

Counter-Terrorism Officials Helped Track Protesters

A cache of CHP emails provides a glimpse into how anti-terrorism and law enforcement officials monitored Black Lives Matter protesters on the web.

By Darwin BondGraham

On December 9, 2014, at 4:48 p.m., an internal email with the subject line, "Reminder for Tonight and this week: Do Not Advise Protesters That We Are Following Them on Social Media," circulated among dozens of California Highway Patrol commanders. The message read: "A quick reminder ... as you know, our TLO [Terrorism Liaison Officers] officers are actively following multiple leads over social media." The note continued, "this morning, we found posts detailing protesters' interaction with individual officers last night. In the posts, protesters are stating that we (CHP) were claiming to follow them on social media. Please have your personnel refrain from such comments; we want to continue tracking the protesters as much as possible. If they believe we are tracking them, they will go silent."

In recent years, police agencies throughout the United States have scoured social media as part of criminal investigations. But the police are also watching social media to spy on political protesters, especially those they suspect will engage in acts of civil disobedience. During the recent Black Lives Matter protests, local and state police agents monitored protesters on social media and activist websites. Several hundred CHP emails obtained by the *Express* show that social media is now a key source of intel for the police when monitoring political protests.

But the emails raise serious questions, say civil libertarians and some of the activists whose posts were harvested as intel. How do police monitor social media? Do they store data or track particular people? Are agencies over-reacting and wasting resources? And why are counter-terrorism police involved?

The TLOs tasked by the CHP with monitoring Black Lives Matter protesters on social media are employed by different local agencies and serve as points of contact for matters regarding terrorism. The role was created after 9/11, and the officers communicate through networks coordinated by fusion centers, such as the Northern California Regional Intelligence Center, or NCRIC, which connects police agencies from Monterey County to the Oregon border.

"We don't know as much about the TLO program as we should," said Nadia Kayyali, an activist with the Electronic Frontier Foundation. "We don't know what their standards are, their policies with respect to limits and privacy."

The Twitter user @domainawareness, whose tweets were collected by the police and used as intel, reviewed some of the



Joaquin Palomino/File photo

The CHP at an East Bay protest last fall.

CHP emails that we obtained. "It's the coordination that's disturbing," said @domainawareness, whom the *Express* has agreed to not identify. "Everything's totally fusion center-oriented and the information is going very high up."

An email sent on December 12 illustrates how counter-terrorism officials working out of fusion centers helped CHP monitor protesters. At 12:12 p.m. that day, Elijah Owen, a senior intelligence advisor with the California State Threat Assessment Center (Cal STAC) sent CHP officer Michael Berndt a copy of a protest flier calling for a speak-out and march against the CHP the next day. "Just so it's on your folks' radar," wrote Owen. Cal STAC officers appear in other CHP emails as sources of information, or recipients of intel gathered by the Oakland Police Department, Alameda County Sheriff's Office, and other agencies.

"We are not the CHP," Matthew Hopkins the deputy commander of Cal STAC told me. "There are CHP officers in the center, but it's a task force environment. We assess threats. Transnational crime. Terrorism." Hopkins said Cal STAC is a fusion center like NCRIC, except that its main focus is assessing strategic threats to the state of California. Hopkins said he could not comment on any emails sent by his subordinate because he hasn't seen them.

"They've built this big network and they have tremendous resources," said @domainawareness about the involvement of fusion centers in monitoring the Black Lives Matter protests. "But they don't have enough to do, so they're using this to watch political protesters. It's mission creep."

Kayyali added: "There's this mystique around doing surveillance and intel-gathering, and they're not really thinking about the usefulness of what they're doing, and why they're doing it."

Another email circulated among CHP commanders on December 11 included a two-page brief on the department's undercover

operations in Oakland and Berkeley in which at least four CHP officers were "[e]mbedded with protesters." According to the brief, these were Terrorism Liaison Officers from CHP's Investigative Services Unit (ISU).

