

VIA EMAIL

Lieutenant Barry Jacobs  
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Philadelphia, PA 19106  
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March 17, 2021

RE: Right to Know Law Request

Dear Lieutenant Jacobs,

This letter constitutes a request under the Pennsylvania Right to Know Law, PA ST 65 P.S. § 67.101 et seq. and is submitted by the Electronic Privacy Information Center.

EPIC requests records related to the Delaware Valley Intelligence Center's activities during the summer of 2020 and use of new surveillance technologies. Please provide all records in a searchable electronic format, preferably PDF or Excel spreadsheet.

## 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.<sup>1</sup> 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.<sup>2</sup> Fusion centers played a prominent role in surveilling protesters, providing advanced tools like facial recognition and social media monitoring to local police.<sup>3</sup> The BlueLeaks documents, records

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<sup>1</sup> Larry Buchanan, Quoc Trung 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>.

<sup>2</sup> 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/>;

<sup>3</sup> 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/>; 'Blue leaks' include information about police surveillance of Black Lives Matter protests, WGME News (Jun.

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

Philadelphia was at the center of 2020s Black Lives Matter protest movement, drawing large crowds, mass arrests, and inciting fear of mass surveillance. Protests in the city continued through the end of August 2020, reignited by the killing of Jacob Blake.<sup>5</sup> Philadelphia was also the site of substantial protest surveillance. Analysis of Requests for Information submitted to DVIC between June 1<sup>st</sup> and June 5<sup>th</sup>, 2020 reveals at least eight requests for protest monitoring, including anticipatory social media monitoring of activists.<sup>6</sup> DVIC's RFI request form allows local police to request the use of surveillance technologies including facial recognition, social media monitoring, CellHawk cell phone tracking and Cellebrite cell phone hacking, address search through Palantir's CLEAR database, and automated license plate reader location tracking.

### 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;<sup>7</sup>
- (5) All policies, privacy impact assessments, evaluations, training materials, use records, contracts memoranda of understanding or other documents relating to the CLEAR software/database;<sup>8</sup>
- (6) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts, memoranda of understanding or other documents identifying and relating to DVIC's social media

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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>.

<sup>4</sup> 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/>.

<sup>5</sup> Kimberly Davis, *Hundreds Of Protesters Hit Philadelphia Streets Over Police Shooting Of Jacob Blake*, CBS Philly (Aug. 26, 2020), <https://philadelphia.cbslocal.com/2020/08/26/hundreds-protest-underway-in-center-city-over-police-shooting-of-jacob-blake/>.

<sup>6</sup> See Appendix.

<sup>7</sup> <https://www.hawkanalytics.com/cellhawk/>

<sup>8</sup> <https://legal.thomsonreuters.com/en/products/clear-investigation-software/law-enforcement>

analysis and monitoring tools (e.g. Geofeedia, Babel Street, Dataminr, Media Sonar, Snaptrands, 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 logs, contracts/MOUs or other documents identifying and relating to Flock Automated License Plate Reader database, also known as TALON;<sup>9</sup>

(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.<sup>10</sup>

#### Request for Fee Waiver

EPIC requests and should receive a waiver of fees under PA ST 65 P.S. § 67.1307(f)(2) because the release of the records 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 Philadelphia over the summer.<sup>11</sup> Many feared police surveillance practices including video monitoring, drone surveillance, photographing protesters tattoos and social media surveillance.<sup>12</sup> The public deserves to know how police monitored protesters, what tools were used, and how much support the federally-funded DVIC provided to protest surveillance. This information will inform ongoing public debate over policing and the use of government funds.

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<sup>9</sup> 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>.

<sup>10</sup> 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>.

<sup>11</sup> Daniel Gallen, *Philadelphia sees massive turnout for George Floyd protests ahead of citywide curfew*, Penn Live (Jun. 6, 2020), <https://www.pennlive.com/news/2020/06/philadelphia-sees-massive-turnout-for-george-floyd-protests-ahead-of-citywide-curfew.html>.

<sup>12</sup> 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/>.

