



New York State Counterterrorism Advisory Panel Recommendations



January 2019



“ Government’s number one job is to protect its people, and we will do exactly that. ”

GOVERNOR ANDREW M. CUOMO

January 3, 2018

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Introductory Statement

New York has long been a target of terrorism, from the bombings at Fraunces Tavern, LaGuardia Airport and Grand Central Terminal in the 1970s to the threat that has emerged today. The terrorist threat evolved 25 years ago when, in 1993, terrorists detonated 1,200 pounds of explosives in a parking garage beneath the World Trade Center. Six people died and more than 1,000 were injured.

The 1993 bombing was the harbinger of a new era of terror attacks. On September 11, terrorists escalated their tactics by hijacking airliners to destroy the Twin Towers, killing 2,753 people. 224 more died in an attack on the Pentagon and on Flight 93 in Pennsylvania. And over 2,000 people have since died from 9/11 related illnesses.

More than sixteen years after the 9/11 attacks, the threat of terrorism to New York State remains significant. Although sophisticated, coordinated attacks by international terrorist organizations are still a major concern, terrorist tactics are constantly evolving. Individual terrorists, often operating without explicit direction from established groups and armed with simple, readily available weapons such as small arms, vehicles, and improvised explosive devices, have committed an increasing number of attacks in recent years. New York has experienced four such attacks in just the last few years: the bombing in Chelsea in September 2016; the vehicle-ramming attack on the Hudson River bike path in October 2017; and the pipe-bomb attack in a pedestrian tunnel near Times Square in December 2017. And just last October, New York and other states faced the threat of explosive packages sent to government officials and media agencies.

Today the country faces a more complex threat than ever before, and countering that threat must be a top priority. Technology has led to new challenges: terrorists increasingly use social media and the “dark web” to recruit and to inspire acts of terrorism, critical infrastructure has been attacked by hackers, and would-be terrorists have begun to explore the use of drones to carry out attacks.

As a beacon of freedom and the financial capital of the world, New York remains a top target and deserves the highest levels of protection. Since taking office, the Governor has made protecting New York a top priority. As the terrorist threat has evolved, New York law enforcement officers, first responders, and many others have worked tirelessly to keep New Yorkers safe. We are honored to assist in this critical mission.



**“Terrorism is theater and
New York is the biggest stage.”**

POLICE COMMISSIONER RAYMOND KELLY
February 26, 2013

Executive Summary

To help strengthen New York's defenses, Governor Cuomo formed a bipartisan panel of counterterrorism experts. The panel is comprised of Chair Kenneth L. Wainstein, partner at Davis Polk & Wardwell and former Homeland Security Advisor to President George W. Bush; and members Raymond W. Kelly, former New York City Police Commissioner; and Lisa O. Monaco, former Homeland Security Advisor to President Barack Obama.

New York has an extraordinary team leading its key law enforcement agencies and faces a terrorist threat that is persistent, complex, and constantly evolving. Responding to that threat requires effective planning, investment, and coordination among many different federal, state, and local agencies.

This report reflects the Counterterrorism Advisory Panel's evaluation of New York State's counterterrorism capabilities and makes initial recommendations for enhancing coordination among the state's public safety agencies and strengthening security at airports, bus and train stations, bridges, tunnels and other critical infrastructure across the state. The recommendations are as follows:

Designate a Senior Counterterrorism Advisor and Council

Designate a statewide Counterterrorism Advisor as a senior official reporting directly to the Governor and dedicated to focusing on homeland security and counterterrorism issues. The Advisor would be well-positioned to coordinate the state's counterterrorism efforts and plan the state's long-term counterterrorism strategy. This position would be analogous to the President's Homeland Security Advisor, who advises the President and coordinates interagency policy on homeland security and counterterrorism matters.

We also recommend that the Governor create a Statewide Counterterrorism Council to give key law enforcement leadership the opportunity to share ideas, intelligence, and strategies; implement key counterterrorism technologies; ensure efficient allocation of State counterterrorism resources; and keep the leaders of all the relevant agencies and authorities in regular contact to coordinate the state's counterterrorism efforts. The Council would be chaired by the Advisor, with membership from relevant state and city agencies.

New York is the #1 target in the country, and with an ever-changing threat, coordination and communication are crucial. A counterterrorism advisor and council exist at the national level, and we believe New York needs a similar structure.

Enhance Coordination at Penn Station and Other Major Transportation Hubs

Since 9/11, New York has substantially increased the counterterrorism assets deployed to protect airports, train and bus stations, bridges, tunnels, and critical infrastructure sites. After a focused review of the known targets—airports, major bridges and tunnels, and transit hubs downstate—we found that while each hub has tremendous state, federal, and local security assets in place, many have been added ad hoc, over time. Nowhere is there a greater need for coordination than Penn Station. It's the most heavily used train station in the Western Hemisphere: Serving 630,000 daily weekday travelers, more than LaGuardia, JFK, and Newark airports combined, its last major security overhaul was in the late 1960s.

Given the separate chains of command at each agency, a holistic review is necessary to ensure that personnel and other assets at each location are deployed and coordinated as effectively as possible. In addition to considering staffing issues, the review should evaluate how to streamline inter-agency coordination and communication. We recommend taking steps to enhance coordination and communication among these agencies, including but not limited to ensuring each location has a joint 24/7 command center; enhancing coordinated crisis plans; maintaining interoperable communications; training all employees on emergency protocols; and prioritizing real-time mapping to assist first responders.

As New York implements these recommendations at Penn, we recommend also doing so at other transportation hubs, like JFK, Grand Central, LaGuardia, Port Authority Bus Terminal, and others across the state. We understand that some of this work has already begun or has been completed across these various hubs.

Optimize Technology

Strategic deployment of new technology is essential to help law enforcement respond to the rapidly evolving terrorist threat. However, with so many agencies involved in counterterrorism in New York, no single agency is charged with analyzing technology needs and assessing possible solutions. To jump-start this process, we recommend the Council address critical security needs across the state through a review of technology enhancements and deployments including: cameras; bomb disposal robots; detectors for firearms and for chemical, biological, radiological, nuclear, and explosive (CBRNE) materials; standoff passive object detection cameras; and drone technology to monitor key infrastructure.

One tool we highly recommend procuring is portable crash barriers and bollards to prevent vehicle-ramming attacks at large outdoor events statewide. Vehicle-ramming is an increasingly prevalent tactic for terrorists. New York, London, Berlin, Barcelona, Nice, and other cities have been targeted in

vehicle-ramming attacks in recent years. These attacks require little planning or training, making them difficult to predict and prevent. Portable bollards can be temporarily deployed to high-risk areas, and are a cost-effective means to mitigate the threat posed by vehicle-ramming. These barriers can literally stop would-be terrorist drivers in their tracks.

