



Date: 4/25/2023

Re: Letter in Support of the Stop Online Police Fake Accounts and Keep Everyone Safe Act (A.4638 Assemblymember Mamdani/S.1764 Senator Cleare)

We, the undersigned organizations, support the Stop Online Police Fake Accounts and Keep Everyone Safe Act (A.4638 Mamdani/S.1764 Cleare) and urge the legislature to pass, and the Governor to sign, this bill.

Law enforcement officers in New York and across the country are using an expansive new power to access private social media content, viewing some of our most intimate moments, with absolutely no judicial oversight. Increasingly, police harness new software platforms to deploy networks of fake accounts, tricking the public into giving up what few privacy protections the law affords. Police use internet attribution software or technology sold by private vendors to deploy large numbers of fake credentials. One police officer can run a bot network of hundreds or thousands of fake accounts. These accounts are used to harvest private messages and posts for local police databases. But New Yorkers do not know these requests come from police and none of us truly consent to this new, invasive form of state surveillance.

A.4638 and S.1764 would prohibit law enforcement officers from creating fake social media accounts in New York State and from coercing people into providing their social media passwords. It also creates a private right of action and suppresses evidence derived from acts in violation of this bill.

Fake accounts are ripe for abuse and undermine the rule of law. The Fourth Amendment protects our private communications from government intrusion, but our privacy rights are becoming more and more fictional as police use of fake social media accounts proliferates. This bill is urgently needed to prevent police from continuing to circumvent our privacy rights.

Fake accounts are used to surveil people of color, political protestors, religious communities, and children. Police departments have used fake accounts to monitor the online activity of Black Lives Matter activists. Fake accounts have also largely targeted youth, restraining them from engaging in digital communities that have become even more important during the pandemic. This bill would instill confidence that New Yorkers' First Amendment rights are meaningful, and that our online speech will be protected from police surveillance.

Just because political or religious activity is taking place online, it does not make it any less intimate and sensitive, and certainly does not erode the First Amendment interests at stake. By passing this bill, New York will demonstrate its commitment to New Yorkers' safety from police coercion, civil rights, and the privacy rights enshrined in our Constitution. For these reasons, we urge the

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legislature to pass and the Governor to sign the Stop Online Police Fake Accounts and Keep Everyone Safe Act (A.4638 Mamdani/S.1764 Cleare).

Sincerely,

Surveillance Technology Oversight Project (S.T.O.P.)
The Legal Aid Society
New York Immigration Coalition
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
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
No Ethics In Big Tech
Surveillance Resistance Lab
Aspiration
RootsAction.org
Amend4Rights
TakeRoot Justice

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United We Dream
PDX Privacy
EFF-Austin