

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 17

August 28, 2012

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON AUGUST 28, 2012

SUBJECT: REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM - REVISED; AND SUSPICIOUS ACTIVITY REPORT NOTEBOOK DIVIDER, FORM 18.30.03 - REVISED

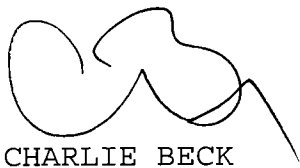
PURPOSE: This Order revises the procedures for reporting suspicious activity potentially related to foreign or domestic terrorism to be consistent with the Office of the Director of National Intelligence, Information Sharing Environment Functional Standards Suspicious Activity Reporting. Officers are reminded of the Fourth Amendment to the United States Constitution as it pertains to search and seizure, and the United States Supreme Court Case *Terry vs. Ohio* as it pertains to stop and frisk. Furthermore, the Office of the Inspector General will review the Suspicious Activity Report process on an annual basis as part of their audit/inspection responsibilities.

PROCEDURE: Attached are the revised Department Manual Section 1/590, renamed as *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism*; Section 4/271.46, *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism*; and the Suspicious Activity Report (SAR) Notebook Divider, Form 18.30.03, with revisions in italics. Manual Section 4/271.46 is revised to provide relevant definitions and clarifies the employee's responsibilities regarding the investigation and reporting of suspicious activity.

FORM AVAILABILITY: The Suspicious Activity Report Notebook Divider is available in LAPD E-Forms on the Department's Local Area Network (LAN). All other versions of the SAR Notebook Divider shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENTS: This Order amends Sections 1/590 and 4/271.46 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

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590. REPORTING *SUSPICIOUS ACTIVITY* POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM. It is the policy of the Los Angeles Police Department to make every effort to accurately and appropriately gather, record and analyze information of a criminal or non-criminal nature that could indicate activities or intentions related to either foreign or domestic terrorism. These efforts shall be carried out in a manner that protects the information, privacy and legal rights of Americans, and therefore, such information shall be recorded and maintained in strict compliance with existing federal, state and Department guidelines regarding Criminal Intelligence Systems [28 Code of Federal Regulations (CFR), Part 23 and applicable California State Guidelines].

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271.46 REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM.

DEFINITIONS.

***Suspicious Activity.** Suspicious Activity is defined as observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.*

***Terrorism.** Terrorism is defined as the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. This is consistent with the Code of Federal Regulations (28 C.F.R. Section 0.85). This definition includes individuals and groups who plan, threaten, finance, aid/abet, and attempt or perform unlawful acts in furtherance of terrorist activity.*

Suspicious Activity Report. A Suspicious Activity Report (SAR), Form 03.24.00, is an official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity. The SAR is a stand-alone report. The information reported in a SAR may result from observations or investigations by police officers, or may be reported to them by private sources.

These terrorism-related behaviors may indicate intelligence gathering or pre-operational planning related to terrorist activities or other criminal activity. These activities and behaviors include:

Criminal Activity and Potential Terrorism Nexus Activity.

- **Breach/Attempted Intrusion.** Unauthorized individuals attempting to or actually entering a facility/infrastructure or protected site;
- **Misrepresentation.** Presenting false or misusing insignia, documents, and/or identification to misrepresent one's affiliation to cover possible illicit activity. Impersonation of any authorized personnel (e.g., police, security, or janitor);
- **Theft/Loss/Diversions.** Stealing or diverting (obtaining or acquiring) something associated with a facility/infrastructure [e.g., badges, uniforms, identification, emergency vehicles, technology or documents (classified or unclassified), which are proprietary to the facility];
- **Sabotage/Tampering/Vandalism.** Damaging, manipulating, or defacing part of a facility/infrastructure or protected site;
- **Cyber Attack.** Compromising or attempting to compromise or disrupt an organization's information technology infrastructure;
- **Expressed or Implied Threat.** Communicating a spoken or written threat to damage or compromise a facility/infrastructure, protected site, and cyber-attacks; *or*,
- **Aviation Activity.** Operation or attempted operation of an aircraft in a manner that reasonably may be interpreted as suspicious or posing a threat to people, buildings/facilities, infrastructures, or protected sites. Such operation may or may not be a violation of Federal Aviation Administration regulations.

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Potential Criminal or Non-Criminal Activity Requiring Additional Fact Information During an Investigation.

