

1-1-2012

# New York/New Jersey High Intensity Drug Trafficking Area Terrorist Financing & Drug Trafficking Strategy

Danielle Morita O'Mara  
*Pace University*

Follow this and additional works at: <http://digitalcommons.pace.edu/homelandsecurity>

 Part of the [Criminology and Criminal Justice Commons](#), and the [Defense and Security Studies Commons](#)

---

## Recommended Citation

O'Mara, Danielle Morita, "New York/New Jersey High Intensity Drug Trafficking Area Terrorist Financing & Drug Trafficking Strategy" (2012). *Master in Management for Public Safety and Homeland Security Professionals Master's Projects*. Paper 6.  
<http://digitalcommons.pace.edu/homelandsecurity/6>

This Thesis is brought to you for free and open access by the Dyson College of Arts & Sciences at DigitalCommons@Pace. It has been accepted for inclusion in Master in Management for Public Safety and Homeland Security Professionals Master's Projects by an authorized administrator of DigitalCommons@Pace. For more information, please contact [rracelis@pace.edu](mailto:rracelis@pace.edu).

NEW YORK/NEW JERSEY HIGH INTENSITY DRUG TRAFFICKING AREA

TERRORIST FINANCING &

DRUG TRAFFICKING STRATEGY

BY

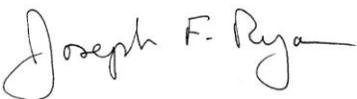
DANIELLE O'MARA

SUBMITTED IN PARTIAL FULFILLMENT OF  
REQUIREMENTS FOR THE DEGREE OF MASTER OF  
ARTS IN MANAGEMENT FOR PUBLIC SAFETY  
AND HOMELAND SECURITY  
DYSON COLLEGE OF ARTS AND SCIENCES

PACE UNIVERSITY

MAY 2012

APPROVED BY:



### Abstract

My Masters Project focuses around the New York/New Jersey High Intensity Drug Trafficking Area (NY/NJ HIDTA). Narco-terrorism has become a significant issue for the safety and security of the United States. Terrorist financing also plays a significant role in the war on terror. I chose to create a three part strategy for the NY/NJ HIDTA that will combat both narco-terrorism and terrorist financing. Each chapter describes another detailed plan of how the NY/NJ HIDTA, as well as particular agencies within, combat these issues in attempt to keep our nation secure. My Masters Project was carefully constructed with a strong focus on terrorist financing. The top priority of terrorist organizations is to cripple the American economy. This paper will illustrate the significance of “following the money will eventually deteriorate terrorist organizations at their core.

### Acknowledgements

I would like to thank my parents, John and Marie O'Mara. They showed me how hard work and determination can make your dreams come true. I would not be where I am today without their love and support. Not only did they proofread my papers throughout these past two years, they provided encouragement when it was really needed.

My sisters, Jennifer and Meghan have also been a tremendous support system throughout this journey. I would like to thank them for proofreading my papers and providing me with an outside perspective.

I would also like to thank my fiancé, Steve. Not only did he look over my work and fix the grammatical errors, he was my rock. He was always there to support me and give me that extra push to keep on working. He believed in me and the work I was capable of even when I doubted myself. I am eternally grateful.

I would like to thank my grandmother, "Mama", for teaching me that education is a valuable gift. She saw potential in me when I had doubts. I wish she could be here to experience this achievement with me but I know that I have made her proud.

There are three people I must thank that were a tremendous part in the execution of my Master's Project. Detective Ray Bravo, his knowledge of Homeland Security mixed with his personal experiences enabled me to fully comprehend the lessons that were taught throughout this program. I would like to thank him for sitting patiently with me while I asked him hundreds of

questions. I learned so much from his stories and valuable insight. Detective John Petrocelli was always there to read over my papers and provide me with the advice and guidance that I needed to move forward. His friendship and support were invaluable to me. Investigator Robyn Arias, who is my colleague and my friend. I would like to thank her for staying after work with me to help me on my homework assignments. She was always there to provide support and inspiration when I felt like giving up.

Most importantly, I would like to thank Dr. Ryan. His enthusiasm for academia resonates throughout the Pace community. He has been an inspiration and a support system throughout this journey. His hard work and dedication to this Master's program is shown throughout my Master's Project as well as my fellow peers'. It is truly an honor to be able to graduate in the first cohort. Thank you Dr. Ryan we couldn't have done this without you.

## Table of Contents

Abstract .....	2
Acknowledgements.....	3
Chapter 1 Strategy Memorandum: NY/NJ HIDTA.....	6
Chapter 2 Management Perspectives.....	19
Chapter 3 Strategic Plan and Budget.....	35
Chapter 4 Constitution and Ethical Challenges.....	54
Chapter 5 Public Sector Policy Analysis.....	72
Chapter 6 Lessons Learned from Comparable Governments.....	94
Chapter 7 Threat Assessment and Intelligence Gathering.....	114
Chapter 8 International Human Rights.....	126
Chapter 9 Multi-Disciplinary Homeland Security Perspectives.....	147
Chapter 10 Technology and Critical Infrastructure.....	167
Chapter 11 Public Health and Pandemic Concerns.....	186
Conclusion .....	210

## Chapter 1

## Strategy Memorandum

## New York/New Jersey High Intensity Drug Trafficking Area NY/NJ HIDTA

## Terrorist Financing

&amp;

## Drug Trafficking Strategy

## Introduction

Terrorist financing and narcotics are a significant problem facing the United States and is considered to be an issue of national security. The National Drug Threat Assessment 2010 stated, “Premature mortality, illness, injury leading to incapacitation, and imprisonment all serve to directly reduce national productivity” (NY/NJ HIDTA 2011, 2010). The purpose of this paper is to show the correlation between narcotics and terrorist financing.

I will outline a proposed New York/New Jersey High Intensity Drug Trafficking Area (NY/NJHIDTA) strategy to address the issue of how the drug trade coupled with terrorist financing affected the geographical area covered by this task force. The task force is faced with a complex mission in that the area is a vast geographical area that is a major port of call for imported cargo, a major hub for international arrivals, and the location of various criminal enterprises. These factors coupled with the daily responsibilities of law enforcement prove to be monumental. The purpose of this program is to identify weaknesses, overcome them, and apply the necessary strategies to carry out the mission. This is a three part strategy that will be used by the NY/NJ HIDTA in order to combat terrorist financing and narco-terrorism. Narco-terrorism is a “funding link between terrorist groups and narcotics trafficking” (Lessons from history, 2001).

Part 1 deals with creating a partnership with local law enforcement to identify drug trafficking organizations that are funding terrorism. Part 2 is to assist the Internal Revenue Service on all narcotics-related investigations. The IRS can tax drug traffickers and organizations in order to take funds away from terrorist organizations. Most criminal enterprises are willing to pay taxes because the higher the cost of laundering fees, the more money can be effectively drained from criminal enterprises. The High Intensity Financial Crime Area (HIFCA) can provide case support to IRS agents to make the money laundering investigations successful. Part 3 involves forming a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society.

#### Mission Statement

NY/NJ HIDTA was created in 1990 with the mission to “reduce drug trafficking and its harmful consequences, particularly drug-related crime, by building innovative and effective partnerships with law enforcement agencies operating in the region. Serving as a coordinating umbrella for several national model law enforcement partnerships, NY/NJ HIDTA seeks to enhance cooperation among law enforcement agencies by eliminating redundancy wherever possible and ‘connecting the dots’ between agencies and investigations” (NY/NJ HIDTA 2011, 2010). The initiatives aim to facilitate the timely and accurate sharing of criminal and drug intelligence among law enforcement agencies, enabling them to more effectively target regional and international drug trafficking organizations, money laundering organizations, drug gangs, drug fugitives, and other serious crimes with a narcotics nexus.

#### Overview of NY/NJHIDTA

The NY/NJ HIDTA is comprised of multi-agency task forces that are in areas facing major threats from drug trafficking organizations and their affiliates. The task forces are:

- The NY OCDETF Strike Force,
- The NJ Drug Trafficking Organization Task Force,
- The El Dorado Money Laundering Task Force,
- The Regional Fugitive Task Force.
- Several upstate New York Task Forces and Domestic Highway Enforcement Initiatives.

The NY OCDETF Strike Force is controlled by the Drug Enforcement Administration (DEA). There are 226 people involved in the Strike Force which uses its resources from federal agencies in a single task force at one location (“NY/NJ HIDTA 2011,” 2010). The Strike Force works towards disrupting and dismantling international drug trafficking organizations that work in the New York metropolitan area.

The NJ Drug Trafficking Organization Task Force is also led by the DEA. The task force is comprised of eighty-eight individuals with the goal of reducing drug trafficking as well as dismantling drug trafficking organizations within seven NJ counties: Bergen, Essex, Hudson, Passaic, Union, Mercer, and Middlesex (NY/NJ HIDTA 2011, 2010).

The NY/NJ HIDTA is part of the El Dorado Money Laundering Task Force led by Immigration and Customs Enforcement (ICE). There are approximately 188 participants in the El Dorado Task Force. Its mission is to obstruct organizations involved in the process of laundering narcotics proceeds in the New York metropolitan area (“NY/NJ HIDTA 2011,” 2010).

The Regional Fugitive Task Force is run by the United States Marshals Service in the NY/NJ HIDTA. The task force is comprised of 332 participants and seeks to detain drug trafficking kingpins and violent fugitives in the New York, New Jersey area (“NY/NJ HIDTA 2011,” 2010).

The NY/NJ HIDTA also funds numerous subtask forces in upstate New York which strive to disrupt/dismantle drug trafficking organizations within their region as well as detain individuals smuggling narcotics and money across the Canadian border (2011 NY/NJ HIDTA Strategy, 2010). The upstate New York task forces are the Capital District Drug Enforcement Task Force, the Buffalo Drug Enforcement Task Force, the Rochester Drug Enforcement Task Force, the Central New York Drug Enforcement Task Force, the Franklin County Narcotics Border Task Force, and the Adirondack HIDTA Drug Task Force.

The HIDTA also funds Domestic Highway Enforcement Initiatives aimed at interdicting the movement of bulk currency throughout the region. The NY/NJ HIDTA has funded the New York Domestic Highway Enforcement (DHE) Initiative and the New Jersey Domestic Highway Enforcement Initiative (“NY/NJ HIDTA 2011,” 2010). The task forces are comprised of federal, state and local law enforcement agencies.

Because the NY/NJ HIDTA is comprised of multi-agency task forces, the resources available are beneficial to the goal of disrupting narcotics organization and terrorist financing. A major advantage is the availability of many law enforcement agencies which support the HIDTA mission. This partnership enables the participating agencies to work collectively and provide valuable resources to address their goal of disrupting narcotics organizations and severing the source of revenue that supports terrorist activity.

The New York/New Jersey 2011 Threat Assessment stressed that the availability of heroin is increasing. The heroin being sold in New York City and Newark is among the highest purity and lowest price in the United States (“NY/NJ HIDTA 2011,” 2010). According to the National Drug Intelligence Center, heroin is a significant threat to New York. Due to its location, New York City is the transportation hub and distribution center for heroin (Heroin, 2002). New York has

two international airports as well as numerous domestic airports, two major railroads, intricate subway systems and various ports (“NY/NJ HIDTA 2011,” 2010). There are also numerous bridges and tunnels that allow successful narcotics trafficking. Although South American heroin is the most common in New York, Southwest Asian heroin is also transported into New York. In order to strategically decrease the threat of terrorism, the NY/NJ HIDTA must build a foundation from the bottom up. Working with local law enforcement will be an effective start to combating narcotics and terrorist financing.

### Afghanistan’s Drug Trade

Scott MacDonald’s “Afghanistan’s Drug Trade” (1992) describes the history of the opium cultivation in Afghanistan. In the 1990s, Afghanistan was the world’s second largest producer of opium and hashish. Afghanistan’s society was shaped by the geography of its country. Half of the country has mountainous terrain and is barren. Because of this, population is scant. Afghanistan had a long tradition of using opium as a narcotic for consumption. Before the 1970s, opium usage was not as popular or socially disabling to Afghanistan. Its neighboring country, Iran had severe problems with opium addiction and in 1995 the Shah government banned poppy cultivation. This prompted the Afghans to use smuggling routes to provide Iranians with opium. It wasn’t until the 1980s that Afghanistan became a major source for illegal drugs on a more global scale.

According to MacDonald (1992) the poppy cultivation in Afghanistan became a significant problem for the United States in the 1990s. Cocaine usage had peaked in the 1980s and early 1990s. Because of this, the demand for heroin seemed likely to increase. MacDonald writes, “Drug abuse cycles often turn from stimulants like cocaine, to depressants, like heroin.” The threat to American people has increased due to the opium market that Afghanistan has built

up. In his article, he also writes that, "the cultivation of opium and the refining of heroin in Afghanistan ultimately contribute to the drug problem in the United States, since at least part of the Afghan harvest will end up in the veins of American drug abusers" (1992).

On May 11, 2004, Donald Semesky Jr., Chief of Financial Operations for the Drug Enforcement Administration (DEA) spoke to the Committee on House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources (Federal Documents Clearing House, 2004). Semesky claimed that drug enforcement plays a vital role in national security. He also stressed that, "To make a significant impact on the drug trade in America and around the world, there is no strategy more effective than following the money back to the sources of drug supply and taking away the dirty profits of that trade." Narcotics proceeds are a source of revenue for a majority of terrorist organizations. In 2003, the Department of State identified 47 percent of the 36 foreign terrorist organizations have ties to the narcotics drug trafficking industry.

The United Nations Office on Drugs and Crime (UNODC) published an article titled, "Drug Trafficking and the Financing of Terrorism" (2004). The article stated that in 2007, the total value of Afghanistan's 2006 opium harvest was \$3.1 billion. The value of this harvest benefited the farmers, laboratory owners and Afghan drug traffickers. Afghan drug trafficking has provided funds for insurgencies and individuals who use terrorist violence. On some occasions, narcotics were used as currency to produce terrorist attacks. An example of this is the Madrid bombings. The Madrid bombers did not have a direct relation to Osama bin Laden. They received funds that were gathered in Europe by Al Qaeda's network (Napoleoni, Terrorist financing beyond 9/11, 2007). The use of ATMS was also extremely important in gathering funds for the bombers (Napoleoni, 2007).

Al Qaeda funding has been decentralized making it easier for terrorists to receive funds throughout the world. Drug trafficking has been a major asset to the decentralization as well. This puts the United States at greater risk of falling victim to another terrorist attack. Ira Kuleshnyk, the UNODC Senior Terrorism Prevention Officer spoke at a conference in Istanbul titled, "The Role of Drug Trafficking in Promoting and Financing Today's Global Terrorism" (Drug trafficking and the financing of terrorism, 2010). At the conference, Kuleshnyk said that drug traffickers are not a "mysterious entity". They are groups and networks that can be understood, identified and followed. Eventually they can even be obstructed. The article also described that there are plans and strategies being utilized at the international level to disrupt the illicit drug flow. The NY/NJ HIDTA is focused on disrupting drug trafficking organizations on a more localized level.

Intelligence and information sharing are the pillars of what makes the NY/NJ HIDTA function. Because the NY/NJ HIDTA is formed of numerous multi-agency task forces, information can be shared among the various federal, state and local levels. Intelligence is crucial to the destruction of terrorism. Intelligence shared within the NY/NJ HIDTA can help to identify drug trafficking organizations that are funding terrorism.

#### Internal Revenue Service

The Internal Revenue Service plays a vital role in financial investigations. The IRA has stated, "No matter what the source of income, all income is taxable." The IRS started their Criminal Investigations Program in 1919. The first narcotics investigation was conducted in the early 1920s of an opium trafficker in Hawaii. The IRS charged the leader of the drug trafficking organization with tax evasion. The goal of the Criminal Investigations Program is "to utilize the financial investigative expertise of its special agents to disrupt and dismantle, through

investigation, prosecution and asset forfeiture, the country's major drug and money laundering organizations" ("Narcotics-related financial investigations," 2010).

Financial investigations can be lengthy and document-intensive. Bank records and real estate records are used as well as any other type of document that can show the movement of funds. Financial investigators must follow the funds and track where the money moves in order to identify the criminal activity. IRS agents track the documents and conduct financial analyses that ultimately lead investigators to the leaders of narcotics drug trafficking organizations. Tax evasion and unreported income on tax returns can be vital to a conviction (Narcotics-related financial investigations, 2010).

The IRS partners with the High Intensity Financial Crime Area (HIFCA) to identify suspected narco-traffickers and initiates civil and criminal sanctions. The HIFCAs were formed in 2000 and mandated in the National Money Laundering Strategy. The role of a HIFCA is "to concentrate law enforcement efforts at the federal, state, and local level on combating money laundering in high intensity money laundering zones, whether based on drug trafficking or other crimes" (Narcotics-related financial investigations, 2010). The New York/New Jersey HIFCA works within the NY/NJ HIDTA.

Because financial investigations are long and intensive, the HIFCA can provide case support to the IRS. HIFCA analysts can analyze bank documents and create comprehensive reports based on the raw data they receive from financial institutions. This allows IRS agents to spend more time on the field conducting interviews and investigating locations of interest so drug trafficking organizations can be identified faster and convictions occur at a faster rate. Faster convictions would lead to quicker seizures of funds and assets. The more money and

assets seized from drug trafficking organizations, the less money being received by terrorist organizations and insurgencies.

#### Drug Use and Abuse Among Americans

The National Drug Threat Assessment for 2010 identified drug trafficking and abuse in the United States and established that it has a significant impact on all aspects of an individual's life. The cost of drug trafficking and abuse has been estimated at \$215 billion. Not only does drug abuse affect the criminal justice system, it also affects the healthcare system, productivity among people and the community. In 2008, the National Survey on Drug Use and Health (NSDUH) discovered that approximately 14.2 percent of people ages twelve and older had used illegal drugs (National Drug Threat Assessment, 2010). Of the 14.2 percent, 453,000 people had used heroin. The Treatment Episode Data Set (TEDS) collects and analyzes information regarding substance abuse, treatment and admissions of individuals into state licensed treatment centers. In 2007, TEDS data revealed that 1.8 million people had been admitted to a state-licensed treatment center. Of the 1.8 million people admitted, the highest percentage were opiate abusers.

Not only does this affect productivity in the community, it also affects people closely related to the drug addicts. Children are the most affected. They are put into foster care when a parent is admitted to a rehabilitation center. American tax payers are ultimately paying for the drug addicts to receive treatment. Costs will increase as the number of addicts receiving treatment increases. This also affects the job market. In 2007, the 1.8 million people who were admitted to state licensed treatment centers were not working. This number does not even include the number of individuals who are the drug addicts who refuse to seek treatment and are

not employed. This puts a huge burden on the American people. They are ultimately paying for these individuals to be on welfare.

Public financial resources expended in the areas of health care and criminal justice as a result of illegal drug trafficking are resources that would otherwise be available for other policy initiatives (Impact of drugs, 2010). Drug abuse among Americans disaffects national security. The NDSUH identified 19.6 percent of unemployed adults to be drug users in 2008. The impact is detrimental to the improvement of American society. The American economy is in turmoil and the number of unemployed drug users is creating one more obstacle that the United States needs to overcome.

NY/NJ HIDTA has started holding round table discussions with local law enforcement, medical professionals and employees of rehabilitation centers regarding drug abuse in New York and New Jersey. The first meeting was held at the Westchester Intelligence Center. The goal of the discussion was to create a relationship with the medical professionals and employees of the rehabilitation center in order to receive information regarding the drug trends in the NY/NJ HIDTA region. By forming a partnership with the medical professionals, NY/NJ HIDTA can work to help make drug addicts productive assets to society. More productive people in society will help the economy flourish. This will decrease the amount of funding spent on drug use. This will put drug dealers out of work and can ultimately affect the funds being received by terrorist organizations.

#### Afghan Drug War

Rachel Ehrenfeld's 2009 article titled, "Stop the Afghan Drug Trade, Stop Terrorism" stated that a ton of heroin costs between \$360 million and \$900 million in New York. Afghanistan supplies 93 percent of the world's opium. Former Afghan Interior Minister Ali

Ahmad Jalilli said, "This is a source of income for the war lords and regional factions to pay their soldiers." The opiate trade helps terrorist organizations flourish. Ehrenfeld writes, "The exponential growth in narco-terrorism in Afghanistan led to a well-entrenched narco-economy, strengthening the power of tribal warlords, the Taliban and al-Qaida." The production of opium in Afghanistan accounts for 97 percent of the country's per-capita annual GDP. In the Western nations, such as the United States, Afghanistan heroin is worth \$3.6 billion to \$6.4 billion.

The International Narcotics Control Board reported that in 2007, the Taliban's income from morphine base and heroin sales was between \$259 million and \$518 million. The amount of money received by the Taliban from heroin sales can fund training, the purchase of weapons and bribes used for politicians and the media.

#### Conclusion

A primary factor in combating narco-terrorism is the gathering of intelligence from the local police agencies and state agencies that often forge relationships with the religious and political leaders in their respective jurisdictions. This form of intelligence gathering can prove to be very useful especially in a task force that covers such a populous area. Through a concerted effort of the participating agencies, resources could be used to conduct clandestine operations, surveillance, dissemination of intelligence gathered from arrest and debriefings, and the use of financial intelligence to identify terrorist financing based on intelligence gathered from the field. The goal would be to create a long term intelligence collection platform for the geographical area covered by the NY NJ HIDTA. Established teams comprised of a representative from various participating agencies investigate the intelligence collected and identify if there is an extremist organization operating within the area and determine if there is a nexus to narco-terrorism. The HIDTA can form task forces that will share information among members in order to disrupt and

dismantle drug trafficking organizations. The HIDTA can also create a strong alliance with medical professionals in order to create a solution to reduce drug abuse and increase the productivity of drug addicts. The IRS will prosecute drug traffickers, drug dealers and drug trafficking organizations in an effort to stop funding terrorist organizations. The HIFCA can provide case support to IRS agents in an effort to keep the agents in the field. A combined effort by participating agencies and the collection and dissemination of assets may prove to be a helpful start in addressing the relationship between narcotics and terrorism.

#### Recommendations

- The NY/NJ HIDTA will form task forces in order to share information and intelligence to disrupt and dismantle drug trafficking organizations providing funding to terrorist organizations.
- The NY/NJ HIDTA will work with federal, state and local law enforcement officials to identify drug trends and drug trafficking organizations that pose a significant threat to the zones designated within its area.
- The NY/NJ HIDTA will create an alliance with medical professionals to help make drug addicts more productive citizens.
- The IRS will investigate, apprehend and charge drug traffickers, drug dealers and drug trafficking with money laundering and tax evasion in order to reduce funding to terrorist organizations.
- The NY/NJ HIFCA will provide case support to IRS agents in order to keep the agents out on the field. HIFCA analysts will do the lengthy work such as reviewing bank documents and scheduling financial transactions in order to produce a comprehensive analysis of suspicious financial activity.

## References

Drug trafficking and the financing of terrorism. (2010). Retrieved from

<http://www.unodc.org/unodc/en/frontpage/drug-trafficking-and-the-financing-of-terrorism.html>

Ehrenfeld, R. (2009, February 26). Stop the afghan drug trade, stop terrorism. Forbes.com,

Retrieved from [http://www.forbes.com/2009/02/26/drug-trade-afghanistan-opinions-contributors\\_terrorism\\_mycoherbicides.html](http://www.forbes.com/2009/02/26/drug-trade-afghanistan-opinions-contributors_terrorism_mycoherbicides.html)

Lessons from history: Some background information on narco-funded terrorism. (2001).

Retrieved from <http://www.narcoterror.org/background.htm>

MacDonald, S. B. (1992). Afghanistan's drug trade. *Society*, 29(5), 61-66.

Napoleoni, L. (2007). Terrorist financing beyond 9/11. *The Economics of Peace and Security*

Journal, 2(1), Retrieved from [www.epsjournal.org.uk](http://www.epsjournal.org.uk)

National Drug Intelligence Center, the United States Department of Justice. (2002). *Heroin*.

Retrieved from website: <http://www.justice.gov/ndic/pubs2/2580/heroin.htm>

National Drug Intelligence Center, The United States Department of Justice. (2010). Impact of drugs on society. Retrieved from website:

<http://www.justice.gov/ndic/pubs38/38661/drugImpact.htm>

Narcotics-related financial investigations- criminal investigation. (2010, October 7).

Retrieved from <http://www.irs.gov/compliance/enforcement/article/0,,id=107488,00.html>

New York New Jersey High Intensity Drug Trafficking Area, Office of National Drug Control Policy. (2010). *NY/NJ HIDTA 2011 Strategy*

Semeskey, D. C. (2004). Terrorism financing and money laundering Federal Document Clearing House, Congress.

## Chapter 2

### Management Perspectives

#### Management for the Public Sector

##### Introduction

Terrorist Financing is a significant threat to the safety and security of the United States. As a future manager for the New York/New Jersey HIDTA, our strategy will be aimed at disrupting and dismantling drug trafficking organizations that have a nexus with terrorist organizations.

The NY/NJ HIDTA was created in 1990 as one of the five original High Intensity Drug Trafficking Areas (“New york/new jersey,” 2010). The NY/NJ HIDTA covers twenty two counties located throughout New York and the northeastern region of New Jersey. The mission statement of the NY/NJ HIDTA is, “...to reduce drug trafficking and its harmful consequences, particularly drug related crime, by building innovative and effective partnerships with law enforcement agencies operating in the region” (“Ny/nj hidta 2011,” 2010). Because of the geographical location, New York and the northeastern region of New Jersey are major gateways for drug trafficking and distribution.

The NY/NJ HIDTA is a complex organization comprised of several multi-agency task forces. The multi-agency task forces funded by the NY/NJ HIDTA are the NY OCDETF Strike Force, the NJ Drug Trafficking Organization Task Force, the El Dorado Money Laundering Task Force and the Regional Fugitive Task Force (“Ny/nj hidta 2011,” 2010). The NY/NJ HIDTA

also funds several task forces in upstate New York as well as Domestic Highway Enforcement Initiatives.

### Current Management Model

Currently, the management model that is being utilized by the NY/NJ HIDTA is the Divisionalized Form. The Divisionalized Form model is defined as, "...the bulk of the work is done in quasi-autonomous units- campuses in a multi-campus university, specialties in large municipality hospitals, and divisions in Fortune 500 companies" (Bolman, 2008). The NY/NJ HIDTA area encompasses 22 counties in New York and New Jersey. Because the NY/NJ HIDTA covers such a vast area, initiatives were created in order to successfully focus on the core mission of the HIDTA. Each initiative has a manager, otherwise known as an Executive Board Member that oversees the daily operations. At the end of every year, the Executive Board members present their initiatives' results to the Director of the HIDTA. If the results provided by each initiative proved to be effective, the initiative can continue to make decisions without having to go up the ladder to the top every time for an answer.

### The Leadership Team

With an organization such as HIDTA, many decisions would have been ineffective to the core mission if they had to be passed all the way up the corporate ladder for approval. Sarah Miller Caldicutt wrote an article titled, "The Role of Organizational Design in Twenty-First Century Policing Organizations". Caldicutt said, "When you have complex decisions, you have to go higher up the organization. You lose a lot when you have to go to the top of the pyramid to get a decision...Information, knowledge, and passion is lost along the way". This is a current

problem within the HIDTA that needs to be rectified. As a future manager for the HIDTA, I would implement a Leadership Team model for the organization that was first created by Chief Wuestwald of the Broken Arrow Police Department.

The Leadership Team was designed to "... 'flatten' the organization by involving frontline employees in this decision making process" (Caldicutt, CITE). By involving everyone in the decision making process, it gives incentives for people to work harder which ultimately increased the overall morale in an organization. The Leadership Team, as designed by Wuestwald is a group of individuals who are selected by their fellow colleagues from all ranks within in the agency. The team meets three times a month in order to address significant problems and issues within the organization (Culpepper, 2008). They also discuss administrative details such as hiring, training, promotions and equipment purchases.

Brigitte Steinheider, an expert in organizational psychology was asked to build a Masters of Arts Program in Organizational Dynamics for the University of Oklahoma-Tulsa. Chief Wuestwald took Steinheider's class "Teams and Motivation" during the time he was appointed Chief of Police for the Broken Arrow Police Department (Culpepper, 2008). While taking the class, Wuestwald conducted a study on the Harley Davidson Motor Company. The Harley Davidson Motor Company changed their management model by embracing diversity, quality improvement, and customer and employee ideas (Culpepper, 2008). Wuestwald liked the way the Harley Davidson Motor Company changed their leadership and knew that the Broken Arrow Police Department needed to embrace change as well.

Wuestwald knew that he needed to include his police officers in decisions that were being made in the police department. Wuestwald explained, "We have a different type of employee in

our police organizations-more educated, more enlightened, more technologically savvy. He or she expects to be consulted and has lots of ideas. We hamper ourselves if we don't listen" (Culpepper, 2008). From a management perspective, Wuestwald's statement was enlightening. The NY/NJ HIDTA is a melting pot of intellectually diverse individuals. Because the organization is made up of various multi-agency task forces, it is important to listen to the ideas and plans generated by the employees.

#### The Ideal Management Model for HIDTA

As a future manager I would implement a combination of the Divisionalized Form model and the Leadership Team program into my unit. I feel that decisions made by one person at the top of an organization are not always effective. By involving employees from the front line, agencies can have a well-rounded view of how the organization should be operated.

A leadership team would be established in order to address issues facing the NY/NJ HIDTA. This will give employees within the organization the opportunity share ideas and express concerns that might have been overlooked. In a rapidly changing world, it is vital to share ideas in order to achieve a more well-rounded solution. The leadership team will also be helpful to a manager because it informs them of what is happening within their organization.

The NY/NJ HIDTA must also embrace the group problem solving dynamic. Group problem solving for the NY/NJ HIDTA is more beneficial to the strategies and goals of today than individual problem solving. The Leadership Team would be beneficial in implementing a group problem solving dynamic. In order to solve problems effectively, personality

characteristics must be factored in. For example an extravert would make a successful manager or team leader in a problem solving situation.

### The MBTI Dimension

The MBTI Dimension explains that extraverts like to discuss problems amongst a group and think aloud (Huitt, 1992). An introvert on the other hand prefers to brainstorm privately and reflect on the problems. An extravert would be able to engage the introverts in order to come up with problem solving. The sensing characteristic as explained in the MBTI model, reveals that individuals like to look at the facts and details from the past and present. They use their own personal experiences and like to look at the details of situations. An intuitive person likes to look into the future. They are very visual and usually tend to develop complex solutions. Individuals who are "thinkers" look for logic and reason. They use analysis, classification and categorize a problem solution. Thinkers evaluate the solutions for efficiency and effectiveness.

Another personality characteristic identified in the MBTI dimension is feeling. This characteristic focuses on how the solution will impact the people. Another characteristic described in the MBTI model is judging. This characteristic is more organizational and structured in manner. A person who judges will identify flaws in the solution and evaluate the solution for efficiency and effectiveness. The final characteristic identified in the MBTI model perceives. Solutions made by a perceiving characteristic are flexible and adaptable (Huitt, 1992).

A combination of the aspects of personality as explained in the MBTI dimension would be beneficial to a group problem solving dynamic. If a group consisted of all extraverts or all introverts, the ideas and conclusions that would be identified and implemented would be one-

dimensional and biased. Huitt stated, "Tunnel vision represents the major difficulty in problem identification as it leads to artificially restricting the search for alternatives". Although he was explaining this as a risk in the input phase, tunnel vision can occur if the personality dynamic in the group are all too similar. Problem solving should be intellectual and emotional in nature. We must not just focus on fixing a problem, we must also be aware of the effects it will have on the people as well.

One of the benefits of group dynamic problem solving is that the individuals will potentially have a thorough understanding of the problem. Once the individuals have gained a thorough understanding of the problem they can contribute thoughtful and intelligent ideas on how to solve it. This will also create a strong unity within the group. With an organization as vast and diverse as the NY/NJ HIDTA, the enhancement of unity among the employees would be extremely beneficial.

### Personality and Trait Characteristics

Personality and trait characteristics play an important role in a work environment. If the work environment is toxic, the work performance will suffer and workers will be less effective. A good manager should be able to read people. During the recruiting stage a manager should be looking for individuals who will be able to work well both individually and in a group.

### Self-Esteem

Self-esteem also plays a significant role in a work environment. When recruiting individuals for an organization, a manager should be observant of the level of self-esteem an individual has. A person with a low self-esteem will tend to focus on trying to please others and

will be less likely to rebel or stand up to a manager. In many cases, a manager would want to employ a person with low self-esteem because that person will be less likely to cause problems within the work environment. That might not always be the best idea. In other cases, a manager might see a person with low self-esteem as being weak and not want to give them the opportunity. In my opinion a successful manager should help the employee with low self-esteem; identify their vulnerabilities and weaknesses and help them build them up. In this way the organization can become stronger and more successful.

### Challenges

As organizations grow into larger, more complex organizations, it will be very difficult to implement new ideas and innovations. The National Commission on Terrorist Attacks noted that one of the failures in the intelligence and homeland security establishment was the failure of imagination (Inamete, 2006). Because the NY/NJ HIDTA is such a complex organization, it is important that I take advantage of the ideas and insights presented by my employees in order to successfully carry out the core mission.

Although lack of imagination is a huge threat to a manager, they are also faced with many other concerns on a daily basis. There are three areas of concern that will always plague a manager, especially in the NY/NJ HIDTA. The concerns are the media, politicians and funding.

The media has a tremendous amount of power over the public. The media thrives off of stories, both positive and negative. They thrive on emotions of the people. They search for stories that will attract the attention of the public. As a manager, this could pose a significant problem. If a problem occurs within my agency, the media will focus in on it. They will run the

story and display all of the vulnerabilities and mistakes that have occurred within my agency. This would negatively affect the opinions of Americans, especially voters and politicians

Politicians can also pose a threat to a Manager. If it is an election year, programs and funding can change drastically depending on the political party that enters office. It is always important for a manager to know about the candidates running and what their views and political practices are. A manager needs to be able to prepare for a drastic change in the federal government in order to benefit their agency.

The third most significant problem a manager faces is funding. The NY/NJ HIDTA depends on funding in order to continue operating. Without funding, the NY/NJ HIDTA would fall apart. The most important responsibility a manager has is to make sure the goals and strategies of the organization are being met. For the NY/NJ HIDTA the strategy I am focusing on is disrupting and dismantling drug trafficking organizations that are engaged in terrorist financing. It is crucial that the plans outlined in the strategy are met and surpassed by every individual within the organization.

### Keys to Success

Interaction with employees is crucial to the success of working towards the strategy of the NY/NJ HIDTA. As a manager it is important to be seen in the office, as well as in the field. A manager who never comes in to work in the office is taking a huge gamble. It is vital that employees know that if there is a problem or concern, they can contact their manager and get a quick response to the situation. Because of this, I would implement an open door policy with my

employees. I would encourage them to come approach me with any concerns and problems they have.

A strong manager should be able to keep their employees on a focused track that will help to enhance the vision of an organization and work towards accomplishing that organization's strategy. The vision is a foundation for building an organization. "The Organizational Cone model states, "All organizations, whether in sports, businesses, or other settings, are started by someone with an idea" (Hersey, Blanchard & Dewey, 2001). It is when this idea or vision is implemented that an organization, whether big or small, will become successful. Everyone can have ideas, but not everyone will share their ideas and use their ideas to build off of them. A person or group of people who are willing to make their ideas become reality will also be extremely motivated.

Motivation is crucial in running a successful organization. In order for a leader or manager to be successful, they must create a supportive, healthy environment that enables their employees to focus on achieving the goal at hand. In the "Organization Cone" chapter, Gyllenpalm stated, "In today's swiftly changing world, it is impossible to give instructions to control the behavior of all members in an organization. To be motivated, individuals need to use their talent and creativity and see the possibility of growing and developing. You cannot expect people to move toward the goal in a straight line. But you should expect movement toward the shared goal". Although individuals in an organization should be able to use their talent and creativity, a successful manager should make sure that the vision in which the individuals are working towards is well defined and organized. The manager should be able to pull the reigns in when the individuals are straying too far out of the scope or if people are acting outside the cone.

