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Developing Partnerships Between Law Enforcement and American Muslim, Arab, and Sikh Communities: A Promising Practices Guide

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The Partnering for Prevention and Community Safety Initiative

Developing Partnerships Between Law Enforcement and American Muslim, Arab, and Sikh Communities:

A Promising Practices Guide

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The Partnering for Prevention and Community Safety Initiative

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Developing Partnerships Between Law Enforcement and American Muslim, Arab, and Sikh Communities:

A Promising Practices Guide

Deborah A. Ramirez Sasha Cohen O'Connell Rabia Zafar

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Bringing this project from a back porch discussion to a reality would not have been possible without incredible support from an amazing team of people.

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We have made every effort to ensure the accuracy of this work. The findings and views expressed here are those of the PfP research team and do not necessarily reflect the opinions of PfP partners, project participants, or funding entities. We accept sole responsibility for any errors.

TABLE OF CONTENTS

I.	RELEVANT ABBREVIATIONSp. 1
II.	INTRODUCTIONp. 2-3
III.	ESTABLISHING PARTNERSHIPSp. 4-9
IV.	POST-SEPTEMBER 11 TH CHALLENGES TO PARTNERING p. 10-20
V.	THE SOUTHEASTERN MICHIGAN EXPERIENCE p. 21-46
VI.	THE SOUTHERN CALIFORNIA EXPERIENCEp. 47-65
VII.	THE BOSTON-AREA EXPERIENCEp. 66-85
VII.	RECOMMENDATIONS/ PROMISING PRACTICESp. 86-91
APPI	ENDIX A: Patriot Act Reference Guidep. 93-102
APPI	ENDIX B: USDOJ Interview Project Data (GAO)p. 103-106
APPI	ENDIX C: Reference Guide to National Programsp. 107-113
APPl	ENDIX D: Immigration Initiatives Timeline (MPI)p. 114-135
APPI	ENDIX E: Additional Resourcesp. 136-138

I. RELEVANT ABBREVIATIONS

ADC American-Arab Anti-Discrimination Committee ACLU American Civil Liberties Union ATAC Anti-Terror Advisory Council ATTF Anti-Terrorism Task Force BCIS/ICE Bureau of Citizenship and Immigration Services/U.S. Immigration and Customs Enforcement BPD Boston Police Department CAIR Council on American Islamic Relations COPS Office of Community Oriented Policing Service, United States Department of Justice CLEAR Act Clear Law Enforcement for Criminal Alien Removal Act CRS Community Relations Service, United States Department of Justice FBI Federal Bureau of Investigation GAO United States General Accounting Office JTTF Joint Terrorism Task Force, Federal Bureau of Investigation LAPD Los Angeles Police Department LASD Los Angeles County Sheriff's Department MPAC Muslim Public Affairs Council NSEERS National Security Entry-Exit Registration System OUSA Office of the United States Attorney OIG Office of the Inspector General, United States Department of Justice PfP Partnering for Prevention and Community Safety Initiative SMART Sikh Mediawatch and Resource Taskforce	AAI	Arch American Institute
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SMART Sikh Mediawatch and Resource Taskforce		Justice
	PfP	Partnering for Prevention and Community Safety Initiative
TCA Transportation Converte Administration	SMART	Sikh Mediawatch and Resource Taskforce
15A Transportation Security Administration	TSA	Transportation Security Administration
USDOJ United States Department of Justice	USDOJ	United States Department of Justice
USA PATRIOT Uniting and Strengthening America by Providing Appropriate	USA PATRIOT	Uniting and Strengthening America by Providing Appropriate
ACT Tools Required to Intercept and Obstruct Terrorism	ACT	Tools Required to Intercept and Obstruct Terrorism

II. INTRODUCTION

The Partnering for Prevention and Community Safety Initiative (PfP) grew out of a series of conversations among American Muslim, Arab, and Sikh communities, and among federal, state, and local law enforcement leaders, that began in the fall of 2001. After the attacks of September 11th, leaders in the Muslim, Arab, and Sikh communities realized a critical need to define themselves as distinctly American communities who, like all Americans, had every desire to help prevent another terrorist attack. It was, as many have noted, their time in history. However, these communities also had the added burden of both guarding their civil liberties from heightened security measures and protecting their children, their homes, and their places of worship from hate crimes and hate incidents. To achieve these goals these communities began to prioritize law enforcement outreach efforts.

At the same time law enforcement recognized that the tools used prior to September 11th were inadequate to the new post-September 11th task. Although traditional investigative tools had been useful in achieving a quick and thorough response to September 11th, law enforcement needed enhanced tools to effectively prevent future acts of terror. Specifically, September 11th reinforced the idea that for law enforcement agencies to effectively prevent future acts of terrorism, it would require the cooperation and assistance of the American Muslim, Arab, and Sikh communities. Embedded within these communities are the linguistic skills, information, and cultural insights necessary to assist law enforcement in its efforts to identify suspicious behavior. In order to have access to these critical tools and information, law enforcement recognized the need to build the bridges required for effective communication with these groups.

In the fall of 2002, members of the future PfP research team came together at Northeastern University to pursue mechanisms for moving this discussion about institutionalizing partnerships forward into action. In order to assist with the development of partnerships, the team decided to research 1) the benefits of these proposed partnerships; 2) the challenges posed by this partnership model; 3) case studies of these partnerships in action; and, ultimately, 4) the "promising practices" that can be utilized by sites interested in pursuing this model.

The PfP research was conducted from May 2003 to May 2004 and was based on three sites: Southeastern Michigan, Southern California, and Greater Boston. Guidance and input from national partners in Washington, DC was another critical piece of the research plan. These research sites were chosen because of their experience in developing preliminary partnerships between communities and local, state, and federal law enforcement agencies, the presence of major terrorism or hate crime investigations, and/or because significant numbers of Arab, Muslim and Sikh community members indicated an interest in participating in the study. These communities were chosen because both law enforcement and the perpetrators of hate crimes were (and in some

cases still are) focused on individuals who share or are perceived to share¹ characteristics with the September 11th hijackers.

Specific research participants were initially identified through national organizations. Local chapters of these organizations then directed the team toward other interested community members, who were also asked to participate. On the law enforcement side, key federal, state, and local agencies were contacted in each of the three sites. Over the course of the year, PfP visited the three sites and conducted numerous focus groups, personal interviews, and discussions with community and law enforcement members. After these visits, the team continued to communicate with project participants through emails, letters, faxes, and phone calls. All project participants were given the opportunity to review a draft version of the relevant section of the report to help ensure its accuracy.

As a culmination of this research, the Promising Practices Guide aims to demonstrate the research findings that: 1) The goals of the American Muslim, Arab, and Sikh communities and law enforcement are not in conflict and can in fact be achieved simultaneously; 2) The most effective model for simultaneously addressing community and law enforcement concerns is through institutionalized partnerships; and 3) While there are significant challenges to achieving these partnerships, they are not only possible but also necessary for both community safety and terrorism prevention.

While this work is by no means comprehensive, it does reflect the experience of a wide range of community and law enforcement representatives. Both in terms of studying additional sites and contacting more community organizations and law enforcement entities, there is still much work in this arena to be done. The hope is that this guide will serve as the beginning of an ongoing dialogue and the catalyst for new programming and training focused on the initiation, development, and strengthening of partnerships. This research will continue and can be followed by accessing PfP's website at www.ace.neu.edu/pfp.

¹ While Sikhs are not Muslim and predominately originate from India (a non-Arab country), they are sometimes confused with Muslims and Arabs because many Sikh men cover their hair with turbans.

III. ESTABLISHING PARTNERSHIPS

WHY PARTNER?

When federal, state, and local law enforcement agencies develop partnerships with members of the American Muslim, Arab, and Sikh communities, they obtain cultural and linguistic insights, information, cooperation, and informed observations that can become part of a productive strategy for crime prevention as well as a catalyst for respectful policing. In the post-September 11th environment, the information gleaned from these community partnerships has become invaluable to counterterrorism efforts to gather domestic intelligence and to develop effective hate crime protocols. Further, these partnerships have allayed community fears, helped to ensure effective hate crimes investigations and prosecutions, and fostered open communications.

The Community Perspective

From the perspective of the American Muslim, Arab, and Sikh communities, these partnerships are critical for three reasons. First, these partnerships help to ensure the mitigation of damage to the community that could result from counterterrorism initiatives that are by their very nature intrusive. Second, communities need partnerships with law enforcement to guarantee the effective investigation and prosecution of hate crimes and hate incidents that have recently reached previously unseen levels. Since September 11, 2001, members of these communities have experienced hate crimes, hate incidents, and discrimination in the workplace, schools, public areas, airports, and in encounters with law enforcement and other government agencies. In order to redress this burgeoning trend, affected communities need the assistance of law enforcement to investigate, prosecute, and detain individuals who pose a threat to them. Communities that have ongoing relationships with law enforcement leaders are more likely to obtain swift, effective, and appropriate responses to these incidents.

Finally, the development of law enforcement-community partnerships presents an opportunity for the Muslim, Arab, and Sikh communities to affirm their willingness to actively participate in homeland security efforts which will help to debunk growing negative stereotypes. Members of these communities stand ready and willing to assist law enforcement, as they too have a stake in rooting out terrorists: these communities know that it is in their interest to assist law enforcement in counterterrorism investigations because they and their families could be potential victims of the next attack.

The Law Enforcement Perspective

While many law enforcement agencies have adopted a community-policing strategy for interdicting guns and drugs and for solving violent crimes, community-policing has not been the dominant protocol in counterterrorism investigations. This historic lack of a community-based approach to terrorism investigations developed for a variety of reasons. First, the lack of local political will to address terrorism as a serious domestic concern

prior to September 11th discouraged state and local investigators from giving counterterrorism investigations high priority and full cooperation. Additionally, federal counterterrorism investigators' traditional reliance on an expertise model of policing emphasized the analysis of domestic and friendly foreign government intelligence information rather then the development of partnerships with state and local law enforcement and local community leaders. Finally, community-based terrorism investigations have traditionally been stymied by the historical partnership between counterterrorism investigators and immigration authorities.

After September 11th, it became increasingly clear that community input and assistance is even more critical to counterterrorism investigations then it was to traditional investigations focused on guns, drugs and violent crime. In traditional investigations, law enforcement is aided in its work by the existence of a crime scene and/or a focus on a specific criminal object, e.g. a weapon or narcotics. In contrast, terrorism investigations focus on information and the nuanced analysis of that information. Further, the primary goal of a counterterrorism investigation is to prevent, detect, and deter crime before it occurs. Both the relevant cultural information and the linguistic expertise needed for accurate analysis reside predominantly in the Arab, Muslim, and Sikh communities in this country; therefore, a community-based approach is not only beneficial to counterterrorism investigations, it is an essential component for success.

The Global Perspective

The war on terrorism cannot be won with military might alone. The most dangerous threats in this war are rooted in the successful propagation of anger and fear directed at unfamiliar cultures and people. The only way to ultimately counter this type of threat is to address the anger and fear through the presentation and demonstration of alternative paradigms.

Currently, extremists – both those abroad who spread anti-American propaganda and those at home who tout anti-Arab and Islamophopic messages of hate - are propagating a series of ideas that are based on the notion that Islam is ultimately incompatible with American ideals. Partnerships between American Arab and Muslim communities and law enforcement have the potential to offer an ideological counterweight to this idea. Specifically, the very existence of such partnerships explicitly demonstrates the desire of these communities to actively participate in American life. Additionally these partnerships demonstrate the American government's need for assistance from these communities. Further, the partnerships envisioned in this Guide may facilitate discussions that would better inform U.S. policies, both domestic and foreign, by including the perspectives of communities who have a unique understanding of international concerns.

The key to this alternative paradigm is not only the existence of partnerships but also the international dissemination of information about the mutually beneficial successes achieved through them. This communication can occur through a number of channels including: the international media, international law enforcement associations, and

community members who are willing to discuss their experiences with their international counterparts. By communicating the success of these partnerships internationally, the myth that being an American and a Muslim, Arab, or Sikh is an inherent contradiction, can begin to be debunked.

For all these reasons, in a post-September 11th world, it is critical for law enforcement and the Muslim, Arab, and Sikh communities in this country to strengthen their relationships. Historically, these relationships have not existed in any significant way. Prior to September 11th, law enforcement primarily focused their community policing efforts on other communities of color – Latinos, Asians, African-Americans, etc. Similarly, hate crime enforcement efforts mostly focused on crimes against the gay community, Jews, Latinos, Asians and African-Americans. Consequently few state, local or federal law enforcement agencies had any significant contact with the Arab, Muslim, or Sikh communities prior to September of 2001.

It is the premise of the Partnering for Prevention and Community Safety Initiative that Americans will only truly be safe from terrorist attacks when law enforcement agencies adopts a strategy focused on building trust and strengthening relationships with the Muslim, Arab, and Sikh communities. This paradigm is not only more consistent with our constitutional ideals, it also represents our best hope for securing our homeland.

PRECEDENT: ARE THERE LESSONS TO BE LEARNED FROM HISTORICAL LAW ENFORCEMENT-COMMUNITY PARTNERSHIPS?

During the 1990's, there was a dramatic transformation in the style of policing practiced by many large urban police forces. Instead of a top-down, military or "expertise" model of policing, some cities began to adopt a community policing strategy. While such strategies differed from city to city, the basic framework for this new model embodied the principle that effective law enforcement entails partnerships between police organizations and the communities they serve.

One example of this strategy, the so-called "Boston Model of Community Policing," is representative of that change in focus and is worth examining in this context because it has been studied intensely and has received widespread acclaim. In addition, the philosophy and principles animating the Boston Model are specifically relevant to the adoption of a "partnership" approach in a post-September 11th world. Although this guide is focused on terrorism and hate crime prevention and includes federal, state, and local law enforcement, and the Boston Model was focused on general violent crime reduction and predominantly on state and local law enforcement, some of the lessons learned about community policing in Boston are relevant to the current post-September 11th situation.

The Boston Model

A 1992 gang-related shooting and stabbing which occurred during a funeral service at Morning Star Baptist Church in Boston was the catalyst for the development of a new approach to public safety and the creation of the community and the law enforcement organizational structures that would be needed to implement it. While there was considerable tension between the community and local law enforcement following the Morning Star shooting, community and law enforcement began to come together and organize around a common goal--stop the killing. It was clear to both community activists and law enforcement that in order to reach this goal they needed each other: the police needed the community to help solve crimes, give information, and be witnesses; and the community needed the police to enforce the laws and keep their communities safe.

In Boston during the 1990's, after the adoption of a community policing model, Boston witnessed a dramatic fall in violent crime. Specifically, the homicide rate fell over 75% from a high of 152 in 1990² to a low in 1998 of 35.³ In contrast to other cities such as New York, this dramatic decrease in crime occurred without increasing racial tensions and with a steady decline in the number of civilian complaints filed against Boston police officers.⁴

While the complete story of the development and implementation of the Boston Model of Community Policing is complex, for the purposes of this report it is critical to articulate several key principles that defined this initiative and guided its successful implementation.⁵

-Abandon Expertise Model/Embrace Shift in Focus: One element of the Boston Model was that the local police were willing to acknowledge that they alone would not be able to solve Boston's crime problem. Recognizing the community as an expert on their own safety was a critical first step. Additionally, under the Boston Model, local law enforcement began to more thoroughly shift their focus from reacting and responding to violent crimes to prevention and intervention techniques.

-Embrace a Collaborative Model: In Boston, law enforcement and community groups began to forge relationships. Specifically, law enforcement officials began to work directly with key community stakeholders such as clergy, business people, the YMCA, and Boys and Girls Clubs; and the community began to work with a wide variety of law enforcement and city agencies in order to address a myriad of concerns. This approach

² "Talk of the Nation Interview with Boston Police Commissioner Paul Evans," National Public Radio, July 14, 1999., audio version available at: http://www.npr.org/features/feature.php?wfId=1054037

³"New York's Troubled Police Force Can Learn from its Counterpart in Boston,"

The Economist (US), May 1, 1999 v351 i8117 p25(1).

⁴ Ibid.

⁵ Many of the following points are informed by: Interview, James Jordan, Director-Professional Programs, Office of the Vice President for Adult and Continuing Education, University College, Northeastern University; Former Director, Office of Strategic Planning and Resource Development, Boston Police Department, 4/5/04.

required law enforcement agencies to treat the community they served primarily as potential partners rather than as suspects, and to expand their willingness to address areas of concern to the community whose problem might be out of their traditional jurisdiction. So, for example, when the community identified a lack of appropriate streetlights as a structural problem that facilitated violent crimes, the police partnered with the community to obtain adequate streetlights from city government officials.

-Focus on a Common Goal: The community and law enforcement groups kept focused on their mutually agreed-upon goals during the course of implementing the model. This enabled meetings to stay on track and avoid the diversions easily created by current events or discussion of historical encounters.

-Prioritization of Enforcement Initiatives Based on Mutual Objectives: In Boston, law enforcement agencies were open to the reprioritization of enforcement initiatives based on ability to contribute to overall public safety goals. Specifically, this meant the strategic, intelligent deployment of scarce enforcement resources targeted at serious violent crime and the abandonment of a "zero tolerance" approach to minor offenses. Instead of "casting the net wide," Boston Police Department used community partnerships to identify the small percentage of people who were at the core of the violent crime problem. 6

-Willingness to Change Standard Operating Procedures and Reallocate Resources as Needed: As part of its effort to prioritize community partnerships, the Boston Police Department dedicated its critical resources -- time, money, and legitimacy -- to this initiative. In addition to staffing the community policing initiative, the Boston Police Department provided training to its officers where necessary. Further, law enforcement and the community in Boston recognized the utility of involving intermediaries such as faith-based organizations and academic partners in the dialogue. Boston Police and the community worked together to develop mechanisms for measuring success of their collaborative effort. This commitment to evaluation helped maintain accountability and legitimacy. For the Boston Police Department, this meant redefining the job of many officers and developing new recruitment strategies, promotion criteria, and incentive structures. This process took several years to implement.

-Utilization of Community Leaders: When the Boston Model began, community distrust and antagonism was so high that some community members refused to participate in the process. Many of them had relevant information that would assist law enforcement, but they refused to have any interactions with law enforcement. To facilitate the exchange of information, intermediaries were sometimes used. For example, Rev. Ray Hammond, a trusted and respected African-American minister on occasion received information from community members which he communicated to police without revealing the source of the information. If police needed more specific information or had more specific questions for the "confidential community source," Hammond would go back to the source and obtain the information. With detailed information from a number of these

⁶ "New York's Troubled Police Force Can Learn from its Counterpart in Boston," The Economist (US), May 1, 1999 v351 i8117 p25 (1).

confidential sources, police were able to execute search warrants and, on occasion, solve "cold cases," old murder cases that had been abandoned when all investigative leads had been exhausted.

DEVELOPING A NEW PARADIGM FOR COMMUNITY-LAW ENFORCEMENT RELATIONSHIPS

While historical precedent such as the Boston model is useful to the development of new models for post-September 11th community-law enforcement partnerships and has informed the recommendations included in the final chapter of this report, it is important to avoid force-fitting a paradigm created in a different time and under a different set of circumstances on today's unique circumstances.

To effectively establish partnerships today, law enforcement representation must include a broad range of federal, state, and local agencies including Immigration, Homeland Security, Border Patrol and the Transportation Security Administration. On the community side, religious, political and other community groups representing the diverse Muslim, Arab, and Sikh communities must participate for partnership initiatives to be effective. Moreover, there may well be a need for academic partners or other intermediaries. These broad populations require a unique and tailored approach to partnerships.

Post-September 11th models for partnership need to be specific to these new communities and to their relevant issues. By studying the recent experiences of communities who have attempted such partnerships, other communities and law enforcement can learn about common pitfalls and successful strategies. Because the creation of these partnerships is critical and time is of the essence, every effort should be made to build on historical foundations and utilize lessons learned from contemporary work being done in this area nationwide.

For any partnership model to be effective at the local level, ultimately it must be designed, initiated, built, coordinated and implemented by the local teams who will participate in it. This is critical because each local partnership needs to be based on trust and mutual accountability. Thus, successful partnership models will always be specifically tailored to the unique needs and objectives of a region or locality. Each partnership will involve learning from the challenges and successes of others and building upon that knowledge to create a unique partnership structure. Only by working collaboratively to learn from others' challenges and successes and to create a unique local plan for partnership will participants be able to establish a process that has legitimacy, utility, and relevance.

IV. CHALLENGES CHAPTER

While the need for partnerships has been well established, it is important to identify and recognize the many challenges to such efforts before beginning to describe examples of the collaborative process. These challenges, although significant, are not insurmountable and have been overcome in a number of jurisdictions.

IMMIGRATION

Issues relating to immigration enforcement are a universal challenge to developing partnerships between law enforcement and any community that has a significant immigrant population. This challenge is particularly acute with federal law enforcement and the Muslim, Arab, and Sikh communities in this country. Because there are a number of undocumented people within these communities and there is ever-increasing political pressure on federal law enforcement to practice "zero tolerance" immigration enforcement, leaving this challenge unaddressed it will impede the partnership process.

In some countries interaction with law enforcement comes with a risk to one's reputation and, in some cases, one's livelihood. Many immigrants view law enforcement in America through this lens and therefore are wary of such interactions. Additionally, because the immigration status of some individuals in these communities is tenuous and deportation can often have severe consequences for them and their families, any interaction with law enforcement has inherent risks for them.

Beyond the general reluctance to interact with law enforcement that exists in communities with significant immigrant populations, the American Muslim, Arab, and Sikh communities perceive a widespread, disproportionate targeting of their communities for immigration enforcement since September 11th which has bred in these communities further distrust and reticence. Specifically, these communities see the federal "special registration" programs enacted after September 11th as unfairly targeting select communities because of their race and/or country of origin. This perception has increased resentment, fear, and mistrust of any community-law enforcement collaborative model.

Historically, law enforcement addressed these immigration challenges to community partnerships through a number of mechanisms. For state and local law enforcement, immigration issues have not challenged community relations because those agencies historically have not had immigration enforcement responsibilities. Because of this, before September 11th, federal law enforcement agencies often relied on state and local agencies to work with immigrant communities on their behalf. When working independently of state and local authorities, federal agents used their discretion to prioritize relationship development for the purposes of crime prevention and to utilize immigration enforcement only to the extent that it facilitated their larger operational objectives. However, after September 11th, strict requirements regarding federal agencies' enforcement of immigration regulations as well as the political movement to

make state and local law enforcement responsible for immigration enforcement raise new challenges for law enforcement working to partner with immigrant communities.

The strict, mandatory enforcement of all immigration violations is a valid exercise of federal law enforcement's jurisdiction. Law enforcement agencies clearly have the authority to implement these rules and regulations and to take action, as proscribed by law, against individuals who are out of status. Additionally, law enforcement at all levels is under increasing pressure from the current administration, the U.S. Congress, and the American public to adopt a "zero tolerance" policy for immigration violations as a critical piece of our nation's counterterrorism strategy. Further, some immigration authorities feel that law enforcement, by de-partnering with immigration, is not fully utilizing all the counterterrorism tools at their disposal. These common views are rooted in the misconception that focusing on the enforcement of immigration violations can disrupt terrorist activities and make the nation more secure. Current national political support for the CLEAR Act (which would give state and local law enforcement immigration enforcement responsibilities) attests to this sentiment.

For many in law enforcement however there is another perspective. Nationally, many law enforcement officials recognize the tremendous workload strict immigration enforcement places on enforcement agencies and the challenges that result from casting the net wide instead of engaging in more strategic, intelligent, and targeted initiatives. There are approximately eight or nine million undocumented persons in this country, with Mexico being their predominant country of origin. Given the nation's limited law enforcement resources, and the fact that none of the September 11th hijackers had illegally entered the country or were out of status, many officials question the efficacy of focusing on immigration enforcement as a cornerstone of the country's counterterrorism policy. Additionally, law enforcement agencies uniformly recognize the chilling effect strict immigration enforcement has on the very community whose assistance is an operational necessity to the war on terrorism: the Muslim, Arab, and Sikh communities. Law enforcement agencies recognize that the push toward stricter immigration enforcement presents significant and considerable challenges to their efforts to reach out to this community.

Immigration, particularly if the CLEAR ACT is adopted into law, will continue to be a significant challenge to law enforcement-community partnerships in this arena. Consequently, this topic is one that should be given serious consideration by local communities, law enforcement, and national policy makers.

CHARGING "TERRORISM"

⁷ "Protecting Your Community From Terrorism: Strategies for Local Law Enforcement, Vol 2: Working With Diverse Communities," Police Executive Research Forum, U.S. Department of Justice Office of Community Oriented Policing Services," p. 16, 3/04, available at www.policeforum.org, accessed on 5/3/04

⁸ "Migration Information Source," Migration Policy Institute, accessed on 4/29/04 available at: www.migrationinformation.org/Profiles/display.cmf?ID=6.

Prosecutorial strategies relating to charging someone with "terrorism" also create a number of challenges for law enforcement-community partnerships. To understand the effect prosecution strategies have on partnerships, it is important to understand the laws that set the parameters for the prosecution of terror suspects.

The first challenge to the prosecution of individuals engaging in terrorist activity is that American law traditionally focuses on punishing individuals for completed criminal acts. In contrast, the ultimate goal of many counterterrorism prosecutions is to prevent, detect and deter crimes <u>before</u> they occur. Thus, one of the challenges for law enforcement in counterterrorism prosecutions is that it is sometimes difficult to charge anyone for preparing to engage in or planning criminal activity.

When law enforcement confronts these situations, it often tries to disrupt the criminal enterprise by charging members of a terrorist conspiracy with more generic criminal violations such as firearms offenses, narcotics offenses, treasury or tax violations or civil immigration offenses. From the community's perspective, these may appear to be "pretext" investigations; from law enforcement's perspective, this is their attempt to use whatever means are at their disposal to fight terrorism. Moreover, courts allow law enforcement to pursue this strategy. ¹⁰

Second, even if an individual has completed a crime, the government may not always have proof beyond a reasonable doubt to present to a jury. Again, if the government cannot charge the individual with a violent crime or "terrorist" offense, they often charge the individual with other generic criminal or civil offenses for which they do have proof beyond a reasonable doubt. For example, in the 1930s, the notorious Chicago mobster Al Capone was engaged in a variety of illegal enterprises including murder for hire, gun running, gambling, etc. Because the government did not have sufficient proof to indict him for those offenses, Capone was indicted for tax violations. The same strategy is frequently used in counterterrorism investigations. Lacking proof beyond a reasonable

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⁹ But, cf. Model Penal Code Section 5.03, Criminal Conspiracy; Section 5.02, Criminal Solicitation; Section 5.01, Criminal Attempt; and, Section 2.06, Complicity. Thus, when one or more individuals act together, the government may charge conspiracy, complicity or solicitation. When a person acts alone, the government often charges "attempt" for uncompleted crimes that constitute a substantial step in furtherance of the target offense.

Thus, if an individual acts as a "lone wolf," under American law, prosecutors cannot charge that person unless or until the person takes a substantial step in furtherance of the target offenses. To the extent that an individual acts with others, prosecutors can charge conspiracy, solicitation, and/or aiding and abetting. Thus, when there is concerted activity by more than one person, the government can, in effect, prosecute for "mere preparation or planning" by charging conspiracy, solicitation, or aiding and abetting. Absent the presence of others, American law does not criminalize "mere preparation."

¹⁰ <u>United Sates v. Whren</u>, 517 U.S. 806 (1996) ("regardless of whether a police officer subjectively believes that the occupants of an automobile may be engaging in some other illegal behavior, a traffic stop is permissible as long as a reasonable officer in the same circumstances *could have* stopped the car for the suspected traffic violation"). In other words, if the defendant has committed a civil immigration violation or a generic criminal offense, the government may prosecute the individual, regardless of other motivations or suspicions.

