

IV. Post-September 11th Challenges to Partnering

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

IMMIGRATION

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

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

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

Historically, law enforcement addressed these immigration challenges to community partnerships through a number of mechanisms. For state and local law enforcement, immigration issues have not challenged community relations because those agencies historically have not had immigration enforcement responsibilities. Prior to September 11th, federal law enforcement agencies often relied on state and local agencies to work with

immigrant communities on their behalf. When working independently of state and local authorities, federal agents used their discretion to prioritize relationship development for the purposes of crime prevention and to utilize immigration enforcement only to the extent that it facilitated their larger operational objectives. However, after September 11th, strict requirements regarding federal agencies’ enforcement of immigration regulations as well as the political movement to make state and local law enforcement responsible for immigration enforcement raise new challenges for law enforcement working to partner with immigrant communities.

The strict, mandatory enforcement of all immigration violations is a valid exercise of federal law enforcement’s jurisdiction. Law enforcement agencies clearly have the authority to implement these rules and regulations and to take action, as proscribed by law, against individuals who are out of status. Additionally, law enforcement at all levels is under increasing pressure from the current administration, the U.S. Congress, and the American public to adopt a “zero tolerance” policy for immigration violations as a critical piece of our nation’s counterterrorism strategy. Some immigration authorities feel that law enforcement, by de-partnering with immigration, is not fully utilizing all the counterterrorism tools at their disposal.⁷ These common views are rooted in the misconception that focusing on the enforcement of immigration violations can disrupt terrorist activities and make the nation more secure. Current national political support for the *Clear Act* (which would give state and local law enforcement immigration enforcement responsibilities) attests to this sentiment.

For many in law enforcement, however, there is another perspective. Nationally, many law enforcement officials recognize the tremendous workload strict immigration enforcement places on enforcement agencies and the challenges that result from casting the net wide instead of engaging in more strategic, intelligent, and targeted initiatives. There are approximately eight or nine million undocumented persons in this country, with Mexico being their predominant country of origin.⁸ Given the nation’s limited law enforcement resources, and the fact that none of the September 11th hijackers had illegally entered the country or were out of status, many officials question the efficacy of focusing on immigration enforcement as a cornerstone of the country’s counterterrorism policy. Additionally, law enforce-

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

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

ment agencies uniformly recognize the chilling effect strict immigration enforcement has on the very community whose assistance is an operational necessity to the war on terrorism: the Muslim, Arab, and Sikh communities. Law enforcement agencies recognize that the push toward stricter immigration enforcement presents significant and considerable challenges to their efforts to reach out to this community.

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

CHARGING “TERRORISM”

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

The first challenge to the prosecution of individuals engaging in terrorist activity is that American law traditionally focuses on punishing individuals for completed criminal acts.⁹ In contrast, the ultimate goal of many counterterrorism prosecutions is to prevent, detect and deter crimes before they occur. Thus, one of the challenges for law enforcement in counterterrorism prosecutions is that it is sometimes difficult to charge anyone for preparing to engage in or planning criminal activity.

When law enforcement confronts these situations, it often tries to disrupt the criminal enterprise by charging members of a terrorist conspiracy with more generic

criminal violations such as firearms offenses, narcotics offenses, treasury or tax violations or civil immigration offenses. From the community’s perspective, these may appear to be “pretext” investigations; from law enforcement’s perspective, this is their attempt to use whatever means are at their disposal to fight terrorism. Moreover, courts allow law enforcement to pursue this strategy.¹⁰

Second, even if an individual has completed a crime, the government may not always have proof beyond a reasonable doubt to present to a jury.¹¹ Again, if the government cannot charge the individual with a violent crime or “terrorist” offense, they often charge the individual with other generic criminal or civil offenses for which they do have proof beyond a reasonable doubt. For example, in the 1930s, the notorious Chicago mobster Al Capone was engaged in a variety of illegal enterprises including murder for hire, gun running, gambling, etc. Since the government did not have sufficient proof to indict him for those offenses, Capone was indicted for tax violations. The same strategy is frequently used in counterterrorism investigations. Lacking proof beyond a reasonable doubt of violent crime or preparation for terrorist activity, law enforcement can opt to indict a person for other generic criminal or civil offenses such as tax violations, cigarette smuggling, civil immigration offenses, etc.¹² Again, from the community’s perspective, these may appear to be “pretext investigations” or the disproportionate enforcement of technical, generic criminal violations.