Expand Counterterrorism Trainings and Risk Assessments

The terrorist threat is not just about New York City. New York is the fourth-most populous state in the country. While focus often remains on the downstate risks, New York State covers nearly 55,000 square miles and has 445 miles of border with Canada and multiple borders with other states. New York also has mass gathering locations across the state. Globally, many large-scale public events have become targets recently: a soccer match and a concert in Paris in November 2015; a nightclub in Orlando in June 2016; and concerts in Manchester in May 2017 and Las Vegas in October 2017. To reduce the risk of attacks like these, we recommend the Council consider recommending increasing National Guard presence at events to deter potential terrorists and consider expanding some of the state's current programs like counterterrorism risk assessments to public gathering locations, new facility construction, and additional critical infrastructure such as major transportation hubs.

We also recommend New York establish statewide preparedness exercises and training, including: establishing regional tabletop exercises to prepare for terrorism events; conducting trainings for complex coordinated attacks; and developing a statewide active shooter protocol and training materials for distribution to local law enforcement. We further recommend the state expand its Red Team training exercises with local businesses to critical infrastructure partners, large-scale public gatherings and partnerships with neighboring states.

New York should also continue to engage community leaders to gain their valuable insight into effective outreach programs and ensure community needs are taken into account as the state moves forward with these recommendations. The Council and the Advisor should review best practices for community-based solutions as part of their ongoing work.

Consider Legislation to Combat Emerging Terrorist Threats

Some measures to improve counterterrorism defenses may require legislation. We have identified several potential legislative initiatives for the state to consider in the next legislative session. These initiatives address the threat from tactics and tools favored by terrorists, including improvised explosive devices, mass shootings, vehicle ramming, and drones. These steps include regulating certain explosive components, banning the sale or ownership of bump stocks, increasing regulations on rental vehicles to deter terrorists, and developing countermeasures to combat drone weaponization.

NEW YORK STATE COUNTERTERRORISM ADVISORY PANEL RECOMMENDATIONS

We appreciate the Governor's focus on this vital issue. In conducting its assessments, the advisory panel reviewed existing reports from a variety of sources, including the New York State Division of Homeland Security and Emergency Services, the New York State Police, the New York State Division of Military and Naval Affairs, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority, the New York State Department of Transportation, the New York State Thruway Authority, and the federal Department of Homeland Security.

To the extent recommendations could be acted upon immediately, state personnel have already begun planning and implementing some of our guidance.

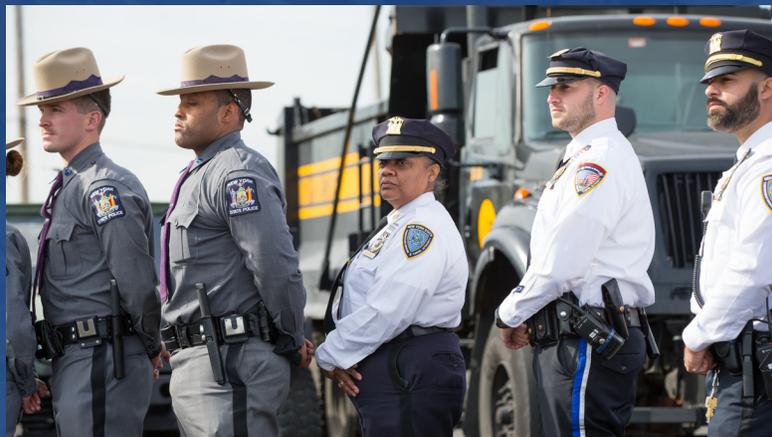
Under Governor Cuomo's leadership, New York will continue to combat the terrorist threat and protect its citizens. The advisory panel looks forward to continuing to assist the Governor and state officials as they implement these vital programs and work to keep the people of New York safe.



NEW YORK STATE'S COUNTERTERRORISM ACCOMPLISHMENTS

2011-2014

The Governor signed executive orders with New Jersey and Connecticut to provide their law enforcement agencies with jurisdiction on New York's public transportation to better protect the public from terrorist attacks during holiday seasons.



At the Governor's direction, the State initiated a law enforcement surge that committed more State Troopers and National Guardsmen to transit hubs and tourist destinations in New York City and surrounding areas.



The state launched the Citizen Preparedness Corps to train New Yorkers to prepare for disasters. New York has since trained over a quarter of a million New Yorkers statewide, and the program now includes training for manmade disasters and active shooter scenarios.

NEW YORK STATE'S COUNTERTERRORISM ACCOMPLISHMENTS

2016



After a false-alarm active shooter incident caused chaos at John F. Kennedy (“JFK”) International Airport, Governor Cuomo directed a comprehensive security review. Due to that review, the state increased joint law enforcement exercises and the Port Authority established an interim joint command center and is in the process of building a permanent center. Governor Cuomo also signed legislation in the FY 2018 Budget that provided \$3 million for the Division of Homeland Security and Emergency Services (“DHSES”) to develop a Transportation Security Training Program for civilian airport employees to build their security awareness and emergency response capabilities. Over 15,000 airport workers have been trained to properly handle emergencies since this program’s inception.

New York State invested \$14 million in body armor, Kevlar, and new rifles for police throughout the state. Dozens of local law enforcement agencies received funds to purchase safety equipment. With their share of the money, the state Police purchased 800 new patrol rifles, 1,746 rifle resistant body armor plates for every patrol vehicle, 967 additional rifle plates for large personnel deployments, 2,713 vests, 1,500 new ballistic helmets, and 1,914 new fit kits for existing helmets statewide.



The state also launched its “Red Team” exercises; partnering teams from its Office of Counter Terrorism (“OCT”) with local law enforcement to train private businesses on how to identify and report potential terrorist activity. New York is truly leading the Nation with these exercises. In 2016, OCT completed Red Team exercises in all sixteen Counterterrorism Zones, and its work has already proven effective; businesses are using the tip lines, resulting in two separate examples of law enforcement being able to step in before lives were unnecessarily lost. Earlier this year, businesses upstate reported suspicious activity that allowed investigators to prevent potential attacks in Ithaca and Syracuse. In 2017, the exercises expanded to 918 locations across every county in New York. In 2018, nearly 1,000 locations have been trained.

NEW YORK STATE'S COUNTERTERRORISM ACCOMPLISHMENTS

2017-2018



In addition to expanding New York's Red Team exercises, Governor Cuomo upgraded the state's security presence at all MTA-owned bridges and tunnels.



Operation NY S.E.C.U.R.E., multi-agency counter terrorism and incident response exercises on Amtrak's Empire Corridor and Metro-North's Hudson Line, launched in April of 2018.

