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7	Linda Lye (SBN 215584), llye@aclunc.org Julia Harumi Mass (SBN 189649), jmass@aclun	
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12	San Francisco, CA 94111	C 1703
	Telephone: (415) 848-7711; Facsimile: (415) 89	5-1702
13	Attorneys for Plaintiffs	
14 15	NORTHERN DISTRI	DISTRICT COURT CT OF CALIFORNIA SCO DIVISION
16	WILEY GILL; JAMES PRIGOFF; TARIQ	Case No. 3:14-cv-03120-RS-KAW
17	RAZAK; KHALID IBRAHIM; and AARON CONKLIN,	DECLARATION OF WILEY GILL IN
18	·	SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
19	Plaintiffs, v.	
20	DEPARTMENT OF JUSTICE; LORETTA	Hearing Date: December 8, 2016 Time: 1:30 pm Judge: Hon. Richard Seeborg
21	LYNCH, in her official capacity as the Attorney General of the United States;	Courtroom: 3, 17th Floor
22	PROGRAM MANAGER – INFORMATION SHARING ENVIRONMENT;	Date of Filing: July 10, 2014 Trial Date: None Set
23	KSHEMENDRA PAUL, in his official capacity as the Program Manager of the	
24	Information Sharing Environment,	
25	Defendants.	
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27		
28		

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

DECL. OF WILEY GILL ISO PLTF'S MOT. FOR SUMMARY JUDGMENT 3:14-CV-03120-RS-KAW I, Wiley Wayne Gill, declare as follows:

- 1. I am one of the Plaintiffs in the above-titled action. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment and Plaintiffs' Opposition to Defendants' Motion for Summary Judgment. I have personal knowledge of each fact stated in this declaration and, if called as a witness, I could and would competently and truthfully testify hereto.
- 2. I am a U.S. citizen and was born in San Francisco, California. I reside in Chico, California.
- 3. I attended Butte Community College. I transferred from Butte Community College to California State University, Chico ("Chico State"), where I completed my undergraduate degree in 2010. I learned about Islam during a course I took at Chico State, and in 2009, I decided to convert to Islam. I have researched Islam extensively and believe it is the right path and the right religion for me.
- 4. After college, I was out of work for a while, but in 2012, I took a job at Chico State as a janitor, working the night shift from 6:00 P.M. to 2:30 A.M. I continue to work as a janitor at Chico State and I am now also in the process of getting a certification to be a counselor.
- 5. On December 3, 2013, my attorneys submitted on my behalf a request under the California Public Records Act to the Central California Intelligence Center ("CCIC") for records about me. By letter dated January 3, 2014, the CCIC responded to the request and produced a "Suspicious Activity Report" ("SAR") about me. A true and correct copy of the CCIC's response and the SAR about me that it enclosed with its response is attached as Exhibit 1 to this declaration.
- 6. I have had a number of encounters with the Chico Police Department ("CPD"). It is my understanding that several of those encounters have been documented in the SAR about me.
- 7. My first encounter with CPD occurred sometime around September, 2010, after I had newly converted to Islam. Two CPD officers visited me at my apartment at around 10:30 A.M. I had just woken up and did not even have my contact lenses in, and thus I was somewhat disoriented when I went to the door. One of the CPD officers identified himself as Officer Jim

Parrot; I do not remember the other officer's name. Officer Parrot said that they wanted to speak with me about certain "anti-American statements" I had supposedly made. I informed him that I had no idea what he was talking about and asked him to explain what he meant. Officer Parrot referred to having a "file" on me, which was not in his possession at the time, but he refused to explain what he meant by "anti-American statements." The Officer also made a point to state that he knew I had recently been to San Francisco with some friends and had seen me later that day having lunch at Granzella's, a restaurant in Williams, California; this led me to worry about whether he had been following me. He also told me that he wanted to make sure that I did not turn into another Mohammed Atta, one of the individuals identified as a September 11th hijacker. This made me very upset because I believe Officer Parrot was negatively judging my religion and I did not even know how Officer Parrot knew I was Muslim. I asked Officer Parrot if he would be saying these things to me if I had converted to Christianity or another religion and the conversation ended with Officer Parrot leaving me his business card.

- 8. Sometime in 2011, I had another interaction with CPD. I was at the Chico Islamic Center when CPD officers made a visit to the mosque. I believe that the CPD officers characterized their presence as being a courtesy visit intended to build good relations with the Muslim community. I listened to the presentation and then a CPD officer asked me my name, whether I went to school, and if I was employed. I responded with my name, that I had graduated from Chico State, and that I was unemployed. I do not believe the CPD officers asked anyone else questions like those that were asked of me. I believe this interaction was reported in the SAR about me; it states that the reporting agent found me to be "hesitant to interact with law enforcement," and claimed that I "avoided eye contact, and appeared to be eavesdropping while I [the agent] spoke with other members [of the mosque]." The SAR also noted that, "based on his appearance [full beard and traditional garb] is a full convert to Islam at the young age of 26." (Bracketed text in original). This was especially odd to me, since I was wearing blue jeans and a tee-shirt at the time.
 - 9. At some point after the above incident, I was approached by yet another CPD

officer. I was walking around in downtown Chico with two older Muslim men who are friends of mine when we passed three CPD officers walking on the same street. One of the officers asked if I was Wiley, and asked if I had found a job. I confirmed my identity, told him I had not yet found a job, and jokingly asked if they wanted to give me one. They responded in the negative and the interaction essentially ended. This interaction was likewise reported in the SAR about me; it states that, "[s]ince the interaction I have seen [redacted] several times walking through [redacted] in traditional garb walking with elders of [redacted], I approached the group on at least one occasion and found [redacted] to avoid eye contact and hesitant to answer questions."

- 10. Around May 20, 2012, I had another encounter with CPD. At the time, I was living at the small house on the same property as the Chico Islamic Center. I very much enjoy playing video games, and on that day, I was viewing a series of online reviews of different video games. I had my headphones on but was able to discern that someone was knocking loudly on the front door of my house. I got up from my computer and went to answer the door. Upon opening the door, I said "hello," but I could not see anyone there. A moment later, two CPD officers came from around the back to the front door with their guns drawn and pointed at me. The CPD officers identified themselves and they told me they were investigating a domestic violence call. With their guns still drawn, the CPD officers instructed me to step outside of my house. I put my hands over my head and stepped outside of my house and leaned my hands against a glass window. At this point, the CPD officers lowered their guns. I informed the officers that there was no one inside the house, but they would not listen to me. Instead, they asked me if they could walk through the house. I told them I thought their shoes were dirty, indicating that I did not want them to walk through my house with their dirty shoes, but they asked again. I asked them if they had to search the house and the CPD officers responded that they wanted to search it to make sure no one was there. One officer stayed outside with me while the other went inside my house.
- 11. After searching my house, the CPD officer came outside the house and asked for my identification, which I showed him; after looking at it briefly he handed it back to me and then

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both officers left. This interaction too was reported in the SAR about me; it states that the officer had looked at my computer and that my computer display was opened to a screen stating "Games that fly under the radar," and that according to the officer, this appeared to be some sort of "flight simulator type of game." The SAR also describes the following characteristics about me as "worthy of note": "full conversion to Islam as a young WMA [white, male, adult]," "pious demeanor," and "potential access to flight simulators over via [sic] the internet." I felt that the CPD officers were just looking for a reason to look inside my house. Indeed, the SAR even notes that the supposed "domestic violence incident" was "later determined to be unfounded." Because the SAR specifically discusses my religion and "pious demeanor" as "worthy of note," I believe that the CPD officers had targeted me specifically and did so because of my religion.

