

BRENNAN CENTER FOR JUSTICE

at New York University School of Law

Community Outreach or Intelligence Gathering?

A Closer Look at “Countering Violent Extremism” Programs

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Introduction

On September 15, 2014, the Department of Justice announced it would partner with the White House, the Department of Homeland Security, and the National Counterterrorism Center to create a community outreach program designed to “counter violent extremism” in the United States.¹ The pilot program is set to begin in Boston, Los Angeles, and Minneapolis-Saint Paul, with the aim of becoming a “model for the rest of the country.”² If this new initiative is to be successful, however, the FBI must resist the temptation to combine community outreach and intelligence gathering.

Community outreach programs are not new to law enforcement. But past outreach efforts have raised the specter that the FBI’s true purpose is to gather intelligence on American Muslim communities. From New York to Los Angeles, mixed-motive programs have had the effect of undermining critical trust between law enforcement and these communities.

In Minneapolis-Saint Paul, outreach efforts focused on the local Somali community have been touted as a national model.³ But according to documents obtained by the Brennan Center for Justice,⁴ that outreach quietly morphed into a source of intelligence for federal agencies, similar to other controversial efforts in California and New York.⁵

Following reports that young men from the Minneapolis-Saint Paul area traveled to Somalia and joined the terrorist group al-Shabab in 2007, the FBI worked with local police to transform existing outreach efforts into a counter-radicalization operation. Funded by a 2009 grant from the Department of Justice, the initiative proposed to exploit the nascent trust established between the police and the Somali community, which is predominantly Muslim. Local police promised to shift their outreach efforts from addressing community concerns about access to social services to making a list of “radicalized youth” and keeping it on a police database shared with the FBI.⁶ This appears to be part of a larger paradigm shift in community engagement championed by the FBI and

replicated in cities across the country — including Cincinnati, Seattle, San Diego, Washington, and Denver.⁷

Community outreach can be a valuable tool for law enforcement; it gives marginalized communities an opportunity to bring their concerns to police. But using community outreach as a front for intelligence gathering is a shortsighted strategy likely to erode community trust and prove counterproductive.

The FBI acknowledged this problem in 2010 and issued a new policy on conducting community outreach, also obtained by the Brennan Center.⁸ It recognized that “members of the public contacted through a community outreach activity generally do not have an expectation that information about them will be maintained in an FBI file or database.” But the rules it established fell short of meaningful reform. They contain significant loopholes, and based on recent incidents in Seattle⁹ and Minnesota,¹⁰ they do not appear to have had much effect. The FBI reportedly revised the policy in 2013,¹¹ a copy of which the Brennan Center has requested.

If the Obama administration is serious about countering violent extremism in the U.S., it should ensure that community outreach efforts are not used for intelligence gathering.

2004-2006: Community Outreach Done Right

In June 2004, the St. Paul Police Department (SPPD) began a community outreach program focused on Somali American residents.¹² The program was a response to the rapidly growing population of East African immigrants in St. Paul, some of whom “questioned the availability of public safety and public health services to the greater Muslim community” due to language barriers.¹³ Prior to 2004, “interaction between the Muslim community and the [SPPD] was literally non-existent outside of police officers responding to individual calls for police service.”¹⁴

At its inception, the outreach was intended to reduce crime and gang activity; counterterrorism was not a part of the mandate.¹⁵ Instead, the SPPD formed the “Ramsey County East African Task Force” to “examine the issues associated with East African immigrants and their access to public services.”¹⁶ The Task Force consisted of roughly 250 community members and included representatives of the SPPD, Ramsey County Human Services, the St. Paul-Ramsey County Public Health Department, and the St. Paul Public Schools.¹⁷ It issued recommendations aimed at improving communication with the community and secured county funding to begin to address the language barriers hampering access to government services.¹⁸

In 2005, the SPPD received a \$250,000 state grant from the Minnesota Public Safety Department to further its outreach work through a partnership with the St. Paul Intervention Project and the Minnesota chapter of the Muslim American Society (MAS).¹⁹ The purpose of the partnership was to “cultivate and nurture a mutually beneficial relationship built on cultural competency, a shared understanding of the dynamics of domestic abuse within the Muslim community, and each partner’s

role in improving public safety and community livability.”²⁰ Specifically, the SPPD set five goals for the program:

- Increase understanding among the police, the intervention project and diverse Muslim communities.
- Increase involvement of Muslim community members with police and the intervention project to improve public safety and the community environment.
- Increase immigrant understanding of the criminal justice system.
- Increase criminal justice system accountability with the immigrant Muslim communities.
- [I]ncrease the Muslim communities' roles in “affecting positive change” through various ways, including reporting crimes, seeking protection and intervention from police, volunteer community policing and through battered women's advocacy and support services.²¹

