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ACLU OF UTAH SEEKS RECORDS ABOUT FBI COLLECTION OF RACIAL AND ETHNIC DATA

FBI's Power to Track and Map "Behaviors" and "Lifestyle Characteristics" of American Communities Raises Alarms

SALT LAKE CITY, UT – The American Civil Liberties Union of Utah today asked the Federal Bureau of Investigations to turn over records related to the agency's collection and use of race and ethnicity data in local communities. According to a 2008 FBI operations guide, FBI agents have the authority to collect information about and map so-called "ethnic-oriented" businesses, behaviors, lifestyle characteristics and cultural traditions in communities with concentrated ethnic populations. Although some racial and ethnic data collection by some agencies might be helpful in lessening discrimination, the FBI's attempt to collect and map demographic data using race-based criteria for targeting purposes invites unconstitutional racial profiling by law enforcement, says the ACLU.

"The public deserves to know how the FBI is implementing a race-based domestic intelligence program with such troubling implications for civil rights and civil liberties," said Darcy Goddard, Legal Director of the ACLU of Utah. "We should all be concerned with the federal government collecting race-based data to track, or 'map,' supposed 'behaviors' or 'characteristics' of certain members of our community—especially when we do not know exactly what types of information are being collected and how the data is being protected from misuse."

The FBI's power to collect, use, and map racial and ethnic data in order to assist the FBI's "domain awareness" and "intelligence analysis" activities is described in the 2008 FBI Domestic Intelligence and Operations Guide (DIOG). The FBI released the DIOG in heavily redacted form in September 2009. A less-censored version was not made public until January of this year, in response to a lawsuit filed by Muslim Advocates. Although the DIOG has been in effect for more than a year and a half, very little information is available to the public about how the FBI has implemented this authority.

"The FBI's mapping of local communities and businesses based on race and ethnicity, as well as its ability to target communities for investigation based on supposed racial and ethnic behaviors, raises serious civil liberties concerns," said Michael German, ACLU policy counsel and former FBI agent. "Creating a profile of a neighborhood for criminal law enforcement or domestic intelligence purposes based on the ethnic makeup of the people who live there or the types of businesses they run is unfair, un-American and will certainly not help stop crime."

ACLU affiliate offices across the nation today filed coordinated Freedom of Information Act requests to uncover records about the FBI's collection and use of racial and ethnicity data from their local FBI field offices. The requests were filed by ACLU affiliates in Alabama, Arkansas, California (Northern, Southern and San Diego), Colorado, Connecticut, Washington, D.C., Delaware, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, **Utah**, Vermont and Virginia.

The DIOG provisions in question are available online at:

www.muslimadvocates.org/DIOGs_Chapter4.pdf

The entire DIOG is at:

www.muslimadvocates.org/latest/profiling_update/community_alert_seek_legal_adv.html

For more information about the work of the ACLU of Utah, please visit www.acluutah.org.

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