

**STATEMENT OF JOHN MILLER
DEPUTY COMMISSIONER, INTELLIGENCE AND COUNTERTERRORISM
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY
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More than any other place in the world, New York City remains in the crosshairs of violent terrorists. Since September 11, 2001, there have been approximately 25 terrorist plots against New York City, with targets such as Times Square, the Brooklyn Bridge, John F. Kennedy Airport, the New York Stock Exchange, the subway system as well as major synagogues and other sites. In most cases, they have been thwarted by the efforts of the NYPD and our local and federal partners. We have been able to build a deterrent that has kept this City safe while protecting and upholding the constitutional rights and liberties accorded to those who live, work, and visit New York City.

September 11th forever changed how the NYPD views its mission and the world around us. Following that tragedy, the Department recognized that we could not defer the responsibility of protecting this City from terrorist attacks to others, and we have continued to prioritize this ever-evolving menace. Soon after 2001, the NYPD became the first police department in the country to develop its own robust counterterrorism capacity. We established a division for training and equipping every one of our police officers for counterterrorism duties. We charged our intelligence operations with a new international focus – our mission now includes gathering and analyzing intelligence with global implications.

Our commitment to ensuring that sufficient resources are dedicated to this critical mission has not changed. One of those premier resources is our personnel. Over the years, the caliber of people we have been able to attract has played a major role in our ability to protect New York. We have hired civilian analysts who are experts in intelligence and foreign affairs. They study terrorist groups, trends, and methods of attacks. Moreover, one of our most important institutional strengths is the remarkable diversity in our ranks. The NYPD is fortunate to have a deep pool of foreign-speaking officers. This has allowed us to build a foreign linguist program with more than 1,200 registered speakers of 85 different languages – Arabic, Dari, Farsi, Mandarin, Pashto, Russian, Spanish, and Urdu, to name just a few. Our diversity has bolstered every aspect of our mission, from counterterrorism to crime-fighting to community relations. Through our Community Affairs Bureau, we have assigned liaisons to the Arab and Muslim, Chinese, Eastern European, Hispanic, and West African communities. They help connect immigrants to needed services and build stronger connections between police and community.

Technology is also critical. In an unprecedented initiative supported by the Department of Homeland Security, we have installed radiation detection equipment throughout neighboring jurisdictions and at key points of entry into the five boroughs so that the City is virtually ringed with an alarm system. This program, called Securing the Cities, includes 150 law enforcement agencies in dozens of nearby cities and towns. The NYPD is responsible for distributing all of the radiation detectors used by our partners.

When it comes to the private sector, we collaborate with nearly 18,000 members of the region's private security industry through a program called NYPD Shield. The membership consists of security

Unfortunately, our adversaries have multiplied in recent years. What was once the domain of only a few, top-down groups operating from the safe havens of failed or hostile spaces has over time devolved into regional affiliates and local upstarts dispersed across the globe, as well as entrepreneurial lone-wolves within our shores dedicated to actualizing our adversaries' goals.

There have been multiple calls for violence against New York City. In 2014, the 12th issue of *Inspire*, the prominent English-language magazine of al-Qaeda's Yemen-based affiliate, al-Qaeda in the Arabian Peninsula, urged lone-wolf car bomb attacks in U.S. cities, while specifically mentioning the Queens-based U.S. Open as a desirable target. A November Issue of Rumiya Magazine published by ISIS urged attacks against the Thanksgiving Day Parade. A more recent issue suggested tactics for taking hostages, kidnapping, stabbings and shooting. There are also reports that ISIL and al-Qaeda operatives in Syria and Iraq have continued to plot against the homeland.

In addition to monitoring potential threats from abroad, we have to be concerned about threats originating at home. Last year, we witnessed the horrifying terrorist attack that took place in Orlando, Florida. While I am sure no reminder is necessary, the City itself was the recipient of a terrorist attack through the Chelsea bombing. The attacker had planned this attack for months and took inspiration from Osama bin Laden and other international terrorists.

Last week, two covert operations officers, working on behalf of Hezbollah were charged with undergoing weapons and explosives training and then conducting pre-operational surveillance of potential targets for terrorist attacks including locations in Manhattan, Brooklyn and both airports.

