

Geofencing and Geofence Warrants: What is Big Brother Up To?

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Abstract

Geofence warrants, leveraging geofencing technology, allow law enforcement to gather location data from smartphones within specific areas and timeframes. While powerful for investigations, they raise significant privacy and legal concerns. This issue highlights the tension between public safety and individual privacy rights in the digital age. Recent court cases and legislation have shaped the permissibility and scope of geofence warrants, reflecting an evolving legal framework. The debate continues on balancing effective law enforcement with protecting personal privacy in an increasingly connected world.

Geofencing

This lecture provides a comprehensive overview of geofencing technology and its applications in modern mobile devices. It explains how cell phones continuously interact with cell towers and other networks to maintain connectivity and determine location. The concept of Cell Site Location Information (CSLI) is introduced, highlighting its role in device functionality and data synchronization.

The lecture will delve into how companies leverage geofencing for marketing purposes, defining it as a virtual boundary that detects when mobile devices enter or exit a specified area. Various examples of geolocation services are presented, including fitness apps and location-based marketing strategies employed by popular brands.

Particular attention is given to Google's data collection practices, including its "Sensorvault" database, which stores vast amounts of location data. The lecture concludes by noting the increasing interest of law enforcement in accessing this data through geolocation or geofence warrants, emphasizing the potential use of such information in criminal investigations.

This overview underscores the pervasive nature of location tracking in modern technology and its implications for both commercial applications and law enforcement activities.

Geofence Warrants

A geofence warrant is a legal tool used by law enforcement to obtain device information within a specific geographic area and time frame. It primarily targets data from Google devices, services, or products. The process involves three steps:

- 1) Google provides anonymized location data of devices within the specified parameters.
- 2) Law enforcement analyzes this data to identify patterns or relevant information.

- 3) Law enforcement requests Google to reveal the identities of specific devices for further investigation.

This approach differs significantly from traditional search warrants as it uses a reverse method of identifying suspects. Instead of starting with a known suspect, it gathers data on all individuals in a given location and time to find potential suspects.

The use of geofence warrants has sparked debates about their constitutionality and appropriateness in law enforcement. These discussions center on balancing effective policing with individual privacy rights in the digital age, as the warrants rely heavily on modern location-tracking technologies and raise concerns about privacy and civil liberties.

Geofence warrants, which request location data from devices within a specific geographic area during a designated time, have raised significant constitutional concerns regarding privacy rights. Critics argue that these warrants violate the reasonable expectation of privacy established in *Carpenter v. United States*, lack the specificity required by the Fourth Amendment, and may result in unconstitutional dragnet searches that ensnare innocent individuals. Proponents contend that the Third-Party Doctrine applies, asserting no reasonable expectation of privacy exists for data held by service providers. Recent court rulings reflect ongoing debates about the legality and appropriateness of geofence warrants, highlighting the tension between effective law enforcement and the protection of individual rights in an increasingly surveilled society.

Key topics to be addressed include:

- **An introduction to geofencing technology and its application in law enforcement**
- **Legal and ethical factors related to geofence warrants**
- **Recent legal cases and laws affecting the use of geofence warrants**
- **Finding a balance between public safety and individual privacy rights in today's digital era**