

City of Austin – Public Safety Commission
09.12.2014 4pm CT

3.c. ARIC Update – (15 minutes)

- * Greg Foster, ARIC Committee
- * ARIC Commander Jamail, Austin Police Department
- * Lieutenant Chacon, Austin Police Department

re: Occupy the Courts email thread

Files referenced and available on DVD shared with PSC:
aric/aric-2013-privacy_policy.pdf
public_information/pir-18813.txt
public_information/2012_01_04-aric-occupy_the_courts.pdf
public_information/2012_01_05-aric-situational_awareness-occupy_austin.pdf

0) Document provenance: PIR 18813.

1) (early- to mid-December 2011) Move To Amend organizer Michael Ryan contacted Austin-based U.S. Marshal Darren Sartin requesting information on how to apply for a permit to protest at the Federal Courthouse. Sartin, who has worked for the DOJ for nearly 20 years according to his LinkedIn profile, stated in an email (Jan 4, public_information/2012_01_04-aric-occupy_the_courts.pdf) that he "asked [Ryan] a few questions and told them they could not block the entrance of the courthouse."

2) In the same email, Sartin indicates Michael Ryan was directed to Keith Allen of the Government Services Administration, the federal agency tasked with managing the Federal Courthouse.

3) Ryan's request for a permit to protest was forwarded to Keith Allen's supervisor for approval. The request was approved. This is explained in an email (Jan 4) from Deputy U.S. Marshal Ken Roberts, who states: "Hey guys...just talked to Keith Allen with GSA there in Austin and I have been told that the movetoamend.org group which is organizing the Occupy the Courts protest set for Jan. 20th has applied for a permit to protest on GSA property. The permit was approved by Keith's supervisor who did not realize that the only area they can occupy outside the courthouse is the sidewalk."

* Was this a mistake by GSA? Did the permit specify a location for the protest?

4) Move to Amend was instructed to utilize the City-owned sidewalk to protest

* How was this instruction conveyed? Was the permit formally withdrawn?

* Sidewalk protests in Austin do not require a permit

<http://www.austintexas.gov/department/sidewalk-protests-and-demonstrations>

5) In the same email (Jan 4), Deputy U.S. Marshal Ken Roberts goes on to state: "The sidewalk is not on GSA property but belongs to the city so this may be an area where APD wants to get involved." Roberts goes on to say, "I am trying to get more information on Michael Ryan...you might have better luck with your APD contacts though. If I learn anything else I will let you know."

6) The email thread was forwarded (Jan 4) to APD's David Jarrell by U.S. Marshal Hector Gomez.

7) APD's David Jarrell forwards the message to Sgt. James Boujemaa at ARIC (Jan 4), stating "[ARIC is] up to speed on groups like this/or they get up to speed very quick."

* Does this qualify as a formal request for assistance from an ARIC partner agency?

* The ARIC Privacy Policy states (V.F., aric/aric-2013-privacy_policy.pdf): "Information obtained from or through the ARIC can only be used for lawful purposes. A lawful purpose means the request for data is directly linked to a law enforcement agency's active criminal investigation, or is in response to confirmed information that requires intervention to prevent a criminal act or other threat to public safety."

- Was this request processed in connection with an active criminal investigation, or in response to confirmed information that requires intervention to prevent a criminal act or other threat to public safety?

- If not an active criminal investigation, then was the intent to thwart a criminal act or a perceived threat to public safety?

8) It's uncertain if ARIC performed additional research.

* ARIC is expressly prohibited from collecting information on individuals or organizations in certain circumstances. In section (V.E.) it states: "The ARIC will not seek, collect or retain information about an individual or organization, and originating agencies will not submit such information, solely on the basis of religious, political, or social views or activities; participation in a particular organization or event..." Importantly, that policy is qualified as only applying to "...information or intelligence that identifies any individual or organization as a criminal subject."

- Was Michael Ryan classified as a criminal subject?

* The ARIC Privacy Policy states (V.C.) information collected must fall into one of three categories:

1) "...non-criminal threats to public health or infrastructure..."

2) "...suspicious activity that has a potential terrorism or criminal nexus..."

