

## Honourable Mention

### *The Fight Against Terrorism – the need for local police units in the United States' intelligence community*

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#### Introduction

It is irrefutable that the overall perceptions of threats and the ways they are approached have changed in the post-9/11 context. With the evolving risks to security, mainly terrorism and its associated non-state actors, it has been necessary for the intelligence community to expand its scope in order to adequately adapt. This progression has meant a nuanced role for local police bureaus. There is an increasing need for region specific intelligence, coupled with the mounting challenge of combatting a threat that requires a significant amount of personnel with varying skill sets. To ensure the success of counterterrorism operations, it is required that the mandate for local police agencies be in tune with the broader phenomenon of intelligence (this is meant to encapsulate the manifold definitions of intelligence work). For the purposes of this paper, intelligence will be understood through the lens of the Federal Bureau of Investigation (FBI), so as to capture the domestic conception of the term: “intelligence is information that has been analyzed and refined so that it is useful to policymakers in making

decisions—specifically, decisions about potential threats to our national security.”<sup>1</sup>

This paper will argue that, police intelligence units are an integral part of the broader counter terrorism fight, not only by way of the collection of intelligence, but too with the physical extraction of terrorists. Further, it will look specifically at the US intelligence system, taking issue with their closed off intelligence agencies, which makes cooperation and intelligence sharing very difficult, thereby essentially restricting local police bureaus as effective sources of counter terrorism. This will be done in five ways: first, the hierarchical and competitive nature of the intelligence community will be evaluated, in order to showcase how it hinders effective intelligence sharing across all levels (federal, national, and municipal). Second, it will look at the relative importance that police units can offer in the fight against terrorism (specifically looking at the ways that they *could* conduct human intelligence or HUMNIT). Third, the issue of homegrown terrorism will be assessed, and the ways that this necessitates municipal police units to be prepared to combat the growing phenomenon. Fourth, a case study will be done of the New York City Police Department (NYPD), and the differing ways that their advanced counter terrorism unit has been an integral part of New York’s post 9/11 security apparatus. And finally, rational next steps for local police units will be discussed.

### **A Bureaucratic Blockade**

Notoriously known for lack of information sharing between agencies, the US intelligence community is only hindering its own cause. Historically speaking, the US system has suffered greatly from a lack of centralization amongst its institutions. President Truman following World War II (WWII) implemented the division of the intelligence community, into domestic and foreign (more notably between the FBI and CIA), hoping to avoid any one overarching agency that could monopolize power. He was essentially trying to ensure that there was no operational similarities to that of organizations like the Gestapo.<sup>2</sup>

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<sup>1</sup> “Intelligence Branch,” *Federal Bureau of Investigation (US Department of Justice)*, accessed November 26<sup>th</sup>, 2015, <https://www.fbi.gov/about-us/intelligence/defined>. For a further depiction of the intelligence cycle put forth by the FBI, see Appendix 1 and 2.

<sup>2</sup> Fredrick P. Hitz and Brian J. Weiss, “Helping the CIA and FBI Connect the Dots in the War on Terror,”

While perhaps unintentional, this left considerable cracks between agency communications. However, the understanding of espionage and its usage then, are contrasting to how it is conceptualized in the modern sense. The true purpose of reconnaissance and intelligence collection directly following WWII, was strictly state versus state (or more specifically the US and Russia), and was attempting to combat a single cause, communism.<sup>3</sup> This differs considerably from the various threats posed by terrorism, and does not speak to the diverse intelligence obligations that go into counterterrorism efforts. Therefore, the cracks, in both communication and cooperation amongst agencies, created by dispersed foreign and domestic mandates, has only magnified the growing inadequacies of the American intelligence community—making its dated structure unfit to deal with the issues of modernity. This has been illuminated with the severity of the intelligence failure that was 9/11.<sup>4</sup> Further, because of the entrenchment of a specific culture into the intelligence organizations in question, there occurs little cross communication and intelligence sharing, due to the fact that they see themselves as inherently different entities.

This notion of differing directives can be partly understood by the predominant defining lens, which intelligence is seen through. While the definition put forth in this paper is meant to encapsulate the domestic element of intelligence, the assumed definition is seen more in the following way: “product resulting from the collection, evaluation, analysis, integration and interpretation of all available information which concerns one or more aspects of *foreign nations* or areas of operation which is immediately

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*International Journal of Intelligence and Counterintelligence*, 17 (2004): p. 2, accessed November 26<sup>th</sup>, 2015, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/08850607/v17i0001/1\\_htcafcditwot.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/08850607/v17i0001/1_htcafcditwot.xml).

