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THESIS

**BUILDING CAPACITY AGAINST EXTREMIST
THREATS: A FRAMEWORK FOR IMPROVED
CORRECTIONAL INTELLIGENCE**

by

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March 2023

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A FRAMEWORK FOR IMPROVED CORRECTIONAL INTELLIGENCE**

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ABSTRACT

Prisons and jails house inmates susceptible to radicalization and recruitment by extremist groups, which necessitates an intelligence collection program to detect and disrupt this activity. Unfortunately, barriers exist within the State of Texas that hinder effective correctional intelligence sharing. This thesis asks, What can be done to improve the level of intelligence sharing in regard to extremism in correctional environments in the State of Texas? What benefits toward this effort could be derived from a centrally administered and coordinated intelligence framework? By examining existing programs, this thesis identifies barriers, including limited access to intelligence due to reliance on federal agencies, which require lengthy background checks and clearances; the lack of a robust network between facilities and law enforcement, which prevents the comparison of crucial data; and minimal inclusion of corrections within existing legal frameworks related to these threats. Using a case study analysis, this thesis examines three frameworks as possible models to improve information sharing. It argues that the State of Texas should use executive orders to create a centralized entity to coordinate intelligence to more effectively address threats within corrections.

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LIST OF ACRONYMS AND ABBREVIATIONS

CII	Correctional Intelligence Initiative
CIP	Correctional Intelligence Program
CONTEST	Counter-Terrorism Strategy
FBI	Federal Bureau of Investigation
IC	Intelligence Community
JIS	Jami'at al-Islam al-Sahih
JTTF	Joint Terrorism Task Force
NJTTF	National Joint Terrorism Task Force
OCT	Office of Counter-Terrorism
OIG	Office of the Inspector General
ROCIC	Regional Organized Crime Information Center
SLTT	state, local, tribal, and territorial
TDCJ	Texas Department of Criminal Justice
TFO	task force officer
TLO	terrorism liaison officer
TXDPS	Texas Department of Public Safety

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EXECUTIVE SUMMARY

State prisons and county jails in Texas and across the country house inmates incarcerated for various offenses, including violent crimes.¹ When inmates are placed in confinement, some join prison gangs for protection while others may be targeted for radicalization and recruitment by extremist groups. Still other inmates may arrive at correctional facilities with preexisting connections and associations and eventually become more radicalized. These individuals develop a more radical mindset, often accepting an “ideological justification for violence.”²

The threat posed by extremists within correctional environments has existed for many years, and although they are temporarily incarcerated behind prison walls, communities will be the end recipients of these individuals upon their release. These threats consist not only of extremists from overseas or within American inner cities but also of gang members and other violent inmates who may be targeted for radicalization. These threats will go unchecked as long as law enforcement neglects to identify these individuals and share this information across the state. This problem necessitates a collection program with which to detect, deter, and disrupt inmate radicalization and extremist activities. Assessing existing and emerging threats requires sharing information and deconflicting with other agencies and correctional facilities to find commonalities and links to other extremists and associated investigations. This thesis identifies several barriers to effective information sharing, not only with other state and local correctional facilities but also with outside law enforcement. This thesis also examines possible solutions for bolstering information sharing regarding extremism in Texas correctional environments and the benefits that could be derived from a centrally administered and coordinated framework.

¹ Texas Department of Criminal Justice, *2019 Statistical Report* (Austin: Texas Department of Criminal Justice, 2019), 23.

² Giorgia Tiscini and Thierry Lamote, “The Process of Radicalization in the Prison Environment: From Criminogenesis to Radicalogenesis,” *L’Évolution Psychiatrique* 84, no. 3 (September 2019): e62, <https://doi.org/10.1016/j.evopsy.2019.05.003>.

To provide foundational knowledge, this thesis investigates issues surrounding information sharing due to classification and clearance requirements. A lack of access to information creates a barrier to sharing and awareness, which negatively affects the mission of countering terrorist threats. This gap is partly due to the state's reliance on federal agencies for counterterrorism information, which is largely classified and creates the requirement for lengthy background checks and clearances. Another barrier is the current inability to achieve adequate levels of information sharing because the state lacks a robust network between it and local correctional facilities and law enforcement, which precludes the possibility of comparing crucial information regarding extremist subjects, their associates, and their activities. Investigative authority has historically relied on entities such as the Federal Bureau of Investigation (FBI), so these agencies act as gatekeepers with the required security clearances for state and local agencies to access and receive intelligence. The limited organic capability of conducting investigations and sharing intelligence on extremists is, therefore, a deterrent in efficiently handling this problem.

Executive Order 12356 prescribes a uniform system for classifying and safeguarding national security information, advising what information shall be considered for classification.³ Clarifying guidance stipulates that information should be classified at the lowest possible level so that it may be more readily provided to law enforcement and corrections with a need and right to know. Such a philosophy of classification should facilitate more productive sharing and address perceptions of federal agencies' not trusting state and local governments. To become valued and trusted members of the team, state and local agencies should adopt the recommended federal guidelines for safeguarding information. By taking steps toward meeting these standards, state and local agencies may find that federal agencies are more willing to share useful information with them.

Allowing previously cleared individuals to retain their access to classified information would reflect their value as investments, assets, and force-multipliers in the nationwide law enforcement community and for their local and state agencies. Federal

³ Exec. Order No. 12356, 3 C.F.R., 166 (1982), § 1.3, <https://www.archives.gov/federal-register/codification/executive-order/12356.html>.

agencies responsible for the administration of task forces should retain and support active clearances of former task force officers, as the initial clearance costs have already been invested, and recurring costs for clearance extensions are much lower than those of initial activation. Retaining task force officers as a resource even upon returning to their agencies would provide a surge in manpower during emergency events, and the investment in them as long-term team members would pay dividends in loyalty and enthusiasm for the occasions when their assistance is called upon.

This thesis investigates and reveals the lack of formal intelligence networks surrounding correctional facilities in Texas, including the Department of Homeland Security–supported fusion center network, which does not focus on this problem. Multiple networks exist to support information sharing, although not all focused on extremist threats, but few focus on corrections. This thesis also reviews existing information-sharing legislation focused on threats in Texas, which again shows the minimal inclusion of corrections. The sole supporting legislation found within the research was the Texas Homeland Security Plan, which prioritizes actions such as bolstering intelligence activities and developing strategies to address radicalization and mentions correctional environments specifically.⁴ All of these points reveal the neglect of corrections and a major gap in intelligence coverage, which must be addressed for the state to get ahead of the threat.

In an effort to realize increased efficiency in information sharing in Texas, this thesis provides a case study analysis of existing frameworks focused on countering terrorism and extremist threats. The cases include the United Kingdom’s MI-5 and Special Branch, New Jersey’s Office of Counter-Terrorism, and the FBI’s Correctional Intelligence Program. The reasons for including these programs are straightforward: the UK model is a counterterrorism model employed by a country smaller than Texas but with a larger population; the New Jersey model is an American model that was created with state-level executive orders; and the FBI model is one of the few national-level programs focused on correctional intelligence and threats. This thesis reviews their organizational makeup, the

⁴ Office of the Texas Governor, *Texas Homeland Security Strategic Plan 2021–2025* (Austin: Office of the Texas Governor, 2021), 26, https://gov.texas.gov/uploads/files/press/HSSP_2021-2025.pdf.

legal foundations for their existence, and the level of interaction with local agencies for effective cooperation.

The UK model has been proven extremely successful, so it would make a viable option for the State of Texas to adopt, albeit in a modified form. Although the systems of government are different, the concept of a centralized intelligence capacity in support of multiple agencies could be utilized as the construct for coordinated sharing against threats within corrections. The formalized creation of such an entity within Texas is recommended to support the collaboration efforts of urban and rural correctional facilities and probation and parole programs. Although the Department of Public Safety is the designated collector of intelligence and coordinates the fusion centers within the state, it does not have direct oversight of the state prison system, and the primary focus of fusion centers is major metropolitan areas. The Texas Board of Criminal Justice, through a recently created correctional intelligence center involving both the Office of the Inspector General and the Texas Department of Criminal Justice, is well placed to operate like MI-5 in coordinating the release of information related to correctional environments.

The lack of a robust network could be rectified through centralized coordination as well. The FBI's Correctional Intelligence Program provides a proven model for intelligence collection that has already been implemented at the state level to some degree. The centralized element would develop intelligence requirements and provide training on indicators of radicalization and extremism to state and local facilities. In turn, correctional staff would supply intelligence about detected threats. As an intelligence center focused on corrections has already been created, it is positioned to provide coordination for intelligence sharing not only between state-level corrections but also among locally run jails and correctional facilities.

The use of an executive order to create an intelligence model and direct agencies to interact and support its intended purpose has been successful in New Jersey. The identification of one organization to collect and disseminate information specific to correctional threats would prove beneficial, and inclusion within the order to initiate an intelligence database would provide the technical foundation through which information-sharing efforts could be based. Executive orders have also been used extensively in Texas

as an efficient method to implement and enact governmental processes by the Office of the Governor. The aforementioned intelligence center created by the Texas Board of Criminal Justice would be well placed to coordinate and administer such a model.

Through the structured implementation of these recommendations, the State of Texas can gain the ability to bolster correctional intelligence and more effectively mitigate threats, thereby providing a safer, more secure environment for both the general population and inmates alike.

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I. INTRODUCTION: GROWTH OF EXTREMISM IN CORRECTIONAL ENVIRONMENTS

The existence and growth of extremist ideologies find their origins in conflict zones or within groups of people affected by what they perceive to be offenses. These offenses might include a wide range of situations, from simple political differences to violent regimes, and could take the form of offenders' having their freedom taken away and placed in prison. Sometimes the grievances derived from these offenses result in the mindset that action needs to be taken, either in retribution or in an effort to change the circumstances. Such action might take the form of public gatherings to protest the rule of an authoritarian leader or of individuals or groups threatening to use or actually using violence as a means of effecting change. For an incarcerated offender, the latter action poses a particular problem that must be identified and addressed, both for the safety of the institution and the society into which the offender will eventually be released.

A. SIGNIFICANCE

State prisons and county jails in Texas and across the country house inmates incarcerated for various offenses, including violent crimes.¹ When inmates are placed in confinement, some join prison gangs for protection while others may be targeted for radicalization and recruitment by extremist groups. Still other inmates may arrive at correctional facilities with preexisting connections and associations and eventually become more radicalized. These individuals develop a more radical mindset, often accepting an "ideological justification for violence."² Although contained behind prison walls while incarcerated, upon their release, they constitute a potential threat to American communities and domestic homeland security.

¹ Texas Department of Criminal Justice, *2019 Statistical Report* (Austin: Texas Department of Criminal Justice, 2019), 23.

² Giorgia Tiscini and Thierry Lamote, "The Process of Radicalization in the Prison Environment: From Criminogenesis to Radicalogenesis," *L'Évolution Psychiatrique* 84, no. 3 (September 2019): e62, <https://doi.org/10.1016/j.evopsy.2019.05.003>.

The existence of this threat in corrections necessitates a collection program with which to detect, deter, and disrupt inmate radicalization and extremist actors and activities. Painting a complete picture of these existing and emerging threats requires sharing information and deconflicting with other agencies and correctional facilities to find commonalities and links to other extremists and associated investigations. Because many terrorist organizations involve interstate or transnational networks, it is beneficial to check information from correctional facilities against databases maintained by other states and law enforcement partners, such as the Federal Bureau of Investigation (FBI). Unfortunately, several barriers to effective information-sharing exist, not only with other state and local correctional facilities but also with outside law enforcement.

A lack of access to information and intelligence creates a barrier to sharing and awareness, which negatively affects the mission of countering terrorist threats in Texas. This problem is partly due to the state's reliance on federal agencies for counterterrorism information, which is largely classified and creates the requirement for lengthy background checks and clearances. The inability to achieve adequate levels of information, absent a robust network of state and local correctional facilities and law enforcement agencies at all levels, is an additional barrier. This inability to share intelligence throughout the state precludes the possibility of comparing crucial information about extremist subjects, their associates, and their activities.

B. RESEARCH QUESTION

What can be done to improve the level of intelligence sharing regarding extremism in correctional environments in the State of Texas? What benefits toward this effort could be derived from a centrally administered and coordinated intelligence framework?

C. LITERATURE REVIEW

This literature review evaluates existing research related to the extremist threat in correctional environments and the need for information sharing. This review first examines the literature on the extremist threat in the United States. It then examines literature on the need for organized information and intelligence sharing, especially among state and local

agencies. Finally, it examines how the federal classification of intelligence creates a barrier to sharing information.

