National Security Studies Program Policy Paper

Countering Domestic Radicalization

Lessons for Intelligence Collection and Community Outreach

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Executive Summary

Terrorism is not a new phenomenon, but since the 9/11 and 7/7 attacks the United States and the United Kingdom have significantly altered their counterterrorism programs or created new programs, laws, and institutions to cope with changing understandings of the threat posed by individuals living in the West attracted to al-Qaeda's cause. While the programs the United Kingdom and the cities of New York and Los Angeles have put in place have varied, police and security officials on both sides of the Atlantic recognize the importance of local communities to the struggle against terrorism and radicalization. Based on evaluations of successes and mistakes from these three cases, the authors have created the following list of "best practices" for domestic counterterrorism and community outreach in the United States:

1) **Reduce the role of government in counter-radicalization programs**
2) **Treat Muslim-Americans as citizens, not suspects**
3) **Maintain dedicated counterterrorism commands or divisions within law enforcement agencies**
4) **Use informants carefully and sparingly, especially in prosecutions**
5) **Encourage and enable Muslim-American groups to push back against extremists**
6) **Improve counterterrorism education guidelines and standards**

These practices are not a panacea and do not aim to encapsulate the entirety of useful counterterrorism practices. Indeed, many techniques must change depending on the local context. Nonetheless, applying these concepts is likely to reduce the occurrence of jihadis being radicalized in the West and improve the chances, over the long-run, that radicalizing terrorists will be observed and disrupted.

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Introduction

Since 9/11, Western governments, facing a very real threat of al-Qaeda-inspired violence, have struggled to construct domestic counterterrorism programs that improve security and prevent domestic radicalization while still protecting civil liberties. They have met with mixed results: a number of plots involving "homegrown" jihadis[1] have been disrupted—and relatively few have been successful—but each Western citizen that turns to jihadist violence threatens social cohesion, and the broader goal of maintaining a peaceful society.

We must be clear-headed about why Western governments strive to maintain positive relationships with Western Muslim populations from a narrow counterterrorism perspective. There are two basic rationales: to dissuade individuals from adopting an al-Qaeda-like ideology, and to encourage Muslim communities to work closely with security forces to identify and report individuals who do radicalize. Not surprisingly considering these goals, counterterrorism programs in both the United Kingdom and the United States have placed building good relationships with the Muslim community at the heart of their efforts.

Two paradoxes basic to these domestic counterterrorism programs complicate their formulation, implementation, and ultimate prospects for the successful prevention of terrorism. First, security agencies often endeavor to improve relationships with Muslim communities while simultaneously increasing surveillance and intelligence operations directed at elements of those communities. Second, government efforts to enmesh Muslim communities within the social fabric of Western societies are sometimes initiated and implemented by security agencies, alienating elements of those communities that do not want to be defined by the violent elements within their community and aim to interact with the government on a broader range of issues than just counterterrorism concerns.

The Obama administration has emphasized outreach to Muslim communities as part of its broader community engagement and counterterrorism efforts, but has offered few specific policy initiatives (at the time of writing, the administration was reportedly finalizing its formal domestic counterterrorism policy).[2] In a March 2011 speech at a Virginia Muslim center, Deputy National Security Advisor Denis McDonough affirmed the importance of community engagement as a means of disrupting terrorist plots, undercutting al-Qaeda's ideology, and ensuring that Muslim-Americans partner with the government on a range of issues.[3] McDonough laid out a five-point plan for cooperation between the federal government and community leaders, which included increased efforts to understand the radicalization process, expanded engagement with "at risk" communities, increased support for local community initiatives, expanded coordination with state and local governments, and improved communication with all Americans on the threat posed by violent activists.

To better understand these issues and identify best practices for U.S. counterterrorism programs, this study compares counterterrorism methods in the United Kingdom with those in the United States' two largest cities, New York and Los Angeles.

To better understand these issues and identify best practices for U.S. counterterrorism programs, this study compares counterterrorism methods in the United Kingdom with those in the United States' two largest cities, New York and Los Angeles. Definitively determining best domestic counterterrorism practices is difficult in the absence of more comprehensive data about known domestic radicalization cases, as well as greater insight into dead-end investigations that did not result in criminal

charges — though new research from the New America Foundation sheds light on various issues relating to counterterrorism arrests, including data on how authorities identified plots. But even with such information, the lack of a widely agreed-upon theory of radicalization and the challenge of counting negative events (only taking into account attacks or disrupted plots) complicates measuring the success of counterterrorism programs that have as part of their goal preventing terrorist radicalization and mobilization in the first place.

As a practical matter, however, policy cannot always wait for perfect social science.

As a practical matter, however, policy cannot always wait for perfect social science. Our recommendations are based on a survey of known counterterrorism investigations and an evaluation of jihadi strategy and emerging trends, which suggest that jihadis will continue to evolve toward less complex attacks and are likely to increase their operational security measures, complicating efforts to penetrate plots. In such an environment, community involvement and tips are likely to play a critical role in future investigations; the U.S. law enforcement and intelligence communities should develop systems that prioritize building and maintaining positive relationships with Muslim community members.

A review of trends in both counterterrorism investigations and jihadi behavior suggests a series of common-sense best practices, the first of which is improved information collection so that future assessments can be more scientific. But government should also strive to limit its direct role in counter-radicalization efforts, while catalyzing independent efforts by Muslim-Americans. Likewise, government intelligence and surveillance efforts should be more transparent and bureaucratically separated from government community outreach functions. Government informants, who have been crucial in many counterterrorism investigations, should be used carefully and sparingly. When feasible, law enforcement should extend investigations so that prosecutions need not rely overwhelmingly on information garnered from informants. Lastly, American political leaders should improve their civic discourse regarding terrorism and the role of Muslim-Americans in the broader American social fabric. Noxious discourse not only alienates Muslim-Americans directly, but it creates a social context in which government intelligence programs are more frightening to citizens.

Part 1: Counterterrorism and Counter-radicalization in the United Kingdom

The United Kingdom has a long legacy of anti-government terrorism in connection with campaigns for Irish autonomy and, since 9/11, with al-Qaeda and similar movements. Since 9/11, however, British counterterrorism policy has evolved substantially and has often included efforts to improve local policing and community outreach to prevent as well as track radicalization in Muslim communities.[4]

Underpinning Theory and Framework

One of the first post-9/11 changes to the United Kingdom's counterterrorism effort was the creation of New Scotland Yard's Muslim Contact Unit (MCU), which was established in 2002 to facilitate cooperation between Muslim communities and the police. Muslim officers were assigned to community outreach, protecting Muslim communities from Islamophobia, and intelligence gathering related to terrorism and extremism.[5] Although the unit received praise from some Muslim groups, it has been criticized for working closely with Salafist and Islamist organizations to gather intelligence and for selectively using Islamic theology to directly confront individuals deemed at risk for radicalization.[6]

Although the British began developing new counterterrorism programs immediately after 9/11, the real push to expand the country's domestic counterterrorism programs followed the 7/7 attack in 2005. After the

bombings, the government launched a public assessment to identify ways to mitigate the problem of home-grown violence in England. To this end, the government established seven working groups composed of prominent British Muslims under the banner of Preventing Extremism Together (PET). These groups submitted 64 recommendations, which included creating a mosque and imam national advisory board, generating nationwide forums on radicalism and Islamophobia, and establishing a long-term plan to deal with "inequality, discrimination, deprivation and inconsistent Government policy, and in particular foreign policy."[7] The committees also recommended an immediate and open inquest into the 7/7 attacks (which did not begin until fall 2010), to "place facts rather than speculation ... into the public domain about the process by which some British Muslims are being radicalized."[8]

The government's implementation of the PET findings has been uneven.

The government's implementation of the PET findings has been uneven.[9] For example, the Foreign Office acknowledged the role of foreign policy in radicalization and deployed officials to explain Britain's foreign policy to Muslim communities, but the counter-radicalization efforts initiated after the post-PET reforms side-stepped those issues and focused on ideological factors and drivers of radicalization within local communities.[10]

The strategy that has resulted from Britain's assessment of its homegrown radicalization problem is known as CONTEST, which contains four main elements: *Pursue, Prevent, Protect, Prepare*.[11] The latter two elements deal with physical preparations for a terrorist attack (hardening targets against attack, etc.) while the first two aim to detect and disrupt terrorist plots before they occur by reducing radicalization and improving intelligence in order to identify plots already in motion.

