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Center for Law & Human Behavior  
The University of Texas at El Paso  
500 West University Avenue  
Prospect Hall, Room 226  
El Paso, Texas 79968  
Tel: (915) 747-5920  
Email: [clhb@utep.edu](mailto:clhb@utep.edu)  
Website: <http://clhb.utep.edu>  
Follow us on Twitter @1CLHB

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## Abstract<sup>1</sup>

Ever since the 9/11 attacks elevated terrorism to the top rank of concerns for security studies scholars, attention by academics as well as practitioners has focused at the national and international level. Although it is often recognized that 'all terrorism is local', most counterterrorism is federal or above. But this approach is wrong, as effective defense against terrorism is to a significant degree a local project. Just as the US officials have argued that "homeland security begins with hometown security", international and national security against terrorism is profoundly affected by local policies. This article argues that national defense against terrorism is best achieved through approaches that incorporate local law enforcement and intelligence organizations, and it examines the most prominent such American effort: the New York City Police Department intelligence program.

## Introduction

Ever since the 9/11 attacks elevated terrorism to the top rank of concerns for security studies scholars, attention by academics as well as practitioners has focused at the national and international level (Foley & Abrahms, 2010). This is not surprising, as the threat from international terrorism, exemplified by al Qaeda, clearly seemed to demand an international response. Experts often argue that international approaches produce the most effective counterterrorism measures (Byman, 2007; Hoffman, 2009; Sageman, 2008), and scholars have closely studied international policies such as the use of targeted killings and drone strikes (Carvin, 2012; Price, 2012). Others have examined counterterrorism from the perspective of national-level political structures and organizational processes (Carter, 2001–2002; Crenshaw, 2001; Foley, 2009), or as a matter involving reform of domestic national-level intelligence institutions (Jackson, 2009; Rosenbach, 2008; Zegart, 2007).

This focus at the national and international level is found even among scholars favoring very different approaches towards counterterrorism. For example, much of the discussion about counterterrorism has centered on whether the better approach is to follow what has been called the war model, which sees terrorism as a national security threat to be fought using military and intelligence capabilities; a criminal justice model, which treats terrorism as a criminal act; or a reconciliatory model, which sees terrorism as a political problem (Clutterbuck, 2004; Crelinsten & Schmid, 1992; Perliger, 2012; Rees & Aldrich, 2005). Since the 9/11 attacks, the USA is considered to have emphasized the war model, which naturally privileges the role of federal-level capabilities, including military force (Chesney, 2005; Kurtulus, 2012; Shapiro & Byman, 2006). But even much of the work examining criminal justice

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\*Email: ejdahl@nps.edu

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or reconciliatory approaches tends to focus on national- and international-level solutions (Clutterbuck, 2004; Perliger, Hasisi, & Pedahzur, 2009; Sederberg, 1995).

In recent years, however, concerns have increased about the threat from domestic and homegrown terrorism. American terrorism experts argue that as the threat has diversified to include more homegrown recruits, federal authorities must engage more closely with state and local officials. Bergen, Hoffman and Tiedemann, for example, write that "As the ranks of US recruits have grown, the new frontlines have become the streets of Bridgeport, Denver, Minneapolis, and other big and small communities across America" (2011, p. 90). Policy-makers have recognized this change in the nature of the threat. Former Secretary of Homeland Security Janet Napolitano (2012) frequently argued that "homeland security is hometown security", and the Obama administration in 2011 announced what it called a national strategy of "Empowering Local Partners to Prevent Violent Extremism in the United States" (White House, 2011). New layers of state and local counterterrorism organizations have been developed within the USA, including a network of intelligence fusion centers. But this understanding of the changing threat has not yet been accompanied by significant research examining how local organizations and policies may be able to address these challenges.

This article challenges the prevailing national and international focus in counterterrorism research. It argues that international security against terrorism is profoundly affected by domestic and local policies, and national defense against terrorism is best achieved through local approaches. The rest of this article proceeds as follows. The next section relies largely on the criminal justice literature to develop the argument that local counterterrorism approaches are likely to be more effective than nationally imposed measures. Following that is a case study of the most prominent local American intelligence and counterterrorism effort: the New York City Police Department (NYPD), whose intelligence program has been described by supporters as the 'gold standard' for domestic counterterrorism, but which critics charge with civil liberties violations. The article concludes by discussing the implications of this analysis.