The architect of this program was SPPD Assistant Chief of Police Dennis Jensen, who built on lessons learned from the SPPD’s outreach to the African American community in 2000 and 2001. In 2006, six months after forming the partnership with MAS and the St. Paul Intervention Project, Jensen published a master’s thesis at the Naval Postgraduate School that provided detailed descriptions and analysis of the two different outreach efforts. Jensen concluded that the Muslim/Somali program showed initial signs of success and that the partnership with MAS had “allowed development of credible training and afforded previously unavailable access to sensitivity trainers.”²² Intelligence collection and counter-radicalization were never a part of the plan. In fact, the only reference to terrorism in Jensen’s 100-page history and analysis of the program was the recognition that Muslim communities fear for their safety and “feel a sense of hostility and overt mistrust” each time an act of terrorism occurs in the world.²³

2007-2009: Al-Shabab, SCOT, and the FBI’s Paradigm Shift

Between 2007 and 2009, news reports indicate that least 22 young men from the Minneapolis-Saint Paul area joined the terrorist group al-Shabab in Somalia.²⁴ These reports caused significant alarm among federal officials and prompted an FBI investigation in Minneapolis-Saint Paul. Unfortunately, the FBI did not initially inform or acknowledge to the community that it was conducting an investigation, which included special grand jury proceedings in Minneapolis and resulted in subpoenas for some community members.²⁵ Consequently, the investigation “generated increased suspicion and fear in the Somali community” as well as complaints that law enforcement was targeting “mostly students who are not familiar with or have never been in investigations or interrogations before, and have a kind of phobia with the law enforcement agencies.”²⁶

The FBI sought to assuage this growing fear and suspicion by expanding its contacts with the Muslim/Somali community and increasing its outreach initiatives.²⁷ But a January 2009 memo

obtained by the Brennan Center reveals that such activities were actually designed to exploit the community's trust in order to collect intelligence and support for the FBI's counterterrorism and investigative units.²⁸

The 2009 memo describes a pilot program called the "Specialized Community Outreach Team" (SCOT), which focused on outreach to Somali immigrants in the Twin Cities. Under the umbrella of the Justice Department's longstanding Community Outreach Program, dedicated to community policing, the Counterterrorism Division and the Office of Public Affairs teamed up to create the SCOT, representing an intentional "paradigm shift" of FBI Community Engagement, according to the memo.²⁹

The SCOT's mission was "to strategically expand outreach to the Somali community to address counterterrorism-related issues."³⁰ And unlike the SPPD's Muslim/Somali outreach program, the SCOT intentionally commingled community outreach with intelligence gathering and investigative activity. Indeed, according to the memo, one of the primary benefits of the SCOT program was the support it provided to Field Intelligence Groups (FIGs) and "operational programs throughout the Bureau."³¹ Information about the Somali community was also sent to the "Behavioral Analysis Unit" in order to "develop a baseline profile of Somali individuals that are vulnerable to being radicalized or participating in extremist activities."³²

SCOT personnel worked closely with agents in the field who conducted outreach, but make no mistake: the SCOT was based out of FBI Headquarters in Washington, D.C.,³³ funded by the FBI's Counterterrorism Division,³⁴ and staffed by counterterrorism personnel who served as supervisors and intelligence analysts.³⁵ In addition to the Minneapolis field office, the SCOT program expanded to incorporate FBI field offices in Cincinnati, Seattle, San Diego, Washington, D.C., and Denver.³⁶ In short, the SCOT was a centralized intelligence collection and analysis unit that assisted, evaluated, and fed off of community outreach activities conducted by local field office personnel.³⁷ Somali community members appear to have been unaware that intelligence gathering was a driving force behind these outreach activities.

Intelligence analysts assigned to the SCOT were required to "prepare forecasts about the future composition of local communities and initiate written reports such as [Intelligence Information Reports], bulletins and assessments," all of which were "forwarded to the Collection Manager in the [Field Intelligence Group] at the affected field office."³⁸ A "Management and Program Analyst" focused on "operational support" and was expected to "direct the [Supervisory Special Agent] to individuals in specific communities who will have access to critical information, as well as other potentially valuable sources."³⁹ The memo also instructed the Office of Public Affairs to "coordinate with the Directorate of Intelligence (DI) to request a Somali domain assessment ... that addresses both the DI intelligence requirements and ... community outreach requirements."⁴⁰

According to the FBI, the SCOT model was "a new approach in community relations"⁴¹ that could be "incorporated into daily operations at the field office level and applied to a variety of

communities and a variety of circumstances.”⁴² And as discussed below, the idea certainly appears to have caught on with the Saint Paul police.

