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**FOR A HEARING ON “LOCAL EFFORTS TO COUNTER THE TERROR THREAT IN
NEW YORK CITY: A RETROSPECTIVE AND A ROADMAP”**

**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM**

**STATEN ISLAND BOROUGH HALL
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Good afternoon Chairman Rose, Ranking Member Walker, and members of the subcommittee. I am John Miller, Deputy Commissioner of Intelligence and Counterterrorism for the New York City Police Department (NYPD). On behalf of Police Commissioner James P. O’Neill and Mayor Bill de Blasio, I am pleased to testify before your subcommittee today to discuss the NYPD’s efforts to fight modern terrorism and the evolution of threats to New York City.

Since September 11, 2001, we’ve seen New York City become the safest big city in the nation. That tragic day forever changed how the NYPD views its mission and forced us to recognize that we must be proactive in our efforts to prevent both home grown and international terror threats to our city. Soon after, the NYPD became the first police department in the country to develop its own significant counterterrorism infrastructure, operating throughout the city, country, and the world to gather intelligence and develop techniques to combat this continually evolving threat. The one thing that undergirds all of our counterterrorism and intelligence gathering efforts, and what drives our neighborhood policing philosophy overall, is collaboration and collective problem solving. Collaboration with our federal, state, local, and private partners is vital to combat the threat of terrorism which recognizes no borders and often does not distinguish between public and civilian targets. In fact, this collaboration, which includes my fellow panel members, the Port Authority, Fire Department, and the Metropolitan Transit Authority, as well as many others, serves as the backbone of the NYPD’s counterterrorism philosophy.

The NYPD’s Counterterrorism and Intelligence Bureau utilizes equipment and employs programs and initiatives which, without continued federal funding, would not exist in their current forms, or even at all. Federal funding is critical to our efforts and it is a serious cause for concern when we see such nationwide funding decreased by 26.2 million dollars from 2008 levels and hear about proposals to cut this funding even further. Over the last five years, the NYPD has received an average of \$162 million a year in federal funding, of which on average \$116.4 million of that comes from Department of Homeland Security (DHS) grants. The NYPD relies on this funding to protect New Yorkers against terrorist attacks and to strengthen homeland preparedness, including the security of critical transportation and port infrastructure.

We frequently work with other government agencies to help protect our city. Most notably, the NYPD is a member of the Joint Terrorism Task Force, led by the FBI, which combines the resources of multiple law enforcement agencies to investigate and prevent terrorist attacks. Additional initiatives include Operation SENTRY, which consists of regular contact with law enforcement agencies from around the country in order to share information and training techniques, and to pursue joint investigative avenues. At last count, there are 275 participating law enforcement partners. Law enforcement in this country can no longer be content with merely focusing on activity in their own jurisdictions. Information silos can be deadly and Operation SENTRY is designed to break down walls between jurisdictions.

The NYPD's Critical Response Command (CRC) is one of our first lines of defense against any threat. An elite squad, with officers trained in special weapons, long guns, explosive trace detection, and radiological and nuclear awareness, who respond quickly to any potential attack on the city, including active shooter incidents. This team, which is central to the Counterterrorism Bureau's proactive counterterrorism mission, conducts daily deployments, saturating high probability targets with a uniformed presence aimed at disrupting terrorist planning operations and deterring and preventing attacks. But the Counterterrorism and Intelligence Bureau has a mandate broader than the CRC's operations. The Bureau has wide-ranging responsibilities that include designing and implementing large-scale counterterrorism projects; conducting counterterrorism training for the entire patrol force and other law enforcement agencies; identifying critical infrastructure sites and developing protective strategies for such sites; researching, testing and developing plans for the use of emerging technologies used to detect and combat chemical, biological, radiological, nuclear, and explosive weapons; developing systems and programs to increase harbor security, which includes the pro-active deployment and mapping of background radiation in the Port of New York and New Jersey; and interfacing with the NYC Office of Emergency Management, which coordinates the city's response to mass-scale events.

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 City. We have hired civilian analysts who are experts in intelligence and foreign affairs. They study terrorist groups, trends, and methods of attacks. 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 personnel also includes our trained vapor wake dogs. Our vapor wake dogs are often deployed at large-scale events in the city. They are able to sense mobile threats and explosive particles, and they are trained to avoid the distractions of large crowds and loud noises. They are an invaluable component to our counterterror strategy which has been made possible by federal appropriations.

