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June 18, 2012

The Hon. Lincoln Chafee
Governor
State House
Providence, RI 02903

RE: SUPPORT 12-H 7110 AND S-3074

Dear Governor Chafee:

On behalf of the Rhode Island ACLU, the Rhode Island Press Association, and the Rhode Island Public Defender, we urge you to sign into law 12-H 7110 and 12-S 3074. These bills would generally restrict law enforcement officers from examining the information contained in an arrestee's cell phone without a warrant. We believe this bill would codify best practices, comport state law with constitutional requirements, modernize Rhode Island privacy laws for the 21st century, and better protect the First Amendment rights of the public and of journalists.

As you know, cell phones today contain a vast array of private information. Personal texts, emails, photos, phone numbers, contact lists, working papers, and confidential sources of a news reporter may all be stored on one's cell phone. Allowing police to search through its contents without a warrant simply because of an arrest constitutes an enormous invasion of privacy. The recent unanimous U.S. Supreme Court decision in *United States v. Jones*, requiring police to obtain a warrant to place a GPS device on a suspect's car, recognizes the significant privacy interests at stake with modern technology.

No testimony was offered in opposition to this legislation, and the bills passed both Houses overwhelmingly. In recognition of special circumstances that can arise, the bill makes clear that established exceptions to the warrant requirement would apply to the search of these devices, and the Attorney General's office has been quoted as stating that

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they follow the practice codified by this bill. As the bill's preamble notes, routine evidence preservation methods and good forensic evidence practices support this bill's goal.

This legislation was supported by a diverse group of allies: The Rhode Island Tea Party joined our three organizations in testifying in support of the bill. Placing this bill's protections into law will ensure uniformity of enforcement and provide a comforting level of protection to Rhode Island residents concerned about their First Amendment and privacy rights.

We therefore urge you to sign this legislation into law. Thank you for your attention to our views.

Sincerely,

Steven Brown
Executive Director
Rhode Island ACLU

Mark. S. Murphy
President
R.I. Press Association

Barbara Hurst
Deputy Public Defender
R.I. Public Defender

cc: George Zainyeh
Kelly Mahoney
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