Answering the Terrorism Challenge

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In the aftermath of 9/11 almost every major security, law enforcement, and intelligence organization around the world initiated sometimes dramatic changes to address the terrorist threat.

None introduced more profound changes than the New York City Police Department (NYPD). This chapter focuses on how the NYPD re-engineered its intelligence structure, operations, and culture to address the post-9/11 threat to New York City. It is important to note that the NYPD response to the threat involved a broad array of CT<not defined> programs beyond those of its intelligence activities.

Threats and Consequences

Before reviewing how the NYPD Intelligence Division evolved and operated after 9/11, a partial inventory of what it did during the period 2002 through 2013 is appropriate. During that period, New York City experienced 16 known plots directed at it from al-Qaeda core, al-Qaeda affiliated, or al-Qaeda-inspired homegrown terrorists. All were deterred. Of the 16, the NYPD Intelligence Division was responsible for stopping 3 and played an important or significant role in thwarting 3 others.

Preventing a terrorist attack also meant preempting those who would train, plan, and plot. In this regard, the NYPD Intelligence Division, alone or in conjunction with the FBI or other Federal authorities, brought to justice several dozen persons who fit this description.

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Well-documented examples of this activity include the following:

-----The case of Abdel Hameed Shehadah, who traveled to Pakistan in 2008 for jihadi training, but was turned back by authorities based on intelligence provided by an NYPD undercover officer.

-----The case of Almonte and Alessa who were about to join al-Shabab when arrested at JFK airport in 2010; a joint case with the FBI and a model of collaboration, an NYPD undercover officer was central to its success.

-----The 2013 case of Justin Kaliebe and Marcos "ali" Zea, both planning to join AQAP before they were arrested, Kaliebe at JFK Airport and Zea at home; this was another joint NYPD–FBI case using NYPD undercover and confidential informant assets.

In these and similar cases, the Intelligence Division believed each of these persons would have been trained overseas and eventually returned to New York City to carry out an attack on behalf of their terrorist benefactors.

-----This was the case of Najibullah Zazzi and his al-Qaeda trained cohorts, Zarien Ahmedzay and Adis Medunjanin, who trained in Pakistan in 2008 and returned to NewYork City to attack the subway system days after the eighth anniversary of 9/11.

-----Another example is Faisal Shahzad, a Connecticut resident who attempted to detonate a car bomb in Times Square on 1 May 2010 after being trained in a Tehrik-i-Taliban Pakistan [TTP] training camp.

The Intelligence Division also placed heavy emphasis on detecting and deterring agents of radicalization. In this regard, the Division was early in targeting the Internet and later social media as mechanisms for inciting radicalization to violence.

-----A prime example is the Revolutionary Muslim case—a radicalizing website started in Brooklyn in 2007 by Younes Abdullah Mohammed and Yousef al-Khattab, both of whom were under investigation by the NYPD Intelligence Division.

-----In 2012 Younes was arrested and sentenced to 10 years in prison in a joint effort between the Intelligence Division, the FBI Washington Field Office, and the Eastern District of Virginia U.S. Attorney's Office.

----- Before Younes, who was under investigation by the Intelligence

Division for several years, was arrested, the website had become a global mechanism for radicalization, including with persons connected to New York City.

-----These included Zachery Chesser, who provided material support to al-Shabaab; Rezwan Ferdaus, who was sentenced in 2012 for a plot to attack the Pentagon; and Colleen Larose [Jihad Jane], who plotted to kill a Swedish artist over the cartoon matter.

----- Samir Kahn, with deep ties in New York City, was another potent radicalizing agent under investigation by the Intelligence Division before he moved to Yemen; killed in a U.S. drone strike along with Anwar al-Alawki, Samir authored the widely read Inspire Magazine and produced a radicalizing website before going to Yemen.

Regarding radicalization and the homegrown threat, as early as 2006, and long before the emergence of the ISIS radicalization threat to the homeland, the Intelligence Division produced a study on the radicalization process entitled Radicalization in the West: The Homegrown Threat*. Published and disseminated in five languages—English, French, German, Spanish, and Russian—it remains among the most insightful studies of its kind, according to subject experts. Based on case studies of individual terrorist attacks or plots in eight countries the Intelligence Division authors visited, it provided an intellectual depth to the issue not generally available to law enforcement or intelligence professionals prior to its publication.

*One of the principal authors of this report, Mr. Mitch Silber, recently introduced the concept of the Islamic State of Syria and Iraq, adopting the technique of "Crowdsourced Jihad" in an article published in Cipher online.

Beyond the operations, investigations, and prosecutions it undertook, Intelligence Division activities included a wide range of more mundane, but no less important activities such as:

-----Following-up on the more than 25,000 counterterrorism leads called in by the public via the NYPD hotline established in early 2002.

-----Provided intelligence guidance to thousands of NYPD Critical Response Vehicle program deployments designed to deter possible terrorist surveillance of target locations by placing NYPD vehicles and personnel at those spots.

-----Undertook over 50,000 visits to businesses that sell, store, or handle goods or services known to have been used by terrorist operatives in attacks abroad and warn of the risk should suspicious purchases be made or attempted.

-----Developed and led partnerships with over 150 state and local law enforcement agencies to assure that they coulddo what they could to help prevent terrorist activitytargeting New York from gaining root in their locales.

