

LOS ANGELES POLICE COMMISSION

REVIEW OF

SUSPICIOUS ACTIVITY REPORTS

2022 – 2023



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

MARK P. SMITH
Inspector General

May 21, 2024

**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF SUSPICIOUS ACTIVITY REPORTS 2022 – 2023**

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I. INTRODUCTION AND EXECUTIVE SUMMARY

In 2009, the United States Government established the Nationwide SAR Initiative (NSI) in response to the findings of the 9/11 Commission. The NSI fosters the sharing of information across multiple levels of government to prevent terrorism and other criminal activity. The Los Angeles Police Department (LAPD or Department) began collecting Suspicious Activity Reports (SARs) in 2008 to document reported or observed activity that was believed by officers to have a nexus to foreign or domestic terrorism. In August 2012, the Department issued Special Order 17-2012 – a revised SAR policy, which included a refined list of the activities/behaviors that constitute suspicious activity (SA). In 2020, the Department updated its SAR policy with Special Order 2-2020, which revised the listing of SAs and provided additional requirements before completing a SAR.¹

Over the years, the Office of the Inspector General (OIG) has conducted numerous SAR audits. Across these audits, the Department has consistently demonstrated high compliance rates with its SAR policy and procedures. While the Department generally meets the SAR policy standards, the OIG has also identified areas for improvement and has made recommendations accordingly. These include:

- Enhancing each SAR narrative to more clearly detail the nature of the officers' interaction with the Involved Person, specifying whether it was a consensual encounter or a detention, as per the report dated 3/12/13.
- Utilizing division Terrorism Liaison Officers to initially vet potential SARs before forwarding them to the Department's Major Crimes Division (MCD) for review. This approach, suggested in the 9/7/16 report, aimed to reduce the number of unfounded SARs.
- Amending the Department's policy to include two additional suspicious activities and revise some terminology to better align with federal standards, as highlighted in the report dated 6/7/19.
- Mandating that SARs make reference to any related audio and video recordings, and requiring the MCD SARs Unit to review these recordings as part of their SAR evaluation process, as recommended in the report from 6/7/19.

Earlier this year, the OIG conducted a review of all 45 SARs processed by the LAPD during the calendar years 2022 and 2023. This examination also included a comparison with SARs processed since 2015, revealing a significant 91% decline from 246 SARs in 2015 to 22 SARs in 2023. As explained below, the OIG concludes that each of the 45 SARs appears to be in compliance with the Department's current policies. However, the review also highlighted one notable deficiency in the Department's SAR process—the absence of a log to account for all SARs received and processed in chronological sequence. Additionally, the OIG identified one specific case in which two officers who were involved in a SAR investigation delayed activating their body-worn video (BWV) cameras by several minutes during their contact with a member of the public. This report provides more details from that incident, along with other information about the current audit objectives and findings.

¹ Included in Department Manual § 4/271.46.

II. SAR POLICY

Special Order 2-2020 made a handful of revisions to the Department's previous SAR policy (Special Order 17-2012). Some of the more substantive revisions were made to:

- Increase the number of SA and behavior types from 16 to 18 (adding *Weapons Collection* and *Indicators of Weapon Handling*);
- Require the Major Crimes Division (MCD) SAR Unit to be contacted prior to the completion of any SAR by division or bureau personnel; and,
- Require the MCD SAR Unit to review BWV and digital in-car video associated with each SAR to ensure consistency between video evidence and what is articulated in the SAR.

Some key definitions and employee responsibilities per Special Order 2-2020 are as follows:

Suspicious Activity is defined as observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity. For the purpose of documentation and evaluation within a SAR, the term "other criminal activity" refers to criminal activity associated with terrorism and must fall within the scope of the 18 terrorism pre-operational behaviors herein defined as: criminal, potential criminal, and non-criminal activities.

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 is defined as a stand-alone report, which is an official documentation of observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity. The information reported in a SAR may result from observations or investigations by police officers or be reported to them by a private source.

Employee's Responsibilities: Any Department employee receiving any information regarding SA and/or observing any SA shall investigate and take appropriate action, including any tactical response or notifications to specialized entities. Activities that are generally protected by the First Amendment (e.g., religious assembly or free speech) should not be reported on 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 detention as well as search and seizure. Officers, who have neither reasonable suspicion to detain nor probable cause to arrest, cannot legally prevent an individual from walking away.

III. COMPONENTS OF A SAR AND DEPARTMENT SAR PROCESSING

Components of a SAR

A SAR is a two-page document, which includes the following main components:

- Dates and times (when SA occurred and when it was reported to the LAPD);
- Potential target (generally a person or place);
- Person reporting and any witnesses;
- Involved person (vehicle & person descriptors, and name & address, if known);
- Investigating employees & supervisor approving SAR (names, serial #s, division); and,
- Detailed narrative of SA and related incident.

Types of Suspicious Activity or Behavior

For a SAR to be affirmed by the Department (the SAR Unit of MCD) and sent to the Joint Regional Information Center (JRIC)² for possible further investigation and sharing, it must contain at least 1 of the following 18 types of SA or behavior identified by the federal government and LAPD policy (*see* Appendix B for detailed description of each type):

Criminal Activity and Potential Terrorism Nexus Activity (7 types)

- Breach/Attempted Intrusion;
- Misrepresentation;
- Theft/Loss/Diversion;
- Sabotage/Tampering/Vandalism;
- Cyber Attack;
- Expressed or Implied Threat; or,
- Aviation Activity.