<sup>3</sup> Hitz and Weiss, “Helping the CIA and FBI Connect the Dots in the War on Terror,” p. 2.

<sup>4</sup> Hitz and Weiss, “Helping the CIA and the FBI Connect the Dots in the War on Terror,” p. 1; Jason B. Jones, “The Necessity of Federal Intelligence Sharing with Sub-Federal Agencies,” *Texas Review of Law Politics* 16, 1 (2011-2012): p. 176. The authors indicate that the failure for the FBI and CIA to share information may have led to the inability to see and use signs that could have stopped the 9/11 terror attacks. In response to this the 9/11 Commission Report was released, and called for “unity of effort” — which, requires a “coordination and cooperation among all”, mandating that intelligence agencies would work towards a common goal. (Jones, p. 176) Further, it has been argued that if there had been more integration of local police into the intelligence process, they could have acted on information that the FBI had, once those who conducted the 9/11 attacks were within US borders. (Hitz, p. 25)

or potentially significant for planning.”<sup>5</sup> The perception is thus constructed that intelligence’s prime focus falls in the international realm. This understanding creates disconnect for the domestic faction, as it still primarily relates to intelligence specifically concerning law enforcement. This is a partial explanation for why police intelligence bureaus have not been integrated fully into the intelligence process. Further, the restraints placed on domestic intelligence collection are additionally reaching. This is because the principal goal of police intelligence is collection for use in “administrative justice,” and requires that it be used as evidence in a court of law.<sup>6</sup> In contrast, the national collection of intelligence is far less constrained, as its main intention is to assist the government with policies and strategies, which will contribute to the defense of national security.<sup>7</sup> Yet, even in light of this, both levels are expected to contribute in a similar way to the intelligence community, despite having differing ideas about intelligence and varying resources. This is an overarching contributor to the lack of information sharing and the fight for scarce resources amongst agencies.

Overall, it is somewhat hypocritical to speak of the agencies that make up intelligence as a *community*. As it has been seen, they operate under different assumptions of what intelligence does (for them and for society as a whole)—in turn creating a type of bureaucratic factionalism. This type of divide has members of the so-called intelligence community, seeking to maximize their own resources and funding, essentially undermining all other agencies.<sup>8</sup> Due to the fact that the greater level of respective “knowledge” means more “bureaucratic and budgetary power,” they are far more likely to fight to over classify their information and hide their sources from other agencies,<sup>9</sup> thereby contributing to the culture of secrecy and to the animosity seen between agencies.

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<sup>5</sup> Stephen Sloan, “Meeting the Terrorist Threat: The Localization of Counterterrorism Intelligence,” *Police Practice and Research* 3, 4 (2002): pp. 339-340, accessed November 25<sup>th</sup>, 2015, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v03i0004/337\\_mttttlocti.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v03i0004/337_mttttlocti.xml). In Sloan, however, quoted from Richelson, 1989, p. 1.

<sup>6</sup> *Ibid.*, pp. 339-340. This prefaces the issues that will be discussed later with regards to the NYPD and Muslim groups.

<sup>7</sup> *Ibid.*, pp. 339-340.

<sup>8</sup> Sloan, “Meeting the Terrorist Threat: The Localization of Counterterrorism Intelligence,” p. 341. Michael Herman, “Counter-Terrorism, Information Technology and Intelligence Change,” *Intelligence and National Security* 18, 4 (Winter 2003): pp. 45-46.

<sup>9</sup> Sloan, “Meeting the Terrorist Threat: The Localization of Counterterrorism Intelligence,” p. 341.

Further, this establishes a sort of vertical authority.<sup>10</sup> What this means is that since funding is distributed in a vertical manner (a raise to the top), there is extremely limited *horizontal* integration. A horizontal system would be ideal, and would see more even distribution and sharing across all levels of intelligence.<sup>11</sup> The current vertical system also exacerbates the issue of stovepiping. It is especially felt in a system like the US, where there are several separate agencies, and an emphasis on single source rather than all source intelligence.<sup>12</sup> Stovepiping can be understood as, “when single source intelligence is passed up to the top without sufficient all source integration, and without sufficient cooperation in the steering of collection.”<sup>13</sup> In understanding this, it is evident that agencies will attempt to pursue their own interests above ensuring that intelligence is verified by all levels. This is particularly concerning due to the fact that this type of divide only hinders the possibility for local police integration further.

