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**MIAMI POLICE
DEPARTMENT'S
HOMELAND SECURITY**

IT'S THE SIGN OF THE TIMES

THE MIAMI POLICE DEPARTMENT'S HOMELAND SECURITY

Chief John Timoney is a seasoned law enforcement executive an Irish immigrant who grew up in a welfare, working-class neighborhood then at age 44, rose to the youngest four-star Chief in the history of the NYPD. He left the force after 29 years of policing and a year later was selected to lead the Philadelphia Police Department. In January 2003, he took over the reigns of the Miami Police Department. As the new Chief, he wasted no time in putting his vision for the department into action. In March, he fortified the Department with the appointment of four new Assistant Chiefs and initiated the protocols under the Homeland Security Act for “first responders.”

The Undersecretary of Emergency Preparedness and Response mandates police to create a Terrorist Response Plan in collaboration with other federal agencies. Florida is one of eight Southern states in Region IV of ten Federal Emergency Management Agency (FEMA) Regions in the United States. Each Region helps plan for major disasters and develops mitigation programs. In a terrorist incident response, no single agency has the authority or capability to act alone. Federal and State responsibilities are differentiated into two categories: “Crisis” and “Consequence” Management. The laws of the United States assign primary authority to the federal government to prevent and respond to acts of terrorism; state and local support is supplemental. The Department of Justice, through the FBI is the lead agency in domestic crisis management responsible for resolving/managing a crisis, conducting criminal investigations, pursuing, arresting, and prosecuting terrorists. They are also in charge of coordinating first responders as “Crisis Managers,” to identify, acquire and plan the use of resources needed to anticipate, prevent and/or resolve a threat or act of terrorism.

In transition from “Crisis” to “Consequence Management,” the lead Federal agency shifts from the FBI to FEMA. Prior to 9/11, Chief Timoney explained that FEMA had the responsibility of

coordinating rescue operations with the fire department as the lead agency (absent a crime, then the local police were in charge). FEMA is now charged with developing/coordinating local, tribal, State and Federal efforts to deal with mass destruction aftermath. The States are assigned the primary authority for Consequence Management with Federal support supplemental.

“Although it will take a roll out period for the Homeland Security Act to become fully operational,” Chief Timoney stresses “with the FBI designated to coordinate police departments in a local or national terrorist event, it will be a challenge to the traditional American law enforcement system that is ‘historically dysfunctional’.” The Chief explained that even with the most efficient policies in place in any large private or public organization, there are two major obstacles in getting the job done: communication and coordination. These are the most difficult factors even when an organization is under the control of a Police Chief or CEO. He said it will be difficult to coordinate eighteen thousand police departments operating under different management styles, local government sanctions, ranging in size from a few officers to more than 1,000 as the Miami Police Department. He said the most difficult task is coordinating all of these agencies into a national terrorist response plan. Whenever foreign police officials visit the United States, they do not understand how the American law enforcement system works with so many various mandates. Most foreign police departments are under government control, such as in the Chief’s homeland of Ireland.

But, the Chief has his own concept of a National Terrorist Response Plan that he wrote in an article to a Philadelphia newspaper before HS Director, Tom Ridge took office. He said there are fifty-two major metropolitan Police Chiefs presiding over the largest cities in the United States. Terrorists want to negatively impact large numbers of Americans and significant patriotic symbols. Chief Timoney believes that major Police Department Chiefs can best coordinate a national terrorist threat, short of acting as a national police force that Americans generally oppose. Metropolitan Police Chiefs can

organize intelligence gathering and dissemination of information, although it is an educated guess where a terrorist attack could occur. The Chief states that more than likely an attack is not going to be aimed at a less-populated city like Miami (population 362,470). Over the next few months, members of the department's Terrorist Task Force Unit will be training in London to learn how they have dealt with the domestic terrorism of the IRA.