"Up to this point, ISU TLO officers obtained intelligence on protesters through social media regarding dates, times, and locations of planned protests and of intentions to disrupt Bay Area freeways," explained the CHP brief.

The document includes screenshots of tweets, including three from East Bay resident Noura Khouri who took part in the protests. Khouri had tweeted two days before, "Since were dreaming @thehoopoe how about the bay bridge shut down + port shut down + general strike #shutitdown <3." On December 9 Gareth Lacy, a press officer with Caltrans forwarded to CHP commanders a similar tweet composed by @reclaimuc which stated: "may 2, 1992: UC Berkeley and Berkeley high students occupy bay bridge after acquittal of cops who beat Rodney King." Records show that CHP interpreted social media postings like these as evidence that the Bay Bridge was going to be shut down by protesters.

Acting on this fear, on December 12, CHP Assistant Chief Paul Fontana wrote his commanders requesting special response teams from other divisions. "I would also like to request SWAT," wrote Fontana, referring to the heavily armed special weapons and tactics team.

In an interview, Khouri characterized the reaction of CHP to the protests as extreme and ironic. "These protests initially formed as a direct result of police abuses," said Khouri. "I personally have stopped using Facebook for my political expression because of my deep concern for privacy, and law enforcement using it as a tool of political repression."

The CHP emails show that police were monitoring almost anything related to the Black Lives Matter movement. For example, Maria Dominguez helped organize a "Human Rights Day Vigil" with the nonprofit Ella Baker Center of Oakland on December 10 at the Alameda County Administration Building. "I posted our event on Indycity," said Dominguez in an interview. "We're always cautious of not putting anything online that would raise interest of law enforcement." Dominguez was surprised when she got a phone call from the Alameda County Sheriff's Office.

"When organizers get a call, it is chilling," said Dominguez. "The unsaid thing was, 'warning there's going to be a lot of police there, so if you're planning anything out of line, watch out.'"

Other police agencies flagged Dominguez's event as a threat. In an email with the subject line "RE: Social Media Update," CHP Investigator Timothy Randall emailed half a dozen other officers on December 10, including CHP Chief Avery Browne, and included a screenshot of Dominguez's event posting from Indycity. "Supposed to be just a 'vigil' but it is occurring in Oakland," wrote Randall.

I asked Dominguez why law enforcement might single out her event. "Maybe it's a virtual version of stop and frisk," said Dominguez. "My name is Maria Dominguez. I'm a Latina, and the Ella Baker Center,

it's racialized — it's named after a Black woman."

The Oakland Police Department also monitored the Twitter accounts and Facebook postings of Black Lives Matter protesters in December. One "situational awareness" update that OPD sent to the CHP listed a candlelight vigil by Lake Merritt, a Berkeley City Council meeting, and a visit by Mike Brown, Sr. to a San Francisco church as events to monitor:

I called Sergeant Randal Bandino, one of the OPD officers sharing these emails, to ask about how OPD monitors social media. Bandino said he personally isn't involved and can't speak to OPD's practices and policies. But he added, "It's nothing special."

.....
"They're not really thinking about the usefulness of what they're doing, and why they're doing it."

What we're looking at is what's open to the public."

Deputy Alameda County Sheriff David Darrin also said he couldn't speak about how his agency monitors social media, referring me instead to the sheriff's official spokesperson. Darrin is also an intelligence officer with the NCRIC fusion center. On December 7, Darrin shared Facebook events advertising upcoming marches "to protest the police riot in Berkeley" with his NCRIC colleague Nicholas Silva. Silva, a CHP officer, forwarded the information on to CHP investigators.

CHP spokesperson Brandie Dressel wrote in an email to me that the CHP has no policies governing the monitoring of social media, but that officers "search for any and all 'open source,' or publicly available, information related our public safety assessments." According to Dressel, the CHP doesn't keep any of this data. As to why Terrorism Liaison Officers were leading the CHP's effort to monitor Black Lives Matter protesters, Dressel wrote, "CHP TLOs can at times be assigned to gather intelligence and provide logistical support for a reasonable and clearly articulated law enforcement purpose."

