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**THESIS**

**EFFECTIVE STATE, LOCAL, AND TRIBAL POLICE  
INTELLIGENCE: THE NEW YORK CITY POLICE  
DEPARTMENT'S INTELLIGENCE ENTERPRISE—  
A SMART PRACTICE**

by

John G. Comiskey

March 2010

Thesis Advisor:  
Second Reader:

Christopher Bellavita  
Robert Simeral

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**EFFECTIVE STATE, LOCAL, AND TRIBAL POLICE INTELLIGENCE: THE  
NEW YORK CITY POLICE DEPARTMENT'S INTELLIGENCE  
ENTERPRISE—A SMART PRACTICE**

John Grattan Comiskey  
Lieutenant, New York City Police Department  
Senior Chief United States Coast Guard Reserve  
B.A., Queens College, City University of New York, 1990  
M.S., Queens College, City University of New York, 2005

Submitted in partial fulfillment of the  
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**NAVAL POSTGRADUATE SCHOOL  
March 2010**

Author: John G. Comiskey

Approved by: Christopher Bellavita  
Thesis Advisor

Robert Simeral  
Co-Advisor

Harold A. Trinkunas, PhD  
Chairman, Department of National Security Affairs

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## **ABSTRACT**

State, local, and tribal law enforcement (SLTLE) agencies play a significant role in homeland security. Their intelligence function supports their hometown and the nation's homeland security. The New York City Police Department (NYPD) recognized that the same intelligence that secures the homeland is required to secure New York City. NYPD restructured its organizational structure and external business practices to acquire the requisite intelligence to secure NYC and in effect facilitated the nation's homeland security. This thesis identifies NYPD's intelligence practices as a smart practice that SLTLE agencies should adopt, scaled and tailored to their realities and needs, to secure their hometowns and to compound a national effort to secure the homeland.

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# TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>A.</b>	<b>PROBLEM .....</b>	<b>1</b>
	1. National Intelligence Reform.....	2
	2. State and Major Urban Area Fusion Centers .....	2
	3. Department of Homeland Security Supports State and Major Urban Fusion Centers.....	3
	4. Interagency Threat Assessment and Coordination Group .....	3
	5. “Federally Validated” Information Sharing .....	4
	6. SLTLE Agencies Have Allowed the Federal Government to Identify Their Intelligence Requirements and SLTLE Intelligence Gaps Remain Unfulfilled .....	5
<b>B.</b>	<b>RESEARCH QUESTION .....</b>	<b>5</b>
	1. What Policies and Procedures Are Necessary for SLTLE Agencies to Maximize Their Efforts to Detect, Deter, or Mitigate Future Acts of Terrorism?.....	5
	2. NYPD-Intelligence Proposed as a “Smart Practice” .....	6
<b>C.</b>	<b>SIGNIFICANCE OF RESEARCH .....</b>	<b>6</b>
<b>D.</b>	<b>LITERATURE REVIEW .....</b>	<b>7</b>
	1. Evolution of the Homeland Security Intelligence Community .....	7
	2. NYPD’s Intelligence Enterprise.....	13
	<i>a. Intelligence Division .....</i>	<i>14</i>
	<i>b. International Liaison Unit.....</i>	<i>15</i>
	<i>c. Ethnographic and Linguistic Capabilities .....</i>	<i>16</i>
	<i>d. Fusion of Intelligence Analysts with Street-Smart Detectives.....</i>	<i>16</i>
	<i>e. Legislative Initiatives .....</i>	<i>16</i>
	<i>f. Counterterrorism Bureau .....</i>	<i>18</i>
	<i>g. NYPD’s Meeting with FBI “Justified the Very Legitimacy of NYPD’s Independent Counterterrorism Operation” .....</i>	<i>19</i>
<b>E.</b>	<b>HYPOTHESIS.....</b>	<b>19</b>
<b>F.</b>	<b>METHODOLOGY .....</b>	<b>20</b>
	1. Analysis of the Evolution of Policing and Intelligence in the United States.....	20
	2. Case Study of NYPD’s Intelligence Program.....	21
	3. Analysis of CompStat .....	21
	4. Exploration of CompStat Diffusion as a Model for NYPD- Intelligence Diffusion .....	22
<b>G.</b>	<b>METRICS.....</b>	<b>22</b>
<b>II.</b>	<b>THE ORIGINS AND EVOLUTION OF POLICING IN AMERICA.....</b>	<b>25</b>
<b>A.</b>	<b>INTRODUCTION.....</b>	<b>25</b>
<b>B.</b>	<b>GENESIS OF AMERICAN POLICING .....</b>	<b>25</b>



C.	<b>POLITICAL ERA OF POLICING</b> .....	26
D.	<b>REFORM ERA OF POLICING</b> .....	27
	1. <b>Politics Was Rejected as the Basis of Police Legitimacy, and Law Was Established as the Principal Basis of Police Authority</b> ..	27
	2. <b>Systematic Management and Technology</b> .....	28
	3. <b>The Myth That the Primary Activity of the Police Is Law Enforcement Simply Proved to Be Too Far from Reality to Sustain</b> .....	28
E.	<b>COMMUNITY POLICING ERA</b> .....	29
	1. <b>Community Policing</b> .....	29
	2. <b>Foot Patrol and Broken Windows</b> .....	29
	3. <b>Problem-Oriented Policing</b> .....	30
F.	<b>HOMELAND SECURITY POLICING AND INTELLIGENCE LED POLICING</b> .....	31
III.	<b>INTELLIGENCE</b> .....	33
A.	<b>NYPD INTELLIGENCE</b> .....	33
	1. <b>The Role of SLTLE in the National Intelligence</b> .....	33
	2. <b>The Role of NYPD in New York City’s Hometown and the National Intelligence</b> .....	33
B.	<b>WHY INTELLIGENCE?</b> .....	34
C.	<b>WHAT IS INTELLIGENCE?</b> .....	35
D.	<b>THE INTELLIGENCE CYCLE</b> .....	35
E.	<b>NATIONAL INTELLIGENCE</b> .....	38
	1. <b>Foreign Intelligence</b> .....	40
	2. <b>Domestic Intelligence</b> .....	40
	3. <b>Homeland Security Intelligence</b> .....	42
F.	<b>CRIMINAL INTELLIGENCE</b> .....	45
G.	<b>INTELLIGENCE-LED POLICING</b> .....	47
H.	<b>NEW YORK CITY POLICE DEPARTMENT’S INTELLIGENCE</b> .....	50
I.	<b>ONE SHOULD BE ETERNALLY AND COMPREHENSIVELY VIGILANT</b> .....	52
IV.	<b>THE NEW YORK CITY POLICE DEPARTMENT’S INTELLIGENCE ENTERPRISE</b> .....	53
A.	<b>THREE C’S: CONVENTIONAL CRIME PREVENTION, COUNTERTERRORISM, AND COMMUNITY RELATIONS</b> .....	53
	1. <b>Three Cs</b> .....	53
	2. <b>NYPD’s Intelligence Process</b> .....	55
B.	<b>CONVENTIONAL CRIME PREVENTION</b> .....	57
	1. <b>Criminal Intelligence Collection</b> .....	57
	2. <b>Complaint Follow-Up</b> .....	58
	a. <i>Investigatory Process</i> .....	58
	b. <i>Role of the Community, Other Government Agencies, and Private Agencies</i> .....	58
	c. <i>Field Intelligence Officer</i> .....	59
	d. <i>Analysis</i> .....	59

	<i>e.</i>	<i>Dissemination</i> .....	60
	<i>f.</i>	<i>CompStat</i> .....	61
C.		<b>COMMUNITY RELATIONS</b> .....	61
	1.	<b>The Community Partnership Program</b> .....	62
	2.	<b>Precinct Community Councils</b> .....	62
	3.	<b>The Youth Services Section</b> .....	62
	4.	<b>The New Immigrant Outreach Unit</b> .....	63
	5.	<b>The Clergy Liaison Program</b> .....	64
	6.	<b>Segregation of Community Relations from Counterterrorism and Intelligence</b> .....	65
D.		<b>INTELLIGENCE DIVISION</b> .....	66
	1.	<b>“We [NYPD] Have to Make Sure That We Get the Best Information As Quickly As We Possibly Can”</b> .....	66
	2.	<b>Daily Meeting of Commissioner Kelly and Deputy Commissioners of Intelligence and Counterterrorism</b> .....	67
	3.	<b>NYPD’s Intelligence Division</b> .....	67
		<i>a.</i> <b>Public Security Section</b> .....	67
		<i>b.</i> <b>Intelligence Operations and Analysis Section</b> .....	69
		<i>c.</i> <b>The Liaison Activities Coordinator</b> .....	69
	4.	<b>The Intelligence Analysis Section</b> .....	73
		<i>a.</i> <b>Fusion of Intelligence Analysts and Street-Smart Detectives</b> .....	73
		<i>b.</i> <b>Radicalization in the West</b> .....	74
	5.	<b>Herald Square Plot, 2004</b> .....	76
E.		<b>COUNTERTERRORISM BUREAU</b> .....	77
	1.	<b>New York–Joint Terrorist Task Force</b> .....	78
		<i>a.</i> <b>2006 JFK Airport Plot</b> .....	79
		<i>b.</i> <b>2009 Riverdale Synagogues and Air National Guard Base Plot</b> .....	79
	2.	<b>Terrorist Threat Analysis Group</b> .....	80
	3.	<b>NYPD Shield</b> .....	80
		<i>a.</i> <b>Operation Nexus</b> .....	81
		<i>b.</i> <b>Operation Sentry</b> .....	81
	4.	<b>Red Cell Operations</b> .....	82
		<i>a.</i> <b>Operation Kaboom</b> .....	82
		<i>b.</i> <b>Operation Green Cloud</b> .....	83
	5.	<b>Counterterrorism Bureau’s Other</b> .....	83
F.		<b>THE NEW YORK CITY POLICE DEPARTMENT’S GRAND STRATEGY: THREE C’S</b> .....	83
V.		<b>COMPSTAT</b> .....	87
	A.	<b>NEW YORK CITY, 1993</b> .....	87
	B.	<b>COMPSTAT DEFINED</b> .....	87
	C.	<b>COMPSTAT AND NYPD’S INTELLIGENCE ENTERPRISE</b> .....	88
	D.	<b>GENESIS OF COMPSTAT</b> .....	89
	E.	<b>EVOLUTION OF COMPSTAT</b> .....	90

1.	Boston-Fenway Program.....	90
2.	“Billy Boards” .....	91
3.	Massachusetts Bay Transportation Authority Police Department.....	91
4.	Metropolitan Police Service .....	92
5.	Broken Windows and Community Policing .....	92
6.	New York City Transit Police Department .....	93
7.	Back to Boston—Commissioner Bratton.....	94
F.	NEW YORK CITY POLICE DEPARTMENT COMPSTAT.....	95
1.	Commitment to Crime Prevention .....	95
2.	CompStat Strategy .....	96
a.	<i>Accurate and Timely Intelligence: CompStat Report.....</i>	97
b.	<i>Rapid Deployment: “Be Informed—Be Aware—Be Part of the Team” .....</i>	98
c.	<i>Effective Tactics: “Failure to Plan Is Planning to Fail” .....</i>	99
d.	<i>Relentless Follow-up and Assessment: “What Gets Measured, Gets Done” .....</i>	99
3.	Strategies and Amazing Results .....	99
4.	Continued Success.....	100
VI.	DIFFUSION OF COMPSTAT .....	103
A.	NYPD —THE NATION’S LARGEST AND BY ANY MEANS THE MOST EXCEPTIONAL POLICE DEPARTMENT.....	103
B.	COMPSTAT: IMPETUS, EMERGENCE, AND DIFFUSION .....	103
C.	DIFFUSION.....	104
1.	The Innovation .....	104
2.	Communication from One Individual to Another .....	104
3.	Adoption in a Social System.....	104
4.	Adoption Over Time .....	105
D.	THE DIFFUSION OF HYBRID CORN—A DIFFUSION EXEMPLAR.....	105
1.	Successful Diffusion of a Rational Technique of Hybrid Corn....	105
2.	A Good Economic Farm Practice.....	105
3.	Hybrid Seed “Takes the Field” .....	106
4.	Adopters.....	107
E.	THE DIFFUSION OF COMPSTAT.....	109
1.	Large and Small Police Department Implementation.....	109
2.	Year of CompStat Implementation .....	109
3.	Innovation Adoption Curve .....	110
4.	Role of the New York City Police Department in Implementation .....	112
5.	Size of the Department Matters.....	112
6.	CompStat Departments by Region.....	113
7.	Motivation for Adopting CompStat .....	114
8.	Conclusions.....	114
F.	ANALYSIS OF COMPSTAT ADOPTION.....	114

1.	The Vision and Reality of CompStat.....	114
a.	<i>Mission Clarification</i> .....	115
b.	<i>Internal Accountability</i> .....	115
c.	<i>Geographic Organization of Operational Command</i> .....	116
d.	<i>Organizational Flexibility</i> .....	116
e.	<i>Data-Driven Problem Identification and Assessment</i> .....	116
f.	<i>Innovative, Problem-Solving Tactics</i> .....	116
2.	CompStat and Other Types of Policing .....	116
G.	COMPSTAT: DIFFUSION BEYOND POLICING .....	118
1.	Total Efficiency Management System.....	118
2.	CitiStat .....	118
H.	COMPSTAT AND COUNTERTERRORISM .....	119
1.	FedStat .....	119
2.	Train and Subway Counterterrorism Strategy.....	120
3.	CompStat and Counterinsurgency in Iraq .....	120
I.	THE DIFFUSION OF NEW YORK CITY POLICE DEPARTMENT’S INTELLIGENCE ENTERPRISE.....	122
1.	NYPD’s Intelligence Enterprise: Prior, Elemental, and Graft- like Implementation and Not Necessarily the Transformation of Existing SLTLE Intelligence Programs.....	122
2.	The New York City Police Department’s Intelligence Enterprise—A “Smart Practice” .....	123
VII.	RECOMMENDATIONS.....	125
A.	HOMELAND SECURITY— <i>E PLURIBUS UNUM</i> —A NATIONAL STRATEGY.....	125
B.	RECOMMENDATION.....	125
1.	Planning and Direction Recommendation.....	128
2.	Collection Recommendation .....	129
a.	<i>State and Major Urban Area Fusion Centers Recommendation</i> .....	130
b.	<i>Interagency Threat Assessment and Coordination Group (ITACG) Recommendation</i> .....	130
c.	<i>Joint Terrorist Task Force Recommendation</i> .....	131
d.	<i>Foreign Liaison Officers Against Terrorism (FLOAT) Recommendation</i> .....	132
e.	<i>Public-Private Partnerships Recommendation</i> .....	134
f.	<i>Other Collection Mechanisms Recommendation</i> .....	136
3.	Process and Collation Recommendation .....	137
4.	Analysis and Production Recommendation .....	139
5.	Dissemination Recommendation .....	140
6.	Consumption and Feedback: Recommendations.....	141
a.	<i>Criminal Intelligence Consumption and Feedback</i> .....	141
b.	<i>National Intelligence Consumption and Feedback</i> .....	141
C.	CONCLUSION .....	142
D.	POLICY IMPLICATIONS.....	143

<b>LIST OF REFERENCES .....</b>	<b>145</b>
<b>INITIAL DISTRIBUTION LIST .....</b>	<b>163</b>

## LIST OF FIGURES

Figure 1.	The Traditional Intelligence.....	37
Figure 2.	The Intelligence Cycle: Multilayered .....	38
Figure 3.	Homeland Security Intelligence (Source: Randol, 2009) .....	43
Figure 4.	The Criminal Intelligence Cycle (Source: The National Criminal Intelligence Sharing Plan).....	46
Figure 5.	Intelligence-Led Policing (Source: Jerry Radcliffe’s Intelligence-Led Policing).....	49
Figure 6.	CIA-FBI-Local Information Exchange.....	51
Figure 7.	NYPD’s Three Cs .....	54
Figure 8.	NYPD’s Intelligence Cycle.....	56
Figure 9.	Radicalization (Source: Radicalization in the West (Silbur & Bhatt, 2009))..	75
Figure 10.	Percentage of Farm Operators First Hearing of Hybrid Corn and Percentages First Accepting It (Source: The Diffusion of Hybrid Corn (Ryan & Gross, 1943)).....	107
Figure 11.	Observed and Expected (Normal) Distributions of Farm Operators According to Year Hybrid Corn Was Accepted for Planting .....	108
Figure 12.	Year CompStat Implemented (Source: Weisburd et al. (2004)).....	110
Figure 13.	Innovation Adoption Curve for Large Police Agencies (Source: Weisburd et al., 2004) .....	111
Figure 14.	Cumulative Adaptive Curve (Source: Weisburd et al., 2004) .....	112
Figure 15.	Number of Sworn Personnel (Source: Weisburd et al., 2004).....	113
Figure 16.	Geographic Linkage to CompStat (Source: Weisburd et al., 2004) .....	113

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## LIST OF TABLES

Table 1.	Major and Special Crime Investigatory Unit Designation.....	57
Table 2.	CompStat Report Vol. 16, No. 32.....	98



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## LIST OF ACRONYMS AND ABBREVIATIONS

ATF	Bureau of Alcohol, Tobacco, and Firearms
BPD	Boston Police Department
C-4	Composition 4, common variety of a plastic explosive
CAB	Community Affairs Bureau (NYPD)
CAIC	Colorado Information and Analysis Center
CAPSTAT	Citywide Accountability Program (New York City)
CBRNE	Chemical, Biological, Radiological, Nuclear, and Explosives
CODEFOR	Computer Optimized Deployment-Focus On Results (MPD)
CompStat	Computer Statistics or computer stats
Comstat	Command Status Report (NPD)
CIA	Central Intelligence Agency
CI	Confidential Informant
CIKR	Critical Infrastructure/Key Resources
CIRC	Critical Incident Response Capacity
CIVPOL	Civilian Police Program (DoS)
CitiStat	City's Statistics (Baltimore)
COPS	Office of Community Oriented Policing Services (DOJ)
CP/COP	Community Policing/Community-Oriented Policing
CTB	Counterterrorism Bureau (NYPD)
CT	Counter Terrorism Squad (JTTF)
CUI	Controlled Unclassified Information
DHS	Department of Homeland Security
DoD	Department of Defense
DOJ	Department of Justice
DoS	Department of State
FEBA	Forward Edge of the Battle Area
ESU	Emergency Service Unit (NYPD)
FBI	Federal Bureau of Investigation
FC	Fusion Center
FedStat	Allusion to a JTTF adoption of CompStat principles

FIO	Field Intelligence Officer (NYPD)
FLOAT	Foreign Liaison Officers Against Terrorism
GLOBAL	Global Justice Information Sharing Initiative
HB	Housing Bureau (NYPD)
HSDN	Homeland Security Data Network
HSIN	Homeland Security Information Network
HSINT	Homeland Security Intelligence
IACP	International Association of Chiefs of Police
IC	Intelligence Community
ID	Intelligence Division (NYPD)
ILP	Intelligence Led Policing
ILU	Intelligence Liaison Unit
INFRAGUARD	FBI's public-private information sharing and analysis partnership
INL	International Narcotics and Law Enforcement Affairs (DoS)
INTERPOL	International Criminal Police Organization
IO&A	Intelligence Operations and Analysis (NYPD)
IRTPA	Intelligence Reform and Terrorist Prevention Act
ISE	Information Sharing Environment
ISP	Iraqi Security Police
ITACG	Interagency Threat Assessment and Coordination Group
JFC-PMO	Joint Fusion Center-Project Manger Office (DHS)
JTTF	Joint Terrorist Task Force
LAPD	Los Angeles Police Department
LeT	Lashka-e-Taiba
LPD	Lowell, Massachusetts Police Department
MBTA	Massachusetts Bay Transportation Authority
MCC	Major Cities Chiefs Association
MCSA	Major Counties Sheriffs Association
Mets	Metropolitan Police Service (Boston)
MNSTC-I	Multinational Security Transition Command-Iraq
MOE	Measure of Effectiveness
MOU	Memorandum of Understanding

MPD	Minneapolis Police Department
MPS	Metropolitan Police Service
MSS	Municipal Security Section (NYPD)
NCTC	National Counterterrorism Center
N-DEx	National Interconnectivity Umbrella/national summary data
NPD	Newark, New Jersey Police Department
NJTTF	National Joint Terrorist Task Force
NSA	National Sheriffs Association
NSI	Nationwide Suspicious Activity Report Initiative
NYCDOC	New York City Department of Correction
NYCTA	New York City Transit Authority
NYTP	New York Transit Police
NY-JTTF	New York Joint Terrorist Task Force
NYPD	New York City Police Department
NYPD & Three Cs	Crime, Community, and Cricket
ODNI	Office of the Director of National Intelligence
PAL	Police Athletic League
PAPD	Port Authority Police Department
PENTBOMB	FBI's 9/11 Investigation
PERF	Police Executive Research Forum
PM-ISE	Program Manager-Information Sharing Environment
POP	Problem Oriented Policing
PSA	Police Service Area (NYPD)
PSS	Public Security Section (NYPD)
PSB	Patrol Service Bureau (NYPD)
RISS	Regional Intelligence Support Unit (NYPD)
RTCC	Real Time Crime Center (NYPD)
SARA	Scanning, Analyzing, Responding, Assessing
SAR	Suspicious Activity Report
SBU	Sensitive But Unclassified
SCIF	Sensitive Compartmentalized Information Facility
SDU	Sensitive Data Unit

SLFC	State, Local, Fusion Centers
SLTLE	State, Local, Tribal, Law Enforcement
SPPA	Strategic Partnership Program Agroterrorism
TEAMS	Total Efficiency Accountability Management Systems
TB	Transit Bureau (NYPD)
TD	Transit District (NYPD)
TRIPS	Terrorist Reduction Infrastructure Section (NYPD)
Three Cs	Crime, Community, Counterterrorism
Three Cs	Crime, Community, and Cricket
Three Rs	Rapid response, random patrol, reactive investigation
Three Ps	Partnership, problem solving, and prevention
TLO	Terrorism Liaison Officer
TTAG	Terrorist Threats Assessment Group (NYPD)
TRIPS	Threat Reduction Infrastructure Section (NYPD)
UCR	Unified Crime Report
USCG	United States Coast Guard
VBIED	Vehicle Born Improvised Explosive Device

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*Hon, its 9:50 and I'm at the World Trade Center. I'm up in the building. Say a prayer that we get some of these people out. I'm OK but say a prayer for me. I love you.*

Vincent perished in the towers. He represents all the homeland security practitioners, professional and civilian who died in the service of their country on that fateful day—Fidelis ad mortem.

I thank God for his sense of humor and for granting me countless blessings during my time on planet Earth.

I thank my beautiful wife, Maureen Theresa, who like God, has a sense of humor that enables her to put up with me for reasons I will never understand. My Naval Postgraduate School endeavor and my every dream were and are made possible by her smile. I love you.

My son, John Joseph, and daughter, Erin Marie, you are every father's dream. Keep being the great people you are, and the world will be a better place. I love you both.

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## I. INTRODUCTION

On September 11, the nation suffered the largest loss of life—2,973—on its soil as a result of hostile attack in its history. The FDNY suffered 343 fatalities—the largest loss of life of any response agency in history. The NYPD suffered 23 fatalities—the second largest loss of life of any police force in history, exceeded only by [37] members of PAPD officers lost the same day.

—National Commission on Terrorist Attacks Report (2004)

### A. PROBLEM

The events of Tuesday, September 11, 2001, precipitated an examination of United States homeland security and raised the question: Why did the United States fail to prevent these acts? Intelligence failures at all levels of government were identified as the primary default. Commissions were launched, strategies and directives promulgated, legislation enacted, agencies were created, and existing agencies were transformed to develop an intelligence capability that might detect, deter, or mitigate future acts of terrorism. To those ends, the roles of state, local and tribal law enforcement (SLTLE) agencies were identified as an integral component of the nation’s homeland security.

The New York City Police Department (NYPD) recognized that the events of September 11, 2001 presaged the Homeland Security Era, wherein unconventional and transnational threats presented a clear and present danger to New York City and a prescription for intelligence. NYPD identified its intelligence requirements as “information that is comprehensive and relevant to the Police Commissioner.” In addition, NYPD recognized a definitive intelligence requirement with implications for New York City that are global in scope. Police Commissioner Raymond W. Kelly refers to this particular intelligence as a “cop-to-cop relationship” with police agencies across the globe that informs NYPD about international matters that are pertinent to the security of New York City (NYPD 2008a; Finnegan 2008). NYPD concluded that it could not



remain an outlier to agencies that might provide those requirements. To that end, NYPD transformed its organizational structure and business practices to acquire intelligence that might prevent future attacks.

Simultaneously, federal and SLTLE agencies revolutionized their intelligence operations. A national intelligence enterprise that would integrate all levels of government and the private sector was promulgated. Those efforts were typically top-down federal endeavors that subordinated SLTLE intelligence to federal perspective, governance, and coordination. Those efforts are detailed below.

### **1. National Intelligence Reform**

The report of the National Commission on Terrorist Attacks ([9/11 Commission Report] 2004) diagnosed the failure of the United States intelligence community (IC) to share information as a systemic malady. It identified intelligence as the first line of defense in our nation's security and recommended the integration of all foreign and domestic sources of information, resulting in the Intelligence Reform and Terrorist Prevention Act of 2004 (IRTPA) that:

- Established the Office of the Director of National Intelligence (ODNI) to oversee IC and to facilitate the exchange of information within IC;
- Incorporated the Department of Homeland Security's Office of Intelligence and Analysis into IC;
- Redefined national intelligence to include foreign intelligence, domestic intelligence, and homeland security intelligence (HSINT);
- Instituted the Information Sharing Environment (ISE): "an approach that facilitates the sharing of terrorism information."<sup>1</sup>

### **2. State and Major Urban Area Fusion Centers**

In 2002, the International Association of Chiefs of Police (IACP) identified inadequacies of the law enforcement intelligence process that, in part, led to the failure to

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<sup>1</sup> The Implementing Recommendations of the 9/11 Commission Act of 2007 amended IRTPA and defined ISE as "an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate."

prevent the tragic events of September 11, 2001. The recommendations of the IACP and others evolved into the state and major urban fusion center (FC) enterprise.<sup>2</sup> Fusion centers are a “collaborative effort of two or more, federal, state, local, or tribal agencies that combines resources, expertise, and information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal and terrorist activity” (U.S. Department of Justice [DOJ] & U.S. Department of Homeland Security [DHS] 2006).

### **3. Department of Homeland Security Supports State and Major Urban Fusion Centers**

DHS supports FCs with field representatives, funding, training, and access to the Homeland Security Information Network (HSIN), a secured, web-based platform for sensitive but unclassified (SBU) information sharing between federal, state, local, tribal, private, and international partners. In addition, DHS provides FCs with access to the Homeland Security Data Network (HSDN) at 30 of the 72 centers. HSDN allows FC staff to move information and intelligence at the Secret level and permits access to the National Counterterrorism Center, a classified portal of the most current terrorism-related information. Moreover, in September 2009, DHS and the Department of Defense (DoD) announced an initiative to grant select FCs access to “specific terrorism-related information” resident on DoD’s Secret Internet Protocol Router (SIPRNet)—a secure network used to send classified data that will be accessible via HSDN (DHS 2009 and 2010b; Riegle 2009).

### **4. Interagency Threat Assessment and Coordination Group**

The Implementing Recommendations of the 9/11 Commission Act of 2007 established the Interagency Threat Assessment and Coordination Group (ITACG) to improve the sharing of information within the scope of ISE with state, local, tribal, and private sector officials, and ODNI, through the program manager of ISE (PM-ISE). ITACG’s Advisory Council and National Counter Terrorism Center Detail set and implement policy for the integration, analysis, and dissemination of “federally-

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<sup>2</sup> State and major urban area fusion centers were previously known as state and local fusion centers (SLFCs). To maintain uniformity, the term state and major urban area fusion center (FC) will be used.

coordinated” information within the scope of ISE, including homeland security information, terrorism information, and weapons of mass destruction information.

## **5. “Federally Validated” Information Sharing**

The National Strategy for Information Sharing: Successes and Challenges In Improving Terrorism-Related Information Sharing (2008) maintains that state, local, and tribal entities

require access to timely, credible, and actionable information and intelligence about individuals and groups intending to carry out attacks within the United States, their organizations and their financing, potential targets, pre-attack indicators, and major events or circumstances that might influence State, local, and tribal preventive and protective postures (Office of the Director of National Intelligence, 2008).

The National Strategy encourages state, local, and tribal entities to foster a culture that recognizes the importance of fusing information regarding all crimes with national security implications, with other security-related information (e.g., criminal investigations, terrorism, public health and safety, and natural-hazard emergency response). Moreover, all levels of the federal system must share a common understanding of the information needed to prevent, deter, and respond to terrorist attacks that enables federal entities to work together to provide information in ways that better meet the needs of state, local, and tribal partners. That process includes integrating, processing, analyzing, and disseminating information gathered at the state and local level with federally gathered information. The National Strategy concludes that an integrated approach allows federal agencies to work together to produce and disseminate a “federally-validated perspective.”

**6. SLTLE Agencies Have Allowed the Federal Government to Identify Their Intelligence Requirements and SLTLE Intelligence Gaps Remain Unfulfilled**

Notwithstanding the assertion that post–September 11, 2001 intelligence reforms are “national” efforts, they are typically top-down “federally governed,” “federally-coordinated,” and maintain a “federally-validated perspective.”<sup>3</sup> They fail to provide the comprehensive intelligence needs of SLTLE agencies. Instead, the reforms provide an avalanche of information, networks, and analytics that are not readily discernible and are often not relevant to SLTLE agencies.<sup>4</sup> Moreover, the reforms do not establish national requirements or delineate what national resources are available to include SLTLE as a viable component of IC. Furthermore, no formal process exists for SLTLE to task IC with their intelligence requirements. Consequently, SLTLE agencies have allowed the federal government to identify their intelligence requirements, and SLTLE intelligence gaps remain unfulfilled.

**B. RESEARCH QUESTION**

**1. What Policies and Procedures Are Necessary for SLTLE Agencies to Maximize Their Efforts to Detect, Deter, or Mitigate Future Acts of Terrorism?**

This thesis argues that three areas in SLTLE agencies’ intelligence practices and capabilities must be established in order to effectively detect, deter, and mitigate future acts of terrorism:

- a. Identification of intelligence requirements unique to the realities and needs of the agency-jurisdiction;
- b. Proactive evolution of existing relationships with IC, FCs, ISE, ITACG, Joint Terrorist Task Forces, and other agencies and persons;

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<sup>3</sup> In this context, “national” refers to the fifty states and territories of the United States and not per se the federal government of the United States.

<sup>4</sup> The Justice Research Association’s Information Sharing Systems: A Survey of Law Enforcement (2006) cites 266 separate systems that share information about crime and terrorism and that are currently in place or under development at the national, regional, and state levels.

c. Establishment of an intelligence capability that satisfies intelligence requirements that are not met by external sources. SLTLE agencies must identify the intelligence gaps that federal and other efforts leave—and fulfill them.

## **2. NYPD-Intelligence Proposed as a “Smart Practice”**

This thesis offers NYPD’s intelligence enterprise as a “smart practice” for SLTLE agencies to identify and acquire their intelligence requirements to secure their respective hometowns and the homeland. The thesis argues that SLTLE agencies should adopt an NYPD-intelligence-like program, scaled and tailored to the particular realities and needs of their agency to identify and acquire their requisite intelligence.

“Smart practice” is distinguished from “best practice” in that a smart practice describes an “interesting idea” embedded in some practice, while a best practice suggests that research and empirical evidence prove that the practice is best. Smart-practice research emphasizes that there is something clever inherent in the practice. It is this cleverness that the researcher must analyze, characterize in words, and appraise as to its applicability to the local situation (Bardach, 2009).

## **C. SIGNIFICANCE OF RESEARCH**

It has been said that homeland security is in a “pre-paradigm phase” and that there is no conceptual agreement about what constitutes homeland security (Bellavita & Gordon, 2006). The homeland security community maintains that post–September 11, 2001 homeland security requires unprecedented cooperation that supersedes all other concerns.

NYPD’s post-September 11, 2001 transformation demonstrates that perceived barriers are a mindset and that interagency cooperation enhanced by independent initiatives can provide hometown-homeland security. Moreover, NYPD does so while maintaining its core crime-prevention role. Likewise, SLTLE agencies are charged with providing for the safety and security of their hometowns and should consider an adoption of NYPD-intelligence, tailored to their realities and needs, to achieve that end.

