



# Domestic Terrorism: How the US Legal System is Falling Short

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International Centre for  
Counter-Terrorism

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## Abstract

Despite a rapid increase in domestic terrorism investigations in the United States, the threat that domestic terrorism poses to the homeland remains unclear. This is due to a lack of a comprehensive domestic terrorism legal framework that fully encompasses the variety of ideological groups present in the US. Using a sample of twenty-six QAnon and eighteen incel cases that have been federally prosecuted, our team examined how the US prosecutorial system utilises non-terrorism-related charges in addressing domestic violent extremism (DVE) cases. We propose a more inclusive DVE legal framework that expands the categorisation of VE ideologies, identifies specific DVE charges, and requires the engagement of the prosecutorial and probationary offices. By recognising Misogyny Motivated Violent Extremists (MMVEs) and Conspiracy Theory Motivated Violent Extremists (CTMVEs) as their own threat categories, it would allow researchers and practitioners to gain a deeper understanding of how pervasive the threat posed by these ideologies is.

**Keywords:** QAnon, incel, domestic terrorism, violent extremism, misogyny, conspiracy theory, prosecution, counter-terrorism.

## Introduction

Between 2013 and 2021, incidents of domestic terrorism in the United States increased by 357 percent, and rates of domestic terrorism investigations have more than doubled since 2020.<sup>1</sup> Within the rates of domestic terrorism, the DHS Office of Intelligence and Analysis reports that most ideologically motivated violent incidents in America between 2010 and 2021 have been committed by racially or ethnically motivated violent extremists (REMVEs).<sup>2</sup> Despite this rapid increase of incidents in the past decade, the full understanding of the threat that domestic terrorism poses in the US remains unclear.

In the US, domestic violent extremist (DVE) threats are divided into five categories based on ideological motivation; racially or ethnically motivated violent extremism (REMVE), anti-government and anti-authority violent extremism (AGAAVE), animal rights/environmental violent extremism, abortion-related violent extremism, and all other violent extremism.<sup>3</sup> Ideological categories are crucial to understanding how large the threat posed by different ideologies is and allow law enforcement to gain insight into the different groups and their motivations. While these categories address some of the ideological motivations of the current DVE landscape, they are limited by their broad scope, excluding a more thorough understanding of adherents to ideologies that are categorised as “all other types of violent extremism.”

Within the defined five ideological categories, the federal government’s prosecution strategy of DVE cases is marked by an eclectic mix of non-terrorism charges. The lack of in-depth categorisation and the use of non-terrorism charges for terrorism cases results in ambiguity surrounding how large or small the threat of DVE is in the US. This has led to a fragmented legal framework, unlike the legal framework concerning international terrorism.

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<sup>1</sup> US Government Accountability Office, “Domestic terrorism: Further actions needed to strengthen FBI and DHS collaboration to counter threats”. U.S. GAO, 2 March 2023, <https://www.gao.gov/products/gao-23-104720>.

<sup>2</sup> Ibid., 1.

<sup>3</sup> Federal Bureau of Investigation, “Strategic intelligence assessment and data on domestic terrorism. The Department of Homeland Security”, 2023, [https://www.dhs.gov/sites/default/files/2023-07/23\\_0724\\_opa\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2023-07/23_0724_opa_strategic-intelligence-assessment-data-domestic-terrorism.pdf)

## Methods

To address the ambiguity regarding how the US federal courts prosecute DVE cases, our team examined more than fifteen thousand pages of legal documents and federal court records using the Public Access to Court Electronic Records (PACER) system. As demonstrative examples to illustrate non-categorised DVE ideologies, our team focused on cases of QAnon adherents and involuntary celibates (incels) to investigate how the federal government utilises over two hundred non-terrorism charges in prosecuting these domestic violent extremists.

Cases were included if they met the following criteria: the defendant was charged with a federal crime, the defendant was a self-described QAnon or incel adherent, the defendant was described as a QAnon or incel adherent by the investigating agency, and/or the individual repeatedly made statements consistent with the QAnon or incel ideology.

