



Memorandum in Support – Prohibit the use of reverse location and reverse keyword searches

IN SUPPORT OF: A.84 (Quart)/S.296 (Myrie)

SUBJECT: Prohibits the use of reverse location and reverse keyword searches.

The Center on Race, Inequality, and the Law at NYU School of Law writes in strong support of A.84/S.296, to prohibit the use of reverse location and reverse keyword searches.

The Center works to achieve the radical transformation of our criminal legal system—from a weapon of state oppression to a source of true justice for Black and brown communities. As such, we are concerned about any efforts by law enforcement or other government agencies to obtain private information without proper legal justification.

Reverse location and reverse keyword warrants can result in the exposure of hundreds or thousands of people’s private information to law enforcement, not because they are suspected of any wrongdoing, but merely because they were in a certain area at a particular time or because they entered certain keywords into a search engine. Such searches throw a dragnet over large swaths of unknown people merely because their digitally-generated data match the expansive and unfocused parameters of the warrant. These fishing expeditions invade our privacy by exploiting the enormous data collections occurring through our ever-expanding array of digital devices.

Phones and other connected devices are omnipresent in our daily lives. And while technology has advanced exponentially, state and federal privacy laws remain largely unchanged. People should not have to choose between using new technologies and services or keeping their personal and digital lives out of the hands of police. The same constitutional protections that prevent police from rifling through our drawers without probable cause must also be given their full effect in protecting digital data that reveals who we are, where we go, who we know, and what we do. Law enforcement searches must be narrowly targeted, specific, and based on probable cause; reverse warrants are none of these.

Already, reverse warrants have led to multiple alarming incidents including false arrests, and they were used at First Amendment-protected protests against police brutality, ensnaring protesters in Minneapolis, Minnesota and Kenosha, Wisconsin. They are also rapidly spreading;

recent disclosures by Google show a twelvefold increase of reverse location requests from 2018 to 2020, totaling 20,932 requests.

A.84/S.296 will modernize New York's privacy laws by outlawing these types of dragnet searches.

Hence, the Center on Race, Inequality, and the Law urges the New York State Legislature to pass A.84/S.296, so that New York's privacy laws reflect our modern digital age.

Respectfully,

Jason D. Williamson
Executive Director