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PRISON RADICALIZATION IN COUNTY JAILS: DISRUPTING TERRORIST ACTS THROUGH INFORMATION SHARING

by

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December 2014

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Prisons have long been recognized as an environment ripe for radicalization. In some cases, individuals radicalized while in prison have later committed acts of terrorism. While many countries employ deradicalization programs in their prisons, the United States relies on the timely reporting of terrorism-related intelligence from prison officials, in hopes of disrupting the terroristic acts.

In 2011, California Governor Jerry Brown enacted a law that prospectively directed thousands of convicted persons to county jails instead of state prison. Inmates can now spend decades in the county jails, where the possibility of traditional prison radicalization may now occur. Evidence indicates that many jails are not prepared to identify and report this activity. Jails typically have no programs or measures in place to counter radicalization.

This thesis examines the programs in the federal Bureau of Prisons, the California Department of Corrections and Rehabilitation, and the Los Angeles County jail system. Data from these entities was collected and examined for "smart practices" that could be employed in county jails. Recommendations are made that will assist county jail personnel with developing a program to ensure the timely, accurate, and lawful reporting of radicalization efforts that may take place in their facilities.

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PRISON RADICALIZATION IN COUNTY JAILS: DISRUPTING TERRORIST ACTS THROUGH INFORMATION SHARING

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LIST OF ACRONYMS AND ABBREVIATIONS

9/11	September 11, 2001
AB 109	Assembly Bill 109, Public Safety Realignment Act
ACLU	American Civil Liberties Union
ADX	administrative maximum
AI	appreciative inquiry
AOR	area of responsibility
BOP	Bureau of Prisons
CCIC	Central California Intelligence Center
CDCR	California Department of Corrections and Rehabilitation
CGII	California Gang Intelligence Initiative
CHP	California Highway Patrol
CII	Correctional Intelligence Initiative
CISU	Custody Investigative Services Unit
CMU	Communications Monitoring Unit
COPS	Community Oriented Policing Office
CRM	community resource manager
CRRU	Cryptanalysis and Racketeering Records Unit
DHS	Department of Homeland Security
DVI	Deuell Vocational Institute
FBI	Federal Bureau of Investigation
FCI	Federal Correctional Institute
FOUO	For Official Use Only
GED	General Education Development
GITMO	Guantanamo Bay detention camp
GIU	Gang Intelligence Unit
ISIS	Islamic State of Iraq and Syria
JIS	Jam'yyat Al-Islam Al-Saheeh
JIT	jail interview team
JIU	Jail Investigations Unit
JRIC	Joint Regional Intelligence Center
JTTF	Joint Terrorism Task Force
LASD	Los Angeles Sheriff's Department
LES	Law Enforcement Sensitive

NCIC	National Crime Information Center
NGIC	National Gang Intelligence Center
NJTTF	National Joint Terrorism Task Force
OES	Office of Emergency Services
OSJ	Operation Safe Jails
OSS	Operation Safe Streets
PGTF	Prison Gang Task Force
SAR	suspicious activity report
SCIF	Sensitive Compartmented Information Facility
SHU	security housing unit
SMU	special management unit
SSU	special services unit
STAC	state threat assessment center
TLO	terrorism liaison officer
TS/SCI	Top Secret/Sensitive Compartmented Information
TSC	Terrorist Screening Center
U.S.	United States
UK	United Kingdom

EXECUTIVE SUMMARY

Radicalization, the process by which Westerners embrace the teachings of the radical Islam, is of great concern to U.S. officials. The motivations for radicalization vary, but experts agree that prison environments are conducive for such a conversion of ideology. A number of former prisoners who radicalized while incarcerated have later been arrested for terrorism-related crimes.

The federal Bureau of Prisons (BOP) houses all persons sentenced for the violation of federal crimes, and the California Department of Corrections and Rehabilitation (CDCR) was historically responsible for housing anyone sentenced to more than one year for the violation of California statutes. Some prisoners in those systems serve very lengthy sentences, including "life without the possibility of parole." A number of noteworthy terrorists were found to have radicalized during these periods of incarceration.

Authorities in the United States do not employ deradicalization programs, but instead rely on the timely reporting of radicalization efforts in hopes of disrupting or preventing terrorist acts from occurring. Both the BOP and the CDCR have programs in place that ensure that their staff receive training in radicalization awareness and that they document and disseminate their observations in an appropriate, timely, and lawful manner.

County jails in California traditionally house inmates pending trial and those sentenced to one year or less. In 2011, however, California Governor Jerry Brown enacted the Public Safety Realignment Act (AB109), which directed that inmates meeting certain criteria serve their sentences in county jails instead of state prison. It is estimated that 30,000 felons per year would be sentenced to county jails instead of state prison. These individuals, who are being referred to as "county jail prisoners," thus can spend decades in county jails. One prisoner is currently serving 44 years in a Los Angeles County jail.

County jails in California historically did not encounter incidents of radicalization, likely because of the shorter periods of incarceration. That situation is likely to change with the lengthy sentences now being served in county jails. While some jail systems in California, including at least one large one and several smaller ones, remain unprepared or under-prepared to address radicalization, the Los Angeles County system has taken appropriate measures to ensure proper monitoring and reporting of radicalization activities.

This research examined the smart practices currently in place in the BOP, the California Department of Corrections, and the Los Angeles County jail system. While the dynamics of their respective populations are diverse, each system had policies and procedures that could be employed in various jails systems.

The BOP houses both known terrorists and prisoners with ties to terrorism. It has the ability to segregate these prisoners, and securely house them in a manner that allows for close monitoring that limits the prisoners' ability to recruit or radicalize other prisoners. It has policies in place intended to reduce the likelihood of outside influences from facilitating the radicalization process to include the prohibition of *The Noble Quran* (a radical interpretation of the original version) and the proper vetting of religious service providers who have access to the prisoners. The staff receives radicalization awareness training on a regular basis and investigators at each facility ensure the proper reporting of activities related to radicalization. BOP officials work closely with staff at the Federal Bureau of Investigation (FBI), the National Joint Terrorism Task Force (NJTTF), and the Correctional Intelligence Initiative (CII).

The CDCR does not house those convicted of terrorism-related offenses, as those are typically charged in the federal courts, but many documented cases of radicalization have occurred within its facilities. For many years, CDCR staff has efficiently monitored and reported the activities of prison gangs and their members, and the CDCR found that many of those practices were effective in monitoring of radicalization efforts. Like the BOP, the CDCR attempts to prevent outside influences from entering the facilities, but its policies are less restrictive. For example, *The Noble Quran* is not on the list of banned items. The CDCR receives assistance from the FBI through the California Gang

Intelligence Initiative (CGII). This group's primary mission was the management of gang intelligence, but it is now tasked with radicalization intelligence as well.

The Los Angeles County jails system, with almost 19,000 inmates, is the largest jail system in the nation. Out of necessity, the staff has developed an expertise in monitoring street and prison gang activity in its facilities. Like the CDCR, the Los Angeles jails found that these practices were useful in monitoring and documenting the radicalization efforts in their facilities. Reporting of terrorism-related activities is performed through the Suspicious Activity Reporting (SAR) system, which is managed by the Joint Regional Intelligence Center (JRIC). Jail staff receives radicalization and other terrorism-related training, and officials attempt to limit the introduction of outside influence that may facilitate radicalization. Los Angeles County has paved the path for other jail staff, in California and beyond, who seek to develop programs to ensure that they effectively monitor and report radicalization efforts in their facility.

The research concludes with recommendations regarding support, training, monitoring (communications, observations, and activities), reporting and activities related to religious services. Following the recommendations outlined in this thesis will help ensure that actionable intelligence regarding possible radicalization can and will be reported to the proper entity in a timely manner.

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I. INTRODUCTION

> The most immediate threat is homegrown terrorism, as we've seen in the Boston marathon.
>
> –Robert S. Mueller, III
> Director, Federal Bureau of Investigation
> August 22, 2013

Over the past few years, several individuals have been arrested for terrorist acts after spending time in American jails or prisons. Richard Reid, known as the "shoe bomber," attempted to detonate explosives concealed in his shoe while on a flight from Paris to Miami. He was almost certainly radicalized by an Imam while in prison in Great Britain, where he converted to Islam.[1] Kevin Lamar James was a former street gang member turned terrorist. Once a member of the Hoover Street Crips in Los Angeles, he formed a group called Jam'yyat Al-Islam Al-Saheeh (JIS) while serving a 10-year sentence in Folsom Prison.[2] Jose Padilla, a street gang member from Chicago, became a radical Islamist while in a Florida prison. He was later arrested for his role in planning to detonate a "dirty bomb" (an explosive device containing radioactive material) after discussing his plans with Abu Zubaydah, Osama bin Laden's operations chief.[3]

A. PROBLEM STATEMENT

The process by which Westerners embrace the teachings of radical Islam, including the acceptance of violence as a means to support terroristic goals, is referred to as radicalization.[4] Radicalization often occurs in prisons, as custody facilities provide fertile grounds for such a conversion. Prisoners seeking anything from protection to a

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[1] Frank J. Cilluffo and Gregory Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization* (Washington, DC: Homeland Security Policy Institute, 2006), iii.

[2] Robert S. Mueller, *Homegrown Terrorism and the Radicalization Process* (Phoenix, AZ: McMurry Inc., 2006), 563.

[3] Dennis A. Ballas, *Prisoner Radicalization*, ed. Law Enforcement Bulletin (Washington, DC: Federal Bureau of Investigation, 2010).

[4] Alex S. Wilner and Claire-Jehanne Dubouloz, "Homegrown Terrorism and Transformative Learning: An Interdisciplinary Approach to Understanding Radicalization," *Global Change, Peace & Security* 22, no. 1 (2010).

sense of identity may align with fellow prisoners, who act as recruiters for terrorist and other disruptive organizations.

Law enforcement and correctional agencies in the United States do not attempt to "de-radicalize" prisoners, as officials in several other countries do. Instead, United States (U.S.) authorities rely on the collection of radicalization-related intelligence to assist with their efforts to disrupt, reduce, or prevent violent terrorist acts. For that reason, complete, timely, and accurate reporting of the intelligence is imperative.

Prison staff in the California Department of Corrections and Rehabilitation (CDCR) receive assistance from two Federal Bureau of Investigation (FBI) programs in their efforts to monitor and report radicalization efforts. The Correctional Intelligence Initiative[5] and the California Gang Intelligence Initiative[6] both assist California prison staff with the collection, analysis, and distribution of intelligence information. Most jails in California, by contrast, receive no such assistance. As such, the jails in California remain more open to radicalizers seeking converts to their violent cause, and intelligence authorities may be denied crucial insights into the situation inside California's jails.

In 2011, the line between prisons and jails was blurred when California Governor Jerry Brown directed that inmates meeting certain criteria serve their sentences in county jails instead of state prison.[7] Inmates are now sentenced to lengthy terms in county jails, which likely will result in radicalization efforts taking place in county jails. Most county jail administrators lack the resources to develop and maintain a program dedicated to the monitoring and reporting of homeland security related issues, and no publicly available information indicates that they are addressing radicalization efforts.

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[5] Mark S. Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report* (Rockville, MD: National Criminal Justice Reference Service, 2007), 105.

[6] Federal Bureau of Investigation, *California Gang Intelligence Initiative* (Washington, DC: Federal Bureau of Investigation, 2010).

[7] Governor Jerry Brown, *2011 Public Safety Realignment*, Sacramento, CA, 2011.

This issue warrants further research to determine whether county jail staff is prepared to monitor radicalization related efforts and to act on any information discovered. If not, the intelligence community could fail to receive valuable homeland security information. It is also possible that facility security issues, including potential threats to jail staff and other inmates, may not be discovered and prevented.

B. RESEARCH QUESTION

How is it possible to ensure that jail staff effectively identify and document radicalization efforts occurring in their facilities, and that they report actionable homeland security intelligence to the appropriate entity?

C. SIGNIFICANCE

Audrey Cronin, Professor at George Mason University, stated, "Radical Islamists will pose a threat to the United States and its interests for a long time to come."[8] Not all of these extremists are overseas; the radicalization of U.S. citizens increasingly forms a concern for law enforcement and homeland security officials. To address that concern, Department of Homeland Security (DHS) Secretary Jeh Johnson recently met with Muslim leaders in several cities in an effort to build trust and offer assistance, with the goal of reducing radicalization.[9] A recent example is Nicholas Teausant, a California resident who in March 2014 was arrested as he attempted to leave the United States to fight alongside the terrorist organization Islamic State of Iraq and Syria (ISIS).[10] He was a community college student, a member of the National Guard, and had expressed his desire to participate in a violent Jihad.[11] He was one of at least seven Americans arrested during a 15-month period of 2013 and 2014 while trying to travel to Syria for the same

[8] Audrey Kurth Cronin, "How Al-Qaida Ends: The Decline and Demise of Terrorist Groups," *International Security* 31, no. 1 (2006): 7.

[9] Eric Schmitt, "U.S. Is Trying to Counter ISIS' Efforts to Lure Alienated Young Muslims," *New York Times*, October 4, 2014, http://www.nytimes.com/2014/10/05/us/us-is-trying-to-counter-isiss-efforts-to-lure-alienated-young-muslims.html?_r=0.

[10] Eastern District of California, "San Joaquin County Man Indicted on Charges of Attempting to Provide Material Support to Foreign Terrorist Organization," The United States Attorney's Office, March 26, 2014, http://www.justice.gov/usao/cae/news/docs/2014/2014_03/03-26-14Teausant.html.

[11] Leslie Holland, "California Man Arrested Near Canadian Border on Terror Charges," *CNN*, March 17, 2014, http://www.cnn.com/2014/03/17/us/californa-terror-arrest/.

reason.[12] The problem of prisons "breeding" more extreme criminals is well documented.[13] The same circumstances, without sustained and structured intervention, would facilitate religious radicalization.

The FBI describes prisoner radicalization as a serious problem that will require a "multiagency and multidisciplinary response."[14] Experts believe radicalization among incarcerated Americans is a problem with potentially serious future security implications. Figure 1 shows the statistics related to Muslim-American violence for the years leading up to 2012.

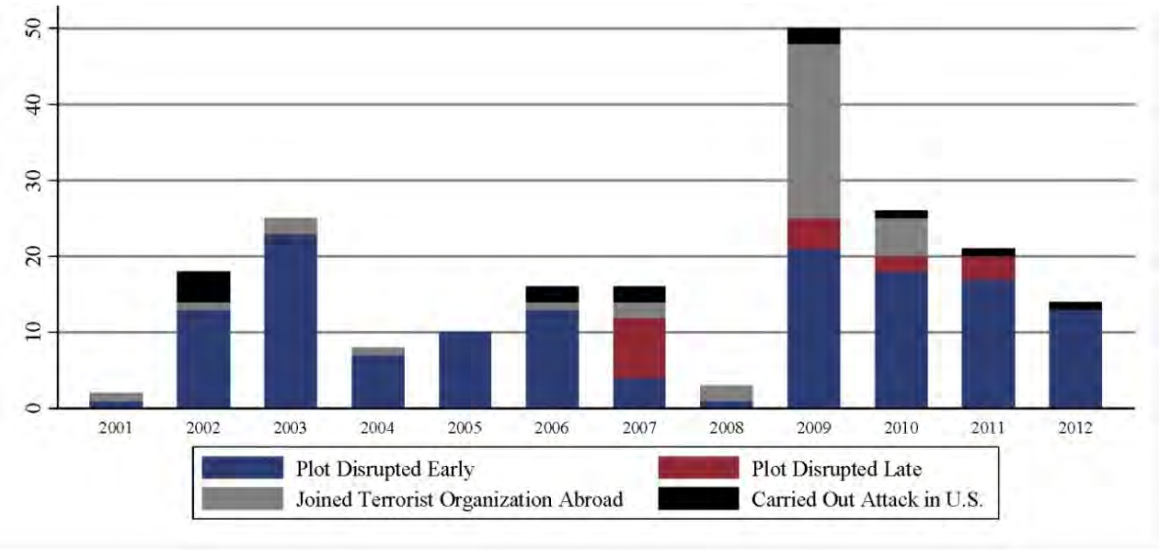

Figure 1. Muslim-American Terrorism Suspects and Perpetrators since 9/11[15]

[12] Robert Windrem, "Jihad Interrupted: Feds Grab ISIS 'Wannabes' Before They Reach Syria," *NBC News*, September 4, 2014, http://www.nbcnews.com/storyline/isis-terror/jihad-interrupted-feds-grab-isis-wannabes-they-reach-syria-n195171.l.