Furthermore, IC should reconsider the frontline role of SLTLE in the national intelligence and recognize particularly that the relationship between IC and SLTLE is interdependent.

IC and the Homeland Security intelligence community have been the subject of presidential directives, commissions, legislation, government reports, and academia. Presently, all aspects of intelligence evoke great debate and might be served by the precepts of this thesis. It is likely that IC and the Homeland Security intelligence community will evolve further. This literature may provide insight into this normative organizational process and how understanding that process may facilitate intelligent intelligence. Furthermore, this research enhances baseline requirements for SLTLE intelligence and affords future researchers avenues for additional research, including an adaptation of NYPD's intelligence program, SLTLE intelligence requirements, and the relationship of IC, the Homeland Security intelligence community, and SLTLE. Finally, NYPD's post-September 11, 2001 transformation might help define and establish a homeland security paradigm.

#### **D. LITERATURE REVIEW**

Part one of this literature review identifies relevant sources concerning the roles, authority and capabilities of SLTLE elements of the Homeland Security intelligence community. While a de facto Homeland Security intelligence community predates the events of September 11, 2001, the review focuses on post-September 11, 2001 literature that circumscribes the Homeland Security intelligence community as defined in relevant legislation and government policies and strategies. Part two of this review identifies a parochial and mostly ad hoc pre-September 11, 2001 NYPD intelligence program and a post-September 11, 2001 transformation of the organization.

##### **1. Evolution of the Homeland Security Intelligence Community**

The National Strategy For Information Sharing identified state, local, and tribal governments as our nation's first "preventers and responders," critical to our efforts to prevent future terrorist attacks and to respond if an attack occurs. To that end:

They must have access to the information that enables them to protect our local communities. In addition, these State, local, and tribal officials are often best able to identify potential threats that exist within their jurisdictions. They are full and trusted partners with the Federal Government in our Nation's efforts to combat terrorism, and therefore they must be a part of an information sharing framework that supports an effective and efficient two-way flow of information enabling officials at all levels of government to counter and respond to threats (Office of the Director of National Intelligence, 2008).

The events of September 11, 2001 spawned a twenty-first-century Homeland Security intelligence community. It is an amalgam of federal, state, local, and private sector entities that share information and intelligence for their individual and collective security. It is historically rooted in pre-Revolutionary War constructs that gathered information and intelligence to secure the independence of rebellious colonies and thereafter to secure the safety and security of an emerging nation.

The Homeland Security Act of 2002 tasked DHS with coordinating activities and improving information-sharing efforts among federal, SLTLE agencies, and the private sector. DHS characterizes the Homeland Security intelligence community as the organizations of the Homeland Security stakeholder community that have intelligence elements. The Homeland Security stakeholder community is all levels of government, the intelligence, defense, and law enforcement communities, private sector, critical infrastructure operators, and those responsible for securing the borders, protecting transportation and maritime systems, and guarding the security of the homeland. Furthermore, DHS characterized the DHS Intelligence Enterprise as all the component organizations within the department that have activities producing raw information, intelligence-related information, or finished intelligence (DHS, 2006).

In the fall of 2001, IACP recommended the creation of a Criminal Intelligence Coordinating Council composed of SLTLE agencies that would establish guidelines in order to enable those agencies to fully participate with federal agencies to coordinate, collect, analyze, and appropriately disseminate criminal intelligence across the United States to make our nation safer. In response, DOJ authorized the formation of the Global Justice Information Sharing Initiative (Global) to develop an intelligence-sharing plan

that would emphasize better sharing of critical data among all law enforcement agencies. Global is a working group of local, state, and tribal law enforcement representatives that serves as a federal advisory committee to the U.S. Attorney General on justice information sharing and integration initiatives (DOJ, 2005).

Global's vision conceived The National Criminal Intelligence Sharing Plan (DOJ, 2005) that established standards and guidelines for the development of a collaborative law enforcement intelligence function. The plan built upon an array of local and state information-sharing initiatives and promoted FCs. FCs are information-sharing enterprises designed to share information and intelligence within their jurisdictions and with the federal government. There are currently 72 DHS-designated FCs nationwide. DOJ and DHS' Baseline Capabilities for Fusion Centers (2006) states that FCs incorporate the various elements of an ideal information and intelligence-sharing project that achieves a unified force among all levels of law enforcement agencies and public safety agencies such as fire, health, and transportation, and the private sector.

“Fusion” refers to “the process of managing the flow of information and intelligence across all levels and sectors of government and private industry, and through analysis, provides meaningful intelligence” (DHS, 2008a). The concept of data fusion has emerged as the fundamental process to facilitate the sharing of homeland-security-related and crime-related information and intelligence. Data fusion involves:

The exchange of information from different sources—including law enforcement, public safety, and the private sector—and with analysis can result in meaningful and actionable intelligence and information. The fusion process turns this information and intelligence into actionable knowledge. Fusion allows for relentless reevaluation of existing data in context with new data in order to provide constant updates (DOJ & DHS, 2006).

The Implementing Recommendations of the 9/11 Commission Act of 2007 facilitated the FC network via mandated federal coordination, collaboration, cooperation, and directed grant funding. In addition, the act created the Interagency Threat Assessment and Coordination Group (ITACG) to improve the sharing of information within the scope



of ISE with state, local, tribal, and private sector officials, and establish the Director of National Intelligence, through the Program Manager of ISE (PM-ISE).

John Rollins (2008) argues that the value proposition for fusion centers is that:

By integrating various streams of information and intelligence, including that flow from the federal government, state, local, and tribal government, as well as the private sector, a more accurate picture of the risks to people, economic infrastructure, and communities can be developed and translated into protective action.

Notwithstanding, Rollins concludes that “while many of the centers have prevention of attack as a high authority, little “true fusion” or analysis of disparate data sources, identification of intelligence gaps, and pro-active collection of intelligence against those gaps which could contribute to prevention is occurring.”

John McKay (2008) maintains that “the benefit that would accrue to U.S. national security in having police records integrated in a strictly controlled fashion with sensitive federal data would be nothing short of remarkable.” However,

Despite their loft claims, Federal officials are misleading you if they cause you to believe that fusion centers are actually “fusing” any data that interdepartmental systems in DOJ, DHS, or DOD are integrating anything but inconsequential records or that N-DEX or HSDN are systematically transporting data that is used by state and local police departments.<sup>5</sup>

Bart R. Johnson (2009), acting undersecretary for Intelligence and Analysis at DHS and former colonel of the New York State Police Department and lead participant in Global’s initiatives, lauds the effectiveness of FCs in homeland security efforts. He acknowledged the recent efforts of the Colorado Information and Analysis Center (CIAC) that served as a funnel for all information and intelligence operations at the August 2008 Democratic National Convention. In addition, CIAC supported Denver FBI

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<sup>5</sup> N-DEX is an FBI Criminal Justice Information system that became operational on July 18, 2009. “It is a powerful automated investigative tool that will provide LEA (Law Enforcement Agencies) with the ability to search, link, analyze and share information such as incident/case reports, arrests, booking and incarceration data, and parole/probation data on a national basis to a degree never before possible” (FBI, 2010).

in the recent Najibullah Zazi terrorist case, and CAIC has partnered with New Mexico, Utah, and Wyoming to create a four-state regional monthly and yearly summary of suspicious activity.<sup>6</sup>

Johnson noted the continued evolution of FCs and the fact that, by end of fiscal year 2010, all 72 FCs will have DHS personnel detailed thereto and will have access to HSDN. In addition, DHS is supporting the integration of fire and emergency service, public health and healthcare communities, critical infrastructure and key resource protection efforts, and cyber security into FCs. Johnson further noted the establishment of DHS's Joint Fusion Center Program Management Office (JFC-PMO) and a National Fusion Center Program Management Office.

In September 2009, Secretary of Homeland Security Janet Napolitano in her testimony to the Senate Committee on Homeland Security said that JFC-PMO will coordinate DHS's support for FCs and will (among other things):

lead a unified Department-wide [DHS] effort to develop and implement survey tools to ensure state, local, and tribal law enforcement agencies have the opportunity to define and identify the types of homeland security-related information they need and the format in which they need it (Napolitano, 2009).

The National Fusion Center Project Management Office will bring multiple agencies of the federal government and representatives of state, local, and tribal governments together to support FCs. DHS and FBI's co-chaired National Fusion Center Management Group was developed to engage senior leadership from federal agencies and to "provide State and local partners a direct role in the federal interagency policy making process" (Johnson, 2009). In addition, the group will coordinate support for the Nationwide Suspicious Activity Report Initiative (NSI). NSI is an ISE-led initiative to

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<sup>6</sup> Najibullah Zazi, a legal permanent resident of the United States from Afghanistan, was arrested and indicted for conspiracy to use weapons of mass destruction (explosives) in the United States. As alleged in the indictment, Zazi had received detailed bomb-making instructions in Pakistan. Zazi allegedly purchased components of improvised explosive devices and had traveled to New York City on September 15, 2009, in furtherance of his criminal plans (Mueller, 2010). On February 22, 2010, Zazi pleaded guilty to conspiracy to use weapons of mass destruction against persons or property in the United States, conspiracy to commit murder in a foreign country and providing material support to al-Qaeda (DOJ, 2010a).

integrate federal, state, local, and tribal law enforcement organizations in a standardized approach to gathering and analyzing terrorism-related Suspicious Activity Reports (SARs) (Johnson, 2009).

Randol (2009a) noted that a second-generation SAR initiative, *ISE SAR Functional Standard Version 1.5*, redefined suspicious activity as “observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal behavior.” That clarification and other First Amendment provisions drew praise from opposition groups, particularly the American Civil Liberties Union’s National Security Policy Counsel. Moreover, SAR stakeholders, ISE, DOJ, DHS, IACP, and others are participating in training and pilot initiatives in furtherance of NSI. SAR evaluations and training were conducted at 12 FCs, and an initial version of SARs was provided to 4,000 officers in the Washington D.C., area prior to the 2009 presidential inauguration.

Additionally, a DHS–Attorney General led task force responded to a May 27, 2009 presidential memorandum to review current SBU information. The Task Force reviewed a Controlled Unclassified Information (CUI) framework for terrorism-related information within ISE that included consultations with state, local, and tribal partners; privacy and open government organizations; and Congress. The task force concluded that a single, standardized framework for marking, safeguarding, and disseminating all executive branch SBU information is required to further the goals of:

- standardizing currently disparate terminology and procedures (represented by over 107 distinct SBU regimes);
- facilitating information-sharing through the promulgation of common and understandable rules for information protection and dissemination; and
- enhancing government transparency through policies and training that clarify the standards for protecting information within the framework.

The task force recommended expanding the CUI initiative to encompass all SBU information to achieve a simple, concise, and standardized CUI framework that would facilitate information sharing (DHS et al., 2009).

In 2010, Attorney General Eric Holder, in a speech at the Fourth National Fusion Conference said of FCs:

Instead of pursuing a narrow, ideological approach to fighting terrorism, combating crime, and protecting the safety of our people, today's Justice Department is committed to being flexible, pragmatic and aggressive. This approach is working. By focusing on improving communication and collaboration, we've helped to prevent hundreds of crimes and to protect even more lives.

The backbone of this effort is the combined work of thousands of FBI and other federal agents, state and local police officers, Department of Homeland Security officials, and intelligence experts around the world. Every day, they work to prevent terrorist attacks and combat crime. This work—your work in our fusion centers—helps keep us safe.

## **2. NYPD's Intelligence Enterprise**

NYPD has historically maintained an intelligence enterprise to detect and deter threats that might hazard the city. It is rooted in NYPD's predecessor agency, the Metropolitans, who maintained a proactive intelligence program during the American Civil War. Superintendent John Kennedy of the Metropolitans forbid arms shipments to the South, investigated death threats against president-elect Abraham Lincoln, and infiltrated organizations sympathetic to the South. During World War I, Police Commissioner Arthur H. Woods formed special service squads to infiltrate networks of German saboteurs and sympathizers. NYPD established other special service squads and enjoyed special relationships with elements of IC throughout the nation's history (Lardner & Reppetto, 2000).

On January 1, 2002, newly appointed NYPD Police Commissioner Kelly was presented with an unprecedented operating context for local policing in America—unconventional and transnational terrorism. Terrorism was not new to Kelly. He had been commissioner for the 1993 World Trade Center bombing, and he is a combat veteran of the Vietnam War. Kelly assessed the Intelligence Division (ID) to be an escort service. Moreover, he knew NYPD “couldn't rely on the Federal government; we're doing all the things we're doing because the federal government isn't doing them. It's not enough to

say that it's their job if the job isn't being done," Kelly said (Horowitz, 2003). Kelly transformed NYPD into a policing enterprise that combines traditional police operations with nontraditional intelligence and counterterrorism operations. He revamped ID, created a new counterterrorism bureau, and made counterterrorism the job of every member of the department.

Kelly's first acts included recruiting David Cohen as Deputy Commissioner of Intelligence and Frank Libutti as Deputy Commissioner of Counterterrorism. Cohen, a 35-year veteran of the Central Intelligence Agency (CIA) served in a variety of capacities including Director of Operations and Deputy Director of the Directorate of Intelligence. The 9/11 Commission credited Cohen for his role in establishing the Bin Ladin unit and for his focus on that threat when few others in the government were paying attention. Libutti, a former Special Assistant for Homeland Security at the Department of Defense, served as a lieutenant general and commander of the U.S. Marine Corps forces in the Pacific. He is a combat veteran of the Vietnam War and was a member of the Office of Chairman of Joint Chiefs of Staff (New York City Office of the Mayor, 2002a and 2002b).

*a. Intelligence Division*

Commissioner Kelly told Deputy Commissioner Cohen that "the Intelligence Division is responsible for the ground-up work of terrorism," but he did not provide a playbook. Cohen said that "it was like putting tires on a speeding car" and that there were times in the first months when the whole NYPD intelligence division felt like "a gaggle of guys chasing things around" (Dickey, 2009a). He initiated an extensive expansion and reorganization of ID that included aggressive no-bounds information collection, the culling of a unique ethnographic and linguistic capability, the meshing of civilian intelligence analysts and street cops, legislative initiatives, and a robust public-private outreach.

*b. International Liaison Unit*

Cohen wanted NYPD to establish its own unique intelligence enterprise that could contend with IC, and particularly FBI. His resume and security clearance provided the department with both access to information and intelligence that was previously unavailable and an insider's appreciation of IC. To that point, Cohen said that "there is no such thing as information sharing, there is only information trading." He approached Commissioner Kelly with the idea of stationing personnel overseas to learn the operational, social, and technological signatures, not just of bomb makers now, but of any dangerous group. Cohen, a veteran of the federal government, knew his plan was certain to irritate CIA, FBI, and the Department of State in one fell swoop (Sheehan, 2008; Miller, 2007).

In 2003, ID established the International Liaison Unit (ILU) to partner with local police and intelligence agencies and respond when terrorist acts occur. ILU does not take part in investigatory activity. It tours crime scenes, takes photographs, and asks questions of police officials, and relays what it learns back to NYPD. Typically, NYPD shares what it learns with FBI and its law enforcement partners and in tear-line fashion (declassified) with NYPD Shield, a police-private security program with over 6,000 members (Kelly, 2009a). ILU is subsidized by the New York City Police Foundation.<sup>7</sup> R.P. Eddy (2008), executive director of the Center for Policing Terrorism, Manhattan Institute for Policy Research, made clear the need for such an endeavor:

Looking at the intelligence picture through the reality of the homegrown threat, we need to shift our paradigm from believing we have to solve for simply how to get intelligence and training from DHS (or other Federal entities) to state and locals, and instead recognize most of the intelligence relevant to state and locals simply is not being collected federally. There are not huge buckets full of magic intelligence sitting in federal SCIFs [Sensitive Compartmentalized Information Facility] that will solve all the puzzles of big city police.

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<sup>7</sup> The New York City Police Foundation Incorporated is a nonprofit organization that was established in 1971 by business and civic leaders as an independent organization to promote excellence in the NYPD and to improve public safety in New York City (New York City Police Foundation, 2010).

**c. *Ethnographic and Linguistic Capabilities***

Cohen recognized that NYPD's language and ethnographic capabilities would invigorate the department's intelligence enterprise. He leveraged the department's foreign language programs and enlisted members of the service proficient in "critical languages." The department identified over 700 certified linguists in 50-plus foreign languages, many of whom were foreign born. NYPD's language and cultural capabilities facilitated the department's intelligence initiatives, particularly the Cyber Intelligence Unit that visits the world of real and would-be terrorists. In effect, they are undercover cyber cops whose linguistic skills and cultural orientation enable them to penetrate heretofore exclusionary cyber-domains that are rife with real and would-be terrorists (Kelly, 2004; NYPD, 2005 and 2009a; Bloomberg, 2008).

**d. *Fusion of Intelligence Analysts with Street-Smart Detectives***

ID created a unique platform for municipal policing—a cadre of intelligence analysts culled from IC, the military, foreign-policy think tanks, academia, recent Ivy League graduates—and teamed them up with street-smart detectives. Cohen said of the relationship:

An analyst will tell you what's important about what you're doing. What are the subtleties? What should you be looking for in addition to what you've already found? And it's the combination of the two that is extraordinarily powerful. And the appetite comes with the eating. The more they work together, the more they want to work together. It's been an absolute wonder to watch (Dickey, 2009a).

The analysts research local, national, and international matters and produce a range of highly sensitive intelligence reports; they also provide strategic and tactical support to the department's law enforcement, intelligence, and counterterrorism operations.

**e. *Legislative Initiatives***

NYPD's intelligence program went largely unchecked until *Handschu, et al. v. Special Service Division, et al.* (1971) challenged the department's surveillance and

investigative practices directed at political organizations. *Handschu* alleged that NYPD's intelligence gathering practices—infiltration, electronic surveillance, dossier collection, and improper dissemination of collected information—infringed upon the plaintiff's First Amendment rights. In 1985, NYPD assented to a court decree with the United States District Court for the Southern District of New York. The decree, the *Handschu Guidelines*, prohibited NYPD from investigating political organizations absent a criminal predicate. Moreover, the decree established the Handschu Authority, consisting of the First Deputy Commissioner, Deputy Commissioner of Legal Matters, and a civilian mayoral appointee to approve investigations of political organizations, the use of undercover officers in those investigations, and to review the records of investigations alleged to violate constitutionally guaranteed rights and privileges.

In the aftermath of September 11, 2001, NYPD evaluated the impact of the *Handschu Guidelines* on the need to proactively investigate terrorism and concluded that “the prevention of future attacks requires the development of intelligence and the investigation of potential terrorist activity ‘before’ an unlawful act occurs” (NYPD, 2004). In 2003, New York City made an application to the district court to modify the *Handschu Guidelines* and eliminate the restrictions imposed therein. Cohen argued that existing FBI guidelines provided sufficient constitutional protections and that:

Given the range of activities that may be engaged in by members of a sleeper cell in the long period of preparation for an act of terror, the entire resources of the NYPD must be made available to conduct investigations into political activity and intelligence-related issues (Dwyer, 2007).

U.S. District Court Judge Charles Haight, Jr. agreed and effectively removed the *Handschu* restrictions, affording NYPD greater latitude in its intelligence enterprise. Currently, NYPD operates under the *Modified Handschu Guidelines*, which permit intelligence operations absent a criminal predicate with the approval of the Deputy



Commissioner of Intelligence. The Handschu Authority retains its authority to review the records of investigations alleged to violate constitutionally guaranteed rights and privileges (NYPD, 2004).<sup>8</sup>

*f. Counterterrorism Bureau*

The Counterterrorism Bureau (CTB) is the primary local authority defending against terrorist attacks in New York City and was the first of its kind in the nation. CTB's mission statement includes developing innovative, forward-looking policies and procedures against the threat of international and domestic terrorism in New York City. CTB compliments ID and parents the NYPD element of the New York–Joint Terrorism Task Force (NYC-JTTF), NYPD Shield, and other units.

(1) New York Joint Terrorist Task Force. Commissioner Kelly knew NYPD could not duplicate the FBI's infrastructure, financial and human resources, and national JTTF and intelligence network. He tasked Deputy Commissioner Libutti with “packing” NY-JTTF with NYPD detectives who would be under his supervision. Libutti used his influence and inside contacts to raise NYPD's representation in NY-JTTF from 16 to about 130. Moreover, Cohen had great contacts in CIA and was able to work out a “special relationship.” Kelly said of the operating picture:

So we're getting it [intelligence] through the JTTF, we're getting it through other federal sources. So, were we in the loop? Yes. And when we weren't in the loop we complained. [He smiled.] And we had enough clout to stay in the loop (Dickey, 2009a).

In 2003, Libutti was named Undersecretary for Information and Analysis at the Department of Homeland Security. Michael Sheehan was named as Libutti's replacement. Sheehan is a prior Department of State (DoS) Coordinator of

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<sup>8</sup> Subsequent motions have been made by the plaintiff regarding the application of the *Modified Handschu Guidelines* particularly with regard to surveillance and videotaping protesters. Judge Haight has maintained the department's right to monitor the activities of political groups absent a criminal predicate with the approval of the First Deputy Commissioner of Intelligence. Notwithstanding, NYPD has altered its procedures for surveillance and videotaping of protesters (NYPD, 2004).

Counterterrorism and U.S. Ambassador at Large for Counterterrorism (NYPD, 2003). The 9/11 Commission report recognized that Sheehan's early and persistent warnings about the Taliban during his tenure at DoS had been largely unheeded.

(2) Public-Private Liaison. In 2005, Deputy Commissioner Sheehan informed Kelly about an FBI program called INFRAGUARD, a national effort designed to reach out to the private sector. Sheehan said the program had merit and that NYPD should take the department's existing public-private initiatives and reshape them into an overarching counterterrorism program. NYPD established NYPD Shield, an umbrella program of department initiatives that promotes collaboration between the police and the private sector. It recognizes that since the 2001 attacks against the World Trade Center, other plots have been thwarted and that the city must maintain its guard. Shield actively solicits security and terrorism-related information from its private-sector partners and provides them with information and training specific to their industry and geographic needs. Shield emphasizes that this partnership is the cornerstone in defending the city and that the key to its success is a two-way flow of information (Sheehan, 2008, NYPD Shield, 2010).

*g. NYPD's Meeting with FBI "Justified the Very Legitimacy of NYPD's Independent Counterterrorism Operation"*

In 2006, a rift between the department and the FBI was reaching a head. NYPD's intelligence endeavors did not endear the department to the FBI. The quarrel culminated in a meeting between Commissioner Kelly and FBI Director Robert Mueller at which NYPD was afforded an opportunity to explain its intelligence program. As a result, Mueller conceded that the FBI had things to learn from NYPD. Sheehan concludes that this remarkable concession "justified the very legitimacy of NYPD's independent counterterrorism operation"(Sheehan, 2008).

**E. HYPOTHESIS**

This thesis hypothesizes that the evolution of an NYPD-intelligence-like paradigm for SLTLE would generate a national enterprise to effectively detect, deter, and mitigate terrorism and crime in the United States.

The National Intelligence Estimate: The Terrorist Threat to the US Homeland concludes that:

The US Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by the terrorist groups to adapt and improve their capabilities (Office of the Director of National Intelligence, 2007).

Moreover, ODNI's Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence (2010) "judged" that "al-Qa'ida maintains its intent to attack the Homeland—preferably with a large scale operation that would cause mass casualties, harm the US economy, or both."

The current asymmetric threat requires a synergistic national effort that recognizes that hometown and homeland security are inextricably linked. In order to prevent, detect, and mitigate terrorist attacks, federal, state, local, and tribal governments must recognize each other's perspective and roles, and acknowledge each is a partner with value to add. To that end, this thesis will explore how the events of September 11, 2001, engendered new roles for SLTLE. It will analyze divergent policy options for SLTLE intelligence with the purpose of recommending an adoption of NYPD's intelligence program, scaled and tailored to the realities and needs of the organization as the preferred policy option for SLTLE agencies. The thesis will analyze how NYPD's intelligence enterprise evolved and how NYPD implemented its processes into the department's architecture to secure New York City. It will explore how SLTLE agencies might adopt tenets of NYPD's intelligence program, scaled and tailored to the needs of their agency to secure their hometowns and the homeland.

## **F. METHODOLOGY**

### **1. Analysis of the Evolution of Policing and Intelligence in the United States**

The thesis will analyze the evolution of policing and intelligence in the United States and will examine how historical events acted as catalysts for the transformation of both policing and intelligence, in particular SLTLE intelligence.

## **2. Case Study of NYPD's Intelligence Program**

A case study of NYPD's intelligence program will examine how NYPD's organizational structure was redesigned to counter the threats imposed by the events of September 11, 2001. It will offer NYPD's intelligence enterprise as a "smart practice" that SLTLE agencies might tailor to the unique characteristics of their organization in order to acquire intelligence for their hometown and the nation's homeland security.

## **3. Analysis of CompStat**

The thesis will analyze NYPD's CompStat program: how it evolved, reduced crime in epic proportions, and facilitated the post-September 11, 2001, NYPD intelligence enterprise. CompStat is a management program that identifies problems and measures the results of its problem-solving activities. It is a process that considers an organization holistically and accentuates accountability at all levels. In essence, it is a crime-control strategy that emphasizes accurate and timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment (Bratton, 1996; NYPD, 1998, Maple & Mitchell, 1999). The analysis will demonstrate that a lack of information-sharing, cooperation, collaboration, communication, and accountability limited the effectiveness of pre-CompStat NYPD.

NYPD adjusted its overarching strategy, reconfigured its organizational structure, developed lateral processes to support that structure, established metrics that supported the strategy, and empowered its workforce to reduce crime and enhance the quality of life in New York City. The thesis will consider how crime reduction facilitated NYPD's transfer of personnel from conventional law enforcement assignments to counterterrorism and intelligence units. Moreover, it will demonstrate how NYPD's traditional crime prevention and community engagement bolstered the department's post-September 11, 2001, intelligence enterprise.

#### **4. Exploration of CompStat Diffusion as a Model for NYPD-Intelligence Diffusion**

Diffusion is a process by which an innovation spreads. The thesis will explore how, as in the case of CompStat, the tenets of NYPD's intelligence enterprise might diffuse and be adopted by SLTLE agencies in the context of their particular needs. In 1994, NYPD implemented CompStat (NYPD, 1998). Thereafter, the principles and practices of CompStat were diffused widely and rapidly to local police departments and later to other public service organizations and have been proposed as a counterterrorism strategy.

NYPD is the nation's largest, and by any means the most exceptional, police department (Silverman, 1999; Henry 2003, Willis, Mastrofski, & Weisburd, 2003). This thesis assumes that NYPD, and particularly NYPD's intelligence enterprise, are unique and nearly incomparable to any other SLTLE agency. New York City is also a unique place that is arguably without comparison. It has been heralded as a leading global city that exerts influence over worldwide commerce, finance, international affairs, culture, fashion, and entertainment (Sassen, 2001). Moreover, much has been said to the effect that what is done in New York City is so uniquely tempered to the city, that what works in that city might not work anywhere else. Notwithstanding, New York City is an extraordinary place whose practices have spread.

#### **G. METRICS**

Every organization has a different definition of success. Metrics identify measures for enterprise, business unit, team, and individual performance. They serve to clarify the vague terms used in vision statements that appeal to our emotions, pride, and sense of belonging, turning them into concrete directives that appeal to our needs for measurable accomplishment and progress (Galbraith, Downey, & Kates, 2002).

Intelligence metrics are elusive because the goal of counterterrorism is "nothing," no attack. Intelligence processes lend themselves to inductive qualitative research that explores particular instances and occurrences in order to draw conclusions about the entire enterprise. Qualitative researchers concern themselves with general questions about

phenomena they are studying. They do not, however, limit themselves to loosely defined research problems. Rather, as qualitative researchers gain understanding of the phenomena under investigation, they become increasingly able to ask “specific questions and formulate specific hypotheses” (Leedy & Ormrod, 2005).

To that point, the thesis examines select foiled terrorist plots in New York since September 11, 2001, vis-à-vis the counterterrorism and intelligence efforts of NYPD—not as empirical evidence of a successful intelligence program, but rather to provide insight and facilitate qualitative analysis and evaluation of NYPD’s intelligence enterprise.

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## **II. THE ORIGINS AND EVOLUTION OF POLICING IN AMERICA**

### **A. INTRODUCTION**

Vincent E. Henry (2003) observes that treatises on policing and police management often refer to the notion of a police culture whose values, rituals, and behaviors communicate information and shape the behavior of its members. Moreover, in terms of understanding organizational change, those treatises characterize the police culture as a singular and static entity that remains constant and inflexible. Henry concludes that the opposite is true: “The [police] culture exists in a constant state of evolution as it responds to innumerable forces and factors within the agency as well as outside it.”

The events of September 11, 2001, revolutionized American policing and particularly the national intelligence role of SLTLE agencies. American policing is the cumulative product of historical forces that periodically redefined the policing enterprise. The emergent intelligence role of SLTLE agencies is best understood in the context of the evolution of SLTLE agencies and their transformative role in American society. To that end, this chapter delineates the genesis and evolution of American policing.

### **B. GENESIS OF AMERICAN POLICING**

Local governments provided the first police services in colonial America and mostly followed the English system. The sheriff apprehended criminals, served subpoenas, and collected taxes. Collecting taxes was his primary concern, and law enforcement was a low priority. Large cities typically had constables and a night watch who reported fires, maintained street lamps, effected arrests, eliminated health hazards, and walked the rounds. The activities of the night watch and constable were mostly reactive in nature. Rather than acting proactively to prevent crime, they simply responded to reports of crime and other innocuous behavior.



Sir Robert Peel, former prime minister (1834–35 and 1841–46) and home secretary of the United Kingdom, is known as the father of modern policing. Peel maintained that “the basic mission for which the police exist is to prevent crime and disorder” (Jones, 2004). His seminal *Principles of Policing* first prescribed what is now considered to be the preeminent form of policing in America, community-oriented policing:

The Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interest of community welfare and existence. (Jones, 2004)

The Metropolitan Police Service of London (MPS), the first full-time uniformed police force, was established in 1829. Peel, then home secretary of Britain, is credited with its early development and especially its centralized military orientation and emphasis on prevention. NYPD, established in 1845, was the first full-time police force in the United States and, like most police forces in America, followed the MPS model. Notwithstanding, American policing from its inception varied from the MPS model in one critical area; in accord with American governance (i.e., federalism), American policing was and is decentralized. Currently, there are 17,876 local, state, and tribal police agencies in the United States (DOJ, 2004). That number illustrates the decentralized nature of American policing and is a definitive factor in the current state of policing in America.

### **C. POLITICAL ERA OF POLICING**

In what became known as the political era of policing, police assumed their authorization and resources from local political leaders, who freely wielded political patronage. Consequently, the police became an extension of different political factions, rather than an extension of city government. Society recognized the need for a police force but was unable to define its role. Police departments were as likely to be involved in social services—soup kitchens, immigration services, and welfare—as they would be

in crime prevention and order maintenance. While police departments were ostensibly centrally organized, primitive communications and transportation caused even the most centrally organized organizations to devolve into small-scale departments.

Police officers were typically recruited and selected by political leaders who used them as an extension of their power. That selection typically reflected the racial and ethnic composition of the neighborhood and invariably led to greater insularity and discrimination against outsiders. The strategy integrated police into neighborhoods where they were generally supported by the citizens. It was believed that the system prevented crimes or solved crimes when they occurred and helped to contain riots. However, intimacy with community and political leaders and a decentralized organizational structure with its inability to provide supervision of officers gave rise to police corruption (Kelling & Moore, 1988).

#### **D. REFORM ERA OF POLICING**

##### **1. Politics Was Rejected as the Basis of Police Legitimacy, and Law Was Established as the Principal Basis of Police Authority**

The corruption, brutality, and ties to political machines of the political era of policing led to calls for change. The late nineteenth century saw a series of reform initiatives that triggered the reform era of policing. Politics was rejected as the basis of police legitimacy, and law was established as the principal basis of police authority. Police were viewed as law enforcers who used little or no discretion. Activities that drew the police into solving other kinds of community problems were identified as social work. Significantly, the 1967 President's Commission on Law Enforcement and Administration of Justice ratified this orientation and reconceptualized the police as part of the newly identified criminal justice system. The larger social role that the police had was supplanted by the criminal justice system; the job of the police was to arrest criminals and to present them to the system for processing (Kelling & Moore, 1988).

