TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: JULY 11, 2005 CMR:313:05

SUBJECT: STATUS REPORTS ON U.S.A. PATRIOT ACT RESOLUTION

This is an informational report and no Council action is required.

BACKGROUND

On June 2, 2003, the City Council approved the Human Relations Commission’s (HRC) resolution (Attachment A) to protect civil liberties in Palo Alto. The resolution included direction to the City Manager to provide a status report to the Council twice a year. Staff has not presented reports previously due to the lack of any information to report.

The resolution drafted by the HRC and adopted by the City Council provided the following direction:

1) To seek adequate written assurances from federal authorities that residents of the City of Palo Alto and individuals in the custody of the City of Palo Alto who are placed in federal custody will not be subjected to military detention; secret detention; secret immigration proceedings; or detention without access to counsel, refrain from assisting federal authorities in obtaining custody of such individuals absent such assurances;

2) To report to the City Council to the extent possible any extraordinary requests by federal authorities that, if granted, would cause departments of the City of Palo Alto to exercise powers or cooperate in the exercise of powers that do not meet the common standards of the city and are in apparent violation of any city ordinance or laws or the Constitution of the State or the United States;

3) To periodically seek from federal authorities the following information:
   a) number of search warrants that have been executed in the City of Palo Alto without notice to the subject of the warrant pursuant to Section 213 of the USA Patriot Act;
   b) number of times education records have been obtained from public schools and institutions of high learning in the City of Palo Alto under Section 507 of the Patriot Act;
c) number of times library records have been obtained from libraries in the City of Palo Alto under Section 215 of the Patriot Act;

d) number of times that records of the books purchased by store patrons have been obtained from bookstores in the City of Palo Alto under Section 215 of the Patriot Act;

e) extent of electronic surveillance carried out in the City of Palo Alto under powers granted in the Patriot Act;

f) names of all residents of Palo Alto who have been arrested or detained by federal authorities as a result of terrorism investigations since September 11, 2001; and


g) extent to which federal authorities are monitoring political meetings, religious gathering or activities protected by the First Amendment.

**DISCUSSION**

Federal authorities have not contacted staff since the adoption of the resolution for any specific assistance associated with any terrorist’s activities or suspects in Palo Alto. Representatives of the Federal Bureau of Investigation (FBI) recently provided information regarding the provisions of the resolution.

The information regarding the number of search warrants executed in Palo Alto (3a), and the extent of any electronic surveillance carried out in Palo Alto (3e) is classified and has been since the late 1970s, many years before to passage of the Patriot Act.

There has not been any information obtained, nor attempts made to obtain information, from public schools or colleges in (3b), from any libraries, (3c), or from any bookstores (3d) in Palo Alto.

While the FBI does not maintain records of arrestees or detainees by their city of residence (3e), none of the agents in the San Jose and San Francisco offices remembers any arrests/detentions of any Palo Alto residents related to homeland security efforts.

The FBI also has not monitored any political, religious or other First Amendment gatherings in Palo Alto. Per the resolution, letters were sent to the California Senators, local Congress representatives, the Governor, State legislators, the Attorney General and President Bush. (Attachment B).

Because there has been little, if any activity associated with the direction provided in the resolution in over two years, staff will be providing status reports on an annual basis instead of every six months.
ATTACHMENTS

Attachment A: Resolution
Attachment B: Letters sent to various Governmental officials

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