

VIA EMAIL

Daniel J. Mahoney
Deputy Director and Privacy Officer
Northern California Regional Intelligence Center
450 Golden Gate Avenue, 14th Floor,
San Francisco, CA 94102
dutyofficer@ncric.ca.gov, privacyofficer@ncric.ca.gov

March 17, 2021

RE: California Public Records Act Request

Dear Mr. Mahoney,

This letter constitutes a request under the California Public Records Act Cal. Gov. Code § 6250 et seq. and is submitted by the Electronic Privacy Information Center.

EPIC requests records related to the Northern California Regional Information Center's (NCRIC) monitoring of protests and use of advanced surveillance technologies.

Background

The summer of 2020 saw large protests across the country in the wake of the killing of George Floyd. Polls conducted between June 4 and June 22, 2020 estimate that between 15 million and 26 million people attended protests nationwide, marking 2020's protests as the largest in American history.¹ 2020 was also a high-water mark for police surveillance of protesters, with reports of aerial and drone surveillance, widespread use of video recording and facial recognition, cellular surveillance, and social media surveillance appearing in news stories across the nation.² Fusion centers played a prominent role in surveilling protesters, providing advanced tools like facial recognition and social media monitoring to local police.³ The BlueLeaks documents, records

¹ Larry Buchanan, Quoctrung Bui, and Jugal K. Patel, Black Lives Matter May Be the Largest Movement in U.S. History, N.Y. Times (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

² See e.g., Zolan Kanno-Youngs, U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance, N.Y. Times (Jun. 19, 2020), <https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html>; Katie Schoolov, As protests over the killing of George Floyd continue, here's how police use powerful surveillance tech to track them, CNBC (Jun. 18, 2020), <https://www.cnbc.com/2020/06/18/heres-how-police-use-powerful-surveillance-tech-to-track-protestors.html>; Kristina Libby, How to Spot Police Surveillance Tools, Popular Mechanics (Jun. 12, 2020), <https://www.popularmechanics.com/technology/security/a32851975/police-surveillance-tools-protest-guide/>;

³ Micah Lee, *How Northern California's Police Intelligence Center Tracked Protests*, The Intercept (Aug. 17, 2020), <https://theintercept.com/2020/08/17/blueleaks-california-ncric-black-lives-matter-protesters/>;

obtained from police and fusion center internal servers across the country, reveal substantial and ongoing surveillance of protesters.⁴

Northern California experienced a large number of protests in the summer of 2020 and a corresponding amount of protest surveillance. San Francisco Police are currently the subject of a lawsuit over police use of private camera networks to monitor protesters.⁵ In documents obtained from the BlueLeaks cache, the NCRIC distributed intelligence reports on George Floyd protests to local police departments and received Suspicious Activity Reports from officers detailing upcoming protests.⁶ Protests monitoring comprised half of NCRIC's intelligence products in a 13 day sample between March 25 and June 6, 2020.⁷ Requests for Information during this period reveal numerous police officers requesting use of surveillance technology on protesters.⁸ NCRIC's RFI form allows police to request automated license plate reader location monitoring, facial recognition analysis, social media surveillance, Cellebrite cell-phone unlocking, and address searching through Palantir's CLEAR database.

Documents Requested

- (1) All Requests for Information submitted between May 28, 2020 and August 31, 2020, including the final status of those requests (e.g. granted, denied etc.);
- (2) All Suspicious Activity Reports (SARs) submitted between May 28, 2020 and August 31, 2020 including the resolution of those reports (e.g. verified, credible, non-credible, etc.);
- (3) All emails, memoranda, intelligence products, and other documents relating to "protests", "organizers", "Black Lives Matter", "BLM", "antifa", "riots" or "activists" between May 28, 2020 and August 31, 2020;
- (4) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts, memoranda of understanding, or other documents relating to the CellHawk data extraction and visualization tool;⁹

'Blue leaks' include information about police surveillance of Black Lives Matter protests, WGME News (Jun. 19, 2020), <https://wgme.com/news/local/blue-leaks-include-information-about-police-surveillance-of-black-lives-matter-protests>; Tim Cushing, *California Fusion Center Tracked Anti-Police Protests, Sent Info To 14,000 Police Officers*, TechDirt (Aug. 20, 2020), <https://www.techdirt.com/articles/20200819/16572045148/california-fusion-center-tracked-anti-police-protests-sent-info-to-14000-police-officers.shtml>.

⁴ John Anderson, *Is ARIC Still Watching? Despite scrutiny, fusion center still keeps tabs on protests*, Austin Chronicle (Dec. 11, 2020), <https://www.austinchronicle.com/news/2020-12-11/is-aric-still-watching/>.

