



Policing Terrorism

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On July 5, 2005, two undercover police officers in Torrance, California, noticed a car nosing slowly past a Chevron station. Two men wearing ski masks jumped from the car, one brandished a shotgun, and they stole \$252 from the night clerk. Police arrested the two men without incident, but a search of their shared apartment yielded jihadist literature and plans to bomb synagogues in Los Angeles.

The Torrance case is only one among dozens of planned terrorist attacks that have been thwarted by local police. But because the homeland-security debate has, so far, focused on federal capacities, our national counterterrorist strategy has failed to incorporate hundreds of thousands of capable cops. Local law enforcement officers are primarily viewed as "first responders" to incidents rather than as potential "first preventers" of terrorism. As a result, the United States remains far more vulnerable than it should be.

In fact, the same tactics that have improved criminal policing over the last two decades can also improve

counterterrorist operations. Those tactics, first proposed by one of the authors of this paper (Kelling) in *The Atlantic Monthly* in March 1982, were put into practice by the other (Bratton) in New York, Boston, and Los Angeles. Our shared knowledge of both the theory and practice of policing has convinced us that local law enforcement is a vital yet underutilized resource in the war on terror.

Local police can be leveraged in this war in three key ways. First, we can train police in the problem-solving techniques that will make them effective first preventers of terrorism. Second, we can use computer statistics (Compstat) and technology to enhance data sharing and to catalyze intelligence-led counterterrorist policing. Finally, and most vitally, the theory of order maintenance commonly called "broken windows," which police in New York City have used so successfully in the war on crime, can be adapted for the war on terror. Doing so will dramatically bolster our ability to disrupt terrorists before they strike.

FROM FIRST RESPONDERS TO FIRST PREVENTERS

The counterterrorist potential of local police is partly a function of numbers. More than 700,000 local law enforcement officers work in the continental U.S, compared with just 12,000 FBI agents. Based on numbers alone, local law enforcement personnel are much more likely than feds to cross paths with terrorists.

It is the local police, too, who are most often obliged to probe citizen tips. A major terrorist attack in London was disrupted last year in just that way. When a grandmother smelled something strange wafting from an adjacent flat, she notified police. She told them she'd noticed a group of young men frequenting the flat, which, she said, contained no furniture. Inside, police discovered a makeshift ricin-gas factory. The "young men" actually constituted a terror cell preparing a poison-gas attack, which could have killed thousands.

Local police officers have an everyday presence in the communities that they are sworn to protect. They "walk the beat," communicate regularly with local residents and business owners, and are more likely to notice even subtle changes in the neighborhoods that they patrol. They are in a better position to know responsible leaders in the Islamic and Arabic communities and can reach out to them for information or for help in developing informants.

In the summer of 2004, for instance, the NYPD was able to disrupt a planned bombing of the Herald Square subway station just days before the Republican national convention, based on information received from the local community. Months earlier, the NYPD received a number of calls on its terror-information hotline regarding an employee of an Islamic bookstore next to one of the city's largest mosques, in Bay Ridge, Brooklyn. The

young man had concerned local residents with his anti-American rhetoric, which included threats of violence.

The NYPD intelligence division sent a confidential informant, a young Egyptian, to gather more information. It took several months of slowly building a trusting relationship, until one day the suspect shared a bomb-making manual with the informant, telling him, "I want at least 1,000 to 2,000 to die in one day." After the informant accompanied the suspect and another young man on a reconnaissance mission of the subway station, police moved in and made arrests.

The presence of police in our communities sensitizes them to anomalies and yields counterterrorist data valuable to other agencies. "Only an effective local police establishment that has the confidence of citizens," former CIA director James Woolsey testified to Congress in 2004, "is going to be likely to hear from, say, a local merchant in a part of town containing a number of new immigrants that a group of young men from abroad have recently moved into a nearby apartment and are acting suspiciously. Local police are best equipped to understand how to protect citizens' liberties and obtain such leads legally." Distilling this view of the local police role in counterterrorism, Manhattan Institute senior fellow R. P. Eddy has christened them our "first preventers."