Third, most terrorist activity that currently transpires in the United States involves preparation activities, money laundering, and planning. To date relatively few actual terrorist attacks have occurred on U.S. soil. American jurisprudence reflects this reality. There are only a few federal criminal statutes that deal explicitly

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

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

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

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

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

with terrorist activity.¹³ The first is 18 U.S.C. § 921 (a) (22), which criminalizes the distribution of firearms as part of terrorist activity. The second set of statutes is 18 U.S.C. §§ 2339 (A), 2339 (B) and 2339 (C) which prohibit an individual from materially assisting, supporting or financing terrorism. These firearms and material assistance provisions require the government to prove that the underlying criminal activity was motivated by terrorism.¹⁴

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

There are, of course, exceptions. First, in some states there are state terrorist statutes.¹⁶ Second, under Federal Sentencing Guidelines 3A1.4, once an individual is convicted, the government may, at the time of sentencing, move for a substantial upward adjustment if the government can prove the person “was engaged in a federal felony that involved, or was intended to promote, a federal crime of terrorism.”¹⁷ Finally, in civil immigration proceedings, if the government proves the individual was engaged in terrorist activities, the person can be

excluded or deported.¹⁸

The last challenge for a prosecutor is to distinguish between a hate crime and an act of terrorism. If an individual tries to burn a mosque, is that a hate crime or an act of terrorism? It is a hate crime if the act is committed when the individual is trying to injure or intimidate another person because of their race, color, religion or country of origin.¹⁹ For example, when a defendant assaults a person because he or she dislikes or hates African-Americans, then the defendant has committed a hate crime. In contrast, when a defendant, as part of the Klu Klux Klan, burns a house, that may be considered an act of terrorism because the presence of Klan regalia may be meant to intimidate an entire group of civilians.

In the first instance, a federal prosecutor may charge the incident as a hate crime under 18 U.S.C. § 245.²⁰ In the second instance, it may or may not be considered a terrorist act. Regardless of the designation by the press or by the FBI, since there is no federal terrorism statute except those mentioned earlier. The federal prosecutor, in most instances, will still have to charge a generic federal crime: most likely arson.²¹ However like most federal crimes, arson requires the prosecutor to prove a connection to interstate commerce. In this case, the prosecutor would have to prove that the building burned was involved in interstate commerce. Thus, when a mosque is burned, a federal prosecutor often may choose to charge the defendant with committing a hate crime because a prosecution for arson would require proof that the mosque was substantially involved in interstate commerce.²²

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

- (A) is committed by an individual who is not a national or permanent resident alien of the United States;
- (B) includes violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and
- (C) is intended—
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by assassination or kidnaping.”

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

Section 2339(A) prohibits material support for designated specific crimes; Section 2339(B) prohibits material support to designated foreign terrorist organizations.

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

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

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

¹⁸U.S.C. §§ 1182, 1231.

¹⁹18 U.S.C. §§ 241 & 245.

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

²¹18 U.S.C. § 844(f)(1).

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

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

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

MUTUAL UNDERSTANDING

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

Due to the challenges involved in sorting through the legal issues related to terrorism cases, the Muslim, Arab, and Sikh communities, like the American public at large, have a knowledge gap related to counterterrorism investigations and prosecutions that can create distrust and resentment borne of misinformation. Examples of this misperception are the cases of Hesham Mohamed Hadayet, who killed two people and wounded four at the

El Al terminal at Los Angeles International Airport (LAX) in July of 2002, and the attempted bombing of mosques and Islamic centers in Florida in August of 2002 by Robert Goldstein.²³

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

However the facts of the two cases are very different. In the first case, Goldstein was, in fact, charged with illegal firearms possession and a conspiracy to violate the civil rights of Muslims (a hate crime). Prosecutors chose to prosecute the case as a hate crime and a generic gun charge because they lacked the evidence of substantial interstate commerce to justify an arson prosecution and because there were not federal or state terrorism statutes that applied. Moreover, if the case were presented as a terrorism case, it would have required a prosecutor to prove beyond a reasonable doubt that the substantial motive of the crime was terrorism.²⁵ Lacking such evidence, it was ultimately pursued as a hate crime. The defendant was subsequently successfully prosecuted and sentenced to 151 months in prison. In contrast, in the case of Hesham Mohamed Hadayet, no charges were ever brought because the suspect was killed at the scene by an El Al security guard. Misinformation about the charges brought in these cases fuels resentment within the community nationwide. Only greater education of the media and the public will combat this type of situation.