Another important obstacle faced by a manager is communication during crisis. As a manager I must be able to maintain communication with my organization. Because HIDTA involves federal, state and local law enforcement agencies the organizational reputation is always at risk. If a crisis occurs all employees of the HIDTA must be able to work through the crisis as well as minimize the damage that can ensue. A crisis manager must be able to delegate tasks and responsibilities among all levels of HIDTA. Communication must be clear and concise. This task is extremely difficult. Human error, technological errors and mistakes that were unforeseen are all obstacles that an organization such as HIDTA will have to hurdle.

Coombs and Holladay discussed the idea of crisis clusters. An organization can group crises together according to similar characteristics. The article states, "Organizations can use the crisis clusters to construct portfolios, that is, a crisis management plan for each cluster to which the organization is vulnerable. The rationale for clustering is that if an organization prepares a crisis plan for one crisis in the cluster, it is reasonably well prepared for all crisis types in that cluster" (Coombs & Holladay, 2002). This is very similar to the check list concept. It is impossible to prepare for every crisis that will occur within an organization. Clustering crises would be beneficial to an organization, or in this case, HIDTA, because it gives the organization a foundation to build off of. Crisis managers within HIDTA can create a well thought out plan to fix the crisis and work towards preventing the same crisis or similar crises in the future. A crisis manager will be able to categorize each crisis and pick out similar characteristics. From there the crises could be clustered together and a comprehensive strategy could be created to deter and prevent the problem from happening again.

Furthermore, the study that was explained in Coombs' and Holladay's article revealed that the crises can be categorized into three types of clusters. The clusters identified are the victim cluster, the accidental cluster and the preventable cluster. The three clusters of crises that were developed will make dealing with disastrous situations easier. The crisis clusters allow managers to build from the bottom up. This will enable an organization to respond quicker to crises. Because we cannot predict the future, we are unable to see the types of crises that will occur within our organizations. Therefore we must be able to think and act quickly when a crisis does occur. If a situation arises such as a computer malfunction, a crisis manager will be able to categorize the issue under the "accidental cluster crisis". From there, the manager can come up with a solution in order to get the computer up and running. That was a simple example however not all crises will be that simple. Clustering crises together helps an organization maintain focus during times of mass chaos and confusion.

Another important point that was made is, "The stronger the potential reputational damage the more the crisis response strategy must try to accommodate the victim or victims, that is, those adversely affected by the crisis" (Coombs & Holladay, 2002). Accommodating the victims should always be the top priority in a crisis. In an event such as a natural disaster or a terrorist attack, the American people are the first responders. They are also the victims. As a manager for the NY/NJ HIDTA I would make it top priority to develop a plan to accommodate the people. The NY/NJ HIDTA would provide training opportunities to locate law enforcement on how to deal with traumatized victims. The NY/NJ HIDTA will also work with professionals in the medical field to ensure that the American people are properly taken care of. If the public is ignored in a time of crisis, the reputation of the NY/NJ HIDTA would be destroyed. The three concerns a manager would face would all resurrect and contribute to the downfall of the

organization. The media would focus how unprepared NY/NJ HIDTA was for the crisis. This would lead to a decline in popularity amongst voters and politicians. This will ultimately lead to a cut in funding for the NY/NJ HIDTA Organization.

The NY/NJ HIDTA would also lose trust from the American people. In fact, "CEOs rate trustworthiness as one of the most important aspects of an organizational reputation" (Coombs & Holladay, 2002). Trustworthiness is crucial for HIDTA as well as the Department of Homeland Security. The public needs to be able to trust their government to tell them when a crisis has occurred. The public must also be reassured that their safety and well-being comes first. The public needs to have trust in HIDTA and the federal government. If HIDTA and the federal government cannot comply, they risk losing popularity among the people. This can lead to a domino effect. Votes will decrease, which leads to a decrease in funding and in turn programs being cut.

Coombs and Holladay concluded that, "Crisis managers should make protecting the organization reputation a central focus of their work" (Coombs & Holladay, 2002). While I feel that this is a valid point, I do not agree that protecting the organization should be the central focus of their work. The central focus of an organization's work should be to protect the stakeholder. In respect to HIDTA, the stakeholders are the American people. If the HIDTA can protect the American people, the more their reputation and trust will increase.

### The Checklist Manifesto

In times of chaos, a checklist for NY/NJ HIDTA operations would provide organization. It would also be a useful form of communication between a manager and employees. It will keep

people focused during times of crisis. A manager can use a checklist to make sure each individual within the organization is performing their task properly and efficiently. A manager can also use the checklist to understand everyone's function within the organization.

The Checklist Manifesto showed how important using a checklist was in the case of Mr. Hagerman. The case of Mr. Hagerman proved that a person or an organization can perform the same task everyday but mistakes do happen and problems are inevitable. A checklist can help a person trace their steps to find out what went wrong. It would also remind individuals of their tasks and see if they complied or if anything was forgotten. In the chapter, "The Save", the doctor stated, "No matter how routine an operation is, the patients never seem to be" (Gawande, 2009). This same quote can also be implemented in law enforcement. No matter how routine an investigation is, the victims and suspects never seem to be as predictable.

The concept of a checklist is to build a foundation for individuals to use to build off of. It keeps people on track for the ultimate goal. If a catastrophic event were to occur, the checklist would ensure that DHS employees are focusing on the tasks that need to be accomplished. It will keep people organized when everything else is in disarray.

### Employee Discipline

One of the greatest challenges a manager will face is disciplining an employee. I know I will come into contact with employees that are troublesome and detrimental to the NY/NJ HIDTA. When the first problem occurs with this employee, I would pull them aside and address the issue. If the employee has been productive in other areas I would start out by acknowledging that. I would then transition into the areas that need work. I would not document the incident at

first because I feel that the employee may not have understood the responsibilities or tasks that were assigned to them. I would talk with the employee to make sure that at the end of our meeting they know what they must do to improve. I would also tell them that if the problem occurs in the future, I will have to document it and it will go on their employee record.

If the problem continues to persist or the employee is not working up to the standards set for them, I will meet with them again to find out what the problem is. At this point, I would not terminate my employee. I would listen to them and hear what they have to say. The real issue may not be the employee's performance. It may be the tasks assigned to them. After this meeting I may realize that the employee is better suited in a different area in the organization. If this is the case, I will do everything I can to accommodate that. At the end of the day, I want my organization to be running at its utmost potential. If I am being held back by lackluster employees, I will have to fix that. Sometimes that means rearranging positions and sometimes it means terminating an employee.

### Recommendation

It is always important to know that employees need to be praised on the productive work they are doing. This boosts morale within the organization and it also makes the employee want to continue to produce good work. I like the approach of praising an employee before addressing an issue that needs to be worked on. It shows the employee that you see that they are a good worker and that you are encouraging them to fix the issue in order to become even better at their job.

The challenges that a manager faces are difficult and trying. It takes a strong person to be fit the shoes of a manager. The most important thing to realize is that managing an organization is not a burden. The rewards are bountiful when goals are accomplished. The key to being a successful manager, especially in the NY/NJ HIDTA is to listen to the employees, embrace diversity, communicate and never stop working towards new ideas and goals.

## References

- Bolmna, L. & Deal, T. (2008). *Reframing organizations: Artistry, choice, and leadership*. San Francisco: John Wiley & Sons. Inc.
- Coombs , T., & Holladay, S. (2002). *Initial tests of the situational crisis communication theory*. (16 ed., Vol. 2, pp. 165-186). Sage Publications.
- Culpepper, J. (2008, October 31). The professor and the chief. *Sooner Magazine*, Retrieved from <http://www.oufoundation.org/sm/fall08/printer.asp?ID=303>
- Gawande, A. (2009). *The checklist manifesto*. Canada: Henry Holt and Company LLC.
- Hersey, P., Blanchard, K., & Dewey, J. (2001). *Management of organizational behavior*. (8 ed.). Upper Saddle River: Prentics-Hall, Inc.
- New york/new jersey hidta*. (2010). Retrieved from <https://www.ncjrs.gov/ondcppubs/publications/enforce/hidta2001/ny-nj-fs.html>
- Huitt, W. (1992). Solving and decision making: Consideration of individual differences using meyers-briggs type indicator . *Journal of Psychological Type*, 24, 33-44.
- Inamete, U. (2006). The academic discipline of management and homeland security. *Review of Police Research*, 23(1),
- New York New Jersey High Intensity Drug Trafficking Area, Office of National Drug Control Policy. (2010). *NY/NJ HIDTA 2011 Strategy*

## Chapter 3

### Strategic Plan and Budget

#### High Intensity Financial Crime Area

##### 2011 Strategy

###### Introduction

A strategic plan is the process of defining the direction of the organizations future course and making decisions on how to reach and implement their plan. When deciding on ways to achieve and implement a strategic plan, the planning should include the allocation of resources such as funds, people, and technology. The plan seeks to identify the organizations weaknesses, opportunities, and threats. This is achieved by analyzing the plans political, economic, social, and environmental challenges and how these factors could help or hinder the organizations strategy. It is important to note that, "...strategic planning is not a substitute for leadership" (Bryson, 2004). The Strategic Plan that will be outlined in this paper is the New York/New Jersey High Intensity Financial Crime Area (HIFCA).

The HIFCA is a program, "... intended to concentrate law enforcement efforts at the federal, state, and local level to combat money laundering in designated high-intensity money laundering zones. In order to implement this goal, a money-laundering action team will be created or identified within each HIFCA to spearhead a coordinated federal, state, and local anti-money laundering effort. Each action team will be composed of all relevant federal, state, and local enforcement authorities, prosecutors, and financial regulators" ("Hifca financial crimes,"). The HIFCA is formed of Immigrations and Customs Enforcement Agents, the District Attorney's Office of New York and Intelligence Analysts. Each hierarchy within the HIFCA has their own agenda and plans for how the HIFCA should operate. When trying to identify strengths

and weaknesses, each agency within the HIFCA may only identify the strengths and weaknesses that will affect their own agency. The vision and mission of the HIFCA can also be lost as well during this process. Rather than have a centralized view on what will help and hinder the organization, the views will be decentralized. This can cause significant disarray within the HIFCA.

In order for an organization to exist, a strategy must be part of the foundation. In fact, “At is best, strategic planning helps leaders pursue virtuous ends in desirable ways so that public value is created and the common good is advanced” (Bryson, 2004). From there, managers must fine tune the strategies in order to focus on specific issues. Creating a set of strategies will also enhance the relationship between the organization and its environment. This is very crucial, especially for the HIFCA. The HIFCA must be willing to adapt to the environment in order to get continued support for funding. This can be tricky because the HIFCA works with both the public and private sector. The most important component to implementing a strategic plan is the feedback received by stakeholders and real public value.

Another important aspect to a strategic plan is budgeting. Budgeting is a major hurdle for the HIFCA. The HIFCA is funded through funds that are received by the District Attorney’s Office of New York from Immigration and Customs Enforcement (ICE). ICE funds HIFCA positions from cases where assets have been seized. The funding could be cut at any moment. It is crucial for the funding to be utilized right away in order to keep functions running smoothly at the HIFCA.

Purpose, Scope, and Methodology

This plan is being developed to enhance the operational capabilities of the NY HIFCA. The HIFCAS, "... are composed of all relevant federal, state, and local enforcement authorities; prosecutors; and federal financial supervisory agencies as needed. They work closely with the High Intensity Drug Trafficking Areas (HIDTA) and Organized Crime Drug Enforcement Task Forces (OCDETF) and focus on collaborative investigative techniques" ("Narcotics-related financial investigations-," 2010). It is important to constantly thrive to enhance the relationship between the NY HIFCA and the Law Enforcement Community, banking community, federal regulators and the prosecuting agencies. It is important to create new methods and strategies that will further develop and enhance the relationship between the law enforcement community, private sector and the prosecutorial community. HIFCA represents a unique task force which prides itself on being an advocate to combat fraud, money laundering, identity theft and counter narco-terrorism financing. As fraud and money laundering trends develop they will pose a credible threat to the economic condition of the United States and the Globe. HIFCA will be able to represent a voice that will coordinate with the various agencies and private sector entities to identify, combat and prosecute these threats.

#### Mandates

One of the most important mandates that are issued to the HIFCA is controlled by the Office of National Drug Control Policy. The NYNJ HIDTA receives funding from the ONDCP, therefore when the congressional representative responsible for allocating funds for HIDTA projects come to the NY NJ HIDTA to conduct their audit, it is very important that there is a nexus to narcotics investigations to maintain funding. The main purpose of the ONDCP is, "...to establish policies, priorities, and objectives for the Nation's drug control program. The goals of

the program are to reduce illicit drug use manufacturing and trafficking, drug-related crime and violence, and drug-related health consequences” (“Office of national,”).

Some other mandates that are enforced in order for the HIFCA to continue existing are to identify money laundering trends used by drug cartels to fund their operations. The HIFCA must also educate law enforcement agencies and prosecutorial offices on methods to identify money laundering and what constitutes money laundering. The HIFCA provides financial case support to federal, state, and local law enforcement agencies to combat money laundering and fraud.

Another mandate that is upheld by the HIFCA is to maintain a diverse taskforce of participating law enforcement agencies to work cohesively to combat money laundering and fraud. Another important mandate that is followed by the HIFCA is to develop a partnership with the private banking community to identify money laundering trends and fraudulent activity. The initial intentions of designation of a HFICA was to, “...concentrate law enforcement efforts at the federal, state, and local level on combating money laundering in high-intensity money laundering zones, whether based on drug trafficking or other crimes” (“Narcotics-related financial investigations-,” 2010).

### Vision Statement

The HIFCA is a unique organization that unifies the public and private sector in order to combat financial crimes. Through communication, research and due diligence, the HIFCA maintains a professional and ethical foundation for financial investigations to thrive. The HIFCA prides itself on the intelligent team of analysts that not only assist law enforcement with investigations but also proactively finds cases that are ultimately referred out. The term “...vision has become one of the most overused and least understood words in the language,

conjuring up different images for people different people: of deeply held values, outstanding achievement, societal bonds, exhilarating goals, motivating forces, or *raison d'être*" (Collins & Porras, 1996).

### Mission Statement

It is important to note that, "A good mission statement should accurately explain why your organization exists and what it hopes to achieve in the future. It articulates the organizations essential nature, its values, and its work" (Radtke, 1998). The mission of the High Intensity Financial Crime Area is to analyze raw financial data to initiate financial investigations in an effort to identify and disrupt money laundering organizations. The HIFCA will continue these efforts by providing continuous case support to all law enforcement agencies. There is a cooperative effort by all participating agencies in the HIFCA Task Force to combat money laundering and identify financial crime trends. This cooperation provides a unique opportunity to collectively carry out the mission of the High Intensity Financial Crime Area and satisfy the missions of the respective participating agencies.

### SWOT Analysis

Conducting a SWOT analysis will enable a company to prepare in advance for potential threats. SWOT Analysis involves, "...specifying the objective of the business or protect and identifying the internal and external factors that are supportive or unfavourable to achieving that objective. SWOT is often used as part of a strategic planning process" (Morrison, 2011). It can also give an organization the knowledge and tools to seize opportunities that will better the organization. Strengths and weaknesses are factors that are internal within an organization. The organization has control over these internal factors. The opportunities and threats that are

outlines in a SWOT Analysis are external factors. The organization does not necessarily have control over these factors.

### Opportunities

- Opportunities can be related to any new laws that provide the HIFCA to expand its mission.
- The use of new funds due to budgets, new agencies that wish to support the HIFCA mission and new trends identified from a cooperative agenda that exist between the HIFCA and the private sector.
- Trainings made available to employees of HIFCA to learn about growing trends in money laundering.
- The economy whether good or bad provides numerous opportunities for projects.
- Provide support to agents and law enforcement officials who do not have time to sit at a desk. The law enforcement officials have more time to work out on the field.

### Threats

- Fast turnover rate among HIFCA analysts. The average length of employment for a HIFCA analyst is 2 years.
- It takes up to 6 months for an analyst to receive access to the federal, state and commercial databases. The fast turnover rate makes it difficult for new employees to learn from experienced employees.
- Financial institutions can stop providing information and financial documents.
- The HIFCA can lose funding.
- The HIFCA'S mission can change depending on political endeavors.

- The HIFCA can also be shut down if government officials feel the organization is not being productive.

#### Strengths

- The employees of HIFCA are extremely competent. Employees must go through a challenging interview and an extensive background check.
- The task force is focused on identifying activity that would facilitate money laundering, financial frauds, and document fraud.
- By utilizing the resources available in the Task Force specifically the contributing law enforcement and regulatory agencies of the Task force, the HIFCA can identify new trends of new financial crimes and share this with both the private and law enforcement community.
- The HIFCA provides support to federal, state and local law enforcement as well as organizations in the private sector.
- HIFCA analysts have access to many federal, state and commercial databases. This is beneficial to agencies that do not have access to certain databases.
- The HIFCA acts as a liaison between different law enforcement agencies.
- The HIFCA “de-conflicts” cases to make sure that multiple agencies are duplicating efforts for the same case.

#### Weaknesses

- Weaknesses would constitute obstacles either by regulatory agencies.
- Lack of man power due to budget constraints.

- There is a lack of proactive research being conducted. HIFCA analysts are expected to provide intelligence to law enforcement agencies regarding trends in money laundering and financial crimes.
- Lack of support or cooperation between the law enforcement community and the private sector specifically the banking, and financial industry and if the mission of the HIFCA is compromised by supporting agencies that no longer share the same ideas or concerns.
- Analysts must be able to write a comprehensive intelligence report to disseminate to law enforcement agencies. Poor writing skills will produce a negative light on the HIFCA which will decrease the requests from law enforcement agencies.
- Must provide more case support in order to maintain a strong relationship with law enforcement agencies.
- Funds for training need to be made available in order to enhance the work product of the analysts. Because of the high turnover rate, it is vital that the analysts are utilized to the best of their ability from day one.

It is important to note when identifying weakness that, “A SWOT analysis that is both effective and meaningful, requires time and a significant resource. This cannot be done effectively by just one person. It requires a team effort” (Morrison, 2011).

#### Strategic Issues

Strategic Issue: Lack of support between the law enforcement community and the private sector specifically the banking, and financial industry and if the missions of the HIFCA is compromised

by supporting agencies that no longer share the same ideas or concerns. Strategies are created to outline an organizations response to essential challenges they can encounter (Bryson, 2004).

**Strategy:** The HIFCA will act as a liaison between law enforcement and the financial industry. Employees of the HIFCA have the capability to speak the language of both law enforcement and private sector employees. By keeping lines of communication open on both sides, the HIFCA will be able to focus on its core mission.

**Goals:**

- The HIFCA will hold quarterly meetings with law enforcement personnel and private sector employees in order to identify financial crime trends pertinent to the New York/New Jersey/Connecticut region.
- A monthly newsletter will be distributed from the HIFCA with news articles on cases that were prosecuted. The newsletter will identify money laundering trends that pose a specific threat.
- The HIFCA will obey the proper procedural protocol when dealing with law enforcement personnel and private sector employees.
- The HIFCA will strive to increase the number of proactive financial cases being investigated by law enforcement that was initially worked up at the HIFCA.

**Key Performance Indicators:**

- Law enforcement perception of communicating through the HIFCA to the financial sector.
- Private sector perception of communicating through the HIFCA to the law enforcement community.

- Increase in financial crime convictions
- Increase in financial institution support
- Recommendations from the private sector on possible targets for money laundering organizations.
- Recommendations from law enforcement concerning new targets and trends being reported to local and state Police Agencies and crimes being investigated by specialized units such as Asset Forfeiture, Special Frauds, Medicaid Fraud, and Insurance Fraud.
- Research conducted for the newsletter will enhance the productivity among HIFCA analysts.

#### Time Table:

January 2011- The strategic planning process will commence.

January 10, 2011- The HIFCA will hold a strategic planning meeting with Managers in the law enforcement field and financial sector. This will include task force members such as police officers, federal agents and attorneys.

January 20, 2011- The HIFCA will be divided into teams in order to commence the production of the HIFCA newsletter.

April 2011- A quarterly review will be conducted to see how the first meeting quarterly meeting went of private and public sector officials.

June 2011- The strategic plan will be reviewed and submitted for approval.

August 2011- The strategic plan will be updated and reviewed after the second quarterly meeting.

January 2012- The HIFCA will send out an amended version of the strategic plan. This plan will include statistics from the first year that the strategy was implemented.

June 2012- A review of the strategic plan will be reviewed in order to see how successful the HIFCA is at keeping the lines of communication open between public and private sector.

January 2013- The quarterly meetings will be reviewed in order to identify strengths and weaknesses within the meetings.

March 2013- A review of the strategic plan will be conducted for the first two years it was initiated.

Budget/Resource: Estimated budget of \$300,000. Resources requested to achieve this goal. The funds will go towards creating a newsletter for the HIFCA to send out. The funding will also go towards the planning of the meetings.

Strategic Issue: Fast turnover rate among HIFCA analysts. The average length of employment for a HIFCA analyst is two years.

Strategy: The HIFCA is currently under the payroll of the District Attorney of New York. HIFCA management will find another agency to sponsor the HIFCA that will provide incentives for analysts to stay. For example, HIFCA analysts will be given promotions and merit raises based on their hard work and achievements.

Goals:

- The HIFCA will find a new organization to sponsor employment for the Analysts. An ideal organization would be a University such as Columbia or New York University.
- Merit raises will be offered to analysts who have been employed no less than one year at the HIFCA.
- Opportunities for certifications to organizations such as the Certified Fraud Examiners Association and the Certified Anti-Money Laundering Association will be offered to, and paid in full, to analysts who have been employed for two years or more at the HIFCA.

- Merit raises will also be offered to analysts that have a productive work ethic.
- Opportunities will be negotiated with law enforcement and prosecutorial agencies to allow the HIFCA work within those environments to better understand the investigative process and legal obstacles when working on sensitive financial investigations.

#### Key Performance Indicators:

- Number of employees that stayed after one year of employment.
- Number of employees that stayed after two years of employment.
- Average value of merit raises being distributed to HIFCA analysts.
- Annual amount of funds being issued for certification programs for Analysts employed at the HIFCA for two years or more.
- Number of analyst that participated in field operations.

#### Time Table:

January 2011- Supervisors and upper management will hold a meeting to discuss a strategic plan for increasing the average employment length of a HIFCA analyst.

Mid-January 2011- A meeting will be held with the current employer of HIFCA analysts to discuss the possibility of merit raises.

End of January 2011- Supervisors will start looking at other alternatives for funding HIFCA analyst positions.

April 2011- The Strategic Plan will be written and distributed.

October 2011- A meeting to discuss merit raises will held to discuss the 2012 fiscal year.

January 2014- A review the previous three years will be conducted in order to see the average length of employment of a HIFCA analyst.

April 2014- A revised Strategy plan will be disseminated based on the three year review of HIFCA employment.

December 2016- A final review will be conducted in order to find out if the average length of a HIFCA employee has increased or decreased.

Budget/Resource: Estimated budget of \$3 million. The budget will enable analysts to get paid their annual salary. Funds will always be used to present merit raises to analysts who have worked at HIFCA for a minimum of two years. Residual funds will be used to send analysts to training workshops and seminars. This will be used as incentives and rewards to the analysts who stay longer than two years.

Strategic Issue: Analysts must be able to write a comprehensive intelligence report to disseminate to law enforcement agencies. Poor writing skills will produce a negative light on the HIFCA which will decrease the requests received from law enforcement agencies.

Strategy: At the appointment of employment, HIFCA analysts will go through a rigorous training course that will teach them how to write an intelligence report. Analysts will also be given a template that will be used when producing intelligence. All reports that are referred out of the agency should have uniformity in presentation.

Goals:

- Find a College/University to sponsor the HIFCA.
- Analysts will be able to get college training on writing while receiving college credit.
- The HIFCA will be able to save money that was normally spent to train analysts.

- HIFCA analysts will be able to use these skills to apply for grants to increase funding for the HIFCA.

Key Performance Indicators:

- Increase in demand for HIFCA analyst positions.
- Increased competency among currently employed HIFCA analysts.
- Upon leaving the HIFCA, analysts will be able to compete in the job market with a competitive salary.
- Increased requests from law enforcement officials to conduct work-ups on individuals and moneylaundering organizations of interest.
- Case support increase.
- Increase in proactive reports.
- Increase in grant funding.

Time Table:

January 2011- Hold a meeting to discuss a strategic plan to find a college or university to fund HIFCA analyst positions.

End of January 2011- Meet with managers and supervisors from the Washington DC HIDTA to find out how their analysts are funded through the University.

January/February/March 2011- Meet with school officials to discuss funding options.

April 2011- Draft and review the strategic plan. Once the plan is reviewed and revised, it will be disseminated.

October 2012- Update strategy and as well as reveal the schools interesting in funding the positions.

January 2012- Sign agreement with the college or university for funding Analyst positions.

February 2012- Hold a meeting with the analysts and explain the courses and opportunities that will be available to them.

April 2012- Meet with the analysts to discuss schedules. Find out what works best for them when it comes time to enroll in classes.

August 2012- Analysts will register for fall semester classes; whether it be online or in the classroom.

February 2013- A review of the grades from the first semester will be conducted.

April 2013- An amended strategic plan will be disseminated discussing the progress of the analysts' work and their grades.

July 2013- Analysts will be in charge of holding a meeting to present their proactive research and reports to law enforcement.

October 2013- A review will be conducted between supervisors and individual analysts to track the analyst's progress.

January 2014- Analysts will be divided into groups and given the responsibility to hold their own proactive money laundering meetings.

June 2014- A 6 month review will be conducted on the meetings that are being run by the analysts.

August 2014- The managers of the HIFCA will meet with law enforcement officials, agents and attorneys to get their feedback on the meetings being run by HIFCA analysts.

December 2014- An end of year review will be conducted by supervisors to measure the progress of the meetings conducted by the analysts.

January 2015- The HIFCA will disseminate a report based on their analysis of the strategic plan. The report will include statistics of improvement among analysts and along with the statistics of work being conducted.

Budget/Resource: Estimated budget of \$2 million dollars. The money will be utilized for the training of HIFCA analysts. Applying for federal grants will be conducted in order to obtain federal funding to train HIFCA analysts.

Strategic Issue: There is a lack of proactive research being conducted. HIFCA analysts are expected to provide financial intelligence to law enforcement agencies regarding trends in money laundering and financial crimes.

Strategy: The HIFCA will hold intelligence meetings on a monthly basis where the analysts will present recent trends that have been discovered regarding financial crimes. At this time, analysts will also make presentations of proactive investigations that will be disseminated to law enforcement agencies that are interested in the case.

Goals:

- Analysts will meet with supervisors on a weekly basis to propose research ideas for the monthly meetings.
- This strategy will coincide with the strategy mentioned prior. Analysts will be able to conduct their own meetings without supervision from a higher authority.
- The meetings will influence law enforcement to provide analysts with information regarding trends and criminal organizations that they are targeting. Analysts can then prepare proactive work up based on the information to support the law enforcement community.

## Key Performance Indicators:

- Increase confidence among HIFCA analysts
- HIFCA analysts will improve in the area of public speaking.
- Continue to receive funding for analysts positions.
- Increase support from the law enforcement community.
- Increase in convictions.

## Time Table:

January 2014- Meet with supervisors at the HIFCA to discuss a strategic plan to increase proactive work among the analysts.

January 2014- HIFCA analysts will be divided into groups and be given the responsibility to hold their own money laundering meetings with law enforcement employees.

April 2014- Write and disseminate a strategic plan that will outline the proactive work that will be conducted among the analysts.

January 2015- A review of the first year of meetings will be conducted to see how the analysts were with conducting their own meetings. This meeting will be a follow-up to the December 2014 end of year meeting that was described in the previous strategy.

June 2015- Law enforcement will be asked to give feedback again on how effective the analysts are when conducting the meetings.

August 2015- HIFCA supervisors will meet with the Analysts to get their feedback on the meetings in order to see if any changes need to be made.

January 2016- A revised strategic plan will be drafted summing up the strengths and weaknesses that have arisen since the inception of analyst conducted meetings.

**BUDGET/RESOURCE:** A budget of \$200,000.00 per year is estimated. The money will be used for the maintenance and upkeep of federal, state and commercial databases. The remaining funds will be utilized for preparing and holding the monthly meetings.

When presenting the HIFCA strategy to upper management, there are many factors that must be considered in order to ensure that the information is being translated effectively and that the bond of trust is maintained. At the start of the presentation I will “declare my intent”. I will address the audience and explain why I have gathered them at the meeting. I will also share my background with the audience including some of credentials that are pertinent to the meeting. I want the audience to get an understanding of who I am. In doing so I am hoping to show my character and competence to the audience. Trust is vital. Trust is considered a “...function of two things: character and competence. Character includes your integrity, motive, your integrity, your motive, your intent with people. Competence includes your capabilities, your skills, your results, your track record. And both are vital” (Covey, pg. 30). It is important that I have trust within myself in order to execute the presentation. It is also important to have a strong relationship trust with the individuals at the meeting as well as organizational trust with the group as a whole. This will also be crucial when implementing the strategy once it is approved. Positive and negative feedback will be strongly encouraged. The strategic plan is a core entity to an organization and the desired result is to receive positive and enthusiastic support from upper management.

## References

*Office of national drug control policy: About ondcp.* (n.d.). Retrieved from

<http://www.whitehouse.gov/ondcp/about>

Bryson, J. (2004). *Strategic planning for public and nonprofit organizations*. San Francisco: John Wiley & Sons Inc.

Collins, J., & Porras, J. (1996). *Building your company's vision*. Boston: Harvard Business Review.

*Hifca financial crimes enforcement network.* (n.d.). Retrieved from

[http://www.fincen.gov/law\\_enforcement/](http://www.fincen.gov/law_enforcement/)

*Narcotics-related financial investigations- criminal investigation (ci).* (2010, November 11).

Retrieved from <http://www.irs.gov/compliance/enforcement/article/0,,id=107488,00.html>

Morrison, M. (2011). *Swot analysis made simple- history, definition, tools templates & worksheets.* (Master's thesis) Retrieved from <http://rapidbi.com/swotanalysis/>

## Chapter 4

## Constitution and Ethical Challenges

## The Constitution, The Patriot Act,

&amp;

## The NY/NJ HIDTA:

## The Ultimate Balancing Act

## Introduction

The New York/New Jersey High Intensity Drug Trafficking Area (HIDTA) is committed to identifying drug trafficking organizations and ultimately disrupting and dismantling them. Two significant issues that are being tackled by the NY/NJ HIDTA are terrorist financing and narcotics with a terrorism nexus, otherwise known as “narco-terrorism”. Both terrorist financing and narcotics are considered a threat to national security. The National Drug Threat Assessment 2010 stated, “Premature mortality, illness, injury leading to incapacitation, and imprisonment all serve to directly reduce national productivity.” In order to deal with this significant issue, I proposed a strategy for the NY/NJ HIDTA that outlined how the drug trade coupled with terrorist financing can be disrupted and dismantled.

The strategy for the NY/NJ HIDTA to combat terrorist financing and narco-terrorism was composed of three parts. Narco-terrorism is “funding link between terrorist groups and narcotics trafficking” (Zeese, Gray, Field, McCague, Allen & McVay, 2009). The first part of the strategy was focused on creating a partnership with local law enforcement to identify drug trafficking organizations that are funding terrorism. The second part of the strategy was to assist the Internal Revenue Service on all narcotics related investigations. The IRS can tax drug traffickers and organizations in order to take funds away from terrorist organizations. Most criminal enterprises

are happy to pay their taxes. The higher the cost of laundering fees the more money can be effectively drained from criminal enterprises. The High Intensity Financial Crime Area (HIFCA) can provide case support to IRS agents to make the money laundering investigations successful. The third and final part of the strategy was for the NY/NJ HIDTA to form a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society.

The New York/New Jersey HIDTA (NY/NJ HIDTA) is, "... a national distribution center for illicit drugs, principally cocaine, heroin, and marijuana" ("NY/NJ HIDTA 2011," 2010). The NY/NJ HIDTA was created in 1990. The mission statement of the NY/NJ HIDTA is "...to reduce drug trafficking and its harmful consequences, particularly drug-related crime, by building innovative and effective partnerships with law enforcement agencies operating in the region. Serving as a coordinating umbrella for several national model law enforcement partnerships, the NY/NJ HIDTA seeks to enhance cooperating among law enforcement agencies by eliminating redundancy wherever possible and "connecting the dots" between agencies and investigations" ("NY/NJ HIDTA 2011," 2010). The initiatives aim to facilitate the timely and accurate sharing of criminal and drug intelligence among law enforcement agencies, enabling them to more effectively target regional and international drug trafficking organizations, money laundering organizations, drug gangs, drug fugitives, and other serious crimes with a narcotics nexus.

Intelligence and information sharing are the pillars of what makes the NY/NJ HIDTA function. Because the NY/NJ HIDTA is formed of numerous multi-agency task forces, information can be shared among the various federal, state and local levels. Intelligence is crucial

to the destruction of terrorism. Intelligence shared within the NY/NJ HIDTA can help to identify drug trafficking organizations that are funding terrorism.

The Internal Revenue Service plays a vital role in financial investigations. According to the IRS, "...No matter what the source of income-all income is taxable". The IRS started their Criminal Investigations Program in 1919. The first narcotics investigation conducted was in the early 1920s of an opium trafficker in Hawaii. The IRS charged the leader of the drug trafficking organization with tax evasion. The goal of the Criminal Investigations Program is, "...to utilize the financial investigative expertise of its special agents to disrupt and dismantle, through investigation, prosecution and asset forfeiture, the country's major drug and money laundering organizations" ("Narcotics-related financial investigations-," 2010).

Financial investigations can be tedious and document intensive. Bank records and real estate records are used as well as any other type of document that can show the movement of funds. Financial investigators must follow the funds and track where the money moves in order to identify the criminal activity. IRS agents track the documents and conduct financial analyses that ultimately lead investigators to the leaders of narcotics drug trafficking organizations. Tax evasion and unreported income on tax returns can be vital to a conviction ("Narcotics-related financial investigations-," 2010).

The IRS partners with the High Intensity Financial Crime Area (HIFCA) to identify suspected narco-traffickers and initiate civil and criminal sanctions. The HIFCAS were formed in 2000 and mandated in the National Money Laundering Strategy. The role of a HIFCA is to, "...to concentrate law enforcement efforts at the federal, state, and local level on combating money laundering in high intensity money laundering zones, whether based on drug trafficking

or other crimes” (“Narcotics-related financial investigations-,” 2010). The New York/New Jersey HIFCA works within the NY/NJ HIDTA.

Because financial investigations are long and tedious, the HIFCA can provide case support to the IRS. HIFCA analysts can analyze bank documents and create comprehensive reports based on the raw data they receive from financial institutions. This would allow IRS agents to spend more time in the field conducting interviews and investigating locations of interest. Drug trafficking organizations would be identified faster. Convictions would also occur at a faster rate. Faster convictions would lead to quicker seizures of funds and assets. The more money and assets seized from drug trafficking organizations, the less money being received by terrorist organizations and insurgencies.