- **Eliciting Information.** Questioning individuals at a level beyond mere curiosity about particular facets of a facility's or building's purpose, operations, security procedures, etc., that would arouse suspicion in a reasonable person;
- **Testing or Probing of Security.** Deliberate interactions with, or challenges to, installations, personnel, or systems that reveal physical, personnel or cyber security capabilities;
- **Recruiting.** Building of operations teams and contacts, personal data, banking data or travel data;
- **Photography.** Taking pictures or videos of facilities/buildings, infrastructures, or protected sites in a manner that would arouse suspicion in a reasonable person. Examples include taking pictures or videos of ingress/egress, delivery locations, personnel performing security functions (e.g., patrol, badge/vehicle checking), security-related equipment (e.g., perimeter fencing, security cameras), etc.;
- **Observation/Surveillance.** Demonstrating unusual interest in facilities/buildings, infrastructures or protected sites beyond mere casual or professional (e.g., engineers) interest, such that a reasonable person would consider the activity suspicious. Examples include observations through binoculars, taking notes, attempting to measure distances, etc.;
- **Materials Acquisition/Storage.** Acquisition and/or storage of unusual quantities of materials such as cell phones, pagers, fuel, chemicals, toxic materials, and timers, such that a reasonable person would consider the activity suspicious;
- **Acquisition of Expertise.** Attempts to obtain or conduct training in security concepts, military weapons or tactics, or other unusual capabilities such that a reasonable person could consider the activity suspicious;
- **Weapons Discovery.** Discovery of unusual amounts of weapons, explosives, or their components that would arouse suspicion in a reasonable person; or,
- **Sector-Specific Incident.** Actions associated with a characteristic of unique concern to specific sectors (such as the public health sector) with regard to their personnel, facilities, systems or functions.

Note: These activities *are generally protected by the First Amendment to the United States Constitution* and should not be reported in a SAR, absent articulable facts and circumstances that support suspicion that the behavior observed is not innocent, but rather reasonably indicative of *criminal activity associated with terrorism, including evidence of pre-operational planning related to terrorism*. Race, *ethnicity*, national origin, or *religious affiliation* should not be considered as factors that create suspicion (although these factors may be used as specific-involved person descriptors).

Involved Person (IP). An involved person (IP) is an individual *who* has been observed engaging in suspicious activity, when no definitive criminal activity is identified, thus precluding their identification as a suspect.

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Potential Target. A potential target is a person, facility/building, infrastructure or protected site that is or may be the object of the suspicious activity.

REPORTING AND INVESTIGATIVE RESPONSIBILITIES FOR SAR-RELATED INCIDENTS AND CRIME AND/OR ARREST REPORTS. All reports of suspicious activity is to be reported on a SAR. The Division of Records (DR) number for all associated reports (e.g., Property Report, Form 10.01.00; Investigative Report (IR), Form 03.01.00; and Arrest Report, Form 05.02.00) is to be listed in the space provided on the upper left-hand corner of the SAR face sheet.

Employee's Responsibilities. Any Department employee receiving any information regarding suspicious activity and/or observing any suspicious activity is to investigate and take appropriate action, *including* any tactical response or notifications to specialized entities.

Note: This section does not preclude, in any way, an employee taking immediate action during the commission of a criminal act, or in circumstances which require the immediate defense of life, regardless of the nature of origin.

Activities that are generally protected by the First Amendment should not be reported as a SAR, unless additional facts and circumstances can be clearly articulated that support an officer's or agency's determination that the behavior observed is reasonably indicative of criminal activity associated with terrorism or other criminal activity.

Officers are reminded of constitutional and case law as they pertain to search and seizure, and to stop and frisk. Officers, who have neither reasonable suspicion to detain nor probable cause to arrest, cannot legally prevent an individual from walking away.

Consensual Encounter. *A consensual encounter is an encounter between a police officer and an individual in which the individual voluntarily agrees to stop and speak with the officer. The individual is free to leave at any time during a consensual encounter unless there is reasonable suspicion to detain or probable cause to arrest.*

Lawful Detention. *A lawful detention must be based on reasonable suspicion that criminal activity has taken place or is about to take place, and that the person detained is connected to that activity.*

Arrest. *Probable cause to arrest is a set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.*