Potential Criminal or Non-Criminal Activity Requiring Additional Information (11 types)

- Eliciting Information;
- Testing or Probing of Security;
- Recruiting/Financing;
- Photography;
- Observation/Surveillance;
- Materials Acquisition/Storage;
- Acquisition of Expertise;
- Weapons Collection;
- Weapons Discovery;
- Indicators of Weapon Handling; or,
- Sector-Specific Incident.

² See <https://www.jric.org>. JRIC is a multi-agency collaboration of federal, state, and local law enforcement agencies formed to collect, analyze, and disseminate threat-related information. The Norwalk, California JRIC facility deals with threat intelligence for Los Angeles, San Bernardino, Riverside, Kern, Ventura, Santa Barbara, and San Luis Obispo counties; but it can also disseminate information to law enforcement agencies outside this zone.

Per Special Order 2-2020: “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).”

Department SAR Processing

A SAR can be initiated by police officers or community members when they observe or become aware of activity that they perceive to be suspicious and potentially related to terrorism. Community members initiate most SARs by reporting the suspicious activity to a police officer in the field or at an Area station, but the Department also receives such reports online and through a telephone hotline as a part of the iWatchLA program.

Upon observing activity believed to be suspicious, or when receiving information from a community member, a police officer may conduct a preliminary investigation where appropriate. The officer or his/her supervisor shall then contact the MCD SAR Unit for advice as to whether a SAR should be completed.³ If the MCD SAR Unit advises that a SAR should be completed, the officer or his/her supervisor then completes a SAR and forwards it to the Area watch commander for review. Once approved, the SAR is forwarded to the MCD SAR Unit, with no copies to be retained at the Area station.

Upon receiving a SAR, MCD SAR Unit personnel analyze it pursuant to the standards described in Special Order 2-2020 to decide whether it will be unfounded or affirmed. If, in the judgment of the SAR Unit, the information provided in the SAR is consistent with one of the special order’s 18 specified activities/behaviors and is reasonably indicative of intelligence gathering or pre-operational planning related to terrorist activities, the SAR is affirmed; otherwise, the SAR is unfounded.

The JRIC has the responsibility to prepare and present SARs to the Federal Bureau of Investigation (FBI) for investigative consideration. The FBI has the final authority in accepting or rejecting a SAR. In some cases, the JRIC accepts LAPD-affirmed SARs on an “Information Only” basis, which indicates the information will be retained, but that there will not necessarily be immediate follow-up. In either situation, information from accepted SARs is shared with other law enforcement agencies nationwide via the federally operated Information Sharing Environment (ISE).

³ Personnel from the MCD SAR Unit, consisting mainly of two sergeants based at the JRIC facility, have attended and/or coordinated many terrorism-specific training classes covering a broad range of topics, including behavioral threat assessment, advanced behavioral threat assessment, cyber-crimes, domestic violence extremism, sovereign citizens, funding terrorism, and policing violent extremism.

If a SAR is unfounded by LAPD, it is typically not sent to the JRIC. Occasionally, information and details about an unfounded SAR are forwarded to other Departmental units for further investigation if it is deemed necessary based on the underlying action or potential crime described in the SAR. Both affirmed and unfounded SARs are maintained in a locked file cabinet in a locked room at MCD for 5 years, in accordance with the Department's document retention policy.

IV. STATISTICAL OVERVIEW

A. SARs by Location of Occurrence and LAPD Classification

The OIG reviewed all 23 SARs processed by the Department during calendar year 2022 as well as all 22 SARs processed during 2023, for a total of 45 SARs reviewed. Of those, 29 (about 64 percent) were affirmed by the Department, and 16 (about 36 percent) were unfounded by the Department. The breakdown of SARs by disposition, LAPD division, potential target type, etc. appears in the following tables.

Table 1. SAR Disposition by MCD for 45 SARs Reviewed – 2022/2023

SAR Disposition by Major Crime Division			
	Unfounded	Affirmed	Total
2023	7	15	22
2022	9	14	23
Total	16	29*	45

* 19 of the 29 (66%) SARs affirmed by MCD were accepted by the JRIC.⁴

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⁴ JRIC personnel contacted by the OIG declined to provide either general or case-specific reasoning as to why SARs affirmed by local law enforcement agencies might ultimately be rejected. However, they did indicate that such rejections may occur for a multitude of reasons, are not uncommon, and are not necessarily an indication that a local law enforcement agency has made any sort of error in affirming a SAR.

Table 2. LAPD Division of SAR Origin and Disposition for 45 SARs Reviewed – 2022/2023

Bureau/Division	Total Number of SARs	Number of Unfounded SARs	Number of Affirmed SARs*	No. of Affirmed SARs Accepted by JRIC	No. of Affirmed SARs Rejected by JRIC
Operations - Central Bureau	11	3	8	5	3
Central	2	0	2	2	0
Hollenbeck	2	2	0	0	0
Newton	1	1	0	0	0
Northeast	2	0	2	2	0
Rampart	4	0	4	1	3
Operations - South Bureau	5	3	2	1	1
77th St.	2	1	1	0	1
Harbor	3	2	1	1	0
Southeast	0	0	0	0	0
Southwest	0	0	0	0	0
Operations - Valley Bureau	11	3	8*	6	1
Devonshire	1	0	1	1	0
Foothill	1	1	0	0	0
Mission	0	0	0	0	0
North Hollywood	3	0	3	3	0
Topanga	2	0	2*	1	0
Van Nuys	1	1	0	0	0
West Valley	3	1	2	1	1
Operations - West Bureau	14	6	8	6	2
Hollywood	2	1	1	1	0
Olympic	4	2	2	2	0
Pacific	2	1	1	1	0
West Los Angeles	2	1	1	0	1
Wilshire	4	1	3	2	1
Non-Office of Operations Divisions	1	0	1	1	0
Security Services	1	0	1	1	0
Port of Los Angeles (POLA)**	3	1	2	1	1
Total	45	16	29*	20	8

* One affirmed SAR from the Topanga Division was sent to JRIC “for information only,” and therefore, it was neither accepted nor rejected.

