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## **FAQs**

### **Mobile Justice DC**

#### **1. What does the Mobile Justice DC smartphone app do?**

The app, available in both the Google Android and Apple iOS stores, allows users to record law enforcement, to alert other Mobile Justice DC app users to nearby law enforcement encounters, and to submit videos and incident reports automatically to the American Civil Liberties Union of the Nation's Capital (ACLU-DC). Individuals who believe that they have witnessed a civil rights violation can complete an incident report and send it to the ACLU-DC for review, along with their contact information, for follow-up.

#### **2. Does the app have any other features?**

The Mobile Justice DC app contains ACLU Know Your Rights publications, including an overview of the rights individuals have when stopped by law enforcement, giving app users a library of ACLU materials in their pocket. Individuals can also opt to receive ACLU news and action alerts.

#### **3. Is the Mobile Justice DC app available in multiple languages?**

The app is currently available in English and Spanish.

#### **4. Who developed the Mobile Justice DC app?**

ACLU-DC and Quadrant 2 developed the app.

#### **5. Is the Mobile Justice DC app free?**

Users can download the app at no cost. The goal of Mobile Justice DC is to help ensure that everyone can exercise their First Amendment rights by recording misconduct by law enforcement and other government officials. The ACLU believes that in order to reach that goal the app must be available to everyone, without a fee.

#### **6. Can this app be used in classrooms, polling places, and other settings?**

Mobile Justice DC is principally meant to be used to document law enforcement interactions with members of the public.

DC is a one-party consent jurisdiction, meaning users can legally record conversations between themselves and other people, or conversations between two other people in which one member has given prior consent to being recorded. As with any recording device, there may be legal restrictions on its use in some situations.

However, filming police officers and other law enforcement interacting with the public in the course of their duties is legal, as officers have no reasonable expectation of privacy when they interact with the public.

**7. Will ACLU attorneys review all of the footage and incident reports?**

ACLU-DC attorneys will review videos if the corresponding incident report indicates that a serious civil rights violation has occurred.

**8. Can ACLU share the incident reports with the public?**

The incident report forms that users fill out are confidential and privileged communications akin to legal intake forms. The ACLU may share and publicize general facts documented in the reports, absent identifying information, in order to expose misconduct by law enforcement and further the ACLU's mission of protecting civil liberties.

Videos sent to the ACLU are not privileged. The ACLU may share videos with community organizations or the general public to help call attention to law enforcement abuse and protect civil rights and civil liberties.

**9. How will ACLU use the information it receives?**

The ACLU will review incident reports and the accompanying videos to determine whether or how to get involved. The ACLU may also publicize incidents of law enforcement misconduct and share videos and other information with community organizations or the public.

**10. How long will the ACLU keep information we receive through Mobile Justice DC?**

The ACLU will generally retain information received through Mobile Justice DC for a period of three years.

**11. Can users contact the ACLU after they submit a report to confirm that the ACLU received it or to ask the ACLU to represent them in a lawsuit?**

Individuals can contact us at [MobileJustice@aclu-nca.org](mailto:MobileJustice@aclu-nca.org) to find out the status of a report.

**12. Will users retain a copy of the video on their phone?**

Mobile Justice DC stores videos on a user's smartphone and sends a duplicate video to the ACLU.

**13. Can you point to cases where an app like this helped hold police accountable?**

From Rodney King to Eric Garner, to Jason Goolsby, bystander videos have helped document police abuse and have led to change. Video can provide strong evidence of police abuse, especially compared to encounters where it is the word of officers against the word of criminal suspects. Even where officers aren't criminally charged, videos of egregious cases of policing abuse have led to national conversation on issues around use of force and the role of race in policing, and have led to changes in police departments like the adoption of civilian oversight. Mobile Justice DC will make sure that bystander video is preserved even if police attempt to seize the phone or delete the files, and will help ensure video evidence of police abuse gets to the ACLU.

**14. How is this different from recording video on a phone without an app?**

Since the videos are automatically sent to the ACLU, evidence is preserved even if the police attempt to destroy the phone or video. The ACLU can also make the video available to local community-based and civil rights organizations working on issues of police abuse.

**15. Can videos transmitted to the ACLU be subpoenaed in court?**

Maybe. The ACLU may be forced to share information if compelled by law, regulation, or valid legal process. But we will go to court to fight any demand that we do not believe is legitimate. We are the ACLU, and we take users' right to keep information private from the government very seriously.

**16. Who will retain the rights over the video?**

The user grants us the irrevocable right to copy, play and release the video but otherwise retains the rights to the video, including to sell (if we don't distribute for free). From EULA paragraph 3: License to ACLU-DC. You hereby irrevocably grant to ACLU-DC a nonexclusive, fully paid up, royalty free, perpetual, irrevocable, unlimited, worldwide license to make, have made, copy, modify, create derivative works of, publicly display and perform, use, and otherwise distribute any information that you submit to ACLU-DC using the Application, and to authorize others to do so by means of a sublicense, subject to the limitations in this Agreement and in the Privacy Policy discussed below. Any feedback, comments, or suggestions you may provide regarding the Application is entirely voluntary and ACLU-DC will be free to use such feedback, comments or suggestions as it sees fit without any obligation to you.

**17. What happens if someone from another state downloads the app and uses it, or if the app is used outside of the District of Columbia?**

Affiliates in several states, including New York and Missouri, have a Mobile Justice app. The ACLU encourages individuals to download the Mobile Justice app in their state because it guarantees that it complies with state law. For example, some states may not allow audio recording of police but do permit videotaping law enforcement. As for any video sent to the ACLU-DC from individuals in other states, we would review the report and video and then send

the information to the appropriate affiliate, just as we currently do with legal intakes from other states.

**18. How will the app be different from an ordinary citizen's video? We all saw the video of NYPD officers arresting Eric Garner. That video did not change the outcome, or result in any prosecutions.**

Again, the difference is that an individual is sending it to the ACLU where it will be reviewed. Additionally, the Mobile Justice DC app provides some protection for individuals, allowing them to maintain some level of anonymity. And lastly, the app also makes it harder for police to initially find the video on your phone while it is being transmitted to the ACLU. As for prosecutions, there is never a guarantee that a prosecutor will file charges or what a jury will do. But the images, as in the case of Eric Garner, may still have a powerful impact on shaping public perceptions and policies.

**19. Is the app promoting or likely to give rise to anti-law enforcement sentiments?**

All good police officers know that footage of other officers acting in bad faith makes their jobs harder. In any encounter, discourtesy, obscene language, and use of excessive force is unacceptable. Officers who behave inappropriately reflect poorly on everyone who wears a police uniform. On the other hand, footage of officers engaging in meaningful community policing, for example [an officer participating in a dance-off with residents](#), leads to stronger relationships among law enforcement and members of the public. It is not the technology that gives rise to anti-law enforcement sentiments, it is the officers acting in bad faith.

**20. What about the app's Witness function that uses GPS? Is that compatible with the ACLU's concerns about privacy?**

The Witness function uses GPS but an individual has the ability to select to use it or turn it off.