

## **EFFECTIVE COUNTERTERRORISM POLICING**

15-16 April 2013  
New York University School of Law  
Center on Global Counterterrorism Cooperation  
Permanent Mission of Turkey to the United Nations

### **MEETING SUMMARY**

On 15-16 April 2013, the Center on Global Counterterrorism Cooperation (CGCC) and the New York University (NYU) School of Law co-hosted a conference to share experiences in community policing and engagement that contributes to preventing and countering violent extremism and terrorism. Participants learned about the research findings from a study on counterterrorism policing conducted by Stephen Schulhofer, Tom Tyler and Aziz Huq.<sup>1</sup> The study focused on the conditions under which communities voluntarily engage with law enforcement on terrorism issues. Practitioners and policymakers also had an opportunity to share good practices and lessons learned from their own national or regional experiences. They also considered the study's application in strengthening national, regional, and international responses to security challenges.

The conference brought together counterterrorism policymakers and practitioners from Belgium, Israel, Turkey, the United Kingdom, the United Nations, the New York City Police Department (NYPD), as well as representatives from the National Consortium for the Study of Terrorism and Responses to Terrorism (START), the African Centre for Studies and Research on Terrorism (ACSRT), and the Council of the European Union. At the opening dinner held at the NYU School of Law on 15 April 2013, a keynote address by Belgian Federal Police Commissioner Jean-Pierre Devos, project manager for the EU funded project "CoPPRA" (Community Policing and Prevention of Radicalization), focused on the importance of community engagement by street-level police officers for the success of the overall counterterrorism effort.

A lunchtime panel open to the wider community of diplomats, UN officials, and experts was hosted by the Permanent Mission of Turkey to the United Nations. The panelists included Gary LaFree (START), Stephen Schulhofer (NYU), Fatih Ozgul (Turkish National Police) and David Scharia (UN Counter-Terrorism Committee Executive Directorate), and the discussion was moderated by Naureen Chowdhury Fink (CGCC).

### **Background**

The UN Global Counter-Terrorism Strategy (2006) reaffirms that the rule of law, respect for human rights, and effective criminal justice systems "constitute the fundamental basis of our common fight against terrorism." Moreover, voices across the spectrum of law enforcement, community groups, and academia have underscored that the rule of law not only enhances the legitimacy of

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<sup>1</sup> See especially Stephen J. Schulhofer, Tom R. Tyler, & Aziz Z. Huq, *American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative*, *Journal of Criminal Law and Criminology*, vol. 101, pp. 335 et seq. (2011), [http://www.law.northwestern.edu/jclc/backissues/v101/n2/1012\\_335.Schulhofer\\_et\\_al.pdf](http://www.law.northwestern.edu/jclc/backissues/v101/n2/1012_335.Schulhofer_et_al.pdf)

counterterrorism efforts but also their efficacy. This finding has been substantiated through the research of Stephen Schulhofer, Tom Tyler, and Aziz Huq. The research looked at Muslim communities in New York and London and found that the key determinant of a community's willingness to cooperate with law enforcement was based on whether they perceived authorities as legitimate. This legitimacy is shaped by the individual's perception of being treated fairly by authorities and in compliance with due process standards. The researchers recommended that government agencies "pay attention to public judgments about how they exercise their authority, because such judgments shape the behaviors that are of primary importance to the police, in particular the willingness of individuals to obey the law and their willingness to cooperate in efforts to enforce the law against others."<sup>2</sup>

Reflecting on these findings, participants agreed that communities play a crucial role in identifying and preventing violent extremism and potential terrorist threats. In fact, it was pointed out that 29% of tips about terrorist plots initially came from communities and that community engagement programs may increase the number of these tips, in part because these communities themselves are strongly opposed to violent extremism and terrorism in light of the adverse effects on themselves and their neighbors. The research also found, however, that community trust is essential to successful community engagement, especially in the counterterrorism context where "cooperation could mean exposing people with whom they share close ethnic and religious ties to unusually harsh procedures and sanctions."<sup>3</sup> As a result, it was noted that community engagement is often best practiced in the broader context of ensuring the community's trust as well as its overall safety.

Within the rich, substantive discussion, six key themes could be identified:

#### **Developing the right paradigm for community engagement**

Participants noted that there were tensions in treating communities as both "suspects" and "partners" and that a choice would have to be made regarding which paradigm framed the engagement. As one participant stated, "in one instance, you're knocking on their doors for help, and in another instance, you're there to arrest someone." As Stephen Schulhofer, et al. emphasized, it is critically important that individuals perceive police officers as being fair and that their actions are perceived to be aligned with due process. This perception contributes to building trust between communities and law enforcement, a trust that could easily be broken if individuals and communities believe they're being viewed with suspicion. For example, we heard that efforts made to build community trust can be wiped away by one misguided police raid.

In addition, participants questioned whether intelligence gathering should be a main goal of community engagement initiatives or a by-product. One participant firmly stated that intelligence-gathering should never be the focus of community engagement, but that warnings and indicators could be provided to law enforcement when necessary. Nevertheless, balancing community engagement and law enforcement objectives remains a challenge to policymakers and practitioners alike.

