

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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HELD AT: Council Chambers
City Hall

B E F O R E:

PETER J. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:

Elizabeth Crowley
Erik Martin Dilan
Simcha Felder
Helen D. Foster
Daniel R. Garodnick
James F. Gennaro
Vincent Ignizio
David Yassky

A P P E A R A N C E S (CONTINUED)

Raymond W. Kelly
Police Commissioner
New York City Police Department

Charles Camadana
Chief, Special Operations Division
New York City Police Department

Christopher Guttman-McCabe
CTIA, The Wireless Association

Michael Montemarano
Senior Director
FJC Security Services, Inc.

CHAIRPERSON VALLONE: Okay. Please turn off all cell phones. Welcome everyone to today's hearing of the Council Committee of Public Safety. Mumbai, India is a densely populated, multicultural, financial and media capital of that country. Basically, it's India's New York City. Today we're going to be discussing the tragic events that took place in Mumbai and what we can learn from that tragedy in order to better protect ourselves.

The shooting in Mumbai had barely ended when NYPD officers were sent there in order to collect information on what happened during the city's three days of terror. The NYPD was on the scene to find out what had been different about the Mumbai attacks and what needed to be done in New York to better prepare the City for such an event.

We're here today to learn about the hard work and research that has been done since the attacks, to learn about new programs and tactics that the NYPD is planning in response to the threats presented to the world from Mumbai. Those attacks introduced a different type of

1
2 terror to the world. The terrorists entered the
3 country from the water, with heavy weapons and up-
4 to-date technology. In addition the attackers had
5 a thorough knowledge of their targets. Their
6 coordination and planning allowed just 10 men to
7 wreck havoc in the city, killing over 170 people.

8 Those events reminded New Yorkers
9 just how vulnerable we are to such an attack. As
10 always our police force has gone above and beyond
11 the call of duty in reaction to this tragedy.

12 Commissioner Kelly spoke on Capitol Hill in early
13 January before the Senate Committee on Homeland
14 Security and provided an initial outline of what
15 the NYPD learned from the Mumbai attacks.

16 The Commissioner and the City are
17 looked at nationally as leaders in
18 counterterrorism at the local level. In fact the
19 NYPD is known for more than just its actions at
20 the local level, a new book about terrorist calls
21 the NYPD the best counterterrorist force in the
22 entire country. Since September 11th the NYPD has
23 had to take on the issues and threats of
24 international terrorist along with normal urban
25 issues like drugs, robberies and guns, and they've

done so without instilling fear in residents.
Instead they work hard to make New Yorkers feel
confident that they are safe and protected.

Today we're looking forward to
hearing more about the accomplishments of the NYPD
terrorism preparation as well as new information
gathered since the attacks. We're interested not
just in learning what NYPD is doing to keep the
City safe, but also what we citizens can do to
keep ourselves safe.

We've been joined this morning by
Council Member Dan Garodnick and Council Member
Vinnie Ignizio. There are other hearings going on
and other Council Members will be coming through.
But we are proud to have with us today, Police
Commissioner Raymond Kelly. Thank you Sir for
being here. As always our congratulations on a
job well done. And we were just discussing
earlier how I believe it was last week, is the
lowest crime, it was the lowest crime, according
to your index, in the history of human
civilization or something like that you were
telling me. I'll let you elaborate. But thank
you for coming and the floor is yours. Thanks.

COMMISSIONER RAYMOND W. KELLY:

Thank you very much Mr. Chairman. I'm accompanied by Chief Charles Camadana [phonetic], the Commanding Officer of the Special Operations Division. Thank you for inviting us to speak about what we've learned from the attacks in Mumbai and how this valuable information can assist us in protecting our City.

Within hours of the end of the attacks the NYPD notified the Indian government that we'd be sending personnel there. On December 1st we dispatched 3 senior officers led by Captain Brandon Del Poso. Their assignment was to gather as much information as possible about the tactics used in the attack. This is in keeping with the practice that we have followed for several years.

In all cases our officers do not take part in investigative activity. In Mumbai our officer toured crime scenes, took photographs and asked questions of police officials. They relayed what they learned back to us in New York. These officers are part of the Police Department's Overseas Liaison Program in which we post experienced personnel to 11 cities around the

world.

They partner with local police and intelligence agencies and respond when terrorist incidents occur. In this case, the most senior office, Captain Del Poso in the group had served as liaison previously in Amman, Jordan. In July 2006 when 7 bombs exploded in Mumbai commuter trains and rail stations he flew to the city on a similar mission. The relationships that he forged during that trip proved very helpful in November and December.