The background image is a composite of several New York State landmarks. At the top, the Tappan Zee Bridge spans across a river. Below it, the New York State Capitol building is visible on a hillside. The bottom portion of the image shows a rocky coastline with a large, modern stadium, likely the MetLife Stadium, and a body of water in the foreground. The entire image has a blue color overlay.

Governor Cuomo formed a bipartisan panel of counterterrorism experts to help strengthen New York's defenses. This report reflects the Counterterrorism Advisory Panel's evaluation of New York State's counterterrorism capabilities and makes initial recommendations for enhancing coordination among the state's public safety agencies and strengthening security at airports, bus and train stations, bridges, tunnels and other critical infrastructure across the state.



RECOMMENDATIONS

Enhance Statewide Counterterrorism Coordination

New York faces a terrorist threat that is persistent, complex, and constantly evolving. Responding to that threat requires effective planning, investment, and coordination among many different federal, state, and local agencies. New York has an extraordinary team leading its key law enforcement agencies; we want to enhance communication, coordination, and information-sharing with this proposal.

Designate a statewide counterterrorism advisor (the “Advisor”)

As a senior official reporting directly to the Governor and dedicated to focusing on homeland security and counterterrorism issues, the Advisor would be well-positioned to coordinate the state’s counterterrorism efforts and plan the state’s long-term counterterrorism strategy. This position would be analogous to the President’s Homeland Security Advisor, who advises the President and coordinates interagency policy on homeland security and counterterrorism matters.

The Advisor would report to the Governor and the Secretary and would chair a multi-agency counterterrorism coordinating council. The Advisor’s duties would include:

1. Coordinating New York State’s counterterrorism efforts on behalf of the Governor;
2. Advising the Governor on emerging terrorist threats and tactics;
3. Identifying cutting-edge counterterrorism technologies and making recommendations for rapid deployment of those technologies to meet existing and emerging security needs;
4. Identifying best practices and making recommendations regarding security measures, tactics, and training;
5. Coordinating the allocation of state counterterrorism resources;
6. Organizing statewide preparedness exercises and trainings;
7. Monitoring state agencies’ progress in achieving the metrics identified in the New York State Homeland Security Strategy;
8. Serving as the Governor’s statewide coordinator for terrorism incidents;
9. Liaising with local and federal counterterrorism partners;
10. Monitoring national and international trends in terrorism tactics, techniques, and procedures, from both classified and unclassified sources, to inform New York’s counterterrorism strategy; and
11. Advising the Governor on developments in cybersecurity, making recommendations for protecting critical infrastructure and information systems from cyberattacks, and serving on the existing Cyber Security Advisory Board.

The position of Advisor should be filled by someone with significant management-level experience in law enforcement, homeland security, and counterterrorism.

Create a statewide, multi-agency counterterrorism coordinating council (the “Council”)

We recommend that the Governor create a statewide Counterterrorism Council to give key law enforcement leadership the opportunity to share ideas, intelligence, and strategies; implement key counterterrorism technologies; ensure efficient allocation of state counterterrorism resources; and keep the leaders of all the relevant agencies and authorities in regular contact to coordinate the state’s counterterrorism efforts.

The Council would serve a coordinating function for the many stakeholders involved in New York’s counterterrorism efforts. The Council’s role would be analogous to that of the U.S. National Security Council or Homeland Security Council, which coordinate federal policy on homeland security and counterterrorism. The Council will help ensure a robust counterterrorism program statewide, including in areas outside New York City that may have few local resources to address the threat of terrorism.

The Council would be chaired by the Advisor, with membership from relevant state and local agencies including at least the following state leaders or their designees:



NEW YORK STATE POLICE
SUPERINTENDENT



NEW YORK STATE DIVISION OF
MILITARY AND NAVAL AFFAIRS
ADJUTANT GENERAL OF NEW YORK



METROPOLITAN TRANSPORTATION
AUTHORITY CHAIRMAN



**Homeland Security
and Emergency Services**

NEW YORK STATE DIVISION OF
HOMELAND SECURITY AND EMERGENCY
SERVICES COMMISSIONER



**Department of
Transportation**

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION COMMISSIONER



**Thruway
Authority**

NEW YORK STATE THRUWAY AUTHORITY
EXECUTIVE DIRECTOR



PORT AUTHORITY OF NEW YORK AND
NEW JERSEY EXECUTIVE DIRECTOR

The Council's duties would include:

- Identifying emerging terrorist threats and tactics;
- Identifying cutting-edge counterterrorism technologies and proposing deployment of those technologies to meet security needs;
- Identifying best practices regarding security measures, tactics, and training;
- Coordinating the allocation of counterterrorism resources;
- Making recommendations to streamline the 11 existing homeland security working groups and advisory boards;
- Coordinating statewide preparedness exercises and trainings; and
- Facilitating interagency communication during terrorism incidents.

New York is the #1 target in the country, and with an ever-changing threat, coordination and communication are crucial. A counterterrorism advisor and council exist at the national level, and we believe New York needs the same structure.

Once the Advisor is designated and the Council is convened, we recommend they:

Review the function and resources of state agencies and command centers focused on counterterrorism

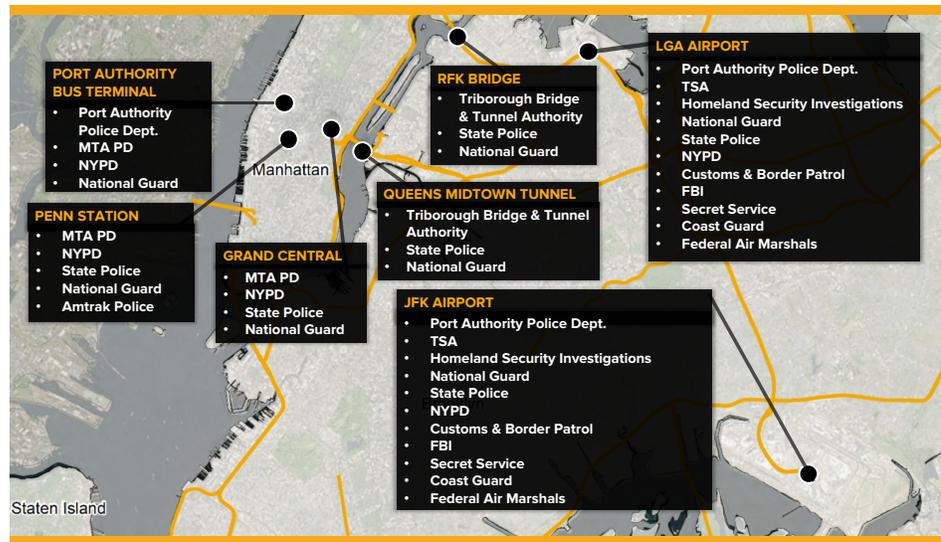
Given the importance of integration among federal, state and local agencies and the many entities involved in New York's counterterrorism efforts, a high-level review of deployment and resource issues could yield more efficient coordination of key functions such as intelligence gathering, law enforcement, infrastructure protection, public outreach, and emergency management. In addition, as the nature of the terrorist threat and possible targets change, it is important to ensure that the valuable intelligence gathered by the New York State Intelligence Center ("NYSIC") and the Joint Terrorism Task Forces ("JTTFs") is communicated to all the appropriate stakeholders.

