

SARAH DUNNE  
LEGAL DIRECTOR

ROSE SPIDELL  
NANCY TALNER  
HARRY WILLIAMS IV  
STAFF ATTORNEYS



October 26, 2009

Washington State Patrol  
Public Records Manager  
PO Box 42631  
Olympia, WA 98504-2611

**Re: Public Records Request**

Dear Public Records Manager:

This is a request for public records pursuant to the Washington Public Records Act, RCW 42.56, made by the American Civil Liberties Union of Washington.

Pursuant to the Public Records Act, please provide any copies of the following records,<sup>1</sup> that were prepared, received, transmitted, collected and/or maintained by the Washington State Patrol (“WSP”). For each request, we seek records created or collected from January 1, 2005 to the present.

1. Any records describing WSP involvement any “Suspicious Activity Reporting” program, including:
  - a. Records describing guidelines for what constitutes “suspicious activity” or “suspicious circumstances;”
  - b. Records describing community or citizen involvement in “Suspicious Activity Reporting;”
  - c. Any records of Suspicious Activity Reports or Suspicious Circumstances Reports prepared or received by any WSP officer.
2. Any records relating to communication between any employee, contractor or agent of the WSP and the Washington Joint Analytical Center (WAJAC), the Washington State Fusion Center (WSFC), any Regional Intelligence Office or Group (RIG), or any Regional Intelligence Analysts;
3. Records describing the “Washington Joint Analytical Center (WAJAC)” and the “Washington State Fusion Center (WSFC)” (collectively, “the fusion center”) created or collected from January 1, 2008, including:

AMERICAN CIVIL  
LIBERTIES UNION  
OF WASHINGTON  
FOUNDATION  
705 2ND AVENUE, 3RD FL.  
SEATTLE, WA 98104  
T/206.624.2184  
F/206.624.2190  
WWW.ACLU-WA.ORG

JESSE WING  
BOARD PRESIDENT

KATHLEEN TAYLOR  
EXECUTIVE DIRECTOR

---

<sup>1</sup> The term “records” includes all records or communications preserved in any form, including: correspondence, documents, data, e-mails (including all attachments and history), text messages, web searches (including search histories), audio/visual tapes, faxes, files, guidance, analyses, notes, procedures, rules, manuals, and technical information.

- a. Any records describing how many officers and which agencies participate in the fusion center
- b. Any records that describe the purpose or primary tasks of the fusion center;
- c. Any records relating to fusion center training;
- d. Any records describing the statutory authority governing the fusion center and their public and private participants, with regard to expressive activity;<sup>2</sup>
- e. Records describing the relationship and/or differences between WAJAC and/or WSFC;
- f. Any records relating to the use of a private contractor, third party, or private individual (including federal or military agents acting in their individual capacity) to engage in surveillance, investigation or collection of information about expressive activity;
- g. A list of all fusion center databases that contain information about expressive activity;
- h. A list of all third party databases, accessible by the fusion center, that contain information about expressive activity, along with records relating to database access;
- i. Any records describing how and why information about expressive activity is entered into each database listed pursuant to requests g and h;
- j. Any formal agreement between the fusion center and any government agency providing for access to information or records maintained by that agency;
- k. Records relating to private sector participation in fusion center information storage or collection;
- l. Any formal agreement between the fusion center and/or the Washington State Patrol and any private sector entity providing for access to information maintained by that entity;

---

<sup>2</sup> The term "expressive activity" includes writing, speeches, demonstrations, protests, marches, drawing, note-taking, photography or any other activity protected by the First Amendment. This also includes information about individuals engaged in expressive activity related to the following causes: 1) pro- and anti- military or militarization; 2) abortion rights; 3) pro-peace or world-peace; 4) anarchism or socialism; 5) pro- and anti- immigrant rights; 6) anti- death penalty; and 7) anti-war.