- 12. A couple of months after this incident, in July 2012, I got a phone call from Officer Parrot of CPD. Officer Parrot informed me that he had spoken with me before and I told him that I remembered him. He then told me that I should take down my Facebook page because of my posts about video games. I responded that I would not take down my Facebook page and that I did not believe that my posts about video games were the reason for Officer Parrot's request. I believe that the reason I was told to take down my Facebook page is because of my Islamic faith. Officer Parrot then told me that I was on a watch list and ended the call.
- 13. The call with Officer Parrot really upset me. I believe I was being targeted and am continually being subjected to law enforcement visits and scrutiny simply because of my religious beliefs.
- 14. Through my attorneys, I filed a Freedom of Information Act request with the Federal Bureau of Investigation ("FBI") for records in its possession about me, and the FBI's response shows that it maintains a file about me. By letters dated June 23, 2014 and February 29, 2016, I received documents from the FBI referencing information contained in the SAR. A true and correct copy (with personally identifying information redacted) of the June 23, 2014 letter—along with the attached documents about me—is attached to this declaration as Exhibit 2. A true and correct copy (with personally identifying information redacted) of the February 29, 2016

SAN FRANCISCO

letter—along with the attached documents about me—is attached to this declaration as Exhibit 3.

- 15. I believe that, because of the SAR about me, information about me has been uploaded to eGuardian and an FBI database. Based on my review of the Defendants' Answer in this matter, it is my understanding that an incident report containing information in the SAR about me was uploaded to eGuardian, which I understand to be a national database to which law enforcement agencies across the country have access. In addition, based on the documents I received from the FBI in response to my FOIA request, I believe the FBI also maintains, in some kind of database, information about me related to the information in the SAR about me.
- 16. As a result of the inclusion of this information about me in these databases, my reputation has been injured, as I have been branded as a person engaged in activity with a potential nexus to terrorism, even though I was simply looking at online reviews of video games.
- 17. In addition, as a result of the inclusion of this information about me in these databases, my privacy has been invaded because any person with access to either database has access to information about me, even though I was simply looking at online reviews of video games.
- 18. I believe I and even my family members have been subjected to additional law enforcement scrutiny because of the existence of the SAR about me.
- 19. After I filed this lawsuit, in August 2015, my sister told me that she was visited by FBI agents. She conveyed to me that the officers asked her a series of questions about me and my religious beliefs. I am concerned that those questions were prompted because of the SAR, because I brought this lawsuit, or both.
- 20. Given the repeated harassment I have been subjected to, including the questioning of my sister about my religious beliefs, I fear that further action may be taken against me by the FBI or by CPD as a result of the SAR about me. I also fear that further investigative harassment at the hands of the FBI or CPD might occur due to the existence of the SAR on me.
- 21. I continue to experience frustration and stress resulting from the creation of the SAR based on my innocent conduct of playing and reading about video games and attending

religious services. I am also deeply troubled by what may result from the collection, maintenance, and dissemination in a national database of a report describing me as engaging in suspicious activity with a potential nexus to terrorism.

22. I believe that the defendants in this case would have benefited from input from the public on the standard for suspicious activity reporting. I would have wanted the defendants to know when they adopted their standard for suspicious activity reporting that a standard that does not require reasonable suspicion of criminal activity harms innocent people, like me, who have not engaged in any wrongdoing: it makes us the targets of law enforcement scrutiny; puts our information in government databases; and adversely affects our reputations by identifying us as individuals who have engaged in conduct with a potential nexus to terrorism. I would also have wanted the defendants to know the specific facts of my case so that they could understand the factual basis for my concerns. I would specifically have wanted the defendants to understand, based on what happened to me, that their standard for suspicious activity reporting encourages racial and religious profiling. I was not aware that the defendants sought input on the standard for suspicious activity reporting. As a result, I did not have an opportunity to share my perspective or the factual basis for my concerns.

I declare under penalty of perjury that the foregoing is true and correct. Executed this Aday of September 16 in Chico, California.

23.

By: Wiley Wayne Gill

SAN FRANCISCO

1	FILER'S ATTESTATION					
2	I, Phillip J. Wiese, am the ECF user whose identification and password are being used to					
3	ile this DECLARATION OF WILEY GILL IN SUPPORT OF PLAINTIFFS' MOTION FOR					
4	SUMMARY JUDGMENT. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the					
5	electronic filing of this document has been obtained from each of the other signatories.					
6						
7	Dated: September 22, 2016 By /s/ Phillip J. Wiese Phillip J. Wiese					
8	Phillip J. Wiese					
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MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

EXHIBIT 1



Central California Intelligence Center

www.sacrtac.org * (916) 808-8383 or (888) 884-8383 * Fax (916) 874-6180

January 3, 2014

Mr. Yaman Salahi Staff Attorney Asian Americans Advancing Justice Asian Law Caucus 55 Columbus Ave. San Francisco, CA 94111 (415) 896-1701

Dear Mr. Salahi:

This letter is in response to the Public Records Act request received from the Asian Law Caucus dated December 3, 2013.

After reviewing your Public Records Act request it appears the request is for additional SAR data, from the timeframes of June 2010 to June 2012, stored in the CCIC databases and previously submitted to the ACLU in August 2012. You have specifically requested the following:

"This letter constitutes a request under the California Public Records Act, Cal. Gov. Code 6250, et seq., and Article I s 3(b) of the California Constitution on behalf of Mr. Wiley Wayne Gill for all records, including but not limited to Suspicious Activity Reports, pertaining to or referencing Mr. Gill."

The CCIC/RTAC has located only one (1) Suspicious Activity Report (SAR) related to Mr. Gill. Please see the attached redacted SAR (enclosure 1). After a thorough review of our records, there is no further information available regarding Mr. Wiley Wayne Gill.

Respectfully,

Herb Brown, Executive Director

Central California Intelligence Center

(916) 874-1287

Enclosures (1)

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 11 of 51

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D. Attivosy.		During early 2011 I made a professional visit to the second at the second at the second at the second at the second and appreciative of the visit with the esception of one subject later identified as the second as the second are second as the sec	was hesitant to interact with law enforcement, avoided eye contact, and appeared to be eavesdropping while I spoke with other members. I beleive reported he was a previous student of research is a who based on his appearence (full beard and traditional garb) is a full convert to Islam at the young	age of 26. The dis not have a job at the time and was living on site at the same and so since this itneraction I have seen several times walking through the same are in traditional garb walking with elders of same I approached the group on at least one occasion and found to avoid eye contact and hesitant to	answer questions. On 5/20/12 was investigating a domestic violence incident that took him to make in the contract of the cont	search of a suspect. During the search he conducted a cursory search of suspect. During the search he conducted a cursory search of suspect may have fled into the residence (later determined to be unfounded).	found the house immaculate. was not very happy with the property of the house, presumably because he still and his shoes on.	residence. As the strempted to hastly close down the screen to noted to have on a second page titled somehting similar to "Games that fly under the radar."	accessing a flight simulator type of game. full conversion to Islam as a young WMA and pious demeanor	is rare. Coupled with the fact he is unemployed, appears to shun law enforcement contact, has potential	access to flight simulators via the internet which he tried to minimize is worthy of note.
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1746-27J										CCSA0000	2180