The most controversial element of CONTEST is the *Prevent* program, which has gone through several different iterations. It aims to prevent radicalization by promoting "mainstream" forces in Muslim communities in order to challenge ideological arguments justifying violence, but has been accused of "securitizing" relations between Muslims and the government, meaning that the government appears to interact with Muslims primarily through security organs to deal with security issues. The original *Prevent* strategy had five elements, each of which was tied to an assessment of a particular "cause of radicalization" identified by the British government. The five identified causes were: an al-Qaeda-associated ideology; ideologues and propagandists who distribute and apply that ideology in local settings; the existence of a population that is vulnerable for personal, social, and economic reasons; lack of opposition to radicalizing elements in vulnerable communities; and political or social grievances ranging from British foreign policy to the perception of racism and persecution of Muslims in British society. *Prevent* aimed to reduce the salience of each of those elements.[12]

Community Outreach

The CONTEST strategy contains several laudable ideas for combating domestic radicalization. The program seeks to deal with social and racial inequalities that are believed to fuel radicalization and attempts to explain government policy more clearly to Muslim communities while working with Muslim leaders to adjust police practices as issues arise that spur anger among Muslims – such as stopping and searching individuals on the street without probable cause, a practice that will be greatly reduced.[13] In general, the plan is built on the idea that Muslim groups are best positioned to combat radicalization. The focus on local dynamics extends even to individual de-radicalization efforts. The so-called "Channel Project" encourages police and community representatives to identify individuals deemed at risk of radicalization, and then stages interventions involving friends, family, police, and religious

leaders in an attempt to steer these individuals away from violence, all while acknowledging and condoning their expression of "radical or extreme views."[14] The government's June 2011 report on the Prevent strategy revealed that between 2007 and 2010 1,120 "at-risk" youth were referred to the program, including 55 under the age of 12, and some not directly deemed in danger of radicalization – developments that the government warned could endanger the legitimacy of the project.[15]

The British approach to community outreach heavily favors building relationships with distinct community leaders, which springs from an understanding of "multiculturalism" that conceives of relatively homogenous, culturally distinct communities with unique concerns that deal with the government through authoritative representatives.[16] That approach is outdated and overly simplistic, but it has nonetheless motivated much of British counter-radicalization strategy, which relies upon and empowers identified leaders to monitor and counter extremism in their distinct communities, as well as provide information to the authorities. Indeed, in a speech in February 2011, British Prime Minister David Cameron asserted that the project of state multiculturalism had "failed," saying that it had pushed people of different cultures to live separately from other communities, in some cases fueling extremism.[17]

The fact that the British government has sought to empower community leaders to police their own but also utilized them as intelligence sources has complicated implementation of the CONTEST strategy on both a local and national scale. Even before a parliamentary report criticizing *Prevent* was released in March 2010,[18] the strategy came under vigorous attack by community groups and security experts who argued that the *Prevent* strategy treated British Muslims as a "suspect community" that could only be approached from a counterterrorism angle, rather than as multifaceted citizens through "mainstream politics."[19] Critics suggest that treatment of Muslim communities as a single potentially radicalized entity, coupled with increased police and intelligence observation of mosques and more aggressive attempts to recruit Muslim informants, builds mistrust within the Muslim community that would both increase radicalization and reduce the willingness of community members to collaborate with the government.[20]

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The March 2010 report from the House of Commons Communities and Local Government Committee condemned much of the *Prevent* program, noting that by focusing on Muslims as potential terrorists the program stigmatized the entire community, while convincing many that the government was actively spying on them.[21] Moreover, the committee found that by placing community relations programs designed to promote resilience among Muslims within the context of a counterterrorism strategy, the government "tainted many local projects that would have been otherwise seen as playing an important role in strengthening communities."[22]

The primacy of counterterrorism officials doing community outreach in local communities and the implementation of social projects receiving *Prevent* funding reportedly convinced many Muslims, despite government denials, that the program and its many social cohesion and resilience initiatives served primarily as cover for the surveillance of Muslim populations.[23] The fact that one of *Prevent's* stated objectives was "To develop supporting intelligence, analysis and information" among at-risk populations certainly does not help counter this perception.[24] Not only did the perception of spying on Muslim communities lead to mistrust of *Prevent* programs, but testimony before the parliamentary committee indicated that radical groups such

as Hizb-ut-Tahrir, which opposes engagement with the British government, have gained a foothold in Muslim communities as a result.[25]

The committee report also reiterated the conclusions of critics who argued that the program's "monocultural" focus on Muslims served to heighten tensions between Muslims and the government. Because *Prevent* only dealt with Muslims, it gave the impression that Muslims could only interact with, and gain services from, the government by highlighting their religious identity and utility as part of the counterterrorism agenda, rather than British citizens.[26] Moreover, the privileges extended to certain Muslim groups (such as Sufis) through political attention and funding inevitably led many Muslims to believe the government was attempting to engineer Islamic religious practice in Britain.[27]

The committee also identified an "excessive concentration on the theological basis" of radicalization[28] in *Prevent* that compelled the government to get involved in everything from funding mosque schools to overseeing the selection and education of Muslim religious leaders.[29] Another initiative between Britain's Metropolitan Police and Muslim groups, for instance, created "mosque intervention" groups designed to encourage dialogue between Salafists and more moderate Muslims – though experts indicate that the program never came to anything substantial. [30] The committee found that by helping create a dichotomy between "good" and "bad" Islam, the government instead helped legitimate the claims of al-Qaeda and others to be the only viable alternative to a secular, Western political model that many British Muslims found objectionable in some respects but did not want to reject outright.[31]

Although the British government has said that it seeks Muslim "integration" into society, this has meant little in practice. Unlike the French model, which favors a strict, and in many ways problematic, definition of integration (fluent French language skills, acceptance of "French" culture, little to no open religious practice), Britain has no clear definition of an "integrated" Muslim.[32] *Prevent* contains sections with titles such as "Promoting our shared values" that do not describe what these values actually are.[33] The British plan's lack of precision complicates the task of integration for minority or immigrant communities by making social expectations more opaque but retaining the notion that Islam must somehow be tempered if one is to be British, an idea that may alienate even some "culturally British" Muslims. Furthermore, the focus on social integration may produce limited results from a security perspective even if it is a constructive goal in the broader sense. Research on British radicalization demonstrates that community-level social integration is not a very good predictor of extremist activity; at least some of the 7/7 bombers hailed from economically and socially mobile families.[34]

In response to the repeated and widespread criticism of *Prevent*, Home Secretary Theresa May indicated in November 2010 that it, along with other elements of Britain's counterterrorism policy, would be reviewed and reorganized, a step completed in June 2011. In particular the government has taken to heart the critique that many elements of *Prevent*, such as those dealing with social cohesion issues or community integration, were best dealt with outside of a counterterrorism framework.[35] May reaffirmed the need to deal with terrorism's root causes, telling an audience at the Royal United Services Institute that "a successful strategy for stopping radicalization depends on an integrated society, marked by high levels of participation, of interaction and of equality of opportunity ... but we will not securitize our integration strategy." She continued, "we will stop talking to Muslim communities only about counter-terrorism, and start treating them like the mature and integral parts of society that they are."[36] But it is yet to be seen how the government actually intends to resolve not only the damage done by *Prevent*, but also the still-outstanding questions surrounding definitions of integration, sources of radicalization in the country, and the best means to stop its spread.