A review by the Advisor and Council would consider whether counterterrorism personnel and functions are appropriately deployed to meet the state's counterterrorism needs across state agencies and authorities. In addition, this review would consider the representation of state, local, and federal agencies at NYSIC and the three JTTFs in New York State and consider whether any changes are needed.

Enhance Coordination at Major Transportation Hubs



Since 9/11, New York has substantially increased the counterterrorism assets deployed to protect airports, train and bus stations, bridges, tunnels, and critical infrastructure sites. After a focused review of the known targets—airports, major bridges and tunnels, and transit hubs downstate—we found that while each hub has tremendous state, federal, and local security assets in place, many have been added ad hoc, over time. Given the separate chains of command at each agency, a holistic review is necessary to ensure that personnel and other assets at each location are deployed and coordinated effectively.



In some locations, multiple agencies—such as the New York State Police (“NYSP”), MTA Police, Port Authority Police, New York Police Department (“NYPD”), and National Guard—share counterterrorism responsibility and have overlapping jurisdictions. We recommend conducting a review of the current deployment and coordination of personnel from NYSP, National Guard, Port Authority Police, MTA Police, Amtrak Police, and NYPD at major airports (JFK and LaGuardia), bus and train terminals (Penn Station, Port Authority, and Grand Central), and bridges and tunnels and make recommendations for any necessary changes. This evaluation should also consider other agencies operating at these locations, such as U.S. Customs and Border Protection and the Transportation Security Administration.

NEW YORK STATE COUNTERTERRORISM ADVISORY PANEL RECOMMENDATIONS

This review should consider whether staffing levels and assigned roles are appropriate given the security needs of each site and the mission and authorities of each agency. The review should consider whether changes are needed to avoid unnecessary duplication or to cover high-risk locations, such as areas outside airport security barriers. In addition, the review should consider whether to add specialized roles for NYSP or other agencies, such as mobile units and vehicle inspection.

In addition to considering staffing issues, the review should evaluate whether agencies are coordinating and communicating effectively. We recommend taking steps to enhance coordination and communication among these agencies, including but not limited to ensuring there are effective joint command centers. We also recommend a rapid assessment and deployment of promising new technologies to assist law enforcement in protecting these critical transportation hubs.



Penn Station: Vulnerabilities

- **No physical, 24/7 command center**
- **Overlapping jurisdictions complicate crisis coordination**
- **Civilian employees need uniform crisis response training**
- **Labyrinthine layout**
- **Limited crisis response technology**

Nowhere is there a greater need for coordination than Penn Station. It's the most heavily used train station in the Western Hemisphere: it serves 630,000 daily weekday travelers, more than LaGuardia, JFK, and Newark airports combined (and including over 200,000 daily weekday subway passengers), but its last major security overhaul was in the late 1960s. Obviously, the threat landscape has changed significantly since then.

The overarching issue at Penn Station is coordination. There is no physical, 24/7 center for all commanders to gather during a crisis. Federal, state and local agencies operate at Penn Station alongside private entities, all of which are trained by and report to different chains of command. If there's a crisis, all law enforcement agencies and civilian personnel need to know how to react, and emergency response plans need to align and work in unison. Civilian employees need uniform crisis response training. The tight corridors, tracks, and contained spaces are a major security concern. Adding to this problem is the lack of crisis response technology. Any recommendations must ensure that law enforcement agencies stationed at Penn Station have the technological capacity to communicate and access the same real-time information during a crisis.

As New York implements the following changes at Penn Station, we also recommend rolling them out to other transportation hubs including JFK, Grand Central, LaGuardia, Port Authority Bus Terminal, and others across the state.

Penn Station: **Solutions**

- **Establish unified 24/7 command center**
- **Enhance coordinated crisis plan**
- **Maintain interoperable communications**
- **Train employees on emergency protocols**
- **Assess security of internal layout**
- **Prioritize real-time mapping**

Establish unified 24/7 command centers

The creation of unified, 24/7 command centers is an integral component to ensuring agencies have access to the same information and are communicating regularly. Unified command posts should therefore be incorporated into any renovations or redevelopments of major New York City transportation hubs, including Penn Station. A unified command post would be staffed by each law enforcement agency and National Guard soldiers operating at each hub. The post would be used to coordinate incident response and facility management during an emergency.

Standing up and operating the command center would be the responsibility of the lead law enforcement officer at each site—e.g., Port Authority’s Chief Security Officer, or a designee, would have this responsibility at JFK and LaGuardia; while MTA’s Chief Security Officer, or a designee, would be responsible at Grand Central.

Establishing a unified command post would help ensure law enforcement agencies and the National Guard operating at a transportation hub all have situational awareness, are in communication, and can coordinate their response to incidents that arise. Indeed, the John F. Kennedy International Airport Multi-Agency Security Review Team (“JFK Review Team”), evaluating the response to a false alarm at JFK in 2016, recommended the creation of a “single, unified operations center responsible for overseeing and directing security operations for the entire airport and facilitating shared communications,” which is well on its way to completion at JFK. Such a unified command center is also important at other major transportation hubs where multiple security agencies operate.

Enhance coordinated crisis plans

The Governor should require the leadership of each security agency operating at major New York City transportation hubs to establish joint protocols for coordination and communication,

both during crises and on a daily basis. Establishing a “standard joint operating protocol” is key to effective coordination of multiple security agencies operating at the same site. Agencies have already established joint daily meetings at some sites, such as MTA Bridges and Tunnels.

Maintain interoperable communications

We recommend ensuring that all security agencies operating at major New York City transportation hubs have interoperable communication capabilities. New York State has made great strides in improving interoperability, and DHSES has an office dedicated to achieving interoperability statewide. Nevertheless, given the critical importance of interoperable communication at major transportation hubs, we recommend identifying any gaps in interoperability at these locations to address any existing coverage and interconnectivity issues.

The Governor should require law enforcement agencies and the National Guard to report on the status of radio interoperability for security personnel stationed at major transportation hubs. If interoperability has not been fully achieved, the agencies should provide a plan and timeline for addressing the issue.