EXHIBIT 2

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 13 of 51

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

June 23, 2014

MR. YAMAN SALAHI STAFF ATTORNEY ADVANCING JUSTICE - ASIAN LAW CAUCUS 55 COLUMBUS AVENUE SAN FRANCISCO, CA 94111

> FOIPA Request No.: 1242637-000 Subject: GILL, WILEY WAYNE

Dear Mr. Salahi:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

Section 552		Section 552a	
⊡ (b)(1)	(b)(7)(A)	(d)(5)	
(b)(2)	(b)(7)(B)	(j)(2)	
(b)(3)	☑ (b)(7)(C)	∫ (k)(1)	
50 USC § 3024(i)(1)	(b)(7)(D)	(k)(2)	
	— ▼ (b)(7)(E)	(k)(3)	
	(b)(7)(F)	[] (k)(4)	
(b)(4)	(b)(8)	(k)(5)	
(b)(5)	(b)(9)	(k)(6)	
(b)(6)	·	(k) (7)	
16 pages were reviewed and 16 p	pages are being released	l.	
Document(s) were located whagency(ies) [OGA]. This info	-	ontained information concerning other Go	vernment
referred to the OGA for re- referred to the OGA for co when the consultation is fir	nsultation. The FBI will	to you. correspond with you regarding this inforr	nation
	52a (b)(7)(E)/(j)(2)], this	nt to FOIA exemption (b)(7)(E) and Privac response neither confirms nor denies the	

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 14 of 51

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice 1425 New York Ave., NW, Suite 11050, Washington
Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington,
D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at
http://www.justice.gov/oip/efoia-portal.html.
Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely.
The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA
Request Number assigned to your request so that it may be easily identified.
The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of
the investigation. Our search located additional references, in files relating to other individuals, or matters, which may
or may not be about your subject(s). Our experience has shown when ident, references usually contain information
similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to
processing only the main investigative file(s). If you want the references, you must submit a separate request for them
in writing, and they will be reviewed at a later date, as time and resources permit.

Sincerely,

David M. Hardy Section Chief Record/Information Dissemination Section Records Management Division

Enclosures

In response to your Freedom of Information/Privacy Act (FOIPA) request submitted to the Records Management Division at Winchester, VA, enclosed is a processed copy of the documents responsive to your request.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

The enclosed material is being provided at no charge.

See additional information which follows.

EXPLANATION OF EXEMPTIONS

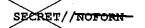
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence:
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service he release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FD-1036 (Rev. 10-16-2009)





FEDERAL BUREAU OF INVESTIGATION

Import Form

Approved By: Drafted By: ZERO FILE -		Form Type: FD-71A Date: 08/09/2012 Title: U
Case ID #: Synopsis: U On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Reason: 1.4(b), (c), (d) Derived From: Multiple		Approved By:
Synopsis: U On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Reason: 1.4(b), (c), (d) Derived From: Multiple	***************	Drafted By:
contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Reason: 1.4(b), (c), (d) Derived From: Multiple		Case ID #: ZERO FILE -
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Derived From: Multiple		Reason: 1.4(b), (c), (d)
		Derived From: Multiple

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Generated: 08/09/2012 3:34 PM EDT Incident Summary 197249_SC_(U) (U) On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Subjects (U) Wiley Wayne GILL (Male, Approx. Age 26) Eye Color: Brown Hair Color: Brown Height: 73 inches Weight: 200 lbs. Build: Medium US Person: Yeş Public Figure: No. Complexion: Witnesses Police Officer (Male) Other Information: Chico Police Department Officer-Witness Type Law Protect Witness; No Witness Available: Yes Law Enforcement Detective (Male) Other Information: Chico Police Department TLO Officer Witness Type: Law Enforcement Wilness Available: Yes Other Persons Targets

Vehicles

Weapons

Locations

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Status: Attachments:	Approved	Ardistra i di di Garagia da				
History, 08/08/2012 (448∍PM: ,Imp	ported note from				
(U) Witness Description:		Police Of	ficer additional info	rmation		
	Credible:					
Status∺ : Altachments;	Approved					
History! 08/08/2012-0	4:48 PM Imp	orled note from				
(U) Incident Description:	Additional	Details				
Jeschpilon	male subject	Wiley/WaynerGla	DOBI			
Status Attachments:	-Approved					

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08/08/2012 04	48 PM Imported note from			
(U) Witness Description:	Detective a	additional information		
Status: Altachments: History:	Approved			
⊝8/08/2012-04	48 PM Imported note from			
(Ü) İncident Description	Additional Details On Jul 27, 2012, Central Calif basic database gueries on Wi	ornia Intelligence Cantar Analys ley,Wayne GIEL	conditated	
	California driver; s. license; no and a mailing address of 4.2007. Gittl: is the registered		Jale of February 21, 2015 An address of 6 DMV record as of May -2-door hardlop, license	
	Persons Finder, Parole Leads Unidentified Persons, Sex and	omated, Firearms, System, Coplink , Supervised Release File, Wanted i Arson Registration searches retur al History Search returned no dero as an applicant for a pur	ned no information on GILL.	
A Land	1316 Nord Avenue in Chico a listed in CiLL/s name, which		two known phone numbers and a Ignd-line phone,	
	An open source query returne as Facebook and MySpace, a A search of the	id no matches to GILL on social me ind no matches on search engines	dia network accounts such Yahop, Google, and Bing	
Attachments: History:	Approved:			
(U) incident Description:	additional information Submitting Organization Deta ORI: CAECU0100 Submitted Name: Sacramento CCIC.— Email Agency Name 1: Sacramento Clly: Sacramento State: CA Country: US Field: Office; SO			

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		Incident Author Informa ORI OAF CU0100 Email Last Name First Name Police Report: None Created Timestamp: 20	12-08-02T16;48:3	2.166		
	Status Attachments: History: 08/08/2012-0	Modified Timestamp: 20 Approved ————————————————————————————————————				
	Description: Status Attachments: History:	t Additional Details On 8/2/2012/FBI IA subject Approved July 18 PMimported.note f	(on		queries on the	
(D) ⁻	Investigative Method: Description:	Access/examine FBI/D	OJ records, and of		FBI/DOJ personnel.	
		жире (U)				
	Status: Attachments: History: g8/09/2012 0	(U)				
		3-PM:Imported incident f	ron	Disposition Workflow	Assigned Bý	
	08/09/2012 01:21	PM (Incident assigned			Assigned To Assigned By Assigned To	

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 21 of 51

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08/09/2012_03:33 PM Incident opened Assigned By: Assigned To:	
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OFFICIAL RECORD

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FEDERAL BUREAU OF INVESTIGATION