¹¹ Of course, in order to indict an individual the government only needs probable cause, but most prosecutors will not indict a case based solely on probable cause because ultimately they need proof beyond a reasonable doubt in order to secure a conviction.

doubt of violent crime or preparation for terrorist activity, law enforcement can opt to indict a person for other generic criminal or civil offenses such as tax violations, cigarette smuggling, civil immigration offenses, etc.¹² Again, from the community's perspective, these may appear to be "pretext investigations" or the disproportionate enforcement of technical, generic criminal violations.

Third, most terrorist activity that currently transpires in the United States involves preparation activities, money laundering, and planning. To date relatively few actual terrorist attacks have occurred on U.S. soil. American jurisprudence reflects this reality. There are only a few federal criminal statutes that deal explicitly with terrorist activity. The first is 18 U.S.C. § 921 (a) (22), which criminalizes the distribution of firearms as part of terrorist activity. 13 The second set of statutes is 18 U.S.C. §§ 2339 (A), 2339 (B) and 2339 (C) which prohibits an individual from materially assisting, supporting or financing terrorism. These firearms and material assistance provisions require the government to prove that the underlying criminal activity was motivated by terrorism.¹⁴

Other than prosecutions under these particular statutes, however, acts of terrorism are routinely prosecuted as generic criminal offenses. Suspected terrorists are frequently prosecuted for: committing murder or arson; illegal use, possession or distribution of firearms or incendiary devices; narcotics distribution; money laundering, etc. Thus, while newspapers and press releases may refer to certain criminal activity as "terrorist" activity, prosecutors rarely use "terrorism" statutes and, therefore, rarely have to prove "terrorism" or a "terrorist motive" as an element of the offense charged. 15

(i) to intimidate or coerce a civilian population;

¹² James A. Damask, "Cigarette Smuggling: Financing Terrorism?," Mackinac Center for Public Policy, July 1st, 2002, available at http://www.mackinnac.org/article.asp?ID=4461.

¹³ 18 U.S.C. § 921(a)(22) (2004) "The term "with the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, that proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term "terrorism" means activity, directed against United States persons, which-

⁽A) is committed by an individual who is not a national or permanent resident alien of the United States:

⁽B) includes violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

⁽C) is intended—

⁽ii) to influence the policy of a government by intimidation or coercion; or

⁽iii) to affect the conduct of a government by assassination or kidnapping."

¹⁴ 18 U.S.C. §§2339(A), 2239(B), and 2239(C). Terrorism is defined in 18 U.S., C. § 2339 (C) as an "act intended to cause death or serious bodily injury to a civilian, or to any other person... when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing an act."

Section 2339(A) prohibits material support for designated specific crimes; Section 2339(B)

prohibits material support to designated foreign terrorist organizations.

15 Indeed, most prosecutors prefer to charge generic criminal offenses because they do not have to prove that terrorism was a primary motivation for the criminal act as part of their prima facie case. The FBI may, however, categorize a criminal act as a "terrorist" act for purposes of documenting the number of terrorist acts committed on an annual basis.

There are, of course, exceptions. First, in some states there are state terrorist statutes.¹⁶ Second, under Federal Sentencing Guidelines 3A1.4, once an individual is convicted, the government may, at the time of sentencing, move for a substantial upward adjustment if the government can prove the person "was engaged in a federal felony that involved, or was intended to promote, a federal crime of terrorism." Finally, in civil immigration proceedings, if the government proves the individual was engaged in terrorist activities, the person can be excluded or deported.¹⁸

The last challenge for a prosecutor is to distinguish between a hate crime and an act of terrorism. If an individual tries to burn a mosque, is that a hate crime or an act of terrorism? It is a hate crime if the act is committed when the individual is trying to injure or intimidate another person because of their race, color, religion or country of origin. For example, when a defendant assaults a person because he or she dislikes or hates African-Americans, then the defendant has committed a hate crime. In contrast, when a defendant, as part of the Klu Klux Klan, burns a house, that may be considered an act of terrorism because the presence of Klan regalia may be meant to intimidate an entire group of civilians.

In the first instance, a federal prosecutor may charge the incident as a hate crime under 18 U.S.C. § 245. ²⁰ In the second instance, it may or may not be considered a terrorist act. Regardless of the designation by the press or by the FBI, since there is no federal terrorism statute except those mentioned earlier, the federal prosecutor, in most instances, will still have to charge a generic federal crime: most likely arson, ²¹ however like most federal crimes, arson requires the prosecutor to prove a connection to interstate commerce. In this case, the prosecutor would have to prove that the building burned was involved in interstate commerce. Thus, when a mosque is burned, a federal prosecutor often may choose to charge the defendant with committing a hate crime because a prosecution for arson would require proof that the mosque was substantially involved in interstate commerce. ²²

There is, of course, some overlap between a hate crime and an act of terrorism. Both acts involve intimidation. When a federal prosecutor is deciding what to charge in these

¹⁶ VA ST §§ 18.2-46.4, 18.2-46.5 (2003) (" 'Act of terrorism' means an act of violence as defined in clause (i) of subdivision A of § 19.2-297.1 committed with the intent to (i) intimidate the civilian population at large; or (ii) influence the conduct or activities of the government of the United States, a state or locality through intimidation.").

¹⁷ The term "terrorism" is defined in 18 U.S.C. § 2332 (b)(g)(5) (2004) ("the term 'Federal crime of terrorism' means an offense that (A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct").

¹⁸ 8 U.S.C. §§ 1182, 1231.

¹⁹ 18 U.S.C. §§ 241 & 245.

²⁰ In order to charge a hate crime, the prosecutor must prove a violation of the individual's constitutional rights. (E.g., a violation of the Fourteenth Amendment's promise of equal protection.) A prosecutor does NOT need to prove a connection to interstate commerce.

²¹ 18 U.S.C. § 844(f)(1).

²² <u>United States v. Ballinger</u>, 312 F.3d 1264 (11th Cir. 2002) (holding that the connections of a church to interstate commerce are too insubstantial to satisfy the jurisdictional requirements of an 18 U.S.C. § 247 arson charge.) <u>See United States v. Lopez</u>, 514 U.S. 549, 559 (1995).

instances, he or she will consider: 1) Does the statute require proof of an interstate commerce nexus? If so, is there evidence of such a nexus?; 2) Can this act be charged as a hate crime?; 3) What type and length of sentence can be imposed under various statutes?; and 4) Is there proof that the act was intended to materially assist, support or finance terrorism? In the end, the decision about whether to charge a crime as a hate crime, a generic federal crime, or a crime specified under a terrorism statute is a matter of prosecutorial discretion and involves a complex analysis of the relevant laws and facts.

While these prosecutorial strategies may be legally effective, they create challenges for law enforcement-community partnerships because 1) the implementation of these strategies creates the appearance of targeted enforcement of general crimes and civil violations on the Muslim and Arab communities; 2) the implementation of these strategies presents an accountability problem for law enforcement because, while these agencies are asking the community for assistance with terrorism prevention initiatives, it is extremely rare that they ever charge anyone with terrorism; and 3) the specific focus on fundraising investigations (material support prosecutions) creates an impression of unjust, religious and/or national origin-based targeting because making charitable donations is one of the five pillars of Islam and is required for practicing Muslims.

MUTUAL UNDERSTANDING

In general, law enforcement and the Muslim, Arab, and Sikh communities do not have a long history of working together and they are therefore often unfamiliar with each other's operational reality. This lack of understanding creates significant challenges to building relationships between law enforcement and these communities.

Due to the challenges involved in sorting through the legal issues related to terrorism cases, the Muslim, Arab, and Sikh communities, like the American public at large, have a knowledge gap related to counterterrorism investigations and prosecutions that can create distrust and resentment borne of misinformation. Examples of this misperception are the cases of Hesham Mohamed Hadayet, who killed two people and wounded four at the El Al terminal at Los Angeles International Airport (LAX) in July of 2002, and the attempted bombing of mosques and Islamic centers in Florida in August of 2002 by Robert Goldstein.²³

Muslim, Arab, and Sikh community members nationwide have concerns about the unequal application of the law in these two cases because they are under the impression that in the Florida case (in which a white man was planning to bomb Islamic centers and mosques), the defendant was charged with a hate crime, but in the LAX case (in which an Arab man killed two white individuals), the defendant was charged with terrorism. When one relies on media reporting to provide the details of these cases, as do most Americans, one can see how this perception would develop and how this could breed distrust of law enforcement and cultivate suspicions about institutionalized racism.²⁴

²³ United States v. Robert Goldstein (M.D. Fla), See Appendix E, p.136.

²⁴ See "Los Angeles Airport Shooting Kills 3," CNN.com, 7/5/02, available at: http://www.cnn.com/2002/US/07/04/la.airport.shooting/; "U.S. Doctor Planned to Destroy Mosques," BBC Online, 8/4/02, available at: http://news.bbc.co.uk/2/hi/americas/2214320.stm. Another wrinkle in the

However the facts of the two cases are very different. In the first case, Goldstein was, in fact, charged with illegal firearms possession and a conspiracy to violate the civil rights of Muslims (a hate crime). Prosecutors chose to prosecute the case as a hate crime and a generic gun charge because they lacked the evidence of substantial interstate commerce to justify an arson prosecution and because there were not federal or state terrorism statutes that applied. Moreover, if the case were presented as a terrorism case, it would have required a prosecutor to prove beyond a reasonable doubt that the substantial motive of the crime was terrorism. Lacking such evidence, it was ultimately pursued as a hate crime. The defendant was subsequently successfully prosecuted and sentenced to 151 months in prison. In contrast, in the case of Hesham Mohamed Hadayet, no charges were ever brought because the suspect was killed at the scene by an El Al security guard. Misinformation about the charges brought in these cases fuels resentment within the community nationwide. Only greater education of the media and the public at large will combat this type of situation.

An additional community misconception about law enforcement is that the goal of routine interactions, such as voluntary interviews, is to gather actionable intelligence which would only be known to individuals associated with terrorist activity or to conduct a "fishing expedition" within the community. This perception creates a challenge to partnerships because it equates law enforcement's desire for communication with community members with suspicion of involvement in terrorist activity. In fact, during these routine encounters, law enforcement is often not seeking "intelligence" or trying to generate new leads; but rather it seeks to gain information that can help contextualize intelligence received form other sources.

Common misconceptions about the Muslim, Arab, and Sikh communities on the part of law enforcement are that these communities are made up primarily of immigrants who are out of status, that these communities are new to the United States, and that these communities are predisposed to oppose the U.S. government. In addition to these stereotypes, law enforcement is often unable to distinguish between the practices of the American Muslim, Arab, and Sikh communities, which are distinct from each other and diverse amongst themselves. These incorrect stereotypes will only be corrected through proactive education programs and increased interaction among individuals from law enforcement and these communities.

SCOPE OF PERSPECTIVES

confusion about whether, when, and how an incident is labeled as an act of "terrorism" extends beyond how a particular case is charged. The media may label a case as an act of terrorism and this label may be completely unrelated to the actual charges. Moreover, the FBI, for internal purposes, may choose to label and "count" an incident as an act of terrorism. Again, this labeling is sometimes unrelated to the actual charges. It would be useful, in training on these issues, to distinguish between the prosecutorial decision to

charge terrorism and the media or the FBI decision to label and count a case as a terrorist incident,

regardless of the formal charges.

²⁵ Such evidence would usually consist of: (a) information that the defendant was part of a terrorist group or organization; (b) statements made by the defendant to others that the act was intended to intimidate a civilian population or the government; (c) writings or letters indicating (a) or (b).

Differing perspectives on issues relating to law enforcement-community interaction can create challenges for the development of local partnerships. When working on issues related to community outreach, law enforcement agencies tend to take a local or regional view. The community, however, tends to put their local experience with law enforcement in a national or even global context. These differing perspectives create barriers to communication, understanding, and trust.

For example law enforcement, for the most part, tends to underestimate the effects current U.S. foreign policy has on the attitudes of community members. Specifically, law enforcement is often surprised and unprepared when the community sees them as an extension of U.S. policies or actions that concern them, such as the current war in Iraq and U.S. foreign policy in Israel. While law enforcement is not and should not be held responsible for explaining policies which are out of their jurisdiction, communication with the community would be facilitated if officers and agents were prepared to hear and acknowledge these common community concerns.

Additionally, law enforcement often makes assumptions about the effects of U.S. government initiatives such as NSEERS and the USDOJ Interview Project based on how it was implemented in their jurisdiction. Taking this localized view can again leave law enforcement unprepared to hear community concerns about these initiatives based on what the community has heard from national organizations or community members in other parts of the country. For example, while there were few, if any, detentions associated with the NSEERS program in some regions, in others, large numbers of individuals were detained and this created panic and concern among community members nationwide.

ACCOUNTABILITY

Accountability is a critical piece of any relationship built on trust. Building a system of accountability between law enforcement and the Muslim, Arab, and Sikh communities is difficult and in turn presents a challenge for any effort to build trust and establish relationships.

For law enforcement to be held accountable to the community, it is critical that it is able to talk about its motives for any given investigative initiative. Even more important, when asking for the community's assistance with such an initiative, law enforcement must in some way be able to quantify the results of the operational program in which the community was asked to participate. Complying with these accountability requirements is often challenging, even for law enforcement agencies that have prioritized community partnerships and recognized the need for transparency.

The USDOJ interview project is a good example of how, even in a community in which law enforcement is committed to partnerships, accountability can present significant challenges. When asking for the community's help in garnering support for participation in the voluntary interview process, law enforcement was limited in the information they could tell the community in terms of how and why these interviews were taking place. While some of the criteria used to select individuals to be interviewed was unclassified

(age, sex, country of origin), there were a series of indicators used to identify interview subjects that were classified; and thus, law enforcement could not fully explain the project to the community. Once the interview project was complete, it was important for law enforcement to return to the community to explain how their assistance with this program furthered operational objectives. This was often difficult because if cases were opened as a result of the interviews and those cases were still active, law enforcement was prohibited from discussing them with the public. Further, results of the USDOJ interview project were difficult to quantify because, like most counterterrorism initiatives, they were designed to work in tandem with other programs to create a "hostile environment" for would-be terrorists, thereby often making the attribution of specific successes or preventions to one initiative, let alone an individual initiative in a specific city, challenging if not impossible.

Finding mechanisms for maximization of information sharing with the community about counterterrorism programs is a critical challenge for law enforcement. Further, finding ways to quantify the productivity of these programs is an equally important challenge that must be addressed in order to maximize transparency and create mechanisms for accountability.

LAW ENFORCEMENT STANDARD OPERATING PROCEDURES

A number of organizational standard operating procedures that exist within federal, state, and local law enforcement agencies provide counter-incentives to officials' focusing their efforts on the development of partnerships with local Muslim, Arab, and Sikh communities.

When it comes to looking at indicators of effectiveness and productivity for the purposes of equitably granting promotion and/or other incentives, law enforcement agencies have traditionally relied on statistics. For example, at the FBI, number of "sources" developed by an agent is one mark of productivity reviewed when considering an agent's promotion. At the state and local level, numbers of arrests, citations issued, or total drugs seized are all indicators of officer productivity that can affect promotion and receipt of incentives. Because engaging in the slow, often labor-intensive process of developing trust and partnerships with the Muslim, Arab, and Sikh communities does not generate the kinds of individual statistics often utilized by law enforcement agencies to promote their employees, there is a counter-incentive to engaging in this type of work. Additionally, because this kind of work does not produce the statistics needed to move up in an organization, even the most capable and motivated law enforcement officials are reluctant to engage in it for fear of harming their career trajectory.

Beyond incentive programs, the practice of moving law enforcement agents and officers around geographically as well as rotating them through different investigative programs creates a challenge to building community relationships. The practice of rotating law enforcement through a variety of geographic regions (for federal agencies this means the regular practice of rotating agents among a variety of Field Divisions in a number of states as well as at the local level, leading to a frequent change of neighborhood or beat) was implemented to reduce the risk of too close a relationship forming between law

enforcement and the local criminal element, which could provide a breeding ground for public corruption. From the perspective of prevention of public corruption, these policies make sense; from the perspective of relationship and trust development with the community, these policies are counterproductive. Many Muslim, Arab, and Sikh community members nationwide report the difficulty of maintaining ongoing relationships with law enforcement agencies because law enforcement is continually starting over with new personnel. In addition to the policy of rotating agents and officers geographically, this problem arises because for training reasons, many law enforcement agencies rotate their personnel through a variety of investigative programs with some regularity. Because of this internal mechanism for training, once again community members find it difficult to establish and maintain ongoing relationships because the appropriate point of contact for an issue of particular concern to the community can often change.

FUNDING/ADMINISTRATIVE CAPACITY

Having the political will to focus on and prioritize partnership building is one key to successfully developing partnerships, but without the necessary resources, funding, and administrative capacity, it simply is not enough.

For law enforcement and the Muslim, Arab, and Sikh community, finding the resources to support efforts to establish relationships and build partnerships is no small task. It is particularly challenging because the development of these partnerships is in everyone's interest but is currently no one person or agency's responsibility. Relationship building of any kind is slow and time-intensive. Partnership efforts require the dedication of personnel on both sides. Consistent, dedicated personnel must be made available to attend regular meetings, attend after-hours community activities, respond quickly to requests for assistance or information, promptly address crises, work with the media, and proactively develop programming.

In addition to personnel resources, tools, templates and training programs need to be created to support these partnership efforts. Further an access to flexible funds is often necessary in order to support proactive, partnership efforts. Particularly for community organization's whose operating budgets may be extremely limited, finding funds for the production of meeting materials, the payment of overtime, and money for travel all may be necessary in order to maintain partnerships. Due to limited community resources, it may be necessary for law enforcement or non-enforcement federal agencies to shoulder a large percentage of the resource burden required to facilitate partnerships.

RECRUITMENT

Not having members of law enforcement (and the government at large) who are Arab, Muslim, or Sikh is a challenge to any effort to developing partnerships between law enforcement and these communities. When law enforcement has representation from the communities they are working with it assists with partnership development because it can make establishing trust easier, it increases law enforcement's credibility with the community, and it can simplify efforts at education and communication.

Many federal, state, and local agencies do not have a strong representation from the Muslim, Arab, and Sikh communities in large part because their recruiting efforts historically have not included these groups. In order to remedy this situation, many agencies and organizations have launched recruitment campaigns focused on these communities, but in a post-September 11th environment, this can be particularly challenging.

From the perspective of some in the community, efforts by law enforcement agencies to recruit can be seen as a thinly veiled effort to identify potential "cooperators" or informants. Additionally, they feel that because there are so few Muslim, Arab, and Sikhs currently in law enforcement, those who do join, particularly those who are young, would be easily co-opted and would fail to adequately represent their community. Thus, law enforcement recruitment remains an ongoing challenge for partnerships.

IDENTIFYING APPROPRIATE REPRESENTATION

For law enforcement-community partnerships to work, both groups must identify representatives who both have the authority to speak for at least a segment of their community and are willing to work as a part of such a partnership. On the law enforcement side, it is necessary to identify individuals who have the authority and jurisdiction to address issues of concern to the Muslim, Arab, and Sikh communities. The challenges inherent here include: 1) the issues involved cover a wide range of jurisdictions so it is often necessary to get representation from a wide variety of government agencies in order to be able to effectively address specific concerns; and 2) individuals who have the authority to impact change are often executive-level managers who have a wide range of responsibilities and are therefore often pressed for time.

On the community side, there are also challenges to finding appropriate representation to participate in an ongoing partnership process. First, any individual or organization that speaks for the community must carry real authority and support from the community it claims to represent. These individuals and organizations are often difficult for law enforcement to identify and accurately assess. Additionally, because the community is diverse in religion, race, and members are not monolithic in their political views, it is imperative and challenging to find the appropriate mix of community organizations to work with law enforcement. While it may be more comfortable for law enforcement to work with a variety of secular political organizations as opposed to faith-based community groups, the former groups are not necessarily representative of the entire community and, in some cases, are not present in a given local community. In contrast, faith-based groups are by-in-large embedded tightly within their local communities. While finding appropriate community partners can be challenging, outreach efforts must include all organizations, be they faith-based, political, or otherwise, that have prioritized law enforcement-related issues and are committed to achieving change through partnership.

Despite all of these challenges, some jurisdictions have been successful in overcoming impediments and building effective partnerships. One of the purposes of this guide is to

describe those successes so that others at a local level can learn from them. The following case studies detail the experience of three geographic areas.

V. THE SOUTHEASTERN MICHIGAN EXPERIENCE

DESCRIPTION OF THE COMMUNITY

The state of Michigan covers 56,804 square miles and has approximately 175 people per square mile. Southeastern Michigan, the primary focus of this research, encompasses three counties within Michigan: Wayne, Oakland, and Macomb. Together, these counties encompass 1,967 square miles and an average of 2,122 people per square mile, with the largest number being concentrated in Wayne County.²⁶

Any attempt to quantify the American Muslim, Arab, or Sikh community is an inexact and often controversial enterprise. That being said, it is important for the purposes of this report to look at the relative size of these communities in the project's three site cities.

Looking specifically at the Muslim, Arab, and Sikh communities in the state of Michigan, one finds community populations that are significant and concentrated. According to the US Census, 1.16% of the population of Michigan is of Arab ancestry. While the census numbers may under-represent the size of this community, it is clear that Michigan has a significant Arab population and it is concentrated in one small geographic area.

Specifically, the city of Dearborn far surpasses any other US city in its percentage of population reporting Arab ancestry (29.85%, compared to the next closest city, Jersey City, NJ, which reports 2.81% in the 2000 US Census). Detroit also has a significant percentage of its population reporting Arab ancestry in the census, 0.87%, which is commensurate with New York City and greater then any other US city excluding Jersey City (2.81%) and Boston (0.99%). In total, Southeastern Michigan has the second largest Arab community outside of the Middle East, exceeded only by Paris, France.²⁷

In terms of estimating the size of the Southeastern Michigan Muslim and Sikh communities, the census does not offer any insight because it does not collect data on religious affiliation. According to the Institute for Social Policy and Understanding, in 2003, there were 33 mosques in greater Detroit. Based on the ISPU's data that "mosqued Muslims constitute one-third of all Muslims," they estimate that there are therefore 125,000 to 200,000 Muslims in the Detroit metropolitan area. The Sikh Mediawatch and Resource Taskforce (SMART) estimates that there are 500,000 Sikhs nationwide. While the Sikh population is not as concentrated in Southeastern Michigan as the Arab population, the Sikh community in this area has organized and is benefiting from its association with the Muslim and Arab communities.

http://quickfacts.census.gov/qfd/states/26/26163.html.

²⁶ U.S. CENSUS BUREAU, Census 2000, available at:

²⁷"Muslims in America, Part Three: Middle Eastern Heritage in America's Heartland," National Public Radio, 11/5/01, audio transcript available at:

http://www.npr.org/news/specials/response/home_front/features/2001/nov/muslim/011105.muslim.htm. ²⁸ Dr. Ihsan Bagby, "A Portrait of Detroit Mosques: Muslim Views on Policy, Politics and Religion," Institute for Social Policy and Understanding, 4/04.

Long before September 11, 2001, the Muslim, Arab and, to some extent, Sikh, communities in Southeastern Michigan capitalized on their numbers and concentration by becoming politically active, developing close-knit ties with the broader community, and developing formal channels of communication with government agencies. Many national community organizations enjoy robust chapters in Michigan, including the Arab-American Anti-Discrimination Committee (ADC) and the Council on American Islamic Relations (CAIR). The University of Michigan at Dearborn is home to the only Center for Arab American Studies in the country. Further, George W. Bush and other presidential candidates openly courted the Dearborn Arab community during the 2000 election, and in September of 2003, Detroit was host to its first U.S.-Arab Economic Forum, which had over 1,000 participants and featured U.S. Secretary of State Colin Powell as the keynote speaker.

Additionally, there are an extensive number of service-oriented organizations active in Dearborn/Detroit focused on these communities, including the Arab American Chamber of Commerce and the Arab Community Center for Economic and Social Services (ACCESS), which was established in Michigan in the 1970s and which continues to be a strong, centralizing organization in 2004. Today, the Michigan Department of Civil Rights is working with the Sikh community in Southeastern Michigan to create a service organization similar to ACCESS that will focus directly on the Sikh community.³⁰

In addition to an extensive network of Arab/Muslim advocacy and social services organizations, the community has also developed close-knit ties within the broader community. According to Hassen Jaber, Deputy Director of ACCESS, the Arab, Muslim, and Sikh communities have a history of working closely with the local Latino and African American communities. Specifically, the Michigan Chapter of the American Civil Liberties Union (ACLU-MI) has been very active in coordinating responses to issues of concern to the Muslim, Arab, and Sikh communities in Southeastern Michigan and has launched a specific project designed to address issues and concerns relating to the US government's post-September 11th activities. Additionally, in January 2002, the Reverend Al Sharpton and his organization the National Action Network came to Detroit to stand with leaders from the local Arab community as they denounced the US government's efforts to search for some 6,000 Middle Eastern men who had ignored deportation orders.³¹

Specifically in terms of coordination and participation with law enforcement, community leaders in Dearborn report that even before September 11th, they had regular and consistent contact with a wide range of federal, state and local law enforcement

³⁰ PfP Dearborn Community Focus Group, Provina Ramanathan, Michigan Department of Civil Rights, 9/16/03.

²⁹ Eric Slater, "Voluntary Questioning Leaves U.S. Arabs Torn," *Los Angeles Times*, 12/3/01, available at: https://www.latimes.com/news/nationworld/nation/la-120301arabs.story accessed on 3/13/03.

³¹ Nirah, Warikoo, "Black, Arab-American Leaders Assail Racial Profiling," *Detroit Free Press*, 1/11/02.

officials.³² Moreover, former Dearborn Police Chief Gregory Guilbord recalled that the Department has had a long-established working relationship with the Arab-American community.³³ In part, this cooperation and coordination was cultivated through the creation of an organization called Advocates and Leaders for Police and Community Trust (ALPACT) which began in 2000 and is still operational today. ALPACT is composed of representatives from federal, state, and local law enforcement as well as key community stakeholders. This group was formed to work on issues that affect police-community relations with a specific focus, at its inception, on issues related to racial profiling. Members of the Muslim, Arab, and Sikh communities were a part of that initiative from the beginning. John Bell, who was the Special Agent in Charge of the Detroit FBI office on September 11, 2001 and is currently Special Agent in Charge of the Federal Air Marshals in Michigan, reported that ALPACT provided the opportunity for law enforcement to work one-on-one with community leaders, which proved particularly useful for building trust and understanding.³⁴

Similarly, the Michigan Alliance Against Hate Crimes (MIAAHC), a collaborative partnership with the Michigan Civil Right's Commission and Department, and the United States Attorney Offices from the Eastern and Western Districts of Michigan, was formed in 1997 to implement the recommendations outlined in the *Michigan Department of Civil Right's Bias Crime Response Task Force Report*. ³⁵ This organization has also addressed issues relating to the Muslim, Arab, and Sikh communities since its inception. Arab-American Anti-Discrimination Committee of Michigan Executive Director Imad Hamad was a founding Steering Committee member of the Task Force, and the organization continues to be in operation today. In addition to the Task Force, the Michigan Department on Civil Rights has longstanding, unilateral relationships with ADC-MI and with ACCESS. These relationships allowed the department to swiftly commence efforts to assist the community during and after September 11, 2001. ³⁶

In terms of the Dearborn Police Department, while the department does not officially track the religious affiliation of its employees, during a September 2003 focus group Dearborn PD reported that six of their 112 patrol officers were Arab-American. In March of 2004, Dearborn PD reported that nine of the department's 192 officers are Arab American. While the Arab and Muslim communities in Southeastern Michigan were significantly integrated into the infrastructure of the law enforcement community prior to September 11, 2001, the Sikh community did not enjoy the same ongoing relationships. To date, the Dearborn Police Department does not have any Sikh officers (although the exact numbers are unknown, the department has confirmed that they have Muslim

³² "We Are Not the Enemy, Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11," p.32, Human Rights Watch, 11/02.