Intelligence and Disruption

Following 9/11, the British government initiated a number of reforms to improve intelligence collection and sharing and establish tools with which to disrupt terrorist plots in motion. The core institutional development was the creation of the Joint Terrorism Analysis Center (JTAC), which, like the National Counterterrorism Center in the United States, was charged with integrating information from all sources to develop a comprehensive picture of the threat environment facing the United Kingdom.[37] JTAC's operations have since been integrated into the *Pursue* component of the larger CONTEST strategy. A variety of other structures were also created, including police Counterterrorism Units (CTU) and Counterterrorism Intelligence Units (CTIU), which serve as fusion centers to increase regional collaboration among local police forces. Additionally, the two units within the British Metropolitan Police associated with fighting terrorism -- the Special Branch (focused on intelligence collection) and the Anti-Terrorist Branch (focused on evidence gathering) – were fused in 2006 to become the Counter Terrorism Command.[38]

The *Pursue* strategy uses a variety of techniques to identify and disrupt terrorist attacks, a collection of capabilities that has been established in pieces over the last decade. The most direct is the arrest of terrorism suspects, a technique that is not always designed to produce a conviction, but in some cases instead reflects a more preventative or pre-emptive logic. Between 2001 and March 31, 2008, more than 1,450 people were arrested in Britain on terrorism charges, of whom fewer than 200 were convicted of terrorism-related offenses.[39] Indeed, in 36 cases between January 2002 and May 2006, terrorism suspects were detained administratively but never prosecuted.[40] The British have, however, included some reforms to facilitate prosecutions and have prompted intelligence-gathering agencies such as MI5 to collect information with an eye to eventually using it as evidence in a court rather than simply for intelligence analysis.[41]

When prosecution was not feasible, British authorities employed a variety of other techniques, including deporting foreign nationals or preventing them from entering the country, and revoking the citizenship of Britons when "the Home Secretary is satisfied that deprivation is conducive to the public good but would not leave the person stateless."[42] The Prevention of Terrorism Act 2005 gave the government the authority to use control orders (recently modified as part of a broader review of British counterterrorism policy and re-named "terrorism investigation and prevention measures"[43]) to restrict the movement and communications of individuals when information "about the individuals cannot be adduced as evidence or is not sufficient to enable a charge to be made."[44] The government also has the authority to ban organizations and the distribution of radical material via the Internet or bookstores.

Many of the new British counterterrorism powers have proved controversial and been restricted since they were created.

Many of the new British counterterrorism powers have proved controversial and been restricted since they were created. Britain's highest court overturned the extended use of control orders in June 2009 on human rights grounds, plans to detain terrorist suspects for 90 days instead of 14 were reduced to 28 and have since been reduced again to 14 days, the extreme religious group Hizb-ut-Tahrir is still operating (the radical group al-Muhajiroun, which calls for the implementation of Muslim religious law in England, and sister groups such as Islam4UK, were only successfully banned on January 14, 2010),[45] and there are reports that radical bookshops remain open in England.[46]

In June 2011, the British government released a new iteration of the Prevent strategy.[47] The report outlining the new strategy acknowledged the failings of the past program, including recognizing that money had been wasted on

various Prevent programs as well as being ineffectively monitored, and that there was a widespread perception in some quarters that Prevent programs were intrusive, stifled free speech, "securitized" the relationship with Muslim communities, and sought to create a kind of "state Islam."[48] The new strategy notably splits Prevent programs from broader immigration and integration programs, to be run by the Department for Communities and Local Government;[49] widens the scope of Prevent programs to include right-wing and other forms of extremism (while maintaining a focus on al-Qaeda-inspired terrorism);[50] and promises not to work with or fund organizations deemed to hold "extremist" views as part of counter-radicalization or de-radicalization programs, as occurred to a certain extent under the previous prevent program.[51]

The new strategy makes clear the government's intent to avoid stigmatizing Muslim communities as being uniquely "at-risk" of radicalization and to ensure that any Prevent initiatives are proportional to the threat.

The new strategy makes clear the government's intent to avoid stigmatizing Muslim communities as being uniquely "at-risk" of radicalization and to ensure that any Prevent initiatives are proportional to the threat. However, one of the three key objectives of the new strategy is to "respond to the ideological challenge of terrorism,"[52] and the report says that while the government will not attempt to deal with theological questions except in "certain well-defined and exceptional situations,"[53] it will still provide support to "credible partners" and mosques seen to be taking a role in countering terrorist ideologies and actions.[54] This open involvement of government in ideological debates may still foster the impression that the British government is choosing sides in Muslim communities and attempting to dictate what is or is not proper religious practice. And while the effort to separate counter-radicalization and preventive programs from community outreach is a positive step, it is unclear if the past excesses of the Prevent program will taint new initiatives and give the impression that government's interaction with Muslim communities is still part of a broader security and counter-terrorism agenda.

Part 2: The American Context

The United States does not have a unified national counterterrorism plan on the same scale as the British CONTEST strategy, and it has never attempted to implement a coherent counter-radicalization program like *Prevent*. Although the National Counterterrorism Center does have a directed Countering Violent Extremism (CVE) program, it is a relatively new piece of the counterterrorism puzzle in the United States.[55] Direct counter-radicalization programs have been less popular in the United States than in Britain for a variety of reasons, including civil liberties concerns raised by the prospect of supporting or criticizing religious groups, as well as the perception that the United States does not have as much of a radicalization problem as countries in Europe.

Nevertheless, intelligence reforms and similar changes have had an impact on radicalization trends. After 9/11 the FBI made the prevention of terrorist attacks one of its primary missions,[56] and as a result has adopted a more "forward-leaning" approach to terrorism to improve intelligence gathering and disrupt plots.[57] In 2003 the Department of Homeland Security was created in part to prevent and disrupt terrorist attacks in the United States, and in 2004 the National Counterterrorism Center was created within the office of the Director of National Intelligence to sort and process all intelligence related to terrorism coming from many of the 16 federal intelligence agencies.[58]

As the preeminent law enforcement agency in the United States, the FBI has primary responsibility for countering

terrorism domestically. To do so, it works with other federal and local agencies through several institutions, primarily Joint Terrorism Task Forces (JTTFs) in which the FBI coordinates investigations with local partners as well as the CIA, Defense Intelligence Agency and others, and Fusion Centers designed to facilitate information sharing between national intelligence and security agencies and state and local police. There are currently JTTFs in each of the FBI's 56 field offices and in more than 100 U.S. cities.[59] By 2009 there were 72 fusion centers across the United States, costing about $380 million to operate.[60] However, since their inception fusion centers have been plagued by problems of poor intelligence sharing and difficulties resulting from different computer systems and classification guidelines between agencies.[61]

Federal counterterrorism efforts are designed to work in concert with local authorities, but in the U.S. federal system, municipalities often design their own counterterrorism programs, especially in major metropolitan areas that have substantial resources.[62] This split between federal and local responsibilities for counterterrorism has at times created conflict. In 2009, as the FBI was deep into its investigation of Najibullah Zazi in connection with an alleged plot to bomb the New York subway system, the New York Police Department's Intelligence Division asked its own source, an Afghan imam named Ahmad Wais Afzali, if he knew Zazi.[63] Afzali subsequently suggested to Zazi that the police were investigating him, which compelled the FBI to execute warrants and make arrests earlier than it had intended, creating friction between the agencies and potentially endangering the investigation.[64]

One factor making collaboration among law enforcement agencies difficult is that the quality and quantity of counterterrorism training varies dramatically between agencies and municipalities. The divided responsibilities for terrorism programs and investigations has since 9/11 led to the proliferation of counterterrorism "experts" brought in by local police departments to provide training on Islam and counterterrorism issues for their officers, often using the several billion dollars in federal money allotted for the purpose.[65] These programs have no uniform syllabus, no uniform standard for hiring or evaluating instructors, and teach widely divergent lessons about "the enemy." While many trainers are undoubtedly qualified and offer appropriate instruction, some reportedly advocate such tactics as "legal harassment of Muslims," and teach their students that "Islam is a highly violent radical religion that mandates that all of the earth must be Muslims," or that "anyone who says that Islam is a religion of peace ... is either ignorant or lying."[66] The lack of uniform standards or guidance for counterterrorism training increases the risk of misunderstanding among agencies or between agencies and communities.

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Despite the fact that U.S. counterterrorism programs are more diverse than those in the United Kingdom, three basic themes have emerged.These programs aim, first, to increase information sharing both laterally and vertically within and among agencies at all levels of government; second, to facilitate electronic surveillance of terrorism suspects; and third, to aggressively use confidential informants, sources working on behalf of federal or local security agencies who penetrate suspected terrorist cells, sometimes after integrating themselves into a religious or social community.