In sum, the NYPD Intelligence program built in the aftermath of 9/11 played a major—but not sole—role in protecting New York City from additional terrorist attacks in the years following that event. Beyond the arrests, prosecutions, and convictions of dozens of individuals, we will never know what was prevented by virtue of intelligence-driven interventions that helped divert individuals otherwise on the path of radicalization to violence. These interventions took the form of interviews after finding inflammatory language on Facebook page, for example, interviews as follow-up to a "hot-line" call in, or threatening language someone shared with a confidential informant or undercover. The sum of all this, plus the many other NYPD CT programs implemented beginning in 2002, is that New York City was not attacked despite the many efforts—known and unknown to us—to do so.

Re-engineering Intelligence

The NYPD Intelligence Division had a long and sometimes fabled history in the decades prior to 9/11. But aside from a stable of extremely talented investigators and supervisors, it was not prepared for the mission of intelligence in the post-9/11 environment. No organization was. The re-engineering it subsequently went through was unprecedented in its history, unchartered in that there were no roadmaps or guideposts to follow or mimic and profound in that each person was going to be asked to take on responsibilities and roles they did not join the NYPD nor the "old" Intelligence Division to do. To do what was needed and what was done required three essential elements:

-----First, leadership at the highest levels of the Department, Division, and line units.

-----Second, dramatic cultural change among investigators, analysts, and supervisors.

-----Third, an environment that produced ideas, engagement, and integration.

Leadership

An effective counterterrorism intelligence program at the national or subnational level must receive its guidance from and have the ear of the person at the highest level of the organization the program is in. In the case of the NYPD Intelligence Division, this meant Police Commissioner Raymond Kelly. His commitment to having a high-quality, effective, and responsible intelligence program was unambiguous, demanding, and unrelenting. These characteristics did not translate into micromanagement as they might have. Rather, it meant keeping him informed, avoiding surprising him with matters he should be knowing of, and never hiding the bad news of a problem, failure, or foul-up that warrants his knowledge.

The mechanism he used to oversee NYPD Intelligence Division activities was a daily, one hour or more, morning meeting. He was briefed on what was known of the global and national terrorist picture—in substantial detail—what the Division was learning about the threat locally, and how individual programs were performing. His strategy was broad gauged, but also tightly focused. At the broadest level, the strategy was to keep New York City as safe as we could within constitutional bounds and Court guidelines; at the most tactical level, the guidance was to move the odds against another terror attack and in our favor a little bit every day. Thus, intelligence operations, investigations, and analysis demanded patience, persistence, and continuous improvement.

Changing the Culture

Law enforcement and counterterrorism intelligence operations are not necessarily a natural fit. NYPD detectives achieve success by making good arrests. Among the best in the world, many found their way into the Intelligence Division just prior to the 9/11 attacks. Most came from the Narcotics Division where success meant large numbers of quickly done "buy and bust" operations. They were smart and energetic detectives or supervisors, but good intelligence operations demanded other qualities as well. Most importantly, patience in developing and testing assets, keeping them in place for long durations—sometimes years—and careful collection, documentation, and collation of intelligence information to be pieced together like a puzzle.

Blending these vastly different cultures required change at all levels. First and foremost, detectives were weaned off making fast-moving arrests in large numbers. That meant no more cigarette or drug cases that traditionally were used to build an inventory of confidential informants. New mechanisms were created to develop confidential informants needed to address the rising threat of homegrown radicalization. Ironically, long before ISIS emerged, the NYPD Intelligence Division recognized and acted on that threat.

----- In August 2004 it arrested two homegrown jihadis—Shahawar Matin Siraj and James Elshafay—plotting to blow up Manhattan's Herald Square subway station [East 34th Street and Sixth Avenue] on the eve of the Republican National Convention to be held a block away. This was America's first post 9/11 homegrown al-Qaeda-inspired plot to kill Americans.

The transformation worked. Intelligence Division Detectives now blended their knowhow as investigators with the skills of the intelligence profession—different tradecraft, different use of informants, and the need for greater patience. But more change was needed from the pre-9/11 world of police intelligence.

-----A critical change needed was in how information was collected, combined, and shared. This meant automation. As late as early 2002 the Intelligence Division was still using a system in which debriefings were hand written in triplicate using carbon paper, forwarded via an internal hand carried mail delivery system, and kept in filing cabinets with limited chance of collation, integration, and analysis. Decades of doing things this way needed to change fast. Thanks to outside help, supervisors who recognized the need for change and persistence at all levels, automation was injected into the Intelligence Division earlier than elsewhere in the NYPD. It could now learn what it knew.

-----The relationship between uniformed and civilian members of the Intelligence Division also determined the effectiveness of its counterterrorism program. In almost any large organization, a caste-like system can easily develop that gets in the way of effectiveness. In the CIA the challenge, for example, was linking operations officers with analysts. In the NYPD the challenge was integrating uniformed personnel with civilian analysts. The Division hired its first of many civilian analysts in 2002 to help identify the "dots", connect the "dots", and then interpret what they meant and where they led. In short, bridging this cultural gap—civilian and uniformed—was critical to the success of the Intelligence Division.

-----The need for change never diminished. When one issue would be identified and fixed, it often revealed a new set of issues needing attention. Sometimes the layered constraints were a function of the 150-plus-year history of the NYPD, which served the Department and New York City well in addressing traditional crime. But if it impeded how intelligence addressed the terrorist threat, it was met head on. This identifying and fixing problems or finding a better way to do things became an essential part of the NYPD Intelligence Division's DNA—the commitment to continuous improvement at every level and in every subordinate unit or program it undertook.