As you know it's believed that the perpetrators of both attacks were members of a radical Islamic group, Lashkar-e-Taiba, which has been fighting Indian security forces for decades. From the perspective of the New York City Police Department, one of the most important aspects of this attack was a shift in tactics from suicide bombs to a commando style military assault. With small teams of highly trained, heavily armed operatives launching simultaneous sustained attacks, they fanned out across the city in groups of 2 and 4. They carried AK-56 assault rifles, Chinese manufactured copy of the Russian AK-47.

1
2 It holds a 30 round magazine with a firing rate of
3 600 to 650 rounds per minute. In addition the
4 terrorists each carried a duffle bag loaded with
5 extra ammunition, an average of 300 to 400 rounds
6 contained in as many as 12 magazines, along with
7 half a dozen grenades and one plastic explosive or
8 IED, Improvised Explosive Device.

9 The attackers displayed a
10 sophisticated level of training, coordination and
11 stamina. They fired in controlled, disciplined
12 bursts. When our liaisons toured the hotels and
13 rail stations, they saw from bullet holes that
14 shots were fired in groups of three, aimed at head
15 level. With less experienced shooters, you'd see
16 bullet holes in the ceiling and the floor. This
17 group obviously had extensive practice. And the
18 number of casualties shows it.

19 The terrorist managed to kill or
20 injury over 450 people. They were experienced in
21 working together as a unit. For example, they
22 used hand signals to communicate across loud and
23 crowded places. And they were sufficiently
24 disciplined to continue their attack over many
25 hours. This had the effect of increasing the

public's fear and keeping the incident in the news cycle of a longer period of time. These are a few of the differences from what we've seen before.

Consistent with previous attacks around the world were some of the features of the target city, the country's financial capital, a densely populated, multicultural metropolis and a hub for the media and entertainment industries. Obviously these are also descriptions of New York City.

The attackers focused on the most crowded public areas and centers of Western and Jewish activity. This too is of interest to the Police Department. The two New Yorkers who were killed were prominent members of the Chabad Lubavitch religious movement which is based here in Brooklyn.

We are also mindful that the attackers approached Mumbai from the water. That's obviously an issue in a major port city like New York. For that reason, our Harbor officers are trained in and equipped with automatic weapons. They have special authority to board any ships that enter the port. Our divers

inspect the hulls of cruise ships and other vessels, as well as the piers they use, for underwater explosive devices.

We engage in joint exercises with the National Park Service to protect the Statue of Liberty from any waterborne assault and heavily armed Emergency Service officers board the Queen Mary 2 at Ambrose Light before it enters New York Harbor to make certain no one tries to take over this iconic ship when it enters city waters. These are a few examples.

As much as we do, the NYPD, even with the Coast Guard's assistance, cannot fully protect the harbor, especially when one considers the vast amounts of uninspected cargo that enters the Port of New York and New Jersey. I have testified before Congress about the urgent need for better port and maritime security. Mumbai was just another reminder.

Our liaisons arrived in Mumbai on December 2nd, three days after the attacks ended. By December 5th, our Intelligence Division had produced an analysis, which we shared with the FBI. That morning we convened a special meeting

1 with the members of NYPD Shield. There were over
2 400 members of Shield in our auditorium at One
3 Police Plaza. Now NYPD Shield is an alliance
4 between the Police Department and about 6,000
5 private security managers. Captain Del Poso
6 called in and spoke directly to the audience. We
7 posted photographs and maps to help them visualize
8 the locations. We also reviewed a list of best
9 practices in hotel security. This is a set of
10 items we routinely share when our counterterrorism
11 officers conduct trainings for hotel security.
12

13 Through another partnership,
14 Operation Nexus, NYPD detectives have made
15 thousands of visits to the kind of companies
16 terrorists might seek to exploit, truck rental
17 businesses or hotels, for example. We let them
18 know what to look for and what to do if they
19 observe suspicious behavior.

20 With hotels, we focus on protecting
21 the exterior of a building from vehicle-borne
22 threats. We also emphasize knowing who's in your
23 building and recognizing that the attack may be
24 initiated from inside the facility. We talk about
25 how to identify hostile surveillance or the

1
2 stockpiling of materials, controlling points of
3 entry and having a thorough knowledge of floor
4 plans and a widely distributed emergency action
5 plan.

6 In Mumbai, the attackers appeared
7 to know their targets better than responding
8 commandos. With this in mind, since the beginning
9 of December, the New York City Police Department
10 has toured several major hotels. Supervisors in
11 our Emergency Service Unit are documenting the
12 walkthroughs on video camera, filming entrances
13 and exits, lobbies, and unoccupied guest rooms,
14 and banquet halls. We plan to use the videos as
15 training tools.

