



THE **CENTER ON NATIONAL SECURITY** PRESENTS

**ISIS AND THE
CRIME-
TERROR
NEXUS
IN AMERICA**

A COUNTERPOINT TO EUROPE

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EXECUTIVE SUMMARY

This study explores the nexus between crime and terrorism in America within the context of the Islamic State (ISIS). In the aftermath of the wave of ISIS attacks in Europe over the last five years, it was revealed that the perpetrators often had prior criminal records and frequently served time in prison where they acquired relevant skills or developed relationships of utility for the future attack. Criminal activity was an integral part of the funding and logistics of devastating attacks such as the November 2015 Paris attack and the March 2016 attack in Brussels, and criminal gangs helped with recruitment, and in some cases, provided operational support for the attack.

Do America's ISIS defendants have a prior criminal record, and is there diagnostic relevancy for counterterrorism practitioners in the nature of the criminal history? What types of crimes were most prevalent? Was criminal activity integral to the funding or logistics of any ISIS-inspired plots or activity in the U.S.? What role do gangs and prisons play on the radicalization process and mobilization to violence of America's ISIS defendants? This study tackles these questions. It does so by systematically examining every individual arrested on federal terrorism charges related to ISIS in the United States, as well as those killed perpetrating ISIS attacks, from the first case prosecuted by the US Department of Justice in March 2014 to June 1, 2020. In sum, 210 defendants or perpetrators are included in this dataset.

Law enforcement frequently assess the propensity for violence and threat posed by an individual exhibiting various signs of extremism. While prior arrests do not directly predict a subject's risk, criminal history can be a valuable diagnostic tool and source of information that sheds light on past violent behavior and other indicators of concern. Criminal history can demonstrate an individual's inclination for violence and may inform assessments of an individual's likelihood of mobilization to violence, especially when observed in combination with other suspicious behaviors or signs of radicalization. While the crime-terror nexus in America is less pronounced than in Europe, a number of subtle but potentially important trends are evident.

THE PRESENCE OF CRIMINAL HISTORY

Approximately one-third of ISIS defendants in the US have a criminal history. Past criminal behavior, including repeat offenses, may provide datapoints for assessing propensity for violence.

- 32% of America's ISIS defendants have a prior criminal record. 52% have no known criminal record. The records of 16% could not be determined.
- The average number of arrests per ISIS defendant with a criminal history is three per defendant. An individual's prior arrests and repeated interactions with law enforcement provide additional datapoints for investigators to better assess the propensity for violence of an individual presently exhibiting signs of extremism.

- The criminal histories of America's ISIS defendants appear significantly less pronounced compared to that of right-wing, anti-government, and racially motivated violent extremists. Existing academic research illustrates that right-wing violent extremists tend to be older, less educated, and less likely to have a professional job than Islamist extremists. This suggests that those with a better socioeconomic background and greater educational prospects prior to involvement in terrorist activity appear less likely to have a criminal record.

VIOLENT AND NONVIOLENT CRIMINAL HISTORY

Approximately one-fifth (21%) of all ISIS defendants have a violent criminal history, with a prevalence of domestic violence, assault, and firearms offenses. While it is important to consider situational context and the totality of circumstances, a history of violence may signal an individual's willingness to use violence in support of extremist views. Findings also suggest familiarity with firearms in a criminal context may inform one's preference for using firearms in a future terrorist plot or attack.

- In the subset of ISIS defendants with a criminal history, 67% were arrested for "major" crimes, which encompasses all violent crimes as well as large-scale narcotics trafficking. Notably, every defendant arrested for a major crime was arrested for at least one prior violent crime. Only 33% were arrested for "minor" crimes, which encompasses all nonviolent crimes and other petty misdemeanors.
- In the subset of ISIS defendants with a criminal history:
 - » 35% have prior arrests for domestic violence and/or assault. Domestic violence incidents may offer clues about an individual's propensity for violence, impulse control, anger issues, and in some cases, ideological disposition or signs of radicalism. However, only rarely do domestic incidents provide direct indicators of terrorist intentions.
 - » 20% have prior arrests for firearms offenses. Those defendants with a criminal history are twice as likely to ultimately be arrested for firearms offenses as part of their terrorism prosecution than those without a criminal history. This suggests that criminal history and familiarity with firearms may impact plot weapon choice and the preference for firearms for use in an attack.
 - » Most prior felons are prohibited from owning a firearm under federal law. "Possession of a Firearm as Felon" is a useful charge for law enforcement to prevent or disrupt those with a significant criminal history from obtaining or possessing a firearm for use in an attack. At least 17% of those with a criminal history were charged specifically with the Firearm as Felon statute as part of their terrorism prosecution.

THE UTILITY OF CRIMINALITY

Most criminality that was integral to the financing or logistics of terrorist activity was perpetrated by those without a criminal history. Additionally, most individuals did not use “old skills” acquired from criminal experience in their terrorist plots or attacks. This differs dramatically from Europe’s experience, and underscores the stark challenge for US law enforcement attempting to identify or detect indicators related to attack planning or preparation.

- While criminal activity has been an integral part of the financing or logistics of at least fifteen terrorism cases, overall, crime has generally been infrequently utilized by America’s ISIS defendants.
- The most common plot-relevant criminal activity perpetrated by America’s ISIS defendants was financial fraud to raise money for travel of US persons to Syria.
- Most plot-relevant criminal activity was carried out personally by the ISIS defendant or like-minded co-conspirators, and there is little evidence that plot-relevant criminal activity was “outsourced” to unaffiliated criminal networks.

GANGS

While gang members and extremists shared some common push and pull factors related to recruitment, there is generally limited organizational overlap. Most defendants with a gang affiliation withdrew from gang life and crime upon their radicalization and gravitation to ISIS.

- There is a small number of defendants who joined gangs and later gravitated to ISIS, though gangs and extremist groups generally do not interact.
- This differs from Europe, where gang members and prospective terrorists often operate within the same geographic areas, solidifying relationships between criminal groups and extremist networks. Similar underlying social mechanisms draw individuals to both groups, and individuals gravitate between criminal and terrorist domains.

PRISONS

In the US, at least 13% of all ISIS defendants previously served time in prison. Despite persistent concern, prison radicalization in America is not a widespread phenomenon, but does occur under certain conditions. There are seven such cases in this dataset: five defendants radicalized inside prison, representing 18% of ISIS defendants who previously served time in prison on criminal convictions. Two incarcerated ISIS defendants radicalized others.

- Six out of seven cases of ISIS prison radicalization in America can be attributed to exposure to a charismatic extremist figure or a non-isolated, high-profile convicted terrorist inmate inside prison, highlighting the importance of the strict monitoring of such inmates.

- Very few terrorist plots were directly reliant on personal relationships forged inside prison.
- ISIS defendants occasionally continued to plan attacks while incarcerated for terrorism offenses, though their plans were often thwarted by other inmates who informed prison officials.

CONCLUSIONS

Criminal history can be a valuable diagnostic tool that sheds light on prior violent behavior and other indicators of concern especially when observed in tandem with other suspicious behaviors. However, it is ultimately only one piece in understanding the personal history of an ISIS offender. Robust social and mental health services and crisis intervention programs should be augmented to keep young, vulnerable, or psychologically fragile people out of trouble.

- Assessing the risks presented by a potentially radicalized individual is by no means as simple as merely determining if a subject does or does not have a criminal record, violent or otherwise. Since more than half of ISIS defendants in the US do not have prior arrests, criminal history is inherently a narrow lens. Nevertheless, where present, criminal history can shed light on potential threat indicators.
- One-third of America's ISIS defendants have a criminal record and many, like the general criminal population, are under 25 at the time of arrest. Much like anti-gang initiatives in the inner city, more robust social, community, and mental health services should be developed to keep the young and vulnerable out of trouble. Programs to this end have emerged, including NYPD's Co-Response Team and the Disruption and Early Engagement Program launched by the FBI and the U.S. Attorney's Office in the Eastern District of New York.
- Criminal history, prison time, and gang membership found in one-third of ISIS cases are important elements of the crime-terrorism nexus, each of which demand law enforcement scrutiny in regards to how they realistically and accurately impact the trajectory of an individual presently exhibiting signs of extremism.

INTRODUCTION

THE CRIME-TERROR NEXUS

The wave of attacks in Europe by the Islamic State in Iraq and Syria (ISIS) over the past several years shows a strong nexus between crime and terrorism. Many perpetrators of ISIS attacks in Europe had prior involvement in criminal networks that facilitated their radicalization and recruitment, fundraised or procured equipment for an attack, or aided in the travel overseas for aspiring foreign fighters. The perpetrators of several devastating attacks in France and Belgium had lengthy criminal records, and prior involvement in crime provided them with plot-relevant knowhow, while relationships forged through street crime, gangs, or in prison were instrumental in recruitment, planning, and preparation of the attacks. But what about in the United States?

This study explores the crime-terror nexus in America within the context of ISIS. Through a meticulous examination of the criminal history of every individual arrested on ISIS-related terrorism charges in the United States and all perpetrators of ISIS-inspired attacks, this study analyzes the extent to which an individual's criminal past impacts their pathway to terrorism. It highlights the prevalence of certain types of crimes committed by America's ISIS defendants, and discusses how criminality can play an integral part in the financing or logistics of ISIS activity in the US. It also evaluates the influence of criminal gangs and prisons on America's ISIS cases which – based on lessons from Europe's ISIS experience – inform the crime-terror nexus.

The FBI recently assessed that “while prior arrests do not directly predict an individual's risk for targeted violence, arrest records are a valuable source of information for threat assessors and can potentially shed light on prior violent behavior.”¹ No study to date has specifically examined how an individual's criminal history, and the crime-terrorism nexus more broadly, impacts the overarching trajectory of America's ISIS cases. This study tackles this challenge. Dozens of case studies are detailed that exemplify the scope of the crime-terror nexus in America, and important trends and considerations are highlighted for counterterrorism practitioners. While the crime-terror nexus in America is less pronounced than Europe, a number of subtle but potentially important trends are evident.

The nexus between criminality and terrorism globally is well-established. On the organizational level, groups from across the ideological spectrum are intertwined with criminal networks, finance themselves through crime, and profit from criminality, such as Hezbollah's longtime use of sympathetic criminal syndicates in South America's Tri-Border Area to launder funds, Al-Qaeda's profiting from drug trafficking and

1 Federal Bureau of Investigation (FBI), *Lone Offender: A Study of Lone Offender Terrorism in the United States (1972-2015)*. National Center for the Analysis of Violent Crime, Department of Justice, November 2019, p.22.

kidnapping in the Sahel, and the Taliban's role in the opium trade. Terrorist organizations have co-opted or "outsourced" to criminal groups for operational purposes such as Iran's Islamic Revolutionary Guard Corps' foiled use of the Mexican Zeta cartel to smuggle in an operative to assassinate a Saudi official on US soil. Organized crime and terrorist groups have found "niches of cooperation and marriages of convenience" in the West, particularly in Europe due to its social and political landscape, permeable peripheral borders, and relative geographic proximity to conflict zones.²

Some of the most devastating ISIS attacks in Europe of the last decade have had links to criminal networks. The perpetrators of the 2015 Paris Bataclan attack leveraged a fraudulent document ring led by a criminal underworld figure to procure identity cards used to travel, wire funds, rent getaway vehicles, and acquire safehouses for preparing the attack.³ In the Brussels suburb of Molenbeek, charismatic jihadist preacher Khalid Zerkani provided financial support to dozens of wayward youth involved in petty crime who sought to join ISIS. He was a charismatic figure who influenced Abdelhamid Abaaoud, one of the Bataclan attackers, and the 2016 Brussels airport bomber Najim Laachraoui, among others. Zerkani – who had direct ties with ISIS in Syria – encouraged adherents to "steal from the infidels" through pick-pocketing and robbery, and allowed his followers to keep part of their loot, which earned him the nickname "Papa Noel" (Father Christmas). He encouraged followers to join ISIS and facilitated their travel to Syria by connecting them with Turkish smugglers.⁴

In another vivid example, Ahmed Coulibaly, one of the perpetrators of the 2015 attack on the Hypercacher kosher supermarket in Paris, had a prior criminal history that included drug trafficking and robbery, and was imprisoned in a French prison where he became close with an Al-Qaeda recruiter. Upon his release, Coulibaly became re-involved in drug trafficking and used financial fraud to purchase a car that was later exchanged for weapons before the attack.⁵ His co-assailants, the Kouachi brothers (one of whom Coulibaly befriended in prison), were involved in importing trademark counterfeit Nike sneakers from China whose proceeds were used to buy weapons used in the Charlie Hebdo attack.⁶

2 Tamar Makarenko and Michael Mesquita, "Categorising the Crime-Terror Nexus in the European Union" *Global Crime* 15/3-4 (2014), p.259-274; European Parliament, *Europe's Crime-Terror Nexus: Links between Terrorist and Organized Crime Groups in the European Union*, Brussels: European Parliament Committee on Civil Liberties, Justice and Home Affairs, October 2012.

3 Rajan Basra, Peter R. Neumann, and Claudia Brunner, *Criminal Pasts, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus*. London: International Center for the Study of Radicalization (ICSR), 2016, p.37.

4 For example, "Khalid Zerkani, Brussels Jihadist Preacher who 'Perverted a Generation'" *France24*, March 26, 2016; Andrew Higgins and Kimiko de Freytas-Tamura, "A Brussels Mentor Who Taught 'Gangster Islam' to the Young and Angry" *New York Times*, April 11, 2016.

5 Basra, Neumann, and Brunner, *Criminal Pasts, Terrorist Futures*, p.44-45.

6 *Ibid*, p. 44.

These examples and many others compellingly illustrate the convergence of criminal and terrorist networks which both recruit from the same pools of young people, operate within the same social or geographic environment, and enter into mutually-beneficial relationships that have devastating consequences.⁷ Highlighting the essence of the crime-terror nexus in Europe, various academic assessments indicate that roughly 50-60% of ISIS cases, depending on the country, had prior criminal histories or were “known to law enforcement” due to the presence of a criminal record before their involvement in terrorism.

- According to a study by a senior researcher from the National Police of the Netherlands, approximately 64% of Dutch foreign fighters to Syria had a prior criminal record, and 40% had a history of violent crimes.⁸
- A French study noted that 49% of those arrested for jihadist terrorist offences, killed while staging terrorist attacks, or fugitives from justice in France had a prior arrest history, primarily for theft, assault, and robbery, and 19% were repeat offenders.⁹
- According to law enforcement data cited by Basra and Neumann, two-thirds of German foreign fighters had police records, half of Belgian foreign fighters had criminal histories prior to leaving for Syria, and roughly 60% of jihadists in Norway were previously involved in crime.¹⁰
- A wide-ranging European study noted that the percentage of jihadists with criminal pasts ranged from 30-70% depending on the country, but many were hardened criminals involved in “severe criminality”, rather than just petty crime.¹¹

The crime-terror nexus in Europe can be conceptualized as two-pronged. First, ISIS members often had prior criminal records and frequently served time in prison where they acquired relevant skills or developed relationships of utility that were relevant for the future attack. Second, criminal activity and relationships to criminal gangs were leveraged in furtherance of terrorist activity. The crime-terror nexus in Europe in the age of ISIS has become “more pronounced, more visible, and more relevant in ways in which jihadist groups operate.”¹²

7 Rajan Basra and Peter R. Neumann, “Criminal Past, Terrorist Futures: European Jihadists and the New Crime-Terror Nexus” *Perspectives on Terrorism* 10/6 (Dec. 2016), p.26.

8 Anton Weenik, “Adversity, Criminality, and Mental Health Problems in Jihadis in Dutch Police Files” *Perspectives on Terrorism* 13/5 (Oct. 2019), p.135-136.

9 Pierre Colomina, Olivier de France, and Damien Saverot, *From Criminals to Terrorists and Back? Quarterly Report: France*. Vol. 2. Globsec Defense and Security Program, 2019, p.6-7.

10 Cited in Basra and Neumann, “Criminal Past, Terrorist Futures”, p.25.

11 Kacper Rekawek et al., *European Jihad: Future of the Past? From Criminals to Terrorists and Back? Final Report*. Globsec Defense and Security Program, 2019, p.18-20.

12 Basra, Neumann, and Brunner, *Criminal Past, Terrorist Futures*, p.3.

It has been anecdotally suggested that in the United States, the crime-terror nexus may not be as prominent, but this has not been rigorously examined in open sources. A recent study argued that the crime-terror nexus in the US was “virtually absent” and claimed that only 10-15% of charged American ISIS supporters had a criminal background.¹³ While this study will illustrate that the prevalence of criminal history in America’s 210 ISIS cases is indeed less pronounced than Europe, the percentage of those with a criminal past in the US is still notable and higher than previously assessed. A number of subtle trends are evident related to the criminal past of America’s ISIS defendants. This study assesses the practical implications for counterterrorism practitioners and provides much needed nuance to the debate over ISIS and the crime-terror nexus in the US.

This study is structured as follows:

- Part I examines the criminal history of America’s ISIS defendants, the number of prior arrests per defendant, and the recurrence of repeat criminal offenders. It examines trends regarding the age of ISIS defendants with and without a criminal history, and briefly discusses considerations related to juvenile criminal history.
- Part II analyzes the types of crimes committed by America’s ISIS defendants prior to involvement in terrorism, and highlights the prevalence of violent crimes, especially domestic violence, assault, and firearms offenses. It also explores if there are differences between the criminal histories of perpetrators of successful attacks and those whose plots are thwarted by law enforcement in order to gauge if successful attackers benefitted from prior criminal knowhow or leveraged criminal ties.
- Part III evaluates the utility of criminality that was integral to the funding or logistics of any ISIS terrorist activity in the US.
- Part IV assesses the relationship between gang membership and terrorism within the context of America’s ISIS cases.
- Part V explores the role of prison, finding a handful of cases of radicalization that, while rare, sheds light on the phenomenon in the United States.
- The final section offers conclusions and implications related to ISIS, the crime-terror nexus, and the American experience in context.

13 Lorenzo Vidino, Jon Lewis, and Andrew Mines, “Dollars for Daesh: The Small Financial Footprint of the Islamic State’s American Supporters” *CTC Sentinel* 13/3 (March 2020), p.27.