2009: AIMCOP

Despite its origins as a popular program to designed combat gang activity and increase access to public services, the SPPD’s Muslim/Somali community outreach program underwent a significant transformation in 2009. In same year that the FBI implemented SCOT, the SPPD received a \$670,000 grant from the Department of Justice to bring its outreach program “to a higher level of involvement with the Somali/Muslim community”⁴³ in order to “prevent further radicalization of our youth by al-Shabaab.”⁴⁴ In practice, this entailed “reframing the outreach goals” to focus on counter-radicalization. Crime reduction and “improving the people’s lot in life” became “collateral goals.”⁴⁵

The two-year grant was awarded to St. Paul as part of the American Recovery Act,⁴⁶ and the SPPD’s Muslim/Somali outreach efforts became known as the “African Immigrant Muslim Coordinated Outreach Program” (AIMCOP). The project manager was Dennis Jensen, who had retired from the SPPD and begun working as the Homeland Security Director for the Ramsey County Sherriff’s Office. The Muslim American Society and the St. Paul Intervention Project remained involved in the outreach as well, but the SPPD also gained new partners, including the FBI,⁴⁷ the U.S. Attorney’s Office (USAO), the Ramsey County Sheriff Office (RCSO), the Somali Community Council (SCC), and the St. Paul YWCA.⁴⁸

AIMCOP was designed to be fundamentally different from the SPPD’s previous outreach efforts. The 2009 grant proposal pays lip service to the old objectives of reducing violent crime and gang activity, but it is clear that the program’s primary concern was “the demonstrated radicalization of 20 youth from [the Minneapolis/St. Paul] area who have left for Somali[a] to fight for the terrorist organization al Shabaab.”⁴⁹ As conceived, AIMCOP had a pronounced intelligence gathering function as well as an “enforcement” component that sought to capitalize on — if not completely exploit — any trust established with the Muslim/Somali community.

“The result is sort of a carrot and stick approach,” according to a profile of Jensen published by the Center for Homeland Defense and Security.⁵⁰ The article continues: “While bolstering programs to intervene in young people’s lives to prevent gang affiliation and radicalization, the money will also be spent on developing databases to track at-risk youth who may warrant follow-up contact and investigation by law enforcement. Moreover, those prevent components will be followed by a zero-tolerance crackdown on ‘hot spots’ of criminal activity with a highly visible police presence.”⁵¹ The grant proposal is even more explicit:

The SPPD ... in partnership with the FBI and US Attorney’s Office, ... will first seek to gain the trust of the Somali immigrants ... [by] attend[ing] community meetings in the targeted areas and refer[ing] you to the [Police Athletic League] and YWCA programs. ... During this period, the team will also identify radicalized individuals ... who refuse to cooperate with our efforts. ... The effort of identifying

the targets will increase law enforcement's ability to maintain up-to-date intelligence on these offenders, alert team members to persons who are deserving of additional investigative efforts and will serve as an enhanced intelligence system to alert team members to the fact that they are interacting with an individual who poses a greater risk to personal and public safety.

... This intensive prevention period will last for six months and once completed, the officers will move to the enforcement mode using the information they have gained from the prevention period as well as the automated intelligence and reporting systems already in place. The team will identify "hot spots" for criminal activity. These activities ... will involve a show of force, intent, and purpose by means of highly visible and intense enforcement action based on "zero tolerance" for violations of all city, state, and federal laws. ... The mentoring components of the project will continue during the enforcement phase(s) of the project.⁵²

Of course, the AIMCOP team does not appear to have informed the Muslim/Somali community that failure to participate in the Police Athletic League or YWCA programs could result in being put on a list of radicalized youth. Nor is there evidence that community members were aware of the intelligence component.⁵³ The St. Paul Police maintain that "the intelligence aspect never came to fruition," and that they made "a conscious decision" not to follow the plan as originally detailed.⁵⁴ But according to an investigative report by *The Intercept*, police did ask the Muslim American Society of Minnesota to keep track of attendees at outreach meetings; MAS simply declined to turn over a list.⁵⁵

