

Anti-stalking bills would let Ohio private investigators track cars with GPS devices

By **Jake Zuckerman**
jzuckerman@cleveland.com

COLUMBUS, Ohio – As a private investigator, Melanie Torres isn't afraid to get "down and dirty."

Sometimes she uses her skills going through people's trash. Sometimes, it's secretly placing tracking devices on cars. She said she uses these and other tactics to gather information for schools to present to the state Board of Education about "out of district" kids who lied about their residency to enroll in a preferred school.

Torres was among a stream of private investigators who testified last week at an Ohio House committee against proposals that would outlaw using tracking technology to monitor another person without their permission. The bills were introduced amid [national reports](#) of people using AirTags – devices marketed to track luggage or car keys – as tools of theft or stalking.

She urged lawmakers to ensure proposed anti-stalking legislation leaves PIs enough legal room to use the trackers. A PI with the Cuyahoga Falls-based Narrow Path Investigations, Torres said 24-hour surveillance is expensive, and the devices are a cost-effective alternative.

"This allows us to develop a pattern, of which we can then go to where they are, perhaps undercover, [and obtain] surveillance, video footage, photos," she said.

Bipartisan lawmakers in both the Ohio House and Senate have introduced bills to criminalize the act of using the technology without consent to track another. The bills came in response to a 2022 [WKYC-TV report](#) about Kar'mell Triplett, who found a quarter-sized Apple AirTag in a plastic sandwich bag magnetically attached to the inside of her car's rear bumper. She reportedly believes a disgruntled ex-boyfriend stashed it there. However, Ohio law is vague as to whether this meets the legal definition of "stalking."

The House bill is in committee and has not come up for a vote. The Senate passed its AirTag bill, which is now in the same House committee for review.

The two bills on the table differ in their treatment of PIs' ability to use GPS tracking devices. The House version, preferred by the industry, is silent on the subject, presumably allowing PIs to continue their work unfettered. The [latest version](#) of the Senate bill would only allow licensed PIs to use them to gather information regarding alleged criminal offenses, locating a fugitive from justice, finding lost or stolen property, or investigating worker's compensation claims.

Snooping around

Several PIs who testified at the hearing detailed different instances they might attach a tracking device to someone else's car. They said they do so in the interest of legitimate pursuits like thwarting stalkers, catching fugitives, or identifying fraudulent worker's compensation claims. Several said they do not use the devices in cases of suspected marital infidelity.

One company, Forletta Investigative Security Consultant, uses GPS trackers in "internal investigations for local governments" that have led to employee terminations, according to founder Larry Forletta. He said the devices are also effective tools to investigate property crimes, like people stealing cars' catalytic converters.

David Oliver of Oliver Investigations said sometimes PIs use trackers to determine whether known stalkers are approaching their victims. He said he doesn't know of any investigator using them for "nefarious purposes."

The executive director of the Ohio Association of Security and Investigative Services, Theodore Owens, told lawmakers that PIs don't enjoy privileges law enforcement officers do like qualified immunity, a legal doctrine that protects officers from lawsuits. The Senate bill, he said, risks limiting a key tool at their disposal.

But Torres' mention of running investigations for schools seemed to pique state lawmakers' attention the most. However, the scope of this practice in Ohio is unclear. In 2011, an Ohio woman [served jail time after sending her children to a different northeast Ohio school district](#), drawing national headlines.

Jeff Chambers, of the Ohio School Board Association, told Cleveland.com and The Plain Dealer that some school districts investigate the residency of their students

because they might not receive state funds for a student who lives out of district. He said some Northeast Ohio schools have hired PIs, but he didn't know which districts.

Lacey Snoke, an Ohio Department of Education spokeswoman, asked how often Ohio school districts hire PIs, said the department is "unaware of methods used by districts to determine residency." Only in rare cases does the state settle disputes.

Torres said she would never place a tracker on a student, even if they're legally an adult.

"We would go through the steps of surveillance. Where does he go every night? ... Of your week? Of your weekend?" she said. "If you are not truly living in that district, then you're defrauding the district. I'm not saying that I'm going to follow that child around. It's more about their parents. Because their parents are the ones saying, yes, we live in the district. Yes, we pay taxes in this district. Yes, please educate my child in this district."