METHODOLOGY

The study examines all federal terrorism prosecutions in the United States related to ISIS, a designated Foreign Terrorist Organization, from the first ISIS case brought by the U.S. Department of Justice (DOJ) in March 2014 until June 1, 2020. This study's dataset is comprised of all 200 ISIS-related federal defendants prosecuted by the DOJ, and also includes 10 individuals who were killed by law enforcement while carrying out an ISIS-related attack in the U.S.

This study draws from the ISIS Terrorism Prosecution Database maintained by the Center on National Security (CNS) at Fordham University School of Law.

- The dataset primarily includes cases where the defendant is charged with a “Federal Crime of Terrorism,” which includes statutes traditionally associated with international terrorism as codified in U.S. law, namely: the use of WMDs, conspiracy to commit murder overseas, providing material support to a terrorist organization, receiving military-style training from a terrorist organization, and bombing public places or government facilities.
- Cases involving “General Crimes” are included in the dataset when the government specifically alleges a link to ISIS. This includes statutory violations such as firearms offenses, making false statements, perjury, and obstruction of justice. It is important to note that in some cases, ISIS defendants were charged with Terrorism and General Crimes.
- ISIS cases prosecuted outside the federal system (i.e. state, county, or juvenile court) are not included, though the number of ISIS-related cases prosecuted outside the federal system is small, so this does not significantly impact the dataset.¹⁴
- All data and defendant criminal records were ascertained primarily from DOJ documents, official court records (particularly sentencing memorandums), press reports, and other open source accounts.
- The study only includes cases where the ISIS association is publicly alleged in open sources. It excludes defendants arrested on purely criminal charges whose terrorism association is not publicly revealed.

¹⁴ For example, such state cases that are not included are the New York case against Jamaican extremist cleric Abdullah el-Faisal, and the Texas case against Matin Aziz-Yarand who did not face federal terrorism charges due to his young age.

PART I

THE PRESENCE OF A CRIMINAL HISTORY

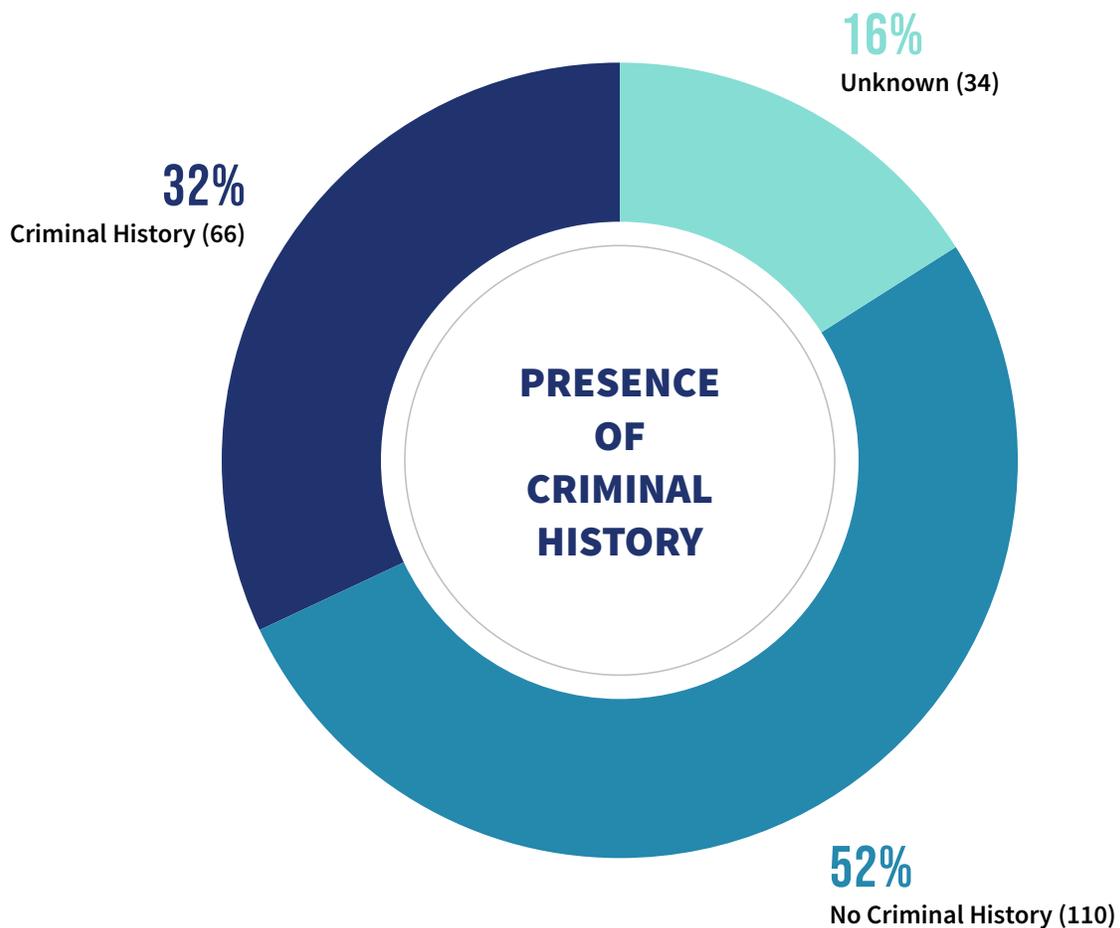
KEY FINDINGS

- One-third (32%) of America's ISIS defendants had a prior criminal record.
- Half of America's ISIS defendants have no known criminal record. (The records of 16% could not be determined).
- At least two-thirds (63%) of the subset of ISIS defendants with a criminal record were repeat offenders with at least two prior arrests. Multiple prior arrests and repeated interactions with law enforcement provide additional datapoints for investigators to better assess an individual exhibiting signs extremism.
 - » The average number of arrests per ISIS defendant with a criminal history is three per defendant.
 - » 16% of ISIS defendants with a criminal history had at least six prior arrests.
- The criminal history of America's ISIS defendants appears significantly less pronounced compared to those of right-wing, anti-government, and racially motivated violent extremists. Existing academic research suggest that socioeconomic factors related to education levels and employment may play some role in explaining the differences regarding criminal history.
- The average age of an ISIS defendant (27.7) is younger than other terrorist offenders from across the ideological spectrum.
- The average age of an ISIS defendant with a criminal history (31.4) is older than an ISIS defendant with a clean record (25.7). This age disparity may be because those with a criminal record served time in prison and often moved towards extremism after a period of incarceration.

DO AMERICA'S ISIS DEFENDANTS HAVE A PRIOR CRIMINAL RECORD?

Of the 210 individuals arrested and charged with ISIS-related terrorist activity or perpetrators of ISIS attacks in the United States, one-third (32%, n=66) had a prior adult criminal history. This trend has remained relatively consistent year to year even as the number of ISIS cases has risen in the US: in 2016, 28% of all ISIS defendants had prior criminal histories,¹⁵ and in 2017, 26%.¹⁶ More than half (52%) had no criminal history. The records of the remaining 16% could not be determined due to a lack of open source data.

The prevalence of criminal history among one-third of defendants compels the further exploration of crime in relation to America’s ISIS cases. As will be illustrated, while the percentage of defendants with criminal records is well below European figures, the crime-terror nexus in America is observable and has had a subtle impact on the radicalization and trajectory of ISIS defendants.



15 Center on National Security, *Case by Case: ISIS Prosecutions in the United States: March 1, 2014 – June 30, 2016*. New York: Center on National Security at Fordham Law, 2016, p.25.

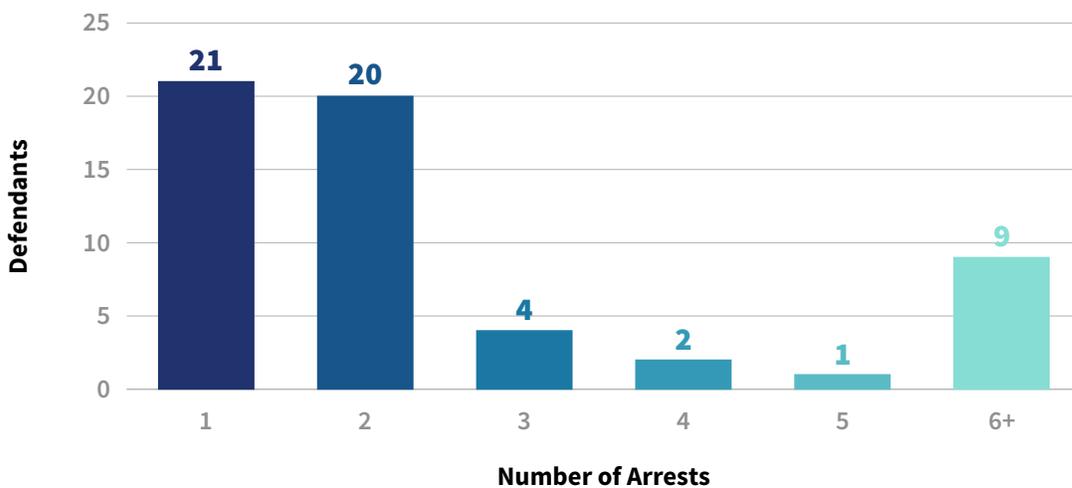
16 Center on National Security, *The American Exception: Terrorism Prosecutions in the United States – The ISIS Cases: March 2014 – August 2017*, New York: Center on National Security at Fordham Law, 2017, p.21.

REPEAT OFFENDERS

Many ISIS defendants with a prior criminal record were repeat offenders. Overall, 63% (n=36) of ISIS defendants with a criminal record had more than one arrest, which means there is likelihood of recurrent contact with law enforcement that provides additional datapoints for investigators attempting to gain an understanding of a subject of concern’s propensity for violence. According to the FBI, while prior arrests do not directly predict a subject’s risk, arrest records are a valuable tool and source of information that can shed light on prior violent behavior.¹⁷

The average number of prior arrests per ISIS defendant with a criminal record is three per defendant.¹⁸ A non-trivial percentage of ISIS defendants appear to have a fairly lengthy criminal background. Twenty defendants had two prior arrests (35%). Sixteen defendants (28%) with a criminal record had at least three arrests of which nine defendants had more than six arrests, which includes several with 11-14 arrests.¹⁹

PRIOR ARRESTS PER ISIS DEFENDANT



17 FBI, *Lone Offender*, p.22.

18 Repeat offender data draws from a subset of 57 ISIS defendants with a criminal record where data was available. Nine defendants with a criminal record (out of 66) were excluded from the repeat offenders’ data due to incomplete information regarding the exact number of prior arrests.

19 Due to methodological challenges, this may be an underestimation due to inconsistencies in federal court documents in reporting a terrorism defendant’s precise number of prior arrests that often occurred in various jurisdictions at the state level.

To briefly contextualize the relatively low prevalence of criminal history amongst American ISIS cases, this study's data was compared to an FBI study that assessed the typology of all US "lone offender terrorists" from across the ideological spectrum between 1972 and 2015. The FBI study found that 70% of offenders (35/50) had a prior adult criminal history, which is more than double the 32% of ISIS cases identified in this study. Highlighting the higher prevalence of prior criminal history in the FBI dataset, roughly half (52%) of all lone offender terrorists from across the ideological spectrum had more than one arrest,²⁰ compared to 17% of all ISIS defendants identified in this study. What explains the stark differences between America's ISIS cases and the FBI's lone offender dataset regarding the presence of criminal history and the overall percentage of repeat offenders?

This vast discrepancy between datasets may be because more than half (54%) of the FBI sample were anti-government, racially motivated extremists advocating the superiority of the white race, or anti-abortion violent extremists.²¹ Several well-regarded academic studies have noted that right-wing extremists are more likely to be less educated and have a criminal history than their Islamist extremist counterparts.²² Gill et al.'s study that examined sociodemographic characteristics and antecedent behaviors of lone actor terrorists from across the ideological spectrum found that 41.2% of the overall sample had previous criminal convictions. When Gill et al.'s dataset was broken down, Al-Qaeda-inspired lone actors were less likely to have criminal convictions (26.9%) than their right-wing counterparts (50%), and were also 10 years younger, better educated, and more likely to have a professional job.²³

Supporting this finding, Hamm and Spaaij found that 60% of lone actor terrorists from across the ideological spectrum had a prior criminal record, which is also higher than our ISIS dataset, but draws heavily from right-wing and other single-issues cases (and their dataset begins in the 1940s).²⁴ Hamm and Spaaij note that majority of lone actor terrorists both pre- and post-9/11 are predominantly white, urban, unemployed, single males, and argue that historically, white supremacist movements have tended to produce terrorists from lower economic classes, while religious terrorist groups like Al-Qaeda and ISIS appear to draw from all classes and may be better educated.²⁵

It appears that socioeconomic and educational differences between Islamist extremists and right-wing extremists impact the prevalence of prior criminal history; those with a better socioeconomic back-

20 FBI, *Lone Offender*, p.20-21. The average number of arrests per lone offender terrorist from all ideological backgrounds in the FBI study is 2.7, which is roughly similar to the average number of arrests per ISIS defendant (three).

21 Ibid, p.29-30.

22 Mark Hamm and Ramon Spaaij, *The Age of Lone Wolf Terrorism*, Columbia University Press, 2017, p.51; Paul Gill, John Horgan, and Paige Deckert, "Bombing Alone: Tracing the Motivations and Antecedent Behaviors of Lone-Actor Terrorists" *Psychiatry & Behavioral Sciences* 59/2 (2014), p.431.

23 Gill et al., "Bombing Alone", p.431. Gill et al. examined prior criminal convictions rather than arrests.

24 Hamm and Spaaij, *The Age of Lone Wolf Terrorism*, p.50.

25 Ibid, p.51.

ground and greater educational prospects prior to involvement in terrorist activity appear less likely to have a criminal record.

AGE AND JUVENILE HISTORY

The demographic profile of ISIS defendants in the US has remained generally consistent: young, male, and US born.²⁶ The average age of the adult ISIS defendant in the US is 27.7 years old with a range from 17 to 57. However, the average age of the adult ISIS defendant with a prior criminal record (31.4) is older than the ISIS defendant without a criminal record (25.7). This may be because those with a criminal history often appear to gravitate to extremism after engagement in crime and/or a period of incarceration. While the prison experience can play a pivotal role in an individual's trajectory towards extremism in a small number of cases (see Part V), time spent behind bars also simply means those released from prison who subsequently radicalize are often older than those who steered clear of trouble and did not do time in prison.

In the FBI study that examined all lone terrorist offenders from across the ideological spectrum, the average age of the offender at the time of their attack was 37.7 years old (with a range of 15 to 88 years old), which is older than our ISIS dataset. However, the average age of the subset of lone offenders categorized as "radical Islamic violent extremists" in the FBI study was 26.3 years old, which is significantly younger than offenders from other ideological groups and much more in line with our ISIS dataset.²⁷ This points to demographic discrepancies between radicalized individuals across the ideological spectrum, particularly between right-wing and Islamist extremists.

A senior FBI counterterrorism official recently noted that juveniles comprised nearly one-third of identified attackers across the ideological spectrum, which underscores the susceptibility of younger people to ideologies that appeal to a desire for a sense of belonging, identity, or attention.²⁸ Of the 210 ISIS cases, twelve (6%) were aged 18 or younger. At least eight ISIS defendants did have a juvenile criminal history.²⁹ In some cases, the individual's juvenile history provides indications of eventual involvement in terrorist activity, but overall, the small sample size where juvenile history data was publicly available limits the impact of any meaningful findings regarding juveniles. Nevertheless, there are notable instances in which juveniles have shown persistent support for ISIS despite previous encounters with law enforcement.

26 Heather J. Williams, Nathan Chandler, and Eric Robinson, *Trends in the Draw of Americans to Foreign Terrorist Organizations from 9/11 to Today*. Santa Monica: RAND, 2018, p.30-32; Center on National Security, *American Exception*, p.11-18.

27 FBI, *Lone Offender*, p.12-13.

28 Matthew Alcoke, "The Evolving and Persistent Terrorism Threat to the Homeland." FBI Deputy Assistant Director – Counterterrorism Division, Statement for the Record, Washington Institute for Near Eastern Policy, November 19, 2019, p.4-5.

29 Juvenile criminal history was categorized separately in this study and was not counted towards the adult criminal history category. Due to the way various states maintain juvenile records, often limiting public release and/or expunging records when the offender turns 18, the juvenile history sample is likely incomplete and therefore an underestimation.

- Zakariya Abdin, a teenager of Syrian heritage living in South Carolina, was arrested in April 2015 at age 16 for terrorism-related offenses committed as a minor in state juvenile court. His name was redacted at the time due to his age. He admitted to police that he wanted to join ISIS and plotted with an unnamed co-conspirator to rob a gun store and then use the weapon to massacre American troops near Fort Bragg.³⁰ Abdin was paroled in 2016 at age 17 after spending a short time in juvenile prison, despite receiving a longer sentence. One year after being paroled, Abdin was arrested at Charleston International Airport, when he attempted to travel overseas to join ISIS.³¹ The South Carolina police chief of Abdin's hometown was quoted in local press: "It is aggravating that now the federal government can prosecute him because he is 18, when they couldn't when he was a juvenile. He was just as much a threat then as he is now, and this shows it." The police lieutenant who worked the juvenile investigation stated, "We tried to tell them [the parole board]. We said it could happen. We said we didn't want it to happen. And now it did."³² In his plea hearing, it was noted that Abdin pledged allegiance to ISIS in 2014 (when he would have been 15, predating his juvenile detention), and remained loyal to the group until his arrest as an adult in 2017.³³
- Ardit Ferizi was extradited at age 19 to the United States, accused of hacking a website that had personal information of U.S. military and government personnel which he provided to Junaid Hussain, a now-deceased British ISIS facilitator in Syria. Ferizi had a juvenile criminal history in his native Kosovo of hacking government databases and websites and was arrested multiple times for cybercrimes in Kosovo, but avoided jail time because he was a minor. After each arrest in Kosovo, he was promptly released because he apologized and was considered a juvenile. The defendant's previous juvenile arrests did not deter him from committing cybercrimes later utilized to assist ISIS.³⁴

30 Andrew Dys, "York Teen, A Suspected 'Terrorist,' Could be Paroled by Wednesday after Serving Time for Gun Plea" *The Herald* (Rockhill, SC), February 1, 2016.