The criterion led to a sample size of twenty-six QAnon adherent cases and eighteen incel adherent cases. Each case was coded to identify the demographics, charges, and sentences (if applicable) of the defendant to analyse how the federal government utilises non-terrorism charges to prosecute DVE cases. In the following sections, our findings will be discussed to illustrate the use of non-terrorism-related charges to prosecute adherents of these two specific ideologies.

It is important to note that the amount of federally prosecuted QAnon adherents exceeds what is represented in our dataset. For the purposes of this research, cases from the January 6<sup>th</sup> US Capitol breach were excluded for several reasons. First, the breach of the Capitol was a unique event in the size and scope of the QAnon presence. Inclusion from this one incident may mask the activities present in the QAnon movement beyond a single event. Second, the purpose of this research was to identify the patterns of prosecution within the QAnon and incel ideologies, and the inclusion of QAnon cases from January 6<sup>th</sup> would skew the data towards federal prosecutions related to the event. Excluding these cases allows us to gain a deeper understanding of the trends in QAnon adherent's activities and prosecutions. For further information on QAnon cases *not* included in this dataset, please refer to the PIRUS dataset,<sup>4</sup> which includes cases from January 6<sup>th</sup>.

<sup>4</sup> START, "Profiles of Individual Radicalization in the United States (PIRUS)." National Consortium for the Study of Terrorism and Responses to Terrorism", n.d., <https://www.start.umd.edu/data-tools/profiles-individual-radicalization-united-states-pirus>.



## Overview of QAnon and Incel Ideology

The QAnon movement began in 2016 as a fictitious conspiracy theory,<sup>5</sup> known as “PizzaGate”, which accused the Democratic political elite of being involved in a paedophilic sex trafficking ring based out of Washington, DC’s Comet Ping Pong restaurant. The conspiracy was spread across social media platforms such as X (formerly Twitter), 4chan, 8chan, and Reddit.<sup>6</sup> As the PizzaGate theory began to die out, the political conspiracy soon morphed into what is now known as QAnon.

The group’s name refers to an anonymous individual known online as “Q” who claims to be a high-ranking government official. The anchoring belief of QAnon adherents is that the world is run by a satanic paedophilic cabal of global elites.<sup>7</sup> While QAnon members adhere to a wide range of conspiracy theories,<sup>8</sup> the most well-known conspiracies allege that the COVID-19 pandemic was a government-directed hoax,<sup>9</sup> the 2020 presidential election was stolen,<sup>10</sup> and that the US government is attempting to imbed 5G microchips into its citizens.<sup>11</sup>

On another equally disturbed corner of the internet, one plagued by misogyny and the hatred of women,<sup>12</sup> as opposed to anti-government rhetoric and paedophilic cabals, resides the other group focused on in this review: involuntary celibates, or ‘incels’. An incel refers to an individual, most of whom are men, who believe that society unfairly withholds sexual and romantic attention that they feel entitled to receive.<sup>13</sup> Within this group, a core belief is that women and feminism are to blame for this perceived wrongdoing, and as a result, members vow to harm or carry out mass-casualty events towards women.<sup>14</sup>

While extreme misogynist rhetoric is not new to online spaces,<sup>15</sup> incel violence was launched into the mainstream when self-proclaimed incel Elliot Rodger carried out the 2014 Isla Vista attacks, killing six and injuring fourteen before taking his own life.<sup>16</sup> This attack propelled the incel ideology across the nation and elevated Rodger to a saint-like status<sup>17</sup> within the online incel community. Since the 2014 attack, incel violence has increased with attacks such as the 2018 Toronto Van attack,<sup>18</sup> the 2021 Plymouth attack,<sup>19</sup> and the 2018 Florida attack,<sup>20</sup> all carried out by self-proclaimed incels.

5 Amarnath Amarasingam and Marc-André Argentino, “The QAnon Conspiracy Theory: A Security Threat in the Making?” *Combating Terrorism Center Sentinel*, 13.7 (2020): 37-44. <https://ctc westpoint.edu/wp-content/uploads/2020/07/CTC-SENTINEL-072020.pdf>.