## **2. Systematic Management and Technology**

Political reformers were greatly influenced by Frederick W. Taylor's *The Principles of Scientific Management* (1911) that maintained that ordinary men properly organized so as to efficiently cooperate under systematic management would remedy inefficiency. Taylor held that the best management is a true science, resting upon clearly defined laws, rules, and principles as a foundation. Moreover, the fundamental principles of scientific management are applicable to all kinds of human activities.

Technology played a large role in the reform era: radio and telephone communications and the widespread use of the automobile facilitated centralized dispatch, mobile response, and ultimately the reach of the police. IACP recognized the potential value in tracking national crime statistics and developed what would become the FBI's Unified Crime Report (UCR). UCR is a nationwide crime reporting system that collects offense information for Part 1 crimes<sup>9</sup> and is the primary measurement of crime in the United States of America (Kelling & Coles, 1997).

## **3. The Myth That the Primary Activity of the Police Is Law Enforcement Simply Proved to Be Too Far from Reality to Sustain**

The reform strategy was to a degree successful; it integrated its strategic elements into a coherent paradigm. If police did not attend to other problems and could focus their efforts on prevention of crime, their effectiveness could be improved. The strategy was impartial and minimized the discretionary excesses that characterized the political era. The same reforms that offered police efficacy, however, alienated the citizenry and would prove incapable of adapting to a rapidly changing world. The cumulative effect of four factors resulted in a collapse in police efficiency: 1) crime rose exponentially during the 1960s and 1970s; 2) fear rose rapidly and its nexus to crime was not fully realized; 3) the civil rights and anti-war movements challenged the legitimacy of the police; 4) the myth that the primary activity of the police is law enforcement simply proved to be too far from reality to sustain (Kelling & Moore, 1988).

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<sup>9</sup> Part 1 crimes are murder and nonnegligent manslaughter, forcible rape, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

## **E. COMMUNITY POLICING ERA**

### **1. Community Policing**

Community policing (CP) is the aggregate product of reform efforts that sought to integrate the efficacy of the reform era of policing with the engagement of the community that typified the political era of policing. Currently, CP is considered the dominant form of policing in America. The Department of Justice, Office of Community Oriented Police Service (2009a) defines community policing as:

A philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Community policing recognizes that police rarely can solve public safety problems alone and encourages interactive partnerships with relevant stakeholders: public, other government agencies, legislative bodies, prosecutors, probation and parole, public works departments, neighboring law enforcement agencies, health and human services, child support services, ordinance enforcement, and schools, community member groups, nonprofits, private businesses, and media.

### **2. Foot Patrol and Broken Windows**

Community policing might be rooted in the popularity and effectiveness of foot patrol. James Q. Wilson and George L. Kelling's seminal "Broken Windows" (1982) observed that, while fear of crime is very real, fear of disreputable, obstreperous, or unpredictable people—panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, and the mentally disturbed—is more pervasive.

Foot patrols established a sense of public order. Research suggested that while foot patrol had little or no effect on crime, it reduced fear, increased citizen satisfaction with police, improved police attitudes towards citizens, and increased the morale and job satisfaction of police. Moreover, foot patrol put patrol officers in a unique position to access information that might otherwise be unavailable. That information could be used

by the police to significantly increase their effect on crime. Police discovered that citizens appreciated police concern and also provided useful information, often about problems that the police were not aware of (Kelling & Moore, 1988).

Wilson and Kelling concede that foot-patrol-induced “order” might have little to do with fear of violent crime. Notwithstanding, research found that people “assign a high value to public order, and feel relieved and reassured when the police help them maintain that order.” They conclude that “disorder and crime are usually inextricably linked, in a kind of development sequence.” Wilson and Kelling’s unrepaired broken window theory concludes that a community will fall into disorder if order is not maintained; an unrepaired window in a building leaves a passerby with the impression that no one cares and that breaking other windows in the building might be acceptable and even fun. Similarly, untended behavior and disorder might be construed as an invitation to crime. Whether or not the invitation is accepted and crime flourishes, residents will think that crime is on the rise and will modify their behavior as though crime were on the rise. As a result, the area “is vulnerable to crime.” Wilson and Kelling conclude that crime control begins at the bottom with the seemingly innocuous and victimless elements of societal behavior.

### **3. Problem-Oriented Policing**

Herman Goldstein’s “Improving Policing: A Problem Oriented Approach” (1979) introduced problem-oriented policing (POP). POP calls for the police to take greater initiative to deal with problems rather than resigning themselves to living with them and their attendant challenges. Goldstein found that the police were particularly susceptible to the means-over-ends syndrome. They placed more emphasis on their improvement efforts than on the substantive outcome of their work. Goldstein raised the question, What is the end product of policing? He aptly concluded that this is no easy task given the “conglomeration of unrelated, ill-defined, and often inseparable jobs that the police are expected to handle and a belief that the primary job of the police is law enforcement. Goldstein found that, despite considerable efforts to define the police function, no

substantive definition existed. He found that policing requires that the police deal with a wide range of behavioral and social problems that arise in a community and that the end product of policing consists of dealing with these problems.

Goldstein concluded that problems are the essence of police work and are the reason for having police agencies. He defined problems as “the incredibly broad range of troublesome situations that prompt citizens to turn to the police, such as street robberies, residential burglaries, battered wives, vandalism, speeding cars, runaway children, accidents, acts of terrorism, even fear.” Goldstein proposed a systematic process for inquiring and resolving problems. The focus of that approach called for resolving problems, rather than living with them. It would require police expertise, a partnership with the community, and public agencies. Goldstein concluded that these efforts improve community relations and police morale.

#### **F. HOMELAND SECURITY POLICING AND INTELLIGENCE LED POLICING**

Homeland security policing is an evolution of CP. The events of September 11, 2001, set in motion the homeland security era and a fundamental shift in American policing. In addition to their core crime-prevention role, SLTLE agencies assumed a prominent role in the nation’s homeland security. Police officers embedded in the community are the first line of defense against crime. They invariably know what is wrong with a given setting by knowing what is right. The same phenomenon holds for members of the community; anything out of the ordinary is suspect and warrants further observation and inquiry. CP initiatives nationwide nurture a relationship with the community to identify and report unusual or suspect circumstances and in effect reduce crime and raise the quality of life in our communities.

Homeland security policing is predicated on that same relationship. However, in the context of terrorism, knowing what is right within a given setting is not as simple. Many terrorists live seemingly unremarkable lives, and predictors are not readily identifiable. The counterterrorism taxonomy prescribes a new criterion of seemingly innocuous behaviors and conditions that are suspect. Knowing what those behaviors and conditions are requires an appreciation of the threat, training, and an unprecedented spirit

of cooperation. Homeland security policing moves the police from defense to preempt the attack rather than just arresting the perpetrators afterward (Silber & Bhatt, 2009).

Moreover, homeland security policing is premised on an understanding that terrorism is inherently criminal in nature and that intelligence and information sharing might prevent an attack. To that end, a new policing strategy, intelligence-led policing (ILP) is evolving in the U.S.<sup>10</sup> ILP is predicated on the idea that effective intelligence operations can be applied equally well to terrorist threats and crimes in the community (Peterson, 2005). It integrates elements of CP and POP into the criminal intelligence process. ILP is an emerging component of homeland security policing and will be discussed in greater detail in Chapter III.

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<sup>10</sup> Intelligence-led policing originated in the United Kingdom. The 1993 Audits Commission and the 1997 Her Majesty's Inspector of Constabulary Report found that the police were spending too much time responding to crime and too little time targeting offenders. The reports advocated increased use of intelligence, surveillance, and informants to target recidivist offenders so that police could be used more effectively in fighting crime (Ratcliffe, 2008).

### **III. INTELLIGENCE**

#### **A. NYPD INTELLIGENCE**

##### **1. The Role of SLTLE in the National Intelligence**

Sun Tzu (403-221 B.C.E./1993) concludes that battle conditions are complex systems that are rich in information. The commander's wisdom must be supported by direct access to persons who serve him as eyes on the site-specific conditions and who enable him to anticipate the outcome; "to be reliable, information must be first hand." Prior to the events of September 11, 2001, SLTLE intelligence was typically limited to criminal intelligence, and the national intelligence was the purview of the federal government. The events of September 11, 2001 convinced policy makers at all levels of government that SLTLE is a vital element of the national intelligence.

##### **2. The Role of NYPD in New York City's Hometown and the National Intelligence**

The events of September 11, 2001 impressed upon NYPD that the same intelligence that provides for the security of the homeland is essential for the security of the city. NYPD's intelligence enterprise challenged the conception of SLTLE intelligence. It is best understood as a post-September 11, 2001 evolution of SLTLE intelligence that assumed the challenges of homeland security. NYPD cooperated, coordinated, and collaborated with IC, the homeland security intelligence community, and public-private partnerships on its own terms and concurrently maintained an independent intelligence apparatus to acquire its intelligence. NYPD intelligence is information that is comprehensive and relevant to the police commissioner and includes elements of the national intelligence with implications for New York City, a global cop-to-cop relationship with other police agencies, and criminal intelligence. To comprehend NYPD's intelligence enterprise it is necessary to characterize the meaning and processes of intelligence and particularly how variant categories of intelligence constitute NYPD's intelligence.



## B. WHY INTELLIGENCE?

The 9/11 Commission Report (2004) describes the events of September 11, 2001 as a day of “unprecedented shock and suffering,” concluding that “the nation was unprepared.” The report raises the questions of how this happened how we can avoid such tragedy again. It identified “watch listing,” “information sharing,” and “connecting the dots” as narrow symptoms of a disease. It concluded that, in each of its examined cases, no one was able to draw relevant information from anywhere in the government and that this amounted to “lost opportunities.” The 9/11 Commission reviewed 2.5 million pages of documents, interviewed 1,200 persons in 10 countries, held 19 days of hearings, and took public testimony from 160 witnesses. Those endeavors produced information, from which the commission identified lessons learned:

1. [There exists] an enemy who is sophisticated, patient, disciplined, and lethal [that] rallies broad support in the Arab and Muslim world by demanding redress of political grievances, but its hostility toward us and our values is limitless. Its purpose is to rid the world of religious and political pluralism, the plebiscite, and equal rights for women. It makes no distinction between military and civilian targets. *Collateral damage* is not in the [enemy’s] lexicon.
2. The institutions charged with protecting our borders, civil aviation, and national security did not understand how grave this threat could be, and did not adjust their policies, plans, and practices to deter or defeat it.
3. [There exist] fault lines within our government between foreign and domestic intelligence, and between and within agencies.
4. [There exist] pervasive problems of managing and sharing information across a large and unwieldy government that had been built in a different era to confront different dangers.

The information in the report’s 567 pages is an account of what is known of the events and circumstances of September 11, 2001. Conventional wisdom concludes that knowledge, and in the best circumstance foreknowledge, facilitates prevention or mitigation of that which one does not want to happen.

### **C. WHAT IS INTELLIGENCE?**

Information and intelligence are seemingly simple terms that are often mistakenly used interchangeably. The adage “information is power” is self-evident: information facilitates human endeavor. Mark M. Lowenthal (2009) maintains that information is “anything that can be known, regardless of how it is discovered.” Intelligence refers to “information that meets the stated or understood needs of policy makers and has been collected, processed, and narrowed to meet those needs.” Succinctly, all intelligence is information; not all information is intelligence.

Intelligence is a complex concept that affords situational awareness, insight, and strategic advantage. It is typically tempered by happenstance and the vicissitudes of humanity. Sun Tzu counsels the war fighter to understand circumstances as the consequence of a dynamic process of organically related, mutually determining conditions that are correlative and interdependent. He admonishes the wise commander to maintain reliable and timely *chih* or foreknowledge. Carl Von Clausewitz (1832/1993) characterizes intelligence as “every sort of information about the enemy and his country.” He maintained that “the general unreliability of all information presents a special problem in war: all action takes place so to speak, in a kind of twilight, which like fog or moonlight, often tends to make things seem grotesque and larger than they really are.” Clausewitz’s “fog of war” metaphor is often used to demonstrate the ambiguity of information and its relevance to the battlefield. Intelligence is best understood in the context of that metaphor and an appreciation of the intelligence cycle or process.

### **D. THE INTELLIGENCE CYCLE**

The traditional intelligence cycle (Figure 1) is an iterative process consisting of five steps: planning and direction, collection, processing, analysis and production, and dissemination.

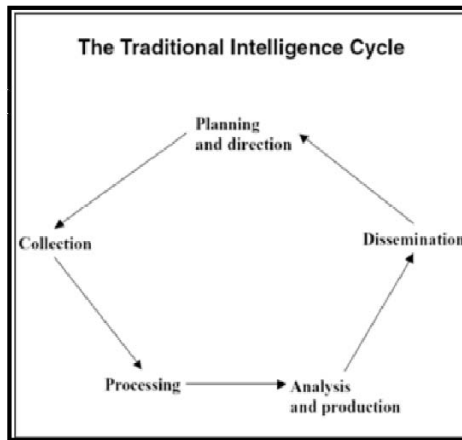
*Planning and direction* involves the management and identification of intelligence requirements. *Collection* is the gathering of raw data to meet intelligence requirements. *Processing* refers to the conversion of raw data into a format that an

analyst can use. *Analysis and production* describes the process of evaluating data for reliability, validity, and integration into a meaningful whole. *Dissemination* is presenting the product to the intended audience.

However, the depiction of the intelligence cycle is not entirely accurate. While it provides a means for helping managers and analysts deliver a reliable product, it assumes that the steps will proceed in the prescribed order and that the process will repeat itself continuously; it does not address elements that may influence the movement of the cycle, positively or negatively. It is assumed that the intelligence cycle provides a means for managers and analysts to systematically examine the elements of the process and their relationships (Johnson & Johnson, 2005).

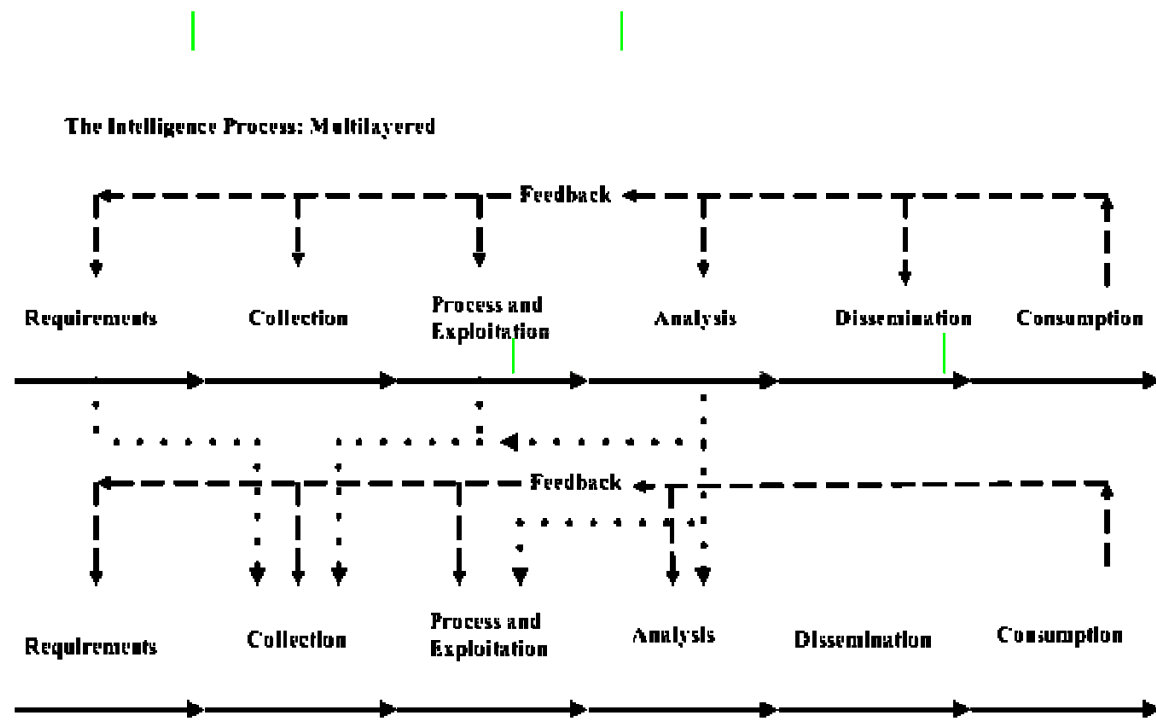
Lowenthal notes that most discussions of the intelligence process end with dissemination. He concludes that two essential phases remain: consumption and feedback. Policy makers are not blank slates or automatons that are compelled to consume intelligence. Instead, the policy maker decides whether or not to act in accordance with the intelligence. Lowenthal notes that the intelligence community rarely receives feedback from the policy community. He concludes that the policy maker's use of the intelligence should be conveyed to the provider to make appropriate adjustments and improvements and that the failure to provide feedback is analogous to the policy maker's inability or refusal to define requirements.

Lowenthal's intelligence cycle (Figure 2) is a multilayered process that demonstrates how in any one intelligence process, complexities arise: the need for more collection, uncertainties in processing, results of analysis, and changing requirements. These instances cause second and third intelligence processes. The intelligence process is continuously evolving: it is linear, circular, and open-ended at the same time.



*Sources: The Traditional Intelligence Cycle from Analytic Culture In the U.S. Intelligence Community: An ethnographic study, Dr. Robert Johnston, 2009*

Figure 1. The Traditional Intelligence



*Source: Lowenthal, M. Intelligence: From Secrets To Policy (2009)*

Figure 2. The Intelligence Cycle: Multilayered

**E. NATIONAL INTELLIGENCE**

American intelligence predates the nation’s independence when committees of correspondence shared information and intelligence to sever the colonies from English dominion. American government was built upon the principles of democracy, the Enlightenment, and an aversion to autocratic and intrusive governance. Through much of its history, the United States saw little need for a peacetime intelligence enterprise and relegated intelligence on an ad hoc basis to the military and various government agencies. However, the advent of World War II dismissed the notion that two oceans and two friendly borders would provide the nation’s security and served as the impetus for a national intelligence program. During World War II, the newly created Office of Strategic Services, military intelligence, and certain government agencies operated as a de facto intelligence community.

In 1947, the National Security Act created a structure for the U.S. intelligence community (IC) and created the nation's first peace time intelligence agency, the Central Intelligence Agency (CIA) and the National Security Council to coordinate national security in the executive branch. IC was designed to meet the challenges of the Cold War and especially the Soviet threat. It remained largely unchanged for 57 years.

The 9/11 Commission found that IC was trapped in a Cold War milieu. It concluded that one of the largest challenges in preventing terrorism was traversing the foreign-domestic divide and recommended transformative change. To that end, the Intelligence Reform and Terrorist Prevention Act of 2004 (IRTPA) created the Office of the Director of National Intelligence (ODNI) to oversee IC<sup>11</sup> and redefined national intelligence to include foreign intelligence, domestic intelligence, and homeland security intelligence (HSINT). IRTPA defined the national intelligence as:

All intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—  
(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and (B) that involves—(i) the development, proliferation, or use of weapons of mass destruction; (ii) threats to the United States, its people, property or interest; or (iii) any other matter bearing on the United States national or homeland security.

In government, and particularly in intelligence, we assent to a certain amount of ambiguity. National intelligence as a holistic enterprise seemingly affords latitude for elements of IC and homeland security intelligence community to singularly and collectively provide intelligence to secure our homeland and respective hometowns. Notwithstanding, national intelligence is an ideal that has not been realized and this is particularly the case with respect to SLTLE agencies. To understand the national

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<sup>11</sup> IC is a sixteen-member community that works within its specific mission as well as in an integrated fashion. IC currently includes Undersecretary of Defense for Intelligence, Air Force Intelligence, Army Intelligence, Central Intelligence Agency, Coast Guard Intelligence, Defense Intelligence Agency, Department of Energy, Department of Homeland Security, Department of State, and Department of the Treasury, Drug Enforcement Administration, FBI, Marine Corps Intelligence, National Geospatial Intelligence Agency, and Navy Intelligence.

intelligence as an enterprise and the roles of SLTLE agencies therein, it is necessary to identify the singular elements of the national intelligence and particularly how they impact hometown and homeland security.

## **1. Foreign Intelligence**

The National Security Act of 1947, as amended by IRTPA, defines foreign intelligence and its defensive counterpart—counterintelligence—respectively as:

Means relating to the capabilities, intentions, or activities of foreign government or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

Information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, or foreign persons, or international terrorist activities.

The National Security Act was enacted in the wake of World War II and the abuses of Gestapo-like intelligence services and a concern for American civil liberties. Foreign intelligence would be the purview of the CIA, and domestic intelligence would be the realm of the FBI. In spite of this, certain elements of foreign and domestic intelligence intrinsically fuse. To those ends, CIA would be granted limited domestic operational authority. Moreover, the scope of FBI's mission, and particularly its extraterritorial jurisdiction, affords the FBI a qualified foreign intelligence capability.

## **2. Domestic Intelligence**

Domestic intelligence is a nebulous term that connotes spying on one's own citizens. It raises the issues of privacy, civil liberties, and other public concerns. However, internal security threats (i.e., subversion, espionage, and terrorism) require that all nations maintain a domestic-intelligence capability. To that end, agencies of the federal, state, and local governments routinely and exceptionally collect and assess information about people residing in and visiting the United States. The events of September 11, 2001 and the resultant homeland security era are a clarion call for increased intelligence, particularly domestic intelligence. It is an emerging enterprise that

warrants grave consideration, cautious implementation, and mechanisms that ensure civil rights, due process, and justice. Significantly, there is no consensus on what constitutes domestic intelligence.

Jackson et al., (2009) define domestic intelligence as:

Efforts by government organizations to gather, assess, and act on information about individuals in the United States or U.S. persons elsewhere that is not necessarily related to the investigation of a known past or criminal act of specific criminal activity.

Jackson et al. note that intelligence has been integrated into domestic law enforcement and public safety agencies as part of the phrase “intelligence-led policing” (ILP). Notwithstanding, ILP is typically limited to information gathering and analysis for crime prevention and response activities.

Jackson et al. conclude that the major difference between intelligence approaches and law enforcement is that the former is more investigatory in nature, with an emphasis on preventing future events, while the latter is less constrained by legal requirements and is more exploratory in nature. Moreover, intelligence operations proactively seek to (1) identify individuals or groups that might be planning violent actions, and (2) to gather information that might indicate changes in the nature of the threat to the country more broadly.

Stephen Marrin (2003) maintains that domestic intelligence entails the “acquisition of information from domestic sources to protect domestic or homeland security.” He argues that the study of foreign intelligence can be applied to domestic intelligence to provide insight into how the federal government’s new domestic intelligence will likely increase. Marrin presumes that the roles and missions of domestic intelligence will likely increase for two distinct reasons:

a. The purpose of foreign intelligence is to acquire information necessary to apply governmental power with greater precision; as the need for application of government power increases, so does the need for intelligence. Likewise, domestic intelligence agencies and programs will apply government power to counter domestic threats. As



threats, and particularly those threats enabled by advanced technological capabilities rise, the need for domestic intelligence will increase correspondingly.

b. The scope of foreign intelligence missions expanded from national security concerns to foreign policy support. Similarly, domestic intelligence capabilities created for homeland security purposes will expand to support generic law enforcement.

Marrin concludes that the threat to civil liberties can be countered through the incorporation of overlapping procedural guidelines and oversight mechanisms.

### **3. Homeland Security Intelligence**

Homeland security intelligence (HSINT) is an amorphous concept and is not statutorily defined. The Homeland Security Act of 2002 defined *homeland security information* as:

Any information possessed by federal, state, or local agency that (a) relates to the threat of terrorist activity (b) relates to the ability to prevent, interdict, or disrupt terrorist activity (c) would improve the identification or investigation of a suspected terrorist or terrorist organization (d) would improve the response to a terrorist act.

Charles Allen (2005), former Undersecretary of Intelligence and Analysis at DHS, characterized HSINT as “a blend of traditional and non-traditional intelligence that produces unique and actionable insights, takes its place alongside the other kinds of intelligence as an indispensable tool for securing the nation.”

David L. Carter (2009) maintains that HSINT integrates the order maintenance function of law enforcement with an all-hazards approach to threats within an emerging homeland security framework. He notes the emergence of a broad range of activities that could be encompassed by HSINT, in particular the Fire Service Intelligence Enterprise and Public Health Medical Intelligence. Carter concludes that, while there are gray areas within this framework, the key factor is for state and local police agencies to focus on threats posed by hazards that have implications for responsibilities for public safety and order maintenance. He defines HSINT as:

Collection and analysis of information concerned with noncriminal domestic threats to critical infrastructure, community health, and public safety, for the purposes of preventing the threat of or mitigating the effects of the threat.

Carter recognizes that HSINT presents many challenges because it is not purely criminal, yet addresses responsibilities that law enforcement agencies have to manage in their communities.

Marc A. Randol (2009b) cites former Director of National Intelligence John Negroponte’s conclusion that even if there is one unified intelligence discipline, there are three different dimensions of intelligence—foreign, military, and domestic. He argues that under this school of thought, HSINT could become another dimension of intelligence that is distinct in some manner, yet overlaps with the aforementioned dimensions. In the diagram below, Randol offers the domestic intelligence dimension, “under a broad understanding of the term,” as including the role SLTLE and the private-sector entities play in collecting, analyzing, and disseminating information and intelligence within their respective areas of jurisdiction or industries.



Figure 3. Homeland Security Intelligence (Source: Randol, 2009)

DHS (2006) asserts that its intelligence-and-information-sharing activities provide valuable, actionable intelligence and intelligence-related information for and among the national leadership, all components of DHS, its federal partners, state, local, territorial, tribal, and private sector customers. DHS ensures that information is gathered from all relevant DHS field operations and is fused with information from other members of IC to produce accurate, timely, and actionable intelligence products. DHS (2009) notes the establishment of the Homeland Security Intelligence Support Team to ensure that frontline personnel receive timely and relevant intelligence. Moreover, DHS's Office of Intelligence and Analysis developed the Homeland Security State and Local Community of Interest which allows intelligence analysts across the country to share sensitive homeland security intelligence information and analysis on a daily basis.

FBI (2008) incorporates Executive Order 12333, U.S. Intelligence Activities Part 1 Goals, Directions, Duties, and Responsibilities with respect to United States intelligence efforts:<sup>12</sup>

The United States intelligence effort shall provide the President, the National Security Council, and the Homeland Security Council with the necessary information on which to base decisions concerning the development of foreign, defense, and economic policies, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

Moreover, IC, "consistent with applicable Federal law and with the other provisions of this order, and under the leadership of the Director, as specified in such law and this order shall ... take into account State, local and tribal governments and, as appropriate, private sector entities information needs relating to national and homeland security."

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<sup>12</sup> Executive Orders 12333, United States Intelligence Activities, December 3, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004), and 13470 (2008).

## **F. CRIMINAL INTELLIGENCE**

The National Criminal Intelligence Sharing Plan (DOJ, 2005) cites a speech of former President George W. Bush, in which he said:

All across our country we'll be able to tie our terrorist information to local information banks so that the front line of defeating terror becomes activated and real, and those are the local law enforcement officials. We expect them to be part of our effort; we must give them the tools necessary so they can do their job.

The plan recognizes the inherent nexus of crime to terrorism and presumes that a coordinated collection, analysis, and appropriate dissemination of criminal intelligence information across the United States will make our nation safer. It notes that this effort requires an understanding of the phrase *criminal intelligence* and characterizes it as the “combination of credible information with quality analysis information that has been evaluated and used to draw conclusions.” Moreover, criminal intelligence results from the intelligence process involving planning and direction, information collection, processing/collation, analysis, dissemination, and significantly, reevaluation of information on suspected criminals and/or organizations as depicted in the Figure 4.



Figure 4. The Criminal Intelligence Cycle (Source: The National Criminal Intelligence Sharing Plan)

The criminal intelligence cycle mirrors the overarching dimensions of the traditional intelligence cycle and Lownethal’s multilayered processes. Carter (2009) uses the term *law enforcement intelligence* synonymously with *criminal intelligence* and defines it as “the product of an analytic process that provides an integrated perspective to disparate information about crime, crime trends, crime and security threats, and conditions associated with criminality.” He cites a confidential interview of an FBI Directorate of Intelligence official who said:

In the law enforcement/national security business, [intelligence] is information about those who would do us harm in the form of terrorist acts or other crimes, be they property or violent crime. ... [The FBI Directorate of Intelligence] produces “raw” (or equivalent intelligence) and “finished” intelligence products (those that report intelligence that has had some degree of analysis).

Carter concludes that those responsible for the intelligence function need to understand these differences (i.e., raw and finished intelligence) and apply policies and practices that are most appropriate for the types of intelligence being produced and consumed.

In addition, Carter identifies the *criminal predicate* required for the retention of criminal records—*reasonable suspicion* that an identified person(s) has or is about to commit a crime. In practice, law enforcement agencies collect information on individuals where no criminal predicate exists. Those cases require a criminal predicate assessment to determine the status of the collected information—whether it will be retained in a *permanent file* or *temporary file*.<sup>13</sup> Distinctly, the noncriminal intelligence cycle is not constrained by a criminal predicate and is more tentative in nature.

## **G. INTELLIGENCE-LED POLICING**

The National Strategy For Homeland Security (Office of Homeland Security, 2007) defines intelligence-led policing (ILP):

Management and resource allocation approach to law enforcement using data collection and intelligence analysis to set specific priorities for all manner of crimes, including those associated with terrorism. ILP is a collaborative approach based on improved intelligence operations and community-oriented policing and problem solving, which the field of law enforcement has considered beneficial for many years.

The National Criminal Intelligence Sharing Plan maintains that ILP is a core objective and defines it as the collection and analysis of information to produce an intelligence end product designed to inform police decision making at both the tactical and strategic levels.

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<sup>13</sup> 28 CFR Part 23—Criminal Intelligence Operating Policies provides procedural guidance for the management of criminal intelligence systems that is consistent with constitutional guarantees. The federal government cannot legally mandate it. However, 28 CFR Part 23 is a requisite for certain law enforcement grant funding and has been recommended by the National Criminal Intelligence Strategy and the Law Enforcement File Guidelines as a best practice. Information that meets the criminal predicate may be entered into the criminal intelligence records. Information with other than the criminal predicate is filed temporarily and will be purged after a “reasonable time” as defined by agency policy (Carter, 2009).

Carter (2009) maintains that there are differing views of ILP. There is no manual of practice for ILP because like community policing, it must be tailored to the characteristics of the individual agency. He characterizes ILP as:

An underlying philosophy of how intelligence fits into the operations of a law enforcement organization. Rather than being simply an information clearinghouse that has been appended to the organization, ILP provides strategic integration of intelligence into the overall mission of the organization.

Marilyn Peterson (2005) concludes that one of the critical lessons of 9/11 is that intelligence is everyone's job and that a culture of intelligence and collaboration is necessary to protect the United States from crimes of all types. Peterson synthesizes several current law enforcement strategies in the United States, including community-oriented policing (COP) and problem-oriented policing (POP). She concludes that, in order for agencies to develop an ILP capability, they must blend intelligence and POP, build stronger police-community partnerships, blend strategic intelligence and police planning, institute information-sharing policies, and build analytic support for police agencies.

Jerry Ratcliffe (2008) holds that intelligence has traditionally been used by police departments for case support and not for strategic planning and resource allocation. He concludes that "the move from investigation-led intelligence to intelligence-led policing is the most significant and profound paradigm change in modern policing." Ratcliffe's 3i Model of ILP (Figure 5) is a conceptual model that interprets the criminal environment, influences the decision maker, and impacts the criminal environment.

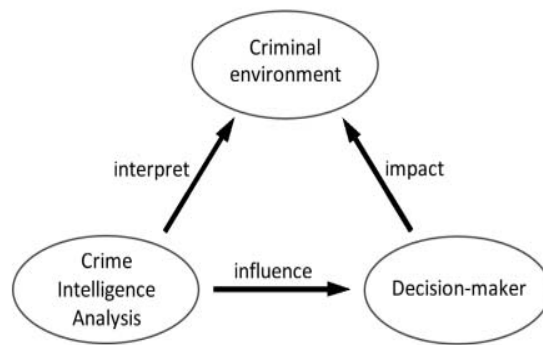


Figure 5. Intelligence-Led Policing (Source: Jerry Radcliffe’s Intelligence-Led Policing)

The interpretation of the criminal environment is an active activity wherein the criminal intelligence analyst canvasses intelligence from contributors and hunts down the information by interviewing investigating officers and debriefing handlers of confidential informants.