16 Through a vast public-private
17 partnership, our Lower Manhattan Security
18 Initiative, we also have access to hundreds of
19 private security cameras owned and operated by our
20 private sector partners in Manhattan's financial
21 district. These are monitored around the clock in
22 a newly opened Coordination Center downtown.

23 In an active shooter incident such
24 as we saw in Mumbai, by far the greatest number of
25 casualties occur in the first minutes of the

1
2 attack. Part of the reason the members of
3 Lashkar-e-Taiba were able to inflict severe
4 casualties was that, for the most part, the local
5 police did not engage them. Their weapons were
6 not sufficiently powerful and they were not
7 trained for that type of conflict. It took more
8 than 12 hours for properly armed Indian commandos
9 to arrive. And they arrived by commercial air
10 from New Delhi.

11 By contrast, the Police
12 Department's Emergency Service Unit is trained in
13 the use of heavy weapons and the kind of close
14 quarter battle techniques employed in Mumbai. In
15 addition, we've taken a number of steps to share
16 this training more widely among our officers. In
17 December, our police recruits received basic
18 instruction in the use of heavy weapons. They
19 learned about the weapons' operating systems, how
20 to load and unload, and how to fire them. They
21 were the first class to receive what will now be a
22 routine part of Police Academy training.

23 On December 5, we conducted two
24 exercises, one a tactical drill for emergency
25 service unit officers, the other a tabletop

1
2 exercise for our commanders. Both scenarios were
3 based on the attacks in Mumbai. In the exercise
4 with our command staff, we raised the possibility
5 that we might have to deploy our Emergency Service
6 officers too thinly in the event of multiple
7 simultaneously attacks, such as those in Mumbai.
8 We also recognized that if the attacks continued
9 over many hours, we would need to relieve our
10 special units with rested officers.

11 In response to both challenges, we
12 have begun to provide heavy weapons training to
13 experienced officers in our Organized Crime
14 Control Bureau. That training began on February
15 2nd. They will be able to play a supplemental role
16 in an emergency. Similarly, we decided to use the
17 instructors in our Firearms and Tactics Unit as
18 another reserve force. Combined, these officers
19 will be prepared to support our Emergency Service
20 Unit in the event of a Mumbai-style attack.

21 The other issue that we examined in
22 our training exercise is the ability of terrorist
23 handlers to direct operations from outside the
24 attack zone using cell phones and other portable
25 communications devices. With this comes a

1 formidable capacity to adjust tactics while
2 attacks are underway. We also discussed the
3 complications of media coverage that could
4 disclose law enforcement tactics in real time.
5 This phenomenon is not new. In the past, police
6 were able to defeat any advantage it might give
7 hostage takers by cutting off power to the
8 location they were in.

10 However, the proliferation of
11 handheld devices would appear to trump that
12 solution for now. When lives are at stake, law
13 enforcement needs to find ways to disrupt cell
14 phones and other communications in a pinpointed
15 way against terrorists who are using them.

16 As you know, all of the measures I
17 have discussed are part of the robust
18 counterterrorism program we built from the ground
19 up in 2002 when we realized that in addition to
20 our focus on crime-fighting, the Police Department
21 needed to build the intelligence collection,
22 analysis, and infrastructure protection
23 capabilities to defend New York City from another
24 terrorist attack. Within the last seven years
25 with the FBI and other Federal and State partners;

1
2 we've stopped multiple plots against the City. I
3 know that these productive collaborations will
4 continue to thrive.

5 We also note the significant
6 progress that's been made by the Federal
7 government in processing the Police Department's
8 Foreign Intelligence Surveillance Act requests at
9 a pace that is in keeping with that of events
10 around the world. This has made an important
11 difference.

12 And one of the Police Department's
13 strongest and most innovative partnerships is the
14 one supported by the Department of Homeland
15 Security, our Securing the Cities program. This
16 is an unprecedented initiative to protect New York
17 with advanced radiation detective devices
18 installed at all points of access to the five
19 Boroughs, including roads, bridges, tunnels, and
20 waterways. We now train and share information
21 with dozens of neighboring jurisdictions.

22 Of course, this is the last line of
23 defense that we have. Our preference is to stop
24 an attack in the earliest planning stages. But,
25 in an evolving threat environment, we must proceed

1
2 on many levels simultaneously. The international
3 threat of terrorism is not going away. Terrorists
4 are thinking creatively about new tactics and so
5 must we. And while we have to learn from Mumbai
6 and prepare to defend ourselves against a similar
7 attack, we cannot focus too narrowly on any one
8 preventive method.