Ideas, Engagement and Integration

In the aftermath of 9/11 and as the Intelligence Division was re-engineering itself to address the ongoing threat, there was no roadmap or playbook to follow. There was no time for consultants to advise "how it's done"; nor were there any out there that would have the experience to do so since this was a completely new world for municipal intelligence. This gap was mostly filled by the daily 8:00 A.M. meeting of the Police Commissioner, the Deputy Commissioner of Intelligence, and the Deputy Commissioner of Counterterrorism. This is where new ideas were tossed around and decided upon. Putting teeth into them came after the A.M. meeting.

Since almost all new initiatives involved a break or change from the past, communications between senior management, supervisors, and detectives was key to re-engineering the Division. The NYPD is among the most can-do organizations imaginable. It is a paramilitary organization that when asked to do something, it gets done. Period. In the post-9/11 era of NYPD counterterrorism intelligence, it was essential that all levels of the Division involved in an activity fully understand what needed to be done and why. Just doing something because the "front office" wanted it was not good enough. This was especially so as the Division took on activities that, if not done well, wisely, and by well-informed personnel, could run the risk of breaching legal guidelines.

As this investment in personnel and program development progressed, the Division steadily began to re-engineer itself from the bottom up as well as from the top down. Mid-level managers, supervisors, and those closest to the ground steadily and energetically introduced ideas and ways of doing things that improved on the initiatives they were asked to take on. The Division became a hotbed of ideas on how to accomplish things needed to protect New York City from another terrorist attack. The intellectual ownership of the mission of the Intelligence Division by those doing the day-in–day-out work was a key to its effectiveness and sustained success.

Once the Intelligence Division got off the ground for its post-9/11 mission, some 16 separate units were eventually established. Each had a unique responsibility, either in the intelligence collection, investigations, analysis, or support arena. Some overlapped on the edges, some dovetailed perfectly, and some were compartmentalized in extremis to protect the most sensitive sources and methods. The priority then became making sure program managers—usually Lieutenants—shared with colleagues what their units were doing, that de-confliction was automatic, and that information moved seamlessly. To a person, they got it done thanks to leadership from the Captains, Inspectors, and the most senior uniformed officer Assistant Chief of the Intelligence Division, Tom Galati.

Getting Started: The NYPD Hotline

Prior to 9/11 any and all NYPD-produced terrorism-related intelligence was transferred for action to the FBI's New York Field Office Joint Terrorism Task Force [JTTF] where the NYPD had detailed a handful of detectives and supervisor. The NYPD Intelligence Division had no role in and took no responsibility for follow-up. While this changed in the immediate aftermath of 9/11 when the FBI JTTF was swamped with follow-up work, the NYPD Intelligence Division had no meaningful part in investigations beyond running down leads passed to them from the JTTF.

By mid-February 2002 the NYPD was still receiving FBI-produced leads for follow-up with the results returned to the JTTF for their action, if any. By that time, however, with new NYPD leadership in place, the NYPD Intelligence Division was producing its own leads and investigations generated as follows:

-----First, leads returned to the Intelligence Division from the JTTF, when the JTTF decided there was no worthwhile follow-up, would be pursued nonetheless by the Division if it thought there was reason.

-----Second, leads coming directly to the NYPD Intelligence Division via contacts it had on the street; this might be a confidential informant who learned of something on their own or a walk-in to a precinct.

-----Third, the setting up of the NYPD CT hotline, which enabled the public to call in suspicious activity, persons, or matters of CT concern.

Over a period of years, this hotline, located at the Intelligence Division's 24 hour 7 days a week Operations Desk, received more than 25,000 calls from the public. Each was pursued aggressively and many, over the years, resulted in full-scale investigations and arrests for matters directly or indirectly related to terrorism. The rules were simple—when a call came in, give the JTTF first rights of refusal to follow-up; if they chose not to, the NYPD Intelligence Division would. The follow-up would be immediate and in person, the results would be documented in operational reports and filed, and a full investigative case initiated if warranted.

With this process, the NYPD Intelligence Division had entered a new era of undertaking investigations with the sole purpose of uncovering terrorist-related activity. Also, by this time the Intelligence Division was scouring the worldwide information flow to identify organizations abroad that were known to be incubators of radicalization or believed to be involved in terrorism.

-----One example was al-Muhajiroon, an organization created by Omar Bakri in the United Kingdom. Bakri, eventually expelled from the UK for extremist activity, sponsored a New York City chapter whose members included up to 5 people eventually arrested, convicted, and sentenced for various terrorism-related crimes.

-----Others warranting attention included, for example, Lashka e Taiba, Hezbollah, Hamas, and every other Organization labeled as terrorist groups by the U.S. Government whether in South Asia, North Africa, the Middle East, or the Caucuses.

-----Nor was the danger of Iranian-sponsored terrorism ignored; Iranian surveillance of the sensitive New York City subway line as it entered Manhattan from Queens is a case in point; the camera surveillance was intercepted by Transit Police and Intelligence Division Farsi-speaking detectives quickly ended the Iranian attempt to argue they did not understand English; the USG eventually expelled them.

Intelligence Operations: A Core Capability

A core strength the NYPD terrorism-related operations was the ability to attract uniformed managers, supervisors, and detectives of the highest quality in the Department. With the strong support of the 14th floor—the Commissioner—the Division over time brought on board the best cadre of uniformed personnel in the NYPD. Every aspect of the Division benefited, none more so than the all-important undercover and confidential Informant units.