** All POLA SARs meeting the LAPD’s criteria shall be transmitted to JRIC by MCD.

Table 3. Potential Target Type for 45 SARs Reviewed – 2022/2023 SARs

Potential Target Types	Generated SARs
Jewish Institution	7
School	6
POLA	3
LAPD Station	2
Retail Business(es)	2
Government Office Building	2
Industrial Facility	2
Private Person	2
Residence	1
Elected Officials	1
Sports Stadium	1
Communications Facility	1
Foreign Consulate	1
Hospital	1
Financial Institution	1
Mormon Temple	1
Large Office Building	1
Islamic Center	1
Airport	1
Public Park	1
Unknown*	7
Total	45

* For some SARs, the location where the suspicious activity was observed or occurred was identified, but the potential target remained unknown. For instance, one SAR detailed the purchase of a flammable liquid at a retail store, which could potentially be used to make explosives. However, if there was any intended target related to this purchase, it was unlikely to be the retail store itself.

Table 4. Number and Nature of Involved Persons for 45 SARs Reviewed – 2022/2023 SARs

Nature of Involved Person (IP)	Number (%) of SARs	Number (%) of IPs
Unnamed/Unidentified	29 (64%)	37 (66%)
Named/Identified	16 (36%)	19 (34%)
Total	45* (100%)	56 (100%)

* Out of the 45 SARs, 7 had multiple IPs. Four of these SARs (all affirmed) involved multiple unnamed/unidentified IPs and three SARs (2 unfounded and 1 affirmed) involved multiple named/identified IPs. None of the SARs included a mix of unnamed/unidentified and named/identified IPs.

Table 5. Nature of LAPD Officer Contact for 16 SARs with a Named/Identified Involved Person – 2022/2023 SARs

Nature of LAPD Officer Contact	Number and Percent of SARs	
LAPD Officer Contact with Named/Identified Involved Person	10/16	63%
<i>Detention Conducted by LAPD Officers</i>	7/10	70%
<i>No Detention Conducted by LAPD Officers</i>	3/10*	30%
No LAPD Officer Contact with Named/Identified Involved Person	6/16**	37%

* Two of these SARs resulted in a consensual encounter with the involved person. In the third SAR, the involved person immediately left the area upon being directed to do so by an LAPD officer.

** In three of these SARs, the involved person was contacted by a police officer from another law enforcement agency (POLA Police – 2; Long Beach Police Department – 1). In the other three SARs, it was deemed unnecessary to attempt direct contact with the involved persons based on the nature of the suspicious activity being reported and given the fact that no reasonable suspicion of a crime existed.

Table 6. Named/Identified Involved Person Gender/Race and Number of LAPD Officer Contacts for Unfounded 2022/2023 SARs

Gender/Race*	Total Number of Named/Identified Involved Persons	Number of Named/Identified Involved Persons with LAPD Officer Contact
Male/Hispanic	6	4
Male/Black	2	1
Total	8	5

Table 7. Named/Identified Involved Person Gender/Race and Number of LAPD Officer Contacts for Affirmed 2022/2023 SARs

Gender/Race	Total Number of Named/Identified Involved Persons	Number of Named/Identified Involved Persons with LAPD Officer Contact
Male/Black	3	2
Male/Middle Eastern	2	1
Male/UTD	1	0
Male/White	2	0
Male/Hispanic	1	1
Female/Black	1	1
Female/White	1	1
Total	11	6

* POLA officers contacted two other involved persons (one Male/Middle Eastern and one Male/White), with no LAPD officers involved.

Table 8. Perceived Gender/Race of 37 Unnamed/Unidentified Involved Persons (with no LAPD officer contact) in 2022/2023 Affirmed and Unfounded SARs

Perceived Gender/Race	Total Number of Unnamed/Unidentified Involved Persons in 19 Affirmed SARs	Total Number of Unnamed/Unidentified Involved Persons in 10 Unfounded SARs	Total Number of Unnamed/Unidentified Involved Persons in All Applicable 29 SARs
Male/Middle Eastern	9	1	10
Male/White	7	1	8
Male/Hispanic	2	2	4
Male/Asian	0	2	2
Male/Black	0	1	1
Male/UTD	6	1	7
Female/White	0	1	1
Female/UTD	0	1	1
UTD/UTD	3	0	3
Total	27	10	37

Table 9. Applicable Suspicious Activity Types for 29 Affirmed SARs – 2022/2023

Applicable SA Types – 2022/2023 Affirmed SARs	Number of Applicable Affirmed SARs*	Percent of Applicable Affirmed SARs
Express or Implied Threat	11	38%
Testing or Probing of Security	10	34%
Breach/Attempted Intrusion	7	24%
Photography	6	21%
Misrepresentation	2	7%
Eliciting Information	2	7%
Sabotage/Tampering/Vandalism	1	3%
Aviation Activity	1	3%
Materials Acquisition/Storage	1	3%
Weapons Discovery	1	3%
Total	42	

*Some of the 29 affirmed SARs have multiple SA types.