The issues here are multifold: first, the US system is hindering any real ability for horizontal communication between agencies through its culture of secrecy, stove piping, ambiguous federal versus national mandates, and fight for scarce resources amongst agencies. Second, the previous issues also effectively preclude the ability for local police bureaus to be involved in a manner that would seek to fundamentally help with counterterrorism. And third, the US has in the past failed to adapt to the magnitude of the threat that terrorism poses, an example being the cases prior to 9/11 of threats against the US by Osama bin Laden,<sup>14</sup> and they run this risk again if they do not change the bureaucratic structure in place and institute local police agencies as key actors in counterterrorism (among other changes). This section is meant to emphasize the apparent cracks in the intelligence system in the US—and the ways that it could benefit from not only better organization but from the inclusion of local police bureaus.

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<sup>10</sup> Herman, “Counter-Terrorism, Information Technology and Intelligence Change,” p. 45.

<sup>11</sup> *Ibid.*, p. 45.

<sup>12</sup> *Ibid.*, pp. 45-46.

<sup>13</sup> *Ibid.*, pp. 45-46.

<sup>14</sup> Hitz and Weiss, “Helping the CIA and FBI Connect the Dots in the War on Terror,” p. 9.

### **Police Intelligence: a Call to Counterterrorism Action**

It is evident that there is a need for better communication amongst the varying different agencies that make up the intelligence community. What is also increasingly clear, is that the domestic realm of intelligence needs to be understood in a different way, making room for local police bureaus in the process. The ever changing realm of terrorist action, necessitates that all hands be in the pot for intelligence collection, ensuring that less is missed, in a crime game that has no boundaries and no guidelines.

Given that there is a pre-existing domestic intelligence faction, by way of the FBI, it calls into question the extent to which police bureaus should be engaging with intelligence. However, as the requirement for intelligence continually changes, and becomes of a higher magnitude, the roles of local police are only going to become more necessary and substantial. Just considering the varying vulnerabilities that exist *within* American borders speaks to the overall need for collaborative national and city-based intelligence. As an example, “1.3 million people, more than 300,000 vehicles, and 58,000 shipments worth \$8.8 billion cross American borders each day.”<sup>15</sup> This leaves a potential terrorist with a considerable amount of room to test the scope of US intelligence capabilities. And, without substantial and qualified HUMNIT (something that institutions like the FBI struggle with), the ostensibly porous domestic realm will be left with diminutive intelligence defenses.

It has also been elucidated that a growing need from intelligence, is the necessity to provide preemptive and tactical warning of terrorist action.<sup>16</sup> This requires a substantial amount of HUMNIT, coupled with the need for a knowledge base of the intricacies of each region, something that local police possess. Further, the varying kinds of expertise that local units can offer is invaluable to institutions like the FBI, who lack the same degree of individual manpower resources to pull from. This may be the most practical asset that local police agencies have. In general, they have a sizeable force, with a considerable amount of skills, thereby being a virtually untapped source of HUMNIT. An example of this is the NYPD. It must be noted that police officers do *not* conduct

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<sup>15</sup> Ibid., pp. 24-25.

<sup>16</sup> Herman, “Counter-Terrorism, Information Technology and Intelligence Change,” p. 42.

HUMNIT. However, with proper training, their existing skills and knowledge could be used in intelligence collection.

The NYPD boasts an impressive six undergraduate degrees in Arabic alone and an overall knowledge of sixty languages, not to mention that it has had considerably more success recruiting immigrants from varying backgrounds than any other intelligence agency.<sup>17</sup> Further, even bureaus such as the Pentagon and the CIA have recognized this as a rare resource, and the Department of Defense has borrowed computer literate Arabic speakers from the NYPD.<sup>18</sup> This only further illuminates the considerable benefit that the local bureaus can bring to the counterterrorism fight.

Not only are federal and national bureaus beginning to realize the overall benefit that local police departments can be to the counterterrorism fight, they are also starting to mount sizeable pressures on the ill-equipped agencies. An example of this is the legislation that mandates local police departments to act in a national security function, with limited resources and funding.<sup>19</sup> Police agencies have been asked to reorganize and function in a way termed “homeland security policing,”<sup>20</sup> which puts an emphasis on policing based on intelligence and for the purpose of national security (as opposed to regional security).

Local police are being continually called upon to participate in the intelligence community, and this is stretching their abilities considerably. A further illustration of the mounting need for local police unit’s involvement in counterterrorism is the increasing occurrence of homegrown terrorism. The following section will illuminate this emergent threat, and why local bureaus are the best combat against it.