³³ Niraj Warikoo, "Report Lauds Dearborn Police, September 11th Backlash Prevented, Group Says," *Detroit Free Press*, 11/1402.

³⁴ PfP Detroit Law Enforcement Focus Group, John E. Bell, Special Agent in Charge, Detroit Field Office, Federal Air Marshal Service, 9/17/03.

³⁵"Michigan Alliance Against Hate Crimes," Michigan Department of Civil Rights, available at: http://www.michigan.gov/mdcr/0,1607,7-138-4956 5002---,00.html, accessed on 3/2/04.

³⁶ PfP Dearborn Community Focus Group, Leila Saba-Hanna, Michigan Department of Civil Rights, 9/16/03.

officers). Additionally, the Michigan Department on Civil Rights reports that their efforts to organize Asian communities around hate crimes prevention prior to September 11th were focused on Japanese and Chinese Americans, whereas today efforts are beginning to focus on South Asian Sikhs, who have increasingly become the target of such crimes.³⁷

One key to the community's ability to partner with law enforcement after September 11, 2001 in Southeastern Michigan was the local community's long-standing political and social organization. This level of organization within the Muslim, Arab, and Sikh communities is uncommon nationwide. How does a community reach such a high level of organization and integration? Is this a result of the age and/or generational split of the community? The predominant immigration status of community members? The countries of origin of members of the community?

The level of organization and political activity achieved by the community in Southeastern Michigan is undoubtedly the result of a number of factors. It may, in part, be a result of challenges these communities faced prior to September 11th. According to the Human Rights Watch report on *Hate Crimes Against Arabs, Muslims* and those Perceived to be Arab or Muslim after September 11, as early as the 1970s, Arabs and Muslims in Michigan began to feel a backlash of negative sentiment stemming first from the Arab-Israeli war, in 1973, then from the Iran hostage crisis in 1979. More recently, in August of 1990, with the onset of the Persian Gulf Crisis, threats against these communities in Detroit were so numerous that National Guard troops were requested by then-Mayor Coleman Young to protect Detroit's citizens.³⁸

Some theorize that the homogeneity within this community as it relates to community members' country of origin has played a part in the community's ability to organize. Others attribute the community's success to a combination of sheer numbers that ultimately translates into political power, and this community's long standing presence in Michigan, which in some cases, spans four generations. Regardless of the cause, it is clear that the Southeastern Michigan Muslim, Arab, and Sikh communities were all relatively well established within the broader political landscape and within law enforcement and other state agencies long before September 11th.

PARTNERSHIP EFFORTS

The morning of September 11, 2001 changed the life of every American. In addition to the anger, fear, and sadness experienced by all Americans, members of the American Muslim, Arab, and Sikh community faced the additional fear of a potential backlash against their communities. In Southeastern Michigan, the community and law enforcement wasted no time responding to the tragic news out of Washington, New York,

³⁷ PfP Dearborn Community Focus Group, Provina Ramanathan, Michigan Department of Civil Rights, 9/16/03.

³⁸ "We Are Not the Enemy, Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11," p.10-11, Human Rights Watch, 11/02.

³⁹PfP Dearborn Community Focus Group, Noel Saleh, American Civil Liberties Union (ACLU) Michigan chapter, 9/16/03.

and Pennsylvania. They set to work immediately to pursue two compatible goals: 1) to work nationally with law enforcement and other government officials to prevent, detect, and deter any future acts of terrorism; and 2) to protect the significant Muslim, Arab, and Sikh communities within Michigan from hate crimes, hate incidents, and any unnecessary infringement on their civil rights and civil liberties.

The following section recounts the work done in Southeastern Michigan by a coalition of law enforcement agencies and the Muslims, Arab, and Sikh community members in the hours, days, months, and years following that tragic morning. Their efforts minimized the local backlash caused by those tragic events and maximized Michigan's ability to contribute to the national effort to prevent future acts of terrorism. For the purposes of this report, their work has been divided into two categories: proactive initiatives, which are those initiated locally, and reactive initiatives, which are those that were in response to local incidents or policy directives from Washington, DC.

Proactive Initiatives

Education

Efforts towards mutual education between law enforcement and the community began in Southeastern Michigan immediately following September 11th. According to Special Agent In-Charge (SAC) John E. Bell, the ADC provided cultural sensitivity training for the FBI agents almost immediately. These sessions were helpful, Bell noted in a September 2003 focus group, because not only did the agents have a chance to learn about cultural issues, but also the training sessions provided an opportunity for participating community members to learn about some of the challenges faced by FBI agents in the course of doing their jobs. According to community representatives, these training sessions on cultural issues received the best response from law enforcement when the curriculum was tailored to the needs of a specific agency and both presented the information in a way that related the material to operational needs and the development of "hands-on" tools for use in routine encounters.

In addition to training the FBI and state and local law enforcement about cultural issues that might arise as law enforcement increasingly interacted with the Muslim, Arab, and Sikh communities after September 11th, both local and national community organizations created and distributed information packages for both law enforcement and the community-at-large about what to expect during routine law enforcement encounters. For example, the Council on American Islamic Relations (CAIR) published and distributed a guide entitled "Law Enforcement Officials' Guide to the Muslim Community"; as well as a "Know Your Rights" pocket guide for the community. 42

⁴⁰PfP Detroit Law Enforcement Focus Group, John E. Bell, Special Agent in Charge, Detroit Field Office, Federal Air Marshal Service, 9/17/03.

⁴¹PfP Dearborn Community Focus Group Survey, Deana Rabish, ACCESS, received 10/03.

⁴² See list of available CAIR materials in Appendix C.

Additionally, during the months following September 11th, the FBI, the US Attorney's Office and attorneys from ADC-MI participated in town hall meetings with the community at which they addressed issues of concern. USDOJ's National Origins Working Group, under then-Deputy Attorney General for Civil Rights Ralph Boyd, coordinated some of these meetings.

According to Boyd, these forums, which USDOJ conducted in cities around the country, were helpful for a number of reasons. Primarily, from USDOJ's perspective, it was important to get the word out to vulnerable communities that USDOJ was there to serve them and that the department had the same level of energy and commitment for protecting the community against acts of discrimination, and particularly acts of violence and threats of violence, as they did for catching terrorists. Additionally, it was an important opportunity for USDOJ and regional law enforcement to hear feedback and concerns about post-September 11th counterterrorism programs. ⁴³ From the community's perspective, having the opportunity to talk directly with USDOJ representatives about areas of particular concern, such as ongoing fundraising investigations and how these might affect citizens trying to contribute to legitimate organizations or charities, was particularly helpful. Many of these meetings were also used to discuss the community concerns about their ability to donate safely to charitable organizations given the US government's increased scrutiny of organizations associated with Arab and Muslim communities. Law enforcement and the community in Southeastern Michigan reported that these forums were helpful because they were conducted in relatively small groups and the conversations were guided by the community's concerns.

In regards to the effort to educate the Muslim, Arab, and Sikh communities and the local community at large about law enforcement initiatives, several law enforcement officials who participated in a September 2003 focus group noted the importance of proactively working with the media to ensure accurate coverage of law enforcement initiatives, policies, and investigation. Once an incorrect story is out, they noted, the damage in most cases has been done and it becomes exponentially more difficult to accurately educate the public. Therefore, law enforcement representatives stressed the importance of proactively working closely with carefully selected reporters with a track record of accuracy in order to ensure that the community receives accurate information about law enforcement activities. ⁴⁴ In addition, law enforcement representatives note that joint public statements (such as the one issued by the members of ALPACT on October 1, 2001 which condemned the acts of September 11, 2001 and reaffirmed the partnership's commitment to the "vigorous" enforcement of hate crimes, ethnic intimidation, and other civil rights violations) go a long way toward increasing public awareness of law enforcement. ⁴⁵

⁴³ PfP Personal Interview with Ralph Boyd, Assistant Attorney General for Civil Rights, United States Department of Justice, 7/15/03.

⁴⁴ PfP Detroit Law Enforcement Focus Group, Ellis Stafford, Assistant Division Commander, Michigan Department of State Police, 9/17/03.

⁴⁵ "ALPACT Statement of Support for the Community," provided via fax from the United States Attorney's Office, Eastern District of Michigan, 4/13/04.

Hate Crimes Prevention

A national report entitled *Hate Crimes against American Muslim, Arab, and Sikh Communities* published by Human Rights Watch in November of 2002 singles out immediate efforts made in Southeastern Michigan to prevent a backlash against the community as unique and exemplary.⁴⁶ It is important to put law enforcement's actions taken on September 11, 2001 in the context of the larger effort to prevent a backlash against the community in Michigan that included changes in police deployment, appropriate classification of crimes, development of training, public condemnation, and aggressive prosecutions.

Imad Hamad reported to the Human Rights Watch that "by 11:30 a.m. [on September 11th /01], we were meeting with the Mayor and Chief of Police about a possible backlash against our community. By 1:00 p.m. the Mayor was on the local cable public access channel warning people against committing hate crimes against Arabs in Dearborn and the police cars were patrolling our shopping areas and neighborhoods." ⁴⁷ Additionally, at a September 2003 community focus group at ACCESS headquarters in Dearborn, the members of the community reported that beginning the afternoon of September 11th and stretching into the days that followed, Dearborn PD had cars patrolling extensively around the community. Additionally, community members reported that the police regularly visited local businesses, organizations, and mosques to ensure that everything was safe. ⁴⁸ This quick action had the desired results. A year following the attacks, the Detroit News reported that nationally almost 500 hate crimes had been committed against Arabs following the September 11th attacks, but only two, both of which involved ethnic slurs, were committed in Dearborn. ⁴⁹

The Human Rights Watch Report sites pre-existing relationships between law enforcement and the Muslim, Arab, and Sikh communities as responsible for this close and immediate coordination: "Dearborn police had already identified high-risk communities and were ready to deploy officers where needed within hours of the attacks on the World Trade Center and Pentagon." Additionally, federal law enforcement officials in Detroit report that because of their work with the Arab community through ALPACT on the issue of racial profiling they felt they could immediately reach out to community organizations to explain what they could expect vis-a-vis hate crimes investigations and ongoing counterterrorism investigative initiatives in the hours following the attacks in New York, Washington, and Pennsylvania. 51

⁴⁶We Are Not the Enemy, Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11," p.23, Human Rights Watch, 11/02.

⁴⁷We Are Not the Enemy, Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11," p.15, Human Rights Watch, 11/02.

⁴⁸ PfP Community Focus Group, 9/16/03.

⁴⁹ Joel Kurth, "Dearborn Garners Praise for Thwarting 9-11 Backlash," *Detroit News*, 11/20/02.

⁵⁰ We Are Not the Enemy, Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11," p.3, Human Rights Watch, 11/02.

⁵¹ PfP Detroit Law Enforcement Focus Group, John E. Bell, Special Agent in Charge, Detroit Field Office, Federal Air Marshal Service, 9/17/03.

Preemptive Problem Solving

Another example of law enforcement - community proactive problem solving occurred when the United States was preparing to enter Iraq to oust Sadam Hussein in the spring of 2003. During this time, according to then-Commander now Deputy Chief Michael Celeski and Officer Daniel Saab of the Dearborn Police Department, there was movement within the local community in Dearborn to organize substantial marches to protest US intervention in Iraq. Since they had ongoing communication and trust, the police department in Dearborn was able to work with the community in the spring of 2003 to organize these protests in a way that maximized the Department's ability to protect participants while minimizing the need to disrupt traffic and generate additional costs for the significant use of officer overtime.

In order to accomplish all of these goals, Officer Saab worked with the community to develop a plan in which the protest would take place at a set time in a public park in the center of Dearborn. This solution was ideal because it allowed the protestors a location that supplied maximum visibility (a community priority) while simultaneously providing a contained space that enabled the Department to protect the participants while utilizing fewer personnel and thus minimizing the resource drain on the department (a law enforcement priority). Additionally, by organizing the protest in a contained yet central location, it minimized the impact the protest would have on vehicular traffic in and around the city. Further, working together to design and implement a mutually beneficial plan for the anti-war protest served to build trust and maintain goodwill between the community and law enforcement.

Establishing Lines of Communication

In May of 2003, the Arab, Muslim, and Sikh communities and law enforcement leaders decided to formalize the monthly meetings that had been taking place between the US Attorney's office and the community since September 11, 2001. According to a press release from the United States Attorney's Office for the Eastern District of Michigan, the Building Respect in Diverse Groups to Enhance Sensitivity group (BRIDGES) was formed "to continue the dialogue on issues of mutual concern between federal law enforcement and [affected] vulnerable communities." United States Attorney Jeffrey G. Collins and ADC-MI Executive Director Imad Hamad serve as co-chairs of the committee, which includes six federal law enforcement executives and representation from twelve community groups.

The importance of having a formal mechanism for maintaining a dialogue between law enforcement and the Muslim, Arab and Sikh communities in Southeastern Michigan was emphasized by both the community and law enforcement.⁵³ Specifically, SAC John Bell stated that partnerships such as those institutionalized through the creation of BRIDGES

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⁵² Press Release, United States Attorney, Eastern District of Michigan, 5/16/03.

⁵³ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, and Imad Hamad, Executive Director, Arab-American Anti-Discrimination Committee (ADC), Michigan Chapter, 9/15/03.

take a lot of time to nurture, but they provide an otherwise lacking perspective to all participating parties.⁵⁴ Like ALPACT, which continues to operate and includes a broad range of communities, the BRIDGES monthly meetings, which are by invitation only, offer a structured and secure environment in which law enforcement and the community can discuss issues of mutual concern.⁵⁵ From the perspective of community leaders, having a standing organization through which to both ask questions and get information about ongoing concerns, and to learn first-hand about the intent and application of law enforcement procedures was an invaluable asset in their efforts to keep their communities safe.

Because of the lessons that had been learned and the relationships established through ALPACT and MIAAHC, the establishment of BRIDGES was relatively easy; however, organizing this group was not without its challenges. ⁵⁶ According to United States Attorney Jeff Collins, the process began when law enforcement reached out to the community and explained that law enforcement needed their assistance because they could not handle the challenges of counterterrorism and hate crimes investigations without coordination and assistance from the community. He also noted the importance, on the one hand, of maintaining an open-door policy for all community members who were interested in participation and, on the other hand, of carefully selecting law enforcement personnel who were, in his words, "thick skinned" and had the ability to deal with what at first might be "free-wheeling" meetings that did not result in a specific plan of action. Abed Hammoud, Principal Attorney of the Wayne County Prosecutor's Office, reinforced this idea, saying that many times in settings such as BRIDGES, it is the first non-enforcement contact members of the community have had with law enforcement. Because of this, he notes, community members often need an opportunity to express their frustration and anger about a variety of topics and experiences, often times including negative perspectives on U.S. foreign policies.

This situation can be troubling for law enforcement executives who may feel on the one hand unfairly accused or associated with policies and procedures over which they do not have jurisdiction, while simultaneously not having the any tools or solutions to offer the community, because of jurisdictional issues. It is important for law enforcement officials participating in the first meeting of groups such as BRIDGES to understand that there is no need for them to respond specifically or take formal action on any of the historical and or political issues and concerns raised by the community. Actively listening and learning about the community's concerns will often be an important first step towards building trust. While listening and sharing of perspectives is important, it is equally important to stay focused on current, mutually beneficial goals (such as stopping terrorism and maintaining community safety) and not get too far off track by discussing strictly historical issues.

⁵⁴ PfP Detroit Law Enforcement Focus Group, John E. Bell, Special Agent in Charge, Detroit Field Office, Federal Air Marshal Service, 9/17/03.

⁵⁵ Ibid

⁵⁶ Telephone Interview with Pam Thompson, Assistant United States Attorney, Eastern District of Michigan, 11/13/03.

⁵⁷ PfP Detroit Law Enforcement Focus Group, Abed Hammoud, Principal Attorney, Wayne County Prosecutor's Office, 9/17/03.

Once people are successfully brought to the table (a milestone accomplished in the Eastern District of Michigan by the close, collaborative work of Jeff Collins and Imad Hamad), Collins stressed the need to keep people coming back to the table for regular meetings. This is particularly challenging for law enforcement officials, who may view the first several meetings as disjointed and unfocused. In fact, the perspective sharing that goes on initially is, as previously mentioned, a critical first step to building trust and a truly collaborative body.

According to Collins and Hamad, after every meeting of BRIDGES there is an effort to identify missing organizations and agencies and expand the circle where appropriate. Collins also stressed the importance of being honest with the community (even about bad news) and being willing to expand one's scope of interest and accountability beyond one's home agency to assist with issues relating to other segments of the government. It is important for law enforcement to understand that the community often views law enforcement as a monolithic entity. Often community members do not distinguish between the FBI, Immigration, and Treasury, etc. In order for BRIDGES to be successful, they make a commitment to deal with a wide variety of law enforcement issues and agencies and to expand law enforcement participation when necessary. For example, if the community has concerns about TSA search policies at the airport, it is important for law enforcement to ensure inclusion of a local TSA representative at future meetings and, to the greatest extent possible, provide detailed information about the policy in question, if possible. Finally, Collins stressed the need for committee members to have one-on-one contact with each other beyond the regular monthly meetings. This, he explained, may mean participating in community social events or arranging for smaller working groups.

Despite the work done to ensure the success of BRIDGES, there is inherent challenges to the operation of this model. One example of these challenges that is common to every city and state is the inability of law enforcement to speak to its community about ongoing investigations. Imad Hamad told Voice of America (which broadcasts international news in world-wide in forty-five languages) in March of 2003 that despite the monthly meetings, because law enforcement cannot discuss ongoing investigations (in this case, investigations of Iraqi-Americans in the weeks leading up to the war in Iraq), "[It] puts us in a very difficult position to reach for the trust that we care to see. It puts people in a very hard position to swallow the government's argument and to believe them. And it pushes us back to make the community feel again and again that it is being looked at and dealt with as a suspect." While there are these types of immutable challenges involved in even the most comprehensive process, on balance, law enforcement and community leaders agree that they are better off because of the existence of partnerships.

⁵⁸ Quinn Klinefelter, "Terror Investigations Raise Concern in US Arab Community," Voice of America News. Com, available at: http://www.voanews.com/PrintArticle.cfm, retrieved 5/03.

Reactive Initiatives

Complaints against Officers

Even in a community that has the benefits of a police force with long-established ties with the community as well as open lines of communication, the potential for unproductive or inappropriate interactions between law enforcement and the community still exist. Because interactions of this nature, while unfortunate, are somewhat inevitable, law enforcement and the community must work together to ensure that lines of communication and avenues for redress are available. In Southeastern Michigan, law enforcement dealt with citizen complaints about law enforcement mistreatment or misconduct through a strategy that included quick response and respect for community concerns.

Hijab Case

In January 2004, a Muslim woman in Dearborn, Ms. Mona Saad, was forced to remove her hijab in front of a male officer for a routine photograph. This course of action is offensive to a Muslim woman who practices traditional codes of Islamic dress that prohibit her from being seen without hijab (modest dress including head covering) by any man outside of her family. The incident was brought to the attention of ADC-MI, ⁵⁹ who met with the family and brought the incident to the attention of both the Dearborn Police Department and the Mayor's Office. Ultimately, with the assistance of ADC-MI and CAIR-MI, a meeting was arranged between the family and representatives of the Mayor's office and Police Department. ⁶⁰

As a result of these meetings, the Dearborn Police Department changed its policies in order to ensure that a female police officer is always on duty in order to accommodate Muslim women who must be photographed in the station. Additionally, the department pledged to continue its program to educate officers on Islamic practices.

In September of 2003, four months before this incident, Dearborn Commander at the time (now Deputy Police Chief) Michael Celeski talked about the critical importance of rapid response to complaints against officers. He said that in order to cultivate and maintain trust with the community, it was his policy to ensure that any complaint about an officer received a response within twenty-four hours. Additionally, he said that in the case of complaints against officers, he often reached out to his partners at ADC or other community organizations for assistance resolving the matter. In the case of Mona Saad, as a result of the rapid and valuable response they received from government officials, ADC-MI and CAIR-MI publicly expressed gratitude to the police department and

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⁵⁹ E-mail, Deputy Chief Michael Celeski, Dearborn Police Department, 4/1/04.

⁶⁰ "CAIR Michigan: Dearborn Hijab Case Update and Announcements," Cairmi-pub listserv, received on 2/12/04.

Mayor's Office on behalf of the Saad family for handling the incident promptly and effectively. ⁶¹

Traffic Stops

In a September 2003 focus group, Dearborn Community Policing Officer Daniel Saab recounted a situation in which he began hearing complaints from the local community about officers touching objects hanging from a car's rearview mirror during routine traffic stops. This issue raised concern in the community because in many cases these objects contained excerpts from the Quran and thus are considered holy by practicing Muslims. In response to these complaints, Officer Saab began immediately conducting briefings during roll call on the importance and purpose of these objects. ⁶²

During the same 2003 focus group, then-Dearborn PD Commander Michael Celeski said that Dearborn PD's response to concerns about traffic stops is just one example of how, in order to respond to community concerns, departments need not always conduct extensive, often expensive and administratively cumbersome training sessions. Rather, he explained addressing concerns in a timely manner is key because, he noted, issues left unaddressed can quickly fester and present a serious challenge to police-community relationships and trust. To this end, he reiterated that it is Dearborn PD's standing policy to respond to complaints against one of its officers within one day's time. 63

USDOJ Interview Project

Following the attacks of September 11, 2001, the United States Department of Justice (USDOJ) embarked on an initiative to interview approximately 7,600 nonimmigrant aliens in two separate phases⁶⁴ as a part of their effort to thwart future terrorist attacks. Interviewees were selected based on a series of criteria some of which were available to the public (entered the United States after January 1, 2000; claimed citizenship from any of 15 countries in which intelligence indicated that there was an al Qaeda terrorist presence or activity; and were males born between January 1968 and December 1983) and others of which were classified. USDOJ explained in their February 2002 status report that the characteristics were chosen because combined they would reflect a demographic similarity to the terrorists involved in carrying out September 11 and would thus make them more likely to live within the same community or be a part of the same social network and therefore would increase their ability to notice suspicious behavior. The efficacy of this national initiative has been discussed previously in this report. This report has also catalogued the challenges the interview process posed for federal, state,

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⁶¹ Ibid; E-mail, Deputy Chief Michael Celeski, Dearborn Police Department, 4/1/04.

 ⁶² PfP Detroit Law Enforcement Focus Group, Daniel Saab, Officer, Dearborn Police Department, 9/17/03.
 63 PfP Detroit Law Enforcement Focus Group, Michael Celeski, Commander, Dearborn Police Department, 9/17/03.

⁶⁴ This includes students, tourists, and certain types of workers who are foreign nationals from specified countries.

⁶⁵ See United States General Accounting Office Report to Congressional Committee, "Homeland Security: Justice Department's Project to Interview Aliens after September 11, 2001," p. 7, 4/03.

and local law enforcement agencies working to establish relationships with their local Muslim, Arab, and Sikh communities.

In Southeastern Michigan, law enforcement and the community immediately recognized the challenges this national directive presented and they worked together to establish an implementation plan that ensured the interview project's operational efficacy while mitigating unnecessary negative impacts on the community. The issue of implementing the voluntary interviews was raised at an ATTF meeting and members worked together, under the leadership of the United States Attorney's Office to design a plan which met both criteria. The ATTF brought their implementation plan to ALPACT and the group (which included many future BRIDGES leaders) worked with law enforcement officials to tailor and ultimately bless the plan for implementation.⁶⁶

According to the GAO, nationally, districts left it to the discretion of the law enforcement agents as to how and when to conduct the voluntary interviews mandated by USDOJ. Based on the ideas that came out of the ATTF and ALPACT meetings in the Eastern District of Michigan however, the United State's Attorney's Office implemented a uniform policy of notifying interviewees via letter prior to making any personal contact.

They were one of only two districts in the country that uniformly implemented this type of early notification policy.

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During the week of November 26, 2001, the United States Attorney's office for the Eastern District of Michigan sent 503 letters to the potential interviewees as identified by USDOJ. The letters made explicit the following information: 1) law enforcement needed the community's assistance with its efforts to prevent future terrorist attacks; 2) law enforcement had no reason to believe, although the interviewee has been selected to participate in the interview process, that he was in any way associated with terrorist activities; 3) the purpose of the interviews were to ascertain whether the subject may have information that, while inconsequential to them, may be helpful to ongoing investigations; 4) that the location, date, and time of the interview could be arranged at the discretion of the interviewee; and 5) that the interviews were voluntary. A copy of the letter sent by the Eastern District can be found in Appendix B of this report.

In concert with the letters, the US Attorney's Office issued press releases two weeks later explaining the details of the initiative and in February followed up with public information about the project's progress and the community's willingness to come forward.

In addition to sending out background information on the process via letters and holding a press conference to convey information about the implementation plan, the Eastern District of Michigan was one of only four districts nationwide that chose to de-partner with Immigration for the purposes of these interviews in an effort to facilitate community

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 ⁶⁶ Interview with Pam Thompson, United States Attorney's Office, Eastern District of Michigan, 4/8/04.
 ⁶⁷ See United States General Accounting Office Report to Congressional Committee, "Homeland Security:

Justice Department's Project to Interview Aliens after September 11, 2001," p. 11, 4/03.

⁶⁸ The Northern District of Illinois has implemented a similar policy.

participation in these meetings.⁶⁹ INS (now BCIS) agents were not utilized to conduct interviews.⁷⁰ Additionally, the U.S. Attorney's office stated that if immigration concerns arose during the meetings, they would notify immigration officials however they also reminded the community that the interview questions mandated by USDOJ did <u>not</u> include questions about immigration status. According to US Attorney Jeff Collins, law enforcement was operating under a uniform "don't ask" policy about immigration status during these voluntary interviews. This policy was shared with community leaders at a BRIDGES meeting in advance of commencing the interviews.⁷¹

While law enforcement pursued the letter writing initiative, press campaign, and adopted a uniform policy of not proactively seeking information relating to immigration status, the community worked to educate itself about their rights and specifically advised community members not to proactively raise immigration issues in these interviews because it would trigger mandatory reporting on the part of the federal agents. The ACLU in Michigan worked with the community to explain their rights and to provide free legal advice.⁷²

Judging the success of the interview process both nationally and locally presents unique challenges. As the GAO report on the project notes, "the extent to which the interview project may have helped the government combat terrorism is hard to measure." In part this is because counterterrorism initiatives are designed to work together to create a "hostile environment" that thwarts terrorists from achieving their objectives. Therefore, it is often difficult to directly link a specific initiative, such as the USDOJ interview project, with the prevention of a specific act of terror. This creates challenges for law enforcement who seek to maintain accountability with the community by demonstrating the efficacy of their initiatives.

While it is perhaps impossible to directly measure the efficacy of the interview project either nationally or locally in terms of its impact on preventing terrorism, it is possible to look at several indicators in order to get a sense of the efficacy of the *system* used in Southeastern Michigan to implement the program. One indicator is the number of assigned interviews the district was able to conduct. Taken alone, this indicator by itself does not tell much about the quality of the information gleaned from the interview or the affect these meetings had on future community-law enforcement relationships. Since the interviews were voluntary however, the response rate or the percentage of people law enforcement was able contact (based on the assigned list) is one valid indictor of success for the implementation program.

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⁶⁹ See United States General Accounting Office Report to Congressional Committee, "Homeland Security: Justice Department's Project to Interview Aliens after September 11, 2001," p. 12, 4/03.

⁷¹ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, 12/11/03.

⁷² Niraj Warikoo, "The Investigation: Racial Profiling Charged, Arab Americans get Interview Letters, But Some Don't Fit Profile," *The Detroit Free Press*, 11/30/01.