[13] Mitchell D. Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat* (New York: New York Police Department, 2007), 41.

[14] Ballas, *Prisoner Radicalization*.

[15] Charles Kurzman, *Muslim-American Terrorism: Declining Further* (Durham, NC: Triangle Center on Terrorism and Homeland Security, 2013).

No data show whether any of these perpetrators were radicalized in prison, but with more arrests and more incarcerations, more radical Muslims will find their way behind bars in the United States. As such, extensive improvement is needed in the way federal, state, and local entities address this problem.

In 2011, California Governor Jerry Brown enacted the Public Safety Realignment Act (AB109), which directed that inmates meeting certain criteria serve their sentences in county jails instead of state prison.[16] The revisions were prospective (no state prisoners were transferred to county jails), but it was estimated that 30,000 felons per year would now be sentenced to county jails, instead of state prison.[17]

The inmates qualifying for the new sentencing were described as "newly convicted low-level offenders without current or prior serious or violent offenses."[18] The law required further that their offenses, prior or current, be non-serious, non-violent, and non-sexual. However, a lack of serious, violent, or sexual criminal history is not indicative of a lack of problems in the future. While the inmate population in the county jails soared to a record 58,000 inmates (7,600 over their rated capacity), so did reports of assaults. Approximately 2,000 more inmate-on-inmate assaults occurred during the first year of realignment, and 164 more assaults on staff.[19]

1. Prisons Versus Jails

State prisons in California are managed by the CDCR. That agency operates 34 prisons throughout the state, and at the time of this research, it was housing approximately 187,000 prisoners.[20] Prisoners whose sentences range from one year to

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[16] Brown, *2011 Public Safety Realignment*.

[17] Magnus Lofstrom, Joan Petersilia, and Steven Raphael, *Evaluating the Effects of California's Corrections Realignment on Public Safety* (San Francisco, CA: Public Policy Institute of California, 2012), 2.

[18] Brown, *2011 Public Safety Realignment*.

[19] Don Thompson, "AP Exclusive: Jails House 1,100 Long-Term Inmates," *San Jose Mercury News*, February 28, 2013.

[20] California Department of Corrections and Rehabilitation, *Monthly Report of Population* (Sacramento, CA: California Department of Corrections and Rehabilitation, 2013).

life without the possibility of parole have historically been housed at CDCR. Additionally, 748 condemned prisoners are housed at San Quentin's "death row."

Historically, county jails in California were intended to house pre-trial detainees and convicted inmates who had been sentenced to one year or less. The responsibility for operating the county jails rests with the elected Sheriff (except in those counties that have created a department of corrections). California Government Code section 26605 states in part that: "The sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it."

California has 57 different jail systems (the state has 58 counties but one small county contracts with two neighboring counties for jail services). While statewide minimum jail standards exist to ensure that the health and welfare of the inmates is addressed, vast differences exist in the policies and procedures at these facilities. Some of these differences are a result of the size of their operation. The Los Angeles County jail system houses more than 19,000 inmates[21] and Sierra County averages six per day. Clearly, the management of jails is not a "one size fits all."

Sacramento County's Rio Cosumnes Correctional Center was designed to house inmates sentenced to one year or less. Since the implementation of Assembly Bill 109, Public Safety Realignment Act (AB 109), the longest sentence in Sacramento County is for 17 years, and approximately 40 inmates are serving sentences between 5 and 10 years.[22] One inmate is serving a 43-year sentence in the Los Angeles County jail for drug trafficking.[23] With the change in sentencing in California, the jails are becoming known as "county jail prisons."

With the increased periods of incarceration in California jails, and considerably fewer rehabilitation programs available compared to state prisons, radicalization efforts

[21] Los Angeles County Civil Grand Jury, *2012–2013 Civil Grand Jury: Final Report* (Los Angeles, CA: Los Angeles County Civil Grand Jury, 2013), 185.

[22] Milo Fitch, in discussion with the author, Rio Cosumnes Correctional Center, Elk Grove, CA, August 21, 2013.

[23] Thompson, "AP Exclusive: Jails House 1,100 Long-Term Inmates."

will likely increase in the county jails. Frank Cilluffo, director of the Homeland Security Policy Institute, and co-chairman of their Prisoner Radicalization Task Force, stated, "The threat of prisoner radicalization is….even more paramount for state and local officials."[24] He also stated that while the Los Angeles County Sheriff's Department (LASD) has seen an increase in radicalization, the lack of trained experts results in poor investigations and intelligence sharing efforts.[25]

A majority of the research indicates a possibility that radicalization efforts may increase in the county jails in California as a result of the Public Safety Realignment Act, but it is possible that it may actually decrease. The first reason is that the affected prisoners are serving their sentences in the county in which they were arrested, convicted, and sentenced. Often, it is the county in which they lived, which keeps them closer to friends and relatives. When these same prisoners were sent to state prison, their locations were determined by a classification system that did not take their county of residence into consideration. Regular visits from family and friends may decrease their sense of dispossession, and therefore, reduce their need to form an allegiance with radical prisoners. The second reason radicalization may be reduced is better living conditions. Neil Smelser, emeritus professor of Sociology at the University of California, Berkeley, wrote, "The underlying basis of terrorism is a shared sense of dispossession and suffering."[26] Is it possible that if the living conditions in the county jails were better than those found in prisons, one of the motivating factors of radicalization would diminish?

The history of unacceptable conditions in the California prison system is well documented.[27] Severe overcrowding was the driving force for Governor Brown's realignment plan. According to the CDCR's own newsletter,

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[24] Cilluffo and Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, 8.

[25] Ibid., 9.

[26] Neil J. Smelser, *The Faces of Terrorism: Social and Psychological Dimensions* (Princeton, NJ: Princeton University Press, 2007).

[27] Staff, "CDCR Unveils Plan to Cut Spending by Billions, Meet Court Orders," California Department of Corrections and Rehabilitation, April 24, 2012, http://www.insidecdcr.ca.gov/2012/04/cdcr-unveils-plan-to-cut-spending-by-billions-meet-court-orders/; KQED Staff, "Judge Closes Prison Abuse Case after 20 Years," *KQED*, March 22, 2011, http://ww2.kqed.org/news/2011/03/22/judge-closes-prison-abuse-case-after-20-years/.

> CDCR has responded to a string of class-action lawsuits dating back to 1990 that challenge the levels of medical, mental health and dental care for inmates. In 2006, federal courts appointed a receiver to bring health care up to constitutional standards. Mental health care is overseen by a Special Master and dental care is monitored by Court Experts.[28]

This development may not be the only byproduct of overcrowding. Mark S. Hamm wrote that he found "a pattern of radicalization among Islamic gang members in California's massively overcrowded maximum security prisons."[29]

This is not to suggest that jail administrators take no actions and assume that this possibility will become a reality. In fact, radicalization efforts will not immediately ping on the jail administrator's radar, as those inmates tend to avoid breaking the rules so as not to draw attention to themselves.[30] If for no other reason, the safety of county jail staff should be a motivating factor. Secondarily, addressing the possibility of radicalization will ensure that intelligence continues to be disseminated to the proper entities.

2. Rehabilitation Efforts in Prisons Versus Jails

Since the average length of incarceration in the county jails was typically less than one year (the exception being those awaiting trial for serious offenses), rehabilitation efforts were historically minimal. Some counties offer General Education Development (GED) programs, but often, the inmates were either released ("time served") or transferred to state prison prior to the completion of the program. Some counties also offer vocational education programs like landscape maintenance, welding, and food service. These offerings are scarce, and until more programs become available, the inmates serving lengthy sentences in county jails become ideal candidates for radicalization.

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[28] Staff, "CDCR Unveils Plan to Cut Spending by Billions, Meet Court Orders."

[29] Mark S. Hamm, *Locking up Terrorists: Three Models for Controlling Prisoner Radicalization* (Indiana, IN: Indiana State University, 2011), 4.

[30] Cilluffo and Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, 9.

The notion that "idle hands are the devil's workshop"[31] has not escaped the prison system. Most prisoners are afforded the opportunity to participate in a host of programs intended to "change the criminal mindset, so offenders leave prison prepared to be healthy, productive members of society."[32] In fact, in 2005, the word "rehabilitation" was added to the name of the agency formerly known as the California Department of Corrections. Ian M. Cuthbertson, senior fellow and director of the Counterterrorism Project at the World Policy Institute asserts that vocational training and support groups assist with preventing radicalization in prison.[33]

D. LITERATURE REVIEW

An ever-growing body of literature examines the radicalization process, with a substantial portion looking at the individuals and what attracted them to their extremist beliefs.[34] Extensive research has been devoted specifically to radicalization that occurs in prisons around the world.

1. Causes and Motivations for Radicalization

Mitchell Silber and Arvin Bhatt, Senior Intelligence Analysts with the New York Police Department, identify four phases of the radicalization process, in which a person seeks religious guidance, begins to identify with radical Islam, intensifies these beliefs, and ultimately, becomes willing to commit violent acts in furtherance of these extreme beliefs.[35] Silber and Bhatt wrote:

> It (ideology) defines the conflict, guides movements, identifies the issues, drives recruitment, and is the basis for action. In many cases, ideology

[31] While not a direct quote from the bible, the apostle Paul notes that those who waste their time in idleness or in a non-productive manner are easily led into sin.

[32] Division of Rehabilitative Programs, "Frequently Asked Questions," California Department of Corrections and Rehabilitation, 2013, http://www.cdcr.ca.gov/rehabilitation/faqs.html#rehabilitation.

[33] Ian M. Cuthbertson, "Prisons and the Education of Terrorists," *World Policy Journal*, Fall 2004, 20.

[34] Steven M. Chermak, Joshua D. Freilich, and Joseph Simone, "Surveying American State Police Agencies About Lone Wolves, Far-Right Criminality, and Far-Right and Islamic Jihadist Criminal Collaboration," *Studies in Conflict & Terrorism* 33, no. 11 (2010): 1035.

[35] Silber and Bhatt, *Radicalization in the West: The Homegrown Threat*, 6–7.

> also determines target selection and informs what will be done and how it will be carried out.[36]

Most researchers agree that radicalization is a "process:" Sophia Moskalenko describes the "pyramid,"[37] Fathali Moghaddam a "staircase,"[38] and Zeyno Baran refers to a "conveyor belt."[39] The process often involves an increase in viewing ideological propaganda, associating with radical militants, and espousing more conservative views of Islam.[40] Brian Jenkins, Senior Advisor to the President of the Rand Corporation, stated, "Terrorists do not fall from the sky. They emerge from a set of strongly held beliefs. They are radicalized. Then they become terrorists."[41]

2. Why Does Radicalization Occur in Prisons?

Most studies about prison radicalization point toward the disaffected, disenchanted prisoners seeking a sense of purpose or a means of protection.[42] Often, they are seeking a sense of self-importance and/or a need to belong to a group.[43] For these reasons, the prison environment is conducive to radicalization.

Islamic radicals have not ignored this potential "university."[44] They have recruited and trained prisoners to commit violent acts.[45] John Pistole, while assigned as the FBI's executive assistant director of counterterrorism/counterintelligence, called U.S.

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[36] Ibid., 18.

[37] Clark McCauley and Sophia Moskalenko, "Mechanisms of Political Radicalization: Pathways toward Terrorism," *Terrorism and Political Violence* 20, no. 3 (2008): 417.

[38] Fathali M. Moghaddam, "The Staircase to Terrorism: A Psychological Exploration," *American Psychologist* 60, no. 2 (2005): 161.

[39] Zeyno Baran, "Fighting the War of Ideas," *Foreign Affairs*, November/December 2005.

[40] Risa A. Brooks, "Muslim "Homegrown" Terrorism in the United States: How Serious Is the Threat?," *International Security* 36, no. 2 (2011): 13.

[41] Daveed Gartenstein-Ross and Laura Grossman, *Homegrown Terrorists in the U.S. And U.K.: An Empirical Examination of the Radicalization Process* (Washington, DC: Foundation for Defense of Democracies, 2009).

[42] Cilluffo and Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, 5.

[43] Ibid., 1.

[44] Cuthbertson, "Prisons and the Education of Terrorists," 15.

[45] Ibid.

correctional institutions a "viable venue for radicalization and recruitment" for al-Qaeda.[46] Many right-wing extremist groups were founded in prisons (Posse Comitatus, the Order, Aryan Nations, etc.), so it is no surprise that Jihadist groups exploit this captive audience as well.[47]

A special report by the Homeland Security Policy Institute indicated that the lack of Muslim religious service providers could result in the wrong providers being allowed access to the prisoners.[48] Much of the research available refers to literature and propaganda being introduced into prisons by groups known to support terrorist causes, and nefarious actors visiting under the guise of religious service providers are no exception.[49]

Frank Cilluffo and Audrey Cronin, professors at George Mason University, have both concluded that radicalization is and will remain a serious problem. Cilluffo has written that the potential for radicalization of prisoners in the United States poses a threat of unknown magnitude to the national security of the United States (see Figure 2).[50] Cronin states, "Radical Islamists will pose a threat to the United States and its interests for a long time to come."[51]

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[46] Subcomittee on Terrorism, Technology and Homeland Security, *Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons*, 108–443, October 14, 2003.

[47] Frank J. Cilluffo, Sharon L. Cardash, and Andrew J. Whitehead, "Radicalization: Behind Bars and Beyond Borders," *Brown Journal of World Affairs* 13, no. 2 (2007): 114.

[48] Cilluffo and Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, iv.

[49] Ibid., 1.

[50] Cilluffo and Saathoff, *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, i.

[51] Cronin, "How Al-Qaida Ends: The Decline and Demise of Terrorist Groups," 7.

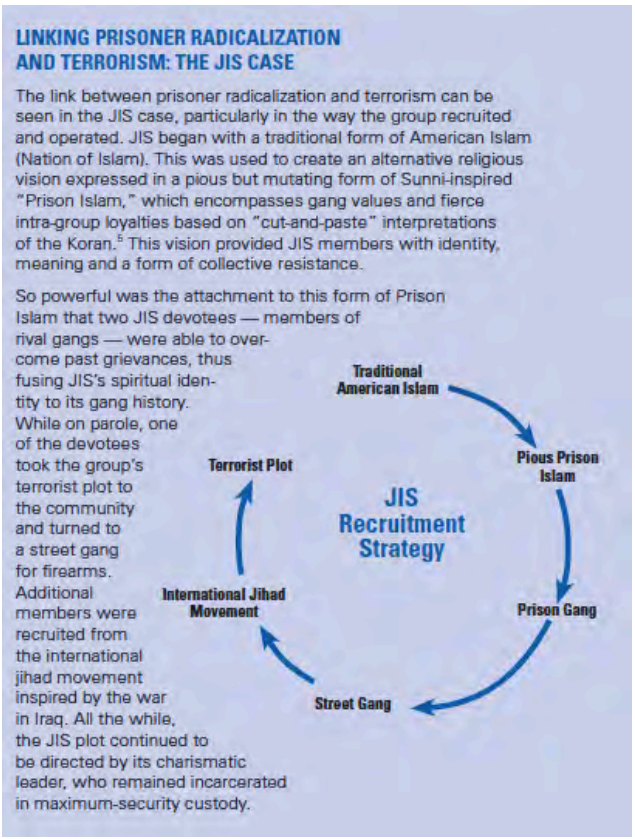

Figure 2. Linking Prisoner Radicalization and Terrorism[52]

3. Radicalization in County Jails

Relatively little literature is available that addresses the identification of radicalization efforts in county jails. Lieutenant Jennifer Barsh offered a picture of the programs in the Los Angeles County jail system in her Naval Postgraduate School Master's thesis titled "Creation of a Homeland Security Jail Information Model."[53] Her research was a comparison of intelligence collection and dissemination models. She analyzed the Jail Intelligence Team (JIT), Terrorism Liaison Officer (TLO), and Joint Terrorism Task Force (JTTF) to determine the best model for use in a jail environment. Her recommendation was a JTTF/JIT homeland security jail intelligence model.

