

# AN ABUSED WIFE TOOK ON TESLA OVER TRACKING TECH. SHE LOST.

Relevant for: Science & Technology | Topic: Science and Technology- developments and their applications and effects in everyday life

To enjoy additional benefits

CONNECT WITH US

December 20, 2023 09:58 am | Updated 09:58 am IST

COMMENTS

SHARE

READ LATER

An abused wife took on Tesla over tracking tech. | Photo Credit: REUTERS

San Francisco police Sergeant David Radford contacted Tesla in May 2020 with a request on a case: Could the automaker provide data on an alleged stalker's remote access to a vehicle?

A woman had come into the station visibly shaken, according to a police report. She told police that her abusive husband, in violation of a restraining order, was stalking and harassing her using the technology in their 2016 Tesla Model X.

The SUV allows owners to remotely access its location and control other features through a smartphone app. She told police she had discovered a metal baseball bat in the back seat — the same bat the husband had previously used to threaten her, the police report stated.

Weeks later, Sergeant Radford asked Tesla for data that might help the investigation. A Tesla service manager replied that remote-access logs were only available within seven days of the events recorded, according to records in a lawsuit the woman later filed. Radford's investigation stalled.

*(For top technology news of the day, [subscribe](#) to our tech newsletter Today's Cache)*

Cases of technology-enabled stalking involving cars are emerging as [automakers add ever-more-sophisticated features](#), such as location tracking and remote control of functions such as locking doors or honking the horn, according to interviews with divorce lawyers, private investigators and anti-domestic-violence advocates. Such abusive behavior using other devices, such as phone spyware or tracking devices, has long been a concern, prompting technology companies including Google and Apple to design safeguards into their products.

Reuters examined the details of the San Francisco case and another one involving alleged stalking through Tesla technology but could not quantify the scope of such abuse. Tesla has encountered at least one other case of stalking through its vehicle app, according to a Tesla employee's testimony in the San Francisco woman's lawsuit. Some attorneys, private investigators and anti-abuse advocates said in interviews that they knew of similar cases but declined to provide details, citing privacy and security concerns.

Tesla did not respond to requests for comment. Radford and the San Francisco Police Department did not comment on the investigation.

The San Francisco case offers insight into the complex considerations these technologies pose for auto companies and law enforcement. Other automakers offer similar tracking and remote-access features, and an industry group has acknowledged the need for protections to ensure car technology doesn't become a tool for abuse.

The Alliance for Automotive Innovation (AAI), a technology-focused trade group for automakers and suppliers, in 2021 cited spousal violence as a reason why California regulators should not require carmakers to release location or other personal data in most cases under a new state privacy law. The law sought to give consumers broadly the right to access their personal data being tracked by companies. The auto group argued some car owners might improperly request personal data on other drivers of the same vehicle.

Disclosing location-tracking data to an abuser could create “the potential for significant harm,” wrote the AAI. The group’s membership includes many major automakers, but not Tesla.

Some automakers have taken steps to prevent the misuse of data their vehicles track. General Motors spokesperson Kelly Cusinato said GM’s OnStar mobile system allows all drivers to mask their location, even if they are not the vehicle’s owner or primary user. Rivian, which makes electric trucks and SUVs, is working on a similar function, said Wassym Bensaid, senior vice president of software development.

Rivian hasn’t encountered a case of domestic abuse through its vehicle technology, according to Bensaid, but believes “users should have a right to control where that information goes.”

GM declined to comment on whether its technology had been involved in any alleged domestic abuse.

The San Francisco woman sued her husband in state Superior Court in 2020 on claims including assault and sexual battery. She later named Tesla as a defendant, accusing the automaker of negligence for continuing to provide the husband access to the car despite the restraining order against him. Her lawsuit sought monetary damages from Tesla.

The woman, at her request, is identified in court papers only by her initials; she cited a risk of physical harm. Her husband is also identified only by his initials.

Reuters reviewed court filings, police reports, depositions, company emails and other documents in the case, which has not been previously reported.

The woman made multiple requests to Tesla in writing and in person, according to her lawsuit, seeking remote data logs and asking Tesla to disable her husband’s account. The requests started in 2018, more than a year before Radford, the police investigator, sought data from Tesla.

Tesla told the woman that it could not remove her husband’s access to the car’s technology because his name remained on the vehicle’s title as a co-owner, along with hers, according to records she filed in her lawsuit.

