BEYOND THE BROKEN WINDOW

William Bratton and the new police state
By Petra Bartosiewicz

Assistant chief Paul McDonagh was the man with the unenviable task of explaining the Seattle Police Department's drone program to the public. In October 2012, a lawsuit by the Electronic Frontier Foundation revealed that the department had secretly purchased a pair of camera-equipped Draganflyer X6 drones two years earlier. Soon after, McDonagh stood in a local community center before a roomful of citizens who were shouting "shame" and "murderer" and "no drones, no drones, no drones!" One woman, who stood next to a man wearing a Guy Fawkes mask, yelled, "This is a whole fascistic direction that needs to be stopped." As McDonagh continued with his presentation, the crowd shouted, "Fuck you, Mr. Police Officer" and "You're full of shit!"

In the face of this vitriol, McDonagh remained amiable, assuring the room that the drones—which he referred to as "unmanned aerial vehicles"—would be used for inarguably laudable police work, such as searching for lost children, and not for the surveillance of law-abiding resi-

Petra Bartosiewicz's "To Catch a Terrorist" appeared in the August 2011 issue of Harper's Magazine.

dents. But his argument wasn't helped by the fact that the city had purchased the drones before drafting a policy for their use. It did not matter to Seattle residents that the machines looked more like hobbyists' toys than planes for targeting insurgents from the skies of Afghanistan. The drones' cameras, capable of taking high-resolution photos from hundreds of feet in the air, were enough to mark them as part of a growing array of surveillance tools deployed by local law enforcement against citizens. A few months after the meeting, Mike McGinn, Seattle's mayor at the time, announced that the drones, which had been bought with federal funds, would be returned unused to their vendor.

In his statement canceling the city's drone program, McGinn insisted that the Seattle Police Department would remain focused on "community building." The phrase signaled a continued allegiance to community policing, the dominant criminal-justice model for most of the past three decades. After years of paramilitary-style law enforcement, largely driven by urban rioting in the Sixties and Seventies and by the war on drugs in the Eighties, reformers sought to repair broken relationships between police forces and the citizens they were supposed to be serving. Instead of patrolling streets like an occupying army, police would maintain public safety by engaging with communities. In practice this meant increased foot patrols that brought beat cops into direct contact with residents, as well as working groups that fostered dialogue between police and the community. In its

**FPO
AD PAGE TK**

most progressive articulation, the philosophy discouraged traditional arrest and incarceration models and instead aimed to address crime at the root—resolving a rash of muggings at a dimly lit bus stop, for example, by moving the stop to the front of a twenty-four-hour convenience store.

The approach gained so much political currency that the crime bill signed into law by Bill Clinton in 1994 created a federal Community Oriented Policing Services program, which allocated billions of dollars to hire 100,000 new officers, thereby sweetening the policy's appeal to local law-enforcement departments that were hungry for manpower. When applied thoughtfully, community policing aims to increase the legitimacy of police in the public's eyes. Citizens who have a sense of procedural justice, the argument goes, will be more likely to cooperate with law enforcement. But as the community-policing ethos spread throughout the country, it frequently served as a cover for heavy-handed policing of quality-of-life issues.

After 9/11, the model was seen as insufficient to meet the challenges of domestic terrorism, which was now a major law-enforcement priority, especially in big cities. The grant from the Department of Homeland Security that purchased Seattle's drones was part of a new policing paradigm that has moved to the forefront of local-law-enforcement strategies. Known in official parlance as "intelligence-led policing," and referred to by critics as "speculative policing," the new model amounts to a sharp reversal of community-policing principles. Surveillance, data mining, and behavioral profiling are the methods at the heart of intelligence-led policing. Its arsenal includes cell phone–tracking towers, street-camera systems, GPS trackers, automatic license-plate readers, and facial-recognition software. Like McGinn's drones, much of this equipment comes to police at no cost through federal grants intended to support regional counterterrorism efforts. Under investigative rules that were loosened following the 9/11 attacks, police have broad permission to use such technology against individuals in ways that would have been expressly forbidden in the past.

Outrage over Seattle's drone purchase represented a rare case of com-

munity pushback against these developments. It is telling that those drones did not end up going back to their vendor, which refused to accept them. Instead they were passed along, at no charge, to the Los Angeles Police Department. This was fitting, since the LAPD has led the refinement of the surveillance state in the urban laboratory. Much of the credit goes to William Bratton, the former chief of the department, who is currently in his second stint as commissioner of the New York City Police Department and is probably the nation's most famous law-enforcement officer. Though once touted in a *Time* cover story as "a leading advocate of community policing," Bratton has in recent years become the most vocal proponent of intelligence-led policing. His tenure in Los Angeles began in 2002, at a moment when local police were being enlisted as the eyes and ears of the government's domestic antiterrorism efforts. Bratton enthusiastically embraced the role. To the network of human surveillance constituted by his officers, he added a

full complement of spy gear. By the time Bratton left the department, in 2009, Los Angeles had quietly become the most spied-on city in America and a proving ground for corporations to test out new surveillance technologies.