Although information-sharing and electronic surveillance have received more attention in the news media, the use of informants has become increasingly prevalent in law enforcement investigations, especially after new FBI guidelines were issued in 2008 allowing more expansive use.[67] In 183 cases evaluated by the New America Foundation, informants were used in 65, while undercover agents were involved in 18 cases (five involved both an undercover agent and an informant). Similarly, a tally by the Congressional Research Service found that informants or undercover agents were used in 20 homegrown

terrorism cases or plots in the United States since 9/11, out of 43 measured.[68] Some of those instances have elicited concern from Muslim community leaders that in some circumstances the informant's participation in a plot amounts to entrapment.[69]

Making sweeping generalizations about the use — or misuse — of informants is dangerous.

Making sweeping generalizations about the use — or misuse — of informants is dangerous. In counterterrorism investigations and prosecutions, methods vary widely and run the gamut from uncontroversial to questionable. On one end of the spectrum is the case of Mohamed Alessa and Carlos Almonte, arrested in June 2010 at JFK International Airport in New York, allegedly with the intent to join the Somali militant organization al-Shabaab.[70] The duo had been under investigation for several years after authorities received a tip about their possible radical leanings, and eventually a confidential informant befriended the two, recording conversations in which they allegedly discussed plans for fighting abroad and training for military operations.[71] At the other end of the spectrum is the Newburgh Four case, in which four men were arrested and convicted of attempting to set off (inert) explosives outside synagogues in the Bronx and plotting to shoot down aircraft at a New York Air National Guard base.[72] Although the four did plant what they believed to be explosives, critics note that the FBI's informant in the case, Shahed Hussain, played a significant role in the development of the plot, posing as a wealthy representative of the terrorist group Jaish-e-Muhammad and offering the conspirators $250,000 and a luxury car.[73]

The use of informants in terrorism cases has generated mistrust among some Muslim communities. These communities and their representatives are concerned both that informants have entrapped terrorism suspects and that they have been widely used to indiscriminately monitor communities, a development that could endanger cooperation in future terrorism investigations.[74] There is also the possibility that controversies over government surveillance of Muslim communities in the United States could actually facilitate radicalization. Anwar al-Awlaki, an American-born jihadi ideologue and propagandist now in Yemen who has been tied to many cases of radicalization in the West, uses the specter of an indiscriminate crackdown against Muslims in the West as part of his recruiting pitch and laments the unwillingness of American Muslims to sign on to al-Qaeda's mission.[75]

Indeed, the interaction between Muslim communities and confidential informants is sometimes quite complicated. At least one clumsy informant endeavoring to attract would-be jihadis by publicly proclaiming his own interest in violence drew the ire of Muslim communities. The strange behavior of Craig Monteilh, a convicted felon who served as a confidential informant for the FBI in Southern California, prompted mosque-goers to report him to the FBI as a potential terrorist. Although FBI officials have said he was assisting with a specific investigation, Monteilh claims he was ordered to "randomly surveil" the Muslim community. Muslim leaders complained that such tactics bred mistrust of law enforcement and argued that their willingness to report Monteilh illustrated the community's willingness to cooperate with law enforcement.[76]

Jihadi supporters are also keeping tabs on government use of informants and identifying their own best practices for circumventing their utility. Jihadi forums have long been venues for sharing tactical knowledge and information among supporters of al-Qaeda; recent postings, seemingly inspired by the charges against accused would-be bomber Mohamed Osman Mohamud in Portland, Ore., have highlighted the danger of informants to jihadis.[77] One recent post demonstrated a sophisticated understanding of informants' techniques and their utility in U.S. legal proceedings. Although not released by an official organization or media group, the post (written in December 2010) has been extremely popular on al-Ansar al-Jihad, the

most important English-language jihadi forum; it was viewed more than 1,800 times and received 50 comments in less than two months, far more than average.[78] Jihadi plotters in the United States may not always follow the tradecraft advocated by this post and others like it, but the existence of such advice suggests that such plotters will become more difficult marks for U.S. investigators in the future, reducing the utility of informants in the long term.

Improved tradecraft among jihadi plotters is quite worrisome, especially in light of al-Qaeda's increased promotion of smaller-scale, less technically complex tactics. Although such reforms reflect al-Qaeda's failure to instigate larger attacks, they will likely be more difficult for law enforcement and intelligence operatives in the United States to identify in advance.

The various trends, however, suggest that community involvement in counterterrorism is often critical today and will be even more important in the future.

The various trends, however, suggest that community involvement in counterterrorism is often critical today and will be even more important in the future. The New America Foundation study has found that in over one-fifth of indictments or cases involving Americans who went abroad to wage jihad, Muslim communities and families provided important tips and support to federal and local investigators.[79] A defining feature of much jihadi radicalization is conflict with and separation from existing social and religious groups, a characteristic that Muslim communities are best positioned to identify. As Los Angeles Police Department Deputy Chief Michael Downing has argued, "Muslim communities themselves are a big part of the longer-range solution to threats faced abroad as well as those at home." [80]

Part 3: Counterterrorism and Counter-radicalization in New York

The New York City Police Department (NYPD) has the most comprehensive and aggressive counterterrorism program in the United States. Although the city had experience with a wide range of terrorist actors before 9/11—from Islamist groups to Puerto Rican nationalists and leftist groups — NYPD counterterrorism operations evolved significantly in response to the al-Qaeda-linked threat, moving especially to increase its intelligence-gathering capability through informants and surveillance of communities deemed to pose a risk of radicalization. The NYPD has followed federal guidelines on some issues and worked with the FBI on a number of cases, but it has famously built its own independent procedures and institutions for defending New York City. In doing so, it has often clashed with federal authorities.[81]

New York's counterterrorism program was developed because of all-too-real concerns about the terrorist threat to the city. In 1993 a group of violent Islamists detonated a truck bomb in the World Trade Center parking garage that killed six people.[82] Speaking in January 2011, NYPD Commissioner Ray Kelly said that since 9/11 there had been 12 terrorist plots in which individuals were radicalized or hoped to operate in the states of New York or New Jersey.[83] Nine of those plots involved New York City directly, accounting for nearly 25 percent of all jihadi incidents in the United States in that period.[84]

Underpinning Theory and Framework

The NYPD's explicit counterterrorism programs are organized primarily in two bureaucratic groups, the Counterterrorism Division and the Intelligence Division, which today have an annual budget of around $68 million.[85] Additional funding, of an undisclosed amount, is provided by private donors through the New York Police Foundation.[86] A third bureaucratic division, the Community Affairs Bureau, handles community outreach

duties, which are the closest thing New York has to a counter-radicalization program, but wisely is not labeled as such.

NYPD counterterrorism operations are split into five categories:

- Support to the FBI's Joint Terrorism Task Force (JTTF). The FBI-led JTTFs have primary responsibility for investigating terrorism around the country and bring together federal, state, and local law enforcement and intelligence resources. Of the 350 NYPD officers allocated to counterterrorism missions in New York, 130 are assigned to the JTTF.
- The Lower Manhattan Security Initiative (LMSI), which is an effort to provide near real-time surveillance across much of lower Manhattan. The backbone of the LMSI is a system of video surveillance of public spaces and integration of private security surveillance with police resources.
- The citywide counterterrorism coordinator, which levies a personnel "tax" on all NYPD precincts for counterterrorism operations on a given day. These officers contribute to "Hercules" team exercises in which NYPD sends heavily armed officers to various locations around the city to show public resolve and potentially disrupt terrorist surveillance activities. These officers also constitute a counterterrorism-dedicated rapid-response force in case of an actual crisis.
- The Counterterrorism Division, which prepares for a terrorist attack through training, Chemical, Biological, Radiological and Nuclear (CBRN) detection, and improving physical security of potential targets. The Counterterrorism Division operates a program called NYPD Shield that encompasses Operation Nexus, which works with local businesses to encourage reporting of strange or anomalous purchases of potentially hazardous material, and Operation Sentry, which supports information-sharing and collaboration between local police departments.[87]
- The Intelligence Division is the least public and most controversial element of the NYPD counterterrorism program. It is charged with identifying and disrupting terrorism plots before they occur, and its officers have developed a system of informants and surveillance procedures .[88]