⁷³ See United States General Accounting Office Report to Congressional Committee, "Homeland Security: Justice Department's Project to Interview Aliens after September 11, 2001," p. 6, 4/03.

Beyond response rate, the quality of information gleaned from the interviews, the reaction of law enforcement and community members who participated in the interviews, and a review of complaints received about the interview process by law enforcement from the community are all relevant indicators of the implementation plan's efficacy.

In the Eastern District of Michigan, two weeks after the letters were sent out to potential interviewees, 242 of the 503 people who were contacted had connected with the United States Attorney's office and had scheduled interviews. Five people had declined to be interviewed, and 103 letters had been returned due to incorrect addresses. During the same time-frame, the US Attorney's office reported that the individuals who had been interviewed had been cooperative and the interviews had been conducted professionally. The office reported they had received no complaints about the interview process from the community ⁷⁵

This early reporting of high response rate and professional, effective interviewing continued. The GAO reported in April, 2003 that the interview process in the Eastern District of Michigan was exemplary. According to March 2003 GAO data, 555 names had been assigned to the Eastern District of Michigan and 330 interviews had been conducted. This response rate was greater then any other office assigned more then 200 interviews (see Appendix B for complete information on response rates). According to US Attorney Jeff Collins while he recognized that the Eastern District was assigned one of the highest number of interviews in the country, he had received feedback that there was law enforcement and community consensus that the initiative was, overall, a success. Specifically, Collins reported that, in the end, only 12 people declined to be interviewed, one interview subject volunteered to serve as a translator, one interview subject agreed to cooperate with an ongoing investigation, and out of the interview process five referrals were made to the FBI for further investigation.

Further, a report issued by the Migration Policy Institute (MPI) in 2003 cites the interview process in the Eastern District of Michigan as exemplary and recommends that similar procedures be followed in other Districts should a similar mandate be issued again. The MPI report specifically states that as one piece of the national counterterrorism strategy, "law enforcement officials at all levels must build ties with immigrant communities to obtain information on unforeseen threats," and they see the MI

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⁷⁴ Press Release, United States Attorney, Eastern District of Michigan, 12/11/01.

⁷⁵ Ibid

⁷⁶ See United States General Accounting Office Report to Congressional Committee, "Homeland Security: Justice Department's Project to Interview Aliens after September 11, 2001," Appendix III, 4/03.

⁷⁷ According to the April GAO report, the Southern District of Texas was assigned 95 more interviews then the Eastern District of Michigan.

⁷⁸ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, Sept. 15, 2003; Interview with Imad Hamad, Executive Director, Arab-American Anti-Discrimination Committee (ADC), Michigan Chapter, 9/15/03.

⁷⁹ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, 12/1/03.

interview process as an example of how to do that while meeting big picture, operational objectives.⁸⁰

The high response rate, reports of productivity, and lack of formal complaints against agents not with standing, it is clear that the community in Dearborn was not comfortable with the Washington-based initiative: "we did create a good relationship" Imad Hamad told the Detroit Free Press in March of 2002 about the collaborative implementation plan for the interviews, "[but] it was racial profiling and it still is."

While disagreeing with the premise of the interview initiative on principle, Hamad reports that through partnering with law enforcement on the development of an implementation plan, the community benefited. Specifically, he reported that: 1) law enforcement did not unnecessarily conduct unannounced interviews which community members in other parts of the country found to be embarrassing and potentially dangerous to their relationship with their employers and neighbors; 2) the community utilized the interview initiative as an opportunity to debunk stereotypes and receive national recognition for their assistance with counterterrorism initiatives; 3) working together on the interview initiative offered the opportunity for the community to establish contacts within law enforcement and, in some cases, develop resources for the future investigation and prosecution of hate crimes.⁸²

NSEERS Process

On August 12, 2002, USDOJ issued a rule requiring certain noncitizens to register by submitting their fingerprints, photographs, and other information at entry; at 30 days after entry; and annually thereafter; as well as at exit (which must be done through designated sites). This initiative was the National Security Entry-Exit Registration System (67 Fed Reg. 52,583) commonly known as the NSEERS program.⁸³

According to ACLU attorney Noel Saleh, the NSEERS program was implemented in the Eastern District of Michigan in a "relatively humane way." Unlike in Southern California where hundreds of people were detained (see "Southern California: Challenges" section), in Southeastern Michigan this situation was successfully avoided. In MI, there were clear directions given to the community about who was required to register and how they would be processed when they came forward. Whereas in other communities people were turned away if they were not processed by the close of business

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⁸⁰ Chishti et al, "American's Challenge: Domestic Security, Civil Liberties, and National Unity after September 11," p.16-17, Migration Policy Institute (MPI), 2003.

⁸¹ Niraj Warikoo, "The Investigation: U.S. plans to interview even more foreigners, Critics Say Ashcroft's Strategy is Fruitless," *Detroit Free Press*, 3/21/02.

⁸² Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, Sept. 15, 2003; Interview with Imad Hamad, Executive Director, Arab-American Anti-Discrimination Committee (ADC), Michigan Chapter, 9/15/03.

⁸³ For a complete history of USGOV immigration initiatives post September 11th, and additional information about the NSEERS program, see Appendix D.

⁸⁴ PfP Dearborn Community Focus Group, Noel Saleh, Staff Attorney, American Civil Liberties Union, 9/16/03.

on their thirtieth day post-entry and would therefore be at risk of arrest; in MI, registration offices stayed open to accommodate everyone who showed up on a given day. Saleh reports that while this implementation plan did not profoundly change the nature of the initiative, it mitigated its negative effects.⁸⁵

Hate Crimes/Incidents/Hoaxes

In Southeastern Michigan there were a number of hate crimes of varying types following September 11, 2001 which were not only handled swiftly and with appropriate priority by law enforcement, but were also resolved in collaboration with community leaders. Additionally, law enforcement in Michigan, like the rest of the country, handled countless false tips and a number of serious hoaxes.

Jarrar

In the summer of 2001, Gussan Abraham Jarrar made accusations to law enforcement that seven U.S. citizens of middle-eastern decent were members of a terrorist organization called "Whatever It Takes." Further, Jarrar falsely claimed that these men were part of a plot to blow up the Mackinaw Bridge, the federal building in Detroit, the airport and the amusement park, Cedar Point. Law enforcement in the Eastern District of Michigan decided to put Jarrar before a federal grand jury. On August 16, 2001 Gussan Abraham Jarrar falsely testified before a federal grand jury session. When this instance of perjury was brought to light, the United States Attorney's office worked aggressively to respond publicly and to seek maximum penalties for this act.

In April of 2002, United States District Judge John Corbett O'Meara departed upward from the U.S. Sentencing Guidelines and sentenced Jarrar to the statutory maximum, 60 months imprisonment.⁸⁷ United States Attorney for the Eastern District of Michigan Jeff Collins points to the Jarrar case as an example of that region's commitment to zero tolerance of hoaxes. In addition to actively pursuing the prosecution against Jarrar, Collins points to the joint press conference his office held with the leadership of the ADC to announce the resolution of the case as a critical piece of the response. The collaborative message delivery is critical he notes, because it publicly recognizes a unified front between law enforcement and the community to aggressively pursue hoax perpetrators.

Secret Service Agent

In July of 2002, the community-law enforcement partnership in Michigan was dealt a significant challenge when, during a raid on the Dearborn home of a Arab-American man accused of possessing \$12 million in phony cashier's cheques, a ten year veteran of the

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⁸⁵ Ibid

⁸⁶ Press Release, United States Attorney, Eastern District of Michigan, 12/4/02.

⁸⁷ Press Release, United States Attorney, Eastern District of Michigan, 4/9/02.

Secret Service, who was supposed to be monitoring the perimeter of the home, wrote "Islam is evil, Christ is king" on a prayer calendar hanging in the kitchen.⁸⁸

The incident, which had the potential of seriously alienating the Muslim community, was handled swiftly. The agent was immediately put on administrative leave without pay and United States Attorney Jeff Collins immediately told the press, "This type of unprofessional behavior by a federal agent will not be tolerated."89 Ultimately the punishment, which was worked out between the US Attorney's Office and the Secret Service was that the agent was suspended for six months without pay (approximate losses totaling \$40,000). In addition, he wrote a letter of apology to the family, and he was transferred out of the Detroit area. 90 While there was significant concern within the community that the punishment had been too lenient (some feeling the agent should have been fired), tensions were eased by a joint statement by the U. S. Attorney's Office and the ADC. Imad Hamad, ADC told the Detroit Free Press at the time that "[the punishment of the secret service agent] sends a message that you can't place personal beliefs over professional commitment, I know that many in our community would like to see a full termination, that view does exist, but I would rather the agent learn from this."91

Law enforcement officials reported in September of 2003 that ADC's willingness to participate in the press conference announcing the decision on the Secret Service Agent's punishment was critical to minimizing the affect this incident had on law enforcementcommunity relations. Hamad, they said, completely diffused the situation by saying, on behalf of the community, that he was satisfied with the resolution of this case. 92 Full resolution of this incident with the community was evident in a September, 2003 community focus group. During a discussion about local community-police partnerships, the Secret Service agent incident was raised in a discussion of hate crimes/incidents which had occurred in Michigan post September 11th, but the incident was not highlighted by the community and did not seem to be an issue of ongoing, significant concern. 93

Douglas Snyder

On September 11th, ACCESS, the Dearborn-based Arab American Community Center for Economic and Social Services received a string of threatening e-mails. The Wayne County Prosecutor's Office took the lead on the investigation which eventually resulted in Douglas Snyder of Lemoore California pleading guilty to sending the threats.

⁸⁸ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, Sept. 15, 2003; Interview with Imad Hamad, Executive Director, Arab-American Anti-Discrimination Committee (ADC), Michigan Chapter, 9/1503.

⁸⁹ Cecil Angel & Jim Schaefer, "Secret Service Agent May be Charged: He Admits He Scrawled Anti-Islam Graffiti in Raid," Detroit Free Press, 7/26/02.

⁹⁰ Niraj Warikoo, "U.S. Secret Service Agent Suspended for Graffiti on Prayer Calendar," Detroit Free Press, 8/10/02.

⁹¹ Ibid

⁹² PfP Detroit Law Enforcement Focus Group, 9/17/03.

⁹³ PfP Dearborn Community Focus Group, 9/16/03.

The Snyder case is unique in several ways. The efforts taken by the Wayne County Prosecutor's Office to follow through with the investigation which crossed state lines was exceptional. District Court Judge William Leo Cahalan sentenced Snyder to 18 months probation on January 30, 2002, in addition to one week's community service and \$1,000 in court cost. In issuing this sentence, Judge Cahalan considered the following factors: Snyder had no prior record; he did not have any association with any hate group; he expressed regret for his actions; he was employed at the time; and he admitted that he had been intoxicated and acting alone when he had written the e-mail. The Wayne County Prosecutor's office asked ACCESS for input into the resolution of the sentence and ACCESS Executive Director Ismael Ahmed suggested that Snyder serve his community service in the offices of ACCESS.⁹⁴

By all accounts the experience of having Snyder serve his community service at ACCESS was a success. Community members report that, despite the media "circus" which accompanied Snyder's time at ACCESS, they felt that they not only had the opportunity to better understand what had driven him to send the threatening e-mails but that most importantly Snyder left with an understanding of how his actions had affected others and with an appreciation of the Arab community in Dearborn. 95

Justin Scott-Priestley Bolen

On October 10, 2001, 20 year-old Justin Scott-Priestley Bolen of Fenton Michigan picked a "Muslim sounding name" out of the phone book and left a message on what turned out to be a Pakistani family's answering machine threatening to kill the recipient of the message due to their race and national origin. ⁹⁶ Because the threat was immediately reported to the local police in Fenton Michigan, they were able to immediately begin working with the local FBI Field Office to identify the perpetrator. 97

The local U.S. Attorney's Office together with the Criminal Section of the Justice Department's Civil Rights Division worked together to prosecute Bolen for "interfering with the housing rights of a Pakistani-American family. 98 On February 6, 2002 Bolen pled guilty to one count and on May 14, 2002 he was sentenced to 10 months of incarceration. 99

⁹⁴ Bree Fowler, "Man Pleads Guilty to Sending Threatening E-mail on September 11," Associated Press,

⁹⁵ In a September 2003 focus group, community members reported that they learned from Snyder that he had found information about ACCESS randomly on the internet. That he had been heavily intoxicated when he wrote the e-mails and that he recognized he had gotten caught up in what he saw as all of the negative publicity about Arab-Americans being put out by the media on September 11th /01 and that he had not held any long standing feelings about Arab Americans.

⁹⁶ Interview with Pamela Thompson, Assistant United States Attorney, Eastern District of Michigan, 4/8/04.

^{97 &}quot;Justin Scott-Priestley Bolen Pleads Guilty to Criminal Civil Rights Violations," Press Release, United States Attorney's Office, Eastern District of Michigan, 2/7/02.

⁹⁸ See 42 U.S.C. § 3631

^{99 &}quot;Zachary J. Rolknick Sentenced on Conviction of Federal Hate Crimes," Press Release, USDOJ, 8/2/02, available at: www.USDOJ.gov/opa/pr/2002/August/02 crt 497.htm, accessed on 4/19/04.

Unforeseen Challenges

Imad Hamad, Nomination for Exceptional Public Service Award, FBI

Based on his exceptional leadership in the effort to forge partnerships between law enforcement and the Muslim, Arab, and Sikh communities in Southeastern Michigan, in the summer of 2003, ADC-MI Executive Director Imad Hamad was nominated by FBI Detroit Special Agent in Charge Willie Hulon for the FBI's national award for Exceptional Public Service, the highest civilian public service award the FBI grants.

During an interview in September of 2003, Hamad explained that he had recently learned he had won the award, along with Madeleine Sweeney, and that he was scheduled to fly to Washington to take part in an award ceremony. During that interview, Hamad discussed his feelings of gratitude for the national recognition the award represented but he also noted that his acceptance of the award caused some concerns within his local community in Michigan. He explained that some community members were concerned about Hamad's close working relationship with the FBI and further that there were false rumors circulating in the community following the announcement of the award that Hamad was actually receiving this recognition for acting as an FBI informant. In September of 2003, Hamad discussed the risk he took in accepting the award because of the inaccurate perceptions it could generate in the community but, he said, it was important to accept the award "on behalf of the great contributions that many members of our Arab-American community have made to this great nation."

For Hamad, who was also named Michigander of the Year in 2002 by the Detroit News, the receipt of the Public Service Award was to be particularly poignant and meaningful personally. Hamad, who worked so closely with FBI and other law enforcement agencies in Michigan, had not always had a close working relationship with national level law enforcement. According to the Detroit Free Press, as a college student in 1982, Hamad was place on a government watch list of possible terrorist sympathizers after he joined a San Francisco protest of Israel's invasion of Lebanon. Additionally, from 1996 through 1999 Hamad fought INS's efforts to deport him based on secret evidence. Hamad was eventually cleared of all charges and became a U.S. citizen in 2002. 103

The Exceptional Public Service Award ended up being an unforeseen challenge to the partnerships that had been developed between law enforcement and the community. In the days before the award was scheduled to be presented in Washington, ¹⁰⁴ Hamad

¹⁰⁰ McSweeney, a flight attendant aboard one of the hijacked planes that struck the North Tower of the World Trade Center of September 11, was to receive the award posthumously for her call to the FBI from the plane during which she provided information that would later help to identify the hijackers.

¹⁰¹ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, Sept. 15, 2003; Interview with Imad Hamad, Executive Director, Arab-American Anti-Discrimination Committee (ADC), Michigan Chapter, 9/1503.

¹⁰² Rochelle Riley, "FBI Target Now Honored for Leadership," *Detroit Free Press*, 9/14/03. ¹⁰³ Ibid

 $^{^{104}}$ The original date for the award ceremony was September 19, 2003. Because of Hurricane Isabel, the ceremony was rescheduled for 10/7/03

learned in-person from FBI Special Agent in Charge Willie Hulon that the FBIHQ had rescinded the award deciding it would be awarded solely to McSweeney. FBIHQ initially issued a statement saying that the award was rescinded because they had decided to give out one and not two awards. Later FBIHQ issued a statement saying that the award was withdrawn because of Hamad's association with two men currently undergoing deportation hearings but they provided no additional information.

The last minute withdrawal of a national award for Hamad raised a tremendous amount of anger and concern from the Arab community (and the Muslim and Sikh communities more broadly) nationwide. There was a call from the ADC and some other members of BRIDGES for a meeting with Director Mueller to discuss the issue and there was even consideration among some in the local community in Michigan of resigning from BRIDGES. The anger from the community was particularly pointed because it seemed from their perspective that the withdrawal of the award had been a result of 1) the FBI taking a stance against Hamad's political support for the Palestinian cause by rescinding the award; and 2) the FBI changing its position as a result of the overt pressure applied on the government by the Zionist Organization of America (ZOA) and syndicated columnist Debbie Schlussel who carried out a letter writing and press campaign aimed at getting the FBI to rescind the award. ¹⁰⁶

While this change of plans by the FBI dealt a significant blow to the community's trust and commitment to working with law enforcement nationwide, locally in Southeastern Michigan, under the leadership of Imad Hamad, the community worked with law enforcement to repair the damage done to their hard earned sense of mutual trust in an effort, ultimately successful, to maintain their established relationships. How did the community and law enforcement work through this tremendous challenge to their established partnerships?

In the weeks and months that followed the decision of FBIHQ to rescind Imad Hamad's award, law enforcement and the community used all of the skills and tools they had developed through their partnership to share information, maintain accountability, and ultimately to salvage the cornerstone of partnerships: trust. Specifically, both U.S. Attorney Jeff Collins and FBI Detroit Special Agent in Charge, Willie Hulon, were in immediate contact with Hamad after FBIHQ announced the change of plans and they explained to him all of the information they had in regards to the Headquarters decision. Additionally, Collins and Hulon gave a series of frank press interviews during which they spoke about Hamad's contribution to their work in Michigan and their experiences working collaboratively with the local Muslim, Arab, and Sikh communities.

On the community side, while the ADC considered pursuing litigation against the Zionist Organization of America and Debbie Schussel for malicious statements and the Congress of Arab American Organizations (CAAO) in Michigan expressed anger and regret at the

www.debbieschlussel.com/columns/column091303.shtml and www.zoa.org/pressrel2003/20031008a.html .

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¹⁰⁵ "FBI Denies Service award, Claims Recipient Holds Ties to Terrorism," *Associated Press*, 10/10/03. ¹⁰⁶ For information regarding efforts by the Zionist Organization of America (ZOA) and syndicated columnist Debbie Schlussel's to have Hamad's award rescinded, see Schlussel's column, available at:

FBI's decision, Hamad himself issued a public statement recognizing the wide breadth of support he had received from a variety of sources including members of the Jewish American community and he vowed to continue his ongoing work. 107 Further, from the time the award was withdrawn moving forward, Hamad's position called for unity and moving forward despite the setbacks. Ultimately there was an emergency meeting of BRIDGES held at the offices of ACCESS and, although it was a "spirited" meeting, in the end the group held together. 109

In addition to the local response, FBI Director Robert Mueller praised Hamad's work during a previously scheduled speech to the Detroit Economic Council on October 16, 2003. Additionally, he met later that day at the FBI Field Office in Detroit with Osama Siblani, publisher of the Arab American News and Coordinator of the CAAO; Mary Rose Oaker, Executive Director of ADC-national, and Hamad's attorney, Noel Saleh, ACLU. While Director Mueller would not elaborate on why the award was rescinded during this meeting, according to reporting by the Arab American News (whose publisher was present) Mueller assured the community that the decision was not a result of efforts by ZOA and Debbie Schussel. These efforts were another step towards mending the frayed trust the FBI's decision had caused. 110 Today relationships on the local level remain strong. One example of this ongoing relationship is the planned recognition of former FBI-SAC (now SAC Federal Air Marshals) John Bell with the "Building Bridges Award" at the upcoming ADC Michigan Community Awards Reception on April 30, 2004. 111

OVERCOMING CHALLENGES

Immigration

As discussed in-depth in the challenges section of this report, issues pertaining to immigration enforcement present a significant challenge to partnerships between law enforcement and the American Muslim, Arab, and Sikh communities.

In Southeastern Michigan this challenge was addressed with delicacy and mutual respect. With the implementation of the USDOJ interview project law enforcement in Southeastern Michigan de-partnered from INS and implemented a uniform "don't ask" policy for the duration of the voluntary interviews but they did not abdicate their responsibility to report immigration issues that were brought to their attention. Further, during the NSEERS program, law enforcement met their registration mandates but worked collaboratively with the community to mitigate any unnecessary harm. Throughout the implementation of these programs, a balance was continually struck

^{107 &}quot;Personal Message from ADC Michigan Director," Arab-American Anti-Discrimination Committee of Greater Kalamazoo, available at www.adckazoo.com/news-187.htm, accessed on 11/03/03.

¹⁰⁸ E-mail from Imad Hamad, received by s.o'connell@neu.edu on 3/30/04.

¹⁰⁹ Interview with Jeffrey Collins, United States Attorney, Eastern District of Michigan, United States Department of Justice, 12/103.

^{110 &}quot;FBI Director Meets Arab American Leaders," Arab American News Online, available at: www.arabamericannews.com, accessed 11/17/03.

111 E-mail from Imad Hamad, received by s.o'connell@neu.edu on 3/30/04.

which allowed law enforcement to meet their operational needs while not selectively targeting a community for strict immigration enforcement.

Charging "Terrorism"

In Southeastern Michigan, the community and law enforcement dealt with the challenges presented by law enforcement's strategy to focus on criminal prosecutions of terrorism suspects through a combination of education and information sharing about ongoing cases. In regards to fundraising investigations, beginning in the fall of 2001 and continuing today, law enforcement in Southeastern Michigan has conducted an ongoing, proactive education campaign for the community about how they can safely contribute and meet their religious obligations. Through town hall meetings, BRIDGES sessions and the like, law enforcement is continuously available to answer questions and provide information about how citizens can safely contribute.

In terms of ongoing cases, to the best of their ability, law enforcement through BRIDGES and their ongoing relationships with leaders from the Muslim, Arab, and Sikh communities ensures that the community is included in the very first round of public information sharing about any case related to their interests and concerns. This information sharing helps to minimize rumors and panic fueled by misinformation about investigations, and to reassure the community of law enforcement's accountability to them as well as their commitment to equitable enforcement of the law.

Recruitment

In Southeastern Michigan, because of the large concentration of these populations and their historical integration into government agencies, law enforcement organizations enjoyed a larger then average representation of Muslim, Arab, and Sikh officers and agents prior to September 11th. In addition, agencies stepped up recruiting campaigns including participation in local community festivals. In March of 2004, the ADC-MI conducted a Recruitment Training Session with the MI State Police in an effort to improve their ability to recruit Arab Americans to the police force. ¹¹²

LESSONS LEARNED

There are a number of critical components to the working relationships between law enforcement and the Muslim, Arab, and Sikh communities in Southeastern Michigan.

Adoption of a Community Focused Model

From the beginning, law enforcement in Southeastern Michigan, under the leadership of Jeff Collins, John Bell, and their colleagues and contemporaries, adopted a model of approaching counterterrorism investigations that was untraditional. Traditionally in counterterrorism investigations and prevention initiatives, law enforcement has relied solely on an expertise model that incorporates a strong reliance on intelligence from

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¹¹² Ibid.

friendly foreign governments and a heavy dependence on analysis conducted within the law enforcement and intelligence community.

Early on in Michigan, law enforcement realized that a counterterrorism strategy that relied solely on this long standing expertise model discounted a tremendous resource, the American Muslim, Arab, and Sikh communities. By reaching out to these communities, MI law enforcement realized they could enhance their investigations with the cultural, linguistic, and unique perspectives that reside within these communities.

Recognizing the need to broaden their approach to counterterrorism investigations to include the community also took into account the inherent assumption that these communities are by-in-large law abiding and eager to help. While this concept is fundamental in nature, its uniform adoption within law enforcement circles in Southeastern Michigan and their willingness to publicly promote this concept was critical to moving towards a more comprehensive strategy for addressing counterterrorism investigations by laying the initial foundations for trust.

Community Organization/Prioritization of Partnerships

Just as it was critical in Michigan for law enforcement to adopt a strategy that included a dependence on assistance from the local community, it was also critical to the success of partnerships that the community adopt a strategy of proactively reaching out to law enforcement and make it a priority.

Because of the community characteristics discussed at the beginning of this chapter, the community in Southeastern Michigan was in a uniquely strong position to begin to partner with law enforcement. They had well established community organizations and leaders; they had a concentration of numbers which gave them political power; and they had a history of political organization and participation. That said the decision by this community, even with all of its strengths, to proactively seek partnership with law enforcement in the post-September 11th environment was unusual and its importance should not be underestimated.

One can easily imagine a scenario where the community, after September 11th, could have decided not to invest valuable resources into the slow and often challenging arena of partnerships with law enforcement in favor of addressing other community needs such as workplace discrimination and efforts to change national legislation. The community's prioritization of building local partnerships through the dedication of scarce time and resources was a key factor to the success experienced in Southeastern Michigan.

Formalizing Lines of Communication

The establishment of formal and enduring lines of communication between law enforcement and the community through the creation of ALPACT and later BRIDGES was critical to the establishment and maintenance of community –law enforcement

partnerships. These Boards offered structured avenues for dialogue that helped at every stage of partnership development and growth.

Initially, these advisory boards were an opportunity for law enforcement and the community to get to know each other and to become aware of points of contact in each other's community. As the Boards progressed and became better established, they served as the catalyst for innovative problem solving. For example, both law enforcement and the community in Southeastern Michigan acknowledge that the idea for the USDOJ interview project implementation plan came out of ALPACT. In addition to developing proactive programming, having BRIDGES as an avenue through which to immediately communicate and share information was critical to the community and law enforcement's ability to respond to a series of challenges. From the incident where a Secret Service agent scrawled hate speech on a calendar in the home of a Muslim community member to FBIHQ's withdrawal of the community service award for Imad Hamad, having the BRIDGES structure in place was key because it enabled law enforcement and the community to respond rapidly and effectively.

Media

In Southeastern Michigan, both the community and law enforcement clearly understood the importance public statements and education could play in the effort to build mutual trust and understanding. In numerous cases including the Interview Project, the defamation of a family's home by a Secret Service agent, and the controversy over the FBI award for Imad Hamad, community and law enforcement leaders worked together to proactively utilize the media to get accurate information out to the public about the importance of each other's role, the nature of the community-law enforcement partnerships, and accurate details about current initiatives.

Not only have both the community and law enforcement consistently utilized the media to clarify positions and debunk myths and stereotypes but interestingly, in many cases community and law enforcement held joint press conferences which seemed particularly effective in defusing misinformation and building trust with the broader community. One dramatic example of this followed the sentencing of the Secret Service agent involved in writing hate speech on a calendar in a community member's home. The media and many in the community were ready for a divisive firestorm over the sentencing but by all accounts, a joint press conference where U.S. Attorney Jeff Collins announced the agent's punishment and ADC-MI Executive Director Imad Hamad expressed his satisfaction with the resolution of the case diffused many concerns and avoided additional damage to community-law enforcement relations locally.

Additionally, in terms of the media's role in the maintenance of the delicate trust between law enforcement and the community, law enforcement in Southeastern Michigan was uniformly cautious and restrained about reporting publicly any cases that might relate to a terrorism investigation. Law enforcement in Southeastern Michigan described this restraint from publicity as a critical piece of maintaining the partnership because they had

seen other community's trust in law enforcement damaged by early public reporting of terrorist links to members of their community which turned out to be unfounded.