Train employees on emergency protocols

Coordinated counterterrorism training may be appropriate for security and non-security personnel at certain major NYC transportation hubs. Consistent training across agencies and with civilian personnel is essential to ensuring a coordinated approach to terrorist threats at the state’s major transportation hubs. Indeed, the JFK Review Team recommended development of a “security training regimen that incorporates all security stakeholders stationed at the airport as well as external first responders.”

Training of non-security employees is also important to help identify potential threats and avoid panic as events unfold. The U.S. Department of Homeland Security (“DHS”) has recommended that employee training at public facilities should “[i]ncorporate security awareness and appropriate response procedures for security situations.” While some employees at airports and the MTA already receive security training, this training could be expanded to other locations and staff.

The law enforcement training would include specialized counterterrorism training for some or all officers operating at the site. Topics may include explosive detection, behavioral observation, vehicle screening, biological incident response, hostile surveillance, suicide bomb response, and evacuation plans. For non-security employees at each site, training would cover security awareness issues, such as behavioral indicators of suspicious activity, suspicious activity reporting, crisis communication, responding to an active shooter, and evacuation.

Prioritize real-time mapping to assist first responders

The state should procure and deploy software that overlays blueprints and GPS tracking for use by first responders during active shooter attacks and other emergencies, and to incorporate into trainings and exercises. The state should also consider expanding the use of real-time mapping to critical infrastructure, major transportation hubs such as Penn Station, and other heavily trafficked locations.

The technology would improve the situational awareness and coordination of first responders when responding to incidents in potentially unfamiliar locations, and strengthen first responders' understanding of these locations during trainings and exercises.



Optimize Technology



Strategic deployment of new technology is essential to help law enforcement respond to the rapidly evolving terrorist threat. However, with so many agencies involved in counterterrorism in New York, no single agency is charged with analyzing technology needs and assessing possible solutions. To jump-start this process, we recommend the Council conduct a review of current technology deployments to identify and deploy technology enhancements to address critical security needs across the state.

The review would proceed in three stages: (1) compiling an inventory of technology already in the possession of relevant agencies and their uses and capabilities; (2) identifying needs for additional technology based on current threats; and (3) assessing available technologies and making recommendations for procurement and deployment and pilot programs where and if necessary. The review should also include an assessment of the privacy implications of any new technologies.

The review would be led by the Deputy Secretary for Public Safety in coordination with the Advisor and the Council once they are established.



REVIEW TECHNOLOGY DEPLOYMENT

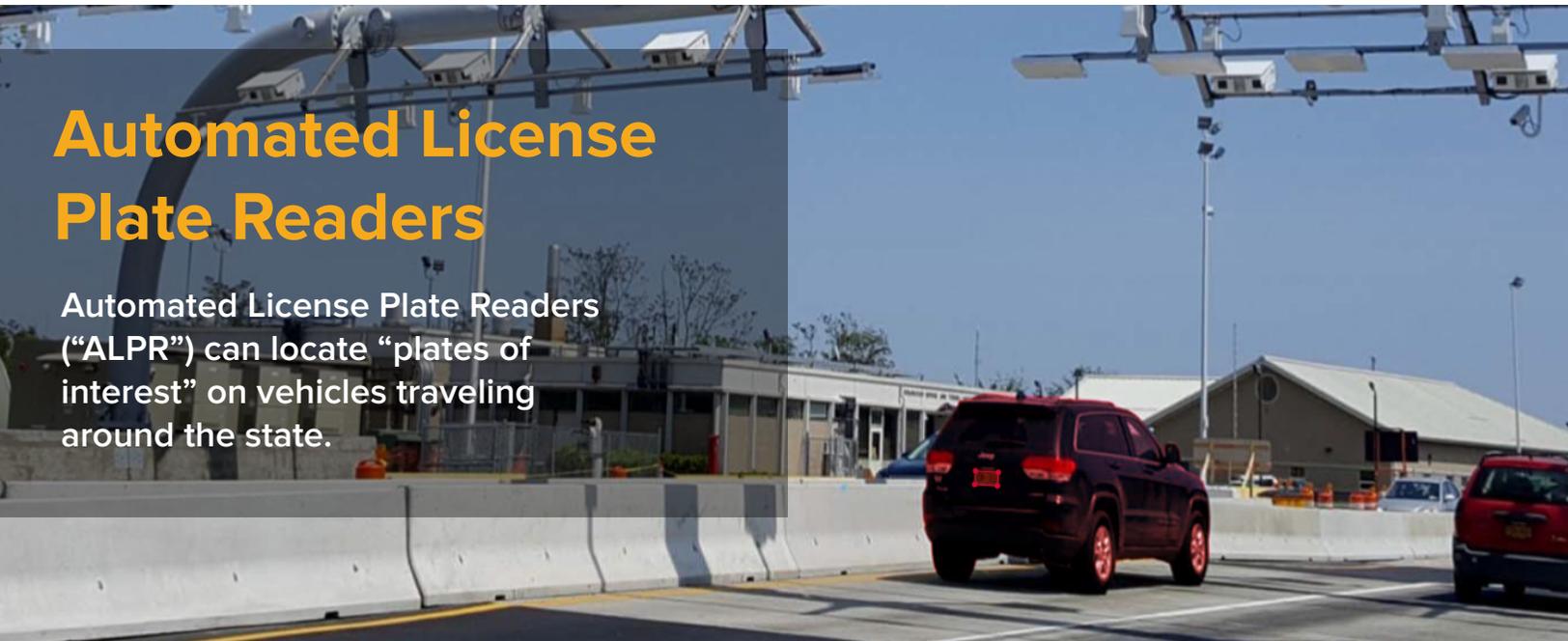
As we enhance coordination across the state, we want to ensure law enforcement officers have the best tools at their disposal. We recommend reviewing existing technologies to make sure we are deploying them effectively, including such technologies as:

Cameras on trains, buses, and in transportation hubs



Automated License Plate Readers

Automated License Plate Readers (“ALPR”) can locate “plates of interest” on vehicles traveling around the state.



Bomb Disposal Robots

These robots examine and disable Large Vehicle Borne Improvised Explosive Devices (“LVBIED”) while keeping law enforcement officers out of harm’s way; the state should make sure it has a sufficient number of robots to keep its citizens safe.



EVALUATE NEW TECHNOLOGIES

We also recommend evaluating and implementing new technologies that may provide important new capabilities. Items to consider, some of which have been suggested by New York state agencies, could include:

Chemical, Biological, Radiological, Nuclear, and Explosive Detectors

Several detectors for firearms and for chemical, biological, radiological, nuclear, and explosive (CBRNE) materials are already in use; agencies should ensure they continue evaluating deployment and stay abreast of the latest developments in this area.