But to fully realize the potential of local police in counterterrorism, we first need a philosophical shift, as occurred in criminal policing during the 1990s. Instead of merely reacting to individual "incidents," police must proactively solve general problems. Just as Bratton's NYPD used problem solving to craft customized responses to vandalism and disorder, so police today must use these same techniques to craft customized responses to terrorism.

To attack terrorism proactively, police need special training. Many departments are already providing it. The government of Israel has welcomed police from all over the U.S. for training and exchange visits. LAPD's terrorist countersurveillance training has been carefully based on instruction that al-Qaeda target teams received at camps in Afghanistan.

This training is already paying off. In the Torrance case, the officers who executed the search had been trained by the Los Angeles area's joint counterterrorism program to look for possible links to terrorism, and they quickly found them. The NYPD's proactive Operation Nexus uncovered an al-Qaeda plan to smuggle weapons into the city through a garment-district shipping business. Counterterrorist training led police in Rhode Island to net jihadists in a routine traffic stop.

At the very least, officers who are taught to identify the support structures of potential terrorists are more able to create an environment in which terrorists will not feel comfortable. It's also one among the many ways in which police around the nation can use, against terrorism, the same broken-windows theory that police in New York City have used against crime.

CREATING A HOSTILE ENVIRONMENT FOR TERRORISTS

The broken-windows theory, formulated by Kelling and James Q. Wilson, was premised on a simple concept: focusing on minor offenses and community disorder could substantially reduce crime by creating an environment in which criminals did not feel at home.

Kelling worked with then-transit police chief Bratton to implement the broken-windows theory in the New York City subways. When transit cops arrested fare evaders, they learned that one out of seven was either carrying a weapon or had an

outstanding warrant. Police then asked the next questions: Where did you get the gun? What do you know about other crimes not related to guns? When Bratton became NYPD chief, he made the broken-windows theory part of standard NYPD practice, and crime in New York City began its historic dive. New York City is now the safest large city in America, a place where criminals no longer feel at home.

Application of broken-windows theory in counterterrorist policing has two components: the first is creating a hostile environment for terrorists; the second is recognizing that terrorism's equivalents to subway fare beating are illegal border crossings, forged documents, and other relatively minor precursor crimes that terrorists often commit to fund the operations to prepare their attacks.

The NYPD, under the leadership of Ray Kelly, has created perhaps the least friendly environment for terrorists in the country. Operation Atlas increases police presence at major NYC entry points and landmarks. Hercules units—heavily armed officers in unannounced locations—create a sense of omnipresence by conducting drills and staging scenes that leave a dramatic impression. These techniques prevented a plot to blow up the Brooklyn Bridge: al-Qaeda operative Lyman Faris, sent to survey the bridge, was recorded as saying that "the weather was too hot" to complete the operation.

Police can also create a terrorist-unfriendly environment using cameras, random screenings, and sophisticated sensors. London offers a useful model: more than 40,000 closed-circuit cameras were vital in identifying and apprehending terrorists, as the 7/7 investigations showed. Atlanta has placed cameras at critical sites and offers an example of how police can partner financially with the private sector. New York City's MTA is spending \$250 million to install cameras throughout its system. The

city is currently considering the construction of a similar "ring of steel" around the financial district in lower Manhattan.

In Los Angeles, we don't have the same resources or manpower as the NYPD, so we've had to be somewhat creative and develop consortia with other departments and use technology to create a layered security approach.

One exemplary program is LAPD's Operation Archangel, which works proactively with private and public partners to assess the vulnerabilities of critical infrastructure. Owners and operators of commercial buildings are asked to contribute detailed, up-to-date infrastructure information to Archangel—floor plans, HVAC systems, entrances and exits, and so on. This information is then entered into a database-management system that assesses threats and devises deterrence and prevention strategies, as well as emergency response plans.

