

THE SHUT-DOWN QUESTION

While I think it's a crucial question to debate going forward, at this point I am agnostic about whether the decision to shut down the entire city of Boston on Friday was the right one or not. Furthermore, thus far the question has been presented as an either/or choice: to shut down all of Boston, or none of it. It is possible the best decision would have been to shut down Watertown.

My biggest concern, however, is the possibility that the decision communicates to potential terrorists that they can shut down an entire city with 4 pressure cooker bombs and one dead cop.

All that said, I think as we discuss the question going forward, we need to be clear that the analysis probably needs to evaluate three steps in the process:

- The decision to release the photos of the brothers on Thursday night
- The actions surrounding the firefight in Watertown
- The decision to shut down Boston

After all, the only thing that changed between Tuesday – when Boston remained open – and Friday – when it was shut down – is the murdered MIT officer and the hijacked Mercedes. The brothers were on the loose, presumed very dangerous, the entire time. Indeed, there might have been more reason to lock the city down immediately, to prevent their getaway. But the city did not shut down until Friday, after they had been flushed out by release of the pictures. So to some degree, you need to start with the decision to release the pictures.

The NYT suggests law enforcement did not delay, after getting a clean image of Dzhokhar, to try to ID the brothers using facial recognition.

"We were working the videos, and the footage was getting better and better as the week went on, and by Thursday we got a good frontal facial shot," a senior law enforcement official said. "That tipped it."

The official added: "With that type of quality photo, there was no doubt about who they were. We had these murderers on the loose, and we couldn't hold back, and we needed help finding them."

I've been wondering since that time whether waiting 12 more hours to do more facial recognition might have IDed the brothers, allowing law enforcement to set up a raid on the brothers in a way where law enforcement controlled the circumstances. Had they facially IDed them when they released the pictures? If not, how long would that have really taken?

But, according to the NYT, they released the pictures because so much time had elapsed they were worried the culprits might get away or strike again.

The WaPo provided a slightly different rationale for releasing the photos, which has everything to do with the media coverage of the story.

Law enforcement officials debated whether to release the photos, weighing the risk of the suspects fleeing or staging another attack against the prospect of quicker identification. Officials said they went ahead with the public appeal for three reasons:

- *Investigators didn't want to risk having news outlets put out the Tsarnaevs' images*

first, which might have made them the object of a wave of popular sympathy for wrongly suspected people, as had happened with two high school runners from the Boston area whose photos were published on the front page of the New York Post under the headline "Bag Men." At the news conference, FBI Special Agent in Charge Richard DesLauriers sternly asked the public to view only its pictures or risk creating "undue work for vital law enforcement resources."

- During a briefing Thursday afternoon, President Obama was shown the photos of the suspects by senior members of his national security team. Senior administration officials said that although Obama was not asked to approve release of the images by the FBI, the president offered a word of caution after viewing them. Be

certain that these are the right suspects before you put the pictures out there, he advised his national security team, according to the administration officials.

- Investigators were concerned that if they didn't assert control over the release of the Tsarnaevs' photos, their manhunt would become a chaotic free-for-all, with news media cars and helicopters, as well as online vigilante detectives, competing with police in the chase to find the suspects. By stressing that all information had to flow to 911 and official investigators, the FBI hoped to cut off that freelance sleuthing and attend to public safety even as they searched for the brothers.

Now, I am, to a significant extent, very sympathetic with this thinking, to a point. If the FBI hadn't honed attention on the real

(suspected) culprits, any number of innocent Saudis or Moroccan-Americans or Indians who were at the Marathon were at great risk. But is the solution to set off a SUV car chase early (which is what I jokingly suggested CNN was trying to do when they mistakenly claimed there was an arrest earlier in the week)? Or is the solution to shame the irresponsible things the 24-hour press did (and applaud the good reporting, such as that from Pete Williams), and come up with better ways to use crowd sourcing for you (this may be an important lessons learned question moving forward)? Also, there's an irony that the government wanted to reclaim control of the investigation, given that within minutes after they gave up their search, a citizen gave them the tip that would locate Dzhokhar. Ultimately, citizens – the injured racer, the SUV owner, and the boat owner – were the ones who provided the crucial leads in this investigation.