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- **If the suspicious activity observed (e.g., suspicious behaviors or activities only) is not directly related to a reportable crime and/or any other type of investigation:**
 - Record the information collected from the person reporting, or officer's observations on a SAR;
 - If the potential target of the activity can be identified (e.g., government, person, building/facility, infrastructure or protected site, or an official being surveilled), that location or individual *is to* be listed within the "Potential Target" section of the SAR. Otherwise the "City of Los Angeles" *is to* be listed as the potential target;
 - List the person reporting within the "Witness" section of the SAR. If the person reporting refuses to identify themselves, list them as "Anonymous";
 - List any additional witnesses;
 - List the parties engaged in the suspicious behavior as Involved Persons within the "Involved Persons" portion of the SAR. **With no reportable crime, they cannot be listed as suspects.** Utilize page 2 of the SAR to include additional descriptive information;
 - Notify the watch commander, Area of occurrence. Upon approval by the watch commander, ensure that the Area Records Unit is made aware of the report and immediately assigns a DR and incident number for the SAR. **Refer to the Area Records Unit's Responsibilities Note Section regarding manual DR numbers;**
 - If there is property or evidence associated with the suspicious activity, **a separate Property Report is to be completed. The Property Report is to bear a separate DR and incident number from the SAR, along with the following:**
 - The Evidence box *is to* be marked;
 - The Investigative Unit box *is to* be Major Crimes Division (MCD);
 - The Connecting Reports box *is to* be marked "None";
 - In the narrative portion of the report, officers *are to* write, "Do not release or destroy prior to contacting MCD. Below listed property booked on advice from MCD";
 - **The Property Report DR number is to be referenced in the "Prop Rpt DR#" box provided on the upper left-hand corner of the SAR face sheet;**
 - **The booked property and the Property Report is to remain in the division of occurrence;**
 - Send the **original** SAR to Counter Terrorism and Special Operations Bureau (CTSOB)/MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD. **No copies of the SAR are to be maintained at the Area.**

Note: The SAR DR and incident numbers are not to be referenced in the Property Report or any other report.

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- **If the suspicious activity observed is related to a criminal or other type of investigation (e.g., bomb threat, vandalism, trespass, assault, domestic violence, impound, narcotics, property report, etc.), officers *are to* complete the following:**
 - Complete the investigation and any appropriate reports [e.g., IR; Arrest Report; Property Report; Vehicle Report, CHP 180 (impound) and/or any other related reports];
 - **Complete a SAR with a separate DR and incident number. Refer to the Area Records unit's Responsibilities Note Section regarding manual DR numbers;**
 - **Ensure that the DR number(s) of all completed crime, arrest, and/or property reports are listed and referenced in the appropriate boxes provided in the upper left-hand corner of the SAR face sheet. Include any additional information that provides the nexus to terrorism within the narrative of the SAR on page 2;**
 - **Ensure that the SAR DR and incident numbers are not referenced in any other reports, e.g., crime, arrest, etc.;**

Note: The physical disclosure of a SAR during criminal and/or civil discovery should only occur pursuant to a lawful court order.

- Notify the watch commander, Area of occurrence. Upon approval by the watch commander, ensure that the Area Records Unit is made aware of the report. These reports *are to* be processed separately;
- Notify MCD [contact Real-Time Analysis and Critical Response (RACR) Division for off-hours notification] if the report involves an arrest or a crime with follow-up potential; and,
- Send the **original** SAR, including a copy of all associated reports, to CTSOB/MCD, Stop 400, as soon as practicable, but no later *than* 24 hours after the report is taken and faxed to MCD. **No copies of the SAR *are to* be maintained at the Area.**

Note: Employees may reference that a SAR was completed and indicate the SAR DR number **only**, and not the involved person's information in their Daily Field Activities Report (DFAR), Form 15.52.00, e.g., "a SAR was completed, DR No. ___." The involved person's name(s) from the SAR *are not to* be documented on the aforementioned report or any other related reports, e.g., IR, Arrest, etc.

Hazardous Devices Materials Section, Emergency Services Division – Responsibility.
Personnel assigned to the Explosive Unit (Bomb Squad), Hazardous Materials Unit, or Los Angeles Police Department Bomb Detection Canine (K-9) Section are to ensure that a SAR is completed on all incidents on which they respond where a potential nexus to terrorism exists. Suspicious Activity Reports completed by personnel assigned to these units shall be processed through a geographic Area Records Unit as directed below.