Tesla prevailed in the lawsuit. After denying the San Francisco police request for evidence, the automaker argued she had no proof that her husband used the car’s features to stalk her. Tesla also argued the restraining order against the woman’s husband never specifically ordered the

automaker to act.

The woman and her husband settled the lawsuit in 2023 on undisclosed terms. Their divorce case is pending. The restraining order against the husband remains in effect. The husband, in a deposition, denied tracking or harassing his wife through the vehicle's technology. His attorney declined to comment.

In a separate case, Renée Izambard said in an interview that her then-husband was tracking her on his Tesla app after he made comments to her indicating he knew where she had been. Izambard filed for divorce from her husband in 2018 and alleged years of physical and psychological abuse.

Izambard said in an interview her ex-husband's tracking of her through the vehicle was "just one part of a much wider pattern of coercive control."

Her ex-husband and his attorney did not respond to requests for comment.

Unlike the San Francisco woman, Izambard had her own access to change the account settings and turn off its connection to the internet, so she did not have to interact with Tesla, she said. Tesla cars allow a primary account holder to add additional drivers who can access the car's features and settings – or the primary user can deny other drivers that access, according to the San Francisco woman's lawsuit. She complained in court records that the company only allowed one primary account holder even in cases like hers, where two people co-owned the vehicle.

Long before the latest automotive features enabled stalking, abusers used other technology on smartphones or tracking devices, said Jeff Kaplan, a private investigator.

Apple launched its AirTag location-tracking device in 2021 as a way to help people find lost purses or keys. The small tags can easily be concealed in a car's interior or other locations, and soon became a favorite tool for one partner to track another. "I'm getting those all the time," Kaplan said.

Earlier this year, Apple and Google jointly proposed standardized technology that could be adopted by any tech company that would allow for alerting people who are being tracked without their knowledge through tags or smartphone features. The idea, presented to a tech-industry standards organization, won praise from some anti-domestic abuse advocates. Apple and Google did not comment for this story.

In the San Francisco case, Tesla said in response to a plaintiff's written request for information that it "does not have a specific companywide policy" regarding how to handle stalking allegations involving its vehicles' technology.

Stalkers always find a way to use location data, making this problem "totally foreseeable," said Catherine Crump, a Berkeley Law School professor specializing in privacy issues involving technology.

"It is disappointing that a company as sophisticated and well-resourced as Tesla doesn't have better answers to this," said Crump, who is also a former adviser to the White House Domestic Policy Council.

When the San Francisco woman and her husband bought the Tesla Model X in January 2016, he set himself up as the administrator on the account and listed her as an additional driver, her lawsuit said. That meant she could not remove his access without his password.

After they separated in August 2018, a family law judge found she had suffered repeated physical abuse during the marriage, which the husband acknowledged, as well as sexual abuse, which he denied, court records show. The judge found her version of events credible and his “less credible.”

Over the next several months, the woman alleged, she regularly returned to the car to find that its settings and features appeared to have been manipulated. She found the doors open, the suspension settings changed, and the vehicle’s ability to charge turned off. When she asked service center employees for help, they tried to disconnect the car from the Internet, but those attempts failed, she said in court records.

Two letters, one of them dated in 2018, to Tesla’s legal department by anti-domestic abuse advocates on the woman’s behalf asked the company to preserve data logs and remove the husband’s access. Tesla told the court it could not find these letters in its files.

Eventually, a Tesla service center manager contacted Tesla deputy general counsel Ryan McCarthy for advice, the manager said in a deposition reviewed by Reuters. McCarthy said the woman needed to have her husband removed from the vehicle’s title in order for the company to disable his account, the service manager testified.

McCarthy did not respond to requests for comment.

In its successful defense against the woman’s lawsuit, Tesla cited the husband’s denials and said she had “no proof other than her “belief and imagination” that her husband used the car’s technology to stalk her.

San Francisco Superior Court Judge Curtis Karnow agreed with Tesla, writing in a 2022 opinion that both the woman and her husband “had a right” to use the car technology. It is unclear how Tesla was supposed to determine whether her allegations were legitimate, he wrote.

“A jilted partner might fabricate misuse charges to punish the other,” Karnow wrote, adding that the consequences of imposing liability for car manufacturers “would be broad and incalculable.”

In late 2020, the San Francisco woman was allowed by a family court judge to sell the jointly owned Tesla.

COMMENTS

SHARE

[technology \(general\)](#)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our [community guidelines](#) for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from [crackIAS.com](http://crackIAS.com)

© **Zuccess App** by crackIAS.com

CrackIAS.com