9 We need to go back to basics,
10 strengthen our defense on every front, stay sharp,
11 well trained, and well-equipped. Our best
12 counterterrorism tools have not changed: they are
13 vigilance, information sharing, regional
14 cooperation, and an absolute unwillingness to
15 yield to complacency, even in the grips of a
16 financial crisis. We must continue to work
17 together at every level of government to defeat
18 those would harm us. I want to thank you for your
19 continuing support of the New York City Police
20 Department Mr. Chairman.

21 CHAIRPERSON VALLONE: Thank you
22 Commissioner. We've been joined by Council Member
23 Simcha Felder. Thank you. One of the last things
24 you said Commissioner is it's our preference to
25 stop an attack in the earliest planning stages.

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2 Can you update us on the threats that have been
3 stopped in the recent past by both the Police
4 Department working together with Federal
5 government, here on New York City?

6 COMMISSIONER KELLY: Well I think
7 it's important to state that we have no known
8 credible threats to New York City at this time but
9 we do talk about threats that have loomed over New
10 York. The most recent one that comes to mind of
11 course is the threat to blow up the gas tanks at
12 the--fuel tanks at the JFK Airport. We had the
13 plot in 2006 to attack the PATH Tunnels coming
14 into Lower Manhattan and thereby flood the so-
15 called bathtub at the World Trade Center site. We
16 had the Iman [phonetic] Ferris plot against the
17 Brooklyn Bridge. We had Asa Al Indi [phonetic]
18 who did a reconnaissance of New York Stock
19 Exchange, City Court Building and other major
20 office buildings in this country, and then
21 resurfaced that information in 2004 in Pakistan.

22 So these are a series of
23 significant threats to the City that as I said
24 have been thwarted through cooperative efforts
25 among law enforcement agencies.

CHAIRPERSON VALLONE: I'm just going to go in the order of your testimony. Page 2, you start out by saying the attackers approached from the water with the Mumbai attacks. And chillingly, you said that the NYPD even with the Coast Guard's assistance cannot fully protect the harbor, especially when one considers the vast amounts of uninspected cargo that enters. What types of threats, without obviously going into details which we believe you shouldn't, what type of threats does that leave us open to and what have you testified needs to be done regarding our harbor and our coastline that hasn't been done yet?

COMMISSIONER KELLY: Well I think the biggest threat as I mentioned is the potential of bringing in a nuclear device, God forbid, you know, the worst possible scenario, dirty bomb or other explosive material through the huge number of containers that come into our ports. Now there is a movement on the Federal level to have a lot more scrutiny of these containers as they come in. Actually we do some of that in other ports, Rotterdam for instance being one. But we have a

1
2 long way to go as a country to have sufficient
3 radiological detection equipment in ports overseas
4 and in our own ports.

5 Now there is a model, we call a
6 Hong Kong Model. In Hong Kong, they actually
7 screen every incoming and outgoing container. Now
8 it is a big ticket item no question about it but
9 when you think of the, you know, catastrophe that
10 would occur if in fact there was a, you know,
11 nuclear device detonated in one of our major
12 cities, I think it is a cost that ultimately is
13 going to have to be undertaken. But there is
14 movement. There is a lot of discussion about this
15 on the Federal level. But right now we're no
16 where near where we should be in screening cargo
17 coming into--not only this port but other ports
18 throughout the country.

19 CHAIRPERSON VALLONE: We did a
20 hearing some time ago on that and let me remind
21 people we probably have done more terror oversight
22 hearings in this, at this location than anywhere
23 in the world. And you've been here for most of
24 them. But one of our hearings was about port
25 security. And it was years ago. And I believe

1
2 the number was something about 5% of cargo is
3 inspected before getting to our ports. Is that
4 number accurate? Has it changed?

5 COMMISSIONER KELLY: No that number
6 is probably high. You know, the number of fully
7 screened containers is probably below 5% now. It
8 was way below that. I used to be the US Customs
9 Commissioner in the 90's and it was way below that
10 then. It moved up somewhat. And they've done a
11 better job of targeting, Customs and Border
12 Protection, has done a more effective job of
13 targeting the containers that should be more
14 thoroughly searched. But ideally there should be
15 some scanning of virtually every container coming
16 into the port.

17 CHAIRPERSON VALLONE: I agree.
18 You've testified in Washington. Is there any
19 progress, any movement?

20 COMMISSIONER KELLY: In that
21 regard? Well not since I've testified but
22 obviously we have a new administration on board,
23 you know, we're hopeful that they'll move in this
24 direction. I did meet with some people who have
25 not yet gone through their confirmation hearings

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2 so I don't want to get them in trouble. Usually
3 you don't announce that before you have your
4 confirmation hearing, but I have talked to some
5 people who are tentatively scheduled to go into
6 the Department of Homeland Security about some of
7 these issues.