6 Kate Samuelson, “What to know about Pizzagate, the fake news story with real consequences”, *Time Magazine*, 5 December 2016. <https://time.com/4590255/pizzagate-fake-news-what-to-know/>.

7 United States v. Olson, 2:21-cr-00077, (E.D. Wisconsin, Mar 19, 2021) ECF No. 1

8 Christopher T Conner and Nicholas MacMurray, “The perfect storm: A subcultural analysis of the QAnon movement. *Critical Sociology*, 48.6 (2021): 1049-1071. <https://doi.org/10.1177/08969205211055863>.

9 Marianna Spring and Mike Wendling, “How Covid-19 myths are merging with the QAnon conspiracy theory” BBC News, 2 September 2020. <https://www.bbc.com/news/blogs-trending-53997203>.

10 Gia Kokotakis, Into the abyss: QAnon and the militia sphere in the 2020 election. George Washington Program on Extremism, 2023. <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-03/into-the-abyss-final.pdf>.

11 Justin Ling, “5G and QAnon: How conspiracy theorist steered Canada’s anti-vaccine trucker protest.” *The Guardian*, 8 February 2022. <https://www.theguardian.com/world/2022/feb/08/canada-ottawa-trucker-protest-extremist-qanon-neo-nazi>

12 Sarah E Daly and Shon M Reed, “I think most of society hates us”: A qualitative thematic analysis of interviews with incels”, *Sex Roles*, 86 (2021): 14-33. <https://doi.org/10.1007/s11199-021-01250-5>.

13 Nirah Chokshi, “What is an incel? A term used by the Toronto van attack suspect, explained”. *The New York Times*. 24 April 2018, <https://www.nytimes.com/2018/04/24/world/canada/incel-reddit-meaning-rebellion.html>.

14 Bruce Hoffman, Jacob Ware, and Ezra Shapiro, “Assessing the threat of incel violence”. *Studies in Conflict and Terrorism*, 43.7 (2022), 565-587. <https://doi.org/10.1080/1057610X.2020.1751459>.

15 Jill Filipovic, “Blogging while female: How internet misogyny parallels ‘real-world’ harassment”, *Yale Journal of Law and Feminism*, 19, 29 (2007): 295-304.

16 Taisto Witt, “If I cannot have it, I will do everything I can to destroy it: The canonization of Elliot Rodger: ‘Incel’ masculinities, secular sainthood, and justifications of ideological violence,” *Social Identities*, 26, 5 (2020), 675-689. <https://doi.org/10.1080/13504630.2020.1787132>.

17 Ibid, 19.

18 R. v. Minassian, 2021 ONSC 1258. CR-18-40000612-0000, 3 March 2021.

[https://www.courthousenews.com/wp-content/uploads/2021/03/Queen\\_Minassian-VERDICT.pdf](https://www.courthousenews.com/wp-content/uploads/2021/03/Queen_Minassian-VERDICT.pdf).

19 “Plymouth shooting, gunman argued with mum before attack.” BBC News, 19 August 2021, <https://www.bbc.com/news/uk-england-devon-58260590>.

20 United States Secret Service National Threat Assessment Center. Hot Yoga Tallahassee: A case study of misogynistic extremism. Department of Homeland Security, 2022 <https://www.documentcloud.org/documents/21417518-secret-service-2018-yoga-class-shooting-case-study>.



While the ideology differs between incels and QAnon adherents, both groups utilise online spaces to radicalise others and plan violence. Before examining the threat that these groups pose to the nation, it is important to note that the majority of QAnon and incel adherents are non-violent individuals who have the constitutionally protected right to engage with their ideological beliefs. However, the few who have become inspired by these ideologies to mobilise to violence pose a sizeable domestic terrorism threat to the United States, warrants further investigation on how the federal legal system is currently addressing this threat, and how this can be improved upon. The first step in this is to understand the threat that each group poses.