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[52] "Linking Prisoner Radicalization and Terrorism: The JIS Case," accessed October 14, 2014, http://www.nij.gov/journals/261/pages/prisoner-radicalization-jis-sidebar.aspx.

[53] Jennifer Barsh, "Creation of a Homeland Security Jail Information Model" (master's thesis, Naval Postgraduate School, 2012).

The program Barsh created was intended capitalize on the recently arrested inmates with "real-time" information. She wrote:

> The jail system provides a rare opportunity to acquire intelligence that is both current and time sensitive since the inmate is jailed directly after being arrested. Timely intelligence describes activity, relationships, and situations that currently exist or that are ongoing at the moment the information is acquired. The jail system offers an opportunity to gather real-time information since the inmate was removed from the existing environment and placed directly in a jail. Inmates possess real-time information about criminal activity occurring in a particular jurisdiction because they recently were part of that environment.[54]

References to radicalization in her research primarily address inmates previously encountered in their system. As AB 109 was signed into law at the time she was concluding her research (Fall 2011), the Los Angeles County jails had not yet begun to see the lengthy sentences that would result from Governor Brown's Public Safety Realignment Program. As a result, her research does not address the issues central to the current research.

E. METHODOLOGY

This research involved several methods of inquiry. The authors' observations and personal interactions with staff from county jails, the CDCR, the FBI, and the Central California Intelligence Center (CCIC), coupled with the collection of policies and procedures from these entities, helped identify opportunities for improvement in preventing problems resulting from radicalization in county jails. This research relied primarily on the examination of "smart practices," which are described as follows. Appreciative inquiry (AI) (also described in a following section) provided guidance while examining the smart practices.

- Data Collection

Data was collected through contact with local, state, and federal employees whose assignments include jail, prisons, intelligence, and radicalization. Direct contact with

[54] Ibid., 6–7.

these well-placed sources ensured that the data they provided was timely and accurate. When possible, copies of policies were obtained.

- Smart Practices

A "smart practice" takes advantage of something working well elsewhere under similar conditions. References are often made to "best practices," but more often than not, research has not been conducted to validate that claim. For that reason, Eugene Bardash asserts that "smart practices" is a more appropriate description.[55]

- Appreciative Inquiry

In their book, *Appreciative Inquiry: A Positive Approach to Building Cooperative Capacity*, Barret and Fry describe AI as "a strength-based approach to capacity building."[56] It involves asking questions from a positive stance in the hope of gaining knowledge that will result in increased cooperative capacity. This method of research provided a positive approach to evaluate smart practices.

- Data Analysis

Data analysis will list the main conclusions drawn from the research, and identify how that may be applied at the county jail level. The methods employed in the Los Angeles County jails, state prisons (CDCR), and federal Bureau of Prisons (BOP) were analyzed, and both the positive and negative aspects were examined to determine why they were or were not successful. Patterns of success were merged to form the conclusion and recommendations.

F. THEORETICAL SENSITIVITY: ADDRESSING RESEARCH BIAS

When conducting research, and more importantly, analyzing data, the possibility exists for the biased distortion of data to serve the researcher's interests. Prior to commencing this research, he was aware that state and federal prison systems had

[55] Eugene Bardash, *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*, 4th ed. (Thousand Oaks, CA: Sage, 2012), Kindle edition.

[56] Frank J. Barrett and Ronald E. Fry, *Appreciative Inquiry: A Positive Approach to Building Cooperative Capacity* (Chagrin Falls, OH: Taos Institute Publications, 2012), Kindle edition.

programs in place to identify and report radicalization efforts in their facilities and that most county jails (specifically in Sacramento) did not. This research could have easily been constructed with the goal of adapting the state and federal policies, expanding upon them to ensure even greater security, and recommending that they be implemented in California's jail system. Stated another way, the researcher's professional experiences could easily influence his analysis of the data and the resulting recommendations. It is entirely possible that some of the programs examined would not be ideally implemented at the county jail level.

The researcher has been a law enforcement officer for 30 years, and several of his assignments have had a direct nexus to the topic of this research. In 1989, he created a jail intelligence program at the Sacramento County Main Jail. He attended the California State Department of Justice's Criminal Intelligence Institute, and received extensive training in gangs, organized crime, and other related topics. He later attended the pilot terrorism course offered by the California Office of Emergency Services.

For the past three years, the CCIC, one of six intelligence fusion centers in California, has organizationally been within his chain of command. The Director of the center reports to an Executive Board, but the Sacramento County Sheriff's Department (the researcher's employer) acts as the fiduciary for the management of the grants that fund the center's operation. Additionally, many of the employees in the center work for his agency. Thus, he has been intimately involved with the operations at the center. The FBI, which controls the Sensitive Compartmented Information Facility (SCIF) in which the center operates, conducted the background investigation necessary to afford him a Top Secret/Sensitive Compartmented Information (TS/SCI) clearance. As a result, when the FBI deems it necessary to brief someone from his agency on a sensitive homeland security investigation in progress, he received that briefing. He then provides his Sheriff with an unclassified version for his situational awareness. Additionally, he has been a TLO for about five years, and is privy to all the suspicious activity reports (SARs) submitted in the CCIC's 34 county areas of responsibility (AOR).

These experiences have given him an excellent working knowledge of homeland security related issues in his region and beyond. They have also exposed him to the

details of sensitive homeland security-related investigations, including the devastating consequences of inadequate intelligence sharing. As a result, his recommendations following this research may easily have included more restrictive policies, to the detriment of rehabilitative efforts and facility harmony. To reduce observer's bias, he remained mindful of this potential while collecting and analyzing the data. He also asked that his thesis advisors be mindful of this potential while they viewed his work through a different lens.

G. THESIS OVERVIEW

- Chapter II—Monitoring Efforts in the Prison Systems

Chapter II explores the efforts to monitor and report radicalization efforts in both the federal BOP and the CDCR.

- Chapter III—Monitoring Efforts in the Los Angeles County Jails System

Chapter III examines the Los Angeles county jail system and its attempts to monitor and report radicalization-related activity.

- Chapter IV—Analysis of Key Issues

This chapter initiates the discourse about the importance of reporting radicalization activities, and examines the smart practices of three correctional systems.

- Chapter V—Conclusions and Recommendations

Chapter V provides recommendations based on the finding of this research. Topics include securing agency support, training, monitoring, reporting, and religious issues. This chapter concludes with some indicators that many of the jails in California are not prepared to address this very important issue.

II. MONITORING EFFORTS IN THE PRISON SYSTEMS

Researchers paid little attention to prison radicalization until after September 11, 2001 (9/11). For example, in 2000, an al-Qa'ida training manual titled *Military Studies in the Jihad (Holy War) against the Tyrants* was located in an apartment in Manchester, England. The document made clear the fact that al-Qa'ida was interested in Western prisoners as candidates for "conversion to Islam because they may harbor hostility toward their governments."[57] The manual aroused little sustained interest among scholars or practitioners at the time.

An estimated 80 percent of prisoners who seek religion while incarcerated turn to the Muslim faith.[58] Many are attracted to radical versions of Islam, which preach violence and hatred of non-Muslims. Prison authorities at the federal and state level have created procedures to address the radicalization. While sometimes controversial and probably incomplete, they represent an attempt to address this troubling situation.

A. FEDERAL BUREAU OF PRISONS

The federal BOP was established within the U.S. Department of Justice in 1930. It was tasked with the "management and regulation of all Federal penal and correctional institutions,"[59] which amounted to 11 facilities at that time. Now, 111 facilities (including those that are privately operated) house more than 216,000 federal prisoners. Half of those prisoners are serving sentences for drug offenses, followed in frequency by weapons offenses, explosives, and sex offenses. The vast majority of prisoners are serving a sentence of between five and 10 years.[60]

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[57] Mark S. Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat* (New York: New York University Press, 2013), 43.

[58] Nawal H. Ammar, Robert R. Weaver, and Sam Saxon, "Muslims in Prison: A Case Study from Ohio State Prisons," *International Journal of Offender Therapy and and Comparative Criminology* 48, no. 4 (2004): 423.

[59] "Historical Information: A Storied Past," accessed August 27, 2014, http://www.bop.gov/about/history/.

[60] Ibid.

The BOP staff must also manage known terrorists serving lengthy sentences in their custody. Approximately 362 convicted terrorists were in custody in the United States in 2011 (current estimates place this figure at more than 400 prisoners today), more than are currently housed in the Guantanamo Bay detention camp (GITMO).[61] Maintaining a safe housing environment for the known terrorists and preventing others from radicalizing (or facilitating radicalization) is an on-going challenge.

1. Levels of Classification and Housing

Persons convicted of terrorism-related offenses, and those suspected of facilitating radicalization efforts are held only in maximum-security facilities (the BOP operates prisons classified as minimum- and medium-security, as well.). Within the maximum-security facilities, the BOP operates three types of segregated housing.

- Special housing units (SHU)—prisoners pending transfer to other facilities, being disciplined for rule violations, etc.
- Special management units (SMU)—a four-level program where prisoners' restrictions can fluctuate.
- Administrative maximum (ADX)—prisoners who require the highest level of security.

The segregation of prisoners with ties to terrorism was born out of some very harsh criticism of the BOP after 9/11. Three federal prisoners, who were housed in ADX Florence for their role in the 1993 World Trade Center bombing, wrote almost 100 letters to Islamic militants outside the prison. Some of the letters praised bin Laden, some went to Spanish prisoners tied to the Madrid train bombings; none of this communication was monitored. The government's after-action report noted that this failure to monitor communications resulted in "little or no proactive intelligence on the activities of the terrorist inmates."[62]

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[61] Scott Shane, "Beyond Guantanamo, a Web of Prisons for Terrorism Inmates," *New York Times*, December 10, 2011.

[62] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 163.

Approximately seven percent of the BOP's prisoners (12,460) were held in one of the segregation units as of February 2013; of them, 435 were in ADX. ADX, or, Supermax, is currently home to Faisal Shahzad (2010 Times Square attempted bomber), Zacarias Moussaoui (an al-Qa'ida operative), Richard Reid (the so-called shoe bomber), and Ted Kaczynski (the Unabomber).[63]

The BOP manages prisoners with ties to terrorism by "confining them in more secure conditions and closely monitoring their communications."[64] Their policy is to house prisoners with terrorist ties in a manner that limits the opportunities for them to recruit or radicalize other prisoners. To accomplish this task, they created two specialized units, referred to as communications management units (CMUs) at Terre Haute, Indiana, and Marion, Illinois. Prisoners are transferred to one of the CMUs for "being convicted of or associated with international or domestic terrorism; repeated attempts to contact victims or witnesses; a history of soliciting minors for sexual activity; a court-ordered communication restriction; coordinating illegal activities from inside prison and a disciplinary history that includes continued abuse of communications methods."[65] Visitors are allowed no physical contact with prisoners, and mail, e-mail, and phone calls are strictly monitored to both prevent inmates from either radicalizing or orchestrating events outside of the prison.[66]

A majority of the prisoners housed in these units are Muslim, which has led to much controversy and litigation.[67] In January 2009, Sabri Benkahla, Seifullah Chapman, and Randall Royer filed a lawsuit alleging that their confinement there was unconstitutional.[68] In June 2009, the American Civil Liberties Union (ACLU) filed suit regarding the restrictions on Muslim worship at Terre Haute.[69] In addition, in March

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63 Shane, "Beyond Guantanamo, a Web of Prisons for Terrorism Inmates."

64 *Homegrown Terrorism Prevention Act of 2007*, 1st, H.R. 1955, 2.

65 Alia Malek, "Gitmo in the Heartland," *The Nation*, March 28, 2011.

66 Shane, "Beyond Guantanamo, a Web of Prisons for Terrorism Inmates."

67 Ibid.

68 Margot Williams, "TIMELINE: The History of 'Guantanamo North,'" *National Public Radio*, March 3, 2011, http://www.npr.org/2011/03/03/133629696/timeline-the-history-of-guantanamo-north.

69 Ibid.

2010, the Center for Constitutional Rights challenged the legality of the CMUs on behalf of four prisoners housed there. Ibrahim Hooper, a spokesman for the Council on American-Islamic Relations, referred to them as "Muslim management units."[70] According to Traci Billingsley, a BOP spokeswoman, however, the units were not created for any specific religious group, but were "necessary to ensure the safety, security and orderly operation of correctional facilities, and protection of the public."[71]

Justice Department correspondent Carrie Johnson, in her National Public Radio story "Guantanamo North: Inside Secretive U.S. Prisons," wrote, "Guards and cameras watch the CMU inmates' every move. Every word they speak is picked up by hidden microphones and their movements captured by video cameras—all monitored by their Counterterrorism Unit in Martinsburg, West Virginia."[72] Appropriation documents and congressional testimony indicate that the BOP spent more than $14 million for the monitoring of these prisoners in 2010.[73]

Unfortunately, a potential unintended consequence may arise with housing prisoners in the CMU. According to Mark S. Hamm, former Arizona prison warden and current professor of criminology at Indiana State University, "Other nations have found that physically separating terrorist prisoners from the larger prison population can actually intensify radicalization."[74] This separation can be problematic when prisoners are transferred to another facility or are released from custody altogether. A 2011 National Public Radio investigation was able to identify 120 current and former prisoners who were, or had been, housed in one of the CMUs. According to their report, only half of those identified were still housed in a CMU. Thirty-two prisoners had transferred to other prisons and 25 had been released from custody.[75] Most of the 120 CMU prisoners

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[70] Shane, "Beyond Guantanamo, a Web of Prisons for Terrorism Inmates."

[71] Ibid.

[72] Carrie Johnson, "'Guantanamo North': Inside Secretive U.S. Prisons," *National Public Radio*, March 3, 2011, http://www.npr.org/2011/03/03/134168714/guantanamo-north-inside-u-s-secretive-prisons.

[73] Ibid.

[74] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 177.

[75] "DATA & GRAPHICS: Population of the Communications Management Units," March 3, 2011, http://www.npr.org/2011/03/08/134227726/data-graphics-population-of-the-communications-management-units.

will one day be free, as only 10 were identified as being sentenced to "life" in prison. Any of them housed in a CMU because of a connection to terrorism may now be more motivated to cause harm to Americans.

