

Date: 4/25/2023

**Re: Letter in Support of An Act to Prohibit The Use of Cell Site Simulators in Law Enforcement (A.6143 Assemblymember Carroll/S.5825 Senator Brisport)**

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**We, the undersigned organizations, support An Act to Prohibit The Use of Cell Site Simulators in Law Enforcement (A.6143 Assemblymember Carroll/S.5825 Senator Brisport) and urge the legislature to pass, and the Governor to sign, this bill.**

Cell site simulators are surveillance devices that masquerade as cell phone towers to collect New Yorkers' location data in bulk. Because phones think the simulator is an actual cell tower, the phones automatically ping the simulator while searching for a mobile connection. This allows the police to identify which phone number is associated with each phone and identify the approximate location of each device. Then, the police can use phone records to identify the person associated with each number. These devices can also intercept phone calls and text messages.

In 2020, reports uncovered that the U.S. Marshalls and the Drug Enforcement Administration asked the Justice Department for the authority to surveil Black Lives Matter protests. The common thread between these two agencies is their ownership of aerial surveillance technology outfitted with cell site simulators capable of identifying protestors via their mobile phone connections and tracking them afterward.<sup>1</sup> This would not have been the first time law enforcement agencies potentially used cell site simulators against protestors; there have been allegations that authorities deployed these devices against Dakota Access Pipeline protestors in 2016 and Black Lives Matter protestors in 2014.<sup>2</sup> The prospect of mass surveillance against political protestors is too great a danger to democracy—New York must ban cell site simulators.

This bill bans police use of cell site simulators and introduces remedies to deter the unauthorized use of the technology. First, the bill makes damages and injunctions available to aggrieved individuals. Second, the bill gives the state of New York the authority to bring cases on behalf of the public to curb the illegal use of cell site simulators. Finally, the bill ensures any information collected by a cell site simulator cannot be introduced as evidence against an individual in court.

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<sup>1</sup> <https://theintercept.com/2020/07/31/protests-surveillance-stingrays-dirtboxes-phone-tracking/>.

<sup>2</sup> <https://www.kgw.com/article/news/nd-pipeline-protesters-question-aircraft-surveillance-jamming/283-345780315>.  
<https://www.csmonitor.com/World/Passcode/2014/1222/Evidence-of-stingray-phone-surveillance-by-police-mounts-in-Chicago>. <https://www.eff.org/deeplinks/2016/12/investigating-law-enforcements-use-technology-surveil-and-disrupt-nodapl-water>.

Ban Big Brother Coalition – Letter in Support of A.4638/S.1764  
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By passing this bill, New York will take a major step to rein in unwarranted mass surveillance. We urge the legislature to pass, and the Governor sign, An Act to Prohibit the Use of Cell Site Simulators in Law Enforcement (A.6143 Assemblymember Carroll/S.5825 Senator Brisport).

Sincerely,

Surveillance Technology Oversight Project (S.T.O.P.)  
The Legal Aid Society  
New York Immigration Coalition  
Legal Defense Fund (LDF)  
Arab American Association of New York  
Chinese-American Planning Council, Inc  
Fight for the Future  
Electronic Frontier Foundation  
LatinoJustice PRLDEF  
National Lawyers Guild – New York City Chapter Mass Defense Committee  
National Action Network  
Brooklyn Defenders  
Demand Progress  
Grassroots Advocates for Neighborhood Groups and Solutions G.A.N.G.S. Coalition  
Policing and Social Justice Project  
Yemeni American Merchants Association  
YAMA Action  
Emgage, New York Metro Chapter  
Muslim Community Network  
Freedom To Thrive  
Secure Justice  
Decoding Stigma  
Jim Owles Liberal Democratic Club  
NYU Center on Race, Inequality, and the Law  
Restore The Fourth NYC  
Defending Rights & Dissent  
Oakland Privacy  
Police Reform Organizing Project (PROP)  
Coalition for A District Alternative  
Defenders Clinic at CUNY School of Law  
Upturn  
No Ethics In Big Tech  
Surveillance Resistance Lab  
Aspiration  
RootsAction.org

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Amend4Rights  
TakeRoot Justice  
United We Dream  
PDX Privacy  
EFF-Austin