## The QAnon Threat in the United States

Since 2016, twenty-six QAnon adherents have been charged federally in the United States.<sup>21</sup> The first arrest took place in December of 2016<sup>22</sup> when a North Carolina man fired three shots inside Washington DC's Comet Ping Pong restaurant after becoming engrossed in QAnon's PizzaGate conspiracy theory.<sup>23</sup> In the following years, twenty-five other individuals who adhered to QAnon conspiracy theories were charged with a variety of over 150 federal crimes. Of those arrested, sixteen have pleaded guilty.

Though these individuals adhere to and commit crimes based on an extremist ideology, the charges they face are non-terrorism related and, therefore, carry more lenient sentences. In this dataset, the shortest sentence applied was to a New Jersey man who threatened the life of his superior at the US Customs and Border Protection via social media, alleging that he was associated with a paedophilic sex trafficking ring.<sup>24</sup> He signed off his threat with the popular QAnon phrase, "WWG1WGA," meaning "where we go one, we go all". After being charged with 18 U.S.C § 115(a)(1)(B) (threatening to assault, kidnap, or murder a United States official, judge, or federal law enforcement official) he was sentenced to pretrial diversion.<sup>25</sup>

On the other end of the spectrum, after posting fake "Writs of Execution" that convicted public officials and private citizens of various crimes, while also providing their personal identifying information, Timothy Dever was charged with fifty-eight counts of 18 U.S.C. § 875(c) (communicating interstate threats) and given the longest sentence in this dataset of twelve years in prison.<sup>26</sup>

## The Incel Threat in the United States

Since 2014, eighteen adherents to the incel ideology have been charged federally in the United States with an array of federal crimes ranging from 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography) to 18 U.S.C. § 875(c) (communicating interstate threats).<sup>27</sup> Of those arrested, eleven have pleaded guilty.

21 Seamus Hughes, Camden Carmichael, and Clara Braun, *Snapshot of US federal cases against violent QAnon adherents*. National Counterterrorism, Innovation, Technology, and Education Center (NCITE), 2024.

<https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1075&context=ncitereportsresearch>.

22 While we acknowledge this case is prior to the official establishment of the QAnon movement in 2017, the PizzaGate theory and ideological indicators of the perpetrator are in line with the QAnon ideology and met the inclusion criteria for our sample.

23 United States v. Welch, 1:16-cr-00232-KBJ, (D. Columbia, 12 Dec 2016).

24 United States v. Almeida, 2:20-mj-08370-JAD, (D. New Jersey, 28 Sep 2020).

25 United States v. Almeida, 2:20-mj-08370-JSA, (D. New Jersey, 9 Jun 2023).

26 United States v. Moody, 1:22-cr-72-MR-WCM, (W.D. North Carolina, 4 Oct 2022).

27 Seamus Hughes, and Camden Carmichael, *Snapshot of U.S. federal cases against violent incels*. National Counterterrorism, Innovation, Technology, and Education Center (NCITE), 2024. <https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1058&context=ncitereportsresearch>.

Like federally charged QAnon adherents, federally charged incels are handled with non-terrorism charges, resulting in shorter sentences. A self-proclaimed incel in New York received only a one-year probation sentence after making a series of threats to open fire at the Woodstock Fruit Festival in upstate New York.<sup>28</sup>

The longest sentence in this data set was applied to a Virginia man who assembled improvised explosive devices to approach cheerleaders with a bomb, referencing inspiration from Elliot Roger's attack.<sup>29</sup> He was charged with 26 U.S.C. § 5861(d)(f) (manufacture of an explosive device not registered with the National Firearms Registry) and 18 U.S.C. § 1001(a)(2) (false statements to the US government) and sentenced to seven years in prison.

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28 Sumanti Sen, "Who is William Swift? Vegan-hater threatens to 'do a f\*\*king Ted Bundy' if fruit festival is held." *Meaww*. 10 August 2022. <http://meaww.com/william-swift-vegan-hater-nyc-man-threatens-ted-bundy-woodstock-fruit-festival-incel>.