Table 10. Total SARs Processed by the LAPD from 2015 to 2023

	YEAR																	
	2015		2016		2017		2018		2019		2020		2021		2022		2023*	
Unfounded	139		124		52		34		43		13		12		9		7	
Affirmed	107		107		65		45		30		19		15		14		15	
Total SARs and % Change	246		231	-6%	117	-49%	79	-32%	73	-8%	32	-56%	27	-16%	23	-15%	22	-4%

*There was a 91 percent decrease in SARs processed by the LAPD from 2015 to 2023.

B. Additional SARs Trend Analysis

The OIG noted a significant decline (91%) in the number of SARs processed from 2015 (246 SARs) through 2023 (22 SARs). In conversations with the Department, some possible reasons for the significant decrease over this period of time might include:

- Starting in January 2020, per revised Special Order 2-2020, LAPD divisions have been required to contact the MCD SAR Unit before preparing and submitting a SAR.
- Members of the public may have reported SARs directly to the FBI, bypassing LAPD.

- Some members of the public and LAPD officers may have become more educated/informed about apparent suspicious activity, leading them to recognize that most of those activities have no terrorism nexus (i.e., are not reasonably indicative of “pre-operational planning related to terrorism”).
- Some members of the public and LAPD officers may have started reporting some incidents as “hate incidents” and “hate crimes” instead of SARs.

V. OIG REVIEW OF 2022/2023 SUSPICIOUS ACTIVITY REPORTS

The OIG’s five audit-test objectives in its review were as follows:

Objective #1: Determine for each of the 29 SARs affirmed by MCD (and forwarded to the JRIC) whether the related SA was one of the 18 types specifically identified in Special Order 2-2020, including the 7 types under “Criminal Activity and Potential Terrorism Nexus Activity” and the 11 types under “Potential Criminal or Non-Criminal Activity Requiring Additional Information During Vetting.”

Objective #1 Results: For each of the 29 SARs affirmed by MCD, the related SA was one of the 18 types specifically identified in Special Order 2-2020. (100% compliance)

Objective #2: Determine for each of the 29 SARs affirmed by MCD (and forwarded to the JRIC) whether the related SA was reasonably indicative of pre-operational planning related to terrorism.

Objective #2 Results: For each of the 29 SARs affirmed by MCD, the SA was reasonably indicative of pre-operational planning related to terrorism. (100% compliance)

Objective #3: Determine for each of the 16 SARs unfounded by MCD (and not forwarded to the JRIC) whether the related SA was not reasonably indicative of pre-operational planning related to terrorism.

Objective #3 Results: For each of the 16 SARs unfounded by MCD, the related SA was not reasonably indicative of pre-operational planning related to terrorism. (100% compliance)

Objective #4: Determine for each of the 8 SARs in which LAPD officers who were equipped with BWV cameras contacted an involved person (including both affirmed and unfounded SARs) whether the responding officers activated their BWV cameras before the contact and maintained activation throughout the contact.

Objective #4 Results: For 7 of the 8 SARs in which LAPD officers equipped with BWV cameras contacted an involved person, 15 of the 17 responding officers activated their BWV cameras before the contact and maintained activation throughout the contact. (88% compliance for both the SARs and the responding officers)

Objective #4 Finding: For one SAR, two responding patrol officers promptly activated their BWV cameras to record their interaction with the reporting person. However, these officers each activated their BWV camera late (by two minutes and five minutes, respectively) during their subsequent contact with the involved person. This delay occurred without any justifiable exigent circumstances and without the required explanation in their documentation of the incident. Meanwhile, a third responding officer did activate their BWV camera on time, capturing the entire interaction with the involved person, which the OIG was able to review in full. The OIG has informed the respective division command staff of the BWV deviation that it identified for appropriate follow-up action.

Objective #5: Determine for each of the 5 SARs (both affirmed and unfounded) in which LAPD officers detained one or more involved persons whether the detentions were lawful (i.e., there was reasonable suspicion of a crime) and reasonable in their duration (i.e., the detentions lasted only long enough to investigate the possible crime); and determine if any searches conducted were lawful.

Objective #5 Results: For each of the 5 SARs in which LAPD officers detained one or more involved persons,⁵ the detentions were lawful and reasonable in their duration, and all related searches were lawful. *(100% compliance)*

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⁵ Note that a total of six involved persons were detained in conjunction with these five SARs.

VI. CONCLUSION

The OIG determined that the Department complied with its current SAR policy for all 45 SARs processed during calendar years 2022 and 2023. The OIG noted, however, that the Department does not maintain a log to record and track all SARs in chronological order. Without such a log, the OIG faced difficulties verifying that it had received paper copies of all the SARs processed by MCD during the two-year review period of this project.

Looking back to 2015, the OIG’s review also revealed a significant reduction (91 percent) in the number of SARs processed from that year to 2023. The OIG notes that its previous reports on SARs have consistently shown high compliance rates, including in the current audit. Therefore, the OIG has concluded that the Department’s processing of SARs is consistently compliant with applicable policy.

VII. RECOMMENDATIONS

The OIG recommends that the BOPC direct the Department as follows:

1. The Department shall establish and maintain a log to register and track all SARs received and processed in chronological order. The log shall exclude any personal identifying information of the involved persons, such as names, addresses, driver’s license numbers, vehicle plate numbers, etc. Such sensitive details should remain solely within the paper copies of the SARs, in line with the Department’s existing practices.
2. The Department shall annually certify to the BOPC the number of SARs received and processed throughout the calendar year, and the Department shall provide a copy of the related SARs log to the OIG within 45 days following that annual certification.