The MPD's Terrorist Task Force is also in charge of assessing training needs and implementing the terrorist response plan. In ready reach behind the Chief's desk is the notebook that provides specific action for each color-coded alert. The MPD is trained in the ABC's of first response, have been issued bio-hazard suits and participate in "table top" training exercises to protect the 34 square miles of Miami. In March, a joint terrorist response drill took place at the Orange Bowl with participants from numerous cities and agencies throughout Miami-Dade County. Timoney says it is better to get to know your counterpart and learn how they operate in a drill, than to meet them for the first time in an emergency. Due to Miami's extensive hurricane preparedness, the Chief stresses that the city is in better shape to handle a major disaster than most places. The same resources utilized in hurricane emergencies can be mobilized in a terrorist situation.

The second month after Chief Timoney took office, a "code orange" terrorist alert was issued. He immediately ordered a helicopter for an aerial overview of Miami's coastline, a major concern. Recently, Cuban aliens arrived in the middle of the Keys, and in another instance, broke into a secure Naval facility. Chief Timoney said this was an embarrassment; more work needs to be done for better security. As he flew along the coast, he shook his head at the number of large and small vessels in territorial waters. He posed the question: "How could anyone know if someone, in any one of the thousands of boats, was preparing to launch a terrorist attack and where?" Chief Timoney believes that "risk" is the price we pay for living in an open society, in an imperfect system. Nevertheless, he stressed, we need to avoid suffering from gross negligence.

Besides the citywide alert training, the MPD Terrorist Task Force Unit is receiving training allocated in a \$3.5 billion dollar federal funds package for law enforcement. These funds are also earmarked for FEMA to develop the Community Emergency Response Team (CERT). Over the next two years, 400,000 individuals will receive 18 plus hours of training to support first responders in emergencies, provide immediate assistance to victims, organize spontaneous volunteers at disaster sites and collect disaster intelligence. Florida's FEMA Deputy Director announced a grant of \$3,620,981 to Region IV for CERT; Florida's portion is \$872,299. In response to the program, Chief Timoney said the more eyes and ears the better, but these individuals will be on the periphery; they are not police.

Funding for counter-terrorism training includes courses ranging from domestic anti-terrorism technology development, cybercrime, and national interagency civil-military disaster preparedness. Although police are being trained in military tactics, the Chief does not think they are being groomed as an "armed forces" skirting the Posse Comitatus Act that prohibits the use of any part of the Army, Air Force, Navy or Marines, including reserves, except as authorized by the Constitution or Act of Congress. However, Congress has created a number of statutory exceptions to the Posse Comitatus Act allowing for military call-up in civil disturbances, disaster relief, and counter terrorism in situations dealing with weapons of mass destruction. State Governors have the power to call up the National Guard in a domestic disturbance, but in the case of weapons of mass destruction incident, the National Guard can react under the National Guard Rapid Response Assessment Team. These teams are comprised of trained experts in a Cross-discipline of functional areas to assess a situation and expedite deployment of state/federal military support. Trained by the Army, they are to be as the "point of the military response spear." The Homeland Security Act calls for federal leadership and uniform rules of engagement across the nation.

With the passage of the Patriot Act (October 26, 2001) and the Communications Assistance for Law Enforcement Act (CALEA), the FBI and CIA have been given broader powers of investigation and surveillance with a lowering of judicial supervision in the evidence of a crime. Although the police are required to provide information on terrorist suspects/activity to the FBI, Chief Timoney says that FBI information will be shared with law enforcement on a “need-to-know” basis only. In the past, the Chief states that the FBI has been accused of violating the premise and spirit of the law in not sharing information. Even though he stresses that “intelligence” is the first line of prevention, it is unclear what lines of delineation the FBI can establish in sharing or not sharing intelligence with other involved agencies. The Chief emphasized that law enforcement and other security officials informally share information regardless of the federal government. In the meantime, Police Chiefs across the U.S. have filled out the lengthy documentation for “top-secret” clearance and access to FBI investigative information. The background check was so extensive that Chief Timoney had to furnish the maiden name of his Grandmother in Ireland.

After 9/11 and “Operation Iraqi Freedom,” police continue to receive numerous phone calls regarding suspicious individuals possibly involved in terrorist activity. However, not every suspicious person is a “terrorist.” Embedded on the first page of the Homeland Security Act is the definition of “terrorism” with a “terrorist” defined by inference. “Terrorism” is defined as:

“Any activity that involves an act that is dangerous to human life or potentially destructive of critical infrastructure or key resources; and in a violation of the criminal laws of the United States or any State or other subdivision of the United States; and appears 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.”