When the Seattle drones arrived in Los Angeles on a commercial flight last May, there was little public outcry. Charlie Beck, Bratton's handpicked successor as chief of the LAPD, was careful to couch the department's new acquisition in the language of conciliation. He promised that the drones would not be launched until after a review by a team of privacy and civil-liberties advocates. "We're going to thoroughly vet the public's opinion," said Beck. "I will not sacrifice public support for a piece of police equipment." The drones were placed in a federal warehouse to await deployment.

Police spying in Los Angeles goes back to the city's Red Squads in the early twentieth century, when powerful trade organizations, seeking to thwart

unionization efforts among the city's working class, championed a broadly repressive agenda of police surveillance, wiretapping, and infiltration of organized labor by undercover agents. During the First World War, police in Los Angeles expanded their focus to include ideological subversion, hunting for radicals and "disloyal" people and groups. By the end of the Sixties, the successor to the LAPD's Red Squad, the Public Disorder Intelligence Division, had gathered some 2 million secret files over the course of fifty years on all manner of legitimate dissenters, from the Wobblies to antipoverty groups to antiwar protesters. In 1970, the P.D.I.D. spied on students and professors at UCLA who were suspected of "conspiratorial activities," and agents provocateurs infiltrated student demonstrations. The target list included political organizations as well as church and social-welfare groups and charities, categorizing suspect individuals as "controversial," "agitator," "anti-establishment," "anti-police," or "engaged in protest." Dossiers were maintained on city-council members and the mayor.

In 1976, after these programs came to light, the city's Board of Police Commissioners, a civilian panel that supervises the LAPD, ordered the department to destroy its surveillance records, but in 1983 a grand jury found that officers had retained boxes of files and that the P.D.I.D. was still keeping tabs on more than 200 organizations, including the Coalition Against Police Abuse and Citizens Commission on Police Repression. These two groups were part of a civil suit the next year that resulted in a $1.8 million settlement from the city, which forced the LAPD to enter into a consent decree that curtailed some of the worst surveillance practices. After the grand-jury revelations, the P.D.I.D. was finally disbanded, but was immediately reconstituted as the Anti-Terrorist Division, a new unit that spoke to the growing intelligence concern of the department.

When Bratton first arrived in Los Angeles, the LAPD was embroiled in a different kind of scandal. An officer from an antigang unit called Community Resources Against Street Hoodlums (CRASH) had been caught with

several pounds of cocaine stolen from an evidence locker, leading him to confess that he and dozens of his fellow officers had beaten and shot innocent people, concealed evidence, and framed cases against more than a hundred individuals. The Department of Justice imposed another consent decree, which required the LAPD to reform itself under federal oversight. Well spoken and media savvy, Bratton was a strategic choice by Los Angeles mayor James Hahn as the new chief of a disgraced department. He had already served high-profile terms in Boston and New York, and he had an insider's understanding of the LAPD's problems, having been employed by Kroll Associates, a security-consulting firm brought in by the Los Angeles City Council as an independent monitor, to ensure the department's compliance with the DOJ's consent decree. He'd gained a national reputation during his two years as commissioner of the NYPD, when he was given much of the credit for the city's remarkable drop in violent crime. He landed on the cover of *Time* in 1996—attention that contributed to rising tension with his boss, Mayor Rudolph Giuliani, who later that year very publicly pushed Bratton out of his job.

In his memoir, *Turnaround* (1998), Bratton describes himself as an early believer in community policing. While a uniformed officer in Boston, he was assigned to a neighborhood around Fenway Park, where police had been focused on a string of unsolved burglaries. Bratton discovered that residents were primarily concerned with quality-of-life issues, such as uncollected garbage and illegally parked cars. When his unit began ticketing cars that were blocking streets, residents became more cooperative; a few reported that they'd seen a burglar, whom police quickly apprehended. "Had we not addressed the sweeping of the street, we wouldn't have opened the dialogue that solved the larger crime," Bratton wrote. He added, in the textbook language of community policing, "We were beginning to become accountable to the community and their priorities."