### **The Benefits of Local Approaches**

Although most discussions of improving intelligence and counterterrorism performance focus at the national and international level, it is often said that "all terrorism is local", and a number of scholars and practitioners have suggested that local levels of government should take on a larger role. Donald Kettl writes that state and local governments will always play a central role in counterterrorism because "Any attack is, first and foremost, an attack on a city and a state" (2003, p. 7). The International Association of Chiefs of Police argues that "local authorities, not federal, have the primary responsibility for preventing, responding to and recovering from terrorist attacks" (2005, p. 3).

Local authorities are considered to have an advantage over national agencies both because they have more personnel available and because they are operating in their own communities and they know the territory better (Jones & Libicki, 2008, p. 125; Kelling & Bratton, 2006). The

319 Group, an unofficial group of current and former counterterrorism and intelligence experts, argues that:

Local police are in the best position to collect domestic intelligence. The ethnic composition of police departments usually reflects the local population, the officers know their territory, and unlike federal officials, they don't rotate to a new city every few years (2010, p. 3).

Sam Rascoff, a former director of intelligence analysis for the NYPD, follows this logic in arguing (2010) that the traditional model of relying on federal intelligence for counterterrorism is mistaken; local intelligence possesses several comparative advantages, he writes, including a closer relationship with the local population.

In the USA, law enforcement responsibilities are primarily situated at the local level. There are some 18,000 law enforcement agencies and organizations in the USA, with the majority of the country's more than 900,000 law enforcement personnel working for small local departments (Reaves, 2011, 2012). But prior to the 9/11 attacks, few local law enforcement agencies in the USA had experience with responding to or investigating terrorism (Davis et al., 2004). Since then, many local agencies have been asked to take on the function of terrorism prevention, and some federal funding has been made available to them, but state and local officials have complained that they get insufficient direction and support in taking on this mission (Pelfrey, 2009; Riley, Wilson, Treverton, & Raymond, 2006).

Despite this greater attention to counterterrorism at the local level, there has been a lack of research into how local police agencies in the USA have responded to the problem of terrorism. Scholars have attempted to measure the preparedness of local agencies, often using surveys or interviews of local law enforcement officials and others in order to understand what preparedness activities have been undertaken, such as whether police officers have been trained and equipped to respond to or prevent potential terrorist incidents. These studies often report the relatively unsurprising finding that larger law enforcement agencies tend to perceive they are at a greater risk from terrorism and have higher levels of preparedness (Gerber, Cohen, Cannon, Patterson, & Stewart, 2005; Giblin, Schafer, & Burruss, 2009; Roberts, Roberts Jr., & Liedka, 2012).

A few scholars such as Adam Svendsen (2012) have argued that US local law enforcement agencies can take on a larger role in counterterrorism intelligence. And there is a robust literature on the use of criminal intelligence by local police departments through what is known as intelligence-led policing (Carter & Carter, 2009a). One finding here is that most of such efforts rely primarily on human intelligence and other relatively common techniques, rather than the more intrusive techniques used by national agencies such as signals intelligence (Harris, 2010; Roush, 2012; Waxman, 2008). But there has been little empirical research done to examine how effective local agencies in the USA have been in actually preventing terrorist attacks. The role of local law enforcement in domestic counterterrorism is widely considered crucial, but it is under-studied, especially in the USA.

By contrast, there is a relatively robust literature about counterterrorism policing in Britain, and London has been described as being possibly the most heavily monitored city in the world (Clutterbuck, 2004; Fussey, 2007). Martin Innes (2006) argues that in Britain, the best approach for counterterrorism policing is to take a local focus, under what is called the neighborhood policing (NP) program. This approach makes for a highly localized policing system, which he argues is the best way to foster trust between the community and the police force.

The lack of research on local counterterrorism and intelligence activities in the USA may be explained in part because in most local communities, terrorist activity is rare. New York City, which has often found itself a terrorist target, is an exception. And although the NYPD's aggressive intelligence and counterterrorism programs are the subject of much media discussion and controversy, there has been relatively little examination of them in the intelligence, terrorism and security studies literatures.