Ratcliffe concludes that the end state of ILP is an attempt to reduce the effects of criminality, through prevention and disruption or by effectively deploying the criminal justice system. The caveat of ILP is that, for crime reduction to result, decision makers must bring about an impact on the criminal environment; they must direct resources effectively in order to have a positive impact on the criminal environment.

NYPD employs a variant of ILP—CompStat—a multilayered approach to policing that considers an organization holistically and accentuates accountability at all levels. It is a four-step process to crime reduction that includes: (1) accurate and timely intelligence, (2) rapid deployment, (3) effective tactics, and (4) relentless follow-up and assessment. CompStat strategically directs an organization’s efforts to reduce crime, reduce the fear of crime, improve the quality of life, and better manage the department. It integrates the principles of conventional policing with CP, POP, and accountability (Maple & Mitchell, 1999; Bratton, 1996). CompStat will be discussed at length in Chapter V.



## **H. NEW YORK CITY POLICE DEPARTMENT'S INTELLIGENCE**

New York City Police Department intelligence is synergistic and proactive, real-time, actionable intelligence. It is global in scope and subsumes elements of the national intelligence, criminal intelligence, CompStat, and what Commissioner Kelly refers to as a “cop-to-cop relationship” between police agencies around the globe. Deputy Commissioner of Counterterrorism Richard Falkenrath’s 2009 testimony to the Washington Institute for Near East Policy asserted that the foundation of NYPD’s counterterrorism and intelligence program is “to essentially fill the gaps that are left by the federal government.” It expounds the circumstances that both dictate and validate NYPD’s intelligence enterprise:

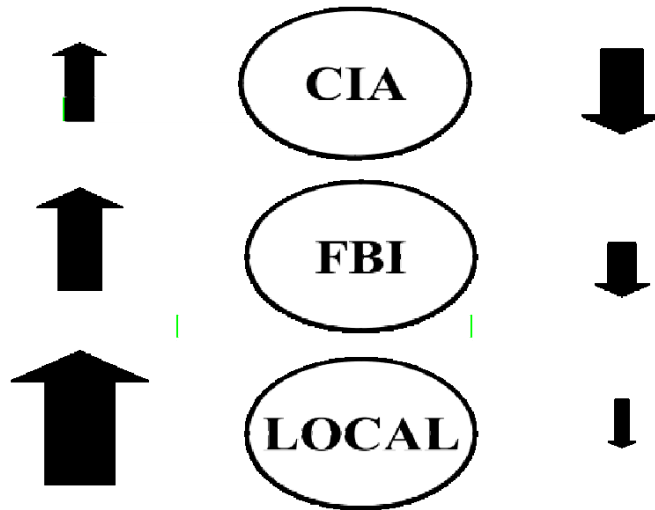
And that is not a knock on the federal government: that is a commentary about our system of government. And our system of government, the federalism system, gives the federal government only those powers expressly conferred to it by the Constitution or by an act of Congress. Everything else lies with the states or their subunits, the cities. ... I think it’s important to understand where the NYPD fits in. The NYPD has something called plenary police power. It’s a broad-ranging authority to maintain public order and enforce the law and keep the citizenry safe. The federal government has no such authority. The federal government’s law enforcement authority is very specific. There are certain crimes, there are certain offenses which the federal government has the authority—in some cases, preemptive authority—to investigate. But really nowhere outside of specific federal reservations like airports or ports or courthouses or the White House or Congress, really nowhere out in America does the federal government provide day-to-day security and day-to-day policing and responsibility—and our system of government that lies at the local level.

Alain Bauer (2007), noted criminologist at the Sorbonne and scholar in residence at NYPD, notes that the department has adapted to the threat and moved from defense to preemption. Bauer concludes that law enforcement must move out of a “culture of reaction, retrospect, and compilation” to a stage of forward thinking that might enable early detection of the threats and dangers of the modern world. Roger Cressy, the principal deputy to the counterterrorism chief at the National Security Council from 1999 to November 2001 said that local law enforcement is best placed to gather ground-level intelligence and that “only when you combine that which you are getting at the federal

level will you create a holistic picture of the threat. NYPD has done that and is a model for the major metropolitan cities to follow” (Linzer, 2008).

NYPD precinct commander and former member of the Intelligence Division’s International Liaison Unit, Brandon Del Pozo (2007), argues the need for a proactive municipal intelligence program to counter the threat of terrorism. Del Pozo has observed that prior to September 11, 2001 municipalities were not overly concerned with terrorism and relied on the federal government for counterterrorism. In Figure 6, he depicts the inequitable flow of information upward to federal authorities and the scarcity of information that has historically worked its way back to local authorities.

Del Pozo observes that three unique threats to New York City exist: an “outside/outside” threat, in which all activity occurs outside the city; an “outside/inside” threat, wherein some operations occur outside the city and others (i.e., reconnaissance) occur in the city; and an “inside/inside” threat that originates and occurs from start to finish within the city. Del Pozo concludes that all three threats speak to the need for NYPD to gather its own intelligence.



*Source: Del Pozo No Island Is an Island (2007)*

Figure 6. CIA-FBI-Local Information Exchange

## **I. ONE SHOULD BE ETERNALLY AND COMPREHENSIVELY VIGILANT**

Chapters II and III of this thesis illustrate a legacy of police, and particularly police intelligence, transformation in America. Historically, the police responded to forces that defined their role in society. Policing in the homeland security era is a continuum of that heritage.

On July 30, 1916, a pier laden with thousands of tons of munitions destined for Britain, France, and Russia in their war against imperial Germany exploded with a force that scarred the Statue of Liberty and shattered windows in Times Square. Authorities soon concluded that the Black Tom incident was the work of German saboteurs seeking to destroy supplies headed from neutral America to Germany's enemies (Warner, 2002). Two years prior to that event, on August 1, 1914, the day before Germany presented an ultimatum to Belgium that presaged World War I, NYPD Police Commissioner Woods formed a special service squad to deal with emerging threats. Special service squads were NYPD's standard organizational response to unusual problems. Today, the FBI would have jurisdiction over such matters. At the time, the FBI was in its infancy, and law enforcement at the federal level hardly existed. In 1916, "NYPD had the country's largest and most experienced detectives and filled the void" (Lardner & Reppetto, 2000). Commissioner Woods said of the events of July 30, 1916:

The lessons to America are clear as day. We must not again be caught napping with no adequate national intelligence organization. The several federal bureaus should be welded into one, and that one should be eternally and comprehensively vigilant (Tunney & Hollister, 1919).

Eighty-five years later, the 9/11 Commission (2004) affirmed Commissioner Woods's appeal for an adequate national intelligence organization. IRTPA (2004) created ODNI to coordinate the activities of IC. Moreover, as was the case of the Black Tom incident and America's homeland security concerns during World War I, the events of September 11, 2001 served as the impetus for another NYPD police commissioner's vigilance and the creation of special service squads to secure New York City and the homeland. Chapter IV describes that vigilance and the special service squads that evolved into NYPD's intelligence enterprise.

## **IV. THE NEW YORK CITY POLICE DEPARTMENT'S INTELLIGENCE ENTERPRISE**

### **A. THREE C'S: CONVENTIONAL CRIME PREVENTION, COUNTERTERRORISM, AND COMMUNITY RELATIONS**

The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, reduce fear, and maintain order. The Department is committed to accomplishing its mission to protect the lives and property of all citizens of New York City by treating every citizen with courtesy, professionalism, and respect and to enforce the laws impartially, fighting crime both through deterrence and the relentless pursuit of criminals (NYPD, 2000).

#### **1. Three Cs**

Sir Robert Peel's seminal premise for policing, "the basic mission for which the police exist is to prevent crime and disorder" is a prescription for police intelligence. To that end, NYPD collects, processes, analyzes, fuses, and disseminates intelligence to prevent crime, disorder, and terrorism. That process is both routine and nuanced. It melds internal and external processes and is best understood in the context of NYPD's three Cs (see Figure 7):

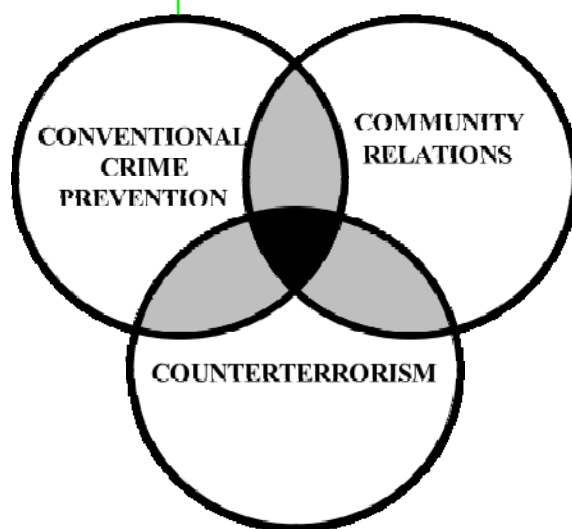


Figure 7. NYPD's Three Cs

NYPD Commissioner Raymond W. Kelly has spoken of the department's mission and what he likes to call the three Cs: conventional crime prevention, counterterrorism, and community relations. Kelly said, "If there is a theme, it is that those things [three Cs] have to be given coequal status" (Steinhauer, 2003). The logic of the three Cs is that crime and terrorism enjoy a symbiotic relationship and that community engagement is a gateway to prevent, detect, deter, and mitigate both. It is a multifaceted undertaking to collect the department's intelligence to impact criminal and terrorist operations. This chapter details NYPD's intelligence program in conventional crime prevention operations, community affairs activities, and counterterrorism-intelligence operations.

## 2. NYPD's Intelligence Process

Precinct commanders are responsible for the safety and security of their commands.<sup>14</sup> To that end, they require certain information and intelligence. Precincts are primarily structured to process criminal intelligence. Moreover, they acquire and process suspected law violations or persons or activities connected with major and special crime and suspected terrorist activity that warrants the attention of specialized units and external agencies. An elaborate citywide intelligence reporting system categorizes information and determines which unit or agency will process particular information.<sup>15</sup>

The diagram below demonstrates how information is collected by NYPD and processed internally and externally to produce intelligence products. Information is typically received at precinct level and is entered into a number of databases and analyzed at precinct, patrol borough, and citywide levels. On other occasions, information is received by the Counterterrorism Hotline or collected by the Intelligence Division, Specialized Units, or the Joint Terrorist Task Force (JTTF). Major and special crime and terrorism information is forwarded to the Intelligence Division's (ID) Operations Center. The center forwards major and special circumstances crime to the designated unit as depicted in the table below. Terrorism information is forwarded to the New York Joint Terrorist Task Force (NY-JTTF). NY-JTTF will review each terrorism lead and either accept the case or refer it back to ID.

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<sup>14</sup> NYPD's patrol operations are administered by the Patrol Service Bureau (PBS), Transit Bureau (TB), and Housing Bureau (HB). PSB is divided into eight patrol boroughs that are subdivided into 76 precincts. TB is divided into four transit patrol boroughs that are subdivided into 12 Transit Districts (TD), and HB is divided into three housing boroughs that are subdivided into nine police service areas (PSA). HB and TB commands operate under the direct command of a respective bureau chief. Notwithstanding, every TD and PSA is located within the geographical boundaries of a precinct. To that point, every complaint registered in a TD or PSA is included in the respective precinct's complaint reporting system. Those complaints are the responsibility of the respective precinct and TD/PSA's commanding officer. Hereafter, the terms "precinct" and "precinct commander" will represent precincts with the understanding that precincts superimpose TDs and PSAs.

<sup>15</sup> *Major and special crimes* includes ongoing criminal enterprises, organized auto theft, narcotics, vice, gang, enterprise corruption, bank robbery, hate crime, sex-related crimes, corruption of public officials, and other matters as determined by the police commissioner.

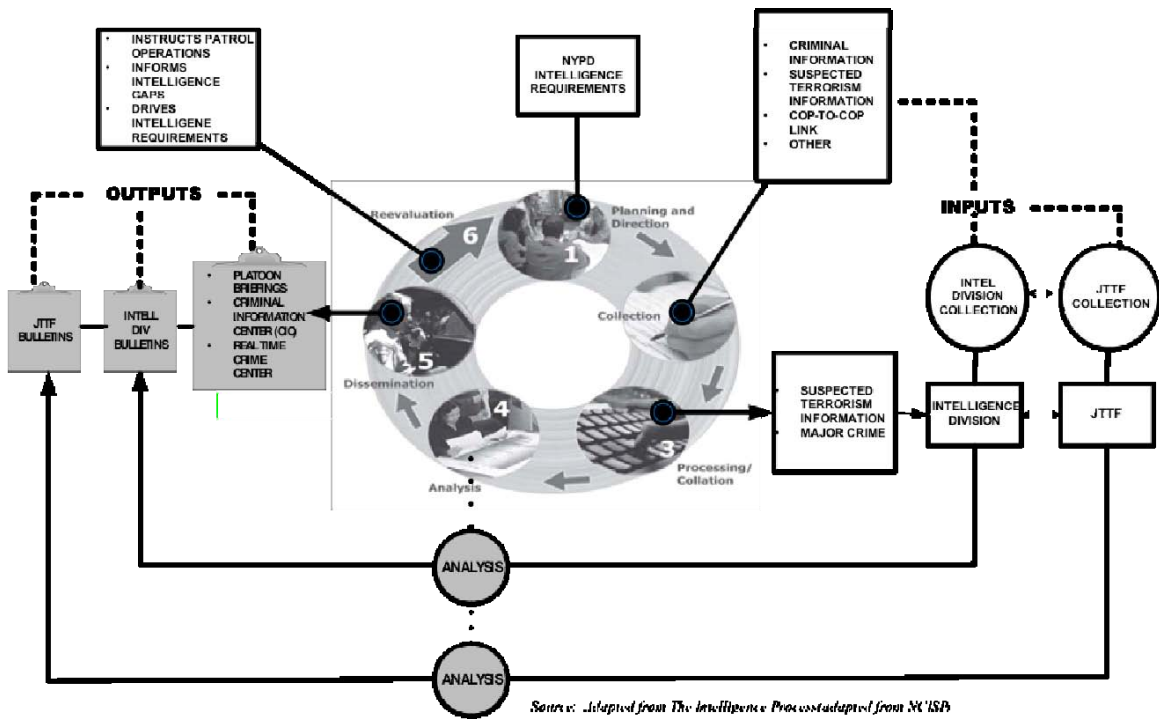


Figure 8. NYPD's Intelligence Cycle

The inner circle of the diagram represents the precinct-level intelligence process that consists of criminal and related information that is processed, analyzed, and disseminated to patrol and other stakeholders. The second ring, the Intelligence Division, represents NYPD's clearinghouse for all information, particularly major crime and terrorism information. ID forwards major-crime information to the designated unit as described in Table 1. The unit concerned will investigate and conduct its own investigative and analytical process that is typically augmented by ID.

Simultaneously, ID will fuse and analyze all-source information and produce intelligence products for dissemination to appropriate stakeholders. The third ring, NY-JTTF, operates under the jurisdiction of the FBI and maintains liaison with ID for certain matters. Typically, JTTF produces intelligence for internal use. In addition, NY-JTTF produces tear line products for law enforcement and appropriate stakeholders. Cumulatively and collectively, information mounts. The overarching strategy of NYPD's

intelligence enterprise is to collect pertinent information and to analyze that information and ultimately to provide intelligence to appropriate stakeholders.

Table 1. Major and Special Crime Investigatory Unit Designation

<b><u>Suspected Crime</u></b>	<b><u>Investigatory Unit</u></b>
Vice (prostitution, gambling)	Vice Division
Narcotics	Narcotics Division
Organized auto theft	Auto Crime Division
Organized crime information as it relates to the private carting industry, wholesale markets, off-shore gambling	Business Integrity Commission
Sexual exploitation of children	Sexual Exploitation of Children Squad
Gang related	Gang Unit
Identity theft	Organized Theft and Identity Task Force
Hate crime	Hate Crime Task Force
Bank robbery	Joint Bank Robbery Task Force
Integrity and corruption of NYPD/public officials	Internal Affairs Bureau (NYPD, 2000, 2008a)

## **B. CONVENTIONAL CRIME PREVENTION**

### **1. Criminal Intelligence Collection**

Precinct commanders are primarily interested in criminal intelligence. Accordingly, they plan and direct the collection of criminal information. NYPD focuses on the prevention of seven index crimes: murder, rape, robbery, assault, burglary, grand larceny, and grand larceny auto.<sup>16</sup> Precinct commanders need to know all that is knowable about index and related crimes. The knowable might include the times, dates, locations, victim's pedigrees, suspect descriptions, related 911 and 311 calls, and a host of other circumstances. Typically, the unknowns are who and why. The knowable is logically connected to the unknown and affords information that might lead to the unknown. To that end, precinct commanders direct the collection of the known circumstances of all crime and especially major crime in their particular commands.

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<sup>16</sup> The seven index crimes are predicated on the FBI's Unified Crime Reporting System (UCR).



The Complaint Report (PD313-152) is the department's primary tool for collecting information. It is a template for allegations of unlawful or improper acts or omissions or other conditions that necessitate investigation to determine whether an unlawful act or omission has occurred. NYPD emphasizes that proper preparation of the report is critical to the success of the department's crime-fighting efforts. Officers are reminded that they are not report takers; they are conducting preliminary investigations. Most information is entered on a Complaint Report and is investigated at precinct level. Moreover, certain information requires notification to specialized units and is processed at precinct/specialized-unit level.

## **2. Complaint Follow-Up**

### ***a. Investigatory Process***

Complaint follow-up involves an investigatory process that includes interviewing suspects, witnesses, and concerned parties. It also involves an evidentiary process that includes photography, video, audio, forensics, and so forth, of related scenes. Significantly, suspects and prisoners provide the department with substantial information. They are, first and foremost, members of the community and often have detailed information about what is going on in the streets, and they might have a motivation to give this information to the police. Department policy requires that all persons arrested by the department are debriefed. Many debriefings have resulted in the registering of confidential informants (CI) and the acquisition information that has resulted in arrests, search warrants, and the seizure of contraband and evidence. That process is often iterative and progressive, i.e., the latter produces the former.

### ***b. Role of the Community, Other Government Agencies, and Private Agencies***

Routine police interactions with communal, government, and private agencies serve the department's information needs.

*c. Field Intelligence Officer*

Typically, a determination is made that “there is more to know.” To that end, precinct commanders direct specific information-collection efforts and oversee an analytic process to achieve insight into the known and unknown. ID details a Field Intelligence Officer (FIO) to each patrol-level command to enhance command level intelligence and to ensure that required information makes its way to ID. FIOs relate the command’s operating context to the commanding officer and ID’s Field Intelligence Coordinator. FIOs solicit and exchange information with all patrol, investigatory, and analytical units, as well as other FIOs and then follow up on intelligence matters afterwards. They conduct secondary debriefings and facilitate the CI and search warrant process. Moreover, FIOs attend community meetings and other forums, and they respond to major incidents in the field to gather timely information. The FIO’s task integrates the Department’s patrol and intelligence operations (NYPD, 2008a and 2008b).

*d. Analysis*

All known information is compiled, entered into a series of databases, analyzed, and disseminated to appropriate intelligence consumers. NYPD’s crime analysis is a three-tiered process that cumulatively synthesizes precinct, patrol borough, and ID analytics. Precinct crime analysis personnel assess all complaints with an emphasis on the seven major crimes. Each complaint is reviewed for accuracy, proper classification, investigatory status, and known circumstances.

Crime analysis personnel confer with precinct detectives, community affairs officers, FIOs, and others to glean information that might be germane to particular complaints. All known information is contextualized, evaluated, and summarized in analytic reports. That intelligence provides the commanding officer with a clearer picture of his crime situation. It informs optimal deployment of personnel and resources and facilitates requests for additional personnel and resources from specialized units such as narcotics, vice, gang, patrol borough task force, anti-crime, and community affairs.

In addition, the respective patrol borough crime analysis unit reviews the precinct-level analysis and correlates it to patrol borough and citywide crime analysis. The purpose of the secondary analysis is to provide an overview of patrol borough and citywide crime, especially commonalities and patterns. In addition, that analysis provides patrol borough commanders with information that facilitates the most efficient deployment of borough personnel and resources.

The third element of this process is an analysis of all known information, particularly information beyond the scope of the precincts and patrol boroughs such as citywide, national, and international crime by ID to identify citywide crime patterns and information that might be relevant to terrorism, organized crime, and other investigations.

*e. Dissemination*

Most information makes its way back to patrol via the daily platoon briefing and analytical reports and crime mapping that are available at the precinct's Crime Information Center.

Moreover, the department's Real Time Crime Center (RTCC) provides an NYPD Google-type search engine that was created to help investigators connect the dots. RTCC integrates 27 department databases and provides information and investigatory support to detectives investigating violent crime in real time (NYPD, 2007a; New York City Police Foundation, 2010).

Nonetheless, certain information and intelligence, due to its sensitivity, confidentiality, security-value, or legal restrictions are not readily available to patrol. Typically, tear-line intelligence products—intelligence documents that separate categories of information that have been approved for release—are provided. In the event that restricted information is required for patrol, investigatory, or evidentiary purposes, that information is requested via ID or in certain cases directly to a specialized unit or outside agency.

*f. CompStat*

NYPD's criminal intelligence per se is guided by CompStat, a four-step process to crime reduction that includes accurate and timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment. CompStat strategically directs an organization's efforts to reduce crime, reduce the fear of crime, improve the quality of life, and better manage the department. It integrates the principles of conventional policing with CP, POP, and accountability (Maple, 1999; Bratton, 1996). CompStat is a variant of intelligence-led policing that facilitates the use of information and intelligence to detect, deter, and mitigate crime.

This thesis describes in detail the evolution and mechanics of CompStat and particularly how the CompStat paradigm revolutionized policing in New York City and facilitated NYPD's post-September 11, 2001 intelligence enterprise. That discussion is continued in Chapter V.

**C. COMMUNITY RELATIONS**

To foster positive and productive police-community relations by providing interactive community participation programs. We do this by identifying key stakeholders of the community by establishing communication with community leaders in the concerned area. We also gather intelligence, dispel rumors, disseminate accurate information and establish liaison with other agencies.

–Mission Statement, NYPD Community Affairs Bureau

The Community Affairs Bureau (CAB) plays an integral role in the department's three-Cs strategy by raising community awareness through outreach and public service programs. Commissioner Kelly said of CAB's counterterrorism role: "As the Police Department continues its dual mission of combating conventional crime and terrorism, the importance of community affairs in solidifying public support and cooperation with both missions has never been more important" (NYPD, 2006). CAB's initiatives and programs foster partnerships with the community. Those relationships afford situational awareness and a sense of undetected issues that might become police problems if left unattended. CAB's programs and initiatives are set out below.

## **1. The Community Partnership Program**

The Community Partnership Program (CPP) is part of NYPD's legacy of community engagement, which was first formalized in the 1970s with Cop on the Block and Neighborhood Police Teams initiatives. CPP was introduced in 2007 to increase the number of positive contacts between police officers and the public. It partners probationary police officers with veteran officers and members of CAB and tasks them to openly engage in dialogue with neighborhood residents, community leaders, organizations, clergy, and youth, while performing their duties on patrol. To those ends, police officers tour commercial and religious facilities, schools, youth centers and community centers in their precincts. CPP endeavors to familiarize police officers with religious, business, school, youth, immigrant, and other concerns of their assigned precincts (NYPD, 2007b and 2009b).

## **2. Precinct Community Councils**

Precinct Community Councils are forums that provide ongoing communication between the police and the community. Community members are invited to meet regularly with the precinct commanding officer to find solutions to public safety problems in their neighborhood. Additional community participation programs include: Civilian Observer Ride-Along, Civilian Observation Patrol, Citizens Police Academy, National Night Out, NYPD Internship Program, and the Multilingual Precinct Receptionist Program (NYPD, 2009b).

## **3. The Youth Services Section**

The Youth Services Section is a compilation of educational and prevention programs that deter truancy and gang activity by reinforcing responsible behavior, enhancing self-image and promoting constructive engagement with the community. The section is intimately involved with the Police Athletic League (PAL), a not-for-profit organization that provides boys and girls with recreational, educational, cultural, and social programs. PAL's website affirms its collaboration with NYPD: PAL "together with the NYPD and the law enforcement community, supports and inspires New York

City youth to realize their full individual potential as productive members of society (New York City Police Athletic League, 2010).

#### **4. The New Immigrant Outreach Unit**

The New Immigrant Outreach Unit serves as a link between the department and emerging immigrant communities. NYPD realizes that many new immigrants are not familiar with American customs or, in many cases, the English language. To that end, the unit conducts multilingual outreach programs that include presentations regarding department policies, programs, and services affecting new immigrant communities; these programs are directed to the community, the department, and outside agencies. This unit was tasked to reach out to certain communities, in particular, the Arab, Muslim, and South Asian communities that had had little or no interaction with the department. To that end, the unit established the NYPD United (soccer) and NYPD Cricket leagues.

Jeff Thompson's "The NYPD and Three C's: Communication, Community and Cricket" (2009) concludes that the leagues provide a means for young males who might not otherwise have any interaction with the police to see the police in another light: as regular people who love the sport. Thompson, an NYPD police officer assigned to CAB, describes his job as "basically to make sure that people are happy. I look at individuals, groups, community organizations and private businesses to see if NYPD already has a relationship with them. If the answer is yes, I try to improve the relationship. If the answer is no, I try to figure out how to establish a line of communication based on understanding. NYPD decided that soccer and cricket might produce a favorable relationship with the Arab, Muslim, and South Asian communities. Thompson found that the leagues created new relationships and a sense of understanding. Thompson opines that "the best way to serve others is by getting to know them."

Appearing on NBC Nightly News and asked about NYPD Cricket, Police Commissioner Kelly said:

The Department had historically reached out to young people through sports, but that had been through traditional American sports such as softball, basketball, and baseball. We wanted to reach into a different community, an emerging community. We decided to go to the sports that

they play and cricket is the sport that they play. I think that there is a much closer relationship, certainly between these young people that are playing and the police officers that are coaching and organizing. This is another way to reach a community, an emerging community in our city, this is the most diverse city and this program provides an inroad into a strong and vibrant community in our city (MSNBC, 2009).

On August 10, 2009, Commissioner Kelly presided over the department's annual pre-Ramadan conference. He was joined by department Chaplain Imam Khalid Latif and Inspector Michael Osgood, Commanding Officer of the Hate Crime Task Force. In attendance were members of NYPD Soccer, NYPD United, and the NYPD Muslim Officers Society. Kelly said:

This is the most sacred time of the year for the Muslim faith—a time of self-reflection, devotion to god, and spiritual discipline. Our goal is to ensure that you are able to experience Ramadan in safety and in peace. We're proud that New York is the most tolerant city in the world. But we don't take this for granted.

It was noted that, since 2002, NYPD has distributed guidelines to commanders that provide an overview of Ramadan and promote the education of precinct personnel on prayers and other activities taking place during Ramadan, including direct contact and visitation with local mosques (NYPD, 2009a).

## **5. The Clergy Liaison Program**

The Clergy Liaison Program establishes working partnerships between the department and clergy to improve community relations. Applicants to the program are vetted for criminal backgrounds and confirmation of congregational or faith-based organization affiliation. Approved clergy and religious leaders receive specialized training from the department in topics including counterterrorism, hate crimes, domestic violence, and gang awareness. Members of the program are called upon to foster positive police-community relations. They are provided with firsthand information in crisis situations that might reduce fear and alleviate concerns. In return, they are asked firsthand for information that might facilitate police operations and provide for the wellbeing of the community.

## **6. Segregation of Community Relations from Counterterrorism and Intelligence**

Community relations present a significant challenge to policing. Similar to the relationship of a parent to a child, police impose limits and discipline on the community. Simultaneously, the police ask for the cooperation of the community to prevent crime and terrorism. To that end, NYPD purposely segregates its community-relations function from its counterterrorism operations. Deputy Commissioner of Counterterrorism Richard Falkenrath's comments to the Washington Institute capture the department's counterterrorism-community outreach posture:

The counterterrorism deputy commissioner and the intelligence deputy commissioner are not responsible for community outreach. In part we don't want to stigmatize the interaction with these communities, and if the counterterrorism deputy commissioner or the intelligence deputy commissioner go to a community meeting, it sort of sends the message that the reason we're here is we think there's a threat. And that's not the message we want to send, because the vast majority of the people from these communities—the vast, vast majority—are no threat at all and simply want to live in peace and enjoy everything the city has to offer, which is a lot (Falkenrath, 2009).

Lydia Khalil (2009) lauds the department's relaxed community-relations approach to counterterrorism. Khalil notes that NYPD community liaisons are removed from the counterterrorism bureau. She concludes, "Ironically, it is this distance that has contributed to good community relations and the likelihood that individuals would be forthcoming with information when they do not suspect those with malicious intentions in their midst." Khalil concludes with this assessment: "This hands off, easy going approach has proven to be more successful than the more obvious and convoluted efforts by other major international police forces, particularly in Europe."

CAB endeavors to achieve a higher level of trust and active citizenship and particularly a community that is apt to provide information essential to the safety and security of the city. It actively encourages concerned citizens to report suspicious persons and circumstances and provides the necessary reporting procedures. To avoid undue suspicion, CAB operates overtly and informs the community that information sharing is a



reciprocal practice. It clarifies department policy regarding police information pointing out that some police information is sensitive, confidential, or otherwise restricted by law and when that permissible information will be released to the public. Finally, CAB serves as the department's subject-matter expert on community relations and provides liaison with all units to affect the department's mission (NYPD, 2008a).

#### **D. INTELLIGENCE DIVISION**

To provide comprehensive and relevant information to the Police Commissioner in a timely manner. Conduct professional and judicious intelligence gathering surveillance. Interact with all law enforcement organizations to enhance the safety of the citizens of New York. Maintain the highest standards of integrity, proficiency, and originality while respecting the citizens we serve.

–Mission Statement, NYPD Intelligence Division

##### **1. “We [NYPD] Have to Make Sure That We Get the Best Information As Quickly As We Possibly Can”**

New York Mayor Michael Bloomberg best described NYPD's current threat status: “The world no longer stops at the oceans, our world goes every place, and we have to make sure that we get the best information as quickly as we possibly can” (Dickey, 2009a). Similarly, former President George W. Bush said, “America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad and increased vigilance at home” (Office of Homeland Security, The White House, 2003a).

In 2002, Commissioner Kelly tasked newly appointed Deputy Commissioner of Intelligence David Cohen with building an organization capable of operating on an international scale that would be able to anticipate threats and act on that information. ID is a clearinghouse and analytic center for all-source information. Its diverse processes fuse all-source information and intelligence.

## **2. Daily Meeting of Commissioner Kelly and Deputy Commissioners of Intelligence and Counterterrorism**

ID's process begins with a daily meeting of Commissioner Kelly and his Deputy Commissioners of Intelligence and Counterterrorism where all intelligence and counterterrorism issues and operations are detailed (Sheehan, 2008, Falkenrath, 2009). ID's processes are multidimensional and reflect Lowenthal's (2009) multilayered intelligence process. In any one intelligence process, issues likely arise: the need for more collection, uncertainties in processing, results of analysis, and changing requirements. These instances cause secondary and tertiary processes. It is complex and operates in reality—it is linear, circular, and open-ended at the same time.

## **3. NYPD's Intelligence Division**

ID is divided into the Public Security Section (PSS), Intelligence Operations and Analysis (IO and A), and the Municipal Security Section (MSS). PSS and IO and A coordinate the department's intelligence process. MSS provides dignitary and executive protection and security at certain city and department facilities and will not be a subject of this thesis. This section will provide an overview of ID's organization and will highlight its most prominent operations.

### ***a. Public Security Section***

The Operations Unit's coordination center serves as a clearinghouse for criminal, terrorist, and other information. The center also operates the counterterrorism hotline to receive raw data and potential threats from the public. All leads are entered into the intelligence data system. This is the first element of ID's analysis and fusion process wherein all-source raw data is characterized and cross-referenced. The unit assigns members of the Leads Investigations Unit and other resources to respond and conduct appropriate investigations. Significantly, the unit notifies the FBI's New York-Joint Terrorist Task Force (NY-JTTF) about all terrorism leads. These circumstances are sensitive and are governed by internal department protocols and an NYPD-FBI MOU.