29 United States v. Carini, 1:20-cr-00015-JPJ-PMS, (W.D. Virginia, 22 June 2020).

# The Current Federal Prosecution Landscape

The federal prosecution landscape regarding terrorism places heavy emphasis on prosecuting homegrown violent extremists (HVE) who support foreign terrorist organisations (FTOs). For example, the USA PATRIOT Act of 2001 provides clear sanctions for international terrorism but lacks clear categorisation or sanctions for domestic terrorism.<sup>30</sup> Because federal law enforcement has a clear understanding of the FTO threat, they are able to allocate resources to it accordingly. However, when it comes to DVEs, there is a significant gap in the legal framework, especially in the case of incels and QAnon adherents.

While there have been major developments in recent years,<sup>31</sup> including creating analytic threat categories for ideologies that motivate DVEs, the gap in clear categorisation and legal response for DVE threats remains. This lack of clear categorisation creates challenges for law enforcement and prosecutors, as they are often forced to rely on an array of non-terrorism charges to prosecute DVEs.

This can be seen above, in the cases of QAnon adherents<sup>32</sup> and incels,<sup>33</sup> where this has resulted in prosecutors using an eclectic array of two-hundred and seven charges against these violent extremist groups. While these charges can be effective in successfully prosecuting DVEs, they result in comparatively shorter sentencing lengths than terrorism-related charges would. For instance, if a US citizen were to send money or anything of monetary value to a FTO such as Islamic State of Iraq and Syria (ISIS), they could face a sentence of up to twenty years in prison.<sup>34</sup> In instances where their support directly causes death, they could face a sentence of life in prison.<sup>35</sup>

Comparatively, an incel who repeatedly threatened and stalked multiple women for six years<sup>36</sup> was sentenced to eighteen months in prison.<sup>37</sup> Additionally, an Oregon man was arrested in 2018 and charged with 18 U.S.C. § 875(c) (communicating interstate threats) and 18 U.S.C. §§ 2261A (stalking) after repeatedly threatening the YouTube headquarters via X (formerly Twitter) for allegedly censoring his YouTube channel which he used to spread QAnon conspiracy theories.<sup>38</sup> Although this is a clear case of violence being threatened backed by an extremist ideology, the individual was charged with non-terrorism-related charges and was only sentenced to time served and three years of supervised release.<sup>39</sup>

None of this is to say that the threat of international terrorism is not still a presence in the United States. Cases of HVE are still pertinent and ongoing, such as the recent arrests of Mirsad Hariz Adem Ramic<sup>40</sup> and Benjamin Carpenter,<sup>41</sup> both US citizens charged with providing material support to ISIS. However, the threat of international terrorism is much less convoluted as clear

30 107th Congress. "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001." *Public Law*, 26 October 2002:107-56.

31 National Security Council. *National Strategy for Countering Domestic Terrorism*. 2021. <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

32 Ibid, 25.

33 Ibid, 32.

34 18 U.S.C. § 2339B(a)(1). <https://uscode.gov/view.xhtml?req=granuleid:USC-2000-title18-section2339B&num=0&edition=2000>.

35 Ibid, 40.

36 United States v. Bennington, 2:20-cr-00255, (C.D. California, 17 Apr 2020). EFC No. 1.

37 The United States Department of Justice. *Covina man sentenced to 18 months in prison for cyberstalking*. United States Attorney's Office, Central District of California, 14 April 2021. <https://www.justice.gov/usao-cdca/pr/covina-man-sentenced-18-months-prison-cyberstalking>.

38 United States v. Douglas, 1:18-mj-00208-CL, (D. Oregon, 20 Sep 2018).

39 United States v. Douglas, 1:18-cr-00464-AA, (D. Oregon, 10 Sep 2020).

40 The United States Department of Justice. "Jury convicts Kentucky man of multiple terrorism charges". *Office of Public Affairs*, 12 June 2024. <https://www.justice.gov/opa/pr/jury-convicts-kentucky-man-multiple-terrorism-charges>.

41 The United States Department of Justice. "Tennessee man sentenced to 20 years in prison for attempting to provide material support to ISIS." *Office of Public Affairs*, 17 July 2024. <https://www.justice.gov/opa/pr/tennessee-man-sentences-20-years-prison-attempting-provide-material-support-isis>.

categorisation allows for an understanding of this type of threat. This makes it easier for law enforcement and prosecutors to effectively use the statutes at their disposal to combat the HVE threat.