New York City represents a 'most likely' case (George & Bennett, 2005) that can help us examine the argument that countering domestic and homegrown terrorism requires a local approach. To put it another way, this case is useful for studying the argument that homeland security is hometown security. New York City is an unusual hometown, to be sure. But if local solutions can be effective anywhere, they should work there, where more local resources are available and more community attention has been focused than anywhere else in the USA. As former New York City Mayor Rudy Giuliani argues (2013, p. 7) concerning the homegrown terrorism threat, "If the genesis of this terrorism is domestic, then our only chance to detect it is if the FBI and other federal agencies use local law enforcement as its 'eyes and ears'". The next section examines the local organization with the most robust 'eyes and ears' capability in the USA, NYPD.

### **The NYPD Intelligence Program**

The NYPD has built an intelligence program that has been described as the envy of many agencies in the federal government and which its current commissioner has called the 'gold standard' (Dickey, 2012; Kelling & Bratton, 2006, p. 5). The NYPD claims to have prevented a number of terrorist plots and attacks, suggesting that the New York experience might indeed be a model for other law enforcement agencies—or even smaller countries—to follow. After the Boston Marathon bombings, supporters of the NYPD program and even a former director of the Central Intelligence Agency (CIA) argued that such a plot would have been prevented if it had taken place in New York City (Yager, 2013). But critics have charged that most of the plots broken up by the NYPD involved incompetent would-be terrorists who were unlikely to have succeeded anyway (Elliott, 2012; Mueller & Stewart, 2012). The NYPD's intelligence and counterterrorism efforts have also sparked complaints about violations of civil liberties, aggressive surveillance of Muslim groups and an overly close relationship with the CIA (Apuzzo & Goldman, 2013).



### ***Developing the NYPD intelligence program***

New York City has seen many of the most spectacular terrorist attacks in American history, dating back to the Wall Street anarchist bombing of 1920. During the period from 1970 to 2007, more terrorist attacks occurred in New York City than in the next four most frequently targeted US cities combined (National Consortium for the Study of Terrorism and Responses to Terrorism, 2010, p. 2). Even before the 9/11 attacks, the NYPD had been successful in preventing a number of attacks, such as a 1993 plot to bomb a number of major locations in the city and a 1997 attempt to detonate bombs in the subway system. But despite these successes, before the 9/11 attacks, the NYPD did not have an organization dedicated to developing and analyzing terrorism-related intelligence. There was an Intelligence Division, but it focused on protecting dignitaries and developing criminal intelligence.

Raymond W. Kelly was appointed police commissioner in January 2002 and within a month, he reorganized the Intelligence Division (Comiskey, 2010; Holden, Murphy, Brito, & Ederheimer, 2009). He recruited as deputy commissioner of Intelligence David Cohen, a 35-year veteran of the CIA who had served unusually as both deputy director of operations (in charge of clandestine operations) and as deputy director of intelligence (responsible for analysis) at the CIA. Cohen advocated an aggressive approach by the intelligence division, arguing that “there’s a plot taking shape against New York City every day of every week since 9/11” (Dickey, 2009b). He also used his connections at the CIA to get another senior CIA official, Lawrence Sanchez, seconded to the NYPD.

Intelligence division personnel have been described as devoting 95 per cent of their time to terrorism investigations. The division has field intelligence officers assigned to each of the NYPD’s 76 precincts (Cohen, 2013a). Confidential informants are developed by ‘core collection’ officers, who gather information about people being radicalized by militant groups or websites, while other officers work undercover to infiltrate violent groups (Miller, 2007). A key element of the intelligence division is the Analytic Unit, which one of its former chiefs described as an attempt to bring “the culturally exotic world of the ivory tower to bear on the gritty problems of counterterrorism as experienced by beat cops and seasoned detectives” (Feuer, 2010). Some of the Analytic Unit analysts have advanced degrees from Columbia, Cornell, Harvard, and other top universities, while others have come to the NYPD from think tanks or government agencies, including the CIA. All this, according to Kelly, gives the NYPD a capability ‘that exists no place else’ (Miller, 2007).

Kelly also created a new Counterterrorism Bureau, operating under a deputy commissioner of counterterrorism, to work closely with both the intelligence division and the FBI-led Joint Terrorism Task Force (JTTF). Supporting the NYPD’s counterterrorism effort is also a technologically advanced central command center called the Real Time Crime Center, first established in 2005 (Schmidt, 2010). President Obama visited the center in 2010 after the Times Square car-bombing attempt and said, “The work here is a model for the country” (Barack Obama visits real time crime center, 2010).

