against unreasonable searches and seizures of evidence, and police use of data from new technologies such as beepers, cellphones and computers.

The Obama administration defended the use of global positioning system (GPS) devices -- without a warrant and without a person's knowledge or consent -- as a legal way to monitor a vehicle on public streets and to fight crime.

Civil liberties groups said GPS dramatically expanded the police's ability to track vehicles and expressed concern that large amounts of detailed personal data can be collected and stored about a person's movements.

The case involved Antoine Jones, a Washington, D.C., nightclub owner who was convicted of conspiracy to distribute cocaine.

While the vehicle was in a public parking lot in Maryland, police covertly installed a GPS device on a Jeep Grand Cherokee used extensively by Jones.

Police tracked Jones' movements for a month during 2005 and the resulting evidence played a key role in his conviction.

Erwin Chemerinsky, the law school dean at the University of California, Irvine, said the case had potentially exceptional importance.

"At the heart of this case is the question of how the reasonable expectation of privacy is to be determined with regard to relatively new technology," he wrote in previewing the arguments in an American Bar Association publication.

The justices during the arguments will consider a precedent-setting ruling by a U.S. appeals court that the police must obtain a warrant to use a GPS device for an extended period of time to covertly follow a suspect.

The appeals court threw out Jones' conviction and life-in-prison sentence. It ruled prolonged electronic monitoring of the vehicle amounted to an unreasonable search.

OBAMA ADMINISTRATION APPEALS TO SUPREME COURT

The Obama administration appealed to the Supreme Court, saying the issue was critically important to law enforcement efforts nationwide and arguing that requiring a warrant could hurt the government's ability to investigate drug trafficking, terrorism and other crimes.

Solicitor General Donald Verrilli told the Supreme Court authorities had not abused GPS technology. "No evidence exists of widespread, suspicion-less GPS monitoring," he said.

Stephen Leckar, an attorney for Jones, argued in a brief that government GPS surveillance without a warrant represented a grave, novel threat to personal privacy.

"GPS technology empowers the government to engage in indiscriminate and perpetual monitoring of any individual's movements," he said. Prolonged GPS use allowed the government to store data that cannot be obtained by visual surveillance.

Orin Kerr, a George Washington University law professor who writes frequently about privacy issues, said it probably will be a close, hard case for the justices.

"With the current court, the government usually has the advantage in Fourth Amendment cases," he said. "That's probably true here. But Jones may cobble together votes from the more civil libertarian justices on the left and the more libertarian, property-minded justices on the right."

The Supreme Court case is United States v. Antoine Jones, No. 10-1259.

Reuters [1]

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