31 DOJ, "South Carolina Man Sentenced for Attempting to Provide Material Support to ISIS" Office of Public Affairs, June 11, 2019.

32 Andrew Dys, "Paroled York County, SC, Teen who Tried to Join ISIS Arrested by FBI" *Charlotte Observer*, April 1, 2017.

33 USA vs. Zakariya Abdin, Change of Plea Hearing Appeal Transcript, August 8, 2018, p.14.

34 USA vs. Ardit Ferizi, Position of the United States with Respect to Sentencing, September 23, 2016, p.16-17.

PART II

VIOLENT AND NONVIOLENT CRIMINAL HISTORY

KEY FINDINGS

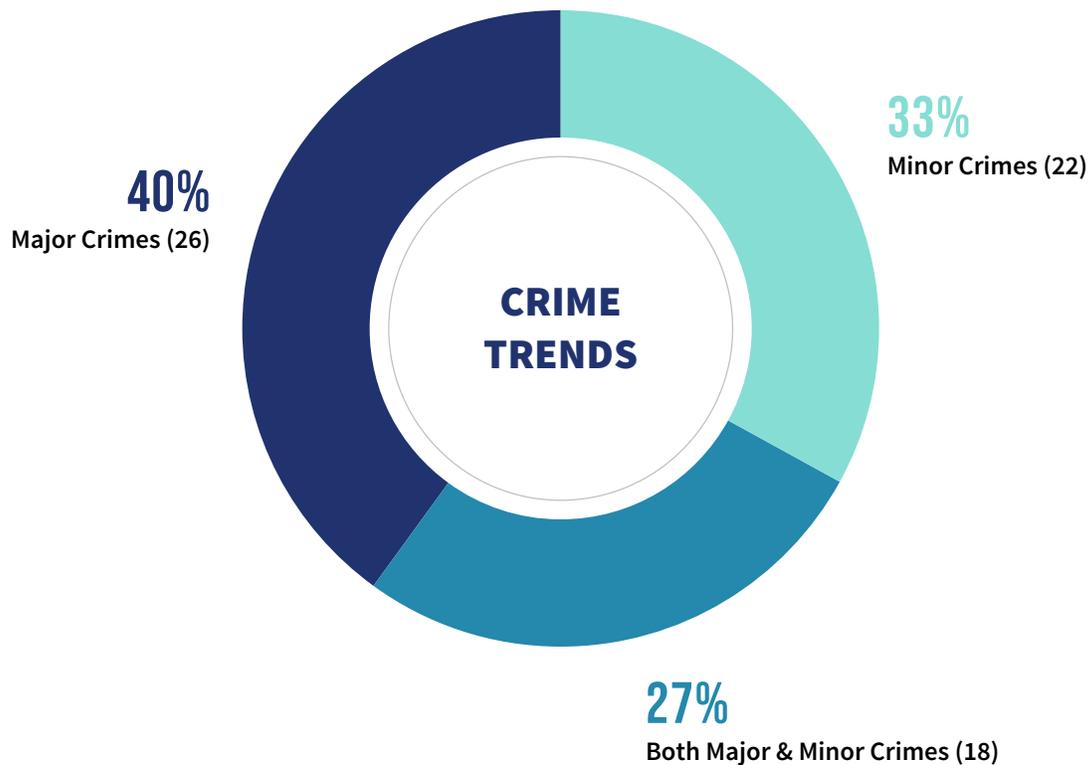
- One-fifth (21%) of all ISIS defendants have a history of violent crimes, with a high prevalence of domestic violence, assault, and firearms offenses.
- In the subset of ISIS defendants with a criminal history:
 - » 67% were arrested for “major” crimes, which encompasses all violent crimes as well as large-scale narcotics trafficking. Every defendant arrested for a major crime was arrested for at least one prior violent crime. Only 33% were arrested for “minor” crimes, which encompasses all nonviolent crimes and other petty misdemeanors.
 - » One-third (35%) were previously arrested for domestic violence and/or assault. Domestic violence incidents may offer clues about the propensity for violence of a subject of concern, and may shed light on a subject’s impulse control, anger issues, and in some cases, ideological disposition or signs of radicalism. However, only rarely do domestic incidents provide direct indicators of terrorist intentions.
 - » 20% have prior arrests for firearms offenses. ISIS defendants with a criminal history are twice as likely to ultimately be arrested for firearms offenses as part of their terrorism prosecution than those ISIS defendants without a criminal history. This suggests that criminal history and familiarity with firearms may impact plot weapon choice and the preference for firearms for use in an attack.
 - » More than three-quarters (77%) of the subset of ISIS defendants with prior arrests for firearms offenses were subsequently charged with firearms offenses as part of their terrorism prosecution.
- Most prior felons are prohibited from owning a firearm under federal law. “Possession of a Firearm as Felon” is a useful charge for law enforcement to prevent or disrupt those with a significant criminal history from obtaining or possessing a firearm for use in an attack.
 - » At least 17% of ISIS defendants with a criminal history were later charged specifically with the Firearm as Felon statute as part of their terrorism prosecution.
- The criminal history of perpetrators who carried out successful ISIS attacks in the US is representative of the broader ISIS dataset. A perpetrator’s prior involvement in crime generally has little discernible impact on the actual success of their attack.

Not all criminality should be considered equal. The nature and type of prior criminality of an individual exhibiting signs of extremism or radicalization is a far more important diagnostic tool for counterterrorism investigators than the presence of criminal history alone. The nature of a subject’s prior criminal history may enable investigators to paint a more complete picture of a subject, recognize signs of radicalization, and better gauge the subject’s propensity for violence.³⁵ What types of crimes are most prevalent among America’s ISIS cases?

This study makes the distinction between “major” and “minor” crimes:

- “Major” crimes are categorized as all violent crimes, which includes assault, domestic violence (including stalking and harassment), firearms-related offenses, other weapons charges, armed robbery, sex crimes, and also includes largescale narcotics trafficking.³⁶
- “Minor” crimes include all nonviolent crimes such as theft/robbery (without a weapon), petty drug offenses, financial crimes, fraud, and driving offences that resulted in an arrest (i.e. DWI; traffic violations were excluded). Due to the wide array of petty infractions and their relative insignificance, various minor criminal infractions were grouped into one subcategory – “miscellaneous misdemeanors” – which included Disorderly Conduct, Resisting Arrest, Interfering with an Emergency Call, Contracting without a License, Trespassing, Property Damage, Shoplifting, and Graffiti.

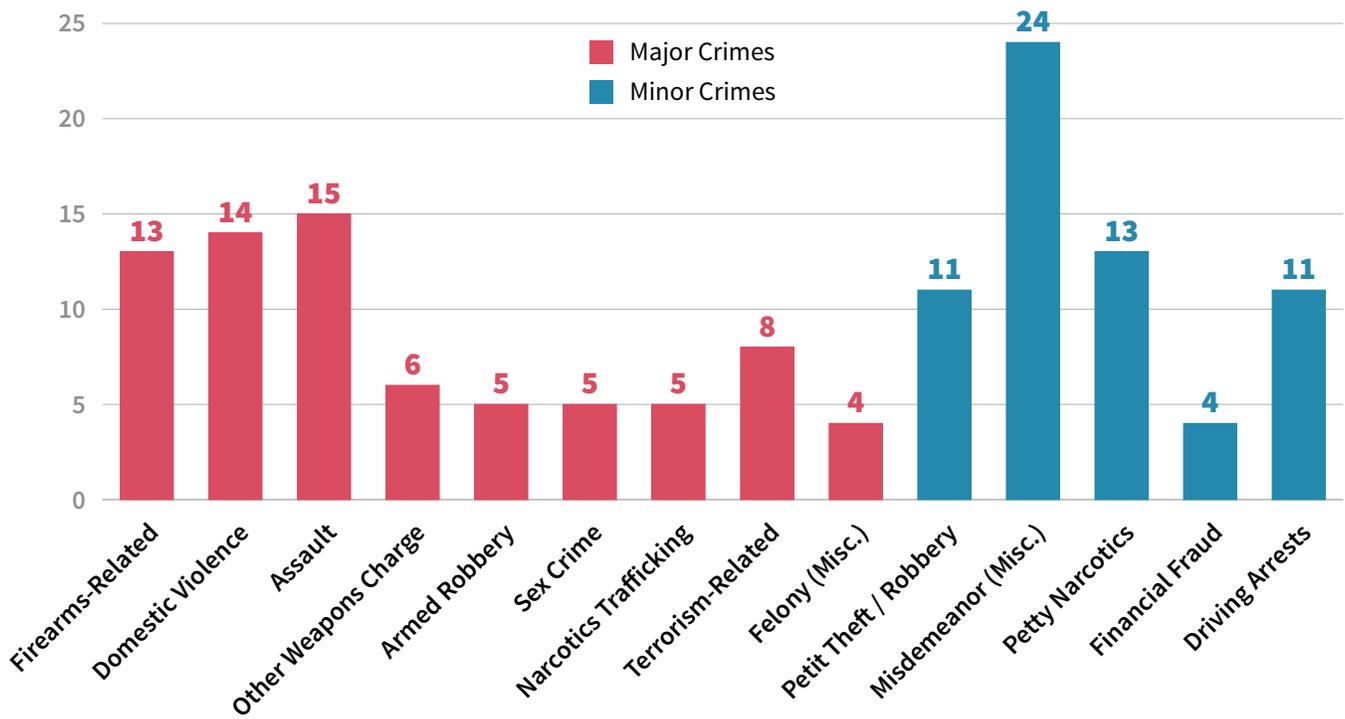
The chart below illustrates the breakdown of major and minor prior crimes perpetrated by America’s 66 ISIS defendants with a criminal history.



While the criminal history of America’s ISIS defendants ranges widely, more than two-thirds (67%) of those with a criminal record were arrested for at least one major crime.³⁷ Many defendants were arrested for both major and minor crimes. One-third (33%) of those with a criminal record were arrested for only minor crimes.

The chart illustrates the breakdown of the types of crimes committed by America’s ISIS defendants.³⁸

DEFENDANTS ARRESTED PER CRIME



35 The National Counterterrorism Center (NCTC) noted that many indicators of concern “may involve constitutionally protected activities and might be insignificant on their own. However, when observed in combination with other suspicious behaviors, these indicators may raise suspicion in a reasonable person.... Law enforcement action should not be taken solely based on the exercise of constitutionally protected rights, or on the apparent or actual race, ethnicity, national origin or religion of the subject, or on any combination of these factors.” See, NCTC, *Homegrown Violent Extremist Mobilization Indicators*, Washington DC: Office of the Director of National Intelligence, 2019 ed., p.2.

36 Narcotics trafficking has been categorized as a major crime, despite being the only nonviolent crime included in this category, to differentiate between trafficking and petty drug use/possession. Notably, every defendant arrested for narcotics trafficking also had a prior arrest for a violent crime.

37 40% committed only major crimes and 27% committed both major and minor crimes, totaling 67% (44/66).

38 The table illustrates the number of defendants arrested for each type of crime, rather than total number of arrests for each crime. Defendants often had multiple arrests for different crimes, hence the sum of all arrests is higher than the total number of defendants. In this table, if a defendant was arrested more than once for the same crime, it was not counted twice in the same crime category.

Importantly, all defendants arrested for a major crime were arrested for at least one violent crime, which correlates to 21% of *all* ISIS defendants having a history of violent crimes.³⁹ There is a notable prevalence of prior firearms offenses, domestic violence, and assault.

The nature and circumstances surrounding a subject's prior criminality may offer clues for counterterrorism investigators scrutinizing the background of an individual exhibiting signs of extremism. Nationwide, federal repeat offenders with prior violent offenses recidivate at a higher rate and are more likely to commit another violent offense in the future.⁴⁰ For US law enforcement, the prevalence of violent crime in one-fifth of the total ISIS dataset has diagnostic importance, as a subject's demonstrated proclivity to resort to violence suggests an enhanced risk of future violence.⁴¹

Violent criminal history is commonly observed in terrorists in both the US and Europe. For example, 65% of European jihadists with a criminal history had violent histories.⁴² The National Police of the Netherlands noted that 40% of Dutch foreign fighters had a history of violent crimes, and a separate French study noted the prevalence of "severe criminality" of French jihadists that included violent crimes.⁴³ The FBI Lone Offender study noted that while the majority of offenders were not previously arrested for violent crimes, most had previously exhibited behavior that was hostile or aggressive, and more than half engaged in physical battery or violence reflected in their arrest history or in accounts of individuals close to the offender.⁴⁴ It is worth noting that the crimes that appear to be most prevalent – assault and domestic violence – are chronically underreported to law enforcement in the US, and therefore may be underestimated.⁴⁵

39 All major crimes with the exception of drug trafficking are violent in nature.

40 US Sentencing Commission, *Report to the Congress: Career Offender Sentencing Enhancements*, Washington DC: August 2016, p.2-3; for a summary, US Sentencing Commission, "Federal Sentencing of Career Offenders – Report to the Congress: Career Offender Sentencing Enhancements," Report-at-a-Glance, 2016, p.2.

41 FBI, *Lone Offender*, p.22.

42 Basra and Neumann, "Criminal Pasts, Terrorist Futures," p.27-28.

43 Weenik, "Adversity, Criminality, and Mental Health Problems in Jihadis in Dutch Police Files" p.135-136; Rekawek et al., *European Jihad*, p.19.

44 FBI, *Lone Offender*, p.22.

45 Brian A. Reaves, "Police Response to Domestic Violence, 2006-2015," Special Report, Office of Justice Programs, Bureau of Justice Statistics: DOJ, May 2017. Additionally, such crimes are difficult to prosecute which results in some domestic violence arrests getting voided, sealed, expunged, or prosecution is declined.

DOMESTIC VIOLENCE

One-third (35%) of ISIS defendants with a criminal history had prior arrests for domestic abuse and/or assault.⁴⁶ This glaring finding correlates to 11% of *all* ISIS defendants having a history of domestic violence or assault. Domestic violence also appears to be somewhat correlated with additional criminal history. In all but one case of a defendant with a history of domestic violence, the defendant had at least one *additional* arrest, generally for another violent crime.⁴⁷

Various academic studies on the psychology of terrorism have pointed to the prevalence of domestic abuse and family violence in the personal history of terrorist offenders. The perpetrators of the 2016 truck ramming attack in Nice, France, and both the 2017 Westminster and London Bridge attacks in England all had a history of domestic violence.⁴⁸ Orlando's Pulse nightclub shooter Omar Mateen, despite having no adult criminal history, had a history of violence and controlling behavior against his wife.⁴⁹ While domestic violence is not a causal factor of terrorism, it appears that it can be an important diagnostic indicator of a subject's propensity for violence and aggression, and in some exceptional cases, provides clues about a subject's disposition.

- Ahmed Rahami, who perpetrated bombings in New York City and New Jersey in 2016, was involved in two domestic incidents, including one called in to local police in Elizabeth, New Jersey by his own father.⁵⁰ In the dispute, Rahami stabbed a family member with a knife in the left leg which resulted in three months' imprisonment in county jail.⁵¹ He also previously was violent towards his mother. The domestic violence incident coincided around the time Rahami's father had raised concerns about his son's possible radicalization to the FBI. The concerns about his radicalization by his own father, coupled with a violent domestic incident in the same time period, provided an ominous indicator as to Rahami's troubled state of mind.

46 14 defendants (21%) with a criminal history had arrests for prior domestic violence, and 15 defendants (23%) had arrests for assault. Six of these defendants had arrests for both domestic violence and assault, thereby totaling 23 unique defendants arrested for domestic violence or assault (35% of the 66 total ISIS cases with a criminal history).

47 The one exception is Safya Roe Yassin who was arrested only once and charged with criminally threatening the father of her children in a 2001 domestic incident. See, USA vs. Safya Roe Yassin, Government Sentencing Memorandum, June 1, 2018, p.10-11.

48 For example, Joan Smith, *Home Grown: How Domestic Violence Turns Men into Terrorists*, Quercus: London, 2019; Erin Marie Saltman, "Orlando and Nice Attacks: Domestic Violence Leads to Radicalization" *BBC News*, July 22, 2016.

49 Nikita Malik, *Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism*. London: Henry Jackson Society, 2017, p.33-35.

50 First reported publicly by Marc Santora and Adam Goldman, "Ahmad Khan Rahami Was Inspired by Bin Laden, Charges Say" *New York Times*, September 20, 2016.

51 State of New Jersey vs. Ahmad K Rahami, Elizabeth Police Department, NJ. Complaint no. 2004-W-2014-02830, August 22, 2014. Retrieved via Eyder Peralta, "FBI: Bombing Suspect Bought Material Online, Left Fingerprints on Devices," *NPR*, September 20, 2016.

The National Counterterrorism Center (NCTC) noted that “outbursts/fights with family, peers, or authority figures while advocating violent extremist ideology” and “outbursts or behavior, including violent behavior, or advocacy that results in exclusion or rejection by family or community” are both long-term indicators of concern that are observable by family, peers, community members, and often, police.⁵²

- In a 2013 domestic incident, Arafat Nagi threatened to kill and behead his daughter while brandishing a large military-style knife outside the family home in Lackawanna, NY. This was the second domestic incident with his daughter (the first occurred in 2011 when he assaulted and threatened to break both her legs and kill her at a supermarket). Nagi was arrested both times and orders of protection were issued.⁵³ Less than year after the second incident, a community member advised the FBI in 2014 that Nagi spoke about violent jihad to various people in the community and stated Nagi commonly got into verbal disputes over his jihadi beliefs. His history of domestic violence (and specific statements regarding beheadings), provide context to the accusations. It was later revealed that Nagi pledged allegiance to ISIS, and had traveled to Turkey in 2012 and 2014 with the intention of meeting ISIS members, and had purchased military combat items.⁵⁴

The nature of the domestic incident may shed light on the ideological disposition of a subject exhibiting signs of extremism, and in rare cases, may offer important clues about nefarious future intentions. In one case, the initial patrol response to a domestic incident became the basis for launching a counterterrorism investigation on an individual with no prior criminal history, highlighting the importance of vigilance by law enforcement in responding to dynamic emergency calls. In other cases, domestic violence incidents occurred while the subject was actively communicating with ISIS members online or making preparations to travel overseas to join ISIS.

