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ACLU OF RI POSITION: SUPPORT

TESTIMONY IN SUPPORT OF 21-H 5866, AN ACT RELATING TO CRIMINAL PROCEDURE – PEN REGISTERS AND TRAP AND TRACE DEVICES March 10, 2021

As technology continues to rapidly and significantly impact the way that criminal investigations are conducted, legislators must be vigilant by ensuring that privacy rights and due process continue to be properly regarded. The ACLU supports H 5866, which would prohibit the use of stingray devices by law enforcement unless they have submitted an application and have been granted permission for its use by the presiding justice of the superior court.

The necessity for judicial authorization of these devices cannot be overstated. Stingrays mimic cell phone towers in order to gather information about nearby cellphones. Not only can they gather location and personally identifying information about a suspect, but they also pick up information about other innocent bystanders in the vicinity. The unregulated and cavalier usage of these devices by law enforcement can infringe not only on the Fourth Amendment rights of suspects, but on the privacy rights of those whose information is collected as a peripheral consequence of the investigation.

Powerful surveillance technology should be subjected to judicial oversight; police discretion for the use of devices that impact both due process and privacy must be restricted. It is critical that the ability to use these devices is under the jurisdiction of the entity which protects these constitutional rights.

We urge the committee to recognize the importance of codifying practices that will protect the privacy rights of Rhode Island residents from Big Brother intrusion, and to support this legislation. Thank you for your consideration.

Submitted by: Steven Brown, Executive Director