While Torres repeatedly offered lawmakers information about investigations into kids who might not live in their school district during testimony on a bill about monitoring devices, she said in a follow-up interview that neither she nor Narrow Path Investigations has ever put a tracker on a parent's car in a school district case.

Joan Bauer, who founded and owns Narrow Path Investigations, told lawmakers that the company only uses GPS trackers after "standard surveillance means" have failed and after "careful and thoughtful considerations." She declined, in an interview, to identify any districts that may have hired her company.

Cleveland.com and The Plain Dealer reached out to about a dozen Northeast Ohio school districts, all of whom either didn't respond or said they've never hired a PI for such purposes.

With an incredulous tone, Rep. Josh Williams, a Toledo-area Republican, asked Torres if she was asking for legal permission to use tracking technology to determine where parents reside.

"You want us to give you an investigative authority that our police department doesn't have, over whether somebody is stealing services from the community, and you expect us to just give you that authority and wish that you use it judiciously?" he said, getting an answer in the affirmative.

Civil Liberties

A few lawmakers suggested the devices violate basic civil liberties – the Fourth Amendment to the U.S. Constitution protects citizens against “unreasonable” searches and seizures. Several questioned why PIs should be able to skirt these legal protections, especially to gather evidence used in official proceedings.

House Majority Leader Bill Seitz, a Cincinnati Republican, said the House bill as written gives PIs total authority with no safeguards on their use of GPS devices. In an email, he said the bills both need more discussion about who should be allowed to do what to people’s cars, even if they’re parked on public property.

“I do not dispute that private investigators have some legitimate uses for this technology, but under the bill, as I understand it, they are wholly exempt from any regulation in how they go about using [it],” he said.

Rep. Cecil Thomas, a Cincinnati Democrat and former police officer, said if he wanted to track someone’s car or search their home as a police officer, he’d need to demonstrate probable cause to get a warrant from a judge. A person’s car is their private property.

“Are you asking us to give you permission to physically invade the privacy and public ownership of an individual’s property to gather information?” he asked Torres, getting a yes in response.

Generally, the ACLU doesn’t prioritize lobbying on privacy legislation regarding private actors, like PIs, compared to state actors. But Gary Daniels, ACLU Ohio’s chief lobbyist, noted that in this case, there’s an open question of what civil rights people have when private actors seem to be acting on behalf of governments and deploying tactics like Torres described.

“People are rightfully concerned and creeped out by such things,” he said. “Not only did it sound like something they do, it sounds like something they do quite often, or often enough.”

Guardrails

Rep. Jeff LaRe is both a Republican state lawmaker and a licensed PI. Without consent of the owner, he said placing a GPS tracker on a car is something he’d never do. And it’s “probably a bad idea” to allow PIs to track parents’ cars in school residency cases too.

“I think it’s gonna need guardrails, I just don’t know what those guardrails are,” he said. “Limiting the scope is something we’re going to have to look at.”

In interviews, the bipartisan sponsors of the Senate bill said they wrote it to make it illegal to for someone to use a device like an AirTag, without permission, to stalk another person. Both said they didn’t foresee the PI issue arising.

Antonio said she’s comfortable with her bill as written but would be open to tightening the rules for PIs. She noted right now the industry is operating in a kind of legal grey area. At least the Senate bill would establish some limits on them, and only allow the exceptions for licensed PIs.

“At least limiting it to those who hold a license is reining it in some,” Antonio said.

Manning said he too is open to changes but is comfortable with the bill as is. Importantly, he said the bill as written would stop a PI from using a GPS for a task like tracking a suspected unfaithful spouse. While the PIs who testified denied offering such services, Manning said it’s a “quick Google away” in Ohio today.

The sponsor of the House bill, Rep. Tom Patton, a Cleveland area Republican, is currently working on proposing an amendment for the bill. He said the idea is to require any spouse who retained a PI that applied a GPS tracker to an unfaithful spouse’s car to remove the tracker within five days of filing divorce papers.

As for schools hiring PIs, he expressed some reluctance in an interview, but ultimately said he’s OK with schools hiring licensed PIs acting within their professional discretion.

“If that includes using a device under a car, then so be it,” he said.