1. Acknowledgment of the Extremist Threat

FBI officials have described U.S. correctional facilities as a “viable venue for radicalization and recruitment” by al-Qaeda, and the recruitment of inmates within prison systems will be an ongoing issue in America.³ This problem relates not only to Islamic extremism but to other extremist groups, including the Aryan Nation, as well. Right-wing extremist groups have used the prison setting to recruit from for many years, and many of these organizations originated in correctional environments.⁴ Thus, it is unsurprising that jihadist groups often focus on these communities for radicalization and recruitment. These prison settings have been acknowledged as a fertile ground for radicalization and a “potentially significant threat” to homeland security in the United States.⁵ Parker illuminates the lack of a prison deradicalization program in the United States, yet the correctional system eventually releases 95 percent of the offender population into American communities, with radicalized segments left unchecked.⁶ As prisons offer a potential breeding ground for converting offenders to extremist mindsets, timely intelligence that would uncover and prevent terrorist attacks related to such offenders depends on U.S. authorities.⁷

³ *Terrorism: Radical Islamic Influence of Chaplaincy of the U.S. Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology and Homeland Security of the Committee on the Judiciary, United States Senate, 108th Cong., 1st sess. (2003), 8–9, <https://www.hsdl.org/?abstract&did=447305>.*

⁴ Frank J. Cilluffo, Sharon L. Cardash, and Andrew J. Whitehead, “Radicalization: Behind Bars and Beyond Borders,” *Brown Journal of World Affairs* 13, no. 2 (2007): 114.

⁵ Tony C. Parker, “Establishing a Deradicalization/Disengagement Model for America’s Correctional Facilities: Recommendations for Countering Prison Radicalization” (master’s thesis, Naval Postgraduate School, 2013), 7, <https://www.hsdl.org/?abstract&did=736334>.

⁶ Parker, 65.

⁷ Douglas R. Lee, “Prison Radicalization in County Jails: Disrupting Terrorist Acts through Information Sharing” (master’s thesis, Naval Postgraduate School, 2014), 1–2, <https://www.hsdl.org/?abstract&did=762423>.

2. State and Local Sharing and the Need for Organization

Although there is an obvious need for intelligence sharing to address this problem, a distinct issue with sharing information lies in the state and local law enforcement's exclusion from the Intelligence Community (IC). Even further outside the traditional law enforcement sphere lies corrections, which is routinely neglected as a partner in the fight against homeland security threats. However, multiple sources espouse the importance of sharing information and intelligence with entities not typically included in law enforcement or intelligence communities. Thomas Richardson has written about intelligence-sharing models in the first-responder community, specifically the fire service, and analyzed them for efficiency in providing these groups with information.⁸ As with corrections, the fire service community has not been viewed in the past as a typical consumer of intelligence, and this research highlights the importance of non-traditional participation in this process. Cody Minks defends the importance of adding non-traditional agencies as definitive partners, specifically in federal joint terrorism task forces, including public health departments.⁹ Robert Covert proposes such a concept for New York state fire service agencies as major entities involving intelligence, suggesting that a terrorism liaison officer (TLO) program could provide a framework for including these non-traditional agencies as collectors in the intelligence enterprise.¹⁰ The centralized TLO concept has been further supported by others, with the Arizona fusion liaison officer program suggested as a model for implementation elsewhere in the country.¹¹ The concept of utilizing a framework for intelligence sharing is supported by Jennifer Barsh in her thesis, which suggests that viable

⁸ Thomas J. Richardson, "Identifying Best Practices in the Dissemination of Intelligence to First Responders in the Fire and EMS Services" (master's thesis, Naval Postgraduate School, 2010), 19, <https://www.hsdl.org/?view&did=16026>.

⁹ Cody L. Minks, "Hacking the Silos: Eliminating Information Barriers between Public Health and Law Enforcement" (master's thesis, Naval Postgraduate School, 2018), 7, <https://www.hsdl.org/?view&did=811371>.

¹⁰ Robert M. Covert, "Evolving the Local Fire Service Intelligence Enterprise in New York State: Implementing a Threat Liaison Officer Program" (master's thesis, Naval Postgraduate School, 2012), 7, <https://www.hsdl.org/?view&did=732019>.

¹¹ William F. Wickers, "Comprehensive Fusion Liaison Officer Program: The Arizona Model" (master's thesis, Naval Postgraduate School, 2015), 21, <https://www.hsdl.org/?view&did=765301>.

intelligence for counterterrorism is overlooked at the state level and that a standardized model would enhance collection capabilities.¹²

3. Federal Classification Creates Barriers to Sharing

As optimal awareness would result from information flowing in both directions, it stands to reason that information collected at the federal level should be available to state and local law enforcement agencies as well. This raises the question of whether federal agencies are required to share information outside the IC. As outlined in 2017 by Michael Brown in his thesis, no mandate exists from the Office of the Director of National Intelligence for agencies within the IC to share intelligence related to counterterrorism with other agencies.¹³ Even when available, much of the intelligence is protected under classification authorities and requires individual security clearances to access it.

A number of sources suggest that classifying intelligence deters information sharing and alternative models. Richardson identifies the need for public safety personnel outside of traditional law enforcement to access intelligence information to enhance awareness in performance of their duties.¹⁴ In his thesis, Richardson argues that state-level intelligence centers should have the ability to reclassify information from “law enforcement sensitive” to “public safety sensitive” to expand the applicable audience. In his 2013 thesis, David Gomez presents different options for sharing classified information, including the joint terrorism task force (JTTF) model.¹⁵ Gomez claims that a lack of intelligence requirements at the state level directly inhibits non-federal entities from running counterterrorism collection efforts. This observation supports the concept of a more comprehensive statewide plan, the feasibility of which is a goal for the research of

¹² Jennifer L. Barsh, “Creation of a Homeland Security Jail Information Model” (master’s thesis, Naval Postgraduate School, 2012), 5, <https://www.hsdl.org/?abstract&did=714818>.

¹³ Michael E. Brown, “The Reality of the Homeland Security Enterprise Information Sharing Environment” (master’s thesis, Naval Postgraduate School, 2017), 17, <https://www.hsdl.org/?view&did=808384>.

¹⁴ Richardson, “Identifying Best Practices,” 61.

¹⁵ David C. Gomez, “Should Cops Be Spies? Evaluating the Collection and Sharing of National Security Intelligence by State, Local and Tribal Law Enforcement” (master’s thesis, Naval Postgraduate School, 2013), 116, <https://www.hsdl.org/?view&did=736327>.

this thesis. Kenith Adcox also supports the concept of a more localized counterterrorism program, calling it a “preferred organizational practice.”¹⁶ The Oklahoma District Attorneys Council identifies deterrents to effective sharing, referencing local law enforcement’s difficulty in assigning staff to investigate certain crimes due to restricted budgets, a gap often filled by federal joint task forces for which clearances are necessary.¹⁷

These federal task forces, especially JTTFs, require participants to obtain a security clearance. Executive Order 12356 denotes the need for a federal agency to sponsor a requesting agency’s employee for a security clearance.¹⁸ Signed by President Ronald Reagan in 1982, this document and its stipulations set the standard for this requirement and are still in effect today. The FBI has communicated the guideline that (in principle) a security clearance “may be granted to those that have a need to know.”¹⁹ This statement conflicts with this author’s experience on an FBI task force, where only agencies with staff directly assigned to it are provided with FBI-sponsored security clearances for select administrators. This observation is corroborated by Eric Smith who advises that Counterterrorism Executive Boards were created to include leadership from JTTF-participating agencies to ensure they were kept informed of current cases and intelligence.²⁰ Ensuring these representatives are cleared and involved provides the FBI with the substantial benefit of addressing complaints related to a lack of information sharing.

In summary, this literature review has outlined and provided an overview of extremism in prisons and jails and touched on the need for additional agencies to be

¹⁶ Kenith Roland Adcox, “Community-Oriented Counterterrorism: Incorporating National Homeland Security Mandates into the Local Community Policing Philosophy” (master’s thesis, Naval Postgraduate School, 2014), 84, <https://www.hsdl.org/?view&did=762325>.

¹⁷ “Multijurisdictional Drug Task Forces,” Oklahoma District Attorneys Council, accessed October 14, 2019, para. 2, https://www.ok.gov/dac/Grants/Drug_Task_Forces/index.html.

¹⁸ Exec. Order No. 12356, 3 C.F.R., 166 (1982), <https://www.archives.gov/federal-register/codification/executive-order/12356.html>.

¹⁹ “Security Clearances for Law Enforcement,” Federal Bureau of Investigation, accessed October 14, 2019, para. 5, <https://www.fbi.gov/resources/law-enforcement/security-clearances-for-law-enforcement>.

²⁰ Eric B. Smith, “Transformation of the FBI to Meet the Domestic Intelligence Needs of the United States” (master’s thesis, Naval Postgraduate School, 2009), 67–68, <https://www.hsdl.org/?abstract&did=37610>.

involved in information-sharing models, particularly non-traditional entities, such as corrections. Although practitioners argue that collected information needs to be shared with eligible agencies, such sharing is made considerably difficult by the federal classification of intelligence. The research affirms that state and local authorities must obtain clearances to access this information and recognizes the associated hurdle of the FBI's effectively acting as a gatekeeper to this restricted information.

Although the literature helps to paint a picture of the extremist threat, it does not detail the extent and nature of it, especially regarding correctional facilities in Texas. The literature illuminates the need for outside agencies to be involved in sharing information with the IC and examples of how the classification of information at the federal level can affect the veracity of intelligence work at the state and local level. Nevertheless, the sources cited do not delve into the loss of security clearances and access to information once members of task forces return to work solely for their departments of origin, especially after the federal government has invested funds into the vetting and advanced training of these state and local task force members.

D. RESEARCH DESIGN

To better understand the threat and associated challenges caused by extremism, this thesis examined known historical threat actors with a correctional nexus, both internationally and in Texas. This research for this thesis examined barriers to effective correctional intelligence sharing, focused primarily on federal guidelines for the protection of intelligence involving security clearances. An examination of existing Texas legislation and policy frameworks was also included to ascertain gaps in support for information sharing and inter-agency networks. Some of the data used in this thesis originated from the Texas Department of Criminal Justice (TDCJ)'s Office of the Inspector General (OIG), which is the oversight organization for the Texas prison system and the agency that employs this author. Specifically, this author participated as a member of the group responsible for identifying and mitigating potential threats related to radicalization and extremism in Texas prison facilities and was directly involved in the historical collection

of the data utilized. This research design was reviewed and approved by the Naval Postgraduate School's Institutional Review Board.

In an effort to realize increased efficiency in information sharing, the research also considered existing intelligence program frameworks to gauge whether their adoption or adaptation would offer any benefits. This case study analysis consisted of reviewing their organizational makeup, the legal foundations for their existence, and their level of interaction with local agencies for effective cooperation. These aspects would be recommended as improvements and implemented at the state level with application to extremism in corrections. One such program, the MI-5 and Special Branch model in the United Kingdom, involves the advanced training of officers in districts throughout the country to act as intelligence liaisons for counterterrorism investigations. Another program involves the New Jersey Office of Counter-Terrorism, which jointly coordinates a counterterrorism intelligence network comprising state police, 21 county prosecutor offices, and nearly 500 municipal police departments. Last, the FBI Correctional Intelligence Program lends to the discussion of whether the structural composition of its intelligence framework could be adopted at the state level for a more efficient coordination of information collection and sharing.

Although this thesis identified aspects of existing frameworks to improve information sharing, it did not address legislative or legal issues at the federal level, as those were outside its scope. Thus, this thesis focused on possible solutions at state and local levels. The intended outcome of this research was a greater understanding of existing programs with which to derive solutions to increase information sharing about extremism in Texas state and local correctional facilities. The secondary intended outcome was to determine whether a centrally administered information-sharing program would provide benefits statewide regarding this same threat.

E. CHAPTER OVERVIEW

Following this introduction, Chapter II paints a picture of the threat posed by radicalization and extremism found in correctional facilities. This chapter examines the need to share information to counter this threat and to develop a state-level intelligence

collection and sharing plan. This chapter also touches on the lack of privacy for incarcerated offenders in correctional facilities, which could otherwise inhibit collection activities in these environments. The purpose of Chapter III is to detail the multiple barriers to sharing information at the state and local level, which primarily result from state reliance on federal ownership of the extremist problem. Further, it outlines the lack of an existing formal intelligence network between corrections and law enforcement that focuses on incarcerated offenders and the extremist threat. Chapter IV examines existing frameworks that might be adapted for use in building a formalized collection and information-sharing program. Chapter V extends recommendations based on identified attributes gleaned from the frameworks covered in the previous chapter that provide value in developing a logical program whereby Texas may get ahead of the extremist threat and enhance information sharing within the state.