The NYPD also provides comprehensive training to our officers to respond to explosive, chemical, biological, and radiological incidents. There are many possible forms a terror attack could take, and the Department has to be ready for any scenario. Federal funds are vital to training officers to respond to active shooter scenarios, allowing them to engage and end a coordinated terrorist attack like the attack in Mumbai. It also provides critical instruction to officers in life-saving techniques

that can be implemented before it is safe enough for medical personnel to enter an active crime scene.

In addition to supporting the staffing levels of our counterterrorism and intelligence bureaus and training our officers, this funding has helped the NYPD create the security infrastructure that has prevented potential attacks. For instance, in an initiative supported by DHS, we have installed radiation detection equipment in neighboring jurisdictions and at key points of entry into the five boroughs so that the City is virtually ringed with a radiological alarm system. This program, called Securing the Cities, includes 150 law enforcement agencies in dozens of nearby cities and towns.

Across the City, we have distributed approximately 3,000 radiation pagers to units throughout the department and nearly 4,000 radiological dosimeters to each Patrol Borough's counterterrorism post. We continue to invest heavily to acquire and maintain state-of-the-art equipment to identify, prevent, or disrupt threats. We have installed highly sensitive detection equipment on the boats and helicopters we use to patrol New York Harbor, as well as vehicles we use to patrol our streets.

Mass transit and the many entry points into New York are always among our highest priorities. The NYPD and our partners in the MTA place particular emphasis on the subway system, in light of its attractiveness as a target and because it is a vital artery that keeps this City running. In excess of five million New Yorkers use the subways every day and the strength of the system, open 24 hours a day every day of the year, makes it an appealing target for attackers. We perform random screening of bags and packages of subway passengers and we maintain a presence at each of the 14 underwater subway tunnels. We have expanded uniformed patrols underground and regularly conduct security sweeps in subway cars. The Department also participates in Multi-Agency Super Surges which are joint operations to focus manpower at sensitive transit locations such as bridges, ferries and tunnels, conducted in partnership with the Port Authority Police, Amtrak Police, MTA Police, New Jersey Transit Police, the FBI, TSA, and the National Guard SHIELD Group.

Federal funding also helps ensure that each officer responding to a terror incident has the proper equipment so that they can effectively respond to events such as active shooters or radiological attacks. The support we receive from the federal government, whether it be in the form of funding and our collaborative relationships with our federal law enforcement partners has been and continues to be invaluable. However, we continue to seek greater funding levels that are commensurate with the severity of the ever present threat to our City, which unfortunately consistently finds itself atop the terror target list. With additional funding above and beyond the current levels, the NYPD could, among other things, further increase deployments in critical areas of the City, continue to expand our Domain Awareness System (DAS) in order to retrieve and analyze critical information and elevate situational awareness, as well as expand our public, private and international partnerships.

As part of our information sharing efforts, I would like to note that the Department of Homeland Security Office of Intelligence and Analysis (I&A) certified a Sensitive Compartmented Information Facility (SCIF) at NYPD Headquarters which supports classified information sharing integral to the NYPD mission. We also have three I&A personnel assigned to New York City to support NYPD in addition to a DHS Special Security Officer (SSO) assigned full time to manage

SCIF operations. The DHS Intelligence Analyst assigned to the NYPD is co-located with our Intelligence Division and proactively shares DHS and Intelligence Community information with us. This partnership alone has resulted in leads for existing investigations, new investigations being opened, and two recent joint finished intelligence products.

In addition to the NYPD's public sector and international government partnerships, we have increasingly teamed up with the private sector. These partnerships are instrumental and are always leveraged in a way that ensures maximum protection for both the public's safety and civil liberties. Our public-private initiatives, interconnected yet distinct, begin with our federally funded Domain Awareness System, which receives data from real time sensors, including radiological and chemical sensors, ShotSpotter, information from 911 calls, hundreds of license plate readers, and live feeds from thousands of CCTV cameras around the city. Not all of these cameras are city owned or operated. In fact, most of them are not. They belong to private entities that have chosen to partner with us in the Lower Manhattan Security Initiative and the Midtown Manhattan Security Initiative, providing encrypted access to their cameras as well as other information, in our collective effort to keep the city's millions of inhabitants safe. This information, including camera feeds, can also be accessed by NYPD officers on their Department-issued mobile devices in real time. DAS makes it possible to scan footage for specific objects, such as an unattended bag, a car driving against the flow of traffic, or suspicious behavior, such as a person walking through a restricted area. DAS's advanced graphical interface and mapping capability allows us to monitor arising threats and to guide our response if an attack should occur.