2. Religious Services and Literature

Prisoners have a right to practice their faith while in custody, and the institutions are required to facilitate their worship. Both paid providers and volunteers, generically referred to as chaplains, facilitate the services at each BOP facility. The mission of the chaplaincy is:

> ...to accommodate the free exercise of religion by providing pastoral care to all Federal inmates and facilitate the opportunity to pursue individual religious beliefs and practices in accordance with the law, Federal regulations and Bureau of Prisons policy. Chaplains will provide religious worship, education, counseling, spiritual direction, support and crisis intervention to accommodate the diverse religious needs of inmates. When appropriate, pastoral care and subject matter expertise may be extended to staff.[76]

In 2006, the BOP only employed 10 Muslim chaplains for the entire prison system. As a result, more often than not, prisoners take on the leadership role. When that leader subscribes to radical beliefs, he has a captive audience to spread his message. Often, this type of leadership role is the first exposure some prisoners have to Islam (or, "Prislam"), and they lack the ability to compare it to any other teachings.[77]

To reduce the introduction of personnel who would encourage and facilitate radicalization, attempts are made to vet all service providers and volunteers who have access to the prisoners. This group includes the providers of religious services. The BOP's standards for religious service providers are the most restrictive of the three systems examined in this research. The chaplains must meet the same background standards as a federal law enforcement officer. In additions, applicants must:

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[76] Federal Bureau of Prisons, *Ministry of B.O.P. Chaplains*, ed. Federal Bureau of Prisons (Washington, DC: U.S. Department of Justice, 2004), 1.

[77] Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?*, September 19, 2006, 7.

- Be ordained or a member of an ecclesiastically recognized religious institutes
- Pass a physical exam
- Possess a bachelor's degree and a Master of Divinity degree (or equivalent)
- Must have at least two years of pastoral/spiritual leadership experience
- Have ecclesiastical endorsement (following a minimum of two years of association with that endorsing body)

Some religions do not have a national endorsing entity or person. In these situations, the approval is decided by the BOP's Chaplaincy Administrator.[78]

BOP chaplains may not defer the leadership role to clergy from the community, nor are prisoners allowed to lead worship services.[79] However, if no community chaplain (paid or volunteer) is available for that specific faith, inmates may coordinate the program under the supervision of the chaplain of another faith. This supervision is described as "frequent visual surveillance of the group and at least intermittent in-room supervision."[80]

The BOP has also attempted to dissuade radicalization by banning radical literature, including *The Noble Quran*, from its facilities. Daveed Gartenstein-Ross, Director of the Center for the Study of Terrorist Radicalization at the Foundation for Defense of Democracies, wrote that *The Noble Quran* "uniquely advances a radical interpretation of the Muslim holy book through the use of footnotes and bracketed material that does not appear in the Arabic text."[81] In his testimony before the Senate Homeland Security and Governmental Affairs Committee, Gartenstein-Ross said,

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[78] Federal Bureau of Prisons, *Chaplain's Employment Program Statement*, ed. Federal Bureau of Prisons (Washington, DC: U.S. Department of Justice, 2001), 1.

[79] Ibid., 2.

[80] Ibid.

[81] Daniel Pipes, "The U.S. Bureau of Prisons Explains Jihad," *Middle East Forum*, February 10, 2005, http://www.danielpipes.org/blog/2005/02/the-us-bureau-of-prisons-explains-jihad.

> At the heart of any concerted Islamic literature program is distribution of the Qur'an. Al Haramain distributed a Wahhabi/Salafi version, known as the Noble Qur'an, that was translated into English by Muhammad Taqi-ud-Din Al-Hilali and Muhammad Muhsin Khan. This version was known for containing numerous interpolations not present in the original Arabic. Although ostensibly designed to explain the verses, these interpolations in fact pushed the meaning in a radical direction, one which was suffused with contempt for non-Muslims (particularly Jews and Christians), and one which was dedicated to fostering the global jihad.[82]

BOP Program Statement P5360.09 (Religious Beliefs and Practices) explicitly prohibits disparagement of other religions, which is the basis for their ban of *The Noble Quran*.

3. Monitoring and Reporting

In their attempt to ensure that federal prisoners are not radicalized or recruited for terrorist causes, BOP officials work very closely with the FBI, the National Joint Terrorism Task Force (through the Correctional Intelligence Initiative, or CII), and other law enforcement and intelligence entities. To accomplish their goal, they have enhanced their communications monitoring systems, identification of disruptive prisoners, and their intelligence collection and dissemination capabilities. They "monitor, record, and translate if necessary, all telephone communications (except attorney-client conversations) involving inmates with terrorist ties."[83] The Counterterrorism Unit in West Virginia ensures that all the terrorist's telephone calls are monitored. All intelligence of potential value is forwarded to the FBI. They also monitor all mail sent from or delivered to terrorist inmates. Mail is read, translated, and analyzed for intelligence. Any suspicious content is sent to the FBI before any further processing.

Two BOP employees are assigned to the CII at the National Joint Terrorism Task Force (NJTTF). The goal of the CII is to "detect, deter, and disrupt the radicalization and

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[82] *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks? Hearing Before the Committee on Homeland Security and Governmental Affairs, United States Senate*, 109th Cong., 2nd sess. (2006), accessed October 13, 2014, http://www.gpo.gov/fdsys/pkg/CHRG-109shrg30597/html/CHRG-109shrg30597.htm.

[83] *Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegown Terror, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment*, 2007.

recruiting of inmates."[84] The program trains correctional administrators at the federal, state, and local levels, exchanges intelligence, and shares best practices related to the prevention of radicalization. The CII also attempts to identify and disrupt any attempts by inmates, religious providers, and others to radicalize other prisoners.

The line staff conduct monitoring at the other BOP facilities. In addition to the initial training they receive upon hire, they receive training annually, which often includes components that address facility security. Since 2004, they have all received "Terrorism Management and Response" training annually and religious service providers teach an awareness course related to speech, language, and behaviors that could indicate radical ideology.[85]

The Martinsburg Counterterrorism Unit produces intelligence-related documents and disseminates them to BOP staff. They have also provided "Terrorism Training for Law Enforcement" videos to all BOP facilities. Additionally, each facility has at least one special investigative agent and/or supervisor who oversees all security threat group and terrorist activity. This employee also serves as a liaison to the FBI, the U.S. Marshals Service and other federal entities.

Terrorists who plot to kill Americans typically receive life sentences; however, more than 300 prisoners with lesser sentences (typically for "providing material support for terrorist activities") have been released from federal custody. In an effort to deter them from engaging in further acts of terrorism, FBI agents interview them prior to release, and probation officers monitor them for many years.[86]

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[84] Ibid.

[85] *Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegown Terror, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment*, 2007.

[86] Shane, "Beyond Guantanamo, a Web of Prisons for Terrorism Inmates."

B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

The CDCR, with approximately 131,000 prisoners and an annual budget of $9.1 billion (2013–2014), houses only the most violent and serious offenders in the state.[87] Their 33 prisons are spread throughout California, with over 900 miles separating Pelican Bay and Centinela Prisons. A significant number of opportunities exist for radicalization efforts to occur within the prisons. Challenges faced by the CDCR are the minimal and inconsistent vetting of volunteers (including religious services providers) who have access to the prisoners, worship services being led by radical prisoners, and staffing levels that do not allow for the effective monitoring of prisoner activities.

A number of conditions are present in the CDCR that provide a ripe environment for radicalization. In 2005 and 2006, the FBI conducted a survey of approximately 2,000 prisons in the United States. The result was a determination that the following circumstances support radicalization.

- Most cases of prisoner radicalization appear to be originated by domestic extremists with few or no foreign connections
- Some radicalized Islamic inmates are current or former members of street or prison gangs, indicating an emerging "crossover" from gang members to Islamic extremists
- Radicalization activity levels appear to be higher in densely populated areas on the West Coast and in the northeastern United States.
- After data from the survey were fully analyzed, the FBI added one more condition: charismatic leadership may be the single most important contributing factor to prisoner radicalization.[88]

1. Levels of Classification and Housing

Eight prisons in California are designated reception centers, where prisoners are first sent for orientation, an introduction to available programs, and for determining their

[87] California Department of Corrections and Rehabilitation, *The Year in Accomplishments: 2013*, ed. Office of Public & Employee Communications (Sacramento, CA: California Department of Corrections and Rehabilitation, 2013).

[88] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 52.

level of classification.[89] Classification is based on criminal history, gang/disruptive group affiliation, disciplinary history while incarcerated, escapes history, length/type of sentence, etc.[90] While their classification may change during their incarceration (with a few exceptions), they are initially sent to an appropriate facility for their original classification.

The CDCR operates four levels of facilities:

> Level I: Facilities and camps consist primarily of open dormitories with a low security perimeter. Level II: Facilities consist primarily of open dormitories with a secure perimeter, which may include armed coverage. Level III: Facilities primarily have a secure perimeter with armed coverage and housing units with cells adjacent to exterior walls. Level IV: Facilities have a secure perimeter with internal and external armed coverage and housing units or cellblock housing with cells non-adjacent to exterior walls.[91]

Condemned prisoners and those sentenced to life without the possibility of parole are automatically sent to a Level IV institution. Four of the Level IV prisons also have a SHU.[92] The CDCR's policy states, "Inmates whose conduct endangers the safety of others or the security of the institution are housed in SHU. In most cases, these inmates have committed serious rule violations while housed in a general population setting."[93]

Membership or affiliation with a street or prison gang is one criteria used when determining the appropriate level of housing for prisoners. Validation of membership/affiliation must follow specific guidelines and be documented on appropriate forms. Criteria for gang identification includes self-admission, tattoos, written material, photos, staff information, and information from other agencies.[94] This

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[89] California Department of Corrections and Rehabilitation, *Operations Manual* (Sacramento, CA: California Department of Corrections and Rehabilitation, 2014), 527.

[90] California Department of Corrections and Rehabilitation, *Classification Score Sheet* (Sacramento, CA: California Department of Corrections and Rehabilitation, 2002).

[91] "Entering a California State Prison—What to Expect," accessed August 12, 2014, http://www.cdcr.ca.gov/ombuds/entering_a_prison_faqs.html.

[92] California Department of Corrections and Rehabilitation, *The Year in Accomplishments: 2013*, 19.

[93] "California State Prison, Corcoran (CSP-COR)," 2013, http://www.cdcr.ca.gov/facilities_locator/cor-institution_details-shu.html.

[94] California Department of Corrections and Rehabilitation, *Operations Manual*, 538.

determination can be made during the initial reception center process or at any time during their incarceration if new information becomes available. At the time of initial classification, prisoners are informed that involvement with gang activity may result in segregated housing.[95]

2. Religious Services and Literature

Confinement in prison does not remove a prisoner's freedom to exercise the religion of their choice. The warden at each facility is responsible for ensuring that reasonable efforts are made to provide religious programs at their institution.[96] Each facility utilizes the services of staff chaplains (a generic reference to all religious service providers except the Native American Spiritual Leaders), whose duties include conducting worship, administering sacraments, counseling, and providing religious education.

Unfortunately, staffing levels do not provide for consistent programs across all denominations. In 2007, there was "one chaplain for every two thousand inmates at Folsom Prison."[97] To help bridge the gap, wardens may also use the services of part-time chaplains, volunteer chaplains, and prisoners.[98] The vetting of chaplains, whether employees or volunteers, falls to the community resource manager (CRM) at each facility (except San Quintin, where the program is set up differently). Their approval process consists of a criminal history records check and nothing else. No standardized process or sharing of information between facilities exists, which results in 33 different policies at 33 different prisons.[99] Unfortunately, because of this lack of coordination, a chaplain banned at one facility can be hired and/or volunteer at another facility.[100] CDCR's

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[95] Ibid., 527.

[96] California Department of Corrections and Rehabilitation, *Operations Manual*, 830.

[97] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 151.

[98] California Department of Corrections and Rehabilitation, *Operations Manual*, 830.

[99] A special thank you to Community Resources Manager David Skaggs, Office of Policy Standardization (CDCR), for helping the researcher understand the duties of the facility CRMs and the challenges they face with all religious programs.

[100] Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?*, 7.

security chief believed that the complete lack of "intelligence capabilities across institutional lines" allows such information-sharing gaps to occur.[101] Referencing this problem, Mark S. Hamm noted that, "21st-century ideology was being fought with 20th-century technology."[102]

Inadequate vetting of chaplains allows radical ideologies to be preached to the prisoners. A former head chaplain at Folsom Prison stated, "the Nation of Islam is the biggest problem. They pressure inmates to convert. Their preachers encourage inmates to overthrow the government."[103] Another chaplain stated, "We are called on by the administration to monitor Muslim preachers who come into the prison. The problem is that many of these volunteers go over our heads to get credentials. We are left out of the loop when it comes to selecting and approving volunteers."[104]

To compound this problem, the lack of chaplains available to assist with Muslim services often means the duties will fall to the prisoners. One survey of state prison wardens across the country revealed that half allowed prisoners to conduct the religious services.[105] According to Frank Cilluffo, "Radical prisoners who volunteer for religious functions and assume religious authority benefit from a captive audience which may, in large part, have had no prior exposure to Islam, and no way to put the radical message into context."[106] In some instances, radical prisoners have intimidated qualified chaplains into relinquishing their roles, so that the prisoners can spread their radical beliefs.

Staffing levels at the prison facilities do not allow for effective monitoring of the activities that occur during religious services. However, these prisoners are quite adept at avoiding unwanted attention by staff. They are usually "model prisoners" who do not appear to warrant additional attention. On one occasion, a gang intelligence officer

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[101] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 139.

[102] Ibid.

[103] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 153.

[104] Ibid.

[105] Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?*, 7.

[106] Ibid.

entered the room at Folsom Prison where Kevin James and his JIS companions were allegedly worshiping but they were found to be practicing martial arts. The state chaplain (imam) was present and was allowing this rather sharp deviation from religious practice to occur.[107]

While conducting this research, the researcher discovered that the topic of *The Noble Quran* was a sensitive one with CDCR personnel. Contraband is described in sections 3006, 3145, and 3146 of Title 15 of the California Code of Regulations. *The Noble Quran* apparently was not found to meet the threshold of those sections, as it does not appear on the CDCRs centralized list of disapproved publications.[108]

3. Monitoring and Reporting

Prisoners, gang members, and terrorists often use "letters, numbers, symbols, and even invisible ink to encode messages in an attempt to hide illegal activity."[109] When written correspondence is known to contain or suspected of containing hidden messages, CDCR personnel seek assistance from the FBI's Cryptanalysis and Racketeering Records Unit (CRRU), "Code Breakers." Communications intentionally designed to discourage or prevent undesired readers from obtaining the contents are likely to contain information of value. For that reason, it is imperative that law enforcement establishes practices that provide for the monitoring of such communication.

In 1971, the CDCR's special services unit (SSU) joined efforts with eight other criminal justice agencies and departments to create the state Prison Gang Task Force (PGTF). In later years, the name was changed to the California Gang Task Force, as their work was not limited to prison gangs. This group is comprised of local, state, out of state, and federal agencies who share gang related intelligence. They meet monthly and the coordinator is responsible for creating and disseminating a monthly report of gang

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[107] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 133.

[108] California Department of Corrections and Rehabilitation, *Centralized List of Disapproved Publications*, ed. California Department of Corrections and Rehabilitation (Sacramento, CA: California Department of Corrections and Rehabilitation, 2014).

[109] "Part 1: Breaking Codes to Stop Crime," March 21, 2011, http://www.fbi.gov/news/stories/2011/march/cryptanalysis_032111.

activity. They continue to share information throughout the state and across the various jurisdictions.

In an effort to combat prison-based gangs and to assess the influence they have on street gangs, the FBI created the California Gang Intelligence Initiative (CGII). It is a joint effort between the FBI's Safe Streets Initiative, the CDCR, and the FBI's National Gang Intelligence Center (NGIC). Staffed by analysts and agents from state and federal agencies, and housed in an FBI facility, the CGII "detects, deters, and disrupts efforts by the gangs' leadership and facilitators to extend their reach from within prisons to communities in California and beyond."[110] Several of the staff assigned to CGII have developed an expertise in prison radicalization, and they provide training to CDCR and other law enforcement throughout the state.

CDCR administrators have found that the techniques used to monitor and report gang activity were sufficient to employ with radicalization efforts as well. Investigative staff assigned to CDCR facilities have been trained to recognize and monitor radicalization efforts, with help from the FBI. They report suspected prison radicalization intelligence to the CGII, where analysts can de-conflict and compare the information against other known persons and activities.