Another counterterrorism tool is the Lower Manhattan Security Initiative, which is modelled on London's 'Ring of Steel'. It involves thousands of security cameras in lower Manhattan, along with license plate readers, monitored at a 24-hour operations center (Greenemeier, 2011). In 2012, the NYPD announced an expansion of this program called the 'Domain Awareness System' that is designed to combine and analyze many streams of information in order to track potential criminals and terrorists. Then-mayor Michael Bloomberg said, "This new system capitalizes on new powerful policing software that allows police officers and other personnel to more quickly access relevant information gathered from existing cameras, 911 calls, previous crime reports, and other existing tools and technology" (Waxman, 2012).

### ***A council on foreign relations with guns***

The NYPD has been described as "the most global of local police forces" (Khalil, 2009), and Kelly (2009) described the department as "a Council on Foreign Relations with guns". The NYPD intelligence program can be seen as a reflection of New York as a global city—a subnational actor acting on the international stage. And as an international actor, the NYPD does not limit its intelligence collection and reporting to New York City alone, or even to the USA. For example, for a year before the 2004 Republican National Convention in New York City, teams of undercover NYPD officers travelled to cities in Canada and in Europe, as well as across the USA, to covertly observe people who planned to protest at the convention. Undercover officers attended meetings of political groups, made friends with activists and filed daily reports with the intelligence division (Dwyer, 2007).

One of the more controversial actions by the intelligence division was to establish an international liaison program (Nussbaum, 2007, 2012; Sullivan & Wirtz, 2009). Under the program, New York Police officers are stationed in 11 cities around the world; as of 2011, officers were stationed in London, Madrid, Paris, Tel Aviv, Abu Dhabi, Amman, Lyons, Montreal, Toronto, Singapore, and Santo Domingo, Dominican Republic (Comiskey, 2010; Kelly, 2011). The officers' salaries are paid by the City of New York, but travel, lodging and other expenses are paid by the private New York City Police Foundation (New York City Police Foundation, 2013). These officers do not actually conduct investigations overseas but coordinate with local police and intelligence officials in order to collect information that could be useful to New York City.

Federal officials often criticize the international liaison program and argue that NYPD activities in other countries can lead to confusion among local officials who are not sure who they should be dealing with. Especially in the first few years after the program was initiated, the international program led to conflicts between the NYPD and the FBI, which maintains its own Legal Attaches, or 'Legats', around the world. One such turf struggle occurred after a terrorist bombing in Madrid, Spain, in 2004, when the NYPD sent an intelligence liaison team to Spain without consulting with the FBI (Nussbaum, 2012, p. 196). In another incident, when the NYPD planned to post one of its detectives in Israel, the FBI opposed the plan and an FBI spokesman said that "It's a problem for the U.S. government, which needs to have a unified voice in foreign countries; and it's important for the foreign government to know who the official representative of the U.S. government is" (Miller, 2005). Although relations between the NYPD

and the FBI have reportedly improved in recent years, there are still many in the FBI who question the value of such a program. Retired FBI official Thomas V. Fuentes, for example, who headed the bureau's Office of International Operations, has called the NYPD international program 'a complete waste of money' (Stein, 2010).

But an example that has been cited of success for the international liaison program is the terrorist attacks in Mumbai, India, in 2008. The NYPD did not have an officer in Mumbai, but a senior officer, Captain Brandon Del Pozo, had previously been stationed in Amman, Jordan, and had visited Mumbai in the aftermath of a commuter rail attack there in 2006. Del Pozo was sent to Mumbai while the attacks were still underway, and he was able to send back near real-time information about the tactics being used by the terrorists. His reports convinced the NYPD that a Mumbai style attack would quickly overwhelm its Emergency Service Unit (ESU, the NYPD term for SWAT), and the department took steps to improve its counterterrorism capability (Comiskey, 2010). The NYPD also prepared an analysis of the attacks that it shared with the members of NYPD Shield, a public-private partnership of New York area hotels and other businesses.

In 2007, the NYPD released a report titled 'Radicalization in the West: The homegrown threat' which in some ways exemplifies not only the strengths the department brings to counterterrorism but also the criticisms that have attached to it. This report analyses the origins and development of 11 terrorist cells in the USA and Europe, and describes a radicalization process involving four phases: pre-radicalization, self-identification, indoctrination and Jihadisation. The report received widespread attention, and has been cited as evidence that local police agencies—at least major ones—are able to develop their own intelligence collection and analysis capabilities (Connors, 2009). But it was also controversial, as critics said it could lead to racial profiling (Patel, 2011).

