

Protest Surveillance and Safety



When you attend protests, law enforcement can use surveillance to monitor social media activities, track locations, break into your phone, and even collect your DNA sample. Law enforcement routinely targets peaceful protesters with these destructive measures, but you can take these steps to make yourself and your loved ones safe.

This information is offered only for educational purposes, not as legal advice. Please contact an attorney in your jurisdiction if you have any questions about how to protect your rights.

Plan and Prepare Before You Go

Cellphone

- **A clean phone, is a safer phone!** Using a previously unused disposable **prepaid phone** can be far more private than a phone you've used before.
- By switching your cellphone to **airplane mode**, you can turn off location services and disable the Wi-Fi, GPS, NFC, and Bluetooth signals that can track your location. These services can all be tracked even when the phone isn't being used.
- Disabling thumbprint lock and facial recognition can make it harder for police to break into the device.
- Setting your phone to use **long, complex alpha-numeric passcode** that's required immediately upon locking can also make it harder for police to access your device.
- Messaging apps with end-to-end encryption, like Signal, add an additional layer of protection.
- Backup your phone and make sure it is charged.

Transportation

- Automated license plate readers that are installed all across New York City track nearly all cars and motorcycles.
- Police may photograph those parking near a protest site.
- Police can access cashless payment records, such as E-Z Pass RFIC Transponders.

General Protest Safety

- You may not have access to your phone in custody, so write on your arm the number of a lawyer you can call, such as a public defender or your National Lawyers Guild chapter.
 - Clothes with visible logos or slogans and visible tattoos can easily tracked by police. Police often identify protesters in surveillance by what they are wearing, rather than by their face.
 - Consider bringing safety equipment, including first-aid kits, gloves, water, and snacks.
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During Protest: Stay Safe, Stay Aware

Exercising the Right to Record in Public

- Many federal courts have recognized that the First Amendment protects the right of civilians to record police misconduct in public areas, but laws may vary in your state.
- In New York, you have a right to record officers in any public place, so long as you do not interfere with police activity and maintain suitable distance.
- You may use mobile device apps, such as "Mobile Justice" and "ProofMode," to document evidence of police misconduct. Social media live streaming is also powerful tool to disseminate stories of police abuse. Social media's viral component can also make it difficult for officers to destroy footage, but the platforms selectively decide which content to protect and remove.

- Unfortunately, there are instances in which officers violate the right by stopping recordings or even making retaliatory arrests. **If a police officer asks you to stop recording**, you have a few options: you may assert your constitutional right to record, or back up and record from further away. Although you have a right to record police activity, police can ask you to stop recording if they feel you are interfering with their job. Each situation is unique. Use your best judgment when deciding whether to assert your right or comply with police orders.

DNA Dragnet

- Officers collect DNA samples from discarded soda cans, cigarette butts, and more.
- In New York, it is unclear what happens to this sensitive genetic data after it's collected.
- Avoid throwing away any item with your saliva, hair, or blood on at protest sites.
- It can be dangerous to smoke, eat, or drink anything offered by officers.

After Protest: Friends Don't Post Friends Protesting on Social Media

Social Media

- Law enforcement maintains growing databases of community members it claims are "suspicious," monitoring their content and associates. **What you post may be used against you in a court of law!** Posting images of protesters or tagging their name / location may put them at risk.
- Law enforcement may use **facial recognition** to identify anyone whose face is shown. You can make yourself harder to track via CCTV by covering your face with mask, bandana, sunglasses, and/or hat.
- Tools such as **"Image Scrubber"** claim to remove metadata from photos that can be used by police to track protesters. Or you can redact images by posting screenshots of the original photos and covering people's faces with multiple emoji stickers.

In Case of Arrest

- Immediately say **"I demand a lawyer and invoke my right to remain silent."** Do not explain or justify this, and if questioned, simply repeat the demand.
- Even offhand remarks to police or other arrestees can endanger your rights.
- Law enforcement cannot access your camera roll or unlock your phone without your consent or without a warrant.
- Do not sign anything or agree to anything without an attorney present.
- Police should not listen to communications between you and your lawyer, but personal phone calls might be recorded.

Further Steps to Take to Fight State Surveillance

- Stay informed of new ways that law enforcement is implementing surveillance on protesters – follow us at stopspying.org and on our social media @StopSpyingNYC for updates.
- Share resources across social media that can be helpful to other protesters to maintain their protest safety.
- Call and write to your representatives and ask them to demand police transparency with surveillance, to limit law enforcement's ability to use surveillance tactics on protesters.
- Surveillance often affects communities of color, and especially Black people, hardest. Support local bail funds and Black-led organizations.