The discrepancy between pledge and practice is also apparent in public remarks by officials involved in AIMCOP. In striking contrast to the grant proposal, officials have stressed the importance of building trust among community members who are distrustful of police. For example, Ralph Boelter, the former head of the FBI's Minneapolis field office, argued that the key to combating extremism is building "solid, sincere relationships with the community."⁵⁶ "We had to be able to show people they could trust me, trust us," Boelter said of his work with AIMCOP.⁵⁷ Similarly, the U.S. Attorney's Office for the District of Minnesota, led by B. Todd Jones, emphasized the need to "incorporate outreach into traditional organizational strategies in an effort to build trust, ensure peace, and promote public safety."⁵⁸ Assistant United States Attorney W. Anders Folk also stressed the need to "ensure that [members of the Muslim/Somali community] understand the government's interest in them is not limited to putting their name on an indictment," adding that "law enforcement will be more effective in its ability to detect and prevent extremist behavior if the Somali community trusts the FBI enough to make contact with the FBI or other law enforcement if the community has concerns."⁵⁹ And St. Paul Police Chief Thomas Smith testified before Congress that as a result of AIMCOP, "Somali American youth that may be tempted by an ideology of radicalization can now look to an expanded network of trust, including police officer mentors to provide support, resources and guidance to steer them in a positive direction."⁶⁰

At the same time, the program’s director, Dennis Jensen, emphasized that “law enforcement drives the program.”⁶¹ (Indeed, portions of the AIMCOP proposal appear to have been lifted from a 2007 SPPD proposal designed to target gang activity and gun violence on the streets of St. Paul.⁶²) Similarly, W. Anders Folk argued that “the best approach to combat Al-Shabab in the United States is to mix law enforcement and intelligence-gathering with community outreach.”⁶³ And Ralph Boelter, who was promoted to Assistant Director of the FBI’s Counterterrorism Division⁶⁴ and served at the National Counterterrorism Center (NCTC),⁶⁵ said that “Minneapolis has given us a workable model” that can “help root out terrorism from Minneapolis to Detroit, New York to Los Angeles.”⁶⁶ In fact, the NCTC played a loose coordinating role between AIMCOP and other outreach programs conducted by the Department of Homeland Security.⁶⁷

The mixed motives and messaging surrounding the comingling of intelligence efforts raises legitimate concerns about future community outreach efforts. If, as reported, the St. Paul police concluded that AIMCOP was more effective when viewed “as a way to get [community groups] resources and get their trust and partnership”⁶⁸ (as opposed to a source of intelligence), then it will be imperative to ensure that future programs are not actually used for intelligence purposes. Police should then communicate that message early and often to the public.

2010: FBI Community Outreach Policy Directive – A Good Step, But Not Enough

As the Brennan Center has consistently said, mixing community outreach with intelligence gathering can seriously undermine community trust.⁶⁹ This dynamic was recently on full display in New York City, where revelations that the police spied on Muslim leaders involved in outreach propelled boycotts and protests.⁷⁰ The FBI appeared to recognize this pitfall when it issued a new policy on community outreach in field offices in December 2010. The Brennan Center obtained a copy of the directive through a Freedom of Information Act request.

The directive states that the “primary purpose of the FBI’s Community Outreach Program (COP) is to enhance public trust and confidence in the FBI in order to enlist the cooperation and support of the public in our common interest to fight terrorism and other criminal activity.”⁷¹ The thrust of the policy change is an attempt to “maintain an appropriate separation between outreach activities conducted to build trust and confidence, and those conducted with a specific operational or intelligence purpose.”⁷² To that end, the directive forbids using community outreach to conduct “Domain Assessments,”⁷³ prohibits COP personnel from reporting to the “Field Intelligence Group (FIG) or to an operational squad or task force,”⁷⁴ and requires segregation of community outreach files.⁷⁵

These rules are an improvement, but they also contain provisions indicating that the wall between intelligence and community outreach could easily be breached.⁷⁶ Also unclear is the scope of the directive. Does it apply to inter-agency activities, like the pilot program recently announced by the Justice Department? Does it apply to local programs like the one in Minneapolis-Saint Paul, which was funded and partially staffed by federal agents?