Additionally, the OIG observed that the “Purpose” section of Special Order 17-2012 explicitly states, “[T]he Office of the Inspector General will review the Suspicious Activity Report process on an annual basis as part of their audit/inspection responsibilities.” However, Special Order 2-2020, which revised the Department’s SAR policy, did not include any reference to annual audits by the OIG. The absence of such a reference in the more recent special order has led to ambiguity regarding the Police Commission’s expectations about the frequency of such audits. Additionally, there has been a significant reduction in the number of SARs received and processed by the Department, alongside a consistently high compliance rate with the relevant policy. In light of these considerations, the OIG suggests that the BOPC provide clear guidance on its expectations regarding the frequency of SAR audits.

Specifically, the OIG recommends that the BOPC adopt the following guidance with respect to future SAR audits:

3. The OIG will conduct audits of the SAR process at its discretion, for example, if it observes a significant increase in the number of SARs received or affirmed, or at the specific direction of the BOPC.

VIII. DEPARTMENT RESPONSE

The OIG submitted a draft of this report to the Department for its review. In response, the Department offered clarifications and proposed revisions regarding two procedural SARs issues. These suggestions were accepted by the OIG and integrated into the final report. Furthermore, the Department concurred with the above recommendations from the OIG and provided the following response:

The Department concurs with the OIG's recommendations and has initiated the development of a secure log to capture the essential details of a SAR. The log will be exclusive to Major Crimes Division personnel to safeguard the privacy and First Amendment expectations of community members.

Regarding the delay in activating BWV by two officers, as noted in Objective 4 on Page 10, the involved division's commanding officer stated that a detailed review of those officers' BWVs in various incidents was conducted. A Supervisory Action Item (SAI) was generated for each officer following that review. Furthermore, a supervisor examined each officer's TEAMS report. After consulting with the Department's Employee Relations Group, the supervisor held meetings with both officers to discuss the BWV findings and any irregularities. The SAIs were then sent to the involved Bureau, which concluded and closed them on March 6, 2024. For one of the officers, a Performance Improvement Plan was implemented, which includes ongoing BWV inspections.

IX. APPENDICES

The Department's complete response as well as Special Orders published by the Department relevant to this review may be found attached.

**APPENDIX A: Los Angeles Police Department's Response to
the Office of the Inspector General's Review of Suspicious
Activity Reports 2022-2023**

INTRADEPARTMENTAL CORRESPONDENCE

May 1, 2024
1.1

TO: Office of the Inspector General

FROM: Chief of Police

SUBJECT: LOS ANGELES POLICE DEPARTMENT'S RESPONSE TO THE OFFICE OF THE INSPECTOR GENERAL'S REVIEW OF SUSPICIOUS ACTIVITY REPORTS 2022-2023

The Los Angeles Police Department (Department) has received the Office of the Inspector General's Office (OIG) draft report of the Review of the Suspicious Activity Reports (SAR) 2022-2023 and has taken action to implement the recommendations. The report includes three recommendations to be made as follows:

SECTION VII. RECOMMENDATIONS

1. The Department shall establish and maintain a log to register and track all SARs received and processed in chronological order. The log shall exclude any personal identifying information of the involved persons, such as names, addresses, driver's license numbers, vehicle plate numbers, etc. Such sensitive details shall remain solely within the paper copies of the SARs, in line with the Department's existing practices.
2. The Department shall annually certify to the BOPC the number of SARs received and processed throughout the calendar year and shall provide a copy of the related SARs log to the OIG within 45 days following that annual certification.
3. The OIG will conduct audits of the SAR process at its discretion, for example, if it observes a significant increase in the number of SARs received or affirmed, or at the specific direction of the BOPC.

Department Response

The Department concurs with the OIG's recommendations and has initiated the development of a secured log to capture the essential details of a SAR. The log will be exclusive to Major Crimes Division personnel to safeguard the privacy and First Amendment expectations of community members.

Should you have any questions or concerns regarding this matter, please contact Deputy Chief David J. Kowalski, Commanding Officer, Counter-Terrorism and Special Operations Bureau, at (213) 486-8780.

A handwritten signature in black ink, appearing to read 'D. Choi', with a stylized flourish at the end.

DOMINIC H. CHOI
Chief of Police

APPENDIX B: Special Order No. 2 – 2020

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 2

January 2, 2020

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON December 17, 2019

SUBJECT: REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM (DEPARTMENT MANUAL SECTIONS 1/590 AND 4/271.46) – RENAMED AND REVISED; AND, SUSPICIOUS ACTIVITY REPORT FIELD NOTEBOOK DIVIDER, FORM 18.30.03 – REVISED

PURPOSE: This Order renames and revises Department Manual Sections 1/590 and 4/271.46, both entitled *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism*. This Order further revises nexus activity and procedures for reporting such suspicious activity, consistent with the Office of the Director of National Intelligence, Information Sharing Environment Functional Standards Suspicious Activity Reporting (SAR) and the National SAR Initiative's (NSI) current guidelines.

PROCEDURE:

- I. REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM – RENAMED AND REVISED.** Department Manual Section 1/590, *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism*, has been revised and renamed as *Reporting Suspicious Activity Potentially Related to Foreign/Domestic Terrorism or Other Criminal Activity*. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN OR DOMESTIC TERRORISM – RENAMED AND REVISED.** Department Manual Section 4/271.46, *Reporting Suspicious Activity Potentially Related to Foreign or Domestic Terrorism*, has been revised and renamed as *Reporting Suspicious Activity Potentially Related to Foreign/Domestic Terrorism or Other Criminal Activity*. Attached is the revised Department Manual section with the revisions indicated in italics.
- III. SUSPICIOUS ACTIVITY REPORT FIELD NOTEBOOK DIVIDER, FORM 18.30.03 – REVISED.** The Suspicious Activity Report Field Notebook Divider, Form 18.30.03, has been revised to clarify the employee's and watch commander's responsibilities regarding the notification and report distribution of Suspicious Activity Reports.