The Deep Undercover Program

The Intelligence Division Undercover [UC] program is arguably the most unique in the world. It consisted of young officers—typically 22–26 years old—almost all born abroad or first-generation, all U.S. citizens and all with native fluency in languages ranging from Urdu to Bengali. Over time, the cadre consisted of men and women with roots in over a dozen countries, mostly South Asia, the Middle East, and North Africa. Instead of using experienced detectives who could not blend in with investigative subjects, these rookies entered the Department via the Intelligence Division rather than the Police Academy. Hand chosen, they were smart, highly motivated, and fully understanding of the complexity of what they were about to do as professionals.

As UCs, they never entered an NYPD facility. They went through an intense six-month training program—training was done by the undercover unit itself, usually in hotel rooms or locations far from New York City. The training class consisted of

one student at a time and instructors were often former UCs who understood the professional and personnel issues that would arise when you live a full-time life of someone other than yourself. The pressure on the UCs, their handlers, and managers was intense as the stakes were high—to the UC and the investigation they were involved in.

The UCs were a cadre of officers that blended naturally with the persons, clusters, and organizations that were being investigated. In the Almonte and Alessa case, as in others, this was essential. While Almonte and Alessa trained to join al-Shabaab, a remarkable 23-year-old undercover of Egyptian background was invited to join them after he spent months engaging them on the margins of their own more open life. When the case became public, even his parents and his girlfriend [soon to be his wife] had no idea he had lived a separate life as an NYPD Intelligence Division UC for the previous four years.

Confidential Informants

A backbone of Intelligence Division operations involved using confidential informants [CIs] to get close to those persons, clusters, or organizations under investigation. In those investigations, the Intelligence Division from its post-9/11 restart understood and stayed firmly committed to the policy of avoiding any action that might be interpreted as an act of entrapment. Division management at all levels knew this would be a first line of defense in prosecution of a terrorist case. As expected, it was the lead defense argument in the case against Jose Pimentel who was self-radicalized, an Internet disciple of AQAP's Anwar al-Awlaki and a bomb maker who wanted to kill U.S. military personnel returning from Afghanistan.

> -----Over the course of this investigation the Intelligence Division used two confidential informants and an undercover officer before arresting him in 2011 as he was constructing 3 bombs in an apartment in Washington Heights.

Having confidential informants that can gain access is essential; having detectives that can manage, control, and direct them is no less essential. The NYPD Intelligence units that worked with confidential informants were well trained on this. Regarding the issue of access, the Division scored very high in who it chose as confidential informants—sometimes it was too good:

> -----This occurred in the case of Najibullah Zazi, who, with two other al-Qaeda-trained associates from Queens, planned multiple suicide attacks in the New York subway system in 2009. Asked by the FBI if it knew or could learn anything of Zazi who also grew up in Queens, New York, the Intelligence Division approached one of its informants who happened to know Zazi's family so well that he called Zazi's father, alerting him that law

enforcement was asking about his son.

-----In this case, as trial transcripts show, Zazi had already terminated the plot the night before the alerting phone call was made; as he states at trial, he realized he was under surveillance, especially when he faced an FBI- directed Port Authority car stop at the George Washington Bridge following a 100-hour drive from Denver to New York City. The case, with all its complications, demonstrates the depth of the NYPD informant cadre it could call on in time of need.

The Division developed and instituted an unparalleled vetting process for confidential informants used in the antiterrorism program. Operational testing was rigorous and continuous to assure that informants were not merely reporting what they thought their investigator handlers wanted to hear or were trying to "dirty up" someone the informant wanted to harm. Their reporting streams were constantly reviewed for inconsistencies in what was already known about a target; a stringent mechanism was established that evaluated the ability of the investigators to manage their informants in the best way. Nothing was left to chance as the review process itself consisted of the most experienced talent in the Division. These reviews were hard-hitting and focused—it was not "checking off the box".

Civilian Analysts are Critical

The Division hired its first civilian analyst by spring 2002. He was a Merchant Marine Academy graduate as the Division was concerned about operatives entering New York City via the port and needed knowledge in this arena. Meanwhile, the Police Commissioner wanted and got a robust civilian analyst cadre embedded in the Division. The proviso was that they come from the best schools with relevant backgrounds. In relatively short order, the NYPD Intelligence Division civilian analyst program became a powerful force multiplier and, in the view of many who worked with them, unmatched, person for person, anywhere in law enforcement. They quickly became essential to the counterterrorism intelligence investigative program.

The blending of civilian analysts with investigators was neither automatic nor natural. The civilian cadre typically came from Harvard, Columbia, and Georgetown quality graduate schools. They preferred intelligence work in New York City over Washington, DC for any number of reasons, but they were not yet intelligence analysts. That came only with grinding experience and an appreciation that ground-level analysis—what someone was saying to someone else in an apartment in Brooklyn, Queens, or Staten Island, for example—was what mattered most. They made the adjustment and came to play a powerful role in pursuing investigations and bringing them to prosecution.

Their intelligence, diligence, and creativity quickly won the respect of the

investigative units they worked with. They were helped by the management decision that, for operational security reasons, the operational reporting of each investigative unit—whether the undercover unit or those handling confidential informants—was compartmented from one another. As a follow-on decision, at the working level, only the civilian analyst[s] involved in an investigation was authorized to see the reporting from all CIs and UCs involved in that case.

