

## **TESTIMONY OF THE RHODE ISLAND PUBLIC DEFENDER (RIPD)**

### **IN SUPPORT OF HOUSE BILL #2021 – H 5866**

- The RIPD is proud to lend its support to this thoughtful piece of legislation that would regulate the use of Cell-Site Simulator Technology, commonly known as “Stingrays.” The legislation would enact protections that the FBI has already begun doing at the federal level i.e. getting search warrants to use stingray devices. Unfortunately law enforcement in other states and municipalities continue to use the devices in secret, without judicial oversight. It has been reported that 75 agencies in 27 states, including the District of Columbia,<sup>1</sup> currently own stingrays – and many others are suspected of using them in secret. It is only a matter of time before these devices find their way to Rhode Island. This legislation, which requires judicial oversight before a stingray may be used, is an important first step in ensuring that any stingray use in Rhode Island is narrow and legitimate and only used after a successful application made to a judge.
  
- The RIPD submits the following materials in support of the legislation (attached):
  - *Department of Justice Policy Guidance: Use of Cell-Site Simulator Technology* (USDOJ policy requiring that federal law enforcement obtain a search warrant / court order pursuant to the Federal Rule of Criminal Procedure 41 and / or Pen Register Statute before utilizing Stingrays during the course of its investigations)
  
  - *Robert Snell, Feds use anti-terror tool to hunt the undocumented (The Detroit News, 5/19/17)*(use of Stingrays in support of ICE investigation)

#### **QUESTIONS OR CONCERNS? PLEASE CONTACT:**

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<sup>1</sup> American Civil Liberties Union, STINGRAY TRACKING DEVICES: WHO'S GOT THEM?  
[Updated November 2018]. <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them>