Rapid Response

Every community-law enforcement initiative in Southeastern Michigan be it responsive or proactive, had one thing in common: speed. Both the community and law enforcement in Michigan prioritized partnership building and focused on establishing and maintaining trust in order to grow these partnerships. Both groups recognized the fragile nature of their trust and the need for speed in addressing all issues that threatened to damage that delicate balance. From addressing citizen complaints against Dearborn Police Officers, to the immediate collaboration on the Interview Project, to the emergency meeting of BRIDGES held to discuss the withdrawal of the FBI award for Imad Hamad, the community and law enforcement consistently acted swiftly to: provide accurate information, publicly affirm their ongoing commitment to partnerships, and collaborate on implementation plans. Delay in any of these actions be it born of caution, indecision, or a need for complete consensus, would have dealt a serious blow to the partnerships.

VI. THE SOUTHERN CALIFORNIA EXPERIENCE

COMMUNITY & LAW ENFORCEMENT MAKE-UP

Southern California, which for the purposes of this study consists of Los Angeles County and Orange County, is a geographically vast and ethnically diverse region of the country. It has historically and continues today to host a number of immigrant communities that are, to a large extent, the economic and cultural backbone of the area.

The state of California is home to one million of the estimated six to seven million Muslims nationwide, thus, representing the largest statewide population of Muslims in the country. The presence of this large California Muslim population is most evident in the many mosques and Islamic centers in the state, which according to one study total 269. More specifically, the population of Muslims in Southern California is an estimated 600,000 with 170,000 in Orange County alone. This Muslim population is in itself diverse, representing at least 50 different ethnic backgrounds, 30% being Arab, 30% South Asian, 20% African American, and the remaining 20% Latinos, Asians, and others. 115

As the numbers above indicate, there is an estimated Arab-Muslim population of 180,000 in Southern California. When combined with other non-Muslim Arab populations in the area, this distinct Arab group is considerable in terms of its numbers.

California also houses a significant Sikh population relative to the community's estimated nationwide population of 500,000. In fact, California's Bay Area has between 75,000 to 150,000 Sikhs, the largest concentration of Sikhs in the country. Although the numbers in Southern California are smaller, the Sikh community there is a politically and socially active one. This community is made up of an ethnically South Asian immigrant population and its descendants as well as a primarily Caucasian convert population. Much of the original South Asian immigrant population, particularly in Orange County, migrated from India during that country's 'brain drain' in the late 1960s and early 1970s and is mainly composed of professional doctors and engineers. 117

¹¹³ Interview with Ra'id Faraj, Public Relations Director, Council on American-Islamic Relations (CAIR) - Southern California, 3/9/04.

¹¹⁴ "Muslims in American Public Square" (Project MAPS), Project Maps available at: www.projectmaps.com.

These estimated numbers do not include the Nation of Islam or other non-mainstream Muslim groups. Interview with Ra'id Faraj, Public Relations Director, Council on American-Islamic Relations (CAIR) - Southern California, 3/9/04.

¹¹⁶ Interview with Preetmohan Singh, National Director, Sikh Mediawatch and Resource Task Force (SMART), 2/24/04.

¹¹⁷ Interview with Nitasha Sawhney, Representative, Sikh Mediawatch and Resource Taskforce (SMART) – Southern California, 3/9/04.

Like the Muslim, Arab, and Sikh communities of Southern California, law enforcement in the region is also large and complex in its size and make-up. At the local level, there are approximately 9,200 officers currently serving in the Los Angeles Police Department (L.A.P.D)¹¹⁸ and 8,500 sworn personnel in the Los Angeles County Sheriff's Department (L.A.S.D).¹¹⁹ The L.A.P.D is responsible for the City of Los Angeles, which is an area of approximately 450 square miles. The much larger geographic jurisdiction of the L.A.S.D is Los Angles County, which covers 4,000 square miles of land that houses 2.6 million residents. At the federal level, the FBI Los Angeles field office serves seven counties including Los Angeles, Orange County, San Bernardino, Ventura, Riverside, Santa Barbara, and San Luis Obispo. The office serves an area of 40,000 square miles. While the number of counterterrorism agents is "law enforcement sensitive" information, FBI-Los Angeles maintains one squad that is focused on hate crimes. 121

Key Community Organizations

The Muslim, Arab, and Sikh communities of Southern California are represented by a number of local and national level organizations. The most prominent of these organizations, in terms of their interaction with law enforcement, are the Muslim Public Affairs Council (MPAC), the Council on American-Islamic Relations (CAIR), and the Sikh Mediawatch and Resource Task Force (SMART). 122

MPAC, led by executive director Salam Al-Marayati, is a national level advocacy organization with a very active Southern California branch. As a policy-oriented organization, MPAC seeks to effect positive change in public opinion and policy. The scope of MPAC's mission includes promoting an American Muslim identity; advocating for an accurate portrayal of Islam and Muslims in mass media and popular culture; educating the American public, both Muslim and non-Muslim about Islam; building alliances with Muslim and non-Muslim groups; and cultivating relationships with opinion and decision makers. MPAC, with its staff of seven full-time employees and 130 volunteers in Southern California, follows a top-down model for its advocacy work and maintains a strong presence at the national level through its Washington, DC office. It has an approximate nationwide membership base of 2,800. The organization is perhaps most know nationally for its 1999 Counterterrorism Report which attempts to define the western and Islamic perspectives on terrorism and provides recommendations for both American Muslim organizations and the US government. One important

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¹¹⁸ PfP Southern California Law Enforcement Focus Group, Dikran Melkonian, Senior Lead Officer, Rampart Division, Los Angeles Police Department (L.A.P.D), 3/10/04.

¹¹⁹ Alexandro Villanueva, Sergeant, Los Angles Sheriff's Department (L.A.S.D) citing <u>www.lasd.org</u>, received via email on 4/1/04.

¹²⁰ There are one million residents living in the unincorporated areas of the county and 1.6 million in the over 40 incorporated cities that contract L.A.S.D services. Alexandro Villanueva, Sergeant, L.A.S.D citing 2003 Year in Review, received via e-mail on 4/1/04.

¹²¹ Interview with Norma Loza, Office of Public and Congressional Affairs, FBI-Los Angeles, 4/5/04.

¹²² For more information on the national programs of these organizations, please see Appendix C.

^{123 &}quot;MPAC's Mission", Muslim Public Affairs Council, available at: http://www.mpac.org/home_mission.aspx, accessed on 3/30/04.

recommendation in this pre-September 11th report was to enhance dialogue between law enforcement and American Muslim groups. Hor recently, MPAC released another counterterrorism report in 2003 entitled "A Review of US Counterterrorism Policy: American Muslim Critique and Recommendations."

While also advocating for American-Muslim communities, CAIR is very different from MPAC in its approach. CAIR's organizational structure is focused on the local, grassroots level. Although CAIR does maintain a Washington, DC office with a staff of 25, it is most effective at the local level, where it proves to be a socially and politically vibrant organization. With 25 chapters around the country, CAIR is the largest grassroots, American-Muslim advocacy organization. The Southern California chapter has a local membership of 5,000 and maintains an office of seven full-time employees. 125 CAIR was formed after the 1995 Oklahoma City bombing which spurred a backlash of hate crimes against American-Muslims before the capture of the real perpetrator, Timothy McVeigh. CAIR's national mission is to promote a better understanding of Islam in America and empower the American-Muslim community through political and social activism. 126 The organization advances its mission primarily through media relations, publications, action alerts, conferences and seminars. CAIR has published much about Islam and Muslims including a "Law Enforcement Official's Guide to the Muslim Community", which outlines some Muslim beliefs and practices that would be useful to community policing officers and others who came in contact with the American-Muslim community. 127 Additionally, CAIR publishes a civil rights annual report, which documents cases of discrimination against Muslims throughout the U.S, especially where there is a CAIR chapter.

Although SMART and the community it represents is significantly smaller than MPAC or CAIR and their constituents, its work is no less prominent in Southern California. Founded in 1996, SMART is the oldest national level Sikh-American advocacy organization. Its mission is "to protect the rights of Sikh Americans through legislative advocacy, public education, legal assistance, and ensure accurate portrayal of the Sikh religion." SMART is a primarily volunteer-based organization that maintains only three full-time employees nationwide. However, this organization is composed of dedicated volunteers, including a pro-bono legal team, who are surprisingly effective in their work despite their small numbers. Nationally, the organization works to create and distribute educational products and resources for community members, the American public, and law enforcement; provides legal services to community members in regards to civil rights, civil liberties issues, conducts cultural and religious awareness training; and monitors the media and responds to inaccuracies or misrepresentations of Sikh

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Muslim Public Affairs Council, "A Position Paper on US Counter-Terrorism Policy", p.67-70,6/99.
 Interview with Ra'id Faraj, Public Relations Director, Council on American-Islamic Relations (CAIR) - Southern California, 3/9/04.

¹²⁶ Council on American-Islamic Relations (CAIR) available at: http://www.cair-net.org/asp/aboutcair.asp, accessed on 4/5/04.

¹²⁷ "Law Enforcement Official's Guide to the Muslim Community," is currently available at the CAIR website, at: http://www.cair-net.org/asp/0002.asp.

Americans and Sikhism. ¹²⁸ SMART's work in Southern California, in regards to partnering with law enforcement, is detailed below.

PRE-SEPTEMBER 11TH INTERACTIONS

Discord between law enforcement and the community around race issues is not a new phenomenon in Southern California. This conflict between certain communities and law enforcement was most visible during the 1991 Los Angeles riots, which were triggered by the acquittal of L.A.P.D officers who were videotaped beating Rodney King. The riots focused national attention and prompted debates on racism and police brutality within the L.A.P.D. Some argue that, in the long-term, the riots were a learning experience for Southern California because they enabled law enforcement to mark potential hotspots in their community policing efforts. Others, however, contend that the riots and their aftermath reinforced Southern California's culture of lawsuits and litigation and had a chilling effect on law enforcement and community policing.

It was in this pre-September 11, 2001 world where members of the Muslim, Arab, and Sikh communities and law enforcement in Southern California maintained a somewhat limited relationship. The local chapters of both the CAIR and SMART said that the main concerns of their respective communities before September 11th were very different from those of today. These community-based organizations had focused on issues such as discrimination in the work place, fair housing practices, domestic violence, and health care and had dealt with law enforcement only in respect to these and other similar issues. It is important to note however, that both of these organizations had some type of relationship or at least periodic interaction with law enforcement prior to September 11th. CAIR, for example, held cultural briefings and awareness forums for law enforcement personnel but because the organization rarely received complaints from the community about law enforcement discrimination or misconduct, these types of cultural training events were not a primary focus of the organization. The Sikh community was also familiar with law enforcement prior to September 11th in part because during the 1979 Iranian hostage crisis, Sikh Americans in Southern California experienced backlash and were disproportionately targeted in hate crimes. 130

Salam Al-Marayati (Executive Director, MPAC) reports that his organization had a robust relationship and maintained an open dialogue with the FBI prior to September 11th. MPAC chose to work primarily with the FBI because of its perception of the Bureau as the "lead law enforcement agency". ¹³¹ The MPAC-FBI relationship began around 1993 when MPAC invited then Special Agent in Charge Timothy McNaley to a

¹²⁹ Interview with Ra'id Faraj, Public Relations Director, Council on American-Islamic Relations (CAIR) - Southern California, 3/9/04.

¹²⁸ Sikh Mediawatch and Resource Taskforce, available at: http://www.sikhmediawatch.org/aboutus/aboutus.asp, accessed on 4/5/04.

¹³⁰ Interview with Nitasha Sawhney, Representative, Sikh Mediawatch and Resource Taskforce (SMART)-Southern California, 3/9/04.

¹³¹ PfP Southern California Community Focus Group, Salam Al-Marayati, Director, Muslim Public Affairs Council (MPAC), 3/10/04.

presentation on Islam. McNaley came to the educational presentation, attended by more than 300 people, accompanied by his young son, which the community perceived as a gesture of goodwill. This presentation proved to be a "healthy exchange" and served as the basis of MPAC's future relationship with the local FBI office. MPAC continued to initiate proactive relationship building measures, even when it perceived law enforcement's interactions with the community to be reactive and primarily in response to hate crimes. ¹³²

When questioned on the utility of this MPAC-FBI relationship, Al-Marayati cited FBI's quick action that thwarted a December 2001 plot to bomb Muslim and Arab targets in Southern California including the MPAC office, the local office of United States Congressman Darrell Issa (R-CA) who is of Arab-American descent, and a Culver City mosque. 133 Earl Leslie Krugel and Irving David Rubin, two prominent members of the Jewish Defense League, were planning these bombings. The Los Angeles Joint Terrorism Task Force (JTTF), which includes the FBI, L.A.P.D, L.A.S.D, US Secret Service, the Bureau of Alcohol, Tobacco and Firearms, the US Customs Service, the then Immigration and Naturalization Service, the IRS-Criminal Investigation, and the Monrovia Police Department, coordinated the arrests of Krugel and Rubin through an informant, thus disrupting the plot. In February 2003, Krugel plead guilty to conspiracy to impede or injure an officer, importation, manufacture, or storage of explosives, and civil rights violations. 134 He is due to be sentenced on April 12, 2004. 135 Rubin committed suicide in 2002 while in custody, awaiting trail for charges in this case. While this incident occurred after the September 11th attacks, Al-Marayati believes law enforcement's quick action and positive response to the community was in part due to the previously established MPAC-FBI relationship.

In response to this incident, many public figures in the Department of Justice (USDOJ) and law enforcement, including Attorney General John Ashcroft, Assistant Attorney General for the Civil Rights Division Ralph F. Boyd Jr., US Attorney Debra W. Yang, and FBI Assistant Director in Charge Ronald Iden, issued statements condemning the planned bombings and voicing their support for the local Muslim and Arab communities. As noted by Al-Marayati, law enforcement was able to successfully address the fear and security concerns within the Muslim and Arab communities by using the pre-existing MPAC-FBI channels of communication. Law enforcement knew points of contact at MPAC, which allowed officers and agents to immediately come forward, help protect the community, and assuage its fears.

POST-SEPTEMBER 11TH INITIATIVES IN SOUTHERN CALIFORNIA

133 Ibid.

¹³² Ibid.

¹³⁴ 18 U.S.C. §§ 372, section 844, section 241.

¹³⁵ See Appendix E.

¹³⁶ "Jewish Defense League Member Pleads Guilty in Plots to Bomb Mosque, Offices of Congressman Issa", 2/4/03, US Department of Justice Press Release - FBI-Los Angeles Division, available at: http://losangeles.fbi.gov/2003/la020403.htm, accessed on 3/24/04.

As in communities across the United States, September 11th changed the primary concerns of Muslim, Arab, and Sikh communities and the primary objectives of law enforcement in Southern California. Immediately after the attacks, both law enforcement and these communities were forced into action with the common goals of preventing another terrorist attack and protecting the community against the backlash of hate crimes and hate incidents. Although the Muslim, Arab, and Sikh communities had many shared objectives with each other and with law enforcement, given the size and diversity of these communities and of law enforcement in Southern California, their ability to work in collaboration was limited. Unlike in Southeastern Michigan, where the community is largely concentrated, many of the programs and initiatives in Southern California that resulted after September 11th, were created and implemented by independent and geographically dispersed organizations for the benefit of their particular community base. It is therefore appropriate to discuss these actions in the context of the organizations or agencies that initiated them.

Muslim Public Affairs Council (MPAC)

The Southern California chapter of MPAC is one of the most dynamic organizations in terms of its proactive approach to building relationships and working collaboratively with law enforcement. As noted earlier, MPAC maintained a positive relationship with the FBI even before September 11th. After the attacks, Executive Director Salam Al-Marayati felt his organization needed more than ever to pursue partnerships with law enforcement as a mechanism to enable the community to come to the table and have its voice heard. MPAC's 1999 counterterrorism report also discussed the need for inclusion of American Muslims in developing and implementing counterterrorism policy in coordination with policy-makers and law enforcement. 138

MPAC's initial responses immediately following the attacks were orchestrated at a very grassroots level and without the direct leadership of Al-Marayati and other Muslim community leaders who before the attacks had traveled to Washington, DC for a previously scheduled meeting to discuss issues affecting American Muslims. Despite the absence of leadership, MPAC members and supporters in Southern California immediately organized interfaith gatherings and open houses at local mosques. It was also the first organization to actively participate in the cultural competency training program, entitled "Building Cultural Competency: Understanding Arab, Muslim and Sikh Cultures" that was initiated by the Department of Justice Community Relations Service (discussed below).

Since then, MPAC has continued to pursue its local level relationship-building initiatives with law enforcement in addition to its more nationally oriented education and advocacy campaigns. MPAC has arranged "Ride Alongs" for community members with L.A.P.D officers to help the community better understand the day-to-day activities of law enforcement agencies. It has also worked with the L.A.P.D to train Neighborhood Watch Communities on how to distinguish between suspicious activity and cultural or religious

137 PfP Southern California Community Focus Group, Salam Al-Maryati, Director, MPAC, 3/10/04.

Muslim Public Affairs Council, "A Position Paper on US Counter-Terrorism Policy", p. 67-70 6/99.

practices, which may be unfamiliar. The organization continues to hold cultural sensitivity trainings for both the L.A.P.D and the L.A.S.D. Most recently, on March 10, 2004 it hosted a well-attended forum entitled "Community-Police Partnership: Bridging the Gap of Communication" to discuss the Southern California Muslim community's relationship with law enforcement in context of pending federal legislation and policies such as the USA PATRIOT Act, the NSEERS program, and the CLEAR Act. 139

MPAC has also worked proactively to publicize its productive relationship with law enforcement. In this effort, MPAC held a joint press conference in May 2003 with FBI Special Agent in Charge Larry Albert, Commander Dave Betkey from the L.A.S.D Office of Homeland Security, Director John Miller of the L.A.P.D Office of Homeland Security, L.A.P.D Chief Lee Carter, Gary De La Rosa with the City of Los Angeles Human Relations Commission, and Ray Regalado of the County of Lost Angeles Human Relations Committee. The conference served to inform the media and the larger Southern California community about the MPAC-law enforcement commitment to partnerships. MPAC acknowledges the importance of the media's role in publicizing these partnerships and depicting Muslim-Americans in a positive light. To this end MPAC recognizes commendable journalists, filmmakers, artists, and writers by giving an annual media award. Some recipients of the award include Ted Koppel of ABC Nightline, Lindsay Miller for the production of Islam in America, and Artistic Director Mr. Peter Sellars for the Los Angeles Festival of Arts. 141

MPAC has worked with Congressman Adam Schiff (D-CA) to help garner support for an anti-hoax bill he introduced on April 8, 2003, which seeks to increase penalties for perpetrators of terrorism hoaxes and those who misinform law enforcement about possible terrorism. Many times American-Muslims suffer negative consequences because of such misinformation. MPAC continues to lobby for and educate its community base about this bill. The organization has released a number of statements, published articles, and has publicized this issue in its newsletter. 143

Council on American-Islamic Relations (CAIR)

While the Southern California chapter of CAIR has historically maintained a limited relationship with law enforcement, it greatly stepped up its efforts to further develop this relationship in the post-September 11th arena. The organization's local leadership including Public Relations Director, Ra'id Faraj and Director of Government Relations,

http://www.mpac.org/prog article display.aspx?ITEM=238, retreived on 4/5/04.

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¹³⁹ Muslim Public Affairs Council, "Muslim Community and Law Enforcement Meet to Bridge Communication Gaps", News Release, 3/10/04, available at: http://www.mpac.org/home_article_display.aspx?ITEM=662, accessed on 3/24/04.

¹⁴⁰ Muslim Public Affairs Council, "MPAC and Law Enforcement Hold Joint News Conference on Cooperation, Partnership" News Release, 5/23/03, available at:

http://www.mpac.org/news_article_display.aspx?ITEM=552, accessed on 8/23/03 Muslim Public Affairs Council, "Media Awards", News Release, 11/4/02, available at:

¹⁴² Sireen Sawaf, Hate Crimes Prevention Coordinator, Muslim Public Affairs Council, received via e-mail on 4/6/04.

¹⁴³ Ibid.

Omar Zaki said that they wanted to meet the challenges faced by their community "headon" and wished to "build a constructive relationship based on mutual understanding and respect". ¹⁴⁴ Today CAIR, with its membership base of 5,000 in Southern California, frequently works with law enforcement to improve understanding and help alleviate community concerns. Some of CAIR's post-September 11th initiatives and programs geared at law enforcement in Southern California are detailed below.

According to Ra'id Faraj, in the weeks and months after September 11th, CAIR was among the first community organization in the area to begin cultural competency training for law enforcement agencies about Islam and the local Muslim communities. These training sessions, which were attended by 150 officers and agents, were initiated by CAIR using existing points of contact within the local FBI office and police departments. Another successful event initiated and hosted by CAIR was a meeting of law enforcement and 50 leaders and imams of different area mosques before the US invasion of Iraq in April 2003. This event was in response to the community's perception that the local FBI office was charged with the task of "counting mosques" in their area and collecting information on their leaders. CAIR wanted to send the message to law enforcement that their community had nothing to hide. While the community's perception and knowledge of the FBI's mission may have been limited, the event itself proved to have the desired effect of creating an open and productive dialogue between agents and the community's religious leaders. CAIR chapters across the country initiated similar meetings between leaders in the Muslim community and FBI officials.

To date, CAIR has provided training about issues related to the Muslim community to hundreds of law enforcement members across Southern California. CAIR's current initiatives in Southern California include, weekly briefings to Sheriff's deputies, recruiting community members for positions within the Bureau of Citizenship and Immigration Services (BCIS/ICE) (have held job fairs), and a voter registration program. CAIR is also a part of advisory committees in the L.A.S.D. Most recently, CAIR-Southern California has co-sponsored Resolution AJR 64 with Assemblywoman Judy Chu. The resolution condemns hate crimes, bigotry, and violence against Muslims, Arabs, South Asians, and Sikhs and it was endorsed by more than 40 organizations, including California's Attorney General, Orange County Sheriff Michael Carona and Los Angeles County Sheriff Leroy Baca.¹⁴⁷

One of CAIR's most significant accomplishments in working with law enforcement is its relationship with the Hate Crimes Network at the local FBI office. This productive and on-going relationship includes bi-monthly meetings between CAIR representatives and agents from the Hate Crimes Network. Ra'id Faraj and Omar Zaki both have direct access to the FBI squad supervisor and no longer have to go through different watch

 ¹⁴⁴ Interview with Ra'id Faraj, Public Relations Director; Interview with Omar Zaki, Director of Governmental Relations, Council on American-Islamic Relations (CAIR) Southern California, 3/9/04.
 ¹⁴⁵ Interview with Omar Zaki, Director of Governmental Relations, Council on American-Islamic Relations (CAIR) Southern California, 3/9/04.

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¹⁴⁷ Correspondence with Ra'id Faraj, Public Relations Director, Council on American-Islamic Relations CAIR Southern California, received via e-mail on 4/12/04.

officers when calling about a possible hate crime or hate incident. They report that they have received reasonably rapid responses in such matters and that they maintain a healthy relationship with this section of the FBI office. 148

Sikh Mediawatch and Resource Task Force (SMART) / Sikh Community

September 11th and its devastating backlash of hate crimes was a wakeup call for the Sikh community in Southern California, which like many Sikh communities in the US, was disproportionately targeted in these attacks. There was a tangible surge of energy as the community went into "survival mode" that was reflected in an increased ability to mobilize and raise funds for proactive, hate crime prevention initiatives. ¹⁴⁹ The Sikh community in Southern California, which unlike the Muslim and Arab communities was not suspect in counterterrorism investigations or forced to register under the NSEERS program, decided that there were few challenges in and a myriad of benefits to initiating a partnership with law enforcement. Despite its relatively small size, the Sikh community in Southern California represented by SMART, individual community leaders, and other community-based organizations, has a large presence in the political, law enforcement, and advocacy scenes. This presence is largely due to the many relationship-building and educational initiatives that this community actively pursues.

In early October 2001, San Diego County recorded its first post-September 11th hate crime victim, Swaran Kaur Bhullar, a Sikh American. Mrs. Bhullar was stabbed in the head by two attackers who forced their way into her car. After the attack, Mrs. Bhullar said that she had faith in her neighbors and her country to ensure "that such crimes will not be tolerated."¹⁵¹ In response to this hate crime, California's Lieutenant Governor Cruz Bustamante, who created the Commission for One California after the 1999 firebombings of synagogues in Sacramento, extended his support to key leaders in the Sikh community and issued a state-wide directive to prevent hate crimes against Sikh Americans. 152 Leaders of the Southern California Sikh community including, Bicky Singh, banded together to form the Sikh Council of Southern California (SCSC). Since its inception, the SCSC has become politically active by hosting fundraisers for political campaigns and demonstrating to elected officials that while the Sikh community in Southern California may not be able to deliver votes because of its size, it is able to deliver money and is therefore a political force. 153 This recognition was apparent in

¹⁴⁸ Interview with Ra'id Faraj, Public Relations Director, CAIR Southern California, 3/9/04.

¹⁴⁹ Interview with Nitasha Sawhney, Representative, Sikh Mediawatch and Resource Taskforce (SMART) Southern California, 3/9/04.

¹⁵⁰ PfP Southern California Community Focus Group, Nirinjan Khalsa, California Sikh Council, 3/10/04. 151 "Lt. Governor Cruz M. Bustamante Joins Sikh, Muslim and Hindu Leaders in Condemning Attacks; Calls for Tolerance, Unity and Understanding", Office of the Lt. Governor, Press Release, 10/10/01, available at: http://www.ltg.ca.gov/newsroom/pressreleases/2001/pr101001.asp, accessed on 3/26/04. 152 "California Sikhs Recognize Bustamante, Sikh Sentinel News Network, 2/28/03, available at:

http://www.sikhsentinel.com/sikhsentinel0303/bustamante.htm, accessed on 3/26/04.

153 Interview with Nitasha Sawhney, Representative, SMART Southern California, 3/9/04.

Governor Gary Davis's letter-writing initiative that discussed Sikh identity in California and was to be distributed to "all law enforcement and school districts in the state." ¹⁵⁴

The Sikh community of Southern California is also currently working in collaboration with the Los Angeles County Sheriff's Department. The local chapter of SMART first pursued this initiative which was spurred by Sheriff Leroy Baca visit to a local gurdwara¹⁵⁵ following the September 11th attacks. At this visit, Sheriff Baca commented that he could not wait until the day that a Sikh man would stand with him in uniform. The common perception in the Sikh community is that L.A.S.D grooming standards and uniform requirements do not allow full beards and turbans thus generally preventing practicing Sikh men from participation in uniformed L.A.S.D positions. However, as stated in the Department's "Manual of Policy and Procedures", a division chief may waive uniform requirements if inapplicable to an employee when appropriate. Nitasha Sawhney of SMART and other Sikh community members followed up on Sheriff Baca's comment, which eventually led to the formation of a Sikh Advisory Board for the L.A.S.D. The main objectives of this board are to recruit Sikh community members for the L.A.S.D and help reform the departments grooming standards and uniform requirements.

While hate crimes and violence continue to be a major concern for the Sikh community in Southern California, the community is slowly beginning to regain some of its pre-September 11th sense of security, partly due to proactive educational and relationship building initiatives.

Law Enforcement

After September 11th, the local field office of the FBI, the L.A.S.D, and the L.A.P.D have had increased interaction with the Muslim, Arab, and Sikh communities of Southern California. While much of this interaction is motivated by short-term operational needs, many within Southern California's law enforcement agencies have had the foresight to develop on-going relationships with members of these communities in order to meet operational objectives as well as to maintain credibility amongst these communities. Certain agents, officers, and officials like Ron Wakabayashi (CRS), Matthew McLaughlin (FBI Office of Public and Congressional Affairs), Sheriff Leroy Baca (L.A.S.D), and Lt. Governor Bustamante have become familiar names and faces to many community leaders. The following highlights some of the proactive steps, in regards to the Muslim, Arab, and Sikh communities, taken by some law enforcement agencies/departments in order to meet the many demands placed on them after the September 11th attacks.

