

Support SB 2343 (SA 1&2)

The Citizen Privacy Protection Act

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What is a Cell Site Simulator?

A cell site simulator, brand named StingRay, is a device that **simulates a network tower and tricks all cell phones within range** into thinking that they are a legitimate cell phone tower, forcing phones to connect by masquerading as the strongest nearby cell signal.

Once connected, law enforcement can use the cell site simulator to *ascertain location information and phone serial numbers*.

It can also *block calls, lock the phone, drain battery life, block a 3G or 4G connection* (which can result in slowing down service), *employ malware* that gives the operator of the malware total control of the phone, including the ability to read email and scroll through contacts, *intercept metadata and actual content of cell phone transmissions*, including calls, emails, web browsing or text messages.

Cell site simulators *can be attached to a vehicle, placed outside a home, office or event, attached to the body of an officer or attached to planes*.

While law enforcement finds cell site simulators to have value as a law enforcement tool, they *can sweep in private cell phone data from hundreds if not thousands of other phones* that are **NOT** part of an investigation.

When cell site simulators are operated for *specific and narrowly defined purposes, pursuant to a court-issued warrant*, they can have legitimate law enforcement applications.

The problem is that cell site simulators are very imprecise, and cannot help but *collect information from hundreds if not thousands of phones beyond those that are approved by the court order*. This creates a substantial risk that cell site simulators can be *operated as a tool of mass surveillance*.

The Citizen Privacy Protection Act: What does it do?

SB 2343 makes sure that cell site simulators *cannot be used to indiscriminately gather and retain* location and other electronic information from large numbers of individuals' cell phones "just in case" one or more of them is doing, or might someday do something wrong.

The Citizen Privacy Protection Act allows law enforcement to use cell site simulators for the *narrow purpose of locating or tracking the location of a communications device* (as provided in Freedom From Location Surveillance Act, 725 ILCS 168) after obtaining a court order based on probable cause.

It *does not allow* law enforcement to use cell site simulators: to *intercept data and actual content; employ malware; block calls; lock phones, or drain battery life*.

The court order must include:

- A description of the nature and capabilities of the device
- The manner and method of deployment
- Whether the device will obtain data from non-target communication devices
- A description of the procedures that will be followed to protect the privacy of non-targets of the investigation, including prompt deletion of non-target data

SB 2343 *protects innocent persons' privacy* by mandating that any information beyond the court order's scope that is collected must be *deleted (within 24 hours for known devices and within 72 hours of identifying an unknown device)*.

The concerns addressed, and the protections called for, in the Citizen Privacy Protection Act replicates those recently articulated by a federal judge based in the Western Division of the Northern District of Illinois.

4 states (California, Utah, Virginia and Washington), DOJ and DHS already regulate the use of cell site simulators.

The use of a Stingray is like a virtual pat down of your phone without your knowing the pat down occurred

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