When Bratton came to work for Giuliani in New York, however, he took a harder line in his interpretation of police accountability. A former prosecutor, Giuliani had campaigned on a platform of "taking back the streets" for law-abiding citizens. His administration derided as "glorified social work" the innovative Safe Streets policing initiative begun under his predecessor, David Dinkins, which had added thousands of beat-patrol officers and introduced prevention programs aimed at high-risk youth. Both Giuliani and Bratton had been enormously influenced by the Broken Windows theory of policing, which argues that petty disorderly behavior, left unchecked, can lead to an increase in serious crime, and should therefore be aggressively targeted. Bratton and other advocates of the theory view it as a variation on community policing, but in practice it was something like the opposite. Under Bratton the theory was taken to its extreme and became known as "zero-tolerance" or "suppression" policing. Police punished infractions as minor as loitering and jaywalking, along with what Bratton called "aggressive beggars" and "squeegee pests." The theory also prompted Bratton to champion stop-and-frisk policies, which were later widely condemned.

But the policing innovation for which Bratton has become most famous, which coupled zero tolerance with a data-driven approach, was CompStat, a crime-tracking system that launched in 1995. CompStat uses data analysis to identify crime hot spots, on the premise that allowing police to focus manpower will reduce crime rates. The system is now widely used by law enforcement across the country, though critics have debated its efficacy, arguing that it fosters a punitive approach. In New York, Bratton was criticized for using data to militantly enforce police accountability. Some supervisors admitted that pressure to bring in ever-lower crime figures led them to distort their numbers; in other cases, supervisors padded their statistics with arbitrary arrests for minor infractions. Although the city experienced double-digit drops in its crime rate during Bratton's term, these were in keeping with broad national trends. Meanwhile, citizen complaints of police misconduct sharply increased. In 1996 Amnesty International reported that

police brutality and excessive use of force in New York City, in many cases involving bystanders or directed against suspects already in custody, had become a "widespread problem" that needed to be "urgently addressed."

In Los Angeles, Bratton's policing strategy proved well suited to the new intelligence-gathering environment. He adapted the principles behind CompStat to create a new, future-leaning iteration called "predictive policing." The aim of the system was to accumulate data points so that police could anticipate where future criminal activity was likely to occur. The LAPD teamed up with an anthropologist named Jeffrey Brantingham and a mathematician named Andrea Bertozzi, a pair of UCLA professors who had received U.S. Army grants to develop data-intensive predictive algorithms to track insurgent activity in Iraq. The model has been developed into proprietary software called PredPol, a domestic-intelligence-gathering product that is used by the LAPD and other law-enforcement agencies. When I spoke with Bratton recently, he insisted that there is no conflict between community policing and predictive policing, which he views as part of "the continuing evolution of law enforcement." Intelligence gathering, he said, is the very basis on which policing is founded. "It's what police have always done, to observe and identify changing patterns of behavior." He suggested that most community members did not have a problem with surveillance: "I don't think the public is too concerned with us using technology to prevent crime. People don't get upset when doctors use technology to prevent Alzheimer's or cancer."

Recently I traveled to Los Angeles, where I met with some of the people who have been subject to surveillance in the city. Photographers are frequent targets, particularly those who are spotted taking pictures of public infrastructure (such as bridges) or industrial sites (such as refineries) that are considered potential terrorist targets. I met with one such photographer, Shawn Nee, at a restaurant in central Hollywood, a neighborhood where he often works documenting street life. After more than a dozen run-ins with police, Nee pur-

chased a small camera that he clipped inconspicuously to his messenger bag. The camera was running in 2009 when he paused at a subway turnstile on his way home and snapped several photographs. While taking the pictures Nee was detained by two deputies from the Los Angeles Sheriff's Department. They told him—incorrectly—that the transit authority prohibited photographs, and tried to question him. When Nee protested, one of the deputies grew irate.

"I want to know who you are and why you're taking pictures of the subway system," the deputy said. "Al Qaeda would love to buy your pictures, so I want to know if you are in cahoots with Al Qaeda to sell these pictures to them for terrorist purposes." He pushed Nee against a wall and searched his pockets while continuing to ask questions. When Nee invoked his right to remain silent, the deputy said, "You know, I'll just submit your name to a T.L.O. [terrorism liaison officer]. Every time your driver's license gets scanned, every time you take a plane, any time you go on any type of public transit where they look at your identification, you're going to be stopped. You will be detained. You'll be searched. You will be on the FBI's hit list. Is that what you want?" Nee and several other photographers who had similar experiences sued the department in 2011 for violating their civil rights, and settled with the city this year. He told me that he had no idea whether his name had indeed been given to a T.L.O. as a result of the 2009 incident.

Under Bratton's watch, Los Angeles became the first city to implement the Nationwide Suspicious Activity Reporting Initiative, a federal-local partnership program led by Homeland Security and the FBI. Suspicious Activity Reports, or SARs, have since been adopted by cities across the country and are now the primary means for documenting citizen behavior that might be construed as "preoperational planning related to terrorism or other criminal activity." This vague standard means that behavior that is both protected by the First Amendment and entirely benign can be labeled as suspicious. The LAPD's website advises immediately reporting individuals who "stay at bus or train stops for extended periods," "order food at a restaurant … without

eating," or "don't fit into the surrounding environment because they are wearing improper attire for the location or season." To supplement the surveillance being carried out by the city's law-enforcement officers, Bratton added a new initiative, the citywide iWATCH program, which encourages residents to report the suspicious behaviors of their neighbors.