The emails obtained by the Express from CHP were originally part of a Public Records Act request made by San Francisco resident Michael Petrelis. Petrelis said he asked for the records because he was concerned about CHP's use of less-than-lethal weapons and armed undercover agents. Petrelis also said he is not surprised to see the extensive monitoring of social media by the police. "I come out of Act Up in NYC," said Petrelis. "The cops came to our meetings and they picked up all the lit."

"My experience in organizing is that cops are watching you," he continued. "In the Tech Age, you have to always think the cops are reading this."

SuperBOLD Alert: Stop Berkeley Handing Trump a Militarized Police / Surveillance System

ATTEND POLICE REVIEW COMMISSION (PRC) WED. JAN. 25, 2017, 7 PM
NORTH BERKELEY SENIOR CENTER, 1903 Hearst Ave. at MLK Jr. Way, Berkeley
Speak to Item 8 (b) on the Agenda

Here is the "Ask":

Ask PRC to recommend to City Council: Do NOT renew UASI (Urban Areas Security Initiative; funds Urban Shield) and Do NOT renew NCRIC (Northern California Regional Intelligence Center) the surveillance, information-sharing program coordinated with the FBI's Bay Area Joint Terrorism Task Force (FBI - JTTF or BJTF).

Background:

UASI and NCRIC are Federally administered Department of Homeland Security programs, i.e. now under the rule of President Trump and his cabinet appointees. As a "Community of Resistance" (recommended by the Peace and Justice Commission to Berkeley City Council - Supplementary Report 3, 12/13/16) the Berkeley City Council has already reinforced its resolve as a Sanctuary City for undocumented migrants.

Now Berkeley must also cut ties with these federal programs (UASI and NCRIC) which are responsible for the nationwide, ever-increasing militarization of local police departments. NCRIC is also responsible for the use in local police and sheriff departments of Terrorism Liaison Officers (TLOs) who are guided by the program, Information-Sharing Environment Suspicious Activity Reporting (ISE - SAR). See "Counter Terrorism Officials Helped Track Protesters" (East Bay Express, 4/15-21/2015), an article exposing TLO's tracking of Black Lives Matter demonstrations and vigils that occurred in December, 2014.

President Trump has stated that he wants to expand "stop and frisk" and to increase "spies on the street". We must resist this:

Demand that the Berkeley City Council set an example for other cities by showing them that a city's governing board can refuse to review their police departments' agreements with these federally administered programs (UASI and NCRIC) that have infiltrated our local police departments - Help stymie an incipient "COINTELPRO" by Trump and his bigoted buddies!

SuperBOLD (Berkeleyans Organizing for Liberty Defense)

(510) 843-2152

40 DAY GENERAL STRIKE

AIDS Epidemic & URBAN SHIELD.....

We Be the Marching Band that WILL never Yield..... as the escalation of Cops in numbers attack in home RAIDS.... So too manmade epidemics/pandemics unleashed like AIDS

Warehoused be 164,000 FEMA 4 person caskets in East Bay.. they are there for a reason as we've long been subjected to Treason.....Prophetic 40 Day GENERAL STRIKE be the Play

URBAN SHIELD..... to Federalize and Militarize Law Enforcement nationwide....with no where to run & no where to hide...Embrace Ye thee Prophecy & watch them collide...

CSPOA :Constitutional Sheriffs Peace Officers Association... they be our connection for a needed Insurrection in this floundering Nation...(they are hated by DC...the BAR Association....and corrupt cops)....keep in mind that cops & Sheriffs are being screwed by the System as are we.....

IMAGINE....being an Honest Cop and realizing that over 357 cops & Sheriffs have been murdered (by their own corrupt superiors) for being Whistleblowers...in the last 32 years..