Finally, the policy directive does not seem to have been effectively communicated to the Bureau's field offices. At least two documents obtained by the ACLU indicate that FBI agents may have violated the new rules in the early part of 2011 by comingling outreach and intelligence information. And more recent incidents in Minneapolis and Seattle suggest that FBI outreach may still be a "Trojan horse."⁷⁷

The ACLU obtained a January 2011 document reflecting a community outreach contact with the South Sacramento Islamic Center, which described the age and national origin of the new Imam, and noted that he was "a very charismatic speaker and well-liked by members of the congregation."⁷⁸ The information was disseminated to domain assessment, an intelligence program.⁷⁹ Similarly, a March 2011 community outreach contact made through the domain assessment program discussed the political views of the interviewee and noted he gives the noon prayer at a redacted location.⁸⁰ In 2012, agents arrived unannounced at the home of a Muslim family in Seattle, Washington, and began asking personal questions and whether they called any members of the Taliban in Afghanistan. When the resident's daughter asked the agents what prompted the visit, the agents said they were doing community outreach.⁸¹ A similar incident happened in Minneapolis in 2013, when agents appeared at the home of a Muslim civil rights leader after press reports in which she criticized intimidating FBI tactics in a previous case.⁸² When questioned as to why they came to the woman's home, the agents said community outreach.

In 2013, the FBI revised its policy directive, according to *The Intercept*.⁸³ It is unclear what changed or why. The document is not public, although the Brennan Center has requested a copy of the 2013 guidance under the Freedom of Information Act. It reportedly "does not restrict coordination with operational divisions" and the FBI "would not say if the 'Specialized Community Outreach Teams' (which have ended) would be allowed under the new guidance."⁸⁴

Conclusion

Genuine efforts at community outreach are praiseworthy and have the potential to strengthen our national security. The FBI took a step in the right direction by establishing rules to keep outreach and intelligence separate. But even the best of intentions will not have an impact if the FBI does not follow its own rules or seeks to sidestep them. Perhaps this time will be different. If so, the FBI will need to demonstrate it with more than words on paper.

ENDNOTES

¹ Press Release, U.S. Dept. of Justice, Attorney General Holder Announces Pilot Program to Counter Violent Extremists (Sept. 15, 2014), *available at* <http://www.justice.gov/opa/pr/attorney-general-holder-announces-pilot-program-counter-violent-extremists>.

² Amy Forliti, *Minneapolis-St. Paul 1 Site of Anti-Terror Program*, ASSOCIATED PRESS (Sept. 17, 2014, 12:41 AM), <http://bigstory.ap.org/article/doj-extremism-fight-could-take-cue-minnesota>.

³ See David Chanen, *Minneapolis Police Outreach to Somali Community Offers a National Model*, MINN. STAR TRIB. (Jul. 27, 2014, 4:47 PM), <http://www.startribune.com/local/minneapolis/268749491.html>.

⁴ See Memorandum from Dir.'s Office, Office of Pub. Affairs/Comm. Relations, FBI to All Field Offices Re: Implementation of Specialized Community Outreach Team ("SCOT") (Jan. 7, 2009) [hereinafter SCOT] *available at* <http://bit.ly/1yrQGae>; see also CITY OF ST. PAUL POLICE DEPT., PROGRAM NARRATIVE: AFRICAN IMMIGRANT MUSLIM COORDINATED OUTREACH PROGRAM ("AIMCOP") 1 (2008) [hereinafter AIMCOP], *available at* <http://bit.ly/1CBsmBW>.

⁵ See, e.g., Maria L. La Ganga, *FBI Documents Reveal Profiling of N. California Muslims*, L.A. TIMES, Mar. 28, 2012, *available at* <http://articles.latimes.com/2012/mar/28/local/la-me-fbi-california-mosques-20120328> (indicating that federal agents routinely profiled Muslims in Northern California, using community outreach as a cover for compiling intelligence on local mosques); Dave Zirin, *Not a Game: How the NYPD Uses Sports for Surveillance*, NATION (Sept. 10, 2013, 9:00 AM), <http://www.thenation.com/blog/176082/not-game-how-nypd-uses-sports-surveillance>.

⁶ AIMCOP, *supra* note 4, at 4.

⁷ SCOT, *supra* note 4, at 5.

⁸ FED. BUREAU OF INVESTIGATION, CORPORATE POLICY DIRECTIVE: COMMUNITY OUTREACH IN FIELD OFFICES (2010) [hereinafter "2010 Directive"], *available at* <http://www.brennancenter.org/sites/default/files/analysis/2010%20FBI%20Outreach%20Directive.pdf>.

⁹ CAIR-WA Staff, *Civil Rights Case Studies: FBI 'Outreach' Visit Leaves Woman Perplexed, In Tears*, COUNCIL ON AMERICAN-ISLAMIC RELATIONS (May 19, 2013, 00:15 AM), <http://cairseattle.org/case-studies/fbi-outreach-visit-leaves-woman-perplexed-in-tears>.