A 2013 records request by the Northern California branch of the ACLU revealed the content of several thousand SARs that had been gathered by California law enforcement over a period of five years. The reports—with such titles as "Intoxicated subject attempting to purchase airline ticket makes non-specific threats" and "Suspicious individual sends suspicious email to the California Secretary of State"— do not suggest a high value of intelligence data. For the most part, they document ordinary behaviors that, depending on the perspective of the witness, could appear wholly innocent or deeply sinister. A man taking photos of buildings turns out to be a paint contractor appraising his next job; a person photographing a subway car is scouting a location for a television show; a group of photographers with high-powered cameras trained on an abandoned factory are paparazzi at a movie location. Many of the reports, predictably, single out Arabs. One SAR describes a doctor who, after applying for a job at a prison, leaves behind a "suspicious book" embossed with the words THE DAILY REMINDER. The book contains "a lot of Arabic style writing as well as names and phone numbers." Other SARs report sightings of "Middle Eastern looking males" and "Asian males" taking photographs of bridges, dams, and landmarks. There are reports in which no connection to terrorism is intimated, including one that tells of a "scheduled protest by an unknown number of individuals," who are "concerned about the use of excessive force by law enforcement officers."

The bland language and decontextualized narratives of the SARs obscure what in many cases are unwarranted and traumatic police encounters. One such report, dated June 2, 2011, and titled "Suspicious photography outside Long Beach Courthouse," describes a man "appearing to take digital photo-

graphs of the courthouse." The report says that the man told deputies that he was a journalist on assignment for the *Long Beach Post* and was "taking photos of drivers that were texting while driving on Ocean Blvd." After police asked to see the photos, the man "complied and allowed us to look at his pictures, which did not depict images of the courthouse."

The man is not named, but the report's date, location, and basic details match the account of Greggory Moore, a reporter who was one of Nee's fellow plaintiffs. According to Moore's civil complaint, deputies asked him whether he was taking pictures of the courthouse. "Before Moore could answer fully, one of the deputies told him to step away from the street," the complaint states. "The deputies took Moore's camera, while one told him to put his hands behind his back." The officers patted Moore down and "arranged themselves in a ring around Moore, so he could not leave, and proceeded to question him." Upset by the experience, Moore later met with a captain in the sheriff's department. As Moore tells it in the complaint, the captain said that courthouses were possible terrorist targets and that an individual taking pictures there could justifiably be considered a "potential terrorist."

Face-to-face citizen encounters with police surveillance are the most tangible proof of the watchful gaze of law enforcement, but they are far from the only evidence. As the narratives in many of the SARs make clear, the officers who initiate the reports often make no contact with their subjects, which means that the subjects themselves do not know they are being monitored. Some SARs contain redacted license-plate numbers, along with notations indicating that names associated with the vehicles have been entered into law-enforcement databases and checked for criminal records. Presumably, whatever other intelligence data has been assembled on the target of the reports is examined as well. Most SARs are sent to fusion centers—regional offices created by the Justice Department to share intelligence among local, state, and federal agencies—where they are reviewed by intelligence analysts who enter them into databases accessible to law-enforcement agencies across the country.

The rules governing the storage of intelligence data are confusing and contradictory. The LAPD, for example, retains all SARs, even those that prove unfounded, for at least one year, and shares them with the local fusion center, which keeps them for up to five. The FBI can hold on to the same records for as many as thirty years. In contrast to the long-established constitutional standards of "probable cause" and "reasonable suspicion" that have guided investigators in the past, the program allows a lower threshold of "reasonably indicative" behavior. This deliberately broad wording creates a standard of suspicion that enables police to base their investigations on hunches and stereotypes. There is no easy way for a person to challenge a report filed against him or her, because, unlike an FBI file, it is generally not subject to public-records requests. Thus the government can maintain records of a person's alleged suspicious behavior, and the subject of the report has no right to appeal the report or even to know that it exists.

Surveillance programs tend to intensify during times of uncertain national security and are usually directed against perceived radical elements and political dissenters. The Haymarket Square bombing of 1886, for example, led to the creation of the first Red Squad, in Chicago, where police used the incident to round up suspected radicals and individuals identified with the labor movement. Periodic waves of police surveillance and repression occurred in subsequent decades, peaking during the 1960s. In most cases, programs were curbed when the government's excess and overreach were exposed. The current era of intelligence-led policing, however, seems to be firmly entrenched, part of a preventive law-enforcement paradigm that demands we catch terrorists before they strike next.