Frank Cilluffo, Director of the Homeland Security Policy Institute, testified, "officials at the state level have demonstrated an impressive level of resolve and commitment to countering prisoner radicalization. The issue has been identified as a priority, and a concerted investigative effort is underway in California."[111] However, he also stated, "prisoners with extremist religious views often conduct themselves as model prisoners, hence, wardens (and other prison staff) who are already overburdened may have little incentive to focus on these inmates."[112] Therefore, even given the long history

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[110] *Beyond the Streets: America's Evolving Gang Threat, Hearing Before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, House of Representatives*, 112th Cong., 2nd sess., (2012).

[111] David L. Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies* (East Lansing, MI: Michigan State University, 2009), 5.

[112] Ibid.

of addressing gang issues within CDCR, it is possible that many radicalization efforts are not being recognized.

The investigative experience of the gang investigators is paying dividends though. In one example, gang investigators assigned to the Pelican Bay State Prison discovered a plan by prisoners to align themselves with Islamic education centers throughout the nation. The prisoners were "learning Arabic and using Muslim edicts received through the mail to facilitate criminal objectives while in prison."[113]

Information deemed to be valuable and/or actionable is shared with the local intelligence fusion center.[114] The United States currently has 78 fusion centers,[115] six of which are located in California (more than any other state). Many state and local entities established intelligence fusion centers after the events on September 11, 2001. They are primarily staffed with state and local authorities, but most, if not all, have FBI and DHS-embedded personnel. According to the DHS, "fusion centers were uniquely positioned to identify and detect crimes or threats that may have a national security or homeland security implication. Fusion centers have since evolved to play a unique role in protecting their communities, informing decision making, and enhancing information-sharing activities among law enforcement and homeland security partners."[116]

California initially had four fusion centers (also known as threat assessment centers) that aligned with the federal districts. They are the AOR for both the FBI and Attorney General. In 2007, authorities in Orange County established its own center (ostensibly to support critical infrastructure and threat information related to Disneyland) and several years later, the California Highway Patrol (CHP) and the state Office of Emergency Services (OES) created the State Threat Assessment Center (STAC). Together these entities form the State Threat Assessment System (STAS). Efforts are currently underway to establish connectivity between all six California fusion centers.

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[113] Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report*, 40.

[114] Ballas, *Prisoner Radicalization*.

[115] "Fusion Centers," accessed November 6, 2014, https://nfcausa.org/default.aspx/MenuItemID/117/MenuGroup/Public+Home.htm.

[116] "Fusion Center Success Stories," July 24, 2014, http://www.dhs.gov/fusion-center-success-stories.

The fusion centers have the staff, knowledge, training, experience, and access to the databases necessary to vet appropriately radicalization intelligence received from prison, jail, or CGII personnel. If appropriate, they can submit information to the FBI's eGuardian system. eGuardian was developed by the FBI to share terrorism related activity. An entry in eGuardian ensures that the information is immediately shared with the local JJTF.[117]

Frank Cilluffo, Director of the Homeland Security Policy Institute, testified "officials at the state level have demonstrated an impressive level of resolve and commitment to countering prisoner radicalization. The issue has been identified as a priority, and a concerted investigative effort is underway in California."[118]

C. SUMMARY

While a number of differences exist between these two prison systems, they do share some common elements. Both systems are responsible for housing prisoners for lengthy sentences, they face similar challenges regarding appropriate leadership for religious services, and both have previously documented incidents of radicalization. They both have policies that prohibit prisoners from leading religious services, yet they both allow it to occur because of a lack of qualified, properly vetted providers. Training related to radicalization is provided to staff in both systems, but to a larger audience within the BOP. Both systems have reporting mechanisms in place that appear to be working well when properly used. However, CDCR's programs appear to be quite robust in the gang activity area, possibly to the extent that radicalization efforts may not be captured. In summary, both systems have policies, practices, and procedures in place that may be appropriate for implementation at the county jail level.

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[117] "Stats & Services: eGuardian," accessed August 20, 2014, http://www.fbi.gov/stats-services/eguardian.

[118] Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies,* 5.

III. MONITORING EFFORTS IN THE LOS ANGELES COUNTY JAILS

Jail populations in California have reached an all-time high as a result of the Public Safety Realignment Act. In the first quarter of 2014, the average daily population reached 82,527. This number represents a 16 percent increase over the population in 2011 (71,088), prior to realignment.[119] Overcrowded conditions in jails and prisons are often cited as the cause of many problems, including assaults, inadequate staffing levels, and most troubling for the topic of this research, a sense of frustration for the inmates. A report in the United Kingdom (UK) stated, "Over-crowding and under-staffing amplify the conditions that lend themselves to radicalisation (sic)."[120] Compounding the overcrowding problem, jail administrators were left with no choice but to release the lower-level, less sophisticated inmates who had been sentenced to less time to make room for those felons who previously would have gone to prison. As a result, the face of the inmate population changed. Eighty-eight (88) percent of the statewide jail population was now felons, compared to 80 percent before realignment, a 10-percent increase.[121]

The LASD operates the largest jail system in the United States, and not surprisingly, it was severely affected by realignment. The average daily population throughout their eight facilities was approximately 18,610 in the first quarter of 2014.[122] This number marks a 27-percent increase over the 2011 population, and approximately 4,300 inmates over the designed capacity.[123] Almost 3,000 sworn personnel staffed the LASD jails in January 2013.[124]

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[119] "Jail Profile Survey," accessed October 8, 2014, http://www.bscc.ca.gov/s_fsojailprofilesurvey.php.

[120] Peter R. Neumann, *Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries* (London, England: The International Centre for the Study of Radicalisation and Political Violence, King's College London, 2010).

[121] "Jail Profile Survey."

[122] Ibid.

[123] Thompson, "AP Exclusive: Jails House 1,100 Long-Term Inmates."

[124] Los Angeles County Civil Grand Jury, *2012–2013 Civil Grand Jury: Final Report*, 4.

The extremely diverse population of Los Angeles County is also reflected in the jail population. As such, many of the problems that law enforcement encounter on the streets present themselves in the jails as well. Racial tension, gang violence, sexual assaults, and dislike for law enforcement are commonplace in both environments. To prevent and/or mitigate some of these issues, inmates are housed in locations and conditions best suited for their level of classification.

A. LEVELS OF CLASSIFICATION AND HOUSING

County jails in California are classified by type as follows.

- Type I: Typically in a police station, designed to hold inmates no longer than 96 hours.
- Type II: Designed to hold persons pending arraignment, during trial, and upon a sentence of commitment.
- Type III: A detention facility for the detention of convicted and sentenced persons.
- Type IV: A facility used to house those inmates participating in work release/furlough type programs.

The LASD operates three type II facilities, one of which houses women. They have six type III facilities, five of which are currently operational (one is closed for budget reasons). Four of these facilities are at the Pitchess Ranch and hold a combined total of 10,000 inmates, and the other is the "Twin Towers," with a capacity of 4,363[125] (the world's largest jail). Inmates are assigned a classification level (1 through 9) upon intake at the facility. They are then evaluated to determine whether any sub-group classification would apply. This secondary classification may include the need for access to mental health providers, members of rival street or prison gangs, etc.

[125] Vanir Construction Management Inc., *Los Angeles County Jail Plan: Independent Review and Comprehensive Report* (Los Angeles, CA: Vanir Construction Management, Inc., 2014), 7.

B. RELIGIOUS SERVICES

In California, the minimum standards for local detention facilities are contained in Title 15 of the California Code of Regulations. The only standards related to religious practices are within section 1072, which state:

> The facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures to provide opportunities for inmates to participate in religious services, practices and counseling on a voluntary basis.

The LASD's religious and volunteer services unit administers the jail chaplaincy program. The chaplaincy program has almost 300 ordained or licensed chaplains, and approximately 1,500 volunteers who assist with spiritual counseling, scripture study, death notifications, and worship services. They also assist with special events, like Christmas, Passover, and Ramadan.[126]

After several years of complaints by the ACLU, the Sheriff's Department has recently made significant improvements regarding the treatment of Muslim inmates. Previously, other faiths were allowed to congregate regularly, but the Muslim services were only allowed occasionally. Muslim inmates wishing to congregate for Jumu'ah, a prayer Muslims hold each Friday afternoon, were denied permission because of a lack of volunteer imams to lead them. The Sheriff's Department conceded in April 2014 and allows inmates to lead the prayers, under the supervision of a staff member or chaplain from another denomination.[127]

For a number of years, Muslim inmates complained that they were not afforded the opportunity to pray according to the schedule their faith requires. Followers of Islam are required to pray five times throughout the day.

> 1. Morning Prayer (Fajr) may be offered from break-of-dawn until just before sunrise.

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[126] "Religious and Volunteer Services Unit," accessed August 31, 2014, http://shq.lasdnews.net/pages/PageDetail.aspx?id=754.

[127] Cindy Chang, "Under New Rules, Muslim Inmates in L.A. County Jails Observe Ramadan," *Los Angeles Times*, July 26, 2014.

2. Noon Prayer (Zuhr) may be offered from just after midday until afternoon.

3. Afternoon Prayer (‘Asr) may be offered from late afternoon until just before sunset.

4. Sunset Prayer (Maghrib) may be offered from sunset until darkness.

5. Night Prayer (Isha) may be offered throughout the night hours.[128]

Additionally, of greater importance to the followers of Islam is the ability to participate in Jum’ah prayer on Friday afternoon (usually in place of the noon prayer). A shortage of imams resulted in the cancellation of many prayer sessions, including the Jum’ah. In April 2014, the jail administrators directed that all inmates be afforded the opportunity to practice their faith according to tradition.[129] Muslim inmates are now allowed to lead the worship services with custody staff supervision.[130] When logistics prevent them from gathering in the chapels to pray, they are able to do so in their cells with mats provided by the chaplains. Traditional mats used in the chapel are stored in the chaplaincy office, and inmates have been provided foldable pocket prayer mats for use in their housing areas (see Figure 3).

Figure 3. Prayer Mats[131]

[128] Council on American-Islamic Relations, *A Correctional Institution’s Guide to Islamic Religious Practices* (Washington, DC: Council on American-Islamic Relations, 2005).

[129] Chang, “Under New Rules, Muslim Inmates in L.A. County Jails Observe Ramadan.”

[130] Since this directive was issued, inmates have only led the service a few times. Appropriately vetted volunteer imams have been available all other times.

[131] “Islamic Travel Prayer Mat with Pocket Sized Carry Bag,” accessed October 7, 2014, http://www.zaffronshop.com/Travel-Prayer-Mat-with-Pocket-Sized-Carry-Bag-p/r5.htm.

No open source information was discovered that addressed the permissibility of *The Noble Quran* in the Los Angeles County jails.

C. MONITORING AND REPORTING

Many of the programs in place to monitor and report gang related activity could be easily applied to radicalization efforts as well. According to Ian M. Cuthbertson, "American authorities already have considerable experience combating criminal gangs within prisons, and some of the lessons they have learned are readily applicable to the problems presented by terrorist networks within prisons."[132] In an effort to prevent gang problems in their facilities, and to assist federal, state and other local agencies with their efforts by sharing valuable information, the LASD has had a number of programs in place for many years.

1. Operation Safe Jails

In 1985, the Los Angeles County Sheriff's Department established the Operation Safe Jails (OSJ). Their mission was described as:

> The primary role of OSJ is gang intelligence gathering with the objective of preventing facility violence between rival gangs, inmates of different races, and the influence of prison gangs on our inmate population. OSJ provides facility and division executives with updated information regarding ongoing trends which affect day-to-day operations of the facilities, thereby allowing executives to make informed decision. OSJ is recognized as a leader in providing gang intelligence to the law enforcement community.[133]

While their primary duty is related to gang intelligence, they regularly assist other local, state, and federal agencies with investigations. Members of OSJ monitor inmate communications, develop informants, and conduct cell searches. These efforts result in valuable intelligence that is shared with the Los Angeles County Sheriff's Department's Operation Safe Streets (OSS).[134] To facilitate effective communications with other

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[132] Cuthbertson, "Prisons and the Education of Terrorists," 20.

[133] Los Angeles County Sheriff's Department, *Year in Review: Custody Investigative Services Unit (CISU)* (Los Angeles: Custody Operations Division, 2008).

[134] Barsh, "Creation of a Homeland Security Jail Information Model," 11.

partner agencies, a sergeant from the OSJ regularly meets with staff from the Los Angeles area JTTF, the CDCR Gang Task Force, and the Joint Regional Intelligence Center (JRIC).[135]

In 2008, a Gang Intelligence Unit (GIU) was created to facilitate more effective communication between CDCR and the Custody Investigative Services Unit (CISU). The CISU was the new unit that encompassed OSJ, GIU, the Jail Investigations Unit (JIU) and the Custody K-9 detail. The GIU provides liaison with LASD detectives, CDCR personnel, and federal partners.[136]

2. Terrorism Liaison Officers

In 1995, OSJ deputies began attending TLO training. The JRIC describes TLOs on their website:

> A terrorism liaison officer (TLO) is an individual who serves as the point of contact for a public safety agency in matters related to terrorism information and intelligence. A TLO, though not necessarily an expert in terrorism, attends meetings and receives terrorism training, information, and intelligence from the local fusion center, online resources, and other entities engaged in homeland security initiatives. The TLO then educates others within his or her agency, thereby enhancing situational awareness, early warning, and operational readiness.[137]

TLOs receive specialized training in early identification of threats, signs of terrorism, radicalization, and information collection and processing. They also receive training in proper reporting methods, which includes the use of the SAR system.[138] SARs are submitted to their local terrorism fusion center (JRIC in the case of the Los Angeles County jails).

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[135] Larry A. Mead, *Homegrown Terrorism: Investigative Project, in Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment,* U.S. House of Representatives (Washington, DC: 2007), 3.

[136] Los Angeles County Sheriff's Department, *Year in Review: Custody Investigative Services Unit (CISU).*

[137] "Why Become a TLO," accessed August 8, 2014, https://www.jric.org/default.aspx/MenuItemID/284/MenuGroup/Home.htm.

[138] "Terror Liaison Officer Training," accessed August 8, 2014, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2013/january/terror-liaison-officer-training.

3. Jail Interview Team

The duties of the OSJ deputies since 9/11 include monitoring the inmate population for signs of radicalization.[139] In 2009, then-Sergeant Jennifer Barsh was newly assigned to the Men's central jail. She had recently worked as a case analyst at the JRIC, had served on the Los Angeles area JTTF, and had been a TLO for many years. She recognized the void that existed with regards to homeland security intelligence collection and dissemination.[140] Sergeant Barsh and two deputies created a JIT.

The JIT functions as an ancillary duty to the deputy's full time assignment. Members of the team are selected based on interest, military experience, language skills, and homeland security expertise. They are all trained as TLOs and received additional training created specifically for the JIT. They tour the JRIC, meet the staff, and learn how to submit the most valuable SARs. Policies were established that provide for the timely dissemination of critical information.

D. SUMMARY

A review of the open source information related to efforts in the Los Angeles County jails indicates that a number of programs are in place that addresses radicalization issues. The programs established to collect and disseminate gang intelligence, combined with the newer JIT, work together to ensure that radicalization efforts are reported to the appropriate entities in a timely manner. Many of the staff assigned to these jails have received training in prison radicalization, and a significant amount of networking occurs between jail staff and outside entities tasked with monitoring radicalization. The Los Angeles County Sheriff's Department has paved the path for other jail staff, in California and beyond, who seek to develop programs to ensure that they effectively monitor and report radicalization efforts in their facility.

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[139] Barsh, "Creation of a Homeland Security Jail Information Model," 23.

[140] Ibid., 34.