The FBI is the nation's lead domestic authority for national security issues and has lead-prerogative.<sup>17</sup> Just the same, the FBI has acknowledged NYPD's considerable interest in national security issues as they relate to New York City. NYPD maintains a considerable number of personnel in NY-JTTF and an extraordinary, albeit sometimes contentious, relationship with FBI. In 2007, Cohen said of NY-JTTF, "Important decisions are no longer made alone," adding, "It's hard to overstate how far we've come from the animosity in the early days." Cohen estimates that, although the FBI has the first right of refusal on tips and leads—35,000 have come in since the city set up its counterterrorism hotline five years ago—the NYPD has pursued almost two-thirds of them d (Miller, 2007).

The Regional Intelligence Support Center (RISC) provides accurate and topical intelligence to federal, state, and local investigators in order to enhance investigations. RISC assists in the investigation of criminal cases and the apprehension of wanted individuals through analysis and dissemination of both raw intelligence and information procured from a broad array of data systems. The Sensitive Data Unit (SDU) maintains the department's CI database that details their pertinent areas of expertise and knowledge and search-warrants history. SDU also maintains the Secure Automated Fast Event Tracking Network to deconflict department enforcement operations.

The Terrorist Incident Prevention Unit investigates terrorism-related incidents to determine modus operandi and technologies employed by terrorists. It collects criminal and terrorism related information from all available sources. The unit surveys businesses to determine businesses, products, and services that are vulnerable to manipulation by terrorists to facilitate a terrorist attack and investigates criminal appropriation and misuse of materials and services that might abet an attack. Cumulatively, the unit fuses seemingly disparate information that taken as whole might indicate terrorism or other crimes. The unit also provides information and intelligence for the department's counterterrorism programs.

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<sup>17</sup> The FBI's authority is derived from the National Security Act, Executive Order 12333, and other executive directives.

***b. Intelligence Operations and Analysis Section***

The Intelligence Collection Section gathers, evaluates, and transfers all-source intelligence information to appropriate entities. It analyzes and links investigations that span precinct, borough, city, state, and international boundaries and conducts enforcement operations in support of ongoing intelligence collection and criminal investigations. The Field Intelligence Coordinator coordinates the activities of all FIOs and local borough investigative units to facilitate intelligence sharing and enforcement activity. The Special Intelligence Collection Coordinator manages the collection of New York City's demographic trends, prison- and prisoner-related information, gang, narcotics, cyber and world wide web information, and myriad other information (NYPD, 2008a).

Notably, the Cyber Unit capitalizes on the department's linguists, many of whom are foreign-born and Muslim, to penetrate heretofore exclusionary cyber-domains of extremists and would-be jihadists. The undercover cyber cops "chat" with would-be terrorists in their native languages. In a 2006 interview with Ed Bradley of CBS's 60 Minutes, one member of the unit remarked that they look for "information that will relate to New York City. The ultimate goal for us is not to allow anything else like September 11 to ever happen again" (Schorn, 2006).

***c. The Liaison Activities Coordinator***

The Liaison Activities Coordinator initiates and maintains institutional law enforcement contacts and hosts liaisons from other agencies. Its most prominent unit—the International Liaison Unit (ILU)—identifies and initiates contacts with the international law enforcement community. Cohen wanted NYPD police officers to be living overseas and working with police officers in those countries. He wanted NYPD officers to know their counterparts personally and to be able to cull from those ties the day-to-day and minute-to-minute operational details (Dickey, 2009a). ILU does not conduct investigations per se. They liaise with police and intelligence officials and collect information and intelligence from those officials and crime scenes.

ILU's first posting was to Tel Aviv, Israel. NYPD wanted to know all that there was to know about suicide bombings. ILU sent a veteran homicide detective, Detective Mordehai Dzikansky to Tel Aviv, Israel, to learn from those who had the most experience with suicide bombings. Dzikansky is Jewish and keeps a kosher home. He spoke Hebrew and was the lead investigator in NYPD's Torah Task Force that investigated the thefts of sacred Torah scrolls. Dzikansky accompanied Israeli forces to bombings and other incidents and has the distinction of having been on the scene of more suicide bombings than any other U.S. law enforcement official (Del Pozo, 2007; International Institute for Counter-terrorism, 2009; Intelligence<sup>3</sup>, 2009).

Currently, NYPD second's personnel to key international cities: London, England; Paris and Lyon, France; Madrid, Spain; Tel Aviv, Israel; Amman, Jordan; Abu Dhabi, United Arab Emirates; Singapore, Malaysia, Toronto and Montreal, Canada; and Santo Domingo, Dominican Republic. In addition, ILU and other units of NYPD have visited or had short postings to Guantanamo Bay, Cuba; Afghanistan; Bali, Indonesia; Germany; Kuwait; Malaysia; Pakistan; Singapore; Beslan, Russia; Manila, Philippines; Istanbul, Turkey; and Mumbai, India (NYC Police Foundation, 2009; Nussbaum, 2004). Cumulatively, the efforts of ILU provide Commissioner Kelly's cop-to-cop relationship with police agencies across the globe, and it does so in real-time. ILU's most prominent missions include those discussed below.

(1) Mumbai, India Hotel Bombings, 2008. The terrorist attacks in Mumbai, India, on November 26, 2008, have been referred to as "India's 9/11." Mumbai is India's commercial and entertainment center—its Wall Street, Hollywood, and Milan. It is a prosperous symbol of modern India—and a presumptive target for terrorists. Lashka-e-Taiba (LeT), an Al-Qaida associate, conducted an audacious and complex attack there that bewildered and overwhelmed Indian defense forces. The operation lasted over 60 hours and left at least 172 people dead and over 300 wounded.

The attack was facilitated by offsite operational control that monitored media coverage and police operations. The terrorists conducted extensive reconnaissance and likely pre-positioned supplies. They traveled from Karachi, Pakistan, hijacked an Indian fishing trawler in the Arabian Sea, and made their way to Mumbai via

rafts. Multiple teams simultaneously bombed high-value targets, attacked responding police personnel, shot and stabbed innocent people indiscriminately, and took others hostage only to kill most of them later (Rabasa et al., 2009).

NYPD decided that the Mumbai attacks had implications for the safety and security of New York City. To that end, ILU deployed a team of senior officers headed by Captain Brandon Del Pozo to Mumbai. Del Pozo had previously been stationed in Amman, Jordan, and had conducted a similar mission to Mumbai in the aftermath of the 2006 commuter-rail terrorist attacks there (Del Pozo, 2007).

Del Pozo was able to provide NYPD with detailed information of the attacks in near real-time: commando-style attack, marine element, synchronized attacks, targeting of police stations and hospitals, targeting of high-profile hotels frequented by Westerners, use of police vehicles to conduct attack, preliminary ballistics revealed tight clusters and few high shots that are indicative of trained, disciplined, and proficient marksmen, familiarity with area, use of cell phones and other communication devices, and the identification of lead suspects.

In response, NYPD immediately enhanced and redirected its counterterrorism operations and initiated an advanced firearms program that would train recruits and other members of the department in automatic weapons. NYPD determined that a Mumbai-like attack would exhaust Emergency Service Unit (ESU) personnel and that the department's heavy-weapon capability would need to be expanded. To that end, NYPD established a Critical Incident Response Capacity (CIRC) to supplement ESU. In addition, NYPD updated its active shooter procedures and conducted extensive Mumbai-like drills. In addition, NYPD considered the use of technologies that might block cell phone usage during a commando-style attack.

By December 5, ID had produced an analysis, which it "shared with the FBI." In addition, NYPD Shield, a public-private partnership, convened a special session of its members and briefed them. Del Pozo called the meeting to offer details from the investigation. During the conference call, NYPD posted photographs and maps to help the audience visualize the locations. Del Pozo identified one of the problems:

security officials in India were prepared for attacks with which they were familiar. Indian officials and private security had set up barricades and searched them for bombs, but they didn't have armed guards to stop shooters and did not have a relative response protocol. NYPD distributed Mumbai Attack Analysis (NYPD, 2008d) to all NYPD Shield partners. The analysis contained an overview and details of the attack, still pictures of the locations targeted, attackers, and implications for New York City (NYPD, 2008d; Kelly, 2009a, 2009b, and 2009c).

(2) Jakarta, Hotel Bombings, July 17, 2009.

- Synchronized bombings of JW Marriott and Ritz-Carlton Hotels, resulting in seven people killed and fifty injured.
- NYPD Counterterrorism Division redirects counterterrorism assets and specifically critical response vehicles—police cars and officers—to Marriott, Ritz-Carlton, and other hotels in NYC “within 30 minutes of the attacks.”
- NYPD ILU Lieutenant John Daly arrives in Jakarta. Working with local authorities, Daly is provided with a video that captures the bombers entering the hotel and the bomb detonation.
- Lt. Daly calls NYPD Shield conference and provides an on-scene assessment (NYPD, 2009d).

(3) London, England Terrorist Bombings, July 2005.

- Four synchronized bombings –three on London's underground public transport and one on double-decker bus, resulting in 56 deaths and over 700 injuries.
- Terrorist-planned and constructed devices in Leeds, England. Affirmed belief that terrorists typically produce bombing materials outside of target area, emphasizing the importance of regional security.
- NYPD detective embedded in New Scotland Yard was able to give NYPD real-time information from New Scotland Yard's command center. NYPD

used that information to deploy additional resources to New York City subways immediately.

- Led to NYPD Transportation Container Inspection Program that deploys department personnel to subway and ferry terminals to randomly inspect packages. Department personnel also deploy trace-explosive detection and radiological detection devices at those locations (Sheehan, 2008, Dickey, 2009a).

(4) Madrid Train Bombings, March 11, 2004.

- Ten synchronized explosions aboard four commuter trains, resulting in 191 deaths and 1800 injured.
- Report that transit workers saw terrorist in action prior to attack but did not report it because they thought the terrorists were petty criminals leads to reemphasis of “If you see something, say something” campaign.
- Announcement of a general threat to subway systems worldwide.
- Led to enhanced subway and commuter-rail patrols and initiatives (Dickey, 2009a; Sheehan, 2008; NYPD, 2009d).

#### **4. The Intelligence Analysis Section**

##### ***a. Fusion of Intelligence Analysts and Street-Smart Detectives***

ID created a unique platform for municipal policing—a cadre of intelligence analysts culled from IC, the military, foreign-policy think tanks, academia, recent Ivy League graduates—and teamed them up with street-smart detectives. Cohen said of the unique relationship:

An analyst will tell you what’s important about what you’re doing. What are the subtleties? What should you be looking for in addition to what you’ve already found? And it’s the combination of the two that is extraordinarily powerful. And the appetite comes with the eating. The more they work together, the more they want to work together. It’s been an absolute wonder to watch (Dickey, 2009a).



Samuel J. Roscoff (2006), former director of NYPD's Intelligence Analysis Section, identified ID's analysis process as sifting and mining information from the department's collection platforms to identify intelligence of the "utmost importance" to NYPD and to identify intelligence gaps. The gaps point out questions that have gone unanswered. NYPD thinks answers to those questions will further the department's mission of protecting New York City from attack. ID sends their information and their questions back to the collectors. Roscoff said, "It's as though we're part of a correspondence in which information comes to us and we generate a set of requirements or questions and send them back to the collector to collect more information and intelligence and send it back to us and the process is repeated." The Intelligence Analysis Section is focused on delivering products to two broad groups of consumers, the police commissioner and the senior decision makers in the department, and the collectors, particularly those in ID who benefit from ID's analysis and will be able to do their jobs "more effectively and intelligently."

In effect, the Intelligence Analysis Section is a hybrid fusion center of disparate information and mindsets. The analysts fuse local, national, and international matters, produce a range of highly sensitive intelligence reports, and provide strategical and tactical support to the department's law enforcement, intelligence, and counterterrorism operations.

***b. Radicalization in the West***

In 2007, ID released a controversial report, *Radicalization in the West: The Homegrown Threat*. The report, prepared by two senior NYPD intelligence analysts, Mitchell D. Silber and Arvin Bhatt, chronicles and analyzes the origins and development of 11 homegrown and international terrorist cells and provides an understanding of the radicalization process (Silber & Bhatt 2009). Silber and Bhatt conclude that Al Qaeda-inspired radicalization and jihadist ideology engenders homegrown terrorism and that the greatest threat is not from abroad, but from within. Moreover, most would-be terrorists are unremarkable men who live unremarkable lives. Notwithstanding, Silber and Bhatt found that radicalization is a process that typically includes four distinct phases:

preradicalization, self-identification, indoctrination, and jihadization. Each phase has a signature that might indicate radicalization and, in the worst case, jihadization and attack.

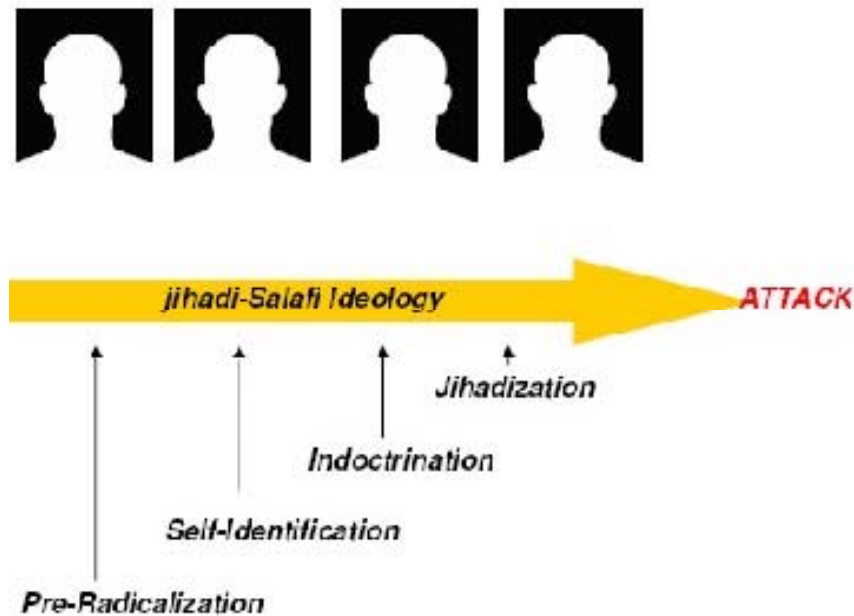


Figure 9. Radicalization (Source: Radicalization in the West (Silbur & Bhatt, 2009))

NYPD Assistant Commissioner for Intelligence Lawrence Sanchez described the report as “a guide to know what to watch for and how to interpret what you see.” However, critics said that the report was designed to be a road map for racial profiling and that NYPD focused on young Muslim men with no known criminal record. Muhsin Alidina, director of education services at the city’s largest Shiite mosque, the Al-Khoeli Islamic Center in Jamaica, Queens, said, “I think the NYPD needs to be more sensitive.” Christopher Dunn of the New York Civil Liberties Union opined that focusing on behavior before it becomes criminal “seems to lay the groundwork for wholesale surveillance of Muslim communities without any indication of unlawful conduct.” Kelly said that constitutional safeguards were reviewed by the department’s lawyers, remarking that “I don’t think of this report as stereotyping. I don’t see that at all. I see it as a law enforcement tool” (Moore & Gendar, 2007). Cohen and Falkenrath (2010) concluded that IC “must give additional priority to the inspirational dimension of the Al Qaeda threat. This means identifying where radicalization is occurring before it metastasizes into

operational planning and finding the ideological sanctioners, who are now the ‘Pied Pipers’ of the Al Qaeda ideology.” Regardless, NYPD rereleased the report in 2009 with a statement of clarification that reads:

The NYPD Report, “Radicalization in the West: The Homegrown Threat” is exclusively focused on al Qaeda inspired and linked terrorism in the West. The twisted ideology that underpins this specific type of terrorism claims its legitimacy from an extremist misinterpretation of Islam. As a consequence, this particular type of terrorist ideology has historically found most of its supporters to be Muslim.

Nevertheless, NYPD understands that it is a tiny minority of Muslims who subscribe to al Qaeda’s ideology of war and terror and that the NYPD’s focus on al Qaeda inspired terrorism should not be mistaken for any implicit or explicit justification for racial, religious or ethnic profiling. Rather, the Muslim community in New York City is our ally and has as much to lose, if not more, than other New Yorkers if individuals commit acts of violence (falsely) in the name of their religion. As such, the NYPD report should not be read to characterize Muslims as intrinsically dangerous or intrinsically linked to terrorism, and that it cannot be a license for racial, religious, or ethnic profiling.

## **5. Herald Square Plot, 2004**

One of ID’s most noteworthy cases is the foiled Herald Square Plot of 2004. In 2003, NYPD’s terrorism hotline received a number of calls about Shahawar Martin Siraj, a Pakistani national who worked at the Islamic Books and Tapes store in Brooklyn and reportedly was engaged in virulent anti-American tirades. ID learned that Siraj and James Elshafay, the nineteen-year-old son of an Egyptian father and Irish-Catholic mother, were plotting to blow up subway stations in Manhattan and police precincts in Staten Island.

In October 2002, ID pulled Kamil Pasha from his recruit training at the Police Academy. Pasha, a pseudonym, was a Bangladeshi native, a Muslim, and an undercover NYPD police officer. He assumed residency in Bayridge, Brooklyn and frequented the Islamic Books and Tapes store and the mosque next door, the Islamic Society of Bay Ridge. Pasha befriended Siraj and listened as the would-be terrorist recounted aggressions against Muslims. Siraj told Pasha that he “hoped that Bin Ladin was planning something big in America.”

In July 2002, ID received suspicious reports about Osama Eldawoody, an Egyptian émigré with a degree in nuclear engineering. Eldawoody, it turned out, was unable to find work in his chosen profession and drifted from job to job. ID determined that Eldawoody did not amount to a threat. Moreover, Eldawoody complained about his treatment by ID. Notwithstanding, he offered to help NYPD on “important matters.” ID registered Eldawoody as a CI with potential and later directed him to check out Siraj.

Eldawoody befriended Siraj and subsequently Elshafay. In the spring of 2004, Siraj’s diatribes elevated from grievances to action: he talked about real bombings. He mentioned subways but said that he did not know how to obtain bombs. Elshafay talked about bombing bridges. Eldawoody replied that he knew of a group, “the brotherhood,” who might be able to help. He reported the plotting and began to wear a wire. Siraj, Elshafay, and Eldawoody continued to make plans and conducted surveillance operations. They may have settled on the Herald Square Subway Station at Thirty-Fourth Street as a target. These were dangerous times for New York City. The city was still reeling from the 9/11 attacks and was preparing for the 2004 Republican National Convention.

Instead of an attack, Siraj and Elshafay were arrested on August 27, 2004, and are currently serving jail sentences. At the time of their arrest, they possessed diagrams of the subway station and two maps of police stations and bridges on Staten Island (Falkenrath, 2007; Dickey, 2009a; Sheehan, 2008; Silber & Bhatt, 2009).

#### **E. COUNTERTERRORISM BUREAU**

In 2002, NYPD created the Counterterrorism Bureau (CTB) to “develop innovative, forward-looking policies and procedures to guard against the threat of international and domestic terrorism in New York City.” CTB was built upon the conclusion that New York City “remains number one on al-Qaeda’s target list” and that “the City could not rely solely on the federal government for its defense (NYPD, 2009e).

CTB complements ID and includes the following units: NY–Joint Terrorist Task Force (NY-JTTF), Terrorism Threat Analysis Group (TTAG), and the Counter Terrorism Division, a subunit of CTB, that includes NYPD Shield, the Technology and

Construction Section, the training section, the Threat Reduction Infrastructure Section (TRIPS), Chemical, Biological, Radiological, Nuclear, and Explosives section (CBRNE), the Maritime section, and the Emergency Preparedness Exercise Section.

### **1. New York–Joint Terrorist Task Force**

In 1980, NYPD and the FBI formed the first Joint Terrorist Task Force (JTTF) to combat international and domestic terrorism. The New York–Joint Terrorist Task Force (NY-JTTF) combines the street smarts of NYPD detectives with FBI’s expertise and national and international reach. NY-JTTF was the lead unit on the 1993 World Trade Center bombing, the 1998 U.S. embassy bombings in Tanzania and Kenya, and the 2000 USS Cole bombing in Yemen. After the 9/11 attacks, NYPD increased the number of detectives and supervisors assigned to JTTF from 17 to 125 (NYPD, 2009d).

NY-JTTF pulls together some 500 investigators, analysts, and other experts from 44 different government agencies in the region. Represented are officials from law enforcement, homeland security, the military, and the intelligence community. The daily task—“protecting NYC, one of the country’s ultimate terrorist targets, from possible terrorist attack by global jihadists and by homegrown radicals inspired by their ideology” (FBI, 2004).

Joseph Demarest, a twenty-one-year veteran of the FBI and a lead investigator of FBI’s PENTBOMB (FBI’s 9/11 investigation) is the current Assistant Director in Charge of the FBI’s New York Division. Demarest chairs a weekly NY-JTTF meeting where he typically begins by briefing the contingent on the FBI’s latest investigations and initiatives, turning the floor over to his case agents and analysts for the telling details. He then goes around the room, agency representative by agency representative, calling on each to share what they know and what they have going on in the week ahead (FBI, 2007a).

NYPD personnel are assigned to interagency counterterrorism squads (CTs) that are headed by an FBI Special Agent. CTs investigate domestic and international terrorism under FBI guidelines and a Memorandum of Understanding (MOU) between NYPD and the FBI. Leads are received by the Terrorist Call Center and are vetted for response.

Typically, a response team conducts a preliminary investigation to determine the validity of the lead and makes recommendations for further action. Leads deemed actionable are assigned to CTs that are organized geographically and functionally. The assigned CT conducts a comprehensive investigation that might lead to other crimes, money laundering, human trafficking, bank robbery, identity theft, white-collar crime, and others. Overlapping investigations are synchronized at command level with the caveat that terrorism investigations trump all others. Two of the more prominent and publicly known NY-JTTF investigations include the 2006 JFK Airport and the 2009 Riverdale Synagogue Plots.

***a. 2006 JFK Airport Plot***

In January 2006, NY-JTTF learned that there was a plot to attack JFK airport in New York City. In the course of 18 months, NY-JTTF identified the suspects and had an informant getting firsthand information from the suspects. In the course of the investigation, NY-JTTF learned that the suspects, Russell Defreitas, a U.S. citizen and native of Guyana; Abdul Kadir, a citizen of Guyana; Kareem Ibrahim, a citizen of Trinidad; and Abdul Nur, a citizen of Guyana, conspired to “destroy buildings, fuel tanks, and fuel pipelines at JFK airport with explosives.” Kadir and Nur were longtime associates of Jamaat Al Muslimeen, a radical Muslim group from Trinidad and Tobago that was responsible for a deadly coup attempt in Trinidad in 1990. The conspirators tapped into an international network of Muslim extremists and utilized the knowledge, expertise, and contacts of the conspirators to develop and plan the plot, and obtain operational support and capability to carry it out. They obtained satellite photography of JFK airport and solicited the financial and technical assistance of others to attack the airport. NY-JTTF arrested all four suspects, who are currently awaiting trial (DOJ, 2007; FBI, 2007b).

***b. 2009 Riverdale Synagogues and Air National Guard Base Plot***

In 2008, FBI informant Shahed Hussain informed his NY-JTTF handlers that the people he was dealing with wanted to “do jihad.” The suspects, James Cromitie, David Williams, Onta Williams, and Laguerre Payen, talked about Jash-e-Mohammed, an

FBI-designated foreign terrorist organization based in Pakistan, and their desire to attack certain targets in New York, including a synagogue in the Bronx and Stewart Air National Guard base in Newburgh. Cromitie asked the informant if he could supply surface-to-air guided missiles and explosives. The informant disingenuously replied that he could provide C-4 plastic explosives. The group conducted surveillance of its intended targets, the Air National Guard base and the synagogues.

In May 2009, the informant provided the suspects with an inoperable Stinger surface-to-air guided missile and 30 pounds of inert C-4 explosives. He told them that he had gotten the materials from Jaish-e-Mohammed, an Islamic mujahedeen organization based in the Islamic Republic of Pakistan. In May 2009, the suspects placed cell-phone detonators on bombs made from the inert C-4 explosives in three separate cars proximate to the Riverdale Temple and Riverdale Jewish Center in the Bronx. The suspects returned to their cars and were reportedly heading to Stewart Air National Guard Base when members of NYPD's Emergency Service Unit and NY-JTTF moved in with armored vehicles and arrested the suspects without incident. All four suspects are currently being held without bond and are awaiting trial (DOJ, 2009b).

## **2. Terrorist Threat Analysis Group**

The Terrorist Threat Analysis Group (TTAG) is the department's strategic analytical arm and is responsible for evaluating worldwide threats with a focus on implications for New York City. In addition, TTAG is tasked with policy and legislative initiatives. The unit is comprised of uniformed members of the service and civilian intelligence research specialists, all of whom have regional and functional (CBRNE, cyber, financial) responsibilities. TTAG examines local and global events from all-source materials and produces unclassified intelligence products that are disseminated to NYPD Shield and other partners.

## **3. NYPD Shield**

NYPD Shield is the Department's flagship partnership program with New York City's private security managers. The private sector is intimately familiar with its own setting and is in the best position to distinguish anomalous conditions and behaviors that

deviate from the norm. Fused with other information, those circumstances might be pieces of a larger criminal and/or terrorist enterprise and provide an essential element of intelligence.

Prior to September 11, 2001, NYPD engaged the private sector through the Area Police Private Security Liaison and other networks. NYPD Shield collects those efforts under one umbrella and serves as a clearinghouse for threat updates, industry-specific counterterrorism information, and other key counterterrorism information. It is a network of 6,000 private security managers that provides exclusive briefings at police headquarters and access to the program's website via password. NYPD Shield actively solicits security and terrorism-related information from its private sector partners and provides them with information and training specific to their industrial and geographic needs. NYPD emphasizes that this partnership is the cornerstone in defending the city and that the key to its success is a two-way flow of information (Kelly, 2009a; NYPD Shield, 2010).

**a. *Operation Nexus***

Operation Nexus is a nationwide network of businesses that are committed to preventing terrorism. NYPD has visited over 30,000 businesses to encourage owners and operators to be alert to anomalous behaviors, requests, or transactions. NYPD believes that terrorists may portray themselves as legitimate customers to purchase or acquire training or lease certain material or equipment that might be used to facilitate a terrorist plot; the businesses are thus an essential element of the department's counterterrorism efforts (Miller, 2007; NYPD Shield, 2010).

**b. *Operation Sentry***

Operation Sentry is an NYPD outreach program that recognizes that the September 11 attacks began not in New York, but in Portland, Maine and Boston. Moreover, the 1993 World Trade Center, 2005 London bombings, and others were developed outside of their immediate target areas. NYPD invited police chiefs within a 200-mile radius of New York City to get "in the game" of counterterrorism.



Approximately 100 state and local law enforcement agencies partner with NYPD to identify, detect, and defeat threats and provide prevention and deterrence training. New Haven Police Chief Franciso Ortiz, a Sentry partner, said of the program, “It’s invaluable.” He now gets updates on regional threats as they unfold, as well as bimonthly sessions in New York, featuring the latest threat assessments and training courses on improving security at sensitive sites. “They’re helping us become better listening posts in Connecticut for New York” (Miller, 2007; NYPD, 2009g).

#### **4. Red Cell Operations**

“Red Cell Operations” is a military term that connotes mechanisms that test one’s own defenses. Typically, personnel are directed to form red cells or teams and are directed to devise plans and operations to test the security of defensive assets. Counterterrorism red cell operations are atypical and asset-specific. CTB uses red cell operations to test the city’s defenses and to gather information that might detect, deter, or mitigate terrorism. Operations Kaboom and Green Cloud are two such initiatives.

##### ***a. Operation Kaboom***

In December 2005, Inspector Michael O’Neil assembled a small team of detectives and told them to put together a truck bomb capable of taking down a New York City skyscraper. O’Neil told them to operate covertly but to use open sources like the Internet. The team, members of CTB, travelled to upstate New York and Pennsylvania. They purchased 2,450 pounds of ammonium nitrate and packed it into a rental vehicle similar to the one used in the 1993 World Trade Center bombing. Notably, the fertilizer distributor did notify the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), who were informed that NYPD was conducting an exercise. CTB constructed an inert vehicle-borne improvised explosive device (VBIED) and transported it to the police firing range in Rodman’s Neck in the Bronx where the device was disposed of (NYPD, 2008e; Sheehan, 2008).

**b. Operation Green Cloud**

In June 2007, in response to increased use of chlorine gas in roadside attacks in Iraq, CTB launched Operation Green Cloud to assess the ease with which it could purchase chlorine. Chlorine is a hazardous and regulated toxic-by-inhalation chemical. NYPD Intelligence Research Specialist Elan Delozier assessed the hazards and potential weaponization of chlorine gas. She noted the historical use of chlorine gas, especially the increasing use of chlorine attacks by terrorist and insurgents in truck bombs. Furthermore, it was noted that Al Qaeda expressed an interest in acquiring chemical weapons and that Osama bin Laden had requested and received a *fatwa* (religious edict) for the use of chemical weapons against civilians.

Detective Todd Metro's CTB team conducted a clandestine operation to purchase a large amount of chlorine gas. The team established a phony business, replete with a webpage, off-site mailbox, phone number, storage location, and a contract with the city of New York to clean Erie Basin. Using a credit card, CTB purchased three 100-pound chlorine cylinders and arranged for their delivery to the storage location. The chlorine was delivered without incident and was safely disposed of (NYPD, 2008f). Operations Kaboom and Green Cloud demonstrate how information and intelligence facilitate police counterterrorism operations and how those same operations provide situational awareness of the current operating environment.

**5. Counterterrorism Bureau's Other**

CTB's other units—the Technology and Construction Section, the training section, TRIPS, CBRNE, the Maritime section, and the Emergency Preparedness Exercise section, conduct myriad operations and share information with public and private enterprises. Collectively, they inform and instruct the department's criminal, counterterrorism, and intelligence operations.

**F. THE NEW YORK CITY POLICE DEPARTMENT'S GRAND STRATEGY: THREE C'S**

Clausewitz (1832/1993) advocates the concept of a grand strategy for the prosecution of war wherein the key elements of society—the army, the government, and

the people—are amalgamated into a triad to achieve war’s ultimate goal—a political end. Similarly, NYPD’s Clausewitzian strategy, the three Cs, amalgamates the army (NYPD), the government, and the people to seek an end—the security of New York City.

John M. Bryson (2004) concludes that the environments in which public and nonprofit organizations operate have become increasingly uncertain and interconnected. Moreover, these changes reverberate unpredictably and often chaotically and dangerously throughout society. Bryson argues that this phenomenon requires a fourfold response from public and nonprofit organizations and from the community. They must

- Think, act, and learn strategically as never before;
- Translate their insights into effective strategies to cope with their changed circumstances;
- Develop rationales to lay the groundwork for the adoption and implementation of their strategies;
- Build coalitions that are large enough and strong enough to adopt desirable strategies and protect them through implementation.

NYPD’s Three Cs strategy is conventional policing adapted to the current threat environment. It is a vast undertaking that seeks to affect the department’s mission. Its forward strategies and programs have facilitated NYPD’s intelligence enterprise. Three Cs is predicated on the presumption that New York City remains number one on al-Qaeda’s target list and that events like September 11, 2001 might be detected, prevented, or mitigated. It fosters and nurtures conventional and unconventional relationships and coalitions that are global in scope. Three Cs is an affirmative means for SLTLE agencies to realize their intelligence requirements to protect their hometowns and the homeland.

NYPD’s Three C’s represents the department’s response to the events of September 11, 2001 and the homeland security era. Early and throughout NYPD’s history, the department found itself in a state of affairs that, according to conventional wisdom, the police had little or no control over. Notwithstanding, NYPD has a penchant for maverick policing and reform.

In 1970, New York Mayor John V. Lindsay, responding to widespread complaints of police corruption and misconduct, appointed the Commission to Investigate Police Corruption. As a result, newly appointed Police Commissioner Patrick V. Murphy imposed innovative and proactive integrity measures that held all department members, and particularly commanders, accountable. In 1990, Mayor David N. Dinkins, citing the importance of “the relationship of the community and the police” appointed Lee P. Brown as police commissioner. Commissioner Brown implemented a department-wide community policing initiative. Brown had developed Neighborhood Oriented Policing, a version of CP while chief of police in Houston, Texas. Brown returned to Houston in 1998 as mayor and expanded Neighborhood Oriented Policing and an adaptation of CompStat (Purdum, 1989; Lardner & Reppetto, 2000; Henry, 2003).