-----It therefore fell to analysts to collate the information, analyze it, identify gaps that needed filling, and set requirements for both the UC and CI programs.

-----This empowerment of the analysts helped make them full partners with the investigators; in the CI review noted earlier, the analyst and investigator answered as a team. The integration of operations and analysis became complete.

Cyber Intelligence Arrives

One of the first programs introduced into the re-engineered Intelligence Division was its cyber unit. Started from scratch in late 2002, there was little experience or know-how to begin with, but, a little at a time, new talent was added and in-house expertise accumulated. The Division had learned quickly that the Internet was fast becoming important for three reasons:

-----First, al-Qaeda and its affiliates were beginning tocommunicate their ideology via the Internet as well as via CD's and videos and thus the Internet was rapidly becoming a source of radicalization.

-----Second, the Intelligence Division early recognized the Internet was increasingly being used by already radicalized individuals around the world to communicate with one another, forming "virtual" jihadi clusters, including with persons in the New York City area, without ever meeting one another.

-----Third, the Internet had become a threatening source of information on bomb-making material and techniques, explosive devices of all kinds, and even how to communicate securely.

All of this underscored Commissioner Kelly's 2003 media statement "that the internet had replaced Afghanistan as a training ground for terrorism". His comment was prescient.

The cyber unit quickly established a unique tradecraft on where to look, what to watch for, how to interpret what it was learning, and the roadmap of appropriate follow-up. The Intelligence Division also had the advantage of deep language

capabilities; its cyber analysts could assess what was said on jihadi websites and chat rooms whether in Arabic, Farsi, Turkic, or Pashto while watching and listening for any references to New York City. These language capabilities were so deep that Commissioner Kelly offered them up to the federal government to support its efforts in these matters.

The greatest impact of the cyber work sprang from the integration of the cyber analysts—which included uniformed and civilian personnel—with civilian investigative analysts and investigative detectives. The cyber team—always working in the unclassified world—would identify a person[s] of concern, the civilian analysts would do follow-up "forensic analysis"*, and, if needed, an investigation would begin involving the three (cyber, civilian, and detective) as a team. As early as 2012 such teams led the Division to start assessing how the Syrian rebellion was attracting and producing radicalized persons in the New York area.

-----Even before the Islamic State of Syria and Iraq [ISIS] emerged, the Intelligence Division understood and was acting on how the threat from Syria would come back to New York City and the United States.

-----It had a long record of looking for "Lone Wolves" as the homegrown threat began emerging in New York years earlier in the aftermath of 9/11.

*Forensic analysis consisted of a process in which the civilian analyst was expected to check all/all known and available unclassified databases to reconstruct everything known by law enforcement about an individual of potential investigative interest. The results of this forensic analysis would be an important input into decisions on next steps, if any.

Creating An International Program

By fall 2002 the Division deployed a detective abroad, the first of what would be 11 law enforcement organizations around the world. These included London's Scotland Yard, the Surete' du Quebec, and France's Paris Prefect among others. With few exceptions these hand-picked Members of the Service (MOS) had native fluency in the language of the country assigned. The assignees to the Madrid Police, for example, spoke fluent Castilian Spanish; Intelligence Division assignees to the Quebec Surete' and the Paris Prefect were fluent in French; in the Middle East, assignees spoke Arabic. Their typically six month training program, knowledge of the NYPD, and police intelligence made them welcome additions to the agencies that hosted them.

Their job was to represent the NYPD interest in comparing best counterterrorism practices with counterparts abroad and assure that the "New York

question" was always asked by the host service when terrorism-related events or investigations occurred. Finally, their responsibility was to be on site of a terrorist event as soon as possible to learn and report home what happened and how it happened. It was vital that the NYPD learn from such events in order to improve its own counterterrorism programs. It worked extremely well:

-----By having an accomplished Lieutenant on site after the Madrid commuter train attack in 2004, the NYPD altered its Critical Response Vehicle deployment strategy regarding subway stations and how it would handle terrorist crime scene material.

-----By having a three-person team in Mumbai within 72 hours of the terrorist attack in 2008, the NYPD quickly moved to train additional personnel in use of long-guns, did internal hotel terrain mapping, established specialized hotel teams, and had table top exercises using the Mumbai scenario.

-----Within a week of arriving in Mumbai, the Intelligence Division produced and disseminated to law enforcement agencies throughout the United States a 70-page report on what it learned from Mumbai; at NYPD Headquarters, Commissioner Kelly hosted a 2-hour videoconference between the on-the-ground NYPD team while in Mumbai and 300 private sector and law enforcement personnel.

-----After the 7/7 and 7/21 bombings in London where one of the first NYPD Liaison Officers were posted to Scotland Yard, Kelly began the New York subway system baggage inspection program; following the UK takedown of Operation Overt, specialized surveillance training was begun should it be needed as it was during the Zazi case.

Learning from being on the scene was vital; sharing what waslearned with other U.S. Police Departments and agencies was standard operating procedure. Surprisingly, by the time the Kelly Administration ended, the NYPD Intelligence Division had become a valuable source of information and insight for many of the Foreign Security Services with which it worked.

-----During those 12 years, the Intelligence Division hosted hundreds of visits by Foreign Security Services, provided training to more than a handful, and had won the respect of all for its professionalism and effectiveness.

