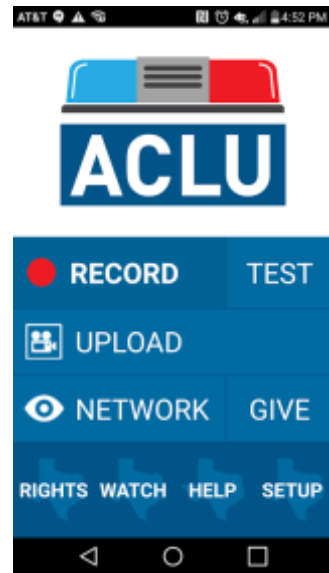


ACLU BLUE Smartphone App

The goal of the ACLU Blue smartphone app is to expose misconduct by law enforcement and further the ACLU's mission of protecting civil liberties, and to create a forum that showcases examples of model police interactions to inform the national dialogue about the need for policing reforms. The app promotes an interactive community of witnesses to police interactions exercising their First Amendment right to record law enforcement, who then share those recordings with fellow ACLU Blue users and the public at large. The ACLU Blue app also delivers a tool that enables the ACLU of Texas to engage Texans in real time with important notifications; increases our presence and touchpoints with individuals all over the state; and creates new opportunities for building a sense of community among individuals interested in criminal justice reform.



ACLU Blue Overview

As part of the ACLU of Texas's push for much-needed reforms to police practices, we developed the ACLU Blue smartphone application to provide a public forum for Texans to monitor, record, and share law-enforcement interactions with fellow users and the public at large. By downloading the app and becoming a member of the ACLU Blue, users join an interactive, online community committed to documenting excessive uses of force, racial profiling, and over-militarized responses by law enforcement—as well as showcasing and elevating examples of model policing in our communities.

The app includes links to Know Your Rights information on what to do when you're stopped by law enforcement, on filming police, and on protesting—as well as your rights at the Texas-Mexico border zone. In addition, users receive regular notifications from the ACLU of Texas about issues and opportunities valuable to any defender of justice and equality in our great state. And they can participate in and monitor interactions with fellow #ACLUblue users on Twitter and share videos posted on the ACLU Blue YouTube Channel.

The goal of ACLU Blue is to expose misconduct by law enforcement and to promote examples of model policing in order to further the ACLU's mission of protecting civil liberties.

Video Submission and Review

When you submit a video through the ACLU Blue app, you are participating in a public forum. Anyone who submits a video through the app grants the ACLU of Texas permission to post it online and gives anyone permission to view it. Videos are not automatically posted online.

Every video undergoes a multi-tiered review process involving volunteers and the ACLU of Texas staff.

Each video chosen for publication has been reviewed by a trained ACLU Blue Deputy and ACLU staff member to ensure it represents a legitimate police interaction and that it in some way contributes to the national conversation about policing reform. The ACLU of Texas reserves the right to determine what's relevant for publication and the right to post or not post videos submitted via the app.

ACLU Blue Deputies

Activist-volunteers called ACLU Blue Deputies serve as the frontline crowd-source reviewers of all videos uploaded through the app, before the ACLU of Texas verifies the videos are relevant for publication and ready to share with the ACLU Blue community. For Texans interested in becoming deputized as ACLU Blue Deputies, the ACLU of Texas offers a volunteer training program at the end of which participants receive a higher level of access within the app and become part of the video-review process. [Apply to be an ACLU Blue Deputy here.](#)

Elevating Model Policing

All of our police-reform goals—at the local, state, and federal levels—center on implementation of best-practice policing. As such, we want users to record and promote examples of model policing in our communities, not just bad ones. When users upload a video for publication on the ACLU Blue YouTube Channel, they participate in an interactive, online community that places officers who utilize best practices on display, as well as provide opportunities to document excessive uses of force, instances of racial profiling, over-militarized police responses, etc. Videos will only be posted after they've been reviewed and confirmed by ACLU staff as legitimate police interactions that in some way contribute to the national conversation about policing reform.

ACLU Blue FAQs

What does the ACLU Blue smartphone app do?

The app, available in both the Google Android and Apple iOS stores, allows users to record law enforcement, to share those recordings in a public forum, and to participate in an ongoing #ACLUBlue Twitter conversation about policing reform. Just like videos shared on platforms such as YouTube, Instagram, Facebook, or Vine, videos submitted via the ACLU Blue app are considered public.

Does the app have any other features?

Yes. The ACLU Blue app contains ACLU Know Your Rights cards that link to publications, including an overview of the rights individuals have when stopped by law enforcement or federal agents in the border zone, giving app users a library of ACLU materials in their pocket. Individuals can also opt to receive ACLU news and action alerts.

Is the ACLU Blue app available in multiple languages?

The app is currently available in English and Spanish.

Who developed and/or paid for the ACLU Blue app?

The ACLU of Texas and Quadrant2 developed the app, which was funded in part through private donations and a grant from the Four Freedoms Fund.

Is the ACLU Blue app free?