We've worked with Los Angeles business owners who sell products or services that could possibly be used by terrorists—truck-rental facilities, for example—to make sure that they are aware of the threat. We've also reached out to doormen, private security guards, and transit workers. We've even enlisted the help of the general public through public awareness campaigns that encourage everyone to remain vigilant, to report any suspicious activity to police, and to "ask the next question."

Asking the next question is really a metaphor for a police orientation that is alert to preventive and investigatory possibilities. Criminals commit many crimes; as it turns out, so do terrorists.

While it is possible that all the activities leading up to a terrorist act could be conducted perfectly legally, the combination of specific activities (e.g., large number of males using a rented apartment irregularly) can present, if not a recognizable pattern,

at least an anomalous or a suspicious one. In the recent London bombings, for example, large amounts of hydrogen peroxide were purchased for the purpose of bomb making. Similarly, a terrorist may get tripped up by a law enforcement or private security encounter that has nothing to do with his terrorist activities or intent, just as Timothy McVeigh was stopped for speeding after the Oklahoma bombing.

Many terrorists, especially foreigners who are in the U.S. illegally, have to live a fugitive lifestyle—that is, they have to commit crimes not just to carry out an attack but simply to sustain themselves. They maintain themselves with illegal documents, committing burglary and robbery, dealing drugs, committing fraud, and so on. In other words, not all illegal immigrants or fugitives are terrorists, but many terrorists have to live underground like illegal immigrants or fugitives to get by in the U.S.

Ahmed Ressam, who planned to bomb Los Angeles International Airport on New Year's 2000, is a case in point. While living in Canada, he committed precursor crimes ranging from weapons smuggling and robbing tourists to forging birth certificates and immigration documents. An alert U.S. border guard averted Ressam's attack only by asking him a number of questions about his travel plans in the United States, and then deciding to search Ressam's car after he exhibited signs of nervousness.

When it comes to recognizing suspicious behavior, U.S. law enforcement can learn much from the Israeli police. When the Israelis come into contact with criminal suspects, they ask such questions as: Why are you in Israel? How long have you been here? Where are you staying?—and then watch for behavioral responses.

The use of information elicited by Israeli policing offers another principle for emulation. Prosecution of the case is less important than gathering

intelligence and putting it into a database. No incident should be considered too minor for interaction with potential terrorists and for the collection of intelligence. When, for instance, they raid a bordello, where the patrons are primarily Arabs from different parts of the region, Israeli police are less concerned about the criminal activity than with preparing intelligence reports on who these people are.

The problem for American policing is not so much getting the intelligence but making sense of it and sharing it with those who can use it. Although the need to share data is not new, exchanging information across jurisdictions and levels of government is more critical in the current threat environment than it ever was in the war on crime. Because state and local law enforcement is decentralized, it must overcome its traditional reluctance to share information. The Compstat intelligence sharing and accountability system—created when Bratton took over as NYPD commissioner in 1994—is an information-sharing model that local police can look to as an example.

INTELLIGENCE-LED POLICING

Intelligence-led policing is crime fighting that is guided by effective intelligence gathering and analysis—and it has the potential to be the most important law enforcement innovation of the twenty-first century. Instead of relying solely on the federal government for intelligence, many state and local departments have now taken it upon themselves to create their own systems. Among other things, they are assembling databases, sharing information, and setting up their own DNA labs. The NYPD's intelligence operation is widely regarded as the gold standard. The Department hired a cadre of intelligence and counterterrorism experts, has officers fluent in such languages as Arabic, Farsi, and Pashto, monitors foreign news services and intelligence reports, and has officers stationed overseas. The NYPD dwarfs the size of most other

police departments in manpower and resources. The next five largest U.S. police departments combined do not have as many employees as the NYPD. As a result, other departments that don't have the resources of the NYPD are trying to find ways to work together to gather better intelligence more quickly and at much less expense than if they were all working on their own.

