



April 12, 2019

California Department of Justice
California Justice Information Systems
Joe Dominic, Chief
CLETS Administration Section
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Sacramento, CA 94203-3870
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RE: CLETS MISUSE – ALAMEDA COUNTY SHERIFF

Dear Mr. Dominic:

The Electronic Frontier Foundation (EFF) and Media Alliance (MA) request the California Department of Justice (CADOJ) initiate an investigation into the Alameda County Sheriff's Office for potential misuse of the California Law Enforcement Telecommunications System (CLETS). It has come to our attention that sheriff representatives have accessed CLETS to run background checks on volunteers, observers, and journalists that attended Urban Shield-related activities.

Created in 2007, Urban Shield was a law enforcement expo and SWAT/emergency training exercise operated by the Alameda County Sheriff's Office.¹ Increasingly concerned with over-policing and the militarization of law enforcement, many community activists and journalists have attended Urban Shield as observers. According to the Alameda County Sheriff, when these individuals volunteered to attend Urban Shield, their identities were run through CLETS and CRIMS (Consolidated Records Information Management System), which connects Alameda County data to CLETS.

In a memo to CLETS subscribing entities sent in April 2018, you reminded agencies that CLETS is not to be used to query individuals in the media and the Automated Criminal History System (ACHS) is not to be used for licensing, employment, or certification purposes. Furthermore, the CLETS Policies, Practices and Procedures only allow access to CLETS for background checks in very limited circumstances. These permitted situations include screening non-certificated employees or non-teaching volunteers at schools, prospective participants or employees for a public housing program, or visitors to correction facilities. ACHS may be searched prior to approval of a person for a "ride-along" with a law enforcement (i.e. accompanying an officer engaged in real-time

¹ Following community pressure, the program was ended in 2019.

April 12, 2019

Page 2

law enforcement activities), however vetting observers at a training exercise or vendor exposition is not one of these limited circumstances.

Community trust in law enforcement relies on transparency and respect for the watchdog roles of civil society and the news media. Accessing the sensitive data of these observers via CLETS would not only be a violation of privacy but also discourages members of the community from participating in oversight activities.

The following individuals have served as observers at Urban Shield in the last three years and are concerned that their records may have been inappropriately accessed through CLETS:

Kathryn Gilje
Executive Director, Ceres Trust. Steering Committee member,
Environmental Funders Network. Steering committee member, Justice
Funders Network.

Glenn Katon
Attorney. Former legal director, Muslim Advocates

Dr. Marcia Ishii-Eiteman
Senior Scientist and Director of Grassroots Science Program at the
Pesticide Action Network.

Dan Bellino
Chief of Staff, Alameda County Office of Education

Ashley Nguyen
Collective Impact Coordinator, Restore Oakland

Kazu Haga
Founder, East Point Peace Academy. Board Chair, Communities United
For Restorative Youth Justice (CURYJ).

Laura Magnani
Assistant Regional Director, American Friends Service Committee
Western Region

Kate Loncke
Co-Director, Buddhist Peace Fellowship

Tracy Rosenberg
Executive Director, Media Alliance

April 12, 2019

Page 3

Lily Fahsi-Haskell
Campaign Director, Critical Resistance

Dr. Eleanor Levine
Bay Area Code Pink

Megan Prier
Campus Gardens Coordinator
Berkeley Food Institute

EFF and MA urge the California Department of Justice to review the CLETS journal to identify occasions when these individuals' records may have been accessed. CADOJ should document these incidents as individual misuse investigations and present the resulting findings to the CLETS Advisory Committee at its next meeting. CADOJ should further instruct the Alameda County Sheriff that this use of CLETS is inappropriate. Although the Alameda County Sheriff has ended the Urban Shield activities, CADOJ should instruct the agency to cease all similar background checks on journalists and advocates engaged in oversight roles.

Should you have any further questions, please do not hesitate to contact Dave Maass at dm@eff.org and Tracy Rosenberg at tracy@media-alliance.org.

Sincerely,

Dave Maass
Senior Investigative Researcher
Electronic Frontier Foundation

Tracy Rosenberg
Executive Director
Media Alliance