#### Drug Trafficking & Abuse in the U.S.

The National Drug Threat Assessment for 2010 identified drug trafficking and abuse in the United States has a significant impact on all aspects of an individuals' life. The cost of drug trafficking and abuse has been estimated at \$215 billion (“NY/NJ HIDTA 2011,” 2010). Not only does drug abuse affect the criminal justice system, it also affects the healthcare system, productivity among people as well as the community. In an attempt to combat the drug abuse epidemic among Americans the NY/NJ HIDTA has started holding round table discussions, with local law enforcement, medical professionals and employees of rehabilitation centers regarding drug abuse in New York and New Jersey. The first meeting was held at the Westchester Intelligence Center. The goal of the discussion was to create a relationship with medical professionals and employees of the rehabilitation center in order to receive information regarding the drug trends in the NY/NJ HIDTA region. By forming a partnership with the medical

professionals, the NY/NJ HIDTA can work to help make drug addicts productive assets to society. More productive people in society will help the economy flourish. This will decrease the amount of money funding drug use, put drug dealers out of work and ultimately reduce the funds being received by terrorist organizations.

### The Constitution and the HIDTA

In a world that is constantly changing and evolving, the Constitution is the only constant that American citizens can rely on to protect them. The Constitution is a sacred document that preserves the rights and civil liberties of each American. Because terrorist financing and narco-terrorism have become a matter of national security, the NY/NJ HIDTA must find a balance between Constitutional rights and homeland security when conducting investigations. Over the past few years, the Constitution has also become a focal point of controversial scrutiny and ridicule. The concept of Homeland Security has become the main topic that is questioning every aspect of the Constitution and the power it holds. One of the biggest hurdles that America must face is the balance between Constitutional rights and homeland security.

In order to successfully implement the strategy outlined for the NY/NJ HIDTA the rights of the public must be considered in the process. The Constitution protects the rights of American citizens to ensure that their civil liberties and rights are not being violated. There are six Amendments that must be taken into consideration by the NY/NJ HIDTA when conducting terrorist financing and narco-terrorism related investigations. The Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, and the Eighth Amendment which are also part of the Bill of Rights protect the rights of the American public. The Fourteenth Amendment which established due process at the state level also protects the American public.

### The Fifth Amendment

When implementing the three-part strategy for the NY/NJ HIDTA the Fifth Amendment must be considered through the trial process. The Fifth Amendment states that, “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation” (“Bill of rights”, 2011). The Fifth Amendment is vital to American citizens because it protects against self-incrimination. This can pose a challenge for the NY/NJ HIDTA when conducting investigations. At the time of arrest, an individual has a right to “plead the fifth”. The NY/NJ HIDTA in conjunction with the prosecuting attorneys could offer an individual immunity in order to enhance the investigation. This tactic may be used when investigators are trying to identify higher ranking individuals of a drug trafficking or terrorist organization. By offering immunity to the lower ranking individuals, more information about the organizations and the people in charge can be brought forward.

### The Sixth Amendment

The right to a speedy and public trial is also another right that is granted to the American public. The Sixth Amendment affirms, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to

be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense” (“Bill of rights”, 2011). The Sixth Amendment allows defendants the right to a speedy and public trial. Because of this, a defendant will not have to wait an exorbitant amount of time before trial proceedings commence. Financial investigations are long and tedious. Because of this, it is extremely important that an individuals’ Sixth Amendment right is invoked. The NY/NJ HIDTA partnership with the IRS will decrease the amount of time spent on financial investigations. Another benefit will be the case support received by the New York HIFCA that will allow investigators to conduct more field work while the HIFCA analysts analyze financial documents. The NY/NJ HIDTA’S strategy to work with the IRS will also maintain the public’s Sixth Amendment rights. Also depending on the case, the trial can be made public. It is up to the discretion of the government or the defendant.

Another important part of the Sixth Amendment is the defendants’ right to an impartial jury. Before a trial will proceed a jury is selected. Jury selection is conducted in order to maintain that the individuals who are chosen as jurors will be unbiased and impartial to the case they will be hearing. If there is any bit of doubt in regards to a juror’s view, they will not be chosen. This enables the defendant to a fair trial that will not be swayed one way or the other. In most terrorist cases, trying to find an impartial jury can be difficult. However the Sixth Amendment ensures the rights of the public to have an impartial jury. As long as this Amendment is in place, an individuals’ right to an impartial jury will be upheld and maintained.

The Seventh Amendment

The Seventh Amendment articulates that, “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law” (“Bill of rights”, 2011). This amendment is extremely valuable to the American public because it grants them the right to a trial by jury. Individuals are given the option to have their case presented in front of their peers where they will face a final judgment. The Seventh Amendment protects the public from being taken advantage of in the judicial system. Rather than have a judge solely make a decision, the individual has the option of having jurors listen to the facts of the case and make a decision based on what they have reviewed over the process of the trial. Investigators for the NY/NJ HIDTA must prepare their cases to the best of their ability however an individual is innocent until proven guilty.

#### The Eighth Amendment

The Eighth Amendment states that, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted” (“Bill of rights”, 2011). The Eighth Amendment protects the public in the sense that the punishment will fit the crime. Fines and sentences need to be justified with the crime that was committed. When implementing the NY/NJ HIDTA strategic plan, law enforcement must be aware of how they handle individuals when they arrest them. Excessive force cannot be used. When an individual is convicted of a money laundering or narcotics related crime, the punishment and sentence must coincide with the type of crime that was committed. Individuals convicted of financial crimes are more likely to receive fines than long prison sentences. When the NY/NJ HIDTA works with the IRS individuals can be ordered to pay taxes. According to the IRS, “all income is taxable”. By taxing

money launderers and drug traffickers, not only will it take money away from terrorist organizations, it will also coincide with the individuals' Eighth Amendment rights.

### The Fourteenth Amendment

Due process of law is a vital clause that was stated in the Fourteenth Amendment. The Fourteenth Amendment states, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" ("Bill of rights", 2011 ). The Fourteenth Amendment prohibits state and local governments from depriving individuals of life, liberty and property without following the proper steps to ensure fairness and equality. The Fourteenth Amendment gives the public equal protection under the law. This amendment also prohibits the NY/NJ HIDTA from revoking these personal rights without following the proper procedure. When conducting investigations, the NY/NJ HIDTA must enforce proper procedure throughout in order to avoid violating an individuals' Fourteenth Amendment right.

Another important aspect of the Fourteenth Amendment is the fundamental right to privacy is guaranteed by the Fifth and Fourteenth Amendments. It is important to note that the right to privacy is "not absolute and must be weighed against the state or federal interest at stake" ("Constitutional right to", 2010). The Fourteenth Amendment is extremely important to the third part of the NY/NJ HIDTA strategy. Because drug abuse and addiction have become a serious issue in the United States, the NY/NJ HIDTA has started holding round table discussions

with local medical professionals to identify a plan to make drug addicted citizens more productive in society. Because of this, doctor patient confidentiality and the Fourteenth Amendment have are a controversial issue. A perfect example of this is the Whalen v. Roe case that occurred in 1977. A group of doctors and their patients filed a lawsuit challenging a New York State Statute that mandated physicians to report to state authorities the identities of individuals receiving Schedule II prescription drugs (“Constitutional right to”, 2010). The physicians argued that the information was upheld by doctor-patient confidentiality. On the other end, the patients argued that the information was violation of their right to privacy. The Supreme Court sided with the lower court’s finding that “...the intimate nature of a patient’s concern about his bodily ills and the medication he takes ... are protected by the constitutional right to privacy” (“Constitutional right to”, 2010). However the Supreme Court ruled that, “requiring such disclosures to representatives of the State having responsibility for the health of the community, does not automatically amount to an impermissible invasion of privacy” (“Constitutional right to”, 2010). This case was significant to the concept of doctor patient confidentiality. The decision upheld by the Supreme Court allows agencies such as the NY/NJ HIDTA to hold roundtable discussions to gain intelligence that can be used to make drug addicted citizens more productive in public.

The Amendment that has become the most controversial in regards to Homeland Security is the Fourth Amendment. The Fourth Amendment states, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized” (“Bill of rights”, 2011). The Fourth Amendment protects the public from illegal search

and seizure. Without a warrant a law enforcement official cannot search an individuals' property. The NY/NJ HIDTA must take the Fourth Amendment into consideration when searching for narcotics and illicit proceeds. Although the Fourth Amendment benefits the American public, it poses a significant obstacle for the NY/NJ HIDTA. They must follow the proper procedure in order to search a residence, a car, truck or vessel. This can be time consuming and can even backfire for the law enforcement officials.

Although the Fourth Amendment was created to protect the public from illegal search and seizures, the issue of homeland security has manage to infringe on an individual's rights to the Fourth Amendment. According to the article, "Homeland Insecurity: Deconstructing the Constitution" Tom DeWeese said, "Most Americans are unaware that the hurriedly passed USA Patriot Act permits the federal government to ignore the Fourth Amendment and conduct surveillance without court-issued search warrants" (DeWeese, 2002). The debate of the Fourth Amendment has become even more controversial in regards to terrorist financing cases. Steve Emerson wrote an article in 2009 titled, "How Does the 4<sup>th</sup> Amendment Impact Terror Finance Investigations". In the article, Emerson wrote, "The government argued that asset seizures in counter-terrorist financing investigations are exempted from the warrant requirement. Relying upon the 'special needs exception,' the government explained that no warrant is needed where: (i) the primary purpose of the seizure is beyond criminal law enforcement; and (ii) a warrant and probable cause are impracticable" (Emerson, 2009). This USA Patriot has made it easy for the NY/NJ HIDTA to obtain information for terrorist-financing investigations. As highly controversial as this issue has become, the NY/NJ HIDTA benefits greatly from this clause. In a terrorist finance investigation, the flow of money moves at a fast pace. Because of this, investigators cannot afford to wait in order to obtain search warrants to seize bank account

information. This issue may seem highly unethical however the NY/NJ HIDTA relies on USA Patriot Act to protect them from legal controversies.

### The USA Patriot Act

After the tragic events of 9/11 the federal government created the Patriot Act which gave more power to the federal government and law enforcement agencies to “protect the homeland” and keep American citizens safe. The Department of Homeland Security, which includes the NY/NJ HIDTA benefited significantly from the implementation of the USA Patriot Act.

According to the DHS website, “The Patriot Act breaks down barriers to information sharing, enabling law enforcement and intelligence personnel to share information that is needed to help connect the dots and disrupt potential terror and criminal activity before they can carry out their plots” (“Fact sheet: The”, 2005).

Because the NY/NJ HIDTA is a task force, there are numerous government agencies that have to work together in order to tackle the mission of disrupting and dismantling drug trafficking organizations. In July of 2004, the Department of Justice created a report titled, “Report from the Field: The USA Patriot Act at Work”. According to the report, “The USA Patriot Act authorizes government agencies to share intelligence so that a complete mosaic of information can be compiled to understand better what terrorists might be planning and to prevent attacks” (“Report from the”, 2004 ). There are two sections of the USA Patriot Act that were implemented to specifically deal with the information sharing issue. Sections 218 and 504 broke down the barriers of information sharing between government and foreign agencies. In fact, “Under section 218 the government may conduct Federal Intelligence Surveillance Act (FISA) surveillance or searches if foreign-intelligence gather is a ‘significant’ purpose of the

surveillance of search thus eliminating the need for courts to compare the relative weight of the ‘foreign intelligence’ and ‘law enforcement’ purposes of the surveillance or search, and thereby allowing for increased coordination and sharing information between intelligence and law enforcement personnel” (“Report from the”, 2004). Section 504 superseded Section 218 by amending FISA to permit intelligence who is conducting surveillance to communicate with law enforcement officials to coordinate an investigation (“Report from the”, 2004). This is an effort to protect from terrorism. Sections 218 and 504 will benefit law enforcement officials in the NY/NJ HIDTA when conducting investigations. This will allow the investigators to coordinate and share information received from FISA surveillance and searches that can help identify, disrupt and ultimately dismantle terrorist financing and narco-terrorism organizations.

On July 28, 2005, the House of Representatives voted to reauthorize the USA Patriot Act. This vote was extremely significant because it made the USA Patriot Act permanent. Certain provisions such as roving wiretaps and spying on library records would be required to be renewed after ten years (“Patriot act: House”, 2005). Along with the reauthorization of the USA Patriot Act, a provision was also created to deal with narco-terrorism. Under this provision, “the successful amendment would make manufacture, sale, possession with the intent to sell Schedule I and II drugs, or conspiracy to do any of the above ‘narco-terrorism’ if it ‘directly or indirectly, aids, or provides support resources or anything of value to: (a) a foreign terrorist organization; or (b) any person or group involved in the planning, preparation for, or carrying out of a terrorist offense” (“Patriot act: House”, 2005). The narco-terrorism provision in the USA Patriot Act was a tremendous feat for the NY/NJ HIDTA. With the narco-terrorism provision in place “the government need not prove that the defendant knew that an organization is a designated foreign terrorist organization” (“Patriot act: House”, 2005). The narco-terrorism provision benefits the

NY/NJ HIDTA when developing investigations that will ultimately disrupt and dismantle drug trafficking and money laundering organizations with a nexus to terrorism.

Another benefit for the NY/NJ HIDTA in regards to the USA Patriot Act is under Section 314, “Cooperative Efforts to Deter Money Laundering”. Section 314, “helps law enforcement identify, disrupt, and prevent terrorist acts and money laundering activities by encouraging further cooperation among law enforcement, regulators, and financial institutions to share information regarding those suspected of being involved in terrorism or money laundering” (“What is a”). The IRS in conjunction with the New York HIFCA can use Section 314 to obtain financial intelligence in order to enhance and develop financial investigations. This clause in the USA Patriot Act enables law enforcement to identify terrorist financing organizations in a quick and swift manner. Because of Section 314, the NY/NJ HIDTA can effectively implement the second part of the strategy in order to disrupt and dismantle money laundering organizations that have a connection to narcotics and terrorism.

There are two parts to Section 314 of the USA Patriot Act that directly benefit the NY/NJ HIDTA, Section 314(a) and Section 314(b). Section 314(a) allows, “federal, state, local and foreign law enforcement agencies, through the Financial Crimes Enforcement Network Department of the Treasury (FinCEN), to reach out to more than 44,000 points of contact at more than 22,000 financial institutions to locate accounts and transactions of persons that may be involved in terrorism or money laundering” (“What is a”). Not only does this give law enforcement the ability to share financial intelligence among each other, it also enables law enforcement to communicate with financial institutions more freely. Information sharing can be utilized among the public and private sector. Section 314(a) enables the NY/NJ HIDTA to work with financial institutions to identify suspicious financial activity that has a narcotics or terrorism

nexus. The second part of Section 314, Section 314(b) “permits financial institutions, upon providing notice to the United States Department of the Treasury, to share information with one another in order to identify and report to the federal government activities that may involve money laundering or terrorist activity” (“What is a”). This section of the USA Patriot Act is also beneficial to the strategy of the NY/NJ HIDTA because it allows financial institutions to share information amongst each other that could help identify terrorist activity. In doing so, the NY/NJ HIDTA can use the information to build a case against individuals or organizations who have engaged in money laundering or terrorist financing.

Although Sections 314(a) and 314(b) are a great benefit to success of the NY/NJ HIDTA, they may be seen as unethical in the eyes of the American public. A person’s finances are a very private matter. Therefore Section 314 of the USA Patriot Act can be viewed as an invasion of privacy. It could even be viewed as a violation of the Fourth Amendment. For law enforcement, Section 314 will always be helpful in the investigations process.

As I was driving to work one morning, I passed by a Volvo that had a bumper sticker on the back. The bumper sticker read, “My Patriot Act is the Bill of Rights”. I pondered this quote for the remainder of the car ride. For the past three years I have worked as a Crime Analyst for the state and federal government. My job is a direct response to the formation of the Patriot Act. I tend to have a biased opinion when it comes to the Patriot Act because it has made my job a lot easier. I am able to conduct investigations more swiftly and efficiently because of the clauses that have been cited in the USA Patriot Act. The bumper sticker made me realize that I take our Constitutional rights for granted. We are very fortunate to have a document that maintains the ability to preserve our rights and civil liberties. The USA Patriot Act has made it a little more

difficult in terms of preserving our right to privacy however, at the end of the day, the Constitution will prevail.

### Concluding Thoughts

The balance between the rights of the American public and the rights of the federal government will always be a constant struggle. As the need for tighter security increases, the rights of American citizens will be compromised. From the American public view, the right to privacy will be protested. Americans will rely on their Constitutional rights to protect them when they feel their rights and civil liberties are being violated. From a law enforcement standpoint, the more freedom and flexibility that is given, the easier it will be to conduct their job. The USA Patriot Act enabled the NY/NJ HIDTA to share information and intelligence among law enforcement. Section 312 of the USA Patriot Act enabled the NY/NJ HIDTA to receive financial intelligence from financial institutions. Whether this is ethical or not is still under debate. The NY/NJ HIDTA is committed to the disruption and dismantling of drug trafficking organizations. Terrorist financing and narco-terrorism will always be an issue. Therefore, the NY/NJ HIDTA needs the USA Patriot Act in order to implement their strategy efficiently and effectively.

## References

*Bill of rights.* (2011, November 10). Retrieved from [http://www.constitution.org/billofr\\_.htm](http://www.constitution.org/billofr_.htm)

*Constitutional right to privacy.* (2010). Retrieved from <http://healthcare.uslegal.com/doctor-patient-confidentiality/constitutional-right-to-privacy/>

DeWeese, T. (2002, November 13). Homeland insecurity: Deconstructing the constitution. *News With Views*. Retrieved from [http://www.newswithviews.com/your\\_govt/your\\_government46.htm](http://www.newswithviews.com/your_govt/your_government46.htm)

Emerson, S. (2009, November 18). *How does the 4th amendment impact terror finance investigations?*. Retrieved from <http://www.familysecuritymatters.org/publications/id.4798.css.print/p..>

*Fact sheet: The usa patriot act- a proven homeland security tool.* (2005, December 14). Retrieved from [http://www.dhs.gov/xnews/releases/press\\_release\\_0815.shtm](http://www.dhs.gov/xnews/releases/press_release_0815.shtm)

*What is a hifca?.* (n.d.). Retrieved from [http://www.fincen.gov/law\\_enforcement/hifca/](http://www.fincen.gov/law_enforcement/hifca/)

*Narcotics-related financial investigations- criminal investigation.* (2010, October 7). Retrieved from <http://www.irs.gov/compliance/enforcement/article/0,,id=107488,00.html>

Zeese, K., Gray, M., Field, R., McCague, D., Allen, M., & McVay, D. (2009, July 16). *Lessons from history: Some background information on narco-funded terrorism.* Retrieved from <http://www.narcoterror.org/background.htm>

New York New Jersey High Intensity Drug Trafficking Area, Office of National Drug Control Policy. (2010). *NY/NJ HIDTA 2011 Strategy*

*Patriot act: House reauthorization includes new 'narcoterrorism' offense.* (2005, August 5).

Retrieved from <http://stopthedrugwar.org/chronicle-old/398/patriot1.shtml>

US Department of Justice. (2004). *Report from the field: The usa patriot act at work.* Retrieved

from website: [http://www.justice.gov/olp/pdf/patriot\\_report\\_from\\_the\\_field0704.pdf](http://www.justice.gov/olp/pdf/patriot_report_from_the_field0704.pdf)

## Chapter 5

### Public Sector Policy Analysis

#### Assessing and Evaluating

#### The NY/NJ HIDTA Strategy:

#### Can it be done?

### Introduction

Assessment and evaluation is crucial to the success and continued implementation of a strategy. The assessment and evaluation process identifies the strengths and weaknesses of a strategy. Performing an evaluation on a strategy will also show stakeholders and policymakers whether or not the continued investment of funds is worth it. I have looked at the value of logic models, case studies, fieldwork data, and interviews in regards to my strategy. I also looked at the value of the internet, surveys and the use of trained observers. After applying them to the NY/NJ Strategy, I was able to conclude that logic models, fieldwork data, the internet, focus groups, and surveys are extremely useful to assessing and evaluating the NY/NJ HIDTA Strategy. The use of stories, semi-structured interviews and trained observers are not plausible for evaluating and assessing the NY/NJ HIDTA Strategy.

The NY/NJ HIDTA is dedicated to the mission of identifying, disrupting and ultimately dismantling drug trafficking organizations in the New York/New Jersey Region. As Afghanistan is a significant manufacturer of opium for the world's drug trade, the NY/NJ HIDTA has focused its efforts on combating narco-terrorism and terrorist financing. The strategic plan that was developed to combat narco-terrorism and terrorist financing is a three-part strategy. The first part of the strategy focused on creating a partnership with local law enforcement to identify drug

trafficking organizations that fund terrorism. The second part of the strategy was to assist the Internal Revenue Service on all narcotics related investigations. This second stage of the strategy would include the seizure of assets associated with the entities, subjects, and drug gangs/organizations that have been arrested and prosecuted for narcotic related offenses.

The proceeds from the asset forfeitures would be dispersed among the participating agencies that were involved in the investigation and prosecution. The High Intensity Financial Crime Area (HIFCA) can provide case support to IRS agents to make the money laundering investigations successful. HIFCA would also play a vital role in identifying accounts that will be seized. The third and final part of the strategy was for the NY/NJ HIDTA to form a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society.

When developing a strategy, it is very easy to overwhelm individuals with information. When creating a strategy there is a small window of time to gain the trust and support of the stakeholders. Developing a logic model is a great tool to clarify information and decrease the chance of confusion. Rather than read a long and complex written report, a logic model can be used to identify what the program is trying to accomplish and how it will be done. Logic models use graphics to specify relationships among the program goals, objectives and activities, outputs and outcomes.

### Logic Model

Before developing a logic model for the NY/NJ HIDTA Strategy, stakeholders must be identified. The NY/NJ HIDTA is a task force composed of federal, state and local law

enforcement. The NY/NJ HIDTA has an Executive Board comprised of leaders from twenty four law enforcement agencies. The Board is responsible for, "...deciding how best to allocate funding to maximize the return on the investment of the HIDTA resources and for holding each initiative accountable for meeting its objectives" ("NY/NJ HIDTA 2011," 2010). According to the 2011 NY/NJ HIDTA Strategy, the Executive Board leaders are from the following agencies:

- United States Attorney Eastern District of New York
- Immigration and Customs Enforcement (ICE)
- Drug Enforcement Administration (DEA)
- Internal Revenue Service (ICE)
- Office of the Mayor
- Suffolk County Police Department
- Nassau County Police Department
- District Attorney Westchester County
- Federal Bureau of Investigation
- United States Attorney Northern District of New York
- Albany Police Department
- District Attorney Monroe County
- New York State Police
- United States Marshal Southern District of New York
- Attorney General State of New Jersey
- Alcohol Tobacco and Firearms (ATF)
- United States Attorney District of New Jersey
- District Attorney New York County
- City of New York Police Department (NYPD)
- United States Secret Service
- United States Attorney Southern District of New York
- United States Attorney Western District of New York
- District Attorney Onondaga County
- Buffalo Police Department ("NY/NJ HIDTA 2011," 2010)

The Executive Board consists of a diverse group of law enforcement agencies. A logic model would be extremely useful in this situation because it would map out what the goals are and how they will be accomplished. Visual diagrams are easier to follow and understand. It shows the flow of how the plan will be set up and executed.

When composing a logic model, the goal for the NY/NJ HIDTA strategy would be to disrupt and dismantle drug trafficking organizations in the New York/New Jersey region that have a nexus to narco-terrorism and terrorist financing. There would be three objectives presented in the logic model. The first objective would be to create a partnership with local law enforcement to identify drug trafficking organizations that fund terrorism. The second objective would be to assist the Internal Revenue Service on all narcotics related investigations by using the High Intensity Financial Crimes Area personnel. The third objective would be to form a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society.

The next step when creating a logic model is to identify the resources. The resources that will be needed to fulfill the NY/NJ HIDTA Strategy would be funding from federal, state and local law enforcement agencies. Grant funding will also be necessary in order to conduct research to identify current trends in regards to narco-terrorism and terrorist financing. Asset forfeiture will also be a significant source of funding. Narcotics and money laundering investigations can provide funding and resources through the seizing of assets stemmed from illicit proceeds. Activities must also be identified in a logic model. Analysts at the NY/NJ HIDTA will conduct research and analyze data that will be used to train state local and federal law enforcement agencies on current narco-terrorism and terrorist financing trends. Logic models must also have outputs. For the NY/NJ HIDTA strategy one of the outputs would be to hold round table discussions with medical professionals and local law enforcement agencies to identify drug addiction trends. These discussions will also be focused on developing strategies to decrease drug addiction problems among the public.

The final steps when creating a logic model are to identify short term outcomes, intermediate outcomes and long term outcomes. The short term outcome would be to arrest drug abusers and drug dealers. By taking them off the streets the supply and demand for narcotics will decrease. The intermediate outcome would be to set up rehabilitation programs and outreach programs to make drug abusers productive citizen's society. The long term outcome is to identify leaders of drug-trafficking and money laundering organizations and charge them with tax evasion. In doing so, the funding being sent to terrorist organizations will decrease.

Evaluators use logic models to explain the key dimensions of the issues being addressed and how different factors relate to the research questions. The purpose of a logic model is to, "...communicate the underlying 'theory' or set of assumptions or hypotheses that program proponents have about why the program will work, or about why it is a good solution to an identified problem" (Parsons & Schmitz). Logic models can also be used to diagnose problems within the agency. The logic model can also be used during the evaluation planning process. The evaluation process will be crucial to the execution of the strategy. The NY/NJ HIDTA strategy is unique in that the stakeholders are diverse and plentiful. Using the logic model to show the strategy will help create uniformity for each of the stakeholders to look at and review. From there an evaluation can be done to see how effective this strategy will be and to critique areas that need work. The strategy I outlined for the NY/NJ HIDTA is assessable. The strategy is plausible and with the proper work and evaluation it could one day be implemented.

### Case Study

The NY/NJ HIDTA strategy as a whole would greatly benefit from a case study. A case study is defined as "a method for developing a complete understanding of a process, program,

event, or activity” (Hatry, Newcomer & Wholey, 2010). A case study would be a great way to show stakeholders how successful or unsuccessful a strategic plan is. Case studies provide the “how” and “why” of a program evaluation. A case study also provides an opportunity to create the research questions that will be used throughout the evaluation. It allows the researchers to test hypotheses from the strategy to gauge the success or failure of a strategic plan.

Another important part of a case study is the idea of multiple case designs. Multiple case designs “...provide descriptions and make comparisons across cases to provide insight into an issue” (Hatry, Newcomer & Wholey, 2010). Research from multiple case designs tend to be more compelling. The idea of a multiple case design would benefit the NY/NJ HIDTA strategy because it would allow the researchers to compare results from all three parts of the strategy in order to identify key successes of disrupting and dismantling terrorist financing and narco-terrorism. This would also benefit the stakeholders. The stakeholders will be able to review the case study and the results in order to make an intelligent decision. The strategy use to select cases or sites is tied to the specific research questions the study will address” (Hatry, Newcomer & Wholey, 2010).

It is also important to instill protocols during the case study to ensure the validity of the study (Hatry, Newcomer & Wholey, 2010). This will also help guide investigators through the study as well. Once the case study is complete, a report should be drafted to share the findings. The report should be easy to comprehend. A separate chapter should be made for each part of the strategy. For example, the NY/NJ HIDTA should have three separate chapters for the three part strategy. A report of the findings will also be crucial to present to the stakeholders. The case study could persuade or dissuade the stakeholders from continuing to fund the strategy. A case

study would be thorough and designed to answer the questions that are most significant to the success or failure of the strategic plan.

#### Fieldwork Data Collection

Fieldwork of an evaluation allows the researcher an opportunity to collect rich detail that can augment more quantitative data that can be used in the evaluation (Hatry, Newcomer & Wholey, 2010). It is very common for fieldwork to be conducted in a haphazard manner. This would be extremely beneficial to the analysts of the NY/NJ HIDTA. Analysts would collect data from the bottom up in order to gain a comprehensive overview of narco-terrorism and terrorist-financing in the designated areas of the NY/NJ HIDTA. Analysts can also collect fieldwork data in order to see how effective the strategy is.

Policymakers, public officials, the media and the public are always curious about what occurs at the ground level in programs. Evaluators are used to examine local programs and agencies operations and how the services are delivered. Evaluators collect information by observing program activities. Evaluators also gather information through interviews, surveys, focus groups, staff and case file reviews (Hatry, Newcomer & Wholey, 2010). In order to get the most effective results, evaluators for the NY/NJ HIDTA strategy should conduct fieldwork data collection. Evaluators can go to federal, state and local law enforcement agencies within the NY/NJ HIDTA region and collect data regarding arrests among drug abusers. On the private sector side, evaluators will go to agencies involved in the alternative treatment program. Evaluators will collect information regarding the number of patients receiving treatment for drug abuse. Valuable information could also be collected in regards to the progress of the patients.

In order to get the most out of fieldwork data, evaluators must identify the objectives of the field work collection. The evaluator must know what the fieldwork is intended to achieve. The objectives of the fieldwork should determine the focus and scope of the data collection activity (Hatry, Newcomer & Wholey, 2010). For the NY/NJ HIDTA, evaluators need to get information obtaining to drug-related crimes from the local law enforcement agencies. In order to obtain data for the second part of the strategy, evaluators would gather data based on financial crimes from the IRS and the HIFCA. For the third part of the strategy, evaluators would collect data from medical professionals, rehabilitation programs and local jails. It is always important to gather information straight from the source.

The program management fieldwork model is for managers of an organization. Typically, managers will conduct monitoring reviews that involve field visits, reviews of records, interviews and observations (Hatry, Newcomer & Wholey, 2010). The subjects that are reviewed are usually pre-determined. Management already knows what they want to focus on when conducting their review. On the other side of the scale is the program evaluation fieldwork model. This model involves evaluators. The evaluators collect information on predetermined topics. Data collection for this model incorporates interviews, focus groups and surveys. There are two purposes for fieldwork being conducted. The two purposes are, “To describe what happens at the level being examined (local office, local program, local agency, local community, state office, state agency, and so on) by collecting information about procedures and data on outcomes” (Hatry, Newcomer & Wholey, 2010).

Before evaluators design the aspects of the fieldwork, it is important to articulate clearly and specifically the evaluation questions and issues that will be related to the fieldwork of the

study. Once the evaluation questions are created and the objectives have been identified, the next step is to create a design. Evaluators must decide an appropriate method for guiding the data collection. They must choose the respondent and choose the research instruments that will be used during the data collection process. Evaluators must also realize that they cannot examine all aspects of the agency or program. It is important to stay focused on the objectives and collect data that is directly related to them. Creating research questions will be beneficial throughout this process. This enables the evaluators to stay focused on the task at hand.

The internet is an extremely useful tool for law enforcement, particularly, analysts. The wealth of information one can receive is infinite. There are however, some negative aspects to using internet search engines such as Google, Yahoo and Bing. Occasionally, the desired results can be too much or too little when performing a search. Analysts are trained to manipulate the search engines in order to achieve the results desired. The key things to remember when using search engines such as Google, Yahoo, and Bing is to use quotations, key phrases, and the “AND/OR” function. These simple suggestions can narrow down a search in order to obtain the necessary results. Google Scholar is also a great search engine to use in order to get full-text academic journals. The internet is an essential tool for analysts at the NY/NJ HIDTA. Analysts are able to use the internet to research narco-terrorism and terrorist financing. Scholarly articles, press releases, social networking queries and general queries can be used when writing intelligence reports that will be disseminated to federal, state and local law enforcement.

Another internet search engine that is extremely beneficial to the NY/NJ HIDTA is LexisNexis. LexisNexis is used on a daily basis at the NY/NJ HIDTA. LexisNexis provides information regarding law case filings. The database provides commercial information, pedigree

information in order to identify and locate persons of interest, and public information such as liens, judgments, and suits filed against the subject of investigation or business entity. In addition State Charter information is available concerning registered business in states in which they are incorporated. The database is a great system to use for legal research. It is also a great way to search news and scholarly articles. In addition archived death records and notices of insolvency are posted.

The NY/NJ HIDTA benefits from the Government Accountability Office (GAO) reports. These congressional documents weigh heavily on some of the decisions made by the NY/NJ HIDTA. The NY/NJ HIDTA has their own intranet that provides the GAO reports for their employees. The US Accountability Office that produces the GAO reports provides many recommendations that can help or hinder the NY/NJ HIDTA. The NY/NJ HIDTA intranet also provides government publications such as the HIDTA Strategy, the Threat Assessment for 2011, and the National Drug Control Strategy. The intranet also provides financial government publications from the Financial Crimes Enforcement Network (FINCEN) and the Financial Action Task Force (FATF). These publications were carefully considered when creating the NY/NJ HIDTA strategy. Using the publications as a reference touched on the key problem areas that needed to be addressed in the NY/NJ HIDTA Strategy.

Focus groups would be a great way to gather information for the NY/NJ HIDTA strategy. Focus groups "... are a wonderful method for gathering information for formative and summative evaluations" (Hatry, Newcomer & Wholey, 2010). The individuals in a focus group have certain characteristics. The questions that are used in a focus group must be in sequential order. The questions are intended to direct the participants into discussing the topic in greater

detail and more depth (Hatry, Newcomer & Wholey, 2010). In fact, “the dynamic nature of the questions asked by the moderator and the group process produces a level of insight that is rarely derived from 'unidirectional' information collection devices such as observation, surveys and less interactional interview techniques” (“Focus groups,” 2008).

Another important aspect of a focus group is that there is no single solution. The concept behind a focus group is to discuss a certain topic and gather different points of view. There is no correct answer that the focus group is intended to aim for. The individuals that attend a focus group all have something particular in common. Because of this, the NY/NJ HIDTA should have separate focus groups for each part of the strategy. For the first part of the strategy, a focus group should consist of local law enforcement personnel. This group can be a mix of police officers, sergeants, detectives and civilian employees. The focus group for the second part of the NY/NJ HIDTA strategy would consist of analysts and IRS agents that work on financial crimes. The third focus group would consist of medical professionals and drug abusers.

When planning a focus group, the main challenge is to come up with a study design. The first step in the planning process will be whether or not a focus group is beneficial to the study. As previously stated, focus groups would be beneficial to the NY/NJ HIDTA. Next a clear purpose of the study should be decided upon. Without that, there will be no direction and the results received from the focus group will not be of use. The next step in the focus group planning is to pick the participants. The participants for my focus groups were mentioned in the paragraph above.

After the focus groups have completed their sessions, the next step is the analysis process. The, “methods of recording and analyzing information gathered during focus groups,

and strategies for collecting unbiased information have helped focus group research to gain credibility as an accurate and useful source of information collection” (“Focus groups”, 2008)<http://www.programevaluation.org/>. Analysts from the NY/NJ HIDTA will take the information from the focus groups and provide a comprehensive analysis of the results. It is important to start the analysis while still in the group. This is a great opportunity to identify holes or inconsistent comments within the group. Continuing the analysis immediately after the group is over will be beneficial as well. Drawing a diagram of the seating arrangement will help the analyst remember the discussion (The Handbook of Practical Program Evaluation, 2010). The focus group should be recorded in order to ensure that the information collected is valid. This also enables the analysis to take place after the focus group meetings have ended. This also allows for a comparative analysis in the future.

It is very common for evaluators to use both focus groups and surveys. Surveys can be used to identify areas that require further probing and questioning through the use of focus groups (“Focus groups”, 2008). Focus groups can also be used in the creation of surveys. Focus groups can also help by clarifying terminology that is used to describe what is being investigated. By clarifying terminology “...about key concerns and effective communication with the potential focus group participants helps developers of surveys create questions that are understood in the same way by all respondents” (“Focus groups”, 2008).

The NY/NJ HIDTA would benefit greatly from the creation of surveys. Surveys would be created and disseminated for all three parts of the NY/NJ HIDTA strategy. Conducting surveys would cut costs and resources. The internet can also be useful for sampling a cross-section of the general public by producing a survey. A significant problem that could occur from using surveys

would be a lack of response. When conducting questions for the survey, the questions should correlate with the limited length of the internet survey. The questions should not be too long or open ended. Do not use double barreled questions. One issue should be the focus of each question. It is pertinent to only ask questions that are essential to the research. An evaluator should never stray off the topic.