- In February 2017, local police in Point Pleasant, NJ were called to the home of Gregory Lepsky after a family member reported that Lepsky had stabbed the family dog. Lepsky, who had no notable criminal history, emerged from the house and told responding officers that he attacked the dog because it was “dirty” according to his interpretation of Islam. He later admitted to officers he planned to travel to Turkey to join ISIS. Officers then entered the house and found a pressure cooker in Lepsky’s closet, several knives, and a book titled “Martyrdom in Jihad Versus Suicide Bombing.”⁵⁵ Lepsky then admitted he was working on behalf of ISIS and planned to detonate a pressure cooker bomb in New York City. He was in contact with ISIS members

52 NCTC, *Mobilization Indicators*, p.14, 18.

53 USA vs. Arafat Nagi, Decision and Order, July 31, 2015, p.4. For details on the incidents, Mark Belcher, “Accused Terrorism Suspect Arrested in 2011 for Assaulting Daughter” *WIVB4* (Buffalo, NY), July 30, 2015; Mark Belcher, “Accused ISIS Terrorist Threatened his Child with Large Knife in 2013”, *WIVB4*, July 30, 2015.

54 DOJ, “Lackawanna Man Sentenced for Attempting to Provide Support To ISIS,” Press Release, June 11, 2018.

55 USA vs. Gregory Lepsky, Criminal Complaint, May 4, 2017, p.4-5.

online and was planning his attack at least two months prior to the domestic incident. Lepsky expressed regret for having tried to kill the family dog, since he surmised that had he not done so, the police would not have discovered his plot.⁵⁶

- Nihad Rosic of Utica, NY was arrested in 2012 and accused of beating his girlfriend with a belt. The dispute arose when Rosic found a bottle of perfume in the house, which he interpreted as violating the Islamic prohibition on alcohol-based products. Rosic was sentenced in 2013 to 60 days incarceration and three years' probation.⁵⁷ He also had a 2011 arrest for punching his girlfriend in the face while she was holding a child. He later served an additional year in prison for violating his 2013 probation. Less than a year later, it was revealed that he was part of a US-based network sending funds, weaponry, and supplies to a Bosnian-American ISIS fighter in Syria named Abdullah Ramo Pazara.⁵⁸ Rosic and four others were arrested on material support charges.

Other ISIS defendants were involved in domestic incidents while the subjects of active counterterrorism investigations.

- Abdul Ali-Skelton of Minnesota was the subject of a counterterrorism investigation due to his online contact with ISIS members in Syria. He was interviewed by the FBI in March 2016 where he denied such contact and was charged with making false statements regarding his ties to ISIS. Four days later, Ali-Skelton was arrested for a drunken domestic incident at 3am at a Walgreens, where he threatened a man with a gun who he thought was having an affair with his girlfriend. Ali-Skelton also claimed he was a member of a terrorist organization and threatened to "blow up the store."⁵⁹ Federal prosecutors had not asked for a detention hearing in his terrorism case, and Ali-Skelton had been allowed to remain free until the Walgreens domestic incident.⁶⁰ Ali-Skelton had only one prior arrest in 2012 related to petty drug use.
- Robert Hester became a subject of a terrorism investigation due to his August 2016 social media posts praising ISIS. While under investigation, he was arrested in October 2016 by local police in Missouri after a domestic incident with his wife, where during a fight in public, Hester threw a knife through a store window and threatened a store employee with a firearm. He pleaded guilty to one count of felony property damage and one count of unlawful use of a weapon and

56 USA vs. Gregory Lepsky, Criminal Complaint, May 4, 2017, p.5.

57 Micaela Parker, "More Details Learned on Accused Terrorist from Utica" *Observer-Dispatch* (Utica, NY), May 28, 2015.

58 For more on Pazara and the Bosnian network, see Seamus Hughes and Clifford Bennet, "First He Became an American, Then He Joined ISIS" *The Atlantic*, May 25, 2017.

59 "Glencoe Man Charged with Lying to FBI, Making Threats at Walgreens Store" *Mcleod County Chronicle* (Glencoe, MN), March 30, 2016; Jeremy Jones, "Ali-Skelton Arrested in Brooklyn Park" *Crow River Media* (Hutchinson, MN), March 30, 2016.

60 State of Minnesota, County of Hennepin vs. Abdul Raheem Habil Ali-Skelton, Complaint, March 29, 2016.

was released on his own recognizance. He later violated bond in Jan 2017 for marijuana use.⁶¹ In the days immediately before and after the domestic violence arrest, he was engaging with an undercover officer about his support for ISIS. From October 2016 to February 2017, he advocated violence online and praised ISIS and later identified potential targets for attack including oil facilities, military bases, and government buildings.⁶² He also had previously joined the US Army in 2012 and had a history of disciplinary and administrative issues, having received a general discharge in 2013.⁶³

FIREARMS OFFENSES

The prevalence of prior firearms offenses is another important trend observed in the criminal history of ISIS defendants. 20% (n=13) of defendants with a criminal history had prior arrests for firearm offenses, including criminal possession of a firearm, firearms trafficking, or violence involving a firearm.

The pervasiveness of prior firearms offenses by America's ISIS defendants is significant, as firearms are often the preferred weapon of choice in a large number of US plots. Due to widespread availability of firearms, ISIS has encouraged its followers to exploit perceived gaps in American gun laws in order to obtain firearms, which may have resonated with the high number of ISIS defendants who sought to carry out firearms attacks. For example, ISIS released an English-language video in December 2017 featuring Abu Salih Al-Amriki, a one-legged fighter identified as American who spoke with a New York accent, who proclaimed: "Take advantage of the fact that you can easily obtain a rifle or pistol in America. Spray the kuffar [infidel] with bullets so that their fear of the Muslims rises and they continue to reveal their hatred towards Islam."⁶⁴

Material Support to a Foreign Terrorist Organization is a difficult and complex charge to prosecute, which may contribute to law enforcement's pursuit of firearms charges as a means to disrupt a terrorist plot. Roughly 10% of all ISIS defendants are ultimately charged with a firearms offense as part of their terrorism prosecution, and are disproportionately represented by those with a criminal history.

ISIS defendants with a criminal history are roughly twice as likely to be charged specifically with firearms offenses as part of their terrorism prosecution compared to those with no criminal history. 23% of ISIS defendants with a criminal history were charged with firearms offenses as part of their terrorism prosecution compared to a much smaller number of defendants with no criminal history charged with

61 USA vs. Robert Lorenzo Hester Jr., Plea Agreement, September 23, 2019, p.16-17.

62 DOJ, "Missouri Man Sentenced to 19 Years for Attempting to Provide Material Support to ISIS," Office of Public Affairs, March 4, 2020.

63 USA vs. Robert Lorenzo Hester Jr., Plea Agreement, September 23, 2019, p.15.

64 Al-Hayat Media Center, "Inside Khilafa", episode 6, ISIS video released on Dec. 27, 2017. Available from SITE Intel Group.

firearms offenses as part of their terrorism case.⁶⁵ Specifically, 10 of 13 defendants with a history of firearms offenses (77%) were later charged with firearms offenses as part of their terrorism prosecution.⁶⁶ This suggests that a subject's prior familiarity with firearms may impact a subject's plot weapon choice for use in an attack.

The appeal of firearms to America's ISIS wannabes has worked to the advantage of US law enforcement in one very specific respect pertaining to criminal history: most prior felons are prohibited from owning a firearm under federal law.⁶⁷ In a notable number of terrorism cases, subjects with prior felony convictions possessed, or attempted to purchase a firearm (often from an undercover officer), as part of their ISIS-inspired attack. Those with prior felonies were subsequently charged with Possession of a Firearm as a Felon, a serious federal charge sometimes strengthened with a terrorism enhancement.

Evidently, for US law enforcement, this strategy has yielded results. At least 17% of ISIS defendants with a criminal history were arrested and charged specifically with Possession of a Firearm as a Felon as part of their terrorism prosecution,⁶⁸ a relatively successful tool for law enforcement to interdict those intent on carrying out firearm attacks. Highlighting its utility for law enforcement nationwide, the number of convictions for Possession of a Firearm as a Felon has steadily risen over the last several years.⁶⁹

- Donald Ray Morgan was arrested in 1996 after he fired a pistol into a crowded restaurant in North Carolina and served two years in prison. Years later, a confidential informant reported that Morgan sold an assault rifle online in 2012 (a crime for a prior felon), which sparked law enforcement interest. Morgan was revealed to be propagating ISIS material online in late 2013 and a terrorism investigation was formally launched.⁷⁰ Morgan then travelled to Lebanon with the intention to join ISIS in Syria. Incredulously, Morgan gave an interview to NBC News from

65 15 defendants with a criminal history were ultimately charged with a firearms offense as part of their terrorism prosecution (and includes those charged with possession of a firearm as a felon). Defendants without a known criminal history who were charged with firearms offenses as part of their terrorism prosecution include: Moyad Dannon, Fabjan Alameiti, Nelash Mohamed Das, Munir Abdulkader, Christopher Cornell, and Mufid Elfgeeh.

66 The 10 cases are: Donald Ray Morgan, Marchello McCain, Leon Nathan Davis, Miguel Moran Diaz, Abdul Malik Abdul Kareem, Amir Said Rahman Al-Ghazi, Khalil Abu Rayyan, Dayne Antani Christian, Yousef Mohammad Ramadan, Muhammed Momtaz Al-Azhari.

67 18 U.S.C. § 922(g) is the federal statute which "prohibits certain persons from shipping, transporting, possessing, or receiving a firearm or ammunition while subject to a prohibition from doing so, most commonly because of a prior conviction for a felony offense." See, US Sentencing Commission, "Quick Facts – Felon in Possession of a Firearm" (FY 2019), May 2020, p.1.

68 The 11 cases are: Donald Ray Morgan, Marchello McCain, Leon Nathan Davis, Miguel Moran Diaz, Abdul Malik Abdul Kareem, Alexander Ciccolo, Amir Said Rahman Al-Ghazi, Charles Casey Spain, Yusuf Wehelie, Daniel Franey, and Muhammed Momtaz Al-Azhari.

69 US Sentencing Commission, "Quick Facts – Felon in Possession of a Firearm" (FY 2019), May 2020, p.1.

70 USA vs. Donald Ray Morgan, Prosecution Factual Basis Statement, October 30, 2014, p.1-4.

Lebanon where he admitted his plans to join ISIS.⁷¹ Upon his return to JFK Airport in 2014, he was initially arrested, not on terrorism charges, but for possession of a firearm by a felon for selling the assault rifle online. His prior felony made the job of law enforcement easier. He was later charged and found guilty of material support for attempting to join ISIS.⁷²

- Yusuf Wehelie, a Somali-American from Virginia, was detained in Egypt in 2010 along with his brother on suspicion of links to Al-Qaeda in Yemen and was placed on a “no-fly” list by the federal government.⁷³ After heavy criticism from civil rights groups, he was eventually returned to the US where he was later arrested three times for felony burglary, marijuana use while on probation, and embezzling money from a sports store where he worked.⁷⁴ In January 2016, Wehelie – who appeared to have remained a terrorism concern to law enforcement – met an undercover officer as part of an ongoing cigarette trafficking operation, where he expressed his desire to shoot up a military recruitment center on behalf of ISIS and willingly agreed to transport firearms. He was arrested and sentenced to 10 years in prison in 2017 for illegally transporting firearms as a convicted felon. Notably, he was not convicted for terrorism charges.⁷⁵

CRIMINAL HISTORY OF SUCCESSFUL ATTACKERS

Are there notable discrepancies between the criminal histories of perpetrators of successful attacks and those whose plots are thwarted by law enforcement? As of June 1, 2020, of the 13 ISIS attackers in the US, only four had criminal histories. In the US, the lack of criminal history of successful attackers is representative of the lack of such history in the broader ISIS dataset.

While the subset of successful attackers is thankfully very small, it appears that an attacker’s prior involvement in crime has little discernible impact on the actual success of their plot. Nine out of thirteen attackers had clean records which underscores the challenge for law enforcement in detecting a subject’s intention to mobilize to violence. The only commonality in the very small subsample of successful attackers with a criminal history is the prevalence of assault or domestic violence in three out of the four cases.⁷⁶

71 For the full interview, “Exclusive: American Extremist Reveals His Quest to Join ISIS”, *NBC News*, September 3, 2014.

72 DOJ, “North Carolina Man Sentenced to Serve 243 Months in Prison for Attempting to Provide Material Support to a Designated Foreign Terrorist Organization”, Office of Public Affairs, May 13, 2015.

73 Scott Shane, “American Man in Limbo on No-Fly List” *New York Times*, June 15, 2010.

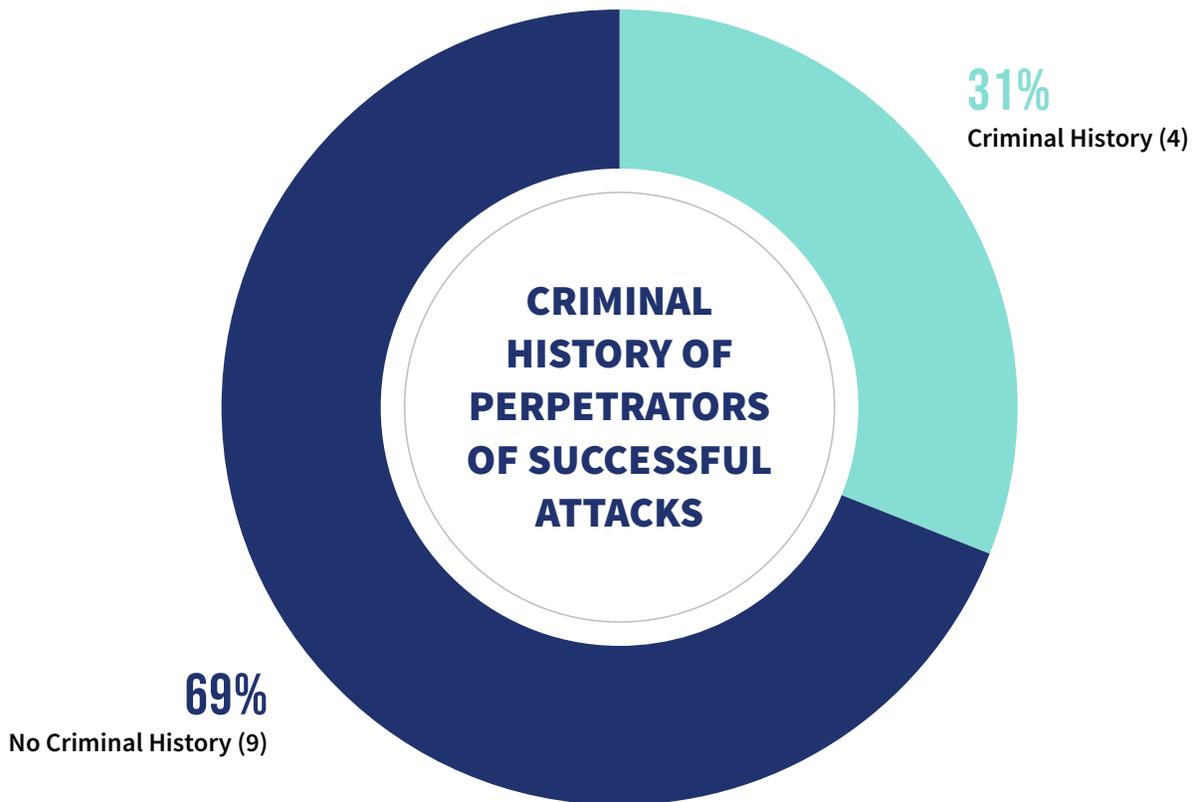
74 Rachel Weiner, “He Talked about Committing a Terrorist Attack. He'll Go to Prison for 10 Years” *Washington Post*, July 14, 2017.

75 USA vs. Yusuf Abdirazak Wehelie, Affidavit in Support of Criminal Complaint and Arrest Warrant, July 7, 2016; DOJ, “Virginia Man Sentenced for Felon in Possession of Firearms”, Press Release, July 14, 2017.

76 The fourth attacker with a prior criminal history was Elton Simpon (Soofi’s co-perpetrator), who had a 2011 conviction for making false statements regarding his own attempts to join Al-Shabab in Somalia. It goes without saying that a history of terrorism offenses is a grave indicator.

- Zale Thompson, who perpetrated the 2014 ISIS-inspired axe attack on NYPD officers, had at least six prior arrests for domestic violence and driving offenses between 2002-2004 while living in California and served time in prison at least twice.⁷⁷ Thompson had other red flags in his background, including mental health problems, disciplinary issues during his military service, and extensive exposure to terrorism propaganda online.
- Ahmad Rahami, New York’s Chelsea bomber, was arrested in 2014 for domestic violence and stabbing his family member at around the time when his father had reported him for his possible radicalization (see above).
- Nadir Soofi, who perpetrated the 2015 Garland, TX shooting, had an extensive history of petty crime including drug dealing, alcohol-related convictions, and assault between 2002-2003.⁷⁸

The majority of successful attackers (nine) did not have an adult criminal history: Saipollah Saipov (NYC vehicle ramming), Akayed Ullah (NYC Port Authority Station suicide bomber), San Bernardino shooters Syed Farook and Tafsheen Malik, Usama Rahim (Boston shooting), Dahir Adan (St. Cloud, MN stabbing), Abdul Razak Ali Artan (Ohio State University vehicle ramming), Faisal Mohammed (University of California-Merced stabbing), and Pulse nightclub shooter Omar Mateen.