Standoff Passive Object Detection Cameras

These specialized cameras can recognize improvised explosives, weapons, and suicide vests on people walking through crowded areas. Operating in the background, these cameras do not generate images of body characteristics.

Drone Technology



Implement new technologies

As these or other technologies prove promising, the Council should ensure coordination and collaboration regarding the most efficient and effective allocation of the state's technology.

One tool we highly recommend procuring is portable crash barriers and bollards to prevent vehicle-ramming attacks at large outdoor events statewide. Vehicle-ramming is an increasingly prevalent tactic for terrorists. New York, London, Berlin, Barcelona, Nice, and other cities have been targeted in vehicle-ramming attacks in recent years. These attacks require little planning or training, making them difficult to predict and prevent. Portable bollards can be temporarily deployed to high-risk areas, and are a cost-effective means to mitigate the threat posed by vehicle-ramming. These barriers can literally stop would-be terrorist drivers in their tracks.



Expand Statewide Counterterrorism Efforts

The terrorist threat is not just about New York City. New York is the fourth-most populous state in the country with more than 50% of the population living outside the city. While focus often remains on the downstate risks, New York State covers nearly 55,000 square miles and has 445 miles of border with Canada and multiple borders with other states. New York also has mass gathering locations across the state. Rather than identifying these locations by name—which would only provide a road map to potential attackers—we recommend that New York ensure its state law enforcement functions as a seamless, coordinated unit across the state, because any location where crowds get together is a potential security risk.



Many large-scale public events have become targets recently: a soccer match and a concert in Paris in November 2015; a nightclub in Orlando in June 2016; and concerts in Manchester in May 2017 and Las Vegas in October 2017. To reduce the risk of attacks like these, we recommend the Council consider recommending increasing National Guard presence at events to deter potential terrorists and consider expanding some of the state’s current programs, including:

Expand counterterrorism risk assessments

Recent attacks have highlighted the vulnerability of locations where large groups of people may congregate, whether at an outdoor concert or on a bike path. We recommend working with federal, state and local law enforcement to identify vulnerable sites across the state so that steps can be taken to increase security. We also recommend conducting security risk assessments prior to the construction of certain facilities, including renovations or redevelopments of major transportation hubs such as Penn Station.

Security risk assessments by the Critical Infrastructure Protection Unit (“CIP”) in the Division of Homeland Security and Emergency Services Office of Counter Terrorism (“OCT”) currently assess the risks for existing critical infrastructure. Currently, CIP assessments are focused on the security of a variety of state-owned and private critical infrastructure facilities. For example,

the 80 site visits conducted by CIP over the last two years included energy, chemical, or oil and gas facilities, as well as government buildings, healthcare facilities, transportation hubs and a few public gathering places.

The CIP security risk assessments should be expanded to include more:



Public gathering locations

Recent attacks have demonstrated that crowded public gathering places are potentially vulnerable to active shooters, vehicle attacks, improvised explosive devices, or other attacks. Expanding risk assessments to cover more of these locations statewide would help identify and mitigate security vulnerabilities. These locations would include venues for large events, such as stadiums and arenas.



New facility construction

Conducting security risk assessments prior to construction saves resources by avoiding costly retrofits that may be necessary when vulnerabilities are discovered in a completed facility. Although pre-construction security assessments are often conducted for major construction projects, these assessments may not reflect best practices the way an in-depth risk assessment would, reducing their impact.

The state should expand CIP's current work to include pre-construction risk assessments, and give consideration to requiring pre-construction risk assessments for all new critical infrastructure. New York should also require pre-construction risk assessments for all new significant state facilities. Such assessments are particularly important for redevelopments or renovations of major transportation hubs, such as Penn Station. Finally, CIP should share best practices for pre-construction risk assessments with private property owners and developers to protect New Yorkers no matter who owns the property.



Additional potentially vulnerable locations

Given the large number of potential locations for assessment and the limited staff, DHSES should work with appropriate authorities to train state and local law enforcement officials to identify and prioritize potentially vulnerable locations in each of the state's 16 Counterterrorism Zones and to conduct the assessments.

In New York City, DHSES would work with appropriate city authorities to review the scope of security assessments that have already been conducted on public gathering sites and to identify any locations, including on state-owned property where assessments may still be needed.

Conduct statewide preparedness exercises and training

Exercises and training are already key parts of New York State's counterterrorism program. For example, the New York State Preparedness Training Center ("SPTC") trains local, state, and federal first responders and hosts large-scale exercises. Agencies such as the Metropolitan Transportation Authority ("MTA"), Port Authority of New York and New Jersey ("Port Authority"), and New York Police Department ("NYPD") also conduct exercises and trainings. We do not propose to replace these efforts, but instead to build on them and ensure that such exercises occur regularly and cover each region of the state. As not all local law enforcement officers have the resources to attend training at the SPTC, we recommend expanding the SPTC's training to:



Establish regional tabletop exercises to prepare for terrorism events

Exercises would be conducted at least annually in each region of the state and would include local and state law enforcement and first responders. These exercises would build on those already conducted in New York City and elsewhere in the state with the goal of ensuring statewide readiness. The Advisor and the Council would work with the Division of Homeland Security and Emergency Services ("DHSES") to organize the exercises.



Conduct trainings for complex coordinated attacks

DHSES should conduct training and exercises in upstate cities to enhance preparedness for complex coordinated terrorist attacks. Training would focus on local leaders rather than law enforcement personnel.



Develop a statewide active shooter protocol and training materials for distribution to local law enforcement

Training of local law enforcement officers is essential to ensure they are prepared to respond to active shooters and to safely evacuate affected areas. Yet some local law enforcement officers, particularly outside of New York City, may not have received such training. Developing and distributing a basic protocol and training materials would help fill this gap. These materials would be developed by DHSES and would complement the in-depth training provided to some law enforcement officers at the New York State Preparedness Training Center.



Expand Red Team exercises

New York’s “Red Team” exercises—already above and beyond other states’ initiatives—coordinate teams of local law enforcement to educate local businesses on how to identify and report potential terrorist activity. Red Team exercises consist of unannounced visits to private businesses and organizations by undercover law enforcement and homeland security personnel who engage in suspicious activity to assess how the businesses respond and then provide feedback on possible improvements. The goal is to encourage security enhancements and promote citizen awareness and information-sharing.



We recommend expanding the Red Team exercises to:



Critical infrastructure partners

New York should expand its Red Teams program to critical infrastructure partners in certain high-priority sectors such as energy, water, and commercial facilities. OCT would work with businesses and other organizations in these sectors to administer a training to employees on identifying and reporting suspicious behavior, then conduct a Red Team exercise at the facility within a year of that training. Participants would be designated as a Certified Red Team Partner upon completion of the training and Red Team exercise.