Chief Timoney clarified a terrorist as a person suspicious of being involved in potential terrorist activity, and can be detained for questioning. If a person(s) refuses to cooperate with police during a field investigation, the level of suspicion is heightened and an arrest can occur. The Miami Police

Department abides by a Supreme Court ruling that police can detain a person(s) for, what is termed, a “reasonable time.”

Today, the scales of balance in the lives of Americans have forever changed in living with the unpredictability of a terrorist attack and the inherent conflict of new laws that intend to protect Americans. City Councils in Santa Fe, New Mexico and North Hampton, Massachusetts, have enacted resolutions supporting the Bill of Rights and civil liberties, instructing Congressional delegates to monitor the implementation of the Patriot Act and any new Executive Order that violates civil liberties. In Madison, Wisconsin, the City Council instructed local police and prosecutors not to be drawn into activities that threaten the rights of residents such as random surveillance based on country of origin and clandestine investigations of an individual’s personal records under vague suspicion of terrorist links. As Chief Timoney reviews the internal policies and procedures of the Miami Police Department, he is balancing compliance with new federal laws and protecting the citizens of Miami. In moving the department forward, he has commented on record that it is his stand to keep politics out of the Miami Police Department.

Adding to law enforcement and citizen concerns is the “doomsday scenario” of toxic pathogens being released over America killing or infecting thousands. Chief Timoney doesn’t believe that an airborne pathogen is a major threat to Miami. The U.S. has deployed a bio-terrorism early warning system to detect smallpox, anthrax and other deadly germs released into the air. Many of the 3,000 existing environmental monitoring stations are being refitted with new filters to detect biological agents. Scientists indicate that if a small plane released anthrax over a large gathering of people, depending on the winds, people could become ill and it could take days to figure out what happened. According to the government, the sooner detection occurs, the sooner victims can be treated with vaccines or antibiotics. However, experts in computer modeling have more crucial concerns about

airborne pathogens, naming anthrax as the number one weapon of choice in a biological attack; it is easy to acquire, easy to prepare and highly deadly. Lawrence Wein of the Stanford University's Graduate School of business and his colleagues' project that if someone dropped two pounds (one kg) of anthrax on a city, under the right circumstances, 1.5 million people would be affected and 100,000 would die before they could get antibiotics. When asked if the people of Miami could be evacuated, housed and quarantined should there be a chemical/biological attack, the Chief said there is nothing the police can do. Emergency medical management would handle the aftermath of a biological incident including virus surveillance at hospitals.

In contrast to the California report, the Center for Disease Control (CDC) in Atlanta reports that the threat of an airborne pathogen is far more unlikely than exposure to smallpox. The prevention for smallpox is vaccination. Florida police departments were issued the smallpox vaccine with information detailing contraindications. Chief Timoney offered the vaccination to his officers and said it was up to them if they wanted it; they can read the information and make up their own mind. Reportedly, should there be a break out of small pox in a populated area, it can be retained, and those exposed, within a time period, be vaccinated. The University of California/San Diego and University of Alabama said they have developed a compound that protected mice from smallpox both before and after they were exposed to the virus.

Americans continue to carry on not as usual lives in the face of heightened security checks at airports, boarding cruise ships, ports of entry and public facilities. Even as Commissioner of the Philadelphia Police Department, Chief Timoney was not exempt from a personal search at the airport. Although known by Philadelphia Airport security, when he was tagged for a security check, he removed his belt, shoes, showed identification and raised his arms for metal detection. A fellow passenger commented to the Chief that if he did not object, then others should not find a personal search objectionable. Chief Timoney believes that some Americans would rather endure the

inconvenience of long lines, or chips under the skin, if it meant lowering the risk of terrorism.

Before 9/11, local police authority over citizens has been historically less objectionable than federal authority, but he summed up the status quo in an old saying: “Zeitgeist. It’s the sign of the times.”

To balance the pressures of the badge and the gun, John Timoney, the person, plunges every morning into Indian Creek and rows up the Intra-coastal Waterway to think, sweat, exercise and contemplate the daily decisions he must make to protect the lives of the citizens of Miami.