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IV. ANALYSIS OF KEY ISSUES

This thesis frames and initiates discourse about monitoring and reporting radicalization activities in jail facilities where no programs currently exist. Relevant data was examined, including programs, policies, and procedures in three correctional systems in which radicalization efforts have been monitored and reported for a number of years—the federal BOP, the CDCR, and the Los Angeles County jails. While dissenting opinions were found, an overwhelming majority of the material reviewed supported the following.

- Radicalization does occur in the United States
- Those who radicalize can pose a threat to the U.S. homeland[141]
- Radicalization occurs (among other places) in prisons
- The prison systems examined have effective programs in place
- A change in California law in 2011 directed that thousands of convicted persons serve their lengthy sentences in county jails instead of a state prison
- A greater likelihood of radicalization in county jails now exists.
- Many county jails are not prepared to address the issue of radicalization
- This intelligence-sharing gap may result in danger to jail staff and/or valuable homeland security intelligence not being received by the appropriate entity.

Of utmost importance to a jail administrator is ensuring the safety of the staff, inmates, and visitors. To this end, policies must be established that focus on safety and security. Other programs and goals fall in line behind that. The Jail Information Model recommended by the Community Oriented Policing Services (COPS) office "encourages and promotes a paradigm shift from traditional corrections activities to proactive public safety capabilities. This shift helps to solve current crimes, prevent future crimes or reduce their impact, save lives and property in the jail and the community, and improve

[141] Frank Cilluffo, in his well-known and often-cited, "Out of the Shadows: Getting Head of Prisoner Radicalization," wrote "America faces what could be an enormous challenge – every radicalized prisoner becomes a potential terrorist recruit."

community quality of life."[142] It continues to state, "Information developed in holding cells, workout areas, recreation yards, and in dorms can *save lives both inside the facility (inmates and corrections officers) and outside by preventing crimes or stopping a planned terrorist attack*."[143] (Emphasis added) Formal information gathering and reporting processes can mitigate security vulnerabilities in the facility, minimize threats to staff and inmates, and prevent threats to this nation's communities outside of the facility.

A. RESEARCH LIMITATIONS

This research was intentionally conducted using open source material, which resulted in the unrestricted distribution designation for the final product. While the use of restricted sources like Law Enforcement Sensitive (LES) or For Official Use Only (FOUO) would have provided a better picture of the threat, and allowed for a more detailed description and analysis of the systems used for reporting, the limited accessibility of a "restricted distribution" thesis diminishes its usefulness. As a result, this research is available to a wider audience, but is somewhat limited in scope. Practitioners working in custodial environments should have access to LES and FOUO resources that discuss radicalization, investigative techniques, etc. by virtue of their employment.

It was also discovered, not surprisingly, that some policies governing procedures at county jails are undefined, non-existent, or not available through open sources. The Operations Order that guides the Intelligence Units at Sacramento County's two jails lacks specific details describing procedures (see Appendix B). It is not available online, but it was available to the researcher in his official capacity. Similarly, policies governing the Los Angeles County jails were not available through open sources, but LASD staff did share any policies requested for this research. They were aware that the request was for scholastic research, as opposed to official use, so their transparency is likely the norm.

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[142] John Matthews, *Jail Information Model*, ed. Office of Community Oriented Policing Services (Washington, DC: U.S. Department of Justice, 2006), v.

[143] Ibid., 2.

These policies are also available to anyone who submits a California Public Records Act request.

Both prison systems examined for this research were found to be more cognizant of their obligation for transparency. The CDCR's 857-page Operations Manual is available to anyone online,[144] as are many of the policies that direct the BOP's operations.[145] This manual contains few references to the monitoring and reporting of activities related to gangs, radicalization, or other disruptive groups. A search of open source material did reveal a handful of news reports about the BOP operations, and more specifically, the highly secretive CMUs, based on information gleaned from congressional testimony and former prisoners.

B. HIGHLIGHTS OF THE THREE MODELS

The practices of three penal systems were reviewed through an AI lens, in an attempt to locate the smartest practices. By looking for smart practices, and asking positive questions, the solutions most likely to be considered rose to the forefront.

1. Smart Practices of the Federal Bureau of Prisons

The federal BOP is unique in this area in that it houses known terrorists who have been convicted of terrorist related activity. If left to their own devices, these prisoners would be free to spread their message of hate, violence, and radicalization, or worse, direct terrorist activities from inside the prison walls. BOP staff must monitor the activities of these prisoners, report suspicious incidents to the appropriate agencies, and take necessary measures to prevent nefarious activities.

The BOP's efforts at preventing radicalization focus on the following.

- Managing and monitoring inmates who could attempt to radicalize other inmates

144 "Adults Institutions, Programs and Parole Regulations, Department Operations Manual (DOM)," accessed October 20, 2014, http://www.cdcr.ca.gov/Regulations/Adult_Operations/DOM_TOC.html.

145 "BOP Policies," accessed October 20, 2014, http://www.bop.gov/PublicInfo/execute/policy search?todo=query.

- Screening religious service providers to avoid hiring or contracting with anyone who could radicalize inmates
- Providing programs to help inmates become less vulnerable to attempts at radicalization[146]

To accomplish their stated goals, BOP officials have established a number of solid practices. They train their staff to assist with recognizing signs of radicalization, including annual awareness training. They have two employees assigned to the National Joint Terrorism Task Force, who manage the CII. The CII ensures that "intelligence regarding any attempts by inmates, religious providers, or others to radicalize any segment of the population is gathered and shared, and interdiction action is taken by the appropriate correctional authority."[147] Moreover, the most extreme example of monitoring the activity of prisoners among the three systems occurs in the BOP's CMUs, where staff in their counterterrorism unit monitors every move and every noise remotely.

BOP administrators also recognize that religious service providers can, and do, influence the beliefs and behaviors of prisoners. In 2004, the Office of the Inspector General commissioned a report titled, "A Review of the Bureau of Prisons' Selection of Muslim Religious Services Providers." The report addressed many radicalization issues and concluded with 16 recommendations, which the BOP appears to have embraced.[148] As a result, they have sound practices in place to ensure that people outside the prison walls who seek to encourage radicalization are prevented from accessing the facility. Due to their adherence to these procedures, they have not yet had to dismiss a Muslim chaplain for behavior inconsistent with their desired goals.

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[146] Department of Homeland Security, *Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegrown Terror* (Washington, DC: Department of Homeland Security, 2007), 1.

[147] Ibid., 2.

[148] U.S. Department of Justice, *A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Service Providers* (Washington, DC: Department of Justice, 2009), 50–55.

2. Smart Practices of the California Department of Corrections and Rehabilitation

The CDCR has long been a leader among state prisons in the management of gang members and their associates. In October 2013, approximately 2,200 validated gang members were in CDCR facilities,[149] and robust monitoring and reporting systems ensured that critical information was shared with appropriate entities in a timely manner. To ensure proper activity reporting (outside of their internal systems), the CDCR has embedded personnel at the FBI-led CGII, where personnel analyze the information submitted by prison staff. This information deemed to be actionable and/or to contain an imminent threat can be entered into eGuardian, the FBI's sensitive but unclassified information-sharing platform.[150] This measure ensures that personnel from the appropriate entities receive the information almost immediately.

Operations in place to monitor and report gang related information can also be used for radicalization issues, Frank Cilluffo testified:

> Fortunately, we are not building entirely from scratch: lessons can and should be learned and adapted from present and past efforts to combat gangs and right-wing extremists in prisons. Existing prison programs designed to prevent radicalization and recruitment or to disrupt radical groups–whether at the local, state, federal, or international level–should be evaluated to determine a set of best practices that can be used to develop a comprehensive strategy to counter radicalization. Knowledge must be translated into action across the board. Awareness, education, and training programs must be developed for personnel who work in prison, probation, and parole settings.[151]

One aspect of their operation that needs improvement is the lack of a centralized vetting and record management system for the numerous volunteers, including the religious service providers, who have contact with the prisoners. As mentioned in Chapter II, a volunteer who is banned from one CDCR facility can volunteer at another one in the same system. "More than 15,000 volunteers work in CDCR institutions; some

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[149] California Department of Corrections and Rehabilitation, *Cdcr Fact Sheet–Security Housing Units* (Sacramento, CA: California Department of Corrections and Rehabilitation, 2013), 1.

[150] "Stats & Services: eGuardian."

[151] Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?,* 9.

90 percent of them in religious programming. Together, Folsom and New Folsom have about 100 religious volunteers who are vetted not by chaplains but by intelligence officers," wrote Mark S. Hamm in his report on terrorism recruitment in prisons.[152]

Information related to the training that personnel receive on radicalization and similar topics was not available. However, no information was found to suggest that a significant number of CDCR employees have been trained as TLOs. The CCIC offers many of these courses for employees in their AOR, which encompasses the 34 counties in the federal Eastern District of California. That AOR is comprised of eight federal prisons, 22 state prisons, and nearly 50 county jails. Given the number of correctional officers and deputy sheriffs that staff these 70 or so facilities, a relatively small number have taken advantage of this training.

3. Smart Practices of the Los Angeles County Jail System

The COPS office's Jail Information Model training manual states, "only a small percentage of local jails have a formal information collection and distribution system."[153] The United States has approximately 3,200 county jails, many of which are so small they would have no reason to establish a formal intelligence program.[154] In contrast, the Los Angeles County jail system is the largest in the nation and has had programs in place for many years designed to monitor, report, and disrupt groups that pose a threat.

LASD staff found that the methods they used to report gang related activity were also appropriate for use in reporting radicalization efforts. The missing piece was the ability of staff to recognize the signs of radicalization. This gap was addressed with the creation of the JIT, members of which received training as TLOs and in recognizing radicalization. Additional staff not assigned to the JIT received some of that training as well.

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[152] Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report*, 97.

[153] Matthews, *Jail Information Model*, 3.

[154] "Statistics of Note: Just How Many," accessed October 8, 2014, https://members.aja.org/About/StatisticsOfNote.aspx.

C. HYPOTHETICAL SITUATIONS IN EACH SYSTEM

The following hypothetical situations show the potential disruptions, or lack thereof, of radicalization efforts in the various penal institutions.[155] The fourth example represents a likely potential situation in many jails in California.

1. Hypothetical #1—Bureau of Prisons

The FBI arrested John Green for a bank robbery in Los Angeles, California. He pled no contest and was sentenced to eight years in federal prison. He was sent to the Memphis FCI (Federal Correctional Institute), a medium security facility. He knew that his family would not be able to visit very often, if at all. They could not afford airfare and did not have a vehicle reliable enough to drive that distance. Green was very unhappy with the "system" that had once again taken him away from his family and robbed him of his freedom. He arrived very unhappy with the U.S. government.

He was in federal prison for the first time, and he found himself surrounded by prisoners who shared his same anti-government thoughts. Several befriended him soon after his arrival, and he became comfortable, knowing there was security in numbers. Soon, these new friends shared their thoughts about their Muslim faith with him, and provided him with some literature. He found it all very appealing, and soon he was attending worship services with them. A local volunteer imam, who had cleared a background investigation, led the services that were monitored by prison staff.

Fortunately, processes were in place to prevent this situation from escalating. Staff had received training on "radicalization awareness," and recognized that Green was being recruited. The "friends" were identified as major influencers in the radicalization movement, and were quickly relocated to other areas of the prison or to different prisons entirely. Green's communications were monitored, and any items of interest were shared with the FBI through the CII liaisons.

[155] Many recent incidents exemplify the importance of recognizing and reporting radicalization, but they cannot be disclosed in this unrestricted document.

2. Hypothetical #2—California Department of Corrections and Rehabilitation

Benjamin Smith was convicted of robbery in Los Angeles County and was sentenced to eight years in state prison. After spending several weeks in a reception center to determine his appropriate classification, he was sent to the Deuell Vocational Institute (DVI) in Tracy, California. Since it is approximately 300 miles away from his home, his family is able to visit him occasionally.

Like John Green, Smith disliked and distrusted the government. He also found companionship in fellow prisoners who shared his thoughts. He had no religious background, but found comfort in the messages being preached by his new friends. He began attending worship services, led by a volunteer imam (Mohammed Hamzah Khan). Khan had been banned from leading religious services at Folsom State Prison, after the investigative personnel discovered that he was providing copies of *The Noble Quran* to the prisoners. While the book is not banned in the CDCR, policy prohibits volunteers from providing any items to prisoners without prior approval. Since the CDCR lacks a centralized system to track banned visitors, DVI officials were unaware of Khan's radical ideology and his policy violation history. Due to staff shortages, the worship services occurred with no monitoring by prison personnel.

Smith began the legal process to change his name to Akba Jihad Jordan. Line staff in Smith's housing unit had not received any training in radicalization, and therefore, did not recognize any of the signs that he was being recruited. However, personnel in the investigative services unit conduct random inspections of incoming and outgoing written correspondence, and they discovered that he was communicating with subjects known to have ties to radical organizations. They began monitoring all his communications, and shared the information with analysts at the CGII. Smith was moved to a different housing unit in an attempt to disrupt the radicalization process.

3. Hypothetical #3—Los Angeles County Jail System

Michael Forrest was arrested in Los Angeles for selling rock cocaine and received an eight-year sentence. Due to AB109, he was sent to a Los Angeles County jail instead

of the CDCR. Since many of the employees had been trained in radicalization, terrorism, and gang recognition, he was watched more closely than he would have been in the CDCR.

A significant number of employees in the jail had been trained as TLOs, so they knew what to look for and what to report. A routine cell search, conducted for security purposes, resulted in the discovery of documents that appeared to indicate Forrest's support for the recent activities of ISIS. This material was shown to deputies from the JIT, who submitted a SAR to the JRIC. JRIC personnel entered the information into eGuardian, where it contributed to a current JTTF investigation. Forrest was interviewed by FBI agents and moved to a different housing location. Jail personnel continued to monitor his activities and communications.

4. Hypothetical #4—Unprepared County Jails

Vernon Walton was arrested in Jefferson County for possession for the sale of rock cocaine. Like Forrest, he was sentenced to eight years in the county jail. Jefferson County was still adapting to the lengthy sentences being served by inmates. There was political and community pressure to increase rehabilitation efforts in the jail. No consideration had been given to the potential for radicalization to occur because of these long sentences. Very few deputies had been trained as TLOs, and none had received training in radicalization awareness. No staff at that facility had ever established contact with anyone from the CII, CGII, or their local fusion center.

Walton had some exposure to the Muslim faith during a previous incarceration in state prison (CDCR). He began attending Islamic worship and prayer sessions in the jail, where he found charismatic leaders, some of whom were volunteers from outside and some fellow inmates. He was given a copy of *The Noble Quran*, which encourages violence toward non-Muslims. The jail had no policy regarding the vetting of volunteers who led worship services, nor did they have a practice of monitoring religious services. This deficiency allowed the radical ideology to spread with little interference.

The untrained staff at the jail was not concerned about Walton's activities, so they were not reported. It was later learned that several of Walton's associates were under

investigation by the FBI. However, if Walton's activities had been monitored and reported through proper channels, the FBI would have been able to connect those suspects through their association with Walton.

D. OPTIONS

Jail administrators currently have the option of not supporting the smart practices of these three models, either because of a lack of resources or a belief that "it won't happen here." While a resource-intensive intelligence unit is not appropriate for all jail facilities, some recommendations presented in this report can be implemented with little to no cost. According to the COPS office, the potential benefit to ensuring that critical intelligence is collected is "often greater than can be measured (such as the saving of lives), while the cost of implementing a formalized system is almost nonexistent."[156] The question is not whether a jail can afford to implement some of these recommendations, but rather whether they can afford not to.

[156] Matthews, *Jail Information Model*, 2.