Large-scale public gatherings

We also recommend expanding Red Team exercises conducted by DHSES’s Public Safety Unit to local businesses leading up to large-scale public gatherings. Given the terrorist threat posed to large public gatherings, it is important to identify and mitigate potential security vulnerabilities of businesses such as vehicle rental companies, hotels, and certain retail stores in the vicinity of these events.



Partnerships with neighboring states

Additionally, New York should partner with neighboring states to ensure New Yorkers are protected from all sides. These partnerships would allow DHSES to conduct Red Team exercises with businesses in those states. Working with neighboring states to conduct Red Team exercises with businesses in those states would improve security in both states. For example, the perpetrator of the recent Hudson River bike path attack rented a truck from a home improvement store in New Jersey for use in the attack in New York. Coordinated exercises with relevant border state entities could heighten awareness of such tactics and help prevent similar attacks in the future.

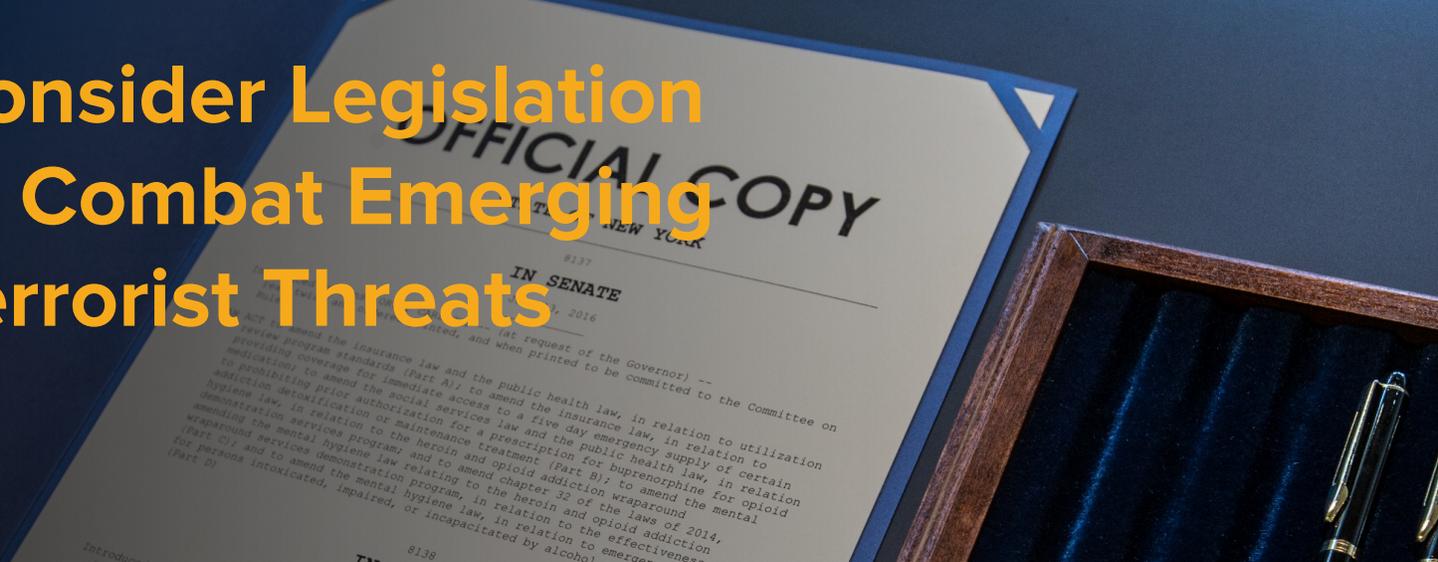


Engage community leaders

New York should also continue to engage community leaders to gain their valuable insight into effective outreach programs and ensure community needs are taken into account as the state moves forward with these recommendations. Furthermore, the Deputy Secretary for Public Safety, the Council, and the Advisor should review best practices for community-based solutions as part of their ongoing work.

The increasing problem of domestic terrorism was highlighted in the state's 2017 - 2020 Homeland Security Strategy. The problem has also been highlighted in threat assessments from the U.S. Department of Homeland Security ("DHS"). Intervention programs and community-based solutions can be cost-effective tools to help prevent attacks before they are carried out. The goal of this review would be to identify effective intervention programs and community-based strategies to mitigate the risk of domestic terrorism and to make recommendations to the Governor and relevant state agencies for the implementation of such strategies.

Consider Legislation to Combat Emerging Terrorist Threats



Some measures to improve counterterrorism defenses may require legislation. We have identified several potential legislative initiatives for the state to consider in the next legislative session. These initiatives address the threat from tactics and tools favored by terrorists, including improvised explosive devices, mass shootings, vehicle ramming, and drones. These steps include regulating certain explosive components, banning the sale or ownership of bump stocks, increasing regulations on rental vehicles to deter terrorists, and developing countermeasures to combat drones.

Track and regulate explosive materials

Tannerite is a brand-name binary explosive commonly used for target practice at gun ranges. It is sold as a kit—with instructions on how to detonate—consisting of substances that, when unmixed, are inert and unregulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives. But once combined, the result is an explosive material. The FBI warned in 2013 that exploding targets could be used in improvised explosive devices as an alternative to fertilizer-based explosives, which are subject to stricter regulation. Tannerite or a similar compound was used in the 2016 Chelsea bombing, and large quantities of Tannerite were found in the Las Vegas gunman's car.



We recommend that the Governor introduce legislation to regulate and track Tannerite and similar kits to keep these dangerous explosives out of terrorists' hands.

Close the bump stock loophole

To address the threat of mass shooting terrorist attacks, we recommend that New York prohibit the ownership or sale of bump stocks, devices that can be attached to semiautomatic weapons to increase the rate of fire. Because bump stocks increase a weapon's rate of fire, they have the potential to make shootings, particularly those aimed at large crowds, far more deadly. The Las Vegas shooter fired weapons equipped with bump stocks into a crowd of thousands, killing 58 people and injuring nearly 550.



Current New York State law bans owning weapons equipped with bump stocks, but it does not explicitly prohibit the possession or sale of the bump stock accessory itself. Proposed legislation would explicitly prohibit selling or owning bump stocks. We recommend closing the bump stock loophole and prohibiting owning or selling bump stock accessories in the state of New York.

Tighten controls on truck rentals

As extremist groups inspire people to commit terrorist acts, even something as simple as requiring a second form of identification to rent a vehicle or prohibiting leaving the keys in a large truck could deter a potential terrorist. As terrorist publications have advised that large, load-bearing trucks are “ideal” weapons for vehicle-ramming attacks, we urge the Legislature to consider protections that could deter terrorists from using such trucks as weapons against New Yorkers.