## Ramifications

While the federal government's prosecution strategy towards DVE has been creative in using non-terrorism charges, the ramifications of not having a more inclusive and comprehensive approach devoted to DVE can hinder efforts to counter the threat. This is exemplified by our results regarding incels and QAnon adherents. While creativity in these cases is necessary without a strong DVE legal framework, charging members of these groups with non-terrorism charges creates ambiguity to understanding the threat that these groups and others pose in the United States.

This ambiguity around DVE prosecution makes it increasingly difficult to allocate the appropriate resources to address the threat. Unlike in the cases of HVE where affiliations with recognised FTOs provide clear grounds for categorisation and charges, incel and QAnon cases often hinge on proving intent and connections that are not always overt or are veiled as constitutional rights. Without strong evidence (i.e. rates of people, events, and arrests related to these ideologies), there is little argument for appropriate funds and teams dedicated solely to countering DVE groups and ideologies. As a result, the federal response remains fragmented and underfunded.

The lack of clear recognition for ideologies that fall into the "other" threat category outlined by the federal government affects the prosecutorial landscape surrounding groups that fall within these ideologies. Without a unified legal framework, responses can vary significantly between jurisdictions, leading to disparities in how similar cases are prosecuted and sentenced. This inconsistency erodes the public trust in the justice system and may leave some regions more vulnerable to DVE threats due to unequal enforcement.

Additionally, this lack of clear understanding of DVE ideologies complicates the training and preparedness of law enforcement agencies, who may struggle to navigate the grey areas when addressing cases involving these ideologies. For example, an FBI agent who is trained to handle cases involving AGAAVEs may not have the training or experience to interview someone who was a victim of child exploitation carried out by an incel.<sup>42</sup>

<sup>42</sup> United States v. Larson, 1:20-mj-00147-BAM (E.D. California, 23 Dec 2020).

## Policy Suggestions

To address the ramifications of using non-terrorism charges in DVE cases, we argue that a stronger and more comprehensive domestic terrorism legal framework must be developed. These proposed policy suggestions include the expansion of the DVE threat categories and additional resources allocated to probation and parole offices.

### Expansion of the DVE Threat Categories

As stated previously, the United States outlines five DVE threat categories based on ideological motivation.<sup>43</sup> These categories include racially and ethnically motivated violent extremism (REMVE), anti-government and anti-authority violent extremism (AGAAVE), animal rights/environmental violent extremism, abortion-related violent extremism, and all other violent extremism. The results of our research indicate a clear threat from incels and QAnon adherents, yet their ideological motivations (misogyny and conspiracy theories respectively) fall into the “all other violent extremism” category.

A policy recommendation to begin to address this is to recognise misogyny-motivated violent extremism and conspiracy theory-motivated violent extremism as their own threat categories. Incels and misogyny-based violent extremists have been recognised as a threat in the broader academic world,<sup>44</sup> as well as by governments abroad.<sup>45</sup> Conspiracy theories and their link to far-right violent extremism have also been recognised.<sup>46</sup> While there is often overlap between ideological motivations, both counter-terrorism practitioners and researchers are often tasked with determining an offender’s primary ideological motivation when discussing prevention efforts. By recognising these two ideologies as threat categories, we can improve our understanding of the DVE threat, leading to better prevention efforts.

The proposed categories are as follows:

1. **Misogyny Motivated Violent Extremism (MMVE):** This threat category includes the potentially unlawful use or threat of force or violence, in violation of federal law, in furtherance of political and/or social agendas which are deemed to derive primarily from a bias, specifically related to gender or sexual orientation, held by the actor against others, including a given population group.
2. **Conspiracy Theory Motivated Violent Extremism (CTMVE):** This threat category includes the potentially unlawful use or threat of force or violence in violation of federal law in furtherance of political and/or social agendas which are deemed to derive primarily from conspiracy theories.

