

Internal MEMORANDUM on the CRCL/TVTP Relationship and Roles in Countering Violent Extremism, Targeted Violence, and Domestic Terrorism

Purpose: To provide a framework a discussion of the relative roles and responsibilities of CRCL and OTVTP moving forward with regard to Goal 3 “Preventing Terrorism and Targeted Violence”

Statutory Framework for CRCL’s Past and Present Role in this Area: CRCL has a statutory mandate for activities in three areas: public engagement, oversight of DHS programs and activities to ensure civil rights and civil liberties protections are in place, and training of the state and major urban area fusion center personnel.

- *Public Engagement:* CRCL is obligated to communicate with the public about DHS/CRCL and its activities.¹
- *Oversight:* CRCL exercises an oversight function to ensure that civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.² CRCL also has an obligation to ensure that all DHS-assisted and DHS-conducted programs avoid discrimination based on disability³, race, color or national origin or other protected classes.⁴
- *Training:* CRCL’s fusion center training mandate specifies training for all fusion center personnel including the terrorism liaison officer networks, which consist largely of law enforcement personnel.⁵

CRCL’s equities, past, and potential future involvement vary by Goal 3 Objective. Oversight clearly varies by specific activity proposed under each of the objectives but may reasonably be part of each of the objectives.

(Current primary CRCL programmatic equities noted.)

- *Objective 3.1 – Strengthen Societal Resistance Against the Drivers of Violent Extremism and Ensure Broad Awareness of the Threat of Terrorism and Targeted Violence.* Public engagement – Training
- *Objective 3.2 – Counter Terrorists’ and Violent Extremists’ Influence Online*
- *Objective 3.3 – Develop Prevention Frameworks with SLTT Partners to Enhance Their Ability to Identify and Respond to Individuals at Risk of Mobilizing to Violence* Training
- *Objective 3.4 – Working with DOJ and SLTT Partners, Develop and Implement Recidivism Reduction Programming to Address Individuals Convicted of Crimes Related to Terrorism and Targeted Violence*

In July 2010 Officer Margo Schlanger articulated **three roles for CRCL in the Department’s efforts to counter violent extremism** (in response to the HSAC recommendations):

- 1) “Public outreach and engagement initiatives, including with American Arab, Muslim, Sikh, Somali, South Asian, and Middle Eastern communities, which have been targeted for recruitment efforts by violent extremists;
- 2) “Law enforcement training on cultural competency, information sharing, and community-oriented approaches, which augments the capacity of state and local law enforcement to do effective work enlisting community support and assistance in the CVE effort;
- 3) “Grievance resolution and policy improvement, which demonstrates that DHS is serious about partnering with communities to solve problems and can ameliorate one of the situational factors that contributes to alienation.”

Interpretation by CRCL Leadership of CRCL’s Role in Community Engagement

In the early days of the Department under the first Officer, Dan Sutherland, CRCL initiated meetings that became the Community Engagement Roundtables (2006 - *established a regular schedule of roundtables*) that have expanded and continued to the present. Officer Margo Schlanger noted in March 2010 testimony before the House Homeland Security Committee’s Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, that CRCL’s core statutory functions under 6 U.S.C. § 345(a) “are improved by—even

¹ 6 U.S.C. § 345; Section 705, Homeland Security Act of 2002 (as amended)

² 6 U.S.C. § 111; Section 101, Homeland Security Act of 2002 (as amended)

³ 29 U.S.C. § 794; Section 504 of the Rehabilitation Act of 1973 (as amended), DHS Delegation 19003.

⁴ 42 U.S.C. § 2000d to 2000d-7; Title VI, Civil Rights Act of 1964, DHS Delegation 19003.

⁵ 42 U.S.C. § 2000ee-1; Section 803, The Implementing Recommendations of the 9/11 Commission Act of 2007

depend upon—our engagement with diverse communities”. See also Officer Megan Mack’s April 2016 articulation of the evolving relationship between OCP (now TVTP) and CRCL.

Evolution of CRCL’s Involvement in Briefings/Trainings in this area: As part of its public engagement mandate, in the early days of the Department CRCL also initiated both informal and formal briefings/trainings on the domestic terror threat and the role of communities in countering that threat. CRCL training involved a strategy to work with the U.S. Attorneys, community partners, and fusion centers.