Intelligence-led policing is a very important and welcome advance in both the war against crime and the war on terrorism. We also need to be mindful of the mess that local police departments got themselves into in the 1960s by illegally spying on antiwar and civil rights groups. Uniform training procedures and standards on how intelligence is gathered, stored, and accessed need to be developed and disseminated to local law enforcement in order to safeguard citizens' privacy and civil rights.

America's radically decentralized police—there are more than 17,000 separate police departments in the United States—is both a strength and a weakness. It is a great strength because the police are better attuned to their local communities and are directly accountable to their concerns. But it is also a terrible weakness in the post-September 11 world, where information sharing is key. Once law enforcement has the information, it needs to make sense of it and share it immediately. It is critical that—both horizontally and vertically—law enforcement overcomes its traditional reluctance to share information in a meaningful and timely fashion.

In some ways, the current lack of communication among different levels of law enforcement is similar to the situation that Bratton encountered when he first took over as NYPD commissioner in 1994. Back then, the NYPD had the problem of local precinct commanders jealously guarding crime and arrest information from one another. We created the now-famous Compstat program, which tracked

crime statistics in a timely manner and also brought precinct commanders and the department's top brass together in one room twice a week to share information.

The secret to Compstat's success was that it brought about a cultural change within the NYPD. At one early meeting, a precinct commander was reluctant to share information with his colleagues until Jack Maple, who was a deputy commissioner and the architect of Compstat, challenged him by asking: "Whom in this room don't you trust?" Soon precinct commanders began to see one another not as rivals but as allies. Everyone in the department began to operate from the same playbook and realized that we were all on the same team working toward the same goal: keeping New York's citizens safe.

We need to find ways to achieve this unity on a national level. State and regional fusion centers are a major step in the right direction. Fusion centers are regional intelligence centers that pool information from multiple jurisdictions, and they are becoming increasingly important. In a recent speech, President Bush noted the importance of linking terrorist information across jurisdictions and called state and local police "the front line of defeating terror." Fusion centers now exist in nearly every state and will be crucial in the years ahead in improving our nation's intelligence-sharing capabilities.

Less formal associations are also developing. One such consortium has been assembled by the nonprofit Police Executive Research Forum (PERF) and now includes most of the police departments of the nation's 20 largest cities. Another example is the I-95 Domestic Security Preparedness group—comprising law enforcement officials from the I-95 corridor—which was created through a partnership of the Police Institute at Rutgers University, the Manhattan Institute, and the Department of Homeland Security. Both these groups work to bring

counterterrorism experts together, create exchanges with overseas police agencies, and generally share best practices and provide opportunities for networking and discussion among various local law enforcement agencies.

While fusion centers and consortia help share information horizontally among departments, we also need to do a better job of sharing information vertically between the "feds" and the "state and the locals." As we mentioned, local police have greatly improved their professionalism over the past two decades and have earned the right to be trusted by the feds. Information is the best weapon we have against terrorism, but it must be made available to those who can best use it. In many cases, they will be local law enforcement. While great precautions need to be taken to protect sources and prevent leaks, those risks need to be balanced with the far greater possibility that important information won't get into the hands of those who can use it to prevent an attack.

Since 9/11, information sharing between the federal government and state and locals has improved. Most of the improvement has come through the FBI's Joint Terrorism Task Force (JTTF), which has tripled in number from 34 before September 11 to 100 today. In Los Angeles and other large departments across the country, there are active levels of communication and cooperation with the Department of Homeland Security and the FBI.

Despite this progress, the level of cooperation seems to vary greatly, depending on the personalities of individual bureau and police chiefs. Too often, the FBI cuts itself off from local police manpower, expertise, and intelligence. More than 6,000 state and local police now have federal security clearances, but the historical lack of trust is still an issue. For example, many police chiefs complain of calls they get from their JTTF alerting them to a potential threat, but when they ask for the detailed

information needed to launch an investigation, they are told by the bureau: "We can't tell you" or "You don't need to know."