FORM AVAILABILITY: The Suspicious Activity Report Field Notebook Divider, Form 18.03.03, is available in e-Forms on the Department Local Area Network. All other versions of the Suspicious Activity Report Field 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, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

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590. REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO FOREIGN/DOMESTIC TERRORISM *OR OTHER CRIMINAL ACTIVITY*. 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 activity or intentions related to foreign/domestic terrorism *or other criminal activity*. 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, Part 23 and applicable California State Guidelines).

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**271.46 REPORTING SUSPICIOUS ACTIVITY POTENTIALLY RELATED TO
FOREIGN/DOMESTIC TERRORISM OR OTHER CRIMINAL ACTIVITY.**

DEFINITIONS.

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

***Note:** For the purpose of documentation and evaluation within a Suspicious Activity Report (SAR), the term “other criminal activity” refers to criminal activity associated with terrorism and must fall within the scope of the eighteen terrorism pre-operational behaviors herein defined as: criminal, potential criminal and non-criminal activities.*

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*, 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.

Involved Person. 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.

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.

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 shall 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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Certain 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 *enter* or actually entering a *restricted area, secured facility/infrastructure or protected site, or non-public area*. Impersonation of authorized personnel (e.g., police/security officers, janitor, or other personnel);
- **Misrepresentation.** Presenting false *information* or misusing insignia, documents, and/or identification to misrepresent one's affiliation *as a means of concealing* possible *illegal* activity;
- **Theft/Loss/Diversion.** Stealing or diverting something associated with a facility/infrastructure, or *secured protected site* [e.g., badges, uniforms, identification, emergency vehicles, technology or documents (classified or unclassified), which are proprietary to the facility/infrastructure or *secured protected site*];
- **Sabotage/Tampering/Vandalism.** Damaging, manipulating, defacing or *destroying* part of a facility/infrastructure or *secured 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 commit a crime that will result in death or bodily injury to another person or persons or to damage or compromise a facility/infrastructure, or secured protected site or,*
- **Aviation Activity.** *Learning to operate or operating an aircraft, or interfering with the operation of an aircraft* in a manner that poses a threat of harm to people or property and that would arouse suspicion of terrorism or other criminality in a reasonable person. Such *activity* may or may not be a violation of Federal Aviation Administration regulations.

Potential Criminal or Non-Criminal Activity Requiring Additional Information During Vetting.

- **Eliciting Information.** Questioning individuals or otherwise *soliciting information* at a level beyond mere curiosity about *a public or private event or particular facets of a facility's or building's purpose, operations, security procedures, etc., in a manner* that would arouse suspicion of terrorism or other criminality 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 *in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person*;
- **Recruiting/Financing.** *Providing direct financial support to operations teams and contacts or building operations teams and contacts, or compiling personnel data, banking data or travel data in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person*;

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- **Photography.** Taking pictures or videos of *persons*, facilities, buildings, or infrastructure in an *unusual or surreptitious* manner that would arouse suspicion of *terrorism or other criminality* in a reasonable person. Examples include taking pictures or video of *infrequently used access points, the superstructure of a bridge*, personnel performing security functions (e.g., patrols, badge/vehicle checking), security-related equipment (e.g., perimeter fencing, security cameras), etc.;
- **Observation/Surveillance.** Demonstrating unusual or *prolonged* interest in facilities, buildings, or *infrastructure* beyond mere casual (e.g., *tourists*) or professional (e.g., engineers) interest *and in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person. Examples include observation through binoculars, taking notes, attempting to *mark off or measure* distances, etc.;
- **Materials Acquisition/Storage.** Acquisition and/or storage of unusual quantities of materials such as cell phones, pagers, *radio control toy servos or controllers*, fuel, chemicals, toxic materials, and timers *or other triggering devices, in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person;
- **Acquisition of Expertise.** Attempts to obtain or conduct training *or otherwise obtain knowledge or skills* in security concepts, military weapons or tactics, or other unusual capabilities *in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person;
- **Weapons Collection.** Collection of *unusual amounts and/or types of weapons, including explosives, chemicals and other destructive materials in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person;
- **Weapons Discovery.** Discovery of unusual amounts of *types of weapons, including explosives, chemicals and other destructive materials in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person;
- **Indicators of Weapon Handling.** Evidence of detonations, including *residue, wounds or chemical burns in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person; or,
- **Sector-Specific Incident.** Actions associated with a characteristic of unique concern to specific sectors (e.g., the public health sector) with regard to their personnel, facilities, systems or functions *in a manner that would arouse suspicion of terrorism or other criminality* in a reasonable person.

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).

Reporting and Investigative Responsibilities for SAR-Related Incidents and Crime and/or Arrest Reports. All reports of suspicious activity *are* 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.

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Employee's 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.

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 (*e.g., religious assembly or free speech*) 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 suspicious activity associated with terrorism or other criminal activity.

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

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:

- ***Contact the SAR Unit, Major Crimes Division (MCD), for advice when it appears a SAR may be necessary via the Department Operations Center (DOC), Communications Division;***

Note: Also see Administrative Order No. 3, dated February 19, 2014 – General Reporting Instructions – Field Notebook Divider, Form 18.30.00 – REVISED; and denoted within Form 18.30.00 as “**NOTIFICATIONS. *Espionage/Sabotage activity – Terrorist & Criminal Conspiracy Section, MCD.**”

- 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 (*IP*) within the “Involved Persons” portion of the SAR. **With no reportable crime, persons cannot be listed as suspects.** Utilize Page 2 of the SAR to include additional descriptive information;

Note: A copy of the SAR face sheet **SHALL NOT** be provided to the Person Reporting.