Users can download the app at no cost. The goal of ACLU Blue is to help ensure that everyone can exercise their First Amendment rights to record misconduct by law enforcement and other government officials, as well as capture instances of model police interactions. The ACLU believes that in order to reach that goal the app must be available to everyone, without a fee.

In a nutshell, how is the ACLU Blue app different from the “Mobile Justice” apps offered by other ACLU affiliates?

In a nutshell, the ACLU Blue and Mobile Justice apps are functionally similar, yet philosophically different: Submitting video via ACLU Blue is a request to share your recording with the public in an online forum about policing; when you submit video via Mobile Justice, you are requesting legal review of potential police misconduct, not participation in a public forum. In addition, ACLU Blue offers certain interactive functionality not included in the Mobile Justice app (for more, see separate FAQ below on interactive features). One of the primary goals behind both apps is to expose misconduct by law enforcement and further the ACLU’s mission of protecting civil liberties.

Could you tell me more about the difference between the ACLU Blue and Mobile Justice apps?

By uploading a video to the ACLU Blue app, you are explicitly requesting that the ACLU of Texas share your recording in an online, public forum featuring interactions with police. We are interested in receiving footage of suspected police misconduct and of model policing. When you submit a video, we request your name, email, date and time of the recording, and any additional info you’d like to provide. If we post your video publicly, the ACLU of Texas only publishes the actual recording, as well as the date, time, and location of the recording. Your identifying information—name and email—remain protected according to our privacy

statement. When you submit a video via the ACLU Blue app, you are not requesting legal assistance. If you'd like to request legal assistance from the ACLU of Texas, submit a [complaint form](#).

By uploading a video to the [Mobile Justice apps](#) offered by some ACLU affiliates, you are sharing video documentation of suspected police misconduct directly with an affiliate's legal department and requesting legal review; you are not requesting to publish your recording in a public forum about policing. ACLU Mobile Justice apps also feature incident report forms for users to complete and share alongside the video, in order to collect information that may be relevant for legal review. Information included in these incident report forms is considered confidential and privileged communication (just like information submitted via the ACLU of Texas complaint form link above). However, like ACLU Blue, videos submitted via the Mobile Justice apps are not privileged. ACLU affiliates offering the Mobile Justice app reserve the right to share videos with community organizations or the general public to help call attention to law enforcement abuse and protect civil rights and civil liberties. In addition, ACLU Mobile Justice affiliates reserve the right to share and publicize general facts documented in incident reports—absent identifying information.

What components of ACLU Blue allow users to communicate and interact online and via social media platforms?

The "Network" feature allows you to communicate with other members of the ACLU Blue community and the general public when you link a Twitter account. When you or anyone includes the #ACLUBlue hashtag in a Tweet, any user will be able to monitor the hashtag activity and respond via the app. This feature is especially useful for community groups who monitor law enforcement activity. In addition, when you submit a video via the app, you will have the option to share—via Facebook or Twitter—the fact that you're contributing to the #ACLUBlue conversation about policing reform; these automatically generated messages encourage other users of social media to download the app at <http://aclutx.org/ACLUBlue> or watch the [ACLU Blue YouTube Channel](#).

The "Watch" feature allows you to view videos on the ACLU Blue YouTube Channel, where all recordings chosen for publication will be hosted. This YouTube Channel embed also offers the same actions already available on YouTube, such as commenting, sharing, and subscribing.

Finally, the "Give" button immediately takes you to an online donation page, where you can make a philanthropic connection—a financial gift—to the ACLU of Texas and support our work to defend civil rights and civil liberties across the state.

How do you determine which videos get published and which ones go to legal?

Each video chosen for publication has been reviewed by a trained ACLU Blue Deputy and an ACLU staff member to ensure it represents a legitimate police interaction that it in some way

contributes to the national conversation about policing reform. The ACLU of Texas reserves the right to determine what's relevant for publication and the right to post or not post videos.

There is no expectation that any video submitted via the app will be reviewed by an ACLU attorney. Just like videos shared on platforms including YouTube, Instagram, Facebook, or Vine, videos submitted via the ACLU Blue app are considered public. When you submit a video through the ACLU Blue app, you are participating in a public forum. Anyone who submits a video through the app grants the ACLU of Texas permission to post it online and gives anyone permission to view it. If you'd like to request legal assistance from the ACLU of Texas, submit an official [complaint form](#).

Can this app be used in public meetings, classrooms, polling places, and other settings?

The primary purpose of the ACLU Blue app is to offer a tool and forum for individuals to record and view police interactions, which generally occur in everyday public spaces like sidewalks, streets, and stores. The First Amendment protects the right to film government officials performing official duties in public. In Texas, it is illegal to record a conversation without consent only when the speakers have a reasonable expectation of privacy. That's why filming police officers and other law enforcement personnel 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.

State law permits individuals to use recording devices at public meetings so long as the recording is not deemed to disrupt the proceeding. State law prohibits video recording in polling places. There is no blanket restriction that prevents recording at public schools; however, a school board can set reasonable rules that restrict the use and possession of recording devices on school grounds. And as with any recording device, there may be legal restrictions on use of the app depending on the specific situation.

