



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

ACLU OF RI POSITION: AMEND

TESTIMONY ON 25-H 5438, RELATING TO CRIMINAL PROCEDURE – SEARCH WARRANTS February 25, 2025

This Department of Public Safety bill establishes some parameters for the use by police of tracking devices with the issuance of a warrant. The ACLU of Rhode Island supports the need for warrant requirements and strict standards on the use of technology like this in light of the significant privacy intrusion that surreptitious tracking devices can implicate.

However, we are not in a position to comment comprehensively on the specific provisions of this proposal before learning the reasoning of DPS in setting the specific standards that are included in the legislation. In the interim, we do wish to raise two specific concerns based on our initial review of the legislation. One involves the bill's language providing that a warrant authorized by this legislation shall state "the grounds or probable cause for its issuance." We strongly oppose the inclusion of the words "the grounds or," which implies that a standard lower than probable cause could suffice for the issuance of a warrant under this bill. The ACLU firmly believes that the only time a warrant authorizing this type of invasive technology should ever be employed is under a "probable cause" standard. We therefore oppose legislation which would set a lesser standard.

Secondly, in light of the clandestine nature of this type of search, we believe it critical that the law require notification of the device's use, within a reasonable period of time after the conclusion of the surveillance, to the individual whose person or property has been the subject of a tracking device. This is an important safeguard that will serve as an important check against abuse.

Thank you for your consideration of our views.