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II. THE NATURE OF THE THREAT AND INSTITUTIONAL CHALLENGES TO EFFECTIVE RESPONSE

In the aftermath of the September 11, 2001, terrorist attacks, an ongoing concern in the United States has been the potential for extremist groups to target offenders in correctional facilities for radicalization and recruitment. Terror groups, such as the Provisional Irish Republican Army, the Aryan Nations, the Moroccan Combat Group, and al-Qaeda, have long used prisons to recruit members.²¹ Even the attempted shoe bomber, Richard Reid, was recruited in this setting by radical cleric Abdul Ghani Qureshi.²² As revealed by congressional testimony and expert analysis, “al-Qaeda training manuals identify America’s prisoners as candidates for conversion because they may harbor hostility toward their government.”²³ In 2007, even then-Illinois Senator Barack Obama publicly advised that al-Qaeda and its allies were targeting inmates in U.S. prisons.²⁴

This chapter delves into the nature of the extremist threat in the correctional environment. The first section offers multiple examples from different states to illustrate how widespread the problem is nationwide. The second section identifies the existing threat in Texas, as this thesis addresses information sharing relating to this issue specifically.

A. NATIONWIDE EXTREMISM IN CORRECTIONS

Although radicalization to extremism is not exclusive to violent jihadists, after the events of 9/11, Islamic extremism was certainly at the forefront of acknowledged threats, and many examples across the United States illuminated the jihadist threat looming large in the correctional environment. While the physical threats posed by these subjects might be contained while the individuals are incarcerated, the possibility of radicalization of other

²¹ Ian M. Cuthbertson, “Prisons and the Education of Terrorists,” *World Policy Journal* 21, no. 3 (2004): 15–16; Mark S. Hamm, *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups* (Washington, DC: National Institute of Justice, 2007), 28–30, <https://www.ojp.gov/pdffiles1/nij/grants/220957.pdf>.

²² Hamm, *Terrorist Recruitment in American Correctional Institutions*, 30.

²³ Hamm, 22–23.

²⁴ Barack Obama, “The War We Need to Win,” *Vital Speeches of the Day* 73, no. 10 (October 2007): 426–30.

offenders is a realistic concern, as is the subjects' material support of terrorism or physical threats to the United States upon release. Within prison and jail facilities throughout the United States, the existence of these actors is a reality.

The radicalization of inmates to extremism within these settings is a vital concern, as prisons and jails serve as petri dishes whereby grievances among disenfranchised offenders might continue to grow, become targets for radicalization, and then pose threats to the community upon release. In 2005, a plot targeting the Los Angeles International Airport, a synagogue, and a military recruiting center was uncovered involving members of an Islamic terror group identified as Jami'at al-Islam al-Sahih (JIS or Assembly of Authentic Islam), originating in California's Folsom Prison through radicalized gang members.²⁵ Inmate Kevin Lamar James founded JIS in 1997 and recruited inmates who had converted to Islam and were then ordered to swear an oath of allegiance to him. James preached that jihad against infidels was "a duty" and instructed outside followers on parole to procure weapons with proceeds raised through armed robberies.²⁶ In another example, Illinois-based Michael Finton, who had converted to Islam while in prison on aggravated robbery and assault charges, was arrested in 2009 while attempting to conduct an attack on the Springfield Federal Court House with a vehicle-borne improvised explosive device. Finton reportedly authored correspondence about martyrdom and initiated communication with John Walker Lindh, an American who served with the Taliban in Afghanistan.²⁷

Gang crossover, or the crossing of gang members over to terrorism, is also a concern within prison populations, as these inmates may be targeted for recruitment due to their willingness to follow orders and commit acts of violence. Jeff Fort, for example, the leader of the Chicago-area El Rukns street gang, converted to Islam and was radicalized while in prison. In 1985, Fort and members of his gang agreed to attack multiple targets in

²⁵ Jeffrey B. Cozzens and William Rosenau, "Training for Terror: The 'Homegrown' Case of Jami'at al-Islam al-Sahih," *CTC Sentinel* 2, no. 8 (2009): 1.

²⁶ "Four Men Indicted on Terrorism Charges Related to Conspiracy to Attack Military Facilities, Other Targets," Department of Justice, August 31, 2005, https://www.justice.gov/archive/opa/pr/2005/August/05_crm_453.html.

²⁷ Jerome P. Bjelopera, *American Jihadist Terrorism: Combating a Complex Threat*, CRS Report No. R41416 (Washington, DC: Congressional Research Service, 2011), 52–53, <https://www.hsdl.org/c/abstract/?docid=692921>.

the United States for the government of Libya.²⁸ In another example, former Latin Kings gang member Jose Padilla, a.k.a. “Abdullah al Muhajir,” converted to Islam and was radicalized in a Florida jail. In 2002, Padilla traveled to the Middle East and attempted to enter the United States to conduct an attack on behalf of al-Qaeda.²⁹ In a final example, Jason Brown, a.k.a. “Abdul Ja’Me,” the leader of the AHK gang in the Chicago area—whose members originated from street gangs such as the Black P Stones, Four Corner Hustlers, and Gangster Disciples—reportedly radicalized new recruits who were required to convert to Islam before becoming members. Brown had been radicalized while in a Georgia prison on firearms charges and was arrested by the FBI in 2019 for attempting to provide material support to ISIS.³⁰

B. EXTREMISM IN TEXAS CORRECTIONAL FACILITIES

In Texas prisons and jails, radicalized inmates, Islamic or otherwise, live among the populations of both domestic and international offenders. Many of these individuals were identified through investigative activities conducted by the TDCJ’s OIG, which assessed the inmates for their ability and access to carry out threats and disrupted their activities. This prioritized mission was assigned to the Inspector General’s Counter-Threat Unit, which identifies and mitigates the radicalization and recruitment of inmates to extremism and prevents any associated violent acts both in prison facilities during incarceration and free-world communities upon their release.

Some of the identified inmates who had been radicalized posed domestic threats. In February 2014, one offender authored a letter in which he self-identified as a terrorist, claimed to have acquired the ingredients before he was incarcerated to manufacture

²⁸ Frank Cilluffo et al., *Out of the Shadows: Getting Ahead of Prisoner Radicalization* (Washington, DC: George Washington University Homeland Security Policy Institute, 2006), 5, <https://www.hsdil.org/?abstract&did=466758>.

²⁹ Jonathan Figchel, “‘Radicalization Process’ in Prisons” (presentation, NATO workshop, Eilat, Israel, December 25, 2007), 6, <https://ict.org.il/UserFiles/The%20Radicalization%20Process%20in%20Prisons.pdf>.

³⁰ Complaint, *United States v. Brown*, No. 19 CR 858 (N. D. Ill. filed November 13, 2019), 2–6.

explosives, and articulated his intent to kill Americans.³¹ In July 2014, another offender reported to the TDCJ that he would inflict pain on America by bombing multiple cities upon his release and was found in possession of a materials list for making a pipe bomb.³² In November 2017, the TDCJ discovered that an inmate had authored a letter claiming to have been radicalized and in league with the Islamic State and planned to target and attack judges in the Texas Court of Criminal Appeals if their rulings were not in the offender's favor.³³ The threat covered myriad types of attack methods, including running them over with a car. In January 2020, an inmate reportedly threatened to return and attack the TDCJ facility upon release.³⁴ The individual self-identified as a Salafist Muslim, with a personal duty to implement Sharia law, and who advised that non-believers should be killed. The inmate admitted to delivering speeches from his jail cell to convert correctional officers and other offenders.

Other radicalized inmates simply identified with or supported foreign terrorist organizations. In September 2013, an offender was found to be in possession of materials related to the terrorist group al-Shabaab, including copies of its battle flag. In an interview, the inmate was evasive and claimed that the group was really his country's state police.³⁵ In November 2014, an offender stated to a teacher at the Windham School District that the offender intended to join the Islamic State upon release from incarceration.³⁶ In March 2015, an inmate was identified as having delivered a khutbah (religious sermon) at a correctional facility's Islamic Jum'ah service encouraging the inmate attendees to support the Islamic State and its followers.³⁷ In February 2020, an inmate was found to be in possession of cut-out photos from a newspaper of Boko Haram leader Abubakar Shekau

³¹ Texas Office of the Inspector General, "Investigation of Extremism in Correctional Facilities" (Austin: Texas Office of the Inspector, November 2021), 1.

³² Texas Office of the Inspector General, 1.

³³ Texas Office of the Inspector General, 2.

³⁴ Texas Office of the Inspector General, 3.

³⁵ Texas Office of the Inspector General, 1.

³⁶ Texas Office of the Inspector General, 2.

³⁷ Texas Office of the Inspector General, 2.

and Islamic State leader Abu Bakr al-Baghdadi.³⁸ The inmate’s cell also contained a hand-drawn picture of a masked Statue of Liberty, which was shown under a crescent moon and stars and brandishing an AK-47 assault rifle.

Often, the connection between offenders and the terror groups they support is obvious from their tattoos. Much like gang members, these inmates show affiliation through images emblazoned on their person. In March 2014, corrections officials discovered the image of Osama bin Laden tattooed on the right side of a prisoner’s body. When asked about the image, the individual claimed the picture was “meaningless.”³⁹ In April 2017, another inmate was discovered to have a tattooed image of Osama bin Laden accompanied by a rocket-propelled grenade launcher on his body and defended the decision to obtain it, stating he “liked what bin Laden had done.”⁴⁰ In January 2019, another inmate was found to have the tattooed portrait of Osama bin Laden and the al-Qaeda leader’s name written on his person.⁴¹ This individual claimed that having this tattoo “was not a big deal.” In April 2019, an inmate was found to have a tattoo of bin Laden with his finger pointing toward the sky, with a background depicting a nuclear cloud and a destroyed building. Other offenders were found in 2020 to have tattoos of bin Laden, one with crossed rifles and the other with both bin Laden and the former leader of the Taliban, Mullah Omar.⁴²

Some inmates have been incarcerated for their extremist actions. In August 2018, Ali Awad Mahmoud Irsan entered the TDCJ after being convicted for the murder of both his son-in-law and his daughter’s friend.⁴³ Irsan was sentenced to death for what he considered to be the “honor killing” of those he thought responsible for his daughter’s conversion to Christianity from Islam. In May 2019, Matin Azizi-Yarand entered the TDCJ

³⁸ Texas Office of the Inspector General, 3.

³⁹ Texas Office of the Inspector General, 1.

⁴⁰ Texas Office of the Inspector General, 2.

⁴¹ Texas Office of the Inspector General, 2.

⁴² Texas Office of the Inspector General, 3.

⁴³ Miya Shay, “Ali Irsan Sentenced to Death for Honor Killings,” ABC13 Houston, August 14, 2018, <https://abc13.com/3947634/>.

after plotting a terrorist attack in Frisco, Texas.⁴⁴ The offender had claimed to hold “radical ideological beliefs,” had planned to kill law enforcement and civilians, and as a result, was sentenced to 20 years in the Texas prison system. The realization of these prison-based threats since the 9/11 attacks has only added to the extensive risks faced by state and local correctional systems, including issues with organized prison gangs and associated violence, the smuggling of drugs and contraband, and the ever-present issue of staff corruption.⁴⁵ To make matters worse, a lack of communication and intelligence sharing—major contributing factors in the 9/11 attacks—has been reflected in these same prison and jail systems.⁴⁶

Correctional facilities have a long history of dealing with violent criminals and organized gangs in their facilities, and the potential for offenders to further adopt new extremist or radicalized beliefs is not a new phenomenon.⁴⁷ This is especially true in Texas, where groups deemed security threats have existed for decades and included such organizations as the Aryan Brotherhood of Texas, which walks the line between a prison gang and domestic extremist group due to its ideology and whose members in recent years have been involved in multiple murders and violent attacks.⁴⁸ Many of these racist, supremacist, and right-wing extremist groups have been thrust into the domestic spotlight with their involvement in events such as the vehicular attack in Charlottesville, Virginia,

⁴⁴ “Collin County Teen Sentenced for Plotting Terrorist Attack at Frisco Mall,” U.S. Attorney’s Office, Eastern District of Texas, April 8, 2019, <https://www.justice.gov/usao-edtx/pr/collin-county-teen-sentenced-plotting-terrorist-attack-frisco-mall>.

⁴⁵ Dane Schiller, “Texas among Worst for Racist Prison Gangs, Anti-Defamation League Study Finds,” *Houston Chronicle*, April 18, 2016, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Texas-among-worst-for-racist-prison-gangs-7254361.php>.

⁴⁶ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report* (New York: Norton, 2004), 353.

⁴⁷ Greg Hannah, Lindsay Clutterbuck, and Jennifer Rubin, *Radicalization or Rehabilitation: Understanding the Challenge of Extremist and Radicalized Prisoners* (Santa Monica, CA: RAND Corporation, 2008), 12.