¹⁰ Ibrahim Hirsi, *Minnesota Council on American-Islamic Relations Charges FBI Harassment of Director Lori Saroya*, TWIN CITIES DAILY PLANET (Feb. 17, 2013), <http://www.tcdailyplanet.net/news/2013/02/17/minnesota-council-american-islamic-relations-charges-fbi-harassment-director-lori-sa>.

¹¹ Cora Currier, *Spies Among Us: How Community Outreach Programs to Muslims Blur Lines Between Outreach and Intelligence*, INTERCEPT (Jan. 21, 2015, 11:10 AM), <https://firstlook.org/theintercept/2015/01/21/spies-among-us-community-outreach-programs-muslims-blur-lines-outreach-intelligence/>.

¹² Dennis L. Jensen, *Enhancing Homeland Security Efforts by Building Strong Relationships between the Muslim Community and Local Law Enforcement*, 53 (Mar. 2006) [hereinafter Jensen, *Enhancing Homeland Security Efforts*] (unpublished M.A. thesis, Naval Postgraduate School), http://edocs.nps.edu/npspubs/scholarly/theses/2006/Mar/06Mar_Jensen.pdf; see also *Al-Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland*, Hearing Before the H. Comm. on Homeland Sec., 112th Cong., 304 (2011) [hereinafter *Al-Shabaab Hearings*] (testimony of Thomas E. Smith, Chief of Police, St. Paul, MN) *available at* <http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg72541/pdf/CHRG-112hhrg72541.pdf>.

¹³ Jensen, *Enhancing Homeland Security Efforts*, *supra* note 12, at 54.

¹⁴ *Id.*

¹⁵ Press Release, Center for Homeland Def. & Sec., Jensen's Community Policing Efforts Build Partnerships with Muslim Community (Nov. 2009), <http://www.chds.us/?press/release&id=2302> (Jensen is quoted as saying “When we began the Muslim Community Outreach in early 2005, we did not have any knowledge of the radicalization process that was probably already under way at the time we initiated the outreach.”); *see also* Press Release, Center for Homeland Def. & Sec., Alumnus Combats Somali Radicalization in St. Paul, (Aug. 2011), <http://www.chds.us/?press/release&id=2757>.

¹⁶ Jensen, Enhancing Homeland Security Efforts, *supra* note 12, at 53, 57.

¹⁷ *Id.* at 57.

¹⁸ *Id.* at 58.

¹⁹ Lee Egerstrom, *St. Paul Police Get \$250,000 Grant for Work with Muslim/Somali Communities*, PIONEER PRESS (Mar. 31, 2006), <http://www.policegrantshelp.com/news/126873-St-Paul-police-get-250-000-grant-for-work-with-Muslim-Somali-communities/>; Jensen, *supra* note 12, at 75.

²⁰ Jensen, Enhancing Homeland Security Efforts, *supra* note 12, at 75.

²¹ Egerstrom, *supra* note 19.

²² Jensen, Enhancing Homeland Security Efforts, *supra* note 12, at 81.

²³ *Id.*

²⁴ Steve Karnowski, *Somalis Fear Youth Leaving US for Terror Group*, ASSOCIATED PRESS (Sept. 26, 2013, 10:07 AM), <http://bigstory.ap.org/article/somalis-still-leaving-minn-join-terror-group>.

²⁵ *See* Kane Farabaugh, *FBI Reaching out to Minneapolis Somali Community*, VOICE OF AMERICA (Nov. 2, 2009, 3:32 PM), <http://www.voanews.com/english/news/a-13-2009-04-07-voa34-68814537.html>.

²⁶ *Id.*

²⁷ *Id.*; Oren Dorell, *FBI Probes Possible Terrorist Recruitments*, USA TODAY (Mar. 12, 2009, 12:11 AM), http://www.usatoday.com/news/nation/2009-03-12-somalia_N.htm.

²⁸ *See generally* SCOT, *supra* note 4, at 3.

²⁹ *Id.* at 2.

³⁰ *Id.* at 2-3.

³¹ *Id.* at 7.

³² *Id.* at 5.

³³ *Id.* at 9.

³⁴ *Id.* at 7.

³⁵ *Id.* at 3.

³⁶ *Id.* at 2, 5, 6.

³⁷ *Id.* at 3.

³⁸ *Id.* at 4.

³⁹ *Id.*

⁴⁰ *Id.* at 6.

⁴¹ *Id.* at 3.

⁴² *Id.* at 7.

⁴³ Jensen's Community Policing Efforts Build Partnerships with Muslim Community, *supra* note 15.