A significant aspect of using a survey to evaluate a strategy is the gathering of qualitative and data. Qualitative data is information that is received from open-ended questions. For example, the NY/NJ HIDTA survey would ask participants to elaborate on the effectiveness of communication between federal, state and local law enforcement. Another question that would be asked is if the participants have any suggestions on how to share information on drug trafficking organizations in a timely manner. These questions enabled the evaluator to get a better of understanding that goes beyond “numbers”.

Another important part of qualitative data analysis is to identify who the intended users are. The information gathered in the survey for the NY/NJ HIDTA Strategy is done with the intentions of presenting it to the Executive Board of HIDTA, unit supervisors and Assistant District Attorneys. The results of the survey would also be presented to IRS Agents, the HIFCA and medical professionals.

A matrix table would be the best option for display purposes. The use of matrix tables enables the evaluator to display, organize and depict qualitative findings by describing dozens of variations that can add value to an evaluation (Hatry, Newcomer & Wholey, 2010). A checklist matrix would be beneficial for the NY/NJ HIDTA Strategy. A checklist matrix consists of columns that present summary ratings and detailed data (Hatry, Newcomer & Wholey, 2010).

It is very important to have an external audit during the evaluation process. When you spend so much time working on a survey and collecting data, it is very easy to overlook minor details. An external auditor could review the information and detect holes that might have been overlooked. This will also affect the outcome of the evaluation process as well.

Trained observer ratings are another method for assessing and evaluating a strategy. Trained observer ratings are useful for, "...studying factors that are clearly observable and clearly discernible" (Hatry, Newcomer & Wholey, 2010). Volunteers are generally recruited to be observers. It is crucial to be very specific about the information needed. This will enhance the observation. Being specific in regards to each rating is important in order to not be confused with one another. The observer must also have a thorough understanding of the subject being studied or observed.

One benefit to having a trained observer is that they can trigger actions for problems that were identified. A trained observer also gathers information for one-time evaluations and accountability purposes. Once the data is collected by the observer it is important to decide how the data will be collected, stored and analyzed (Hatry, Newcomer & Wholey, 2010). A simple database can be constructed for one-time only evaluations. A more complex database should be designed if the data is going to be collected and compared over a period of time (Hatry, Newcomer & Wholey, 2010).

If an organization decides to use a trained observer it is important to provide the observer with specific instructions. First off, the observed trainer should receive a form from the organization to record information. Observers should be given a clear definition of what needs to be collected and gathered for the rating. Observers and their supervisors should be given training

materials and presentations. An emergency instruction manual as well as a contact list should be given to the observer.

When the process is completed by the trained observer, it is important to determine how to present the findings. Because the data that is obtained by the trained observer is easy to understand, it will greatly benefit the public. The data should be taken and put into charts, spreadsheets or pie charts to make it easy to read and comprehend.

Quality control will be crucial if the ratings are used for a program evaluation. Because the ratings are based on human senses, the reliability and accuracy can become questionable. In the initial training program, quality control checks should be built in. Training sessions should be implemented before the survey. A supervisor that knows the ratings should check a sample of each observer's work to ensure accuracy.

There are many benefits to using a trained observer. The first benefit is money. A trained observer could be extremely cost efficient if existing personnel or volunteers are available to conduct the ratings. The amount of expenses will depend on the amount of facilities being rated, whether new rating scales will be implemented and the material that would be needed to apply the new scales. There may also be some small expenses throughout the process such as developing photographs, copying forms, ordering training manuals and providing box lunches (Hatry, Newcomer & Wholey, 2010).

Another benefit to using a trained observer is involving program users to do the ratings. This can provide a perspective that an outside observer could miss. By including users in the

evaluation, the public is more likely to take ownership of some of the aspects of a facility or program that need to be worked on.

One final benefit to using trained observer ratings is that the trained observer results are understandable. They become even more understandable when the ratings are accompanied by pictures, graphs, maps and charts. Trained observer ratings are a great communication tool. They can even help with the evaluation results.

Trained observer ratings are a great tool. They can be cost efficient and the observers are trained to know what to look for. Trained observer ratings are not the best method for the NY/NJ HIDTA Strategy because of the materials that would be worked with. However it can benefit federal agencies that are looking for information in regards to facilities and programs.

Trained observers could be relevant to the third part of the NY/NJ HIDTA strategy. Volunteers and HIDTA analysts would rate the differences between incarceration and alternative treatment. The trained observers would be sent to local jails, rehabilitation centers and outpatient treatment program facilities. At the jails, trained observers could interview the inmates, the warden and prison guards to see how the incarceration is affecting the inmate. Living conditions would also be rated and the trained observer should also find out if any type of drug treatment program is being offered to the inmate.

For the alternative treatment programs that are being offered, trained observers should go to the facilities and interview the patient, the psychologist, and the counselors that are helping the patient. Like the jails, the trained observers should rate the living conditions. If the patient receives outpatient treatment, the facility that they make visits to should be rated. Trained

observers should collect data about the type of treatment that the patients endure. The trained observer should also see if a routine is set in place for the patient and if so how effective it is.

Once the data is gathered by the trained observers, a chart should be constructed showing the similarities and differences between incarceration and alternative treatment. I do feel that a follow-up review should be conducted once the individuals are out of treatment and incarceration. This data will be collected to see who stayed clean and who continued to abuse drugs. When that data is collected the findings could be presented showing which population stayed drug free.

### Evaluating Methods

There are many methods and models that can be used when assessing and evaluating the NY/NJ HIDTA Strategy. When going through the process, there were three types of evaluating methods that proved to be unsuccessful when applied to my strategy. Although all great methods, the use of stories, semi-structured interviews and the recruitment and retention process are not probable with the NY/NJ HIDTA Strategy.

Stories are a great communicative tool especially for interpreting quantitative data. Stories also captivate people whether it is good, bad or funny. Providing a story, "... give researchers new ways to understand people and situations and told for communicating these understandings to others" (Hatry, Newcomer & Wholey, 2010). It is important to understand what an evaluation story is. An evaluation story is, "... a brief narrative account of someone's experience with a program, event, or activity that is collected using research methods" (Hatry, Newcomer & Wholey, 2010). Evaluators can use stories to illustrate data, identify trends and

patterns, offer insight on rare experiences and augment quantitative methods (Hatry, Newcomer & Wholey, 2010). It is important to verify the information in the stories in order to ensure that the information is not tampered with.

In order to present a story effectively, the evaluator must make sure that the story is aimed at the person and not an organization. The individuals reading the story should feel a connection to the person the story is about. Like most stories, it should have a plot. This keeps the people engaged. Stories are able to convey the emotional factor of an evaluation (Hatry, Newcomer & Wholey, 2010). Using a story for the third part of the NY/NJ HIDTA strategy would be useful when conducting an evaluation. A story about a drug addicted individual would really grasp the attention of the individuals participating in the evaluation. When it comes to correlating all three parts of the strategy together, one story would not be effectively connect the dots. The NY/NJ HIDTA Strategy should not use stories during the evaluation process.

Semi-Structured interviews are another great way of obtaining data. Semi-Structured interviews, "...involve the preparation of an interview guide that lists a pre-determined set of questions or issues that are to be explored during an interview. This guide serves as a checklist during the interview and ensures that basically the same information is obtained from a number of people" ("Semi-structured interviews", 2011). The interviewers should be smart, sensitive and poised as well. The individuals most qualified to be interviewers would be employees of the agency. Analysts at the NY/NJ HIDTA would be recruited to conduct semi-structured interviews. NY/NJ HIDTA analysts will be given a list of questions that they will use when conducting the interviews.

It is important to realize that the entire process will be time consuming. It would also take a lot of employees away from their regular responsibilities. Using analysts from the NY/NJ HIDTA to conduct semi-structured interviews however will be less expensive than hiring a private agency. One of the big issues concerning semi-structured interviews is that the interviewers need to have a vast knowledge of the substantive issues. Using NY/NJ HIDTA analysts to conduct the interviews will alleviate this concern because the analysts work with the information on a daily basis.

There are some great advantages to holding semi-structured interviews. One of the advantages to holding a semi-structured interview is that the interviewer can ask open-ended questions and get answers from an individual rather than a group. The analysts are allowed to elaborate on questions in order to get a more in depth response however they are not allowed to ask questions that were not on the original list (“Semi-structured interviews”, 2011). This can be viewed as a negative aspect to semi-structured interviewing.

Although semi-structured interviews have considerable advantages, it is impractical for the NY/NJ HIDTA. The NY/NJ HIDTA cannot afford to designate enough employees to even conduct the interviews. It would also be costly for the NY/NJ HIDTA because of the traveling expenses needed to go conduct the interviews. The amount of recipients that would need to be interviewed in order to obtain information would also be too much. For the first part of the strategy, interviewers would have to go to local law enforcement agencies in the designated areas of the NY/NJ HIDTA. The argument here could be that a sample of agencies could be used to conduct the interviews. This would not give accurate information. Local law enforcement agencies do not have all the same data. Depending on the area, results will be different.

Conducting semi-structured interviews will not be effective for the second part of the NY/NJ HIDTA strategy because this would require interviewing IRS agents and HIFCA analysts. A more effective way to obtain information would be to conduct an online survey. Correlating a time to meet with agents can be difficult to do. At least by sending out an online survey, agents would be able to complete the survey at their own leisure within a certain time frame. The third part of the NY/NJ strategy requires the NY/NJ HIDTA to form a partnership with medical professionals to identify a solution to make drug addicts more productive in society. Once again, the man power needed to conduct semi-structured interviews would not be possible. Interviewers would need to interview medical professionals, patients and incarcerated individuals in order to obtain the proper information and data. I feel that focus groups would be better utilized for the third part of the NY/NJ HIDTA.

Recruitment and retention during an evaluation process is crucial. The recruitment for evaluation process is defined as "...obtaining the right number of program participants with the appropriate eligibility characteristics to participate as members of the needed comparison groups" (Hatry, Newcomer & Wholey, 2010). Retention was defined as "...maximizing the number of participants who continue the intervention throughout the evaluation period and who are willing to provide whatever follow-up information is needed by the evaluators" (Hatry, Newcomer & Wholey, 2010). It is extremely important to plan for recruitment and retention early. Although recruitment and retention are crucial to an evaluation process, the NY/NJ HIDTA would not be able to benefit from it. Since the NY/NJ HIDTA is a government entity, the idea of recruiting individuals for the evaluation process would be extremely difficult due to the sensitivity and confidentiality of the materials being studied.

## Recommendation

After careful review, the NY/NJ HIDTA would benefit the most from a case study. A case study will be able to provide the stakeholders, policymakers, and upper management with the whole picture. The case study will provide clearly communicate all three parts of the strategy effectively. All strategies can and should be evaluated. The evaluation process should be used as an instrument for reflection and observation. Evaluations can identify problems and weaknesses that might have been overlooked. Evaluations can save programs money or reveal ways to make more money. The methods that are used to assess and evaluate a strategy are the key.

## References

*Focus groups*. (2008). Retrieved from <http://www.programevaluation.org/focusgroups.htm>

Hatry, H., Newcomer, K., & Wholey, J. (2010). *Handbook of practical program evaluation*. San Francisco: John Wiley & Sons, Inc.

New York New Jersey High Intensity Drug Trafficking Area, Office of National Drug Control Policy. (2010). *NY/NJ HIDTA 2011 Strategy*

Parsons, B., & Schmitz, C. (n.d.). Everything you wanted to know about logic models but were too afraid to ask. *W.K. Kellogg Foundation*, Retrieved from <http://www.insites.org/documents/logmod.htm>

*Semi-structured interviews*. (2011). Retrieved from <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEV/0,,contentMDK:21234374~isCURL:Y~menuPK:3291499~pagePK:64168445~piPK:64168309~theSitePK:3177395,00.html>

## Chapter 6

### Lessons Learned from Comparable Governments

Destination: Philippines

A Safety and Security Strategy

for the Employees of the

ICE El Dorado Task Force

#### Introduction

The El Dorado Task force has been assigned to work in the Philippines on money laundering investigations. American citizens traveling abroad for business purposes can pose a significant threat to the employees and their families. As the Special Agent in Charge (SAC) of the El Dorado Task force, my top priority is to ensure the safety and security of the Special Agents and Criminal Research Specialists under my command. I will outline a proposed Immigration and Customs Enforcement Strategy that will keep my employees and their families safe while living abroad in the Philippines. The mission of the ICE-Philippines Strategy is to maintain the safety and security of all Special Agents, Criminal Research Specialists among other ICE personnel and civilian family members while identifying, disrupting and dismantling money laundering organizations.

The strategy will be comprised of two parts. The first part will focus on safety and security measures for ICE employees. Due to the increasing threat of U.S. Citizens employed at United States Government Offices being the target of a terrorist or other criminal act, it is a primary objective of this agency to provide a security plan to ensure their safety while employed outside of the United States. The second part of the strategy will be dedicated to the family members of ICE employees who chose to relocate with them. It has become evident based on

threat assessments around the globe that the families of United States citizens who are employed in a foreign country are increasingly targeted by political extremists and are targets of other crimes such as terrorism and kidnapping. Based on threat assessments around the globe, it has become evident that the family members of United States citizens who are employed in a foreign country are increasingly targeted by political extremists and in danger of becoming victims of terrorism and kidnapping.

Immigration and Customs Enforcement (ICE) is the second largest investigative agency in the federal government. It is also the principal investigative arm of the U.S. Department of Homeland Security. ICE was established in 2003 through a merger between U.S. Customs Service and the Immigration and Naturalization Service. There are over 20,000 employees in ICE in offices located in all 50 states as well as 47 countries (“Ice overview,”). The mission of ICE is, “... to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration” (“Ice overview,”).

One of the initiatives established in conjunction with ICE and the Office of National Drug Control Policy is the El Dorado Task Force. The El Dorado Task Force targets financial crimes. The task force does this by, “Utilizing ICE’s Cornerstone approach, agents assigned to the task force educate the private financial sector to identify and eliminate vulnerabilities and promote anti-money laundering legislation through training and other outreach programs” (“The road to,”). Prosecutors use both criminal and civil laws to prosecute targets and forfeit the proceeds of their illicit activity. The ICE website states that the “the El Dorado Task Force utilizes a systems-based approach to investigating financial crimes by targeting vulnerabilities such as the Black Market Peso Exchange and commodity-based money laundering” (“The road

to,”). There are approximately 260 members from over 55 law enforcement agencies in New York and New Jersey in the El Dorado Task Force. These members include special agents, state and local police investigators, intelligence analysts and federal prosecutors. A significant component of the task force is our High Intensity Financial Crimes Area (HIFCA)/Intelligence Unit, which is responsible for analyzing records and other financial data. The El Dorado Task Force is located at the ICE office of the Special Agent in Charge, New York (“The road to,”). There are also other office locations in the New York/New Jersey area.

#### Background: The Philippines

To further construct such a plan, it is crucial to have a full understanding of the country and its surroundings. The Philippines is located in Southeast Asia. The archipelago is comprised of approximately 7,000 islands in which 800 are inhabited (“Philippines country specific,”). Its government is based on a democratic system. There are three main island groupings in the Philippines. The first island group is Luzon in the north. The Visayas is in the center and Mindanao is in the south. There are tourist facilities located within the population centers and main tourist areas. English is spoken in the Philippines and there are many signs written in English (“Philippines country specific,”).

According to the CIA World Fact Book, “the Philippine Government faces threats from several groups on the US Government’s Foreign Terrorist Organization list” (“The world factbook:”). For decades, Manila has struggled with the ethnic Moro insurgencies that operate throughout the southern Philippines. Because of these struggles, a peace accord was established with the Moro National Liberation Front (“The world factbook:”). There have also been peace talks with the Moro Islamic Liberation Front on occasion.

The United States considers the Philippines to be a strong, political, economic and military ally. Because of the growth of the Al Qaeda-linked South East Asian terrorist network, Jemaah Islamiyah, the counter-terrorism efforts between the US and the Philippines have taken on a new sense of urgency (“The Philippines and,” 2004 ). The Philippines use political, legal and military means in an effort to combat terrorism. The United States has helped the Philippines amend their anti-money laundering regulations in order to meet international standards. In an effort to secure the Philippine borders, Washington installed the Terrorist Interdiction Program (TIP) (“The Philippines and,” 2004). The Philippines also receives anti-terrorist funding from the United States. The funds are used to train and equip Philippine forces to deal with terrorist groups. The funds are also used to assist in the development of Mindanao, where Islamic extremists are based (“The Philippines and,” 2004).

#### Terrorism Threat

In April of 2004, the Anti-Defamation League published an article on, “The Philippines and Terrorism.” The article described four major terrorist groups that are active in the Philippines. These groups include the Moro National Liberation Front, the Moro Islamic Liberation Front, Abu Sayyaf and the New People’s Army. The Moro Islamic Liberation Front (MNLF) was established in the early 1970s. The MNLF sought an independent Islamic nation in the Filipino islands. A peace agreement was signed between the MNLF and Manila in 1996. This peace agreement created the Autonomous Region of Muslim Mindanao (AARMM). The AARMM is an area that encompasses two mainland provinces and three island provinces. These areas are predominantly Muslim and to a degree enjoy self-rule (“The Philippines and,” 2004). The founder of the MNLF is Nur Misuari. He was installed as the region’s governor. In November of 2001, a failed uprising against the Philippine government led to the end of Nur

Misuari's rule ("The Philippines and," 2004). Currently he is in prison and Parouk Hussin took over as the ARMM governor.

The Moro Islamic Liberation Front (MILF) is the largest Islamic extremist group in the Philippines and has over 12,000 members ("The Philippines and," 2004). The MILF separated from the MNLF in 1977. Since then, the MILF has continued to wage war against Manila. Islamic cleric, Salamat Hashim, is the MILF'S leader. The MILF is attempting to seek a separate Islamic state in the southern Philippines. The MILF signed a peace agreement with Manila in 2001; however the MILF continues to sponsor violence ("The Philippines and," 2004). Manila has accused the, "...MILF of responsibility for the March 2003 Davao City airport bombing that killed 21 people, and for harboring members of the small militant Pentagon gang accused of kidnapping foreigners in recent years" ("The Philippines and," 2004).

The Abu Sayyaf Group is the smallest Islamic Separatist group in the southern Philippines. Although small in size, Abu Sayyaf is the most active and most violent. This group emerged in 1991 as a splinter group of the MNLF ("The Philippines and," 2004). The group is composed of several hundred active fighters and approximately 1,000 supporters. Abdurajik Abubakar Janjalani was the founder and a veteran of the Islamic mujahideen movement in Afghanistan. In 1998, Abdurajik Abubakar Janjalani was killed in a fight with Philippine police. It is believed that Janjalani's younger brother, Khadafi Janjalani took over after his brother's death.

Abu Sayyaf is involved in kidnappings, bombings and assassinations. The group also extorts money from wealthy businessmen and businesses ("The Philippines and," 2004). The group mainly operates out of Mindanao. Over the years, the group has broadened its reach. Abu

Sayyaf kidnapped 21 people, including 10 foreign tourists from a resort in Malaysia in April of 2000. On a separate occasion, the group kidnapped several foreign journalists and an American citizen. In May of 2001, Abu Sayyaf abducted 20 people from a resort island in the Philippines. They murdered numerous hostages. One of the murdered hostages was Guillermo Sobero, an American citizen. US trained Philippine commandos attempted to rescue three hostages that were being held by Abu Sayyaf on Basilan in June of 2002. A shootout ensued and two of the hostages, including an American, Martin Burnham were killed. It is also believed that the Abu Sayyaf Group was associated with the 2002 bombing near a Philippine military base in Zamboanga. The bombing killed three Filipinos and a US serviceman.

It was alleged that early funding and support for Abu Sayyaf was provided by Mumhammad Jamal Khalifa (“The Philippines and,” 2004). Khalifa is the brother-in-law and associate of Osama Bin Laden. The Abu Sayyaf group engages in robbery, piracy and ransom kidnappings in order to finance their organization. The MNLF and MILF condemn the acts brought out by Abu Sayyaf. In December of 2003, Philippine soldiers captured GhalibAndang (“Captain Robot”) a senior commander for the Abu Sayyaf Group (“The Philippines and,” 2004). Andang was allegedly involved in the 2000 kidnapping of Western tourists in Malaysia.

The New People’s Army (NPA) is, “...the military wing of the Communist’s People’s Party (CPP) of the Philippines” (“The Philippines and,” 2004). The group was established in 1969. Their goal was to overthrow the Philippine government by using tactics which included guerilla warfare. The NPA is strongly opposed to the American military presence in the Philippines. They have gone so far as to publicly express their intent to target U.S. personnel in the Philippines. The primary targets of the NPA are judges, politicians, government informers, security forces and former NPA rebels (“The Philippines and,” 2004). Jose Maria Sison is the

founder of the NPA. Sison lives in self-imposed exile in the Netherlands and plans and executes operations from there as well. Manila has been committed to a peace settlement with the NPA. Peace talk negotiations were stalled in June of 2001 when the NPA admitted to killing a Filipino congressman (“The Philippines and,” 2004). In September of 2002, the NPA admitted to assassinating a mayor, blowing up a mobile telecommunications transmission station and attacking a police station, killing the police chief (“The Philippines and,” 2004).

Funding for the NPA comes from supporters in the Philippines and Europe. The group also derives funds from revolutionary taxes extorted from local entities. Combined, the NPA and CPP have over 10,000 members (“The Philippines and,” 2004). The NPA and CPP have also been linked to international terrorism in particular, Jemaah Islamiyah and Al Qaeda.

On July 17, 2009, two bombings in Jakarta occurred at the JW Marriot Hotel and the Ritz-Carlton Hotel (OSAC). At 7:45 am, a bomb was detonated in a restaurant on the ground floor at the JW Marriot. Ten minutes later, a bomb was detonated at the Ritz-Carlton at a restaurant on the third floor. The bombs killed nine people and injured fifty. Eight of the injured individuals were American Citizens. At the JW Marriot Hotel, an unexploded bomb and other bomb-making materials were discovered in room 1808 (OSAC). The Police believed that two suicide bombers carried out the attacks. One of the bombers was believed to be a guest at the JW Marriot Hotel. Indonesian authorities believed that the suspect bombers checked into room 1808 at the JW Marriot Hotel.

Indonesian officials suspect that the Jemaah Islamiyah (JI) was involved in the bombings. The JI is an Indonesian terrorist group. Indonesian officials reported that the explosives used in the hotel bombings were similar to those found in a raid in West Java (OSAC). The JI is a

militant Islamic group that operates throughout several Southeast Asian Nations. Their goal is to create a Pan-Islamic state across much of the region. The JI was allegedly founded in the 1990s.

Abu Bakar Bashir is the spiritual leader of the JI (“Jemaah islamiyah (a.k.a.,” 2009). It is also believed that Abu Bakar Bashir is also an operational leader. He is of Indonesian and Yemeni descent. In the 1970s, Bashir joined Darul Islam and was imprisoned for Islamist activism in Indonesia. When he was sent back to prison in 1985 Bashir fled to Malaysia (“Jemaah islamiyah (a.k.a.,” 2009). He recruited volunteers to help him in the fight against anti-Soviet Muslim brigades in Afghanistan. Bashir received funding from Saudi Arabia and maintained communication with former colleagues in Indonesia (“Jemaah islamiyah (a.k.a.,” 2009). Bashir went back to Indonesia after the Indonesian dictator Suharto stepped down in 1998. While in Indonesia, Bashir ran a pesantren—a Muslim seminary—in Solo on the island of Java (“Jemaah islamiyah (a.k.a.,” 2009). He was claimed the leadership of the Indonesian Mujahadeen Council. Bashir has been acquitted of several charges of treason and participating in the 2003 attacks in Jakarta (“Jemaah islamiyah (a.k.a.,” 2009). However, in March of 2005, Bashir was found guilty of conspiracy for the 2002 Bali bombings. He was sentenced to two and a half years in prison and was subsequently released in June 2006.

Azhari Husin and Mohammed Noordin Top are both Malaysian-born members of the Jemaah Islamiyah and are also among Southeast Asia’s most wanted terrorists (“Jemaah islamiyah (a.k.a.,” 2009). Azhari Husin is a British-educated engineer and explosives expert. Mohammed Noordin Top is a former accountant. It is alleged that Husin and Top were the masterminds behind an August 2003 attack on the Marriot Hotel and a September 2004 car bomb outside the Australian Embassy in Jakarta (“Jemaah islamiyah (a.k.a.,” 2009). In 2005, Husin was killed in a police raid. Currently, Top is in hiding.

One of the most powerful leaders in the Jemaah Islamiyah was believed to be Hambali. Prior to his arrest in 2003, Hambali was the JI's operational chief. He was closely involved in numerous terrorist attacks. On August 14, 2003, U.S. officials stated that Hambali had been arrested by Thai authorities in Ayutthaya ("Jemaah Islamiyah (a.k.a.," 2009). The U.S. Department of State claimed that Hambali was head of JI's regional shura, which is the policymaking body. It is alleged that Hambali was Al Qaeda's operational director for East Asia ("Jemaah Islamiyah (a.k.a.," 2009).

There are five significant attacks that were constructed and carried out by the JI. In October 2002, a car bomb and back-pack mounted bomb were detonated in a Bali night club and outside of another night club. The bombings killed 202 people and injured hundreds of others (Richards, OSAC). Another car bomb exploded outside of the JW Marriot in Jakarta in August 2003. The car bomb killed 12 people and injured 150. The following year in September, a car bomb was detonated outside of the Australian Embassy. This bombing claimed the lives of 11 people and injured over 160. In October of 2005, three suicide bombers attacked tourist destinations in Bali (Richards, OSAC). The bombers killed 20 people and injured 129.

USA Today published an article on October 9, 2009 titled; "War on Terrorism Flares in the Philippines". The article discusses the significant terrorist threat in Jolo, a southern island in the Philippines. According to the article, "These days, those roads are much more dangerous to Americans. The recent deaths of two U.S. troops in a roadside bomb attack in Jolo has drawn attention to a little-known, but increasingly perilous, front in global counter-terrorism efforts" (MacLeod, 2009). After 9/11 approximately 600 US troops were stationed in the Philippines in order to help battle the Abu Sayyaf Group. The Pentagon believes that Abu Sayyafis linked to Al-Qaeda and other regional terrorist organizations.

The article also described the September 29 roadside bomb attack that killed a Filipino marine. According to Bryan Whitman, a Pentagon spokesman, this was the first attack against US troops operating in the Philippines (MacLeod, 2009). According to the article, “It was part of a wave of violence that has left some Philippine soldiers questioning the effectiveness of their tactics” (MacLeod, 2009).

The Abu Sayyaf recruitment in Jolo’s Sulu province is perpetuated by the low levels of literacy (MacLeod, 2009). The most significant problem is the corruption of officials who take money and credibility from the development efforts. The U.S. troops stationed in the Philippines have been focused on training their Philippine counterparts. Despite the training efforts from the U.S. military, Abu Sayyaf has still maintained a considerable degree of strength. The rugged terrain in Jolo has been a significant help for the strength of Abu Sayyaf.

The Council on Foreign Relations issued a report titled, “Terrorism Havens: Philippines”. The Southern Philippines is prone to terrorist activity. Terrorist organizations such as the Abu Sayyaf Group and the Moro Islamic Liberation Front run their operations in the Sulu archipelago and the eastern section of Mindanao. According to the Council on Foreign Relations, “... a rugged terrain, weak rule of law, sense of grievance among the country’s Muslim minority, and poverty make it difficult for the government to root them out” (Bhattacharji, 2009). The Philippine government has made great strides in their counter-terrorism strategies. A majority of the Philippines aid has been from the United States.

In the report by the Council on Foreign Relations, the U.S. Department of State considers the Philippines to be a terrorist safe haven (Bhattacharji, 2009). In 2008, the Department of State claimed that the Philippine government had little control in the Sulu archipelago and the island

of Mindanao. Another problem that the Philippine government struggles with is the resentment among the local Muslim minority and their regard to policies of the central government (Bhattacharji, 2009). The Council on Foreign Relations stated that, "...the Philippines is home to a number of militant groups, including the Abu Sayyaf Group, the Communist Party of the Philippines/New Peoples Army, Jemaah Islamiyah, the Alex Boncayao Brigade, the Pentagon Gang, the Moro National Liberation Front, and the Moro Islamic Liberation Front" (Bhattacharji, 2009). Combined, these terrorist groups have conducted over one hundred attacks within the Philippines since 2004. The largest attack was a ferry bombing that claimed the lives of 130 people.

On November 2, 2010, the Department of State issued a travel warning to Americans traveling to the Philippines. The warning was announced to address the risk of terrorist activity in the region. The islands of Mindanao and Sulu Archipelago are areas of significant threats as well as Manila. The Department of State outlined areas that could be targeted such as, "...public gathering places that are frequented by expatriates and foreign travelers, including American citizens" ("Philippines country specific,"). Airports, shopping malls and conference centers are of particular concern.

#### Additional Threats

The warning also addressed the issue of kidnap-for-ransom gangs that are active throughout the country. These gangs target foreigners. Because of this, the United States government has made it mandatory for US government employees to get special permission to travel to Mindanao and Sulu Archipelago. Individuals traveling to Mindanao and Sulu Archipelago must avoid congregating in public areas. For foreigners, who choose to reside or

visit Mindanao and Sulu Archipelago, it is highly advised to hire their own security (“Philippines country specific,”).

On November 24, 2009, the Philippine government declared a state of emergency for Maguindanao, Sultan Kudarat and Cotobato City (“Philippines country specific,”). This was due to election-related violence. When the Department of State issued the travel warning, the state of emergency was still in effect. The Department of State urged individuals traveling to Maguindanao, Sultan Kudarat and Cotobato City, to be aware of heightened police activity as well as significant military presence in the areas (“Philippines country specific,”). Travelers should research restrictions imposed on travel as well as follow instructions of government officials.

The Department of State also warned US citizens to use caution when gathering in public vicinities. Individuals should also use vigilance when traveling in the area of demonstrations that can turn confrontational and lead to violence. US citizens who choose to live, work or travel to the Philippines should register with the Consular Section of the US Embassy in Manila (“Travel warning u.s.,” 2010).

#### Steps to Protect Americans

The Embassy of the United States Manila, issued a publication for U.S. citizens living and working in the Philippines. If an American citizen is planning to enter the Philippines in excess of 21 days, they must apply for a visa at a Philippines Consular Establishments in the United States prior to travel. The American citizen can also apply for a visa at the Bureau of Immigration (BI), Magallanes Drive, Port Area, Intramuros, Manila (“Embassy of the,”).

American citizens who choose to travel or live in the Philippines are strongly urged to enroll in the “Smart Traveler Enrollment Program” (STEP) (“Travel warning u.s.,” 2010). American citizens must go to the US Embassy or closet United States Department of State Office. In doing so, individuals can obtain updated information on travel and security within the Philippines. U.S. citizens without Internet access may sign-up directly with the nearest U.S. embassy or consulate. Enrollment is important; it allows the State Department to assist U.S. citizens in an emergency (“Travel warning u.s.,” 2010). U.S. citizens are advised to call ahead in order to verify if the service requested will be available on the day the individual is expected to visit the agency (“Travel warning u.s.,” 2010).

The U.S. Department of State also urges U.S. citizens to carefully consider the safety risks when traveling to the Philippines. These risks include terrorism. The southern island of Mindanao and the Sulu Archipelago are of particular concern; however there is always a risk of terrorism throughout the entire country. Travelers and U.S. citizens who plan to live in the Philippines should take extra matters of precaution in central and western Mindanao as well as in the Sulu Archipelago (“Travel warning u.s.,” 2010).

According to the Department of State, “Terrorist groups, such as the Abu Sayyaf Group and Jema’ah Islamiyah, as well as groups that have broken away from the more mainstream Moro Islamic Liberation Front or Moro National Liberation Front have carried out bombings resulting in deaths, injuries, and property damage” (“Travel warning u.s.,” 2010). In the central and western regions of Mindanao, bombings have occurred in bus terminals, public buildings, public markets, and local festivals. U.S. citizens are urged to avoid congregating in public areas. If traveling to Mindanao, U.S. Government employees must seek special permission for travel to Mindanao or the Sulu Archipelago (“Travel warning u.s.,” 2010). The Department of State

stated, “When traveling in Mindanao, U.S. official travelers attempt to lower their profile, limit their length of stay, and exercise extreme caution. Some foreigners who reside in or visit western and central Mindanao hire their own private security personnel” (“Travel warning u.s.,” 2010).

There have been a number of bombings in government and public facilities in Metro Manila which resulted in a number of deaths and injuries to bystanders (“Travel warning u.s.,” 2010). There are also kidnap-for-ransom gangs that operate throughout the Philippines. These gangs often target foreigners and Filipino-Americans. The New People’s Army operates in the rural areas of the Philippines and the northern island of Luzon (“Travel warning u.s.,” 2010). It is possible for the NPA to threaten U.S. citizens engaged in business or property management activities and often demands “revolutionary taxes” (“Travel warning u.s.,” 2010). American citizens are advised to monitor local news broadcasts. This will provide American citizens with information in order to consider a level of preventive security when visiting public arenas such as hotels, beaches, restaurants and entertainment venues (“Travel warning u.s.,” 2010).

### Crime in the Philippines

Crime is a significant problem in urban areas of the Philippines. American citizens are not typically targeted for kidnapping, and violent assaults however they should be aware of their surroundings and exercise extreme caution. Credit card fraud, ATM scams and internet scams are very common. The recommended form of transportation in the Philippines for American citizens is taxis. The Department of state outlined the following safeguards when using taxis, “do not enter a taxi if it has already accepted another passenger and request that the meter be used. If the driver is unwilling to comply with your requests, please wait for another cab. It is also a good idea to make a mental note of the license plate number should there be a problem” (“Travel

warning u.s.," 2010). Americans who choose to drive in the Philippines must make sure that their doors are locked and the windows are closed. Americans are also strongly advised against using buses, the rail system and "jeepneys" ("Travel warning u.s.," 2010).

#### Climate Conditions

The Philippines is susceptible to typhoons, floods, earthquakes and volcanic activity. Flooding cuts off access to bridges and creates significant road delays. Typhoons interrupt air and sea links within the Philippines. The government sends out alerts periodically on specific volcanoes ("Travel warning u.s.," 2010). Earthquakes can also occur. Information on natural disaster preparedness can be made available from the Philippines National Disaster Coordinating Council (NDCC) and the U.S. Federal Emergency Management Agency (FEMA). American citizens can also watch the local news or log on to the Embassy's Facebook site ("Travel warning u.s.," 2010).

#### Strategy

When creating a strategy to keep all ICE personnel and their family member's safe while living in the Philippines, The Special Agent in Charge (SAC) Office reviewed the warnings issued by the U.S. Department of State as well as the publications made by the Embassy of the United States Manila. As Special Agent in Charge of the El Dorado Task force my main goal is to provide safety and security to my employees and their respective family members while targeting, disrupting and dismantling money laundering organizations in the Philippines.

In order to secure the safety of all ICE employees stationed in the Philippines, a threat assessment will be coordinated with the U.S. Department of State, the U.S. Military and Homeland Security. In the event of a major political or terrorism related situation, all United

States citizens employed by ICE working in the Philippines will be required to evacuate or relocate in accordance with guidelines set by the United States Embassy. This Threat assessment would pertain to only US Citizens working in the Philippines; it would not include nationals working for ICE unless they are considered critical to the mission of ICE in that region.