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- Notify the watch commander, Area of occurrence of the incident *and that MCD has provided SAR advice*. 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 shall be completed. The Property Report shall bear a separate DR and incident number from the SAR, along with the following:**
 - The Evidence box *shall* be marked;
 - The Investigative Unit box *shall* be marked MCD;
 - The Connecting Reports box *shall* be marked "None";
 - In the narrative portion of the report, officers *shall* write, "Do not release or destroy prior to contacting MCD. Below listed property booked on advice from MCD";
- **The Property Report DR number shall be referenced in the "Prop Rpt DR#" box on the upper left-hand corner of the SAR face sheet;**
- **The booked property and the Property Report shall remain in the Area/division of occurrence;**
- *After obtaining the DR number for the SAR, immediately fax the report(s) to the SAR Unit, MCD; and,*
- *Once the report(s) have been successfully faxed, send the original SAR to the SAR Unit, MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD.*

Note: Copies of the SAR **shall not** be maintained at the Area/division or saved by reporting officers.

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

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), officers shall complete the following:

- **Contact the SAR Unit, MCD prior to completion of any SAR;**
- **Notify MCD via the DOC, Communications Division, that the report involves an arrest or crime with follow-up potential;**
- **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 (after obtaining SAR advice from MCD) 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**

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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);**

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, *of the incident and that MCD, has provided SAR advice.* Upon approval by the watch commander, ensure that the Area Records Unit is made aware of the report *and wait for the DR number to be issued.*
These reports are to be processed separately;
- *FAX the SAR (and copies of all associated reports) to the SAR Unit, MCD, immediately after obtaining the DR number for the SAR; and,*
- Send the **original** SAR, including a copy of all associated reports (*once they have been successfully faxed*), to SAR Unit, MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken. **Copies of the SAR shall not be maintained at the Area/division or saved by the reporting officers.**

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 *shall* not be documented on the aforementioned report or any other related reports (e.g., IR, Arrest).

Hazardous Devices Materials Section, Emergency Services Division Responsibilities.

Personnel assigned to the Explosive Unit (Bomb Squad), Hazardous Materials Unit, or Los Angeles Police Department Bomb Detection Canine (K-9) Section *shall* 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.

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

- *Ensure that the SAR Unit, MCD, was contacted for SAR advice (via the DOC during off-hours);*
- *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 that the contact with the IP(s) was lawful and does not violate Department policy;*
- *Ensure the report is delivered by the reporting officer(s) to a records clerk for immediate DR number assignment;*
- *Ensure the Area Records Unit completes the following:*
 - *Immediately assigns a DR number for the SAR;*

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- Enters the information into the Consolidated Crime Analysis Database (CCAD) System;
- Successfully faxes all reports to the SAR Unit, MCD, immediately after obtaining necessary DR numbers for all associated reports; and,
- Forwards the **original SAR**, including a **copy of all associated reports** to MCD.

Note: Refer to the Area Records Unit's Responsibilities "Note" section regarding manual DR numbers.

- ***If the fax is unsuccessful or no fax is available, ensure that the original SAR and copies of all associated reports are delivered to MCD (during off hours to MCD mailbox located at Police Headquarters Facility mail room).***

Note: Supervisors and watch commanders may reference that a SAR was completed and indicate the SAR DR number **only**, and not the IP'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 *shall* not be documented on the aforementioned reports or any other related reports (e.g., IR, Arrest).

Major Crimes Division's Responsibilities. Upon receiving a telephonic notification of suspicious activity, MCD personnel *shall*, 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 *shall* 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.**

Note: Major Crimes Division shall review Body Worn Video (BWV) and Digital In-Car Video Systems (DICVS) associated with the SAR to ensure consistency between video evidence and what is articulated in the SAR.

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

- 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. Fax a copy of the original SAR to MCD and forward the original SAR to the SAR Unit, MCD, Stop 400. 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, impound report, etc.) are listed in the appropriate boxes provided on the face sheet of the SAR;

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- Enter the information into the CCAD system, including any appropriate *Counter-Terrorism and Special Operations Bureau*-related codes; and,
- **Send the original SAR, including a copy of all associated reports, to “SAR Unit, MCD, Stop 400” as soon as practicable, but no later than 24 hours after the report is taken and successfully faxed to MCD. No copies of the SAR are to be maintained at the Area/division.**

Area Detective’s Responsibilities. For any associated reports, (e.g., Property Report, IR, Arrest Report), which arrive at an Area Detective Division without having been reviewed by MCD personnel, Area detectives *shall*:

- Immediately notify MCD and forward the SAR to MCD (***no copies of the SAR are to be retained at the Area/division***) 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 Responsibilities. 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.

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These guidelines *shall* 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.

Note: For the purpose of documentation and evaluation within a SAR report, the term "other criminal activity" refers to criminal activity associated with terrorism and must fall within the scope of the eighteen terrorism pre-operational behaviors herein defined as: criminal, potential criminal and non-criminal activities.

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:

☐ Contact the SAR Unit, Major Crimes Division (MCD), for advice when it appears the SAR may be necessary via Department Operations Center (DOC);

☐ 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, persons cannot be listed as suspects.