NYPD's intelligence operations are built on the assessment that terrorist radicalization often occurs without a crime being committed, which means that intelligence operations must penetrate and disrupt cells before — or in the absence of — the commission of a crime. The concepts that informed this view were explained in a 2007 report titled *Radicalization in the West: The Homegrown Threat, which* described a four-stage radicalization trajectory: Pre-Radicalization, Self-Identification, Indoctrination, and Jihadization.[89]

Radicalization in the West advocated an intelligence-gathering approach to policing that would seek to draw relationships between legal behaviors that, taken together, would indicate a pattern of radicalization that might lead to violence:

> The subtle and non-criminal nature of the behaviors involved in the process of radicalization makes it difficult to identify or even monitor from a law enforcement standpoint. Taken in isolation, individual behaviors can be seen as innocuous; however, when seen as part of the continuum of the radicalization process, their significance becomes more important. Considering the sequencing of these behaviors and the need to identify those entering this process at the earliest possible stage makes intelligence the critical tool in helping to thwart an attack or even prevent the planning of future plots.[90]

Radicalization in the West, and the NYPD intelligence procedures that reflected its conclusions, were criticized by civil liberties advocates and Muslim-American groups in New York City, who felt that the report was a recipe for intrusive monitoring of Muslim communities. In 2009, NYPD re-released the *Radicalization in the West* report with a new introduction addressing some of its more controversial passages.[91] This "Statement of Clarification" made five points:

- "NYPD understands that it is a tiny minority of Muslims who subscribe to al-Qaeda's ideology" and that "the Muslim community in New York City is our ally. ... As such the NYPD report should not be read to characterize Muslims as intrinsically dangerous or intrinsically linked to terrorism."
- The report's claim that New York's Muslim communities had been "permeated" by terrorism was not meant to imply that large numbers of people in those communities supported terrorist violence.
- While the *Radicalization in the West* report focused on al-Qaeda, New York City has suffered from a variety of terrorist groups historically, going back to predominately Italian anarchists in the early 20th century.
- Although the report identifies increasing religiosity as an oft-displayed element of radicalization, "the behaviors associated with a greater degree of religiosity, in and of themselves, cannot be used as a signature of someone potentially becoming a terrorist" because "the vast majority" of people demonstrating those behaviors are not associated with terrorism.
- The report was not intended to be policy prescriptive.

NYPD deserves credit for addressing critiques and trying to explain its thinking, but the claim that that *Radicalization in the West* was not intended to inform departmental policymaking seems unlikely, given the depth and level of work that went into the report's development. Nonetheless, the more important issue is how NYPD goes about developing the information that *Radicalization in the West* argues is necessary to keep the city safe.

Community Engagement

Critics of *Radicalization in the West* complained that the report justified extensive monitoring of the Muslim community and implied virtually the entire community as being in a state of "pre-radicalization."[92] The charges are relevant because NYPD has taken important steps to limit the adverse effects of its intelligence efforts on community relations, an approach that is not exactly counter-radicalization, but that endeavors to maintain intelligence-gathering procedures without exacerbating the radicalization challenge or dissuading Muslim community members from providing tips to the police.

NYPD tries to prevent this alienation by bureaucratically separating community engagement functions from the Intelligence Division's writ.

NYPD tries to prevent this alienation by bureaucratically separating community engagement functions from the Intelligence Division's writ. Unlike the British *Prevent* program, which initially integrated counter-radicalization as part of a broader counterterrorism program, the NYPD separates community relations — including efforts to reach out to immigrant and religious communities — into a bureau separate from either counterterrorism or intelligence. The distinction is an explicit effort to distinguish community-building programs that might be perceived as favoring certain religious concepts over others or stigmatizing interactions between the government and Muslims as always being part of a counterterrorism operation. NYPD Deputy Commissioner for

Counterterrorism Richard Falkenrath explained the rationale in 2009:

> We don't want to stigmatize the interaction with these communities, and if the counterterrorism deputy commissioner or the intelligence [commissioner] go to a community meeting or a mosque, it sort of send(s) the message that the reason we're here is we think there's a threat. And that's not the message we want to send, because the vast majority of the people from these communities—the vast, vast majority—are no threat at all and simply want to live in peace and enjoy everything the city has to offer, which is a lot.[93]

Despite assurances from NYPD officials, civil liberties and human rights groups contend that the bureaucratic distinctions are fig leaves and that surveillance of peaceful people cannot be justified. As Christopher Dunn of the New York Civil Liberties Union noted, "I don't think when Catholics are going to St. Patrick's, they're worried about undercover police officers."[94] In spite of such critiques, there are some indications that the bureaucratic divisions do help NYPD maintain cooperative relationships with Muslims in New York City. In the Bay Ridge neighborhood of Brooklyn, where an NYPD confidential informant run by the Intelligence Division secretly monitored mosque attendance, community leaders say they have positive relations with the local 68th Precinct but resent NYPD's intelligence operations.[95]

NYPD's overt community outreach is conducted by the Community Affairs Bureau, which runs a New Immigrant Outreach Unit (NIOU) and Clergy Liaison Program (CLP), among other programs such as youth sports leagues. The NIOU explicitly seeks relationships with Arab, Muslim, and South Asian communities, and the CLP includes counterterrorism as part of its mandate.[96] Yet the programs aim to engage communities on a wider range of issues than just counterterrorism, including hate crimes, drug use, and gang violence. In general, the Community Affairs Bureau's programs focus on improving relations between local precincts and community centers and mosques in those areas rather than higher-level interaction between police and broader Muslim organizations in the United States.[97]

Intelligence and Disruption

The core of NYPD's counterterrorism effort is the Intelligence Division's program to detect and defuse terrorist cells before they act. The NYPD does not have the broad legal authority to disrupt suspected terrorist plotters that officials in the United Kingdom have, but NYPD has nonetheless initiated an aggressive strategy to monitor the city for terrorist cells and radicalizing individuals. In practice, that has meant developing human sources within Muslim communities, some of whom are directed at particular individuals while others reportedly provide atmospheric information on the community and are alert for indications of people radicalizing. Sometimes these sources go on to act as confidential informants, helping to develop a case for prosecutors – a process that is itself controversial because defendants have repeatedly claimed that such informants served to entrap suspects.

Confidential informants have played an important role in several of the NYPD's highest-profile terrorism cases, including the 2004 plot to bomb the Herald Square subway station during the Republican National Convention.[98] In that case, the testimony of a confidential informant, Osama Eldawoody, ultimately led to the conviction of Shahawar Matin Siraj and James Elshafay. Eldawoody agreed to serve as an informant after coming under surveillance shortly after 9/11.[99] Police initially asked him to spend time in mosques and community centers in the Bay Ridge community in Brooklyn to keep eyes and ears open for talk of violent jihad.[100]

Eldawoody focused on Siraj after the NYPD received a tip on a terrorist hotline that Siraj was a potential threat. At

that point, a Bangladeshi-American police officer working undercover visited Siraj at his workplace in an Islamic bookstore in Brooklyn and determined that he was a real danger.[101] Eldawoody was then asked to befriend Siraj and learn more about his thinking. During their association, Siraj hatched a plot to attack the Herald Square subway station, a concept that Eldawoody facilitated by claiming to have ties to a militant group in upstate New York and suggesting that he could acquire a bomb.[102] Although Siraj was ultimately convicted and sentenced to 30 years in prison, the episode remains controversial because it highlighted NYPD's use of confidential informants and the practice of monitoring mosques and other Islamic community centers without focused information suggesting that a crime or terrorist plot is being prepared. The case also illustrated some of the legal challenges of developing cases with confidential informants: Siraj's defense was largely predicated on the claim that he was entrapped by Eldawoody, who acted as something of a spiritual guide during their association.[103]

Much of the controversy surrounding NYPD's intelligence activities is tied to the department's history of monitoring and disrupting legal political groups.