A Threat Assessment Team (TAT) will be created under my direction and will have the sole responsibility to ensure the safety of all US Citizens employed at DHS ICE within the country of the Philippines. The mission of the Threat Assessment Team (TAT) is to provide a comprehensive understanding of geopolitical risk and terrorism as well as to educate the employees on how to be vigilant and recognize threats. The responsibilities of this assessment team will include and is not limited to collection and dissemination of intelligence that may pose a threat to US citizens working in this office. The TAT will be comprised of agents and employees of the DHS assigned to this office who have significant experience in the enforcement, engagement of threats and counter terrorism investigations or analysis. Employees who are or have been military personnel trained in urban warfare tactics and the detection and engagement of hostile extremists will be encouraged to work in this unit. Any employee who has knowledge in the collection and dissemination of intelligence will be sought and encouraged to work in this unit.

I will be briefed daily by supervisors, senior intelligence analysts and a representative from the US Department of State concerning potential threats and geo-political conditions. After the briefing is complete the supervisors of the contracted private security employed by this agency will be briefed on issues that are relevant to the security of this building and its employees. An email will be directed to all employees concerning potential threats. The Threat

Team will maintain a partnership with local and national law enforcement agencies and gather daily intelligence concerning crime patterns, demonstrations, and environmental situations.

Our agency will employ paramilitary contract workers which are endorsed by the US Department of Defense and the Department of Homeland Security to work with our TAT to provide security of all employees while in this federal facility. An assessment of the contracted security employed by the Department of Defense in Iraq and Afghanistan revealed these firms employed security personnel with extensive military and law enforcement experience. This type of security would satisfy our mission to ensure the safety of our personnel to best of our ability.

All ICE employees will be strongly encouraged to register their family members residing in the Philippines while they are working in this region. In the event of an emergency, family members will be alerted and kept in communication until the situation has been mitigated or dissolved. ICE employees and their respective families should avoid being alone in public. This also holds for ICE employees on duty.

For family members of ICE personnel, a private security firm will be hired to escort them while out in public. As previously noted, family members should avoid being alone in public. The security firm will escort family members to local areas to run daily errands. Tours will also be set up for family members interested in seeing the region. A local curfew will also be instilled for both ICE personnel and their family members to avoid troublesome situations. The curfew will be set at 1100 hours during the week and 1200 hours on weekends.

During time off and weekends, if an employee wishes to leave the region, I must be advised. The employee must tell me where they intend to go, where they will be staying while out of the area, and when they will be coming back. The employee must also advise the TAT of

their destination, point of contact, and alternative communication. If the employee does not come back on the day specified, the TAT and the SAC will be able to investigate the situation to ensure the safety of the employee. This protocol will also be beneficial if a catastrophic event were to occur. We would have the means to communicate with the ICE employee if commands need to be handed down to work on the situation.

As Special Agent in Charge of the El Dorado Task force, I will coordinate with the CDC, Interpol and United States Army Medical Research Institute of Infectious Disease (USAMRID) to identify and prepare for any epidemics. All ICE employees will be trained and educated on what to do in the event of a national emergency which requires the evacuation of all United States citizens. It is also important for ICE employees to be aware of the disaster preparedness measures in the Philippines. In the event of a natural disaster such as a typhoon, flash flood, earthquake or volcanic eruption, ICE will work in conjunction with the Philippines National Disaster Coordinating Council (NDCC) and the U.S. Federal Emergency Management Agency (FEMA) in order to be updated on the natural disaster preparedness plan. If communication is impossible with the Embassy, ICE personnel will be urged to watching local broadcasts to get further instructions on what to do.

## Conclusion

The El Dorado Task Force works all types of financial crimes. Due to the dedicated work by all personnel, the El Dorado Task Force has been responsible for some of the most significant high profile money laundering cases for ICE. The success would not have occurred without the hard work and dedication given by every single ICE employee. In every aspect of Filipino life, American citizens should take precaution outside of what was just stated. As evident through my research, the threat to American safety in the Philippines is extremely high. Once this plan is

implemented it will reduce the threat, but not dissolve it completely. Americans will still be in grave danger when traveling to this destination.

## References

- Bhattacharji, P. (2009). Terrorism havens: Philippines. *Council on Foreign Relations*, Retrieved from <http://www.cfr.org/philippines/terrorism-havens-philippines/p9365>
- Embassy of the united states: Manila philippines*. (n.d.). Retrieved from <http://manila.usembassy.gov/>
- Ice overview*. (n.d.). Retrieved from <http://www.ice.gov/index.htm>
- (2009). Jemaah islamiyah (a.k.a. jemaah islmaiah). *Council on Foreign Relations*, Retrieved from <http://www.cfr.org/indonesia/jemaah-islamiyah-k-jemaah-islamiah/p8948>
- MacLeod, C. (2009, October 19). War on terrorism flares in the philippines. *USA Today*. Retrieved from [http://www.usatoday.com/news/world/2009-10-08-terror-group\\_N.htm](http://www.usatoday.com/news/world/2009-10-08-terror-group_N.htm)
- Philippines country specific information*. (n.d.). Retrieved from [http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_999.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_999.html)
- The world factbook: Philippines*. (n.d.). Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/rp.html>
- Travel warning u.s. department of state bureau of consular affairs*. (2010, November 2). Retrieved from [http://travel.state.gov/travel/cis\\_pa\\_tw/tw/tw\\_2190.html](http://travel.state.gov/travel/cis_pa_tw/tw/tw_2190.html)
- The road to el dorado*. (n.d.). Retrieved from <http://www.ice.gov/cornerstone/eldorado.htm>
- The philippines and terrorism*. (2004, April). Retrieved from [http://www.adl.org/terror/tu/tu\\_0404\\_philippines.asp](http://www.adl.org/terror/tu/tu_0404_philippines.asp)

Chapter 7  
Threat Assessment and Intelligence Gathering  
Preventing, Preempting  
And  
Mitigating Mumbai-Like Attack

### Executive Summary

The 2012 New York/New Jersey High Intensity Drug Trafficking Area (NY/NJ HIDTA) Threat Assessment is a strategic valuation of the actions it will take in the events of a Mumbai-like attack in the NY/NJ HIDTA region. The Threat Assessment was created by a group of supervisory special agents and intelligence analysts who work directly within the NY/NJ HIDTA. This threat assessment was prepared to identify key issues on the prevention, preemption and mitigation of a Mumbai-like attack. This threat assessment will be disseminated to the homeland security stakeholder community, which consists of the Director of the NY/NJ HIDTA as well as officials within the in the New York City government and first responders within the designated areas of the NY/NJ HIDTA.

### Overview of the Attack

The 2008 Mumbai attack has been viewed as India's 9/11. The attack lasted sixty hours, in which one hundred seventy two people were killed. Lashkar e-Taiba (LeT), a terrorist group from Pakistan, was responsible for the Mumbai attack. LeT means Army of the Righteous. On September 15, 2011 the U.S. Department of State published the most recent list of Foreign Terrorist Organizations (FTOs). designated by the, "Secretary of State in accordance with section

219 of the Immigration and Nationality Act” (“Foreign terrorist organizations,” 2011). LeT was listed as a Foreign Terrorist Organization. The FTO designations play a vital role in fighting terrorism. The FTO does this by “curtailing support for terrorist activities and pressuring groups to get out of the terrorism business” (“Foreign terrorist organizations”, 2011). In 2002, Abu Zubaydah, a senior al-Qaeda member was captured at a LeT safe house in Pakistan (Bajoria, 2010). The Department of State believes that the LeT may have links to al-Qaeda.

LeT chose Mumbai as their target because it is India’s commercial and entertainment center. According to the RAND report, Mumbai is a “prosperous symbol of modern India” (RAND, 2009). The main targets of the Mumbai attack was the Taj Mahal Palace and the Oberoi Trident hotels, two symbols of India’s economic strength (ChicagoRevival, 2008). Other targets included the Leopold Café, Chhatrapati Shivaji Terminus, Cama Hospital, the Nariman House, the Metro Cinema, a lane behind the Times of India building and St. Xavier’s College (Reed & Zakaria, 2008).

The Mumbai attack “reflected precise planning, detailed reconnaissance, and thorough preparation, both physical and mental” (A.Rabasa, R. Blackwill, P. Chalk, K. Cragin, C. Fair, B. Jackson, B.M. Jenkins & S. Jones, 2009). Eyewitnesses from the Taj Hotel observed that the terrorists knew their way through hidden doors and back hallways of the hotel. In February 2008, a suspected terrorist that was arrested in northern India had in possession drawings of various sites in Mumbai. Some of the sites were targets in the November 2008 attack (Rabasa et al., 2009). Mohammad Amir Ajmal Qasab was the only terrorist to survive the attack. When he was taken into custody, Qasab told Indian police that their trainers had given them CDs of the city (Reed & Zakaria, 2008). This provided them with a virtual tour of the city of Mumbai. Qasab

told police that during their training, the terrorists were given strict instructions to avoid conversations (ChicagoRevival, 2008).

The terrorists who carried out the Mumbai attack arrived by sea. They high-jacked a Pakistani cargo vessel and murdered the entire crew except for their captain (RAND, 2009). Qasab and the other terrorists wore red wristbands to disguise themselves as fisherman (ChicagoRevival, 2008). Once they reached Mumbai, the terrorists beheaded the captain of the vessel. Traveling by sea enabled the terrorists to avoid Indian security checkpoints that they would have had to endure if they flew in to the country.

There were ten terrorists in total that carried out the physical part of the Mumbai attack. They were all Pakistani and in their early 20s. They were lightly armed just guns and cellular phones. It is believed that the terrorists were aided by Indian nationals who helped with reconnaissance and with prepositioned supplies (Rabasa, et al., 2009). The surviving terrorist, Mohammad Amir Ajmal Qasab, told Indian police that he knew little about his comrades. The members of the team were isolated from each other and they only knew each other by Arabic code names (ChicagoRevival, 2008). Qasab also told Indian police that it took three months of training to become an expert (Reed & Zakaria, 2008).

The attackers used cell phones, blackberries and a satellite phone in order to keep in touch with their handlers. Throughout the entire sixty hour ordeal, the attackers were given instruction and encouragement from their handlers. In an intercepted phone conversation one of the handlers was heard saying, "this is a fight between Islam and non-believers" (Cybersurg, 2010). The handlers told them that if they wanted to go to heaven they must fulfill their duty. In order to boost morale among the terrorists throughout the attacks the handlers would say, "Allah

willing, Allah has brought heaven very close to you” (Cybersurg, 2010). At the end of their mission, the handlers told the terrorists that they must die in order to seek martyrdom (Reed & Zakaria, 2008).

### Indian Intelligence Failures

The horrific events of the Mumbai attack shed light to numerous failures and issues to the Indian response. The first failure was that of intelligence. Indian officials had received prior warnings from their own sources and the United States that the likelihood of an attack was probable. There was little to no coordination between the central security agencies which consist of the Research and Analysis Wing (R&AW), the Intelligence Bureau (IB) and the local police in Bombay (Rabasa, et al., 2009). Another failure of the Indian response to the Mumbai attack was the gap in coastal surveillance. The Mumbai attack highlighted India’s inability to monitor their coastlines. It is important to note that the R&AW had intelligence information about the possibility of a terrorist attack by sea. The measures or planning that were made to handle this intelligence proved to be insufficient. Another issue was the Coast Guard’s shortage of equipment for coastal surveillance (Rabasa et al., 2009).

Another issue that plagued Indian police was their inadequate counterterrorism training. First responders needed to have appropriate equipment and training in order to contain the terrorists. During the Mumbai attack, the first responders did not have any of this equipment. A majority of the police officers remained passive because they were outgunned by the terrorists. The bulletproof vests that the Maharashtra police were issued were not able to withstand AK-47 or AK-56 rounds (Rabasa, et al., 2009). The helmets that were issued to police were World War II vintage. They would not have been able to withstand modern combat.

Another flaw in the Indian response to the Mumbai attack was the response time. Local contingents of the army arrived five hours after the first shots had been fired. The Marin Commandos (Marcos) were the first “special response” team to arrive. The Marcos did not arrive until after the local contingents and were pulled out before engaging any of the terrorists (RAND, 2009). The National Security Guard (NSG) arrived much later and it took thirty minutes to engage in initial search-and-rescue operations. The slow response by the NSG was of particular concern given the fact that they are India’s premier rapid-reaction force.

#### Similar Mumbai-like Attacks

The Mumbai attacks showed the world that a terrorist attack does not have to be extreme and elaborate. There have been numerous attacks such as the Norway shooting and the Tucson shooting where active shooters were able to carry out their plans virtually unnoticed until they opened fire. Germany and the United States also managed to gather and receive Homeland Security Intelligence early enough to prevent mass terror on their own soil. Homeland Security Intelligence, otherwise known as HSINT is not source specific. HSINT is seen as a “top-down” model where the federal government’s intelligence entities provide intelligence to state and local law enforcement (Randol, 2009). State and local law enforcement then take the intelligence and decide whether or not the information received is worth acting on.

In November 2010, the German Federal Criminal Police Office received a call from a man who told them that “al-Qaeda and associated groups based in Pakistan were making joint preparations for an attack in Germany.” The terrorists had numerous ideas, one of which was to remotely detonate a bomb using a cellular phone. The caller also told the police that the terrorists were going to use submachine guns, automatic rifles and explosives. This type of attack was

modeled on Mumbai. German officials went into a state of high alert to deal with the information they received (Bartsch, Musharbash & Stark, 2010).

According to S. Horwitz & S. Murray (2011) the United States fell victim to an active shooter in Tucson, Arizona in January of 2011. Jared Lee Loughner opened fire in a supermarket parking lot where Rep. Gabrielle Giffords was meeting with constituents. Loughner shot eighteen people, killing six. He gravely shot Giffords in the head and killed a federal judge. Loughner's motive remained a mystery to police however it was speculated that the "incident was viewed by many in the political world as a grim bookend to a bitterly contentious campaign season, in which Arizona and Giffords featured prominently." Loughner showed the American public how easy it was to open fire in a public venue. He also showed that terrorists were also homegrown.

As reported in the *N Y Times* by D. Goodman and E. Mala (22 July, 2011) a lone political extremists bombed the Norway government killing seven people. The suspect was Anders Behring Breivik, a 32 year-old Norwegian man. After the bombing, Breivik dressed as a police officer and entered a youth camp on the island of Utoya where members of the governing Labor Party were and killed 80 people. Acting police chief, Sveinung Sponheim stated that Breivik's internet postings suggested "that he has some political traits directed toward the right, and anti-Muslim views, but if that was a motivation for the actual act remains to be seen" (Goodman & Mala, 2011).

Breivik had registered a farm-related business in Rena, an eastern region in Norway. This farm business made it possible for Breivik to purchase a large quantity of ammonium nitrate fertilizer. This material can be used to make explosives. Breivik's Facebook page was set up a few days prior to the attacks. The profile said that Breivik enjoyed "hunting, the video games

World of Warcraft and Modern Warfare 2, and books including, Machiavelli's *The Prince* and George Orwell's *1984*" (Goodman & Mala, 2011). Brevik also had a Twitter account with one item posted on it. The Sunday before the attacks, Brevik posted, "One person with a belief is equal to the force of 100,000 who have only interests" (Goodman & Mala, 2011).

In September 2011, the FBI arrested Rezwan Ferdaus and charged him with attempting to provide material support to terrorists, as well as attempting to damage and destroy national defense premises (FBI: Mass. man, 2011). Ferdaus was plotting to fly explosive-packed remote controlled airplanes into the U.S. Capitol and the Pentagon. In May and June 2011, Ferdaus provided two detail oriented plans to undercover FBI agents. The first plot was to "attack the Pentagon and the U.S. Capitol, including launch site locations and target locations, flight route descriptions and photographs of the buildings with arrows drawn in to show the points of impact" (FBI: Mass. man," 2011). The second plot Ferdaus planned was similar to the first plot; however it also included a ground assault. When Pentagon employees exited the building after the explosion, they would be escorted to specific locations where gunmen would attack with automatic weapons and grenade.

## Scope

The NY/NJ HIDTA has prepared a thorough plan to prevent a Mumbai-like attack from occurring on American soil. Training, the use of financial intelligence, social network querying and a third party site assessment will be conducted. With the use of these strategic solutions, the NY/NJ HIDTA aims to lessen if not completely prevent a terrorist attack where an active shooter is involved.

## Strategic Solutions

The NY/NJ HIDTA will ensure that local police and first responders have blue prints of all high risk buildings prior to an attack. This will provide law enforcement with the knowledge of all entry/exit ways throughout the buildings. The terrorists in the Mumbai attack were extremely familiar with the layout of the buildings. Law enforcement and first responders must be able to be one step ahead in order to decrease the number of casualties in the event of an attack. It is also vital the unsecured doors be equipped with alarms. This would make it more difficult for a terrorist to enter a building unnoticed.

Another way that the NJ/NJ HIDTA will work to prevent a Mumbai-like attack from occurring will be to provide training. The NY/NJ HIDTA will train HIDTA employees, local law enforcement and employees that work in high risk target buildings. The current HIDTA training facilities in the NYPD Firearms training center on City Island will be used. The training center is a city block with sidewalks, streets, and buildings that can be used to simulate real street encounters and raids. Local law enforcement will be given the proper materials and equipment needed to respond to a terrorist attack. Local law enforcement will be trained on how to swiftly and efficiently respond to a terrorist attack.

The employees of high risk target buildings will be trained on what to do and not do in the event of a terrorist attack. Employees would be encouraged against giving media interviews. During the Mumbai attack, the handlers were able to follow the media and direct the terrorists throughout the buildings to find hostages and kill more civilians. The NY/NJ HIDTA will also teach employees how to identify strangers in unauthorized areas. They will be urged to report these instances to their managers.

Another aspect is the use of financial intelligence, technology, training, and a third party site assessment. In order to maintain communication throughout the entire attack, LeT purchased an internet number in New Jersey. They paid for this via money transfers from Pakistan. In order to identify this type of activity in the future, NY/NJ HIDTA will direct the High Intensity Financial Crime Area (HIFCA) to mine financial databases for suspicious financial activity. Intelligence analysts at the HIFCA will be able to look for suspicious wire transfer activity in high risk areas like that of Pakistan. An analysis of this financial data will be conducted and the information will then be disseminated throughout the proper law enforcement personnel.

Analysts at the NY/NJ HIDTA will also be required to monitor social networking sites of persons of interest in terrorism investigations. Analysts will be able to read the profiles and messages that are displayed on different social networking profiles and the information gathered will then be disseminated to federal agents with the NY/NJ HIDTA and the NYPD Intelligence Unit.

The NY/NJ HIDTA will also hire a third party to conduct a site assessment of all areas of interest. The site assessment will be able to identify weak points in buildings. This will provide ample time to fix these weaknesses in order to prevent a terrorist attack from occurring. A third party will be able provide law enforcement personnel with a different point of view. Failure of imagination and a failure to think outside the box has been a significant challenge.

## Conclusion

The NY/NJ HIDTA'S threat assessment of the Mumbai attack will help the New York/New Jersey area to be properly prepared and equipped in the event of an attack. The NY/NJ HIDTA is aware that terrorist attacks, like that of Mumbai are not always elaborate and

extreme. The terrorists have shifted their aim towards keeping a low profile. The attacks are not intended to produce mass casualties. They are intended to cause fear in the people. With this threat assessment, the NY/NJ HIDTA can train the region on this new style of terrorism.

## References

- Bajoria, J. (2010, January 14). Lashkar-e-taiba (army of the pure) (aka lashkar e-tayyiba, lashkar e-toiba; lashkar-i-taiba). Retrieved from <http://www.cfr.org/pakistan/lashkar-e-taiba-army-pure-aka-lashkar-e-tayyiba-lashkar-e-toiba-lashkar--taiba/p17882>
- Bartsch, M., Musharbash, Y., & Stark, H. (2010, November 22). The story behind Germany's terror threat. Retrieved from <http://www.spiegel.de/international/germany/0,1518,druck-730377,00.html>
- ChicagoRevival. (2008). Mumbai terrorist attack- i have no regrets captured [Web]. Retrieved from <http://www.youtube.com/watch?v=ndEzS9EVQ2w>
- Cybersurg. (2010). 26/11 terror in mumbai-intercepted conversations between terrorists [Web]. Retrieved from <http://www.youtube.com/watch?v=QehgTIOmkmQ>
- FBI: Mass. man had 'mission' against pentagon. (2011, November 4). Retrieved from [http://www.cbsnews.com/8301-201\\_162-57319111/fbi-mass-man-had-mission-against-pentagon/](http://www.cbsnews.com/8301-201_162-57319111/fbi-mass-man-had-mission-against-pentagon/)
- Goodman, D., & Mala, E. (2011, July 22). At least 80 dead in Norway shooting. *The New York Times*. Retrieved from <http://www.nytimes.com/2011/07/23/world/europe/23oslo.html?pagewanted=all>
- Horwitz, S., & Murray, S. (2011, January 9). Rep. giffords shot in tucson rampage; federal judge killed. *The Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/08/AR2011010802422.html?hpid=topnews&sid=ST2011010802810>

Office of the Coordinator for Counterterrorism, U.S. Department of State. (2011). Foreign terrorist organizations. Retrieved from website:

<http://www.state.gov/s/ct/rls/other/des/123085.htm>

Rabasa, A., Blackwill, R., Chalk, P., Cragin, K., Fair, C., Jackson, B., Jenkins, B. M., & Jones, S. Rand Corporation, (2009). The lessons of Mumbai. Retrieved from RAND website:

[http://www.rand.org/pubs/occasional\\_papers/2009/RAND\\_OP249.pdf](http://www.rand.org/pubs/occasional_papers/2009/RAND_OP249.pdf)

Randol, M. Congressional Research Services, Congress. (2009). Homeland security intelligence: Perceptions, statutory definitions, and approaches. Retrieved from website:

<http://www.fas.org/sgp/crs/intel/RL33616.pdf>

Reed, D. (Producer), & Zakaria, F. (2008). Terror in mumbai [Web].

Chapter 8  
International Human Rights  
The Significance of Human Rights,  
And  
Homeland Security

### Introduction

Human rights and Homeland Security are two issues that are drastically different, and yet equally essential to the safety and well-being of every individual. As we move forward in the “War on Terror”, we need to be cognizant of security and how it affects our human rights. We must also be aware of universal human rights and whether or not concepts of human rights are relevant to America’s domestic homeland security concerns. In the post 9/11 world, discussions of both human rights and homeland security have been surrounded by controversy. The United States felt it was necessary for human rights to take a back seat to the safety and security of its borders. Now, ten years later, human rights still continue to take a backseat. It is vital that human rights be placed at the forefront in order to ensure homeland security both domestic and abroad. In order to prove this argument it is important to fully understand the meanings of human rights and homeland security respectively.

The concept of human rights is best described within the Universal Declaration of human rights. The first statement of the preamble of the Universal Declaration of Human Rights stated, “...Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (“The universal declaration,” 2011). Overall there are thirty articles in the declaration. The first article maintains the definition of what human rights are. Article one ensures that all individuals

are born free and equal in dignity and rights. The Universal Declaration of Human Rights is considered the foundation for an international system regarding the protection of these rights. There are thirty articles in the Declaration of Human Rights. The articles provide a vision that exceeds political boundaries and authority and upholds governments to pressure the rights of each individual person. In order to protect these human rights, international and national laws and treaties are set forth.

There are five articles that pertain directly to the relationship between human rights and homeland security. The third article of the Declaration ensures the right to life, liberty and security of the people (“The universal declaration,” 2011). Article five of the Universal Declaration of Human Rights is very important to the relationship between human rights and homeland security. The article states, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (“The universal declaration,” 2011). The seventh article states that, “All are equal before the law and are entitled without any discrimination to equal protection of the law, “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination” (“The universal declaration,” 2011). The final article that relates to the relationship between homeland security and human rights is article ten. Article ten entitles individuals to a full and public hearing by an unbiased tribunal in the event of any criminal charges brought against the individual.

What are Rights?

Rights are entitlements that are derived from needs. Jack Donnelly wrote, “If human rights are the rights that one has simply as a human being, then only human beings have human

rights, if one is not a human being by definition, one cannot have human rights. Because only individual persons are human beings, it would seem that only individuals can have human rights (Donnelly, 2003). For an individual to have rights, they must be entitled to something. Donnelly also said, “Human rights ultimately rest on a social decision to act as though such “things” existed- and then through social action directed by these rights to make real the world that they envision” (Donnelly, 2003). With these rights or entitlements, it is important to question if it is ever possible to have true equality. Jack Donnelly stated, “If human rights are held universally- that is, equally and by all- one might imagine that they hold against all other individuals and groups such a conception is inherently plausible and in many ways morally attractive. It is not, however, the dominant contemporary international understanding” (Donnelly, 2003).

#### Definition of Homeland Security

The next step is to define homeland security. The Department of Homeland Security’s mission statement provides a general definition for what homeland security means. The mission statement is, “...to secure the nation from the many threats we face. This requires the dedication of more than 230,000 employees in jobs that range from aviation and border security to emergency response, from cyber security analyst to chemical facility inspector. Our duties are wide-ranging, but our goal is clear - keeping America safe” (“Homeland security-about,” 2011).

The attacks on 9/11 were a crucial turning point in the way the United States viewed security. We were left within a state of emergency, devastation, and vulnerability. We were also left with many questions that we scrambled to find answers to. The reaction to the events of 9/11 suggest, “... we have indeed seen democracy and human rights pushed back toward the margins of American foreign policy by a new geopolitical vision and a new ideological crusade that have

striking analogies to their cold war predecessors” (Donnelly, 2006). Human rights were viewed as inferior to the security of the United States.

## Terrorism

A significant issue that affects the way human rights and homeland security are viewed is terrorism. Terrorism is pure evil. It is the concept of doing everything in your power to destroy a person or group. Terrorism can be physical and/or emotional. The Patriot Act defined terrorism as, “...activities within the United States that involve acts dangerous to human life that appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping” (“The patriot act:,” 2011).

Joan Fitzpatrick, author of the article, “Speaking Law to Power: The War Against Terrorism and Human Rights” stated, “Even informed observers of international terrorism did not escape the profound emotional and psychological impact on September 11” (Fitzpatrick, 2003). It is not always necessarily violent. Terrorists are individuals or groups of people that are extremely passionate about their cause. They have an extreme hatred for another group of individuals. The damages caused by terrorists are intended to be long lasting both emotionally and physically. Terrorists explore all avenues in order to plot mass destruction.

## The DHS Mission

The Department of Homeland Security’s mission is to secure the United States from any possible threats. After the 9/11 attacks, the government and the American public were unsure of whether or not another terrorist attack was going to occur. The US Attorney General, John

Ashcroft brought before Congress a list of recommended changes that would fight the war on terrorism (“The patriot act;,” 2011). Some of the recommendations had been opposed by members of Congress in the past because they infringed on the rights of the American people. The attacks on 9/11 were a turning point. The concerns that Congress had on infringing the rights of Americans were quickly diminished. The Senate and the House of Representatives passed the USA Patriot Act. The final bill was 342 pages in length and changed over 15 existing laws. Some of the provisions were made to expire in 2005. When President George Bush signed the Patriot Act into law he claimed that this law would fight the present danger of terrorism. He also stated that the Patriot Act “...upholds and respects the civil liberties guaranteed by our Constitution” (“The patriot act;,” 2011).

#### The USA Patriot Act

The Patriot Act has been at the center of controversy since its indoctrination. One of the parts of the Patriot Act that aroused controversy was the issue of privacy and government surveillance. The Fourth Amendment of the Constitution gave Americans the right to unreasonable search and seizures. In order to search an individuals’ home, law enforcement officials must obtain a search warrant by showing probable cause that a person was engaged in criminal activity (“The patriot act;,” 2011). Congress had mandated that U.S. intelligence agencies apply for warrants for wiretaps and other surveillance on foreign governments and suspected foreign agents. The Patriot Act expanded all of the exceptions to the probable-cause requirement. In fact, Section 215 of the Patriot Act, “permits the FBI to go before the Foreign Intelligence Surveillance Court for an order to search for ‘any tangible things’ connected to a terrorism suspect” (The patriot act;,” 2011).

Since its inception, the Patriot Act has been a constant debate. Attorney General Ashcroft has stated, “We are at war and we have to do things differently than we did before” (“The patriot act;,” 2011). Ashcroft also argued that the only purpose of the Patriot Act was to prevent terrorists from carrying out more death and destruction in the United States. He also maintained that the courts and Congress continue to safeguard the constitutional rights of Americans (“The patriot act;,” 2011). The American public has consistently supported the Patriot Act. In 2003, a Gallup Poll asked whether or not the Patriot Act went too far, was about right or did not go far enough in regards to restricting people’s civil liberties. The poll results revealed that twenty one percent felt that the Patriot Act went too far; fifty five percent felt it was about right and nineteen percent of Americans felt it did not go far enough (“The patriot act;,” 2011).

Joan Fitzpatrick stated that, “American officials exploit the ambiguities of humanitarian law and the rules on the use of force, and refuse to recognize human rights laws as being of any relevance, much less a set of ‘red and green lights to guide their action’” (Fitzpatrick, 2003). American officials feel that they have the authority to make the rules up as they go along. “At the same time, the human rights community has reacted with its own strong sense of moral outrage” (Fitzpatrick, 2003). The human rights community has fervently argued that the preservation of human rights is vital in a time of crisis. Lack of human rights would allow terrorists to claim victory over tolerance and rule of law.

### Promoting Human Rights

The U.S. Department of State acknowledges that the goal of U.S. foreign policy is the, “...promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights” (“Human rights,” 2010). The United States believes that the existence of human rights

will help deter aggression, promote the rule of law, combat crime, secure peace and prevent humanitarian crises (“Human rights,” 2010). In order to ensure that human rights are protected and preserved, the U.S. Department of State provides five ways in which they plan to promote the issue of human rights.

The first way is to hold governments accountable to their responsibilities under universal human rights norms. The second way is to promote a greater respect for human rights. This includes, “...freedom from torture, freedom of expression, press freedom, women’s rights, children’s rights, and the protection of minorities” (“Human rights,” 2010<http://www.state.gov/>). Promoting the rule of law as well as seeking accountability is another way the Department of State will work towards the protection and preservation of human rights. The fourth way the Department of state aims to promote human rights is to, “assist efforts to reform and strengthen the institutional capacity of the Office of the UN High Commissioner for Human Rights and the UN Commission on Human Rights” (“Human Rights,” 2010). The final goal of the Department of State is to coordinate human rights activities with their close allies such as the European Union and other regional organizations.

There is a connection between security and human rights even though it is not a linear relationship. Security is not impacted by human rights but human rights are definitely impacted by security. After the 9/11 attacks, the public was more eager to give up some of their rights in exchange for security. However, we have now come to a crossroads where we need to decide what the threshold is in regards to the give and take of human rights and security.

Human rights have been defended for years. The threat of terrorism should not change this. Human rights values should be protected and preserved in foreign policy. Donnelly made an extremely interesting statement in regards to American support for human rights and foreign

policy: "... American support for human rights and democracy has been among the more prominent casualties of the war on terrorism" (Donnelly, 2006). After the events of 9/11 the United States created felt it was necessary to suppress human rights in order to protect Americans from potential terrorist attacks. The creation of the USA Patriot Act was a contributing factor to the casualty of human rights. The protection of human rights was replaced with the protection of states' borders. The United States made discussions based off of paranoia rather than rational strategies.

Guantanamo Bay is a great example of a human rights issue where the United States has allowed the threat of terrorism to impede on human rights. The US has been detaining people there that are alleged terrorists. Prisoners of Guantanamo Bay have virtually no human rights. The US Governments' policy is, "...the captives are not prisoners of war whose internment is regulated by the Third Geneva Convention, and they are denied the mandatory hearings before a 'competent tribunal'" (Fitzpatrick, 2003). Even though they are not prisoners of war, they are still human and their human rights should be acknowledged. Guantanamo Bay, "... has been carved out as a nether world where neither American nor international (nor Cuban) law applies and where issues of innocence, proof, responsibility, and proportionality are deemed irrelevant" (Donnelly, 2006).

The adoption of the Patriot Act into the United State inspired copycat laws worldwide. Norman Solomon, the executive director or the Washington based Institute for Public Accuracy said, "The boast of the United States is now the world's only superpower has a grim undertow in the area of human rights, no one can tell Washington what to do or not do, no matter how egregious its cruelties" (Deen, 2005). The Meiklyonn Civil Liberties Institute at the University of California at Berkeley identified 180 alleged human rights violations made by the United States.

The violations included the enforcement of the Patriot Act as well as allegations of killings, torture, and detention in Afghanistan, Iraq and Guantanamo Bay. In July of 2004, the Berkeley City Council submitted a report to the Human Rights Committee. The report was created by the Meiklejohn Civil Liberties Institute and was titled, “Challenging U.S. Human Rights Violations Since 9/11” (Deen, 2005).

In June of 2005, four independent experts of the U.N. Commission on Human Rights felt a deep sense of regret because the United States government did not invite the expert to visit the detainees in Afghanistan, Iraq, and Guantanamo Bay. The Bush administration had also denied requests from the UN Working Group in Arbitrary Detention (Deen, 2005). Their requests to visit the detainees stemmed from information, “...from reliable sources, of serious allegations of torture, cruel inhuman and degrading treatment of detainees, arbitrary detention, violations of their right to healthy and their due process rights” (Deen, 2005). The allegations made by the UN Human Rights Committee against the United States were serious. The committee observed the human rights violations being made by the United States and stepped in. This decision to hold the United States accountable proves that human rights are more important than homeland security.

In March of 2009, the Obama administration decided to participate in elections for one of the three seats on the UN Human Rights Council. The Obama administration believed that human rights were an essential element of American global foreign policy (Lynch, 2009). UN officials as well as human rights activists supported the United States’ decision. The Human Rights Council was created in 2006 to replace the Human Rights Commission. The Human Rights Commission had lost credibility when they allowed countries with a history of human rights violations to join (Lynch, 2009). At the time when the Human Rights Council took over,

the Bush administration was reluctant to join. They were not convinced that the new council had more leverage. Even the Obama administration admitted the Human Rights Council had failed to emerge as a powerful body of human rights advocacy. The U.S. ambassador to the United Nations, Susan Rice, commented that the U.S. was seeking election to the Human Rights Council because, "...we believe that working from within, we can make the council a more effective forum to promote and protect human rights" (Lynch, 2009). The United States is a major power player in the world and has significant influence over many countries. The United States making the decision to join the Human Rights Council shows how much they value human rights both domestically and abroad. By joining the council, the United States can contribute constructive criticism rather than forcing their views on to other countries.

Because the United States made the decision to join the Human Rights Council to help improve the forum, this also made them vulnerable to scrutiny and criticism. On November 5, 2010, Fox News published an article titled, "The UN Human Rights Council Takes Aim at New Target: United States". The UN Human Rights Council heard allegations that the United States discriminated against Muslims, police officers were barbaric and that they had been holding political prisoners behind bars for years (Russell, 2010). Russia wanted the United States to abolish the death penalty and Cuba and Iran requested that Guantanamo Bay be investigated. Indonesia urged the United States to promote religious tolerance. Mexico on the other hand claimed that the United States regularly engaged in racial profiling (Russell, 2010).

The allegations made against the United States were presented at the Universal Periodic Review. The review was a rotating examination of human rights failings as well as strong points of every country in the world (Russell, 2010). According to the article, "For two hours, council members got to say whatever they wish, good and ill, about the country that has done the most in

the past 40 years to establish human rights as a global theme” (Russell, 2010). The State Department took the Universal Periodic Review as an opportunity for the United States to lead the rest of the world by example. A State Department official argued that, “Our taking the process seriously contributes to the universality of the human rights process” (Russell, 2010). He further commented that the United States had an opportunity to showcase their willingness to be exposed. The United States would be transparent to human rights criticism. The Universal Periodic Review held the United States responsible for the alleged human rights violations they had committed. This was a crucial turning point for the United States’ cooperating and taking part in the Universal Periodic Review, the United States was willing to take criticism and come under scrutiny.