Utilize Page 2 of the SAR to include additional descriptive information;

Note: A copy of the SAR face sheet shall not be provided to the Person Reporting.

☐ Notify the watch commander, Area of occurrence, of the incident and that MCD has provided SAR advice. 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 shall be completed. The Property Report shall 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 *shall* write, "Do not release or destroy prior to contacting MCD. Below listed property booked on advice from MCD";

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

☐ The booked property and the Property Report *shall* remain in the division of occurrence; and,

☐ After obtaining the DR number for the SAR, immediately fax the report(s) to SAR Unit, MCD, at (213) 486-7272.

Once the report(s) have been successfully faxed, send the **original** SAR to the SAR Unit, MCD, Stop 400, as soon as practicable, but no later than 24 hours after the report is taken and faxed to MCD.

Note: Copies of the SAR shall not be maintained at the Area or saved by reporting officers.

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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), officers *shall* complete the following:

- ☐ Contact the SAR Unit, MCD, prior to completion of any Suspicious Activity Report;
- ☐ Notify MCD via Department Operations Center (DOC), Communications Division, that the report involves an arrest or crime with follow-up potential;
- ☐ 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 (after obtaining SAR advice from MCD) 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);

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

REPORTABLE SUSPICIOUS ACTIVITIES:

Certain 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 enter or actually entering a restricted area, secured facility/infrastructure or protected site or nonpublic area. Impersonation of authorized personnel (e.g., police/security officers, janitor, or other personnel);
- **Misrepresentation.** Presenting false information or misusing insignia, documents, and/or identification to misrepresent one's affiliation as a means of concealing possible illegal activity;
- **Theft/Loss/Diversion.** Stealing or diverting something associated with a facility/infrastructure or secured protected site [e.g., badges, uniforms, identification, emergency vehicles, technology or documents (classified or unclassified), which are proprietary to the facility/infrastructure or secured protected site];
- **Sabotage/Tampering/Vandalism.** Damaging, manipulating, defacing or destroying part of a facility/infrastructure or secured 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 commit a crime that will result in death or bodily injury to another person or persons or to damage or compromise a facility/infrastructure, protected site; or,
- **Aviation Activity.** Learning to operate or operating an aircraft, or interfering with the operation of an aircraft in a manner that poses a threat of harm to people or property and that would arouse suspicion of terrorism or other criminality in a reasonable person. Such activity may or may not be a violation of Federal Aviation Administration regulations.

Potential Criminal or Non-Criminal Activity Requiring Additional Information During Vetting:

- **Eliciting Information.** Questioning individuals or otherwise soliciting information at a level beyond mere curiosity about a public or private event or particular facets of a facility's or building's purpose, operations, security procedures, etc., in a manner that would arouse suspicion of terrorism or other criminality 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 in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person;
- **Recruiting/Financing.** Providing direct financial support to operations teams and contacts or building operations teams and contacts, compiling personnel data, banking data or travel data in a manner that would arouse suspicion of terrorism or criminality in a reasonable person;
- **Photography.** Taking pictures or videos of persons, facilities, buildings, or infrastructure in an unusual or surreptitious manner that would arouse suspicion of terrorism or other criminality in a reasonable person. Examples include taking pictures or video of infrequently used access points, the superstructure of a bridge, personnel performing security functions (e.g., patrols, badge/vehicle checking), security-related equipment (e.g., perimeter fencing, security cameras), etc.;
- **Observation/Surveillance.** Demonstrating unusual or prolonged interest in facilities, buildings, infrastructures or beyond mere casual (e.g., tourists) or professional (e.g., engineers) interest and in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person. Examples include observation through binoculars, taking notes, attempting to mark off or measure distances, etc.;
- **Materials Acquisition/Storage.** Acquisition and/or storage of unusual quantities of materials, such as cell phones, pagers, radio control toy servos or controllers, fuel, chemicals, toxic materials, and timers or other triggering devices, in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person;
- **Acquisition of Expertise.** Attempts to obtain or conduct training or otherwise obtain knowledge or skills in security concepts, military weapons or tactics, or other unusual capabilities in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person;

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Field Notebook Divider

- **Weapons Collection.** *Collection of unusual amounts and/or types of weapons, including explosives, chemicals and other destructive materials that would arouse suspicion of terrorism or other criminality in a reasonable person;*
- **Weapons Discovery.** *Discovery of unusual amounts of types of weapons, including explosives, chemicals and other destructive materials that would arouse suspicion of terrorism or other criminality in a reasonable person;*
- **Indicators of Weapons Handling.** *Evidence of detonations, including residue, wounds or chemical burns that would arouse suspicion of terrorism or other criminality in a reasonable person; or,*
- **Sector-Specific Incident.** *Actions associated with a characteristic of unique concern to specific sectors (e.g., the public health sector) with regard to their personnel, facilities, systems or functions in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.*

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 criminal activity associated with terrorism, including evidence of pre-operational planning related to terrorism. Race, 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/Domestic Terrorism or Other Criminal Activity* and Section 4/271.46, *Reporting Suspicious Activity Potentially Related to Foreign/Domestic Terrorism or Other Criminal Activity*.

APPENDIX C: Special Order No. 17 – 2012

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

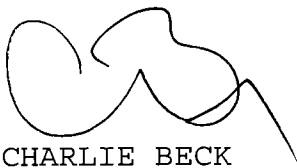
PURPOSE: This Order revises the procedures for reporting suspicious activity potentially related to foreign or domestic terrorism to be consistent with the Office of the Director of National Intelligence, Information Sharing Environment Functional Standards Suspicious Activity Reporting. Officers are 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/Diversión.** 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*.