

[Unclassified]

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[15]**MEMORANDUM FOR THE RECORD****Event: Jim Tierney, NYPD Detective with the NYFO JTTF.**

Type of event: Interview

Date: August 26, 2003

Special Access Issues: None

Prepared by: Peter Rundlet

Team Number: 6

Location: FBI, New York Field Office

Participants - Non-Commission: Kim Brunell, Special Agent on detail to FBI OGC.

Participants - Commission: Peter Rundlet, Michael Jacobson, and George DelGrosso

Background. Jim Tierney joined the New York City Police Department (NYPD) in January 1985. For 17 years, he worked in the 44th Precinct, in the Bronx. He was then promoted to Detective and assigned to the 46th Precinct in the Bronx for 8 years. On November 28, 2001, he got transferred to the Joint Terrorism Task Force (JTTF) in the New York Division of the FBI. Both he and his partner, Martin Brown, came together. In order to join the JTTF, he voluntarily submitted to an oral interview and he said that he would have "given his right arm" to come to the FBI. He was assigned within a week of the interview. Once he was selected, he filled out his security clearance paperwork for a Top Secret clearance, and the clearance process took 7 or 8 months to complete.

Initial work with the JTTF. When he first arrived, Tierney was running down a lot of leads for the Midnight Response Team, which responded to JTTF leads. He did that until approximately January, 2002, when he was reassigned to the IT-2 squad, with his partner. During the initial period, he ran down PENTTBOM leads while he was waiting for his clearance to go through. He had an ID card, but not ACS access.

Access to databases. Tierney now has access to ACS (including telephone applications), IntelPlus (the DocEx stuff is in here: information from items recovered from abroad), NYPD databases (which includes criminal history checks, accident reports, license checks and which he also uses to do address checks on his subjects and their associates). However, Tierney believes that his ACS access is limited ("I believe agents can get some info we can't, but I don't know what it is."). There have been occasions when agents have come to him and asked him to run checks on the police databases.

Job Description. Once fully assigned, Tierney was assigned a case with a "hot number in Yemen, with links to the Hamburg cell." He is now working with the U.S. Attorney's office, doing a RICO case. "I have three individual cases. I have linked all three of my cases together. I work on Yemeni matters." They are being pursued as a criminal matter. My experience is that

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He works with an FBI Special Agent [redacted] IT-2 got this case because it involved PENTTBOM criteria – the Hamburg cell. IT-2 handles PENTTBOM, USS Cole bombing, and East African embassy bombings. IT-2 has about 10 agents, 10 NYPD Detectives, and one person from the Port Authority (and no other outside agencies). IT-1 focuses on al-Qaeda. Tierney mentioned that the DT-1 squad has many other outside agencies. DT-1 is mostly a lead squad. In fact, there are some people on DT-1 who are solely working leads. Tierney reports to his (NYPD) Sergeant on IT-2, Kevin Butler, who is in his NYPD chain-of-command. Butler then reports to squad supervisor, FBI SSA Kevin Cruise. His current case involves [redacted]

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NYPD Chain-of-Command within the JTTF. Detective Tierney reports to Sergeant Kevin Butler who reports to Lieutenant Kevin York, who reports to Captain Joe Herbert, who reports to Inspector James “Jim” Waters, who is the commanding officer of the JTTF. Waters then report to [two-star] Chief Pulaski of the Counterterrorism Bureau of the NYPD. Pulaski reports to Deputy Commissioner [of Counterterrorism] Mike Sheehan, who reports to Commissioner Ray Kelly. Tierney indicated that Pulaski and Sheehan are briefed every 1-2 days on the work of the JTTF, and have their finger on the pulse of the JTTF. On the distinction between the Intelligence Bureau and the CT Bureau, Tierney believes the CT Bureau is more involved in training and Intell runs down unspecific leads. Tierney said that he deals with Manhattan Intell and Bronx Intell on his cases. He uses them as a resource. He will run addresses by them. “We share info. The one in the Bronx involves [redacted] The Intell Bureau is more involved in training – “they go overseas to get training.” He doesn’t think that the intelligence bureau of the NYPD is handling any of their own CT cases. They do work criminal cases, and he thinks that if they had a CT case they would notify the JTTF. Tierney provided an example where state/local notified the FBI. Westchester County was working a coupon fraud case that they discovered might have CT ties. They then called the JTTF. Overseas connections would be a good indicator, in his opinion, as to whether there may be terrorist ties. Someone’s origin would be another indicator.

