



NCITE Project Summary

Prosecuting Illicit Threat Actors

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Seamus Hughes (PI), University of Nebraska at Omaha
Mackenzie Harms (co-PI), University of Nebraska at Omaha

This project examines how U.S. prosecutors charge individuals who engage in terrorism or terrorism-adjacent activity across designated foreign terrorist organizations (e.g., ISIS) and emerging, undesignated threats (e.g., nihilistic violent extremist groups such as “764”). Building on prior years’ findings of uneven charging and sentencing across groups, the team will analyze federal court records and related datasets to compare terrorism versus non-terrorism statutes used, and how ideology and designation status shape outcomes. Researchers will code thousands of pages of DOJ materials and apply quantitative techniques to identify patterns in charges. Expected takeaways include clearer guidance on when non-terrorism charges are effective, how designation status influences sentences, and the dissemination of practical briefs for operators. The work aims to sharpen investigations, charging decisions, and sentencing expectations for DHS and partners.

Impact Statement

By clarifying which charges most effectively disrupt designated and emergent threat actors, this project helps DHS operators (including the Office of Intelligence & Analysis, Counterterrorism Mission Center, Homeland Security Investigations) and Fusion Centers make faster, better-informed investigative and prosecutorial decisions that improve disruption and sentencing outcomes.




Policy Impact

- Executive Order 14161, “Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats” (Jan. 20, 2025): Findings on FTO-linked prosecutions inform how vetting/enforcement priorities intersect with charging strategies for foreign-directed actors.
- Executive Order 14157, “Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists” (Jan. 20, 2025): Results illuminate how formal designation affects access to 18 U.S.C. § 2339 tools versus reliance on non-terrorism statutes.
- Presidential Proclamation, “Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats” (Jun. 4, 2025): Comparative sentencing and recidivism insights support policy implementation by indicating which prosecutions most durably incapacitate foreign-linked actors.
- Department of Justice, “General Policy Regarding Charging, Plea Negotiations, and Sentencing” (Feb. 5, 2025): Empirical evidence on terrorism vs. non-terrorism charging aligns with DOJ’s “most serious, readily provable offense” guidance and can refine practice in terrorism-related cases.

ACKNOWLEDGMENT AND DISCLAIMER

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 ncite.unomaha.edu
 ncite@unomaha.edu
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End User Offices with Direct Operational Impact

DHS Office of Intelligence & Analysis – Homeland Threat Actors Branch	U.S. Citizenship and Immigration Services (USCIS) – Fraud Detection and National Security Directorate
National Counterterrorism Center – Counter Narcotics	Homeland Security Task Force – Intel Fusion Cell
Department of Justice (DOJ) – National Security Division	Federal Bureau of Investigation (FBI) – Joint Terrorism Task Forces
U.S. Secret Service – National Threat Assessment Center (NTAC)	Fusion Centers

Expected Findings and Outputs

- This project will illuminate how designation status impacts charge selection. For example, FTO-affiliated cases will more often use 18 U.S.C. § 2339-series offenses, while undesignated groups will rely on non-terrorism statutes – this may lead to shorter and more variable sentences.
- Certain prosecutorial patterns are likely to replicate across ideologies, while gaps for undesignated threats will reveal charging inconsistencies that can be closed by targeted guidance.
- A set of non-terrorism statutes and investigative practices will be identified as most effective for durable disruption of emergent networks, providing quick-reference information to operators.
- Translation products highlighting three ideologies will increase operator awareness and may support charging standardization across districts.

NCITE Strategic Priority

Actors – The project maps how prosecution choices vary by actor ideology and designation, improving understanding of who is being charged and how.

NCITE Operational Area of Excellence

Law Enforcement Partnerships – Findings are packaged for DHS Fusion Centers, FBI Joint Terrorism Task Forces, and prosecutors to apply directly in operations.

Methodology

Researchers will identify one known FTO (e.g., ISIS) and one emergent, undesignated threat (e.g., “764”) in consultation with stakeholders, then collect U.S. court records, DOJ terrorism case datasets, and FBI/DHS terrorism data. Multiple trained raters will content-code cases and apply quantitative techniques (e.g., historiometry, sequential analysis) to compare charging and sentencing patterns across ideologies/designation statuses, with ongoing practitioner engagement to shape outputs.

Please visit the NCITE website for more information on the project at ncite.unomaha.edu

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