8 CHAIRPERSON VALLONE: Well let's
9 hope there's change for the better when it comes
10 to the security of our ports.

11 With regard to that, you mentioned
12 on page 3 that by far the greatest number of
13 casualties occurs in the first minutes of the
14 attack. That's clearly what we're most worried
15 about here in New York City. Would one, again
16 without giving information that you don't believe
17 is reasonable to give out, would that be another
18 vulnerability at our ports? Would they be able to
19 get these high tech weapons in through that
20 method?

21 COMMISSIONER KELLY: Through the
22 ports? Well, you know, if you look at Mumbai,
23 you're talking about a very basic weapon that they
24 used. They used a variation of the AK-47, that's
25 been around for 60 years and it's the most widely

1
2 used weapon in the world. And we believe that the
3 weapons were used in a semi-automatic mode, they
4 weren't even on, you know, automatic fire. So it
5 was a--this was not a high tech attack by any
6 means. They did have GPS. They did have a
7 satellite phone. They left their satellite phone
8 in the boat. They made a mistake. And in their
9 telephone conversations they said, you know, we
10 made a mistake. We left our satellite phone in
11 the boat.

12 So each one of the teams had an IED
13 and the explosive device weighted about the 16
14 pounds. But this was a pretty--these were pretty
15 rudimentary means that they used to wreak this
16 havoc.

17 CHAIRPERSON VALLONE: And why they
18 got that into--on to the location through small
19 boats--

20 COMMISSIONER KELLY: [Interposing]
21 One boat.

22 CHAIRPERSON VALLONE: One boat.
23 You also mentioned in your testimony how difficult
24 it is even working with the Coast Guard to prevent
25 that sort of occurrence here in New York City.

What more can be done and then what are you doing to prevent that from happening?

COMMISSIONER KELLY: Well. You know, we monitor boats that come into the harbor. The Coast Guard does as well. I think we're doing everything we reasonably can do at this juncture. We also have through our Nexus program, we have a lot of discussions with marina operators, scuba shops. We have a constant communication. And we ask them to look at their world through the prism of September 11th. Everybody's life changed as a result of those attacks. We ask them if they see anything of a suspicious nature to give us a call.

Now Operation Nexus, we believe, is working, has worked well for us. It certainly has raised peoples' awareness and consciousness throughout the business community.

CHAIRPERSON VALLONE: There are also visual monitoring through a camera of our coastline. I visited say LaGuardia Airport and some of the cameras that they have are just amazing where you can zoom in on any boat anywhere and watch the people cutting bait, to any boat in

1 the vicinity that they may think is suspicious.
2
3 Do we have that sort of capability?

4 COMMISSIONER KELLY: Yeah the Coast
5 Guard has a series of cameras. We actually have
6 someone assigned to their headquarters here in New
7 York. So they have a fairly extensive array of
8 cameras in the harbor.

9 CHAIRPERSON VALLONE: Again you
10 mentioned that the greatest casualties occur in
11 the first minutes. And I don't think anyone
12 believes that any attack on New York City--this
13 type of attack would ever last as long as it did
14 in Mumbai because of the NYPD. And you mentioned
15 in your testimony on page 3 that the Emergency
16 Services Unit is trained in the use of heavy
17 weapons. And it took 12 hours I think for
18 properly trained Indian commandos to arrive on the
19 scene. How many ESU officers do we have nowadays?

20 COMMISSIONER KELLY: We have 400.

21 CHAIRPERSON VALLONE: And you
22 mentioned in your testimony, that the possibility
23 that with multiple simultaneous attacks you may be
24 stretched too thinly. And you say that you would
25 then have to bring in instructors and perhaps the

1
2 Organized Crime Unit. Too thinly is something
3 that we've been worried about here at the Council
4 for a long time.

5 With the budget cuts that have been
6 made and are upcoming, how are those budget cuts
7 affected your anti-terror capabilities?

8 COMMISSIONER KELLY: So far they,
9 you know, first of all they haven't taken place
10 yet. We're concerned of course about our
11 headcount going down. Right now the class for
12 January of 2010 has been cancelled. And a much
13 smaller class, thanks to an agreement between the
14 Council and the Mayor will be hired in July.

15 Our counterterrorism efforts have
16 not been impacted so far. But obviously they're
17 going to be strained. As the overall headcount of
18 the Department decreases then the number of
19 resources that we will have available to devote to
20 our counterterrorism efforts naturally is going to
21 decline as well.