New York City has developed its intelligence and counterterrorism programs largely on its own, without—and sometimes despite—federal government help and involvement, and without the formal linkages to other agencies that are seen elsewhere. Since the 9/11 attacks, state and local intelligence fusion centers have proliferated throughout the USA. These fusion centers receive support and guidance from the Department of Homeland Security (DHS), but they are managed by state and local authorities. New York State has one such fusion center, the New York State Intelligence Center (NYSIC), but the NYPD intelligence division is not part of the national fusion center network (Carter & Carter, 2009b).

### ***Handschu Restrictions***

In the first years after 9/11, an important limiting factor in the development of the NYPD's intelligence capabilities was what are known as the Handschu Guidelines that restricted the department's surveillance activities. Allegations of illegal activities against the earlier intelligence division beginning in the 1970s had led to a lawsuit alleging that the department's intelligence gathering practices and, in particular, its surveillance of political organizations, infringed on First Amendment rights. In 1985, the department agreed to a decree with the US District Court for the Southern District of New York that prohibited the NYPD from investigating political organizations without a criminal predicate (Dickey, 2009a).

Following the 9/11 attacks, New York City officials argued the Handschu restrictions needed to be loosened. The federal judge who had issued the original consent decree agreed to the change, and the NYPD currently operates under Modified Handschu Guidelines, which allow investigations of political organizations with the approval of the deputy commissioner of intelligence (Comiskey, 2010, pp.16– 17). Civil rights advocates have charged that the NYPD has been systematically violating the Handschu rules, “continuing a massive, all-encompassing dragnet for intelligence concerning anything connected with Muslim activity through intrusive infiltration and record-keeping about all aspects of life, politics and worship” (Goldstein, 2013). In response, New York City officials have said the NYPD’s efforts are in keeping with the Handschu Guidelines and the US Constitution and cited the existence of frequent terrorist plots since the 9/11 attacks as evidence of the need for an aggressive intelligence program.

### ***How useful is it?***

The NYPD intelligence division often produces reporting that is not available anywhere else outside the US federal government, and which is in demand well beyond New York City. These reports, such as one in 2012 about involvement by the Iranian Revolutionary Guards in multiple plots against Israeli or Jewish targets around the world (Hosenball, 2012), occupy a middle ground between official national intelligence community reporting, which is generally not available outside of government channels, and private open source reporting, which is widely available but of less certain reliability. Many reports are disseminated outside of New York through the NYPD Shield program, which has been recognized as an outstanding example of a public–private partnership (ASIS Foundation, 2011). Unlike reporting from the FBI and DHS, which is usually given restricted dissemination, NYPD Shield reporting is designed to be widely available and is often disseminated days before federal government reports are available (Parascandola, 2008).

But does the NYPD intelligence program keep New York safe from terrorism? Recently, NYPD officials have attempted to demonstrate the seriousness of the terrorist threat facing New York City by citing a list of 16 failed plots and unsuccessful attacks since 9/11 (New York City, 2013b). But the NYPD was not directly involved in preventing several of these plots, and in one prominent case— that of Najibullah Zazi, who plotted to set off bombs in the New York City subway system in 2009—the NYPD was criticized for nearly undermining the FBI’s investigation when intelligence officers interviewed a Queens imam, who then informed Zazi about their interest in him. Critics have charged that few of the plots on the NYPD list would have actually amounted to much had the hapless plotters not been encouraged by undercover police officers and informants (Elliott, 2012).

One case cited by the NYPD demonstrates how intelligence efforts can be useful even in a case in which an attack was not detected in advance: the attempted car bombing in Times Square in 2010, in which a street vendor notified police after he saw smoke coming from the car. After that attack, members of the NYPD analytic unit found and analyzed a YouTube video that had been posted by the Pakistani Taliban claiming responsibility for the attempt. The unit prepared a report arguing that a particular group, known as the TTP, was probably behind the attack.

Officials in Washington announced the same conclusion, but not until days later, and Faisal Shahzad, the attacker, eventually acknowledged that the group had trained him for the attack (Feuer, 2010).

