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**The City of New York  
Community Board 8 Manhattan  
Technology Committee  
Tuesday, March 15, 2022 – 6:30 PM  
This meeting was conducted via Zoom**

*Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.*

**MINUTES:**

**Present:** Vanessa Aronson, Elizabeth Ashby, Gayle Baron, Lori Bores, Taina Borrero, Alida Camp, Rebecca Dangoor, Sharon Pope-Marshall, Peggy Price, Yma Rodriguez-Tores, Barbara Rudder, Barry Schneider, Rami Sigal, Shari Weiner

*Absent (Excused):* None

**Resolutions for Approval:**

**Item 1 – Resolution in Support of the Reverse Location and Reverse Keyword Search Prohibition Act (NY State Assembly Bill A84A)**

The meeting was called to order at 6:31 PM.

**Item 1 – Discussion about the Reverse Location and Reverse Keyword Search Prohibition Act (NY State Assembly Bill A84A)**

The Technology Committee hosted Assembly Member Dan Quart, sponsor of the Reverse Location and Reverse Keyword Search Prohibition Act, a bill that would amend the criminal procedure law to prohibit the search, with or without a warrant, of geolocation and keyword data of a group of people who are under no individual suspicion of having committed a crime, but rather are defined by having been at a given location at a given time or searched particular words, phrases, character strings, or websites.

Assembly Member Quart discussed the October 2018 event after which former Manhattan District Attorney Cy Vance's office served a reverse search warrant (or geofence warrant) on phone carriers for the cell phone data or other communications that anyone within certain longitude and latitude at specific times.

Assembly Member Quart further discussed how these types of warrants can be seen as an infringement of constitutional rights, as they do not follow the 4<sup>th</sup> Amendment requirement of a particularized search warrant. If passed, New York would become the first state to have a bill of this kind.

**Questions and comments from the public and the Board related to:**

**Next steps after October 2018 incident.** Since the October 2018 incident took place in our community, there are likely CB8 residents who have no idea that they were subject to surveillance that evening. The only way to determine if one's data was a part of the warrant is to put in a FOIL request.

**Inaccuracy of information.** Outside of New York State, there have been cases inaccurate accusations resulting from the information gleaned from these types of warrants. Albert Fox Cahn, expert on civil rights, privacy, and technology would be able to give us more information on these cases.

**Secretive nature of reverse warrants.** Some federal courts have questioned this practice, but the constitutionality has not yet been adjudicated. The secretive nature of this type of search warrant has made it difficult to secure standing; individuals do not know that their information has been captured in the warrant.

**Public safety concerns.** Community members want to ensure that we are equipping law enforcement with the appropriate tools to ensure public safety.

**How to support the bill.** If CB8 residents want to support this bill, Assembly Member Quart encourages them to write the Governor and tell their friends and colleagues about the issue.

The following resolution was then put forward by CB8:

**WHEREAS,** conventional warrants require probable cause to seize or search an individual;

**WHEREAS,** a reverse location search warrant allows law enforcement to collect data on everyone in a certain area during a certain time;

**WHEREAS,** probable cause is not a prerequisite when it comes to reverse location search warrants;

**WHEREAS,** this enables law enforcement to go on a fishing expedition;

**WHEREAS,** historically, this mass collection of data has yielded nothing to further efforts to prosecute a particular crime;

**WHEREAS,** reverse location search warrants enable law enforcement to use the information collected to prosecute individuals for other crimes than the crime that initiated the warrant in question;

**WHEREAS,** citizens whose rights to privacy are violated by this type of warrant are never informed of this breach of privacy;

**WHEREAS,** those who are prosecuted for unrelated crimes and their attorneys are not informed of the use of a reverse location search warrant in obtaining said information;

**WHEREAS,** Community District 8 Manhattan has been subjected to this violation of privacy;

**WHEREAS,** we have still not been informed as to the totality of the private information that was subject to that prior search;

**WHEREAS,** any potential use of data collected by reverse location search warrants could be deemed unconstitutional under the fourth amendment due to the fact that this type of warrant enables indiscriminate sweeps and provides no guidance on what law enforcement can and cannot do with the data once it is obtained;

**WHEREAS**, in a city as dense as New York, this type of geofence warrant could turn up data on hundreds if not thousands of people in a single time;

**WHEREAS**, when everyone is accordingly considered a potential suspect, the chance of wrongful arrest skyrockets;

**WHEREAS**, reverse search warrants are dangerous and exemplify dystopian technology;

**WHEREAS**, S.08183/A.10246A would ban the use of reverse search warrants in the state of New York;

**THEREFORE, BE IT RESOLVED**, that Community Board 8 Manhattan calls on the State Legislature to pass and the Governor to sign S.08183/A.10246A into law;

**BE IT FURTHER RESOLVED**, that Community Board 8 Manhattan intends to use all methods in our power to ensure those in our community whose privacy was violated previously as a result of the use of a reverse location search warrant will be informed of the fact that the Manhattan District Attorney's Office has a catalogue of their private information.

*Yes (14): Aronson, Ashby, Baron, Bores, Borrero, Camp, Dangoor, Pope-Marshall, Price, Rodriguez-Tores, Rudder, Schneider, Sigal, Weiner*

*No (0): None*

*Abstain (0): None*

## **Item 2:**

Borough President's Community Affairs Director Tricia Shimamura gave an overview of what we can expect regarding virtual meetings when the Executive Order suspending the Open Meetings law in New York State expires (at the time of discussion set to expire on March 16<sup>th</sup>; subsequently extended to April 15).

Ms. Shimamura explained that when the Executive Order expires, Boards will be expected to go back to meeting in person. Boards should follow any CDC or Department of Health requirements and are able to enforce any vaccination or mask requirements mandated by the space that they are renting. If a space has limitations on attendees, Boards are able to allow members of the public to participate virtually (while Board Members are expected to join meetings in person).

Ms. Shimamura also discussed the range of concerns, perspectives, and plans that other Manhattan Community Boards have shared with the Borough President's office, from ideas for how to find a venue for an in-person meeting.

Board Members and Members of the Public discussed some of the benefits and challenges of virtual or hybrid meetings and decided to further discuss this issue and the various bills seeking to amend the Open Meetings law to permanently allow virtual or hybrid meetings at a future meeting.

## **Item 3: Old Business**

None

**Item 4: New Business**

None

There being no further business, the meeting was adjourned at 8:16 PM.

**Vanessa Aronson and Rebecca Dangoor, Co-Chairs**