NYT's sources admit that they didn't anticipate how much chaos releasing the pictures would cause.

The authorities knew that broadly distributing the images – some captured by ubiquitous surveillance cameras and cellphone snapshots and winnowed down using sophisticated facial-recognition software – would accelerate the digital dragnet, but they did not realize the level of chaos it would create.

Intelligence and law enforcement officials said the authorities in Boston weighed the risks of some mayhem against their growing fear that time was slipping away and that heavily armed and increasingly dangerous men, and possibly accomplices, could wage new attacks in the Boston area or beyond.

Which brings us to the gunfight in the early hours of Friday morning (really, still night time). This interview, from the Watertown Police Chief, is enormously helpful on what happened

there.

The cops have not provided a robust explanation either of how Dzhokhar was able to flee Friday morning or how they failed to find him, hidden and bleeding just one block outside their search radius, during the day. Here's how the WaPo describes how Dzhokhar got away.

Tamerlan Tsarnaev, now out of his car, attempted to lob a makeshift bomb at police, but the device exploded in his hand. While Tamerlan Tsarnaev was firing a pistol with the other hand, police tackled and tried to subdue the 200-pound amateur boxer.

Dzhokhar Tsarnaev, apparently intending to help his brother, tried to ram the officers with the Mercedes. Instead, the officers lunged out of the vehicle's path and he ran over his brother and dragged him along the street before speeding off with police in pursuit.

Officers found the Mercedes abandoned and quickly sealed off neighborhoods in Watertown as they began a street-by-street search for the suspect. But police acknowledged later that there were not enough officers to establish a solid perimeter and that the suspect, who may have been wounded, had escaped.

Update: This BoGlo article has new details, including that the brothers were still in separate cars (presumably the stolen Mercedes and Tamerlan's Honda) when the firefight started. It also says the officers were wrestling with Tamerlan when Dzhokhar hit him with the SUV.

I suspect one problem had to do with the number and training of the cops who responded to the chase. The Watertown police chief, above, says only 6 cops were in the immediate firefight (though others were in the vicinity). And recall that the critically injured policeman on scene

was a transit cop; while he should be lauded for his response, he presumably does not deal with or train on these kinds of standoffs regularly. Also, the FBI issued a press release at 3AM indicating it had no clue what was going on, suggesting some of the folks who do deal with such standoffs were nowhere near the location. So between the IED explosion (which has been described both as a dud and as a real explosion) and the effort to save the transit cop's life, it's understandable that Dzhokhar got away from the handfull of local cops, though also understandable that cops more generally aren't entirely forthcoming – and perhaps a bit embarrassed – that what looked like a giant manhunt from the outside failed to catch him.

But if the problem is that the manhunt wasn't prepared for a manhunt in the hours after setting it off, then why weren't such forces more prepared after they released the pictures, for such a response?

I also wonder, given that he was found just a block outside the perimeter of the search, whether Dzhokhar had found a way to monitor police communications and therefore knew how far he had to get to evade the search. A lot of people asked during the day why cops' communications aren't encrypted. It's probably a good time to ask that question again.

Also, given that he was found just outside the perimeter, to what extent were dogs, who wouldn't have been constrained by a search perimeter, used to search for him?

Finally, there's the question of how much the cops knew after Dzhokhar got away. If they believed he could get far in the SUV, I get shutting down a wider area. But when did they find the SUV? It can't have gotten far.

As I said, this is actually a crucial question to debate as we learn more facts. But the debate needs to cover a range of activities, starting from the crappy media coverage in the days after the attack, through the ultimate decision to

shut down the city.