Our collaborative efforts also include initiatives known as Operation Nexus, where the NYPD works with businesses throughout the nation to provide them with information to help them identify suspicious transactions that may be linked to terrorist plots, and NYPD SHIELD, which established a two-way line of communication and information sharing between the NYPD and approximately 20,000 private sector members from businesses and organizations throughout the country, representing almost every sector of industry and government. The information we share enables us to better secure our city and allows businesses, both individually and collectively as industries, to enhance their own security.

However, in spite of our extensive efforts, violent extremists of all stripes, both foreign and home grown, count New York City as their number one target. What makes our unenviable position on this list even more concerning is the evolution of the terror framework in the modern day. Where we once saw the threats to our homeland coming in large part from well-funded state and non-state actors who established training camps, attracted recruits to these camps, trained these recruits, planned attacks from these centralized locations, and dispatched individuals to carry out these attacks, we now see the primary threat as one that is decentralized, carried out by so-called "lone wolves". Traditional brick and mortar terror infrastructures have been replaced with websites, chat rooms and on-line manuals. This is the difference between a directed terrorist and an inspired terrorist. Gone are the days where groups such as ISIS and Al-Qaeda provide us with the opportunity to locate, surveil and infiltrate a training camp, gather intelligence and identify bad actors, learn of the group's methods, techniques, future plans and targets. Instead, tech-savvy extremists have teamed with terror masterminds with the goal of virtual recruitment, training and the provision of an on-line tutorial on how to plan an effective attack to susceptible individuals

that don't even need to leave their home. These modern-day terrorists are increasingly more difficult to identify, as are their targets.

Although the primary threats now come from "lone-wolves", and the danger from centralized terror groups has recently moved to the margins, it has not disappeared. With the fall of the Islamic State caliphate in Syria and Iraq a major blow was struck to the international terrorist infrastructure but we do not expect the threat to abate any time soon. As we saw this Easter in Sri Lanka, the threat from these well-funded and organized terrorist groups remains very real. The State Department currently lists North Korea, Iran, Sudan, and Syria as state sponsors of terrorism, and politically influential groups such as Hamas in the Gaza Strip and Hezbollah in Lebanon have been designated Foreign Terrorist Organizations. Importantly, the State Department recently for the first time designated a government military organization as a Foreign Terrorist Organization, Iran's Islamic Revolutionary Guard Corps. What began as an ideologically driven militia after the Iranian Revolution, has become a largely autonomous authoritarian military security force numbering over 100,000 which has inserted itself into virtually every aspect of Iranian society and the Middle East generally, suppressing dissent domestically, and arming, training, and funding fighters in Yemen, Syria, Iraq, and elsewhere.

Whether the ever-looming specter of an attack against our City stems from an individual or group that is inspired or directed, we will continue to work in collaboration with our federal, state, local, and private sector partners to continuously improve our investigative and emergency response infrastructure, while protecting and upholding the freedoms and liberties afforded to those who live, work, and visit New York City. In the almost 18 years after the worst attack our country has ever experienced, the NYPD and our partners have uncovered approximately 30 terrorist plots against our City. In most cases, they have been thwarted by the efforts of the NYPD and the FBI-NYPD Joint Terrorism Task Force.

Tragically, we could not stop all of them. In September of 2016, a man inspired by Al-Qaeda set off homemade pressure cooker bombs in the Chelsea neighborhood of Manhattan and in Seaside Park, New Jersey, injuring 30 people, and seven additional unexploded devices were subsequently discovered. This case highlights that although our proactive efforts could not prevent this attack, our reactive preparedness resulted in the immediate activation of partnerships and plans that not only quickly located the perpetrator, but also other devices before more damage could be done. Collaboration between the FBI, ATF, our New Jersey partners, and the NYPD, among others, led to this individual's speedy capture and he is currently serving multiple life sentences.

In November of 2017, an ISIS-inspired extremist used a rented truck to mow down innocent cyclists and pedestrians on the West Side Highway running path near Ground Zero in Manhattan, killing eight. Collaboration between the NYPD and the FBI led to federal charges of lending support to a terrorist organization, in addition to murder charges, on which he will be tried later this year.