Now, turning to the legislation under consideration today. Intro. 1482 would require the reporting and evaluation of surveillance technologies used by the NYPD. Under this proposal, the Department would be required to issue a surveillance impact and use policy about these technologies and would include information such as its description and capabilities as well as rules, processes and guidelines, and any safeguards and security measures designed to protect the information collected. Upon publication of the draft surveillance impact and use policy, the public would have a period of time to submit comments. The Police Commissioner would have to consider the comments and provide the final version of the surveillance impact and use policy to the Council, the Mayor and post it to the Department's website. Further, the NYPD Inspector General can audit the surveillance impact and use policy to ensure compliance with the bill.

While I will reiterate that the Department is committed to transparency we are also mindful of maintaining the appropriate balance between reasonable transparency and still having the effective tools and technologies needed to protect our city. This proposal would require us to advertise sensitive technologies that criminals and terrorists do not fully understand. It would require the Police Department to list them, all in one place, describe how they work and what the limitations we place on our use of them. In effect, it would make a one-stop-shopping guide for understanding these tools and how to thwart them. The Department absolutely opposes this proposal.

More specifically, this proposal would require the Police Department to provide an impact and use report, and disseminate it online, for each piece of equipment deemed "surveillance technology" and provide a detailed description of the technology and its capabilities. In addition to the examples I provided in my testimony, the tragic events that have taken place today in Alexandria Virginia, and in the United Kingdom over the last several weeks remind us that the threat of terrorism is indeed real and

It is also unclear how this legislation is compatible with the state's Freedom of Information Law (FOIL). Producing reports required in this legislation could reveal non-routine investigative techniques, possibly impair present or imminent contract awards, or reveal critical infrastructure. This is all information that is wisely exempted under FOIL.

Furthermore, the bill requires that prior to the use of new technology, the impact and use statement must be posted 90 days in advance and a 45 day period for the public to submit comments to the Police Commissioner must also be permitted for each report. The Police Commissioner is to consider these comments and then finalize this report. The Department is also to amend any impact and use statement when enhancements for current technologies are sought.

This is an unprecedented hurdle placed on a singular agency. Often the technology sought in this legislation is needed imminently and the legislation would impede the Department's ability to evolve critical technology based on changing circumstances.

Proponents of this bill assert that there is a need for this legislation out of concerns for local transparency and oversight. In considering the amount of public reporting conducted by this agency, which is done either voluntary or pursuant to law, as well as the amount of data sets we release each year online, the number of FOIL requests received and responded to, and the fact that our Patrol Guide is now publically available online with minor redactions (pursuant to a bill sponsored by Councilmember Garodnick and supported by the Department), the New York City Police Department is the most transparent municipal police department in the world. Over the last several years, the Department has regularly worked with and negotiated with the Council on a number of pieces of legislation that provide valuable data to the public and the advocacy community. A broad categorization that the Department is not transparent is simply false.

Part of being transparent is to also continually improve trust with communities. For this subject, a particular emphasis is placed on communities most affected by the issues of terrorism. Personnel from our Intelligence and Counterterrorism Bureaus as well as our Community Affairs Bureau regularly meet with religious and community leaders to discuss potential threats, concerning trends, or fears that their communities share.

The exercise of oversight is robust. The court system is indeed providing effective oversight of the NYPD's Intelligence and Counterterrorism initiatives. As you know, the Department operates within the Handschu Guidelines which specifically promulgate how an investigation can be launched and governs the NYPD's investigation of "political" activity, including terrorism-related crimes. Recently, as a result of settling ongoing litigation, the Department has agreed to install a civilian representative on its internal Handschu Committee, which reviews investigations prior to final action by the Deputy Commissioner of Intelligence. This representative, who is former US District Court Judge Stephen Robinson, is appointed by the Mayor and has the ability to review and monitor compliance with all provisions of the Handschu Guidelines. Moreover, the representative is given unfettered access to the courts to communicate any concerns arising out of his function on the Committee.

More locally, the Department is subject to the oversight of the NYPD Inspector General and the City Council. In 2014, I testified before this Committee on the City's emergency preparedness and discussed many of the technologies that would be subject to this legislation. As a Department, we are always willing to engage in substantive discussions with the Council, the advocacy community, and the public