More useful for evaluating the effectiveness of the NYPD intelligence program, however, is an examination of those cases in which the NYPD has played a part in preventing attacks. Publicly available information indicates that on at least nine occasions since the 9/11 attacks, the NYPD intelligence division has been involved in preventing a terrorist attack either in New York or elsewhere:

- 2013: Justin Kaliebe, a high school student from Long Island, was arrested at JFK Airport as he tried to fly to Yemen in order to fight with jihadists. The arrest was the result of a year-long investigation by the FBI and NYPD, during which he told an undercover officer he wanted to wage jihad.
- 2012: Two naturalized citizens of Pakistani descent living in Florida (the Qazi brothers) plotted to carry out attacks in New York City. One of the brothers travelled to New York City to scout locations for a bomb attack, where the NYPD intelligence division was involved in locating him.
- 2011: Jose Pimentel was arrested on charges of plotting to attack military personnel, post offices and police in the New York City area. The NYPD intelligence division reportedly had Pimentel under surveillance for more than two years, and he was finally arrested when he was attempting to build pipe bombs.
- 2011: Ahmed Ferhani and Mohamed Mamdouh, who plotted to bomb a New York City synagogue, were arrested after they bought a hand grenade, three pistols and 150 rounds of ammunition in an NYPD sting operation.
- 2010: Abdel Hameed Shehadeh, a 21-year-old American citizen and native New Yorker who wanted to join a jihadist group, was arrested in Hawaii. The NYPD and the FBI had apparently been monitoring his activities for several years as he had sought to travel overseas and fight against US troops.
- 2010: Two New Jersey men, Mohamed Alessa and Carlos Almonte, were arrested at JFK Airport as they were preparing to travel to Somalia to fight with al Qaeda against the US forces abroad. An undercover NYPD officer was reportedly involved in the investigation.
- 2009: Four men were arrested in May 2009 and charged with planning to blow up a Bronx, New York, and synagogue and use a Stinger surface to air missile to attack military aircraft at the Air National Guard base in Newburgh, New York. The men had been discovered when they attempted to recruit a man at a Newburgh mosque who turned out to be an undercover FBI informant; the NYPD participated in the investigation through the FBI led JTTF.
- 2007: Four men, including a former JFK Airport cargo handler, were charged with plotting to blow up fuel tanks and fuel lines running beneath JFK Airport. The NYPD participated through the JTTF.
- 2004: Shahawar Matin Siraj and James Elshafay were arrested for plotting to blow up the Herald Square subway station in New York City days before the Republican

National Convention. The plot was disrupted thanks in part to a confidential informant developed by the NYPD intelligence division.

Some of these plots were clearly less significant than others. The 2009 plot against the Bronx synagogue, for example, was included by Time Magazine on a list of the 'Top 10 inept terrorist plots' (Fletcher, 2009). But New York City's terrorism history provides a reminder that even incompetent terrorists can be successful, as in 1993 when one of the first World Trade Center bombers was caught after he tried to get his deposit back on the rental van used in the attack.

This record suggests that the NYPD, largely through the use of surveillance, confidential informants and undercover officers, has played a significant role in disrupting a number of terrorist attacks and activities in the years since the 9/11 attacks. But effectiveness is only one criterion to be used in evaluating the NYPD program. The next section considers whether the NYPD activities also provide appropriate protection for civil liberties and do not unduly threaten individual freedoms.

### ***Implications for civil liberties***

The NYPD intelligence program raises serious questions about the balance between security and civil liberties. On at least some occasions, intelligence division reports have described what appears to have been lawful protest activity. Before the Republican National Convention in 2004, for example, the NYPD reported on speeches and other activities conducted by street theatre companies, church groups and antiwar organizations (Dwyer, 2007).

The most significant criticism of the NYPD intelligence program came in a series of articles by the Associated Press (AP) beginning in August 2011 that received the Pulitzer Prize in 2012. The AP reported that the NYPD sent undercover officers into minority neighborhoods as part of a human mapping program, and used informants, known as 'mosque crawlers', to monitor sermons even when there was no evidence of wrongdoing (Associated Press, 2011). The AP reported the existence of what was called the 'Demographics Unit', a team of 16 officers told to map ethnic communities in New York, New Jersey and Connecticut. The NYPD initially denied that such a unit existed, but the AP published slides from a NYPD intelligence division briefing entitled 'The Demographics Unit', which described the membership of the unit, its language capabilities and its mission to 'analyze religious institutions, locations, and congregations' (Apuzzo & Goldman, 2013, p. 78; Goldman, 2011).