An additional community misconception about law enforcement is that the goal of routine interactions, such as voluntary interviews, is to gather actionable intelligence which would only be known to individuals associated with terrorist activity or to conduct a "fishing expedition" within the community. This perception creates a challenge to partnerships because it equates law enforcement's desire for communication with community members with suspicion of involvement in ter-

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

²⁴See "Los Angeles Airport Shooting Kills 3," CNN.com, 7/5/02, available at: <http://www.cnn.com/2002/US/07/04/la.airport.shooting/>; "U.S. Doctor Planned to Destroy Mosques," BBC Online, 8/4/02, available at: <http://news.bbc.co.uk/2/hi/americas/2214320.stm>. Another wrinkle in the confusion about whether, when, and how an incident is labeled as an act of "terrorism" extends beyond how a particular case is charged. The media may label a case as an act of terrorism and this label may be completely unrelated to the actual charges. Moreover, the FBI, for internal purposes, may choose to label and "count" an incident as an act of terrorism. Again, this labeling is sometimes unrelated to the actual charges. It would be useful, in training on these issues, to distinguish between the prosecutorial decision to charge terrorism and the media or the FBI decision to label and count a case as a terrorist incident, regardless of the formal charges.

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

rorist activity. In fact, during these routine encounters, law enforcement is often not seeking “intelligence” or trying to generate new leads; but rather it seeks to gain information that can help contextualize intelligence received from other sources.

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

SCOPE OF PERSPECTIVES

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

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

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

ACCOUNTABILITY

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

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

The USDOJ interview project is a good example of how, even in a community in which law enforcement is committed to partnerships, accountability can present significant challenges. When asking for the community’s help in garnering support for participation in the voluntary interview process, law enforcement was limited in the information they could tell the community in terms of how and why these interviews were taking place. While some of the criteria used to select individuals to be interviewed was unclassified (age, sex, country of origin), there were a series of indicators used to identify interview subjects that were classified; and thus, law enforcement could not fully explain the project to the community. Once the interview project was complete, it was important for law enforcement to return to the community to explain how their assistance with this program furthered operational objectives. This was often difficult because if cases were opened as a result of the interviews and those cases were still active, law enforcement was prohibited from discussing them with the public. Further, results of the USDOJ interview project were difficult to quantify because, like most counterterrorism initiatives, they were designed to work in tandem with other programs to create a “hostile environment” for would-be terrorists, thereby often making the attribution of specific successes or preventions to one initiative, let alone an individual initiative in a specific city, challenging if not impossible.

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

LAW ENFORCEMENT STANDARD OPERATING PROCEDURES

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

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

Beyond incentive programs, the practice of moving law enforcement agents and officers around geographically as well as rotating them through different investigative programs creates a challenge to building community relationships. The practice of rotating law enforcement through a variety of geographic regions (for federal agencies this means the regular practice of rotating agents among a variety of Field Divisions in a number of states as well as at the local level, leading to a frequent change of neighborhood or beat) was implemented to reduce the risk of too close a relationship forming between law enforcement and the local criminal element, which could provide a breeding ground for public corruption. From the perspective of prevention of public corruption, these policies make sense; from the perspective of relationship and trust development with the community, these policies are counterproductive. Many Muslim, Arab, and Sikh community members nationwide report the difficulty of maintaining ongoing relationships with law enforcement agencies because law enforcement is continually starting over with new personnel. In addition to the policy of rotating agents and officers geographically, this problem arises because for training reasons, many law enforcement agencies rotate their personnel through a variety of investigative programs with some regularity. Because of this internal mechanism for training, once again community members find it difficult to establish and maintain ongoing

relationships because the appropriate point of contact for an issue of particular concern to the community can often change.

FUNDING/ADMINISTRATIVE CAPACITY

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

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

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

RECRUITMENT

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

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

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

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

IDENTIFYING APPROPRIATE REPRESENTATION

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

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

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