⁴⁴ *Al-Shabaab Hearings*, *supra* note 12, at 308 (testimony of Thomas E. Smith).

⁴⁵ Alumnus Combats Somali Radicalization in St. Paul, *supra* note 15.

⁴⁶ Specifically, the AIMCOP grant was awarded as part of the 2009 “Edward Byrne Memorial Competitive Grant Program,” No. 2009-F5967-MN-SU. *African Immigrant Community Outreach Program (AIMCOP) Program Overview*, CITY OF ST. PAUL (last visited Jan. 28, 2015), <http://stpaul.gov/index.aspx?NID=3393>. Nineteen other entities received Recovery Act funding from this program, including the Miami Dade County State Attorney Office, the “Fund For The City of New York,” and the International Association of Chiefs of Police. *FY 2009 Solicitations for BJA*, U.S. DEP’T OF JUSTICE (last visited Jan. 28, 2015), <http://grants.ojp.usdoj.gov:85/selector/office?po=BJA&fiscalYear=2009&defaultYear=Y>.

⁴⁷ Minneapolis Division, *Enhanced Engagement with Arab and Muslim American Communities*, FED. BUREAU OF INVESTIGATION (last visited Jan. 28, 2015), <http://www.fbi.gov/minneapolis/news-and-outreach/outreach/enhanced-engagement-with-arab-and-muslim-american-communities>.

⁴⁸ *African Immigrant Muslim Community Outreach Program (AIMCOP) Program Overview*, CITY OF ST. PAUL (last visited Jan. 28, 2015), <http://stpaul.gov/index.aspx?NID=3393>.

⁴⁹ AIMCOP, *supra* note 4, at 1.

⁵⁰ Jensen's Community Policing Efforts Build Partnerships with Muslim Community, *supra* note 15.

⁵¹ *Id.*

⁵² AIMCOP, *supra* note 4, at 4-5.

⁵³ *Spies Among Us*, *supra* note 11.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ James Walsh, *Local FBI Chief Will Help Fight U.S. Terror War*, MINN. STAR TRIB. (Mar. 6, 2011, 10:38 PM), <http://www.startribune.com/local/117500113.html?page=all&prepage=1&c=y#continue>.

⁵⁷ *Id.*

⁵⁸ *In the community*...., THE EAGLE (U.S. Attorney’s Office, Dist. of Minn.), Fall 2011, at 4, *available at* <http://www.docsrush.net/2960493/the-eagle-united-states-department-of-justice.html>; Editorial, *Using Outreach to Combat Terrorism*, MINN. STAR TRIB. (Aug. 28, 2011, 7:02 PM), <http://www.startribune.com/opinion/editorials/128491758.html>.

⁵⁹ *Al-Shabaab Hearings*, *supra* note 12, at 295 (testimony of W. Anders Folk, former Assistant U.S. Attorney for Dist. of Minn.).

⁶⁰ *Al-Shabaab Hearings*, *supra* note 12, at 2 (testimony of Thomas E. Smith).

⁶¹ *Alumnus Combats Somali Radicalization in St. Paul*, *supra* note 15.

⁶² For example, a successful 2007-2009 grant proposal from the St. Paul Police Department wrote: “Using established criteria that will stand up to public and legal scrutiny, the SPPD will establish a list that identifies the BADEST of the BUNCH (BOB) ... to implement an automated ‘flagging’ system” CITY OF ST. PAUL POLICE DEP’T, CATEGORY III: ENHANCING LOCAL LAW ENFORCEMENT – PRIORITIES: LOCAL ANTI-GANG PROGRAMS, GUN VIOLENCE INTERVENTION AND ENFORCEMENT, AND OFFICER SAFETY 4 (2007), *available at* <http://stpdocs.ci.stpaul.mn.us/Weblink8CityClerk/PDF/u44grc45naaser45vvc4ejh/1/07-1075.pdf>. The subsequent AIMCOP proposal wrote: “Using established criteria that will stand up to public and legal scrutiny, the team will establish a list that identifies radicalized youth, gang members, and violent offenders ... [to] serve as an enhanced intelligence system to alert team members” AIMCOP, *supra* note 4, at 4.

⁶³ Jeremy Herb, *Minnesota Somali Community Is Focus of Congressional Hearing on Al-Shabab*, MINN. STAR TRIB. (July 28, 2011, 3:27 PM), <http://www.startribune.com/politics/national/126292728.html>.

