

Domestic Violent Extremism

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE

Domestic Terrorism Study

1. In the 2022 session, the legislature directed the Attorney General's Office (AGO) to conduct a study, by the end of the year, reviewing: federal, state, and local laws relating to acts of domestic terrorism; state and local data collection, tracking, and reporting practices relating to acts of domestic terrorism; and state and local policies regarding responding to domestic terrorism.
2. The six-month study was also tasked with summarizing current laws and policies related to domestic terrorism and identifying best practices for improving and standardizing data collection; strengthening law enforcement, prosecutorial and other local government responses to acts of domestic terrorism; and making recommendations for any necessary statutory changes.

AGO Approach

The AGO engaged a team of outside experts, comprised of:

1. The Raben Group, a public policy consulting firm (tasked with reviewing federal, state, and local laws relating to acts of domestic terrorism);
2. Rich Stolz, the former executive director of OneAmerica (tasked with the Office's community engagement and feedback efforts);
3. Cynthia Miller-Idriss, a professor at American University's School of Public Affairs and Director of the Polarization and Extremism Research Lab; and
4. The Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center. (Professor Miller-Idriss and ICAP collaboratively drafted the recommendations.)

Outreach

1. There was significant support for greater attention to the issue of domestic violent extremism. Participants reported a significant level of fear among their constituents over the potential use of violence against their communities.
2. There was significant concern or ambivalence regarding the term “domestic terrorism.”
3. There was ambivalence over the need for additional law enforcement tools.

Domestic Violent Extremism

The report addresses the shift from the term “domestic terrorism” (DT) to the term “domestic violent extremism” (DVE).

1. “Domestic terrorism” (DT) is an undefined term in Washington State, but it is defined in federal law. The federal definition of DT fails to capture the full scope of the problem Washington State faces, which includes other forms of extremist and political violence; threats, coercion, and intimidation; online disinformation; extremist recruitment and government infiltration efforts; and the general spread of extreme white supremacist, antigovernment, and other ideologies.
2. The report recommends using the more expansive term “domestic violent extremism” or “DVE.” This is consistent with the approach taken by the FBI and DHS.
3. The report also recommends that the Commission refrain from proposing new criminal laws defining and penalizing “domestic terrorism,” in light of evidence-based community concern that these types of laws have the potential to be applied disproportionately against BIPOC communities.
4. To the extent the proposed Commission considers any new DVE-related criminal penalties, they should be narrowly crafted to address specific DVE-related conduct and drafted carefully to avoid the potential disproportionate application to marginalized and vulnerable communities.

Recommendations: A Public Health Approach

Report has been called “a model for other states” on PBS Newshour.

Recommendations with stakeholder input

Recommendation 1: The legislature should create a two-year Commission with the broad goal of establishing a comprehensive public health and community-based framework for responding to DVE.

Recommendations with stakeholder input

Recommendation 2: Relying on expert research and data, the Commission should propose specific steps to adopt and fund a public health-style and community-based framework for proactively responding to DVE.

Recommendations with stakeholder input

Recommendation 3: Relying on expert research and data, the Commission should propose specific steps to improve, standardize, and add transparency to data collection and reporting on incidents of DVE.

Recommendations with stakeholder input

Recommendation 4: The Commission should (1) conduct and publish a review of Washington State's existing civil and criminal codes to create a toolkit of potential legal options to respond to DVE, and (2) conduct a study to review legal options and to explore potential new legislation and/or regulations.

Selection of sub- recommendations with stakeholder input

1. Establishing a system through which the Department of Health could work with community groups to support (including with funding) multi-disciplinary intervention teams.
2. A plan for the Department of Enterprise Services to develop a statewide training module to help employees recognize red flags and warning signs, initial pathways for off-ramping or intervention conversations, and where to get additional help.
3. Funding sources and the creation of Civic Education and Community Support Hubs to invest in civic education by helping communities improve digital literacy, create public civic education tools, combat misinformation and disinformation, identify and respond to radicalization, and provide educational and support resources.
4. Funding through the Department of Commerce for primary prevention of DVE through the arts, community organizations, faith communities, or other community-based non-profits.

AG-specific recommendations

Recommendation 1: Create a Journalism Fellowship Program.

AG-specific recommendations

Recommendation 2: Protect Election Workers.

AG-specific recommendations

Recommendation 3: Provide Additional Security Funding for Elected Officials.