On June 17, 2011, the U.S. Department of State issued a statement regarding the U.S. Accomplishments at the UN Human Rights Council’s 17<sup>th</sup> Session. The session was the sixth session the United States had attended since they joined the Council in September of 2009. According to the Department of State, “...U.S. engagement has reshaped the Council’s agenda, leading to a number of new tools to address urgent human rights situations and focus international attention on some of the world’s most egregious human rights abusers” (“U.s. accomplishments at,” 2011). The United States partnered with Canada and approximately fifty UN members to deliver a powerful statement regarding the human rights situation in Syria. Syria had been engaging in a series of human rights violations. The statement was made to urge the Syrian government to allow the UN High Commissioner for Human Rights Office to access to the country to conduct their fact-finding mission (“U.s. accomplishments at,” 2011).

The United States also joined the Netherlands along with 73 other countries to deliver a statement on the human rights abuses and continuous violence in Yemen. On June 17, 2011, the

Human Rights Council assigned Ahmed Shaheed as Special Rapporteur (“U.s. accomplishments at,” 2011). Shaheed was chosen to be the voice for the millions of Iranian citizens who have suffered human rights violations. Another important accomplishment that was made was between the United States and Kyrgyzstan. Both countries worked together to create a new Council resolution to, “...support the government of Kyrgyzstan’s efforts to address and reform current law enforcement practices and ensure fairness, security and due process in the judicial proceedings arising out of last year’s violence” (“U.s. accomplishments at,” 2011). The United States has already made significant strides in joining the global campaign to respect and protect human rights. In doing so, they have also strengthened their homeland security by zeroing in on the countries that are of great risk to the United States. Rather than waging war the United States, with help from the Human Rights Council, can confront countries that are dangerous to the safety and well-being of their own citizens as well and people throughout the world.

### Human Rights & Homeland Security

On a more global scale, it is very hard to define the relationship between human rights and homeland security. The war on terrorism is so new and different from all other wars that the lines between human rights and security have blurred. In fact, “The ‘war against terrorism’ eludes definition, largely because those prosecuting the campaign find ambiguity advantageous to avoid legal constraints and to shift policy objectives with minimal accountability (Fitzpatrick, 2003). The war on terrorism is not solidly defined because it allows countries to create their own rules with a lack of regard to human rights. This includes the United States. In a later section of the article, Fitzpatrick stated, “The ‘war against terrorism’ is the quintessential ‘normless and exceptionless exception’. No territory is contested; no peace talks are conceivable; progress is measured by the absence of attacks, and success in applying control measures (arrests,

intercepted communications, interrogations, and asset seizures)” (Fitzpatrick, 2003). One of the biggest issues the world faces is the fact that the war on terrorism is not designated to one particular area. It is global. Terrorists are everywhere and live among ordinary people. It is vital to be mindful of the threat of a terrorist attack.

### Internationally Recognized Human Rights

Jack Donnelly states, “In fact, internationally recognized human rights can be seen as measures to secure individuals from the threats posed by modern states and modern markets. However, state security is not necessarily connected to individual human rights; it depends on the character of the state being protected and the means used to secure it” (Donnelly, 2006). Donnelly breaks it down even further and writes that human rights are about protecting citizens from the state, whereas national security is about protecting the state from its enemies. In regards to national security, some of the enemies may be citizens within the state and therefore, the rights of the citizens may be sacrificed. Donnelly’s statements are logical; however this outlook should never occur. The United States will always have enemies whether it is within their borders or across the world. Sacrificing human rights to ensure national security shows the American people that their government has a lack of respect and lack of trust towards them. The United States will only increase the number of enemies they have within their borders.

Although the idea of an international human rights regime sounds great on paper, implementing it will be a major undertaking. There will be many countries that will refuse to take part in it. In this matter, individuals who travel to these countries will not be protected under the same law. For the individuals from non-participating countries that enter into a participating country and fail to abide by the international regime, they will be prosecuted. The

moment you enter another state, you must abide by their laws or face prosecution. The UN is basically a giant sounding board with very little authority. They are able to do research and investigations in order to get the word out about human rights violations. Unfortunately, they have no power when it comes to seeking justice for victims of human rights violations. The people of Bosnia, Rwanda and Kosovo have all been victims of genocidal acts. The UN made it known that genocide was occurring in these countries and yet the horrific executions continued. It did not help that the United States and other powerful countries such as France and the United Kingdom did not support these people.

The events in Bosnia, Rwanda and Kosovo are unfortunate examples of how the responses to ethnic cleansing and genocide need to be changed. Educating the world on human rights is a great way to protect groups that fall victim to genocide or ethnic cleansing. The UN created The Outreach Programme on the Rwanda Genocide to deal with genocide and ethnic cleansing (“Lessons from Rwanda”, 2007). The program was designed to focus on the lessons learned from Rwanda in order to prevent similar acts in the future. The program was also created to raise awareness about the impact of genocide on the survivors (“Lessons from Rwanda”, 2007). Educating states on the harsh realities of genocide and ethnic cleansing will not only protect individuals’ human rights, it will also strengthen homeland security. The more knowledge that an individual has, the better equipped they will be to handle human rights issues and protect themselves.

## Democracy

Democracy has been valued today by many theorists, “...not just as a way of life but as a path to international peace, because of a general finding that democracies do not fight each other,

although Miriam Elman found many exceptions to the democratic peace thesis” (Fein, 2007). Democratization is a “path” to international peace. In regards to human rights, this does not necessarily mean that the creation of a democratic state will automatically lead to the preservation and protection of human rights. Fein further went on to state, “. . .there are other reasons and experiences to suggest that democratic institutions are not always sufficient to protect human rights against gross violations of life, integrity, that is, torture, extrajudicial execution and ‘disappearance’ massacre, and mass killing” (Fein, 2007). Higher security must be implemented in the beginning stages of democratization. Change is always met by resistance.

In India, the upper classes used violence against minorities. The lower class was called dalits which means untouchables. When the dalits rejected their place in society, lynch mobs by the majority ensued. The majority tortured and executed the individuals that defied social expectations. When a democratic state was imposed on Rwanda, deadly competition and violence erupted. The democratization in Rwanda, “. . .Rwanda promoted the organization of genocide by enabling radical racist elements of the majority Hutu to mobilize, to radicalize public opinion through radio, and to deter implementation of the Arusha Accords” (Fein, 2007). In situations like that of India and Rwanda, it is argued that security should take precedence over rights. The reasoning behind this is because new democracies have several obstacles to overcome. One of the main obstacles is the inheritance of authoritarian structures that negate respect for individual rights (Fein, 2007). The state often does not have the ability to exert control in larger areas within their territory.

It has been established, and further confirmed by the writings of Fein, that democratization does not always lead to the end of violence and abuse of human rights, however, there really has not been any other political system that is positively linked to the respect of

human rights. One significant piece that is missing in this process is education. In order to successfully implement a democratic state, education on the meaning of democracy is a necessity. The minorities in these states must also be involved in the education process. This would lessen the chance of the majority attempting to suppress the minority. Education is crucial.

### Globalization

Globalization also directly affects the relationship between human rights and homeland security. According to Donnelly, globalization is “generally understood literally to mean the creation of structures and processes that span the entire globe” (Donnelly, 2006). Globalization is inevitable. Globalization has also been viewed as the only path to long-term growth. A great foundation to ensure the rights of the individual throughout the globalization process is to create international human rights treaties. These treaties create obligations for states to respect, protect and implement when dealing with their own citizens (Donnelly, 2006). As Donnelly stated, “...human rights advocacy is in many ways aimed at transforming the state from a predator into a protector of rights” (Donnelly, 2006). The utilization of an international human rights treaty ensures that the states involved will follow the rules established by the treaty. The treaty also enables outside states to step in when the rules of the treaty are being broken. This provides extra protection to the individual.

It is important to establish that human rights are non-majoritarian. Human rights are concerned with “...each rather than all” (Donnelly, 2006). The goal is to protect the individual against majorities, no less than against minorities. Human rights take priority over the wishes of the people no matter how intense the desire of the majority is. In a procedural democratic state

where the majority can care for its own rights, "...the principal function of human rights is to limit democratic decision making" (Donnelly, 2006).

In today's globalized world, human rights constraints are unavoidable. Because of this, less-developed countries will be at a major disadvantage compared to Western predecessors in regards to economic globalization. However, Howard-Hassman argued that, "...as compared to citizens of the West until well into the twentieth century, citizens of these less-developed countries are at an advantage in demanding their rights" (Howard-Hassman, 2005). The world as a whole is now constrained by the international human rights regime. These norms and laws prevent industrializing countries from engaging in the same wealth-creating activities as their Western predecessors. These industrializing countries cannot engage in slavery, genocide, colonialism and deportation of undesirable citizens. These countries are also prohibited from ignoring the basic economic needs of their citizens. Although this has been a great disadvantage to the states, it has been a significant win for the citizens.

## Conclusion

It is important to question whether universal human rights are relevant to America's domestic Homeland Security concerns. American citizens tend to focus on their own civil rights. They are concerned with what is going on in this country and whether or not their civil liberties and right to privacy are being violated. What happens outside of the United State might not affect Americans on a daily basis but eventually, the turmoil that exists worldwide will permeate into the United States' borders. There is a moral duty to ensure that universal human rights are being protected. These rights must be taken into consideration when dealing with America's domestic Homeland Security concerns. Being aware and conscious of universal human rights can

also keep the country safe. This can prevent violence from erupting on the United States' homeland.

In his concluding statements, Donnelly discussed the struggle between human rights, security and how it fits into American foreign policy. He said, "If the absolute place of human rights in American foreign policy has not declined, and if the Bush vision of the war on terror continues to be supported by only a narrow segment of the American electorate, then a gradual reassertion of a more central place for human rights is possible, perhaps even probable" (Donnelly, 2006). Donnelly's statement provided some great insight into the future of human rights. Bush's vision of the war on terror was created from fear, a fear of the unknown. After the 9/11, the United States was in a state of shock. The Patriot Act was thrown together in haste to protect the United States in the chance that another terrorist attack would occur.

It has been ten years since the 9/11 attack and not much has changed in how the United States views human rights and homeland security. The Obama administration has however, made strides at trying to bridge the gaps between human rights and homeland security. Joining the Human Rights Council showed the world that the United States is willing to be held accountable for their actions. This can also have a positive effect on homeland security for the United States. The United States joining the Human Rights Council shows the world that they are willing to cooperate with the rules and regulations set forth by the council. The United States is a major power player in the world however some countries view the United States as arrogant and forceful. This strategic move to join the Human Rights Council can strengthen relationships between the United States and other countries. This will only positively influence domestic concerns for homeland security within the United States.

As the world's borders become more permeable and distances become shorter, the status of human rights should be a grave concern under international law. It will be very easy for human rights to slip through the cracks. The protection of human rights could virtually become extinct if action is not taken now. It is impossible to treat human rights and homeland security separately. There would have been a better chance to achieve this before the War on Terrorism erupted. The focus shifted from respecting human rights to protecting the homeland. The Patriot Act proved to be a major suppressor of human rights that has been criticized worldwide. The United States has made an attempt to put human rights first by joining the Human Rights Council. More than ever it is crucial to ensure the protection of human rights and the safety of America's homeland.

## References

- Bederman, D. (2010). *International law frameworks*. (Third ed.). New York: Thomson Reuters Foundation Press.
- Deen, T. (2005, September 21). Un human rights body to scrutinize u.s. abuses. *Inter Press Service*. Retrieved from <http://www.commondreams.org/cgi-bin/print.cgi?file=/headlines05/0921-03.htm>
- Donnelly, J. (2003). *Universal human rights*. (Second ed.). Ithaca, NY & London, England: Cornell University and Press.
- Donnelly, J. (2006). *International human rights*. (Third ed.). Boulder, CO: Westview Press.
- Fein, H. (2007). *Human rights and wrongs slavery, terror, genocide*. Boulder, CO: Paradigm Publishers.
- Fitzpatrick, J. (2003). Speaking law to power: The war against terrorism and human rights. *European Journal of International Law*, 14(2), 241-264. Retrieved from <http://www.ejil.org/article.php?article=413&issue=25>
- Homeland security- about*. (2011, October 18). Retrieved from <http://www.dhs.gov/xabout/>
- Howard-Hassman, R. (2005). The second great transformation: Human rights leapfrogging in the era of globalization. *Human Rights Quarterly*,
- Human rights*. (2010, December 3). Retrieved from <http://www.state.gov/g/drl/hr/>
- Lynch, C. (2009, March 31). U.s. to join u.n. human rights council, reversing bush policy. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/31/AR2009033102782.html>
- Lessons from rwanda*. (2007). Retrieved from <http://www.un.org/preventgenocide/rwanda/>

Russell, G. (2010, November 5). U.n. human rights council takes aim at new target: United states. *Fox News*. Retrieved from com

<http://www.foxnews.com/world/2010/11/04/united-nations-human-rights-council/>

*The patriot act: What is the proper balance between national security and individual rights.*

(2011). Retrieved from <http://www.crf-usa.org/america-responds-to-terrorism/the-patriot-act.html>

*The universal declaration of human rights.* (2011). Retrieved from

<http://www.un.org/en/documents/udhr>

Department of State. (2011). *U.s. accomplishments at u.n. human rights council's 17th session.*

Retrieved from website:

<http://iipdigital.usembassy.gov/st/english/texttrans/2011/06/20110617163757su0.1798909.html>

“U.S. Accomplishments at U.N. Human Rights Council’s 17<sup>th</sup> Session”. IIP Digital/ U.S. Department of State. Texts & Transcripts. June 17, 2011.

<http://iipdigital.usembassy.gov/st/english/texttrans/2011/06/20110617163757su0.1798909.html#axzz1dPw36R9>

## Chapter 9

## Multi-Disciplinary Homeland Security Perspectives

## Protecting One of the Nation's Critical Infrastructures:

## The Federal Reserve

## Introduction

The financial sector is considered the backbone of the world economy. It has also been recognized as a critical infrastructure. The banking and finance sector accounts for approximately 8 percent of the United States' annual gross domestic product (Council on Foreign Relations, 2007). The Federal Reserve is at the epicenter of the financial sector for the United States. One of the goals of terrorism is to destroy the American economy. The infrastructure of financial services is a critical issue for the United States. The financial sector is considered high value and is identified as a symbolic target (Council on Foreign Relations, 2007). If a direct attack were to occur against the Federal Reserve, the United States would be in grave danger.

The Federal Reserve is "the central bank of the United States" (The Federal Reserve Board, 2010). It is comprised of a Board of Governors, a Federal Open Market Committee and twelve Federal Reserve Banks: Atlanta, Boston, Chicago, Cleveland, Dallas, Kansas City, Minneapolis, New York, Philadelphia, Richmond, San Francisco and St. Louis (The Federal Reserve Board, 2010). Created by Congress as an independent entity in 1913, the Federal Reserve is responsible for formulating and executing monetary policy; supervising and regulating depository institutions; providing an elastic currency; assisting the federal government's financing operations; and serving as the banker for the U.S. government. The

Federal Reserve has the ability to clear checks drawn on the U.S. Treasury's account and the responsibility of placing and withdrawing currency and coin from circulation, done in response to seasonal and cyclical shifts in the public's need for cash. Today almost all of the United States' currency is comprised of Federal Reserve notes.

The Federal Reserve Bank of New York (2001) "influences the economy through the market for balances that depository institutions maintain in their accounts at Federal Reserve banks. Banks keep reserves at Federal Reserve banks to meet reserve requirements and to clear financial transactions." The Federal Reserve is at the core of all financial functions in and out of the United States. If the system were to fail, people would lose money, businesses would lose money and other critical infrastructures would stop functioning. It is important to keep in mind that money is needed to power things such as dams, railways and power plants.

The Federal Reserve's main goal is to "maintain stability, safety and flexibility of the financial system and contain systemic risk that may arise in the financial markets (Critical National Infrastructures, 2008). The Federal Reserve creates monetary policy to regulate and supervise banks in order to achieve their main goal. It is also in charge of sending emergency credit to banks, controlling interest rates, foreign exchange and money supply and overseeing the transfer of government securities and funds between financial institutions. The Federal Reserve Banks intervene in foreign exchange markets in order to attain dollar exchange rate policy objectives. These transactions are conducted in tandem with the Department of Treasury and Board of Governors. Another responsibility of the Federal Reserve is to serve as the fiscal agent for foreign central banks in the United States. For example, the Federal Bank of New York provides the foreign institutions with "the receipt and payment of funds in U.S. dollars; purchase

and sale of foreign exchange and Treasury securities; and the storage of monetary gold” (Federal Reserve Bank of New York, 2011).

### Identifying Critical Assets

In order to identify the critical nodes and hubs of the Federal Reserve, a Model Based Vulnerability analysis will be conducted. Model Based Vulnerability Analysis or MBVA is defined as “a comprehensive method of analysis that combines network, fault, event, and risk analysis into a single methodology for quantitatively analyzing a sector component such as a hub” (Lewis, 2006). The MBVA process is comprised of five steps: list assets-take inventory; perform network analysis-identify hubs; model the hubs as a fault tree; analyze the fault tree model using an event tree; and budget analysis- compute optimal resource allocation.

The desired outcome of the MBVA is to provide a complete process for identifying sector weaknesses, estimating vulnerabilities, computing risks as well as distributing funds. This is done to improve the security of the sector’s critical nodes. Lewis (2006) explained that the during the MBVA process “hubs are identified, hub vulnerabilities are organized and quantified using a fault tree, all possible events are organized as an event tree, and then an optimal investment strategy is computed that minimizes risk.” One of the benefits to the MBVA process is that it provides analysts with a top to bottom tool for achieving critical infrastructure protection (CIP). The Federal Reserve does not have the resources to protect everything within its critical infrastructure. The MBVA process enables the analyst and employees to identify the critical nodes and vulnerabilities that should be protected within the Federal Reserve.

The first step in the MBVA process is to identify all assets in the Federal Reserve. The use of network analysis shows that the Federal Reserve serves as the hub. The nodes are the

twelve Federal Reserve Banks, the Board of Governors and the Federal Open Market Committee. The links are considered the transactions that the Federal Reserve conducts. Other links are considered to be the depository institutions that the Federal Reserve is in charge of supervising. Once the assets are identified, the assets are then categorized. This process is significant in recognizing how the nodes and links are connected and what the dominant components are. The nodes and links for the Federal Reserve are connected through online banking, teller banking and ATM transactions.

#### Survey of Threats and Vulnerabilities

The next step is to perform a fault tree analysis of the Federal Reserve. A fault tree is “a tree containing vulnerabilities and a model of how vulnerabilities work together to create a fault or failure in a critical infrastructure component or hub. The root of the tree is at the top and represents the entire sector or major component, and the leaves of the tree are at the bottom and present the threats arrayed against the components of the sector” (Lewis, 2006). The Federal Reserve is the root at the top of the fault tree. The leaves of the tree are cyber-threats and electromagnetic pulse (EMP) attacks, terrorist attacks, the stock market and international funding, and a pandemic flu.

A fault tree is a model of the components of a critical node or sector that is shaped in a tree-structured graph. The nodes are considered components, logic gates, and threats (Lewis, 2006). A logic gate is a node in the fault tree diagram. There are two types of logic gates. The first type is the OR gate which occurs when one or more of the faults cause a fault to spread up the fault tree. The second logic gate is the AND gate. The AND gate occurs when all threats connected to the AND gate must occur in order for the fault to travel up the tree.

The OR logic gate is more probable for the Federal Reserve. If a cyber-attack or a car bomb were to occur it would drastically affect the Federal Reserve. The AND logic gate would mean that both a cyber-attack and a car bomb would have to occur in order for the fault to travel up the tree. Even though a cyber-attack has a higher vulnerability percentage, a car bomb would still produce mass damage. The clients within the vicinity of the Federal Reserve Bank would not be able to conduct their transactions. Businesses could suffer because of this. The physical damage could also affect other buildings and cause loss of life.

An event tree must then be used to analyze the fault tree. An event tree is “an enumeration of all possible events obtained by single and multiple combinations of faults” (Lewis, 2006). A list of faults and their probability of occurrence comes from an event tree. Event tree analysis also provides a quantitative result. As Lewis & Darken show (2005), the vulnerability to a cyber-attack or EMP attack on the Federal Reserve Bank would be 60 percent. The vulnerability of a car bomb on the Federal Reserve Bank would be 10 percent. The vulnerability of a pandemic flu occurring would also be 10 percent. The vulnerability of the stock market and international funding failures would be 20 percent. The vulnerability of a cyber-attack is much higher because it would actually hinder and halt banking business. A car bomb would only affect the one Federal Reserve Bank location. This would result in closing the one bank branch. Business operations would continue at the other eleven bank branches as well as the other financial depositories. A pandemic flu would not be as detrimental to the Federal Reserve as a cyber-attack or EMP attack. A pandemic flu would affect one specific area so the other sections of the Federal Reserve System would still be able to carry on day to day business functions. A stock market crash or a depletion of international funding in the United States economy would not be as detrimental as a cyber-attack; however it would have a damaging

effect on businesses and customers of the Federal Reserve. These issues could also lead to a decline in United States' federal funding.

Most sectors are too large and complex to be completely protected. These sectors are “either too big because they span large geographical areas or because they are complex and diverse”(Lewis, 2006). The Federal Reserve is extremely large and spans not only the nation but the world so it is impossible to protect every portion of it. Critical infrastructures are organized around critical nodes that contain a high concentration of assets. The asset concentrations are “considered critical, because their destruction can cause great harm to the overall sector” (Lewis, 2006).

The banking industry, including the Federal Reserve Bank, tends to cluster their critical assets. This causes problems because terrorists are able to identify their targets more easily. With regard to the Federal Reserve Bank, terrorists would be able to focus on clustered critical assets in order to disrupt financial transactions throughout the country and the world. On the other end of the spectrum, clustering critical assets can provide assistance to the Federal Reserve Bank by identifying and protecting the most critical nodes.

Cyber-threats against the financial sector are an extreme concern when it comes to protecting the critical infrastructure. The financial sector has become a desirable target because of the monetary gains and economic disruptions that could incur. It is also important to note that the financial sector is highly dependent on other critical infrastructures. The United States Government Accountability Office (GAO) report stated, “threats facing the telecommunications and power sectors could directly affect the financial services industry” (Dacey& Gilmore, 2003). Interestingly enough, the financial markets were able to bounce back quickly after the attacks on

9/11. Even though a significant concentration of financial entities was located in the World Trade Center area, the financial markets was able to steady themselves after only a few days (Dacey& Gilmore, 2003). The GAO report also stressed that if the financial services sector's systems were successfully attacked, the damage would be widespread. The cyber-attack could wear down public confidence in financial institutions. The public may choose to find alternative methods to save and store their money. Businesses and the public would also be unable to access their funds. The integrity of financial information would be compromised. Personal bank account information as well as other identifying information could become vulnerable to identity theft. The cyber-threat could also inhibit securities trading.

A report to the United States Congress in 2008 entitled Critical National Infrastructures analyses the threat by an Electromagnetic Pulse Attack (EMP). The increased dependence of the U. S. on an electronic economy adds to the effects and consequences that could be produced by an EMP attack. Electronic technologies used in the financial sector are vulnerable to EMP. It is also important to note that the financial systems are also vulnerable to EMP indirectly through other critical infrastructures such as telecommunications and electric power grid. According to a 1997 study by the Financial Services Risk Assessment Report (NSTAC) there are four components of the financial services sector: banks and other depository institutions, investment-related companies, industry utilities, and third-party processors and other services. Commercial banks "are the repository of the most financial assets of any depository institution" (Critical National Infrastructures, 2008). Commercial banks hold many responsibilities: they distribute financial information, act as agents when buying and selling securities, transfer funds, collect deposits and provide credit.

The Federal Reserve and other banks and investment-related companies all rely on industry utilities to conduct business. Financial services utilities are the institutions that provide a way to transfer, clear, and settle funds, securities and other financial information (Critical National Infrastructures, 2008). Financial services utilities also exchange financial information and have replaced paper transactions with electronic means. Cash and check transactions are still high in the total number of financial transactions. Paper transactions, however, “are vastly surpassed in total value by electronic transactions through wire transfers, interbank payment systems, ACHs, and clearing and settlement systems for securities and other investments” (Critical National Infrastructures, 2008).

All transactions involving financial institutions and the record keeping occur electronically. According to the report, the financial infrastructure is a network of simple and complex electronic machinery, ranging from telephones to mainframe computers, from ATMs to vast data storage systems. The electronic technology that has helped develop and improve the financial sector has also made the critical infrastructure vulnerable to EMP. An EMP attack although very difficult to execute could cripple the financial infrastructure. The effects of an EMP attack would cover a broad geographic area. An EMP attack would destroy all data backups and backup facilities simultaneously. This would be far worse than a cyber-attack. EMP physically destroys electronic systems. For example, by shutting down power grids and damaging data retrieval systems, EMP could deny access to crucial records that are stored on tapes and CDs. The financial sector would not be able to handle the destruction that would ensure from an EMP attack. The effects could last from hours to months. The attack could cripple or change databases that would put the financial sector in extreme danger. Some of the vulnerabilities to an EMP attack would be the key industrial utilities such as FEDNET, Fedwire,

ACH, Clearing House Interbank Payments System (CHIPS), Society for Worldwide Interbank Financial Telecommunications (SWIFT), National Association of Securities Dealers' Automated Quotation System (NASDAQ), the NYSE, the New York Mercantile Exchange (NYMEX) and the Depository Trust and Clearing Corporation (DTCC).

Another important factor is that the financial network is dependent on power and telecommunications. According to the Congressional report, "Widespread power outages would shut down the network, and all financial activity would cease until power was restored, as happened during Hurricane Katrina. Even if power were unaffected or restored in short order, full telecommunications are required to fully enable the financial network." If the telecommunications infrastructure were affected by an EMP attack, the financial sector would also greatly be impacted. The effect on the financial sector would not have to be significant in order for it to suffer a financial crisis. For example, non-functioning ATMS would affect the consumer confidence in the banking system. This could cause mass panic.

The internet has had a significant impact on the financial sector, particularly the Federal Reserve. The Federal Reserve is able to use the internet to conduct transactions with the American public and countries all across the world. Some of the internet services used by the Federal Reserve and the financial sector include delivery of online account statements, online credit card and loan applications, transfer of funds between accounts and online bill pay. The internet can also be used to trade stocks. The financial sector has been able to depend on the internet to attract and retain customers. This is convenient as people are able to pay bills, transfer funds to another account and view monthly credit card statements in one swift click of a mouse.

The Federal Reserve Bank has a webpage outlining the concept of banking on the internet or e-banking. According to the Federal Reserve, “recent technologies make it possible to sign contracts over the Internet that formerly required handwritten signatures. E-Sign is a nickname for the federal Electronic Signature in Global and National Commerce Act which, establishes a general rule that in interstate transactions, electronic signatures have the same legal effect as handwritten signatures on paper” (Federal Reserve Bank of New York, 2011). People can now use an electronic signature to conduct financial transactions without ever entering a bank. The electronic signature is an electronic sound, symbol or process that is attached to an electronic record, done with the intent to “sign” the record.

As innovative and convenient as internet banking sounds, there is also a problem with internet banking. The strong dependence on the internet makes the financial sector vulnerable to major issues such as cyber threats, and to smaller but still significant issues such as identity theft. If a cyber-attack were to occur on one of the Federal Reserve systems, the financial sector would take a major hit. Not only could it cripple the stock market and the national economy, it would also decrease the lack of support among the American public. Trust would become a major issue.

External factors can also drastically affect the Federal Reserve’s critical infrastructure. These external factors would indirectly affect and in some cases damage the Federal Reserve. The first external factor would be the stock market and international funding and the second would be a pandemic flu.

The Federal Reserve controls a majority of the stock market. The Federal Reserve’s influence on the stock market can cause serious issues if an attack, whether physical or cyber,

would occur. Subsequently, “the stock market's growing dependence on the Federal Reserve will end like all dependencies--badly. In any addition, the greater the dependency, the greater the eventual destruction when the choice narrows to withdrawal or death” (Smith, 2010).

The Federal Reserve holds power and influence in the international economy. Because of this it is vital that the Federal Reserve maintain these relationships in order to continue successful relationships with these other countries. Considering the state of economic crisis the world is in, the Federal Reserve needs to focus on strengthening its central hubs in order to handle the blows of a failed economy.

The second external factor that would affect the Federal Reserve’s critical infrastructure would be a pandemic. The financial services sector is at the center of the United States’ economy. The financial institutions process payments, provide credits, as well as store the assets of individuals, business and non-profit organizations. In the event of a pandemic, the “financial health of the American--and indeed the global economy--would be at stake” (D. Rhodes, Powerpoint). Since the demand for financial services will drastically increase, the Federal Reserve must be prepared. A pandemic would greatly affect the depositories that are under the supervision of the Federal Reserve.

### Budget Allocation

The investment strategy that will work best with the Federal Reserve System is the ranked order allocation. In order to start the ranked order allocation strategy it is important to identify the Federal Reserve’s critical nodes/components, threats and vulnerabilities. Although the ranked allocation strategy would work well with the Federal Reserve critical infrastructure, it

is important to realize that it does not reduce the risk to zero (Lewis, 2006). The purpose of the ranked allocation strategy is to focus on the areas where the threat and vulnerability is high in order to reduce the risk in that given area. The rest of the funding will trickle down until all of the funds are depleted. Lewis stated (2006), “This strategy funds the most vulnerable components at the expense of the least vulnerable components. But it is not optimal in general. That is, it does not guarantee that the money will be invested in such a manner as to minimize risk. Instead, it removes the highest risks.”

The Federal Reserve has requested a budget of \$100 million to be used towards protecting the Federal Reserve’s critical infrastructure. The ranked allocation strategy is calculated for each component of the sector. It is then ranked from highest to lowest. The formula is used to calculate this budget is: “Risk = 25% x Financial Damage + 40% x Casualties + 35% x Economic Damages” (Lewis, 2006). The components of the sector would be:

- Component # 1: Cyber-threat, Protection= \$50 million
- Component # 2: Stock Market Security and International Relations, Protection= \$10 million
- Component # 3: Indoor/Outdoor Security of Federal Reserve Banks, Protection= \$10 million
- Component # 4: Telecommunications, Protection= \$10 million
- Component # 5: Pandemic, Natural Disasters, Protection= \$5 million
- Component # 6: Depository and ATMS, Protection= \$5 million

### Strategy Recommendation

The ranked order allocation strategy used to create a budget is vital to the protection of the Federal Reserve's critical infrastructure. The budget will be used to implement a four part strategy. The first part of the strategy will focus on developing relationships with federal agencies and academic institutions to prevent suspicious activity from infiltrating the Federal Reserve. The second part of the strategy will be the implementation of stricter due diligence policies for the Federal Reserve to reduce the risk of cyber threats in regards to e-banking. The third part of the strategy will concentrate on the importance of training and the physical protection of the Federal Reserve. First responders and law enforcement will learn how to prepare in the event of a terrorist attack or pandemic. This will encompass the Federal Reserve banks, the gold vault, ATMS and other depositories supervised by the Federal Reserve. The fourth part of the strategy will provide funding to the telecommunications sector in order to reduce the risk of a telecommunications failure in the event of an attack on the Federal Reserve. The fifth and final part of the strategy will involve cooperation among federal agencies and the use of redundancy to prevent EMP attacks from destroying the Federal Reserve's computer systems.

It is crucial to protect the Federal Reserve structures from cyber-threats and terrorist attacks. Therefore it is vital to allocate the most funding to cyber security. Hacker groups such as Anonymous will continue to target the Federal Reserve and the financial sector. In June 2011, Anonymous set its sights on the Federal Reserve and its chairman Ben Bernanke. Anonymous posted a Youtube video announcing their campaign titled, "Operation Empire State Rebellion" (Liebowitz, 2011). The video provided a list of ways in which the Federal Reserve failed the American people. The operation was to take form of denial-of-service attacks against

government websites. Anonymous even provided a video on how to organize planned sit-ins at public spaces until Ben Bernanke steps down from his position (Liebowitz, 2011). As the fate of the economy continues to be tumultuous, hacktivist groups like Anonymous will increase in strength and size.

In order for the Federal Reserve to minimize the risk of cyber threats to occur in 2012 and beyond, it is important to form strong relationships with federal, state and local law enforcement. The Federal Reserve can work closely with the High Intensity Financial Crime Area (HIFCA) to conduct financial investigations on potential terrorism financing and identity theft. Analysts from the HIFCA can use the Currency Banking and Retrieval System that is managed by the Department of the Treasury to identify suspicious financial activity. The Federal Reserve can also work with Secret Service's Electronic Crimes Task Force. The Electronic Crimes Task Force deals with fraud, forgery, money laundering, electronic benefits transfer fraud, and computer fraud (Criminal Investigations, 2010). The Secret Service has the resources that will help the Federal Reserve minimize the risk of a cyber-threat or attack.

Another way to prevent cyber threats from infiltrating the Federal Reserve System is to partner with universities that have cyber security programs. A number of the country's largest banks have been working with New York University's Polytechnic Institute to create a center that would filter through bank information (Infosecurity, 2012). The idea is to identify potential risks to the financial sector. The banks are providing information to the Center and representatives from the Center will analyze the data. If suspicious activity is identified, the banks would then be alerted. Bank of America has also conducted roundtable discussions, on a quarterly basis, of financial security experts to discuss solutions to cyber-attacks (Infosecurity, 2012). The Federal Reserve will partner with New York University's Polytechnic Institute to

identify suspicious activity. Once alerted, employees of the Federal Reserve will initiate investigations and partner with federal agencies to minimize the threats of financial crimes that target the Federal Reserve.

A major component of the banking and financial industry is KYC: “Know Your Customer.” The use and dependency of the internet has completely changed the concept of KYC. The use of internet banking has made it even easier to conduct transactions and open bank accounts without having to walk into a bank. Individuals can open up bank accounts on the internet. The concept of KYC has become more difficult because there is no face associated with a name. Bank personnel do not know with whom they are dealing when a transaction is conducted over the internet. In order to minimize the risk of identity theft among customers, strict security measures must be enforced. Security questions should be used and strict password requirements must be enforced in order to maintain the integrity of customer accounts.

In order to reduce risks and vulnerabilities that the Internet can cause, the Federal Reserve as well as all other financial institutions should focus on strengthening their due diligence. It is vital that supervisors ensure that their banks have adequate controls and procedures in place in order to keep track of who the customers are they are dealing with. In fact, “Adequate due diligence on new and existing customers is a key part of these controls. Without this due diligence, banks can become subject to reputational, operational, legal and concentration risks which can result in significant financial cost” (Bank for International Settlements, 2001). Bank personnel should be trained on a continuous basis. They should be kept up to date on the latest internet fraud schemes. Financial systems and databases should be updated regularly to make sure a virus has not infiltrated the system. Another way to reduce risks

and vulnerabilities that the Internet can cause is investing in compliance and regulatory systems that detect suspicious financial activity. These systems are able to pick up on specific transactions that appear suspicious.

Security at the entrance of the Federal Reserve Banks as well as within the building would be crucial in the event of a terrorist attack. Trained officers would be the first responders in the event of an attack. Their swift action could help reduce the number of casualties in an attack. The officers would also be trained to detect suspicious activity that could lead to the prevention of an attack as well. Protecting the gold vault that is located underneath the Federal Reserve Bank is important as well. Gold has increased in value which makes the gold vault a target. The gold vault also holds notes that can be used to fund ATMS in the event of an attack. The remaining money from the budget would go towards the protection of the financial depositories and ATMs that are supervised under the Federal Reserve.