- *CVE Training in General* - From the inception of the Department to the present, CRCL has undertaken an active role in leading a range of training-related efforts as the Department refined its strategy vis a vis the terrorism threat domestically and on engaging communities as effective means to counter that threat. Two of many relevant examples:
 - CRCL co-chaired, with NCTC, an interagency working group on law enforcement training regarding domestic radicalization and countering violent extremism.
 - In 2011 CRCL staff had a leadership role in working with NCTC and the interagency working group to create the CVE Training Guidance that was and is currently used by FEMA grantees.
- *Community Awareness Briefings (CAB)* – The CAB evolved from the post- 9/11 work of a CRCL staffer who initially developed the brief while at the U.S. Attorney Office in Louisiana. CRCL delivered the CAB in various venues, including roundtables as an engagement tool. Various interagency partners were involved in its continued development. Elements were part of the CRCL fusion center training. After the formal transfer of the CAB and CREX to OCP in April 2016, NCTC took the lead on both development and development through their regional field representatives and DC staff. Various iterations were created (International – Domestic – Combination and Social Media). NCTC counsel opined that this effort was not consistent with the NCTC mandate and NCTC began supporting DHS only through ToTs for the CAB. This was later revised and it appears that NCTC once again led the updating effort pending the addition of staff in 2109 to TVTP.
- *From the inception of the fusion center training program* in 2008, this cultural competency session became an integral part of the on-site fusion center trainings until 2012.
- *Early CRCL training for state and local law enforcement* focused on both the threat and on “cultural competency” defined as addressing “misconceptions and stereotypes of Arab and Muslim cultures; diversity within Arab and Muslim communities” as well as effective policing without the use of ethnic or racial profiling; and a best practices approach to community interaction and outreach.
- *Law Enforcement Awareness Briefing (LAB)* – From the start of the program in 2016, the primary threat focus was on the domestic terrorism threat as the goal was to address the threat as it is experienced by state and local law enforcement. CRCL proposed the LAB in response to a OCP strategy document and received OCP developmental funding, initially designated for FLETC. CRCL partnered with FLETC to develop the program. The content as integrated with the CAB. In 2018

Oversight and Policy Advice Role

Brian - not sure what if anything needs to be specified here since oversight is more ubiquitous.

Background on Current Issues

In September of 2015, the Office for Community Partnerships (predecessor to TVTP) was created and in April of 2016, CRCL Officer Megan Mack put forward a memo that defined CRCL's general oversight role as well as its specific roles in working with the Office for Community Partnerships (OCP). She also noted "If CRCL identifies any potential ...concerns, it will engage with OCP to address those concerns prior to implementation and, if needed, develop appropriate oversight review processes."

CRCL/TVTP (OCP) Relationship as laid out in the 2016 Megan Mack Memo and related discussions between OCP and CRCL leadership

Community Roundtables

In April of 2016, CRCL leadership conversations with the newly created OCP led to a clarification of the role that the roundtables would play in the evolution of CRCL and OCP's mutual roles. At that point Deputy Kessler stated that CRCL planned to "focus our resources primarily on engagement and core civil rights issues".

CAB

- 1) "CRCL will maintain an oversight role over community engagement content development or changes to all versions of the Community Awareness Briefings (CAB) and Community Resilience Exercises (CREX) and other similar products. Prior to dissemination to the public, CRCL will review OCP content to ensure compliance with civil rights and civil liberties laws, regulations and policies and provide relevant feedback."

Specifics in follow-up discussions (Deputy Kessler's email).

Specific agreements between the CRCL and OCP included:

- 1) The Office for Community Partnerships (OCP) will administratively house, track, implement, and update both CAB's and CREX's on behalf of DHS. This means:
 - a. OCP will manage the content, develop a plan to grow the effort, identify resource and personnel requirements necessary to grow both efforts in scale, and implement both tools on behalf of DHS...
 - b. OCP will also work to develop tailored surveys and other measurement instruments and assign OCP field staff to plan, conduct, implement, track, respond to senior leadership taskers, and report on where and when CAB's and CREX's are administered on behalf of DHS.
 - c. OCP field staff will not be involved in community engagement efforts outside of these CVE tools at the local level and will coordinate with the Office for Civil Rights and Civil Liberties (CRCL) Community Engagement Section staff when non-CVE issues are raised for appropriate follow up.
- 2) CRCL will
 - a. provide OCP with the most recent CAB slides and CREX scenario.
 - b. ...maintain an oversight role over content development or changes to both CAB's and CREXs' and will review all material for issues of potential civil rights and civil liberties concern prior to it being finalized by OCP.
 - c. ...retain its lead role in community engagement efforts on behalf of DHS and will coordinate with OCP field staff when the community engagement process leads to a need for CVE-specific programming.