Much of the controversy surrounding NYPD's intelligence activities is tied to the department's history of monitoring and disrupting legal political groups. The regulations governing NYPD's surveillance of political groups were originally imposed as part of the 1985 Handschu Agreement, which limited the ability of the NYPD's Bureau of Special Services to monitor such groups after a class action lawsuit filed in 1971 by a collection of left-leaning political organizations.[104] As NYPD Commissioner Ray Kelly explained, the original Handschu agreement meant that "investigations can only be conducted by one small unit in the Intelligence division. There was a Handschu board that monitors those investigations, and the information could not be shared." Following 9/11, Kelly said he believed those restrictions limited his ability to investigate Muslim groups that might utilize terrorism, "so in 2002, when I came back here, I moved to modify that."[105]

The NYPD approved the modifications in 2003 and agreed to implement the FBI's surveillance guidelines, established in the wake of the 2002 Patriot Act, which facilitated electronic surveillance and information sharing between intelligence and law enforcement agencies.[106] Civil rights advocacy groups immediately criticized the revised Handschu guidelines and have argued that they have enabled the monitoring of other lawful political groups, including activists protesting the 2004 Republican Convention in New York and a homeless-rights march in 2005.[107] Before the Republican convention, the NYPD's Intelligence Division sent undercover officers as far as San Francisco and Montreal to infiltrate and monitor activists planning to protest the convention.[108]

NYPD is not only monitoring individuals that might be the perpetrators of terrorist attacks, it is also monitoring potential targets. The Lower Manhattan Security Initiative (LMSI) is a network of 3,000 publicly and privately controlled cameras and license plate readers designed to give police the ability to quickly and easily monitor lower Manhattan for suspicious behavior.[109] The city government claims that the LMSI will "alert police in real time to a variety of potentially suspicious objects or activities, including unattended parcels, movement in restricted areas, and unusual loitering." But exactly what real-time capability in crowded lower Manhattan means is unclear.[110]

Perceiving that threats to New York City are likely to come from beyond its borders, NYPD runs a program to place officers in major foreign cities to gather intelligence, which rankles federal intelligence and law enforcement officials. The program, which is partially funded through private sources, has been criticized by good-government groups

and federal agencies alike because NYPD officials overseas have no official writ and are essentially acting as well-connected private citizens.[111] Although NYPD officials credit the program with identifying lessons learned after overseas terrorist attacks, it is not clear why officers need to be based abroad to serve that function.[112]

Part 4: Counterterrorism and Counter-radicalization in Los Angeles

Los Angeles has not suffered a terrorist attack by al-Qaeda or its followers, though several plots linked to al-Qaeda or its sympathizers have been directed at the city.[113] However, the perception of an increased threat following 9/11 compelled the Los Angeles Police Department (LAPD) to institute a series of reforms that emulate the larger shifts in American policing and domestic intelligence gathering during that period —focusing on information sharing across bureaucracies, increased surveillance of at-risk communities, and stepped-up use of confidential informants.

As in other jurisdictions, the LAPD has focused on the Muslim-American community as a potential source of radicalized terrorists, but it does not have a dedicated counter-radicalization program. LAPD leaders state clearly that they recognize that the vast majority of Muslim-Americans have nothing to do with terrorist groups, but they have often failed to effectively engage the Muslim-American community, especially regarding a controversial project to "map" the Muslim community in Los Angeles.

Underpinning Theory and Framework

Los Angeles' biggest institutional counterterrorism reform after 9/11 was to establish a Counterterrorism/Criminal Intelligence Bureau (CTCIB) in 2003. Unlike NYPD, LAPD did not have a Intelligence Division and has built an organization from scratch to monitor non-criminal behavior for the purposes of understanding broader community and social trends.[114] Previously, the department had conducted anti-gang intelligence activities, but those efforts were conducted by gang task forces rather than a dedicated intelligence organization.[115] The CTCIB supports a number of specific LAPD programs, including:

- Collaboration with the local FBI-led JTTFs and a Joint Regional Intelligence Center (JRIC), which is a joint effort with the FBI, Department of Homeland Security, and Los Angeles County Sheriff's Department. Its purpose is to increase information sharing across bureaucracies by creating central nodes with representatives from all relevant agencies.
- A Suspicious Activity Reporting (SAR) process that allows first responders and citizens to report information on 24 activities believed to be associated with preparation for a terrorist attack. LAPD supports the SAR process with the Terrorism Liaison Officers (TLO) program, which trains business owners and other citizens about the activities and procedures necessary to effectively input information into the SAR process.
- Operation Archangel, which focuses on hardening critical infrastructure, primarily by working with the private sector to understand threats and the utility of resilient systems.
- The National Counter Terrorism Academy (NCTA) which brings together personnel from various agencies to learn the latest theory and practice in intelligence-led policing.
- The Hydra program, which enables LAPD planners to work with disaster officials in other jurisdictions to share best practices on how to manage chaotic situations after a natural disaster or terrorist attack.
- The Muslim Forum, which brings together senior LAPD personnel and leaders from the Muslim community to facilitate communication and understanding by fostering dialogue.

Although the LAPD counterterrorism and intelligence programs are quite robust today, the fact that LAPD largely built a counterterrorism intelligence-gathering capacity from scratch had important implications for its development. The department often implemented programs without a clear understanding of the social or cultural environment. The department has not clearly articulated a distinct theory of terrorist radicalization, though in various venues it has endorsed the position that terrorist radicalization and planning often occur without a crime being committed, which requires an intelligence operation to find patterns among legal behaviors that suggest radicalization or violent intent.[116]

Community Engagement

One of the striking features of LAPD counterterrorism programs is that it has sometimes been difficult to distinguish between intelligence operations and research designed to facilitate community engagement – and potentially counter radicalization. LAPD's most ambitious effort to understand its operating environment was the 2007 "Muslim Mapping" project, which was conceptualized by law enforcement officials to give local police a better sense of the communities in which they were operating.[117] Like the Prevent program in the United Kingdom, the program was coupled with a concept to promote "moderate" voices within Muslim communities in order to isolate extremists and "create a shared sense of threat."[118]

Although LAPD Chief William Bratton said that the mapping effort was not "targeting or profiling" and has explained that it was "an attempt to understand communities," the initiative was ultimately discontinued after an outcry from Muslim-American and civil liberties groups in the Los Angeles area.[119] Critics explained that whatever the program's intentions, it unfairly singled out Muslims as the primary community of concern and subjected them to unfair police surveillance and monitoring.[120] A key problem was that LAPD did not engage Muslim-American and civil liberties groups early in the mapping project, even while claiming that its purpose was to facilitate interaction with those communities. Certainly, if outreach and understanding was the project's purpose, it failed.

Since the mapping fiasco, however, LAPD has tried to engage Muslim community leaders, though it is not clear that such outreach always reaches the audience of potentially radicalized individuals. LAPD's Muslim Forum connects senior Muslim leaders in Los Angeles with senior LAPD figures for the purposes of discussing areas of concern and cooperation.[121] Although high-level interactions are important for resetting relationships, especially after a rift such as that caused by the Muslim Mapping initiative, programs tailored to senior leaders of established community organizations may not have much impact at the grass roots level, given that organizations and leaders do not always represent the views of those in their communities or have influence over them. It is not clear if these efforts improve operational coordination between average Muslim-Americans living in Los Angeles and LAPD.

Intelligence and Disruption

The accusation that the Muslim Mapping project amounted to racial profiling has informed the LAPD Suspicious Activities Report program, which in turn is serving an important role informing the Nationwide SAR Initiative (NSI) to build a centralized data center to track information in SAR reports. The SAR process creates an integrated system to track, code, and record activities believed to be associated with preparation for a terrorist attack.[122] In Los Angeles, those "suspect activities" include:

- Using binoculars or cameras
- Taking measurements
- Taking pictures or video footage
- Drawing diagrams or taking notes

- Pursuing specific training or education that indicates suspicious motives (flight training, weapons training, etc)
- Espousing extremist views[123]

The purpose of the SAR program is to allow analysts to identify patterns or anomalies in behavior that might suggest that an individual is planning or preparing for a terrorist attack or that a particular location may be the target of such an incident.[124] The SAR concept comes from reporting requirements imposed on financial institutions, which are required to file reports to the government when transactions appear to be either illegal or designed to obscure illegal activity.[125] As in the financial system, information entered into the counterterrorism SAR database is coded according to variables such as activity and location so that intelligence analysts can quickly search for patterns.