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¹⁵⁴ "California Sikhs Recognize Bustamante, Sikh Sentinel News Network, 2/28/03, available at: http://www.sikhsentinel.com/sikhsentinel0303/bustamante.htm, accessed on 3/26/04.

¹⁵⁵ Gudwara is a place of worship for Sikhs.

¹⁵⁶ Interview with Nitasha Sawhney, Representative, SMART Southern California, 3/9/04.

¹⁵⁷ Los Angeles County Sheriff's Department, "Manual of Policy and Procedures," Volume 3, Chapter 1, Section 050.80 (3-01/050.80), Alexandro Villanueava, Sergeant, L.A.S.D, received via e-mail on 4/1/04. There is also one known Sikh man in full turban and beard who is currently a recruit in the L.A.S.D. Reserve Academy.

Federal Bureau of Investigation (FBI) - Los Angeles Field Office

In the months following the September 11th attacks, the Office of Public and Congressional Affairs at the FBI field office participated in a number of town hall meetings. The FBI initiated some of these meetings and participated in others that were held by other government agencies/offices such as the Department of Justice Community Relations Service (CRS). The meetings were held in community centers, Islamic centers, mosques, and at the offices of some community-based organizations like CAIR and were open to all community and law enforcement members. Agents were also involved in informal working groups and accepted the numerous invitations to visit local mosques. Currently, the FBI-Los Angeles Office of Public and Congressional Affairs is pursuing the establishment of an advisory committee, which will initially be composed of Muslim, Arab, and Sikh community members but will later expand to include other minority groups. This advisory committee is part of a larger FBI Headquarters suggested ombudsman program that recommends all field offices create some means for community outreach. Although this advisory committee is not currently operational, FBI-Southern California reports that it should be in effect by May 2004.

Los Angles County Sheriff's Department (LASD)

As noted in other sections of this chapter, the L.A.S.D and Sheriff Leroy Baca have worked frequently with certain groups and members within the Muslim, Arab, and Sikh communities after September 11th. The L.A.S.D participated in a number of community forums, talks, and post-September 11th related events. Prior to September 11th, the L.A.S.D had actively pursued the community-policing model with initiatives such as the Community Advisory Committee (CAC) and the Community Law Enforcement Partnership Programs (CLEPP). These programs, however, were not specifically geared to the Muslim, Arab, and Sikh communities.

One means of community involvement in the L.A.S.D is through its Multi-Faith Clergy Council. This Council, which is composed of religious leaders, seeks to serve as a link between law enforcement and faith-based communities by partnering with the L.A.S.D. In this effort, the Council sponsors a number of events including, Urban Religious Leaders Day at the Capitol where Council members meet with California's elected officials to better understand each other's goals and Community Day Recognition Banquet where Sheriff Leroy Baca honors the work of community volunteers. The Clergy Council began in 1996 and has recently seen an increase in its Muslim representation with both MPAC and CAIR as new members. The Sikh community has also been very active in this Council. In total, it represents over 900 faith-based and religious organizations. ¹⁶⁰

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¹⁵⁸ Interview with Norma Loza, Office of Public and Congressional Affairs, FBI-Los Angeles, 4/5/04.

¹⁵⁹ Interview with Norma Loza, Office of Public and Congressional Affairs, FBI-Los Angeles, 4/13/04.
160 For more information about the Los Angeles County Sheriff's Multi-Faith Clergy Council, please contact Bishop Edward Turner, Director at 323-753-4673.

Los Angeles Police Department (LAPD)

In the months after the September 11th attacks, the L.A.P.D tried to make it known that their job was to protect all segments of the population within their community. Immediately after September 11th, L.A.P.D officers were posted at local mosques and Islamic centers and continued a static display of police protection by leaving police cars nearby and conducting helicopter flyovers. Officers also periodically stopped by some local businesses that were known to be owned by Arab, Muslim, or Sikh Americans to make sure they were not being targeted. Officers also tried to make their Chief accessible to the community in an effort to publicize their mission and ease community concerns. Because of some of these initiatives, the L.A.P.D currently maintains a good working relationship with members of the Muslim, Arab, and Sikh communities.

The L.A.P.D is not new to working with diverse communities and historically has modified its tactics to accommodate the needs and concerns of these communities. For example, one officer noted that most officers in the Department have learned not to force suspects who may ascribe to the Nation of Islam¹⁶² on their knees during search or arrest because some within this group believe that it is against their religion to bow down to anyone but God. Similarly, officers have learned not to force people of the Jewish faith observing Shabbat to sign jaywalking tickets because their religion prohibits them from writing or using any mechanical instrument including crosswalk signal buttons from sundown Friday to sundown Saturday. Thus, when after September 11th the L.A.P.D's interaction with the Muslim, Arab, and Sikh communities increased, the Department implemented basic cultural sensitivity training on how to handle routine calls for service within these communities. Officers received internal training and some attended training provided by the community organizations mentioned above.

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The L.A.P.D also sponsored training for other law enforcement agencies and community members through the Community Anti-Terrorism Training Institute (C.A.T. Eyes), which is a private, industry-specific, for-profit training initiative that seeks to train individuals to be the "eyes and ears" of law enforcement to fight against domestic terrorism and racial profiling. The program uses a train-the-trainer model and provides a web-based elearning center. C.A.T Eyes has been applauded by some community organizations such as the Arab American Institute, for its focus on an individual's behavior and not race or religion as a valid indicator of terrorism. Others, like MPAC's Hate Crime Prevention Coordinator Sireen Sawaf who participated in the L.A.P.D sponsored C.A.T Eyes

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¹⁶¹ PfP Southern California Law Enforcement Focus Group, A.J. Kirby, Sergeant, L.A.P.D Community Relations Section, 3/10/04.

¹⁶² A primarily African American non-mainstream Muslim group that was formed by Wallace D. Fard in the early 1930s and was spread by Alija Muhammad who was his proclaimed prophet. Then Nation of Islam shares very few ideological similarities with mainstream Sunni or Shi'a Islam.

¹⁶³ PfP Southern California Law Enforcement Focus Group, A.J. Kirby, Sergeant, L.A.P.D Community Relations Section. 3/10/04.

¹⁶⁴ PfP Southern California Community Focus Group, Nirinjan Khalsa, California Sikh Council, 3/10/04. ¹⁶⁵ C.A.T EYES Institute, at: www.cateyesprogram.com, accessed on 4/2/04.

training, felt that although portions of the training were helpful, overall it lacked an Arab or Muslim perspective. 166

Community Relations Service (CRS) - Region IX

While the Community Relations Service (CRS) of the Department of Justice (USDOJ) is neither a law enforcement entity nor a community-based organization, it is uniquely positioned, as a public face of USDOJ, to serve as a bridge in community and law enforcement partnerships.

As was noted in Southeastern Michigan, the personalities and experiences of key community and law enforcement players greatly impact the success of partnerships within certain communities. This is most clearly seen by the post-September 11th relationship-building initiatives pursued by CRS under Regional Director, Ronald Wakabayashi in Southern California. Having served as the National Director of the Japanese American Citizens League, Wakabayashi is a veteran of working with disproportionately targeted communities. After the September 11th attacks, Wakabayashi was quick to call MPAC and the local chapter of ADC, with whom he had long-standing relationships. They discussed strategies for anticipating and mitigating backlash against the large Muslim and Arab populations of Southern California. In October and November of 2001 CRS initiated and conducted about a dozen town hall meetings for law enforcement and community members, including MPAC and CAIR.

In 2003, the regional office of CRS began to rollout a cultural competency training course developed by CRS headquarters to be distributed by all its regional offices. This course tackles cultural diversity and constitutional rights issues and is geared for law enforcement personnel. This program is unique in that the trainers are members of the community. While all CRS regional offices will at some point implement this training, Wakabayashi and his regional office were quick in doing so.

CHALLENGES IN SOUTHERN CALIFORNIA

Despite the many post-September 11th relationship-building initiatives and programs, the Muslim, Arab, and Sikh communities and law enforcement in Southern California face a number of challenges to their partnering efforts. Perhaps the greatest of these challenges is the present lack of a formal community-law enforcement channel of communication, such as an advisory board. Therefore, there is no ongoing, institutionalized mechanism for conducting productive dialogue.

Community Organization

¹⁶⁶ PfP Southern California Law Enforcement Focus Group, Sireen Sawaf, Hate Crimes Prevention Coordinator, MPAC, 3/10/04.

¹⁶⁷ Wakabayashi admits he unfortunately did not include SMART or other members of the Sikh community in these initial discussions. The Sikh community later joined the dialogue through other community contacts and CRS HQ directives. Interview with Ronald Wakabayashi, Regional Director, CRS, 4/2/04.

As noted earlier, some well-established Muslim, Arab, and Sikh organizations in Southern California have prioritized the need to partner and develop a dialogue with law enforcement in order to have the voices of their communities heard. However, other local community organizations, given their scare resources, do not believe that investing time and energy in a law enforcement partnership model would be productive. These organizations including the South Asian Network (SAN), the Coalition for the Humane Immigrant Rights of Los Angeles (CHIRLA), and the local chapter of the American-Arab Anti-Discrimination Committee (ADC) contend that operational level discussions with law enforcement are not the most productive means of serving their communities. They believe that the root of the problem is unjust legislation from the highest levels of government and the American public's acceptance of racial profiling and they feel that they should focus their energy on these issues. They also believe that so long as their communities are indiscriminately targeted in counterterrorism investigations and considered to be suspicious, they cannot legitimately partner with law enforcement. In other words, they cannot simultaneously be suspects and partners. SAN, CHIRLA, and the local chapter of ADC feel that their number one priority and duty to their communities is to advocate, at a high level, for legislative and policy changes. ¹⁶⁸ They point to initiatives like NSEERS and the USDOJ interview project which "cast the net wide" and focus on immutable characteristics as examples of unjust law enforcement initiatives which focus primarily on national origin and religion.

The unwillingness of certain segments of the organizationally and ideologically divided Muslim, Arab, and Sikh communities of Southern California to participate in a dialogue with law enforcement naturally poses a serious challenge to partnering efforts. While there is a strong need for representatives to advocate for their communities at the national level, there must be a multi-pronged strategy that includes local-level work focused on mitigating the negative effects of stringent legislative programs and initiatives through collaborative community-law enforcement implementation. Furthermore, while dissent in itself can often be a positive driving force, opposing opinions that are not heard by "the other side" (in this case law enforcement) are of no value in effecting institutional changes. The segments of the Muslim, Arab, and Sikh communities represented by SAN, CHIRLA, ADC-Southern California, and other ideologically aligned organizations miss important opportunities by not having their voices heard by those who locally implement state and national policy directives, conduct counterterrorism investigations, and protect against hate crimes.

These differing opinions about the need for community - law enforcement partnerships in Southern California highlight the reality that no community is monolithic nor does it speak with a single voice. This fact in itself is challenging for law enforcement in its community policing and relationship building efforts, as it is at times difficult to identify effective community leaders and productive partners.

Law Enforcement Standard Operating Procedures

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¹⁶⁸ Interview with Hamid Khan, Executive Director, South Asian Network, 3/5/04.

Another major challenge to law enforcement-community partnerships are the internal structures and standard operating procedures of some law enforcement agencies and departments. Traditional policing efforts have focused on arrests rather than community partnerships. Officers are often evaluated by the numbers of arrests made or traffic citations issued. Community work, by contrast, is proactive and preventative and cannot easily be quantified and evaluated like more traditional policing efforts. Therefore, officers tend to focus their efforts on more easily quantifiable outputs such as arrests, searches and seizure, and the development of assets and informants in order to achieve the best performance evaluations, which ultimately lead to betters assignments and promotions.

The community, therefore, sometimes correctly perceives law enforcement to be more concerned with reactive arrests and detentions rather than proactive community policing initiatives -- such as identifying community leaders, building an on-going channel of communication, and participating in community events -- that may lead to crime detection and prevention. The community also finds the transient, rotational structure of law enforcement in Southern California to be a hindrance to partnerships. According to Salam Al-Marayati (MPAC), "Once you know somebody (within law enforcement), they move" thus making it difficult to maintain relationships that are beneficial to both the community and to law enforcement. ¹⁶⁹ From the law enforcement perspective, however, this rotational structure has historically been used as a means to prevent corruption. Periodically moving officers and agents between different sections/branches also serves as a cost effective and easy-to-implement training mechanism.

Further, many middle management-level law enforcement officials have not traditionally been motivated to do community work. This may be due to the fact that at times community work presents career risks, because it allows public and media access and ability to scrutinize law enforcement entities, while offering little rewards in terms of personal career goals. Higher-level management is forced to be proactive because it is constantly in the limelight and must answer directly to the community. New officers are also more likely to engage in proactive community work because they have been trained in an era that is receptive to such work and because they most often see on-the-ground benefits of such a model. Middle management, however, often feels it cannot afford to take the risks involved in community policing initiatives and it therefore has little incentive to be proactive.

The limited funds for training and community policing efforts raise another challenge for law enforcement-community partnerships. Law enforcement's need for greater training and human resources is a theme echoed by a number of local officers, deputies, and supervisors in Southern California. Perhaps due to these funding constraints, some of the cultural sensitivity and community policing training that is implemented, while affordable, is sometimes weak in terms of content.

The C.A.T Eyes training that was sponsored by the L.A.P.D (see "Initiatives in Southern California") is cost effective in its "train-the-trainer" model. However, some community

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¹⁶⁹ PfP Southern California Community Focus Group, Salam Al-Marayati, Director, MPAC, 3/10/04.

members feel that its lack of input from the Muslim or Arab communities in curriculum development was quite obvious. This New York-based program was developed by US military officers, local police, and an Israeli police officer. It is important to note here the general negative reaction members of the Muslim and Arab communities have to training that is based on Israeli perceptions, intelligence, or notions of policing. Whether real or perceived, some members of the Arab and Muslim communities cite partialities and biases in training that is directed by or based on Israeli analysis.

Inaccuracies in Printed Materials

Perhaps due to the lack of on-going formal communication between community groups and law enforcement in Southern California, printed literature and publicity materials play a large role in disseminating information. This becomes problematic when printed materials are either inaccurate or do not effectively communicate the view of the organization/agency. For example, an FBI Community Outreach pamphlet entitled "Terrorism, What Can I Do To Help?" asks, under a subheading called "Suspicious Persons," "Are you aware of anyone who does not appear to belong in the workplace, neighborhood, business establishment or near a key facility?" While the overall objective of the pamphlet is to raise awareness of suspicious behavior and activities, that particular section may be perceived as suggesting that there are certain people who "do not belong" and who become inherently suspicious when in certain areas. Years of community policing research has shown that focusing on suspicious people as opposed to suspicious behavior is operationally ineffective. Such an approach is also counterproductive in building partnerships with communities. It is important to note that the Los Angeles field office did not produce this pamphlet, which seems to have been made at the national level. It was, however, shown and discussed by an FBI-Los Angeles representative at an MPAC-hosted forum.¹⁷¹

Another such example comes from a pamphlet produced nationally by CAIR entitled "Know Your Rights Pocket Guide," which is intended as an educational reference for community members. In a section that outlines the rights of an individual contacted by the FBI, the pamphlet states, "Never meet with [the FBI] or answer any questions without an attorney present." CAIR-Southern California claims that after September 11th it advised its members to meet and openly speak with law enforcement and continues to do so today. However, this pamphlet remains a point of contention for some at FBI-Los Angeles who feel that it may inhibit their communication with the community.

The Immigration Question

For the reasons noted in the "Challenges Chapter," immigration enforcement also creates an impediment for law enforcement-community partnership building efforts and may present a significant challenge to counterterrorism and hate crime investigations. The challenge in Southern California is particularly acute given the size of the immigrant population in the region. Law enforcement realized this challenge in 1979 when L.A.P.D

¹⁷⁰ Available at: www.cateyesprogram.com, accessed on 4/2/04.

¹⁷¹ "Community-Police Partnerships: Bridging the Gap of Communication", MPAC Forum, 3/10/04.

Chief Gates issued Special Order 40 at the directive of the Los Angeles City Council. Special Order 40 prohibits officers from stopping, questioning, or detaining individuals solely because of immigration status and bars them "from enforcing federal immigration laws". However, since September 11th there has been local and national pressure to rescind this order, which of course does not apply to FBI agents who always reserve the right to ask about immigration status.

Southern California law enforcement has also faced challenges in implementing national policy directives such as the NSEERS program. In December 2002, Southern California received international attention when the Immigration and Naturalization Service (INS) conducted its first round of registration, which included men and boys over 16 years of age with certain visa types who were citizens of Iran, Iraq, Libya, Sudan, or Syria. ¹⁷³ The Southern California office of INS seemed ill-prepared to handle the mass of people that it was forced to process in the limited time period between November 15 and December 16. The office detained a large number (reports range from 150-1,600 persons) of people who had come to register in overcrowded detention facilities. Although INS-Southern California spokesman, Francisco Arcaute said that "the only time the INS detains anyone is if they have violated INS law," ¹⁷⁴ community members and some released detainees claim that INS detained all individuals who they were unable to process due to time or administrative constraints. According to one community member, immigration officials in Southern California initially used a total of three computers for the registration process. Thus, the implementation of the NSEERS program in Southern California hindered law enforcement and community partnerships because it created a great deal of mistrust and anger on the part of the community, which in the initial phase of registration included the large Iranian community of Los Angeles that is comprised of Muslim, Jewish and Ba'hai populations. Moreover, Muslim and Arab communities as well as civil rights communities nationwide felt this anger and mistrust, which presented challenges to their local partnering efforts.

LESSONS LEARNED

The Muslim, Arab, and Sikh communities and law enforcement groups in Southern California are at a critical stage in developing a productive, mutually beneficial relationship centered on counterterrorism and hate crime issues.

Prioritizing Partnerships

Before Southern California can successfully implement a new community-policing paradigm, both communities and law enforcement must prioritize relationship-building initiatives. Clearly certain community groups and some individuals and departments

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¹⁷² "L.A.P.D Must Respect Special Order 40", Press Release, ACLU of Southern California, 9/6/01, at:http://www.aclu-sc.org/News/Releases/2001/100022/, accessed on 3/27/04.

¹⁷³ Subsequent rounds of registration included citizens of Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, Yemen, Saudi Arabia, Pakistan, Bangladesh, Egypt, Indone'sia, Jordan, and Kuwait.

¹⁷⁴ "Iranian-Americans Protest Immigration Policy," CNN website,12/19/02, at: http://www.cnn.com/2002/US/West/12/18/ins.protest/, accessed on 4/1/04.

within law enforcement quickly learned the importance of partnerships after September 11th and were spurred into action. However, many segments of the community and law enforcement have not yet fully realized the operational benefits of these partnerships and accordingly have not prioritized them.

Effective Communication

Although the FBI-LA field office is working to address the matter, Southern California currently lacks a formal, ongoing structure for community and law enforcement communication. Such a structure would entail an ongoing, perhaps monthly, meeting of static community and law enforcement representatives who would discuss common issues of concern and collaboratively devise strategies to tackle these issues. Such groups should be wide-ranging and attempt to include as many possible productive community and law enforcement partners. This type of formal structure has the potential to attract community groups who are otherwise reluctant to partner with law enforcement because 1) it will enable them to gain strength by aligning themselves with other likeminded groups and 2) it will reinforce their legitimacy as a community representative.

In addition to creating a means for community and law enforcement communication, a formal advisory board type structure would also enable greater communication amongst community groups. As noted earlier, Muslim, Arab, and Sikh community-based organizations in Southern California are very diverse in ideology and practice. A formal structure of communication would allow these groups to share and learn from differing views and, when acceptable, pool scarce resources for a common objective.

The FBI-LA field office is currently working with community organizations including MPAC and CAIR to establish this type of advisory board structure and hopes to hold its first meeting in May 2004.

Localizing Efforts

Both community organizations and law enforcement must also localize their partnership-building efforts. Data shows that community-policing models are most effective at the local level and given the size and population of the area, partnerships in Southern California must be initiated and maintained sub-regionally. This requires a very personalized approach to community-law enforcement relationship building. For example, if law enforcement rotational structures are necessary in community-policing outfits, then incoming officers should be introduced to community partners as a matter of protocol.

Publicizing Partnerships

Almost equally important as developing community-law enforcement partnerships is publicizing their existence. Both community and law enforcement groups in Southern California must use the media as an outlet to share positive work and accomplishments with the larger public. As noted by Sgt. Brian Moriguchi of the L.A.S.D, at times Sheriff

Leroy Baca has had productive meetings with community members which were not reported by the press. The lack of interest by the media to cover such events prevents the general public from being informed about ongoing community-law enforcement partnerships. The outward appearance to the general public, therefore, is that no such partnerships exist when, in fact, they actually do exist. Such occurrences are missed opportunities for law enforcement and the community. In addition to publicizing partnership-building accomplishments, media should also be used to diffuse potential setbacks. Joint community and law enforcement press conferences after a hate crime or hate incident, for example, send a strong visual message that communities and law enforcement stand together against such crimes.

Another way to publicize partnerships is by giving awards and recognizing valuable partners. MPAC uses a similar method by giving an annual award to personalities in the media who have portrayed Muslims in an accurate light and have helped dispel stereotypes. However, this should be done at a local level and awards should be given to those who have worked to build relationships. Community members should call or write to supervisors of exceptional officers and agents to express their appreciation. Likewise, local law enforcement must publicly recognize the work of community partners who have contributed to their mission.

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¹⁷⁵ PfP Southern California Law Enforcement Focus Group, Brian Moriguchi, Sergeant, Field Operations Support Services, L.A.S.D, 3/10/04.

VII. THE GREATER BOSTON EXPERIENCE

The experience of law enforcement and the Muslim, Arab, and Sikh communities in Greater Boston is significantly different from their experience in either Southeastern Michigan or Southern California. For the purposes of this study, the Greater Boston Area encompasses Suffolk, Middlesex, and Norfolk counties. According to the 2000 US Census, these three counties cover an area of 1,282 square miles and have on average 16,000 people per square mile.

DESCRIPTION OF COMMUNITY

While defining the exact size and composition of American Muslim, Arab, and Sikh populations is complicated and at times controversial 1776, it is important for the purposes of this study to define the relative size of these populations in each of the study sites in order to contextualize their experiences. In terms of the Sikh and Muslim communities, there is no government census data collected. Community estimates indicate that the Sikh community is relatively small, (approximately 2,000-4,000 persons in Eastern Massachusetts), dispersed, and disproportionately made up of professionals. There are two gurdwaras in Greater Boston and one in Milford, Worcester County, which also draws participants from Greater Boston. In terms of the Muslim community, while there are not exact numbers for Greater Boston, there are approximately 40 mosques or Islamic Centers in the Commonwealth of Massachusetts and an estimated 25,000-35,000 Muslims. 177 While estimates on the Arab community vary widely, ranging from 53,000 to 175,000 people, it is clear that this community comprises less than 1% of the population of the entire Commonwealth of Massachusetts. According to the Arab American Institute, there is an estimated Arab-American population of 175,000 with Middlesex County housing 21% of the state's Arab-American population. ¹⁷⁸

Because these communities are relatively small, national community organizations have not prioritized this region in terms of distributing national resources. Therefore, unlike Southeastern Michigan and Southern California, in Massachusetts there is no chapter of CAIR and the ADC chapter is still in its nascent stages of development. In addition to the lack of robust community organizations, there is not a clear consensus within the diverse and dispersed Massachusetts Muslim, Arab and Sikh communities that investing the time and resources necessary to establish an ongoing dialogue with law enforcement is necessarily a high priority. Further, there is no coordinating group that effectively oversees or organizes the local community groups that do exist.

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¹⁷⁶ Defining the size of these communities can be controversial because there is disagreement about the accuracy of U.S. Census data as it relates to the American Arab community (many feel the Census numbers underestimate the size of the population). Defining the size of the Muslim and Sikh communities is complicated because religious affiliation is not accounted for in the U.S. Census and therefore in order to assess the overall size of these communities it is necessary to rely on a compilation of information acquired form community organizations and academics.

¹⁷⁷ Hassan Abbas, Visiting Research Fellow, Harvard Law School, received via e-mail on 4/12/04.

¹⁷⁸ Arab American Demographics, Arab American Institute, at: http://www.aaiusa.org/demographics.htm, accessed on 4/15/04.

Because of these factors, much of the law enforcement and government outreach in Massachusetts has been initiated and maintained through the work of specific individuals rather than community-based organizations. As previously discussed, Boston has a long history of community organizing and policing and there are strong chapters of other national civil rights organizations such as the ACLU. However, prior to September 11th these organizations had not worked closely with the Muslim, Arab, or Sikh communities.

Several additional unique factors are present in the Greater Boston communities. Because of the large university base in this area, a large proportion of these communities are comprised of a transient academic population. Further, these communities are ethnically diverse, including a significant African American Muslim population and a Caucasian Sikh community.

While these communities are small in Greater Boston and historically have not been part of a comprehensive community-policing strategy, following September 11th these communities and law enforcement were compelled to increase their interactions. The catalyst for this interaction were two precipitating factors: 1) two of the planes hijacked on September 11th originated from Boston's Logan Airport, thus Boston became the epicenter of the initial stages of the response efforts and investigations (PENTTBOMB); 2) national directives have focused law enforcement efforts on Muslim, Arab, Sikh communities nationwide. Although these communities in Greater Boston are relatively small and not politically organized, they are large enough to draw the attention of law enforcement in its efforts to implement national directives. Further, it is worth examining the Greater Boston area because it is representative of the vast majorities of communities in the United States which have a relatively small and dispersed community base.

DESCRIPTION OF LAW ENFORCEMENT

As discussed at length in the "Why Partner" chapter of this guide, Boston has a significant place in the history of community policing. While this history is important, it is equally important to note that these efforts in the past were focused primarily on state and local law enforcement and, by and large, the African American, Latino and Asian communities. Additionally, while Boston's reputation for local community policing is well-established and renowned nationwide, local and national media as well as parts of the public-at-large take a skeptical view of federal law enforcement in Boston due primarily to the Whitey Bulger case that stems from the 1980s. While this skeptical

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¹⁷⁹ While the United States Attorney's Office in Massachusetts along with local District Attorney's Offices and the Office of the Attorney General have historically been involved in the development and implementation of several community-policing related initiatives (the Weed and Seed site in Grove Hall for example), in terms of enforcement, the initiatives focused on the Boston Police Department not the FBI or other federal enforcement agencies.

¹⁸⁰ In the 1970's renowned mobster Whitey Bulger became an informant for the FBI in Boston. It has since come to light that some within the FBI-Boston secretly protected Bulger and his organization while working with him to dismantle his rival organization, La Cosa Nostra. Current and former employees of federal law enforcement in Massachusetts report that the Bulger case and the ongoing attention it receives from the local and national media color the way they, and many of their colleagues, are viewed by the public.

view may be inappropriate under current circumstances, it remains an operational reality for law enforcement in Massachusetts. Current federal law enforcement executives report, however, that "the result of the Bulger case has in no way deterred the FBI or USAO efforts in terrorism." ¹⁸¹

Like the community in Greater Boston, which is dispersed, federal law enforcement has responsibility for a wide geographic region including Maine, New Hampshire, and Massachusetts. After September 11th this already thinly stretched federal law enforcement team was further challenged by its central role in the September 11th response and investigation. Nationwide, the FBI "covered over 500,000 investigative leads and conducted over 167,000 interviews." Because the Boston field office played a large role in this investigation, one can extrapolate the huge demands placed on this office after September 11th. Specifically, not only did two of the hijacked flights depart from Boston's Logan Airport but also one group of hijackers, including Muhammad Atta, took a connecting flight out of Portland, Maine and his suitcase which contained a suicide note, did not make the transition and was recovered at Boston's Logan Airport.