Import Form

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Date: 10/03 Date: 10/03 Date: 10/03 Date: 10/03 Description: 2007 Date: 10/03 Description: Department (CPD) officer while while conducting a rech for a fleeing suspect. While in the residence, the downward a computer and observed the subject hastily close down the screen in a possible attempt to hide to the computer from the officer. Reason: 1.4(b), (c), (d) Derived From: Multiple Sources Declassify On: 20390809				
	ZERO	Police Department (CPD) officer while conducting a pect. While in the residence, the nd observed the subject hastily n in a possible attempt to hide we the officer.		
	a Chico Police Department (CPD) officer LL, DOB while conducting a sing suspect. While in the residence, the puter and observed the subject hastily se screen in a possible attempt to hide or from the officer.			
/2012, a	Chico Polic	ce Departm	artment (CPD) officer while conducting a in the residence, the the subject hastily ble attempt to hide	
			e conducting a the residence, th subject hastily	
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cch for a fleeing suspect. While in the residence, the toward a computer and observed the subject hastily close down the screen in a possible attempt to hide on the computer from the officer.				
	Chico Police Department (CPD) officer L, DOB while conducting a ng suspect. While in the residence, the ater and observed the subject hastily screen in a possible attempt to hide w from the officer. 1.4(b), (c), (d) From: Multiple			
Poncon:	· 1 4/b) 6	(4)		officer ing a ence, the
	_		tment (CPD) officer ile conducting a n the residence, the subject hastily	
		-th-ra		
	_	70809		PD) officer ucting a sidence, th ct hastily
O/2012, a Chico Police Department (CPD) officer Wayne GILL, DOB while conducting a r a fleeing suspect. While in the residence, the rd a computer and observed the subject hastily down the screen in a possible attempt to hide computer from the officer. Reason: 1.4(b), (c), (d) Derived From Multiple Sources				
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			ile conducting a n the residence, th he subject hastily	
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	a Chico Police Department (CPD) officer ILL, DOB while conducting a eing suspect. While in the residence, the mputer and observed the subject hastily he screen in a possible attempt to hide ver from the officer. On: 1.4(b), (c), (d) Wed From: Multiple			
n 5/20/2012, a Chico Police Department (CPD) officer iley Wayne GILL, DOB while conducting a ch for a fleeing suspect. While in the residence, th toward a computer and observed the subject hastily close down the screen in a possible attempt to hide n the computer from the officer. Reason: 1.4(b), (c), (d) Derived From: Multiple Sources				

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Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 23 of 51 ALL INFORMATION CONTAINED CLASSIFIED BY NSICG/J75J65T61 SECRET/ORCON/NOFOR REASON: 1.4 (c) HEREIN IS UNCLASSIFIED EXCEPT OKCLASSINY ON: 02-25-2039 where shown otherwise DATE: 02-25-2014 (3) Generated: 10/03/2012 12:20 PM EDT Incident Summary 197249_SC (U (U) On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible atternot to hide what he was doing on the computer from the officer, Subjects (U) Wiley Wayne GILL (Male, Approx. Age 26). Eye Color Hair Color: Brown Brown Height: 73 inches Weight: 200 lbs.: Build: Medium US Person: Yes -Public Figure: No. Complexion: Fair Witnesses Pélice Officer (Male): Other Information: Chico Police Department Officer. Witness Type; Law Enforcement Project Witness: No. Witness Avallable: Yes Detective (Male) Other Information: Chico Police Department TLO Officer-Witness Type: Law Enforcement Witness Available: Yes

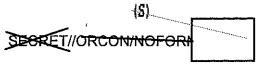
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Other Persons



Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 24 of 51

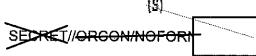


			Targets			
			Vehicles			
			Weapons			
			Locations			
(U) The Is Other 1316 Nord A Chico , Calif United State	omia 95927	hice				
	**************************************		Leads		Contractive to contract the gradient of the same	
		Service and the Service Servic	Attachments		the profit of the property of the second of	aya garagari, arja , A ar
		On the state of the	Links	and a transfer of the second stage of the seco		···
pai promitationing com	orașii de la companie		Notes	TV 145452411 (33741) (37745) (37745)	enecetsealulus per termes	
(U) GILL, V Descriptions Status Attachments:	/lley Birth Date Range Be Approved	gin:				Philip
	4:48 PM Imported not	e fron				
(U) Incident Description:	The Islamic Center of welcoming and appropriate Additionally, GILL is	orted that he initially fiChico where GILL eciative of a visil fro described as avoid	was a member. He s im law enforcement w ng eye contact, hesita	en he made an official aid all of the members iffi the exception of GIL int to interact with the o	were L flicer	
	at the center. The off	cared to be eavest icer reported that C	IDDDING WATE THE GITT SILL did not have a jul	er spoke with other me and resided at the Mo	moers Sque	
Status Attachments	The officer described GILL is a Muslim and Approved			i encounter, possibly be residence.	ocause	
History: 08/08/2012 0	1:48 PM / Imported not	e (rom				
(U) Witness	····	Police Officer,	additional informa	tion		
Description:	(Credible					anks Wildeld Historia Miller (1984)
Status; Attachments; History:	Approved	在主题的表现是 在可以下,可以 正述				
08/08/2012 0	48 PM Imported not	for		and the second seco		

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Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 25 of 51



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Status		
Attachments History 08/08/2012	04-48 PM Imported toole from	
(U) Witnes: Description:		
Slatus Altachments	Credible Approyed Approyed	
listory: - 08/08/2012 (24:48 PM Imported hote from	
U) Inciden Description:	t Additional Details On Jul 27, 2012, Central California Intelligence Center Analys conduct basic database duenes on Willy Wayne Gil 1	
	A California DMV-records check returned a match to a valid class c non-commercial. California driverze license number with an expiration date of February 21-2 and a mailing address of in Chico is listed as 2 Otherze in the DMV record as of M 4, 2007. GILL is the registered owner of a 1873 Plymouth Vallant, 2-door hardlop, licen mumber. The islamic Center of Chico at 1316 Nord Avenue in Chico is the ligaddress for the vehicle.	ay se
	Query searches of NCIC, Automated Firearms System, Coplink Sac Know Persons, Firider, Parole Leads, Supervised Release File, Wanted Fersons, Missing and Unidentified Persons, Sex and Arson Registration searches returned no information an	Girler dinit Girler de Partie
	A search of automated Criminal History Search returned no derogatory information. The subject has a CII number of as an applicant for a public agency. The TLO com CLEAR public database records for GILL lists. The Islamic Center of Chic 1316 Nord Avenue in Onico as his last known address. There are two known phone nullisted in GILL strame, which include a cell phone. and a land-line phone.	o et nbers
	Ad open source query returned no matches to GLL on social media network accounts as Facebook and MySpace; and no matches on search engines yahoo, Google, and G	Such 199,
atus: tachments: story: 08/08/2012 04	Approved 10 10 10 10 10 10 10 10 10 10 10 10 10 1	



