

GPS tracking and stalking

Understanding the risks and legal implications

GPS tracking, while having legitimate uses like navigation and asset management, can be misused for illegal stalking and surveillance, leading to serious legal consequences.

Here's a breakdown of the key aspects:

1. What is GPS tracking and stalking?

GPS tracking, in the context of stalking, involves using devices or applications with GPS technology (including Bluetooth or hardwired devices, location-tracking apps, or even smart car navigation systems) to monitor someone's movements without their knowledge or consent.

Stalkers may hide devices in a victim's car (under the bumper, near tires, or in power outlets), download location-tracking apps onto their phones, or place tracking devices in their bags or belongings.

GPS tracking can be used to facilitate various crimes, including stalking, harassment, domestic violence, and even violence, blackmail, and coercion.

Approximately 25% of victims in abusive relationships reported that GPS tracking was used as a tool for control and harassment, according to a study by the National Network to End Domestic Violence (NNEDV).

In one case, a Florida man was arrested on stalking/cyberstalking charges after placing a tracking device on his ex-partner's vehicle.

2. Laws and consequences

Legal Status: The use of GPS tracking devices for legitimate purposes (e.g., parental monitoring of minors, tracking company vehicles by employers, law enforcement with warrants) is permissible in all US states.

Unauthorized Tracking is Illegal: Tracking someone without their consent is generally illegal and can have significant legal repercussions.

Federal Laws: The Fourth Amendment protects individuals from unreasonable searches and seizures, requiring consent or a warrant for GPS tracking in many cases. The Electronic Communications Privacy Act (ECPA) prohibits non-consensual installation and use of tracking devices.

State Laws: Many states have specific laws prohibiting the installation of location-tracking devices on vehicles without consent. Some laws more broadly prohibit the use of electronic tracking devices for determining a

person's location without consent, expanding beyond vehicles to encompass other tracking methods. For example, in Florida, installing or placing a tracking device or app on another person's property without consent is a third-degree felony, punishable by up to five years in prison and a fine of up to \$5,000. In Missouri, unlawful installation of a tracking device is a Class D Felony, punishable by fines up to \$10,000 and seven years of imprisonment. Stalking, often encompassing GPS tracking, carries penalties depending on the severity and can include imprisonment and fines.

3. Protecting yourself

Be aware of the signs: Look for faster battery drain, unfamiliar objects or wires on your car, unknown apps on your phone, people knowing your whereabouts without being told, or unusual electrical interference.

Inspect your car: Check under the bumper, license plate, wheel wells, and other discreet locations where a GPS device might be hidden. Also inspect the interior, including the OBD-II port, under the seats, and under floor mats.

Use technology to your advantage:

GPS Detectors: These devices can detect radio frequency signals emitted by active trackers.

RF Signal Detectors: These can locate various types of wireless transmissions that trackers use to send location information.

Smartphone Apps: Some apps can detect magnetic fields from trackers, particularly those using magnets to attach to vehicles.

Disable location services: Turn off location services on your phone entirely or for specific apps, particularly social media apps, to limit potential tracking.

Remove unfamiliar apps and spyware: Regularly scan your devices for spyware and promptly delete any unknown applications.

Use a VPN: A trustworthy VPN can encrypt your online activity and route it through external servers, making it harder for others to track your IP address and location.

Protect your accounts: Secure your Google account and other online profiles with strong passwords and privacy settings.

Seek help: If you suspect you are being tracked or stalked, contact your local law enforcement authorities and victim service providers for assistance and

support. The National Domestic Violence Hotline provides support and safety planning resources.

4. Legal recourse and support

Reporting the crime: Contact your local police department to report any instances of stalking or unauthorized GPS tracking. Be sure to document all incidents thoroughly, including dates, times, and any evidence you can gather.

Protective orders: Consider obtaining a protective order or no-contact order from the court, which legally restricts the offender's contact and interactions with you.

Civil lawsuits: Victims of illegal tracking may also have the option to pursue civil claims for damages, seeking compensation for emotional distress, invasion of privacy, and any financial harm.

Victim compensation: You may be eligible for crime victim compensation to help cover out-of-pocket expenses such as medical bills and lost wages.

Seek legal counsel: Consult with an attorney specializing in harassment or privacy law to understand your rights, available legal remedies, and potential avenues for pursuing criminal charges or civil lawsuits.

In summary, GPS tracking used for stalking is a serious issue with potentially devastating consequences. It's crucial to be aware of the risks, understand the relevant laws, take precautions to protect yourself, and seek help and legal assistance if necessary.