-----Some findings and observations stemming from those meetings include the following:

-----Few, if any, foreign Security and/or Intelligence Services had integrated civilian Intelligence analysts and investigators as thoroughly, if at all, as the Intelligence Division had.

-----Few, if any, had an undercover program as fully imbedded into their organization as was the Intelligence Division UC program.

-----Nor were their UC activities staffed with personnel who were full-time employees of their organization; more typically, they used only Confidential Informants or non-staff undercovers.

-----Finally, many seemed to be constrained by unit-specific parochial perspectives that clearly interfered with organization-wide integration of programs, people, and information.

While all admired the NYPD Intelligence program, structural or cultural restraints impaired their ability or willingness to replicate important elements of it.

Vital Regional Partnerships

For starters, the NYPD is a huge organization by any measure. In 2002 when the process of restricting it to address the terrorist threat began, there were 42,000 Uniformed MOS plus 15,000 civilians. Any organization that large and powerful often develops a view that it can accomplish what it needs to on its own.

-----The counterterrorism philosophy of the NYPD Intelligence Division rejected that perspective from the beginning of the 2002 re-engineering period.

-----It needed partners to properly protect New York City from another round of attacks—either from al-Qaeda core, al-Qaeda affiliates, or the homegrown threat.

This view of a regional approach to intelligence operations was the foundation of "Operation Sentry".

The essence of Operation Sentry was that the plotting, planning, training, and deployment of an attack on the City was just as likely to occur outside New York City as inside. Thus, special relationships were established with local law enforcement agencies immediately surrounding the City.

-----At the start, these partnerships included 21 LEAs such as Jersey City, Nassau County, Suffolk County, Newark New Jersey, Rockland County Police, New Jersey State Police.

-----Eventually, the alliance extended to Albany, Syracuse, Rochester, and Buffalo.

Ultimately, this informal, bottoms-up alliance extended across the country to include the Texas Rangers, Columbus Ohio PD, Minneapolis PD, LAPD, Fremont California, Portland Maine, Boston, and more.

-----By the end of the Kelly Administration, there were 145 members of Operation Sentry linked together via video conferencing, telephone contact, and operational/information-sharing meetings.

Several essential features of Operation Sentry made it effective and attractive to each member.

-----First and foremost, the NYPD Intelligence Division made it clear it needed the help to protect New York City; traditional "I can do it alone" arrogance was left behind.

-----Second, the NYPD Intelligence Division committed some of its best detectives and analysts to Operation Sentry; this was an important way of showing respect for our partners and the nature of the NYPD commitment.

-----Third, the NYPD provided training, advice, and support on any matter an alliance member would request of it. This extended to counterterrorism matters or traditional crime issues.

-----In this regard, the NYPD Intelligence Division became the entry way into the vast resources and know-how of the NYPD when needed by an Operation Sentry
partner.

-----When the Hoboken, New Jersey PD needed scuba divers to assist in retrieving a body from the Hudson River, for example, the first call for help came to the NYPD Intelligence Division. The same with the murder of an upstate New York female found in Long Island.

-----Fourth, information sharing—to be discussed in more detail below—was complete and transparent and based on a policy of "push" rather than "pull"; Intelligence Division policy and practice was to get information out

fast, in useable fashion, and to whoever needed it without waiting for a partner to ask for it.

-----Fifth, the Intelligence Division leaders responsible for managing Operation Sentry were committed to a "no surprises" policy; any activity the Intelligence Division undertook in a member's territory was always done with the knowledge and, when needed, help of the partner in place. The policy was unambiguous and strongly supported by every Operation Sentry MOS and partner.

And the results were remarkable. Examples include, but are not limited to, the following:

-----The Pimentel case as well as a case involving a financial associate of the Blind Sheik, an individual linked to Hamas' senior U.S. fund raiser and the suspected sanctioner of Rashid Baz who killed Ari Halberstam, all emerged from CI leads obtained in conjunction with upstate New York Police Departments.

-----Multiple terrorism-related investigations, arrests, and convictions resulted from joint efforts with Suffolk and Nassau County PDs, authorized investigative surveillance was done in consort with New Jersey PDs, and dozens of cyber leads produced by the Intelligence Division Cyber Unit were shared with local Police Departments around the country as well as the Federal Government.

Private Sector Partnerships

Almost from the beginning of the re-engineered Intelligence Division a program was begun to reach out to the private sector to engage it in "watching out" for any anomalous purchase that should raise concern about possible terrorist activity. The following steps were taken to this end:

-----First, material that could be used in a terrorist plot were identified based on events overseas and a careful scrub of information available to anyone on the Internet.

-----Second, businesses that bought, sold, inventoried, or transported such material were identified throughout the tristate area—New York, New Jersey, and Connecticut.

-----Teams of detectives were deployed to visit each of these locations and meet with managers and/or staff who were:

a] Informed about how products in their possession had been used in terrorist attacks abroad;

b] Asked to watch for any purchase that was inconsistent with normal practices of their business;

c] Advised to report that activity to the FBI and the NYPD Counterterrorism Hotline.

During the 12-year history of what became known as "Operation Nexus", over 50,000 businesses were visited by Intelligence Division Detectives. To raise awareness, they also spoke to industry conventions such as the aircraft spraying convention, the UAV convention as well as gun shows to name a few. Special links also were made with some firms.

-----Intelligence Detectives, for example, established a connection with the fuel trucking industry in the New York–New Jersey region to assure any missing fuel trucks would be immediately reported to the NYPD Intelligence Division Operations Unit for response.

