



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

**H.B. NO. 5585: AN ACT CONCERNING SURVEILLANCE OF CELL PHONE
COMMUNICATIONS BY LAW ENFORCEMENT OFFICIALS**

JOINT COMMITTEE ON JUDICIARY
March 24, 2014

The Division of Criminal Justice opposes H.B. No. 5585, An Act Concerning Surveillance of Cell Phone Communications by Law Enforcement Officials, and would respectfully recommend the Committee take NO ACTION on this bill. This bill is not only unnecessary, but in the opinion of the Division of Criminal Justice it simply does not make sense for two reasons.

First, law enforcement cannot obtain a search warrant authorizing the wiretapping of a telephone, cellular or landline. Chapter 959a of the General Statutes (Wiretapping and Electronic Surveillance) spells out in detail the procedure that must be followed in order to obtain an order for a wiretap. The requirements and standards for the issuance of a wiretapping order are far more stringent than the requirements for obtaining a search warrant. Unlike a search warrant, which is issued by an individual judge, the wiretap application must be approved by a panel of judges specifically appointed by the Chief Justice of the Connecticut Supreme Court for this purpose.

Secondly, and as again spelled out in detail in Chapter 959a of the General Statutes, existing law already requires that any and all wiretapping activity be in the lawful performance of an officer's duties. There is no need to add a provision that states it is lawful if it is authorized by law.

The Division believes the existing statutes that comprise Chapter 959a are well-defined and provide adequate authorization for the conduct of wiretaps within the parameters of the law and with due regard to rights and protections of all involved. When viewed in the context of the existing law, H.B. No. 5585 is not only unnecessary, but simply makes no sense. It should be rejected.

In conclusion, the Division wishes to express its appreciation to the Committee for this opportunity to offer input on this matter. We would be happy to answer any questions or provide any additional information the Committee might require.