REMEMBER SERPICO...the NY cop in the 70's almost murdered for exposing police corruption.....his famous statement.." 10% of Cops are really Good, 10 % of Cops are really BAD, and 80% of Cops wish they were really good"

AS OUR INTENTION BE TO VANQUISH the 1%'s CORRUPT Controls over our Lives....WOULD IT BE HELPFUL TO BE UNITED WITH HONEST LAW ENFORCEMENT ?????

FAITH... COURAGE....PROPHECY...WARRIOR ACTION....



NOT Taking this murderous BS anymore

WE ~~WE ARE~~ ENEMIES of the State (by LAW)

of the State (Trading with the Enemy Act 1933 Act of 1917 & 1933). Trading with the Enemy Act 1933 Act of 1917 & 1933 (People Declared the Enemy) Oct. 6, 1917, under the Trading with the Enemy Act, Section 2, subdivision (c), Chapter 106 -Enemy defined "other than citizens of the United States..." March 9, 1933, Chapter 106, Section 5, subdivision (b) of the Trading with the Enemy Act of Oct.6 1917 (40 Stat. L. 411) amended as follows "...any person within the United States.." See H.R. 1491 Public No.1

**OHLONE SHELLMOUNDS Spiritual Grounds
Cease asking & Be NOW TASKIN....**

They have broken every Treaty every law

The world's a warzone worst ever I saw

Speak to the Higher Power resides in Heart

The 40 Day Freedomstrike the 21st to Start

The Women's Oakland March on the 21st

How many Native children stolen & sold

Also raped & murdered TIME NOW Be Bold

There's no one to ask & nowhere to turn

40 Day Freedomstrike & System will burn

Then a 20 hour work week & no \$ for rents

Not a penny to the System All Off da fence

**The Great California Rainbow Peace Pow-
Wow be found on the Oakland Port**

**All Warriors all Patriots all musicians,
speakers and dancers be asked to report**

Human Trafficking : 10 days after Pope John

. gives Special Dispensation to Detective James

Rothstein to Investigate Church pedophiles and Vatican

Bank Corruptions the Pope was murdered. January 18 on

Revolution Radio Monique Lessan speaks w Rothstein

Greenwood, Andrew

From: Greenwood, Andrew
Sent: Wednesday, January 25, 2017 6:20 PM
To: Lee, Katherine
Subject: Responses
Attachments: OrgChartPRCTopTwoLevelBPD.pdf; LexipolLists2-3-4.pdf

Kathy,

Here is information we discussed. Sorry it comes so late

Encampment Information:

Q: Is the directive to do the raids coming from the BPD itself or from above the Department?

Moving an encampment requires coordination across several city departments. Therefore, the City Manager's office provides direction, and staff plans and coordinates the related activities.

Q: Who is at the table deciding the scope of the enforcement action?

There is not a formal "table" or discussion regarding "scope"; generally the approaches have been similar.

Q: Regarding the seizure of property by the Dept. Of Public Works; how is BPD involved, and why is there still this illegal practice of seizing property without receipts?

BPD generally contacts people on site, gives direction, and ensures other city staff are safe. BPD does not typically seize property.

Were operational plans written before each raid, and were after-action reports written after?

Operation plans are prepared for each operation. After action reports are not prepared; a report may be prepared depending on enforcement outcomes.

What protocols are in place on detaining disabled people?

Our policies A-17, J-1, T-19, and C-66 may apply, depending on specific circumstances.

Our goals have generally been to have people gather their belongings and move, not to seize property, and not to take people into custodial arrest.

Organization Chart:

I've attached a high level org chart, which we are prepping for the budget submittal process. It gives the basic layout with the revived fourth division, Support Services.