In 1994, NYPD faced another crisis –skyrocketing crime. NYPD countered crime with CompStat, a crime-reduction program predicated on intelligence, response, tactics, follow-up, and accountability at all levels. Chapter V expounds on the genesis and evolution of CompStat.

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## **V. COMPSTAT**

Information didn't flow easily from one bureau to another. Each bureau was like a silo: Information entered at the bottom and had to be delivered up the chain of command from one level to another until it reached the chief's office. There it would wait to be dealt with. Even when a memo finally arrived, there was a less-than-acceptable level of cooperation between bureaus. At some point, it seemed like one would call another and have to take a number, like a bakery.

–Former NYPD Police Commissioner Bratton's initial analysis of NYPD, 1994 (Bratton, 1998).

### **A. NEW YORK CITY, 1993**

In 1994, newly elected Mayor Rudolf W. Giuliani appointed William J. Bratton as commissioner of NYPD. Crime was at an all-time high. In 1993, 1,927 people had been murdered and another 5,861 people had been shot in New York City. Bratton told Mayor Giuliani that the entire culture of NYPD needed to be transformed and promised that the department would dramatically reduce crime, disorder, and fear throughout New York City. He intended to create an organization whose goal was to control and prevent crime, not just respond to it. With a program that would come to be known as CompStat, Bratton challenged the conventional wisdom espoused by academics, sociologists, and criminologists that crime was caused by societal problems that were impervious to police intervention. Bratton countered, "The police can and do matter" (NYPD, 2002; Bratton, 1998).

### **B. COMPSTAT DEFINED**

NYPD's Student Guide (2009f) defines CompStat as "a process employed by NYPD to strategically direct efforts to reduce crime, reduce the fear of crime, improve the quality of life, and better manage the Department." However, as in the case of community policing, problem-oriented policing, and intelligence-led policing, CompStat has many meanings and interpretations and no official manual of practice.

Bratton (1998) characterized CompStat as a multilayered approach to policing, that considers an organization holistically and accentuates accountability at all levels. It integrates the principles of conventional policing with community policing, problem-oriented policing, and accountability. Bratton's "simplistic definition" of community policing incorporates what he calls the traditional three Rs—rapid response, random patrol, and reactive investigation—and merges them with the three Ps—partnership, problem solving, and prevention.

Jack Maple, Bratton's Deputy Commissioner of Crime Strategies, said that CompStat is a management program that identifies problems and measures the results of its problem-solving activities (Maple & Mitchell, 1999). In essence, it is a crime-control strategy that emphasizes accurate and timely intelligence, rapid deployment, effective tactics, and relentless follow-up and assessment. Ratcliffe (2008) characterized CompStat as an accountability process that seeks to empower mid-level commanders to seek a rapid response to emerging crime problems and hotspots. The central medium is crime mapping, where recent crime data are mapped, viewed, and discussed by police commanders. Giuliani (2000) said of CompStat, "It is an excellent system, but the core of it is the principle of accountability. Holding the people, who run the precincts, accountable for achieving what the public wants them to do, which is to reduce crime."

### **C. COMPSTAT AND NYPD'S INTELLIGENCE ENTERPRISE**

CompStat serves three purposes in this thesis. First, its predication is a striking analogue to the findings of the 9/11 Commission—dysfunctional bureaucracies tolerated, even facilitated a lack of cooperation amongst their constituent parts. In both cases, information was not shared, departments were not held accountable, and terrible things happened that might have been prevented. Second, CompStat's success—crime reduction—facilitated NYPD's large-scale transfer of personnel from traditional law enforcement tasking to intelligence and counterterrorism operations. Finally, the thesis identifies CompStat as a smart practice that diffused to other police agencies and, as such, might serve as a model for NYPD's intelligence program to diffuse to other police agencies.

CompStat has been recognized as a major innovation in American policing. Police departments across the country have adopted CompStat-like programs at rates that far exceed the rate of innovations in other social and technological areas. CompStat's emergence and diffusion reflects transformative change in American policing. To understand CompStat and its relevancy to NYPD's intelligence enterprise, it is necessary to trace its genesis and evolution and particularly to examine how select tenets of CompStat were adopted from NYPD's CompStat model by numerous police agencies.

#### **D. GENESIS OF COMPSTAT**

Bratton is the former head of NYPD, Los Angeles Police Department (LAPD), and Boston Police Department (BPD). He is a U.S. Army Vietnam War veteran and is a graduate of the FBI National Executive Institute. He was a Senior Executive Fellow at the John F. Kennedy School of Government at Harvard University. Bratton is the author of *Turnaround: How America's Top Cop Reversed the Crime Epidemic* (1998) and several articles on varied aspects of law enforcement and counterterrorism.

Bratton entered BPD in 1970 as a patrolman. It was a time of rising crime, social permissiveness, and racial tension in Boston and the nation. In 1972, BPD implemented the 911 system and radio communications and pulled many of its police officers off the streets. Bratton would later observe that the police had moved from preventing crime to responding to it. They measured police effectiveness in terms of the three Rs. Noted criminal theorist George L. Kelling called it "stranger policing." As was the case in much of America's policing experience at the time, the impartiality and technological and organizational reforms championed by the reform era of policing remedied inefficiency. Notwithstanding, the same reforms that offered police efficacy alienated the citizenry and would prove incapable of adopting to a rapidly changing world (Boston Police Department, 2010; Bratton, 1998; Kelling & Moore, 1988).

In 1973, Robert di Grazi, a progressive police thinker with a mandate from the mayor to reform BPD, was named police commissioner. He hired civilian experts, mostly academics, to introduce new advanced policing ideas to an organization that was not receptive to change. One of di Grazi's basic philosophies was that police workers should



be involved in the change process, and to that end he invited officers to be part of that process. Bratton volunteered and was part of a unit of cops and civilians who literally replanned BPD. Bratton was assigned to headquarters and was exposed to revolutionary new ideas in police theory and practice: neighborhood policing, problem solving, police discretion, systems, marketing, and the media. His experiences taught him to look beyond BPD and the police profession for new ideas (Bratton, 1998).

## **E. EVOLUTION OF COMPSTAT**

### **1. Boston-Fenway Program**

In 1977, while a sergeant at BPD, Bratton was chosen to manage the Boston-Fenway Program. It was an innovative neighborhood-policing project in one of Boston's most racially, culturally, and economically diverse areas. Assaults, drug dealing, prostitution, public drinking, and loud parties were not being dealt with effectively by the police, and rising crime threatened the vitality of this neighborhood. The program, a not-for-profit consortium of businesses and private institutions, banded together to develop a partnership between private institutions, police, and the community to address the area's deteriorating situation and to spur development.

Bratton involved the community, corporations, city government, and academics, and embraced the media. He organized community meetings that included the patrol force as well as community-affairs officers to facilitate communication and information sharing. It turned out that "the police had one perception of the largest problem in an area and the neighborhoods had another one altogether." The results of the meetings were a surprise: few people complained about violent crime, but they "were complaining about the so-called signs of crime, the constant irritants, filth in the street, and noisy parties."

Bratton developed the Neighborhood Responsive Plan that restructured the patrol force and the 911 system. He created maps that depicted crime-prone locations with color-coded dots that facilitated crime-prevention strategies, including the deployment of personnel and resources that might prevent criminal activity and improve the quality of life in those areas. The 911 system was customized to prioritize crimes in progress and assign non-emergency calls for service to neighborhood service police cars.

The Boston-Fenway Program worked; the police and the community effectively collaborated; crime declined; tourist, residents, and investment returned; and the proposed redevelopment was brought about (Bratton, 1998).

## **2. “Billy Boards”**

Bratton advanced to the rank of superintendent and initiated an information and intelligence system called “Billy Boards,” 14 clipboards that codified and collated crime index, clearance rate, overtime, response time, personnel, sick time, deactivated calls, bureau statistics, district statistics, 911 calls, total calls, zero-car availability, homicide, and workload analysis. “Billy boards” were eventually installed in every police district in Boston. They provided a profile of the entire city and timely and accurate intelligence to be analyzed and acted upon quickly. In intelligence parlance, Billy boards served as early-warning mechanisms that afforded the commander situational awareness.

## **3. Massachusetts Bay Transportation Authority Police Department**

In 1983, Bratton was recruited to take over the much-beleaguered Massachusetts Bay Transportation Authority (MBTA) Police Department. It was a demoralized 65-person force that had received a great deal of negative publicity. No one seemed to be in charge; ranking officers arrived at a crime scene and quietly asked, “What’s going on?” Department radios were old, beat up, and didn’t reach into or out of the subways. MBTA police had few cars, and the ones that they did have were typically dilapidated wrecks.

Bratton showed up at crime scenes in uniform and “expected to be approached by the officer in charge and given a complete briefing.” He installed a \$4 million communications system that enabled direct communications with other police departments and facilitated joint police efforts. He rode the trains, changed the department’s uniforms, got new vehicles, and changed the markings and logos on cruisers. Bratton gave MBTA police a new identity, and it worked. In three years, from 1983 to 1986, an obscure “backwater” police department had lowered its crime rate by 27 percent and was accredited by the National Commission on Accreditation for Police Agencies; MBTA ridership also went up (Bratton, 1998).

#### **4. Metropolitan Police Service**

In 1986, Bratton was recruited to take over another troubled police department, the Metropolitan Police, a state agency responsible for parks, reservoirs, beaches, parkways, and highways. The Mets lacked everything: systems, equipment, accountability, procedures, protocols, and discipline. Bratton assembled a team of doers that came up with a plan of action that identified the department's major strengths and weaknesses, defined its role with its parent agency, developed a written values statement, and implemented the changes needed to bring the organization into the modern world.

Bratton made personnel changes and instituted his "Billy boards." He acquired new equipment and a helicopter, established a uniform committee, and infused promotion ceremonies with deliberate pomp and circumstance. The Mets got results: they were having an effect on crime and were getting positive media coverage. In 1990, the Mets' turnaround was so successful that the Massachusetts State Police wanted to and did take over the Mets (Bratton, 1998).

#### **5. Broken Windows and Community Policing**

In 1987, Bratton received the Police Executive Research Forum's (PERF) Gary Hayes Award for turning around two different police forces and having an effect on crime. Bratton was attracted to PERF and other advanced centers of police thinking, including the Police Foundation and the Executive Session of Policing at Harvard University's John F. Kennedy School of Government. Bratton was particularly drawn to James Q. Wilson and George Kelling's "Broken Windows: The Police and Neighborhood Safety" (1982) and Kelling's "Police and Communities: The Quiet Revolution" (1988), which advanced the broken-window theory and a return to community-problem solving.

The broken-window theory concludes that social problems are best addressed when they are small, i.e., if you don't repair broken windows (problems) within a short time, other windows (other problems) are more likely to be broken (arise) in the proximate area. The windows are a metaphor for communal barriers, the sense of mutual regard, and the obligations of civility. When the barriers are lowered, it signals that no one cares. Wilson and Kelling held that "just as physicians recognize the importance of

fostering health rather than simply treating illness, so the police—and the rest of us—ought to recognize the importance of maintaining intact communities without broken windows.” Bratton (1998) supported what Wilson and Kelling had written because he had already lived it; the Boston-Fenway Program convinced him of the approach.

## **6. New York City Transit Police Department**

The New York City Metropolitan Transit Authority and its subsidiary, the New York City Transit Authority (NYCTA), hired Kelling and Bob Waserman to study the idea of merging the New York City Transit Police Department (NYTP) with NYPD. The New York City subway system was a horror: crime was skyrocketing, graffiti was rampant, ridership was dropping, and fear was pervasive. Kelling and Waserman concluded that a merger was not in the interest of NYCTA, rather, what was needed was a leader. They recommended Bratton.

In 1990, Bratton was appointed chief of NYTP, a 4,000-person police department that patrolled the subways and bus lines. NYCTA wanted to reduce crime, disorder, fare evasion, and ultimately to restore confidence in the system. Bratton toured the subways and compared them to Dante’s Inferno. Homeless people and aggressive panhandlers were a pervasive element, and paying your fare seemed to be an option. He assembled another team of doers; people who knew the city, the transit system, and NYTP. Bratton rode the trains and talked to every transit cop he came across. NYTP were demoralized. It seemed that NYCTA had relegated them to protecting transit revenue; their radios didn’t work; their equipment and vehicles were shoddy; and when compared to the NYPD, they were second-rate.

Bratton realized that the subways were broken windows incarnate. NYCTA had already conducted a graffiti campaign and had virtually wiped out graffiti on all trains. Despite this, surveys indicated that 20 percent of city residents thought that graffiti still existed in the subways. Moreover, the perception of crime in the subways far exceeded the actual crime rate. When asked what percentage of the city’s crime they thought was committed on the subways, respondents said 30–40 percent, when in fact only 3 percent

of the city's crime occurred on the subway. To counter that perception, NYCTA conducted an advertising campaign to upgrade the image of NYCTA and NYTP.

“Fare evasion was the biggest broken window in the transit system. We were going to fix that window and see to it that it didn't get broken again,” Bratton said. About 170,000 people evaded the fare every day. Massive fare-evasion sweeps were conducted day and night. It became evident that many of the arrestees were “exactly the ones that were causing other problems once inside the subway.” NYTP found that “one out of every seven persons arrested for fare evasion had an outstanding warrant for a previous crime” and one of 21 was carrying some type of weapon” (Bratton, 1998).

Lieutenant Jack Maple, an aggressive street cop, with a reputation for innovative policing, submitted a ten-page document outlining ideas for reducing crime and improving NYTP to Chief Bratton. Maple was a key player on Bratton's NYTP team and later served as NYPD Deputy Commissioner of Police Strategies. He had a million ideas: targeting fare beating, warrants, wolf-pack robberies, interrogation, interviewing, crime analysis, and coordinated deployment between detectives and plainclothes and uniformed officers.

Maple had his own “crook-tracking system” that included “the charts of the future” that identified each of New York Transit Authority's 430 subway stations and indicated the times, dates, locations, and the particulars of past crimes with color-coded dots. Maple's charts were kin to Bratton's “Billy boards” and were instrumental in the apprehension of some of the subway's most prolific “criminals” (Maple, 1999). Like the Billy boards, Maple's “charts of the future” served as an early-warning system for commanders. In two years (1990–1992) felony crime in the subway decreased by 22 percent, fare evasion was cut in half, and ridership increased (Kim & Mauborgne, 2003).

## **7. Back to Boston—Commissioner Bratton**

In 1993, Bratton was offered and accepted the position of police commissioner of the Boston Police Department. He implemented neighborhood policing, new and innovative training programs, and new technologies –computer case management, photo-imaging, and online booking and fingerprinting capabilities.

Joan Brody, a former student of Kelling at Harvard's John F. Kennedy School of Government was able to communicate with the White House. President William J. Clinton was pushing for a national crime bill that would put 100,000 police officers on the street. Bratton, representing American police chiefs, stood in the Rose Garden with President Clinton when the bill was announced. When the bill passed, BPD received significant funding (Bratton, 1998).

## **F. NEW YORK CITY POLICE DEPARTMENT COMPSTAT**

### **1. Commitment to Crime Prevention**

In 1993, New York mayor-elect Giuliani offered Bratton the police commissioner's job in New York City. Bratton assembled a start-up team to analyze NYPD from top to bottom. He found that NYPD was militarily oriented, with a strict chain of command, and concluded that the department had people bluffed. They were good at responding to crime; they just weren't good at preventing it. Bratton was determined that his administration was going to commit itself to crime prevention.

Bratton supported a proposal from John Linder, a confidante from NYCTA and BFD, that the New York City Police Foundation<sup>18</sup> hire Linder's firm to work up what he called a cultural diagnostic of NYPD:

An analytical tool that determines the cultural factors impeding performance and the corrective values that must be employed as principles for organizational change. ... To this end, the analysis defines the cultural assets; cultural obstacles to change; inherited operating culture; inherited core identity; and values that must guide revision of key organizational systems to institutionalize a new, high performance culture.

Bratton agreed and persuaded the foundation to provide the funding. The results were striking: the study found that the basic aim of NYPD was not to bring down crime but to avoid criticism from the media, politicians, and the public. NYPD was structured to protect its good name rather than to achieve crime-fighting goals. Notwithstanding,

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<sup>18</sup> The New York City Police Foundation is a not-for-profit civic organization that was established in 1971 by business and civic leaders to strengthen the services of NYPD and to improve public safety in New York City.

Giuliani and Bratton's strongly-voiced support for the department had encouraged people throughout the organization, but they were waiting to see what Giuliani and Bratton would do (Bratton, 1998).

## 2. **CompStat Strategy**

Bratton and his startup team wanted to hit the ground running. Their first initiative was Strategy Number 1, "Getting Guns off the Streets of New York." Simply stated, guns off the streets equates to less crime. To that end, NYPD adopted the mantra "Ask a Question - Solve a Crime," and questioned everyone arrested in possession of a weapon in New York City. Arrestees were asked: Where did you get the gun? and Do you know anybody else with more guns? The department's policy was to *Just ask!* The strategy called for arresting officers to turn arrestees into confidential informants (CIs) in order to get more guns and criminals off the street. It worked: guns and criminals were taken off the street, and violent crime started to decline (Silverman, 1999).

Maple worked on the gun strategy and others. He doodled on napkins ideas about what police departments need to operate as an "undeterable force against crime" and captured the *sin qua non* of NYPD's crime strategies (Maple & Mitchell 1999). To control crime we must at all times have:

- Accurate and Timely Intelligence
- Rapid Deployment
- Effective Tactics
- Relentless Follow-up and Assessment

Bratton (1998) noted that Maple was an avid historian and drew an analogy from the Battle of Britain:

Germany was getting ready to invade the British Isles. The British had fled Dunkirk and had only 450 Spitfires to protect their cities, while the Germans had thousands of bombers able to attack anywhere in England. However, the British had one thing the Germans didn't: radar. Despite very few resources, the British knew where the enemy was. Using their radar information, they were able to mobilize the 450 Spitfires exactly against the German bombers.

Timely, accurate intelligence; rapid response; effective tactics, relentless follow-up—that’s what won the Battle of Britain and that’s how we were going to win the battle of New York.

*a. Accurate and Timely Intelligence: CompStat Report*

Bratton wanted a snapshot of what NYPD was doing on crime.<sup>19</sup> At the time, NYPD compiled crime statistics for the FBI’s Uniformed Crime Reporting (UCR) system on a quarterly basis. That process informed the department about crime that had happened months ago when little or nothing could be done about it. Bratton wanted to know where NYPD was on crime on a weekly basis. More importantly, he wanted to know what NYPD was doing about it. To that end, NYPD created the weekly CompStat report that depicts citywide, patrol borough, and each precinct’s crime and enforcement statistics on a weekly, twenty-eight-day, and annual basis. The cover sheet of the weekly report (Table 2) depicts citywide crime for the week of 12/21/09–12/27/2009, the twenty-eight-day CompStat period, and the year. It also provides a 2-, 8-, and 16-year comparison. Secondary reports detail shootings, arrests, and summonses.

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<sup>19</sup> Crime as used here refers to murder, rape, robbery, burglary, grand larceny, and grand larceny auto, as defined in the New York State Penal Law.



Table 2. CompStat Report Vol. 16, No. 32



Michael R. Bloomberg  
Mayor

# Police Department City of New York



Raymond W. Kelly  
Police Commissioner

Volume 16 Number 52

## CompStat

Citywide

Report Covering the Week 12/21/2009 Through 12/27/2009

	Week to Date			28 Day			Year to Date*			2 Year % Chg	8Year % Chg (2001)	16Year % Chg (1993)
	2009	2008	% Chg	2009	2008	% Chg	2009	2008	% Chg			
Murder	9	14	-35.7	36	34	5.9	461	516	-10.7	-5.7	-28.6	-75.9
Rape	22	18	22.2	102	83	22.9	1,189	1,291	-7.9	-11.1	-37.8	-62.8
Robbery	318	442	-28.1	1,469	1,843	-20.3	18,198	22,110	-17.7	-15.5	-34.0	-78.6
Fel. Assault	290	316	-8.2	1,102	1,117	-1.3	16,408	16,099	1.9	-5.3	-28.2	-59.8
Burglary	330	365	-9.6	1,678	1,676	0.1	18,934	20,478	-7.5	-11.9	-41.5	-81.1
Gr. Larceny	608	754	-19.4	3,090	3,492	-11.5	38,723	43,703	-11.4	-12.8	-15.4	-54.4
G.L.A.	186	213	-12.7	803	889	-9.7	10,549	12,322	-14.4	-19.1	-64.0	-90.5
<b>TOTAL</b>	<b>1,763</b>	<b>2,122</b>	<b>-16.92</b>	<b>8,280</b>	<b>9,134</b>	<b>-9.35</b>	<b>104,462</b>	<b>116,519</b>	<b>-10.35</b>	<b>-12.68</b>	<b>-34.88</b>	<b>-75.49</b>

An adjunct to the CompStat report is the commander profile report. Similar to Bratton’s “Billy boards” and Maples’s “charts of the future,” the report profiles each precinct’s population, demographics, personnel, civilian complaints, number of department vehicle accidents, sick rates, line-of-duty injuries, response times, overtime, domestic violence calls, and so forth. The report enhances the transparency of the department’s management and lets people inside and outside the department know how well they are performing in relation to others (NYPD, 1998).

**b. Rapid Deployment: “Be Informed—Be Aware—Be Part of the Team”**

The CompStat report is not per se intelligence; rather, it is a quantification of crime that affords an overview of the playing field—the streets of New York. Ancillary analytics identify the particulars of crimes and particularly clusters and patterns. Those analytics facilitate the deployment of personnel and resources. Precinct commanding officers are the department’s quarterbacks. They call the plays by coordinating the efforts of both precinct and specialty unit personnel. Teamwork is

critical. Knowing when, where, how, and who is committing what crimes, coupled with an intimate knowledge of the neighborhood, will disrupt criminal operations and apprehend perpetrators.

*c. Effective Tactics: “Failure to Plan Is Planning to Fail”*

Developing and implementing tactical plans requires an intimate knowledge of crime conditions. Tactics must be flexible to reflect changing conditions. Everyone concerned must know what is expected of him in terms of response. Moreover, everyone must understand the roles of all members of the team.

*d. Relentless Follow-up and Assessment: “What Gets Measured, Gets Done”*

Bratton instituted twice weekly crime-control strategy meetings or CompStat meetings at headquarters. CompStat meetings typically involve a patrol borough and its resident precincts, patrol service areas, and transit divisions. In addition, specialized support and enforcement units are brought in to demonstrate that they are facilitating the particular patrol borough.

Individual precinct commanders are called to a lectern to present the state of their respective commands. They are typically questioned by the Deputy Commissioner of Operations, Chief of Department, and other high-ranking members of the department about crime and other exceptional conditions in their precincts. Specialized units and particularly the detective bureau are called upon to show how they are communicating and sharing information with individual precincts. All participants are called upon to demonstrate that they have identified their role in the precinct’s overarching strategy and are coordinating their efforts to prevent crime. Furthermore, similar meetings are held periodically at patrol borough and precinct level to ensure cross-unit coordination and information sharing.

**3. Strategies and Amazing Results**

Maples’s napkin doodlings are enshrined in CompStat lore and were successively incorporated into each successive strategy:

- Strategy Number 2: Curbing Youth Violence in the Schools and on the Street (1995)
- Strategy Number 3: Drug Dealers out of New York (1995)
- Strategy Number 4: Breaking the Cycle of Domestic Violence (1995)
- Strategy Number 5: Reclaiming the Public Spaces of New York (1995)
- Strategy Number 6: Reducing Auto-Related Crime in New York (1995)
- Strategy Number 7: Rooting Out Corruption, Building Organizational Integrity in the New York Police Department (1995)
- Strategy Number 8: Reclaiming the Roads of New York (1995)
- Strategy Number 9: Bringing Fugitives to Justice (1996)
- Strategy Number 10: Courtesy, Professionalism, Respect (1997) (NYPD, 1998)

The results were incredible: in 1994, NYPD reported 377,266 crimes, 52,994 (-12.3%) fewer than in 1993, and 1582 murders, 345 (17.9%) fewer than in 1993 (NYPD, 2002).

#### **4. Continued Success**

NYPD continues to practice CompStat. Three successor police commissioners, Howard Safir, Bernard B. Kerik, and current Commissioner Kelly have added their indelible touches and have perpetuated CompStat's crime reduction legacy.

In 2008, Mayor Bloomberg and Commissioner Kelly noted that, despite economic slowdown, crime continued to decrease citywide. They credited the men and women of NYPD, technological advances like the Real Time Crime Center (RTCC), legislative initiatives, and Operation Impact. RTCC integrates 27 databases and provides information and investigatory support to detectives investigating violent crime in real time. Legislatively, the city lobbied and achieved what amounted to the toughest gun laws in the country and has successfully sued out-of-state gun dealers who sold guns illegally. Operation Impact is a crime-suppression initiative that floods high-crime areas

with police officers and has achieved a 30 percent reduction in crime in those areas since the program began in 2003.

CompStat lived up to its vision to reduce crime and improve the quality of life in New York City. In 2009, NYPD reported 104,462 crimes, 325,998 (-75.49%) fewer than 1993, and 461 murders, 1,466 (-74.9%) fewer than 1993 (NYPD, 2002, 2008g, 2009h). Numerous other police agencies came to know of CompStat and its promise of dramatic crime reduction, and they emulated the practice en masse. CompStat is a smart practice that has diffused across the landscape of American policing. Similarly, NYPD's intelligence enterprise might diffuse in like fashion. The following chapter discusses how CompStat diffused and provides a template for the NYPD intelligence program's diffusion.

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## VI. DIFFUSION OF COMPSTAT

Our problem is to learn why, given one hundred different innovations conceived of at the same time—innovations in the form of words, in mythological ideas, in industrial processes, etc.—ten will spread abroad while ninety will be forgotten.

—Gabriel Tarde, 1903

### A. NYPD —THE NATION’S LARGEST AND BY ANY MEANS THE MOST EXCEPTIONAL POLICE DEPARTMENT

This thesis argues that, like CompStat, NYPD’s intelligence enterprise might diffuse to other SLTLE agencies. It has been asserted that NYPD is the nation’s largest and by any means the most exceptional police department (Silverman, 1999; Henry 2003; Willis, Mastrofski, & Weisburd, 2003). Notwithstanding NYPD’s uniqueness, CompStat rapidly diffused to numerous police agencies. CompStat did not diffuse in “cookie-cutter” fashion; rather, police agencies observed the practices of CompStat and subsequently adopted elements of the process tailored to their particular realities, needs, and objectives. Likewise, SLTLE agencies might observe NYPD’s intelligence program and select elements thereof suited to their particular realities, needs and objectives.

David A Klinger (2003) concludes that an understanding of the diffusion of innovation framework can enhance current understanding of criminal justice structure and operations beyond police anti-crime programs, particularly regarding where they might be heading in the future. To that end, this chapter examines the process of diffusion of innovation and its applicability to CompStat and NYPD’s intelligence enterprise.

### B. COMPSTAT: IMPETUS, EMERGENCE, AND DIFFUSION

The impetus for CompStat was former New York City Police Commissioner Bratton’s effort to compel NYPD to adopt strategies that would reduce crime and improve the quality of life in New York City. CompStat evolved from management and crime-prevention theories and practices that had been successfully implemented by Bratton in several police departments. In 1996, CompStat earned the prestigious Harvard

John F. Kennedy School of Government's Innovations in American Government Award and was lauded as the “emerging police paradigm” and “perhaps the single most important organizational/administrative innovation in policing during the latter half of the twentieth century” (Walsh, 2001; Willis, Mastrofski, & Weisburd, 2003).

The tenets of CompStat diffused rapidly: in 1999, 58.2 percent of all large police departments in the United States stated that they either used a CompStat-like program or intended to implement one (Weisburd et al., 2004).<sup>20</sup> Furthermore, it has been proposed that the principles of CompStat should be integrated into counterterrorism strategies (McDonald, 2003; Kelling & Bratton, 2004; Henry, 2006; Gordon, 2007; Winski, 2008).

### **C. DIFFUSION**

Everett M. Rogers (1962) defines diffusion as the process by which an innovation spreads. He maintains that there are four crucial elements of diffusion.

#### **1. The Innovation**

An innovation is an idea perceived as new by the individual; “it is the newness of the idea to the individual that determines his reaction to it.”

#### **2. Communication from One Individual to Another**

The essence of the diffusion process is the human interaction in which one person communicates a new idea to another person. The social relationships of the communicator and the person who does not know about the innovation have a great deal to say about both the telling of the innovation and the results of the telling.

#### **3. Adoption in a Social System**

While the decision maker may be influenced by others in his system, adoption is largely an individual decision by the decision maker. However, certain innovations may require a group decision. The norms of the social system and the status of the individuals in the system affect the diffusion of ideas. Not all members of a system play equivalent roles in diffusing ideas. Opinion leaders are individuals from whom others seek

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<sup>20</sup> A large police department is categorized as having 100+ sworn officers. A small police department has fewer than 100 sworn officers (DOJ, 2004).

information and advice and are most often members of the social system in which they exert their influence. A change agent is a professional person who attempts to influence adoption decisions in a direction that he feels is desirable.

#### **4. Adoption Over Time**

The adoption process is a mental process through which an individual passes from first hearing about an innovation to final adoption. There are five stages in the process: awareness, interest, evaluation, trial, and adoption. The adopter may either accept and continue the use of the innovation, accept and discontinue the use of the innovation, or reject an innovation. Innovativeness is defined as the degree to which an individual is relatively earlier in adopting new ideas than other members in his/her social system. Adopter categories represent the classification of individuals within a social system on a basis of innovativeness and include innovators, early adopters, early majority, late majority, and laggards.

### **D. THE DIFFUSION OF HYBRID CORN—A DIFFUSION EXEMPLAR**

#### **1. Successful Diffusion of a Rational Technique of Hybrid Corn**

Bruce Ryan and Neal T. Gross's (1943) empirical exposition of the rapid diffusion of the use of hybrid corn in the United States provides some factual knowledge of conditions attendant to the successful diffusion of a rational technique. Hybrid seed corn, a productive agricultural innovation, was first made available in 1928 or 1929, when a few experimenters became acquainted with it. By 1937, it had become a nationally important production factor. Between 1933 and 1939, acreage in hybrid corn increased from an estimated 40,000 to 24 million acres (about one-fourth of the nation's corn acreage).

#### **2. A Good Economic Farm Practice**

The spread of the use of hybrid corn represents the successful diffusion of what "can almost unqualifiedly be called a 'good economic farm practice.'" Ryan and Gross conducted a study in the summer of 1941 to ascertain the process through which hybrid seed was absorbed into the "techniways" of the Corn Belt. The study considered the setting for the adoption of the hybrid, the Depression, the Agricultural Adjustment Act,



and two droughts that reduced the amount of farm acreage and made a productive seed more favorable.<sup>21</sup> The hybrid was promoted by commercial interests, and comparative yield tests were published. Moreover, the advantages of the hybrid were visible in account books; they showed up tangibly to every drought-wearied farmer in Iowa (Ryan & Gross, 1943).

### **3. Hybrid Seed “Takes the Field”**

Ryan and Gross used two communities in central Iowa that totaled 323 farmers.<sup>22</sup> Figure 10 shows the comparative percentages of all operators first hearing of hybrid corn and the percentages first adopting it. Allowing a lag time of roughly five years between first knowledge and first adoption, some differences are worth noting. The modal frequency in knowledge came seven years after the first operator heard of the seed and the modal frequency in adoption occurred ten years after the trait was first accepted. The preliminary stages of diffusion were somewhat slower in terms of adoption than in knowledge; once the wave of adoption swelled, hybrid practically “took the field” in the space of four years (1936–1939) (Ryan & Gross, 1943).

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<sup>21</sup> The Agricultural Adjustment Act was one piece of President Franklin D. Roosevelt’s New Deal legislation. It was an attempt to balance supply and demand for farm commodities. The act offered government subsidies to farmers to not use part of their land for certain crops that included corn.

<sup>22</sup> Sixty-four of the operators had started farming since hybrid corn began its spread and were excluded from the study.

