

Judge says police improperly using phone tracking data

December 10 2015, by Pat Eaton-Robb

A Connecticut judge says police have been improperly using data from cellphones to track the location of suspects.

New Haven Superior Judge Jon Blue agreed to suppress evidence in an ATM robbery case, saying it was the result of Connecticut State Police improperly asking in advance to receive periodic live updates from the phone company of the location of the suspect's [cellphone](#)

The Monday ruling comes in the case of Terrance Brown, 29, of Stratford, who was charged with robbing several automated bank teller machines in 2010.

T-Mobile was ordered to provide the location of Brown's cellphone every 10 minutes during the time [police](#) were tracking him.

"The convenience of cellphones is well known; it is increasingly rare to meet someone who doesn't carry one on his or her person," Blue wrote. "But with this convenience comes the possibility of an Orwellian state."

Blue ruled the state legislature, in passing a cellphone tracking law, did not intend for police to receive anything other than basic subscriber information without a warrant.

Deputy Chief State's Attorney Leonard Boyle said the state is reviewing the opinion and its impact but has not yet decided its next steps.

Blue wrote that prosecutors have conceded state law does not allow authorities to seize future cellphone location data.

David McGuire, an attorney with the American Civil Liberties Union of Connecticut called the ruling a "game changer" and an important victory for privacy rights.

He said it highlights the need for new legislation that would clarify the state law.

It currently allows a judge to order the release some cellphone information if police have a "reasonable and articulable suspicion" that a crime has been committed or is occurring. McGuire said his organization would like to see that wording changed to "probable cause."

He said Connecticut police have received more than 14,000 orders allowing them to receive sensitive cellphone data since the law was passed in 2005.

"Police have routinely used this statute to obtain not only tracking information, but actual cellphone content; in one case six months of cellphone text messages," he said.

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