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<sup>17</sup> William Finnegan, “The Terrorism Beat: How the NYPD is defending the city,” *The New Yorker* (July 25<sup>th</sup>, 2005), accessed November 25<sup>th</sup>, 2015, <http://www.newyorker.com/magazine/2005/07/25/the-terrorism-beat>.

<sup>18</sup> Ibid.

<sup>19</sup> Blake M. Randol, “The Organizational Correlates of Terrorism Response Preparedness in Local Police Departments”, *Criminal Justice Policy Review* 23, 3 (2012): p. 305, accessed November 28<sup>th</sup>, 2015, <http://cjp.sagepub.com.proxy.library.carleton.ca/content/23/3/304.full.pdf+html>.

<sup>20</sup> Christopher W. Ortiz et al, “Policing Terrorism: The Response of Local Police Agency to Homeland Security Concerns,” *Criminal Justice Studies* 20, 2 (June 2007): p. 92, accessed November 25<sup>th</sup>, 2015, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/1478601x/v20i0002/91\\_pttrolpathsc.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/1478601x/v20i0002/91_pttrolpathsc.xml).

### **The climate for police intelligence units — an assessment of homegrown terrorism**

While prior to 9/11 it was hard to fully conceptualize a terrorist attack on North American soil, the preceding decade not only dispelled this former way of thinking, but also led to a nuanced understanding of terrorism as a whole. This is partially due to the fact that the notion of homegrown terrorism has become a large component in the War on Terror, increasingly being cited as a foremost issue for states and their federal and national institutions.<sup>21</sup> Homegrown terrorism can be understood as, “the phenomenon whereby individuals and groups carry out attacks (or attempt to) within their native or adopted country or society.”<sup>22</sup> The changing nature of religious extremism and jihad, wherein they reject a centralized organization, and advocate for more loosely tied and dispersed radical groups,<sup>23</sup> means an increase in terrorists residing within the US, and conducting attacks on US soil. There has been a switch from focusing on just international threats, to attempting to manage both issues abroad and to those that penetrate US borders, further exhibiting the need for counterterrorism effort at the local police level.

The inclusion of local police bureaus in the intelligence process is becoming increasingly more important as the very nature of even homegrown terrorism is evolving.

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<sup>21</sup>Jones, “The Necessity of Federal Intelligence Sharing with Sub-Federal Agencies,” 177. Samuel J. Rascoff, “The Law of Homegrown (Counter) Terrorism”, *Texas Law Review* 88 (2010): p. 1727, accessed November 25<sup>th</sup>, 2015, <http://web.b.ebscohost.com.proxy.library.carleton.ca/ehost/pdfviewer/pdfviewer?sid=cc721deb-347b-4852-ac89-ff8fc446a73b%40sessionmgr113&vid=1&hid=101>. Joshua D. Frelich, “Surveying American State Police Agencies About Terrorism Threats, Terrorism Sources, and Terrorism Definitions,” *Terrorism and Political Violence* 21 (2009): p. 453, accessed November 25<sup>th</sup>, 2015, [http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/09546553/v21i0003/450\\_saspaattsatd.xml](http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/09546553/v21i0003/450_saspaattsatd.xml). All of the authors speak to the fact that homegrown terrorism is increasingly being spoke of as broad national issue; and that it is expected that local law enforcement attempt to combat this — they are needed to help “connect the dots” for both federal and national agencies in the broader context of terrorism, as most preemptive (illegal) action is said to happen less than 50 miles from their residence and target of their attack. (Frelich, 452) Therefore, it is imperative that local police agencies be in tune with the phenomenon of both terrorism and homegrown terrorism.

<sup>22</sup> Rascoff, “The Law of Homegrown (Counter) Terrorism,” pp. 1716-1718. The author acknowledges that there is no single agreed upon definition of homegrown terrorism, and that it is an ambiguous concept.

<sup>23</sup> *Ibid.*, p. 1727.



This is referring to the convergence of crime and terrorism.<sup>24</sup> It is an increasing phenomenon that terrorists will conduct white-collar crime in order to fund their terrorist plots.<sup>25</sup> While alarming, this exudes that homegrown terrorism is a part of a much larger phenomenon of crime—one that transcends the ordinary boundaries of the intelligence structure. Further, it is increasingly being seen that terrorist are committing ideological crimes, which while non-violent in nature, preface successive violent action.<sup>26</sup> This is significant due to the fact that local authorities will be the ones dealing with these crimes, as opposed to federal or state forces (CIA or FBI).<sup>27</sup> Therefore, proper lines of communication between agencies and prior training and understanding of the signs of potential terrorist activity is vital for police units.