In 2004, the Intelligence Reform and Terrorism Prevention Act articulated an "Information Sharing Environment" that encouraged the exchange of terrorism leads among all levels of law enforcement, as well as with the private

sector. Not long afterward, the Department of Homeland Security, citing a need to "routinely harvest information" from state and local sources, expanded the network of fusion centers. By 2009, with about seventy centers in operation, Janet Napolitano, who was the secretary of the DHS at the time, described them as the department's "top priority" and "a critical part of our nation's homeland-security capabilities." The mission of the centers had by then already expanded well beyond counterterrorism. Cases involving a "serial kidnapper, a gang or organized crime syndicate in an area, a serial or pattern murderer," said Napolitano, "all have been handled by fusion centers." Intelligence gathering and surveillance measures that had been intended to combat terrorism were now, as a matter of policy, applied to everyday policing.*

The transfer of intelligence-gathering responsibilities to state and local police has been accompanied by staggering sums of federal cash. Since 2002, the DHS alone has awarded more than $38 billion in grants. The primary funding conduit for cities like Los Angeles has been the department's Urban Areas Security Initiative, which has provided about $8 billion to support urban terrorism policing. The funds are allocated based on a formula created by DHS that ranks cities according to their relative risk of a terrorist attack. Unlike most grant programs, in which applicants seek funding for particular projects, U.A.S.I. funds are awarded entirely on the basis of the DHS's formula. Cities that qualify, in other words, are automatically given money each year without having to make proposals for how it will be spent.

Not surprisingly, once cities realized the potential windfall that U.A.S.I. represented, they began fighting for a share of the money. Los Angeles, which is regularly scored as one of the areas most at risk, has collected some $777 million

through the program. Less generously funded cities have made their displeasure known. In 2003, the Massachusetts congressional delegation sent a letter to the DHS demanding to know why Boston had not been included in the first round of funding. (The city has received U.A.S.I. funding in every subsequent year.) In 2011, Rhode Island's delegation objected after budget cuts caused the city of Providence to be removed from the list altogether. When funding for the San Francisco Bay Area was substantially cut in 2012, House minority leader Nancy Pelosi sent a letter to Napolitano expressing "strong concern" about the decision.

In California, where the DHS Office of the Inspector General found virtually no state oversight to assess whether U.A.S.I. funds were being effectively spent, the state's top emergency-management official told a reporter, "We're always looking for creative ways to calculate risk … to get the risk score as high as we can." A Nevada public-safety consultant, Mark Pallans, advised applicants, "Tell them what they want to hear, and you stand a chance of getting a better score." Companies that sell security and policing equipment—from surveillance cameras to license-plate readers to wireless fingerprint scanners—have also been eager to help the government spend its money. Many now offer free grant-writing assistance to show municipalities how to tap into Homeland Security funds that can be used to purchase the companies' products. The grant guide produced by Morovision, a night-vision-goggle manufacturer, suggests scenarios that applicants might include to help their chances:

> Maybe it's because you've had an upsurge of drug trafficking in your community, or there's been an increase in suspicious activity at a known parolee's residence. Perhaps a known sex offender has been doing odd things at night in their backyard and you have set up a watch, but don't have something to watch them with that wouldn't give away your position?

The billions of federal dollars awarded to states and cities under U.A.S.I. and other programs have purchased much of the urban-surveillance technology that monitors the movements and behaviors

of people who are not suspected of any criminal activity, let alone terrorism. Los Angeles, for example, is among a handful of cities that deploy automatic license-plate readers. Usually mounted atop squad cars, the devices are in effect roving scanners that indiscriminately capture data about drivers. The LAPD retains this information for two years. When the Electronic Frontier Foundation and the ACLU sued the department last year, seeking a week's worth of the data, the LAPD claimed that the records were exempt from disclosure on the grounds that all such data is "investigatory" even though it "may not—initially or ever—be associated with a specific crime." Another bulk-data-gathering device used by the department is the Stingray, which tracks a suspect's cell phone by mimicking a cell-service tower and sending the phone's signals to an LAPD computer. The Stingray can reveal the location of a suspect's phone in real time, but it sucks up the data of other nearby phones as well, including those that have no connection to the investigation.

The hunt for new surveillance technologies is ongoing: a delegation of senior LAPD officials traveled last year to Israel, where they were shuttled by minibus on a tour of security and intelligence companies. (The department's relationship to the country was first forged under Bratton, who made regular visits.) "We are all confronted with … the same enemy," Horace Frank, the LAPD's chief of information technology, told a crowd at the Big Data Intelligence Conference in Herzliya, "the ever-growing threat of terrorism and other major criminal elements." According to an account of the trip in the *Jewish Journal*, one item of particular interest to the police was a drone that carries cameras with facial-recognition capabilities and can intercept wireless communications. LAPD deputy chief Jose Perez tweeted a picture of the group at a company called Nice Systems, which specializes in surveillance and cyber intelligence, against a backdrop that read EVERY VOICE DESERVES TO BE HEARD.