22 CHAIRPERSON VALLONE: We know the
23 class of January, the 2009 that just passed was
24 supposed to be 1,000 to 1,200 and is now 250. The
25 class in July was also supposed to be about 1,200

1
2 and is now 250 which barely keeps up with
3 attrition which is 1,500 to 2,000 officers a year.
4 You're also telling us that the January, the next
5 January, 2010 class is completely cancelled?

6 COMMISSIONER KELLY: Yes Sir.

7 CHAIRPERSON VALLONE: Okay. Okay.

8 And if these cuts occur, how will that affect your
9 anti-terror unit?

10 COMMISSIONER KELLY: It's difficult
11 to say. We actually--we're monitoring every
12 personnel move these days. So we know precisely
13 where, you know, we're affected the most. But
14 it's too early to say because it depends on where
15 reductions take place. They don't take place
16 evenly throughout the organization obviously. You
17 know, people retire. They retire at different
18 rates and different units. So I can assure you
19 though that we will monitor it closely and do
20 every thing we can to get maximum effectiveness
21 out of our resources.

22 CHAIRPERSON VALLONE: You mentioned
23 a few times how this attack differed from others.
24 And you mentioned that the actual people planning
25 the attack and controlling the attack were outside

1
2 of the area. They did that through cell phones
3 and they were monitoring media coverage. In fact
4 the cell phone communications were intercepted
5 which showed the handler saying don't go to this
6 area, this is where the police are, this is where
7 the police are moving to. Obviously that presents
8 problems for us here in New York City where we
9 have the greatest media coverage and the greatest
10 media in the world.

11 How would you, since we have media
12 here today, how would you recommend that this be
13 handled if--by the media, if an occurrence such as
14 the Mumbai attack occurred here?

15 COMMISSIONER KELLY: Well there's
16 no easy answer. This is the world in which we
17 live. There's just a lot more communication
18 outlets. Obviously the cell phone is, you know,
19 ubiquitous. Everybody seems to have it. So it's
20 just something we have to factor in. Now what I
21 did talk about in my testimony in Washington was
22 the ability, I mentioned it a little bit here, the
23 ability to hone in on one instrument, to be able
24 to stop an instrument from performing, working.
25 We're not able to do that now. We don't have the

1
2 technology to do that. So that's a challenge. We
3 have spoken to some companies since I testified
4 about building that capacity but quite frankly it
5 doesn't exist now.

6 So we're just--

7 CHAIRPERSON VALLONE: [Interposing]
8 I was going to ask--

9 COMMISSIONER KELLY: --our world is
10 just much more complicated by the amount of
11 communication devices that are out there.

12 CHAIRPERSON VALLONE: I was going
13 to ask you about that. You did testify that when
14 lives are at stake, law enforcement needs to find
15 ways to disrupt cell phones and other
16 communication in a pinpointed way, which did
17 receive a large amount of coverage after you had
18 said that. And in fact there are cell phone
19 company representatives who are here to testify
20 about how, I guess, nervous they are about that.
21 So as an update, apparently there is none based on
22 what you said.

23 But I would ask the cell phone
24 companies, failing the police having an ability to
25 do this, what are they going to do on their own to

1
2 allow you to, or assist you, in cutting down
3 communication when necessary?

4 Other than that, when it comes to
5 the media, is there any advice you can give in
6 their coverage of any assault on New York City?

7 COMMISSIONER KELLY: Well, you
8 know, in the past in specific situations, media
9 has been cooperative. We've asked them, you know,
10 not to put out certain information. And generally
11 speaking they've agreed to in situations where it
12 might be life threatening. So it doesn't--one
13 size does not fit all. It's not easy to give you
14 one precise answer.

15 We would hope and we have every
16 expectation that if need be we could ask the media
17 representatives to limit their coverage for, you
18 know, in particular event or specific information
19 that may prove to be life threatening. But it's
20 difficult. Each situation will be--will have to
21 stand on its own merits.

22 CHAIRPERSON VALLONE: Okay. You
23 mentioned your assistance you've been providing to
24 our private locations such as hotels. And I'm
25 told that's going well. They however, the hotel

1
2 management and their representatives have declined
3 an invitation to testify today and we thought that
4 it would be very important to hear from them. You
5 mentioned that some of the ways that you've been
6 working with them, you also said you focus on
7 protecting the exterior of a building from
8 vehicle-borne threats. Now I personally haven't
9 seen too much of that when it comes to hotels. I
10 guess there have been a few planters out there
11 that I've seen.