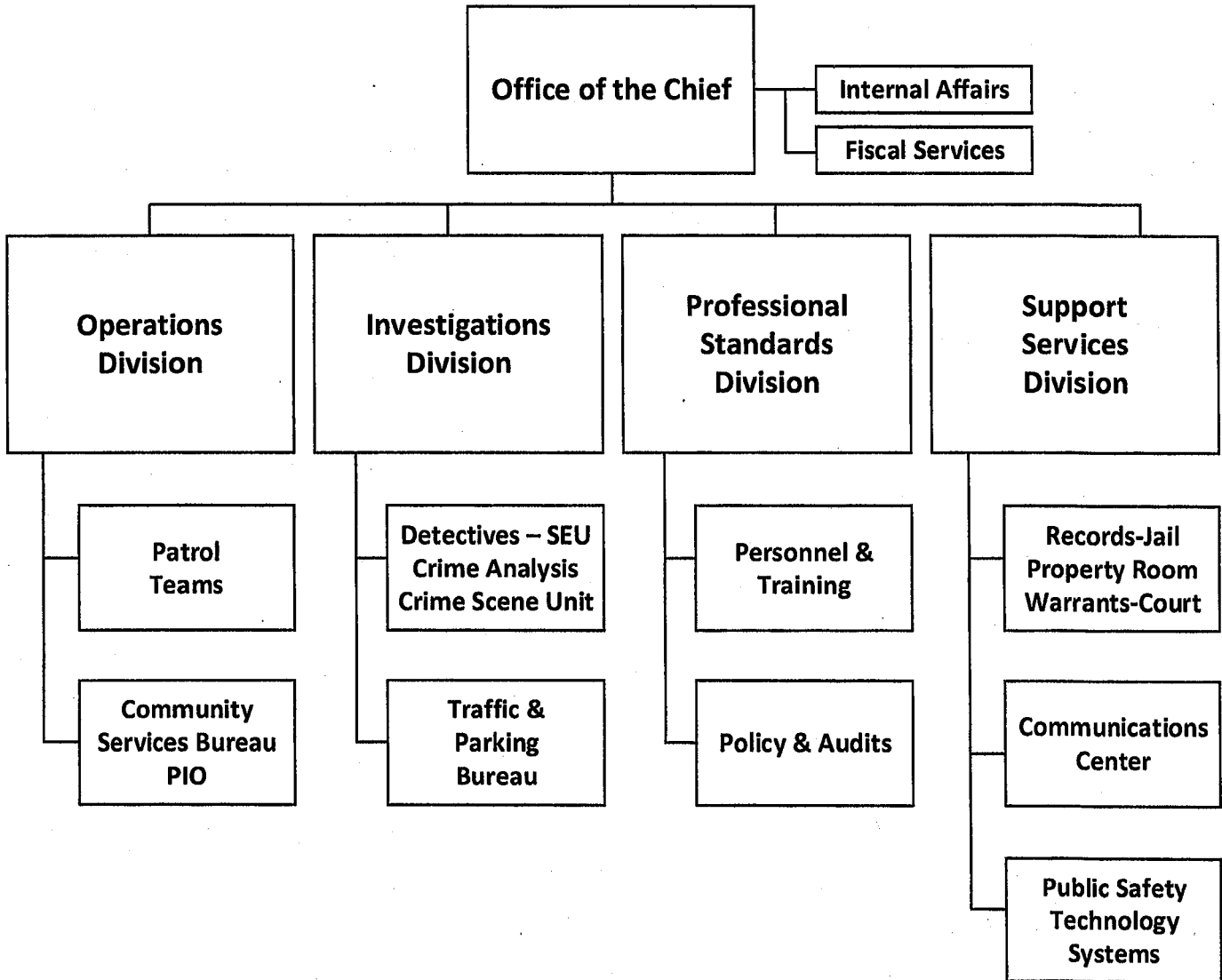
Lexipol Lists:

I've attached the 2nd, 3rd, and 4th lists of policies which are awaiting my approval.

Best regards,

Andrew Greenwood
Int. Chief of Police
Berkeley Police Department
(510) 981-5700

**Berkeley Police Department
Organization Chart
January 2017 Re-Organization**



Lexipol Policies for Review (Part 2)

The Primary Working Group has vetted the policies listed below. Please review and make any suggested edits on the actual document. Please return the binder to me before **Friday 11/25/16**. If no binder is received, it will be presumed that you agree with the policy. Please email or call with any questions!