In 2012, a Senate investigative committee headed by Oklahoma Republican Tom Coburn found that lax government oversight of the U.A.S.I. program had

led to a vast catalogue of expenditures with dubious counterterrorism benefits. Arizona officials spent $90,000 enhancing the security of the Peoria Sports Complex, where the San Diego Padres and Seattle Mariners hold spring training. Jacksonville, Florida, produced an instructional video about how to spot terrorists, which advised viewers to look for individuals who display "average or above average intelligence" or "conspicuous adaptation to Western culture and values" or "religious behavior" such as "mumbling prayers." In 2012, U.A.S.I. money was used to cover the $1,000 entry fees of hundreds of law-enforcement and military personnel who attended a counterterrorism summit held amid the "exotic beauty and lush grandeur" of a private island off the coast of San Diego. The five-day event, which was sponsored by the HALO Corporation, a private security firm, featured a keynote speech by former CIA and NSA director Michael Hayden, as well as a slew of private companies advertising counterterrorism services and products. A highlight of the summit was the staging of a "zombie apocalypse" by a tactical-training company called Strategic Operations. Actors dressed as zombies wandered around sets designed to mimic a Middle Eastern village while SWAT teams fired blanks at them.

Justin Rood, a former congressional investigator for Coburn who now works for the Project on Government Oversight, a nonprofit that investigates political corruption, told me recently that nothing much has changed since the revelations of the Coburn report, largely because the system for the disbursement of funds is so firmly set in place. "They've basically developed a program that hands out large amounts of cash, no questions asked, to every congressional state and district," Rood said. "Who would vote against that?"

Federal criminal-justice priorities, particularly those bolstered by generous government subsidies, have long shaped local policing. When Ronald Reagan declared drugs a threat to national security, executive policy tied federal law-enforcement funding for cities to the number of drug arrests made by local police. Predictably, the number of those arrests rose sharply. The Drug War was also the catalyst for the militarization of local law enforcement.

SOLUTION TO THE APRIL PUZZLE

NOTES FOR "SEARCH WARRANT":

*Puzzle editing by Dan Asimov. Note: * indicates an anagram.*

Broadway caricaturist Al Hirschfeld was famous for concealing NINA, his daughter's name, in his theater drawings. Thirteen straight-line NINAs can be found in this diagram.

THIRTEEN

ACROSS: 13. a-one*; 14. bo([yo]u-ill)on; 15. two mngs.; 16. hidden; 17. mizzen-an-[rop]e*; 19. *; 20. *; 22. go[a]d; 24. pre(c)leanin*-g; 27. lampooni*-N.G.; 29. in[n]-let; 30. a[merica]n-o[per]a; 31. *; 33. hidden; 35. in(rev.)-n; 39. hidden; 41. I-CI; 42. sei[smic], Italian; 43. s(I)mila*-r; 45. no-on[e]; 46. spin-snit, rev.; 47. hidden; 48. gen-i.e.; 49. *.

DOWN: 1. H-ydropla([so]n)ing*; 2. hidden; 3. [d]rawer; 4. S-E-N-S-E; 5. cosm(0-LOG)ist*; 6. if(rev.)-ZZ; 7. loca[tion]; 8. two mngs.; 9. S(I)ting; 10. i(ll)egal*; 11. no-DE; 12. anecdo*-TA; 18. hidden; 20. first letters; 21. nine(p[eace])ins*; 25. E-motion, pun; 26. hidden in rev.; 28. p[a-G]anini; 32. ra(1)ny; 34. hidden; 36. *; 37. O-Mitt, pun; 38. *; 39. A-are; 40. homophone; 44. ver[y], rev.

After Congress relaxed the Posse Comitatus Act, which was intended to keep military and domestic policing separate, there was a massive flow of military-grade tanks, helicopters, bomb-sniffing robots, and assault rifles to local police. The arming of local law enforcement was accompanied by a rapid expansion of heavily weaponized SWAT teams, whose primary function became the execution of drug raids and arrest warrants.

One of the chief consequences of such policies was the violence and destruction wrought on the urban communities in whose streets and homes the policies were enforced. Armored police units became a brutal assault force in Los Angeles under Daryl Gates, in the 1980s. Their methods included using a six-ton tank to knock down crackhouses. In 1987, the CRASH unit began an initiative called Operation Hammer. In one raid, CRASH forces armed with sledgehammers and axes caused so much destruction—smashing furniture, ripping a stairwell off a building, spray-painting LAPD RULES on walls—that the Red Cross offered citizens shelter and assistance in the aftermath. Community policing emerged as an alternative to this approach, which alienated neighborhoods and discouraged the cooperation of residents.

