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Time to Reset Police-Muslim Relations

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The cornerstone of the Obama administration's strategy for addressing homegrown terrorism is the development of trusted relationships between law enforcement and communities targeted by al Qaeda and other radical groups. Since the policy was rolled out last summer, a series of episodes has undercut this effort. Media reports uncovered FBI training materials identifying Islam as an inherently violent religion, New York Police Department commissioner Ray Kelly appeared in an inflammatory film decried by Muslim leaders and allegations have arisen that a NYPD counterterrorism unit has been spying and keeping files on individual Muslims without any evidence of criminal wrongdoing. We need to hit the reset button quickly and establish a partnership between law enforcement and Muslim Americans that can provide a foundation for an effective national counterterrorism policy.

There are three key sources of tension that all need to be addressed: government-funded training that casts Islam as encouraging violence, surveillance of individuals and communities without a criminal predicate and the use of informants to goad individuals into criminal activities.

The FBI has acted aggressively to deal with the training controversy by setting up a task force to review 150,000 pages of training materials and remove inaccurate, offensive content. Similar action needs to be undertaken by other counterterrorism agencies. State and local authorities that receive federal funds should also be required to use only the screened, approved training materials.

While these actions are warranted, any effort to strip counterterrorism training of any reference to Islam would be misguided and counterproductive. Anyone involved in counterterrorism needs to understand the powerful ideology motivating violent extremism and how it draws on Islamic sources to attract (mostly) young Muslim men to its cause. Good training can and should explain the distinction between radicalism and Islam.

On the question of surveillance, police will collect far more useful information if they apply community policing tactics to counterterrorism instead of secretly snooping around mosques and halal restaurants. Community policing has resulted in dramatic reductions in crime over the past 20 years by getting police into the communities and interacting with shopkeepers, community leaders, religious authorities, teachers and children. Building trust with the community will eventually lead to a channel for the exchange of helpful information. Communities that believe they are under the constant threat of surveillance, however, will simply shut down to outsiders.

Surveillance of open source materials on the internet is a thornier problem. Police surveillance of a group's online activities, based exclusively on an ethnic or religious affiliation, is wrong and will damage the trust we need to successfully prevent homegrown violent extremism. However, if we want to preempt acts of terrorism before they occur, we cannot unduly tie the hands of our counterterrorism officials. Indeed, most would be outraged if a successful terrorist attack occurred and it were later revealed that the bomber had revealed his violent ideology in an internet chat room, but the police were barred from monitoring such sites.

I suggest that law enforcement be permitted to conduct surveillance of open source communications if officials can articulate a reasonable suspicion that members of the group have or may be planning to engage in criminal activity. This is the same standard that applies when a police officer stops a person on the street for questioning and a pat down. Such a standard must apply to open source surveillance of all groups – not just Muslim Americans.

Give and take on both sides is required to relieve tension over the use of confidential informants in many recent terrorism cases. It is unfortunate that following the arrests of many terrorism suspects, the initial response of some Muslims has been to question the use of informants rather than criticize the conduct of the perpetrators. For example, after a suspect was arrested for plotting to detonate a suicide bomb inside the U.S. Capitol, a lawyer commented that: "It's controlled from the beginning to the end by the FBI... Had the FBI not been involved, through their manipulation or informants, would the same thing have happened?" Instead of challenging the use of informants, Muslim American critics of law enforcement might instead ask themselves what the impact would have been on the Muslim American community if this individual had not been investigated by the FBI and went on to commit the first suicide bombing inside the United States.

Defusing tensions over this issue will require the FBI to provide Muslim American leaders insight into their investigative policies and procedures and assurances that these tactics are being used appropriately and on a non-discriminatory basis. Trust can be established in the other direction if community leaders refrained from reflexively denouncing terrorism arrests based on the activities of confidential informants before the totality of the evidence surrounding a case has been presented and the full context of the perpetrator's actions can be understood.

Homegrown, al Qaeda-inspired terrorism is not widespread, but it is still a serious threat. The best way to combat it is to build trust between law enforcement and Muslim Americans. To do this, we have to confront the tensions in this relationship head on.

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