Thanks!

Sgt. Sam Speelman

		Lexipol Policy Name	Expert / Notes	Edits? Y/N
1	312	Temporary Custody of Juveniles	Sam Speelman	
2	331	Identity Theft		
3	337	Biological Samples		
4	344	Off Duty Law Enforcement Action		
5	346	Honor Guard	2014 Policy	
6	400	Patrol Function		
7	414	Reporting Policy Activity Outside of Jurisdiction		
8	417	Aircraft Accidents		
9	419	Obtaining Air Support	Andrew Rateaver	
10	420	Detentions and Photographing Detainees		
11	432	Civil Disputes		
12	604	Eyewitness Identification		
13	808	Animal Control		
14	1000	Recruitment and Selection	Rico Rolleri	
15	1009	Smoking and Tobacco Use		

The Lexipol Primary Working Group (PWG) consists of the following members:

1. Lt. Dave Reece
2. Lt. Dan Montgomery
3. Lt. Mike Durbin
4. Sgt. Emily Murphy
5. Sgt. Spencer Fomby
6. Sgt. Joe Okies
7. Sgt. Peter Hong
8. Sgt. Dave Lindenau
9. Sgt. Sam Speelman

Lexipol Policies for Review (Part 3)

The Primary Working Group has vetted the policies listed below. Please review and make any suggested edits on the actual document. Please return the binder to me before Friday 1/13/17. If no binder is received, it will be presumed that you agree with the policy. Please email or call with any questions!

Thanks!

Sgt. Sam Speelman

	Lexipol	BPD GO	Lexipol Policy Name	Notes	Expert
1	103	P-18	Policy Manual		Montgomery
2	207	R-37	Retiree Concealed Firearms		
3	208	C-03, c-00	License to Carry a Firearm		
4	315	C-08	Child Abuse		Speelman
5	406	T-16	Hazardous Material Response		Rateaver
6	426	W-01	Public Recording of Law Enforcement Activity	PRC had small edits	
7	435		Medical Aid and Response		McDougall
8	700	C-17, E-07	Department Owned and Personal Property		
9	702		Vehicle Maintenance		
10	703	V-01	Vehicle Use		
11	903	T-02	Transportation of Prisoners	All BPD Content	Dave White
12	1011		Seat Belts		
13	1015	P-21	Employee Commendations		
14	1018		Lactation Break Policy	has note within doc to discuss re-make of room on first floor	
15	1023		Personal Appearance Standards		

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6. Sgt. Joe Okies
7. Sgt. Peter Hong
8. Sgt. Dave Lindenau
9. Sgt. Sam Speelman

Lexipol Policies for Review (Part 4)

The Primary Working Group has vetted the policies listed below. Please review and make any suggested edits on the actual document. Please return the binder to me before Friday 2/17/17. If no binder is received, it will be presumed that you agree with the policy. Please email or call with any questions!

Thanks!

Sgt. Sam Speelman

	Lexipol	GO	Title
1	102		Oath of Office
2	312	I-15, J-18	Temporary Custody of Juveniles
3	318	A-60	Victim and Witness Assistance
4	348	J-18	Youth Services
5	501	E-03	Traffic Collision Reporting
6	502	V-02	Vehicle towing and Release
7	506	T-18	Disabled Vehicles
8	601		Sexual Assault Investigations
9	603	D-04, S-8	Informants
10	605		Brady Material Disclosure
11	808	A-32	Animal Control
12	810	P-33	Computer Voice Stress Examinations
13	1003	G-02	Grievance Procedure
14	1004		Anti-Retaliation
15	1005		Reporting of Employee Convictions
16	1006	D-19	Drug and Alcohol Free Workplace
17	1017		Meal Periods and Breaks
16	1019		Payroll Record Procedures
19	1020	D-15	Overtime Compensation Requests
20	1034	P-15	Special and Temporary Duty Assignments, Application and Selection Procedures

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