United States Supreme Court Decision

According to Justice A, writing for the Court, the police performed a Fourth Amendment “search” of suspect because they attached a GPS tracking device to his property without his permission, which would be defined as committing a trespass. His property would be considered as his “effects.” This is one of the protected items spelled out in the amendment. The initial trespass along with information-gathering is considered by the Court as a “search” had occurred.

Justice A plainly writes that in this case, police received approval from the owner of the property to have their GPS placed in it. It was only after this that the suspect purchased the property so he had no reason to complain of trespass. Justice A chose to decide this case on the grounds of *when* the police had placed the devices.

Due to the physical trespass along with information gathering, the installment of the GPS was a tactic that police probably used in the 1700’s and then it would was called a search.

Justice B agrees with Justice A. He makes his case. The suspect could not have cared less about someone’s trespassing on his effects by touching the vehicle in question without permission had they not found incriminating evidence. For example, your parents decide to rent a car. A contract is signed on Monday, and car is picked up on Friday. Without your parents awareness, the company placed tracking GPSs on all of its cars.

After a two week vacation, your parents find out about the devices. Would the fact that company had placed them after their contract was signed make them feel differently or feel secure? Would they say “Well, I’m sure glad that Hertz installed those GPS’s!”? Well, no!

Two reasons for being confident that Justice A would find this police action unconstitutional. The first reason is that even though the use of the GPS did not involve any physical trespass, it allowed the police to gather information that would have been available only with a physical entry into the car’s computer chip or Sirius system. Though the GPS did not uncover anything personal about your parents, Justice A would agree that all details are personal, because the car is held safe while your parents are renting from prying government eyes.

Another judge, Justice C, would, say the difference is in the device used. The sort of device that might involve X-ray or Drone surveillance and would be a form of physical trespass, in one case; and the use of the GPS, which involved only the gathering of places your parents stopped on vacation, on the other.

The Court basically finds that protecting Fourth Amendment rights in the electronic age demands more than it did in the 1700’s. Most judges will eventually be faced with the questioning of the wisdom of existing restrictions on Fourth Amendment rights. Eventually it will not make sense to treat a person’s sharing of private matters with one party as releasing one’s Fourth Amendment privacy against the government.

- See more at: http://verdict.justia.com/2012/02/15/the-supreme-court-decides-the-gps-case-united-states-v-jones-and-the-fourth-amendment-evolves-2#sthash.jj4a3soE.dpuf