The normalization of intelligence gathering and surveillance as a function of local policing has had similarly far-reaching consequences. The blurred line between counterterrorism priorities and traditional crime prevention has exacerbated the most repressive tendencies of state and local police, encouraging them to view everyone with suspicion. Along the way, the investigative rules for law enforcement have been relaxed, including in cities with a long history of spying, like New York and Los Angeles. In 2012 the Board of Police Commissioners reinstated police powers that had been curbed under the 1984 consent decree. The rules originally required investigators to have a "reasonable and articulated suspicion" that people or organizations were "planning, threatening, attempting or performing a significant disruption of the public order." Police were permitted to assume false identities only if they had a "good faith reason" and had received authorization from two members of the police commission. The

rules that were approved in 2012 extended "initial lead investigations," which can be opened on the basis of a mere tip, from 60 to 180 days, and granted expanded permission to use surveillance and informants. The standard for launching a so-called open investigation was similarly relaxed: "reasonable suspicion based on reliable information" became simply "reasonable suspicion." The revisions were proposed with little opportunity for public input and passed the board without debate.

Though rationalized on a counterterrorism basis, predictive policing and the array of technological surveillance tools that enable it are generally levied against the same categories of citizens who have always attracted the attention of the police—minorities, protesters, activists, and the poor. In 2005, Bratton announced that a cutting-edge camera-surveillance network would be installed in the Jordan Downs housing project, one of Los Angeles's poorest communities. The project was intended to provide a remote police presence after funding for the city's housing police was cut. "The LAPD told us they don't have the officers to patrol properly," councilwoman Janice Hahn told the *Los Angeles Times*. The equipment was donated by Motorola, which used the project to field-test a networking technology that enabled police on patrol to view real-time images and pan and zoom the cameras remotely. To enhance the political appeal of the project, Motorola offered free Internet access to residents in the neighborhood, even though few of them could afford computers. In 2010, the city re-upped its partnership in Jordan Downs with Motorola, this time at a cost of $600,000. (That same year, Bratton was appointed to Motorola's board.) The LAPD also received a $200,000 donation from the Target Corporation for the institution of a "Crime and Resource Dashboard" designed to provide officers with access to multiple law-enforcement databases, including SARs. The technology, according to a department memo, was supposed to "foster safe families and communities" and help police to monitor the city's "health."

Law-enforcement officials at all levels have been eager to expand the definition of "terrorist" as widely as possible. The DHS has issued guidelines that describe

protesters and "anarchist extremists" as potential domestic-security threats. In a 2004 "State of the LAPD" report, Bratton pointedly reiterated a long-standing characterization of gangs as "domestic terrorists" and "urban terrorists."

While the predictive paradigm subverts the principles of community policing, law-enforcement officials in Los Angeles and elsewhere regularly invoke the rhetoric of community engagement to promote their intelligence-gathering initiatives. And yet the same programs that purport to engage communities have become vehicles for gathering vast amounts of information about innocent residents of those communities. In 2007, the LAPD attempted to establish a "Muslim mapping" program similar to one created by the NYPD's Demographics Unit. In testimony before a Senate subcommittee, Bratton's counterterrorism chief, Michael Downing, described the LAPD's plan as an "extensive" project that would "lay out the geographic locations of the many different Muslim-population groups around Los Angeles," as well as take a "deeper look at their history, demographics, language, culture, ethnic breakdown, socioeconomic status, and social interactions." While Downing made clear that the aim of the program was to ferret out "violent ideologically based extremism"—which would, of course, be dealt with by a "full-spectrum approach guided by an intelligence-led strategy"—he assured the Senate subcommittee that the "mapping blueprint" went hand in hand with a "methodical community engagement strategy." Mapping the city's Muslims, in other words, was about more than police surveillance; it was about the "community identifying with its families, neighborhoods, city, state, country and police." The LAPD's past outreach efforts, he said, had already "helped to build more robust trust networks."

It was no surprise that the city's Muslim population wanted nothing to do with the plan. Residents opposed the program with such vehemence that Bratton was forced to declare it "dead on arrival."

In Los Angeles I met Hamid Khan, a former commercial-airline pilot who immigrated to California from Pakistan

in his early twenties. Khan has spent much of the past three decades as a social-justice activist. In 2011 he helped to found the Stop LAPD Spying Coalition, one of the only organizations in the city dedicated to protesting urban surveillance. So far the issues have not provoked widespread public concern in Los Angeles—in part, Khan believes, because of the largely invisible footprint of the technology that is steadily collecting data on unsuspecting citizens. That invisibility, he says, makes strategies that merge counterterrorism with domestic policing all the more dangerous. "There has always been a law-enforcement mind-set against what is perceived as countercultural," Khan told me. "What we're seeing now is something more. We're in a very critical moment where policies of social control are being legitimized as part of a national-security infrastructure. We're moving beyond Broken Windows. Now they can get you before the window is even broken."