Conclusion

Thank you for your consideration of this request. We anticipate your determination on our request within “five business days”.<sup>13</sup> For questions regarding this request, please contact Jake Wiener at [FOIA@epic.org](mailto:FOIA@epic.org).

Respectfully,

/s Jeramie Scott  
Jeramie Scott  
EPIC Senior Counsel

/s Jake Wiener  
Jake Wiener  
EPIC Law Fellow

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<sup>13</sup> 65 P.S. § 67.901.

## Appendix

The following are excerpted from DVIC's Requests for Information obtained through the BlueLeaks document trove.

RFID	Date	Center	Description
11512	6/1/20	DVIC	<p>Can we please have a DVIC analyst do a social media work up for the City of Coatesville Police Department, PA ORI: PA0150100. We requesting intelligence information related to a planned George Floyd protest this Thursday, June 4th 2020 at 11:00am. We have limited information at this time and need your assistance in preparing an Operation Plan. Skylar Fraticelli may be an organizer and promoter. She lives outside of the City and her Facebook profile link is:  <a href="https://www.facebook.com/serena.fraticelli.5">https://www.facebook.com/serena.fraticelli.5</a> Nydea Graves lives in the Coatesville area and may be involved in the protest planning. Her Facebook profile link is:  <a href="https://www.facebook.com/nydeag">https://www.facebook.com/nydeag</a> Facebook Event Protest for George Floyd Coatesville link:  <a href="https://www.facebook.com/events/890106924790199">https://www.facebook.com/events/890106924790199</a> We received information that there are posts related to the protest in the following Facebook Groups: 1. Committed to Coatesville Pennsylvania 19320:  <a href="https://www.facebook.com/groups/122122644498403/">https://www.facebook.com/groups/122122644498403/</a> 2. Protest For George Floyd Coatesville:  <a href="https://www.facebook.com/groups/651331822390546/">https://www.facebook.com/groups/651331822390546/</a></p>
11516	6/1/20	DVIC	<p>We received unverified information that Marlene Pray will be holding a rally in Doylestown, PA and then moving the rally to Lower Makefield's Garden of Reflection. An open source check of Facebook <a href="https://www.facebook.com/marlenepray">https://www.facebook.com/marlenepray</a> shows her posting a lot about "riots." We are requesting assistance in scrubbing social media for any further intelligence into a possibly rallying in or about Lower Makefield Township.</p>
11514	6/1/20	DVIC	<p>Philadelphia George Floyd Protest and Riot - Destruction of 2 PA State Police vehicles and theft of PA State Police property</p>
11516	6/1/20	DVIC	<p>We received unverified information that Marlene Pray will be holding a rally in Doylestown, PA and then moving the rally to Lower Makefield's Garden of Reflection. An open source check of Facebook <a href="https://www.facebook.com/marlenepray">https://www.facebook.com/marlenepray</a> shows her posting a lot about "riots." We are requesting assistance in scrubbing social media for any further intelligence into a possibly rallying in or about Lower Makefield Township.</p>
11534	6/2/20	DVIC	<p>Bank fraud suspect in attached photos. Attempted to withdraw money using fraudulent credentials. Requesting facial recognition.</p>

11538	6/3/20	DVIC	On 05/30/20, two PA State Police vehicles were destroyed by rioters in the area of Vine Street in Philadelphia. I am requesting any and all photos that may have been taken by PPD of all protesters arrested on 05/30/20. All videos or pictures that may show suspects that were involved in the destruction of the vehicles. Thank you.
11559	6/5/20	DVIC	Good morning and thank you for your support. I am trying to identify and track planned protests in Philadelphia and the surrounding regions for its impact to my bank-Citizens Bank. Can you direct me to a site, department, alert system that has the most up-to-date information available. thanks again and best regards Mark S. Young, II Citizens Bank
11563	6/5/20	DVIC	Ongoing protest intelligence. Looking for social media intelligence in reference to pop-up protests which have been happening in Bridgeport Borough, Montgomery County. We have had one with 300+ participants on 6/3/20. Smaller pop-up protests have occurred on 6/4/20 in town as well. Planned protest observed for 6/8/20 on DeKalb Street Bridge according to preliminary intelligence.