The financial institutions assume little time between the stages of the pandemic, assume high demand for cash and liquidity and increased remote banking. It is important that staffs are split into areas where they would only need to interact electronically with customers. This will decrease the chances of the pandemic spreading to employees. Telecommunication systems must be up and running to their best capacity in order to deal with increased amount of transactions. In regards to the Federal Reserve, the critical infrastructure must be prepared to deal with the degradation of telephone, power or other services. The Federal Reserve must also continuously evaluate the supply of funding and hard cash on hand. After the 9/11 attacks, the Federal Reserve suffered telecommunications failures that ultimately halted business within the southern district of Manhattan. The telecommunications failure proved that systems failures can spread across

sectors. Allocating funding to strengthen the telecommunications system would also indirectly benefit the Federal Reserve.

In order to reduce the threat of an EMP attack or cyber-attack on the SCADA system, it would be vital for DHS, the Federal Reserve and the Department of Treasury to work together with other relevant agencies such as the telecommunications sector and power grid to develop a strategy on how to recover key financial systems promptly (Critical National Infrastructures, 2008). Some of the key financial services would include the means and resources that provide the public with cash, credit and other liquidity to buy goods. It is vital that the country's financial records, banking records and data retrieval systems be backed up. A balance of hardening and redundancy will help minimize the risk of a financial meltdown.

One of the ways to implement the Federal Reserve budget is through the use of redundancy, "a cost-effective strategy; no wonder it is often used to prevent failures in complex systems" (Lewis, 2006). Redundancy can have a negative effect on any computer system. If two or more redundant computers are connected to the same network, a computer virus could contaminate all redundant systems. Redundancy can however, reduce fault probabilities. When a critical node is found, its function should be duplicated with double or triple redundant backups. Triple redundancy occurs when, "each critical component of the SCADA system is duplicated three times. The resulting fault probability is decreased by three orders of magnitude (Lewis, 2006).

### Concluding Thoughts

The Federal Reserve is a critical infrastructure that is unique compared to all other critical infrastructures. The Federal Reserve is at the center of the United States' economy as well as the international economy. Attacks whether, cyber, physical or natural, can create massive damage

that can cripple the financial systems, large and small businesses and the American public. It is impossible to completely prevent these threats and vulnerabilities from affecting the Federal Reserve. The six part strategy described above will reduce the risk of an attack on one of the most important critical infrastructures to the United States: the Federal Reserve.

## References

Bank for International Settlements (October 2001). Customer Due diligence for Banks. Retrieved from <http://www.bis.org/publ/bcbs85.htm>

Council on Foreign Relations (May 2007). Banking and finance: Critical infrastructure and key resources sector-specific plan as input to the national infrastructure protection plan.

Retrieved from <http://www.cfr.org/economics/banking-finance-critical-infrastructure-key-resources-sector-specific-plan-input-national-infrastructure-protection-plan/p14637>

Dacey, R. F., & Gilmore, M. United States General Accounting Office (2003). Critical Infrastructure Protection Efforts of the Financial Services Sector to Address Cyber Threats. Retrieved from United States General Accounting Office website:

<http://www.gao.gov/new.items/d03173.pdf>

Jones, A. (2011, August 10). The federal reserve saves the stock market? Retrieved from

<http://www.infowars.com/the-federal-reserve-saves-the-stock-market/>

Lewis, T. G. (2006). Critical infrastructure protection in homeland security. Hoboken, NJ: John Wiley & Sons, Inc.

Lewis, T., & Darken, R. (2005). Potholes and Detours in the Road to Critical Infrastructure

Protection Policy. *Homeland Security Affairs*, 1(2), 1-14. Retrieved from

<http://www.comw.org/tct/fulltext/05lewis.pdf>

Liebowitz, M. (2011, June 14). Anonymous hacktivists target federal reserve, Bernanke.

Retrieved from [http://www.msnbc.msn.com/id/43403376/ns/technology\\_and\\_science-security/t/anonymous-hacktivists-target-federal-reserve-bernanke/](http://www.msnbc.msn.com/id/43403376/ns/technology_and_science-security/t/anonymous-hacktivists-target-federal-reserve-bernanke/)

Smith, C. H. (8 November 2010). This is What Happens When the Market Gets Addicted to Federal Reserve Smack. Retrieved from [http://articles.businessinsider.com/2010-11-08/markets/30040686\\_1\\_stock-market-addict-healthy-market](http://articles.businessinsider.com/2010-11-08/markets/30040686_1_stock-market-addict-healthy-market)

Rhodes, D. "The Challenges of Planning for a Pandemic Flu Protecting Your Bank And Serving Your Customers"/ Powerpoint. Financial Services Sector Coordinating Council for Critical Infrastructure Protection and Homeland Security. American Bankers Association.

Federal Reserve Bank of New York. (2011, March). E sign. Retrieved from <http://www.newyorkfed.org/education/ebanking/esign.html>

The Federal Reserve Board. (2010, December 3). The Federal Reserve System, Online. Retrieved from <http://www.federalreserveonline.org>

United States Congress, Critical National Infrastructures. (2008). The Report of the Commission to Assess the Threat To The United States From Electromagnetic Pulse (EMP) Attack. Retrieved from website: [http://www.empcommission.org/docs/A2473-EMP\\_Commission-7MB.pdf](http://www.empcommission.org/docs/A2473-EMP_Commission-7MB.pdf)

United States Secret Service. (2010). Criminal investigations. Retrieved from <http://www.secretservice.gov/criminal.shtml>

U.S. Banks Teaming with NYU to Set Up Cybersecurity Center. (2012, January 12). Retrieved from <http://www.infosecurity-magazine.com/view/23119/us-banks-teaming-with-nyu-to-set-up-cybersecurity-center/>

Chapter 10  
Technology and Critical Infrastructure  
A Megacommunity Approach  
To  
the NY/NJ HIDTA

## Introduction

Catastrophic events such as terrorist attacks, natural disasters and pandemics have changed the way the United States Department of Homeland Security, particularly the New York/New Jersey High Intensity Drug Trafficking Area (NY/NJ HIDTA) approaches them. In today's world, the issues have become far reaching and extremely complex. The issues that the NY/NJ HIDTA face will have a significant effect on national security, the health of the public, as well as the economic stability of the country. In order to work towards developing strategies for these issues it is vital that the NY/NJ HIDTA move towards a megacommunity approach. The use of a megacommunity initiative, "...combines focused conversation, deliberate development of leadership capabilities, and results-oriented action in an open-ended network of leaders from multiple organizations" (Kelly, Chris; Gereneser, Mark; Napolitano, Fernando; Van Lee, Reginald. June 12, 2007). The use of a megacommunity approach will benefit the NY/NJ HIDTA in five ways. The megacommunity approach will help the NY/NJ HIDTA build strong public private partnerships, collaborate with the entire community to increase communication, maximize and optimize benefits, learn how to initiate dialogue, and initiate action within the megacommunity.

The New York/ New Jersey High Intensity Drug Trafficking Area (NY/NJ HIDTA) is a federal Task Force that is comprised of eighteen federal, state and local law enforcement

agencies. The mission of the NY/NJ HIDTA is "... to measurably reduce illegal drug use and the harm it causes. Recognizing that no single effective solution exists, the New York/New Jersey HIDTA seeks to accomplish its mission through collaborative, measurable initiatives ranging from enforcement and prosecution to prevention ([www.ncjrs.gov](http://www.ncjrs.gov)). The NY/NJ HIDTA was created in the 1990s to combat drug trafficking in the New York and New Jersey region. The ports of entry and major airports located in the New York/New Jersey region provide ample opportunities for drug trafficking to occur. The NY/NJ HIDTA has recently started working towards the disruption and dismantling of drug trafficking organizations that fund terrorism.

The NY/NJ HIDTA is dedicated to the mission of identifying, disrupting and ultimately dismantling drug trafficking organizations in the New York/New Jersey Region. As Afghanistan is a significant manufacturer of opium for the world's drug trade, the NY/NJ HIDTA has focused its efforts on combating narco-terrorism and terrorist financing. In order to implement and succeed with the efforts to combat narco-terrorism and terrorist financing, the NY/NJ HIDTA strategy will be organized around a megacommunity concept. The strategic plan that was developed to combat narco-terrorism and terrorist financing is a three-part strategy. The first part of the strategy focused on creating a partnership with local law enforcement to identify drug trafficking organizations that fund terrorism. The second part of the strategy was to assist the Internal Revenue Service on all narcotics related investigations. The High Intensity Financial Crime Area (HIFCA) can provide case support to IRS agents to make the money laundering investigations successful. The third and final part of the strategy was for the NY/NJ HIDTA to form a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society.

## The Megacommunity Concept

In order to recognize the benefits of a megacommunity approach to the NY/NJ HIDTA it is vital to understand the components of a megacommunity. There are five critical elements to a megacommunity. The first two, which are tri-sector engagement and an overlap of vital interests, are viewed as preconditions. Tri-sector engagement is a must in every megacommunity. One of the differences between a megacommunity and public-private partnership is the, "...civil society component, and the 'open nature' of the engagement- specifically, not focusing on just the elements the parties can agree on to tackle together, but also those areas that they may not have common ground to work in tandem" ("Megacommunity thinking,"). An overlap in vital interests can deal with a particular issue in which members of the megacommunity have an individual interest ("Megacommunity thinking,"). This issue draws the members to work in a megacommunity.

The other three critical elements of the megacommunity are convergence, structure, and adaptability. The convergence element is, "...the commitment to mutual action that all members must work toward; no member can exist in a megacommunity with the intent to disrupt or undermine the effort" ("Megacommunity thinking,"). Structure in a megacommunity is the use of protocol and organizing principles that are implemented in order for a joint committing of overlapping vital interests. The fifth critical element is adaptability. Adaptability is essential for a megacommunity to function efficiently and even make progress on the issue. Adaptability allows the megacommunity to be scalable and flexible ("Megacommunity thinking,").

The NY/NJ HIDTA would use a megacommunity approach to combat drug trafficking within the region. The megacommunity concept is "...based on the idea that communities of

organizations, as vehicles for large-scale change, are both feasible and needed as they never have been before (Gerencser, Van Lee, Napolitano & Kelly, 2008). Megacommunities are communities of organizations whose leaders and members work together to reach goals that they would have never been able to achieve on their own. The megacommunity concept would greatly influence the multi-disciplinary approach to homeland security. These concepts prove that it is, “...a mistake to think that any single agency could completely fulfill the required roles. Indeed, for any complex situation anywhere in the world, it's become obvious that there is no one authority—whether in the form of a leader, an organization, a command operation, or a rescue squad—that can single-handedly save the day” (Gerencser, Van Lee, Napolitano & Kelly, 2008). The megacommunity concept would allow organizations to work across all levels in order to form a strategic plan to respond and prevent a terrorist attack or natural disaster. The HIDTA would not only work with the agencies already designated to the HIDTA, they would also collaborate with professionals from the medical field, as well as financial institutions and the public. This will enable the HIDTA to dig down to the core issues.

One of the more significant issues that the NY/NJ HIDTA should focus on is narco-terrorism. Proceeds from drug trafficking have been funding terrorist groups like Al Qaeda. The NY/NJ HIDTA will work state and local law enforcement agencies to identify the drug trafficking organizations. They will then work with the financial institutions to “follow the money” and disrupt funding that could potentially fund terrorist organizations. The assets can be seized and used as additional funding to continue to build and expand the NY/NJ HIDTA megacommunity initiative.

### Benefits of a Megacommunity Concept

One of the benefits of the megacomunity initiative in regards to the NY/NJ HIDTA is the use of public private partnerships. The Big City Partnership model of the New York City Office of Emergency Management is a prime example of how effective public private partnerships can be. According to the New York City Office of Emergency Management, “The Public/Private Initiatives Unit at the NYC Office of Emergency Management (OEM) is dedicated to partnering with the private sector to increase the resilience of the city’s business community and to ensure that private organizations have all the information they need before, during, and after an emergency” (“Public private partnership,” 2011). The NYC OEM’s model is based on partnering with the private sector.

Some of the objectives of the NYC OEM initiative are to enable the integration of private sector interests and resources to support New York City’s emergency planning, response and recovery activities. Another objective is to, “Support the resiliency of the City’s private sector through information sharing, partnership building, training and education on preparedness principles and the City’s preparedness plans” (“Public private partnership,” 2011). The NYC OEM uses email, text messaging, in-person meetings at least once a week as well as teleconferences, and public service announcements (“Public private partnership,” 2011). The NYC OEM also provides numerous training opportunities to the public and private sectors. In fact, “NYC OEM has created a curriculum of courses for private sector organizations that introduce NYC operations, external coordination, exercise development, enhanced threat and risk assessment, and incident command. OEM also offers tabletop 101 courses, which train private sector staff on how to design and run an exercise (“Public private partnership,” 2011).

As part of the megacommunity initiative, the NY/NJ HIDTA will partner with financial institutions to improve terrorist financing investigations. A collaborative effort will be vital. Members of the financial institutions can refer reports of suspicious financial activity to a unit within the NY/NJ HIDTA called the High Intensity Drug Trafficking Area (HIFCA). The HIFCA, "...is intended to concentrate law enforcement efforts at the federal, state, and local level to combat money laundering in designated high-intensity money laundering zones" ("Hifca,"). The HIFCA was created to lead federal, state and local law enforcement towards working with prosecutors and financial regulators in a concerted effort to investigate and prosecute money laundering crimes. A partnership between financial regulators and the HIFCA will show the megacommunity how effective a public-private partnership can be. Trainings would be held on a quarterly basis at participating financial institutions and at the HIFCA to learn about emerging threats and trends in regards to terrorist financing.

Another benefit to using a megacommunity initiative for the NY/NJ HIDTA is using civic engagement to strengthen communication. The Citizen Corps model works towards strengthening community safety and preparedness through the increase of civic engagement. FEMA administers Citizen Corps at the local level. In fact, "Communities across the country have created Citizen Corps Councils as effective public-private partnerships to make their communities safer, more prepared, and more resilient when incidents occur" ("Public private partnership," 2011). The Citizen Corps Council is on the other side of public private partnerships. One of the objectives of the Citizen Corps Council is engaging the whole community in collaborative community planning. Some of the other objectives are, "...integration of community resources, outreach and localized preparedness education and training, emergency communications to all population segments, drills and exercises, and

volunteer programs” (“Public private partnership,” 2011). The Citizen Corps Council would use numerous methods of communication including email alerts, text messages, in-person meetings, newsletters, a website and teleconferences (“Public private partnership,” 2011). Training opportunities for the public and private sectors would also be made available through the Citizen Corps Council.

The NY/NJ HIDTA can follow the Citizen Corps Council model when working with drug addicts and medical professionals at rehabilitation centers and hospitals. The NY/NJ HIDTA will hold round table discussions where local law enforcement will meet with medical professionals and drug addicts to create a plan on how to decrease the amount of drug dealers on the street. This will in turn reduce the amount of drug sales that subsequently funnel funding to terrorist organizations. Local law enforcement and medical professionals will also collaborate on how to make drug addicts more productive in society. Community outreach programs will be created in order to help substance abusers find help.

Although the NYC OEM and the Citizen Corps Council believed in the collaboration and integration of numerous organizations, they both dealt with just one aspect of the public/private sector. The NYC OEM should have included civic engagement and the Citizen Corps Council should have included the private sector when creating their initiatives. This would have made their initiatives more of a megacommunity concept. The NYC OEM and the Citizen Corps Council did however provide a detailed strategy of how they were going to prepare the community in the event of an emergency. Both models also employed numerous methods of communication which is extremely impressive. The NYC OEM and the Citizen Corps Council held meetings on a regular basis to discuss pertinent issues that would allow their programs to evolve.

The NY/NJ HIDTA would benefit greatly from a combination of the public private models for NYC OEM and Citizen Corps. Some of the main priorities when drafting a homeland security strategy for the NY/NJ HIDTA would be identifying trends throughout the NY/NJ region; working with local law enforcement agencies to arrest drug dealers on the street; work with local hospitals and drug rehabilitation centers to make drug addicts more productive in society; and seize assets of drug proceeds that could be used to facilitate terrorism and high powered drug trafficking organizations. The NY/NJ HIDTA would need to partner with the private sector such as financial institutions to obtain banking information and other types of intelligence in order to seize assets of major drug trafficking organizations that could fund terrorism. The NY/NJ HIDTA should also partner with the community in order to help rehabilitate drug addicts in order to make them more productive in society. The NY/NJ HIDTA strategy would benefit greatly from the objectives outlined in both the NYC OEM and the Citizen Corps Council.

Another advantage for the NY/NJ HIDTA using a megacommunity initiative is the concept of maximizing and optimizing benefits. It is important to note that a megacommunity must change the habit of maximizing benefits. In fact, “Megacommunity members must learn to "optimize" instead. Maximizing refers to a primary focus on the immediate benefits to your own local domain— either your own organization, your own geographic region, or your own function—whether or not that leads to benefits for the whole” (Gerencser, Van Lee, Napolitano & Kelly, 2008). In a megacommunity approach the idea is to work together across all sectors to build a plan that will help build resilience and preparedness. Optimizing recognizes this idea and works towards achieving these benefits as whole.

Maximizing benefits is an ineffective strategy when trying to solve complex problems that have multi-sector roots and ramifications, and that lie beyond the reach of any individual group, organization, or nation (Gerencser, Van Lee, Napolitano & Kelly, 2008). The only way maximizing benefits would work is when an immediate result is needed. Another way would be if one organization within the public-private partnership needed an adjustment or needed a change. Optimizing benefits is the best option. Optimizing benefits includes all sectors as well as provides results for the long term.

Dialogue is one of the hardest concepts to execute constructively. Once conquered, it turns out to be a vital tool in the success of a megacommunity. In fact, “Dialogue slows down the speed at which most groups converse by employing deeper levels of listening and reflection” (“A brief orientation,” 2006) Dialogue creates and open-endedness that allows the group to let go of the need for specific results. This in turn allows for significant issues to rise up that might never have been delved into if a dialogue had not occurred. Another important aspect of dialogue is that, “...it creates a community-based culture of cooperation and shared leadership. It moves groups from the dependency, competition and exclusion often found in hierarchical cultures to increased collaboration partnership and inclusion” (“A brief orientation,” 2006).

In order to build a successful megacommunity, the dialogue piece should be the first step in building a multi-discipline approach. Initiating a dialogue allows the representatives across all sectors to have an in-depth conversation about the strategy they are going to be creating. This will allow each member to get a fully comprehensive overview all of the other representatives. The different cultures set forth by all organizations will emanate through dialogue. This would be a great foundation when building a multi-discipline approach. A dialogue also allows

individuals to throw ideas around and truly brainstorm in order to come to an agreement on the best ideas and strategies. Collaboration and compromise occur in this phase.

Initiating dialogue would be the first step when building a multi-discipline approach for the NY/NJ HIDTA. It would make creating a strategy easier because dialogue encourages the creation of a fuller picture of reality. The purpose of dialogue is, "...to integrate multiple perspective, uncover and examine assumptions, unfold shared meaning and inquire to learn" ("A brief orientation," 2006). The NY/NJ HIDTA would initiate a dialogue to get to know each of the organizations that will be part of the strategy planning process. This would help develop an understanding and an appreciation for every agency involved. Every organizations involved in the megacommunity will be able to learn what each other's missions are as well as what they can provide and supply to the NY/NY HIDTA strategy.

Dialogue would work really well in the government sector. The government struggles with the idea of information sharing and collaboration. Since 9/11 and other catastrophic events, government sectors at the federal, state and local levels have learned to work together. The private sector and the public have also been encouraged to work with the government in order to keep our nation safe. I think a dialogue would greatly benefit the government because it would give them the opportunity to get a full comprehension of the organizations they are working with. This would allow the government to make an intelligence decision that could help them in the long term.

Initiating action is another important component to a multidisciplinary approach. It doesn't necessarily mean the initiator will "own" the responsibility or continue the responsibility once the megacommunity has gained some traction. Each sector may have a different reason for wanting to initiate action. Each sector/discipline needs to have a clear idea on what their goals

are, and what risks they are willing to take to be part of a megacommunity. The reason may not come at the same time for each but as the megacommunity evolves, and as events occur, each sector/discipline will be motivated differently.

#### Megacommunity Leader

When building the NY/NJ HIDTA megacommunity, it is extremely important to stress how vital it is for the director of HIDTA to be the initiator. An initiator brings all of the organizations within the megacommunity together. The initiator has the most visible leadership role in a megacommunity. An initiator can, "... arise from any sector depending on the specific situation, although we suspect that many of them will have business-sector experience. The business sector is in a better position than either government or civil society to absorb the risk largely because it, collectively, has more resources (in terms of funds and people)" (Gerencser, Van Lee, Napolitano & Kelly, 2008). Although the business sector is more apt to fill the initiator positions' shoes, the director of the HIDTA should become the initiator to show the community and members of the community that the government sector is willing to change and evolve. Because the director of the HIDTA is a government official, it would be a smart strategic move to take on the role of initiator. This would allow the director to get a full understanding of each of the organizations that are taking part in the megacommunity.

Another reason the director of HIDTA should be the initiator is because of the fact that the HIDTA is a government entity. The federal government and all levels of law enforcement are bound by the laws set forth in the Constitution. The private sector officials have more of an advantage when it comes to making decisions. Law enforcement must follow a particular protocol in order to maintain the rights of every American citizen. This can be challenging if the initiator of the megacommunity was an official from the private sector because they have more

flexibility and can take more risks. The director of HIDTA can lead the discussion and prompt solutions that will be a combination of ideas from the private and public sector that will be handled without breaking constitutional laws.

One more benefit to being an initiator is the fact that the initiator does not necessarily have to maintain the leadership position once the megacommunity is built. This would however give my boss the opportunity to build relationships and gain respect from the other organizations. Maintaining these relationships would significantly help the NY/NJ HIDTA in the future. In the event of a major event, the initiator would be able to coordinate with all organizations and sectors in order to maintain organization. It has been accepted that the first first responders are civilians. This population includes medical professionals, bank personnel and the public. The initiator would know the functions of each organization as well as their capabilities. The initiator can make sure that these responsibilities and tasks are being met during the major event. Guidance can be provided and proper training in advance in order to ensure that each organization within the NY/NJ HIDTA megacommunity is prepared. Consistency will help maintain a strong relationship between the initiator and other organizations. This will also strengthen the partnership rather than challenge it.

### Internal Communication

During the building of a megacommunity, internal communication among an organization can prove to be a challenge. Communication is vital in every aspect of life. Successful communication helps with both personal relationships and professional relationships. As previously mentioned, dialogue can be used in a megacommunity in order for each organization to understand the roles of the others. It is also important to understand the cultures

of each organization. Public sectors operate a lot differently from private sectors. Because of this, communication can be skewed. Terminology can be different between law enforcement, medical professional and financial regulators. There is a wall that stands between these sectors that cannot be broken down unless a dialogue is set in place. By using dialogue, the public and private sectors will be able to know how to work well with each other because they will have a general understanding and appreciation for how the other organization operates.

### Initiating Dialogue

A benefit to initiating dialogue in a megacommunity is that it can help conduct an internal and external analysis. The initiator should commence a dialogue in order to get the maximum amount of benefits out of the formation of a megacommunity. When conducting an internal analysis, “Initiators must be clear on their own vital interests. This may seem like an incredibly rudimentary idea, but it is surprising how many organizations do not have a clear idea where their full set of vital interests lay (Gerencser, Van Lee, Napolitano & Kelly, 2008). A series of questions should be asked that the initiator should answer when conducting an internal analysis. The questions should then be addressed to the organizations in order to get a thoughtful and complex dialogue started. The questions that should be asked are,

“What are the major drivers of value, impact, or earnings for your organization? Upon do you depend for the major drivers of value, impact, or earnings for your organization (that is, what is your extended enterprise)? What do you consider to be the strategic risks to your organization? Which global issues have a direct and material impact on your organization? And which have an indirect impact? What issues are your colleagues / peers concerned about? What issues are your partners / suppliers concerned about?” (Gerencser, Van Lee, Napolitano & Kelly, 2008).

These questions are a great foundation. They get the members of the group thinking; thinking on a deeper level. The initiator must use these answers to identify long-range factors that can create a road block for achieving organizations' goals

### Motivation

A highly motivated initiator will help when creating a significant dialogue. It will also be beneficial if the initiator is well known amongst the organizations and has a great reputation among the organizations. The director of the HIDTA would be a prime candidate for the motivating the megacommunity. This will increase the amount of support during the beginning stages of the megacommunity. It is also important that the initiators come from an organization that values innovation. An initiator can encourage the other organizations to use inductive reasoning during the dialogue. The NY/NJ HIDTA has always been at the forefront of innovation. Because the NY/NJ HIDTA is a task force, the organization already knows what it is like to work with different agencies. They have already opened their minds to accept other ideas from diverse groups of law enforcement agencies. By adding medical professionals and financial regulators to the megacommunity, the NY/NJ HIDTA is only expanding views on innovation. They are showing the megacommunity that they are willing to think outside of the box and develop strategies that will combat narco-terrorism and terrorist financing.

The initiation of dialogue will also help an initiator to perform an internal and external analysis. The initiator must first make sure they are clear on their own vital interests. From there, "Initiators should see the greatest value in convening a megacommunity over any other approach to a solution. What this means, simply and directly, is that the best initiators will be those who are the most motivated" (Gerencser, Van Lee, Napolitano & Kelly, 2008). When conducting an internal analysis it is important to be cognizant of the risks of engaging the outer world. In order

to do this, “You must be able to articulate the relevance of forming a megacommunity and the risks of refusing to engage with the outer world. You must be prepared to move your organization toward a willingness to commit its resources both "in" and "out" (Gerencser, Van Lee, Napolitano & Kelly, 2008).

### External Analysis

External analysis mirrors internal analysis in numerous ways. It is important to involve an assessment of stakeholders as a primary function (Gerencser, Van Lee, Napolitano & Kelly, 2008). The initiator should reach out to a wider cross-section of people should occur when developing an external analysis. The stakeholders should cluster the different stakeholders into three groups. The groups should be comprised of political, administrative, academic, social/health services and research; associations which his comprised of religious, unions, environmental/agriculture, industry/commerce, consumers; and media which is comprised of TV, radio, newspapers, and blogs (Gerencser, Van Lee, Napolitano & Kelly, 2008). The initiator will discuss with the organizations where each possible stakeholder should be placed in the three aforementioned groups. The initiator will also conduct open-source analysis in order to identify stakeholders that might not have been apparent. Internet queries and social networking queries will prove to be beneficial in this analysis. From there, a dialogue will be conducted in order to obtain feedback on the list of possible stakeholders.

### Megacommunity Implementation Challenges

Because of the sheer size of the NY/NJ HIDTA, the implementation of a megacommunity concept will be challenging. In order to create a successful megacommunity, the NY/NJ HIDTA needs to use the fact that they are a large public sector task force to their

benefits. Local law enforcement agencies that are a part of the NY/NJ HIDTA should reach out to the community and professionals in the medical field to develop a strong relationship that will combat the availability of drugs on the streets. The federal agencies within the NY/NJ HIDTA will partner with the private sector, namely financial institutions to actively work investigations directly related to terrorist financing.

### Elements of a Successful Megacommunity

There are three elements to consider for the creation and formation of a successful megacommunity for the NY/NJ HIDTA. The first element is, “a spirit of inclusiveness”. The concept of a megacommunity is based on the concept of “us and them”. Therefore in a “... megacommunity, inclusiveness applies not only to participants but to those who stand to benefit. A megacommunity leader values solutions that will serve such diverse stakeholders as investors, union leaders, landowners, and neighbors” (Gerencser, Van Lee, Napolitano & Kelly, 2008). It is important that the NY/NJ HIDTA megacommunity works together; rather than against each other.

Another important element to consider for the NY/NJ HIDTA is navigation skills. A successful megacommunity leader stimulates the need to collaborate and create strategies that will work for everyone within the megacommunity. It is also important to realize that, “In a megacommunity, the touch is lighter. It is a guiding touch, one that lets constituents self-discover. This concept of "touch" is not just a matter of intensity. It's also a matter of scale. One could argue that a heavy touch has a limited reach” (Megacommunities: How Leaders of Government, Business and Non-Profits Can Tackle Today's Global Challenges Together pg. 200 Kindle Edition). The NY/NJ HIDTA megacommunity leader will encourage members of the

megacommunity to think outside the box and develop ideas that are creative. The NY/NJ HIDTA megacommunity leader will provide an environment for members to work off of one another to produce strategies that are well rounded and effective.

Another important element that will help make the NY/NJ HIDTA megacommunity prosper is choosing a megacommunity leader that has had tri-sector exposure. This is the concept that a more successful leader for a megacommunity would be one that has experience in multiple types of sectors. They have a true understanding and appreciation of the goals and values set forth in those sectors. They understand the cultures of each sector and how to approach them without being demanding. This will help garner success within and outside of the NY/NJ HIDTA megacommunity.

Success of resilience can and should be measured in a megacommunity. The measurement of resilience should be conducted over the long term to determine the effects it has on the megacommunity. The NY/NJ HIDTA will use a five year plan to study the strategic plan and measure the success of resilience within the megacommunity. Changes should be implemented as critical components are identified. Another important aspect of measuring resilience is to ask the community the questions reference above. This will provide true feedback from the public. Part of the NY/NJ HIDTA strategy is a partnership with medical professionals in the private sector and the general public to reduce circulation of drugs on the street and decrease the number of drug addicted citizens. The NY/NJ HIDTA will hold quarterly forums where they ask members of the community and private sector for feedback on drug use in the NY/NJ HIDTA designated areas. The RAND report stated, "Measurement of community resilience is essential for the operationalization and implementation of community resilience. Measurement will allow

communities, states, and the nation as a whole to assess hypothesized links between inputs into the community resilience process (e.g., community partnerships and education of community members) and outcomes (e.g., greater resilience). Measurement is also critical to track progress in building community resilience at the local level” (“Building community resilience,” 2011).

## Conclusion

In the course of five years, the NY/NJ HIDTA will strive to foster strong functioning relationships with the public and private sector. Through these relationships the NY/NJ HIDTA will aim for an increase in convictions on drug traffickers and drug dealers. This will subsequently reduce the availability of drugs on the streets. The NY/NJ HIDTA will also aim to increase the number of drug addicted citizens. The goal is to make drug addicts more productive in society. The relationships created between the NY/NJ HIDTA and the financial institutions will strive for an increase in convictions on terrorism financing cases. This will decrease the amount of funding being sent overseas to terrorist organizations.

The formation and implementation of a megacommunity will be extremely challenging for the NY/NJ HIDTA. Dedication and an open mind to thinking outside the box will be needed to reach across to all disciplines and organizations comprised in the megacommunity. The implementation of a megacommunity initiative is vital for the safety and security of the United States against terrorist attacks, natural disasters and pandemics. The probability of one of the aforementioned events occurring is inevitable and therefore, the concept of working across multi disciplines will prove to be the best solution for safety and preparedness in the United States.

## References

*A brief orientation to dialogue.* (2006). Retrieved from [www.wholecommunities.org](http://www.wholecommunities.org)

RAND Health, RAND Corporation. (2011). *Building community resilience to disasters*

Gerencser, M., Van Lee, R., Napolitano, F., & Kelly, C. (2008). *Megacommunities: How leaders of government, business and non-profits can tackle today's global challenges together.* New York, NY: Macmillan.

*Hifca.* (n.d.). Retrieved from [http://www.fincen.gov/law\\_enforcement/hifca/index.html](http://www.fincen.gov/law_enforcement/hifca/index.html)

*Megacommunity thinking.* (n.d.). Retrieved from <http://megacommunities.com/26655021>

*Public private partnership models.* (2011). Retrieved from [http://www.fema.gov/privatesector/ppp\\_models.shtm](http://www.fema.gov/privatesector/ppp_models.shtm)

## Chapter 11

## Public Health and Pandemic Concerns

## The NY/NJ HIDTA:

## Building Innovative Partnerships

## With the

## Public Health Arena

## Introduction

The New York New Jersey High Intensity Drug Trafficking Area (NY/NJ HIDTA) has dedicated its mission to reducing "...drug trafficking and its harmful consequences, particularly drug related crime, by building innovated partnerships with law enforcement agencies operating in the New York/New Jersey region". The NY/NJ HIDTA created a three part strategy to work towards accomplishing this mission with a primary focus on combating narco-terrorism and terrorist financing. In order to combat narco-terrorism and terrorist financing, the NY/NJ HIDTA must forge relationships with members of the public health field. The NY/NJ HIDTA views narco-terrorism through a law enforcement perspective. There are many threats and concerns that plague the NY/NJ HIDTA that delve into the public health realm. Working with public health will help the NY/NJ HIDTA confront these issues and develop strategies and plans of action to move forward. There are also numerous concerns that plague the public health arena that can have a drastic effect on how the NY/NJ HIDTA carries out their investigations. The top concerns for the NY/NJ HIDTA and public health field are drug addiction and abuse, explosives and trauma, the threat of a nuclear attack, pandemic, global health issues, and the increase of drug abuse after a catastrophic event. The NY/NJ HIDTA will be greatly affected by any of these threats. By creating partnerships with medical professionals, the NY/NJ HIDTA can successfully

combat narco-terrorism and terrorist financing while also being prepared for other serious public health concerns and threats.

#### The NY/NJ HIDTA Strategy

The strategy set forth for the NY/NJ HIDTA consists of three parts. The first part of the strategy deals with creating a partnership with local law enforcement to identify drug trafficking organizations that are funding terrorism. The second part of the strategy is to assist the Internal Revenue Service on all narcotics-related investigations. The IRS can tax drug traffickers and organizations in order to take funds away from terrorist organizations. Most criminal enterprises are willing to pay taxes because the higher the cost of laundering fees, the more money can be effectively drained from criminal enterprises. The High Intensity Financial Crime Area (HIFCA) can provide case support to IRS agents to make the money laundering investigations successful. The third and final part of the NY/NJ HIDTA strategy involves forming a partnership with medical professionals in order to identify a solution to help make drug addicts more productive in society. The third part of the strategy is crucial to the world of public health. Without building a strong relationship with the public health field, the NY/NJ HIDTA will be at a significant disadvantage when dealing with the public health threats.

#### Drug Abuse & Narco-Terrorism

Drug abuse is a major public health problem for both the law enforcement community and the public health field. Drug abuse and addiction directly and indirectly affects society. The American public also perceives drug abuse as a significant health concern. According to the National Institute on Drug Abuse (NIDA), there are many medical problems that are directly linked to drug abuse. These health issues are cancer, heart disease, and HIV/AIDS (“Drug abuse and,” 2005). This is a major concern for public health. Drug abuse also contributes to a majority

of America's top social problems. Drugged driving, child abuse, violence and stress are all directly affected by drug addiction ("Drug abuse and," 2005). The NY/NJ HIDTA is more involved in the social problems plagued by drug addicts. The NIDA also reported that the community is greatly affected by drug abuse and addiction. There are four areas in which the community is affected by drug addiction: homelessness, crime, education, and the workplace ("Drug abuse and," 2005).

The growing concern of drug abuse and addiction among the public health field prompts another growing concern for the NY/NJ HIDTA: terrorism. The National Terror Alert Response Center issued an article on April 30, 2008 titled, "Narco-Terrorism Spreading to North America". The article stated that one of the top officials from the U.S. Bureau of International Narcotics and Law Enforcement Affairs says that narco-terrorism is spreading to North America. In fact, the assistant secretary for the INL said that, "...the illicit drug trade is directly linked to known terrorist groups in the Western Hemisphere and that these groups are employing terrorist tactics to traffic drugs into North America" ("Narco-terrorism spreading," 2008). Assistant Secretary Johnson spoke before the Attorneys General of the Americas and stressed that the U.S. government designated terrorist groups were working with Mexican Drug Cartels to facilitate narco-trafficking. These drug trafficking organizations have caused an increase in violence that has resulted in hundreds of casualties.

