



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Christine Perra Rapillo, Chief Public Defender

Committee on Public Safety and Security - March 7, 2019

S.B. 870 - An Act Concerning the Use of Drones By Law Enforcement

While not totally opposed to *S.B. 870 An Act Concerning the Use of Drones By Law Enforcement*, the Office of Chief Public Defender continues to have a concern¹ in regard to a rule for retention of information when probable cause exists, yet no action is taken by law enforcement.

Section (f)(3) is not clear as to its purpose and provides at lines 80 through 88:

(3) If such information allows the identity of an individual or privately owned property to be ascertained and there is probable cause to believe that an offense was committed by the individual or on the property, such law enforcement agency may retain such information for a period of not more than five years from the date of collection and, after such retention, shall destroy such information, except that, if a warrant is issued in accordance with section 54-33a of the general statutes based in part on such information, such information may be retained pursuant to the warrant.

The concern is that this language would permit a law enforcement agency to conduct surveillance using a drone, gather information which develops probable cause to believe

¹ See testimony of Office of Chief Public Defender on Raised Bill No. 5274, An Act Concerning the Use of Drones on March 1, 2016 before the Public Safety and Security Committee and on Raised Bill 7260, An Act Concerning the Use and Regulation of Drones on March 15, 2017 before the Public Safety and Security Committee.

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that a crime has been committed, yet do nothing with that information and retain it unmodified for a period of five years.

The Office of Chief Public Defender suggests that if law enforcement were in possession of information that is sufficient to find probable cause, then law enforcement be directed to either obtain a warrant within a reasonable period of time or modify the identifying information if they have no intention to obtain a warrant.

This Office is willing to work with this Committee on language that makes the intent of that subsection clearer.