

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

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TCP Welcomes Supreme Court Ruling on Location Tracking

Sloan Urges Court or Congress to Require Warrant Even if No Physical Intrusion

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, offered the following comment on today's unanimous Supreme Court decision in [United States v. Jones](#), in which the Court held that law enforcement agents must get a search warrant before installing a GPS device on an individual's car and using it to track the car's movements:

"We welcome the Supreme Court's recognition that the Fourth Amendment must continue to protect against government intrusions even in the face of modern technological surveillance tools. We regret that the Court's majority declined to consider the question of whether pervasive electronic tracking requires a warrant even if there is no physical intrusion by the government in installing the device. However, the majority opinion explicitly left that question open, and we will continue to urge the courts and Congress that a warrant must be required in that context as well."

Last September, The Constitution Project (TCP) issued [a comprehensive report](#) on the Fourth Amendment implications of police using location tracking technology. The report concluded that the Constitution requires law enforcement officials to obtain a warrant based upon probable cause before seeking GPS or other electronic location tracking information for a period of more than 24-hours, or before installing a tracking device on an individual's property.

Based on the report's finding, TCP filed an [amicus curiae brief](#) in *Jones*. The majority opinion largely follows the analysis of the first argument in TCP's brief, explaining that a warrant is required before installation of a tracking device on an individual's property. The concurrence is consistent with the second argument in TCP's brief, and notes that "the use of longer term GPS monitoring in investigations of most offenses impinges on expectations of privacy" and therefore constitutes a search for which the Fourth Amendment requires a warrant.

[About The Constitution Project](#)

Created out the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law

through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.

