

WHAT ON EARTH IS A GEOFENCE
SEARCH AND WHY DOES IT MATTER?

GEOFENCES

A "geofence" is a virtual perimeter around a real-world location. A "geofence search" can provide law enforcement with location information about ALL GPS-enabled devices within the boundaries of a certain geofence.

WHAT'S THE PROBLEM?



Many geofence searches lack specificity regarding whom law enforcement is actually looking for. Even though Google has released some data, we don't actually know how many of these searches are being conducted or where.

Geofence searches are a powerful tool that can be very useful, but they need clearly defined guardrails to prevent the violation of people's rights.

Our model language addresses several major areas of concern regarding geofence searches:

- *Defines terms so we know exactly what constitutes a "geofence" search*
- *Requires a warrant with a specific subject for geofence searches, as the Fourth Amendment demands*
- *Defines what is needed for a valid geofence warrant*
 - *a clearly defined geographic area to be included*
 - *expected number of non-targeted devices impacted by the search*
 - *whether or not any of the device users are known to the police*
- *And prohibits law enforcement from using data from the non-targeted devices affected by the search for **any** reason.*

Why is this important?

Geofence searches can be helpful to law enforcement, but there is a serious risk that sensitive data from bystanders — who were not suspected by police of having committed the crime being investigated — can be collected and analyzed along with the possible perpetrators'.

*In order to protect individuals' constitutionally protected rights **and** law enforcement's ability to do their jobs effectively, these clearly defined limits are necessary.*