The involvement of police resources is necessary, not only in the broader context of the intelligence process (mainly by way of communication and intelligence sharing between both federal and national institutions), but also with the development of independent intelligence bodies within police agencies for the purposes of their own collection. As one author states, “there is nothing routine about policing in the 21<sup>st</sup> century.”<sup>28</sup> Consequently, it is imperative that local police agencies are equipped with the tools to deal with the ever-changing nature of the criminal network, including the nuanced way that terrorist are participating in it. The subsequent section will give a practical exemplar of a local police agency combatting terrorist action, through a case study of the NYPD.

### **The NYPD: a case study**

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<sup>24</sup> Paul E. O’Connell, “The Chess Master’s Game: A model for incorporating local police agencies in the fight against global terrorism,” *International Journal of Police Strategies and Management* 31, 3 (2008): p. 459, accessed November 28<sup>th</sup>, 2015,

<http://www.emeraldinsight.com.proxy.library.carleton.ca/doi/pdfplus/10.1108/13639510810895803>.

<sup>25</sup> O’Connell, “The Chess Master’s Game,” p. 459.

<sup>26</sup> Frelich, “Surveying American State Police Agencies About Terrorism Threats,” p. 452.

<sup>27</sup> Ibid., p. 452.

<sup>28</sup> O’Connell, “The Chess Master’s Game,” p. 458.

The NYPD is an important example of the ways that a local police intelligence bureau can effectively combat the growing issue of terrorism inside (and outside) domestic borders. While the NYPD is an extreme example, in that their expansion and creation of an autonomous intelligence and counterterrorism bureau is beyond the scope of most local police departments, it can exemplify not only the types of things larger cities can work towards, but also how effective interagency communication is a realizable possibility.

Following 9/11, it was imperative that the city of New York attempt to re-establish its security and intelligence environment to one that could properly defend against terrorism. This was partially spoken to by the overhaul of the NYPD, into an agency that is able to speak to the broader issues associated with counterterrorism. Raymond Kelly, who took over as Commissioner of the NYPD in 2002, instituted these changes.<sup>29</sup> Not only did Kelly completely restore the intelligence faction of the NYPD but he also instituted an autonomous counterterrorism bureau.<sup>30</sup> The major resulting counterterrorism deployments are as followed: Hercules and TORCH, these encapsulate those officers who are heavily armed and patrol critical infrastructure, major transportation routes, and city landmarks; Critical Response Vehicle (CRV), this is perhaps the most controversial part of the NYPD counterterrorism bureau as these officers patrol in marked vehicles and participate in massive shows of force as a deterrent to potential terrorists; and TOMS, which is a team of officers in charge of boarding and inspecting subway trains in order to stop the detonation of explosives.<sup>31</sup> In conjunction with this, the counterterrorism bureau contains a counterterrorism division that contains several subunits.<sup>32</sup> The all-encompassing nature of the bureau is meant to speak to all the possible types of threats that terrorism can include. Also of considerable note are the ways that the NYPD conducts interagency information sharing. Kelly sought to create a tight organizational structure that had short lines of communication, thereby contributing to quick and

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<sup>29</sup> Finnegan, "The Terrorism Beat."

<sup>30</sup> Ibid.

<sup>31</sup> "Counterterrorism Units," *City of New York Police Department* (2015), accessed November 25<sup>th</sup>, 2015, [http://www.nyc.gov/html/nypd/html/administration/counterterrorism\\_units.shtml](http://www.nyc.gov/html/nypd/html/administration/counterterrorism_units.shtml).

<sup>32</sup> Ibid.

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effective responses to incoming threats—something that has been seen to plague the broader intelligence community.<sup>33</sup>

An area of high controversy is the relationship between the FBI and NYPD. Already briefly spoken too, the two agencies have had issues with cross-communication; however, a good working relationship is vital to the counterterrorism cause. The FBI-NYPD Joint Terrorism Task Force (JTTF) explains their working relationship. While the JTTF existed prior to 9/11, and Kelly, it was extremely small and run by only a few FBI agents.<sup>34</sup> However, one of the first things that was done by Kelly was to revamp the program by changing the number of NYPD detectives from 17 to 125, a commitment which the FBI matched.<sup>35</sup> Further, Kevin Donovan, who was head of the FBI at the time of reorganization, explained that what the NYPD was doing was complimentary to what the FBI does, and of increasing help given the FBI's limited manpower resources.<sup>36</sup> However, despite this, issues with communication and information sharing continue to persist.