Narco-terrorism and addiction to narcotics in the United States are synonymous. The demand and need for drugs, "...brings the supply to those who grow or manufacture, package, ship, warehouse, transport, sell and buy it, which brings the violence and human destruction right to our easy chairs" (Brewer, 2006). Mexican drug cartels have managed to seize control of delivery routes from Colombian producers. Over \$26 billion is spent in the United States each

year for a variety of different drug stimulants. In fact, over \$160 billion is attributed to economic losses each year. These costs are due to, "...health care, violent crime and lost productivity, among others" (Brewer, 2006). History has also indicated that drug trafficking in Mexico started from a response to the demand of opium in the United States. In 2004, approximately, 90 percent of cocaine sold in the United States was smuggled from Mexico. Mexico is also the number two supplier of heroin for the United States and the largest foreign source for marijuana (Brewer, 2006).

#### Afghanistan's Drug Trade

Afghanistan was the world's second largest producer of opium and hashish during the 1990s (MacDonald, 1992). Afghanistan's society was shaped by the geography of its country. Half of the country has mountainous terrain and is barren. Because of this, population is scant. Afghanistan had a long tradition of using opium as a narcotic for consumption. Before the 1970s, opium usage was not as popular or socially disabling to Afghanistan. Its neighboring country, Iran had severe problems with opium addiction and in 1995; the Shah government banned poppy cultivation. This prompted the Afghans to use smuggling routes to provide Iranians with opium. It wasn't until the 1980s that Afghanistan became a major source for illegal drugs on a more global scale. Cocaine usage had peaked in the 1980s and 1990s.

The poppy cultivation in Afghanistan became a significant problem for the United States in the 1990s. Cocaine usage had peaked in the 1980s and early 1990s (MacDonald, 1992). Because of this, the demand of heroin seemed likely to increase. MacDonald wrote, "Drug abuse cycles often turn from stimulants like cocaine, to depressants, like heroin". The threat to American people has increased due to the opium market that Afghanistan has built up. In his article, MacDonald also stated that, "The cultivation of opium and the refining of heroin in

Afghanistan ultimately contribute to the drug problem in the United States, since at least part of the Afghan harvest will end up in the veins of American drug abusers" (MacDonald, 1992).

On May 11, 2004, Donald Semesky Jr., Chief of Financial Operations for the Drug Enforcement Administration (DEA) spoke to the Committee on House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources. Semesky claimed that drug enforcement plays a vital role in national security. He also stressed that, "To make a significant impact on the drug trade in America and around the world, there is no strategy more effective than following the money back to the sources of drug supply and taking away the dirty profits of that trade". Narcotics proceeds are a source of revenue for a majority of terrorist organizations. In 2003, the Department of State identified 47 percent of the 36 Foreign Terrorist Organizations have ties to the narcotics drug trafficking industry.

The United Nations Office on Drugs and Crime (UNODC) published an article titled, "Drug Trafficking and the Financing of Terrorism". The article stated that in 2007, the total value of Afghanistan's 2006 opium harvest was \$3.1 billion. The value of this harvest benefited the farmers, laboratory owners and Afghan drug traffickers ("Drug trafficking and," 2010). Afghan drug trafficking has provided funds for insurgencies and individuals who use terrorist violence. On some occasions, narcotics were used as currency to produce terrorist attacks. An example of this is the Madrid bombings ("Drug trafficking and," 2010). The Madrid bombers did not have a direct relation to Osama bin Laden. They received funds that were gathered in Europe by Al Qaeda's network (Napoleoni, 2007). The use of ATMS was also extremely important in gathering funds for the bombers (Napoleoni, 2007).

Al Qaeda funding has been decentralized making it easier for terrorists to receive funds throughout the world. Drug trafficking has been a major asset to the decentralization as

well. This puts the United States at greater risk of falling victim to another terrorist attack. Ira Kuleshnyk, the UNODC Senior Terrorism Prevention Officer spoke at a conference in Istanbul titled, "The Role of Drug Trafficking in Promoting and Financing Today's Global Terrorism". At the conference, Kuleshnyk said that drug traffickers are not a "mysterious entity". They are groups and networks that can be understood, identified and followed. Eventually they can even be obstructed. The article also described that there are plans and strategies being utilized at the international level to disrupt the illicit drug flow. The NY/NJ HIDTA is focused on disrupting drug trafficking organizations on a more localized level.

### Explosives and Traumas

Another issue that plagues the NY/NJ HIDTA and the public health field are explosives and traumas. The Homeland Security Presidential Directive-19 was created to discuss terrorist use of explosives in the United States. The directive outlines a national policy that calls for the development of a, "...national strategy and response to terrorist use of explosives in the United States" (HSPD-19, 2007). The directive described numerous challenges and issues that are faced by Homeland Security.

One of the challenges identified in HSPD-19 is the coordination of efforts between federal, state, local, and tribal law enforcement agencies. The directive stated, "It is the policy of the United States to counter the threat of explosives attacks aggressively by coordinating Federal, State, local, territorial, and tribal government efforts and collaborating with the owners and operators of critical infrastructure and key resources to deter, prevent, detect, protect against, and respond to explosive attacks" (HSPD-19, 2007). Information sharing among agencies will prove to be a challenge. Another issue that can arise is that in the event of a terrorist bombing, the coordination of leadership will be challenging. Local law enforcement is considered the first

responders in disasters, whether natural or man-made. A challenge they will face is to either take the initiative or wait to get orders from the federal government. The NY/NJ HIDTA is a federal task force consisting of federal, state and local law enforcement agencies. This task force is already at an advantage when coordinating efforts. In the event of a terrorist attack agencies within the HIDTA would be able to coordinate in order to come up with a plan of action to handle the situation.

On the other side of the spectrum is the “CDC Guidance on Explosives” report. The “CDC Guidance on Explosives” report was created to, “...focus on field care and patient triage; transportation and distribution; and hospital-based acute care (CDC, 2010). The report stressed that with the proper planning and practice, the amount of confusion and chaos can drastically decrease. The report also stated that, “Regional health care systems best understand their own needs and resources and must, therefore, develop specific disaster medical surge capacity and capability plans” (CDC, 2010). This report is crucial to agencies within public health and law enforcement. This report can help with the collaboration of efforts between professionals in the medical field and first responders from local law enforcement agencies. Communication will be extremely important in a terrorist attack. First responders must be able to understand medical professionals when being instructed on triage and support. Medical professionals must understand law enforcement officials in regards to information about ground zero and the number of victims and casualties.

In order to carry out an effective preparedness and response plan, a functional leadership structure with clear organizational responsibilities is crucial. The problem is that, “In many instances, particularly at a local operational level, such preparation has not occurred” (CDC,

2010). The roles and responsibilities of emergency response and hospital personnel create confusion. This creates an increase in redundant efforts and gaps in the decision making process and response. Meta-leadership would be the best fit when responding to terrorist bombings. The CDC Guidance on Explosives defines meta-leadership as, “overarching leadership that connects purposes and works of different organizations or organizational units” (CDC, 2010). Training and practice can transform managers and team members into meta-leaders. Top officials from the medical field working with top officials in the law enforcement community would be a great example of meta-leaderships. Leaders from both areas can work together to create a strategy and plan of action that would be passed down to first responders and emergency medical staff. By having a representative from each field at the top of the leadership ladder, communication will be comprehended better.

#### Nuclear Attack

The threat of a nuclear attack is another significant issue that poses challenges to the NY/NJ HIDTA and public health. The biggest challenge regarding the implication of nuclear events is the fact that there is no real way to properly prepare for them. The only thing that can be done is to prepare strategies based on small tests that have been conducted over the years and learn from the bombing of Hiroshima. Even with that information, the results of a nuclear attack in a major US city will be drastically different. The US government and policy makers need to prepare for the unknown damage and amount of casualties that will ensue. This is an enormous undertaking that has the potential to be extremely detrimental to the state of safety and security of every American citizen.

If a nuclear attack were to be successfully carried out, the consequences for the United States as well as the international community would be detrimental. Many agencies ignore

vulnerabilities of the United States to a radiological or nuclear attack. Law enforcement officers that are properly trained and equipped can actually prevent nuclear and radiological attacks (Goodwyn, 2008). A majority of the law enforcement officers that make up the NY/NJ HIDTA are from local law enforcement agencies. These officers need to be trained in radiological and nuclear attacks and prevention in order to successfully mitigate the amount of damage.

In April of 2005, the Domestic Nuclear Detection Office was created to deal with the complex nature of preventive radiological/nuclear detection. The mission area of the DNDO consists of, “providing support to state and local law enforcement agencies in detecting, interdicting, reporting, and ultimately preventing a catastrophic nuclear or radiological attack in the United States” (Goodwyn, 2008). The DNDO supports local law enforcement agencies by providing radiation detection training as well as assistance with grant funding applications.

If a law enforcement agency is either beginning or considering a preventive radiological/nuclear detection mission or is interested in enhancing its existing capabilities, a vital component is training. Individuals responsible for using detection equipment or for designing a comprehensive monitoring program must understand the equipment’s functions, its limitations, and appropriate protocols for assessing whether identified radioactive material is benign or a threat. The DNDO provides several radiation detection training courses for first responders. The courses that DNDO provide range from specific use of detectors to program management issues. These courses are formulated to train law enforcement personnel on the handling of radiation detectors within the bounds of their operational environment (Goodwyn, 2008). The courses by the DNDO provide, “...hands-on, practical exercises with radioactive material so that personnel employing this equipment can effectively perform the following tasks: detect and locate radioactive material; determine if the material may have been obtained for

illicit purposes; initiate support to better evaluate the material; upon discovering illicit use of material, initiate protocols to ensure the health and safety of responders and the public”

(Goodwyn, 2008).

Policy makers should require training on a quarterly basis to all emergency responders and medical personnel. This training should be required for all medical professionals regardless of their geographic vicinity to a major city. Policy makers should also require training, “...about long-term risks so that commanders on the ground are aware of them when they make decisions that also involve many other, more immediate factors” (“Assessing medical preparedness”, 2009). Training emergency responders and medical personnel will give these individuals the knowledge needed to tackle a nuclear event. They will be able to develop a plan of action within their organization if a catastrophic event were to occur. This will also help to create structure at the site where the attack was brought out. Emergency responders and medical personnel will be able to instruct law enforcement officers on how to properly handle victims that have been injured in the attack.

In order to prepare for a radiological or nuclear attack, it is vital to acknowledge that there is not, “... one organization with the broad expertise and assets to fully detect, assess, and adjudicate a radiological threat. It requires cooperative efforts among federal, state, and local agencies to detect, report, interdict, and ultimately prevent a catastrophic nuclear or radiological attack on the United States” (Goodwyn, 2008). The NY/NJ HIDTA must collaborate with other federal, state and local law enforcement agencies during a nuclear event in order to mitigate the amount of damage. Information sharing will be crucial when trying to save lives and create a sense of calm and structure when handling the public. The more information that can be shared

among agencies, the better prepared other agencies will be if their jurisdiction is the next to fall victim to an attack.

Evacuation procedures are another challenge in the event of a nuclear or radiological attack. Policy makers must make the decision on when it is safe to evacuate the public after or nuclear attack or if they should instill a mandatory shelter in place. Policy makers must be aware that, “the impulse to evacuate might prove to be counterproductive in terms of minimizing radiation exposure and its health impact because, in most cases, the best way to reduce radiation exposure would be to shelter in place initially (“Assessing medical preparedness”, 2009). The real challenge will be convincing the public on what must be done in the event of a nuclear attack. Public officials and policy makers, “... who want to direct residents to evacuate or to shelter in place will find that compliance will not be 100 percent and will depend in part on the public understanding of the risks (“assessing medical preparedness”, 2009). Agencies within the NY/NJ HIDTA will be required to control the public in the event of a nuclear attack. As policy makers and government officials hand down orders, local law enforcement officers will be at the forefront working to follow orders and keep the public under control and calm. It all boils down to the fact that policy makers and government officials can set forth a mandate or a list of policies and procedures that will be adhered to; however human nature and the will to survive will also affect how people handle a situation. Law enforcement officers will have to handle these situations swiftly and diligently in order to mitigate the amount of victims and damage from the nuclear attack.

Another challenge that policy makers will have will be coordinating work efforts between the military sector and civilian sector. The IOM report noted that there were, “...communication and coordination problems stemming from the mismatch between the military’s top down

organization and the civilian bottom-up structure” (“Assessing medical preparedness”, 2009). In the military, the medical guidance in a mass casualty situation is based on the fact that resources will not be adequate to provide treatment to everyone. The military is trained to understand that it may be necessary to use alternate methods of care. There might also be resistance between law enforcement and the military. Local law enforcement officers may oppose taking orders from the military. Many officers and first responders feel that they know their area better than most. If the military took control during a nuclear event, local law enforcement officers can choose to resist and create their own plan of action. The lack of coordination and communication can be detrimental to the American public.

#### Pandemic

The threat of a pandemic is very real and extremely serious to the United States. The NY/NJ HIDTA will face many challenges in the event of a pandemic. The U.S. Department of Health and Human Services released the HHS Pandemic Influenza Plan in November of 2005. This plan was designed to create a post-outbreak plan. This plan will, “... require taking steps in the public square that are highly unusual, possibly unprecedented in both nature and scope, and almost certainly highly controversial” (Colwell, 2006). Local law enforcement will be deeply involved in the event of a pandemic. Because of this, local law enforcement must assume significant planning and coordination in regards to post-outbreak responsibilities (Colwell, 2006). The plan outlines additional responsibilities for local law enforcement if a pandemic occurred. A majority of agencies within the NY/NJ HIDTA are local law enforcement. These agencies must be prepared in the event of an influenza pandemic. The HHS plan is a great foundation for the NY/NJ HIDTA agencies to base their strategies on.

In the event of a pandemic influenza The HHS plan stated that a pandemic can occur when, "... a novel influenza virus emerges that can infect and be efficiently transmitted among individuals because of a lack of pre-existing immunity in the population" (Colwell, 2006). The HHS plan is over four hundred pages in length and contains detailed information that should be considered by federal, state, local and tribal law enforcement officials. These law enforcement agencies, the NY/NJ HIDTA included, should use the HHS plan when creating their own local and regional plans to deal with a pandemic influenza event. The HHS plan urges law enforcement agencies to be community specific when creating pandemic influenza plans.

An influenza pandemic has numerous characteristics that would directly affect law enforcement. The first characteristic is simultaneous outbreaks in communities throughout the United States. Simultaneous outbreaks will limit local jurisdiction's ability to provide assistance to other areas. There will also be shortages and delays in the availability of vaccines and antiviral drugs. This can also lead to public outrage. Local law enforcement will be called upon to maintain order from chaotic crowds and mass hysteria. This is putting citizens and law enforcement officers at risk. One of the biggest characteristics faced by local law enforcement in the event of an influenza pandemic is, "potential disruption of national and community infrastructures including transportation, commerce, utilities, and public safety due to widespread illness and death among workers and their families and concern about ongoing exposure to the virus" (Colwell, 2006). Local law enforcement must also be prepared to deal with an increase in violence and crime due to the shutdown of national and community infrastructures.

It is also important to note that it is the coordination of efforts between federal, state, tribal, and local government as well as partners in the private sector. The HHS plan also focuses on the need for "...local law enforcement to be prepared to help control diseases at the

community level and manage the risk of disease transmission through enforcement of travel restrictions” (Colwell, 2006). Communication and information sharing between all levels of government is vital to minimize the number of deaths from a pandemic event. All agencies within the NY/NJ HIDTA will be mandated to work in tandem to develop a strategy regarding pandemic related events.

The HHS plan stresses the importance preparing communities prior to a pandemic event. These preparations must be made on an individual level and community level. For the individual level, local law enforcement personnel would be expected to contain to the spread of infection by isolating individuals (Colwell, 2006). This is extremely important for local law enforcement agencies within the NY/NJ HIDTA to be aware of. Local law enforcement would also be required to manage individuals who may have been in contact with sources of infection. Isolation at health facilities and individual homes will be necessary to attempt to contain the virus. Local law enforcement will be required to enforce this isolation. Providing extra officers to guard these facilities will be vital. Public fear will be a significant obstacle when trying to enforce isolation.

On a community level, the HHS plan details, “...containment measures involving local law enforcement which range from voluntary snow days to the closure of office buildings, shopping malls, schools, and public transportation to widespread community quarantine (or cordon sanitaire, as it is known)” (Colwell, 2006). An example of this would be if quarantine is mandated. In the event of community quarantine, local law enforcement will be required to enforce this order. Local law enforcement should work with public health officials and other law enforcement agencies in neighboring jurisdictions to maximize the benefits and safety of the quarantine order (Colwell, 2006).

In order prevent or solve a pandemic is to instill a national set of protocols that each state must follow. There are fifty states, fifty different health departments, and fifty different protocols. Each state can choose to handle a situation differently. In the event of a pandemic, the federal government should step in and provide guidance and leadership over the country. Uniformity will help reduce the amount of casualties. It will also provide consistency and organization in a time of chaos. A great example of this would be the NYPD'S Citywide Incident Management System (CIMS). The NYPD and other large municipal police organizations were mandated after 9/11 to organized what is called a Citywide Incident Management System (CIMS) that is tailored after a national Incident Management System designated by the DHS ("Emergency response: Citywide," 2012). CIMS dictates to the first responders including hospitals and other emergency operations, a unified protocol on how an incident is addressed and managed. Of course when this was approved by the NYC Office of Emergency Management, it caused some problems between agencies specifically the NYPD and FDNY. The CIMS program follows the doctrine of the NIMS program established by FEMA. CIMS is a multiagency incident management doctrine for managing emergency responses and planned events in NYC ("Emergency response: Citywide," 2012). CIMS establishes roles and responsibilities and designates authority for City agencies performing and supporting emergency responses. It is designed to be able to facilitate integration of additional organizations and resources including local, state and federal agencies including private sector partners. Each state can use FEMA'S NIMS program and tailor it to their respective state. This will maintain uniformity for the country while catering to specific social and geographic needs of the state.

## Global Health

Employees at the NY/NJ HIDTA are often required to travel for work; in particular investigations regarding narco-terrorism. Law enforcement officials from the NY/NJ HIDTA are sent to areas where narcotics trafficking pose a clear threat to the United States. Mexico and Afghanistan are two countries that pose a tremendous threat to both law enforcement and public health. The CDC and Department of state websites are great resources of information for individuals who work or travel abroad. They can provide tips to keep Americans safe while outside of the country. These websites provided up to date information on security measures and illnesses that are prevalent in all areas of the world. When an individual travels abroad, they should always check in at the Embassy as a precautionary measure. This can help them in the event of a pandemic or attack.

Before heading to these regions, individuals from the NY/NK HIDTA would be urged to update their vaccinations. NY/NJ HIDTA employees should also see a medical specialist four to six weeks prior to their trip in order to get information and answers to any questions they have before traveling abroad (“Health information for,” 2012). Employees of the NY/NJ HIDTA would also be provided with a travel health kit that contains basic first aid and medical supplies. It is also vital that the law enforcement official knows where health care resources are located in their travel destination. In order to find this information out, people can go to the Doctors/Hospitals Abroad website from the US Department of State.

One illness that is prevalent in Afghanistan is Malaria. Between the months of April and December, Malaria can be prevalent in all areas of Afghanistan. According to the Center for Disease Control (CDC), “Humans get malaria from the bite of a mosquito infected with the parasite” (“Health information for,” 2012). Some symptoms of Malaria are fever, chills, sweats,

headache, body aches, fatigue, nausea, and vomiting (“Health information for,” 2012). These symptoms occur seven to nine days after being bitten. It is also important to note that a person can become infected with Malaria up to one year after being bitten. Malaria can also cause jaundice and anemia. This disease is extremely dangerous and can lead to kidney failure, coma and death if not properly treated (“Health information for,” 2012).

In order to prevent the risk of catching malaria, agents and officers visiting Afghanistan should discuss with their doctor the optimal ways to avoid getting sick with malaria. Taking an antimalarial drug would be one great preventive measure for NY/NJ HIDTA personnel. The CDC provides a list of antimalarial drugs that are effective in Afghanistan. These drugs are, “Atovaquone-proguanil, doxycycline, or mefloquine” (“Health information for,” 2012). The CDC has also noted that the Chloroquine is not an effective antimalarial drug in Afghanistan. NY/NJ HIDTA employees should also wear long pants and sleeves and use insect repellent to prevent mosquito bites.

The CDC also provides a list of other diseases that are prevalent in Afghanistan and South Asia. The first disease the CDC mentions on their website is Dengue fever. Many countries in South Asia have been plagued by Dengue fever epidemics. According to the CDC, “Dengue virus is present in all tropical and many subtropical areas worldwide. The mosquitoes that carry dengue are most active in the morning and evening and during hot, wet times of the year. However, they can spread infection all year long and at any time of day” (“Update: Dengue in tropical”, 2012). Dengue is prevalent in Africa and Indian Ocean Islands, South Pacific and Southeast Asia, the Americas and the Caribbean and the Middle East. Dengue is prevalent in popular areas of the Middle East where travelers are. One area in particular is Jeddah in Saudi Arabia. Dengue fever is, “the most common cause of fever in travelers returning from the

Caribbean, Central America, and South Central Asia.”. The disease is transmitted through bites of infected mosquitoes. The disease cannot be spread from person to person. Some of the symptoms of Dengue include fever, headache, pain behind the eyes, joint and muscle pain, rash, nausea and vomiting.

In the updated Dengue publication, the CDC provided a list of ways travelers can protect themselves. The first way travelers can protect themselves is by staying in a hotel that is well screened and air conditioned. Another important preventive measure is to use insect repellent on uncovered skin. The repellent should have one of the following active ingredients: DEET; picaridin; and oil of lemon eucalyptus (“Update: Dengue in tropical”, 2012). Travelers should also wear loose long sleeve shirts and long pants when outside.

Another disease that poses a risk for travelers in Afghanistan is highly pathogenic avian influenza (H5N1). H5N1 has caused numerous outbreaks in domestic and wild bird populations in several South Asian countries (“Health information for,” 2012). There have also been documented human cases of the virus as well. The CDC also published a report titled, “Human Infection with Avian Influenza A (H5N1) Virus: Advice for Travelers”. The H5N1 virus has caused serious disease in poultry and wild birds on multiple continents. It is very rare for humans to contract the disease. However, since 2003, 560 people have become ill with the virus. The infected people were in Asia, Africa, Eastern Europe and the Middle East. Approximately 60% of the infected people died. Currently, the CDC has not advised against people traveling to the countries where the bird flu is in poultry or birds. The CDC did provide a list of tips and measures that individuals should be aware of before their trip.

While on a trip, travelers should avoid all contact with birds. They should avoid touching surfaces that could have bird droppings. Individuals should only eat meat or poultry products that have been cooked thoroughly. It is important that travelers wash their hands with soap and water; cover their mouths when they cough or sneeze; and avoid people who are sick with fever and respiratory problems.

The NY/NJ HIDTA also make numerous trips to Mexico to investigate narcotics cases. There are numerous diseases that pose great risks to NY/NJ HIDTA employees traveling to Mexico. Like Afghanistan, Mexico also has a significant problem with Malaria. Malaria is present in, "... Chiapas and in rural areas in the states of Nayarit, Oaxaca, and Sinaloa; also present in an area between 24°N and 28°N latitude and 106°W and 110°W longitude, which lies in parts of Chihuahua, Durango, and Sonora" ("Health information for," 2012). Interestingly enough, there is no malaria along the United States-Mexico border. There are numerous antimalarial drugs that NY/NJ HIDTA employees can take when traveling to Mexico. The recommended antimalarial drugs for Mexico are primaquine, chloroquine, doxycycline, mefloquine, and atovane-proguanil ("Health information for," 2012).

The CDC provided a list of other diseases that pose a great risk to individuals traveling to Mexico. For the past five years, Dengue epidemics have affected many Central American Countries. The West Nile Virus has been found in Mexico and has spread to Central America. Another health concern for Mexico is gnathostomiasis, also known as roundworms. People become infected with roundworms by eating undercooked fish or poultry. There have also been numerous cases from people who drank contaminated water. There are several diseases that are carried by insects that can infect travelers going to Mexico. These diseases are, "Filariasis, leishmaniasis, onchocerciasis (River blindness), and American trypanosomiasis" (Chagas' disease)

(“Health information for,” 2012). Travelers can protect themselves from these diseases by wearing long pants and shirts and by using insect repellent.

### Drug Abuse & Trauma

Pandemics, global health, explosives and traumas, and nuclear attacks are major problems that will continue to challenge public health and law enforcement. The NY/NJ HIDTA and the public health arena will also have to deal with an increase in drug abuse and addiction in these events as well. It has been proven that drug abuse increases after a catastrophic event.

Post-traumatic stress, depression, and an increase in substance abuse after a terrorist attack would also put a tremendous amount of strain on medical personnel during a medical surge. The CDC report stated that, “Hospitals and emergency health care systems face enormous challenges. The threat of terrorism exists at a time when hospitals and emergency departments in the United States are struggling to manage the current volume of patients who present for care” (“In a moment's,” 2010). If a mass casualty event were to occur, hospitals would not only be faced with a mass influx of patients but many other issues and challenges that will need to be handled efficiently and in a timely manner. One interesting point made in the CDC report was, “Many problematic areas stand between the current reality of emergency care in the United States and the effective management of an event like the Madrid bombing. The following list describes these specific areas” (“In a moment's,” 2010). This is a harsh reality that needs to be addressed.

In the wake of September 11, 2001, a survey of New York City residents was conducted. The results of the survey revealed high levels of both depression and posttraumatic stress

disorder (PTSD) among respondents. They also found documented increase in substance abuse. The survey was carried out by National Institute on Drug Abuse (NIDA) funded researchers, Dr. Vlahov, and his colleagues at the New York Academy of Medicine. About five to eight weeks after the terrorist attacks, "...quantifies the relationships among stress, depression, and substance abuse" ("Stress, depression, and," 2003). This survey was a turning point in that it provided insight into the public health service delivery needs. The survey results also provided clues to effective treatment strategies in order to help individuals deal with traumatic and catastrophic events.

One startling finding based on the survey results was that, "... post-attack rates of depression and PTSD that were approximately twice the baseline levels previously documented in a 1999 benchmark national study" ("Stress, depression, and," 2003). The survey also looked at rates of new substance abuse among respondents. Researchers discovered that of the respondents that did use drugs and alcohol during the week before September 11, approximately 3.3 percent started smoking after September 11. Approximately, 19.3 percent of respondents started drinking alcohol and 2.5 percent used marijuana. The overall percentages of, "...respondents who smoked, consumed alcohol, and used marijuana increased 9.7 percent, 24.6 percent, and 3.2 percent, respectively, after the attacks" ("Stress, depression, and," 2003). The results of this survey showed how whole populations are affected by disasters.

The increase in substance alcohol, marijuana, and cigarette usage promotes significant issues for law enforcement and public health. The third part of the NY/NJ HIDTA proposes a partnership between law enforcement and medical professionals to make drug addicted citizens more productive in society. By working together, law enforcement and public health professionals can combat drug use and addiction while also disrupting the flow of drugs into the

country. Law enforcement will work to disrupt and dismantle drug trafficking organizations with a terrorism nexus, while medical professionals will work with drug abusers to provide them with the resources for successful drug rehabilitation.

### Concluding Thoughts

The NY/NJ HIDTA is dedicated to combating narco-terrorism and terrorist financing in order to ensure safety in the United States. The strategy created for the NY/NJ HIDTA even proposed the coordination of efforts between law enforcement and medical professionals in an effort to combat drug addiction among American citizens. The NY/NJ HIDTA is composed of numerous federal, state, and local law enforcement agencies. These agencies not only work towards combating narco-terrorism and terrorist financing, they must also deal with other threats that can affect their jurisdictions. Public health has posed a major threat to the security and safety of the United States. These threats have been outlined and strategies have been created in order to maintain safety among the public and the law enforcement community. The NY/NJ HIDTA showed how collaborating with members of the public health field will help it grow stronger and more efficient at protecting the United States and the American public.

## References

- Brewer, J. (2006, March 15). Narcoterrorism, violence and the u.s. drug habit. *The Salt Lake Tribune*. Retrieved from <http://archive.sltrib.com/printfriendly.php?id=3601799&itype=ngpsid>
- Center for Disease Control, U.S. Department of Health and Human Services. (2010). *In a moment's notice: Surge capacity for terrorist bombings*
- Colwell, L. (2006, January). The pandemic influenza plan: Implications for local law enforcement. *Police Chief Magazine*, 73(1), Retrieved from [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print\\_display&article\\_id=784&issue\\_id=12006](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=784&issue_id=12006)
- Drug abuse and addiction: One of america's most challenging public health problems*. (2005, June). Retrieved from <http://archives.drugabuse.gov/about/welcome/aboutdrugabuse/magnitude/>
- Emergency response: Citywide incident management system*. (2012). Retrieved from [http://www.nyc.gov/html/oem/html/about/about\\_cims.shtml](http://www.nyc.gov/html/oem/html/about/about_cims.shtml)
- Goodwyn, A. (2008, February). Minimizing the nuclear threat: A local law enforcement strategy. *Chief Police Magazine*, 75(2), Retrieved from [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=1420&issue\\_id=22008](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1420&issue_id=22008)
- Health information for travelers to afghanistan*. (2012, March 22). Retrieved from <http://wwwnc.cdc.gov/travel/destinations/afghanistan.htm>
- Health information for travelers to mexico*. (2012, March 15). Retrieved from <http://wwwnc.cdc.gov/travel/destinations/mexico.htm>
- Homeland Security Presidential Directive-19. (2007). *Combating the use of explosives in the United States*.
- MacDonald, S. B. (1992). Afghanistan's drug trade. *Society*, 29(5), 61-66.
- Napoleoni, L. (2007). Terrorist financing beyond 9/11. *The Economics of Peace and Security Journal*, 2(1), Retrieved from [www.epsjournal.org.uk](http://www.epsjournal.org.uk)

*Narco-terrorism spreading to north america.* (2008, April 30). Retrieved from

<http://www.nationalterroralert.com/2008/04/30/narco-terrorism-spreading-to-north-america/>

National Academy of Sciences, Institute of Medicine. (2009). *Assessing medical preparedness to respond to a terrorist nuclear event workshop report.* Retrieved from The National Academic Press website: [www.nap.edu](http://www.nap.edu)

National Center for Injury Prevention and Control. Interim planning guidance for preparedness and response to mass casualty event resulting from terrorist use of explosives. Atlanta, GA: Centers for Disease Control and Prevention; 2010.

*Stress, depression, and drug abuse: Fallout of september 11.* (2003, September 8). Retrieved from <http://www.medicinenet.com/script/main/art.asp?articlekey=24251>

*Update: Dengue in tropical and subtropical regions.* (2012, March 15). Retrieved from <http://wwwnc.cdc.gov/travel/destinations/saudi-arabia.htm>

### Conclusion

*"We are continuing this policy in bleeding America to the point of bankruptcy. Allah willing and nothing is too great for Allah."*

*– Osama bin Laden*

The above quote sums up the inspiration for my Masters Project. One of the main missions of Al Qaeda is to destroy the American economy. They will stop at nothing until this mission is successfully accomplished. One of the major ways terrorist organizations are carrying out this mission is through narco-terrorism. Working for the NY/NJ HIDTA as a financial intelligence analyst provided exposure to the world of narco-terrorism and terrorist financing. Additionally, I also quickly learned how the American dependence on drugs helped funnel millions of dollars to the terrorist organizations. The NY/NJ HIDTA'S mission is dedicated to the disruption and dismantling of drug trafficking organizations within the NY/NJ HIDTA region; including those with a terrorism nexus.

The three part strategy I created for the NY/NJ HIDTA focused on three crucial issues that I considered extremely important in order to carry out the mission of the NY/NJ HIDTA. The first part involved the creation of a partnership with local law enforcement in order to identify drug trafficking organizations that are funding terrorism. The second part dealt with the creation of a partnership with the Internal Revenue Service (IRS) to work on all narcotics-related investigations. As I have discussed, the High Intensity Financial Crime Area (HIFCA) provides additional case support to IRS agents, helping to make money laundering investigations successful.

The third and final part of the strategy focused on forming a collaborative partnership with medical professionals in order to identify solutions that would help make drug addicts more productive in society. Information sharing and creating new partnerships among agencies in both the public and private sectors would help enhance investigations and identify potential terrorist targets that have a nexus to narco-terrorism and terrorist financing.

In order to combat narco-terrorism and terrorist financing, it is vital that the N/NJ HIDTA use the tools of communication and motivation to manage employees. Managers should continuously work towards new ideas and embrace diversity. As I have discussed in chapter 2, a combination of the Divisionalized Form model and Leadership Team model can help create an ideal manager for the NY/NJ HIDTA. The Divisionalized Form embraces the idea of the task force that the NY/NJ HIDTA is built upon. Each initiative within the NY/NJ HIDTA will have a manager. The Leadership Team will then work off of the Divisionalized Form Model and allow everyone to be a part of the decision making process. This will help the NY/NJ HIDTA think outside of the box and assist in the development of new ideas and strategies that can help identify potential narco-terrorism and terrorist financing cases.

The NY/NJ HIDTA must also respect the Constitutional rights of every American when carrying out investigations. The USA Patriot Act, as discussed in chapters 4 and 8, has helped law enforcement conduct terrorist related investigations. However, as history has gone to show, there will always be a constant struggle between Constitutional Rights and Safety. On a more global scale, the NY/NJ HIDTA must also take human rights into consideration, as there is a fine line between human rights and homeland security. As the world's borders become more permeable, human rights become jeopardized. The protection of our human rights is a crucial point to the safety of the United States.

The successful implementation and execution of the NY/NJ HIDTA strategy will require continuous assessment and evaluation. NY/NJ HIDTA managers will need to use case studies to critique the strategies in order to identify weaknesses that may have been overlooked. Assessing and evaluating the NY/NJ HIDTA strategy will allow open communication between agencies that will help strengthen investigations related to narco-terrorism and terrorist financing.

Continuous training for law enforcement will help to maximize the results of narco-terrorism and terrorist financing investigations. Advanced education and training are the main keys to success in these investigations. NY/NY HIDTA management and policymakers must always allocate funding towards training opportunities. Terrorists have shifted their aim towards keeping a low profile. Because of this, law enforcement officers, especially those in the local jurisdictions, must be provided with up to date training and resources that could protect themselves, as well as their communities.

The financial sector also plays a significant role in regards to terrorist financing cases. The NY/NJ HIFCA, a division of the NY/NJ HIDTA, can provide financial analysis for all narco-terrorist cases that can make available an offshoot to a terrorist financing case. HIFCA analysts can help identify illicit funds that can be seized from major drug trafficking organizations. This will help decrease the amount of funding being funneled to terrorist organizations overseas.

The financial sector is also considered a critical infrastructure. The Federal Reserve Bank is a critical infrastructure that is unique compared to all other critical infrastructures. The Federal Reserve is at the center of the United States' economy as well as the international economy. This makes the Federal Reserve a primary target for terrorist organizations. The NY/NJ HIDTA,

particularly the law enforcement agencies stationed near the critical infrastructure, must be prepared for all types of terrorist threats that may occur, whether physical or cyber. Information sharing, training, and communication among all agencies within the HIDTA and financial community will help keep the critical infrastructure secure.

One of the major issues outlined in my Masters Project is the American dependence on narcotics. The third part of the NY/NJ HIDTA strategy showed how collaborating with medical professionals can help make drug addicted citizens more productive in society. In doing so, the relationship between law enforcement and medical professionals will not only work on drug addicted citizens; it will also inform law enforcement on other threats that can affect their jurisdictions.

As previously discussed, terrorists are fixated on the destruction and devastation of the American economy. The driving force behind this Masters Project was to create a strategy that could be implemented by the NY/NJ HIDTA that prevents the terrorists from succeeding. As I have shown throughout my Masters Project, it is possible to prevent the terrorists from attacking us at our core by building partnerships with public and private sectors, implementing strong leadership skills, providing continuous training and education, building a strong relationship with the medical community and maintaining the rights of Americans and other individuals abroad.