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	⊢ Agency Name 1. City: Sacramento	Sacramento GCIC			
	Slate: CA1 Country: US Field Office: SC				
	Incident Author In	oformation			
	Emeil Läst Name: First Name				
	Police Report: No	ine Harris Alexandra			
Status	Modified Timestar Approved	no: 2012-08-02T16-48:32:166 inp: 2012-08-08T16:34-43:324			
Attachments History: 08/08/2012	0448 PM Imported	note from			
Description:	nt Additional Dete On 8/2/ <u>2012, FBI</u> subject		queries	n:the	
Status: Altachments	- Approved				
History:	04;48 PM Imported	note from			
08/08/2012	A CONTRACTOR OF THE PROPERTY O			37.78	
) (NF) CI	assified databasé		or from ERIDO Lossoon		
	assified databasé	e checks Bi/DOJ records, and obtain information	on from EBI/QOJ person	AGI.	
(X/NF) CI Investigative Method:	assified database Access/examine f	BI/DOJ records, and obtain information		1001	
(X/NF) CI Investigative Method:	assified database Access/examine f	BI/DOJ records, and obtain information		161	
(X/NF) CI investigative Method: Description,	assified database Access/examine r	BI/DOJ records, and obtain information			
(X/NF) CI investigative Method: Description,	assified database Access/examine r	BI/DOJ records, and obtain information		101	
(35(INF.) CI Investigative Metriod: Description:	assified database Access/examine r (U) IA (U) IA (U) IA	BI/DOJ records, and obtain information			计编码法据
(SUNF) CI Investigative Method: Description:	assified database Access/examine r (U) IA (U) (U) (U) (U) (U) (U)	FBI/DOJ records, and obtain information. FBI: conducted.			
(SUNE) CI Investigative Method: Description: (U) Status Attachments:	assified database Access/examine is (U) IA THI XE(NE) (U) No additional infor	FBI/DOJ records and obtain informaling FBI; conducted			
(SUNE) CI Investigative Method: Description: (U) Status: Attachments: History: 08/09/2012	assified database Access/examine is (U) IA THE (U) IA (U) I	FBI/DOJ records, and obtain information of the state of t			计编码编码
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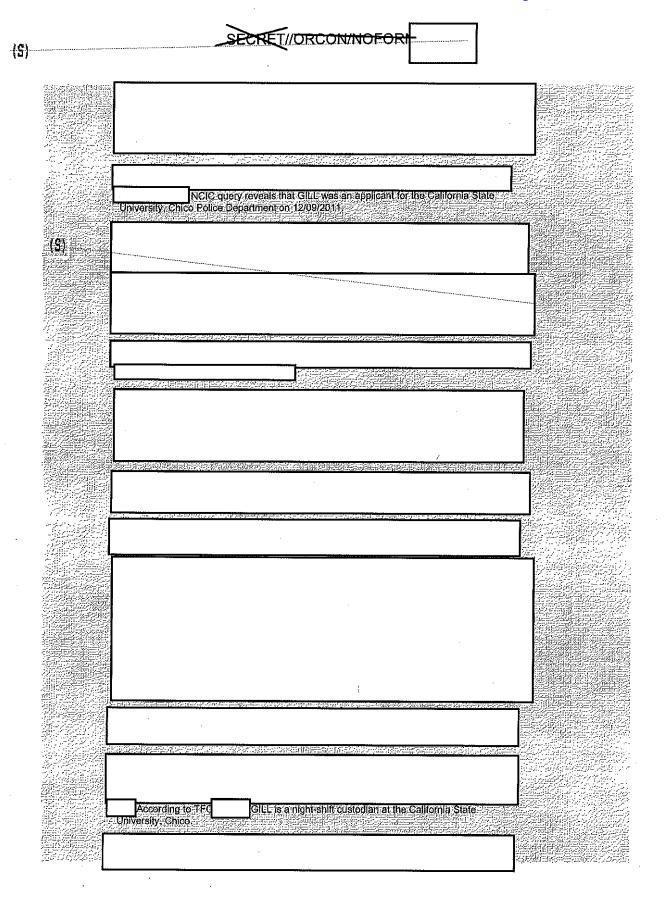
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(7.19) 7.20; in 20:4: 10:4: (8.5)			
		77 - 18 - 18 - 18 - 18 - 18 - 18 - 18 -	
		50 - 50 - 50 - 50 - 50 - 50 - 50 - 50 -	
Status: Approve Attachments:		and a supplied to the supplied	
History: 08/20/2012 02:17 PM			
10/01/2012 05:06 PM 10/01/2012 05:18 PM	Submit note for approval Approve note		
(U) Interview of Wile Investigative Interview Method:	or request information from members of the public an	d private entifies,	
Description: On appro	kimately September 12: 2012, TFO's w WillEY GILL at his residence 1316 Nord Avenue, C	nc attempted.	
ls co-loca	ed with and owned by the Chico Islamic Center, TFO hat GILL no longer lives at the residence.	nd Were	
attempt to	er 1, 2012, TFC contacted GILL via his cell ph set up an interview with him. GILL did not answer his	phone and [FO	
TFO	we a message. Approximately an hour later, GILL call informed GILL of his identity and the nature of his to	led phone back. elephone call, GILL seemed	
elleptototi			
Gli _t L allo	at first but then provided the following information; red law enforcement officers to come into his house a	it 1316 Nord Avenue a few	
GILL allo months a		a for a fleeing suspect. This is	
Glit allo months a are only th Glit was screen titl	yed law enforcement officers to come into his house a to when he was told that they were searching the area ne that GILL knows that law enforcement officers hay informed that one of the officers in his house saw son ad "Games that Fly Under the Radar." GILL acknowle	a for a fleeing suspect. This is a been in his residence. nething on his computer doed that this is probably	
Glit allo months a the only the Glit was screen titl what the	ved law enforcement officers to come into his house a to when he was told that they were searching the area ne that GILL knows that law enforcement officers hay	a for a fleeing suspect. This is a been in his residence. nething on his computer doed that this is probably	
Gillt allo months a the only the Gillt was screen tith what he a and worst	yed law enforcement officers to come into his house a to when he was told that they were searching the area ne that GILL knows that law enforcement officers hay informed that one of the officers in his house saw son to "Games that Fly Under the Radar." GILL acknowles filter saw, GILL stated that this is a YouTube video th	a for a fleeing suspect. This is the bear in his residence. mething on his computer diged that this is probably hat highlights the top (en best	

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(5)		3	ECRET//ORCON/NOFORI		
	Slatus: Attachments;	GILL was cooperative thro	oughout the telephonic interview with TFC		
	History: 10/01/2012 0 10/01/2012 0	5.08 PM Submit note for ap	impled interview of Wiley Gill provel		
	10/01/2012-0 (U//F@U@)	5:19 PM: Approve note			
:	Investigative Method Description:	Saramassa unit	rt for WILEY GILL reveals the following identifier		
:		Name: WILEY WAYNE G DON: SSN: Cell Phone:			
		Residential Phone: Address: Former Addresses:	registered in Stoneyford.(CA)		
	Status!	Approved			
S)	Attachments: History: 10/01/2012-06	5:04 PM Created Note	Report 1997 September		
(1)	i 10/01/2012-06	Baseline Checks	records, and obtain information from FB1/DQJ pe		
	Méthod: Description:	8. Subject's current place o	of employment and position. When available der ld be used to conduct the checks necessary to a	itifying information	
		<u> </u>			
Section of the second				### ##################################	

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Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 31 of 51

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(5)	SECKET/ORC	ON/NOFORN
10 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0/02/2012 12:15 PM Incident submitted for closure	Assigned By: Assigned To: Assigned To: Assigned To:
08		IEL Uploads

EXHIBIT 3

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 33 of 51

U.S. Department of Justice



Federal Bureau of Investigation

Washington, D.C. 20535

February 29, 2016

MR. YAMAN SALAHI STAFF ATTORNEY ADVANCING JUSTICE - ASIAN LAW CAUCUS 55 COLUMBUS AVENUE SAN FRANCISCO, CA 94111

> FOIPA Request No.: 1242637-000 Appeal No.: AP-2014-04336 Subject: GILL, WILEY WAYNE

Dear Mr. Salahi:

As a result of your administrative appeal to the Office of Information Policy (OIP), Department of Justice (DOJ), material was located responsive to your request for information concerning Wiley Wayne Gill. Enclosed is a processed copy of the responsive information the FBI has on file. The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

Section 552		Section 552a	
✓ (b)(1)	(b)(7)(A)	(d)(5)	
(b)(2)	(b)(7)(B)	▽ (j)(2)	
☑ (b)(3)	(b)(7)(C)	(k)(1)	
50 U.S.C. 3024(i)(1)	(b)(7)(D)	(k)(2)	
	(b)(7)(E)	(k)(3)	
	(b)(7)(F)	(k)(4)	
(b)(4)	(b)(8)	(k)(5)	
(b)(5)	(b)(9)	(k)(6)	
▽ (b)(6)		(k)(7)	
16 pages were reviewed and 16	pages are being released		
Document(s) were located what Agency (ies) [OGA].	nich originated with, or cor	ntained information concerning, other G	overnment
	nother agency. The FBI	or review and direct response to you. will correspond with you regarding this in	nformation
	FBI practice and pursual	nt to FOIA exemption (b)(7)(E) and Priva	acy Act

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 34 of 51

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us."

