

SARs

Suspicious Activity Reports:

What They Are and How They Are
Impacting Our Communities



ASIAN AMERICANS
**ADVANCING
JUSTICE**
ASIAN LAW CAUCUS



CAIR
CALIFORNIA



ASIAN AMERICANS
**ADVANCING
JUSTICE**
LOS ANGELES



What is the SARs Program?

The Nationwide Suspicious Activity Reporting (SAR) Initiative is a vast expansion of the federal government's domestic intelligence network. Under the SAR Initiative, local law enforcement officers, intelligence and homeland security officials, emergency responders, and even private citizens become the "eyes and ears" of the federal government by reporting "suspicious" activities potentially related to terrorism. Yet many such activities—such as using binoculars, taking pictures, drawing diagrams, and taking notes—are either innocuous or protected by the First Amendment. The SAR Initiative therefore increases the probability that innocent people will be stopped by police and have their personal information collected for inclusion in law enforcement and intelligence databases.

To make matters worse, the SAR Initiative opens the door to racial profiling. Allowing law enforcement agencies to collect information about people and behavior that someone deems "suspicious" gives officers authority to harass practically anyone they choose. The unsurprising result is surveillance and monitoring of communities, particularly Muslims and communities of color, based on race, religion, or involvement in political protest activities.

We already know that the SAR Initiative has resulted in racial and religious profiling. We also know that suspicious activity reports that result from biased profiling or innocuous conduct yield little information of use in counterterrorism efforts. Nonetheless, in investigating such reports, Federal Bureau of Investigation (FBI) and other law enforcement agents may approach community members for "voluntary" interviews. If you are contacted for such an interview, please consult with one of our organizations for free assistance.

What is a Fusion Center?

Fusion Centers are places where federal agencies (like the FBI and the Department of Homeland Security) and state and local law enforcement work together to collect and share intelligence information. There are 78 federally recognized Fusion Centers across the United States, and six of them are in California.

Are Specific Communities Targeted for Suspicious Activity Reporting?

The ACLU and the Advancing Justice - Asian Law Caucus have obtained over 1800 suspicious activity reports that were submitted to Fusion Centers in California. Unsurprisingly, many of these reports accuse Muslims, Middle Easterners, and other people of color of being “suspicious” or involved with terrorism simply for engaging in normal, lawful activities.

Following are just a few examples of activities that were documented in Fusion Center databases as “suspicious”:

- *“Sgt. [redacted] has long been concerned about a residence in his neighborhood occupied by a Middle Eastern male adult physician who is very unfriendly”*
- *“Yemeni brothers apply to be volunteer firefighters in Kings County”*
- *“suspicious ME [Middle Eastern] males buy several large pallets of water”*
- *“R/P [Reporting Person] reports of a Muslim male with anti-war views hanging out with R/P's mother”*
- *“Two Muslim males apply to be volunteers at CDCR Muslim Chapel”*
- *“trending information passed to Citrus Heights Dispatcher from Citrus Heights LEO [Law Enforcement Officer] that there has been a substantial increase in the presence of female Muslims fully dressed in veils/burkas.”*

Applying to be “volunteer firefighters” or “buying water” are perfectly normal activities. But when the people engaging in these activities appear to be Muslim or Middle Eastern, they somehow become “suspicious.”

What Happens if You Are in a Suspicious Activity Report?

People who have been the subjects of suspicious activity reports state that FBI agents have visited them at their homes or workplaces and questioned them about their conduct, including perfectly innocent conduct such as taking photographs of buildings or landmarks.

What Happens if You Are in a Suspicious Activity Report?

If a Fusion Center determines that a suspicious activity report meets certain criteria, it will upload the report to federal databases, even if the conduct at issue falls short of the standard—reasonable suspicion of actual wrongdoing—that law enforcement agencies have long been required to meet before collecting and retaining information on people. Once uploaded, the information can be accessed by the other Fusion Centers around the country. The report stays in some databases for 5 years and with the FBI for 30 years.

What Can Be Done About This?

In July 2014, the ACLU, Advancing Justice - ALC, and the lawfirm Bingham McCutchen LLP filed a lawsuit challenging the standard for suspicious activity reporting. The basis for the lawsuit is simple: law enforcement agencies should collect and retain information on people only where there is a reasonable factual basis for suspecting misconduct.

If you believe that you are the subject of a suspicious activity report, or if you are visited by the FBI for questioning, remember that you have the right to an attorney and the right to remain silent. It is a federal offense to lie to a federal officer, and even innocent mistaken statements of fact can be used against you. Assert your rights and contact one of our organizations for free advice:

Advancing Justice - ALC: (415) 848-7714

Advancing Justice - LA: (213) 241-0245

Council on American-Islamic Relations - California: (408) 986-9874

ACLU of California: (415) 621-2488

ACLU: (212) 549-2500

Please visit these links for more resources:

Full list of SARs made public in CA: <http://bit.ly/acluSARs>

Advancing Justice on SARs: <http://bit.ly/alcSARs>

ACLU on SARs: <http://bit.ly/aclusar>