In previous sections it has been discussed that the national intelligence bureaus still primarily subscribe to the mandate of intelligence used for law enforcement purposes. Because of this, mass spying and other tools that have been commonly associated with the post 9/11-counterterrorism mandate are looked upon in a much harsher light than when used to oversee national entities. Thus, the NYPD has been reprimanded for acts of mass surveillance of Muslims and Islamic organizations.<sup>37</sup> The NYPD had instituted "Zone Assessment Units" in 2003, which monitored Islamic

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<sup>33</sup> Vincent E. Henry, "The Need for Coordinated and Strategic Local Police Approach to Terrorism: A Practitioners Perspective," *Police Practice and Research* 3, 4: p. 330, accessed November 25<sup>th</sup>, 2015, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v03i0004/319\\_tnfacaattapp.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v03i0004/319_tnfacaattapp.xml)

<sup>34</sup> Craig Horowitz, "The NYPD's War on Terror," *New York Magazine*, accessed November 25<sup>th</sup>, 2015, [http://nymag.com/nymetro/news/features/n\\_8286/](http://nymag.com/nymetro/news/features/n_8286/).

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Mona Howard, "NYPD Disbands Muslim spying unit," *Washington Report on Middle East Affairs*, p. 48 (June-July 2014), accessed November 25<sup>th</sup>, 2015, [http://go.galegroup.com.proxy.library.carleton.ca/ps/i.do?p=AONE&u=ocul\\_carleton&id=GALE%7CA370888461&v=2.1&it=r&sid=summon&userGroup=ocul\\_carleton&authCount=1](http://go.galegroup.com.proxy.library.carleton.ca/ps/i.do?p=AONE&u=ocul_carleton&id=GALE%7CA370888461&v=2.1&it=r&sid=summon&userGroup=ocul_carleton&authCount=1).

institutions.<sup>38</sup> This was highly controversial and led to a significant amount of backlash from the community as a whole, and lead to the shutdown of the respective program.

Of issue here is that police forces are tasked with the federal intelligence mandate, yet are unable to function as such, given that their practices are much more limited and *more* scrutinized than other agencies. The NYPD was being criticized for something that most federal agencies are able to do with minute repercussions. This further blurs the lines of national versus federal intelligence agencies, and their directive for intelligence collection. This is not meant to condone the act of mass surveillance on any group, but rather to showcase the expectations that are put on these local police bureaus, and the subsequent disapproval of the same actions that have been seen by federal agencies.

The NYPD is in many ways an idealistic police bureau. Most local agencies are not equipped to establish such an expansive autonomous intelligence and counterterrorism faction, nor do they need to. New York can be understood as a global city,<sup>39</sup> in that they have acquired global reach in many aspects including economics, culture, and counterterrorism (to name a few). The NYPD is the largest municipal police force in the whole of the US; standing at approximately 37,000 officers, 15,000 support staff, and patrolling 76 neighborhoods, making the NYPD about *twice* the size of the FBI.<sup>40</sup> Further, it has been explained by Kelly that the police department spends upwards of \$200 million annually on its counterterrorism efforts.<sup>41</sup> And, on top of this spending, the NYPD reallocated a significant amount of officers following 9/11 to focus on counterterrorism, with now almost a 1000 working full time on counterterrorism efforts.<sup>42</sup> This is of particular importance because it shows the magnitude of not only their spending policy but also the number of officers that the NYPD allocates towards counterterrorism and intelligence.

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<sup>38</sup> Ibid.

<sup>39</sup> Brian Nussbaum, "Protecting Global Cities: New York, London and the Internationalization of Municipal Policing for Counterterrorism," *Global Crime* 8, 3 (August 2007): p. 216, accessed November 26<sup>th</sup>, 2015, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/17440572/v08i0003/213\\_pgcnylompfct.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/17440572/v08i0003/213_pgcnylompfct.xml). Nussbaum explains a global city, or global city theory as cities that have taken on a global character or presence.

<sup>40</sup> Ibid., p. 218.

<sup>41</sup> Nussbaum, "Protecting Global Cities," p. 218. Horowitz, "The NYPD's War on Terror."

<sup>42</sup> Nussbaum, "Protecting Global Cities," p. 218.