⁶⁴ Press Release, Fed. Bureau of Investigation, Ralph Boelter Named Assistant Director of the Counterterrorism Division (Dec. 12, 2011), *available at* <http://www.fbi.gov/news/pressrel/press-releases/ralph-boelter-named-assistant-director-of-the-counterterrorism-division>.

⁶⁵ *Local FBI Chief Will Help Fight U.S. Terror War*, *supra* note 56.

⁶⁶ *Id.*

⁶⁷ Andrew Liepman, then NCTC Deputy Director of Intelligence, testified in March 2009 that NCTC ran an interagency working group called the “Somali Community Outreach Forum,” which coordinated “federal, State, and local engagement efforts within Somali-American communities.” *Violent Islamist Extremism: Al-Shabaab Recruitment in America: Hearing Before the S. Comm. on Homeland Sec. & Gov’t Affairs*, 111th Cong. 5 (2009) (testimony of Andrew Liepman, Deputy Dir. of Intelligence, Nat’l Counterterrorism Ctr.), *available at* <http://www.hsgac.senate.gov/imo/media/doc/031109Liepman.pdf?attempt=2>. More specifically, it provided a “forum to coordinate community outreach meetings in Columbus, Ohio and Minneapolis, Minnesota and other venues,” and it included representatives from the FBI, the Department of Homeland Security, the Department of Justice, and the Department of the Treasury. *Id.*

⁶⁸ *Spies Among Us*, *supra* note 11.

⁶⁹ MICHAEL PRICE, BRENNAN CTR. FOR JUSTICE, NATIONAL SECURITY AND LOCAL POLICE 8, 11 (2013), *available at* <https://www.brennancenter.org/publication/national-security-local-police>.

⁷⁰ *Id.* at 8.

⁷¹ 2010 Directive, *supra* note 8, at § 7.1.

⁷² *Id.* at § 8.8.3; *see also* §§ 8.9.4 and 8.9.4.1.

⁷³ *Id.* at § 8.10.3.

⁷⁴ *Id.* at § 8.8.3.

⁷⁵ *Id.* at § 8.12.

⁷⁶ For example, COP personnel were required to “coordinate with the Special Agent liaison officers and open doors for the FIG and other field office components in the local community.” *Id.* at § 8.8.3. They also had to “coordinate with other field office components engaged in outreach and liaison to private sector entities.” *Id.* at § 8.13.1. It is not clear what it means for community outreach officers to “open doors” for intelligence analysts and agents, but if the distinction between outreach and investigation is not clear to community members, then it will not matter in practice. Furthermore, and as a practical matter, there is no way to police conversations between coworkers who work in the same office. It is not difficult to imagine, for example, when “coordinating” with a Special Agent or “opening doors” for an intelligence analyst, that outreach personnel would share what they know. There are also significant concerns about what the directive does not say. It is clear that data like contact information may be collected and included in an outreach database, but the directive is vague on other categories of information that could be gathered through community outreach. For example, the rules do not seek to prevent COP personnel from collecting and maintaining information about the opinions and religious views of the individuals with whom it interacts.

⁷⁷ Mike German, *Is the FBI's Community Outreach Program a Trojan Horse?*, ACLU (Feb. 15, 2013, 3:33 PM), <https://www.aclu.org/blog/national-security/fbis-community-outreach-program-trojan-horse>.

⁷⁸ Memorandum from [Redacted] Sacramento, Fed. Bureau of Investigation Re: [Redacted] Liaison Matters; South Sacramento Islamic Center 1 (Jan. 7, 2011), *available at* <https://www.aclu.org/files/fbimappingfoia/20111110/ACLURM013178.pdf>.

⁷⁹ *Id.* at 2.

⁸⁰ Memorandum from [Redacted] San Francisco, Fed. Bureau of Investigation Re: [Redacted] Community Outreach Matters 2 (Mar. 2, 2011), *available at* <https://www.aclu.org/files/fbimappingfoia/20111110/ACLURM011275.pdf>.

⁸¹ Letter from Jennifer Gist, Civil Rights Coordinator, Council on American-Islamic Relations, to Laura M. Laughlin, Special Agent in Charge, Seattle Division, Fed. Bureau of Investigation (Oct. 8, 2012), *available at* <http://www.cairseattle.org/images/main/articles/FBI%20visit%20case%20study/Redacted%20first%20complaint%20letter%20to%20FBI%20re%20community%20outreach.pdf>.

⁸² *Minnesota Council on American-Islamic Relations Charges FBI Harassment of Director Lori Saroya*, *supra* note 10.

⁸³ *Spies Among Us*, *supra* note 11.

⁸⁴ *Id.*