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Watch Commander's Responsibilities. Upon notification that officers have received information regarding suspicious activity, the watch commander *is to*:

- Ensure that the information supports the completion of a SAR and that no greater law enforcement response or notifications to MCD are currently needed;
- Review the SAR for completeness; and,
- Ensure the Area Records Unit immediately assigns a DR number for the SAR, enters the information into the Consolidated Crime Analysis Database (CCAD) system, forwards the **original SAR**, including a **copy of all associated reports** to MCD, and faxes all reports to MCD no later than 24 hours after the report is taken. **Refer to the Area Records Unit's Responsibilities Note Section regarding manual DR numbers.**

Note: Supervisors and watch commanders may reference that a SAR was completed and indicate the SAR DR number **only**, and not the involved person's information in their Sergeant's Daily Report, Form 15.48.00, or Watch Commander's Daily Report, Form 15.80.00, e.g., "SAR report completed, DR No. ___." The involved person's name(s) from the SAR *is not to be* documented on the aforementioned reports or any other related reports, e.g., IR, Arrest, etc.

Major Crimes Division's Responsibilities. Upon receiving a telephonic notification of suspicious activity, MCD personnel *will*, when appropriate, conduct immediate debriefs of arrestees, and/or witnesses, and provide the appropriate guidance to patrol officers. Upon receiving a SAR which has been forwarded and faxed to MCD, assigned MCD personnel *are to* follow established protocols regarding the processing of such information. **Refer to the Area Record Unit's Responsibilities Note Section regarding manual DR numbers and MCD's responsibilities in reference to this.**

Area Records Unit's Responsibilities. Upon receipt of the original SAR and associated reports (e.g., Property Report, IR, and/or Arrest Report, etc.), records personnel *are to*:

- Assign DR number(s) for the SAR and other related reports, as appropriate;

Note: If unable to obtain a DR number, **DO NOT** obtain a **manual DR number** for the SAR and do not keep a copy of the SAR. Forward the original SAR to the SAR Unit, MCD, Stop 400 and fax it to MCD. The SAR Unit personnel will obtain the required DR number and incident number. If an arrest is involved, MCD will notify the Area of a **manual SAR DR number**.

- Ensure that the DR number(s) of all associated reports (crime, arrest, property, and/or impound report, etc.) are listed in the appropriate boxes provided on the face sheet of the SAR;
- Enter the information into the CCAD system, including any appropriate CTSOB-related codes; and,
- **Send the original SAR, including a copy of all associated reports, to "CTSOB/MCD, Stop 400" as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD. No copies of the SAR are to be maintained at the Area.**

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Area Detective's Responsibilities. For any associated reports, (e.g., Property Report, IR, and/or Arrest Report, etc.), which arrive at an Area Detective Division without having been reviewed by MCD personnel, Area detectives are to:

- Immediately notify MCD and forward the SAR to MCD (**No copies of the SAR are to be retained at the Area**) and fax copies of the SAR and all reports to MCD. **Refer to the Area Records Unit's Responsibilities Note Section regarding manual DR numbers;**
- Ensure the SAR has been screened by MCD *personnel*; and,
- **Complete any criminal investigation per existing Department policies and guidelines.**

Counter-Terrorism and Special Operations Bureau - Responsibility. *Counter-Terrorism and Special Operations Bureau is responsible for providing Department personnel with training pertaining to the proper handling of suspected terrorism-related activity and ensuring adherence to the guidelines established regarding developmental information and intelligence systems.*

SUSPICIOUS ACTIVITY REPORT

These guidelines should be followed for investigations of Suspicious Activity.

POLICY:

It is the policy of the Los Angeles Police Department to make every effort to accurately and appropriately gather, record and analyze information of a criminal or non-criminal nature that could indicate activities or intentions related to either foreign or domestic terrorism, in a manner that protects the information, privacy and legal rights of Americans.

DEFINITIONS:

SUSPICIOUS ACTIVITY

Suspicious Activity is defined as observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity.

TERRORISM

Terrorism is defined as the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. This is consistent with the Code of Federal Regulations (28 C.F.R. Section 0.85). This definition includes individuals and groups who plan, threaten, finance, aid/abet, and attempt or perform unlawful acts in furtherance of terrorist activity.

SUSPICIOUS ACTIVITY REPORT

A Suspicious Activity Report (SAR), Form 03.24.00, is an official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity. The SAR is a stand-alone report. The information reported in a SAR may result from observations or investigations by police officers, or may be reported to them by private sources.

Note: A SAR shall only be completed for those activities and behaviors specifically listed or defined under "Reportable Suspicious Activities" (see page 2).

