



Legislation Text

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Res. No. 329

Resolution calling on the New York State Legislature to pass and the Governor to sign S9247/A10447, which would prohibit fake electronic communication service accounts and use of such information by law enforcement and other government entities.

By Council Members Hudson, Avilés, Hanif and Joseph

Whereas, S9247/A10447 sponsored by Senator Cordell Cleare and Assembly Member Zohran K. Mamdani, respectively, prohibit the creation of fake electronic communication service accounts and prohibits the collection and use of account information by law enforcement and other governmental entities; and

Whereas, According to the police accountability group *Lucy Parsons Labs*, law enforcement uses undercover techniques to monitor and manipulate social media users to mine location and content data from Twitter, Facebook, Instagram, Snapchat, TikTok, etc., by setting up fake accounts to assemble dossiers on persons of interest; and

Whereas, Tool sites such as Geofeedia, Statigram, Instamap, Echosec, Voyager Labs, etc, help law enforcement agencies to analyze photo trends or collect photos on individuals in targeted areas; and

Whereas, The aforementioned Voyager Labs software can reportedly enable law enforcement clients to collect and analyze user data from companies like Facebook and use fake accounts to access otherwise inaccessible and private user information; and

Whereas, Reports indicate Geofeedia can be used to geolocate users and conduct a radius and polygram search of an area for social media content as according to the American Civil Liberties Union (ACLU) was

used to track the accounts of Black Lives Matter protesters for law enforcement clients as a crackdown on political dissent; and

Whereas, In addition to these tools relying on individuals' public social media posts, law enforcement agencies can purportedly use catfishing, creating fake accounts, to get non-public social media data, even though such accounts are not permitted on Facebook, Twitter, Instagram, Snapchat, TikTok, etc.; and

Whereas, According to a nationwide 2014 Lexis Nexis survey, 70 percent of detectives using undercover online operations are self-taught, 52 percent of departments polled have no formal process for using social media in investigations, and 40 percent of law enforcement officers used social media monitoring just to keep tabs on "special events"; and

Whereas, The New York City Police Department (NYPD) has formalized social media protocols for its own social media presence and the social media presence of officers outside their work in NYPD Patrol Guide procedure 203-28; and

Whereas, Although NYPD Operations Order 34, is entitled, "Use of Social Networks for Investigative Purposes" beyond requiring supervisory approval to create an online alias, the policy does not contain guidance on the normative factors to consider in either creating such an alias or in using mined data for any purpose and would appear that the discretion of supervisory officers is guiding these decisions; and

Whereas, Civil liberties advocates warn that users should be concerned about the ways in which their data is being retained and interpreted by law enforcement as the NYPD's social media surveillance gang operations allegedly collect and sift through social media content from teens and pre-teens over years, and use the information against them in court; and

Whereas, According to the ACLU, such social media monitoring methods are unfairly targeting the general public and not those who have already committed a crime and should not give law enforcement a

“blank check” to create undercover accounts and collect information on law abiding people; and

Whereas, Deceptive, malicious, and abusive tactics undertaken by law enforcement under the guise of fake social media profiles are being used to trick the public into waiving their rights by accepting friend and follow requests from officers must cease; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign S9247/A10447, which would prohibit fake electronic communication service accounts and use of such information by law enforcement and other government entities

CB

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