----- In another example, after the Boston Marathon attack, a real-time link was established by Operation Nexus with the country's largest fireworks firm headquartered in Pennsylvania.

-----The firm unknowingly was the source of fireworks bought by Faisal Shazhad in his plan to detonate a bomb in Times Square; the Tsarnaev brothers purchased their fireworks from the firm to gain access to the black powder contained in the fireworks.

According to the firm, Operation Nexus outreach was the first time it had been contacted by any law enforcement agency. Unfortunately, this came only after the Boston Marathon attack when the NYPD Intelligence Division was able to connect the two purchases.

NYPD Intelligence and The Federal Government

The NYPD leadership decision to carve out a role in defending New York City against another terrorist attack was not immediately understood or necessarily welcomed by all U.S. Government agencies responsible for counterterrorism. In some instances, stark frictions emerged very early and lasted longer than many on all sides of the issue would have preferred. Candor dictates that the greatest concern was within the FBI, but over time many in the Bureau came to appreciate the unique

contribution of the NYPD Intelligence Division, its special skills, and its unmatched talent base.

-----The early claims that the NYPD Intelligence Division was overeager or amateurish, by the end of the KellyAdministration, gave way to far more than a grudging respect and an eagerness to identify opportunities to team up.

-----Close partnerships were also developed with U.S. prosecutors as far afield as the Eastern District of Virginia, which successfully prosecuted Intelligence Division cases others would not.

Throughout the period, the Intelligence Division was able to detail highly qualified personnel to various U.S. Government agencies both in the New York City area and in Washington, DC. In all cases, it is clear that these agencies welcomed the information and quality of personnel the Division was able to offer. Of greatest value to these Agencies was the "view from the ground" regarding what was important that NYPD analysts and investigators were concerned about or able to provide.

Much has been made in the media of the NYPD–CIA relationship; most of it myth, implying a sinister purpose was at play. The reality was quite the contrary. As a CIA Inspector General report stated publicly following a 6-month review:

-----1] The CIA–NYPD relationship was consistent with the 1947 National Security Act;

----- 2] The CIA–NYPD relationship was consistent with Executive Order 12333;

-----3] The CIA–NYPD relationship had been approved at the highest level of both organizations;

-----4] During the course of that relationship and, following a 6-month review by the CIA Inspector General, no improprieties by either CIA or NYPD personnel had
occurred.

These findings notwithstanding, in 2012, about ten years after the al-Qaeda attacks on New York City, the relationship was terminated by the CIA. The Director of National Intelligence stated at the time that "it is not a good optic to have CIA involved in any city-level police department".

Demographics and Intelligence

The Intelligence Division has been accused in the media and elsewhere for illegal surveillance of the Muslim community because of the activity of its Demographics Unit, later named Zone Assessment Unit. The allegations inaccurately characterize what was done and why. Early in its re-engineering process, it was clear that the Intelligence Division lacked meaningful knowledge of either the demographic makeup of the City or demographic concentrations. This was an unacceptable condition at any time, but especially during the post-9/11 period when there was great concern of al-Qaeda cells and/or operatives establishing themselves in the United States, including the New York/New Jersey area.

-----The importance of this knowledge is recognized in the FBI Domestic Intelligence Operations Guidelines [DIOG], which make clear that such knowledge
is an important FBI Field Office responsibility.

With the risk of terrorism as the guidepost, Intelligence Division concern included the following:

-----First, if an operative—foreign or domestic—wanted to blend in so as not to be noticeable or appear suspicious, where are they apt to go…and therefore, where should intelligence or other policing efforts focus should the need arise.

-----Second, if an operative sought to recruit persons via their ability to "hang out" with persons of similar background where would they go, again, if the Division
received warnings from the Federal government or elsewhere of such a risk.

-----Third, should events abroad occur—an attack on Hazaras in Pakistan, for example—where is the Hazara community concentrated in New York City, who might need added protection. Not knowing this in advance would be negligent in New York City.

This knowledge is neither frivolous nor surveillance. Building the knowledge was done by deploying teams of uniformed officers in plain clothes; they would identify locations of concentration and establish an inventory of such locations for use when needed. The deployed teams were not involved in investigations or intelligence collection on persons or groups of persons.

-----An example of such a need involved the Boston Marathon bombers who were on their way to Manhattan when intercepted by local police in the

Boston area. The Tsarnaev brothers had 3 pressure cooker bombs plus 7 pipe bombs when they headed to New York.

-----They would have arrived at around 5:30 A.M. Had they made the trip they might have waited until rushhour, possibly in an area where persons from Chechnya, like themselves, had migrated from.

----- Fortunately, the Intelligence Division knew where that would be; and more fortunately their plan came to a halt in Watertown, Massachusetts.

Unfortunately, media coverage of this important program distorted its purpose, frivolously referring to it as surveillance of the Muslim community. Nothing could be further from the facts; surveilling any community would be a waste of time, effort, and talent. It has also been referred to "ineffective". Again, this claim is frivolous and demeaning to the outstanding detectives who did the work of the program. Sometimes pointing to the fact that the Demographics Unit never produced an investigation or lead, those referring to it as "ineffective" fail to understand—purposely or otherwise—that its mission was not to surveil, investigate, or produce investigative leads, but rather to provide locational data that could be used if and when needed as noted in the case of the Tsarnaev Brothers.