What recording restrictions should I be aware of in Texas?

Texas is a "one-party consent" state: You can record a private conversation if you are a party to the conversation, even if no one else knows about the recording. If you are not a party to the conversation, you need to get permission from someone who is. However, since law enforcement officials have no reasonable expectation of privacy when they interact with the public—as outlined above—the First Amendment protects your right to record police interactions or government officials who are performing official duties in public.

Will ACLU attorneys review footage?

There is no expectation that an ACLU attorney will review any videos submitted via the ACLU Blue app. When users submit video, they are serving as a witness to police interactions on behalf of all Texans and agreeing to allow the ACLU of Texas to share the video in a public,

online forum. As such, videos sent to the ACLU are not privileged. For more on this topic, see the End User License Agreement (EULA).

How long will the ACLU keep information received through ACLU Blue?

The ACLU may delete any information you submit and may post any information you submit for as long as the organization deems appropriate.

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

Individuals can contact us at ACLUBlue@aclutx.org to inquire about the status of a video. Response times may vary depending on volume. When you submit a video you are not requesting legal help, you are participating in the public, ACLU Blue forum documenting police interactions. If you are interested in requesting legal assistance, you may submit a complaint [online](#).

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

The ACLU Blue app stores videos on a user's smartphone and sends a duplicate video to the ACLU.

Can immigrants, including those who lack authorization to be in the U.S., use ACLU Blue?

Yes. Everyone has the same rights when interacting with law enforcement regardless of immigration status. However, users should be aware that police encounters that result in arrest can result in authorities checking that person's immigration status, which could lead to deportation.

What is an ACLU Blue Deputy?

ACLU Blue Deputies are activist-volunteers who have been trained by an ACLU organizer to serve as frontline reviewers of all videos submitted via the ACLU Blue app. Once trained, these deputies receive a higher level of access within the app that enables them to "thumbs up" or "thumbs down" each video. Once a select number of volunteers verify that a new video is a legitimate police interaction, an ACLU staff member serves as the final reviewer and authority in verifying that a video is ready for publication.

How will ACLU Blue Deputies be selected and trained?

Anyone interested in becoming an ACLU Blue Deputy may complete [this online request form](#) or contact us at ACLUBlue@aclutx.org. Once volunteers have been vetted and trained by an ACLU staff member to review videos on behalf of the ACLU Texas, ACLU Blue Deputies will receive a

passcode that grants them a higher level of access within the ACLU Blue app. The ACLU of Texas reserves administrative rights to grant access or lock out trained volunteers at any time.

Is it legal for volunteers to review videos?

Yes. The videos are public, as outlined in the EULA. Therefore, anyone who submits video to the ACLU of Texas via the app gives anyone permission to view or review it.

Is it legal to make videos public on YouTube?

Yes. The EULA clarifies that the videos are for public consumption, and the video may be used on websites such as YouTube or other platforms as the ACLU of Texas deems appropriate. The EULA also outlines that the individual who submits video to the ACLU of Texas does not have any copyright or other property interest in the video, and forfeits control over it.

What happens if the police ask the ACLU of Texas for video of an incident?

The ACLU of Texas will respond to all police requests and warrants as appropriate. The ACLU of Texas has no duty of confidentiality; the videos are for public consumption, not for legal review for possible representation.

What happens if evidence of a crime is captured on the videos and submitted via ACLU Blue?

Generally, there is no obligation to report evidence of a crime to the police. There are two exceptions: There is an obligation to immediately report any felonies where there's risk of serious harm or death and there is reason to believe that it hasn't been reported [*Tex. Pen. Code Ann. § 38.171 (West)*]. Texas also mandates the reporting of evidence of aggravated sexual abuse of a child [*Tex. Pen. Code Ann. § 38.17 (West)*].

What happens if users submit pornographic images?

If footage submitted via the ACLU Blue app is not a legitimate police interaction, there's no expectation that the ACLU of Texas will do anything actionable with the video.

What happens if the subject or bystanders in the video don't want the video posted? Does the ACLU of Texas have to take the video down?

Generally, no. Individuals have a right to privacy only where there's an expectation of seclusion from others. There's no privacy expectation in places open to public view. That obviously includes the stage for most police encounters: public spaces like city streets or stores open to the public. And it can also include exposed windows in private residences [*Roberts v. CareFlite, 02-12-00105-CV, 2012 WL 4662962, at 5 (Tex. App.—Fort Worth Oct. 4, 2012, no pet.)*].

Even if video captures a person in a place where privacy is expected, the First Amendment protects publication of the video if it captures newsworthy matter, and if the private information disclosed is logically connected to the matter of public concern [*Campbell v. Seabury Press*, 614 F.2d 395, 397 (5th Cir. 1980)]. It is obvious that police interactions are a matter of public concern; footage of police encounters ending in violence or death has dominated the news cycle for several years. Anyone captured in that video is clearly connected to the public event, including bystanders.