- m. Any records describing fusion center and/or Washington State Patrol use of commercial data aggregators;
- n. Records identifying all federal, state and local government agencies, receiving information from the fusion center;
- o. Records describing the nature of information shared with or received by federal, state and local government agencies regarding the fusion center;
- p. Any written agreements between the fusion center and any federal, state, or local agency regarding information sharing;
- q. Records identifying all private entities receiving information from the fusion center;
- r. Any written agreements between the fusion center and any private entity regarding information sharing;
- s. Records describing minimum standards for fusion center intelligence products;
- t. Fusion center budget information for fiscal years 2008 and 2009, including identification of any federal funds received or applied for.
- u. Certification of compliance with 28 C.F.R. § 23.20.
- v. Any records of fusion center privacy policies governing the collection, storage or dissemination of information about expressive activity;
- w. Any fusion center policies and procedures providing for a privacy oversight board or officer, including procedures for auditing and disciplining fusion center employees or contractors.
- x. The identity of the fusion center privacy officer and of all members of any privacy oversight board or committee.
- y. Policies and procedures governing the establishment, maintenance and use of information within any data exchanges utilized by WAJAC and/or WSFC, including eGuardian, Guardian and Investigative Data Warehouse,
- z. Records describing any fusion center procedures to prevent the scrutiny of persons or groups solely on the basis of personal bias or espousing an unpopular viewpoint;

- aa. Policies and procedures governing public access to fusion center records, including any policies on permitting members of the public to view, contest, or correct information about them.
4. Any records regarding Law Enforcement Terrorism Prevention Program (LETPP) grants issued to or sought by WSP;
5. Any records of expressive activity relating to military shipments through the Port of Tacoma, Port of Olympia, or Port of Grays Harbor; including:
  - a. Any records relating to the surveillance, investigation, and/or collection of information about expressive activity;
  - b. Any records of threat assessments, intelligence updates and/or reports involving expressive activity.
6. Any records describing how, why or when an activist or expressive activity was selected as a surveillance target in Washington State;
7. Any records indicating whether any WSP employee, private contractor or agent engaged in any of the following efforts regarding expressive activity in Washington State:
  - a. Infiltrated political activist groups or meetings in an undercover capacity;
  - b. Gathered information via informants;
  - c. Collected information from websites, e-mail, text message, electronic mailing list or physical mailing list operated by any political activist;
  - d. Attended any expressive activities organized by a target of surveillance;
  - e. Participated in any Suspicious Activity or Suspicious Circumstance Reporting program.
8. Any records relating to the use of a private contractor, third party, or private individual (including federal or military agents acting in their individual capacity) to engage in surveillance, investigation or collection of information about expressive activity;
9. Any e-mails between political activists in Washington State or between any political activist in Washington State and any military, local, state or federal law enforcement official, employee, contractor or agent;

10. Any records relating to any other federal, state or local government agencies engaged in surveillance, investigation or collection of information about expressive activity in Washington State;
11. Any directives or policies describing the process for handling information about expressive activity;
12. Any records relating to the following events in Washington State (including the planning of the events, and individuals involved in the events):
  - a. October 10, 2009 protest activity at the First Christian Church, 6th and Orchard, in Tacoma;
  - b. October 7, 2009 protest activity and march at Woodruff Park, on the corner of Harrison and Thomas on the Westside of Olympia;
  - c. September 27, 2009 protest activity at the corner of 12<sup>th</sup> and Commercial in Anacortes;
  - d. September 25-27, 2009 gathering and fair at the Flowery Trail Fair Site near Usk;
  - e. September 19-20, 2009 book fair and gathering at King's Books, 218 St. Helens Ave, in Tacoma;
  - f. September 13, 2009 protest activity at the corner of 12<sup>th</sup> and Commercial in Anacortes;
  - g. September 4-6, 2009 gathering and fair in Elma;
  - h. August 30, 2009 protest activity at the corner of 12<sup>th</sup> and Commercial in Anacortes;
  - i. August 16, 2009 protest activity at the corner of 12<sup>th</sup> and Commercial in Anacortes;
  - j. August 15-16, 2009 festival and gathering at Elliot Bay Park and Myrtle Edwards Park in Seattle;
  - k. July 4<sup>th</sup>, 2009 protest activity in Bellingham;
  - l. May 9, 2009 protest activity at the Freedom Bridge over exit 122 on I-5, in Tacoma;
  - m. May 7, 2009 protest activity and march in Tacoma;