⁵ Julie Small, *SF Police Used Camera Network to Illegally 'Spy on Protesters,' New LawsUIT Alleges*, KQED (Oct. 7, 2020), <https://www.kqed.org/news/11841385/sf-police-used-camera-network-to-illegally-spy-on-protestors-new-lawsuit-alleges>.

⁶ Micah Lee, *How Northern California's Police Intelligence Center Tracked Protests*, The Intercept (Aug. 17, 2020) <https://theintercept.com/2020/08/17/blueleaks-california-ncric-black-lives-matter-protesters/>.

⁷ *Id.*

⁸ See Appendix.

⁹ <https://www.hawkanalytics.com/cellhawk/>

- (5) All policies, privacy impact assessments, evaluations, training materials, use records, contracts memoranda of understanding or other documents relating to the CLEAR software/database;¹⁰
- (6) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts, memoranda of understanding or other documents identifying and relating to NCRIC's social media analysis and monitoring tools (e.g. Geofeedia, Babel Street, Dataminr, Media Sonar, Snaptrends, Skopenow and similar services),
- (7) All contracts, memoranda of understanding, and information sharing agreements relating to (a) facial recognition services (e.g. Clearview AI, FaceFirst, and similar services) and (b) databases containing faceprints or other facial recognition images;
- (8) All contracts, memoranda of understanding, and information sharing agreements relating to Automated License Plate Reader (ALRP), and License Plate Reader (LPR) databases or services (e.g. Vigilant Systems and similar services).
- (9) All policies, privacy impact assessments, evaluations, training materials, use records, contracts/MOUs or other documents identifying and relating to Flock Automated License Plate Reader database, also known as TALON;¹¹
- (10) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts/memoranda of understanding, promotional materials, or other documents identifying and relating to the Ulysses Group or the Ulysses car location tracking product.¹²

Request for Fee Waiver

EPIC requests a waiver of all fees associated with processing the request under Cal. Gov. Code § 6253 as EPIC has no commercial interest in the records, and disclosure is in the public interest. If EPIC does not receive a fee waiver please notify us in advance of processing if the fees are likely to exceed \$25.

Disclosure of the records requested is in the public interest as protest surveillance is a topic of immediate public concern. Thousands of individuals showed up to protests in California over the summer. Many feared police surveillance practices including video monitoring, drone surveillance, photographing protesters tattoos and social media surveillance.¹³ The public deserves to know how police monitored protesters, what tools were used, and how much support the federally-funded

¹⁰ <https://legal.thomsonreuters.com/en/products/clear-investigation-software/law-enforcement>

¹¹ Joseph Cox, *Inside 'TALON,' the Nationwide Network of AI-Enabled Surveillance Cameras*, VICE (Mar. 3, 2021), <https://www.vice.com/en/article/bvx4bq/talon-flock-safety-cameras-police-license-plate-reader>.

¹² Joseph Cox, *Cars Have Your Location. This Spy Firm Wants to Sell It to the U.S. Military*, VICE (Mar. 17, 2021), <https://www.vice.com/en/article/k7adn9/car-location-data-telematics-us-military-ulysses-group>; <http://www.theulyssesgroup.com>.

¹³ Max Marin, *Philly police took photos of protesters' tattoos, a surveillance tactic, before issuing simple tickets*, Billy Penn (Jul. 15, 2020), <https://billypenn.com/2020/07/15/police-protesters-tattoos-surveillance-philadelphia-civil-rights-internal-investigation/>.

DVIC provided to protest surveillance. This information will inform ongoing public debate over policing and the use of government funds.

Conclusion

Thank you for your consideration of this request. We anticipate your determination on our request within “10 business days”.¹⁴ For questions regarding this request, please contact Jake Wiener at (202) 483-1140 x108 or FOIA@epic.org.

Respectfully,

/s Jeramie Scott

Jeramie Scott
EPIC Senior Counsel

/s Jake Wiener

Jake Wiener
EPIC Law Fellow

¹⁴ Cal. Gov. Code § 6253(c).

Appendix

The following are excerpts from Requests for Information submitted to NCRIC, obtained as part of the BlueLeaks document cache.

