



Colorado Springs Police Department

Standard Operating Procedure

DL-1100-31 Electronic Monitoring Devices

Section 1100 – Investigative Functions

Effective Date: 5/11/2021

Supersedes Date: 8/19/2014

.01 Purpose

The purpose of this procedure is to establish guidelines and acceptable practices for the use of electronic monitoring devices on vehicles or other articles.

.02 Cross Reference

[GO 160 Motor Vehicle Thefts](#)

[GO 290 Towing and Impound Procedures](#)

[GO 743 Search Warrants](#)

[GO 831 Collection of Physical Evidence](#)

[GO 832 Evidentiary Vehicles](#)

.03 Definitions

Electronic Monitoring Device: An electronic monitoring device unit is a device that uses the Global Positioning System (GPS) to determine the precise location of a vehicle, person, or other asset to which it is attached and to record the position of the asset at regular intervals. This information is transmitted to a remote device such as a smartphone or tablet. The devices are commonly referred to as GPS trackers. The terms Electronic Monitoring Device and GPS Tracker may be used interchangeably.

.04 Procedure

The Colorado Springs Police Department (CSPD) has available electronic monitoring devices (GPS tracking systems) to assist in certain types of criminal investigations when traditional surveillance techniques are not feasible or likely to be successful. While these devices may be used on a variety of articles of property, the primary use of such devices is to remotely track the movement of motor vehicles.

In accordance with *C.R.S. § 16-3-303.5, Location information- search warrant required*, no electronic monitoring device will be placed on any vehicle(s) owned or operated by any person who is likely to have a reasonable expectation of privacy in said vehicle without a search warrant being obtained beforehand to track the vehicle. Electronic monitoring devices will not be placed arbitrarily on vehicles. There must be an articulable reason and a compelling need to utilize the electronic monitoring device to further a criminal investigation. No GPS tracking device will be placed on a vehicle without approval of a supervisor, unless exigent circumstances exist.

In determining whether to utilize an electronic monitoring device on a stolen vehicle or property, the investigating officer will balance the safety of the public and the need to apprehend suspects. GPS technology greatly enhances the department's ability to apprehend criminals while mitigating risks to the public by preventing pursuits and allowing department members to choose safe locations to arrest suspects. GPS technology also greatly enhances the department's ability to apprehend experienced criminals and/or those involved in criminal organizations.

Uses of Electronic Monitoring Devices

CSPD utilizes GPS trackers on automobiles or property in two primary ways:

1. Placement of GPS trackers on vehicles or articles that are not stolen, where a person or entity has an expectation of privacy. Under this circumstance, officers/detectives are following a person, specific vehicle, or article in order to further a criminal investigation. There may be Constitutional protections of the person, vehicle, or article under the 4th Amendment. Officers/detectives will comply with current statute and case law (*United States v. Sparks, United States v. Jones*) when utilizing a tracker, and obtain the applicable search warrant, consent, or have exigent circumstances to justify placement of the tracker without a warrant or consent.
2. Placement of GPS trackers on stolen vehicles or stolen articles that are located in areas open to the public. This type of investigation is done in an attempt to improve public safety and prevent further victimization. While the placement of an electronic monitoring device on a stolen vehicle or stolen property is legally acceptable, it may result in the victim being denied the use of their vehicle or property. Officers/detectives are reminded that consideration needs to be given to the victim in the case when deciding to either place an electronic monitoring device or simply recover the vehicle or property. In order to allow the victim to be a part of this decision making process, and absent exigent circumstances, officers/detectives will obtain consent from the victim prior to placing a tracking device on a vehicle or article of property. When obtaining consent from the victim, the following information will be provided:
 - A variety of surveillance techniques may be used; officers/detectives may not be in constant visual contact with the vehicle or property

- The vehicle or property may be damaged
- CSPD will not pursue the vehicle if it is mobile
- CSPD cannot guarantee that the condition of the vehicle or property will be the same as when it was reported stolen (suspects may have smoked in the vehicle, used controlled substances, etc.)

Written consent is preferable to verbal consent. It is permissible to obtain written consent at the time of the initial report. If verbal consent is obtained it is advisable for the officer or detective to have a witness present to attest that consent was given.

If consent is obtained from the owner of the vehicle or property the GPS tracking device will not be used for more than 48 hours without notifying the victim and obtaining consent to leave the tracker in place, or approval by a lieutenant or above.

GPS Tracker is Attached to a Stolen Vehicle or Property

There are several factors to consider when determining whether are not to attach a GPS tracker to a stolen vehicle or property. No single factor will give or prevent authorization to place a GPS tracker on a stolen vehicle or other stolen property. The totality of the circumstances will be considered. Before allowing a GPS tracker to be affixed to a stolen vehicle, the supervisor will consider the following factors:

- Whether other investigative tools and techniques have been used without success or are not feasible or practical under the circumstances
- Whether there is an officer safety issue that supports using the tracker as the best alternative to further the investigation
- The availability of CSPD members or other law enforcement to immediately respond to apprehend the violator
- The likelihood of a suspect returning to the vehicle or property
- Whether the stolen vehicle is parked in a location that has been identified as being connected with pattern auto thefts
- Whether the stolen vehicle is believed to be related to an ongoing criminal enterprise that has been identified in significant criminal activity
- Whether the vehicle or property is believed to be involved in additional serious criminal activity, such as robbery, burglary, felony hit and run, weapons offenses, drug trafficking or, other felony crimes where the use of the tracker will likely increase the opportunity for an arrest that will end the crime pattern
- The stolen vehicle or property is involved in a serious crime in another jurisdiction and that jurisdiction's law enforcement agency is requesting assistance in applying a monitoring device and the circumstances meet the above criteria

In any circumstance where a tracking device is utilized (either through a search warrant or owner consent) officers/detectives will continuously monitor the device for indications of movement or have the ability to be instantly alerted to movement. Once there is indication that movement has occurred, the officers/detectives will immediately respond and take appropriate enforcement action or investigative measures. Any exception to this requirement, based on operational need, will be approved through a supervisor.

Upon arresting the occupant(s) of the stolen vehicle or possessor of property on which the electronic tracking device is affixed, or when the allotted time for deployment has expired, every effort will be made to return the vehicle or property to the victim with minimal inconvenience. CSPD members will work to contact the victim to attempt to avoid any tow or storage fees.