Smaller departments are also overlooked. "I think the FBI is truly trying to make intel available," says Lowell, Massachusetts, chief Ed Davis. "However, we have found that in a city like Lowell, with a police department of 350 officers, we're pretty far down the rung when it comes to discussion of terrorist threats. The information is so heavily vetted that it becomes of little value. It is about what you get in a press release."

Americans accustomed to television shows such as *24* and *CSI* think that law enforcement has all sorts of intelligence information at its fingertips. This could not be further from the truth. The unfortunate reality is that law enforcement—federal, state, and local—is very far behind the private sector in terms of the ability to use technology to gather, analyze, and disseminate information.

The federal government simply has to do a better job of collecting, analyzing, and sharing intelligence. The government's failure at "connecting the dots," as the 9/11 commission put it, was key to al-Qaeda's fateful hijackings in 2001. Five years later, it is not clear that much has changed. This May, FBI director Robert Mueller testified before Congress that the FBI still has not assembled an accurate terrorist watch list and that it will be "some time" before it does.

When you rent a car today at many airports, an attendant will come out with a handheld device that enables him to gather all the information he needs on you and the car, send it wirelessly to a main database, and bill your credit card, all within a matter of few seconds. Just imagine what might have happened if the Maryland state trooper who had stopped 9/11 hijacker Ziad S. Jarrah for speeding on September 9, 2001, had had access to that type of technology and had discovered that Jarrah was on the CIA's terrorist watch list.

The FBI does now have an operational Terrorist Screening Center, which is designed to allow state and local law enforcement to determine whether a person is on the federal government's terror watch list. But there are many kinks to work out. According to the way the system works now, if a local officer interdicts someone who is of interest to the federal government, a "ping" is set off in the FBI's system that this person has been stopped, but usually the local police will not themselves be notified.

Finally, we must not forget that information must flow both ways. It is just as important that local police are sharing information with the feds—a point that is often overlooked by those involved in the FBI's JTTF. This observation is supported by former CIA director R. James Woolsey, who noted in testimony to Congress that "the flow of information sharing is likely to be more *from* localities to Washington, rather than the other way around."

HOMETOWN SECURITY

The federal government—the FBI, CIA, Homeland Security, the new director of National Intelligence—has a critical role to play in gathering intelligence, launching investigations, and prosecuting suspected terrorists. But there is also an important role for local law enforcement.

As the terrorist threat moves from large international terror groups to more loosely affiliated "lone wolves" or "homegrown" terrorists—such as the young men who perpetrated the London bombings last summer—the need to involve local police is becoming even more apparent. As Brian Michael Jenkins, a senior advisor at the RAND Corporation and a respected authority on terrorism, has said, "As this thing metastasizes, cops are it. We are going to win this at the local level."

Federal agencies are not built to be the eyes and ears of local communities, but local law enforcement—with the right training and support—can be. There is still much work to be done to enlist state and locals in the war on terror.

We need to make sure that local police understand the new role that they play in national security and how they can use effective crime-prevention tactics, including Compstat and broken-windows theory, in the war on terror. We need to train local police to be aware of terrorist indicators and precursor crimes so that they can be effective "first preventers." We need to overcome the petty rivalries and technological barriers that are hampering the collection and sharing of important intelligence. Only then will we be able to say that we have a real homeland-security partnership.

Above all, we must expand our national strategy to give a larger role to local police. Local police departments in the U.S. have not traditionally seen

themselves as part of the national security apparatus. This needs to change. Homeland security is less dependent on appointing a national intelligence czar than it is on empowering local police. Massachusetts state police chief Ed Flynn calls this "hometown security."

Counterterrorism has to be woven into the everyday workings of every department. It should be included on the agenda of every meeting, and this new role must be imparted to officers on the street so that terrorism prevention becomes part of their everyday thinking. This is not as ominous, or as difficult, as it sounds. As the Torrance case shows, good police work is good counterterrorism.

America's genius has been and always will be its empowerment of local institutions. Empowering local commanders on the ground to make tactical decisions is how wars are won. Empowering local police to act as the front line for homeland security is how we can win the war on terror.

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