The SAR program is a response to intelligence-sharing failures before 9/11 that, in part, led to the government's inability to identify the suspicious behavior of several of the 9/11 hijackers. But the program's focus on non-criminal activities concerns civil liberties advocates, who feel it will lead to undue monitoring of Muslim-Americans in particular. Commander Joan McNamara, who runs the LAPD SAR program, argues that its focus on behavior avoids racial profiling, but the American Civil Liberties Union claims the process "opens the door to racial profiling ... and exposes law-abiding people to government prying into their private affairs without just cause."[126] Critics of the SAR process maintain that the behaviors deemed "suspect activities" are so broad and banal that comprehensive reporting on them will either produce a tidal wave of useless data and tie down police resources attempting to generate it, or that officers will in practice use some other standard to determine which incidents to produce an SAR for and which to ignore.[127]

The need to improve intelligence sharing is indisputable, but civil libertarians raise valid concerns about how the SAR process will be implemented. The "suspect activities" are extremely broad; no doubt officers near tourist attractions will not produce a SAR for every individual taking pictures of a landmark. The question then becomes what criteria police will use to determine which 'suspect activities' are to be reported in a SAR. To date, that question has not been answered, but the solution seems to have much to do with the training officers in the program receive. The LAPD runs a training program on the SAR process that claims to emphasize "the importance of privacy and civil liberties protections" and "behavior-based policing," but that level of detail is insufficient.[128] Reports that local police departments have received inflammatory and, more importantly, factually inaccurate counterterrorism training, reinforce the importance of such trainings, especially if they are designed to feed into an intelligence-gathering tool. Inadequate or inaccurate training would doom the LAPD's SAR process, potentially making the system not just unhelpful but wasteful and counterproductive.[129]

LAPD's description of its SAR training remains inadequate to make a definitive judgment, but the department faces an extremely difficult challenge.

LAPD's description of its SAR training remains inadequate to make a definitive judgment, but the department faces an extremely difficult challenge. Developing precise definitions of what is suspicious is extremely difficult in theory and even harder to implement in practice. Any behavior-based program, whether it feeds information into a data-fusion center or not, will inevitably rely to some degree on the instincts of officers on the beat. Regardless, LAPD would do well to improve transparency, especially with the Muslim community, to avoid misunderstandings and unnecessary fears.

In addition to training police officers to produce SARs, LAPD solicits tips from private individuals through a program called iWatch.[130] The outreach program, started in October 2009, resembles the NYPD Shield program.[131] There is very little public information about how many incidents have been recorded, the vetting process for that information, or the conditions under which LAPD will search the database for information on an individual's behavior. Implementation standards for the iWatch program will be critical to its success. The behaviors that it requests citizens to report are clearly based on real terrorist incidents in the United States and beyond, including instances when people purchase large amounts of hydrogen peroxide or ammonium-based fertilizer, or refuse to fill out background information when purchasing a weapon.

The Los Angeles Sheriff's Department

In addition to the LAPD, the Los Angeles County Sheriff's Department (LACSD), conducts a number of counterterrorism initiatives. The department began setting up Muslim community outreach groups in the wake of the 7/7 attacks in London to "organize and formalize [Muslim community] efforts into one umbrella organization," which is now known as the Muslim American Homeland Security Congress (MAHSC).[132] The MAHSC serves as an advisory council of representatives from a variety of organizations in the Muslim community. They meet with local and state law enforcement officials "to protect and defend the United States of America and all people through the prevention of terrorism and any acts of prejudice."[133]

The MAHSC effort has since grown. Today the LACSD has a formal Muslim Community Affairs Unit composed of seven full-time Muslim-American officers who speak several Middle Eastern, South Asian, and African languages. The sheriff's office also has a Young Muslim American Leaders Advisory Council that works with the Community Affairs Unit to work with local youth programs and plan trainings and group activities.[134] One explicit aim of these programs is to build community trust in order to gather information and combat radicalization, but the programs instituted by the LACSD also engage local Muslims on issues of hate crimes, domestic abuse, alcohol and drug abuse, identity theft, and more.[135] Frequent town hall meetings between LACSD officials and Muslim community leaders create a feedback mechanism for community groups and law enforcement officials to answer questions and explain concerns.[136]

LACSD's use of Muslim-American officers to engage the broader Muslim-American community is widely considered a success by officers involved and their superiors.[137] It is encouraging that the program addresses a range of issues, among them terrorism, but the concept of addressing citizens through units dedicated and described by the faith or cultural background of the communities they are intended to serve is worrisome over the long run. That such efforts have been successful in LACSD's case is certainly a good thing, but it is easy to imagine similar efforts contributing to a community's insularity and isolation.

Best Practices

The first rule of any counterterrorism policy should be to do no harm. But when harm must be done, the benefits of that policy should outweigh the costs. In the United Kingdom, that has not always been the case. Some of the community outreach programs and intelligence gathering efforts associated with the CONTEST strategy so frustrated and alienated British Muslims that major elements of the program have been eliminated as a result. The effort was not only deemed to violate civil liberties, it has potentially created conditions under which the radicalization of fringe elements could increase.

In the United States there have been missteps as well, though not on the same scale. U.S. authorities have expanded intelligence capabilities, but efforts have been made to separate those programs from community outreach efforts. And U.S. authorities do not have the

administrative authority that British officials have used to detain and constrain British citizens.

The barrier between law enforcement and intelligence has been lowered since 9/11, but the issues motivating both communities remain operational rather than strategic. That needs to change: If we are going to go on the offense to defeat al-Qaeda's recruiting strategy, rather than just play defense by disrupting individual plots, we need to know not just what terrorist plotters are doing, but why they are doing it. In addition to exploring the connections of a subject under investigation, investigators should rigorously explore the key strategic questions relevant to policymakers: Why did a person radicalize? What were his interactions with government, as well as his social, geographical, and religious communities before and after radicalization? Did he adhere to particular ideological concepts? Why was he susceptible to them?

Answering these questions requires practical shifts in the way investigatory agencies operate. They need to ask different questions in interviews and build systematic programs to share information on convicted individuals. The SAR process championed by LAPD is designed to improve operational intelligence sharing, which is an important goal even if its implementation is problematic from a civil liberties perspective, but there is no similar system to identify the strategic challenges facing the United States or to measure the overall effectiveness of U.S. domestic counterterrorism programs. The British CONTEST strategy was flawed, particularly the *Prevent* program, but the British government deserves credit for its honest self-appraisal and reform.

Domestic counterterrorism intelligence work is necessary and appropriate in the wake of the failures that contributed to the 9/11 attack, but those efforts must be contained within a fair legal process and designed to provide community security rather than isolating Muslims, immigrants, or other minority groups. This is not to say that police and intelligence officials should not try to build strong relationships with Muslim communities. They should, but such efforts should be encapsulated within broader outreach strategies to a wide range of communities on a wider set of issues than simply counterterrorism. Singling out Muslims for counterterrorism outreach or funneling all outreach to Muslim communities through counterterrorism agencies misunderstands the nature of the threat and ultimately limits the effectiveness of interaction between security officials and those communities. The British, New York, and Los Angeles experiences reveal a number of best and worst practices that should be taken into account for future domestic counterterrorism programs:

Reduce the role of government in counter-radicalization programs. The factors that have led governments to get involved in counter-radicalization are real and dangerous, but government counter-radicalization programs in domestic settings have often proved counterproductive. Sometimes doing less is more. A key problem is that for counter-radicalization programs to work effectively they require an onerous amount of quality information and a bureaucratic structure that can act on it in a consistently appropriate manner. That has been a very high bar for many domestic counterterrorism programs, and efforts to do just that have produced major backlashes in both Britain and Los Angeles. Civil society, and particularly Muslim-American groups, also has a responsibility to directly and loudly counter radicalization in their communities. Muslims in the United States and elsewhere have been wrongly and unfairly criticized for not condemning terrorism when in fact there have been many such condemnations; nonetheless these groups must actively step into the counter-radicalization space if the government cedes it. There are some specific best practices that can maximize the utility of such efforts:

- Government community outreach programs should avoid "picking sides" in religious and political debates within communities, and especially avoid funding domestic groups that are

deemed useful. Although such efforts are well intentioned, and the government does have a place spurring community groups to oppose violent and anti-social groups, introducing financial considerations has induced groups to seek government funding at the expense of community credibility, a problem that reduces their ability to effectively counter radical messages.[138] Rather than funding, the government should play a role as a convener and information-provider so that Muslim community leaders fully understand the efforts by militant groups to exploit their communities, and the steps that can be taken to counter them.