Recognising misogyny and conspiracy theory-motivated violent extremism as their own threat categories, may allow us to gain a deeper understanding of how pervasive the threat posed by groups who adhere to these ideologies truly is. With accurate numbers of investigations, events, and arrests, the US government could provide the proper resource allocation, training, and education to frontline law enforcement members who are tasked with countering these groups. Better training with different types of violent extremism (in this case, conspiracy theory

<sup>43</sup> Ibid, 3

<sup>44</sup> Sian Tomkinson, Tael Harper, and Katie Attwell, “Confronting incel: Exploring possible policy responses to misogynistic violent extremism”. *Australian Journal of Political Science*, 55.2(2020): 152-169. <https://doi.org/10.1080/10361146.2020.1747393>, p.18

<sup>45</sup> Helen Catt, and Charlotte Rose, “Misogyny to be treated as extremism by the UK Government”. *BBC News*, 18 August 2024. <https://www.bbc.com/news/articles/c15gn0lq7p5o>.

<sup>46</sup> Adam M Enders et al., “Who Supports QAnon? A Case Study in Political Extremism”. *The Journal of Politics*, 84.3 (2022), 1844-1849. <https://doi.org/10.1086/717850>; Amanda Garry, Samantha Walther, Rukaya Rukaya, and Ayan Mohammed, “QAnon conspiracy theory: examining its evolution and mechanisms of radicalization.” *Journal for Deradicalization*, 26(2021): 152-216.

and misogyny) allows federal law enforcement to more holistically understand the crimes that adherents of these ideologies commit. This allows for a more consistent use of non-terrorism-related charges leading to better enforcement regarding DVEs.

This is not to say that every defendant's ideology can fit neatly into a box; to do so would mean the creation of dozens of new categories and a limited understanding of these ideologies. Rather, by creating a more expansive list of general ideological subcategories, different cases and groups could fall into multiple categories if needed. Take, for example, a California man who was arrested on his way to Washington DC with firearms and a "kill list" which included President Joe Biden and former President Barack Obama.<sup>47</sup> While this is a clear example of AGAAVE-related violent extremism, this individual's primary motivation came from the QAnon conspiracy theories. Under this new approach, with the inclusion of a CTMVE category, this man could have been categorised as a CTMVE and an AGAAVE.

Further complicating the matter, individuals can have their own blend of ideologies, and this can be seen in the rise of lone actor attacks.<sup>48</sup> Lone actor extremists may draw inspiration from multiple extremist narratives without direct affiliation to any organised group and can be motivated by a combination of personal grievances, online radicalisation, and fragmented ideological beliefs, making it difficult to apply any categorisation. This policy proposal is also limited in addressing those who commit acts of DVE without clear evidence of an ideological commitment,<sup>49</sup> such as the recent assassination attempt on former President and current President-elect Donald Trump.<sup>50</sup>

With the inclusion of a broader range of violent extremist ideological categories, prosecutors would have more generalised access to terrorism-related charges regarding these specific kinds of cases. For example, with the introduction of a CTMVE category, prosecutors would no longer have to rely on an array of non-terrorism charges to prosecute violent adherents of QAnon, rather, they would have the charges available to them to categorise these cases much more efficiently. This would aid prosecutors in a more simplistic and direct approach to prosecuting DVEs, as well as allowing for a more effective measurement of the DVE threat in the US. As such, the US government would have justification to allocate the appropriate resources to address the threat.

## Resources for Probation and Parole Officials

Probation and post-sentence supervision play significant roles in managing and reintegrating formerly incarcerated individuals. In any form of post-release supervision, an individual is monitored by an officer and is under general restrictions such as curfews, counselling, and restrictions on firearm ownership.<sup>51</sup> In cases where an individual is convicted of a terrorism-related crime, and they are sentenced to probation or supervised release, they have extreme restrictions and monitoring that are specific to their case. They are subjected to restrictions surrounding their internet usage and online communications, are often tracked using GPS, and are not allowed to access extremist content.<sup>52</sup> These measures are put in place to hinder recidivism and re-

47 United States V. Xiong, 1:22-cr-00005-RGE-HCA (S.D. of Iowa, Dec 2021)

48 Richard Seymour, "The Buffalo shooting and the rise of the lone wolf terrorist." *The New Statesman*. 20 May 2022. <https://www.newstatesman.com/ideas/2022/05/buffalo-shooting-and-rise-of-lone-wolf-attack>.