77 Jonathan Dienst, “Bratton: Hatchet Attack on Cops Was a Lone Wolf ‘Act of Terror’” *NBC New York*, October 24 2014.

78 Jennifer Dobner, “Texas Gunman Attended U. of U. from '98 to '03” *Salt Lake Tribune*, May 5, 2015.

PART III

THE UTILITY OF CRIMINALITY

KEY FINDINGS

- While criminal activity has been an integral part of the financing or logistics of at least fifteen terrorism cases, overall, it is found infrequently in America's ISIS cases.
- The most common plot-relevant criminal activity was financial fraud to raise money for travel of US persons to Syria.
- Counterintuitively, most terrorism-relevant criminality was perpetrated by those without a criminal history.
- The findings highlight that America's ISIS defendants generally do not use "old skills" acquired from criminal experience. This differs dramatically from Europe's experience, and underscores the stark challenge for US law enforcement of identifying or detecting indicators related to attack planning or preparation.
 - » For example, three out of four defendants with prior arrests for financial fraud did not utilize financial fraud as part of their terrorist activity.
 - » This differs from those with a history of firearms offenses who appear more likely to be involved with firearms (and arrested for firearms offenses as part of their terrorism prosecution) than those with no history of firearms offenses (See Part II).
- Only a small number of ISIS defendants engaged in other criminal activity, namely armed robbery or firearms sales, to fund an aspirational plot or travel overseas.
- Most criminal activity was carried out personally by the ISIS defendant or likeminded co-conspirators, and there is little evidence that plot-relevant criminal activity was "outsourced" to unaffiliated gangs or criminal networks.

Criminality has been an integral component of at least fifteen ISIS cases in America (7%). Those planning to perpetrate attacks and those planning to travel overseas to join ISIS have both engaged in criminality, generally to fund their terrorist activity. Most often, in nine cases, defendants utilized various types of financial fraud to fund their plans. Only a small number of cases involved other types of criminality such as armed robbery, drug dealing, or illegal firearms sales.⁷⁹ These findings are corroborated by a study by Vidino et al. which highlighted ISIS supporters' use of financial fraud to fundraise for the group.⁸⁰

Much of the plot-relevant criminality in US cases has been perpetrated by individuals without any criminal history, highlighting that America's ISIS defendants generally do not use "old skills" acquired from a criminal past as part of terrorist activity. As discussed in Part II, a defendant's prior criminal history or criminal knowhow had little impact on the success of the terrorism attack.

- At least six defendants who engaged in various types of fraud to materially support ISIS had no criminal history.⁸¹
- Conversely, in the small subset of ISIS defendants with prior arrests for financial fraud, three out of four did not utilize financial fraud to fund terrorist activity.⁸²

This contrasts dramatically from Europe's broader experience where extremists often utilized their previously-acquired criminal skills or knowhow in furtherance of terrorist activity. For example, in Spain, radicalized career criminals relied on their old skills to fund a plot, and only occasionally engaged in criminal activity for their first time. Europe's phenomenon resembles "criminals acting as violent extremists rather than terrorists using the services of specialized criminal actors," for logistical assistance, as terrorists often prefer "in-house" criminal capabilities rather than outsourcing to criminal groups.⁸³

Financial fraud may be utilized by America's ISIS defendants who engaged in criminality for their first time because it requires few resources and little knowhow, is not dependent on personal interactions with co-conspirators, and can be done remotely via computer.⁸⁴ This differs from those defendants with a history of firearms offenses who were more likely than those with no criminal record to be charged with a firearms offense as part of their terrorism prosecution (see Part II). This may be because those without prior firearms experience may need to obtain or purchase the firearm from a seller or associate, and requires some tactical knowledge (i.e. gun range visits or target practice), which enhances the level of risk for the aspiring perpetrator.

79 In addition to the case studies listed in this chapter, other cases include Jason Brown and the Dannon brothers. The fifteen cases exclude several defendants who attempted to purchase a firearm as a felon (see Part II).

80 This study's findings are corroborated by Vidino et al. who found that 14 cases (6.9%) used criminality, including financial aid fraud (four cases), illegal firearms sale (three), armed robbery (two), drug trafficking (two), bank fraud (two), and embezzlement. Vidino et al., "Dollars to Daesh," p.25.

81 Those cases are: Muhanad Badawi, Guled Ali Omar, Akram Musleh, Mahmoud ElHassan, Amer Sinan Alhaggagi, and Zoobia Shahnaz.

82 Those defendants with prior arrests for financial fraud include Yousef Wehelie, Houcine Ghoul, Youssef Mohammad Ramadan, and Kim Vo.

83 Javier Argomaniz and Rut Bermejo, "Jihadism and Crime in Spain: A Convergence Settings Approach" *European Journal of Criminology* 16/3 (2019), p.355-358.

84 Personal communication with NYPD intelligence analysts.

At least four defendants with minimal criminal history specifically utilized fraud related to their federal student aid in order to materially support ISIS.

- Nader Elhuzayel and Muhanad Badawi plotted to travel overseas to join ISIS. Badawi used his debit card linked to his Pell student financial aid to buy Elhuzayel's plane ticket to Turkey. Elhuzayel, whose only criminal history was a 2012 misdemeanor for criminal trespass and resisting arrest which earned him 3-years of probation, attempted to travel overseas to join ISIS. Badawi purchased a one-way ticket for Elhuzayel to Israel via Istanbul, where he later admitted that he intended to deplane in Turkey in his attempt to join ISIS.⁸⁵ Elhuzayel was also convicted of obtaining cash through a scheme to defraud three different banks by depositing fraudulent checks into his personal checking accounts and then withdrawing cash at branch offices and ATMs in Orange County, CA before the bank determined the checks were fraudulent. The money generated from the bank fraud was partially intended to finance his travel to Syria.⁸⁶
- Hamza Naj Ahmed, a Somali-American teenager from Minnesota, sought to travel with several other accomplices to Syria. His accomplices had no significant criminal history, and Ahmed had only a prior minor infraction for disorderly conduct.⁸⁷ Ahmed fraudulently obtained federal student financial aid to fund his travel to Syria. He withdrew \$2700 of student aid from a debit card in order to buy Greyhound bus tickets from Minnesota to New York, and purchased plane tickets to Turkey for several of his accomplices before their arrest at JFK Airport.⁸⁸ Ahmed was one of nine other Somalis from Minnesota who sought to travel together to join ISIS.
- A second Somali-American named Guled Ali Omar, also attempted to use his student financial aid to fund travel to Syria. He withdrew \$5000 from a federal student aid debit card to fund the travel of his co-conspirators to Mexico, where they would fly to Turkey.⁸⁹ Omar was known for his longstanding affinity for terrorist organizations: in 2012 he attempted to join al-Shabaab (which his brother had successfully joined in 2007),⁹⁰ and in 2014, he tried twice to join ISIS. Omar encouraged and facilitated several of his friends, including Hamza Naj Ahmed (above), to travel to Syria.⁹¹

85 DOJ, "Two California Men Convicted of Conspiring to Join ISIL", Office of Public Affairs, June 21, 2016.

86 USA vs. Nader Salem Elhuzayel and Muhanad Elfatih Elbadawi, Government Sentencing Memorandum, September 26, 2016, p.7-11.

87 USA vs. Hamza Naj Ahmed, Government Sentencing Memorandum, November 3, 2016, p.22.

88 Ibid; USA vs. Guled Ali Omar, Government Sentencing Memorandum, November 3, 2016, p.19.

89 USA vs. Guled Ali Omar, Government Sentencing Memorandum, November 3, 2016, p.10

90 Ibid, p.19.

91 Ibid, p.18-20, 45-47.

Other defendants engaged in various types of financial/bank fraud to materially support ISIS, generally involving between several hundred and a few thousand dollars.⁹² None of those who committed such fraud had a notable criminal history.

- Akram Musleh, who sought to travel to Syria to join ISIS, had no notable criminal history, and wanted to take out a loan on credit, knowing that he would not pay the money back in light of his pending travel to Syria. (Perpetrators of terrorist attacks have often taken out loans or incurred significant debt immediately prior to leaving the US or carrying out an attack. This has been encouraged openly in ISIS propaganda).⁹³
- Mahmoud Elhassan entered the US from Sudan in 2012 at age 22. He was arrested for material support in 2016 after assisting his friend Joseph Farrokh in his attempted travel to Syria, where Elhassan planned to join him. It was revealed Elhassan was in touch with an extremist cleric in Sudan in 2014, and that Elhassan, who had no criminal history, had defrauded Medicaid by \$22,140 during his three years in the US. Despite financial transactions between Elhassan and Farrokh, it remains unclear if money obtained by fraud was definitely used to fund their attempted travel.⁹⁴
- Zoobia Shahnaz, who had no criminal history, was convicted of financial fraud and money laundering to support ISIS. Shahnaz is one of the few cases to commit fraud involving larger sums of money. She obtained a loan for \$22,500 through materially false representations, used dozens of fraudulently obtained credit cards to purchase \$62,000 of cryptocurrencies online, and then wired over \$150,000 to shell entities in Pakistan, China and Turkey that were ISIS fronts. She then attempted to leave the US for Syria when she was arrested.⁹⁵
- Amer Alhaggagi, a Yemeni-American from Berkeley, CA, created social media accounts for use by ISIS members and took pictures of police stations he sought to bomb. He had no prior criminal convictions but was alleged to be involved in various forms of identity theft and some degree of drug trafficking.⁹⁶ During the investigation, Alhaggagi claimed to an undercover officer that he had purchased poison (strychnine) online with a stolen credit card, as part of an aspirational plan to distribute poison-laced cocaine in San Francisco, and sought to use a fake identity he procured to obfuscate his real identity in order to perpetrate the attack.⁹⁷ He was

92 Vidino et al., “Dollars to Daesh,” p.25.

93 USA vs. Akram Musleh, Government Sentencing Memorandum, June 17, 2019, p.18.

94 USA vs. Mahmoud Amine Mohamed Elhassan, Government Sentencing Memorandum, February 21, 2017, p.5.

95 DOJ, “Long Island Woman Indicted for Bank Fraud and Money Laundering to Support Terrorists”, Press Release, December 14, 2017.

96 USA vs. Amer Sinan Alhaggagi, Government Supplemental Sentencing Memorandum, March 8, 2019, p.9.

97 USA vs. Amer Sinan Alhaggagi, Government Sentencing Memorandum, December 4, 2018, p.14, 51-52; also, Frances Dinkelspiel, “FBI Alleges Berkeley High Graduate, ISIS Sympathizer, Planned to Set Fires, Plant Bombs” *Berkeleyside* (Berkeley, CA), July 27, 2017.

convicted and sentenced for terrorism offenses, and two years of the 15-year sentence was for identity theft and credit card fraud.⁹⁸

Vidino et al. noted the small financial footprint of America's ISIS members who have generally fund-raised legally via donations, asset sales, or new credit lines.⁹⁹ Highlighting the legal means used more commonly, Mohamed Roble, a successful co-traveler of Guled Ali Omar (above), had no criminal history and received a personal injury payout after being hurt in a highway bridge collapse on Interstate-35 in Minnesota. According to court records, Guled Ali Omar said that Roble was "passing out money like it's candy" to his associates who sought to travel to Syria.¹⁰⁰ Within the same cohort of Somali-American teens that sought to join ISIS, their travel to Syria was funded by both legal means and financial fraud, highlighting the complexity of the task for law enforcement in detecting criminal activity or other observable behaviors that indicate a subject's terrorist intent.

A small number of defendants sought to use other types of criminality to fund their terrorist activity such as armed robbery, yet there is no substantial indication that America's ISIS defendants "outsourced" to gangs or criminal groups for assistance.

CASE STUDY: MARCHELLO MCCAIN AND ABDULLAHI AHMED ABDULLAHI

The case of Marchello McCain is an eye-opening example of both the use of criminality to fund terrorism, as well as the utility for law enforcement of the Firearm as a Felon charge. Marchello McCain's brother Douglas was one of the first Americans who died fighting for ISIS in Syria. Before his brother's departure from San Diego to Syria, Marchello McCain took Douglas to a gun range, and was also planning to go to Syria. Marchello McCain had a violent criminal history, including a prior felony arrest in 2005 for shooting at employees of a gym who asked him to leave after he was accused of breaking into lockers. He pled guilty to two counts of assault and served one year in prison.¹⁰¹

McCain was friends with Abdullahi Ahmed Abdullahi, a fellow San Diego resident who later moved to Edmonton, Canada. Abdullahi also went to a gun range with Douglas McCain and they discussed plans to travel to Syria.¹⁰² Abdullahi and the McCain brothers were part of an elaborate network that raised funds obtained from theft to support foreign fighters in Syria. Members of the network encouraged each other to commit crimes against infidels. Two months before Douglas McCain's departure to Syria in March 2014,

98 USA vs. Amer Sinan Alhaggagi, Government Sentencing Memorandum, December 4, 2018, p.1, 14, 27, 51-52. It was never conclusively proven in court that the credit card fraud supported his acquisition of materials for the attack.

99 Vidino et al., "Dollars to Daesh," p.24.

100 USA vs. Mohamed Amiin Ali Roble, Criminal Complaint, August 24, 2016, p.14.

101 USA vs. Marchello Dsuan McCain, Government Response and Opposition to Defendant's Motion for Discovery, March 30, 2015, p.2-3.

102 USA vs. Abdullahi Ahmed Abdullahi, Indictment, March 10, 2017, p.2.

Abdullahi and associates committed an armed robbery of a jewelry store in Edmonton, and \$3,100 of the robbery proceeds were wired via Western Union to Douglas McCain to finance his travel to Syria.¹⁰³ Law enforcement found 50 draft emails allegedly used by Abdullahi and his friends to describe the Edmonton robbery, the transfer of money to aspiring foreign fighters, and intermediaries in Gaziantep, Turkey.¹⁰⁴ Abdullahi was extradited to the US in October 2019, after the armed robbery charges in Canada were stayed, for facilitating the travel of at least three Canadians and two Americans to Syria to fight for ISIS including Douglas McCain.

Marchello McCain was later arrested and pled guilty to possession of a firearm and body armor as a felon. Marchello, who planned to join his brother in Syria, admitted to possessing nine firearms and going to a gun range with Douglas before his departure. Douglas used Marchello's wife's credit card to purchase plane tickets to Turkey, and Marchello admitted to making false statements to law enforcement about his brothers' travel and the source of his brother's funds in order to hide the relationship with Abdullahi.¹⁰⁵

The McCain case is exceptional, as it represents a violent felon in the US relying on an armed jewelry store heist by likeminded co-conspirators in Canada to fund the travel of his brother and several other aspiring North American foreign fighters to Syria.

103 DOJ, "Brother of San Diego Man Killed Fighting for Isis Sentenced to 10 Years for Terrorism-Related Charges and Illegal Firearms Possession," Office of Public Affairs, January 12, 2018.

104 Dylan Short, "Appeal Dismissed for Alleged Edmonton ISIS Supporter Set for Extradition" *Edmonton Journal*, June 11, 2019.

105 DOJ, "Brother of San Diego Man Killed Fighting for Isis Sentenced to 10 Years for Terrorism-Related Charges and Illegal Firearms Possession," Office of Public Affairs, January 12, 2018.

PART IV

GANGS

KEY FINDINGS

- There is little nexus between gangs and ISIS in America.
- In Europe, gang members and prospective terrorists often operate within the same geographic areas, which solidifies relationships between criminal groups and extremist networks. Similar underlying social mechanisms draw individuals to both groups, and individuals gravitate between criminal and terrorist domains. When crime is more prevalent in certain geographic areas, the crime-terror nexus is more pronounced. When there is less criminality and fewer criminal networks present, the converse is true.
- In the US, while those drawn to gangs or extremist groups shared some common push and pull factors related to recruitment, there is generally limited organizational overlap. There are a small number of defendants who joined gangs and later gravitated to ISIS, though barring some exceptions, gangs and ISIS extremists do not generally interact and there is only occasional transition of individuals between groups.
- When defendants had a prior gang affiliation (which often resulted in prison time), most appear to make a clean break from crime and withdraw from gang life after their release from prison and subsequent radicalization.

There are three schools of thought related to the relationship between gang membership and extremist networks in the US.¹⁰⁶ The first is that there are no connections between extremist groups and gangs, as different types of individuals are drawn to either group for context-specific reasons. The second, which resembles Europe's experience, is that prospective gang members and extremists have similar underlying recruitment drivers and both draw from the same pool of people, often within the same geographic area. Individual members of both groups are characteristically "interchangeable" but take on different "flavors" as they gravitate between gang life and terrorism. The third is that there are similar group dynamics, community characteristics, and underlying mechanisms that draw individuals to extremist groups and gangs, but they generally do not share the same recruitment pool and there is only occasional transition of members between groups.¹⁰⁷

106 This theoretical discussion is adapted with modifications from: David C. Pyrooz, Gary LaFree, Scott H. Decker & Patrick A. James, "Cut from the Same Cloth? A Comparative Study of Domestic Extremists and Gang Members in the United States," *Justice Quarterly* 35/1 (2018), p.4-5.

107 Ibid.

Supporting the second school of thought, Alain Grignard, a senior official from the Brussels Federal Police counterterrorism unit, explained in an oft-cited interview that European extremists gravitating to ISIS are “an extension of the ‘inner-city’ gang phenomenon. Young Muslim men with a history of social and criminal delinquency are joining up with the Islamic State as part of a sort of “super-gang.”¹⁰⁸ Several commonalities between jihadist networks and criminal gangs were noted in a Belgian study regarding patterns of engagement, age range, group dynamics, the propensity for violence, and common feelings related to having no stake in society.¹⁰⁹ Negative perceptions of society and perceived discrimination leads such alienated individuals to look for alternative kinship networks on the margins, where a “parallel environment” is created, often within a highly localized context.¹¹⁰ Those with a criminal past (which includes many gang members) are generally impulsive, willing to take risks, and since they already have prior encounters with law enforcement, are often de-sensitized to law breaking, more prone to violence, and “ripe” for exploitation by extremist groups.¹¹¹ Grignard noted that “Their revolt from society manifested itself through petty crime and delinquency. Many are essentially part of street gangs. What the Islamic State brought in its wake was a new strain of Islam which legitimized their radical approach.”¹¹²

In Europe the crime-terror nexus is most evident in geographical areas where criminal networks and gangs are already well-established. Jihadist networks were often influenced by the presence of criminality in their immediate social environment and exploited preexisting criminal networks in their neighborhoods, as it seems the jihadist phenomenon in Europe “hybridizes itself to a pre-existing social environment.”¹¹³ There are significant differences related to the prevalence of criminality within jihadist networks based on geographic location within specific urban neighborhoods.¹¹⁴ For example, in the crime-stricken neighborhood of Molenbeek in Brussels, the home of several of the 2015 Paris Bataclan attackers, many ISIS members were drawn from criminal gangs because such networks are part of the fabric of their sociocultural environment and “radical milieu.” This so-called milieu acts as an incubator for prospective attackers where likeminded individuals share perspectives, objectives, and values, approve of or validate certain forms of violence, and sometimes offer logistical or operational support.¹¹⁵

108 Paul Cruickshank, “A View from the CT Foxhole: An Interview with Alain Grignard, Brussels Federal Police” *CTC Sentinel* 8/8 (August 2015), p.8.