RFID	Date	Center	Description
2025	6/5/20	NCRIC	<p>Informational Only</p> <p>6/9/20, Tuesday, members of the CCC community and others are planning a large car caravan to begin at the Contra Costa College Campus in San Pablo and travel through Richmond to coincide with the funeral of George Floyd. If you are planning to join the rally (additional information will be provided over the next few days) this was sent via email from one of the Deans to the Management Council at CCC.</p> <p>This will be a peaceful event and expect no problems to arise from it.</p> <p>No further details will update as more information becomes available.</p>
2022	6/4/20	NCRIC	<p>For Black out Tuesday, A 16 year old female changed her social media profile picture to all blue, in support of law enforcement, instead of all black, in support of Black Lives Matter. After such, someone posted that they wanted to go over to the residence and asked for the address. At some point, someone posted their address and phone numbers. There were approx. 1000-2000 posts or reposts to the incident. The family has been receiving death threats/property threats on social media, by phone and text.</p>
2021	6/3/20	NCRIC	<p>Twitter post. PROTESTING ON FRIDAY. MEET AT LOS MEDANOS COLLEGE Pittsburg, CA AT 11:15 FOR RALLY. START MARCH AT 1200. This is informational only. Nothing is confirmed. No further details. See attached post.</p>
2020	6/2/20	NCRIC	<p>The Golden Gate Bridge Patrol was alerted by SFPD, CHP, and USPP regarding a social media post mentioning a BLM march at the Golden Gate Bridge on Saturday, June 6, 2020 at 5pm.</p> <p>Per the NCRIC RFI email dated 6/01/2020, we request this information be added to the current list of local protests.</p>
2019	6/2/20	NCRIC	<p>This request is in response to the recent demonstrations occurring in San Francisco. We anticipate further planned and unplanned demos possibly lasting through the next weekend.</p>
2018	6/2/20	NCRIC	<p>BLM Protest in East Palo Alto on June 3rd</p>
2017	6/2/20	NCRIC	<p>Passing on event information for inclusion in Situational Awareness bulletin:</p>

			<p>George Floyd Solidarity - Healdsburg Thursday, June 4th 1830 hours Plaza Park</p> <p>https://www.facebook.com/events/254892375592550?acontext=%7B%22event_action_history%22%3A[%7B%22mechanism%22%3A%22search_results%22%2C%22surface%22%3A%22search%22%7D]%7D</p>
2015	6/1/20	NCRIC	<p>San Mateo Police (SMPD) has received open-source information regarding a planned "San Mateo County Looting Night" that includes Hillsdale Mall and possibly Bridgepointe Shopping Center in San Mateo. Open-source social media exchanges in conjunction with recent looting activity at Bay Area retail venues suggests the information is credible. More over, SMPD contacted an individual at Hillsdale Mall on 6/1/2020 who was engaged in suspected pre-event surveillance activity (SAR completed).</p> <p>In addition to the looting event, Coalition Z, a youth-led political change group, has organized a protest in San Mateo. The protest is titled the "BLM SM Solidarity Protest." SMPD has been in communication with one of the event organizers and there are planning and messaging for a peaceful protest. The protestors will gather at San Mateo City Hall (330 W. 20th Ave.) at 5 PM where there will be approximately 30 minutes of speakers. The group will then march from City Hall to the San Mateo Police station (200 Franklin Parkway) for a moment of silence. The event is expected to conclude at SMPD at about 7 PM. Protest organizers estimate between 200 and 600 people will participate in the event based on social media inquiries. SMPD has a plan in effect to ensure the safety of the peaceful protestors and the surrounding community. SMPD is concerned about malicious actors infiltrating the peaceful protest and engaging in violent and other nefarious activity as in other local protests.</p>
2014	6/1/20	NCRIC	<p>These post were located on various Instagram Accounts. The events are unconfirmed and are likely to change. I addition to the attached postings, several mentions of Big 5 Sporting Goods (Due to firearms)and several mentions of "hitting the 925" have also been made via open source. This information is intended for dissemination for situational awareness.</p>
2013	6/1/20	NCRIC	<p>Please provide open source information regarding looting, vandalism and criminal acts, also to include threats to law enforcement.</p>
2012	6/1/20	NCRIC	<p>From 5/29/20 through 5/31/20, Officers from San Rafael PD, along with other officers/deputies from Marin County, have</p>

			<p>responded on a mutual aid request to Emeryville and Oakland. They have observed significant violence and looting.</p> <p>On 6/1/20, concerned business owners and citizens are calling SRPD to report that they have observed chatter and news broadcasts indicating looters are planning to come to San Rafael.</p>
2011	6/1/20	NCRIC	<p>We are requesting analytical support by way of periodic monitoring of social media for threats to the Napa community by protesters.</p>
2010	6/1/20	NCRIC	<p>There are two planned protests in Fremont for tomorrow 06/02.</p> <p>Twitter User J @julimjauregui and IG: @/Julissa.jauegui : Organizer of a Black Lives Matter Protest for 06/02. Currently scheduled 1PM meet time at Sears parking lot of Newpark Mall. They plan to march to City Hall and then to Fremont PD. She has repeated she intends for a peaceful protest. She further claims she reached out to City and PD to join the march. Recent graphics encourage non-descript clothing, heat resistant gloves, turning off Face Id on iPhone etc.</p> <p>BLM ACAB AG @wh0rec0r3: Organizer of a peaceful protest for 06/02. Currently scheduled 5PM meet time at the Fremont Superior Court (changed from 8:30PM). Time change is claimed to be because they want to avoid riots and looting. Also claims "œall cops are pig fucking bastards"œ.</p> <p>I LOVE ANONYMOUS @siimsus and IG: Siimsus: (this is same as above, time change to 5) Organizer of a peaceful protest for 06/02. Currently scheduled for a meet time is 8:30PM at Fremont City Hall.</p> <p>There is also a planned protest on Saturday 06/06 in Fremont.</p> <p>Twitter User 13/14 Sturridge @pogbinhoo: Organizer of a Solidarity March in Fremont planned for 06/06. Currently scheduled for a 2PM meet up at Fremont Superior Court. They will then march to Fremont City Hall and then to Fremont PD. The organizer emailed the Mayor on 05/31 notifying of the march. The organizer wanted the Mayor's endorsement and want her to take a knee with them. Their route will be from the Superior Court, WB Walnut to NB Liberty, EB Capitol to SB Paseo Padre, EB Stevenson to PD</p>
2009	6/1/20	NCRIC	<p>Antioch PD is monitoring social media and other peripheral sources for protests related to the "George Floyd" incident that are being planned within the city. Protests in other local areas</p>