12 How do you recommend that this
13 happens and are they being compliant with your
14 requests?

15 COMMISSIONER KELLY: Well there's
16 another situation where one size does not fit all.
17 It depends on the configuration of the hotel.
18 Oftentimes we will deploy our Critical Response
19 Vehicles in the vicinity of hotels if in fact we
20 have a high profile individual, as we have had
21 oftentimes during the UN General Assembly. We may
22 block off a street or we may put certain blocks or
23 barricades on a street.

24 But it's difficult to do.
25 Certainly in a crowded environment that we have in

1
2 New York City. We created our own Hotel Unit in
3 our Nexus program. So we're dealing on a daily
4 basis with hotels, exchanging information,
5 gathering specific information that will help us
6 tactically to respond which is what those tours
7 are doing. We're using it as I say, as a training
8 vehicle, primarily for our Emergency Services
9 Responders. So they know, you know, the details
10 of a specific hotel. But we have a very strong
11 working relationship with the hotel industry here.

12 CHAIRPERSON VALLONE: I'm not
13 doubting that and there's only so much a hotel can
14 do. The hotel--

15 COMMISSIONER KELLY: [Interposing]
16 Right.

17 CHAIRPERSON VALLONE: --in Mumbai
18 had one security guard, unarmed. Even if he was
19 armed I'm not sure how much difference he would
20 have made. And our security guards are not armed
21 at hotels. However it is obviously an area of
22 concern. There was a local reporter who was here
23 today, Bob Henley, who did a whole article about
24 how he strolled around different hotels, went into
25 rooms, chatted with the maids, and clearly they're

not designed to stop that, a single person walking in off the street.

What advice if you can share with us do you give them about that type situation? People coming in off the street.

COMMISSIONER KELLY: Well we have a series of best practices that we talk about with the hotel industry. We like the idea of having a greeter, someone at the door or someone in the lobby to actually have eyeball contact with people when they come into the hotel. Also to have that sort of contact if possible if you don't have a greeter, before people get on the elevator. But again one size does not fit all. It depends on the physical configuration of the hotel. It depends on the volume of the hotel. And, you know, we can't--certainly we can't force these practices. It's a matter of making recommendations and the hotel will pick and choose what they deem to be appropriate for their circumstances.

CHAIRPERSON VALLONE: There's been concern from a lot of fronts about the availability of information to potential

1
2 terrorists. There's been movement at different
3 levels on the State about Google Earth and as you
4 mentioned there's the satellite phones. To what
5 extent are we looking at what happened in Mumbai
6 regarding--also when it comes to hotels there are
7 floor plans online. I believe the terrorists may
8 have had the floor plans for that hotel. I know
9 the floor plans here for--

10 COMMISSIONER KELLY: [Interposing]

11 Yeah.

12 CHAIRPERSON VALLONE: --the City
13 hotels are online. To what--what are we doing in
14 that regard when it comes to availability of
15 information or is there anything we can do?

16 COMMISSIONER KELLY: Well we, as I
17 say, we can a very strong working relationship
18 with the hotels. Some hotels see this as a
19 marketing tool that you put information out about
20 your layout, that this is helpful in marketing
21 their hotel, you know. It may be. It may not be.
22 But it also provides information to people who may
23 want to do them harm. This is a decision that the
24 hotel is ultimately going to have to make
25 themselves.

CHAIRPERSON VALLONE: I'll come back with some more questions in a moment but Council Member Vinnie Ignizio has some questions.

COUNCIL MEMBER IGNIZIO: Thank you very much Commissioner. Let me first start by saying thank you on behalf of my constituents 'cause I believe that this unit and the NYPD has made New York the safest anti-terrorism city in the world. And we all appreciate that every day. And I know you don't, much like us, you don't get appreciation every day but I wanted to say thank you on our behalf.

Did you guys war game the Mumbai attack if it did take place in New York, God forbid, the response times, with heavy weaponry, the response times? Do you do that sort of thing to try to almost war game okay the same scenario occurred here, God forbid, in New York? What happens? And then kind of--

COMMISSIONER KELLY: [Interposing]
Yeah. I'm going to ask Chief Camadana to answer that question but we did, as I mentioned in my prepared remarks on December 5th, we had that

meeting in the auditorium with our Shield partners--

COUNCIL MEMBER IGNIZIO:

[Interposing] Yes Sir.

COMMISSIONER KELLY: --we also had a tabletop exercise with our Commanders where we were basically spread too thin, that was built into the scenario, but also we had an actual exercise done which we watched live on our TV sets in our conference room at Floyd Bennett Field, which had many of the aspects of the attacks in Mumbai--

COUNCIL MEMBER IGNIZIO:

[Interposing] Hum.