- The government and Muslim-American groups must have a frank and complicated discussion about the role of ideology in radicalization. The British *Prevent* program determined that certain ideological concepts were a key radicalizing element and subsequently initiated a program perceived as attempting to control the practice of Islam in Britain, which ultimately created a backlash. But just as counter-radicalization efforts should not focus solely on ideology, neither should counterterrorism professionals nor community leaders ignore its role in providing a framework for understanding the various grievances cited by extremists. Ultimately, the government should studiously avoid programs that seem to choose between "good" and "bad" Muslims, but the corollary is that Muslim citizens (as in any other community) have a responsibility to stay attuned and inform authorities if individuals show signs of supporting violence.

Treat Muslims as citizens, not suspects. Framing government interaction with Muslim communities explicitly and exclusively around counterterrorism has alienated communities by leaving the impression (as occurred in the UK) that the government's only concern with Muslim communities is that they may become violent. Framing government interaction with Muslim citizens primarily through the lens of radicalization or terrorism risks implying that all forms of government outreach to Muslims, no matter how well intentioned, are essentially efforts to facilitate surveillance and monitoring or to solicit information. That is dangerous because communities are the most likely source of accurate information about radicalization. There are several important steps that should be taken by governments:

- Increase transparency around intelligence-gathering operations involving the Muslim community. Efforts such as the Muslim Mapping program in Los Angeles were well intentioned, but when conducted without immediate and comprehensive interaction with communities gave the impression that LAPD aimed to have a full surveillance capability directed only at Muslims. Not only did such concerns torpedo the project, they defeated the goal of giving LAPD a better capability for understanding and interacting with the citizens it was aiming to serve. If the purpose of such programs is to build a broad knowledge base, such projects should be conducted as transparently as possible.
- Address Muslim-Americans as individuals with complex interests rather than just elements of a homogenous social and religious group. Interaction between police forces and Muslim-Americans should be encouraged at individual and neighborhood levels as much as possible, rather than simply at the leadership level of national or regional Muslim-American organizations. The British government has interacted with well-known Muslim organizations that have questionable relationships with the bulk of Muslims in Britain.[139] Likewise, LAPD has conducted senior-level conferences with the heads of Muslim-American organizations without investigating the actual influence these leaders have on individuals in their communities. These demonstrations were important in the wake of the Muslim Mapping

program but do not necessarily improve coordination at the local level. Improving relations between police and Muslim-American communities should work from the bottom up, not the top down.

- Improving bottom-up relations between communities and the police means building community policing models that are programmatically distinct from explicit counterterrorism organizations. While developing specialized knowledge about communities is important, the authors believe that creating special "Muslim Outreach" units composed of only Muslim officers implicitly stigmatizes the community by choosing a particular facet of their identity to emphasize. It is also likely to be perceived by some non-Muslims as an embrace of separateness. Police departments should clearly, however, work to identify individuals with unique language and cultural skills to work with particular communities, and broaden efforts to educate their officers about different social, cultural, and religious norms in the communities in which they work. Tighter relationships between authorities and local communities can help counteract the impact of radical recruiters or activists and dispel false information about police or U.S. political and legal structures. For instance, in Minnesota recruiters for the al-Shabaab organization reportedly told Somali mosque-goers that if they reported missing their sons or relatives who had left to fight for al-Shabaab, then they would be arrested and sent to Guantanamo. This fear kept people from reporting disappearances, and could have been counteracted were local authorities more present in and cognizant of the Somali community.[140] However, engagement with communities can be done on an informal level, or as part of more broad-based community outreach programs that do not necessarily single Muslims out for undue attention.

Maintain dedicated counterterrorism commands or divisions. These groups not only allow for a centralization of knowledge and experience about counterterrorism, but also provide a focus and center for counterterrorism investigations. Community outreach should be distinguished bureaucratically from counterterrorism programs, as has been done in New York. Although the impact of such barriers is limited if counterterrorism programs conduct other activities that alienate local populations, the New York example suggests that communities do distinguish between local community policing efforts—that they generally support—and unpopular surveillance projects conducted by NYPD's Intelligence Division. The nature of counterterrorism operations means that some of the activities of these groups will not be public, but such groups should be as transparent as possible. NYPD's acceptance of private funding for counterterrorism operations is an innovative way to supplement the public budget, but creates the potential for misuse and lack of accountability.

Use informants carefully and sparingly. Confidential informants and sting operations are important tools for disrupting terrorist plots, and they should continue to be used. As a practical matter, however, community opposition to sting operations, coupled with fears of widespread and indiscriminate infiltration of communities, has the potential to sour relations between law enforcement and Muslim groups in ways that may degrade the ability of the former to identify potential terrorist plots over the long run. Moreover, future jihadi plotters are likely to change their operational security measures to counter government informants. To build sustainable programs for using informants, governments should take several specific steps:

- Whenever feasible, investigators should seek evidence from other sources in terrorism cases employing informants, even if that means extending investigations and delaying prosecutions. Just as it is the responsibility of law

enforcement and intelligence officials to extend investigations to identify potential leadership figures directing terror plots, maintaining and improving community relations should also be a consideration so as to maximize the likelihood of cooperative relations in future investigations.

- Confidential informants should be used against suspects when there is reasonable suspicion that they are involved in a terrorist plot, but community sources must be adequately trained to avoid provocative language and behavior. Using sources as "honey pots" for potential radical community elements is unwise, likely to alienate communities, and increasingly unlikely to be effective because of jihadi warnings about potential "spies."
- When use of informants or sting operations creates controversy, it is vital that authorities be as transparent as possible about the investigation in question and methods for recruiting and deploying informants.

Improve civic discourse to allow Muslim-American groups to operate against extremists. A strategy that limits the role of government and relies on Muslim-American groups to counter radicalizing elements in American society must also create space for those groups to operate effectively. That task can only be accomplished by civil society, but should be encouraged by leaders in government and business. In practice, that means generating a "safe space" for intra-Muslim discourse on some of the most difficult political questions of our time, including the Israeli-Palestinian question and the presence of U.S. troops in Iraq and Afghanistan. Muslim-American leaders have repeatedly told the authors that they feel constrained in their ability to speak publicly on these questions for fear of being labeled terrorist sympathizers if their views do not match the political mainstream. That dynamic is dangerous, because the lack of open discussion on these topics will drive at-risk individuals underground or online, where they cannot be shaped by mainstream leaders. Indeed, movement away from organized religious hierarchies has been linked to radicalization.[141] Part of a U.S. counterterrorism policy should be to contain difficult discourse within a mainstream and transparent discussion.

Improve Counterterrorism Education Guidelines and Standards. Since 9/11, the U.S. government has produced a range of institutional reforms, but the heart of any counterterrorism program is the ability of counterterrorism professionals to work collaboratively. Breaking down institutional barriers to such collaboration is important, but generating a common baseline of information is critical. Since 9/11, law enforcement and intelligence agencies have sought expertise and training from a wide range of sources, some of whom provide information that is not just inadequate but false. The Department of Homeland Security -- which provides much, but not all, of the funding for counterterrorism programs -- and the National Counterterrorism Center should establish basic educational and counterterrorism training guidelines for municipalities. But instead of trying to centralize the vast counterterrorism educational infrastructure within federal agencies, they should focus on providing senior law enforcement leaders specialized courses so that they have the knowledge to vet counterterrorism education providers on their own.

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