

# Suspicious or Not?

After Sept. 11, 2001, and the formation of the Department of Homeland Security (DHS), a process was developed through which the government could gather and share information about potential terrorist attacks. Local law enforcement officers would submit "Suspicious Activity Reports" (SARs), which were then sent to fusion centers, which would decide which information was reliable and should be acted upon.

## What is "suspicious activity"?

DHS describes suspicious activity as "**observed behavior that may be indicative of intelligence gathering or preoperational planning, related to terrorism, criminal, or other illicit intention.**" A Suspicious Activity Report is centered on an **activity** (an event or action that has aroused some degree of suspicion).

## What is a Suspicious Activity Report (SAR)?

An SAR is a document describing observed behavior that "reasonably" indicates "preoperational planning related to terrorism or other criminal activity." "Preoperational planning" means some form of planning before a terrorist/criminal operation is attempted.

## PART 1:

### Analyze Sample Reports

Read the following descriptions from hypothetical SARs. Then decide if these reports should be sent along to a fusion center.

REPORT 1					
SUBJECT(S) DESCRIPTION	No. of subjects	Physical characteristics	Age	Gender	Race
	3	Subj 1: 5'10", 165 lbs Subj 2: 5'9", 155 lbs Subj 3: 6'1", 200 lbs	Subj 1: 18-24 yrs Subj 2: 20-25 yrs Subj 3:20-25 yrs	M	Hispanic/ Middle Eastern
INCIDENT DESCRIPTION	Three men are observed walking in front of a federal government building. Two of them have cameras around their necks, and both stop to take pictures of the building. The third man looks up and down the street intermittently. All three are young and dressed in casual clothing. They remain in front of the building for almost 15 minutes.				

- What about this situation would you like to know more about to help you make a decision?
- Does this qualify as suspicious behavior? What factors led you to that conclusion?
- Would you qualify this as moderately suspicious, highly suspicious or extremely suspicious?
- Should this report be forwarded to a fusion center?

REPORT 2					
SUBJECT(S) DESCRIPTION	Number of subjects	Physical characteristics	Age	Gender	Race
		undetermined	undetermined	undetermined	undetermined
INCIDENT DESCRIPTION	While investigating an armed robbery at an apartment building, a police officer looks in an open door to an adjacent apartment and sees 10 to 12 phones piled up on a coffee table. One of the phones has been taken apart, and its electronic components are visible, spread out on the coffee table. The officer hears someone moving in the back of the apartment, but no one enters the main room.				

- What factors about this situation would you like to know more about to help you make a decision?
- Does this qualify as suspicious behavior? What factors led you to that conclusion?
- Would you qualify this as moderately suspicious, highly suspicious or extremely suspicious?
- Should this report be forwarded to a fusion center?

REPORT 3					
SUBJECT(S) DESCRIPTION	Number of subjects	Physical characteristics	Age	Gender	Race
		1	5'3", 115 lbs	20-25 yrs	F
INCIDENT DESCRIPTION	While patrolling near a local airport, a police officer observes a young woman questioning an airline attendant about particular procedures—how often planes take off and land, which runways are the most commonly used, etc. She smiles frequently and makes regular eye contact with the attendant, and after the conversation, she is seen to produce a small notepad from her purse and jot down several notes.				

- What factors about this situation would you like to know more about to help you make a decision?
- Does this qualify as suspicious behavior? What factors led you to that conclusion?
- Would you qualify this as moderately suspicious, highly suspicious or extremely suspicious?
- Should this report be forwarded to a fusion center?

## PART 2:

### SARs and the Reasonable Suspicion Standard

Police officers are allowed to stop citizens under a standard called "reasonable suspicion." This standard was created by a Supreme Court case, *Terry v. Ohio* (1968). Police officers are required to be able to support a suspicion of criminal activity by articulable facts (that is, facts that can be explained/identified, not simply a "gut instinct" or a feeling), before they can stop individuals for investigation. Similarly, the basis of Suspicious Activity Reports (SARs) is required to use the same standard, reasonable suspicion.

The behaviors listed below are defined by the Transportation Security Administration as potentially criminal activities that should prompt further investigation by security personnel. (Source: Transportation Suspicious Incidents Report (<http://www.airsafe.com/issues/security/tsa-sir-aug-2010.pdf>). Consider each behavior and determine whether the defined activity meets the reasonable suspicion standard. Justify your conclusion, and then determine whether there might be room for error or abuse.

- Questioning individuals at a level beyond mere curiosity about particular facets of a facility's or building's purpose, operations, security procedures, etc.

REASONABLE SUSPICION -- YES OR NO?	WHY?	WHAT MIGHT BE PROBLEMATIC WITH THIS DEFINITION?

- Taking pictures or video of facilities, buildings or infrastructure in a manner that would arouse suspicion in a reasonable person. Examples include taking pictures or video of infrequently used access points, personnel performing security functions (patrols, badge/vehicle checking), security-related equipment (perimeter fencing, security cameras).

REASONABLE SUSPICION -- YES OR NO?	WHY?	WHAT MIGHT BE PROBLEMATIC WITH THIS DEFINITION?

- Demonstrating unusual interest in facilities, buildings or infrastructure beyond mere casual or professional interest (e.g., engineers) such that a reasonable person would consider the activity suspicious. Examples include observation through binoculars, taking notes, attempting to measure distances, etc.

REASONABLE SUSPICION -- YES OR NO?	WHY?	WHAT MIGHT BE PROBLEMATIC WITH THIS DEFINITION?

- 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 suspect possible criminal activity.

REASONABLE SUSPICION -- YES OR NO?	WHY?	WHAT MIGHT BE PROBLEMATIC WITH THIS DEFINITION?