POST SEPTEMBER 11TH INITIATIVES

Because the Greater Boston area lacks active community-based organizations or a formal means of community-law enforcement communication, much of the productive interaction between law enforcement and the community has been initiated and maintained at the individual level. After the September 11th attacks, there were a number of proactive efforts on the part of such individuals. Since they were initiated by individuals, however, these efforts were sporadic and neither systemic nor institutionalized.

The Sikh Community

Much of the Greater Boston Sikh community's response to September 11th backlash was led by volunteer members of the Sikh community, including Navjeet Singh of the Sikh Mediawatch and Resource Task Force (SMART). Singh explains that the catalyst for his community's action was the arrest of a young Sikh-American named Sher J.B. Singh by police in Providence, Rhode Island. On September 12th, 2001, law enforcement officials boarded an Amtrak train searching for four "suspicious" men who reportedly had knowledge of the September 11th attacks. After searching Sher J.B. Singh, who was traveling from Boston to Virginia to return home after a business trip, police arrested him on the criminal charge of carrying a concealed weapon. The alleged "weapon" was a *kirpan*, which is a small religious sword carried by initiated Sikhs. While the FBI quickly realized that this case was not terrorism-related, the Providence Police

¹⁸¹ Memo from Assistant United States Attorney Michael Ricciuti to Sasha O'Connell regarding: Partnering for Prevention and Community Safety: Draft of Boston Chapter; 4/23/04.

¹⁸² Testimony before the Senate Judiciary Committee: "The Inspector General's Report and the September 11th Response", Michael E. Rolince, Acting Assistant Director in Charge, FBI 6/24/03 at: http://www.fbi.gov/congress/congress/03/rolince062403.htm accessed on 4/15/04.

Tom Mooney, "Sikh Won't be Prosecuted", *The Providence Journal*, 10/26/01, at: http://www.sikhcoalition.org/news.asp?mainaction=viewnews&newsid=126 accessed on 4/12/04.

Department continued to pursue it.¹⁸⁴ The charges against Sher J.B. Singh were dropped more than a month later after much outcry from the Sikh community as well as the broader civil rights communities, particularly religious and interfaith organizations in Rhode Island.

According to Navjeet Singh, this incident demonstrated to the Sikh communities in New England exactly how vulnerable they were after September 11th and emphasized the need for action. The community's first response to the arrest was to organize through the local *gurdwaras* and through an informal network of friends and acquaintances of Sher J.B. Singh to secure his bail. Members of the community spent the next two days calling and writing letters to the media, political contacts, and the ACLU with the dual objective of persuading the government to drop the charges and stopping the negative media attention focused on Sher J.B. Singh.

Immediately after the September 11th attacks, Singh was in contact with the national office of SMART to collaborate on a proactive programming strategy both in regards to the Sher J.B. Singh incident and the general backlash experienced by the community. On the Sunday following the attacks and the Amtrak incident, at religious services at the gurdwara, Singh and other community members developed a plan of action for local communities. This plan included proactively reaching out to town governments, local and state police departments, and schools to introduce themselves and their communities at large. Groups of community members living in neighboring towns and cities were asked to contact local government, law enforcement and/or school officials, and the community was advised to actively and publicly participate in town halls and September 11th vigils. Singh, his family, and other Sikhs, for example, introduced themselves to their local police department, the Board of Selectman in Shrewsbury, and the State Police in Framingham. According to Singh, Sikh students at Boston University led this effort in Boston the gurdwara in Millis took the lead there, and other Sikh families took the lead in their own and neighboring communities. This effort resulted in very positive interactions, and events such as an awareness panel organized at the Westboro schools.¹⁸⁵

The Muslim Community

One segment of the Muslim community that has been particularly active in Greater Boston in relation to law enforcement outreach is the Muslim Pakistani-American community. Pakistani-Americans number approximately 5,000 in the Greater Boston area, thereby representing about 15-25% of the entire Muslim population in the area. This community worked proactively to mitigate the potential negative effects of the nationally mandated NSEERS, or special registration program (see Appendix D), which affected a large number of immigrant populations.

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¹⁸⁴ Interview with Navjeet Singh, Representative, Sikh Mediawatch and Resource Taskforce (SMART), 4/1/04.

¹⁸⁵ Ibid.

¹⁸⁶ Hassan Abbas, Visiting Research Fellow, Harvard Law School, received via e-mail on 4/9/04.

The local community's response to NSEERS was largely coordinated by Barry Hoffman, who has long served as the Honorary Consul General of Pakistan for New England. Hoffman, an American, is commissioned by the Embassy of Pakistan in Washington, DC and is recognized by the US Department of State as a diplomatic employee of the Pakistani mission. Soon after the inception of the NSEERS directive, the Embassy warned Hoffman of the many problems facing some Pakistani citizens who were forced to register and encouraged him to work with the local immigration authorities on their plan for implementing the NSEERS program. Hoffman worked with local individuals and organizations including Shahid Ahmed Khan, Regional Vice President of Pakistani American Congress, the Pakistani Association of Greater Boston (PAGB), and International Institute of Boston to develop a plan to mitigate the negative effects of NSEERS on Pakistanis in the area. 187

To start, they approached then-Deputy Director of the regional INS office Dennis Reardon, who was very receptive to them. According to Hoffman, INS Directors/SACs around the country were aware of the situation in Southern California in which hundreds of people were detained (see "Southern California Chapter") and were looking for a means to better implement NSEERS in their own districts. Hoffman also notes that these directors had a great deal of discretion in implementing the program. Together, Hoffman and Reardon agreed that the objective of NSEERS was to register people and not to arrest them. After they agreed on the program's main operational objective, Reardon guaranteed that no one in his district who came to register would be arrested unless they were wanted for criminal activity or had already been adjudicated for deportation. Those who were in violation of immigration laws such as having overstayed their visas were to be given a notice to appear before a judge. This allowed those people time to seek legal representation in order to prepare their case or to leave the country voluntarily.

This initiative proved to be very successful both in addressing the fears of the community and in helping register a large number of people. Barry Hoffman and his associates hosted seminars on NSEERS and publicized the guarantee they had received from Reardon at local mosques. The Pakistani Embassy in Washington, DC strongly supported Hoffman in this effort. Further, the Embassy spoke directly with Attorney General John Ashcroft and the US Department of State to make them aware of their concerns about the NSEERS program's effect on the American Pakistani community. The Embassy also publicized Hoffman's efforts on its website and listed him as a 24-hour point of contact for this issue.

The Arab Community

According to the local Massachusetts chapter and the national office of the Arab-American Anti-Discrimination Committee (ADC), there is nothing to report in terms of proactive initiatives in building relationships with law enforcement taken on the part of the Arab community in Greater Boston.

¹⁸⁸ Ibid.

71

¹⁸⁷ Interview with Barry Hoffman, Honorary Consul General of Pakistan, 4/13/04.

Boston Police Department (BPD)

While BPD had very limited interactions with the local Muslim, Arab, and Sikh communities in Boston prior to September 11, 2001 that changed quickly after the attacks. ¹⁸⁹ Immediately following the attacks on September 11th, the BPD began outreach efforts to the local Muslim, Arab, and Sikh communities in an effort to stave off any potential backlash. Specifically, BPD reached out to Muhammed Ali-Salaam Deputy Director of Community Planning for the Boston Redevelopment Authority, who referred BPD to a number of community organizations. Additionally, BPD instituted a program of visiting "every mosque in Boston," giving public talks, and visiting community centers and community-owned restaurants, all in an effort to publicize accurate information about what to do if a community member experienced a hate crime or hate incident. ¹⁹⁰ Further, BPD relied one of their officers who is of Lebanese descent to do additional outreach to the community.

BPD emphasized that all of these initial meetings were "non-invasive." That is to say that while officers proactively sought out this community, they were there for the sole purpose of making themselves available for the reporting of hate crimes and hate incidents. Their interactions with the community during this time were primarily focused on information-sharing and leaving community members with contact information. BPD found this outreach to be particularly challenging because unlike other communities in Boston, with a few exceptions the Muslim, Arab, and Sikh communities in Boston are geographically dispersed, making the planning of community visits more challenging.

From the beginning, BPD sensed skepticism on the part of the community in terms of the reasons the police were making contact in the days following September 11th. In its efforts to make itself available to these communities, they felt they were up against what they describe as a "cultural fear of law enforcement" as well as the perception that BPD was the "right arm of immigration."

Efforts to bridge this sense of distrust were focused on two fronts: 1) an effort to accurately explain BPD's relationship with immigration authorities; and 2) an effort to make information available about BPD's work and to follow up on reported hate crimes and hate incidents. Through these initiatives, BPD was able to demonstrate its serious commitment to community safety.

In regards to BPD's relationship with immigration authorities, BPD made efforts to explain to the community that while BCIS has the authority to audit their records, in practice, BPD is not required to ask individuals about their immigration status during routine interactions. In fact, BPD is fighting the national move to require local departments to enforce immigration regulations because it would "ruin our relationship

¹⁸⁹ Interview with Lieutenant David Aldridge, Boston Police Department, 3/23/04.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

with the decent people in our city."¹⁹³ Explaining this operational practice to the community made them more comfortable with increased police presence. ¹⁹⁴ Additionally, in terms of building trust and breaking down barriers of skepticism, BPD reports that when word got back to the community that BPD had in good faith acted upon hate crimes and incidents reporting, the community responded with increased trust. ¹⁹⁵

In addition to efforts immediately following the September 11th, BPD has sustained their efforts to work with these communities. BPD has been active in the two local Hate Crimes Taskforces (one operated out of the Governor's office and one out of the Attorney General's office). Additionally, while BPD's efforts have moved into more of a "response" mode now that the community is familiar with the department and its role visavis hate crimes investigations and response, the department does still occasionally proactively visit the community in order to "check in."

FBI-Boston Division

Immediately following the events of September 11th, the Civil Rights Squad from the Boston FBI office began an initiative designed to make contact with every mosque in the Commonwealth of Massachusetts for the purpose of providing information about the resources that were available to the community to respond to incidents of hate crimes or other forms of retribution. In order to do this, the FBI agents from the Boston Division worked closely with the Bureau of Alcohol, Tobacco and Firearms (ATF) and utilized a database of places of worship compiled by the ATF. ATF had built this database as part of their church arson initiative and the FBI found it very useful for the quick identification of mosques in the days and weeks after September 11th /01. In addition to the mosque site visits, the Civil Rights Squad at the Boston office sent letters to all of the area mosques offering to come for meetings to discuss the FBI's role in hate crimes investigations. Out of this initiative, the FBI heard back from five mosques with which they followed-up.

While forging relationships during a crisis was difficult,²⁰⁰ the FBI reports that long-lasting relationships have developed out of these mosque visits which have proven

¹⁹⁴ Ibid.

¹⁹³ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ According to a member of the community who was invited to attend one meeting of the Attorney General's Hate Crimes Taskforce but never asked to return, these meetings were ineffective at including a consistent community voice. Further, ADC-MA reports that their representatives dropped out of the AG's Office Hate Crimes Taskforce because the Anti-Defamation League was asked to participate as well which the ADC feels precludes them from effectively participating.

¹⁹⁷ Ibid.

¹⁹⁸ PfP Boston Law Enforcement Focus Group, Jay White, Acting Supervisor, Federal Bureau of Investigation, Boston Division, 4/5/04.

²⁰⁰ PfP Boston Law Enforcement Focus Group, Kenneth Kaiser, Special Agent in Charge, Federal Bureau of Investigation, Boston Division, 4/5/04.

mutually beneficial to the FBI and the community.²⁰¹ Specifically, the FBI reached out to some of these same contacts as part of their effort to recruit translators for languages with which the FBI had serious deficiencies.²⁰²

In addition to the mosque visit project, FBI Boston has participated in numerous community meetings and briefings which have included leaders from the Muslim community in their Citizen's Academy program which offers citizens the opportunity to learn first-hand about the operations of the local FBI Field Office. Additionally, the FBI Boston Field Office has recently begun a series of media brown bag lunches where they invite local media representatives to an off-the-record meeting about Bureau operating procedures and publicly available case information. This initiative is aimed at making accurate information available to the public about FBI policies and procedures by proactively working with the media to better inform its coverage.

United States Attorney's Office

In the months that followed September 11, 2001 pursuant to an Executive Order from President Bush, the Department of Justice organized Anti-Terrorism Task Forces (ATTF) out of every United States Attorneys' Office. These groups were made up of executives from federal, state, and local law enforcement who were charged with coordinating all anti-terrorism efforts. Boston like all districts immediately developed their standing ATTF which was designed to complement the Joint Terrorism Task Force (JTTF) already in place. The ATTF (which today has become the Massachusetts Anti-Terrorism Advisory Council or ATAC), took a number of steps to facilitate its mission of "developing effective federal, state, and local partnership[s] to comprehensively address the threat of terrorism" including the creation of a Civil Rights Sub-Working Group for the ATTF/ATAC. In addition, United States Attorney Michael Sullivan created an Anti-Terrorism Unit (ATU) in September of 2002 where four Assistant United States Attorneys (AUSAs), an Intelligence Research Specialist (IRS), a Security Specialist and three support staff work exclusively on anti-terrorism initiatives.

According to the OUSA, Paul Saba of the Arab-American Lawyers Association and Juliette Kayyem of the JFK School of Government were substantially involved in the early stages of the Civil Rights Sub-Working Group of the ATTF/ATAC.²⁰⁶ This group was reportedly helpful on a number of mandated initiatives including the implementation of the student registration piece of the NSEERS program.²⁰⁷ Over time the interpersonal

²⁰³ Ibid.

²⁰¹ PfP Boston Law Enforcement Focus Group, Jay White, Acting Supervisor, Federal Bureau of Investigation, Boston Division, 4/5/04.

²⁰² Ibid.

²⁰⁴ PfP Boston Law Enforcement Focus Group, Kenneth Kaiser, Special Agent in Charge, Federal Bureau of Investigation, Boston Division, 4/5/04.

²⁰⁵ Memo from Assistant United States Attorney Michael Ricciuti to Sasha O'Connell regarding: Partnering for Prevention and Community Safety: Draft of Boston Chapter; 4/23/04.

²⁰⁷ PfP Boston Law Enforcement Focus Group, Gerard Leone, First Assistant United States Attorney, United States Attorney's Office, 4/5/04.

relationships built through this working group became quite strong and the United States Attorney's Office began to rely on one-on-one contact with individuals for input rather than convening the entire group. ²⁰⁸

As this report goes to print, the United States Attorney's Office in Massachusetts is pursuing additional outreach with the Muslim community. On April 22, 2004, the USAO held a meeting with "several representatives" of the Muslim community to discuss developing a plan for institutionalizing outreach efforts. Community representatives have agreed to propose an agenda and a list of invitees for an initial planning meeting. Work on this initiative is in its nascent phase, but is ongoing. 209

Cambridge Police Department

While the Cambridge Police Department did not have a particularly robust relationship with its local Muslim, Arab, or Sikh communities prior to September 11, 2001 it does have a long-established history of focusing on a strategy of community policing. This well-established framework and the Chief's ongoing participation in efforts focused on ending racial profiling, enabled it to react quickly to the situation and provide the community with protective services in a way that was warmly received. ²¹⁰

In the afternoon of September 11th the Cambridge Police Department visited the Cambridge mosque in order to offer assistance and protection. According to Muhammed Ali-Salaam a member of the mosque, "I was literally taken aback with their sensitivity and their professionalism." As the officers explained their intentions and arrived at the door to the mosque, they respectfully carried their shoes in their hands.²¹¹ This interaction was the beginning of a relationship between the Cambridge Police Department and Ali-Salaam that included the provision of cultural training to the police department and the inclusion of Muslim community members in a series of interfaith community events to commemorate September 11th.²¹²

CHALLENGES

While the Muslim, Arab and Sikh communities and law enforcement of Greater Boston face a number of challenges to their efforts to develop partnerships, they are not alone. Unlike Southeastern Michigan and Southern California, most cities in the country are like Boston in that they do not have well established historic relationships between law enforcement and the Muslim, Arab, and Sikh communities nor do they have well funded and organized community organizations, factors which significantly facilitate the development of strong partnerships.

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²⁰⁸ Ibid

²⁰⁹ Memo from Assistant United States Attorney Michael Ricciuti to Sasha O'Connell regarding: Partnering for Prevention and Community Safety: Draft of Boston Chapter; 4/23/04.

²¹⁰ Interview, Ronnie Watson, Commissioner, Cambridge Police Department, 6/13/03.

²¹¹ Ben Arnoldy, "September 11 One Year Later: On Profiling," The Christian Science Monitor, at: www.csmonitor.com/specials/oneyearlater/onProfiling_ali-salaam.html, accessed on 4/12/04.
www.csmonitor.com/specials/oneyearlater/onProfiling_ali-salaam.html, accessed on 4/12/04.

Media

Misinformation about ongoing cases spread to the community by the media can be toxic to law enforcement-community partnerships. Boston faced a clear example of this challenge in the case of the Ptech investigation.

PTech Inc. is a Quincy, Massachusetts-based software firm that was started in 1994 by co-founders Oussama Ziade, who had originally come to the U.S. from Lebanon to study at Harvard, and James Cerrato. Between the time the company was founded and September 11, 2001, the firm developed an extensive list of clients for their software which was designed to graphically represent large amounts of information. Among these clients were the Federal Bureau of Investigation, the Air Force, the Navy, and NATO²¹⁴

In October of 2001 the name Yasin al-Qadi, a business man from Saudi Arabia, began appearing on a government list of individuals and organizations suspected of funding terrorist organizations. This turn of events impacted Ptech because, according to CNN, in 1994 al-Qadi had invested \$5 million of the \$20 million dollars Ptech raised from approximately fifty investors. According to Ptech management, they became aware that al-Qadi's name had surfaced on the government's list but, because al-Qadi was never a shareholder of record and because he turned down additional requests for funding they report that "[our] lawyers suggested there is nothing that needs to be done." ²¹⁶

Law enforcement became aware of the connection between al-Qadi and Ptech and on the evening of December 5, 2002 federal agents arrived at the Ptech office where they executed a search warrant. According to press reporting, Ptech CEO Oussama Ziade said he was happy to assist the FBI and granted authority for the search and the federal agents agreed to be discreet about their search (parking their cars away from the Ptech offices) and to not leak word of their search to the media. During the course of the search, Ziade met with federal agents, described Ptech's relationship with al-Qadi, and was assured that "neither Ptech nor its employees or officers [were] the target of the investigation."

As the search was wrapping up in the early morning hours of December 6, 2001, the parking lot of the Ptech office building began to fill with reporters and photographers from the media who had been leaked information from an unknown source about the ongoing investigation. The media coverage that followed the search of Ptech was far

76

²¹³ "Possible Terror Ties Devastate Tech Firm," CNN.COM, available at: www.cnn.com/2003/TECH/biztech/01/01/problems.ptech.ap, accessed on 5/03.

Pam Belluck and Eric Lichtblau, "Threats and Responses: The Money Trail; Federal Agents Raid a Software Company Ouside Boston, Seeking Links to Al Qaeda," New York Times, 12/7/02, at: http://query.nytimes.com/gst/abstract.html, accessed on 5/03.

²¹⁵ "Possible Terror Ties Devastate Tech Firm," CNN.COM, available at: www.cnn.com/2003/TECH/biztech/01/01/problems.ptech.ap; accessed on 5/03,Al-Qadi's exact relationship to Ptech and its investors has not been publicly corroborated by law enforcement ²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid.

from accurate. The media described the search as a "raid" of the Ptech office, and insinuated that in regards to Ptech's investors there was "at least one of whom is now suspected of having ties to Osama bin Laden's al-Qaida terrorist network" and in some cases suggested that Ptech employees had been arrested. The inaccurate reporting prompted the OUSA to release a statement explicitly stating that a search was executed and that "The search was conducted in connection with an on-going financial investigation. Media characterizations of this as a terrorist investigation are premature."

The December 2002 statement from the OUSA about the Ptech investigation (which is still ongoing today) also made explicit that there was no reason to believe that the software products sold by Ptech to the U.S. government were compromised in any way. Despite these clarifications, inaccurate reporting created a significant challenge for Ptech whose business has suffered drastically. In addition to the impact on Ptech and its employees, the media coverage of the Ptech search has had a significant impact on the ability of the community and law enforcement to establish relationships and develop working partnerships.

One reason that the media coverage of the Ptech search has been challenging for law enforcement-community partnerships is that Ptech's CEO Oussama Ziade is a prominent member of the Muslim community in Boston. Thus, the community watched the media coverage with great interest and had many concerns about law enforcement's intent in "targeting" an apparently innocent member of the Muslim community. These concerns fed the growing distrust of law enforcement felt by a large segment of not only the Muslim but Arab and Sikh communities as well.

In addition, law enforcement was put in the challenging position of needing and wanting to correct inaccurate media reporting through conversations and education opportunities with the community but being limited in their ability to do so by Department of Justice regulations and court rulings which prohibit them from discussing any active investigation (like Ptech) with the public. This created a sizeable challenge for building community relationships because, as Massachusetts Anti-Terrorism Coordinator Michael Ricciuti reported, it was difficult to have productive meetings and information sessions with the community during this time because the community was predominantly interested in sorting out the facts of law enforcement's role in the Ptech investigation but law enforcement was prohibited from discussing it at all because it was an active

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²¹⁹ See "Software Firm Attracted Attention with Government Clients," 7 News Boston, available at: http://web1.whdh.com/news/articles/local/h6320/, accessed on 5/03.

Dan Verton, "Ptech Workers Tell the Story Behind the Search," Computer World, available at: from www.computerworld.com/securitytopics/security/story/0,10801,77682,00.html, accessed on 5/03.

Www.computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/opics/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/computerworld.com/security/story/0,1001/1/102/com/security/story/0,1001/com/security/story/opic/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/0,1001/com/security/story/

²²² Ibid.

²²³ "Possible Terror Ties Devastate Tech Firm," CNN.COM, available at: www.cnn.com/2003/TECH/biztech/01/01/problems.ptech.ap, accesed on 5/03.

²²⁴ PfP Greater Boston Community Focus Group, Anwar Kazmi, Islamic Council of New England, 1/24/04.

investigation.²²⁵ In May of 2003, Ricciuti and FBI Supervisory Special Agent David Nodolski spoke at the mosque in Quincy, MA in an effort to address community concerns about the Ptech case. Again, their ability to discuss the specifics of the case was limited by regulations governing ongoing investigations. The inability of law enforcement to discuss details of the Ptech case was perceived by the community as an attempt to stonewall and it further deepened their distrust and heightened the challenges inherent in establishing working relationships. While the Ptech search occurred in December of 2001, it has had devastating effects on the company. As of January 2003 Ptech had reduced its 65 employee company to 10 employees. Thus, Ptech remains a source of concern for the community not only in Massachusetts but nationwide.

Another example of the media impeding community-law enforcement partnerships is The Boston Herald's recent series of articles about the Islamic Society of Boston (ISB) and its supporters. The ISB, which is a social as well as religious organization, was formed in 1981 by a group of area students and academics. Today, ISB is pursuing a number of social and educational projects and is working to build a large mosque and cultural center in Roxbury. 226 In October 2003 and again in March 2004, The Boston Herald printed a series of articles, which drew a link between the ISB and a number of controversial individuals and organizations. The Herald also criticized ISB's support for Ptech and claimed that ISB's mosque-building project was funded primarily by donors in the Middle East. 227 There is no public information available to indicate that the ISB is the subject of any on-going law enforcement investigation or that the Herald obtained its information from law enforcement sources.

Community members viewed these articles to be inaccurate, misleading and in some cases Islamophobic. Some feared that the articles would increase backlash and hate crimes against Muslims in Greater Boston. Community members also felt that although these articles were printed by an independent media outlet, law enforcement should have made an effort to publicly correct misinformation and show their support for the Muslim community.²²⁸ Law enforcement in Massachusetts continues to "take no position on the accuracy or lack of accuracy as to what the Boston Herald reported."²²⁹ The FBI field office reports that they did respond to the negative Boston Herald articles by meeting with Dr. Yousef Abou-Aballah, Director, ISB; and the OUSA arranged a meeting with their informal community liaison, Muhammed Ali-Salaam to discuss community concerns and gain an understanding of the community's perspective. ²³⁰ This meeting, however, was not highly publicized in the community and many community members continue to believe that law enforcement responded with inaction, thereby, posing another challenge to partnership efforts.

²²⁵ Interview with Michael Ricciuti, Anti-Terrorism Coordinator, United States Attorney's Office, 4/4/03.

²²⁶ For more information about the ISB, its projects, and its response to allegations by *The Boston Herald*, see www.isboston.org.

227 Jonathan Wells, "Islamic Radical Tied to New Hub Mosque", *The Boston Herald*, 3/7/04.

²²⁸ PfP Greater Boston Community Focus Group, Salma Kazmi, ISB, 1/24/04.

²²⁹ Memo from Assistant United States Attorney Michael Ricciuti to Sasha O'Connell regarding: Partnering for Prevention and Community Safety: Draft of Boston Chapter; 4/23/04.

²³⁰ PfP Greater Boston Law Enforcement Focus Group, Teresa Lange, Supervisory Special Agent, FBI-Boston, 4/5/04.

The Fleet Bank Cases

A very public challenge to law enforcement – community partnerships in the Greater Boston area has been the Fleet Bank cases, which interestingly are driven neither by law enforcement nor the community. In November 2002, Fleet Bank closed the accounts of five Muslim and/or Arab-American individuals in the Boston area and in February 2003, it closed the accounts of three Islamic schools, a mosque, a Muslim-owned business, and at least 10 other Muslim individuals.²³¹ The Bank reportedly gave no explanation for the closures other than it did not feel that the banking relationship was in its best interest and that it had a right to terminate a banking relationship at any point and without prior notice.²³² These types of abrupt account closures or denial of services by banks and other financial institutions have increased since September 11th, primarily affecting Muslims and Arab-Americans. 233 While Title II of the 1964 Civil Rights Act prohibits business from discriminating based on race, ethnicity, religion, or national origin, after September 11th, private financial companies have been able to deny services to anyone they think is on a watch list or believed to be connected with terrorism.²³⁴ However, there is no publicly available information that would indicate that any of the individuals or institutions that were subjects of the Fleet Bank account closures were the subjects of ongoing law enforcement investigations.

In response to the Fleet Bank cases, some community organization such as the ADC-MA and the ACLU organized a campaign known as Fleet Flight to protest the Bank's actions. Fleet Flight is a sustained, long-term campaign in which each week a number of community members voluntarily close their Fleet checking, savings, or credit card accounts. This campaign has focused community attention to the Fleet cases, which has increased awareness and in some cases fueled anger within the community.

While there is no indication that law enforcement requests or directives drove the Fleet cases, many community members are suspicious that these cases were solely the result of an overzealous private company, acting alone. Thus, these cases present an unusual challenge for law enforcement in its relationship with the community. Law enforcement representatives in the Boston area often find themselves defending their organizations and their lack of involvement in the Fleet Bank cases. From the community's perspective, it is important for law enforcement to acknowledge the wide-ranging effects of the Fleet cases on the community. Additionally, in terms of approaching the community about partnerships, it is important for law enforcement to understand the commonly held suspicion of government involvement in these cases. Further, these cases are relevant for law enforcement nationwide as they received national attention from the media and community. Thus, the Fleet Bank cases exemplify how third-parties, whether

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²³⁴ Ibid.

²³¹ Fleet Flight Campaign, available at: www.fleetflight.org, accessed on 4/13/04.

²³² Ibid.

²³³ Leela Jacinto, "Muslim Blacklisting? American Muslims Accuse Banks and Other Financial Institutions of Discrimination", ABC News, 6/11/03 available at: http://abcnews.go.com/sections/us/Business/muslim030611.html, accessed on 4/13/04.

the media or private industry, can influence partnerships between law enforcement and communities.