Thomas Galati, the commanding officer (senior uniformed official) of the intelligence division, stated that the demographics unit—whose name was changed to the Zone Assessment Unit—had never led to a single lead or investigation (Galati, 2012, p. 96). But he defended the unit for providing useful intelligence in other ways. After the Boston Marathon bombings, Galati said, the unit deployed personnel to New York City neighborhoods with concentrations of residents from the Caucasus and Chechnya. They were available in case any retaliatory acts of violence were directed towards the residents and to watch for any attempt by the Boston bombers to hide out by blending into that area. He noted that the importance of taking such steps became particularly clear when it was later learned that the bombers had been on their way to New

York City, armed with explosives, when they were intercepted. The Zone Assessment Unit had only been able to respond so quickly, he said, "because of the previous cataloging efforts identifying where people from the Caucasus geographic region lived" (Galati, 2013, p. 4).

The AP reported on other questionable activities by the NYPD intelligence division, such as that analysts daily reviewed websites by Muslim student groups at Yale, the University of Pennsylvania, Rutgers and 13 other colleges in the Northeast. An undercover agent even went on a whitewater rafting trip with one group in upstate New York, where he recorded students' names and noted in police intelligence files how often they prayed (Hawley, 2012).

Supporters of the NYPD charged that the AP investigation had been misleading, setting out to paint the NYPD program in the poorest light possible. John Brennan, then the White House senior counterterrorism adviser and now CIA director, called the NYPD a 'model of how a community can come together' which had struck an appropriate balance between keeping people safe and protecting their rights (Gross, 2012). But a group of Muslim organizations has filed suit against the NYPD program in federal court (Sullivan, 2013), and after the AP's articles appeared, the CIA recalled an officer who had been assigned to the NYPD. The CIA inspector general reported that four CIA officers had been embedded with the NYPD at various times in the years following the 9/11 attacks, and that the relationship raised 'considerable and multifaceted' risks for the CIA (Savage, 2013).

Some aspects of the NYPD intelligence program have begun to change recently, following the election of Bill de Blasio as Mayor of New York City in 2013. De Blasio appointed William J. Bratton as police commissioner, returning Bratton to the position he had held in the 1990s. Bratton eliminated the Zone Assessment Unit (Apuzzo & Goldstein, 2014), and appointed John Miller, a veteran television news reporter who worked for Bratton previously in New York and in Los Angeles, to replace David Cohen as deputy commissioner for intelligence. But the department has maintained its aggressive approach towards intelligence collection, with critics continuing to charge that the department improperly singles out Muslims for attention (Goldstein, 2014).

What should we make of this case study? The controversies surrounding the NYPD's intelligence and counterterrorism efforts bear a striking resemblance to the larger controversies that have engulfed the American intelligence community since the revelations by Edward Snowden about National Security Agency surveillance programs. The debate over the proper balance between security and liberty continues at both levels of government, but it appears clear that, despite recent changes, the balance between security and liberty in New York City will continue to emphasize security.

This article argues that despite several well-publicized failures, the NYPD intelligence program has successfully helped to prevent a number of terrorist attacks since 9/11. And equally important, there is little evidence that the most controversial aspects of NYPD intelligence, such as the Demographics Unit, contributed directly to those successes. Instead, the NYPD has aggressively made use of commonplace law enforcement and intelligence collection

techniques such as informants, undercover officers and tips from the public. The next section considers whether or not other agencies and jurisdictions might be able to duplicate this success.

### ***A model for others?***

Could the NYPD model be duplicated elsewhere? The NYPD is by far the largest local police agency in the USA, with some 34,500 uniformed officers (New York City, 2013a). The second largest department, the Chicago Police Department, had 13,354 as of 2008 (Reaves, 2011, p. 4). The FBI, by comparison, has approximately 13,900 special agents nationwide (Federal Bureau of Investigation, 2013). Based on sheer size alone, it might seem unlikely that other local law enforcement agencies would be able to develop their own intelligence programs modelled on the New York example. And New York City's great ethnic diversity offers the NYPD advantages that other communities might not have, such as in the number of native languages spoken by its residents and its police officers. Jennifer Sims and Burton Gerber (2008, p. 285) argue that the model may not replicate easily:

The New York model is...difficult to replicate in places such as Los Angeles, where multiple jurisdictions prevent the kind of centralized control available to New York's commissioner Kelly, or in Columbus, Ohio, where resources are scarcer and police cannot afford to dedicate as much energy to counterterrorism as they do in cities that have had more direct and recent experience with attacks.