⁴⁸ Schiller, “Texas among Worst for Racist Prison Gangs,” 1.

in 2017 and the attack on the U.S. Capitol in 2021.⁴⁹ Even lone offenders pose a serious threat, as shown in the case of George Yarbrough, who in 2014 was convicted for threatening to kill federal judges in Houston and San Antonio upon his release from prison. Yarbrough was again convicted in 2018 for sending letters expressing his intent to kill a Houston judge and received a 120-month sentence.⁵⁰

These threats are aggravated by the correctional staff's ignorance of how these groups and individuals are conducting their operations, specifically of how to identify inmates in positions or roles that enable these activities, such as work assignments, positions of responsibility, or even organized activities. One such activity involves being a chaplain's assistant, whereby the inmate assists within the facility's religious services and facilitates the efforts of volunteers brought in to perform services for incarcerated offenders. These individuals are permanently assigned to the chapel, remain for the duration of the workday, and through the position have full access to all offenders in the area with minimal supervision. The relaxed nature of the job permits the freedom to proselytize and communicate with minimal oversight, especially when correctional staff and even prison chaplains lack education on the indicators and ideological particulars of radicalization and extremism.

C. FEDERAL OWNERSHIP OF THE PROBLEM

In dealing with matters of terrorism, states like Texas automatically defer to and effectively rely on the federal government for solutions to problems like investigations or information sharing. This dynamic has been especially true since the attacks on 9/11, as national-level responsibilities in addressing threats were assigned to the Department of Justice, which then designated the FBI as the primary agency responsible for addressing

⁴⁹ Nora McGreevy, "The History of Violent Attacks on the U.S. Capitol," *Smithsonian Magazine*, January 8, 2021, para. 1, <https://www.smithsonianmag.com/smart-news/history-violent-attacks-capitol-180976704/>; Jennifer Calfas, "Charlottesville Attack Driver James Fields Sentenced to Life in Prison," *Wall Street Journal*, June 28, 2019, <https://www.wsj.com/articles/charlottesville-attack-driver-sentenced-to-life-in-prison-11561748867>.

⁵⁰ "TDCJ Inmate Receives More Prison Time for Threatening Federal Judge . . . Again," U.S. Attorney's Office, Southern District of Texas, March 26, 2018, <https://www.justice.gov/usao-sdtx/pr/tdcj-inmate-receives-more-prison-time-threatening-federal-judge-again>.

terrorism in the United States.⁵¹ As a result, state and local agencies have been forced to rely on the FBI for terror-related information and intelligence.

The State of Texas and other areas of the country rely on federal agencies to address terrorism—specifically the sharing of information related to extremism in correctional facilities. This reliance, compounded with the requirement to obtain a security clearance before accessing classified information, reduces the state’s efficiency in conducting homeland security–derived investigations involving extremism. This section describes the nature of the FBI’s ownership of intelligence on extremist threats as foundational knowledge. The first subsection provides an overview of the Correctional Intelligence Initiative as the FBI’s effort to address the radicalization and recruitment of inmates to violent extremism. The second subsection discusses the need for state and local agencies to obtain federal security clearances to access classified information related to extremist threats.

National Security Decision Directive 207 designates the Department of Justice as the primary agency responsible for addressing threats and taking actions regarding terrorism in the United States and its territories.⁵² As discussed previously, the Department of Justice handed the baton to the FBI to lead the counter-radicalization and -recruitment efforts for prisons nationwide, so it made sense that the federal government took the lead on this issue. As discussed in Chapter I, the threat of Islamic extremism in prisons was first realized when the U.S. military recovered evidence of al-Qaeda’s intention to recruit American prisoners to its cause. The FBI’s focus was initially on the Federal Bureau of Prisons, as these facilities not only are federal entities but also hold inmates convicted of terrorism charges.⁵³

⁵¹ National Security Council, *National Program for Combatting Terrorism*, National Security Decision Directive 207 (Washington, DC: National Security Council, 1986), 2.

⁵² National Security Council, 2.

⁵³ Bennett Clifford, *Radicalization in Custody: Towards Data-Driven Terrorism Prevention in the United States Federal Correctional System* (Washington, DC: George Washington University, 2018), 3.

1. The JTTF and Limited Federal Interaction

The Correctional Intelligence Initiative (CII) was formed in 2003 to counter extremist threats and support information sharing with both corrections and other outside agencies.⁵⁴ The primary concept focused on regional JTTF coordinators developing plans to conduct outreach—including performance measures, target dates, program updates, and required reporting dates—and facilitating terrorism matters with federal and local correctional facilities.⁵⁵ The efforts included conducting surveys and threat assessments and providing training on indicators and best practices. The FBI in turn requested that any and all suspicious activity be reported back to the bureau and that these agencies facilitate any ensuing investigative activity, such as offender interviews.⁵⁶

The FBI authorizes and pays for its CII-connected task force officers to attend training necessary to coordinate the initiative, as well as some additional courses that benefit both CII and counterterrorism missions.⁵⁷ These are valuable courses of instruction, but they are made available primarily to active task force participants and occasionally to outside law enforcement. However, such professional development does not address the need for constant communication between jails and state prison units or any gaps in rural training and intelligence support. These needs are left solely to the CII's program coordinators as time permits because these positions are collateral to the JTTF squad's priorities.⁵⁸ The vast number of state and local correctional facilities and jails that this program oversees makes it extremely difficult to provide nationwide coverage,

⁵⁴ For the most part, data concerning the FBI's Correctional Intelligence Program are classified and not publicly available.

⁵⁵ *FBI Oversight: Hearing before the Committee on the Judiciary, United States Senate*, 109th Cong., 2nd sess., (2006), 284.

⁵⁶ Joseph Billy, "The Federal Bureau of Investigation's Response," Appendix VIII in *The Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates*, Evaluation and Inspections Report I-2006-009 (Quantico, VA: Federal Bureau of Investigation, Office of the Inspector General, 2006), <https://oig.justice.gov/reports/BOP/e0609/app8.htm>.

⁵⁷ Willie T. Hulon, "FBI Response," Appendix XIV in *The Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates*, Evaluation and Inspections Report I-2006-009 (Quantico, VA: Federal Bureau of Investigation, Office of the Inspector General, 2006), <https://oig.justice.gov/reports/plus/e0507/app14.htm>.

⁵⁸ S., *FBI Oversight*, 284.

especially for a state like Texas, which comprises such a large land mass and numerous facilities.⁵⁹ In addition, although much about this program is classified, the CII program has drawn criticism for not providing enough value, especially for state and local corrections systems and jails.⁶⁰

2. Security Clearances Necessary

In order for government employees at the state and local levels to officially share information with or receive it from members of the IC at any classified level beyond law enforcement sensitive, individuals must request and be granted a security clearance for access to intelligence through a sponsoring federal agency.⁶¹ This requirement places federal agencies in the position of sponsors for these clearances and gatekeepers to the information, creating a deterrent to effective sharing. Based on historical interactions, some state and local agencies that have experienced challenges with federal authorities over issues such as immigration or jurisdiction may be hesitant to approach an agency such as the FBI with requests.⁶² Moreover, smaller municipal police departments and rural sheriff's offices usually cannot afford to assign full- or even part-time personnel to investigate crimes such as narcotics within their local areas, much less to staff federal task forces. As a result, these agencies have less "buy-in" for participation when the time comes to share threat intelligence, training, and best practices.⁶³ These challenges constitute a substantial information gap when searching for patterns of criminal activity or possible associations with threat actors, many of whom involve other jurisdictions in the state.

⁵⁹ "Prisons—'Greenhouses' for Terrorists," i-HLS, January 30, 2015, para. 7, <https://i-hls.com/archives/48928>.

⁶⁰ "Did Prison Life Create Charlie Hebdo, Kosher Supermarket Terrorists?," NBC News, January 24, 2015, <https://www.nbcnews.com/storyline/paris-magazine-attack/did-prison-life-create-charlie-hebdo-kosher-supermarket-terrorists-n290271>.

⁶¹ Exec. Order No. 12356, § 1.2.

⁶² "LA County Sheriff Says 'No' to ICE Initiative Allowing Immigration Arrests at Detention Facilities," CBS Los Angeles, May 6, 2019, 1, <https://losangeles.cbslocal.com/2019/05/06/ice-immigration-arrests-local-law-enforcement/>.

⁶³ Oklahoma District Attorneys Council, "Multijurisdictional Drug Task Forces."

JTTF Executive Board meetings exist as a platform for the task force to disseminate strategic and tactical intelligence with participating agencies. Aside from federal agencies, the state and local attendees consist primarily of representatives from agencies that have provided an employee, at least on a part-time basis, to staff the task force. The FBI's website states that a clearance "may be granted to those that have a need to know," yet if an agency does not have representation on the federal task force and does not proactively communicate an interest and need or positively respond when invited to join, that agency does not normally receive clearance to participate nor the classified information or intelligence that accompanies such participation.⁶⁴ In other words, without the direct relationship of task force membership, there is presumably no need to know.⁶⁵

First, there must be a verifiable need to know for access to classified information, such as an assignment to one of the federally run task forces or an accepted membership within one of the official information-sharing groups, such as InfraGard.⁶⁶ Once the need has been articulated and approved, the applicant is required to fill out a multi-page packet that collects the individual's background history, such as places of employment, residence, references, family members, and dates, to initiate a background investigation. The time needed to accomplish the investigation could take anywhere from two to nine months or longer, depending on myriad factors. These factors include whether the applicant lived or worked overseas or had any financial interests outside the United States; whether the sponsoring agency recently conducted a recruitment drive, which prioritizes clearances for its own employees; or whether the government failed to reach a consensus on an operating budget for federal agencies, which halts the process and delays background cases. The background investigation process could also be outsourced to a government contractor, which, despite being external to the organization and hypothetically more efficient, could be prone to its own personnel challenges and inherent issues. Such issues include an

⁶⁴ Federal Bureau of Investigation, "Security Clearances for Law Enforcement," 1.

⁶⁵ James A. Tindall, "Applying Network Theory to Develop a Dedicated National Intelligence Network" (master's thesis, Naval Postgraduate School, 2006), 17, <https://www.hsdl.org/?abstract&did=466912>.

⁶⁶ "Home Page," InfraGard, accessed October 15, 2019, <https://www.infragard.org/>.

inability to staff the investigative contract for optimum performance or even inadequately researched or falsified portions of background checks that might lead to possible reinvestigations of subjects.⁶⁷

Aside from the multitude of issues affecting the time needed to conduct these background investigations, there is also the issue of cost. It has been reported that the average cost of conducting a background investigation for a secret-level clearance could be as high as \$3,000, with the cost rising to approximately \$15,000 for a top-secret clearance.⁶⁸ These costs are borne solely by the sponsoring federal agencies. With tightening budgets and rising operating costs, these federal agencies have become more selective about who they permit to hold clearances and the level of each.⁶⁹ Due to the FBI's mandate to reinvestigate each task force officer every five years and the costs related to these investigations, it seems logical that the agency would discontinue its sponsorship of outgoing participants who no longer have day-to-day operational input with the task force; however, this discontinuance is a contributing factor in an agency's loss of information access.

For smaller agencies, staffing shortages or other crime enforcement priorities in their areas of operation may preclude the assignment of additional officers, even for a direct one-for-one replacement. A realistic example would be that a task force officer (TFO) leaving an assignment with the JTTF and returning to one's home agency is no longer permitted to hold a security clearance once separated, due to the bureau's view that the individual no longer needs access to information at that level. In a similar example, former TFOs who will be joining the task force's executive board to represent their agencies are

⁶⁷ Neil Gordon, "27 and Counting: Another Background-Check 'Dumper' Pleads Guilty," Project on Government Oversight, July 24, 2018, <https://www.pogo.org/analysis/2018/07/27-and-counting-another-background-check-dumper-pleads-guilty/>.

⁶⁸ "Why Companies Want to Hire People with Clearances," TAOnline, accessed October 14, 2019, <http://veteranresources.taonline.com/securityclearances/hiring-cleared-people>.

⁶⁹ Police Executive Research Forum, *Municipal and Campus Police: Strategies for Working Together during Turbulent Times* (Washington, DC: Police Executive Research Forum, 2021), 21.

automatically downgraded to the secret level, as they are deemed to no longer “need” access to intelligence at the same classification level.⁷⁰

D. CONCLUSION

In summary, the threat posed by extremists in correctional environments has existed for many years, and although they are temporarily incarcerated behind prison walls, communities will be the end recipients of these individuals upon their release. These threats consist not only of extremists from overseas or within American inner cities but also of gang members and other violent inmates who may be targeted for radicalization to extremism. These threats will go unchecked as long as law enforcement neglects to identify these individuals and share this information across the state. Also, relying solely on federal ownership of extremist threats is a deterrent to states’ efficient handling of this problem. With investigative authority historically falling on entities such as the FBI, which act as gatekeepers of the security clearances required for state and local agencies to access and receive intelligence, the organic capability to conduct investigations and share intelligence on extremists is limited. The next chapter discusses the lack of formal information and intelligence-sharing networks in Texas between corrections and outside law enforcement and reviews current legislation for information collection and sharing within the state.

⁷⁰ Federal Bureau of Investigation, “Security Clearances for Law Enforcement.”