Oversight Role – 3 areas specified

2) *Product Review* - "CRCL regularly works with Department components and offices to ensure that appropriate protections and safeguards are incorporated into the Department's intelligence products and information sharing programs, including CVE-related products."

3) *OCP Grants Program* - "With regard to FEMA grants and awards, CRCL will serve on proposal review panels on all CVE-related proposals to ensure civil rights and civil liberties protections are integrated into all CVE-related awards. CRCL will also provide additional oversight of CVE training-related grants through support of OCP and FEMA grantees in the appropriate design, scope, and content review of CVE-related training for state, local, tribal, and territorial entities." FEMA currently requires grantees to comply with CVE-related training guidance created by CRCL; CRCL will provide additional

targeted review and guidance for individual grantees to ensure compliance with civil rights and civil liberties protections.”

4) *Oversight of Compliance with Title VI of the Civil Rights Act of 1964 and other Civil Rights Authorities in FEMA Grants* - “CRCL will work in coordination with FEMA’s Grants Program Directorate and Office of Equal Rights to carry out DHS’ obligation to ensure nondiscrimination in the administration of federally assisted programs and activities related to CVE.” (Specific activities are then listed.)

LAB

4) “...CRCL has a leadership role during FY 16 and FY 17 in the development of CVE-related training for state, local and tribal law enforcement through its current partnership with the Federal Law Enforcement Training Center (FLETC) on the development of a planned Training of Trainers program to create a Law Enforcement Awareness Briefing (LAB) course on CVE-related topics designed to leverage local law enforcement participation in OCP’s efforts.”

Mission: Office for Civil Rights and Civil Liberties (CRCL)

“CRCL supports the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all of the Department's activities by:

- Promoting respect for civil rights and civil liberties in policy development and implementation by advising Department leadership and personnel, and state and local partners.
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of remedy, and promoting appropriate attention within the Department to their experiences and concerns.
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel.
- Leading the Department's equal employment opportunity programs and promoting workforce diversity and merit system principles.”

Publicly Stated Mission: Office for Targeted Violence and Terrorism Prevention (OTVTP)

“On April 19, 2019, Acting Secretary of Homeland Security Kevin McAleenan announced the transition of the Office for Terrorism Prevention Partnerships (OTPP) to the Office for Targeted Violence and Terrorism Prevention (TVTP). The Office for Targeted Violence and Terrorism Prevention widens the scope of previous Departmental efforts to ensure that all forms of violence, regardless of the ideological motivation, are being addressed. The Office leverages, coordinates, and builds upon the broad range of prevention activities that are currently implemented across DHS, including grants, community awareness and law enforcement awareness briefings, threat assessments, and information sharing.”

“TVTP implements a full-range of partnerships to support and enhance efforts by law enforcement, faith leaders, local government officials, and communities to prevent targeted violence and terrorism. TVTP also provides these stakeholders with training and technical assistance to develop prevention programs in support of resilient communities. TVTP leads the Department's prevention mission with the following objectives:

- *Community Engagement.* TVTP works with the Office for Civil Rights and Civil Liberties to facilitate community engagements to build awareness and promote dialogue with community partners, which includes engagements with DHS senior leadership;
- *Field Support Expansion and Training.* TVTP supports DHS field staff across the country to develop and strengthen local partnerships and to provide training opportunities;
- *Grant Support.* TVTP worked with FEMA to provide \$10 million in grants to community-based programs under the FY2016 Countering Violent Extremism Grant Program. Those projects have a period of performance that ran through July 2019.
- *Philanthropic Engagement.* TVTP works with the philanthropic community to maximize support for local communities, and encourage long-term partnerships;
- *Tech Sector Engagement.* TVTP engages the tech sector to identify and amplify credible voices online and promote counter-narratives against violent extremist messaging.”