But many larger police departments do have dedicated intelligence organizations, and experts generally agree that even smaller law enforcement agencies can benefit from having access to criminal intelligence information (United States Department of Justice, 2003). Michael Sheehan, a former NYPD deputy commissioner for counterterrorism, argues that many of the concepts and tactics used by the NYPD can and should be used successfully in other jurisdictions. Even smaller departments, he writes, can increase their focus on intelligence and counterterrorism operations, often by using the same techniques and legal authorities they have used in the past against organized crime and drug trafficking organizations (Sheehan, 2010).

Brian Michael Jenkins of the RAND Corporation (RAND) has said of the NYPD, "They're developing best practices here that should be emulated across the country. The Feds could learn from them" (Finnegan, 2005). Timothy Connors argues that "the processes and techniques developed by the New York City Police Department can be applied against any public safety issue—from traditional crime, to disaster relief, to counterterrorism" (Connors, 2009, pp. 244–245). Studies of unsuccessful terrorist plots within the USA tend to confirm that law enforcement agencies have been successful in preventing domestic and homegrown plots through the use of the same tools as the NYPD, such as informants and undercover officers (Brooks, 2011, p. 27; Dahl, 2013, p. 168).

New York City has often been an innovator in policing, with programs such as Compstat and the Real Time Crime Center inspiring similar efforts in many other departments. It seems likely



that the NYPD's intelligence and counterterrorism programs will be studied and imitated, especially if domestic and homegrown terrorism continue to be seen as significant threats. A few other large departments have already attempted to follow the NYPD model. In 2011, as Chicago prepared to host the Group of Eight and North Atlantic Treaty Organization (NATO) summits, the Chicago Police Department developed a counterterrorism unit that was modelled largely on the NYPD (Lepeska, 2011). And the Los Angeles Police Department (LAPD) formed a Counter-Terrorism and Criminal Intelligence Bureau in 2003, with close to 300 officers (Downing, 2009). But several efforts to duplicate New York City's programs have been unsuccessful, suggesting that a program as aggressive or as intrusive as New York City's would be unpopular in a city that did not have such a history of terrorist attacks. In Los Angeles, for example, an LAPD program designed to identify ethnic groups within the community became stigmatized as a 'Muslim mapping program', and was quickly shut down (Winton & Watanabe, 2007). And in Oakland, California, an effort to create a 'domain awareness' system to link a variety of law enforcement data sources has stumbled after public protests against the plan (Kaste, 2014).

## Conclusion

The case of New York City provides support for the argument that hometown security, in the form of aggressive local intelligence and counterterrorism work, does lead to increased national and international security. More broadly, the NYPD intelligence program challenges the traditional model which sees intelligence as a primarily national-level function.

This case study also suggests that although local approaches to counterterrorism can be effective, they raise many of the same concerns for civil liberties that national efforts do. But an additional benefit that can come from framing counterterrorism and intelligence as a largely local project is that it allows the response to be adapted to suit local concerns and norms. Former CIA director Michael Hayden said (2007) that in order to keep the nation safe, he wanted his agency to be operating right up to the limit of its authorities under the law; so close to the edge, he said, that he wanted to have chalk on his shoes, as if he were almost out of bounds. The NYPD has been operating right on that line, and in the judgement of many critics, crossed over it. That may have been appropriate and necessary to protect New York City in the aftermath of the 9/11 attacks, but it seems unlikely that many other American communities would accept that much chalk on the shoes of their law enforcement officials—and because each community determines its own local policies, they do not have to.

National-level intelligence and counterterrorism programs are largely one-size fits all. But the specific nature of the threat varies greatly, whether the potential target is New York City, London or Omaha. Similarly, local tolerance for intelligence and counterterrorism efforts varies tremendously. Local approaches allow for communities to calibrate those efforts—to determine just how much 'chalk to have on their shoes'—in ways that national- and international-level programs cannot.

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## About the Author



Dr. Erik J. Dahl is an Associate Professor of National Security Affairs at the Naval Postgraduate School in Monterey, California, where he is also on the faculty of the Center for Homeland Defense and Security at NPS.

For further information related to this work please contact Dr. Dahl at either (831) 656-3168 or [ejdahl@nps.edu](mailto:ejdahl@nps.edu).

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