3) "Is relevant to the investigation and prosecution of suspected criminal, including terrorist, activity, the justice system response,

and the prevention of crime or is useful in crime analysis or in the administration of justice and public safety (including topical searches of open source information)."

9) Information emerges from ARIC the next day in the form of a Situational Awareness bulletin (Jan 5, public_information/2012_01_05-aric-situational_awareness-occupy_austin.pdf) shared with APD "Executive Staff/SRT Command Staff/Operational Management Team/ARIC." At 3.g.: "Occupy the Courts-National Day of Protest. Movetoammend.org applied for a permit to protest at the Federal Court House. The permit was approved but the Government Services Administration then realized the only place to protest is the sidewalk which belongs to the City of Austin. The application calls for less than 20 protesters to attend. Movetoammend.org is linked to Occupy Austin."

* What is the "link" to Occupy Austin?

re: "professional protester" criteria
public_information/2011_10_13-aric-situational_awareness-occupy_austin_arrests.pdf

The Austin Regional Intelligence Center review of this incident does not indicate that these individuals are professional protestors nor is there any indication that they have engaged in civil disobedience in the past.

Burnside, Jennings

From: Boujemaa, James
Sent: Wednesday, January 04, 2012 3:47 PM
To: Swann, Jay; Schmidt, JJ; Degraffenreid, Calvin
Subject: FW: Occupy the Courts

fyi

From: Jarrell, David
Sent: Wednesday, January 04, 2012 3:40 PM
To: Boujemaa, James
Cc: 'Gomez, Hector (USMS)'
Subject: RE: Occupy the Courts

Thanks Hector I will send this over to Sgt. James Boujemaa from our Fusion Center (Austin Regional Intelligence Center/ARIC) they are up to speed on groups like this/or they get up to speed very quick.

Boo, FYI. DJJ

From: Gomez, Hector (USMS) [<mailto:Hector.Gomez@usdoj.gov>]
Sent: Wednesday, January 04, 2012 3:33 PM
To: Sheely, Brian (USMS); Jarrell, David
Subject: Fw: Occupy the Courts

Hector Gomez, Supervisory Deputy
Lone Star Fugitive Task Force
Austin, Texas
512.916.5380 Office
512.916.5382 Fax
PIN 26C136EC

From: Sartin, Darren (USMS)
Sent: Wednesday, January 04, 2012 04:07 PM
To: Roberts, Ken (USMS); Gomez, Hector (USMS)
Cc: Garza, Tina (USMS); Hackmaster, Nelson (USMS); Karl, Fernando (USMS); McPherson, Mark (USMS); Velasco, Javier (USMS); Chastain, Lucien (USMS)
Subject: RE: Occupy the Courts

This guy called me about this about a month ago and he was steered to Keith Allen. I asked him a few questions and told them they could not block the entrance of the courthouse. He assured me they would be peaceful and I told him they would be asked to leave if they didn't cooperate. We shall see what happens.

From: Roberts, Ken (USMS)
Sent: Wednesday, January 04, 2012 2:55 PM
To: Sartin, Darren (USMS); Gomez, Hector (USMS)
Cc: Garza, Tina (USMS); Hackmaster, Nelson (USMS); Karl, Fernando (USMS); McPherson, Mark (USMS); Velasco, Javier (USMS); Chastain, Lucien (USMS)
Subject: Occupy the Courts

Hey guys...just talked to Keith Allen with GSA there in Austin and I have been told that the movetoammend.org group which is organizing the Occupy the Courts protest set for Jan. 20th has applied for a permit to protest on GSA property. The permit was approved by Keith's supervisor who did not realize that the only area they can occupy outside the courthouse is the sidewalk. The sidewalk is not on GSA property but belongs to the city so this may be an area where APD wants to get involved. On the application filed by Michael Ryan it states that the group should number less than 20 and the protest is planned from 11:30 to 2:00. I am trying to get more information on Michael Ryan....you might have better luck with your APD contacts though. If I learn anything else I will let you know.

I am trying to get a meeting with the US Attorney to get their cooperation on charging the protestors if they enter the courthouse and disturb security or court operations. Another option I guess would be if the judges would agree to hold them on some type of contempt charge if that is possible. I am sure in any case that the charges would eventually be dropped but it might put an end to their activities for the day.