The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office Information Policy (OIP), U.S. Department of Justice,1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at http://www.justice.gov/oip/efoia-portal.html. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

✓

In response to your administrative appeal to OIP, enclosed is a processed copy of the FBI file information you appealed.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

The enclosed documents contained represent the final release of information responsive to your administrative appeal from the FBI.

This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

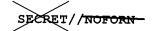
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigations information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service he release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FD-1036 (Rev. 10-16-2009)





FEDERAL BUREAU OF INVESTIGATION

Import Form

Form Type: FD-71A	Date: 08/09/2012
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Title: U Suspicious behavior by identified male subject accessing flight simulator game in Chico

Approved By	:	b6
(∐) Drafted By:		b70
U Drafted By:		b7E
Case ID #:	> ZERO FILE -	

Synopsis: U On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Before the screen was closed, the officer noted what appeared to be YouTube access on the screen titled something to the effect of "Games that fly under the radar." The officer suspected GILL was accessing a flight simulator type game.

Reason: 1.4(b), (c), (d)
Derived From: Multiple
Sources
Declassify On: 20370809

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Generated: 08/09/2012 3:34 PM EDT

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	Incident Summary
197249_SC (U Ch) Suspicious behavior by identified male subject accessing flight simulator game in nico
GILL, DOB residence, the office o close down the s rom the officer. Befacess on the scree	a Chico Police Department (CPD) officer made contact with Wiley Wayne while conducting a residence search for a fleeing suspect. While in the er turned toward a computer and observed the subject hastily attempting creen in a possible attempt to hide what he was doing on the computer fore the screen was closed, the officer noted what appeared to be YouTube en titled something to the effect of "Games that fly under the radar." The sill was accessing a flight simulator type game.
(U) Wiley Way Eye Color: Hair Color: Height: Weight: Build: US Person: Public Figure:	Subjects ne GILL (Male, Approx. Age 26) Brown Brown 73 inches 200 lbs, Medium Yes No
Complexion:	Fair
	Witnesses
(U) Other Information: Witness Type: Protect Witness: Witness Available:	Police Officer (Male) Chico Police Department Officer. Law Enforcement No Yes
(U) Other Information:	Detective (Male) Chico Police Department TLO Officer
Witness Type: Witness Available:	Law Enforcement
	Other Persons
	Targets
	Vehicles
	Weapons
	Locations

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 38 of 51



(U) The Is Other 1316 Nord A Chico, Calif United State	ornia 95927						
			Leads				
1000		All	achments				
(U)							b7E
	100		Links			eren	
			Notes				
(U) GILL, W	/iley Birth Date Range Begin:						
Status: Attachments:	Approved						
History: 08/08/2012 0	4:48 PM Imported note from			anner d'anner et			b7E
(U) Incident	Additional Details						
Description:	The CPD officer reported that he The Islamic Center of Chico whe welcoming and appreciative of a Additionally, GILL is described at and at one point appeared to be at the center. The officer reporter	re GILL was a visit from law s avoiding eye eavesdropping that GILL did	a member. He said enforcement with contact, hesitant g while the officer d not have a job a	d all of the members the exception of GI to interact with the spoke with other m nd resided at the M	s were ILL. officer; embers osque.		
Status: Attachments:	The officer described GILL as be GILL is a Muslim and the officer of Approved	ing agitated di was wearing s	uring the recent e shoes inside his re	ncounter, possibly t sidence.	pecause		
History: 08/08/2012 04	4:48 PM Imported note from						b7E
(U) Witness	Paliació	ff 4410	onal information				1.6
Description:	Folice O	incer additi	onai miormaud				ь6 ь7с
	Credible: YES						
Status: Attachments:	Approved						
History: 08/08/2012 04	I:48 PM Imported note fron						b7E
(U) Incident	Additional Details						
Description:	male subject, Wiley Wayne GILL, simulator game on YouTube with was acting suspiciously and appe	DOB the title ¿Gan	who was repones that fly under	y related to an iden rtedly accessing a t the radar¿, and who with law enforceme	flight ere he		b7E
Status:	Approved		Dissionaling or in the laterage is to	inoccitocii anticeccentes Adece (Accide			
Attachments: History:							

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(U) Witnes	Detective additional information	
Description:		
	Credible: YES	
Status: Attachments:	Approved	
History: 08/08/2012 (94:48 PM Imported note from	
U) Inciden	t Additional Details	
Description:	On Jul 27, 2012, Central California Intelligence Center Analyst conducted basic database queries on Wiley Wayne GILL, who was reportedly on a YouTube video site titled something to the effect of ¿Games that fly under the radar.¿ GILL is suspected of accessing a flight simulator type game.	
	A California DMV records check returned a match to a valid Class C non-commercial California driver¿s license, number with an expiration date of February 21, 2015 and a mailing address of in Chico is listed as ¿Other¿ in the DMV record as of May	
	4, 2007. GILL is the registered owner of a 1973 Plymouth Valiant, 2-door hardtop, license number The Islamic Center of Chico at 1316 Nord Avenue in Chico is the listed address for the vehicle.	
	Query searches of NCIC, Automated Firearms System, Coplink Sac Known Persons Finder, Parole Leads, Supervised Release File, Wanted Persons, Missing and Unidentified Persons, Sex and Arson Registration searches returned no information on GILL.	
	A search of automated Criminal History Search returned no derogatory information. The subject has a CII number of as an applicant for a public agency.	
	The TLO.com CLEAR public database records for GILL lists The Islamic Center of Chico at 1316 Nord Avenue in Chico as his last known address. There are two known phone numbers listed in GILL2s name, which include a cell phone,	
	An open source query returned no matches to GILL on social media network accounts such as Facebook and MySpace; and no matches on search engines Yahoo, Google, and Bing.	
	A search of the ¿Games that fly under the radar¿ on YouTube returned no exact match to that title; however, many games with similar titles were easily accessible on YouTube.	
Status: \ttachments:	Approved	
History: 08/08/2012 0	4:48 PM Imported note fron	
U) Incident	additional information	
Description:	Submitting Organization Details	
	ORI: CAFCU0100 Name: Sacramento CCIC Email	
	Agency Name 1: Sacramento CCIC City: Sacramento State: CA	
	Country: US Field Office: SC	

