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CYSE 409: Crime and Computer Applications

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Do you believe that law enforcement should be able to use geofence warrants? Why or why not?

I believe that law enforcement agencies should not be able to use geofence warrants because it is a big invasion of privacy and can wrongfully label innocent individuals as potential suspects for a crime, even though they had nothing to do with it, and it can also cause privacy issues. Warrants themselves are written as a probable cause to violate the fourth amendment, and geofence warrants to me want to take it a step further. Warrants are not to be written to search everything and anything, they are written for a particular/specific entity to be searched. Geofence warrants on the other hand, are too broad and ask to search too much in my opinion for law enforcement to be allowed to use them. Throughout 2018 and 2019, a string of arsons occurred across Milwaukee, Wisconsin. Some of the casualties during the arson spree included over \$50,000 in property damage and two dead pet dogs. Law enforcement decided to use a geofence warrant in order to gather information from technology within the area. However, what happened also was the ATF was able to gain access to personal information on 1,494 devices that were within the area. Jerome Greco, who is a public defender in the Digital Forensics Unit of the Legal Aid Society, said "it's a sign that geofence warrants are overly broad and endanger user privacy". He also states that "It shows the unconstitutional nature of reverse location search warrants because they inherently invade the privacy of numerous people, who

everyone agrees are unconnected to the crime being investigated, for the mere possibility that it may help identify a suspect.” Another case of a geofence search warrant being used involved a bank robbery, where the federal government wanted to search a 400-meter radius. Google themselves pushed back, and the radius was then reduced to 50 meters. However, Google still returned phone identifiers for six devices. The government then asked for personal details of the individual users for all six devices, which Google provided. These details included their name, email, and other Google account user data. Only two suspects are awaiting trial, which signals that innocent people had their information disclosed. Cases like these are why I believe geofence warrants are unconstitutional, and a Virginia judge herself ruled that a geofence warrant that was issued is unconstitutional. Also, for similar reasons, a Kansas judge denied a government request to use the controversial search warrant.

<https://www.forbes.com/sites/thomasbrewster/2019/12/11/google-gives-feds-1500-leads-to-arsonist-smartphones-in-unprecedented-geofence-search/?sh=12beef1827dc>

<https://www.forbes.com/sites/thomasbrewster/2021/06/15/google-geofence-warrants-endanger-privacy-judges-now-see-the-threat/?sh=64a02546113a>