INVOLVED PERSON

An involved person (IP) is an individual *who* has been observed engaging in suspicious activity, when no definitive criminal activity can be identified, thus precluding their identification as a suspect.

POTENTIAL TARGET

A potential target is a person, facility/building, infrastructure or protected site that is or may be the object of the suspicious activity.

EMPLOYEE'S REPORTING RESPONSIBILITIES:

Any Department employee receiving any information regarding suspicious activity and/or observing any suspicious activity shall investigate and take appropriate action, *including* any tactical response or notifications to specialized entities.

I. If the suspicious activity observed (e.g., suspicious behaviors or activities only) is not directly related to a reportable crime and/or any other type of investigation:

- Record the information collected from the person reporting, or officer's observations on a SAR;
- If the potential target of the activity can be identified (e.g., government, person, building/facility, infrastructure or protected site, or an official being surveilled), that location or individual is to be listed within the "Potential Target" section of the SAR. Otherwise the "City of Los Angeles" is to be listed as the potential target;

List the person reporting within the "Witness" section of the SAR. If the person reporting refuses to identify themselves, list them as "Anonymous";

List any additional witnesses;

List the parties engaged in the suspicious behavior as Involved Persons within the "Involved Persons" portion of the SAR. **With no reportable crime, they cannot be listed as suspects.** Utilize page 2 of the SAR to include additional descriptive information;

Notify the watch commander, Area of occurrence. Upon approval by the watch commander, ensure that the Area Records Unit is made aware of the report and immediately assigns a DR and incident number for the SAR. **Refer to the Area Records Unit's Responsibilities Note Section regarding manual DR numbers:**

If there is property or evidence associated with the suspicious activity, **a separate Property Report is to be completed. The Property Report is to bear a separate DR and incident number from the SAR, along with the following:**

- a. The Evidence box is to be marked;
- b. The Investigative Unit box is to be Major Crimes Division (MCD);
- c. The Connecting Reports box is to be marked "None";
- d. In the narrative portion of the report, officers are to write, "Do not release or destroy prior to contacting MCD. Below listed property booked on advice from MCD";

The Property Report DR number is to be referenced in the "Prop Rpt DR#" box provided on the upper left-hand corner of the SAR face sheet;

The booked property and the Property Report is to remain in the division of occurrence;

Send the original SAR to Counter Terrorism and Special Operations Bureau (CTSOB)/MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD. **No copies of the SAR are to be maintained at the Area.**

Note: The SAR DR and incident numbers shall not be referenced in the Property Report or any other report.

II. If the suspicious activity observed is related to a criminal or other type of investigation (e.g., bomb threat, vandalism, trespass, assault, domestic violence, impound, narcotics, property report, etc.), officers are to complete the following:

Complete the investigation and any appropriate reports [e.g., IR; Arrest Report; Property Report; Vehicle Report, CHP 180 (impound) and/or any other related reports];

Complete a SAR with a separate DR and incident number. Refer to the Area Records Unit's Responsibilities Note Section regarding manual DR numbers;

Ensure that the DR number(s) of all completed crime, arrest, and/or property reports are listed and referenced in the appropriate boxes provided in the upper left-hand corner of the SAR face sheet. Include any additional information that provides the nexus to terrorism within the narrative of the SAR on page 2;

Ensure that the SAR DR and incident numbers are not referenced in any other reports, e.g., crime, arrest, etc.;

Note: The physical disclosure of a SAR during criminal and/or civil discovery should only occur pursuant to a lawful court order.

SUSPICIOUS ACTIVITY REPORT

These guidelines should be followed for investigations of Suspicious Activity.

- Notify the watch commander, Area of occurrence. Upon approval by the watch commander, ensure that the Area Records Unit is made aware of the report. These reports are to be processed separately;
- Notify MCD [contact Real-Time Analysis and Critical Response (RACR) Division for off-hours notification] if the report involves an arrest or a crime with follow-up potential; and,
- Send the **original** SAR, including a copy of all associated reports, to CTSOB/MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD. No copies of the SAR are to be maintained at the Area.

Note: Employees may reference that a SAR was completed and indicate the SAR DR number **only** and not the involved person's information in their Daily Field Activities Report (DFAR), Form 15.52.00, e.g., "A SAR was completed, DR No. ___." The involved person's name(s) from the SAR are not to be documented on the aforementioned report or any other related reports, e.g., IR, Arrest, etc.