109 Rik Coolsaet, “Facing the Fourth Foreign Fighters Wave: What Drives Europeans to Syria, and to Islamic State? Insights from the Belgian Case.” *Egmont Paper* no.81. Royal Institute for International Affairs, Brussels, March 2016, p.21-23.

110 Ibid; also, Edwin Bakker and Roel de Bont, “Belgian and Dutch Jihadist Foreign Fighters (2012–2015): Characteristics, Motivations, and Roles in the War in Syria and Iraq.” *Small Wars and Insurgencies* 27/5 (2016), p.845.

111 Basra and Neumann, “Criminal Pasts, Terrorist Futures,” p.30.

112 Cruickshank, “Interview with Alain Grignard,” p.8.

113 Colomina, de France, and Saverot, *From Criminals to Terrorists and Back?* Quarterly Report: France, p.6-7.

114 Personal communication with Dr. Hugo Micheron, author of *The French Jihad: Neighborhoods, Syria, and Prisons*, Gallimard, 2020 (in French, English translation forthcoming).

115 Stefan Malthaner and Peter Waldmann, “The Radical Milieu: Conceptualizing the Supportive Social Environment of Terrorist Groups” *Studies in Conflict & Terrorism* 37/12 (2014), p.979-998.

However, when the broader geographic environment does not have much crime nor host criminal elements, the criminal-terrorist nexus is significantly less pronounced.

The American experience supports the third school of thought. A study that examined jihadist recruits and human trafficking gangs in the Somali-American community found that both groups shared some common push and pull factors, especially related to recruitment.¹¹⁶ However, it appears there was generally little organizational overlap or transition of members between groups. An excellent 2018 study by Pyrooz et al. noted that since 1980, 6.5% (75 out of 1,154) of violent extremists from across the ideological spectrum had a history of gang involvement, which indicates the possibility of links between gangs and extremists, though at a relatively low rate.¹¹⁷ This reinforces the idea that in the US, extremists and gangs share relatively few direct links in terms of membership, recruitment, and alliances, and there is little evidence that gang members “graduate” to terrorism as they age.¹¹⁸ There were also significant demographic differences related to age and ethnic background between both groups.¹¹⁹

While Pyrooz et al. found a low overall association between gang members and extremists, there are a small number of important cases where ISIS defendants with a prior gang membership did eventually “graduate” to terrorism, often after time in prison. Notably, nearly all defendants with a prior gang affiliation made a clean break from criminal life and withdrew from the gang upon their radicalization.

- At age 15, Sajmir Alimehmeti joined a Bronx street gang called the “Albanian Boys, Inc.”¹²⁰ He was arrested several times and subsequently radicalized while serving a state prison sentence for assault. He rejected members of his former gang upon his release from prison in favor of likeminded extremists (see Part V).¹²¹ He later sought to join ISIS and was in contact with a network of extremists overseas.
- Yosvany Padilla-Conde was arrested for armed robbery as a member of the “Rolling 60’s Crips” gang at age 17, and later converted in prison under the influence of his friend Jason Ludke.¹²² Padilla-Conde left the gang and reestablished his life in Milwaukee after his release from prison, but Ludke later sought out and radicalized him, leading to their plot to travel to Syria together to join ISIS (see Part V).¹²³

116 Stevan Weine, Edna Erez, and Chloe Polutnik, *Transnational Crimes among Somali-Americans: Convergences of Radicalization and Trafficking*. National Institute of Justice, Department of Justice, May 2019, p.32-38.

117 Pyrooz et al., “Cut from the Same Cloth,” p.16 n.6.

118 Ibid, p.24.

119 Ibid, p.17-18, 24.

120 USA vs. Sajmir Alimehmeti, Defense Sentencing Memorandum, November 21, 2019, p.15.

121 USA vs. Sajmir Alimehmeti, Government Sentencing Memorandum, December 2, 2019, p.45

122 USA vs. Yosvany Padilla-Conde, Government Sentencing Memorandum, August 2, 2019, p.1.

123 USA vs. Yosvany Padilla-Conde, Defense Sentencing Memorandum, August 1, 2019, p.3-4.

- Emanuel Lutchman had an extensive criminal record and was in and out of prison his whole life. Lutchman was involved in an inner-city gang before he converted to Islam, possibly for protection inside prison, and radicalized, before his attempt to set off a bomb on New Year's Eve in Rochester, NY.¹²⁴

The case of Chicago gang leader Jason Brown aka Abdul Ja'me is the most vivid example of a direct association between gang membership, radicalization, and terrorism – though the explicit nature of the gang-terrorism nexus makes this case an intriguing outlier.

CASE STUDY: JASON BROWN

The case of Jason Brown aka Abdul Ja'me is a fascinating example of several facets of the crime-terror nexus. Brown, a well-known street gang member in suburban Chicago, was accused of radicalizing fellow gang members and was ultimately arrested in November 2019 for providing \$500 in cash on three occasions to an individual he believed would wire the funds via Moneygram to ISIS in Iraq.¹²⁵ Brown was leader of the AHK street gang based in the Bellwood suburb of Chicago, which was comprised of former members of other inner city gangs such as Black P Stones, Gangster Disciples, and Four Corner Hustlers.¹²⁶ According to the complaint, "AHK" was likely an alternate misspelling of the Arabic word "akh" meaning brother.¹²⁷

Jason Brown had an extensive criminal history related to drug trafficking, attempted murder, and firearms offenses. As part of his gang activity, he was arrested on a firearms offense related to possession of a pistol in Clayton County, Georgia in June 2016. Search warrants obtained for Brown's seized phones revealed extensive ties to Jamaican extremist ideologue Sheikh Abdullah Faisal. It was later discovered Brown was radicalized by Faisal while serving his prison sentence in Georgia,¹²⁸ and that he had visited Faisal's "Authentic Tauheed" online group in May 2016 using his alias Abdul Ja'Me several days before his firearms arrest.¹²⁹

124 Lutchman's lawyers stated he converted and radicalized in prison. His grandmother stated he converted for protection in prison but was never radicalized. New York Governor Cuomo reiterated that while Lutchman converted in prison, he later radicalized online after his release. See, Kelsie Smith, "Religion Behind Bars", *13WHAM* (Rochester, NY), February 25, 2016; Benjamin Mueller, "Rochester Man Charged with Planning Attack on Behalf of ISIS" *New York Times*, December 31, 2015; Gary Craig, "How Dangerous is ISIL Sympathizer Emanuel Lutchman" *Democrat and Chronicle* (Rochester, NY), January 25, 2017.

125 DOJ, "Suburban Chicago Man Charged with Attempting to Provide Material Support to ISIS", Office of Public Affairs, November 15, 2019; USA vs. Jason Brown aka Abdul Ja'me, Criminal Complaint, November 13, 2019, p.24.

126 USA vs. Jason Brown aka Abdul Ja'me, Criminal Complaint, November 13, 2019, p.5.

127 Ibid.

128 Ibid.

129 Ibid, p.6-7.

Upon his release from prison in June 2018, he allegedly required fellow AHK gang members to convert to Islam and used his position as gang leader to recruit and radicalize new gang members to support ISIS.¹³⁰ Brown discussed the importance of radicalizing fellow gang members as part of his own “jihad” in the US.¹³¹ He told fellow gang members he watched extremist videos including videos of Anwar al-Awlaki and Sheikh Faisal, and Brown personally planned to make “hijrah” to join ISIS in Syria. Brown also admitted he sent money to Sheikh Faisal’s legal defense, who was fighting extradition to New York from his native Jamaica on state terrorism charges.¹³²

Hardened criminals are sometimes more difficult targets for law enforcement. Brown’s extensive criminal history appears to have made him wary and suspicious of law enforcement, as he was aware that sending \$2,500 to Syria in one transaction would attract scrutiny. He also articulated his fear of being surveilled by law enforcement because of his prior incarceration for the firearm offense in Georgia, and he regularly practiced counter-surveillance.¹³³ On the other hand, an advantage for law enforcement is that gang members have a known or identifiable network that can be used to identify cooperators, who often provide information vital to the investigation’s outcome. According to court documents, several of Brown’s fellow gang members with prior narcotics-related arrests appear to have “flipped” and cooperated with law enforcement throughout the investigation.¹³⁴ Upon Brown’s terrorism arrest, several AHK gang members were also arrested, but only on federal drug charges for alleged involvement in the procurement, sale, and distribution of narcotics and prescription pills in the Chicago area.¹³⁵ Federal narcotics trafficking charges appear to have been a useful tool to get dangerous, potentially radicalized gang members off the streets.

130 Ibid, p.5-6.

131 Ibid, p.13-14.

132 Ibid, p.10. Sheikh Faisal was ultimately extradited to New York in August 2020 to face state terrorism charges following a long-term NYPD investigation.

133 Ibid, p.17 n.8, 19-20.

134 Ibid, p.8 n.3.

135 USA vs. Tristan Clanton, Randall Langston, Brandon Langston, Hezekiah Wyatt, Lenolis Muhammad-Curtis aka Naheem, and Frank Thaxton, Criminal Complaint, November 13, 2019.

PART V

PRISONS

KEY FINDINGS

- Prison radicalization in America is not a widespread phenomenon, but does occur under certain conditions.
- In the US, at least 42% of ISIS defendants with a criminal history previously served time in prison, ranging from three days to seven years.
 - » This represents at least 13% of all US ISIS defendants having previously served time in prison.
- Seven ISIS defendants who served time in prison radicalized there or were involved in attempts to radicalize others while incarcerated.
 - » Five defendants radicalized inside prison, representing 18% of ISIS defendants who previously served time in prison on criminal convictions. Two incarcerated ISIS defendants radicalized others.
- Six out of those seven cases of ISIS prison radicalization in America can be attributed to inmate exposure to a charismatic extremist figure or high-profile convicted terrorist inmate inside prison.
- Very few terrorist plots were directly reliant on personal relationships forged inside prison.
- ISIS defendants occasionally continued to plot attacks while incarcerated for terrorism offenses, though their plans were often thwarted by other inmates who informed prison officials.
- Prisons in Europe are places where inmates are radicalized, criminals and extremists engage in skills-transfer and lesson learning, and where plot-relevant relationships are forged. This phenomenon is significantly less pronounced in the US.

In some contexts, prison is an important component of the crime-terror nexus. Prisons, especially in Europe, have been described as places where vulnerable individuals are radicalized, personal relationships between likeminded extremists are nurtured, and where terrorists and criminals are able to network, transfer knowledge, and learn new skills. These relationships are leveraged upon release from prison.¹³⁶ ISIS has made a concerted effort in the West to appeal to those with a criminal past. An oft-cited ISIS propaganda image was posted in a British jihadist Facebook group proclaimed “Sometimes People with the Worst Pasts Create the Best Futures.”¹³⁷ According to one European study, 57% of European jihadists with a criminal history were incarcerated prior to mobilization, and 27% of those who spent time in prison radicalized there, though most radicalization continued and intensified post-release.¹³⁸

In the wake of 9/11, America’s prisons were characterized as hotbeds of jihadist radicalization, allegedly due to the prevalence of extremist prison imams operating with little oversight.¹³⁹ An entire Senate Subcommittee Hearing in 2003 examined Wahhabi prison imams and their role in radicalization, though the hearing provided little supporting evidence to substantiate such claims.¹⁴⁰ In the aftermath of a foiled 2005 jihadist-inspired plot by several African-American converts who formed their own group – Jamiyyat Ul-Islam Is-Saheeh – inside New Folsom State Prison in California, a 2006 hearing in the Senate Homeland Security Committee examined whether terrorist cells were being formed in US prisons.¹⁴¹ Despite the alarming subject of that hearing, several who testified at the hearing admitted at the time that “we currently lack the necessary data to determine both the extent and patterns of radical religious recruitment for incarcerated prisoners and released inmates.”¹⁴²

Overall, prison radicalization is not a prevalent phenomenon inside US prisons despite persistent concern. It has been suggested that radicalization is not pervasive due to relative order and stability in US prisons, a policy of generally segregating inmates from those deemed extremist, and awareness among prison officials of the threat from radicalization.¹⁴³ A 2009 academic study that examined prisons in New

136 Basra and Neumann, “Criminal Past, Terrorist Futures”, p.31.

137 Basra, Neumann, and Brunner, *Criminal Pasts, Terrorist Futures*, p.6.

138 Basra and Neumann, “Criminal Past, Terrorist Futures,” p.27-28.

139 For example, see an influential report at the time: Frank Cillufo et al., *Out of the Shadows: Getting Ahead of Prison Radicalization*. George Washington University Homeland Security Policy Institute/University of Virginia Critical Incident Analysis Group, March 2006.

140 US Senate Committee on the Judiciary, “Terrorism: Radical Islamic Influence of Chaplaincy of the US Military and Prisons.” Subcommittee on Terrorism, Technology, and Homeland Security, Hearing of the 108th Congress, October 14, 2003.

141 US Senate Committee on Homeland Security and Government Affairs, “Prison Radicalization: Are Terrorist Cells Forming in US Cell Blocks?,” Hearing of the 109th Congress, September 19, 2006.

142 For example, Gregory B. Saathoff, “Religious Radicalization Behind Bars”, Testimony before the Senate Committee on Homeland Security and Governmental Affairs, September 19, 2006, p.9.

143 Bert Useem and Obie Clayton, “Radicalization of U.S. Prisoners” *Criminology and Public Policy* 8/3 (2009), p.561-592.

York, Pennsylvania, Ohio, and Texas noted that prison officials have successfully created order and safety in prisons, despite strains and occasionally outbursts of violence, and that an “unforeseen byproduct” of the effort to create order was a reduction in the risk of radicalization.¹⁴⁴ Supporting this idea, the Congressional Research Service noted in 2013 (pre-ISIS) that of 63 terrorist plots that were thwarted post-9/11, only one – the aforementioned 2005 case in California – had a nexus to prisons.¹⁴⁵ While prisons have long been attractive for jihadist groups globally, in the United States, there is a general lack of evidence supporting the notion that radicalization is widespread. However, the US prison system is by no means immune from the risks of radicalization, as it can and does occur under certain conditions.

The broader academic literature on prison radicalization highlights several factors that draw inmates to extremism. Most of these factors are neither unique to the prison environment or a specific ideology, but prison conditions appear to exacerbate certain issues. An evident “pull” factor to radicalization inside prison is the presence of an existing extremist inmate who inculcates vulnerable new arrivals searching for a sense of belonging.¹⁴⁶ Charismatic leadership inside prison that acts as a proponent of extremism plays an especially important role in the radicalization of inmates. Exposure to high-profile personalities or extremist propaganda inside prison, especially in light of the centrality of online communications, is also significant. The violent, over-crowded nature of prisons may “push” inmates to seek protection from violence or gangs inside prison, though this is often the case regardless of ideology.¹⁴⁷ Prisons that are under-staffed and badly run “create the physical and ideological space” for extremism to fester.¹⁴⁸

Prisons played a role in a select number of ISIS cases in America. The prison experience has contributed to the radicalization of several would-be ISIS members, and has occasionally solidified relationships that would later be relevant to a terrorism plot. For context, given the low prevalence of criminal history among America’s ISIS defendants, more than half have simply never served time in prison. Of those defendants with a criminal history, at least 42% (n=28) were previously incarcerated at least once.¹⁴⁹ The length of prison time for prior criminal offenses varies widely, from 3 days to 7 years.

144 Ibid, p.572-574.

145 Jerome P. Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*, Congressional Research Service, January 2013, p.24.

146 This section draws from Andrew Silke and Tinka Veldhuis, “Countering Violent Extremism in Prisons: A Review of Key Recent Research and Critical Research Gaps” *Perspectives on Terrorism* 11/5 (2017), p.2.

147 Mark S. Hamm, *The Spectacular Few: Prisoner Radicalization and the Evolving Terrorist Threat*, New York: NYU Press, 2013, p.53.

148 Peter R. Neumann, *Prisons and Terrorism: Radicalisation and De-Radicalisation in 15 Countries*. London: ICSR, 2010, p.2.

149 This corresponds to 13% of all US ISIS defendants.

An examination of the subset of ISIS defendants who previously served time in prison reveals at least seven defendants radicalized there or attempted to radicalize others while incarcerated.¹⁵⁰ Five of the defendants radicalized inside prison, representing 18% of ISIS defendants who previously served time in prison on criminal convictions. Two incarcerated ISIS defendants radicalized other inmates. This is similar to findings in European prisons, but a recurring trend helps explain this phenomenon in the US.¹⁵¹ Each case of prison radicalization in the US ISIS dataset can be partially attributed to the role of a charismatic, non-isolated terrorist prisoner who acted as a key radicalizer of other inmates. Under certain conditions, prison radicalization can and does occur, but overall, it must be stressed that the number of US prisoners in the general prison population who radicalize and “graduate” to terrorism remains relatively low.¹⁵²

THE DANGER OF NON-ISOLATED, CHARISMATIC TERRORIST PRISONERS

According to a 2020 Federal Bureau of Prisons (BOP) audit, there are approximately 500 incarcerated inmates with a known nexus to domestic or international terrorism.¹⁵³ The US generally concentrates its terrorism offenders in high security facilities despite skepticism among critics to its benefits.¹⁵⁴ Other Western countries’ prison housing policies vary from concentrating all extremists together, dispersing extremists within the general prison population, or totally isolating them.¹⁵⁵ In the US, when terrorism inmates were not isolated and were given opportunities to interact with other inmates, there is evidence that these high-profile offenders acted as charismatic figures inside prison and became nodes of radicalization that successfully inculcated other inmates who later became involved in terrorist activity. In fact, a charismatic leader in prison who inherently derives authority and credibility from fellow inmates is assessed by criminologists to be more important than other “push” factors associated with radicalization

150 The seven cases (7/28) are Ahmad Rahami, Sajmir Alimehmeti, Jason Brown, Mohamad Ibrahim Ahmed, Clark Calloway, Casey Charles Spain, and Alex Hernandez, the latter who was radicalized while serving a sentence for a firearm offense at a Connecticut state prison.