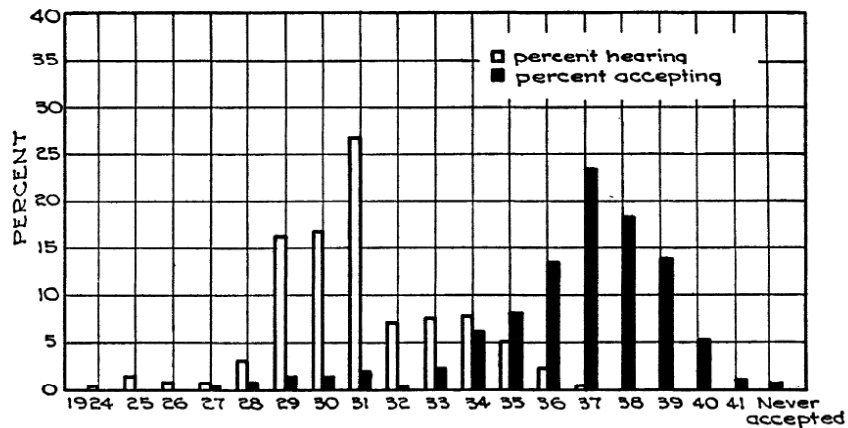


Fig. 1. Percentages of Farm Operators First Hearing of Hybrid Seed Corn and Percentages First Accepting It, by Years.

Figure 10. Percentage of Farm Operators First Hearing of Hybrid Corn and Percentages First Accepting It (Source: *The Diffusion of Hybrid Corn* (Ryan & Gross, 1943))

#### 4. Adopters

The early adopters provided a community laboratory from which neighbors could gain vicarious experience with some new seed over a period of time. Notwithstanding, despite the advantages demonstrated by community experience in hybrid, most operators insisted upon personal experimentation before complete acceptance. The majority of operators did not turn their corn acreage completely to hybrid; the mean hybrid planting for the operators was 12 percent of total corn acreage. Ryan and Gross found that neighbors were the predominant influence toward hybrid acceptance. They observed that the spread of knowledge and the spread of conviction are, analytically at least, distinct processes and in this case have appeared to operate in part through different although complementary channels (Ryan and Gross, 1943).<sup>23</sup>

Ryan and Gross recognized that the acceptance sequence of hybrid seed followed a bell-shaped pattern and that the cumulative frequency curve of acceptance is similar to

<sup>23</sup> Forty-nine percent of operators cited salesmen as their earliest source of knowledge of the hybrid; 14.6 percent of operators cited neighbors as their earliest source of knowledge of the hybrid; 45.5 percent cited neighbors as the most influential source of knowledge of the hybrid; 32.0 percent cited salesman as the most influential source of knowledge of the hybrid, of which two-thirds of the early adopters attributed their adoption of hybrid to the influence of salesmen and two-thirds of the later adopters attributed their adoption of hybrid to the influence of neighbors.

the *S* curve. However, the figure below demonstrates that the instance of diffusion did not follow a normal frequency distribution: there is a wide difference between expected behavior and observed behavior that is statistically highly significant (Chi squared = 21.67, d.f.9).<sup>24</sup>

Ryan and Gross (1943) conclude that the normal frequency does not appear to be a concept closely adapted to this condition where pressures and reasons for adoption become increasingly acute with passing time. It seems doubtful if any theoretical pattern can adequately conform to situations involving all degrees of interaction and isolation and particularly to intra- as well as to inter-societal diffusion. “The twisting of sociological phenomena into the analytical framework of other fields is not only sterile, but may actually retard the development of useful sociological tools.” Moreover, “if there is to be an expected diffusion curve, its contours must be derived from comparative inductive research.”

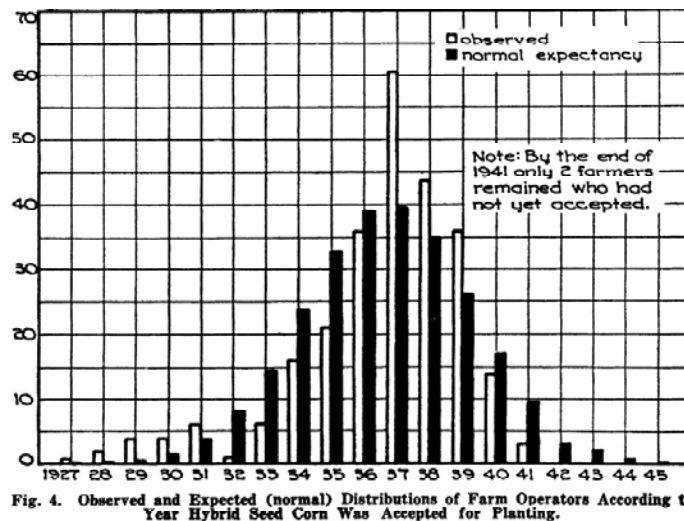


Figure 11. Observed and Expected (Normal) Distributions of Farm Operators According to Year Hybrid Corn Was Accepted for Planting

<sup>24</sup> The *S* curve reflects phenomena wherein learning curves display a progression from small beginnings that accelerates and approaches a climax over time and plateaus. The frequency differed from the normal curve in three ways: 1) the total time span was four years less than expected, 2) the expected frequencies are greater than that observed in the final years of acceptance and less than in the very early years, and 3) the expected frequencies are greatly concentrated at the mode and the two years following it.

## **E. THE DIFFUSION OF COMPSTAT**

Weisburd et al., (2004) observed that police leaders around the nation were interested in and willing to explore CompStat. They examined the widespread diffusion of CompStat across the landscape of American policing and asked why American police departments were adopting the CompStat model. In 1999, they surveyed a sampling of the small departments and 445 of the existing 515 large police departments in the United States to answer that question.<sup>25</sup>

### **1. Large and Small Police Department Implementation**

Weisburd et al. found that CompStat models had been adopted widely across American police agencies. When asked whether they had implemented a CompStat-like program:

- 11.1 percent of small departments and 29.3 percent of the large departments answered that their department had implemented a CompStat-like program.<sup>26</sup>
- 50.3 percent of the small departments and 58.2 percent of the large departments answered that their department had either implemented a CompStat-like program or were planning to do so.

### **2. Year of CompStat Implementation**

Weisburd et al. asked departments when their CompStat program was implemented. As they expected and as the diagram below demonstrates; the large growth of implementation occurred after the New York program had begun to gain wide-scale publicity. A third of large departments had implemented a CompStat-like program within

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<sup>25</sup> In 1999, the U.S. Bureau of Justice Statics recognized 698 small police departments (50-99 Sworn officers) and 515 large police departments (100 +sworn officers). The response rate for the sample was 85/100 of a random sample of 100 of 698 small police departments (85 %) and 445/515 of all large police departments (86.4%). It is noted that Weisburd et al (2004) is the only available research that delineates in like fashion the adoption of CompStat by police agencies.

<sup>26</sup> Weisburd et al., (2004) decided that since the number of small departments that had implemented a CompStat-like program was small, with noted exceptions, the examination of CompStat would be limited to large police departments.

10 years after NYPD’s implementation: “This is five years less than the fifteen-year period Arnold Grubler (1991) predicts it takes the quickly diffused technologies to progress to a 90 percent saturation level.”

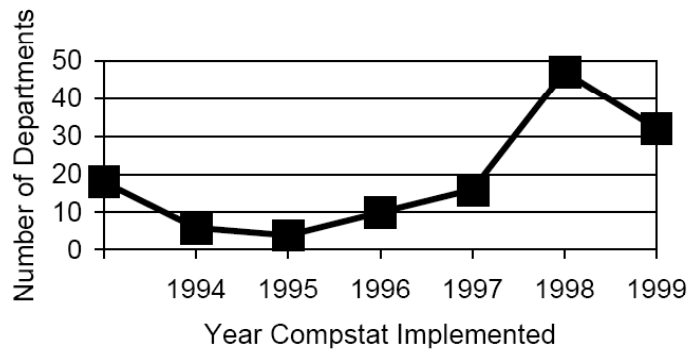


Figure 12. Year CompStat Implemented (Source: Weisburd et al. (2004))

Significantly, 18 departments of the large agencies sampled reported implementation “before” 1994, the year that NYPD introduced CompStat. It appears that in those cases, departments believed that they had implemented the essential “elements” of CompStat even before New York City’s model had become prominent.

### 3. Innovation Adoption Curve

Weisburd et al. compared the adoption of CompStat to other social or technological innovations. In the figure below, the researchers depicted the innovation adoption curve for large police agencies.

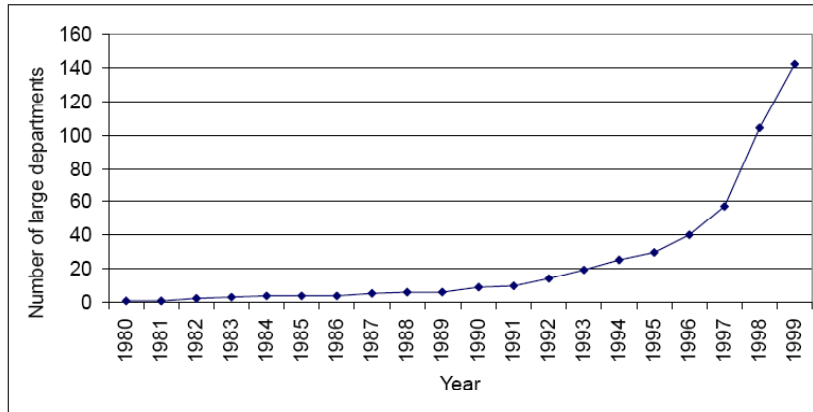


Figure 13. Innovation Adoption Curve for Large Police Agencies (Source: Weisburd et al., 2004)

Using extrapolated data from the innovation adoption curve and assuming that the adoption of an innovation generally “follows a bell-shaped curve” when plotted as a frequency distribution, they developed the cumulative adoption curve of Figure 14.<sup>27</sup> Based on this distribution and allowing saturation to include all police departments in the sample, the researchers estimate a 90 percent saturation level between 2006 and 2007. If the adoption of CompStat-like programs were to follow the growth rates in the data, the researchers concluded that CompStat would rank among the most quickly diffused forms of innovation.<sup>28</sup>

<sup>27</sup> Weisburd et al. relied upon the observed data between 1995 and 1998. They excluded 1999 because of the timing of the survey and 1995 because the number of cases was relatively small and likely to lead to unstable estimates. In developing an estimated value for the standard deviation unit of the normal curve, they compared each year’s frequency between 1995 and 1998 and then took the average estimate gained. After defining the normal frequency distribution, Weisburd et al. converted the estimates to a cumulative distribution curve. Their prediction is predicated on the works of Arnulf Grubler’s “Diffusion and Long-Term Patterns and Discontinuities” (1991) and Everett M. Roger’s *Diffusion of Innovations* (1995).

<sup>28</sup> Distilled data for 2006 and 2007 CompStat adoption is currently unavailable.

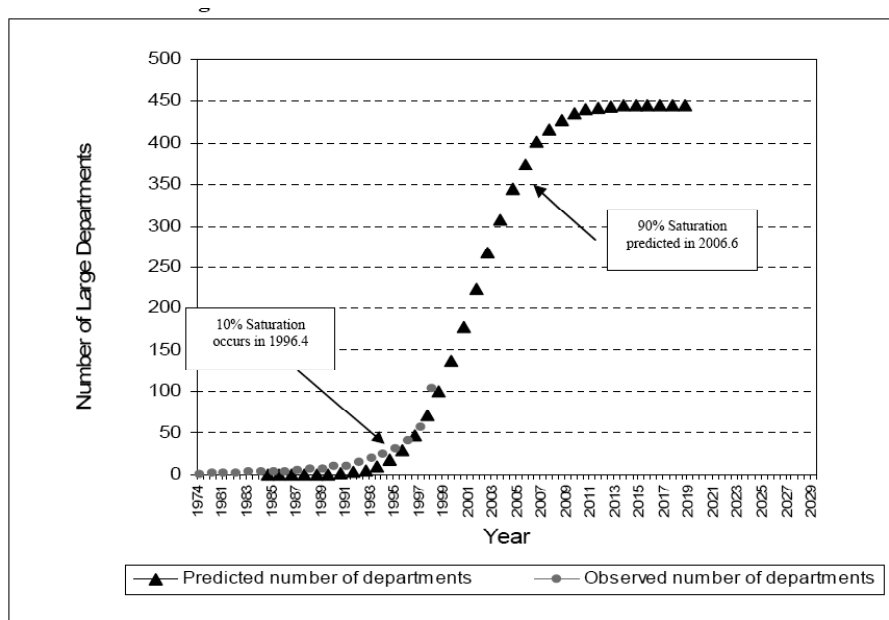


Figure 14. Cumulative Adaptive Curve (Source: Weisburd et al., 2004)

#### 4. Role of the New York City Police Department in Implementation

Weisberd et al. found that while departments that implemented CompStat-like programs have also visited Los Angeles, New Orleans, or Broward County, Florida, all places that have publicized CompStat programs, New York is clearly the site where most police agencies go to learn about this innovation. Moreover, the “profound” influence of New York City’s promotion of CompStat becomes even more apparent when considering the level of familiarity that the surveyed departments claim to have with New York City’s CompStat program.

#### 5. Size of the Department Matters

As Figure 15 illustrates, there is a direct linear relationship between department size and the implementation of CompStat programs. The relationship is strong and statistically significant: ( $p < .001$ ) (Weisburd et al, 2004).

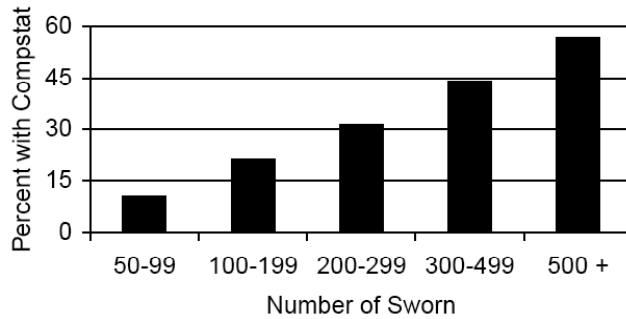


Figure 15. Number of Sworn Personnel (Source: Weisburd et al., 2004)

## 6. CompStat Departments by Region

Weisburd et al. found a statistically significant relationship of  $p < .05$  between geographic region and implementation of CompStat-like programs (see Figure 16): 40 percent of large departments in the South have implemented CompStat. Conversely, 26 percent of large departments in the Northeast have implemented a CompStat-like program. They suggest that this distribution reflects a more general phenomenon in American policing over the last decade: while innovation, as in the case of CompStat may begin in older police agencies in the East or Central regions of the country, police in the South and West, are on average “more willing or perhaps more able to adapt to those innovations.”

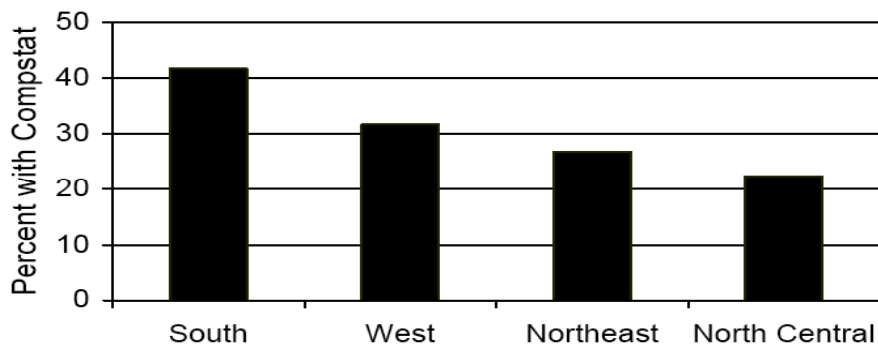


Figure 16. Geographic Linkage to CompStat (Source: Weisburd et al., 2004)



## **7. Motivation for Adopting CompStat**

Weisburd et al. found that the dominant motivations for implementing ComStat are to secure management control over field operations that will reduce serious crime.

## **8. Conclusions**

Weisburd et al. concluded that CompStat had “burst” onto the American policing scene. They suggest that CompStat is being differentially implemented in police agencies and that large police departments are more likely to adopt CompStat-like programs. Weisburd et al. suggest that the adoption of CompStat is “strongly” related to a department’s expressed desire to reduce serious crime and increase management control over field operations. Moreover, the researchers found that agencies that had adopted CompStat programs are much less likely to focus on improving skills and morale of street-level officers. The researchers conclude that this suggests that CompStat may represent a departure from the priorities of “bubble-up” community-policing programs that rely on initiative from street-level officers.

## **F. ANALYSIS OF COMPSTAT ADOPTION**

### **1. The Vision and Reality of CompStat**

Willis, Mastrofski, and Weisburd (2003) assessed how CompStat worked in three police Departments –Lowell, Massachusetts (LPD), Minneapolis, Minnesota (MPD), and Newark, New Jersey (NPD).<sup>29</sup> They offer a thorough, empirical evaluation of how CompStat is changing the structure, management, and practices of police organizations. They found that the creators and advocates of CompStat present it as a way to transform sluggish, unresponsive police organizations into efficient and smart organizations.

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<sup>29</sup> LPD adopted the nomenclature “CompStat”; MPD uses the term “CODEFOR” for Computerized Optimized Deployment-Focus on Results; NPD uses “Comstat” for Command Status Report. For ease of communication, this thesis uses the term CompStat for all three departments. Moreover, Willis, Mastrofski, and Weisburd selected the three departments because they had implemented CompStat; they differed in size, organization, and crime environment; and they were receptive to having a field researcher on site for an extended period. LPD’s contingent of 260 sworn officers serves a population of 105,668. MPD’s 919 police officers serve a population of 386,726; and NPD’s 919 officers serve a population of 275,823. In the 1980s and 1990s all three departments had undergone significant organizational change upon implementing community-oriented policing. Levels of crime differed across sites, but each had recently experienced a general decline in its crime rate. In all three sites CompStat coincided with a general crime decrease. Notwithstanding, after a decline in crime from 1997 to 2000, LPD experienced an increase in crime.

Moreover, CompStat paints a picture of police organizations that are capable of reading their work environment, discerning important trends within it, and acting quickly in ways that deal with problems efficiently.

Willis, Mastrofski, and Weisburd found that the alteration to fundamental organizational structures that would facilitate these changes were not in place in LPD, MPD, and NPD. In each agency, there was a gap between the theory of a highly focused organizational mission of crime fighting and the reality of a complex mission with a complex set of organizational structures that remained largely at odds with the ostensible simplification of the department's objective.

They identified six core elements of CompStat—mission clarification, internal accountability, geographic organization of operational command, organizational flexibility, data-driven analysis of problems and assessment of department's problem solving, and innovative problem-solving tactics—and analyzed each vis-à-vis LPD, MPD, and NPD.

*a. Mission Clarification*

Top management is responsible for clarifying and exalting the core features of the department's mission that serve as the overarching reason for the organization's existence. CompStat does help top management convey a powerful message about the importance of fighting crime; patrol officers strongly associated CompStat with crime fighting. However, the level of officer commitment differed in each department. It was strongest in NPD, whose mission statement made no explicit mention of crime reduction, and it was weakest in MPD where management had made a concerted attempt to foster acceptance of CompStat.

*b. Internal Accountability*

CompStat's principal element of internal accountability was found in all three departments. However, it impacted disproportionately on middle managers and particularly district managers; front line supervisors and patrol officers did not feel the same pressure to perform.

*c. Geographic Organization of Operational Command*

Operational command in all three departments had been lowered to middle managers. It devolved furthest in MPD where district commanders and sector lieutenants exercised twenty-four-hour responsibility for their specific beats.

*d. Organizational Flexibility*

All three departments used a variety of informal and formal mechanisms to increase their capacity to shift resources to where they were needed most. For the most part, the strategic allocation of resources operated on an ad hoc basis. NPD and MPD had established specific organizational structures that facilitated resource allocation. Conversely, LPD, a nationally recognized community-policing organization, rejected a centralized task force approach to policing in favor of a district-level response.

*e. Data-Driven Problem Identification and Assessment*

All three departments had developed sophisticated information systems and formed crime analysis units to assist them in the collection, processing, and analysis of timely crime data. Middle managers consistently used data to actively identify problems, establish priorities, and decide where to mobilize responses. However, middle managers typically bypassed much of the analysis so that they defined problems narrowly and responded with traditional methods of policing.

*f. Innovative, Problem-Solving Tactics*

CompStat demands that middle managers do something quickly about crime problems through more innovative responses. Willis, Mastrofski, and Weisburd found that the pressure of accountability, coupled with any lag time between a crime's occurrence and its presentation at CompStat, limited the utility of follow-up.

**2. CompStat and Other Types of Policing**

Willis, Mastrofski, and Weisburd conclude that, "what has taken place thus far is not a transformation so much as a graft of some elements of progressive management into

fundamentally unaltered organizational structure.” In addition they argue that the central tenets of CompStat “significantly” affect the existing philosophies, programs, and structures of CP. They suggest that the implementation of CompStat and CP often conflict. That suggestion warrants examination. White (2007) observes that the diffusion of CompStat rivals that of community policing, especially since there is no federal CompStat agency like DOJ’s Office of Community Oriented Policing Services (COPS) that provides federal funding and promotes the strategy.<sup>30</sup>

In Chapters II and III of this thesis, an array of policing movements and strategies were discussed at length; none of the movements constitutes a singular organizational strategy or affords a concrete definition of what it is. Moreover, each movement and strategy in its own accord subsumes elements of the others. Bratton (1998) asserts that CompStat integrates the principles of conventional policing with CP, POP, and accountability; however, he rejects the wholesale adoption of community policing. He dismissed the idea that “Officer Friendly,” typically a young police officer, is going to solve complex and difficult problems. Giving cops more individual power to make decisions is a good idea, but CP as it was originally implemented didn’t focus on crime. Bratton assigned precinct commanders complex and difficult problems.

Henry (2003) characterizes CompStat as a hybrid management style that integrates the professional model of policing, CP, and POP. He echoed Bratton’s depiction of “Officer Friendly”; it is “absurd” to put a 22-year-old in charge of a beat. Peterson (2005) concludes that CP, POP, and Scanning, Analyzing, Responding, Assessing (SARA)<sup>31</sup> are collaborative and complementary approaches compatible with intelligence-led policing (ILP) and are not at odds with policing against terrorism. Carter (2009) concludes that CompStat and ILP have fundamental similarities and differences.

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<sup>30</sup> COPS promotes CP through education, training, and grant funding. COPS fiscal year 2009 funding was a component of the American Recovery and Reinvestment Act of 2009 that allocated \$1 billion to COPS for the COPS Hiring Recovery Program (DOJ, 2010b). While the 2009 funding postdates the diffusion of both community policing and CompStat, it does demonstrate motivation for all police agencies to adopt community policing. It is further noted that NYPD asserts that it practices community policing and is a recipient of COPS funding.

<sup>31</sup> SARA is offered as both an independent process for problem solving and as an integral part of either CP or POP. It is a process that identifies and addresses problems in the context of an organization’s overarching mission, and particularly its priority objectives.

While both are preventive in nature, predicated on analyses, and hold managers accountable, CompStat is intrajurisdictional and incident-driven, while ILP is multijurisdictional and threat-driven.

## **G. COMPSTAT: DIFFUSION BEYOND POLICING**

### **1. Total Efficiency Management System**

In 1996, the New York City Department of Corrections (NYCDOC) instituted Total Efficiency Management System (TEAMS), an adaptation of CompStat to improve conditions in NYCDOC. There was a systemic problem with New York City's prison system: inmate-on-inmate violence was rampant, facilities were dirty and in disrepair, and employee sick and overtime rates were high. Then NYCDOC First Deputy Commissioner Bernard Kerik, who would later serve as NYPD police commissioner, implemented management meetings, coordinated strategies, and held managers accountable.

In five years (1995–2000), inmate-on-inmate violence decreased 93 percent, staff use of force decreased 76 percent, overtime was reduced 44 percent, and employee sick rates dropped 31 percent. In 2000, TEAMS was a finalist for the Harvard University's John F. Kennedy School of Government's Innovations in American Government Award. In 2001, Mayor Guliani lauded the success of CompStat and TEAMS and implemented the "next generation of CompStat," the Citywide Accountability Program (CAPSTAT) that applied the same principles of CompStat to 18 New York City agencies (New York City Office of the Mayor, 2000 and 2001).

### **2. CitiStat**

In 1999, the City of Baltimore instituted CitiStat to "make City government more responsive, accountable and cost effective." Modeled after NYPD's CompStat, CitiStat was designed to maximize personnel accountability by performance. Each city agency meets biweekly with the office of the mayor to examine substandard performance and propose solutions that can be carried out in an efficient manner. In 2004, CitiStat was the winner of Harvard University's John F. Kennedy School of Government's Innovations in American Government Award. In 2007, the city of Baltimore reported that since its

inception, CitiStat had saved the city of Baltimore \$350 million. In 2009, 100 city governments visited Baltimore's CitiStat meetings (City of Baltimore, 2010).

Robert D. Behn (2007) advises mayors who are considering adopting CitiStat:

As with anything you try to do in your city, the details matter—they matter a lot. And these details inevitably depend on other particulars—everything from what your citizens expect your administration to accomplish, to the current capacity of your different city agencies, to your own governing style. Consequently, the answers to these questions cannot be definitive. You can't just copy the Baltimore "model." You will need to recognize the core idea contained in each answer and then figure out how to make it work in your own city with its own unique problems and opportunities.

## **H. COMPSTAT AND COUNTERTERRORISM**

### **1. FedStat**

Heather MacDonald (2003) argues that terrorism should be Compstated. MacDonald laments the truncated investigation of Rabi Meir Kahane's murder in 1990. NYPD detectives recovered four cabinets of files from suspect El Sayed Al Nosair's home. The FBI took possession of the files that were written in Arabic and left them dormant. Three years later, the FBI discovered that the files "anticipated" the 1993 World Trade Center attack. Nosair was convicted of Kahane's murder and involvement in the 1993 World Trade Center attack. Edward Norris who led NYPD's Kahane homicide investigation and later served as Baltimore's police commissioner said that NYPD would have translated the documents, because "we had a murder investigation underway." Besides Norris said, "you didn't need to translate the files to know that they were suspicious—the cabinets contained photos of New York City landmarks and terrorist manuals" (MacDonald, 2003).

MacDonald argues that FBI's anti-terrorism efforts should be "Compstated" in every city where the bureau operates:

Where a Joint Task Force exists, the commanders of the agencies represented should meet on a biweekly basis to interrogate task-force members about the progress of their investigations. Where JTTFs don't exist, the FBI should assemble comparable meeting with all relevant

agency heads. The new Fedstat meetings would have two purposes: to ensure that each ongoing investigation is being relentlessly and completely pursued, and to share intelligence. The only fail-safe defense against terrorism is information, but it must be made available to those who can best use it. In many cases that will be local law enforcement.

## **2. Train and Subway Counterterrorism Strategy**

NYPD Counterterrorism Inspector Peter A. Winski (2008) argues that the principles of CompStat should be applied to train and subway system counterterrorism strategies. He concludes that New York City and the United States train and subway systems are currently at risk of a conventional improvised explosive attack from terrorists like those that have occurred in other cities around the world. Moreover, those systems are so porous that “an attack is very difficult to prevent.” Winski concludes that a CompStat counterterrorism strategy to protect train and subway systems that combines a layered approach and utilizes assets that many cities already have could be replicated across the country, “similar to the spread of the crime fighting CompStat strategy.”

## **3. CompStat and Counterinsurgency in Iraq**

U.S. Army Major Robert E. Gordon (2007) provides a cogent analogue to pre-CompStat New York, a city plagued by skyrocketing firearm related homicides and extensive fear and disorder: post-war Iraq, a country “inundated with firearms and explosives which are used in a continuous cycle of violence in order to achieve political, religious, or criminal objectives.”

The Iraqi Police Service (IPS) is Iraq’s post-war police service that was established by the Multinational Security Transition Command-Iraq (MNSTC-1). IPS performs duties similar to local police in the United States. IPS maintains a contingent of 135,000 personnel and is responsible for the stability and security of 27 million Iraqis. Gordon argues that the goals and indicators of the National Strategy for Victory in Iraq as codified in pertinent legislation do not represent the relationship of IPS and the stated goals.<sup>32</sup> He argues that open-source measures of effectiveness (MOE) used to assess the

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<sup>32</sup> P.L. 109-148, Department of Defense Emergency Appropriations; P.L. 109-163, National Defense Authorization for fiscal year 2006; P.L. 108-106, Emergency Appropriations Act for Iraq; Afghanistan, Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan.

capabilities and performance of IPS revolves around internal procedure, not outcome-based evaluations. Gordon argues that IPS should adopt “certain facets” of NYPD’s CompStat process to restore public order in Iraq. Gordon observed that a central premise of CompStat is that the police can reduce crime. He concludes that IPS would benefit from a similar process based on order-control strategies. Moreover, the most applicable NYPD control strategies involve gun control, public space control, control of youth violence, and restoration of police organizational integrity.

Gordon recognizes that IPS faces challenges not encountered by NYPD. “The power maintained by tribal and religious leaders in Iraq dwarfs those in similar positions in New York. IPS cannot continue to be implicated in the political power struggle.” He argues that buy-in from these leaders is essential to restoring order and “a willingness to confront those who refuse requires courage beyond that required of a precinct commander in New York.” Still, certain underlying conditions that contributed to disorder in New York are also extremely disruptive in Iraq. The many firearms and explosives left over from the war present daily challenges to the IPS similar to the proliferation of guns in pre-1994 New York. In addition both Iraq and pre-1994 New York lost control of public spaces, engendering a sense of fear and a cycle of violence. Moreover, both Iraq and pre-1994 New York experienced a growing disenfranchised youth and suffered from a sense of a lack of organizational integrity.

Gordon concludes that IPS should adopt four order-control strategies from CompStat: firearms/explosives, control of public spaces, youth violence, and organizational integrity. Like the data produced in weekly CompStat reports, IPS must:

- Determine its true effectiveness as it relates to public order on firearms/explosive homicides.
- Regain control of public spaces by increasing security and reporting on crimes and attacks committed in these areas.
- Target the youth population, which represents 40 percent of the population.



- Develop itself so that it is viewed as a source of stability in the country and not part of sectarian violence.

Finally, IPS can shape police operations toward restoring order through relentless follow-up and assessment. Improved measures of effectiveness and measures of performance will allow IPS to answer two key questions for restoring order: “Am I doing this right?” and “Am I doing the right things?”

## **I. THE DIFFUSION OF NEW YORK CITY POLICE DEPARTMENT’S INTELLIGENCE ENTERPRISE.**

### **1. NYPD’s Intelligence Enterprise: Prior, Elemental, and Graft-like Implementation and Not Necessarily the Transformation of Existing SLTLE Intelligence Programs**

This thesis recognizes that seven plus years have passed since the earliest stages of NYPD’s post–September 11, 2001 transformation.<sup>33</sup> In that time, with the possible exception of LAPD’s intelligence and counterterrorism operations, no SLTLE agency has created an NYPD-like intelligence enterprise or adopted more than a sampling of NYPD’s intelligence enterprise. Moreover, like the 18 police agencies that stated they had implemented elements of CompStat prior to 1994 and NYPD’s implementation of CompStat (Weisburd et al. 2004), some SLTLE agencies may have adapted elements of NYPD’s intelligence enterprise prior to NYPD’s 2002 restructuring. In addition, as in the case of some police departments’ grafting some elements of CompStat rather than transforming the organization (Willis, Mastrofski, and Weisburd 2003), what may have or will take place with respect to SLTLE agencies’ adaptation of NYPD’s intelligence enterprise is and will be a grafting of elements of NYPD’s intelligence enterprise rather than a transformation of the organization.

No quantitative or qualitative data exist to provide further analysis. Notwithstanding, this thesis maintains, like Klinger (2003), that an understanding of the diffusion of innovation framework enhances understanding of policing and where it

might be heading in the future. Christopher Bellavita (2005) maintains that “preventing terrorism is a new role for public safety officers. They are used to responding to daily emergencies, not stopping acts of war.” He characterizes prevention as “terra incognita where we [homeland security practitioners] can make the most progress expanding our capability to secure the homeland.”

This thesis concludes that NYPD has drawn a roadmap for SLTLE agencies to traverse homeland security’s terra incognita to secure their hometowns and the nation’s homeland.

## **2. The New York City Police Department’s Intelligence Enterprise—A “Smart Practice”**

Like Behn’s (2007) admonition to city mayors, this thesis counsels SLTLE agencies to recognize the core idea central to each element of NYPD’s intelligence enterprise and then determine how to make it work in their agency with their own unique problems and opportunities. Chapter VII culls the cumulative product of NYPD’s post–September 11, 2001 interpretation and application of the intelligence function of policing. It presents policy options and recommendations for SLTLE agencies to interpret and apply the intelligence function of policing in the homeland security era.