SUPERVISORS & WATCH COMMANDERS may reference that a SAR was completed and indicate the SAR DR number **only**, and not the involved person's information in their Sergeant's Daily Report, Form 15.48.00, or Watch Commander's Report, Form 15.80.00, e.g., " SAR Report completed, DR No. ___." The involved person's name(s) from the SAR is not to be documented on the aforementioned reports, or any other related reports, e.g., IR, Arrest, etc. **Please refer to Department Manual Section 4/271.46 for the supervisor's and watch commander's responsibilities.**

NOTIFICATIONS:

Notify CTSOB/MCD (contact RACR Division for off-hours notification) for guidance if the report involves any incident of significance, an arrest or a crime with any follow-up potential.

REPORTABLE SUSPICIOUS ACTIVITIES:

These terrorism-related behaviors may indicate intelligence gathering or pre-operational planning related to terrorist activities or other criminal activity. These activities and behaviors include:

Criminal Activity and Potential Terrorism Nexus Activity

- **Breach/Attempted Intrusion.** Unauthorized individuals attempting to or actually entering a facility/infrastructure or protected site;
- **Misrepresentation.** Presenting false or misusing insignia, documents, and/or identification to misrepresent one's affiliation to cover possible illicit activity. Impersonation of any authorized personnel (e.g., police, security, or janitor);
- **Theft/Loss/Diversion.** Stealing or diverting (obtaining or acquiring) something associated with a facility/infrastructure [e.g., badges, uniforms, identification, emergency vehicles, technology or documents (classified or unclassified), which are proprietary to the facility];
- **Sabotage/Tampering/Vandalism.** Damaging, manipulating, or defacing part of a facility/infrastructure or protected site;
- **Cyber Attack.** Compromising or attempting to compromise or disrupt an organization's information technology infrastructure;
- **Expressed or Implied Threat.** Communicating a spoken or written threat to damage or compromise a facility/infrastructure, protected site, and cyber-attacks; or,

- **Aviation Activity.** Operation or attempted operation of an aircraft in a manner that reasonably may be interpreted as suspicious or posing a threat to people, buildings/facilities, infrastructures, or protected sites. Such operation may or may not be a violation of Federal Aviation Administration regulations.

Potential Criminal or Non-Criminal Activity Requiring Additional Fact Information During an Investigation

- **Eliciting Information.** Questioning individuals at a level beyond mere curiosity about particular facets of a facility's or building's purpose, operations, security procedures, etc., that would arouse suspicion in a reasonable person;
- **Testing or Probing of Security.** Deliberate interactions with, or challenges to, installations, personnel, or systems that reveal physical, personnel or cyber security capabilities;
- **Recruiting.** Building of operations teams and contacts, personal data, banking data or travel data;
- **Photography.** Taking pictures or videos of facilities/buildings, infrastructures, or protected sites in a manner that would arouse suspicion in a reasonable person. Examples include taking pictures or videos of ingress/egress, delivery locations, personnel performing security functions (e.g., patrol, badge/vehicle checking), security-related equipment (e.g., perimeter fencing, security cameras), etc.;
- **Observation/Surveillance.** Demonstrating unusual interest in facilities/buildings, infrastructures or protected sites beyond mere casual or professional (e.g., engineers) interest, such that a reasonable person would consider the activity suspicious. Examples include observations through binoculars, taking notes, attempting to measure distances, etc.;
- **Materials Acquisition/Storage.** Acquisition and/or storage of unusual quantities of materials, such as cell phones, pagers, fuel, chemicals, toxic materials, and timers, such that a reasonable person would consider the activity suspicious;
- **Acquisition of Expertise.** Attempts to obtain or conduct training in security concepts, military weapons or tactics, or other unusual capabilities such that a reasonable person could consider the activity suspicious;
- **Weapons Discovery.** Discovery of unusual amounts of weapons, explosives, or their components that would arouse suspicion in a reasonable person; or,
- **Sector-Specific Incident.** Actions associated with a characteristic of unique concern to specific sectors (such as the public health sector) with regard to their personnel, facilities, systems or functions.

Note: These activities are generally protected by the *First Amendment to the United States Constitution* and should not be reported in a SAR, absent articulable facts and circumstances that support suspicion that the behavior observed is not innocent, but rather reasonably indicative of *criminal activity associated with terrorism, including evidence of pre-operational planning related to terrorism.* Race, ethnicity, national origin, or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific-involved person descriptors).

SOURCE: Department Manual Section 1/590, *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism* and Section 4/271.46, *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism.*