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Police Report: None Created Timestamp: 2012-08-02T16:46:32.166 Modified Timestamp: 2012-08-08T16:34:43.324 Status: Approved Attachments: History: 08/08/2012 04:48 PM Imported note from (U) Incident Additional Details Description: On 8/2/2012, FBI IA queries on the subject. Status: Approved Attachments: History: 08/08/2012 04:48 PM Imported note from Investigative Method: Description: (U) IA FBI, conducted (U) IA FBI, conducted	
(U) Incident Additional Details Description: On 8/2/2012, FBI IA queries on the subject. Status: Approved Attachments: History: 08/08/2012 04:48 PM Imported note from Investigative Method: Description: (U) IA FBI, conducted (U) Incident Additional Details queries on the queries on the subject. Approved Attachments: History: 08/08/2012 04:48 PM Imported note from FBI/DOJ personnel.	
Description: On 8/2/2012, FBI IA queries on the subject. Status: Approved Attachments: History: 08/08/2012 04:48 PM Imported note from Investigative Access/examine FBI/DOJ records, and obtain information from FBI/DOJ personnel. Method: Description: (U) IA FBI, conducted (U) IA FBI,	
Status: Approved Attachments: History: 08/08/2012 04:48 PM Imported note from Investigative Access/examine FBI/DOJ records, and obtain information from FBI/DOJ personnel. Method: Description: (U) IA FBI, conducted (U)	
Investigative Access/examine FBI/DOJ records, and obtain information from FBI/DOJ personnel. Method: Description: (U) IA FBI, conducted (U)	
Investigative Access/examine FBI/DOJ records, and obtain information from FBI/DOJ personnel. Method: Description: (U) IA FBI, conducted (U)	
Investigative Access/examine FBI/DOJ records, and obtain information from FBI/DOJ personnel. Method: Description: (U) IA FBI, conducted (U)	
Description: (U) IA FBI, conducted	
(U) See handling agent SA for more information	
(\mathcal{O})	
No additional information was found Status: Completed Attachments:	
History: 08/09/2012 01:19 PM	
Disposition	
Workflow	
08/08/2012 04:48 PM Imported Incident from Assigned By	
Assigned To	
08/09/2012 01:21 PM Incident assigned Assigned By	
Assigned To	

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08/09/2012 03:33 PM Incident opened Assigned By: Assigned To:	
SENTINEL Uploads	

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Case 3:14-ev 03120-RS Document 1

DECLASSIFY ON: 02-25-2039 DATE: 02-25-2014

FD-1036 (Rev. 10-16-2009)

SECRET / ORCON/NOFOR



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FEDERAL BUREAU OF INVESTIGATION

Import Form

Form Type: FD-71A Date: 10/03/2012

Title: U Suspicious behavior by identified male subject accessing flight simulator game in Chico

Approved By: Drafted By: $\{U\}$ Case ID #: ZERO FILE -

> Synopsis: U On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Before the screen was closed, the officer noted what appeared to be YouTube access on the screen titled something to the effect of "Games that fly under the radar." The officer suspected GILL was accessing a flight simulator type game.

> > Reason: 1.4(b), Derived From Multiple Sources Declassify On: 20370809

(5) SECRET//ORCON/NOFO

CLASSIFIED BY NSCASE 3:14TeV-03120-RS Document 127 Filed 11/03/16 Page 1480 15 Page	
Generated: 10/03/2012 12:20 PM EDT Incident Summary 197249_SC (U) Suspicious behavior by identified male subject accessing flight simulator game in Chico (U) On 5/20/2012, a Chico Police Department (CPD) officer made contact with Wiley Wayne GILL, DOB while conducting a residence search for a fleeing suspect. While in the residence, the officer turned toward a computer and observed the subject hastily attempting to close down the screen in a possible attempt to hide what he was doing on the computer from the officer. Before the screen was closed, the officer noted what appeared to be YouTube access on the screen titled something to the effect of "Games that fly under the radar." The officer suspected GILL was accessing a flight simulator type game.	b7E
Subjects (U) Wiley Wayne GILL (Male, Approx. Age 26) Eye Color: Brown Hair Color: Brown	
Height: 73 inches Weight: 200 lbs. Build: Medium US Person: Yes Public Figure: No Complexion: Fair	
Witnesses	
(U) Police Officer (Male) Other Information: Chico Police Department Officer. Witness Type: Law Enforcement Protect Witness: No Witness Available: Yes	b6 b7С
(U) Detective (Male) Other Information: Chico Police Department TLO Officer Witness Type: Law Enforcement Witness Available: Yes	ъ6 ъ7С
Other Persons	



b1 b3

Targets		
Vehicles		
Weapons		
Locations		
(U) The Islamic Center of Chico Other 1316 Nord Avenue Chico , California 95927 United States		
Leads Leads	Aller State Committee Comm	
(U) Attachments		b7E
Links	Control of the Contro	
Notes		
(U) GILL, Wiley Description: Birth Date Range Begin:		
Status: Approved Attachments:		
History: 08/08/2012 04:48 PM Imported note from		b7E
(U) Incident Additional Details		
Description: The CPD officer reported that he initially met GILL in 2011 when he made an official visit to The Islamic Center of Chico where GILL was a member. He said all of the members were welcoming and appreciative of a visit from law enforcement with the exception of GILL. Additionally, GILL is described as avoiding eye contact, hesitant to interact with the officer; and at one point appeared to be eavesdropping while the officer spoke with other members at the center. The officer reported that GILL did not have a job and resided at the Mosque.		
The officer described GILL as being agitated during the recent encounter, possibly because GILL is a Muslim and the officer was wearing shoes inside his residence. Status: Approved Attachments:		
History: 08/08/2012 04:48 PM Imported note from		b7E
(U) Witness Police Officer additional information		
Description: Credible: YES		b6 b7C
Status: Approved Attachments:		
History: 08/08/2012 04:48 PM Imported note from		b7E
(U) Incident Additional Details		



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b1 b3

Description:	due to suspicious activity related to an identified male subject, Wiley Wayne GILL, DOB who was reportedly accessing a flight simulator game on YouTube with the title ¿Games that fly under the radar¿, and where he was acting suspiciously and appeared to be avoiding interaction with law enforcement.	b7E
Status: Attachments: History:	Approved	
08/08/2012 0	44:48 PM Imported note from	b7E
(U) Witness	Detective additional information	
Description:		ь6 ь7с
	Credible: YES	
Status: Attachments:	Approved	
History: 08/08/2012 0	4:48 PM Imported note from	b7E
(U) Incident	Additional Details	
Description:	On Jul 27, 2012, Central California Intelligence Center Analyst conducted basic database queries on Wiley Wayne GILL, who was reportedly on a YouTube video site titled something to the effect of ¿Games that fly under the radar.¿ GILL is suspected of accessing a flight simulator type game.	b6 b7С
	A California DMV records check returned a match to a valid Class C non-commercial California driver¿s license, number with an expiration date of February 21, 2015 and a mailing address of in Chico is listed as ¿Other¿ in the DMV record as of May 4, 2007. GILL is the registered owner of a 1973 Plymouth Valiant, 2-door hardtop, license number The Islamic Center of Chico at 1316 Nord Avenue in Chico is the listed address for the vehicle.	
	Query searches of NCIC, Automated Firearms System, Coplink, Sac Known Persons Finder, Parole Leads, Supervised Release File, Wanted Persons, Missing and Unidentified Persons, Sex and Arson Registration searches returned no information on GILL.	b7E
	A search of automated Criminal History Search returned no derogatory information. The subject has a CII number of as an applicant for a public agency.	
	The TLO.com CLEAR public database records for GILL lists The Islamic Center of Chico at 1316 Nord Avenue in Chico as his last known address. There are two known phone numbers listed in GILL; s name, which include a cell phone,	
	An open source query returned no matches to GILL on social media network accounts such as Facebook and MySpace; and no matches on search engines Yahoo, Google, and Bing.	
	A search of the ¿Games that fly under the radar; on YouTube returned no exact match to that title; however, many games with similar titles were easily accessible on YouTube.	1.000 1.000
Status: Attachments:	Approved The Control of the Control	b7E
History: 08/08/2012 04	:48: PM. Imported note from	b7E
	additional information Submitting Organization Details	