Community Perceptions of Government

According to both community members and law enforcement representatives in Greater Boston, a significant challenge to partnerships is the general lack of community understanding or familiarity with the details of American government operations. This unfamiliarity with government policies, procedures, and services is a problem with many segments of the American public but seems particularly acute in groups with large immigrant populations such as the Muslim, Arab, and Sikh communities in Massachusetts. At times such groups view the government not as different agencies and departments with different roles and objectives, but rather as one big, monolith or "officialdom." This perception of the American government extends beyond domestic agencies to US embassies and consulates overseas. A negative experience with American agencies overseas or at airports, at times shapes one's perception of the government even before entering the US. 236

Further, a positive interaction with a government agency or representative can be easily counteracted by a negative, more publicized experience. For example, one community member noted that in the past, the Muslim community in Irvine, California had a very positive relationship with the military, which began when the US Marine Base there allowed the Muslim community to use its facilities for Eid prayers. The community member, however, felt that this positive interaction was overshadowed by the much more publicized arrest of a Muslim chaplain, Army Capt. James Yee, who served in Guantanamo Bay, Cuba. Capt. Yee was first held on suspicions of espionage but after the Army dismissed those charges he was found guilty on the non-criminal violations of adultery and improperly downloading pornography onto an Army computer. Most recently Capt. Yee was cleared of all charges on appeal. This incident heightened fears that Muslims, whether immigrants or Americans, serving in the US military were under suspicion by the U.S. government.

As many of the post-September 11th issues faced by Muslim, Arab, and Sikh communities are complicated and handled by multiple agencies, community members are additionally frustrated when law enforcement representatives do not address their grievances and they feel caught in a 'pass the buck' scenario. For example, one oftentold story is of community members bringing up negative incidents at the airport with FBI agents. While the community has been frustrated with these encounters because Federal agents outside the airport are often unable to provide adequate information about specific and personal situations, one can also understand the FBI's inability to respond

²³⁵ Interview with Husain Kazmi, Vice President, Hopkinton Muslim Community Center, 4/1/04.

²³⁶ Interview with Hassan Abbas, Visiting Research Fellow, Harvard Law School, 4/1/04.

²³⁷ Interview with Husain Kazmi, Vice President, Hopkinton Muslim Community Center, 4/1/04. ²³⁸ "Army Clears Guantanamo Chaplin", BBC News, available at:

http://news.bbc.co.uk/1/hi/world/americas/3627657.stm, accessed on 4/15/04. It is important to note here that while Chaplin Yee's arrest was highly publicized in the national media, there has been little national media attention of him being cleared of all charges.

because airport security is not within their jurisdiction. From its perspective, law enforcement representatives feel that they cannot and should not be forced to answer for the actions of other government agencies or departments. This is at times perceived as an unwillingness of agencies to take responsibility for each other and is particularly troublesome in cases that require an urgent law enforcement response, such as hate crimes or hate incidents.

At times however the challenge lies not in a lack of understanding of operational realities but rather in differing perceptions of complicated realities. For example, different perceptions of post-September 11th detentions of Muslim and Arab men as part of the PENTTBOMB investigations have been a point of contention in Greater Boston. Law enforcement in Massachusetts report that the widely held belief of community members that nationally, mass detentions took place in the weeks and months after the attacks is not based on fact but based on rumor and misunderstandings.²³⁹ However, from the community perspective, PENTTBOMB related detentions are an ongoing source of concern, fear, and distrust of law enforcement.

The detention of 762 men as part of the post-September 11th investigations has been well documented in reports by civil rights organizations such as ACLU's January 2004 report *America's Disappeared: Seeking International Justice for Immigrants Detained After September 11*²⁴⁰ and the US Department of Justice in the April 2003 Office of the Inspector General's (OIG) report. In terms of perspectives, while law enforcement representatives in Massachusetts note that the OIG's report "discussed issues concerning the treatment of those arrested after September 11," they are quick to emphasize that this report "did not find that those people were improperly arrested or detained, or that some process of detaining people, independent of the normal criminal or immigration process, was followed." From the community's perspective, however while these detentions may have been legal, the focus of concern is on the treatment of detainees and the appearance of racial profiling in the enforcement of immigration laws.

It is also important to note that most of these detainees were not charged with terrorism. However that does not indicate, as many community members believe, that they had no knowledge or connection with terrorist activities. For example, one immigration detainee who pled guilty to conspiracy to commit identification fraud and aiding and abetting the unlawful production of identification documents traveled overnight with two of the

²³⁹ PfP Law Enforcement Focus Group, Mike Ricciuti, Anti-Terrorism Coordinator, US Attorney's Office, 4/5/04.

²⁴⁰ This report available at: http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=14800&c=207, accessed on 4/13/04.

²⁴¹ "The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks", p.2, Office of the Inspector General, Department of Justice, 4/03.

²⁴² Memo from Assistant United States Attorney Michael Ricciuti to Sasha O'Connell regarding: Partnering for Prevention and Community Safety: Draft of Boston Chapter; 4/23/04.

September 11th hijackers.²⁴³ While in the case of detentions there is publicly available information to help clarify perceptions, many situations are not as easy to sort out. In cases where there is not public information available, it is particularly important for law enforcement and the community to recognize and respect each other's perspective even if they do not agree.

Need for Accountability

Another challenge perceived by the Greater Boston Muslim, Arab, and Sikh communities is the lack of accountability to the community among individual federal law enforcement representatives. Many community members have cited the airport as a place where law enforcement representatives, namely Transportation Security Administration (TSA), Bureau of Citizenship and Immigration (BCIS), and Customs officials must acknowledge that they are representatives of the government and act accordingly. They must serve not only as law enforcement officials but also as ambassadors of the U.S., who every day influence how hundreds of foreign nationals perceive this country.

Community members do however report that their interactions with local law enforcement such as the BPD have by and large been positive. According to Hussain Kazmi of the Hopkinton Muslim Community Center, this contrast is perhaps related to the fact that local law enforcement is directly accountable to the community. Local law enforcement representatives often live in and are an active part of the communities where they serve. As Kazmi notes, "I see the Chief at Boy Scout meetings." By contrast, federal law enforcement is accountable primarily to national politically appointed executives in Washington, DC.

No Formal Structure for Communication

A significant challenge to community – law enforcement partnering efforts in the Greater Boston area is the lack of a formal, on-going structure for communication. This challenge, which was also noted in Southern California, greatly inhibits their ability to develop, maintain, and advance partnering efforts. Unlike Southern California, however, until very recently there have been no notable efforts in building such a structure in Greater Boston. This may be due to the relatively small size and lack of organization within the community and the inability of both the community and law enforcement to prioritize the partnering model.

National Directives

²⁴³ Testimony before the Senate Judiciary Committee: "The Inspector General's Report and the September 11th Response", Michael E. Rolince, Acting Assistant Director in Charge, FBI 6/24/03, available at: http://www.fbi.gov/congress/congress03/rolince062403.htm accessed on 4/15/04

Interview with Husain Kazmi, Vice President, Hopkinton Muslim Community Center, 4/1/04

Post September 11th, the Boston Office of the FBI's counterterrorism squad,²⁴⁵ in addition to their central role in the PENTTBOMB investigation, was working to meet the requirements laid out by USDOJ that they conduct 117 voluntary interviews of nonimmigrant aliens who met a series of USDOJ requirements.²⁴⁶ According to Supervisory Special Agent Teresa Lange, this project proved particularly challenging because: 1) USDOJ required these interviews to be completed over a very short amount of time; 2) there were very few agents in the office on September 11th who had experience working with this community; and 3) the timeframe for conducting these interviews extended over the Muslim holy month of Ramadan.²⁴⁷

SSA Lange sees the local FBI office's hampered ability to effectively implement the post September 11th interview project as sharply contrasting with the Boston FBI's ability to carry out USDOJ mandated voluntary interviews of Iraqi's in this country in the spring of 2003. In the case of the Iraqi interviews, she noted that unlike the first round of interviews following September 11th, the office was given enough time to plan and execute the interview project effectively. Specifically, in the case of the Iraqi interviews, the Boston FBI office had time to establish a uniform protocol for conducting these interviews, which was disseminated to all agents involved in the project during preinterview briefings. The protocol for the interviews reminded agents to emphasize to community members that they were not required to talk with the FBI and it encouraged agents to utilize these interviews as an opportunity to ask community members if they (or anyone they knew) had been the subject of a hate crime or hate incident. While law enforcement clearly learned from the process, by all accounts the interview project that immediately followed September 11th "raised concerns within the community" and there is general acknowledgement that it could have been done more effectively.

Community Organization

In Boston, from law enforcement's perspective, there are "fissures in the [Muslim, Arab, and Sikh] community that are difficult to navigate." This has been found to be true in two distinct senses. First, the Muslim, Arab, and Sikh communities in Massachusetts are large enough to have significant contact with law enforcement and to have other

²⁵⁰ PfP Boston Law Enforcement Focus Group, Michael Sullivan, United States Attorney, United States Department of Justice, 4/5/04.

²⁴⁵ There was only one counterterrorism squad in the Boston FBI office on September 11, 2001. Today, the office has three squads each entirely dedicated to counterterrorism work.

 ^{246 &}quot;Homeland Security: Justice Department Project to Interview Aliens after September 11, 2001," p. 29,
 General Accounting Office, 4/03.
 247 PfP Boston Law Enforcement Focus Group, Teresa Lange, Supervisory Special Agent, Federal Bureau

²⁴⁷ PfP Boston Law Enforcement Focus Group, Teresa Lange, Supervisory Special Agent, Federal Bureau of Investigation, Boston Division, 4/5/04.

²⁴⁸ For further discussion of implementation of pre-Iraq war interviews in contrast to post-September 11th interviews see: "Protecting Your Community From Terrorism: Strategies for Local Law Enforcement, Vol 2: Working With Diverse Communities," Police Executive Research Forum, U.S. Department of Justice Office of Community Oriented Policing Services," p. 40, 3/04, available at www.policeforum.org, accessed on 5/3/04.

²⁴⁹ Ibid.

²⁵¹ PfP Boston Law Enforcement Focus Group, Michael Ricciuti, Anti-Terrorism Coordinator, United States Attorney's Office, 4/5/04.

significant issues such as work place discrimination and immigration challenges. However, currently the community is not large enough to be a focus of national community resources. Therefore, local community organizations tend to be under-funded and somewhat disjointed. Specifically, whereas community organizations such as CAIR and ADC have large well staffed offices in places like Detroit/Dearborn and Los Angeles, in Boston, as previously mentioned, CAIR does not maintain an office and ADC just hired their first full time staff person locally in 2004. Further, organizations like the SMART rely exclusively on volunteer assistance in Massachusetts. While individuals involved in these organizations do a tremendous amount of work solely relying on volunteers and limited staff assistance, their resources are extremely limited. This lack of resources limits their ability to coordinate the time-consuming process of engaging in ongoing communication with law enforcement.

In addition to the lack of robust community organizations to support and staff partnership efforts with law enforcement, unlike the local Sikh community there is not a clear consensus within the diverse and dispersed Massachusetts Muslim and Arab communities that investing the time and resources necessary to establish an ongoing dialogue with law enforcement is necessarily a high priority. This lack of consensus is undoubtedly a result of a number of factors including the absence of an effective coordinating umbrella organization to help make priorities and create a strategy across these diverse communities, and the fragility of this small and diverse community. This makes them further apprehensive about initiating a relationship with the well-organized and relatively well-funded law enforcement agencies. In contrast, the Sikh community has been better able to utilize their tight-knit and relatively small religious community to set priorities and implement outreach efforts.

Further in Massachusetts, like many communities nationwide, there is a history of distrusting law enforcement. According to the community, this distrust and fear has been fueled by, among other things, ²⁵² the previously discussed situations with Ptech, Fleet Bank, and the ISB. ²⁵³ This profound distrust and fear may be a significant factor contributing to the lack of focus on establishing law enforcement outreach programs. ²⁵⁴ Whatever the reasons, having local communities that are not particularly well resourced or organized and that have not overtly prioritized coordination efforts with law enforcement, presents a significant challenge to establishing local partnerships.

²⁵² See the "Perpectives" section of the Challenges Chapter for a discussion of other possible sources of community mistrust of law enforcement and the U.S. government more generally. ²⁵³ PfP Greater Boston Community Focus Group, 1/24/04.

²⁵⁴ The United States Attorney's Office in Massachusetts reports that they have been at times surprised and disappointed by the level of fear and distrust. One of the many challenges this fear creates is a tendency for community members to unnecessarily lie to law enforcement officials out of fear and misunderstanding of jurisdiction. This creates an additional layer of complications for law enforcement officials who don't want to have to take action against otherwise innocent community members for lying to federal officials.

LESSONS LEARNED

Need for a Formal Mechanism for Communication

The experience of law enforcement and the community in Boston exemplifies the need for the creation of a formal, ongoing mechanism of communication between these two groups. Without standing lines of communication, law enforcement and the community become dependent on individuals for communication and interaction. This arrangement has a number of drawbacks including: limiting the perspectives included in the exchange; minimizing the distribution of information gained through these interactions; and leaving communication lines susceptible to changes in personal priorities and personnel assignments.

No Quick Fix

In order to create a formal mechanism for communication between law enforcement and the community, it is clear in Boston that simply importing a model that has worked in other parts of the country would be counter productive. Specifically, taking immediate steps to organize an formal advisory board for the community along the lines of the BRIDGES group in Southeastern Michigan or the one currently being planed in Los Angeles, would not be beneficial to the community or to law enforcement at this point in time.

This would be an inappropriate course of action because 1) there is no active standing community-law enforcement advisory board from which a group designed to specifically address the needs of the Muslim, Arab, and Sikh communities could be spun;²⁵⁵ 2) law enforcement in Greater Boston is still too tentative about what community partners they should and could effectively work with on such an advisory board to move directly to this type of organization; and 3) from the communities' perspective, they are not currently organized and resourced to a level where they feel they could adequately and consistently represent their issues and concerns through such a formal (and labor intensive) communications mechanism.

"Begin at the Beginning",256

While jumping directly into the establishment of a formal advisory board is not the appropriate next step in Boston, a plan for moving in the direction of establishing partnerships and ultimately a formal advisory board of some kind has emerged and has received at least preliminary support from both the community and law enforcement representatives locally.

²⁵⁵ In Southeastern Michigan prior to September 11th they had an active multi-community advisory board, ALPACT, which was a place from which to start growing the group that would become BRIDGES. ²⁵⁶ A terms used by Jim Jordan, former head of strategic planning, Boston Police Department to describe the BPD's approach to initiating community outreach on work.

Since both the community and law enforcement are somewhat wary of jumping into a formal committed structure, beginning with a series of separate, facilitated briefing sessions for law enforcement and the community has been proposed. At this stage, community representatives would meet with a facilitator and a trainer to discuss: their concerns about meeting with law enforcement; who would best represent their communities in collaborative dialogues; the development of a vision and strategy for their work with law enforcement; and ways to deepen the learning about each of the law enforcement agencies and what their roles and responsibilities include in order to prepare for dialogue sessions. On the law enforcement side, they too should begin by meeting with a facilitator and a trainer in order to have the opportunity to learn about: what they can expect to hear from the community; information about the cultural and religious make-up of their local communities; and well as more information about the relevant national and local community organizations.

Following these briefings, the community and law enforcement would be asked to select a diverse group of representatives who would be available to participate in once monthly meetings over the course of the next calendar year. Once these commitments were made, these groups would begin meeting with the help of a facilitator. The focal point of this series of roundtables would be the community and law enforcement representatives working together to clearly define a mission for the group (such as increasing public safety) and a strategy for achieving that mission (this would be focused on increasing community-law enforcement communication and coordination). Once the mission and strategy were clearly defined, a facilitator would begin working with the group to begin the process of developing a collaborative plan for implementation.

In addition to working together to develop a plan for increased communication and coordination, these round-table meetings would provide an opportunity for law enforcement and the community to begin to get to know each other and exchange information—the foundations of trust. After the completion of these meetings, which could last up to a year but could reach resolution sooner, this group would begin to transform itself into the kind of formal working group required to begin implementing a jointly developed action plan. By "beginning at the beginning" and offering training and collaborative work opportunities to develop mutually beneficial goals, law enforcement and the community in Boston could begin the process required for partnership.

VIII. RECOMMENDATIONS

Working towards institutionalizing partnerships between law enforcement and American, Muslim, Arab and Sikh communities is the key to preventing future acts of terrorism and hate crimes in this county. This goal should be a priority for both law enforcement and the community. In this spirit, the PfP research team offers the following recommendations that focus on practical strategies for implementing these partnerships. These recommendations are based on promising practices found in the Southeastern Michigan, Southern California, and the Greater Boston case studies as well as on discussions with national community and law enforcement leaders.

RECOMMENDATIONS FOR AMERICAN MUSLIM, ARAB, AND SIKH COMMUNITIES / ORGANIZATIONS:

- In order to develop and maintain partnerships with law enforcement, local
 community groups must first prioritize this work and devote the necessary
 resources to sustaining these efforts. While, at times, this may be challenging due
 to competing priorities and limited resources, prioritizing partnerships is
 necessary because consistency and commitment are critical to relationshipbuilding.
- Local community organization is a critical component for establishing and maintaining grass-roots support for partnerships with law enforcement. However, community resources are often extremely limited. In order to address resource needs, local communities should look towards national community organizations that ought to make every effort to support their local chapters in efforts to establish partnerships. Specifically, national organizations can provide support and resources, where possible, in order to sustain local law enforcement outreach efforts. In addition to resources, national organizations can help local chapters by providing clear guidance about law enforcement outreach policies and procedures. Particularly in areas where community numbers are small, local organizations can leverage limited resources by partnering with other civil rights organizations, inter-faith organizations, and political groups. Further, community groups should actively seek funding from local philanthropies to help support partnership efforts.
- In addition to local community organization strength, it is critical for community organizations to maintain a strong national presence through an effective Washington, DC office. Without national strength, local community groups have trouble: establishing legitimacy with federal law enforcement which tends to take its cues from Washington; obtaining substantial resources; and remaining involved in policy dialogue and national media coverage.
- Community groups should develop strategic action plans for hate crimes response and proactive interaction with law enforcement on counterterrorism issues. These plans should include strategies for: 1) educating law enforcement and the media

about accurate community history and cultural norms; 2) educating the community at large about community history and cultural norms; 3) identifying appropriate community members who have the operational skills needed to take the lead on a particular areas of focus; and 4) creating a mutually agreed-upon list of priorities to be raised with law enforcement partners.

- Local communities should identify representatives who will be endowed with the authority and support necessary to effectively work with law enforcement. These representatives will need to work collaboratively with law enforcement and the communities they represent to design a mechanism for ongoing communication and problem-solving. One model that has proven to be useful for communication is the establishment of a working group which includes representation from the district ATTF or equivalent organization and the local Muslim, Arab, and Sikh communities.
- The community must take some of the responsibility for publicly recognizing achievements of newly established partnerships. In order to accomplish this goal, the community should be willing to: publicly acknowledge those law enforcement officials who have worked successfully with them; participate in joint press conferences on issues of concern to both law enforcement and the community; and, in order to ensure mutual accountability, the community must work closely with law enforcement to develop target goals for partnerships and help measure the partnerships' progress.

RECOMMENDATIONS FOR LAW ENFORCEMENT

- Law enforcement should abandon the "expertise model" of policing and embrace a counterterrorism and hate crime strategy that is inclusive of community voices. This requires them to embrace the idea that the most effective way to reach their operational goals is to focus on strategic targeting of suspicious behavior as opposed to "casting the net wide" around suspicious people. Specifically, law enforcement should abandon any law enforcement initiatives which are targeting people based on their religion or national origin.
- Executives at the highest levels of federal, state, and local law enforcement must
 make community outreach and coordination a priority for their organizations and
 agencies. Commitment at the highest level is required because, as previously
 noted, consistency and commitment are critical to relationship building. This
 commitment should be reflected in rewards and promotions for community work
 (which requires the development of community policing evaluation mechanisms)
 and an effort should be made to recruit the best and brightest to work with
 communities.
- Within law enforcement agencies, work with the community must be integrated into casework and viewed as an integral operational strategy. If work towards

- community partnerships is marginalized and separated from other operational activities, partnership efforts will be unable to fully reach their potential.
- Law enforcement must be willing to redefine and expand traditional roles and jurisdictions. First, because immigration enforcement is such a key issue for members of the Muslim, Arab, and Sikh communities, all agents and officers must have a working knowledge of their agency or department's immigration policies and they must have clear and accurate instruction about their discretion in this regard. Additionally, agents and officers should have the basic information required to help community members with referrals to other government agencies with whom the community might have issues or concerns such as the Equal Employment Opportunity Commission, TSA, and local city or state officials.
- While there are many competing objectives for law enforcement involved in counterterrorism and hate crime investigations, maintaining a dedication to partnership efforts is critical. One way for law enforcement to minimize the resources required to initiate these efforts is to look to their counterparts in other regions for assistance with such things as: meeting materials, educational resources, existing models for community outreach, and general guidance. Law enforcement should also actively seek assistance from academic partners or other intermediaries.
- The Executive Office of US Attorneys should require all ATTFs or equivalent entities to develop and implement action plans for working with the Muslim, Arab, and Sikh communities on counterterrorism and hate crimes prevention. These action plans should include strategies for: 1) educating the region's law enforcement on issues related to Muslim, Arab, and Sikh culture and history; 2) educating the community on law enforcement's basic operating procedures and jurisdictions, specifically including training about the role immigration enforcement can and will play in the investigations of terrorism and hate crime; 3) identifying partners from these communities; 4) rapidly responding to reports of hate crimes and hate incidents; 5) sharing accurate information about partnerships with the media; 6) and developing systems for briefing law enforcement personnel on current national and international issues which may be of concern to or have impact on these communities. These plans should be evaluated regularly by the GAO or an equivalent federal agency.
- Because of their relatively large access to resources, it is incumbent upon law
 enforcement to help support the creation of working groups or other
 institutionalized mechanisms for ongoing communication that includes
 representation from the District ATTF or equivalent organization and the local
 Muslim, Arab, and Sikh communities. Further, law enforcement should utilize
 their extensive recruitment resources to assist in efforts to increase representation
 of Muslim, Arab, and Sikh community members in the ranks of law enforcement.

• Finally, law enforcement should take some of the responsibility for publicly recognizing achievements of newly established partnerships. In order to accomplish this goal, law enforcement should be willing to: publicly acknowledge those local community members and organizations who have worked successfully with them; actively pursue the inclusion of community members and organizations in press conferences and public meetings on issues of mutual concern; and ensure mutual accountability by working closely with the community to develop target goals for partnerships and by helping to measure the progress towards these goals.

OPTIONS FOR SUPPORT AND FACILITATION

As community and law enforcement groups begin to work together, there is a need for third-party entities that are capable of facilitating education, communication, and planning programs. These supporting players could include: academic institutions; umbrella community groups; community-focused government departments; and/or faith-based organization. It is incumbent on federal agencies and national philanthropic organizations to continue to support the work of these third parties through policy and the commitment of resources because these independent entities are critical to the partnership process.

Detailed below is Northeastern University's plan for helping to support these partnerships.

Web-Based Resource Center

In the summer of 2004, Northeastern University will launch a web-based Resource Center for Homeland Security and Human Rights designed to provide information and tools for building partnerships between law enforcement and the Muslim, Arab, and Sikh communities. Specifically the Resource Center will include ongoing research findings; referrals; and an opportunity for interactive web-based dialogue on partnerships.

Partnership Pilot Programs

Additionally, in 2004 - 2005, Northeastern University and PfP partner organizations will be conducting two to three pilot programs designed to assist law enforcement and the community with launching partnership initiatives. Specifically, these pilot programs will include: 1) facilitated pre-briefs of law enforcement and the community separately, to provide tools for outreach initiatives; 2) assistance with the development of community and law enforcement action plans; and 3) a series of facilitated joint law enforcement-community meetings to share action plans and develop collaborative strategies for reaching mutually beneficial goals and objectives.

The goals of these pilot programs are to: 1) introduce local representatives of law enforcement and the community to each other; 2) provide both the community and law

enforcement with the tools they need to successfully enter partnerships; and 3) launch institutionalized mechanisms for ongoing communication and collaborative problem solving.

The findings from these pilot programs will be shared through the web-based resource center and will help tailor recommendations and training programs for communities and law enforcement nationwide.

Center for Homeland Security and Human Rights

In order to support the above list of recommendations for communities and law enforcement, Northeastern University is currently seeking additional funding for further development of the Center for Homeland Security and Human Rights. This expanded Center will serve as an independent space where community members and law enforcement representatives could work in partnership to develop and implement new collaborative counterterrorism and hate-crimes strategies that are synergistic with operational needs and civil rights/human rights. The components of the Center will be:

Training

The cornerstone of the Center's programming will be research-based, joint law enforcement-community training curricula, tools, and templates. This program will focus on a wide range of subject areas driven by the needs of the community and law enforcement. Additionally, the Center will provide resources to support the development of law enforcement and community action plans for partnerships. The Center will implement a variety of training delivery methods including 'train the trainer' sessions, distance-learning modules, and an interactive web-based resource center.

Policy Development & Action

The Center will offer the opportunity for government officials to speak with members of the Muslim, Arab, and Sikh communities about hate crime prevention and counterterrorism programs/initiatives prior to their implementation. This will afford the government the opportunity to address community concerns and perceptions on the frontend of programmatic application. It will also allow the community the opportunity to help craft the very policies and procedures that disproportionately affect them.

The Center will host conferences as needed for national and local leaders from the Muslim, Arab, and Sikh communities as well as representatives from USDOJ, FBI, BCIS, Homeland Security, TSA, and other federal, state, and local law enforcement agencies. These conferences will help to maintain a focus on current needs and objectives and will generate new ideas through continuing dialogue.

The Center will also host executive sessions designed to facilitate dialogue on the extent to which current counterterrorism policies and other federal initiatives facilitate or impede the kinds of community and law enforcement partnerships that should be at the

center of our counterterrorism strategy. To the extent that these discussions reveal the need for new pilot projects, research, or the need to provide feedback to policy makers, the Center would facilitate those outcomes.

Continuing Research

The world we live in is constantly changing. Therefore, there is a critical need for ongoing research. This will involve the continuation of site visits to describe and identify the most promising practices in developing relationships between the Arab, Muslim, Sikh communities and law enforcement. This work will have both a domestic and international aspect. In the United States, the research will continue to utilize a selected site approach. Internationally, the research will branch out to explore the possibilities of examining existing practices in Australia, Canada, and Great Britain to determine if there are shared opportunities for learning.

Ongoing research will enable the Center to continue to measure, document, and discuss the effectiveness of various partnership strategies. It will also allow the Center to broaden and expand its work based on new or transitional issues related to counterterrorism and hate crimes investigations and enforcement

CONCLUSION

The PfP research team recognizes that the above recommendations for law enforcement and communities will in some cases require a significant change in course. This shift is necessary, however, because homeland security and the protection of civil liberties require partnerships which are ultimately based on trust. To achieve this trust, both law enforcement and communities must simultaneously be clear of their own goals and be open to the perspectives and operational realities of partner organizations.

This process requires a willingness to think beyond long-held institutional and personal beliefs, stereotypes and generalizations, as well as the ability to challenge and change one's own preconceptions. Unless both groups are willing to acknowledge alternative viewpoints, whether they agree or not with the veracity of these opinions, a real working relationship cannot be built. Being true to one's own agenda while working collaboratively on issues of mutual concern is not only the greatest challenge, but also the key to establishing productive partnerships.

In addition to the hard work required from law enforcement and communities to achieve partnerships, government, academic, and other intermediary organizations must step forward to help facilitate these partnerships. The challenge of finding resources to support law enforcement and community organizations and their academic or other partners in these efforts must be addressed. For the sake of the long-term security of the United States of America and all who live here, law enforcement and the Muslim, Arab, and Sikh communities must establish basic trust and as a country we must find the resources to support these partnerships.