151 For example, Basra and Neumann, “Criminal Pasts, Terrorist Futures,” p.28 noted that 15% (n=12) of their study’s total dataset of extremists with a criminal history radicalized in prison, which corresponds to 27% of those who served time in prison.

152 This corroborates the existing literature. For example, Hamm, *The Spectacular Few*, p.46; Andrew Silke, “Physical Facilitating Environments – Prisons and Madrassas as Mechanisms and Vehicles of Violent Radicalisation?,” in Anthony Richards, Devorah Margolin & Nicolo Scremin (eds.), *Jihadist Terror: New Threats, New Responses*. London: I.B. Tauris, 2019, p.169-178.

153 431 were classified as international terrorists, and 103 were classified as domestic terrorists. See, Office of the Inspector General, *Audit of the Federal Bureau of Prisons’ Monitoring of Inmate Communications to Prevent Radicalization*, Washington DC: DOJ, March 2020, p.5.

154 Silke and Veldhuis, “Countering Violent Extremism in Prisons”, p.4-5.

155 Rajan Basra and Peter R. Neumann, *Prisons and Terrorism: Extremist Offender Management in 10 European Countries*. London: ICSR, 2020, p.33.

such as overcrowding, poor conditions, or a lack of rehabilitative programs.¹⁵⁶

The risk from non-isolated, inadequately monitored terrorist inmates was highlighted in the recent BOP audit, which noted the failure to identify at least two dozen newly arrived inmates linked to domestic or international terrorism. In some cases, BOP was provided insufficient information from law enforcement about the inmate's wider network and was forced to rely on media reports rather than official information to prepare for a prisoner's arrival. This contributed to BOP's failure to monitor communications of high-risk inmates (which it is required to track), and resulted in lapses in tracking inmates' email and phone communications who were inadvertently allowed to communicate with unknown or unvetted contacts inside and outside prison. BOP was also unable to completely prevent the transfer of sensitive information between inmates that could potentially radicalize others.¹⁵⁷

CASE STUDY: CLARK CALLOWAY

The terrorism case against Clark Calloway originated after law enforcement discovered his social media posts praising ISIS, pledging allegiance to Abu Bakr Al-Baghdadi, and his joining pro-ISIS Facebook groups.¹⁵⁸ Calloway was a convicted felon with a long criminal history of aggravated assault, domestic violence (choking his ex-wife), violating an order of protection against his wife, and possession of a knife. Calloway later claimed during his terrorism trial that he had met Al-Qaeda members in prison, and it was determined that Calloway was indeed incarcerated in Philadelphia in 2009 on a misdemeanor assault conviction with Muhamad Shnewer, one of the 2007 "Fort Dix Six" Al-Qaeda-inspired plotters that planned to attack the Fort Dix military base in New Jersey.¹⁵⁹ Highlighting the danger of exposing vulnerable inmates to "hardened" terrorists, it was argued in court that Calloway's encounters with Shnewer in prison partially contributed to his radicalization and eventual trajectory towards terrorism.¹⁶⁰ Calloway was charged in 2017 with possession of a firearm as a felon and interstate transport of firearms. He admitted to purchasing a fully automatic weapon he wanted to use to kill white people, non-Muslims, and police officers.¹⁶¹

156 Mark Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups*, National Institute of Justice, DOJ, December 2007, p.107.

157 Office of the Inspector General, *Audit of the Federal Bureau of Prisons*, p.5-35. For a summary, Kevin Johnson, "Federal Prison Officials Failed to Monitor Communications of 28 Terror Inmates, DOJ Investigation Finds" *USA Today*, March 25, 2020.

158 USA vs. Clark Calloway Jr., Detention Memorandum, May 12, 2017.

159 USA vs. Clark Calloway Jr., Government Sentencing Memorandum and Motion to Depart Upwards from Guideline Range, January 10, 2019, p.4-5.

160 Ibid.

161 DOJ, "District Man Pleads Guilty to Firearms Offenses Involving Purchase of Fully Automatic Assault Rifle", Press Release, October 18, 2018.

CASE STUDY: SAJMIR ALIMEHMETI AND AHMAD RAHAMI

At age 15, Sajmir Alimehmeti joined an Albanian street gang in the Bronx (see Part IV).¹⁶² After his first arrest for robbery with another gang member at age 16, he was housed in New York City's Riker's Island. It was later alleged that between August 2011 and October 2012, Alimehmeti radicalized during encounters with Mohamad Mamdouh – one of the assailants behind the 2011 foiled plot to blow up a Manhattan synagogue – while housed in the same complex at Riker's. The government asserted that Alimehmeti's encounters with Mamdouh were pivotal in his radicalization process, highlighting the dangers from well-known terrorism inmates like Mamdouh already in the prison system.¹⁶³ Alimehmeti also professed to have “radicalized a few people while I was in jail” on the state assault conviction, and declared that he would attempt to radicalize others again even if he was put in solitary confinement.¹⁶⁴ He also stated he sought to radicalize others in his Bronx neighborhood, including a local sheikh.¹⁶⁵

Alimehmeti emerged from prison with a close terrorist associate, Mamdouh, and rejected members of his former Albanian street gang (see Part IV).¹⁶⁶ Alimehmeti later visited Mamdouh twice in August 2014 at Fishkill Correctional Facility in upstate New York where they were photographed making the index-finger-pointing gesture commonly used by ISIS supporters. Four days after his visit to Mamdouh, Alimehmeti attempted to travel overseas to join ISIS.¹⁶⁷ He was turned back by UK authorities after camouflage clothing and nunchucks were discovered in his luggage.¹⁶⁸ Alimehmeti was arrested for material support in 2016 for helping an undercover officer attempt to travel to Syria.

Further highlighting the dangers of radicalized inmates under little supervision, while in custody after his terrorism arrest, Alimehmeti – true to his word – sought to once again radicalize others after receiving extremist material from Chelsea bomber Ahmad Rahami. Both men were held together at New York's Metropolitan Correctional Center (MCC) and were able to surreptitiously share and disseminate material provided to them as part of their court proceedings (discovery materials), which included a significant amount of jihadist propaganda.¹⁶⁹

While incarcerated at MCC, Rahami gave other inmates access to speeches and lectures by Osama bin Laden and Anwar al-Awlaki, books on jihad, bomb-making instructions and issues of Al-Qaeda's Inspire

162 USA vs. Sajmir Alimehmeti, Defense Sentencing Memorandum, November 21, 2019, p.13.

163 USA vs. Sajmir Alimehmeti, Government Sentencing Memorandum, December 2, 2019, p.4-5.

164 Ibid, p.15, 47-48.

165 USA vs. Sajmir Alimehmeti, Government Motion *In Limine*, December 8, 2017, p.6.

166 USA vs. Sajmir Alimehmeti, Government Sentencing Memorandum, December 2, 2019, p.43.

167 Ibid, p.5, 43.

168 Ibid, p.43.

169 Ibid, p.30-32.

magazine, which were provided to Rahami as part of discovery.¹⁷⁰ Rahami had been permitted to view his discovery materials unsupervised alongside Alimehmeti and other inmates.¹⁷¹ Rahami shared these materials with Alimehmeti, who was caught with a hard drive of Rahami's extremist materials, which Alimehmeti also disseminated to other inmates.¹⁷² Rahami and Alimehmeti made alarming references in code to a "plan" they had devised while in prison, which Alimehmeti lamented was "useless" after he was transferred to a more secure housing unit.¹⁷³ Both men, who initially shared the same public defender, were later separated at MCC and Alimehmeti was given a new defender.¹⁷⁴ Sajmir Alimehmeti was convicted of both material support to ISIS and conspiring with Rahami to distribute terrorist propaganda.¹⁷⁵

Rahami, a charismatic, high-profile terrorist inmate, attempted to radicalize others inside MCC by distributing extremist materials, including during prayer time.¹⁷⁶ Rahami was in possession of an address book with names and inmate numbers of other (non-ISIS) terrorism inmates including Muhanad Mahmoud Al-Farekh, a Texan convicted of joining Al-Qaeda and building the bomb used in a 2009 attack on a U.S. Army base in Afghanistan, and Maalik Alim Jones, a Maryland man who pleaded guilty to conspiring to support Al-Shabab in Somalia.¹⁷⁷

PRISON ONLY OCCASIONALLY SOLIDIFIES RELATIONSHIPS

The violent, over-crowded nature of prisons may "push" inmates to seek protection from other more senior prisoners or from gangs, though this is often the case regardless of ideology.¹⁷⁸ In the US, the prison experience is occasionally pivotal in solidifying plot-relevant relationships between future perpetrators, though only in a small number of cases.

- Yosvany Padilla-Conde and Jason Ludke were arrested in Texas in 2016, where they were allegedly attempting to travel to Mexico, their first stop on the way to the Middle East to join ISIS. Padilla-Conde, a 30-year-old Cuban national living illegally in Milwaukee, met Jason Ludke while both men were serving time in prison. Padilla-Conde was a former gang member imprisoned at age 17 for two armed robberies (see Part IV). Ludke, who had an extensive

170 Benjamin Weiser, "Convicted Bomber Tried to Radicalize Fellow Inmates, Officials Say" *New York Times*, December 22, 2017.

171 Office of the Inspector General, *Audit of the Federal Bureau of Prisons*, p.17-18.

172 USA vs. Sajmir Alimehmeti, Government Motion *In Limine*, December 8, 2017, p.29-31.

173 USA vs. Sajmir Alimehmeti, Government Sentencing Memorandum, December 2, 2019, p.32.

174 Priscilla DeGregory, "Chelsea Bomber Gets a New Attorney" *New York Post*, January 9, 2018.

175 DOJ, "Bronx Man Sentenced in Manhattan Federal Court to 22 Years in Prison for Attempting to Provide Material Support to ISIS", Press Release, December 6, 2019.

176 USA vs. Ahmad Khan Rahami, Government Sentencing Memorandum, January 16, 2018, p.6.

177 Ibid, p.6-7.

178 Hamm, *The Spectacular Few*, p.53

criminal history, was imprisoned for sexual assault of a child.¹⁷⁹ While in prison, the vulnerable Padilla-Conde converted under the oversight of the older Ludke, who had previously converted during an earlier stint in prison in 2003.¹⁸⁰ Padilla-Conde was released from prison, but Ludke, who appears to have radicalized after his own release from prison, showed up at his old prison friend's door in 2016 asking for a place to stay, and Padilla-Conde acquiesced.¹⁸¹

Ludke had entered into an online relationship with an undercover officer in 2016 and expressed support for ISIS and his intention to travel overseas. Ludke stated that because of his criminal history, he sought to travel to the border city of El Paso, Texas, where a family member in Mexico could help him cross the border, where he intended to purchase travel documents to get to Syria.¹⁸² Highlighting the importance of their relationship, Ludke stated to the undercover officer that he was working on his “brother” (Padilla-Conde) who was interested in joining ISIS, who eventually pledged allegiance to ISIS in several videos with Ludke.¹⁸³ When Ludke was sentenced in 2017, his lawyer said his client had spent all but 6 months of the last 18 years of his life in prison and that Islam had provided a sense of belonging for him.¹⁸⁴ The relationship between both men forged in prison was pivotal in the radicalization process and their foiled attempt to join ISIS.

PLOTTING CONTINUES INSIDE PRISON

There are several cases of defendants who plotted ISIS-inspired attacks from inside prison, usually during their trial proceedings, or while already serving their terrorism sentence. Some of these plots consisted of violent attacks against corrections staff, while others were more ambitious. For example, Youssef Mohamed Ramadan, who had an extensive prior criminal history, pledged allegiance to ISIS, attempted to build pipe bombs, and was ultimately convicted on firearms offenses as part of his terrorism prosecution. While incarcerated, Ramadan repeatedly attacked corrections staff and graffitied “Islamic Caliphate” in his prison cell.¹⁸⁵ Europe has experienced a similar trend, as there have been at

179 USA vs. Yosvany Padilla-Conde, Government Sentencing Memorandum, August 2, 2019, p.6.

180 USA vs. Jason Michael Ludke and Yosvany Padilla-Conde, Criminal Complaint, October 14, 2016, p.4; USA vs. Jason Ludke, Defense Sentencing Memorandum, February 16, 2019, p.4-6. also, Bruce Vielmetti, “Second Man Sentenced in Plot to Join ISIS” *Milwaukee Journal Sentinel*, August 7, 2019.

181 USA vs. Yosvany Padilla-Conde, Defense Sentencing Memorandum, August 1, 2019, p.3-4.

182 USA vs. Jason Michael Ludke, Plea Agreement, October 24, 2018, p.2-3. also, Joe Hyde, “Sheriff: ISIS Recruits Arrested North of San Angelo” *San Angelo Live* (San Angelo, TX), October 14, 2016.

183 USA vs. Yosvany Padilla-Conde, Defense Sentencing Memorandum, August 1, 2019, p.4; USA vs. Yosvany Padilla-Conde, Government Sentencing Memorandum, August 2, 2019, p.2.

184 DOJ, “Milwaukee Man Convicted of Conspiring to Provide Material Support to ISIS,” Press Release, October 30, 2018.

185 USA vs. Yousef Mohammad Ramadan, Government's Opposition to Defendant's Motion for Release on Unsecured Bond, June 19, 2018, p.19.

least six attacks planned inside prison by ISIS inmates between 2016 and 2020 that typically targeted prison guards, and were usually carried out by offenders with violent pasts.¹⁸⁶

Other plots devised inside prison were larger and more ambitious. After his arrest, Jason Ludke (see above) was discovered to be talking to other inmates inside Dodge County Detention Center about having the undercover officer killed.¹⁸⁷ Amer Alhaggagi (see Part III) researched retaliatory plots to blow up a federal building in San Francisco from inside prison and sought to arrange the killing of police officers.¹⁸⁸ However, despite several cases of ISIS inmates plotting attacks from inside prison, there is generally little indication of meaningful knowledge or skills transfer inside prison that contributed to the plot. In most cases, efforts to plan attacks from inside prison led other inmates to notify law enforcement, who were often motivated by self-preservation, their own self-interest, or were seeking reduced prison time for their own cooperation.

- Nicholas Rovinski, along with David Wright and Usaama Rahim, were part of a Boston-based cluster that planned to behead the controversial pundit Pamela Gellar as part of an ISIS-enabled attack. Rovinski was arrested and held in isolation at the Essex County, MA Correctional facility. An older and more experienced inmate in a neighboring cell, facing his own serious federal charges and angling for cooperation credit, encouraged Rovinski to communicate with his ISIS co-conspirator David Wright in an attempt to execute a fantastical new plan to overwhelm law enforcement by flooding the East Coast with opiates imported from the Middle East.¹⁸⁹ The inmate then reported Rovinski who was found in possession of letters that highlighted Rovinski's enduring commitment to ISIS.¹⁹⁰ Rovinski eventually agreed to cooperate with the government, and another inmate housed in the same detention area as Wright reported that Wright sought the inmate's assistance in "neutralizing" Rovinski, his family members, and planned to behead Rovinski's cat. That inmate notified prison officials of Wright's plan.¹⁹¹ Nevertheless, Rovinski testified against Wright, and was released from prison to house arrest in August 2020 due to his cooperation.
- Former New York resident Fabjan Alameti was under investigation for ties to ISIS online and his planning of an attack against a military facility, government building, and a synagogue. He moved to Montana in 2019 where he believed it was easier to obtain explosives. He was later

186 Basra and Neumann, *Prisons and Terrorism*, p.15.

187 USA vs. Yosvany Padilla-Conde, Defense Sentencing Memorandum, August 1, 2019, p.5.

188 Frances Dinkelspiel, "23-year-old Man who Set up Email Accounts for ISIS Sent to Prison for 15+ Years" *Berkelyside* (Berkeley, CA), February 27, 2019.

189 USA vs. Nicholas Rovinski, Defense Sentencing Memorandum, December 19, 2017, p.2.

190 USA vs. Nicholas Rovinski, Government Sentencing Memorandum, December 15, 2017, p.5-7.

191 *Ibid*, p.11.

arrested for making false statements involving international terrorism.¹⁹² Prior to his sentencing, Alameti asked another inmate about getting guns and explosives while at the Crossroads Correctional Center in Shelby, Montana. The inmate reported Alameti to prison officials. During a search of Alameti's cell, officers found pro-terrorist and anti-United States messages written on his walls and a razor blade hidden in a book.¹⁹³

- Christopher Cornell, found guilty of an attempted ISIS-inspired plot to attack the US Capitol, was housed temporarily at a Chicago correctional facility where he was permitted to spend recreational time with fellow inmate Adel Daoud, who was charged in 2012 for attempting to detonate a fake bomb provided by the FBI outside a Chicago bar. Daoud was also indicted on charges of soliciting the murder of the undercover agent in his terrorism case and attacking a fellow inmate in May 2015. Daoud reportedly influenced Cornell, as they spent a significant amount of time together.¹⁹⁴ Apparently encouraged by Daoud, Cornell bypassed a security program on a jail computer and posted an online plea for retribution against an informant who alerted authorities about his plot. He also included a call for others to join him in violent jihad on behalf of ISIS.¹⁹⁵

CASE STUDY: MOHAMED IBRAHIM AHMED

While most plots hatched by incarcerated ISIS defendants from inside prison were relatively primitive and aspirational, the 2019 case of Mohamed Ibrahim Ahmed is a cautionary tale of the risks from a charismatic, high-profile terrorist who radicalizes inmates and plots attacks. Ahmed, a 45-year old Eritrean national, was a committed jihadist going back three decades, as he previously attended an Al-Qaeda training camp in Afghanistan 1996.¹⁹⁶ In 2009, Ahmed traveled from his home in Sweden to Somalia to receive military and bombmaking training from al-Shabaab. He was arrested in Nigeria and extradited to the US, where he pleaded guilty in 2012 to Material Support to Al-Qaeda and Al-Shabab and was sentenced to federal prison in Beaumont, Texas.¹⁹⁷

192 DOJ, "New York City Man Admits to Making False Statements Involving International Terrorism", Press Release, August 28, 2019.