49 FEMA. "1 October After-Action Report. The Department of Homeland Security." 24 August 2018, <https://www.hsdl.org/c/abstract/?docid=814668>.

50 Eric Tucker, "Gunman in Trump assassination attempt saw rally as 'target of opportunity,' FBI official says." *The Associated Press*. 28 August 2024, <https://apnews.com/article/fbi-trump-assassination-attempt-919bc3a7bba02f6e340fed321b20dfdd>.

51 Administrative Office of the United States Courts. Overview of Probation and Supervised Release Conditions. *Department of Program Services Probation and Pretrial Services Office*, 2024

[https://www.uscourts.gov/sites/default/files/overview\\_of\\_probation\\_and\\_supervised\\_release\\_conditions\\_0.pdf](https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf).

52 Kevin Lowry, "Responding to the challenges of violent extremism/terrorism cases for United States probation and pretrial services." *Journal*



radicalisation. Violation of any of these requirements could lead to federal prison time. In the case of DVEs charged with non-terrorism charges, individuals will face general restrictions but may not face the more specialised requirements often seen in cases involving terrorism charges.

To make these measures effective in combatting the DVE landscape, this policy proposal must address the above factors. We argue that in cases where an individual is motivated by a violent extremist ideology and is serving post-release supervision, their probation or parole officer should be informed of the individual's DVE background and key terms and behaviours often seen in groups that adhere to these ideologies. This would aid the probation and parole offices in identifying threats of recidivism and violations beyond what is outlined in the general requirements and restrictions. For example, a probation officer supervising an incel may perform general duties such as administering a drug test, but if informed of the language and online behaviour of misogyny-motivated violent extremism, may also look out for signs of mobilisation to violence that is specific to incels. Due to the varying nature of a probation and parole official's caseload,<sup>53</sup> these products must be concise and come from a full understanding of these ideological motivations. This is only possible with broader DVE threat categories.

We believe that implementing these policy suggestions would be advantageous for combatting the DVE threat. First, the measurement of the DVE threat could be more feasible, aided by the inclusion of MMVE and CTMVE. With these new threat categories, it would be possible to better evaluate the groups motivated by these ideologies and how prominent the threat they pose is. Having a more thorough understanding of these groups and ideologies may allow law enforcement and prosecutors to more effectively use the charges at their disposal and justify the allocation of proper resources and training to frontline law enforcement members who are tasked with countering the DVE threat.

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53 Matthew DeMichele and Brian K Payne, "Probation and parole officers speak out – Caseload and workload allocation." *Federal Probation Journal*, 71, 3 (2007), 1-22. [https://www.uscourts.gov/sites/default/files/71\\_3\\_5\\_0.pdf](https://www.uscourts.gov/sites/default/files/71_3_5_0.pdf)



## Conclusion

The growing threat of misogyny and conspiracy theory-based violent extremism in the United States underscores the urgent need for a clear and comprehensive understanding of these ideologies. Without this understanding, the government has had to rely on non-terrorism charges to prosecute these extremists. While this has served as a short-term solution, it has exposed critical gaps in the ability to fully counter the threat and hinders the effective allocation of resources, leaving law enforcement and prosecutors to navigate a piecemeal system. Cases of QAnon adherents and incels demonstrate the ambiguity in prosecuting groups who adhere to these ideologies and how it can lead to varied and often lenient sentencing, which does not reflect the severity of the threat these groups pose.

To begin to combat this, we propose creating two new DVE threat categories that would better encompass the ideologies that are motivating DVE groups within the United States. This would allow the government to gain a fuller understanding of how vast these threats are and could clear the fog surrounding the non-terrorism charges that are often used to combat these threats. With this understanding would also come resource allocation and training for frontline law enforcement regarding these ideologies and allow for the creation of actionable tools supporting post-sentence probation and parole officials, allowing for a holistic approach to combating domestic violent extremism.

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