#### **Calibrating law enforcement responses to violent extremist threats**

The spectrum of violent extremist threats ranges from non-criminal violent extremism, criminal violent extremism and acts of terrorism. Counterterrorism practitioners acknowledged that calibrating law enforcement responses to these different threats is often difficult to achieve. Some participants questioned whether "softer" violations should be treated with "softer" measures or

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

with “harder” measures to discourage further activity. At what point is an intervention necessary? Should there be a threshold of criminal activity before an intervention occurs? Participants shared experiences of each of these and noted that much of the response to these complex questions depend on the political context, as well as the law enforcement culture in different countries.

### **Increasing stakeholders in community engagement initiatives**

Participants recognized effective terrorism prevention requires support from multiple stakeholders and that trust is an essential element in ensuring that support. CVE generally involves a broad scope of practitioners, for example, from development, conflict prevention, and education, and it is important to ensure that all these actors are aware of and on board with law enforcement and community engagement objectives. For example, social workers or teachers may be concerned about warning law enforcement about an individual who may be exhibiting violent extremist behavior because they fear the negative impact on the individual or the community as a whole. Furthermore, participants highlighted the need for better coordination and mutual fertilization among academics, policymakers, and practitioners. However, bringing together these actors remains a challenge since policymakers usually do not have sufficient access to sound academic research and academics also find it difficult to access policymakers and practitioners in the field. This challenge is exacerbated by the fact that the CT/CVE environment is fast-paced, while it takes time for academic research to be established.

In addition, participants recognized the important role of civil society in community engagement initiatives. Civil society organizations are well-positioned to provide a platform for engagement, especially when trust between communities and law enforcement may be weak. One participant asserted that civil society organizations may be more effective in implementing CT/CVE initiatives because of their focus on the “community” rather than on “policing.”

Some participants also highlighted the role of the media in engendering trust – or mistrust – between communities and law enforcement. The media could be an important player in CVE and terrorism prevention since they not only relay key information but they are well-positioned to frame the narrative and shape audience perceptions. For example, in discussing the myths about terrorism, Gary LaFree, Director of START, mentioned that over 70% of terrorist organizations disappear during their first year of operation, but the media tends to focus mainly on long-standing terrorist organizations, such as al-Qaida. The media could counter the terrorist narrative by dispelling these myths, such as the unsophisticated nature of most terrorist attacks and frequent strategic errors made by terrorists.<sup>4</sup> While the media is in a position to amplify or disseminate counter-narratives or alternative narratives that can support community engagement, it was noted that the media can also weaken confidence in law enforcement through negative reporting.

### **Balancing human rights, rule of law and security imperatives**

In some countries, practitioners are under pressure to deliver convictions, placing greater importance on the result rather than the process. Conference participants noted that, in such instances, important intelligence was sometimes misrepresented or left out of reach because of time constraints and aggressive interrogations that failed to build rapport with detainees and ensure their cooperation in related investigations.

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<sup>4</sup> For a discussion of these myths, see Gary LaFree, “Discussion Point: Black Swans and Burstiness: Countering Myths about Terrorism,” START Consortium, 19 December 2012, <http://www.start.umd.edu/start/announcements/announcement.asp?id=464>

While there was broad agreement on the essential role that adherence to human rights played in enhancing the effectiveness of interrogations and investigations, it was acknowledged that several regions lacked the capacities and the law enforcement culture or framework for community engagement approaches. However, it was also noted that for law enforcement officials, the strategic objective was the security imperative, and that it was important to ensure this was done within the rule of law so that the legitimacy of law enforcement was not questioned.

### **Building on lessons learned**

Participants stressed the importance of training for frontline practitioners and officials to raise awareness about the challenges posed by violent extremism and the tools and protocols being developed under the rubric of “CVE.” However, given the relatively recent emphasis on a preventive approach towards terrorism, many key stakeholders remained unclear or unaware about the resources available in the event that a violent extremist threat is identified.

Participants also stressed the importance of a goal that is less frequently noticed – training and awareness-raising in the practices that build trust with communities. For example, the European Union and Belgium launched the Community Policing and the Prevention of Radicalization (CoPPRa) project in 2010, which has since developed practical tools to detect early signs of violent radicalization and extremism. Countries that have already implemented community policing approaches that help address violent extremism, such as the United Kingdom or Turkey, could share valuable insights and lessons learned from their efforts in counterterrorism policing. In addition, the United Nations, through the Counter-Terrorism Committee Executive Directorate (CTED), for example, could play an important convening role in bringing together policymakers, practitioners and academics to share their experiences.

### **Promoting political culture and willingness for community engagement initiatives**

Participants cautioned that counterterrorism policing may only be effective where there is an enabling political culture. For example, participants described how the strong emphasis on human rights in the EU contributed to greater interest in community engagement and policing. One participant described how a “zero-tolerance for torture” initiative in Turkey was critical to changing the mindset of senior law enforcement officials. Participants noted that a “say-do” gap could jeopardize community engagement efforts if, for example, actions countered or diminished the trust that had been established with a community. It was therefore essential that the political culture and support for community engagement was present at all levels.

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