The reorganization of the NYPD has illuminated three overarching issues for local intelligence efforts: first, the size and magnitude of the NYPD, both in terms of spending ability and available man power, is robust and out of reach for most local civic agencies. Therefore, it is unlikely that most bureaus can maintain the same level of counterterrorism efforts. Second, it has been seen that despite the clear benefits of cooperating with the NYPD, other intelligence agencies like the FBI are still reluctant to work with them, and that is worrisome given that the NYPD can offer more than most local bureaus. And finally, while only spoken to in brief, the issues surrounding national restraints on intelligence collection, and the residual social impacts (i.e. the backlash seen by Muslim organizations to NYPD monitoring), blurs the lines for local or regional versus federal intelligence collection, as federal agencies function under much broader abilities. Despite these issues existing, the NYPD is still an important exemplar for local police agencies and their counterterrorism efforts. The subsequent section will speak to what can be done in a more holistic sense within both the intelligence community as a whole and with local police bureaus.

### **What can be done?**

The literature is very adamant that there is need for reform within the intelligence community.<sup>43</sup> Furthermore, it is evident that local police bureaus have a pivotal place in the overarching intelligence community. Efforts to create a more inclusive and central system of intelligence would make the system far more effective. There have been steps taken to modify the system by the existing intelligence branches, coupled also with the expansion of the intelligence community, with the set-up of institutions like the Department of Homeland Security. Further, police bureaus have been tasked with more

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<sup>43</sup> Sloan, "Meeting the Terrorist Threat," pp. 341-343. Henry, "The Need for Coordinated and Strategic Local Police Approach to Terrorism," p. 334; Nussbaum, "Protecting Global Cities," p. 223; Hitz, "Helping the CIA and FBI Connect the Dots in the War on Terror," p. 24. All speak generally to the fact that the current structures in place are no longer working. While this is by no means is an exhaustive list of the authors and scholars that call for reform, it encapsulates a snap shot of ways that reform is being conceptualized. In general, there is a call for better organization of the agencies as a whole, coupled with the need to create a system that can better attend to the need to identify threats before they turn into mobile terrorist action.

responsibility and some have become considerably more involved in the counterterrorism fight. It is encouraging when looking at things like fusion centers being set up in almost all local police settings,<sup>44</sup> and when assessing an expansive police bureau like the NYPD. However, there is still an extensive amount to be done, in order to properly speak to the needs of counterterrorism.

The ideal archetype for going forward would enable a type of *all source* intelligence, whereby there is a working relationship between the whole of the intelligence community, coupled with access to intelligence from all levels of the community (i.e. municipal, national and federal). While this has been attempted through the National Criminal Intelligence Sharing Plan (NCISP), and as a consequence the set-up of local law enforcement and state intelligence fusion centers, there are still issues with communication.<sup>45</sup> Preferably, there would be a type of “all source intelligence fusion center” whereby, local events would be understood through the broader context of national security and national intelligence.<sup>46</sup> Further, all source intelligence would not only see communication between local police and the intelligence community, but too with public health officials, paramedics, NGO’s, private firms, and other members of society who can actively contribute to intelligence collection.<sup>47</sup>

However, it has been noted that these newly expected roles for local police are putting a strain on the bureaus, and the expectations far exceed the traditional role of police officers.<sup>48</sup> Therefore, it is unsurprising that these fusion centers are primarily

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<sup>44</sup> Frelich, “Surveying American State Police Agencies About Terrorism Threats,” p. 452.

<sup>45</sup> Robert W. Taylor and Amanda L. Russell, “The failure of police fusion centers and the concept of a national intelligence sharing plan,” *Police Practice and Research* 13, 2 (April 2012): pp. 184-185, accessed November 27<sup>th</sup>, 2015,

[http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v13i0002/184\\_tfopcaoanisp.xml](http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/15614263/v13i0002/184_tfopcaoanisp.xml)

Fusion centers: “fusion centers serve as hubs for information on crime and terrorist operations in a specific region focusing on the recognition of patterns, indications and warnings, source development, interdiction, and coordination of critical criminal justice resources.” The NCISP “combines the public partnership concepts of community policing with problem-solving tactics that aim to enhance police efficiency and draw attention to the primary concern of intelligence-led policing.”

<sup>46</sup> John P. Sullivan and James J. Wirtz, “Terrorism Early Warning and Counterterrorism Intelligence,” *International Journal of Intelligence and Counterintelligence*, 21 (2008): 14, accessed November 26<sup>th</sup>, 2014, [http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/08850607/v21i0001/13\\_tewaci.xml](http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/08850607/v21i0001/13_tewaci.xml). Some local agencies have already set up these types of fusion centers; however, it is not widespread.

<sup>47</sup> *Ibid.*, p. 14.