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III. INTELLIGENCE INCLUSION AND LEGAL FOUNDATIONS

The previous chapters identified the existence of extremist threats in corrections and provided insight into barriers to effective correctional intelligence. This chapter illuminates the lack of formal intelligence networks that focus on correctional facilities and provides an overview of issues involving Department of Homeland Security–supported fusion centers. It also outlines existing information-sharing legislation focused on formal intelligence networks for threats within the State of Texas to show the negligible inclusion of correctional environments.

A. FUSION CENTERS AND EXISTING INTELLIGENCE SUPPORT NETWORKS

Multiple networks have been created and exist to support information and intelligence sharing, although not all focused on extremist threats, but few focus on the correctional environment. One prime example is the national network of fusion centers. With assistance from the Department of Homeland Security, federally sponsored fusion centers were developed in major metropolitan areas throughout the country, with the mission of coordinating intelligence efforts between federal, state, and local agencies to address terrorism.⁷¹ Unfortunately, these fusion centers share some commonalities as a group that interfere with their potential for solving the counter-extremism issue in correctional facilities. First, fusion centers exist to coordinate intelligence and cooperation between local agencies and the federal government and are largely focused on threats to civilian populations in metropolitan areas, not in correctional facilities. Second, because the centers are federally funded, they are largely operated and controlled by—and concentrate on—the major local agencies within those areas.⁷² Some larger agencies over time have developed the mentality of protecting chiefly their operational areas and

⁷¹ Robert W. Taylor and Amanda L. Russell, “The Failure of Police ‘Fusion’ Centers and the Concept of a National Intelligence Sharing Plan,” *Police Practice and Research* 13, no. 2 (2012), <https://doi.org/10.1080/15614263.2011.581448>.

⁷² Shane A. Salvatore, “Fusion Center Challenges: Why Fusion Centers Have Failed to Meet Intelligence Sharing Expectations” (master’s thesis, Naval Postgraduate School, 2018), 53, <https://www.hsdl.org/?abstract&did=811370>.

jurisdictions.⁷³ These bureaucratic agencies tend to view smaller ones as inferior with fewer capabilities.⁷⁴ This issue can often appear within state, county, and municipal levels, where smaller agencies do not have allocated budgets sufficient to operate and run more advanced programs or initiatives. The existence of this mentality sometimes brings with it an unwillingness to cooperate and share information with outside agencies.⁷⁵ As a result, smaller communities and their associated issues and localized threats are not major priorities to the centers, which place greater emphasis on operational sustainment than on outreach and liaising with outlying counties and municipalities.⁷⁶

Another issue is a common perception among state and local law enforcement that federal agencies aspire to collect information but as a general practice are not open when it comes to sharing information in return.⁷⁷ It stands to reason this perception may have resulted from classifying information, which agencies such as the FBI believe is sensitive and should not be shared with outside law enforcement or public safety agencies, such as corrections, absent an FBI-approved need to know.⁷⁸ Unfortunately, such perceptions can lead state and local agencies to believe that the FBI does not trust them enough to share information, which creates a similar level of distrust in return and hinders the sharing of information originating from the local level.

Federal, state, and local agencies do share information through formal and informal avenues. One such pathway is the Correctional Gang Intelligence and Information Sharing Network, which was established in 2021 as a nonprofit with the express purpose of bridging the gap between corrections and law enforcement at all levels.⁷⁹ Membership allows for

⁷³ Taylor and Russell, “The Failure of Police ‘Fusion’ Centers.”

⁷⁴ Salvatore, “Fusion Center Challenges,” 9.

⁷⁵ Salvatore, 68–69.

⁷⁶ Intelligence Community, Department of Homeland Security, and the Department of Justice, *Review of Domestic Sharing of Counterterrorism Information*, DOJ OIG General Audit Division Report 17–21 (Washington, DC: Department of Justice, 2017), 13, <https://oig.justice.gov/reports/2017/a1721.pdf>.

⁷⁷ Salvatore, “Fusion Center Challenges,” 68.

⁷⁸ Salvatore, 69.

⁷⁹ “About,” Correctional Gang Intelligence and Information Sharing Network, accessed March 17, 2023, para. 1, <https://www.cgiisn.org/index-1.html>.

inclusion in organized meetings that share intelligence related to criminal issues involving gangs in correctional environments. Although terrorism-related issues may be discussed at this venue, the intended target area is gangs.

In addition to and separate from the national fusion center network, regional information-sharing systems were created through the assistance of the Bureau of Justice Assistance with the express purpose of sharing intelligence related to criminal activity in multistate areas.⁸⁰ As criminals do not adhere to jurisdictional limits and often cross state lines to facilitate illicit activities, there existed a need for law enforcement not only to compare trends and actors but also to deconflict on current and historical cases and investigative activities. These six centers are regionally located and focused and provide secure methods for communicating sensitive but unclassified data between agencies. The first of these, and that which is designated to support the State of Texas, is the Regional Organized Crime Information Center (ROCIC).

ROCIC provides multiple support functions including not only the aforementioned communications capability but also a robust analytical function that supplies products in support of investigations and ensures efforts toward prosecution.⁸¹ This analytical support extends to coverage for agency requests for information through ROCIC's Criminal Intelligence Unit.⁸² Additional services include providing digital and audio/visual forensics, lending specialized investigative equipment, and offering basic and advanced training for partner agencies.

ROCIC is advertised as a support entity for law enforcement agencies in their efforts to investigate criminal activity—while corrections focuses on the detention, housing, and rehabilitation of offenders. Under its membership guidelines, ROCIC identifies applicable agencies as those that “exercise law enforcement or criminal

⁸⁰ “Home Page,” Regional Information Sharing Systems, para. 1, accessed November 19, 2022, <https://www.riss.net/>.

⁸¹ “Home Page,” Regional Organized Crime Information Center, accessed November 19, 2022, <https://rocic.com/>.

⁸² “ROCIC Services,” Regional Organized Crime Information Center, accessed November 19, 2022, <https://rocic.com/services/>.

investigation authority with powers of arrest or prosecutorial authority.”⁸³ This description categorically excludes correctional agencies as authorized members.

The FBI’s JTTF is a platform set up to combine efforts at all levels to investigate and address terrorist threats to the United States and provide a venue for sharing intelligence related to those threats.⁸⁴ Multiple agencies bring information organically from their organizations and areas of operation to create a network with a more complete picture of the threat landscape, which allows for a more complete and efficient deconfliction of investigative targets. Task force officers assigned to the JTTF are deputized to enforce federal statutes, thus precluding corrections staff, who are not law enforcement, from becoming active members. As membership prioritizes recruiting from law enforcement agencies, the standing priority for information sharing in investigations would include only these same agencies.

Initiatives have been created within the JTTF construct through which focused efforts could pursue threats found in non-traditional but potentially targeted areas of the population, such as college and university campuses and airports.⁸⁵ The CII was one such program providing outreach and training to correctional facilities nationwide in return for information regarding radicalized inmates and other concerns. This initiative prioritized relationships with the Federal Bureau of Prisons because international terror suspects were held in their custody. Major returns on the initial investment were realized with state prison systems as well, such as the discovery and ensuing investigation of the JIS group in California, which contributed to the program’s overall success and heightened awareness.⁸⁶ The CII is covered in more detail in Chapter IV.

Smaller programmatic efforts within Texas have been initiated in an effort to address the information-sharing gap related to correctional threats. In 2022, under the

⁸³ Regional Organized Crime Information Center, “ROCIC Services.”

⁸⁴ “Joint Terrorism Task Forces,” Federal Bureau of Investigation, accessed March 17, 2023, para. 1, <https://www.fbi.gov/investigate/terrorism/joint-terrorism-task-forces>.

⁸⁵ “Campus Safety: Our Post-9/11 Role,” Federal Bureau of Investigation, August 4, 2009, para. 3, https://www.fbi.gov/news/stories/2009/august/campussecurity_080409.

⁸⁶ Cozzens and Rosenau, “Training for Terror,” 1.

Board of Criminal Justice, the TDCJ and the OIG developed a joint intelligence center focused on combating corruption and the influx of narcotics and illegal cell phones smuggled into state correctional facilities.⁸⁷ Although the primary focus of the center has been to disrupt criminal networks and activities, the same tools and techniques could be utilized to detect extremist threats emanating from within state and local correctional environments.

B. EXISTING LEGAL FOUNDATIONS

Along with existing information networks, there are laws currently in place to support an organizational framework for information and intelligence sharing in Texas—although no laws exclusively support information sharing to address extremist threats in correctional environments. A primary example appears in Texas Government Code, §§ 421.081–86, which comprise statutes relating to homeland security. Subchapter E focuses specifically on the creation and use of fusion centers within the state, and § 421.081 identifies the Department of Public Safety as the agency responsible for housing and providing administration for the Texas Fusion Center.⁸⁸ Section § 421.082 describes the responsibility of the Texas Fusion Center in coordinating responses under the governor’s Homeland Security Strategy and “making recommendations to the Department of Public Safety regarding the monitoring of fusion centers operating in the state.”⁸⁹ Section § 421.084 states the Department of Public Safety “shall adopt rules to govern the operations of fusion centers” within the state.⁹⁰ The statute directs the agency to establish operating standards for centers, to monitor their adherence to 28 C.F.R. 23, and protect information. With these three statutes, the State of Texas has created a framework for the centralization of information and intelligence collection and analysis, yet the framework is exclusively for recognized fusion centers and fails to consider correctional facilities.

⁸⁷ “Correctional Institutions Division: Security Threat Group Management Office,” Texas Department of Criminal Justice, accessed January 23, 2023, para. 1, <https://www.tdcj.texas.gov/divisions/cid/stgmo.html>.

⁸⁸ Texas Fusion Center and Other Fusion Centers Operating in This State, 4 Tex. Gov’t Code §§ 421.081–86 (2011), <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.421.htm>.

⁸⁹ Texas Fusion Center and Other Fusion Centers Operating in This State, § 421.082.

⁹⁰ Texas Fusion Center and Other Fusion Centers Operating in This State, § 421.084.

Even with the implementation and federal funding of metropolitan fusion centers, a number of rural law enforcement agencies have been left out of the network due to centers' prioritizing the inclusion of agencies with responsibilities for larger populations and higher crime rates.⁹¹ Correctional facilities are encompassed within this excluded group. This exclusion poses a major communications and intelligence-sharing gap.

Fortunately, the groundwork for the state's approach to sharing intelligence also exists and is supported by Texas law. Texas Government Code § 421.002, the Homeland Security Strategy, states the governor shall "develop a statewide homeland security strategy . . . [to] coordinate homeland security activities among and between local, state, and federal agencies and the private sector."⁹² The strategy is directed to include plans for information sharing and intelligence collection and analysis and to reduce vulnerabilities to Texas. The strategy also calls for a plan focused on "detecting, deterring, and defending against terrorism," which falls directly in line with the intent of the FBI's CII program, although corrections is never specifically mentioned in this statute.⁹³

The Texas Homeland Security Strategic Plan, although mentioned in state law, is not a product encompassed within the statutes. The actual strategic plan is developed and released through the Office of the Governor, with the latest released version covering years 2021–2025.⁹⁴ The plan is worth specific mention as it supports programs focused on extremism in correctional environments. State agencies involved in aspects of homeland security develop individual plans to incorporate highlighted strategies, which are used for state appropriations and are a partial fulfillment of requirements for federal grants.⁹⁵ In turn, this plan and process enhance information sharing and homeland security efforts

⁹¹ Taylor and Russell, "The Failure of Police 'Fusion' Centers."

⁹² Homeland Security Strategy, 4 Tex. Gov't Code § 421.002 (2013), <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.421.htm>.

⁹³ Homeland Security Strategy, § 421.002(b)(6).

⁹⁴ Office of the Texas Governor, *Texas Homeland Security Strategic Plan 2021–2025* (Austin: Office of the Texas Governor, 2021), 1, https://gov.texas.gov/uploads/files/press/HSSP_2021-2025.pdf.

⁹⁵ Office of the Texas Governor, 5.

overall. The updated version of the plan is broken into five distinct goals and objectives—prevent, protect, mitigate, respond, and recover.

Encapsulated in Goal 1, prevention, Objective 1.1 seeks to “expand and enhance the statewide intelligence capability that reduces the threat of terrorism and criminal enterprises, with an emphasis on proactive intelligence.”⁹⁶ Priority actions include bolstering the “coordination and collaboration” of intelligence and the ability to identify and disrupt domestic threats, as well as furthering the growth and expansion of capacity within the State of Texas to collect on and develop prevention strategies for “potential radicalization to violence.”⁹⁷ These aims emphasize the collection, analysis and dissemination of intelligence related to radicalization and extremist threats, both of which have been shown to exist in Texas facilities.

Objective 1.2 seeks to confront criminal enterprises through coordinated efforts of law enforcement, focusing mainly on combating typical problem areas such as human trafficking, transnational drug operations, and gangs in high-crime areas of the state.⁹⁸ Of particular note is a priority to “enhance programs to counter radicalization to violence” within correctional environments, and to enhance the ability to investigate “groups and networks advocating domestic terrorism.”⁹⁹ These aims highlight the need and articulated push for an organized effort to detect, deter, and disrupt radicalized groups and related threats.