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<sup>33</sup> This thesis assumes that NYPD’s post–September 11, 2001 intelligence and counterterrorism program began after the appointment of Police Commissioner Kelly on January 1, 2002. It is acknowledged that NYPD conducted other special-intelligence and counterterrorism operations immediately after September 11, 2001 and that those initiatives may have facilitated NYPD’s post–January 1, 2002 intelligence and counterterrorism operations.

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## VII. RECOMMENDATIONS

### A. **HOMELAND SECURITY—*E PLURIBUS UNUM*—A NATIONAL STRATEGY**

The events of September 11, 2001 precipitated the homeland security era and compelled SLTLE agencies to think and act differently. The National Strategy for Homeland Security (Office of Homeland Security 2002) was the nation's first distinct and comprehensive strategy for homeland security. It is an emerging area of governance that calls for a national effort to secure the homeland; "it's our theory for how we're going to cause security for ourselves" (Falkenrath, 2002). The strategy called SLTLE to the frontlines in a battle against unconventional and transnational terrorists. Each of the nation's 17,786 SLTLE agencies has a role, and particularly an intelligence role, in the nation's homeland security. Properly juxtaposed and integrated into the national intelligence, the intelligence function of SLTLE can provide a formidable enterprise to 1) prevent terrorist attacks within the United States; 2) reduce America's vulnerability to terrorism; and 3) minimize the damage and recover from attacks that do occur.

### B. **RECOMMENDATION**

**SLTLE agencies should adopt tenets of NYPD's intelligence enterprise tailored to their individual realities and needs to secure their jurisdictions and bolster the nation's homeland security.**

The policies and procedures of NYPD's intelligence enterprise generate the requisite intelligence to secure the city and reinforce the nation's homeland security. Likewise, each of the nation's SLTLE intelligence programs should produce intelligence to secure their hometowns and bolster the nation's homeland security. Collectively, the intelligence functions of all SLTLE agencies facilitate the nation's homeland security.

SLTLE agencies should comprehend the interdependence of their hometown's and the nation's homeland security. Subsequent to the events of September 11, 2001, NYPD concluded that its security is inextricably linked to the nation's homeland security. NYPD identified its intelligence requirements and determined that the same intelligence

that provides for the security of the homeland is essential for the security of New York City. To that end, NYPD transformed its organizational structure and business practices to acquire its requisite intelligence. In similar fashion, SLTLE agencies should transform their organizational structures and develop business practices to fulfill their intelligence requirements.

It is understood that while the vast majority of SLTLE agencies do face similar threats and challenges as NYPD, those threats and challenges are not necessarily scalable to NYPD and New York City. Moreover, no single SLTLE agency has the same resources and capabilities that NYPD has. Accordingly, SLTLE agencies should tailor NYPD's intelligence enterprise in scale to their realities and needs.

Chapters II and III of this thesis trace the genesis and evolution of policing, in particular the intelligence function of policing in America. The police advanced from a reactive and mostly parochial institution into an enterprise that counters "the incredible broad range of troublesome situations that prompt citizens to turn to the police" (Goldstein, 1979). Chapter IV of this thesis depicts NYPD's innovative counterterrorism-intelligence program that addressed the current troublesome situation—terrorism—and assumed a prominent role in the nation's homeland security.

Chapters V and VI of this thesis identified the emergence, evolution, and diffusion of CompStat. NYPD wanted to reduce crime and improve the quality of life in New York City. It implemented CompStat, a progressive and innovative crime-reduction strategy that resulted in unparalleled crime reduction. Police agencies observed CompStat and the resultant crime reduction. Over one-half of the nation's large and one-third of its small police departments adopted a CompStat-like program tailored to their realities and needs to reduce crime. (Wesiburd et al., 2004). As was the case with CompStat, SLTLE agencies should adopt the tenets of NYPD's intelligence program tailored to their realities and needs to counterterrorism.

CompStat was most replicable in large police departments. Similarly, NYPD's intelligence enterprise is most applicable to large police departments and particularly

large municipal police departments. Notwithstanding, while CompStat mostly serves the parochial needs of the adopting agency, the tenets of NYPD's intelligence enterprise have ramifications for all SLTLE agencies.

Intelligence and history demonstrate that large cities are preferred targets for terrorists. However, pre-event planning and preparation are typically conducted outside the target area and have implications for all SLTLE agencies. The 2009 shootings at Fort Hood, Texas, the 1995 bombing of the Alfred P. Murrah federal building in Oklahoma City, the 1984 biological attack in The Dalles, Oregon by followers of Bhagwan Shree Rajneesh, the proliferation of homegrown terrorism, and the increased cyber threat demonstrate that no jurisdiction is immune from terrorism.

DHS's "Quadrennial Homeland Security Review Report: A Strategic Framework For A Secure Homeland" (2010a) affirms the post-September 11, 2001 homeland security "national effort" mantra: "homeland security is widely distributed and diverse—but unmistakable—a national enterprise." ISE, FCs, ITACG, JTTFs, and other programs and initiatives offer the prospect of a national enterprise that might facilitate the intelligence requirements of SLTLE agencies. Notwithstanding, the espoused national enterprise is not designed to provide SLTLE agencies with their unqualified intelligence needs—intelligence gaps remain. Therefore, SLTLE agencies should cooperate, collaborate, and coordinate with FCs and the combined federal programs and initiatives. In addition, they should adopt tenets of NYPD's intelligence program scaled and tailored to their realities and needs to fulfill the gaps that are left by external intelligence constructs. To those ends, this thesis makes the following recommendations vis-a-vis the intelligence cycle.

## **1. Planning and Direction Recommendation**

**SLTLE agencies should identify threats with implications for their agency, i.e., information that can contribute to and support the SLTLE mission.**

The first step in the intelligence cycle is planning and direction, identifying threats, and developing a plan of action to direct intelligence efforts. Colin Powell, former Secretary of State and chairman of the Joint Chiefs of Staff, said:

I don't need news, I don't need facts. I have a television. I have the internet. I have a telephone. People tell me lots of facts. I need to know what it means, how important it is, and what you think about it (Fingar, 2006).

Powell's telling description of intelligence affords a method for determining what types of raw information are needed to develop a more robust analysis of threats. An *intelligence gap* is missing information that is needed for effective intelligence analysis. An *intelligence requirement* is the information needed to fill the gap, and from the intelligence requirements SLTLE agencies should develop a collection plan. Moreover, they should identify the role of analysis and the desired intelligence outputs and products. SLTLE intelligence planning should ensure that "the right information gets into the hands of the right people who can use the information to develop policy and operational responses" (Carter, 2009).

Moreover, it is imperative that SLTLE agencies identify the intelligence function of policing and establish and maintain a dedicated intelligence unit. Peterson (2005) identifies four levels of intelligence at which SLTLE operate:

- Level 1 produces tactical and strategic intelligence products that benefit their own department and outside agencies. These agencies employ an intelligence apparatus that includes managers and analysts. "Probably fewer than 300 agencies in the U.S. operate at level 1."

- Level 2 provides tactical and strategic intelligence for internal consumption; intelligence generally supports investigations rather than operations. These agencies may have dedicated intelligence units. “Probably fewer than 500 agencies in the U.S. operate at this level.”
- Level 3 is the most common level of intelligence function in the U.S. These are typically small departments and have limited resources. While they may be capable of developing intelligence products, they are likely to be dependent on outside agencies.
- Level 4 comprises most agencies in the U.S. They are typically very small departments that do not employ dedicated intelligence personnel. Their level of information sharing and intelligence training is generally minimal.

NYPD defines its intelligence requirements as “information that is comprehensive and relevant to the Police Commissioner” (NYPD, 2008a). It acquires its intelligence through its own agency and external mechanisms and operates at level 1 of Peterson’s intelligence taxonomy. SLTLE agencies should operate at the highest level of intelligence commensurate with their intelligence needs.

## **2. Collection Recommendation**

**SLTLE agencies should, to the best of their ability, collect their own intelligence.**

The undertaking of intelligence collection commences with the understanding that the collector will likely not gather all extant information and intelligence—intelligence is an imperfect practice.

SLTLE agencies should designate an intelligence unit or officer to coordinate the collection process. SLTLE agencies routinely and exceptionally collect criminal and other raw information and must continue to do so mindful of the three Cs. Moreover, SLTLE agencies must identify and collect information against activities and circumstances indicative of terrorist activity, such as unusual procurement of hazardous



materials and precursor explosives products and literature, unusual licensing requests, questionable finance and identity practices, and suspected surveillance of critical infrastructure and key resources (CIKR).

Additionally, SLTLE should use and develop the following external intelligence constructs and create new entities to acquire their requisite intelligence.

*a. State and Major Urban Area Fusion Centers Recommendation*

**SLTLE agencies should make known to FCs their intelligence requirements.**

State and Major Area Fusion Centers (FCs) can be formidable intelligence constructs. Given proper direction, FCs can facilitate SLTLE intelligence requirements. SLTLE agencies should acquire and share information and intelligence that is relevant—information that fulfils their intelligence requirements. SLTLE agencies should provide direction to FC stakeholders and their federal intelligence partners as to their information and intelligence needs. Moreover, SLTLE agencies that lack the manpower or resources to participate in FCs should partner with neighboring police departments and/or establish a liaison with their regional FCs.

*b. Interagency Threat Assessment and Coordination Group (ITACG) Recommendation*

**SLTLE agencies should participate in and support ITACG’s initiatives and should make known their intelligence requirements to the U.S. intelligence community (IC) vis-à-vis ITACG.**

The Interagency Threat Assessment and Coordination Group (ITACG) is embedded with federal intelligence analysts in the National Counterterrorism Center (NCTC) to integrate, analyze, and assist in the dissemination of federally coordinated information within the scope of the information-sharing environment (ISE). Notwithstanding, ITACG is empowered to “advise” IC on “how to tailor its products to satisfy the needs of DHS, FBI, and other federal entities so that they in turn can better serve their ‘consumer.’ ” Moreover, the colocation of the National Joint Terrorist Task

Force (NJTTF) in NCTC affords ITACG the opportunity to “effect” decisions regarding the sanitization and release of information to SLTLE and the private sector (Office of the White House, 2007).

ITACG affords SLTLE agencies a means to present their intelligence requirements to IC with the prospect of being granted the prerogative to task IC to collect information with implications for SLTLE agencies. Therefore, SLTLE agencies and their affiliates and associations, and particularly Global, the International Association of Chiefs of Police (IACP), the Major Cities Chiefs Association (MCC), the National Sheriffs Association (NSA), and Major Counties Sheriffs Association (MCSA) should lend support and affirmation to ITACG’s initiatives.

*c. Joint Terrorist Task Force Recommendation*

**SLTLE agencies should make clear their intelligence requirements to FBI vis-à-vis JTTFs.**

Nationwide, 84 JTTFs with one attached to each of FBI’s 56 field offices provide access to the National JTTF (NJTTF) and FBI headquarters and compound a national effort to protect the homeland (FBI, 2004). While JTTFs operate independently of FCs, they have overlapping missions and share many of the same customers. The recently created DHS and FBI-chaired National Fusion Center Management Group should explore opportunities to facilitate the mutual needs of JTTFs and FCs.

In 2002, NYPD increased its personal detail to NY-JTTF from approximately 15 to 130 members of the department to more actively participate in the nation’s counterterrorism initiatives. JTTFs offer an affirmative means for SLTLE agencies to acquire their requisite intelligence. SLTLE agencies should make known their intelligence requirements to FBI via JTTFs.

*d. Foreign Liaison Officers Against Terrorism (FLOAT)  
Recommendation*

**SLTLE agencies should promote, develop, and actualize the Foreign Liaison Officers Against Terrorism Program.**

In the past, we were limited by technology and bureaucracy, often to a single point of contact between and among police agencies throughout the world. Routine requests were routed through INTERPOL, and emergency requests required elaborate rationale and persistence to get to the right person overseas. Now, based in part on the necessity of immediate and actionable intelligence after the attacks of September 11 and July 7, local police have realized that their federal government lacks the ability to provide a meaningful and timely link, a cop-to-cop link, between police across the globe (Bratton, 2007).

(1) NYPD's International Liaison Unit. ILU is a formidable forward intelligence enterprise that offers unique insights into international terrorism with implications for NYPD. The 2008 Mumbai and other missions discussed in Chapter IV demonstrate ILU's efficacy. Nevertheless, most SLTLE agencies lack the resources to station personnel overseas for extended periods of time.

(2) Foreign Liaison Officers Against Terrorism. An alternate program, Foreign Liaison Officers Against Terrorism (FLOAT), a coalition approach to SLTLE liaison with foreign police departments, has been proposed. FLOAT would assign one officer from each department of the coalition to designated foreign police departments. Gathered information and intelligence would be shared with the coalition, and FLOAT reports would be disseminated throughout the law enforcement community. FLOAT has the support of MCC and MCSA and an offer of partial funding from the Manhattan Institute's Center for Policing Terrorism<sup>34</sup> (U.S. House of Representatives, 2006; Eddy, 2008; Bratton, 2008; Gillespie, 2009).

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<sup>34</sup> The Manhattan Institute's Center for Policing Terrorism's partial funding would be in the form of housing the administration of FLOAT at the National Counter-Terrorism Academy that is supported by the Ahmanson Foundation, a non-profit organization, and in part by the state of California.

FLOAT would facilitate the intelligence requirements of SLTLE agencies without undue expense. SLTLE agencies and their associations should do more than continue to promote and support the FLOAT proposal; SLTLE agencies should actualize FLOAT.

(3) Opposition to Foreign Liaison Officers Against Terrorism. FLOAT is an ambitious project that offers the prospect of global and real-time actionable intelligence for SLTLE. However, FLOAT's authority in the international realm is questionable. Its planned initiatives entreat IC and the Department of State's (DoS) foreign intelligence and diplomatic prerogatives respectively. The challenge to FLOAT is to gain the acquiescence of all stakeholders. The supporters of FLOAT must convince IC, DoS, and DHS that the aim is not to sever or supplant information from federal offices but to have a multiplicity of channels of information that will allow chiefs of police to make decisions (U.S. House of Representatives, 2006).

In this instance, NYPD was exceptional and was able to overcome those challenges. NYPD requested and was granted liaison relations with foreign police departments. The FBI initially opposed the initiative but acquiesced after Director Mueller and Commissioner Kelly met formally to resolve FBI-NYPD differences. It is further noted that NYPD enjoys special relationships with IC (Donner, 1990; Lardner & Reppetto, 2000; Sheehan, 2008; Dickey, 2009a). Moreover, NYPD has participated in DoS initiatives and particularly the Civilian Police Program (CIVPOL) that deploys American police under the auspices of DoS to foreign countries in support of international post-conflict stabilization and redevelopment operations. On January 21, 2010, DoS's Bureau of International Narcotics and Law Enforcement Affairs (INL) signed an MOU with NYPD to establish a relationship with NYPD to assist in international police training. The MOU provides a framework for NYPD to provide the Haitian national police, among other police forces, with training and technical assistance. David T. Johnson, Assistant Secretary of INL, said of the MOU:

It's important to note that this is the first time we've established such a memorandum and such a relationship with any state or local police department, and we started at the top, if you will, with the NYPD (United States Department of State, 2010).

Succinctly, NYPD was able to create its intelligence enterprise and particularly ILU because it is NYPD and has been recognized as a preeminent police department with value to add to the national and international policing enterprise. To that end, NYPD has been afforded extraordinary consideration by all concerned. FLOAT endeavors to acquire the same consideration, and that is a formidable challenge. The supporters of FLOAT should make known to all stakeholders that, like NYPD, they have value to add and should be afforded the same prerogatives as NYPD.

(4) ILU and FLOAT. Former NYPD Police Commissioner Bratton acknowledged that NYPD's intelligence operation is considered the gold standard. However, he and others criticize NYPD's "alleged" refusal to give other law enforcement agencies access to the intelligence that it has gathered. Bratton said:

New York has perfected an array of intelligence-gathering initiatives.... My concern is that at the federal level, there are too few dots to connect, and in New York, what they collect is not being shared (Miller, 2007).

Commissioner Kelly (2009a) says NYPD typically shares what it learns with the FBI and its law enforcement partners. This thesis cannot and does not resolve either claim. It does, however, conclude that the supporters of ILU and FLOAT should consider combining forces. The benefits that would accrue to hometown and homeland security are significant: each member of an ILU-FLOAT coalition would be afforded a cop-to-cop link with foreign police departments; the established network would likely grow in size and scope; members would share expenses; and foreign police departments would be spared the burden of multiple liaisons, with the added benefit that DoS and IC would likely be more amiable to a smaller number of SLTLE representatives operating in their heretofore near-exclusive domain.

*e. Public-Private Partnerships Recommendation*

**SLTLE agencies should use and develop existing relationships and initiate new relationships to foster positive and productive police-community relations that would facilitate the collection of information necessary for the police intelligence function.**

Americans of all ages, all stations in life, and all types of dispositions are forever forming associations. There are not only commercial and industrial associations in which all take part, but others of a thousand different types—religious, moral, serious, futile, very general and very limited, immensely large and very minute. Americans combine to give fetes, found seminaries, build churches, distribute books, and send missionaries to the antipodes. Hospitals, prisons, and schools take shape in that way. Finally, if they want to proclaim a truth or propagate some feeling by the encouragement of a great example, they form an association.

–Alexis De Tocqueville, *Democracy in America* (1848/1996)

De Tocqueville’s observations of nineteenth-century America hold true today—Americans have an affinity for associations. NYPD acknowledges this phenomenon and engages associations of all types and sizes to accomplish the department’s mission. NYPD’s Community Affairs Bureau (CAB) facilitates community partnerships and endeavors to achieve a higher level of trust and active citizenship and a community that is apt to provide information essential to the safety and security of the city. NYPD Shield is an umbrella organization of public-private partnerships that recognizes that the private sector is intimately familiar with its own setting and is in the best position to distinguish anomalous conditions that deviate from the norm. Information collected from NYPD Shield facilitates NYPD’s intelligence enterprise. CAB and NYPD Shield programs are inherently reciprocal: the police ask for and receive information from the community and the private sector to facilitate NYPD’s missions. In exchange, NYPD is able to better inform the community and private sector and alleviate many of their concerns.

Sixty-seven percent of all SLTLE agencies’ mission statements include community policing (DOJ, 2004). For the most part, SLTLE need only recognize the inherent information-gathering capability of their existing community-policing programs. In addition, SLTLE agencies typically partner with the private sector on an ad hoc basis. SLTLE should revisit those relationships and explore new ones, particularly CIKR sectors.

*f. Other Collection Mechanisms Recommendation*

**SLTLE agencies must consider what, if any, intelligence requirements are not met by existing intelligence collection programs and establish independent or other means to fulfill the intelligence gap.**

This recommendation is specific to the realities and needs of particular SLTLE agencies.

NYPD and the U.S. Coast Guard (USCG) have historically maintained a cooperative partnership to protect the waters of the New York metropolitan area. Subsequent to the events of September 11, 2001, NYPD and USCG enhanced that working relationship, and they maintain intelligence liaisons and conduct joint operations during national security and other events. On March 20, 2008, NYPD and USCG formalized that relationship in a MOU. The maritime element of the 2008 Mumbai attacks underscores the significance of the NYPD-USCG MOU and how specific collection efforts can facilitate SLTLE intelligence (Bennis, 2002; NYPD, 2008d and 2008h).

Alternately, police departments in jurisdictions that service the dairy-farm industry would likely be more concerned with agroterrorism. In 2004, Tommy G. Thompson, former secretary of the Department of Health and Human Services, said “I can’t, for the life of me, understand why the terrorists have not attacked our food supply, because it is so easy to do.” Professor Lawrence W. Wein, Professor of Management Science at Stanford University, and coauthor of “Analyzing a bioterror attack on the food supply: The case of botulinum toxin in milk” (Wein & Liu, 2005) found that milk was particularly vulnerable to an attack. Wein said, “If we didn’t realise what was happening, half a million people would drink this milk ... most of these would be poisoned, roughly half of them would die” (Cox, 2006).

SLTLE agencies with dairy-farm concerns should collect intelligence against the intelligence requirements of agroterrorism. The Strategic Partnership Program Agroterrorism (SPPA) initiative is a partnership of FBI, DHS, the U.S. Department of Agriculture, and the Food and Drug Administration that assesses the food and agriculture

sector in collaboration with private industry. SPPA and other agricultural specific associations would likely satisfy many of the informational and intelligence needs of police departments whose jurisdictions serve dairy farms. In addition, SLTLE agencies with dairy-farm concerns should determine the extent to which SPPA and other existing intelligence constructs fulfill their agency-specific intelligence requirements to identify remaining gaps and endeavor to fulfill those gaps.

In like fashion, SLTLE agencies with other sector-specific concerns should collect intelligence against those concerns through applicable information and intelligence constructs.

### **3. Process and Collation Recommendation**

**SLTLE agencies should develop an information management system that facilitates the appropriate exchange of information internally and externally, de-conflicts investigations, and ensures privacy and civil rights in accordance with applicable law.**

A clear distinction is needed between law enforcement intelligence and national security intelligence. While some information can support the goals of both forms of intelligence, the competing methodologies and types of information that may be maintained in records mandates that the distinction remain clear for purposes of public safety, including the apprehension of offenders and the prevention of criminal and/or terrorist acts (Carter, 2009).

NYPD's intelligence process categorizes information and directs it to a designated unit or outside agency. Typically, index crime and petty offenses are processed at precinct level, and major and special circumstance crimes are processed by a designated specialized unit.<sup>35</sup> Moreover, exceptional and ongoing crime and suspected terrorism information is forwarded to ID. ID passes suspected terrorism information to NY-JTTF,

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<sup>35</sup> There are seven index crimes: murder, rape, robbery, assault burglary, grand larceny, and grand larceny auto. Major and special circumstance crimes include vice, narcotics, organized auto theft, organized crime as it relates to the private carting industry, wholesale markets, and off shore gambling, sexual exploitation of children, gang, identity theft, hate crime, bank robbery, corruption of public officials, and others.



which has the right of first refusal.<sup>36</sup> NY-JTTF elects to either assume the lead or return it to ID. The multilayered process is designed to do two things: 1) coordinate investigations and facilitate the exchange of information both internally and externally, and 2) de-conflict overlapping inquiries and investigations that might hazard each other.

In addition, NYPD's information-management systems include initiatives to ensure privacy and compliance with pertinent law. NYPD is governed by the New York State criminal procedure law, New York State civil rights law, and other applicable New York State law. In addition, NYPD is bound by the Modified Handschu Guidelines, a judicial consent decree that provides guidelines for intelligence practices related to political organizations. Moreover, members of NYPD seconded to NY-JTTF are bound by the Attorney General's Guidelines and applicable federal law.

SLTLE agencies routinely and exceptionally collect vast amounts of information that is relevant to the intelligence function. SLTLE agencies should develop an information-management system that facilitates its intelligence function and protects the privacy and civil rights of its constituency. The Law Enforcement Intelligence Unit's Criminal Intelligence File Guidelines (Law Enforcement Intelligence Unit, 2002) and 28 CFR Part 23, Criminal Intelligence Systems Operating Policy, provide comprehensive intelligence guides for SLTLE solicitation and processing of information and are commended to SLTLE agencies to those ends.

Furthermore, SLTLE agencies and personnel must acknowledge the implications for intelligence and assent to a level of professionalism commensurate with the inherent hazards and ethical requirements of intelligence. SLTLE agencies and personnel must avoid what David Gomez, Assistant Special Agent-in Charge of FBI's Seattle Field Office, refers to as "intelligence pornography," a prurient interest in intelligence (Gomez, personal communication, 2010). SLTLE agencies and personnel should comprehend that, while information and intelligence serves the police function, each piece of information might have consequences for innocent or otherwise protected persons or interests.

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<sup>36</sup> FBI's authority is derived from the National Security Act, Executive Order 12333 and other executive directives.

Information and intelligence, improperly collected or used or disseminated, threatens the fabric of democratic society and the integrity of the intelligence function.

#### **4. Analysis and Production Recommendation**

**SLTLE agencies should establish an analytic capability that makes known information and intelligence relevant to the organization.**

Analysis describes the process of evaluating data for reliability, validity, integrating and analyzing it, and converting the data into a meaningful whole. It is imperative that the intelligence consumer understand analysis and that the consumer be part of the process (Carter, 2009).

NYPD established an array of analytic capabilities to make known information intelligible to the Department. In this regard, NYPD was especially fortunate to have a large and diversified workforce with a prodigious language capability. NYPD leveraged its cultural and linguistic resources to create a cyber capability that infiltrates the cyber world and analyzes cyber threats. In addition, NYPD actively recruited members of IC, military, and recent Ivy League graduate school graduates to serve as intelligence analysts alongside veteran street cops. This unique intelligence ensemble was tasked with analyzing all-source information with implications for New York City.

SLTLE agencies should establish an analytic capability that makes known information intelligible to the agency. No one knows the realities and intelligence needs of a SLTLE agency like the organization itself. SLTLE agencies should take a proprietary interest in intelligence; they must make the intelligence relevant to the functionality of the agency. Preferably, SLTLE agencies should establish an independent analytic unit or establish a relationship with partner agencies/FCs to do so.

Intelligence, and particularly the analysis element thereof, is facilitated by a diverse workforce with language, computer, and intelligence skills. To that end, SLTLE agencies should recruit a diversified workforce with those skills. In addition, they should provide intelligence personnel with language, cyber, cultural awareness, and advanced intelligence training. SLTLE agencies should recruit personnel from the U.S. military whose recent history is rich in cyber- and language-enhanced intelligence operations.

Moreover, they should recruit current and retired members of major city police departments, and in particular NYPD and LAPD, whose post–September 11, 2001 intelligence operations afford cutting-edge SLTLE knowledge and experience.

## **5. Dissemination Recommendation**

### **SLTLE agencies should routinize information dissemination.**

An intelligence product has virtually no value unless the system is able to get the right information to the right people in a time frame that provides value to the report's content (Carter, 2009).

Dissemination is presenting the intelligence product to the intended audience. SLTLE agencies should ensure that appropriate information and intelligence is made available to relevant stakeholders in a timely fashion.

NYPD's multilayered intelligence enterprise affords information where it counts most—to the patrol officer who is most likely to encounter criminals and terrorists. Officers need the most current intelligence available to detect, deter, and mitigate crime and terrorism. NYPD supplies the patrol officer with information and intelligence via daily platoon briefings, bulletins, and special reports and briefings where appropriate. Field Intelligence Officers (FIO) provide each command with up-to-date intelligence, and particularly information and intelligence that are relevant to the command. Moreover, precinct commanders and specialized personnel receive periodic and special intelligence briefings from the intelligence division. In addition, NYPD routinely provides the community and its law enforcement and public-private partnerships with information that respectively facilitates community relations and the information and intelligence requirements of the law enforcement community and designated elements of the private sector.

Typically, SLTLE agencies have adequate mechanisms to provide information and intelligence to patrol officers. Many SLTLE agencies have implemented the Terrorism Liaison Officer (TLO) program that typically disseminates information and intelligence gathered from FCs and other sources to elements of their departments. TLOs

or other designated parties should examine gathered intelligence for relevance to the agency and its communal, law enforcement, and public-private partners and disseminate appropriately.

## **6. Consumption and Feedback: Recommendations**

Lowenthal (2009) concludes that the policy maker should convey to the analyst how the product is used and provide direction to improve future products and define intelligence requirements.

### ***a. Criminal Intelligence Consumption and Feedback***

NYPD's criminal intelligence process, CompStat, is predicated on consumption and feedback. Precinct commanders typically interface with precinct-level crime analysts on a daily basis and periodically with specialized unit analysts; information and intelligence consumption and feedback is constant. To that point, CompStat meetings might be characterized as crackerjack-feedback sessions.

CompStat and ILP are the dominant forms of SLTLE criminal intelligence and typically satisfy consumption and feedback requirements; more importantly, the right information gets into the hands of the right people who can use the information to develop policy and operational responses. Moreover, SLTLE agencies should consider the symbioses of crime and terrorism and that criminal intelligence facilitates the national intelligence. SLTLE agencies should, in accordance with law, tender criminal intelligence to its intelligence division or, in the absence of such, to its resident state-police intelligence division for all-source analysis.

### ***b. National Intelligence Consumption and Feedback***

High-ranking members of NYPD are briefed by ID and others on material matters as appropriate. NYPD intelligence products typically bear an originator's name and point of contact that afford the consumer an opportunity to ascertain further details and to provide feedback. Moreover, command-level FIOs afford each command a direct link to ID and facilitate requests for information and analysis on an ad hoc basis. Finally,

all members of the department receive counterterrorism and intelligence training commensurate with their rank and position in the department. Each member is encouraged to participate in the intelligence process and is afforded access to NYPD's intelligence resources on an ad hoc and appropriate basis.

SLTLE agencies should access the national intelligence vis-à-vis FCs and other intelligence constructs as available. The agency's designated intelligence unit or officer should assess the national intelligence for agency and jurisdictional implications. SLTLE agencies should understand that the intelligence consumer is part of the process. Intelligence analysts should be provided appropriate direction by the consumer, and that direction should communicate to the analysts the operating context: "*What are the conditions? What is happening? What is going on, and who is it going on with? Who are we talking to and what are they saying? Does what people say corroborate or conflict with reality? And most importantly; how can the analyst facilitate the consumer's mission?*" In turn, the analyst should tell the consumer, as prescribed by Colin Powell, what the analyst *knows, doesn't know, and thinks* (Fingar, 2006).

### C. CONCLUSION

And we are now men, and must accept in the highest mind the same transcendent destiny; and not minors and invalids in a protected corner; not cowards fleeing before a revolution, but guides, redeemers and benefactors, obeying the Almighty effort and advancing on Chaos and the Dark.

–Ralph Waldo Emerson, *Self-Reliance* (1841)

The events of Tuesday, September 11, 2001, engendered the homeland security era and the realization that transnational terrorists have the motive, capability, and wherewithal to strike the American homeland. New York City and NYPD are intimately familiar with terrorism. They vowed that those that perished on September 11, 2001, did not do so in vain and that all means necessary would be taken to prevent a recurrence of that harrowing event. To that end, NYPD assumed a proactive counterterrorism role and transformed its organization and business practices to acquire intelligence that might prevent future attacks. In effect, NYPD's efforts bolstered the nation's homeland

security. This thesis concludes that SLTLE agencies should adopt an NYPD intelligence-like program scaled and tailored to their realities and needs to prevent future attacks to their hometowns and in effect to compound a national effort to secure the homeland.

This thesis found that the national homeland security effort has been and remains a top-down federally dominated and coordinated effort. Regardless, the review of past, current, and evolving federal initiatives indicates that the U.S. intelligence community, and particularly ISE, are trying to develop an information-sharing environment that might facilitate the intelligence requirements of SLTLE agencies. Moreover, the FC construct continues to evolve, and the prospect of an FC national enterprise would also facilitate the intelligence requirements of SLTLE agencies. SLTLE agencies and their associations should ensure that those two trends continue.

Finally, SLTLE agencies should overcome their institutional stasis. As “full and trusted partners with the Federal Government in our Nation’s effort to combat terrorism” (Office of the White House, 2007), SLTLE agencies should affect their role in homeland security. The complexity of issues and multiplicity of actors inherent to homeland security need not confound the homeland security enterprise. SLTLE agencies and IC should recognize that a national effort for homeland security should be just that—a national effort. Achieving that end is the responsibility of SLTLE agencies, IC, and all homeland security practitioners. NYPD’s intelligence enterprise is a means to that end.

#### **D. POLICY IMPLICATIONS**

The status quo SLTLE intelligence enterprise is inadequate for the homeland security era.

Alain Bauer concludes that the challenge is to convince the “cops, the feds, and the spooks” that they are fighting against the same enemies and to understand that if those enemies cooperate informally, quickly, and easily, the government institutions that are up against them have to learn to do the same thing (Dickey, 2009a). Hometown and homeland security requires SLTLE agencies to think and act locally, nationally, and globally. NYPD’s intelligence enterprise is a smart practice that affords SLTLE agencies an array of programs and initiatives that facilitates those objectives.

Each of the nation's 17,786 SLTLE agencies knows its realities, needs, and particularly its internal threats best. They should fuse the combined efforts of federal, NYPD-like, and other constructs to acquire the intelligence necessary to secure their respective hometowns and the nation's homeland.

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