V. CONCLUSIONS AND RECOMMENDATIONS

> It's no longer about "need to know." Our guiding principle is "responsibility to share."[157]
>
> –James Clapper, Director of National Intelligence

Research on this project began with the suspicion that as a result of inmates now serving much lengthier sentences in their facilities, many county jails in California were ill-prepared to address radicalization issues. After contacting the staff at a large sheriff's department, where the average daily inmate population was approximately 5,000, this suspicion was confirmed. The research question for this thesis—How is it possible to ensure that jail staff effectively identify and document radicalization efforts occurring in their facilities, and that they report actionable homeland security intelligence to the appropriate entity?—was born out of that discovery.

A. IMPLEMENTATION

Examined for the purposes of this study were the policies and procedures at three agencies where radicalization issues had already been addressed. This chapter presents recommendations based on the findings in the previous chapters. This research has concluded with the following recommendations.

1. Support

Securing the support of the jail administrator is an important first step. The level of support required depends on the amount of resources the program will need. Implementing even a small program will result in the need to train staff. While much of the training itself is provided at no cost, travel, per diem, and costs to replace the employee absent for training time may be needed. If a jail administrator is not convinced of the necessity of devoting resources to controlling radicalization, that person could be

[157] James R. Clapper, "How 9/11 Transformed the Intelligence Community," *The Wall Street Journal*, September 7, 2011, http://online.wsj.com/news/articles/SB10001424053111904537404576554430822300352#printMode.

encouraged to consult with either a jail administrator aware of this need, or with officials at the CII, the CGII, the local FBI field office, or the local fusion center.

2. Training

As many employees as possible should attend basic jail radicalization training. The fusion centers throughout California sponsor this course on a regular basis, and at no cost to participants (See Appendix C for sample announcement/course description). Receiving this training will ensure that the staff are not only aware of what to look for and to report, but, and equally as important, what NOT to report. For example, intelligence files must not cover activities protected by the First Amendment.

The DHS, in defining the role of the fusion centers in combatting violent extremism, shared that one of their most vital roles is "Educating and informing state and local partners on behaviors and indicators of potential threats, while ensuring the protection of the privacy, civil rights, and civil liberties of individuals and constitutionally protected activities." To this end, it provides funding to the fusion centers so that appropriate training is available. The DHS's Office for Civil Rights and Civil Liberties says, "Training must be accurate, based on current intelligence, and must include cultural competency training."[158]

As an example, investigative personnel from every BOP facility have received training in the control and management of terrorist inmates. Additional staff from some of the facilities have participated in intelligence gathering and analysis training provided by the FBI.[159] The BOP provides more training to their staff on this topic than other prison and jail systems since convicted terrorists serve their sentences in BOP facilities. However, most of the terrorists in their custody spent time in a local jail between the date they were arrested and the date they were sentenced. Jail staff should be prepared to monitor these inmates properly.

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[158] Office for Civil Rights and Civil Liberties, *Countering Violent Extremism (CVE) Training: Guidance & Best Practices*, ed. Department of Homeland Security (Washington, DC: Department of Homeland Security, 2011).

[159] Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, *Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegown Terror*.

Some county jails may face a challenge not present in the prison systems. The BOP and CDCR prisons, and some county jails, are staffed by correctional officers, employees who have selected that career and often remain for many years. In contrast, deputy sheriffs staff a majority of the jails in California. In most counties, newer deputies are assigned to the jails until seniority earns them a transfer to patrol. This system makes the proposal in this study difficult to execute for two reasons. First, a constant rotation of personnel occurs, which means that valuable experience and training are lost when the employee transfers to patrol. Second, many deputies consider the jail a stepping stone in their career and choose not to develop an expertise in corrections.

3. Monitoring

The appropriate person(s) should establish a relationship with the personnel assigned to the CII. The CII's main purpose is "to prevent potential acts of terrorism by inmates in the United States."[160] The CII has four subprojects.

- General intelligence
- Recruiting in custody
- Development of inmate sources on terrorism matters
- Inmates calling persons of concern[161]

The second subproject, recruiting in custody, focuses on precisely what was covered in this research, detecting and deterring radicalization, including that conducted by religious service providers and other volunteers.

Monitoring is divided into three areas: communications, observations, and activities.

a. Communications

Officers assigned to correctional facilities in California must attend a State of California approved "Adult Supplemental Core Course"—commonly only referred to as

[160] U.S. Department of Justice, *A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Service Providers*, 27.

[161] Ibid.

"jail operations"—within their first year of assignment to a jail. Thirty minutes of this training is specifically dedicated to instructions about monitoring inmate telephone calls.[162]

Inmate correspondence (mail and email) may also be monitored when "there is a valid security reason and the facility manager or his/her designee approves."[163] However, section 1063 (c) of the Minimum Jail Standards states, "jail staff shall not review inmate correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the Board of State and Community Corrections; however, jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders and in the presence of the inmate."[164]

The BOP monitors all general mail sent to or from known terrorist prisoners. It is not delivered until it is examined and analyzed for intelligence purposes. Any content of potential interest is referred to the FBI.[165] Those prisoners are required to deliver outgoing mail to prison staff to ensure that the true sender is identifiable.[166] Consultation with the personnel from the U.S. Attorney's Office and/or the FBI is recommended when a known terrorist is housed in a county jail.

Where the technology exists, the monitoring of social visits is also recommended. The fact that these conversations are subject to monitoring has not completely deterred all prisoners from sharing valuable intelligence. Visits between the inmates and their attorney of record (and investigators for the attorney) may NOT be monitored.

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[162] Board of State and Community Corrections, *Adult Corrections Officer Core Course*, ed. Standards and Training for Corrections Division (Sacramento, CA: Board of State and Community Corrections, 2011), Module 13.5.

[163] *Minimum Standards for Local Detention Facilities*, (September 19, 2012), 1063 (b).

[164] Ibid., 1063 (c).

[165] Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, *Radicalization, Information Sharing and Community Outreach: Protecting the Homeland from Homegown Terror*, 2.

[166] Ibid., 3.

Unfortunately, some attorneys have delivered messages to and from the inmates to avoid law enforcement monitoring.[167]

b. Observations

The National Counterterrorism Center has suggested that law enforcement officers watch for imagery related to terrorist organizations. It can be found on jewelry, documents, and tattoos.[168] Some examples can be seen in Figures 4–6.

Figure 4. Al-Qa'ida in Iraq[169]

Figure 5. Al-Shabaab[170]

Figure 6. Hamas[171]

Crossed swords are generally recognized as symbols of war and/or force. In Figure 6 (Hamas), it is believed to "evoke jihad (holy war) and represent Hamas's dedication to violent struggle."[172] Tattoos can also be indicative of support for radical ideology, just as they have been used to identify gang members and associates, as shown in Figure 7.

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[167] Patrick T. Dunleavy, *The Fertile Soil of Jihad: Terrorism's Prison Connection* (Washington, DC: Potomac Books, 2011), 102.

[168] "Terrorist Group Logos," accessed October 20, 2014, http://nctc.gov/site/groups/index.html.

[169] Ibid.

[170] Ibid.

[171] Ibid.

[172] "Hamas (1)," accessed October 18, 2014, http://archive.adl.org/terrorism/symbols/hamas1.html.

Figure 7. Tattoos Indicating Support for Hezbollah[173]

c. Activities

Radicalization efforts in the jails may be indicated by activity easily observed by staff who have received training on this topic. This training can include distribution of radical literature in the prison, contact with known radical clergy and other volunteers, and possession of materials indicative of radicalized ideology. Appendix A is an example of a document that should raise suspicion found in a cell. Referred to as "Blueprint 2005," it represents radicalized inmate Kevin James' call to Jihad. It was modeled after the Manchester Document discussed at the beginning of Chapter II, and through it, James discussed recruitment strategies and instructed inmates to "communicate with brothers outside prison and exchange information that may be helpful to them in their work outside prison."[174] After ensuring that the activity is not constitutionally protected (for example, religious activities with no criminal nexus), the observations should be reported to the appropriate entity.

4. Reporting

The importance of reporting what may appear to be the most minor, insignificant piece of information cannot be overstated. That one small item may be the one that

[173] "The Counter Jihad Report," accessed October 19, 2014, http://counterjihadreport.com/tag/hezbollah-and-mexican-drug-cartels/.

[174] Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, 131.

connects the dots that solves a crime or prevents a horrendous act from occurring. It is this type of information sharing that experts believe has "succeeded in thwarting major and minor attacks on Americans at home and abroad."[175]

The SAR process (also known as "Tips and Leads") used throughout California is the most appropriate, efficient method of reporting information that may be of interest to homeland security officials. While it would benefit the employees to attend the basic TLO course to gain familiarity with the process prior to using it, it is not required. SARs may be reported to five of the six fusion centers shown in Figure 8 (the STAC being the exception), either by telephone or on their website (preferred).

Figure 8. State Threat Assessment System[176]

[175] Jonathan S. Landay, Marisa Taylor, and Greg Gordon, "In Wake of Boston Bombings, Experts Say Security Can Never Be Perfect," April 16, 2013, http://www.mcclatchydc.com/2013/04/16/188730/in-wake-of-boston-bombings-experts.html#storylink=cpy.

[176] Tim Miller, "Orange County Intelligence Assessment Center" (presentation, State Threat Assessment System, Sacramento, CA, June 6, 2011).

If the role of the jail employees is to simply report observations, through the SAR process or otherwise, with no desire to maintain the information in their files, they would not be subject to the guidelines established for the operation of a criminal intelligence file system. Criminal intelligence information is defined as information that has been evaluated to determine that it:

- Is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity
- Meets the submission criteria required by 28 CFR § 23.20(b)

If those conditions are present, specific policies should be adopted that govern the program. Such policies are mandated by Title 28, Code of Federal Regulations, Part 23 (28 CFR 23). Any agency or division that intends to collect, analyze, retain, and disseminate criminal intelligence information should consider seeking specialized training to ensure that they comply with all legal requirements related to that material. The California Department of Justice, Bureau of Investigations and Intelligence, publishes a model standards and procedures manual, maintaining criminal intelligence files and criminal intelligence operational activities that contains many of the guidelines. It should not, however, be considered a substitute for appropriate training and consultation with legal advisors.

5. Religion and Religious Services

It is highly recommended that appropriate religious service providers (both volunteers and contractors) be selected to lead worship services and tend to the other spiritual needs of the inmates, as demonstrated in Figure 9.

Figure 9. Muslims Praying in Prison[177]

While case law does not entitle inmates to a chaplain of their faith, it is advisable to make every attempt to provide one who is knowledgeable about the faith with which they are assisting.[178] In the Inspector General's report on the BOP's Selection of Muslim Religious Service Providers, the following excerpt appears:

> One of the BOP Muslim chaplains we interviewed asserted that contractors and volunteers have a stabilizing effect on Muslim inmates because they bring fresh opinions and societal experiences into the institutions, and inmates do not see them as part of the "police" like they see the chaplains. He said that fewer contractors and volunteers in the prisons make inmates feel more isolated and alienated, and leads to the germination of unsophisticated Islam, including radicalization and Prison Islam. Other chaplains also said that volunteers and contractors help to control radicalization, prevent misconceptions about Islam, and keep inmates from delivering their own sermons, taking their own interpretations of Islam, and controlling religious activities.[179]

The selection process should not only screen out those not respected in the community, but also those whose personalities may allow them to become influenced, or even coerced by the stronger-willed inmates. The vetting process should also include a check with other jails and prisons to determine their history with other facilities. It would

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[177] "Empowering Muslim Inmates in Prison," accessed October 8, 2014, https://www.launchgood.com/project/minarafellowship.

[178] See Cruz v. Beto, 405 U.S. 319, 322 n. 2 (1972); Weir v. Nix, 114 F.3d 817,820 (8th Cir. 1997); Blair-Bey v. Nix, 963 F.2d 162, 163–64 (8th Cir. 1992).

[179] U.S. Department of Justice, *A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Service Providers*, 12.

be unwise to allow a religious service provider, paid or volunteer, access to a given facility if they have been banned from another institution. The screening process for all visitors, including religious service providers, should include a check with the National Crime Information Center (NCIC), and it queries the Terrorist Screening Center (TSC). A TSC "hit" will prompt an immediate inquiry from the center and if the subject matches the identifiers in the TSC database, a representative from the local JTTF will likely contact the inquiring agency.

Testifying before a Senate committee on the influence of Saudi-backed Wahhabi groups on U.S. prison populations in 2003, Senator Charles Schumer (D.-N.Y.) declared, "these organizations have succeeded in ensuring that militant Wahhabism is the only form of Islam that is preached to the 12,000 Muslims in federal prisons. The imams flood the prisons with anti-government, pro-bin Laden videos, literature, and sermon tapes."[180] While certainly harsh, and probably inflated, his comments speak to the importance of ensuring that those who intend to preach extremist views are not provided with the captive audience that exists in jails.

A somewhat controversial item on the subject of religion is *The Noble Quran*, as shown in Figure 10. Also known as the Hilali-Khan version, it was translated into English by Muhammad Taqi-ud-Din Al-Hilali and Muhammad Muhsin Khan. Daveed Gartenstein-Ross, counter-terrorism scholar and Director of the Center for the Study of Terrorist Radicalization at the Foundation for Defense of Democracies, testified, "This version was known for containing numerous interpolations not present in the original Arabic. Although ostensibly designed to explain the verses, these interpolations in fact pushed the meaning in a radical direction, one which was suffused with contempt for non-Muslims (particularly Jews and Christians), and one which was dedicated to fostering the global jihad."[181] *Middle East Quarterly* found that this translation "reads

[180] Hamm, *Locking up Terrorists: Three Models for Controlling Prisoner Radicalization*, 5.

[181] Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?*, 6.

more like a supremacist Muslim, anti-Semitic, anti-Christian polemic than a rendition of the Islamic scripture."[182]

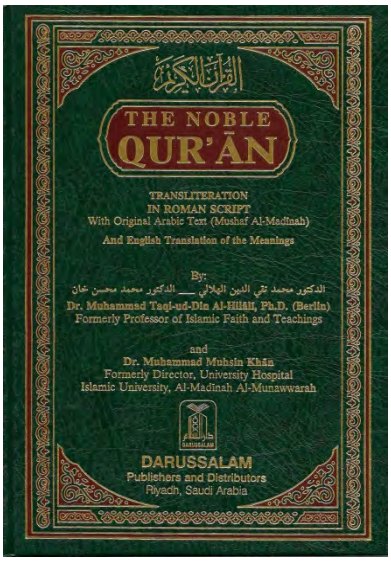

Figure 10. The Noble Qur'an[183]

Frank Cilluffo testified, "Of particular concern is its appendix, entitled "The Call to Jihad (Holy Fighting in Allah's Cause)." *The Noble Quran* is not permitted in BOP facilities, appears to be permitted in the CDCR facilities, but no open source information indicates that it has been banned from LASD facilities.

Jail administrators should also ensure that staff receive cultural awareness training. Anti-Muslim prejudice should not be tolerated. Discrimination against Muslims, or "Islamophobia," has been found to "provide the pretext for–and one of the drivers behind–radicalisation (sic) and extremist recruitment in Muslim minority countries."[184] This causal factor would likely be intensified when the discrimination is exhibited by jail staff, because of the frequency of contact and the "keeper-kept" relationship.

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[182] Khaleel Mohammed, "Assessing English Translations of the Qur'an," *Middle East Quarterly* 12, no. 2 (Spring 2005): 58–71, http://www.meforum.org/717/assessing-english-translations-of-the-quran.

[183] "The Noble Quran Transliteration in Roman Script," accessed October 11, 2014, http://www.islamicapproach.com/noble-quran-transliteration-roman-script-p-1512.html.

[184] Neumann, *Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries*, 36.

B. ADDITIONAL CONSIDERATIONS

Following his extensive study on prison radicalization, Mark S. Hamm provided a number of recommendations suitable for implementation at the county jail level.

- Similar to the strategy currently employed by the BOP, it is recommended that state maximum-security correctional institutions seek full-time Muslim chaplains.