C. TEXAS DEPARTMENT OF PUBLIC SAFETY

As the oldest and primary state law enforcement agency in Texas, the Department of Public Safety (TXDPS) acts as the lead organization for homeland security and any activity related to counterterrorism. The Texas Government Code designates the Texas TXDPS as the state repository for collected intelligence, as codified in § 421.003, Criminal

⁹⁶ Office of the Texas Governor, 26.

⁹⁷ Office of the Texas Governor, 26.

⁹⁸ Office of the Texas Governor, 29.

⁹⁹ Office of the Texas Governor, 29.

Intelligence Information.¹⁰⁰ This statute outlines that the collected criminal information will be multijurisdictional in nature and focused on terrorist activities or related to homeland security. The TXDPS is also designated as the primary agency responsible for analyzing and disseminating this information and, as the administrator of the Texas Fusion Center, provides this support for other agencies upon request. Notably, although the TXDPS is identified as the primary agency for this effort, it does not include verbiage that precludes other entities from collecting, collating, analyzing or disseminating intelligence. This leaves law enforcement and criminal justice agencies free to participate in homeland security efforts, specifically the areas identified in the Texas Homeland Security Strategic Plan. For agencies charged with ensuring the safety and security of correctional facilities, this effort is already taking place (or should be) in relation to prison gangs and associated threats, which could easily be expanded to cover all threats found in these environments.

D. CONCLUSION

This chapter discussed fusion centers and their primary focus on major metropolitan areas and described how existing state statutes mandate the sharing of information and adherence to 28 C.F.R. 23—but only for recognized fusion centers. The TXDPS is highlighted as the designated state repository for intelligence although no mention is made of extremism in prisons and jails. Texas statutes define the Texas Homeland Security Plan, which focuses on counterterrorism and the need for intelligence sharing—major concerns for corrections—yet neglects to include them as a priority focus area. The sole supporting legislation found in the research was the Homeland Security Strategic Plan, which prioritizes actions such as bolstering intelligence activities and developing strategies to address radicalization and mentions correctional environments specifically. All of these points reveal the negligible inclusion of correctional environments and a major gap in intelligence coverage that must be addressed for the state to get ahead of the threat.

To address this identified gap, the next chapter delves into existing frameworks for intelligence sharing that demonstrate potential attributes for adoption or adaptation in

¹⁰⁰ Criminal Intelligence Information, 4 Tex. Gov't Code § 421.003(1) (2003), <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.421.htm#421.003>.

Texas, including the United Kingdom's MI-5 and Special Branch model, which was developed for the counterterrorism mission; the New Jersey Office of Counter-Terrorism as a state-level model; and the FBI's national Correctional Intelligence Program.

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IV. EXISTING FRAMEWORKS FOR INTELLIGENCE SHARING

The existence of threats in correctional environments necessitates an information structure for sharing intelligence between agencies and facilities. Such a structure would allow for the detection and tracking of extremists and radicalized individuals while they are incarcerated and through their eventual release into communities and for the awareness of those communities' law enforcement agencies. The lack of this structure within the State of Texas means missed threat indicators, patterns, and even violent incidents that might otherwise have been disrupted.

In furtherance of this preventive effort, this chapter discusses existing frameworks focused on countering terrorism and extremist threats, including the United Kingdom's MI-5 and Special Branch, New Jersey's Office of Counter-Terrorism, and the FBI's Correctional Intelligence Program. The reasons for including these programs are straightforward: the UK's model is a counterterrorism model utilized by a country smaller than Texas but with a larger population; the New Jersey's is a U.S. model crafted through the use of state-level executive orders; and the FBI's is one of the few national-level programs focused on correctional intelligence and threats. In order to capitalize on the overall efforts of collecting intelligence on threats in correctional settings, a sensible approach would be to create a formalized collection, analysis, and information-sharing program with which to detect, deter, and disrupt extremist actors. This chapter provides key takeaways from the three case studies to develop characteristics for a successful model in Texas.

A. UK SPECIAL BRANCH

As the United Kingdom has long faced the threat of domestic and foreign terrorism, its MI-5 and Special Branch were a logical choice for a case study, particularly given their efficient framework for both information sharing and investigative processes. As this construct was designed to create a doctrine for MI-5 to interact with the 56 regional police agencies in the UK, it would stand to reason a similar model could be used to organize and

improve processes between 256 Texas counties and their associated correctional facilities using a state-level entity for coordination.¹⁰¹

1. Background and Organization

With a long history of dealing with extremist organizations and associated violent actions in the United Kingdom, the British government logically supports collection activities in the field by which to detect, deter, and disrupt terrorist plots. As an agency in charge of conducting collection and assessments in support of the UK’s Joint Intelligence Committee, the British Security Service (MI-5) is assigned to carry out domestic surveillance operations to collect against a wide variety of threats.¹⁰² MI-5 develops priority intelligence requirements and tasks the Special Branch of local agencies with investigating threats and reporting intelligence back to MI-5. These intelligence roles are an important segment of CONTEST, the UK’s counterterrorism strategy. CONTEST is designed to address the risk of terrorism via four focus areas—prevent, pursue, protect, and prepare—with the mission of MI-5 falling under the pursue objective. This is a stark contrast to the state-level correctional system in Texas, which has minimally defined staffing to counter these threats.¹⁰³ A framework does exist with a focus on prison gangs, yet within that programmatic construct the two are mutually exclusive.¹⁰⁴

Aside from this major difference, in evaluating aspects of UK’s CONTEST for possible implementation, it would be difficult to dispute the program’s success, as it reportedly prevented approximately 50 terrorist attacks from 2005 to 2016.¹⁰⁵ A separate

¹⁰¹ James A. Burch, “Domestic Intelligence Agency for the United States? A Comparative Analysis of Domestic Intelligence Agencies and Their Implications for Homeland Security,” *Homeland Security Affairs* 3, no. 2 (June 2007): 6, <https://www.hSDL.org/c/abstract/?docid=474746>; “About Texas Counties,” Texas Association of Counties, accessed February 16, 2020, <https://www.county.org/About-Texas-Counties>.

¹⁰² Burch, “Domestic Intelligence Agency for the United States?,” 6.

¹⁰³ “Organizational Structure,” Texas Department of Criminal Justice, Office of the Inspector General, 2022, https://www.tdcj.texas.gov/org_chart/pdfs/org_chart_oig.pdf.

¹⁰⁴ Texas Department of Criminal Justice, “Security Threat Group Management Office.”

¹⁰⁵ Erika Brady, *An Analysis of the UK’s Counter-Terrorism Strategy, CONTEST, and the Challenges in Its Evaluation* (Universitätsbibliothek Johann Christian Senckenberg, 2016), 3, https://www.researchgate.net/publication/313791475_An_Analysis_of_the_UK’s_Counter-Terrorism_Strategy_CONTEST_and_the_Challenges_in_its_Evaluation.

report estimates that the UK counterterrorism programs have prevented 32 terror plots from taking place, with seven of those coming to light since March 2020.¹⁰⁶

2. Legal Construct

In contrast to the American federal system of government, the United Kingdom has a unitary or centralized system.¹⁰⁷ This is to say that the UK consists of a “strong central government” yet is made up of separate jurisdictions with local autonomy, with even London’s localized police consisting of 41 regional agencies based on districts.¹⁰⁸ MI-5 was created as a domestic intelligence security service and is actually not a law enforcement agency at all, although its parameters align its mission with that of police agencies throughout the UK. Due to the centralized governmental organization, and coupled with the lack of federal-level law enforcement, the UK has through MI-5 the ability to influence national priorities at local and community levels.¹⁰⁹ This is especially efficient and even necessary, as MI-5 is not imbued with arrest powers due to concerns surrounding the possibility of becoming a “secret police” agency, and was restricted from becoming what was referred to as an “independent law enforcement agency” through the regulation of Investigatory Powers Act of 2000.¹¹⁰ MI-5 was designated as lead in intelligence collection to support the Police Service of Northern Ireland in its efforts against the Irish Republican Army and was given statutory authority to support law enforcement’s efforts against “serious crime,” which includes the counterterrorism mission carried out by 56 police agencies in the United Kingdom. Due to MI-5’s lack of law enforcement authority, and in order to share classified intelligence and fully support the local law enforcement mission, the Special Branch was developed.

¹⁰⁶ Counter Terrorism Policing (@TerrorismPolice), “Counter Terrorism Policing UK,” Twitter, February 13, 2022, <https://mobile.twitter.com/TerrorismPolice/status/1492860107335643136>.

¹⁰⁷ Nadav Morag, *Comparative Homeland Security: Global Lessons*, 2nd ed. (Hoboken, NJ: Wiley, 2018), 27–28.

¹⁰⁸ Morag, 34.

¹⁰⁹ Morag, 14.

¹¹⁰ Todd Masse, *Domestic Intelligence in the United Kingdom: Applicability of the MI-5 Model to the United States*, CRS Report No. RL31920 (Washington, DC: Congressional Research Service, 2003), 5–6.

The Special Branch comprises groups of designated law enforcement officers from each of the local agencies in the United Kingdom. These Special Branch officers are funded by the local constabularies with whom they are employed but are trained to recruit and manage human sources for MI-5.¹¹¹ Special Branch officers are vetted and receive a security clearance to act fully as a “force-multiplier” within the counterterrorism mission.¹¹² In doing so, they have been called the “law enforcement arm” of MI-5, and having been trained as intelligence officers, they initiate and investigate national security cases on their own.¹¹³ Meanwhile, MI-5’s intelligence activities facilitate arrests made by the Special Branch officers and other police officials.

The MI-5 and Special Branch model is similar to the system used by the FBI, which administers the National Joint Terrorism Task Force (NJTTF), which, comparable to MI-5, is responsible for coordinating the intelligence requirements for approximately 200 regional and local JTTFs throughout the country.¹¹⁴ These task forces are a mixture of FBI agents and vetted state and local law enforcement officers who receive advanced training in counterterrorism and whose mission entails collecting intelligence to detect and disrupt violent attacks. As stated previously, JTTFs even coordinate a national initiative to collect information on radicalization and recruitment in prison environments, aptly named the Correctional Intelligence Program.¹¹⁵

The difference between the MI-5/Special Branch model and the combined FBI/local models lies in the voluntary participation of state and local law enforcement in JTTFs, as U.S. law prohibits the federal agency from mandating these cooperative practices. Therefore, in comparing the UK and U.S. models, especially the legal stature, the MI-5 and

¹¹¹ Larry R. Irons, “Recent Patterns of Terrorism Prevention in the United Kingdom,” *Homeland Security Affairs* 4, no. 1 (January 2008): 7.

¹¹² Gomez, “Should Cops Be Spies?,” 97.

¹¹³ Gomez, 98.

¹¹⁴ Federal Bureau of Investigation, “Joint Terrorism Task Forces,” para. 4.

¹¹⁵ Donald Van Duyn, “Testimony: Prison Radicalization: The Environment, the Threat, and the Response,” Federal Bureau of Investigation, September 19, 2006, <https://www.fbi.gov/news/testimony/prison-radicalization-the-environment-the-threat-and-the-response>.

Special Branch model would be applicable as an intelligence framework only through its organizational construct and coordination capabilities.

3. Operational Oversight

Aside from federal involvement, however, U.S. states have considerable leverage and oversight of county and municipal participation in initiatives and are closely aligned with the UK framework. The Texas Homeland Security Strategy is codified under § 421.002(b) of the Texas Government Code:

The governor’s homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and must include specific plans for:

1. intelligence gathering and analysis;
2. information sharing;
3. reducing the state’s vulnerability to homeland security emergencies;
4. protecting critical infrastructure;
5. protecting the state’s international border, ports, and airports;
6. detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism.¹¹⁶

As a part of its authorized mission, MI-5 provides assessments and analysis for the UK’s Joint Intelligence Committee.¹¹⁷ To facilitate this endeavor, MI-5 oversees the Joint Terrorism Analysis Center, which collates reports and centralizes analysts from the intelligence agencies for the purpose of overcoming silos and obstacles to inter-agency information sharing. Regional intelligence cells were developed from combined resources of the Special Branch to further this endeavor. These are similar to fusion centers in major American metropolitan areas; however, once again, because of their mandatory nature, they would be wholly inapplicable in their current form. Although fusion centers are coordinated through the Department of Homeland Security, they are administratively managed by the primary law enforcement agency in whose jurisdiction the center is

¹¹⁶ Homeland Security Strategy, § 421.002(b).