More recently, in December of 2017, an ISIS-inspired extremist attempted a suicide bombing when he set off a homemade explosive device at the Port Authority Bus Terminal subway station in Manhattan, injuring three people and himself. Once again, collaboration between the NYPD and

our state and federal partners resulted in a successful investigation and a guilty verdict on terrorism charges. These attacks, while tragic, serve to strengthen our resolve to protect New Yorkers from terrorist violence in all forms and from all quarters.

The future of a comprehensive counterterrorism strategy must necessarily seek to adapt to emerging tactics we see nationally and internationally, which if successful can inevitably be used against this city. We must be vigilant and constantly strive to anticipate and protect against threats before they materialize into deadly acts.

To this end, since September 11th the NYPD's reach has extended overseas. Through our International Liaison Program, detectives are embedded with law enforcement agencies in thirteen foreign countries, including France, Spain, Jordan, the United Arab Emirates, Qatar, Singapore, and Israel. This program has been vital in establishing and maintaining contacts and information sharing with local law enforcement and intelligence agencies, as well as INTERPOL, and has proven to be effective not only in counterterrorism efforts, but in solving crimes where a perpetrator has fled New York to escape justice. The NYPD has been given unprecedented access to the scenes of terror attacks and intelligence by our foreign partners, enabling us to immediately make threat assessments and adapt our security posture in the City.

Right now, one of the most prominent and thankfully unrealized threats comes in the form of unmanned aircraft systems, or drones. Though bad actors have yet to deploy drones for terroristic purposes in the United States, terror groups such as ISIS and Al-Qaeda have incorporated drones in battle overseas to devastating effect. And, as we saw last December in London where illegal drone flights brought an entire airport to a standstill for 17 hours, when we are unable to disable or disrupt a drone posing a threat, we are at its mercy. This is where we need your help.

Currently, federal law prohibits anyone except the Department of Homeland Security and the Department of Justice from using technology that could be used to jam a drone's signal, and there exists no pathway for state or local governments to apply to the FCC for an exception from this prohibition. The NYPD recommends amending the Federal Code to allow state and local governments to use jamming technology against unmanned aircraft systems in select circumstances. We would ensure those members of the service would be properly trained and would establish meaningful oversight protocols. Despite the best efforts of our DHS and DOJ partners, which we do not question, they simply do not have the resources to ensure the level of geographic coverage New York City requires against this threat. The difficulty that DHS and DOJ will have responding to threats in New York City is magnified in places where they do not have permanent field offices. The NYPD is ready, willing and able to deploy this option if given the authority. Select trained members of the NYPD could be ready to respond swiftly anywhere in the five boroughs. Even a short delay could mean the difference between successfully stopping such an attack and catastrophe.

Lastly, given the low cost and minimal expertise needed to carry out vehicle or truck attacks like we've seen in Nice, France and Manhattan's West Side Highway, we expect this tactic to remain popular among people looking to do us harm. However, with the advent and inevitable proliferation of driverless vehicles we must not find ourselves playing catchup as we are currently

doing with drones. Lawmakers must preemptively, before these vehicles become as wide-spread as drones are now, require that these vehicles incorporate a mechanism to allow law enforcement to interdict or otherwise disrupt a driverless vehicle suspected of being used as a weapon.

Almost 18 years after 9/11, New York City enjoys the distinction of being the safest big city in America. However, complacency serves as a welcome mat for tragedy. The state of the art technology I have outlined requires ongoing modernization to be effective, as is the nature with all technology. The partnerships I have lauded cannot remain static, we must expand our public, private and international networks so that we can tap into and learn from ever evolving and diverse intelligence, methods, approaches and strategies. The equipment we employ must be upgraded in order for it to have maximum value in protecting the public and our officers. The training we administer must be updated to ensure our tactics keep up with the evolving threat against our city. Finally, relevant laws must continuously be reviewed and amended to guarantee the legal framework designed to protect our freedoms is not used to compromise our safety.

As Commissioner O'Neill has said, in some areas the NYPD is very good, in other areas, we are the best, but in all areas we can do better. Our ability to get better in the realm of counterterrorism is directly tied to a continuing and increased level of federal funding, federal partnerships and the foresight of federal legislators to ensure laws aimed at protecting our liberties cannot be used as a pathway to design a more effective attack by our enemies.

Thank you again for this opportunity to testify today. I am happy to answer any questions you may have.