In the absence of a critical mass of citizen outrage, Khan has made common cause with the city's marginalized populations, who have been quick to recognize the significance of granting unfettered powers to police. Stop LAPD Spying shares office space with another advocacy group, the Los Angeles Community Action Network. I met an array of organizers and activists when I visited their shared headquarters, in a two-story building on a street that divides Skid Row and the Downtown district. Many, like Pete White, LACAN's founder, lived through the LAPD's militarized drug crackdowns, as well as the surveillance and harassment of their community groups. "What I see is a wholesale giving back of police powers to the LAPD," said White.

After talking with Khan, I walked to the LAPD's modernist headquarters, across the street from City Hall, and met with Michael Downing, who remains the city's top counterterrorism official. We sat in his modest, windowless office, which is filled with police memorabilia and looks out onto a row of cubicles. Downing was jovial as he handed me a series of impenetrable graphs and charts that explained, in his words, how to "combat insurgency." He was adamant that there was

no conflict between community policing and intelligence gathering, and was unapologetic about the Muslim-mapping initiative. "I can tell you with a straight face that it was about community policing," he said. He talked about the "convergence" of counterterrorism and urban-crime prevention. "The difference between a terrorist and a gang member is that a terrorist wants to target innocent people with a political agenda," he told me. "The gang member has gone through the same radicalization but doesn't have the political agenda." When I asked about Khan and the Stop LAPD Spying Coalition, Downing replied, "He's a radical. He wants to bring back the idea that this is the Red Squads."

After leaving the LAPD in 2009, Bratton took on a string of lucrative private-sector jobs before returning last year to his former post as police commissioner in New York.

The city's new mayor, Bill de Blasio, was elected on a platform of repairing community relations, and his criticism of stop-and-frisk and other heavy-handed policing methods had been central to his campaign. As the architect of many of these policies, Bratton seemed a strange pick to be de Blasio's top cop. But during the mayoral race, de Blasio's political opponents and the tabloid media had suggested that he would return the city to pre-Giuliani crime levels. (After his inauguration, the *New York Post* warned of the return of the dreaded "squeegee men.") By tapping Bratton, de Blasio showed that he understood how much his progressive agenda depended on fighting this perception.

Bratton's embrace of intelligence-led policing, meanwhile, received almost no attention. But in New York City, Bratton has continued on the path he forged in Los Angeles. He has declared that the NYPD will adopt predictive policing, telling the City Council last year that "it is real and it is here." He says 2015 will be the "year of technology" for the department—all officers will be issued smartphones and tablets that connect them to intelligence and law-enforcement databases. Among his key initiatives, Bratton announced the formation of the Strategic Response Group, a heavily armed police unit of

some 350 officers who would be dedicated to the dual missions of counterterrorism and public-protest response. (After widespread condemnation, the department backpedaled and decided there would, in fact, be a separate unit dedicated to protests.)

The law-enforcement issue that has most occupied the attention of New Yorkers since Bratton's return, however, has been the death, last summer, of Eric Garner, an unarmed black man who was approached on Staten Island by NYPD officers who suspected him of illegally selling loose cigarettes. After Garner argued that he shouldn't be arrested for the infraction, one of the officers placed him in a choke hold that killed him. The incident was caught on video, including Garner's repeated plea of "I can't breathe." That kind of suppression policing prompted George Kelling, one of the originators of the Broken Windows theory, to denounce the zero-tolerance approach as "zealotry and no discretion—the opposite of what I tried to preach." After the Staten Island district attorney decided not to prosecute the officer, thousands of residents took to the streets in protest, placing Bratton, along with de Blasio, squarely between an angry public and the police rank and file, who stood in solidarity with their colleague.

The furor over Garner's death has led to calls for a return to community policing in its original sense: working with neighborhoods to understand and meet their needs. But in our conversation, Bratton remained unapologetic about the brand of policing that set the stage for Garner's encounter with the NYPD. "Broken Windows," Bratton told me, "is probably the most vivid example of community policing there is." He also defended his support of stop-and-frisk, arguing that the policy makes for sound policing so long as it is carried out responsibly. "The mayor and I are in lockstep on this," Bratton insisted. "He campaigned on scaling back what he viewed as an overreliance on stop, question, and frisk, and we've done that." Once again he drew an analogy between crime and disease. "Both can be deadly," he said. "The question is how to prevent them while doing minimal harm. Of course, doctors say, 'First, do no harm.' There is always a risk of doing some harm to prevent greater harm." ∎