¹¹⁷ Burch, “Domestic Intelligence Agency for the United States?,” 6.

located.¹¹⁸ These centers serve the primary function of providing an intelligence clearinghouse for local agencies and a secondary mission of funneling local intelligence to national authorities for awareness. As covered in the previous chapter, the inherent downside of these centers being managed by and focused on major metropolitan agencies is the possible neglect of outlying rural law enforcement agencies and jails that—given their smaller populations and resulting tax bases—often face budgetary constraints to organic analysis or even federal task force participation.¹¹⁹

Such constraints leave an enormous gap in coverage for state and local correctional facilities that need improved information sharing for extremist threats. Among the state’s fusion centers, the Texas Fusion Center is most likely to broaden its focus as it is run by the TXDPS.¹²⁰ The TXDPS is the primary state-level police agency responsible for both highway patrol and investigative law enforcement functions statewide and is responsible for not only managing this fusion center but also coordinating the functions of centers throughout the state. Although this agency and its centralized fusion center would provide a possible organizational framework to adopt the UK construct, the TXDPS does not have oversight of state and local correctional systems outside of investigating public corruption and inmate deaths within county jails.¹²¹ Alternatively, the OIG under the Texas Board of Criminal Justice is tasked with oversight and investigation of offenses in the state prison system, the TDCJ.¹²² Due to the OIG (OIG)’s statewide investigative mandate for the TDCJ, along with the recent creation of a joint internal intelligence center by both agencies, it would be well positioned to take the lead in coordinating information and intelligence-sharing processes between state and local correctional facilities.¹²³

¹¹⁸ National Network of Fusion Centers, *2014–2017 National Strategy for the National Network of Fusion Centers* (Washington, DC: National Network of Fusion Centers, July 2014), 7.

¹¹⁹ Salvatore, “Fusion Center Challenges,” 69.

¹²⁰ “Intelligence & Counterterrorism,” Texas Department of Public Safety, accessed October 4, 2020, <https://www.dps.texas.gov/IntelligenceCounterterrorism/txJCIC.htm>.

¹²¹ Independent Investigation of Death Occurring in County Jail, 4 Tex. Gov’t Code § 511.021(a) (2017), <https://statutes.capitol.texas.gov/Docs/GV/hm/GV.511.htm#511.021>.

¹²² Texas Department of Criminal Justice, Office of the Inspector General, “Organizational Structure.”

¹²³ Texas Department of Criminal Justice, “Security Threat Group Management Office,” para. 1.

4. Key Findings

The UK’s model—through the relationship between MI-5 and the Special Branch—has been proven extremely successful and, thus, would be a viable example for the State of Texas to adopt, albeit in a modified form. Although the systems of government are different, the concept of a centralized intelligence capacity in support of multiple agencies could be utilized as the construct for coordinated information sharing against threats within corrections. Although the TXDPS is the designated collector of intelligence and coordinates the recognized fusion centers within the state, it does not have direct oversight of the state prison system, and the fusion centers’ primary focus is on major metropolitan areas. The Texas Board of Criminal Justice, through its recently created correctional intelligence center involving both the OIG and TDCJ, is well placed to operate like MI-5 in coordinating information related to correctional environments.

B. NEW JERSEY OFFICE OF COUNTER-TERRORISM

After 9/11 and its participation in the response to the New York City attacks, the State of New Jersey realized the need for a more coordinated effort in sharing information and intelligence relative to threats and emergencies both internally and with neighboring states. The New Jersey Office of Counter-Terrorism (OCT) was also chosen as a case study due to its efficient framework for information sharing, as well as the state’s use of executive orders to create this framework. With multiple examples of thwarted terror plots and averted attacks through suspicious activity reporting alone, New Jersey’s counterterrorism efforts are considered successful.¹²⁴

1. Background and Organization

The New Jersey OCT was formed in October 2002 through Executive Order 33 from the Governor’s Office to coordinate and lead the state’s efforts for counterterrorism and preparedness.¹²⁵ This order authorizes the OCT to collect, collate, and disseminate

¹²⁴ “NJSARS Success Stories,” New Jersey Office of Homeland Security and Preparedness, accessed March 17, 2023, <https://www.njohsp.gov/njsars-success-stories>.

¹²⁵ New Jersey Exec. Order No. 33 (2002), § 1, <https://www.hsdl.org/?abstract&did=461094>.

intelligence for law enforcement agencies and serve as a liaison with federal agencies regarding terrorism. To accomplish these objectives, the OCT is also authorized to create and manage a terror-specific intelligence database and to access and draw information from state and local agencies.¹²⁶ The order also directs the OCT to proactively review and recommend modifications or additions to legislation and laws that could support or enhance its mandated capabilities and to provide training to other agencies on intelligence collection and analysis, ostensibly to standardize practices statewide.¹²⁷ Receiving agencies are also directed to support the OCT's efforts in administering these counterterrorism-based intelligence training programs.

This program is similar to the existing one codified under Texas Government Code § 421, which defines the TXDPS as the state repository for intelligence, acting as oversight for the management of recognized fusion centers in the state.¹²⁸ Unlike the directive for New Jersey, the TXDPS has not been tasked with coordinating intelligence efforts among the multitude of law enforcement agencies, including corrections. Neither do the Texas statutes direct the TXDPS to create and maintain a terror-specific intelligence database that pulls information from other state and local agencies, ostensibly due to the large and extended land mass and multitude of agencies encompassed by the state.

2. Legal Construct

In 2006, an executive order from the New Jersey Governor's Office created the Office of Homeland Security and Preparedness and summarily placed the OCT under its operational and fiscal control.¹²⁹ Along with creating the role of a new administrator positioned to advise the governor directly on homeland security matters, the office was also directed to be a central authority for collecting and sharing counterterrorism information with other state law enforcement agencies and providing training on these

¹²⁶ New Jersey Exec. Order No. 33, §§ 9–10.

¹²⁷ New Jersey Exec. Order No. 33, §§ 13–14.

¹²⁸ Texas Fusion Center and Other Fusion Centers Operating in This State.

¹²⁹ New Jersey Exec Order No. 5 (2006), para. 8, <https://nj.gov/infobank/circular/eojsc5.htm>.

matters.¹³⁰ Executive Order 5 also memorializes the directive that all material and information dealing with counterterrorism handled by the office “be deemed confidential, non-public and not subject to the Open records Act, P.L. 1963, c73,” thus creating a more defined and protected environment for other agencies to openly share their data.¹³¹

Compared to New Jersey’s use of executive orders, the State of Texas has a long history of designating responsibilities and powers through legislative acts. This is made evident in a review of the extensive use of the Government Code to formalize the state Homeland Security Strategy, intelligence responsibilities, and fusion center oversight.¹³² Such legislation requires the authoring and submission of bills for review by the state legislature on a biennial basis, which significantly delays potential approval and implementation.¹³³ The utilization of executive orders has been successful in times of crisis, such as the disaster declaration for all Texas counties as a result of COVID-19 and the U.S.–Mexico border crisis.¹³⁴ Given these successful examples of orders used to further state homeland security, it stands to reason they could be a viable tool in bolstering correctional intelligence of extremist threats.

3. Operational Oversight

New Jersey’s Executive Order 5 effectively placed the Office of Homeland Security and Preparedness and, through it, the OCT as coordinators of intelligence statewide. This dynamic is similar in construct to the TXDPS, which coordinates recognized fusion centers and their operational practices. Although this observation does not lend a new or beneficial organizational or operational framework for Texas, it does reinforce and defend the usefulness of one existing construct in the state. As the coordinator for intelligence, the

¹³⁰ New Jersey Exec Order No. 5, §§ 3, 24.

¹³¹ New Jersey Exec Order No. 5, § 28.

¹³² Texas Fusion Center and Other Fusion Centers Operating in This State.

¹³³ “Home Page,” Texas House of Representatives, accessed March 22, 2021, <https://www.house.texas.gov>.

¹³⁴ “Governor Abbott Renews COVID-19 Disaster Declaration In November 2021,” Office of the Texas Governor, November 27, 2021, <https://gov.texas.gov/news/post/governor-abbott-renews-covid-19-disaster-declaration-in-november-2021>.

TXDPS has the ability to proactively address new and existing threats such as extremism in correctional environments; however, with its management focused on fusion centers, it is once again more apt to investigate problems in major metropolitan and urban areas.

4. Key Findings

The use of an executive order to create an intelligence model and direct agencies to interact and support its intended purpose has been proven successful in New Jersey. Identifying one organization to collect and disseminate information specific to correctional threats would prove beneficial, and initiating an intelligence database in the order would provide for the technical foundation on which information-sharing efforts could be based. Executive orders have also been used extensively in Texas to enact governmental processes by the Office of the Governor. Although the Texas Government Code contains directives designating the TXDPS as the collector of statewide intelligence, it is also directed to oversee fusion center activity; therefore, the existing corrections intelligence center would be better placed to coordinate and administer such a model. Nevertheless, the use of an executive order has been an efficient method to implement this type of framework.

C. THE FBI CORRECTIONAL INTELLIGENCE PROGRAM

The FBI Correctional Intelligence Program (CIP) entails multiple efforts designed to detect, deter, and disrupt the radicalization and recruitment of inmates to extremism. Outside obvious differences, namely residing in and belonging to a federal agency, the organizational makeup of the program may offer the benefit of a framework capable of adaptation for use.

1. Background and Organization

As a concept created in the aftermath of 9/11, this program was placed purposefully under the hierarchy of the FBI's NJTTF. As an initiative targeting extremism through intelligence sharing, even with possible crossover of gang members converting to Islam and radicalizing in correctional environments, CIP remains a standalone construct with a solitary focus. This makes it the most likely to provide a beneficial framework, as it already targets the same primary objective as the focus of this research.

When the original initiative (then CII) was implemented in 2003, it provided a baseline operational plan for collection and reporting given current and developing intelligence requirements.¹³⁵ Not only did these requirements pertain to the primary objective of extremism, but they filled other intelligence gaps actively targeted by the bureau as an overall concept of operations for intelligence sharing.¹³⁶ The use of collection requirements effectively addressed the gap outlined by David Gomez and provided direction and focus for an implemented framework.¹³⁷

Although programmatic guidance and direction are provided at the national level, FBI field offices retain operational control of activities in their respective areas of operation. This permits each field office and subordinate resident agency's satellite office to tailor its outreach, training, and collection to its respective geographic and human terrain. As the CII performs outreach and trains state and local agencies, it targets threats identified through local intelligence assessments, as well as those provided by the NJTTF. Reports from outlying agencies are sent to the local JTTF, either directly or through email or online submissions with eGuardian, which creates and initiates a threat assessment by that field office.¹³⁸ Agencies in major metropolitan areas may submit these reports to the local fusion center, which would provide additional local intelligence before the information is forwarded to the FBI's JTTF for handling.

2. Legal Construct

The framework for CIP, previously CII, is derived from an organizational construct for information sharing, so cooperation between agencies forms the basis of this model. Although the model is from an existing federal agency, federal laws regarding the legal

¹³⁵ S., *FBI Oversight*, 1.

¹³⁶ Department of Justice, Office of the Inspector General, *Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information*, Audit Report 04-10 (Washington, DC: Department of Justice, Office of the Inspector General, 2003), 47.

¹³⁷ Gomez, "Should Cops Be Spies?," 116.

¹³⁸ "Federal Bureau of Investigation Privacy Impact Assessment for the eGuardian System," Federal Bureau of Investigation, accessed March 23, 2023, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/freedom-of-information-privacy-act/departments-of-justice-fbi-privacy-impact-assessments/eguardian-threat>.

authority to collect intelligence would not pertain to an adapted model, as state and local law enforcement have similar standing authorities and directives under state statutes.¹³⁹ What is missing, however, is a statute or at the very least verbiage mandating the collection and sharing of information on extremist threats in correctional institutions from across the state.

The closest existing legal document to a directive is the Texas Homeland Security Strategic Plan, which identifies priorities for Texas agencies to identify and disrupt threats. Although this articulated plan is created and disseminated by the Governor’s Office, the guidance contained in it is simply that—guidance—and not a legal construct that mandates agency participation.

3. Operational Oversight

The premise of the program is that results are dictated by the effort invested. As each field office retains operational control of its regional program, the programmatic priorities may be set based on the perceptions of its regional leadership team. For offices that have regular and recurring contact with local agencies and their correctional facilities, the resulting rapport and training on indicators will elicit communications about the activities observed. Thus, extracting intelligence from correctional facilities will require offices to implement robust outreach efforts.

The CIP provides a basic framework that has already been adopted to an extent in the state. In 2011, the OIG for the TDCJ adapted the CIP for its collection program to mitigate radicalization and extremist threats. Having already provided terrorism training to gang intelligence officers in the state prison system, the OIG began an informal expansion program to continue the training for other TDCJ staff. Existing rapport with prison administrators due to embedded OIG criminal investigators in TDCJ prison facilities allowed for the rapid expansion to statewide coverage, with gang officers in each unit acting as collectors of observable indicators. Information is reported to the OIG investigator responsible for that TDCJ region of the state, who is also assigned to the local

¹³⁹ Homeland Security Strategy, § 421.002.

FBI JTTF. The information is checked against databases for associated connections and networks and then reported directly to the JTTF, with assessments initiated against any possible threats. All information is compared to standing national and localized intelligence requirements for domain awareness and the creation of additional requirements if needed.