193 Searborn Larson, "Pro-ISIS Writing Found in Inmate's Cell at Montana Prison" *The Missoulian* (Missoula, MT), December 13, 2019.

194 USA vs. Christopher Lee Cornell, Defense Sentencing Memorandum, November 29, 2016, p.17-19.

195 USA vs. Christopher Lee Cornell, Government Sentencing Memorandum, November 21, 2016, p.26-29.

196 DOJ, "Federal Inmate Convicted of Attempting to Provide Material Support to ISIS", Office of Public Affairs, December 13, 2019.

197 DOJ, "Al Shabaab Operative Sentenced in Manhattan Federal Court to 111 Months in Prison for Conspiring to Support and Receive Military-Type Training from a Foreign Terrorist Organization," Press Release, March 27, 2013; USA vs. Mohamed Ibrahim Ahmed, Indictment, March 2010.

In 2019, he was convicted of material support to ISIS after recruiting at least five fellow inmates to join ISIS and conduct terrorist acts. He allegedly encouraged other inmates to travel abroad to join ISIS upon their release or create sleeper cells in the US to carry out attacks.¹⁹⁸ Ahmed provided recruits with a training manual on how to carry out violent jihad, and held physical training exercises with inmates in the prison yard to get them in shape for future attacks. Ahmed discussed a plot with fellow inmates to bomb a federal detention center in New York City as revenge for his prosecution there.¹⁹⁹ Given he attended an Al-Qaeda camp in 1996, he had particularly strong jihadist credentials and acted as a dangerously charismatic node of radicalization inside the prison, while also encouraging and plotting future attacks.

It must be caveated that prison may deter extremists from future involvement in terrorist activity, yet only a very small number of convicted terrorists have been released from US prisons.²⁰⁰ There are several examples of previously incarcerated Al-Qaeda members like Najibullah Zazi or Jesse Morton who renounced violence and extremism after serving time in prison.

ONLINE COMMUNICATIONS AND PROPAGANDA

Prison radicalization often involves a degree of socialization, interaction, encouragement or guidance, between “regular” inmates and a charismatic extremist inmate.²⁰¹ While in-person relationships are often critical, the BOP audit noted the inherent risks surrounding the unmonitored online communications of terrorism inmates.²⁰² Exposure to online propaganda, or virtual communication with a high-profile extremist figure, can replace the need for in-person relationships behind bars. The NCTC noted that seeking relationships with incarcerated or infamous violent extremists is an indication of possible radicalization or mobilization.²⁰³ The case of Chicago gang member Jason Brown – who was in online contact from inside prison with pro-ISIS cleric Sheikh Faisal in Jamaica – supports this idea. However, there are many cases of inmates (and non-inmates, for that matter) who radicalized on their own by consuming extremist propaganda.

198 DOJ, “Federal Inmate Convicted of Attempting to Provide Material Support to ISIS”, Office of Public Affairs, December 13, 2019.

199 Ibid.

200 Christopher Wright, “An Examination of Jihadi Recidivism Rates in the United States” *CTC Sentinel* 12/10 (November 2019), p.28.

201 Basra and Neumann, *Prisons and Terrorism*, p.18; Hamm, *The Spectacular Few*, p.52-53; Mark Hamm, “Prison Islam in the Age of Sacred Terror” *British Journal of Criminology* 49/5 (2009), p.667-685.

202 Office of the Inspector General, *Audit of the Federal Bureau of Prisons*, p.18-27, 39-40.

203 NCTC, *Mobilization Indicators*, p.13.

CASE STUDY: CASEY CHARLES SPAIN

The case of Casey Charles Spain is paradigmatic of prison radicalization by exposure to extremist propaganda. Spain had an eventful criminal past, including a 2006 crime spree where he was convicted of burglary, possession of a sawed-off shotgun, and stabbing an unarmed individual with a sword. Spain served a prison sentence and was later rearrested several times, including for a 2010 attempt to abduct and sexually assault an underage girl. While imprisoned between 2010-2017, he committed many violent offenses against other inmates and corrections staff.²⁰⁴

Spain, who had previously converted to Islam at age 15 during a stint at a juvenile correctional facility for protection from violent gangs, began to radicalize within a year of beginning his sexual assault sentence.²⁰⁵ As early as 2011, Spain sent a letter from inside prison to a relative requesting copies of Al-Qaeda's Inspire magazine be sent to him, which he later claimed to have obtained on his own. In a 2014 prison letter, Spain again asked the family member to send him both Inspire magazine and an ISIS magazine.²⁰⁶ Upon his release from Virginia state prison in August 2017, corrections officials notified the FBI about Spain's prison radicalization. Two prison informants reported that Spain had sworn allegiance to ISIS while incarcerated. He obtained a tattoo on his cheek that read "Cop Killa", and incredulously, a tattoo of a giant ISIS flag on his back.²⁰⁷

Upon his release from prison in 2017, Spain made calls to incarcerated inmates in an attempt to radicalize them, and discussed his desire to travel overseas to join ISIS.²⁰⁸ Eight days after his release, Spain created social media accounts to communicate with ISIS members overseas, and discussed his desire to attack the Marine Corps Base in Quantico, VA, police stations, and an armory in Richmond, VA. Spain eventually attempted to purchase a Glock handgun from an undercover officer, which Spain – as a prior felon – cannot legally possess.²⁰⁹

The case of Casey Charles Spain is a textbook example of the crime-terror nexus and the enduring danger of extremist propaganda: he had a violent criminal history against adults, children, and prison staff. He radicalized inside prison through jihadist propaganda and attempted to radicalize other inmates after his release. Three weeks after his release, he was arrested for possession of a firearm as a felon.²¹⁰

204 USA vs. Casey Charles Spain, Government Sentencing Memorandum, January 30, 2018, p.15-18.

205 USA vs. Casey Charles Spain, Defense Sentencing Memorandum, January 30, 2018, p.3-4.

206 USA vs. Casey Charles Spain, Government Sentencing Memorandum, January 30, 2018, p.17.

207 For an image of Spain's ISIS tattoo, see Ibid p.4; also, p.17-18.

208 Ibid, p.11.

209 DOJ, "ISIS Supporter Sentenced to Prison for Firearms Offense", February 12, 2018.

210 Ibid.

CONCLUSION

THE AMERICAN EXPERIENCE IN CONTEXT

This study has examined the various facets of the crime-terror nexus in America's ISIS cases. It has scrutinized the criminal history of every ISIS defendant and perpetrator of ISIS-inspired attacks in the United States in an effort to explore the extent to which an individual's criminal past impacts their pathway to terrorism. It examined criminality that was integral to the financing or logistics of terrorist activity, and assessed the role of gangs and prison which – based on lessons from Europe's ISIS experience – are central elements of the crime-terror nexus. While less pronounced than Europe, the crime-terror nexus in America is observable and has had a subtle impact on the radicalization and trajectory of America's ISIS cases.

While criminal history is only one piece of a larger puzzle which contributes to understanding the personal history of an ISIS offender, no study until now has specifically examined its role and impact on America's ISIS cases. As noted, the FBI assesses that while prior arrests are not predictive of an individual's risk for violence, arrest records and criminal history can be a valuable diagnostic tool that can shed light on prior violent behavior and other threat indicators.²¹¹ With this in mind, this study has highlighted considerations for counterterrorism practitioners when a subject exhibiting signs of extremism is discovered to have a criminal past, prior prison time, or a former gang association.

32% of all ISIS defendants in America have a criminal history, the majority of whom have a violent past. A subject's past proclivity to resort to violence suggests an enhanced risk of future violence. Given the prevalence of violent crime in one-fifth of the total ISIS dataset, prior criminal history may provide valuable indicators to law enforcement related to the propensity for violence, aggressive impulses, malevolent intent of a subject exhibiting signs of extremism, and on occasion, clues about ideological leanings. The high average number of arrests per ISIS defendant with a criminal record (three per defendant) means there is a likelihood of repeated contact with law enforcement, which provide additional datapoints for investigators attempting to paint a picture of a subject of concern who is exhibiting signs of radicalization.

The NCTC noted that a history of violence may increase the risk of extremist violence, as does possession of, access to, or familiarity with weapons.²¹² There was a prevalence of prior arrests for violent crimes among those with a criminal history, namely domestic violence, firearm offenses, and assault.

²¹¹ FBI, *Lone Offender*, p.22.

²¹² NCTC, *Mobilization Indicators*, p.21.

- Domestic violence incidents may offer clues about inclinations toward violence of a subject displaying signs of extremism. However, only rarely do domestic incidents provide direct indicators of terrorist intentions. Domestic violence is correlated with additional criminal history, and most ISIS defendants with a domestic violence history had at least one additional arrest for another violent crime.
- The pervasiveness of prior firearms offenses of ISIS defendants is alarming in light of ISIS's call for followers to exploit America's lax gun laws. More than three-quarters (77%) of subjects with a history of firearms offenses were later charged with firearms offenses as part of their terrorism prosecution. Those with a criminal history are roughly twice as likely to be charged with firearms offenses as part of their terrorism prosecution than those without a prior criminal record. This suggests that prior arrests for firearm offenses appear to impact a subject's weapon choice for use in an attack.
- There are opportunities for law enforcement to disrupt terrorist attacks using purely criminal statutes. "Possession of a Firearm as Felon" is a useful charge for law enforcement to prevent those with a felony from obtaining a firearm for use in an attack. At least 17% of those ISIS defendants with a criminal history were later charged specifically with the Firearm as Felon statute as part of their terrorism prosecution. The prosecution of terrorism offenders for a range of purely criminal offenses is a prudent and effective tool to disrupt terrorist activity.

Criminality was integral in 15 ISIS cases in the US. The most common terrorism-relevant crime was fraud meant to fund travel of aspiring foreign fighters to Syria, though most defendants raised funds through legal means. Curiously, those with prior arrests for financial fraud did not utilize fraud to finance their terrorist activity, which highlights that ISIS defendants generally do not use "old skills" from their criminal past as part of their terrorist activity. Only occasionally were other crimes such as armed robbery perpetrated to financially support the group. There was little evidence of any attempted "outsourcing" of critical aspects of a terrorist plot to criminal groups in the US.

Based on lessons from Europe's experience, prisons and gangs are central elements of the crime-terror nexus that have been subject to much sensationalism. There was actually little organizational overlap between gangs and extremist groups in the US despite some similarities related to recruitment patterns and underlying mechanisms that draw individuals to such groups. Most defendants with a gang affiliation withdrew from gang life as they radicalized and gravitated toward ISIS.

In prison, exposure to charismatic or high-profile terrorist inmates was a key factor in the rare cases of prison radicalization. Charismatic terrorist inmates with strong jihadist credentials acted as important nodes of radicalization inside US prisons. Their exposure to other inmates should be limited in light of key instances of the sharing of jihadist propaganda, providing spiritual guidance, and encouraging attacks. While most inmates do not radicalize in prison, under certain conditions, radicalization can and does occur.

Overall, neither prisons or gangs generally afforded America's aspiring ISIS attackers with plot-relevant skills or relationships of operational utility, though prison occasionally solidified relationships between individuals who later conspired together. However, when incarcerated ISIS defendants continued planning attacks from prison, their plans were often thwarted and reported to prison officials by other inmates usually seeking reductions to their own sentences.

Assessing the risks posed by an individual is by no means as simple as merely determining if a subject does or does not have a criminal record. Since half of ISIS defendants in the US do not have a criminal record, criminal history is ultimately only one piece of the larger puzzle, but nevertheless may have diagnostic value as it can shed light on potential threat indicators. Highlighting the myriad social, personal, and psychological components that impact individual radicalization, according to a study by a senior researcher from the National Police of the Netherlands, 319 Dutch ISIS foreign fighters had on average higher levels of adversity, distress, trauma, criminality, and mental health problems compared to their age-matched peers in Dutch society. This led the Dutch police study to conclude that the Dutch ISIS sample more closely resembles youth at risk of delinquency and cannot be considered "normal" compared to Dutch society.²¹³ Hence, criminal history is only one of many facets in understanding an ISIS offender.

An over-focus on drawing lessons from the 2015 Paris-Molenbeek ISIS network where the overlap between crime and terrorism was most apparent, may have inadvertently skewed perceptions about the overall strength of the crime-terror nexus.²¹⁴ For example, in the UK, only about one-quarter of British jihadists arrested in the ISIS era had prior criminal convictions, and generally only for petty crime.²¹⁵ Much like in the US, the findings in the UK are less clear cut and more nuanced.

Trends related to the criminal history of America's ISIS cases mirror Australia's experience, where a related study found that only 35% of Australian jihadists had a prior police record.²¹⁶ The Australian study concluded that "the crime-terror nexus observed in Europe does not appear to apply in the Australian context" as almost 90% of Australian jihadists have only a minor police record or no record at all.²¹⁷ The Australian study noted an over-representation of individuals from broken homes who had mental health issues, or a history of drug/alcohol abuse, pointing to the prominence of other issues that influ-

213 Anton Weenik, "Behavioral Problems and Disorders among Radicals in Police Files" *Perspectives on Terrorism* 9/2 (2015), p.17-33; Weenik, "Adversity, Criminality, and Mental Health Problems in Jihadis in Dutch Police Files", p.137.

214 Orla Lynch and John Morrison, *From Criminals to Terrorists and Back?* Quarterly Report: Great Britain and Ireland, 2018, p.3.

215 Orla Lynch and John Morrison, *From Criminals to Terrorists and Back?* Quarterly Report: Great Britain and Ireland, Vol. 2, Globsec National Security Program, 2019, p.8.

216 Two-thirds of the 106 cases with known criminal history were for minor offences, and one-third were for major criminal convictions. Rodger Shanahan, *The Typology of Terror – The Background of Australia's Jihadists*. Sydney: Lowy Institute, November 2019.

217 Shanahan, *The Typology of Terror*.

ence individual radicalization and mobilization to extremism. As half of America's ISIS cases had no prior criminal record, criminal history, gang affiliation, or prison time only tell part of the story.

Several academic studies have highlighted the prevalence of mental health issues of ISIS offenders, both with and without a criminal history, which suggests that mobilization to violence is related to the complex synthesis of psychopathology, personal or social circumstance, and environment.²¹⁸ What is required from law enforcement and partnering agencies is a deeper and more nuanced analysis of subjects exhibiting signs of extremism, with a great focus on mental health and opportunities for intervention, especially after a subject of concern is arrested for minor criminal offenses.

Various "off-ramping" programs designed to assist individuals in moving away from extremism should be augmented, as should crisis intervention and mental health services. On the local level, one promising program is the NYPD's Co-Response Teams, which is a collaboration between the NYPD and the NYC Department of Health and Mental Hygiene that offers pre- and post-crisis intervention. Co-Response Teams are comprised of police officers and behavioral health professionals and offer short-term engagement to facilitate connections to mental health care and linkages to support services for those who have often been recently arrested or are at an elevated risk for harm to themselves or others.²¹⁹ Co-Response Teams may be a useful resource when a subject who is exhibiting signs of radicalization is arrested for a minor criminal infraction and where mental health issues are a concern.

On the federal level, the FBI and the U.S. Attorney's Office in the Eastern District of New York launched the Disruption and Early Engagement Program (DEEP) counterterrorism and prevention initiative in 2016, largely in response to the threat from ISIS-inspired lone actors. DEEP is now being run by the non-profit Citizens Crime Commission of New York City, and has been expanded on both the federal and state levels. DEEP is used as a post-conviction alternative, and is used by law enforcement and prosecutors as a pre-arrest or pre-indictment alternative. DEEP also operates as a voluntary resource for individuals. It is designed to engage individuals at-risk of mobilizing to ideologically driven violence and incorporates behavioral psychologists and threat assessment experts to gauge a subject's level of risk. The DEEP behavioral based intervention is then employed by trained mental health professionals to mitigate an individual's propensity to ideologically driven violence. DEEP is ideologically agnostic and can thus be employed against the broad array of extremist ideologies. The Crime Commission is also developing oth-

218 Emily Corner and Paul Gill, "Is There a Nexus Between Terrorist Involvement and Mental Health in the Age of the Islamic State?" *CTC Sentinel* 10/1 (January 2017), p.1-10; Emily Corner et al., "Mental Disorders, Personality Traits, and Grievance-Fueled Targeted Violence: The Evidence Base and Implications for Research and Practice" *Journal of Personality Assessment* 100/5 (2018), p.459-470.

219 ThriveNYC, "Co-Response Teams", *Mayor's Office of ThriveNYC*, November 10, 2019; for background, see the New York City Mayor's press release, "Mayor de Blasio, First Lady McCray and City Council Members Announce \$37 Million Annual Investment in New Strategies to Address Serious Mental Illness" *NYC.Gov*, October 21, 2019.

er intervention programs to prevent threats on social media from escalating in the real world.²²⁰

Ultimately, law enforcement alone is fundamentally ill-equipped to prevent Americans from gravitating to ISIS's toxic ideology. Given one-third of America's ISIS cases have a criminal record and many are under 25, much like anti-gang initiatives in the inner city, more robust social, community, and mental health services should be developed to keep young, vulnerable, or psychologically fragile people out of trouble. Nevertheless, criminal history, prison time, and gang membership found in one-third of cases are important elements of the crime-terror nexus which each demand law enforcement scrutiny for how they can impact the trajectory of an individual exhibiting signs of extremism. While there are no easy solutions, law enforcement should approach the crime-terror nexus with a nuanced and grounded understanding of how each element realistically and accurately fits into the larger picture regarding drivers of radicalization and the mobilization to violence.

220 Information on DEEP provided directly by the Citizens Crime Commission of New York City, December 2020; for background, David Shortell, "Justice Department Turns to Counterterrorism Techniques to Fight Mass Shootings" CNN, November 2, 2019.

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