



Date: 4/25/2023

Re: Letter in Support of the Reverse Location and Reverse Keyword Search Prohibition Act (A.3306 Assemblymember Solages/S.217 Senator Myrie)

We, the undersigned organizations, support The Reverse Location And Reverse Keyword Search Prohibition Act (A.3306 Solages/S.217 Myrie) and urge the legislature to pass, and the Governor to sign, this bill.

New York’s police and prosecutors are using alarming new legal tactics to gain unprecedented access to New Yorkers’ location history. “Geofence warrants” allow police to compel Google and other tech companies to identify every person in a specified place during a specified period. This geographic area could be as small as an apartment or as large as a city, allowing police to track nearly limitless numbers of people with a single court order. Unlike normal search warrants, which require proof that an individual is suspected of a particular crime, these search warrants are issued when the police don’t even know how many people’s information will be provided, let alone have probable cause that they each have a connection to a crime.

A.3306 and S.217 would ban both geofence warrants and keyword warrants, a related practice that allows police to compel Google and other search engines to reveal everyone who searched for a specific name, event, or address. Both of these general warrants violate the Constitution and could easily be weaponized to track political protests, religious services, and other sensitive sites.

A 2019 example: the Manhattan District Attorney’s office obtained a reverse location warrant for the site of a fight involving the pro-Trump group the “Proud Boys” to attempt to identify the counter-protesters at the event.

A.3306 and S.217 would also ban police purchases of similar data from tech companies and data brokers. Increasingly, police are able to buy the information that they can’t force companies to hand over in court. Even if a company like Google were to refuse such a request, countless other data brokers would readily sell our information to any bidder, including the police. We can’t put a price on the Fourth Amendment, but police departments routinely do, and it’s shockingly low.

Geofence warrants and keyword warrants pose a clear threat to New Yorkers, putting them at risk of false arrest, chilling First Amendment rights to protest and worship, and giving police an Orwellian power to track the public. By passing this bill, New York will demonstrate its commitment to New Yorkers’ safety from false arrest, civil rights, and the privacy rights enshrined in our Constitution. For these reasons, we urge the legislature to pass and the Governor to sign the Reverse Location And Reverse Keyword Search Prohibition Act (A.3306 Solages/S.217 Myrie).

Ban Big Brother Coalition – Letter in Support of A.3306/S.217
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Sincerely,

Surveillance Technology Oversight Project (S.T.O.P.)
New York Civil Liberties Union (NYCLU)
The Legal Aid Society
New York Immigration Coalition
Electronic Frontier Foundation
Legal Defense Fund (LDF)
Arab American Association of New York
Chinese-American Planning Council, Inc
Fight for the Future
LatinoJustice PRLDEF
Innocence Project
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
Legal Action Center
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