4. Key Findings

The CIP provides a proven model for intelligence collection that has already been implemented at the state level to some degree. The centralized and coordinating element would develop intelligence requirements and provide training on indicators of radicalization and extremism to state and local correctional facilities. In turn, correctional staff would supply intelligence about detected threats. As an intelligence center focused on corrections has already been created, it is positioned to provide coordination for intelligence sharing not only between state-level corrections but also among locally run jails and correctional facilities.

D. CONCLUSION

In conclusion, this chapter has provided case study analysis of existing intelligence-sharing constructs that might provide avenues for creating and bolstering correctional intelligence about extremist threats in Texas. The key elements found in each of these models can be modified and implemented for use, with their implementation rather straightforward. Organizationally, the framework used by the UK could be adopted using one central hub for coordination, which would provide direction for collection activities and collate results for agencies statewide. The operational viability of the CIP model has already been proven through the partial implementation at the state level, which could easily be scaled to encompass correctional environments throughout the state. Providing for a legal construct has been shown a successful option as well as demonstrated through New Jersey's use of executive orders. The next chapter offers recommendations to further these efforts, specifically addressing security clearances and the adoption and derived benefits of a statewide program and associated center.

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V. RECOMMENDATIONS

Chapter IV examined three different frameworks currently in use that incorporate potentially adaptable aspects for the State of Texas to address a lack of coordinated intelligence regarding extremist threats in corrections. This chapter provides an overview of key takeaways and offers associated recommendations for a coordinated statewide intelligence framework that focuses more effectively on correctional environments. Arranged into three separate groups, the recommendations may bring about needed change if they are adopted and implemented uniformly throughout the state. The first group focuses on using the lowest possible classification for intelligence to more easily share information between federal and state, local, tribal, and territorial (SLTT) partners, as well as renewing security clearances for former task force officers as a force-multiplier. The second group places a spotlight on creating a statewide intelligence program solely for countering extremist threats emanating from within correctional facilities. The third group articulates the usefulness of a fusion-type center dedicated to collation and analytical support for statewide correctional intelligence.

A. INTELLIGENCE SHARING AND SECURITY CLEARANCES

Regarding intelligence sharing, Executive Order 12356 prescribes a uniform system for classifying and safeguarding national security information. Information shall be considered for classification if it concerns “other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or other agency heads or other officials who have been delegated original classification authority by the President.”¹⁴⁰ As these other categories are not listed, there is wide berth in classifying information, so long as it fits the criteria of its disclosure being presumed to cause damage to national security. Clarifying guidance stipulates that information should be classified at the lowest possible level so that it may be more readily provided to law enforcement and corrections with a need and right to know.

¹⁴⁰ Exec. Order No. 12356, §1.3.

Such a philosophy of classification should facilitate more productive sharing and address perceptions of federal agencies' not trusting state and local governments.

The cost of background investigations, as well as the associated time required to conduct them, is prohibitive to information sharing between these federal agencies and state/local agencies responsible for correctional facilities. Alternatively, this cost should be weighed against the probable benefits of retaining the access for previously cleared individuals, who should be considered investments, assets, and force-multipliers in the nationwide law enforcement community, as with graduates of the FBI Academy. Arguably, continuing the access of employees who are slated to return to their agencies, especially ones that have been trained and operational with the federal task force for the typical two- to five-year period, would benefit both the employees' home agencies and the sponsoring agency.¹⁴¹ These individuals would ostensibly retain a plethora of case-related history and operational knowledge and would most certainly be in a position to propagate the investigative and intelligence-led methodology used by the task force in their home agencies, which at the very least could lead to future efficiency in joint operations. Greater efficiency could be obtained through the retention of these former TFOs as a possible volunteer reserve force, covered under a memorandum of understanding for recall under emergency situations to assist with incidents and investigations. This policy implementation would be tactically beneficial and financially responsible. Barring any of these sensible options, retaining a similar level of access would provide continuity of communication, relationships, and intelligence sharing between entities as the individuals advance to higher-ranking positions within their respective agencies.

For continuity and to combat the loss of access, federal agencies responsible for the administration of task forces should retain and support active clearances of former task force officers, as the initial clearance costs have already been invested, and recurring costs for clearance extensions are much lower than those of initial activation, not to mention the work of the TFOs has long been realized. Recurring costs for the extension of security

¹⁴¹ Federal Bureau of Investigation and Department of Homeland Security, *Strategic Intelligence Assessment and Data on Domestic Terrorism* (Washington, DC: Federal Bureau of Investigation, 2021), 14–15, <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report.pdf/view>.

clearances would be much lower than those of initial activation and could be requested and easily justified through the budgeting process. An active shift in management philosophy toward the retention of TFOs as a professional resource even upon return to their originating agencies would provide a surge in manpower during emergency events, and the investment in these individuals as long-term team members would pay dividends in loyalty and enthusiasm for the occasions when their assistance is called upon. The men and women who provide their services and commitment for the required two to five years on task forces should be considered investments in an agency's long-term strategic plan, whether the individuals were assigned to work violent crimes, gangs, or counterterrorism.

Regarding more effective information sharing, and in order to become valued and trusted members of the team, state and local agencies should adopt the recommended federal guidelines for safeguarding information and intelligence. The only barrier to conforming to these standards is unwillingness to do so on the part of state and local agencies. This disinclination might be the residual effect of a perceived lack of mutual trust with federal agencies, a mindset held by administrators that the need does not exist, or the lack of knowledge for implementation. To assist agency adoption, sample policies, training, and even step-by-step instructions for creating intelligence programs are free and readily available to law enforcement agencies, and organizations such as the Department of Justice's Bureau of Justice Assistance have created informative products that lend foundational knowledge in this area.¹⁴² By taking steps toward meeting these standards and guidelines, federal agencies may be more willing to share information deemed useful to these state and local agencies.

Despite the inherent issues related to sharing information pertaining to its classification, these issues do not normally present themselves at the state and local levels. Due to this aspect and in support of self-reliance in the area of correctional threat ownership, it would be a hypothetically straightforward process for non-federal agencies to organize and create an information-sharing framework in which they focus collectively

¹⁴² Marilyn Peterson, *Intelligence-Led Policing: The New Intelligence Architecture*, NCJ 210681 (Washington, DC: Bureau of Justice Assistance, 2005), 52.

on issues pertaining to extremism in their facilities, operating as a supplement to existing but more restrictive frameworks. All police agencies are covered under the law enforcement sensitive classification, and most other entities can be privy to information that falls under for official use only.¹⁴³

B. ADOPTION OF A STATEWIDE PROGRAM

The State of Texas currently places emphasis on the TXDPS for the coordination of information related to both terrorist and organized criminal threats; however, its focus is statewide with an emphasis on fusion centers and their respective metropolitan areas.¹⁴⁴ The State of New Jersey has made use of executive orders from the Governor's Office to create an organizational construct for intelligence reporting and dissemination, which could be replicated in Texas for the same purpose. The basis of these executive orders could then be formalized through a vote during the legislative session to become a permanent fixture in the Texas Government Code.

The FBI's CIP provides an organized approach to creating a collection, reporting, and dissemination plan, albeit at the federal level, with the benefit of previous operational testing and basic implementation. The premise of providing training on indicators and threat assessments to field collectors within each correctional facility, while providing a mechanism for the collection and reporting of discovered threats, has been proven successful in practice. Although the program could benefit from centralized coordination at the state level, the framework would need only to be scaled for additional effectiveness.

The UK benefits from an organized approach to counterterrorism intelligence through the use of the MI-5 and Special Branch model, which identifies and trains law enforcement officers from other agencies on collection techniques and reporting requirements.¹⁴⁵ Similar to the FBI's NJTTF model, these officers with newly developed

¹⁴³ David L. Carter, *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*, 2nd. ed. (Washington, DC: Office of Community Oriented Policing Services, 2004), 96, <https://doi.org/10.1037/e310712005-001>.

¹⁴⁴ Criminal Intelligence Information, § 421.003; Facilities and Administrative Support, 4 Tex. Gov't Code § 421.081 (2007), <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.421.htm#421.081>.

¹⁴⁵ Irons, "Recent Patterns of Terrorism Prevention in the United Kingdom," 7.

intelligence backgrounds initiate national security investigations and provide information for use in crafting new intelligence requirements. Using this UK framework, along with the operational guidance developed in the CIP, a network could be developed within the state of law enforcement and correctional officers trained on indicators of radicalization and extremism. These officers would then have the ability to collect and report any findings for centralized analysis, which would provide valuable insight into emerging threats and possible patterns of behavior, as well as deter or disrupt any nefarious activities.

C. CORRECTIONAL INTELLIGENCE CENTER

As previously mentioned in this thesis, trust and investment are important pieces in the creation of a strong and lasting information-sharing network. As with the CIP, it is apparent that an individual with a direct connection to the correctional environment would be the most efficient and proactive steward for this type of program. Similarly, agencies with the same background, focus, and responsibilities tend to work more actively together than agencies that do not. Thus, this thesis recommends creating and instituting a joint correctional intelligence center within the State of Texas to support the collaboration and information-sharing efforts of urban and rural correctional facilities and probation and parole programs. As metropolitan fusion centers focus on their high population areas and high intensity drug trafficking areas focus on major drug trafficking areas, this state correctional intelligence center would focus solely on law enforcement and correctional agencies responsible for the supervision of offenders.

For local agencies that cannot afford to pay analytical staff or acquire resources such as commercially available databases, this center would provide needed analytical assistance, focused on all threats emanating from or pertaining to the correctional environment, including threats to government officials, methods for smuggling contraband, prison gang activity, and offender radicalization. Through the use of memoranda of understanding, agencies would agree to submit suspicious activity reports to the center, which once processed and found to have a free-world connection would be shared with respective fusion centers and JTTFs. This would allow the center to collate information and provide feedback based on the realization of emerging correctional threats or trends

throughout the state and would provide the submitting agencies with a “one stop shop” for accessing and deconflicting information, as all corrections-related intelligence would flow through one coordinating entity. Such a construct could even be scaled nationally to include models within each state.

Arguably, the lack of a robust network could be rectified through centralized coordination. As noted previously, this was accomplished in the United Kingdom with the creation of the Joint Terrorism Analysis Center, which collates intelligence and centralizes analysts from the intelligence agencies for the purpose of overcoming silos and obstacles to inter-agency information sharing. Regional intelligence cells were also developed from combined resources of the Special Branch to further this endeavor.¹⁴⁶ As with U.S. fusion centers whose coordinators focus primarily on the correctional environment, this center could perform as an organizing entity for information sharing related to threats emanating from inside prisons and municipal and county jails throughout the state. Partnered with the TXDPS and the Texas Fusion Center, this network could facilitate outreach and efficient intelligence sharing and assist with the formulation and standardization of recommended practices.

D. CONCLUSION

Extremist actors and associated threats exist in correctional environments, thus necessitating a collection and reporting program to identify, deter, and mitigate those threats. This thesis has revealed multiple issues that are deterrents to effective information sharing, especially in relation to these threats. The classification of information and requirement to obtain and hold security clearances for access mean that most law enforcement and correctional staff cannot benefit from the information due to legitimate justifications, time requirements, and associated costs, which diminish their effectiveness by limiting opportunities for awareness and related collection activities. To build trust and more effectively share information with federal agencies, state and local entities should adopt and maintain the standards set forth in 28 C.F.R. 23 to protect information that is

¹⁴⁶ Burch, “Domestic Intelligence Agency for the United States?,” 6.

collected and shared while federal agencies should mandate that information is regularly classified at the lowest possible level. Federal agencies should renew active clearances for SLTT officers who depart their temporary assignments on task forces for their home agencies, as doing so will improve continuity in information sharing as well as retain a trained workforce that could be recalled on for major incidents and investigations.

The State of Texas should adopt a coordinated intelligence-sharing framework focused on correctional environments and related extremist threats, accomplished most expeditiously through the use of executive orders by the Governor's Office; this framework and related direction could be more permanently accomplished through future legislation. The MI-5 and Special Branch model demonstrates an organized approach to intelligence, with the UK also providing an example of a centralized clearinghouse for analysis that supports multiple jurisdictions in a similarly sized landmass. The FBI's CIP provides a successful framework for organized coordination of outreach, collection, and reporting, which can be scaled to encompass correctional facilities throughout the state.

The coordination of information sharing in support of correctional environments would be easily accomplished, as an intelligence center has already been initiated with a focus on the state prison system. The ability for municipal and county jails to acquire training on indicators of radicalization and extremism and dedicated reporting mechanisms, as well as utilize a central entity for assistance with research and analysis, could complement limited local budgets and provide a much needed resource. Through the structured implementation of these recommendations, the State of Texas can gain the ability to bolster correctional intelligence and more effectively mitigate threats, thereby providing a safer, more secure environment for the general population and inmates alike.

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