

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.

A handwritten signature in black ink, appearing to read 'MICHEL R. MOORE', with a large, stylized flourish extending from the end of the signature.

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/Diversions.** 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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- **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 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*.