Information Sharing Practices

Aside from leadership, information sharing is the single most important factor driving the effectiveness of the NYPD Intelligence Division in the 12 years following the 11 September attacks on New York City. In its narrowest form this means sharing information between individual analysts and individual detectives; between teams of analysts and teams of detectives; between each of the more than 16 units that made up the Intelligence Division counterterrorism program. And ultimately between one organization and another.

This is easier said than done. Thus, the role of leadership in driving home the point by virtue of who is invited to a meeting, who is asked questions, how leadership responds to those questions, and what leadership asks and expects of its personnel.

-----Technical solutions are only the means by which information sharing occurs; they can make it easier and more efficient but do not produce information sharing, which can only emerge from a policy that emphasizes it and a management team that requires it and a leadership that demands it.

The NYPD Intelligence Division had the advantage in creating an environment of information sharing because all of its work was done on the basis of unclassified open source, research, and its own investigative findings. In this respect, there was

no issue of compartmentation for classification purposes. The Intelligence Division, however, did establish a "need to know" philosophy. Thus, each investigative unit produced operational reports that were deposited in a compartment unique to that unit. To achieve the information-sharing goal unit chiefs plus all analysts were given access to all compartments.

Because of this Intelligence Division approach, the civilian analyst cadre came to carry the bulk of the information-sharing load with the FBI and other Federal agencies. This took the form of briefings as well as extensive written documentation. During the period from October 2008 through the end of the 12 years of the Kelly administration, for example, Intelligence Division analysts produced almost 1,000 special reports referred to as "Sitreps", all of which were provided to the FBI. Analyst briefings of FBI personnel numbered in the hundreds over the 12-year period. The link between information sharing and the analytic cadre thus became an indelible feature of the NYPD Intelligence Division.

Legal Oversight of Intelligence

Given the sensitivity of Intelligence Division activities, legal oversight was crucial and welcomed. The U.S. Constitution and Federal Court Guidelines—the Handschu Guidelines—provided the overarching boundaries that Department and Division leadership was committed and obligated to work within. That said, it requires a legal staff to determine whether an activity crosses those boundaries, comes close to them, and therefore should be avoided, or altered, or are within the boundaries. If leadership fails to treat those matters with the utmost conviction—and openly for all staff members to see—then those at lower levels are being poorly led.

The Intelligence Division was fortunate to have a vigorous and tough-minded civilian legal counsel—Assistant Commissioner. Mr. Stuart Parker—who answered to the Police Commissioner via the General Counsel rather than via the Intelligence Division chain of command. Under such a structure, legal counsel could not be ignored. Legal oversight, however, requires knowledge of what the Intelligence Division is actually doing, not just what it tells the legal staff what it is doing. Thus, the need for complete transparency from the ground up.

This means, first, what activity is the Division leadership commissioning; second, how middle management is interpreting and enacting that guidance; third, what are the detectives, analysts, and support personnel actually doing on the ground. To address these questions, Division management implemented the following mechanisms:

-----First, the Assistant Commissioner for Legal Matters attended every Intelligence Division morning meeting which was where policy and operational guidance was surfaced, discussed, and decided upon.

-----Second, the Assistant Commissioner for Legal Matters or his staff was authorized to attend any meeting with any Division, team, unit, branch, or any combination of them. The legal staff was to be informed in advance of such meetings.

-----Third, the Assistant Commissioner or his staff had, and used, access to every operational and written report prepared by Division detectives and analysts to assure that activity on the ground comported with legal guidelines.

In short, the NYPD Intelligence Division required and established mechanisms that assured complete transparency by the legal oversight required by the Court and the Police Commissioner.

Lessons Learned

There are many lessons to be drawn from the experience of the NYPD Intelligence Division during the 12-year period from 2002 to 2014. Hopefully, these are woven into the above review of what was done, how, why, and to what effect. Consequently, there is little to summarize on this matter.

-----The one most central lesson is the overarching role of NYPD Commissioner Kelly in launching an endeavor never before taken on by a local law enforcement agency in the history of the United States.

-----His role, and the support he received from Mayor Bloomberg, provided the catalyst and guidance that allowed what emerged to occur. Thus, leadership from the top stands out as the single most important lesson.

As the person who headed the NYPD Intelligence Division during this period, having smart, hard-working, highly motivated senior officers who were being asked to do things they were never trained to do was the second precondition for success. Nobody filled this role better than Chief Thomas Galati who had my complete confidence, shared in all decision-making, and had the trust of all concerned.

What is depicted in this monograph may also provide some lessons for Europe in the wake of the threat from ISIS and other terrorist elements. The underlying lessons woven through this monograph have application for the challenges faced by Western Europe intelligence and security services as well as other major urban centers such as Mumbai, Tokyo, Bangkok, and others. In brief, more integrated intelligence and security programs, and aggressive use of civilian analysts teamed with investigators and backed with a cadre of undercover officers who, while living a covert life, are fully embedded into the agencies they work for. There is more, but this is a minimum requirement for enhanced security and safety.

Final Note

It should be noted that the NYPD Intelligence Division is responsible not only for a counterterrorism mission but also embodies a parallel anti-crime mission and provides for protection of the Mayor. The individuals who carry out these responsibilities are as dedicated and motivated as those who undertake the counterterrorism aspect of the Division mission. Their contribution to the safety of New York City residents and visitors is simply remarkable. Thus, a chapter on the counterterrorism component of the NYPD Intelligence Division carries only a portion of the Division's story during the 12 years following the 11 September 2001 World Trade Center attack.