- n. May 1, 2009 protest activity at Central Washington University in Ellensburg;
- o. March 22, 2009 protest activity and rally at the Port of Olympia amphitheater, 915 Washington Street NE, in Olympia;
- p. March 22, 2009 protest activity at both the Port Tower and Sylvester Park in Olympia;
- q. March 21, 2009 protest activity in Tacoma;
- r. March 21, 2009 protest activity at Franklin Park, North Division, in Spokane;
- s. March 19, 2009 protest activity at intersection of South 320<sup>th</sup> Street and Pacific Highway South in Federal Way
- t. March 19, 2009 demonstration and movie showing at Capitol Theater, 206 5<sup>th</sup> Ave SE, in Olympia;
- u. March 15, 2009 protest activity at the Tacoma Mall in Tacoma;
- v. January 22, 2009 demonstration at the Washington State Capitol Building in Olympia;
- w. January 16, 2009 protest activity at West Side Olympia Police Station;
- x. January 16, 2009 protest which proceeded from downtown Olympia, along Harrison Ave, to Perry Street police sub-station;
- y. December 11, 2008 protest activity at the corner of 17<sup>th</sup>, Pacific and Commerce in Tacoma;
- z. December 11, 2008 demonstration and march in Olympia;
- aa. December 02, 2008 and May 01, 2008 protest activity at the Washington State Capitol Building in Olympia;
- bb. November 15, 2008 demonstration at Sylvester Park, 4<sup>th</sup> Ave and Port of Olympia in Olympia;
- cc. November 15, 2008 demonstration at City Council Building in Olympia;
- dd. October 29, 2008 protest activity at Thurston County Courthouse at 2000 Lakeridge Drive in Olympia;

- ee. October 26, 2008 protest activity at Wells Fargo at 2215 N. 30<sup>th</sup> Street in Tacoma;
- ff. October 22, 2008 demonstration through downtown Olympia, which began at Sylvester Park;
- gg. October 16-19, 2008, gathering in/near Tonasket;
- hh. October 11, 2008 protest activity and vigil at the Northwest Detention Center, 1623 E. J Street, in Tacoma;
- ii. September 29, 2008 protest activity at 909 8<sup>th</sup> Ave SE in Olympia;
- jj. September 26, 2008 “Critical Mass” bicycle ride from Evergreen State College to Port of Olympia;
- kk. September 20, 2008 protest activity at the Federal Building, First and Oak Streets, in Port Angeles;
- ll. September 9, 2008 demonstration in Olympia, moving from Capitol Lake Park to City Hall;
- mm. August 3 through 5, 2008 protest activity at Port of Tacoma;
- nn. August 3, 2008 protest activity at 11<sup>th</sup> and Thorne in Tacoma;
- oo. August 2 through 3, 2008 protest activity at I-5 Exit 119 (Fort Lewis / Dupont) overpass; at Tacoma’s Federal Courthouse (1713 Pacific Ave); and at Puyallup Ave and East D. Street in Tacoma;
- pp. August 2, 2008 protest activity at I-5 Exit 120;
- qq. August 1, 2008 protest activity at I-5 Berkeley Exit and Logistics Center Exit;
- rr. August 1 and 2, 2008 protest activity at I-5 Exit 123 (Berkeley) and at Thorne and Berkeley overpasses;
- ss. July 31 through August 1, 2008 protest activity in Tacoma at 11<sup>th</sup> and Portland Ave; 11<sup>th</sup> and Milwaukee Ave; Thorne Lane and Ross Way; Port of Tacoma Road and Ross Way; Lincoln Ave and Milwaukee Way; 11<sup>th</sup> between Port of Tacoma Road and Milwaukee Way;
- tt. July 31, 2008 protest activity at Tacoma Mall (4502 S Steele St);
- uu. July 31 and August 1, 2008 protest activity in Tacoma at: Tollefson Square (1701 Pacific Ave); Tacoma’s Federal Courthouse (1713