			<p>over the weekend have turned violent and criminal in nature (destruction of property, fires, shootings, looting, etc.) Currently, we have gather 2-3 social media posts referring to protests and looting in the City of Brentwood and Antioch.</p> <p>Antioch PD is requesting analytical support and assistance with monitoring social media and other open/closed source platforms for information that is trending regarding the potential for booth peaceful gatherings, and more energized protests calling for criminal activity or violence.</p>
2007	6/1/20	NCRIC	<p>FBI San Francisco continues to be concern about possible criminal activity; including mass causality attacks, vandalism and destruction of property, violence towards law enforcement and participants, and ideologically motivated attacks; near or about constitutionally protected activities in Oakland in response to the death of George Floyd in Minneapolis.</p> <p>FBI San Francisco request ROSA and appropriate analytic resources to support the EOC while it remains activated for the purpose of addressing criminal activity and national security threats relating to and during the civil unrest.</p> <p>Thank you for your continued support.</p>
2006	6/1/20	NCRIC	<p>Good morning, I received a flyer today from a prior student at Homestead High School in Sunnyvale about a Black Lives Matters protest that is scheduled for this Friday 06/05/20. The protest is scheduled to started at 5pm meeting at the downtown Sunnyvale area Macy's parking lot and marching to city hall. I spoke with the student who shared this flyer with us and she stated it was being passed around on-line so its unknown who created it or is sponsored this event.</p> <p>Due to the recent civil unrest that is occurring in the Bay Area, I am requested to try to validate this source and determine who is sponsoring this event. I also also hoping to get as much information about this so we can anticipate what resources we may need. I have attached this flyer to this request. If possible can you please expedite this request so we can prepare for this Friday.</p>
2005	5/30/20	NCRIC	<p>UNKNOWN SUBJECTS POSTING ON SOCIAL MEDIA, REGARDING RIOTS, PROTESTS, ACTS OF VIOLENCE, ETC.</p> <p>PLEASE REVIEW SOCIAL MEDIA FOR POSTS OF RIOTS, PROTESTS, ACTS OF VIOLENCE RELATED TO WALNUT CREEK AND THE WALNUT CREEK POLICE</p>

			DEPARTMENT FOR THE NEXT FEW DAYS (SEE ATTACHED FILES)
2004	5/30/20	NCRIC	<p>PLEASE REVIEW SOCIAL MEDIA FOR POSTS OF RIOTS, PROTESTS, ACTS OF VIOLENCE RELATED TO WALNUT CREEK AND THE WALNUT CREEK POLICE DEPARTMENT FOR THE NEXT FEW DAYS (SEE ATTACHED FILES)</p> <p>Request an open source work-up be conducted regarding the protest. The FB link is attached.</p> <p>https://m.facebook.com/events/2710977022463446?acontext=%7B%22ref%22%3A%22%22%2C%22action_history%22%3A%22null%22%7D&aref=3</p>
2003	5/29/20	NCRIC	<p>FBI San Francisco is concern about possible criminal activity; including mass causality attacks, vandalism and destruction of property, violence towards law enforcement and participants, and ideologically motivated attacks; near or about constitutionally protected activities in Oakland in response to the death of George Floyd in Minneapolis.</p>
2002	5/29/20	NCRIC	<p>We are anticipating possible vandalism, looting, arson, as well as crimes to persons such as assaults. We are anticipating a large crowd for a protest and these protests around the country have turned violent on many occasions.</p> <p>We are requesting analysts to monitor open source media to track crimes that are about to occur or have just occurred during the protest. We do not want to infringe on the first amendment rights of the peaceful protestors. We also need information specific to public safety in the areas of the protest.</p> <p>We would like you to monitor the open source media from a remote location and then report to the contact listed.</p>