

August 21, 2015

To: Interested Parties

From: Ben Tulchin, Corey O’Neil and Kiel Brunner; Tulchin Research

Re: **California Statewide Survey Finds Voters Concerned about Privacy and Want to See Reforms Made to Surveillance Technology Use by Law Enforcement**

Tulchin Research recently conducted a California statewide survey on behalf of the ACLU of California Center for Advocacy & Policy to assess how likely voters think and feel about criminal justice and law enforcement, including how police use surveillance technology to track internet, text, e-mail and other digital activity via hand held devices and computers. With the issue of privacy and surveillance in the news in recent years, this research aims to gauge voter sentiments toward these issues in California specifically and help inform local elected officials in Sacramento about the public’s desire to reform how law enforcement tracks and observes the online actions of California residents.

We provide below a summary of the key findings from the survey.

Police Access to Digital Surveillance

Voters in California broadly support a myriad of reforms to ensure their online communications and activities are not tracked by law enforcement without a warrant. When it comes to accessing e-mail and internet activity, more than four out of five voters (82 percent) support requiring a warrant prior to authorities gaining access. Similarly, nearly four out of five voters (79 percent) support this requirement for allowing cell phone access and 77 percent for text messaging records.

The table below shows the statewide results among likely voters.

Support for Requiring Police to Get a Warrant to Monitor Online Activity and Communications

Here are some suggested proposals to improve transparency and accountability for police use of surveillance technology. Please indicate whether you support or oppose each proposal.

	Support	Oppose	Und.	Supp – Opp
Require police officers to get a warrant before they can access your internet use and what you do online.	82%	12%	6%	+71
Require police officers to get a warrant before they can access your e-mail.	82%	10%	8%	+72
Require police officers to get a warrant before they track your cell phone and what you do on it.	79%	12%	10%	+67
Require police officers to get a warrant before they can access your text messages.	77%	14%	9%	+63

In looking specifically at the high levels of support for requiring law enforcement to obtain a warrant prior to conducting surveillance of online activity (82 percent support), this proposal garners overwhelming backing from across majorities of every key demographic group in the state including:

- Both women (83 percent support) and men (81 percent) show strong support for this reform;
- All ethnic groups including Latinos (93 percent), African Americans (88 percent), Asians (87 percent) and Caucasians (78 percent);
- Bridging the partisan divide, Democratic (87 percent), Republican (74 percent) and independent (83 percent) voters all broadly support requiring a warrant in this context; and
- Voters of all ages agree that police should get a warrant prior to tracking online use with voters ages 18 to 29 most in favor (90 percent), followed by voters ages 30 to 49 (83 percent), voters ages 50 to 64 (82 percent) and voters ages 65 and older (79 percent).

Support for Requiring Police to Get a Warrant to Access Internet Use (By Demographic Group)

Here are some suggested proposals to improve transparency and accountability for police use of surveillance technology. Please indicate whether you support or oppose each proposal.
Require police officers to get a warrant before they can access your internet use and what you do online

	Support	Oppose	Supp- Opp
All California Voters	82%	12%	+71
<u>Gender</u>			
Women	83%	11%	+72
Men	81%	13%	+69
<u>Ethnicity</u>			
Blacks	88%	5%	+81
Latinos	93%	6%	+86
Asians	87%	4%	+83
Whites	78%	15%	+62
<u>Party</u>			
Democrats	87%	7%	+80
Republicans	74%	18%	+56
Independents	83%	13%	+70
<u>Age</u>			
18-29	90%	9%	+81
30-39	83%	12%	+71
40-49	83%	10%	+73
50-64	82%	11%	+70
65+	79%	14%	+65

Voters in the state also carry strong sentiments about requiring law enforcement to obtain a warrant before tracking cell phone usage and activity (79 percent support). Similar to online activity above, every demographic group shares this strong support for protecting their privacy on their mobile devices:

- Both men (82 percent) and women (75 percent) offer strong support for requiring a warrant to track cell phones and what individuals do on their phones;
- Cell phone privacy strikes a chord most notably among Asian (95 percent) and African American voters (93 percent), while there is also support from over three-quarters of white and Latino (77 percent) voters;
- Voters of all parties support requiring warrants for police to access cell phone data and activity as Democratic (81 percent), Republican (74 percent) and independent (79 percent) voters all approve of this measure; and
- Among various age groups, support for cell phone privacy is strongest among voters ages 50 to 64 (82 percent) and is followed closely by voters ages 65 and older (79 percent), ages 40 to 49 (78 percent), and voters age 18-39 (74 support).

Cell Phone Use Requirement Proposal (By Demographic Group)

Here are some suggested proposals to improve transparency and accountability for police use of surveillance technology. Please indicate whether you support or oppose each proposal.

Require police officers to get a warrant before they track your cell phone and what you do on it.

	Support	Oppose	Supp- Opp
All California Voters	79%	12%	+67
<u>Gender</u>			
Women	75%	11%	+64
Men	82%	13%	+70
<u>Ethnicity</u>			
Blacks	93%	4%	+88
Latinos	77%	10%	+67
Asians	95%	0%	+95
Whites	77%	13%	+64
<u>Party</u>			
Democrats	81%	7%	+74
Republicans	74%	16%	+58
Independents	79%	15%	+64
<u>Age</u>			
18-29	74%	14%	+62
30-39	74%	12%	+63
40-49	78%	11%	+67
50-64	82%	12%	+70
65+	79%	11%	+68

In addition to these previously mentioned technology-specific surveillance measures, voters also would like to see reforms implemented at the state and local level of surveillance practices by law enforcement in order to provide more oversight, accountability and limits to this law enforcement tactic. Among them, two-thirds of voters would like to see local elected officials like City Councilmembers or County Supervisors approve new surveillance technologies before they can be used (67 percent support). Similarly, voters want to see policies set that limit surveillance use both locally (65 percent) and statewide (64 percent). Voters also want to see steps taken to require public reporting from law enforcement agencies regarding the frequency of use of surveillance technologies (62 percent) as well as providing public notification before purchasing any new surveillance technologies (58 percent).

Support for Local and State Surveillance Reforms

<i>Here are some suggested proposals to improve transparency and accountability for police use of surveillance technology. Please indicate whether you support or oppose each proposal.</i>				
	Support	Oppose	Don't Know	Supp – Opp
<i>Require the local City Council or Board of Supervisors to vote to approve new surveillance technology before it is used by local police.</i>	67%	19%	14%	+48
<i>Develop and enforce local policies to set limits on surveillance technology used by police.</i>	65%	18%	17%	+47
<i>Develop and enforce statewide policies to set limits on surveillance technology used by police.</i>	64%	18%	18%	+47
<i>Require law enforcement agencies to publicly report how often they are using surveillance.</i>	62%	24%	13%	+47
<i>Provide public notification prior to local police buying new technology for surveillance.</i>	58%	23%	19%	+36

Conclusion

These findings show wide support throughout California for limiting how law enforcement uses surveillance technologies on the public. From internet and e-mail surveillance to cell phone and text messaging activities, voters from across a spectrum of demographic and partisan groups show strong support for reforming how law enforcement tracks our activities through technology by requiring the police to get a warrant before collecting this information. More broadly, voters want more accountability, oversight and limits placed on police surveillance tactics.

Survey Methodology: Tulchin Research conducted a statewide survey in California among 900 likely November 2016 voters, including a statewide base sample of 800 voters and an oversample of 100 African American voters. The oversample of African American voters provides increased statistical confidence for that specific demographic, especially in looking at key sub-groups. Interviews were conducted online from July 10-14, 2015. The margin of error for the statewide base sample is +/- 3.46 percent.