

M . A . C . D . L



Massachusetts Association of Criminal Defense Lawyers

MACDL Response to An Act Modernizing the Massachusetts Wiretap Law, House No. 3671.

A Call for Defending Citizens' Rights to Privacy

The Massachusetts Association of Criminal Defense Lawyers call upon the Massachusetts legislature to strike down House Bill No. 3671, "An Act Modernizing the Massachusetts Wiretap Law." In an age of emerging technology in which the vast majority of police departments, including the Massachusetts state police, continue to refuse to implement body cameras or cruiser cameras to increase the transparency between law enforcement and the citizenry it protects, this bill vastly expands law enforcement's power to invade the privacy of the same citizenry with impunity. This should not stand.

The proposed bill, if passed, would dangerously expand the ability of law enforcement to monitor, intercept, and record private electronic communications of our residents in real time. In contrast with the current statute, this bill would allow police to utilize wiretap technology to investigate individual residents for a host of new offenses completely unrelated to organized crime, to obtain wiretap information directly from electronic communication carriers (at government cost), allow local law enforcement to conduct wiretaps of devices located out-of-state, and substantially increase the amount of time that a government wiretap can be maintained. This bill would permit government agents to invade the privacy rights of Massachusetts residents to a degree not contemplated by either the current wiretap statute, or the state Constitution.

While MACDL shares in the idea that law enforcement should be able to investigate crimes, no law should be passed that allows the government to trample upon individual rights. In its current form, this bill violates time-honored constitutional protections against government invasion of individual privacy rights.

/s/ Derege B. Demissie

Derege B. Demissie
President, MACDL

/s/ Howard M. Cooper

Howard Cooper,
Chair, MACDL Legislative Committee

Dated: September 12, 2017