- Pacific Ave); Puyallup and East D. Street; corner of Lincoln and Milwaukee; and corner of Ross and Thorne;
- vv. July 30, 2008 protest activity at Puyallup Ave and East D. Street in Tacoma;
- ww. July 30, 2008 at I-5 Logistic's Center / Thorne Street Exit in Tacoma;
- xx. July 29 through August 7 2008 protest activity at Port of Tacoma and Fort Lewis;
- yy. July 27, 2008 activity at army tugboat "Scholarie";
- zz. June 3, 2008 protest activity and demonstrations at Tacoma Convention Center at 1500 Broadway in Tacoma;
- aaa. May 30-31, 2008 protest activity at Naval Base Kitsap-Bangor on the Kitsap Peninsula;
- bbb. May 10-11, 2008 protest activity at Naval Base Kitsap-Bangor on the Kitsap Peninsula;
- ccc. May 3, 2008 rally and march from Volunteer Park to Westlake Center in Seattle;
- ddd. May 1, 2008 protest and vigil in Yakima;
- eee. May and June 2008 protest activity at Evergreen State College;
- fff. April 26, 2008 demonstration in Tacoma starting at People's Park and ending at Tacoma Detention Center;
- ggg. March 19, 2008 protest activity in Spokane;
- hhh. March 15, 2008 protest activity at Tacoma Mall (4502 S Steele St);
- iii. March 7, 2009 protest activity on the Olympic Peninsula;
- jjj. January 19, 2008 protest activity at Naval Base Kitsap-Bangor on the Kitsap Peninsula;
- kkk. December 5, 2007 protest activity at Health Department at 37<sup>th</sup> Street and South D. Street in East Tacoma;
- lll. November 10, 2007 protest activity at Port of Olympia (including Union Ave and Plum Street);

mmm. November 9 and 10, 2007 protest activity in downtown Tacoma;

nnn. November 7, 2007 protest activity and strike at Port of Tacoma;

ooo. November 1 through 19, 2007 protest activity in Olympia;

ppp. October 25, 2007 gathering in/near Tonasket;

qqq. October 13, 2007 protest activity and vigil at the Northwest Detention Center, 1623 E. J Street, in Tacoma;

rrr. August 6, 2007 protest activity at Naval Base Kitsap-Bangor on the Kitsap Peninsula;

sss. July 27, 2007 protest activity in Olympia;

ttt. June 4 through 6, 2007 protest activity and demonstrations at Tacoma Convention Center at 1500 Broadway in Tacoma;

uuu. April 21, 2007 protest activity at Indian Island Naval Base in Port Townsend;

vvv. March 2 through 14, 2007 protest activity at or near Port of Tacoma;

www. March 5, 2007 protest activity at Pacific Overpass at Pacific and I-5 in Tacoma;

xxx. March 6, 2007 protest activity at Tacoma Municipal Building at 747 Market Street;

yyy. March 6, 2007 protest activity at the federal courthouse at 1717 Pacific Ave in Tacoma;

zzz. February 5 and 24, 2007 protest activity at Port of Tacoma and Fort Lewis;

aaaa. November 11, 2006 protest activity and vigil at the Northwest Detention Center, 1623 E. J Street, in Tacoma;

bbbb. September 23, 2006 protest activity at Indian Island Naval Base in Port Townsend;

cccc. April 5, 2006 protest activity at the University of Washington in Seattle, Western Washington University in

October 26, 2009

*Public Records Act Request*

Page 10

Bellingham, Central Washington University in Ellensburg,  
Yakima Valley Community College in Yakima, and Columbia  
Basin Community College in Tri-Cities.

Please note that RCW 42.56.520 requires agencies to respond to requests for public records within five days. If they are available, we would prefer to receive any responsive records in electronic format. Also, please call or email me at 206-624-2184, ext. 267 or at [rtyler@aclu-wa.org](mailto:rtyler@aclu-wa.org), if you have any questions about the scope of this request.

Sincerely,



Randy Tyler, Legal Fellow  
ACLU of Washington Foundation

-----

cc: (if any)