Prohibit the weaponization of drones

Finally, New York should also explore legislation to protect its citizens and critical infrastructure from terrorist abuse of drone technology. While use of drones by terrorist organizations has largely been confined to conflict zones, the widespread availability, low cost, and mobility of drones makes an attack on U.S. soil a significant and growing threat. In 2014, the FBI arrested a suspect who allegedly plotted to use drones to bomb a school and a government building. Several states have passed or introduced legislation targeting the weaponization of drones, for example by prohibiting the firing of projectiles from drones or prohibiting possession of a drone with a weapon attached. Potential restrictions that could deter terrorists and provide tools for law enforcement who identify suspicious drone use include prohibiting drone weaponization, restricting firing projectiles from drones, and protecting critical state infrastructure from drone threats.

We also recommend that the Governor continue to develop policies and technologies to protect critical state infrastructure from drone interference; and instruct the Council and Advisor to develop a long-term drone strategy to combat the threat posed by unauthorized or malicious use of drones, including possible countermeasures. Because deterrence efforts are unlikely to entirely eliminate unauthorized or malicious use of drones, the development of countermeasures is also important to prevent an attack. As drone technology will continue to evolve, it is imperative that New York stay ahead of the curve.



Acknowledgements



We appreciate the Governor’s focus on this vital issue. In conducting its assessments, the advisory panel reviewed existing reports from a variety of sources including the New York State Division of Homeland Security and Emergency Services (“DHSES”), the New York State Police (“NYSP”), the New York State Division of Military and Naval Affairs (“DMNA”), the Port Authority of New York and New Jersey (“Port Authority”), the Metropolitan Transportation Authority (“MTA”), the New York State Department of Transportation, the New York State Thruway Authority, and the federal Department of Homeland Security. In addition, the advisory panel consulted with leadership and security professionals at several state agencies, each of whom provided crucial insights. The advisory panel would like to thank the leadership of these agencies, including:

- **New York State Division of Homeland Security and Emergency Services**
- **New York State Police**
- **New York State Division of Military and Naval Affairs**
- **Port Authority of New York and New Jersey**
- **Metropolitan Transportation Authority**
- **New York State Department of Transportation**
- **New York State Thruway Authority**

To the extent recommendations could be acted upon immediately, state personnel have already begun planning and implementing some of our guidance.

Under Governor Cuomo’s leadership, New York will continue to combat the terrorist threat and protect its citizens. The advisory panel looks forward to continuing to assist the Governor and state officials as they implement these vital programs and work to keep the people of New York safe.

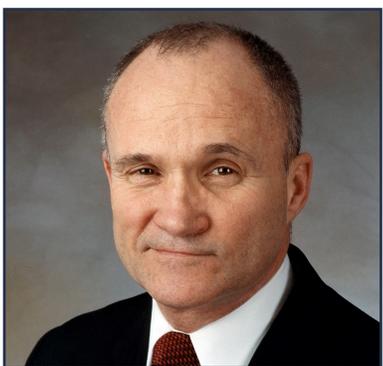
Counterterrorism Advisory Panel



KENNETH L. WAINSTEIN

**Former White House Homeland Security Advisor
to President George W. Bush**

Mr. Wainstein served the public for 20 years in key national security roles including as Homeland Security Advisor to President George W. Bush. He began his career in 1989 as a federal prosecutor in the Southern District of New York and the District of Columbia before serving as General Counsel of the Federal Bureau of Investigation and then as Chief of Staff to Director Robert Mueller, where he was involved in myriad sensitive national security and criminal enforcement matters. Following his tenure at the FBI, he was twice nominated and confirmed for leadership positions in the Justice Department: first as the United States Attorney in Washington, DC, and then as the first Assistant Attorney General for National Security. In that role, he oversaw the establishment of the Justice Department's National Security Division, the consolidation of its law enforcement and intelligence national security personnel and assets, and operational coordination with the agencies of the Intelligence Community. In 2008, Mr. Wainstein was named Homeland Security Advisor by President George W. Bush. During Mr. Wainstein's tenure, he coordinated the nation's counterterrorism, homeland security, infrastructure protection, and disaster response and recovery efforts. He is now a partner in Davis Polk's Litigation Department.



RAYMOND W. KELLY

Former New York City Police Commissioner

With fifty years in public service, including fourteen years as police commissioner of the City of New York, Mr. Kelly is one of the world's most well-known and highly esteemed leaders in law enforcement. Mr. Kelly was appointed police commissioner in January 2002 by Mayor Michael Bloomberg, making Commissioner Kelly the longest serving police commissioner in the city's history, as well as the first to hold the post for a second, separate tenure. He also served as police commissioner under Mayor David N. Dinkins from 1992 to 1994. A Vietnam Veteran and retired U.S. Marine Corps Reserve Colonel with 30 years of service, he is also the former Senior Managing Director of Global Corporate Security at Bear, Stearns

& Co. Inc. and before that, served as Commissioner of the U.S. Customs Service. From 1996 to 1998, Commissioner Kelly was Under Secretary for Enforcement at the U.S. Treasury Department. In addition, Mr. Kelly served on the executive committee and was elected Vice President for the Americas of Interpol, the international police organization, from 1996 to 2000. In 1994, he was appointed to serve as Director of the International Police Monitors in Haiti. He is a 43-year veteran of the NYPD. Commissioner Kelly holds a BBA from Manhattan College, a JD from St. John's University School of Law, an LLM from New York University Graduate School of Law, and an MPA from the Kennedy School of Government at Harvard University, and received the Legion de Honoraire from the President of France. Mr. Kelly is now president of the Guardian Group, a company that advises clients on risk management issues and corporate security.



LISA O. MONACO

**Former White House Homeland Security Advisor
to President Barack Obama**

Ms. Monaco has served in national security positions at the highest levels of the Justice Department, the FBI and the White House. A career federal prosecutor, Ms. Monaco served as chief of staff to then-FBI Director Robert S. Mueller, III, and later received bipartisan confirmation by the United States Senate to be Assistant Attorney General for National Security, responsible for leading nationwide terrorism investigations and prosecutions. As White House Homeland Security Advisor from 2013-2017, Ms. Monaco was responsible for the coordination of all homeland security and counterterrorism policy and for managing crisis response for a range of risks ranging from terrorist attacks, to mass shootings, to pandemic disease and cybersecurity incidents. She currently serves as Distinguished Senior Fellow at New York University Law School and Senior Fellow at Harvard's Belfer Center on Science and International Affairs. She also serves as a Principal at WestExec Advisors, a strategic advisory firm.



New York State Counterterrorism Advisory Panel Recommendations