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b1 b3

	ORI: CAFCU0100 Name: Sacramento CCIC		
	Email		
	Agency Name 1: Sacramento CCIC City: Sacramento		
	State: CA Country: US		
	Field Office: SC		
	Incident Author Information		
	ORI: CAFCU0100		
	Last Name:		
	First Name		
	Police Report: None Created Timestamp: 2012-08-02T16:46:32.166		
	Modified Timestamp: 2012-08-08T16:34:43.324		
Status: Attachments:	Approved		
History:	The second section of the second seco		
08/08/2012(04:48 PM Imported note from		
(LI) Incidon	t Additional Details		
Description:	On 8/2/2012, FBI IA	queries on the	
	subject.		
Status: Attachments:	Approved		
History:			
08/08/2012(04:48 PM Imported note from		
WIE OF			
Investigative	ssified database checks Access/examine FBI/DOJ records, and obtain information	rom ERI/DO I personnel	
Method:		Tom Full Doo personner,	
Description:	(U) IA FBI, conducted		
	Anglenging of the second of th		
	(O)	Imma esta contenta such Estapatata anti-nati Estapatata estapatata	
(1)	X		
	(U)		
	(O)		
	No additional information was found		
Status: Attachments:	Completed		
History:			
08/09/2012 0	11:19_PM		
(U)	najety po išvitetija ji		
Investigative	In a parker a per profesionita		
Method:			
Description:			



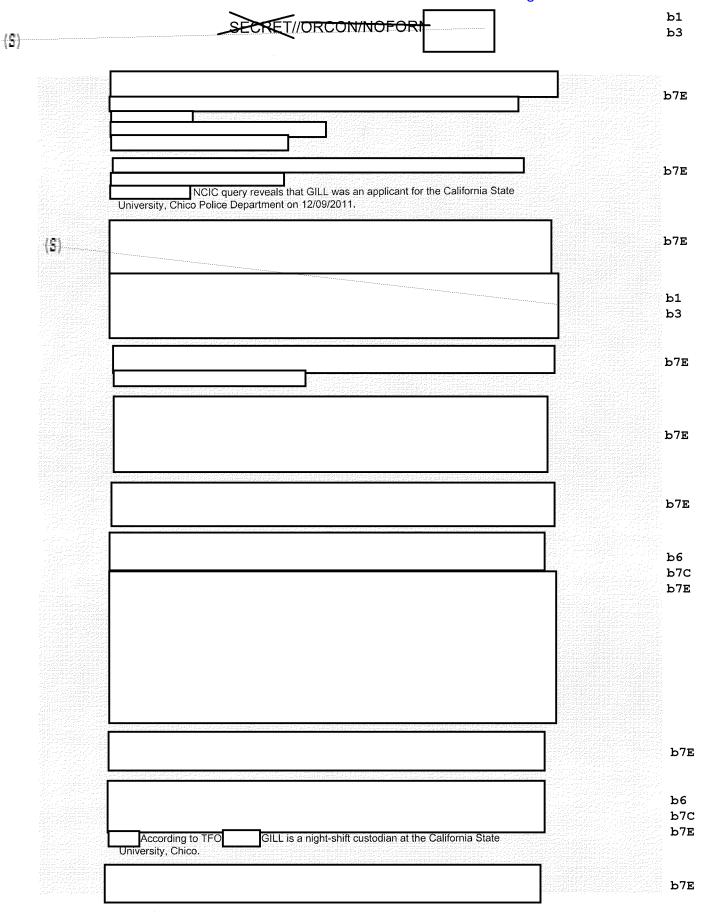
b7C

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		— negérészőékkezen pokkra-	
			b7
Status: Attachments: History:	Approved		
08/20/2012			b b'
10/01/2012	Comment of the control of the contro		b'
(U) Intervie	ew of Wiley Gill		
Investigative Method:	Interview or request information from members of the public and private entities.		
Description:	On approximately September 12, 2012, TFO's and attempted to interview WILEY GILL at his residence 1316 Nord Avenue, Chico. CA. This residence is co-located with and owned by the Chico Islamic Center. TFO's and were informed that GILL no longer lives at the residence.		b6 b7
	On October 1, 2012, TFC contacted GILL via his cell phone, in an attempt to set up an interview with him. GILL did not answer his phone and TFO did not leave a message. Approximately an hour later, GILL called phone back. TFO nformed GILL of his identity and the nature of his telephone call. GILL seemed suspicious at first but then provided the following information:		b6 b7
	GILL allowed law enforcement officers to come into his house at 1316 Nord Avenue a few months ago when he was told that they were searching the area for a fleeing suspect. This is the only time that GILL knows that law enforcement officers have been in his residence.		
	GILL was informed that one of the officers in his house saw something on his computer screen titled "Games that Fly Under the Radar." GILL acknowledged that this is probably what the officer saw. GILL stated that this is a YouTube video that highlights the top ten best and worst games people play.		
	GILL asked why the officers didn't question him then, when they believed that something appeared suspicious? TFO agreed that this was a logical question to which he did not know the answer		b 6

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Status: Attachments:	GILL was cooperative throughout the telephonic interview with TFO Approved	b6 b7C
History: 10/01/2012 (13:28 PM Created Note: Attempted Interview of Wiley Gill	
10/01/2012(b6 b70
10/01/2012(15:19 PM Approve note	b7E
(U #F0U0)	Report	b7I
Investigative Method: Description:	A review of report for WILEY GILL reveals the following identities	
	Name: WILEY WAYNE GILL DON: SSN: Cell Phone: Residential Phone: Address: Chico, CA Former Addresses:	
Status: Attachments: History: 10/01/2012 of	5:19 PM Approve note Baseline Checks	b6 b7C b7E
Investigative Method: Description:	8. Subject's current place of employment and position, When available in has been obtained, it should be used to conduct the checks necessary to following questions.	dentifying information
		b7E
	2a.	b6 b7C b7E

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		b71
		b7.
Status: Approved Attachments:		
History: 10/01/2012 05:10 PM Created Note: Baseline Checks		b6
10/02/2012 12:14 PM Submit note for approval 10/03/2012 12:19 PM Approve note		b70 b71
	position	
(U//FOUO)-Disposition		
interviewed he was spied on by the NSA	Wiley Ild be noted that in the past when GILL was uncooperative and claimed that he was being and other governmental agencies. A second	b 7
	icted with GILL Ill cooperative with law enforcement. GILL uspicious video that law enforcement saw on	
his computer screen which has been corr	in May 2012 was about computer gaming,	
Disposition:		
		<u>1999-1995 - 199</u> 1993 1994 1994 1994
		b '
Wo	rkflow	1
3/08/2012 04:48 PM Imported Incident from	Assigned By.	b 6
3/09/2012 01:21 PM Incident assigned	Assigned To: Assigned By:	ь7 ь7
	Assigned To:	
1/09/2012 03:33 PM Incident opened	Assigned By:	
	Assigned To:	
//06/2012_03:02_PM	Assigned By:	
	Assigned To:	
######################################		

Case 3:14-cv-03120-RS Document 127 Filed 11/03/16 Page 51 of 51 (5) b1 b3 10/02/2012 12:15 PM Incident submitted for closure Assigned By: b6 b7C Assigned To: b7E Assigned By: 10/03/2012 12:20 PM Incident closed Assigned To: SENTINEL Uploads 08/09/2012 03:35 PM SENTINEL Case File:

b7E