When Is GPS Tracking Too Much?

Kim Potts, Chief Editor

Global positioning technology (GPS) is infiltrating our lives. It is being used in cars, cell phones, wristwatches &#151 and is being used by employers, law enforcement, and even parents. I even considered using it to track Ern this month (where'd he run off to anyway?)!

All kidding aside, the satellite tracking of an individual's whereabouts is not without controversy or benefits. As the technology becomes more accepted, and used, local, state, and federal laws will be necessary to protect individual rights.

GPS is a satellite-tracking device that uses a constellation of 24 U.S. military satellites to locate the precise location of a person anywhere on the planet (unless you are a terrorist, in which case, it seems to be ineffective). This can be extremely beneficial in locating a lost or stolen child, or an Alzheimer's patient who has wandered off. Employers even claim that tracking employee movement has increased productivity and reduced overtime costs. Despite the strength of the benefits, accuracy and privacy remain a concern.

While employers are seeing the benefits &#151 and dollar signs &#151 of tracking their employees, employees may not realize how much they are being tracked. If you have a company car or a company cell phone, your employer would be able to track if you are using these items during non-working hours. A boss could also jump to a wrong conclusion if monitoring an employee during their lunch hour. This could potentially create uneasy employees, and lack of trust for both parties.

Recently UPS workers in the Teamsters negotiated their contracts to ensure that GPS data wouldn't be used in evaluations. However, the uses of GPS technology are

up to each individual employer, with no laws to set precedents.

And, as if teens and parents don't have enough to be at odds about, parents are now tracking their kids with GPS. It's rare anymore to be in a mall and not see a zillion kids using cell phones. But, its not just for cell phones any more. With the evolution of GPS technology, parents can provide their kids with wristwatches that will locate the child within a minute. Furthermore, with GPS systems to be in four out of every 5 cars within the next few years, it will be easy to find Johnny, and to know how fast he was driving and exactly where he took the car. I won't even explore those who want to have a GPS tracking device implanted in very small children.

In late 2003, a rural Japanese city, stunned by the kidnapping of a young girl, instituted a program with two security companies to provide a satellite-linked tracking system to monitor 2,700 elementary and junior high school students. The system allows parents to track their children via a web site. The device is also equipped with a 'panic button' that the child can push if they feel they are in danger. It is likely that younger children will take more kindly to being tracked than teens will.

While Parents have every right to know where their children are and what they are doing &#151 its their job. Likewise, kids aren't supposed to like the rules set up by their parents. Its unlikely however that GPS tracking of your child will threaten privacy issues enough to make courts intervene. Its likely to threaten parent-child relationships more than involve a child seeking help from the courts.

What about using GPS tracking devices as surveillance methods for keeping tabs on criminals or suspected criminals? Should law enforcement be able to use it? Some would argue it's no different than being tailed by a plain-clothes officer. Others argue that the difference is that you may notice a 'gumshoe' following you, where the GPS device can be placed on your automobile without your knowledge. Two court rulings in recent years say yes, GPS tracking of a suspected criminal is legal &#151 one validates the accuracy of the technology used in GPS tracking and one provides procedure guidelines for law enforcement.

The Washington State Supreme Court ruled in 2003 that police must obtain a warrant when deciding to track an individual's movements via GPS. This decision conceded with the American Civil Liberties Union (ACLU) that probable cause must be presented to a judge, showing there is a belief the individual has committed a crime.

The main concern in this case was that personal information will be gathered by the GPS system such as visits to banks, doctors, restaurants, bars, houses of worship, and political meetings. Could law enforcement use such information in appropriately? Are we giving an extension of Big Brother too much authority to view our lives? Some would say if you aren't doing anything wrong you shouldn't care one way or the other. I'm not inclined to see George Orwell's classic '1989' become a reality in my life. However, I do see this court decision as protecting us the same way other laws protect our privacy rights, just like Miranda Rights, etc.

In February 2004, California defense lawyers asked a judge to dismiss GPS tracking of Scott Peterson, which assisted in police arresting him for murder. Instead of question the legality of GPS tracking, the lawyers attempted to discredit the technology.

Due to the tracking system malfunctioning several times over a 4 month period, the defense claimed that GPS technology is not a legitimate science. Furthermore, he argued that if the FAA won't use GPS to land an aircraft, the court should not approve it for forensic use in a capital murder case.

Several industry and defense experts, as well as the manufacturers of the GPS devices used, testified to the contrary. The judge found the technology to be &quotgenerally accepted and fundamentally valid,&quot allowing the evidence to be used during the upcoming trial.

As with any industry developing a product for consumer use, there comes the responsibility of protecting public safety, and in this case privacy. This industry has met that responsibility. GPS has not seen its last day in court I'm sure. Continued design and development of this technology can only continue to validate the basis of the technology, so that laws for use can be developed and enforced without compromising our privacy &#151 and protect our children.

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