Training. With respect to training he said they receive “Islam 101” – on Islamic culture. It is provided by the FBI and is a few days long. He was given training on computer crimes – e.g., where the origin of an e-mail might be. He went to GITMO for 45 days to get cultural training. He also has received 3 days of Hazmat training.

GITMO. With respect to GITMO, Tierney “thought we had a good group of people – the process worked well.” But at the time, he did not have an SCI clearance. He stated that they would receive an entire case folder containing every 302 done on a particular person. He said he and a law enforcement agent from the Allegheny County Sheriffs Department and an FBI agent conducted the interviews. They also worked with a language specialist. Of the 10 interviewees he interviewed, each of which he interviewed repeatedly, he felt that two were successful (*i.e.*, they learned new information from the detainee). In addition to these, he watched other interrogations by law enforcement officers. Since then, the rotation to GITMO from the NY office has slowed. Prior to 9/11, Tierney had no experience with terrorism.

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Criminal approach to Terrorism. Tierney has noticed a greater willingness to take on smaller criminal cases now – to go after any case we can. He stated again that [REDACTED]

Coordination with CIA/NSA. Tierney has only seen the CIA representative “from afar” and hasn’t dealt with them. He said his squad’s analyst, [REDACTED] has sent FBI-obtained information and got information back. He stated that he has dealt with the NSA, that they have worked the Yemen case. He said that the CIA has expressed interest in the case. Tierney said that “one of our terrorists” [REDACTED]

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[REDACTED] He said that they were trying to work through the FBI Legat in Riyadh (who is responsible for covering Yemen as well).

Interaction with FBI Headquarters. When asked about the role of Headquarters (HQ) in this, Tierney said that they will send information to both the FBI’s CTC and to the Riyadh Legat simultaneously. He said they do this by Letterhead Memorandum (LHM) for particular cases. The LHM goes to Headquarters and they will send requests for information to the Legat.

More broadly, Tierney said that HQ may be more involved in their cases, but they “basically stay on top of the cases through the LHM process.” Tierney indicated that LHMs are required every 90 days for each of his cases. With respect to support from HQ, Tierney indicated that they have received link analysis from HQ. He said that HQ is involved in certain operational decisions (e.g., advisability of a FISA).

Coordination within the FBI. Tierney stated that he has squad meetings “every month or two” and that they are not with IT-1. “No coordination takes place within the FBI about the cases that other IT squads are working. He does not know about other squads’ cases.

FISAs. Tierney said that they have had a FISA request in for about a week. He also stated that he heard that they just that they opened a FISA in one week, on an expedited basis because there was a concern about a threat.

Interaction with [REDACTED] Tierney indicated that he likes to give a brief to [REDACTED] to “get them more up to speed.” He said his squad has used the [REDACTED] and that IT-2 members have gone out [REDACTED] on their own. They are overtaxed. He used them for 24/7 surveillance at one point. They are also be pulled to work different targets every day and are bouncing from job to job. It is not an attractive job.

Sources. Tierney indicated that he brought some sources with him to the JTTF. Also, since he has been on IT-2, they have brought in three sources that he has been involved with. Tierney said that it can be difficult to have many sources – that there is a lot of paperwork (“but we aren’t hampered by it”). Tierney indicated that sources are the best source of intelligence. He said that their importance is emphasized by Kevin Cruise at their team meetings and he pushes them to get more. He indicated that they are not allowed to use a source on probation or parole without specific permission. It is also a problem if the potential source is indicted or charged with a crime. Tierney indicated that there is a special group with the NYPD that manages sources. [REDACTED]

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in the NYPD. They do background checks on the sources before they would use them. This

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would include: If they were interested in a source with particular access or a particular type of source, they could ask the NYPD if they have someone like that.

Source Recommendations. Tierney suggested that if they worked in conjunction with Immigration (INS) better, we might get better sources – just given the sheer volume of potential sources they see. “We need to figure out how to work with them [the INS] to figure this out.” Also, Tierney suggested that they should be able to reward a source.

Intelligence Reports. The primary intell report he receives is the Daily brief that comes out of the Intell Bureau of the NYPD. It generally describes cases, events, history and whatever else is going on. He receives it by e-mail and it is Law Enforcement Sensitive.

Recommendations. Other agencies should be more responsive to their requests. Every team should have an INS agent. There should be more training. We need more CIA and Secret Service representatives, because they are overwhelmed with requests. More bodies in general. Regarding space, the DT squads are supposed to be moving to the new Chelsea space by Christmas.