

# Police Requests for Google Users' Location Histories Face New Scrutiny

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Biography

July 27, 2020



Police use of a type of warrant to monitor Google users' locations en masse is staring down its first legal and political challenges as scrutiny of law enforcement tactics grows.

Criminal defendants in Virginia and San Francisco are disputing “geofence” warrants, which authorities can use to scan geographic areas and time periods for suspects through user location histories stored by technology companies. As these motions await arguments and potential decisions as soon as August, New York lawmakers are pushing legislation to ban the practice.

Police turned in both cases to Alphabet Inc.'s Google, which says the number of such requests grew 1,500% from 2017 to 2018, and an additional 500% from 2018 to 2019. The search and advertising giant created a special process to fulfill the warrants but has raised concerns that the demands made by law enforcement invade privacy.

Privacy advocates fear that compliance by Google could lead authorities to seek similar data from fitness trackers, ride-share apps and other companies if more of those businesses begin to store users' granular location histories to hone their products and services.

"We're going to see this ever-expanding universe of geolocation warrants that will be tracking huge numbers of people if we don't outlaw the practice," said Albert Fox Cahn, executive director of the Surveillance Technology Oversight Project, a nonprofit advocacy group.

The pushback coincidentally comes amid a drumbeat of criticism of law enforcement after the killing of George Floyd in Minneapolis police custody in May.

New York state Sen. Luis Sepúlveda, a Democrat who chairs the state senate's Crime Victims, Crime and Correction Committee, co-sponsored a bill in April to outlaw the warrants and informal requests for such data. Mr. Sepúlveda warned that geofence warrants would be used disproportionately in communities of color like many other police tactics, such as stop-and-frisk.

San Francisco public defenders filed a motion last month to quash such a warrant used in the February 2019 arrest of LaQuan Dawes, 30, in connection with a home burglary in the city's Sunset District. They argued authorities' search for Google users within a half-block radius of the house over more than a two-hour period, which eventually zeroed in on Mr. Dawes, violated his Fourth Amendment rights against unreasonable search and seizure.

Separately in Virginia, defense lawyers are seeking an August hearing to make similar arguments on behalf of Okello Chatrie, 25, who is accused of armed robbery of a bank outside of Richmond.

## **How Google Complies With Geofence Warrants**

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**The tech company created a three-step process for fulfilling authorities' geofence warrants while maintaining as much user privacy as possible, according to court documents.**

- Google searches its entire database of accounts with location history enabled to check which users passed through the general area and time period specified in a warrant. The company compiles the information into an anonymized data set for police.
- Authorities review which devices may be of interest, potentially asking for additional location data about specific users for context.
- Authorities may compel Google to de-anonymize account data to identify specific users.

After police requested information about devices that passed within 150 meters of the crime scene over an hourlong period, Google combed through every user who opted into the location-history feature to narrow down potential matches, according to documents filed in the U.S. District Court for the Eastern District of Virginia.

Roughly one-third of all Google users opted in as of last year, according to the company's filings in the case, sending information related to tens or potentially hundreds of millions of people to a database known internally as Sensorvault. A Google representative declined to provide precise numbers.

Lawyers for the company didn't take a position on the warrant in Mr. Chatrie's case, according to court documents. But they called the tactic "a significant incursion on privacy" while highlighting a potential for imprecise data. A company spokesman declined to share the number of warrants it receives.

Google built a special protocol to process the requests. First, Google searches Sensorvault to check which users passed through the area and during the time period specified, providing anonymized information to authorities. After police decide which devices are of interest, they may compel Google to identify specific users.

"We vigorously protect the privacy of our users while supporting the important work of law enforcement," Richard Salgado, Google's director of law enforcement and information security, said in an email.

It is unclear how many other companies comply with these police demands.

Facebook Inc. receives such warrants but doesn't fulfill them because the social media platform has less-precise location data than device makers and limitations in how the data is stored, a spokesperson said. He declined to explain those limitations.

Ride-sharing company Lyft Inc. potentially would comply if warrants don't target "all users in a large geographical area," a spokeswoman said, or for "overly broad time periods," among other criteria. She didn't define those terms.

Fitness-tracking firm Garmin Ltd. hasn't received such requests and wouldn't fulfill them because "it would be very invasive of our users' privacy rights," according to a representative.

The bill to ban such searches in New York has stalled amid the coronavirus pandemic, but Mr. Sepúlveda and Sen. John Liu, another co-sponsor in the state senate, hope to take it up again as the crisis subsides.

The Facebook spokesperson said the company has “been supportive” of the bill but declined to elaborate. Google’s Mr. Salgado said the company is encouraged to see a discussion about “the need for rules to govern untargeted access to data by law enforcement.”

Mr. Sepúlveda, the New York state senator, urged in an interview that Google push back harder against authorities. “They stand to lose a lot if people realize what’s going on,” he said.