<sup>48</sup> Taylor and Russell, “The failure of police fusion centers,” p. 186.

unsuccessful,<sup>49</sup> calling into question the overall effectiveness of the attempts at reorganization. Nonetheless, if used correctly by local police, fusion centers could be the answer to properly tackling intelligence sharing with regional bureaus.

It is essential that there is improvement in the cooperation and coordination of the already existing fusion centers, coupled with the need for an increase in resources for local departments, including prior training on intelligence, so that officers can properly conduct their new roles. This is perhaps idealistic, as the attempts to coordinate intelligence across all levels have been seemingly ineffective. However, it is evident that the intelligence collected at the local level is exceptionally valuable, and could be of better use and more effective in counterterrorism operations if coordinated with all levels of intelligence collection. The assumption is not that this will happen overnight, nor that is feasible for even *further* reorganization in the near future. However, an attempt to make the already set up systems of cross communication work effectively, is vital to the realization of holistic intelligence for counterterrorism operations.

## Conclusion

This paper has displayed that reform of the intelligence community is pivotal to combatting the evolving threats posed by terrorism. Through highlighting the overall issues with the seemingly stagnated bureaucratic system of intelligence, it is apparent that issues of miscommunication and the persistence of a culture of secrecy has had several negative implications on the ability to properly assess and apprehend active terrorist plots. Further, it has been showcased that police intelligence units could be transformed into a valuable source of HUMNIT, something which is required to more effectively combat domestic (and international) terror plots.

While there have been steps taken by the intelligence community more generally, and by local units on their own, to set up things like fusion centers and autonomous intelligence bureaus there are still considerable gaps, ranging from lack of resources and funding, to the disinterest of national institutions to share information with municipal

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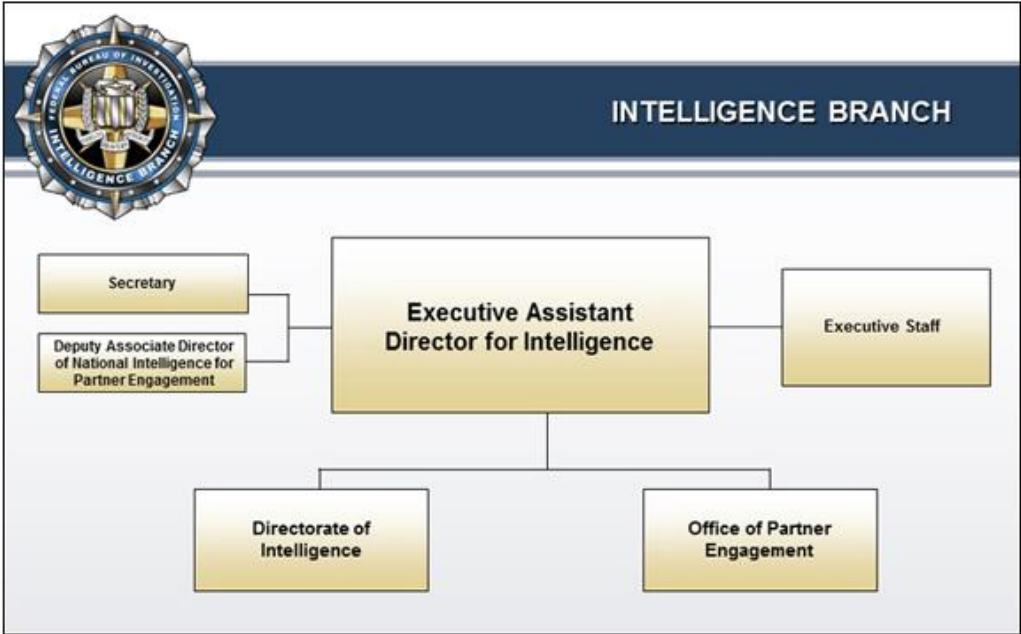
<sup>49</sup> Ibid., p. 186.

departments. This is especially troubling due to the fact that through looking at a bureau like the NYPD, it is evident that police agencies are in some ways more equipped to deal with the nuanced threats. The task of local bureaus is large, they are expected to adapt to a security climate wherein their typical mandate is expanded in scope, without receiving much in the way of resources, training or cooperation from the intelligence community. However, if something even resembling the ideal of all source fusion and horizontal communication is reached, coupled with the *full* integration of local agencies, there is potential for a more far reaching version of the intelligence community, one that can better speak to the evolving nature of threats and terrorist action.



Appendixes:

Intelligence Branch Organization Chart



Source: <https://www.fbi.gov/about-us/intelligence/intelligence-branch-organization-chart>



Source: <https://www.fbi.gov/about-us/intelligence/intelligence-cycle>

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