



November 14, 2017

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Federal Bureau of Investigation  
Attn: FOI/PA Request  
Record/Information Dissemination Section  
170 Marcel Drive  
Winchester, VA 22602-4843  
Fax: (540) 868-4391/4997

**Re: FOIA Request for Records Related to the FBI's Behavioral Analysis Unit Presentation on "Behavioral Assessment of Violent Extremists"**

Dear FOIA Officer:

Muslim Advocates (the "Requestor") submits this letter as a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, for all records relating to the FBI's Behavioral Analysis Unit Presentation on "Behavioral Assessment of Violent Extremists" (the "Request"). We ask that this Request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver. We also ask that you refer the Request contained in this letter to any other component agency as appropriate.

**I. Background**

In June 2017, the FBI's Behavioral Analysis Unit-3 for Crimes Against Children ("BAU-3") gave a presentation entitled "Behavioral Assessment of Violent Extremists" at the Mid-Atlantic Intel and Law Enforcement Training Seminar ("INLETS").<sup>1</sup> According to reports, the presentation focused on understanding homegrown violent extremism and the reasons certain individuals turn to violence.<sup>2</sup> The presentation reportedly described "multiple influencing factors that could take someone from a regular youth, to a radicalized individual, to a person mobilized to commit violence."<sup>3</sup> However, constitutionally protected activities were included as possible indicators that an individual may be prone to violent extremism, including actions such as "paying off debts" or having personality traits such as being "open, introverted, conscientious, stable, and agreeable."<sup>4</sup>

Muslim Advocates is concerned that BAU-3's presentation disproportionately focuses on protected activity, and that its primary focus is to target Muslims. In other words, Requestors are concerned that the presentation encourages law enforcement to police behavior that would

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<sup>1</sup> Jinnie Chua, *Mapping the Route to Violent Extremism*, INPUBLICSAFETY (Oct. 24, 2017), <http://inpublicsafety.com/2017/10/mapping-the-route-to-violent-extremism/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

otherwise be considered constitutional if not for those individual's protected religious beliefs or affiliations.

## **II. Request for Information**

We request disclosure of records<sup>1</sup> that were prepared, received, transmitted, collected, and/or maintained by the FBI and its agencies that relate to the presentation given by BAU-3 entitled "Behavioral Assessment of Violent Extremists," at INLETS on June 19-23, 2017.

## **III. Application for Waiver of Fees**

Under 5 U.S.C. § 552(a)(4)(A)(iii), Muslim Advocates requests a waiver of all fees because disclosure is in the public interest: disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor."<sup>2</sup> Muslim Advocates is a non-profit, tax-exempt, national legal advocacy and educational organization dedicated to protecting the civil rights of Americans of all faiths. As part of our mission, we closely monitor reports of potentially discriminatory targeting of American Muslims. As such, the records sought through this Request will significantly contribute to the public understanding of how law enforcement officials are being trained to spot homegrown violent extremism—particularly Muslims—and how they identify such individuals.

A fee waiver would also fulfill Congress' legislative intent in granting fee waivers to noncommercial requestors.<sup>3</sup> Therefore, Muslim Advocates is entitled to the waiver of all fees regarding this Request.

If the waiver request is not granted, Requestors ask that fees be limited to the reasonable standard charges for document duplication because Requestors qualify as representatives of the news media and the records sought are not for commercial use.<sup>4</sup>

## **IV. Application for Expedited Processing**

Muslim Advocates also requests expedited processing under 5 U.S.C. § 552(a)(6)(E). There is a

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<sup>1</sup> For purposes of this request, "Record" means a record in the broadest sense possible, and includes, without limitation, everything tangible, electronic, or digital containing a datum, number, photograph, picture, word, or any other information, including, but not limited to, communications between phones or other electronic devices, e-mails, digital or physical images, video, audio recordings, voicemail messages, social media posts, instructions, directives, guidance documents, formal and informal presentations, training documents, bulletins, notices, alerts, updates, advisories, reports, legal and policy memoranda, contracts, agreements, minutes or notes of meetings and phone calls, and memoranda of understanding.

<sup>2</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

<sup>3</sup> See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requestors.").

<sup>4</sup> 5 U.S.C. § 552(4)(A)(ii)(II).

“compelling need” for these records as defined in the statute because the Request concerns: (1) “[t]he loss of substantial due process rights,”<sup>1</sup> and (2) “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.”<sup>2</sup>

In particular, the requested records seek to inform the public about an urgent issue implicating thousands of individuals and the criminalization of constitutionally protected behavior. Reports of BAU-3’s presentation raises concerns about how individuals are targeted, giving rise “to questions about the government’s integrity” and an “urgency to inform the public.”<sup>3</sup> Requestors therefore satisfy the requirements for expedited processing of this Request and expect a determination regarding expedited processing within 10 days.<sup>4</sup>

If any part of this Request is denied, please provide the grounds for the denials or redactions by reference to specific FOIA exemptions. We expect the government to release all reasonably segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny the waiver of fees.<sup>5</sup>

I certify under penalty of perjury that, to the best of my knowledge and belief, the above information is true and correct.

Sincerely,

Juvaria Khan  
Muslim Advocates  
Staff Attorney  
P.O. Box 66408  
Washington, DC 20035  
[juvaria@muslimadvocates.org](mailto:juvaria@muslimadvocates.org)

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<sup>1</sup> 6 C.F.R. § 5.5(e)(1)(iii); 5 U.S.C. § 552(a)(6)(E)(ii)

<sup>2</sup> 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii).

<sup>3</sup> 28 C.F.R. § 16.5(e)(1)(ii).

<sup>4</sup> See 5 U.S.C. § 552 (a)(6)(E)(ii); 6 C.F.R. § 5.5(e)(4).

<sup>5</sup> See 5 U.S.C. § 552(a)(6)(A)(i)(III)(aa).