- Correctional agencies should encourage Muslim American entry into the state prison workforce.

- Chaplains and intelligence officers should come together on a regular basis to share intelligence on prisoner radicalization, religious proselytizing, high profile inmates, and inmate hierarchies. It is recommended that federal law enforcement join this effort as well.

- Prison staffs should receive daily roll-call training on prisoner radicalization and potential terrorist recruitment.[185]

C. CONCLUSION

In an article published by the FBI in 2011 titled *Radicalization of Islamist Terrorists in the Western World*, the authors wrote, "Radicalization, especially of Islamist extremists, only recently has become a serious research topic of law enforcement organizations, intelligence agencies, and academia."[186] Unfortunately, the need to continue this research is on the rise. Recently, every week has brought a new story of U.S. citizens who have radicalized to some degree. Their actions include supporting terrorist organizations,[187] the beheading a co-worker,[188] and travelling (or attempting to

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[185] Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report*, 119–120.

[186] "Perspective," 2011, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/september-2011/perspective.

[187] Office of Public Affairs, "Three Defendants Arrested on Charges of Providing Material Support to a Foreign Terrorist Organization," Department of Justice, July 23, 2014, http://www.justice.gov/opa/pr/three-defendants-arrested-charges-providing-material-support-foreign-terrorist-organization.

[188] Patrick Howley, "House Chairman Tells Holder: Investigate Beheading for Terrorism, not 'Workplace Violence,'" The Daily Caller, September 30, 2014, http://dailycaller.com/2014/09/30/house-chairman-tells-holder-investigate-beheading-for-terrorism-not-workplace-violence/.

travel) to Syria to fight alongside ISIS.[189] The Intelligence Reform and Terrorism Prevention Act of 2004 made very clear the expectation that federal, state, and local entities shall share terrorism-related information.[190]

It seems clear that many California jails, at least in the 34 counties of the Eastern District of California (CCIC's area of operation), are not prepared to monitor and report radicalization efforts should they occur in their facilities. Indicators of preparedness efforts would include providing training to their staff, submitting SARs to the appropriate fusion center, and establishing relationships with the CGII, CCIC, and CII. However,

- County jail staff attendance at the basic TLO courses offered in the CCIC AOR has not increased.
- The Inmate Radicalization Awareness course has not been offered in Northern California in the past year. When it was offered in San Diego in September 2014, the researcher was the only Northern California attendee. These two facts indicate that jail staff in Northern California and the CCIC AOR are not receiving training on this topic.
- A review of submitted SARs (released by the CCIC in compliance with a Public Records Act request) indicate very few originating in jail facilities.

Of course, jail and prison employees are already keeping a close eye on inmate activities, for the safety and security of all involved. However, what has changed now is the *nature* of what they need to watch for. Lost opportunities can lead to devastating consequences. Following the guidelines and suggestions outlined in this thesis will ensure that any actionable intelligence about possible radicalization can and will be reported to the proper agencies in a timely manner.

189 "FBI Director Comey Says Roughly a Dozen Americans Fighting with Extremist Group, October 5, 2014, http://www.foxnews.com/politics/2014/10/05/fbi-director-comey-says-roughly-dozen-americans-known-to-be-fighting-with/.

190 Intelligence Reform and Terrorism Prevention Act of 2004, 108–458, Section 1067.

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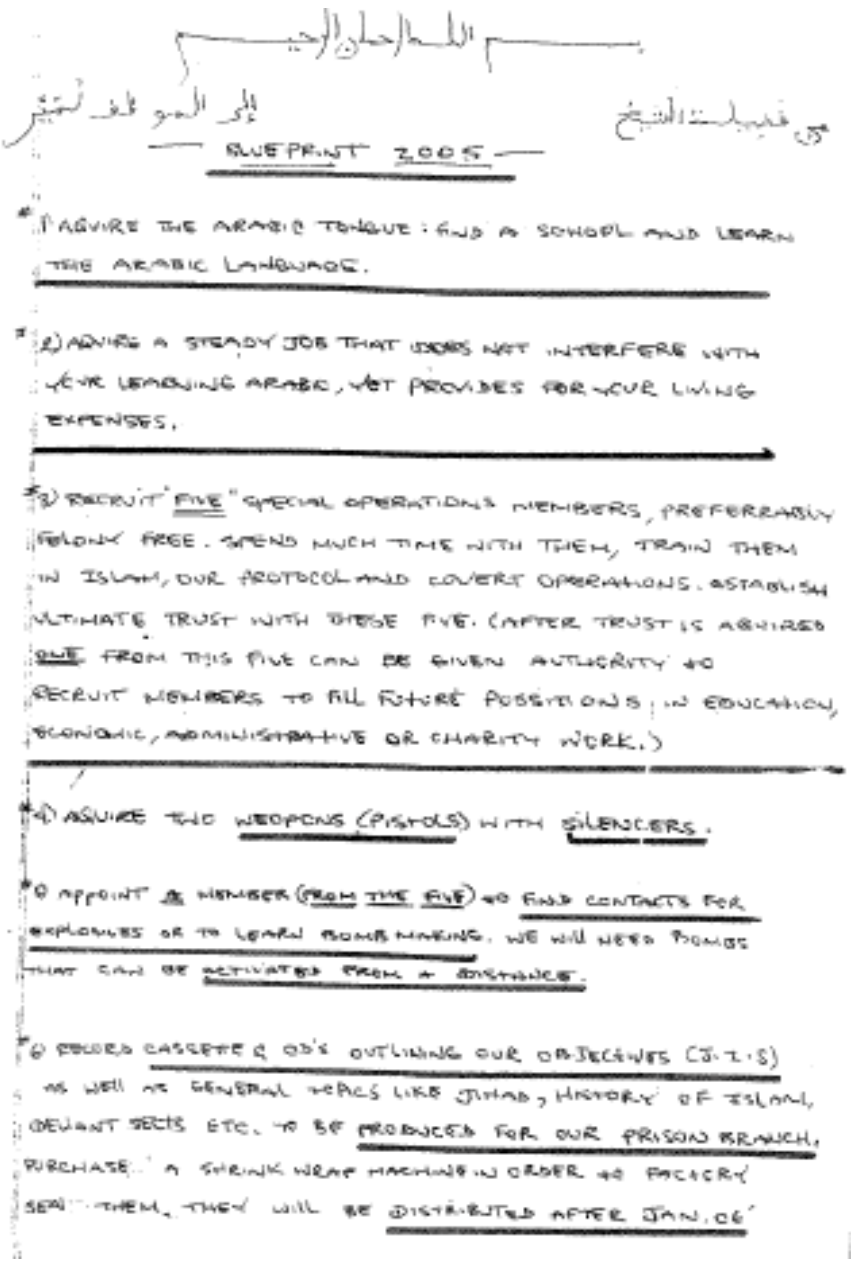
APPENDIX A



بسم الله الرحمن الرحيم

إلى المؤلف الشهير

من قبيلة الشيخ

BLUEPRINT 2005

1) ACQUIRE THE ARABIC TONGUE: FIND A SCHOOL AND LEARN THE ARABIC LANGUAGE.

2) ACQUIRE A STEADY JOB THAT DOES NOT INTERFERE WITH YOUR LEARNING ARABIC, YET PROVIDES FOR YOUR LIVING EXPENSES.

3) RECRUIT FIVE "SPECIAL OPERATIONS" MEMBERS, PREFERRABLY FELONY FREE. SPEND MUCH TIME WITH THEM, TRAIN THEM IN ISLAM, OUR PROTOCOL AND COVERT OPERATIONS. ESTABLISH ULTIMATE TRUST WITH THESE FIVE. (AFTER TRUST IS ACQUIRED ONE FROM THIS FIVE CAN BE GIVEN AUTHORITY TO RECRUIT MEMBERS TO FILL FUTURE POSITIONS IN EDUCATION, ECONOMIC, ADMINISTRATIVE OR CHARITY WORK.)

4) ACQUIRE TWO WEAPONS (PISTOLS) WITH SILENCERS.

5) APPOINT A MEMBER (FROM THE FIVE) TO FIND CONTACTS FOR EXPLOSIVES OR TO LEARN BOMB MAKING. WE WILL NEED BOMBS THAT CAN BE ACTIVATED FROM A DISTANCE.

6) RECORD CASSETTE & CD'S OUTLINING OUR OBJECTIVES (3.1.5) AS WELL AS GENERAL TOPICS LIKE JIHAD, HISTORY OF ISLAM, DEVIANT SECTS ETC. TO BE PRODUCED FOR OUR PRISON BRANCH. PURCHASE A SHRINK WRAP MACHINE IN ORDER TO PACKERY SEAL THEM, THEY WILL BE DISTRIBUTED AFTER JAN. 06'

Figure 11. Blueprint 2005[191]

[191] "Blueprint 2005," accessed October 12, 2014, http://www.investigativeproject.org/case/129.

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APPENDIX B

OPERATIONS ORDER

Intelligence Unit

The purpose of this Order is to standardize the objectives of the Intelligence Units at the **Main Jail** and **Rio Cosumnes Correctional Center (RCCC).**

I. Policy

The mission of the Intelligence Unit is to collect, analyze, and disseminate intelligence information developed inside and outside the confines of the correctional setting to provide for a safer environment for staff, prisoners and the community.

II. Intelligence Unit Supervisor

A. The Intelligence Unit Supervisor or designated Intelligence Unit Supervisor oversees the operation of the Intelligence Unit, Classification Unit, and other designated assignments or units within the facility.

B. The Intelligence Unit Supervisor is responsible for updating the assistant division commander or designee and affected facility supervisors of notable activities within the facility.

C. The Division Commander or designee is responsible for selecting custody staff to the unit in accordance with Operations Order 1-04, Employee Assignments.

III. Intelligence Unit Responsibilities

A. The Intelligence Unit is primarily responsible for the monitoring of prisoner communications and correspondence, monitoring prisoner behavioral trends, and development of intelligence through informants and staff.

B. The Intelligence Unit is also responsible for investigating criminal activity within the facility to include interviewing and possible validation of suspected gang members.

C. The Intelligence Unit may be the primary liaison between other divisions and law enforcement agencies when a prisoner monitor request is submitted or an escape attempt, escape, and/or wrongful release occur.

Appendices: None
Related Orders: Operations Order 1/04, Employee Assignments
References: None

Correctional Services Page 1 of 1 1/08 (REV 7/07)
MJ/RCCC

Figure 12. Operations Order[192]

[192] Sacramento County Sheriff's Department, *Correctional Services Operations Order 1/08* (Sacramento, CA: Sacramento County Sheriff's Department, 2008).

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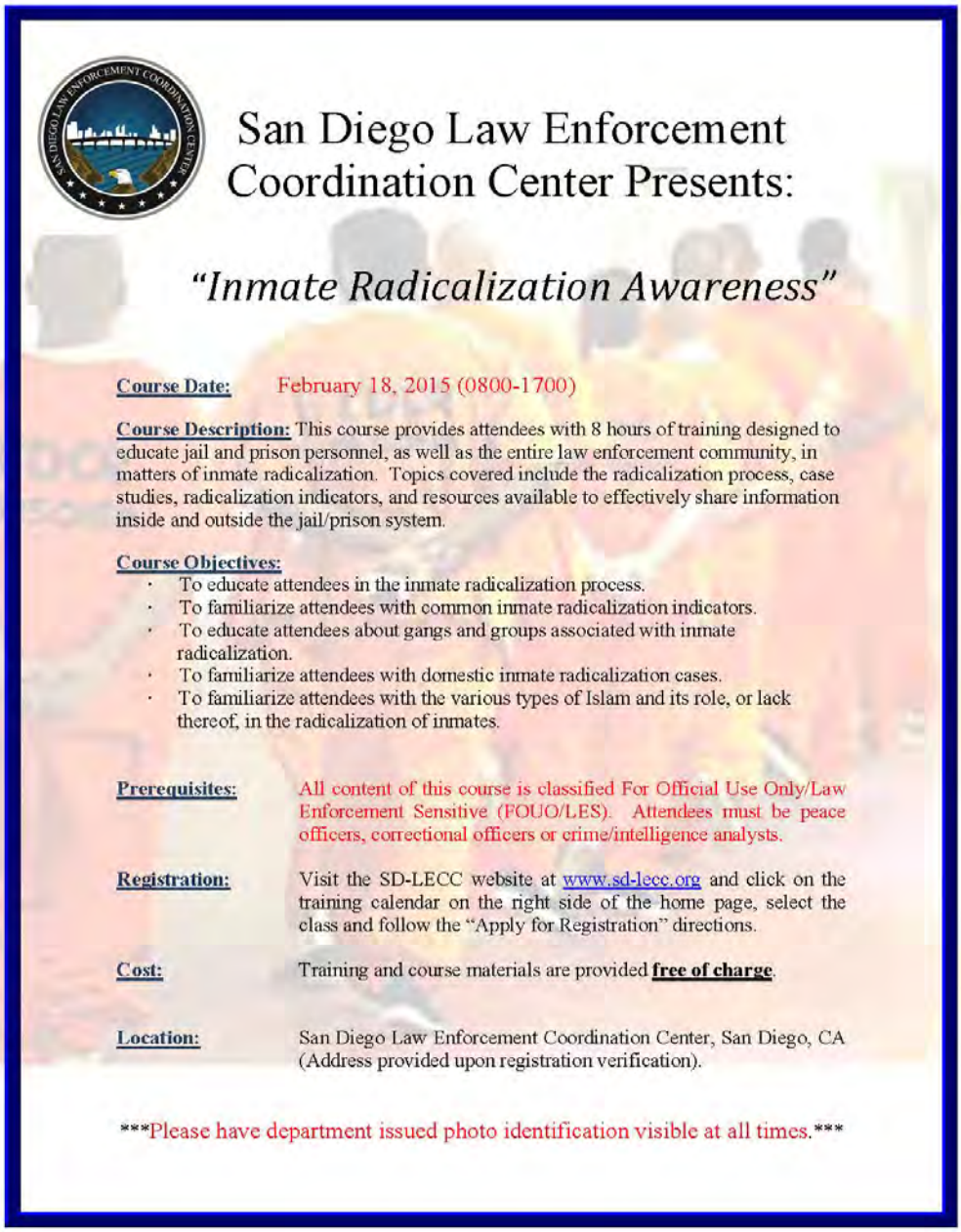
APPENDIX C



San Diego Law Enforcement Coordination Center Presents:

"Inmate Radicalization Awareness"

Course Date: February 18, 2015 (0800-1700)

Course Description: This course provides attendees with 8 hours of training designed to educate jail and prison personnel, as well as the entire law enforcement community, in matters of inmate radicalization. Topics covered include the radicalization process, case studies, radicalization indicators, and resources available to effectively share information inside and outside the jail/prison system.

Course Objectives:

- To educate attendees in the inmate radicalization process.
- To familiarize attendees with common inmate radicalization indicators.
- To educate attendees about gangs and groups associated with inmate radicalization.
- To familiarize attendees with domestic inmate radicalization cases.
- To familiarize attendees with the various types of Islam and its role, or lack thereof, in the radicalization of inmates.

Prerequisites: All content of this course is classified For Official Use Only/Law Enforcement Sensitive (FOUO/LES). Attendees must be peace officers, correctional officers or crime/intelligence analysts.

Registration: Visit the SD-LECC website at www.sd-lecc.org and click on the training calendar on the right side of the home page, select the class and follow the "Apply for Registration" directions.

Cost: Training and course materials are provided **free of charge**.

Location: San Diego Law Enforcement Coordination Center, San Diego, CA (Address provided upon registration verification).

Please have department issued photo identification visible at all times.

Figure 13. Radicalization Training Flyer[193]

193 "Inmate Radicalization Awareness," accessed October 2, 2014, https://sd-lecc.org//files/EBF%5C20150218%20Inmate%20Radicalization%20-%20SD.pdf.

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