COMMISSIONER KELLY: --but Chief Camadana can talk a little bit about our training.

COUNCIL MEMBER IGNIZIO: Thank you Sir.

CHIEF CHARLES CAMADANA: I think the Police Commissioner's tabletop identified what we perceived as some shortcomings that evolved into the necessity to train Organized Crime Control personnel with heavy weapons. That is ongoing. Approximately 135 members of the service

1
2 will be trained by the end of February, 40 were
3 completed in the first week and it's basically 2
4 days of training with the Mini-14 which is a 20
5 round capacity, followed by 2 days of very intense
6 tactical training by Emergency Service Unit
7 personnel.

8 A number of scenarios are presented
9 to them and they have to work their way through
10 this. That being said, the Emergency Service Unit
11 and all the units of the Special Operations
12 Division, for a number of years, has been training
13 in a military type concept that's using not only
14 Emergency Services personnel but assets from the
15 Harbor Unit and the Aviation Unit.

16 We've done, as the Commissioner
17 said, training at the various locations throughout
18 the City. We've done theaters. We've done the
19 Statue of Liberty. We've done ferries. We've
20 done dinner boats. We've done the Empire State
21 Four at the SUNY Maritime College. So there's no
22 shortage of locations that have been made
23 available to us by the private sector that allow
24 us to really do some intense training at different

1
2 locations as opposed to very limited capabilities
3 using attack house concept.

4 COUNCIL MEMBER IGNIZIO: Thank you
5 Sir. And whereas it took 12 hours for commandos
6 to show up from New Delhi on a commercial airline,
7 as crazy as that may be for any of us to even
8 contemplate, we have advanced weaponry on the
9 ground and within minutes of any place around the
10 City, is that correct?

11 CHIEF CAMADANA: That's correct.
12 We also have the ability not only with those units
13 but the equipment that would be brought to bear,
14 whether they be armored vehicles, utilizing
15 aviation assets to transport personnel, fast
16 roping or repelling onto buildings and so forth,
17 and the vast array of equipment that is deployed
18 throughout the City that would be made available.

19 COUNCIL MEMBER IGNIZIO: Virtually
20 the NYPD is serving as the Army here in New York
21 City in terms of response to anything like this
22 where as they had to call in their national army.
23 The Mumbai Police Department didn't have any of
24 these, any of the weaponry, any of the training
25 that we have here at NYPD?

CHIEF CAMADANA: To our knowledge correct, yes.

COUNCIL MEMBER IGNIZIO: And to follow up on my concern which is, I know the Chairman's concern of the thinning of the force. Ultimately I believe, and this is editorializing, I recognize, but all agencies aren't created the same. All agency budgets aren't the same. And my concern, I know the Chairman's concern and those of that are concerned and, you know, have 9/11/2001 in our heads every day, our concern that when you start cutting down so low, something has to give.

And the concern is that things like response times, things like the advanced training and whatnot will start to go. So, you know, it's not requiring comment but I am encouraging any and all who listen and hear the message that certainly this Council Members is sending and I know the Chairman agrees, that when we're starting to thin out the ranks of those in the NYPD in terms of overall headcount, something has to give. And I think that's a concern.

The follow-up question to that, one I would like answered by the Commission if possible, is how much of this training is picked up, is the tab picked up by the Federal government in terms of their overall anti-terrorism budgeting?

COMMISSIONER KELLY: Some of it is. And this training that we're doing with the Organized Crime Control Bureau that the Chief mentioned, that's to be federally funded. Now we're doing it in 2 phases. As we said, we're doing it first, 135 officers in OCCB, then we'll do phase 2 where we'll do another 250 officers. Right now we believe that all of this training will be covered by Federal funding from Homeland Security.

COUNCIL MEMBER IGNIZIO: Okay. And going forward, every recruit, every cadet in the Academy will be trained with heavy arts?

COMMISSIONER KELLY: They will be familiarized with heavy weapons, that's correct. And just, we don't intend to use them as an entity--

COUNCIL MEMBER IGNIZIO:

[Interposing] Oh understood, just familiar with it.

COMMISSIONER KELLY: --but just so it would make any transition in the future easier. That they have all handled heavy weapons, Mini M-14 or M-4 weapon.

COUNCIL MEMBER IGNIZIO: And I might be getting slightly ahead of myself but when Freedom Tower and whatnot comes into place, if the Port Authority does maintain its presence as the number one, as the security agent there, will they--how do they work with you guys vis a vis something like this?

COMMISSIONER KELLY: No, we now have responsibility for security at the Trade Center site. We have--

COUNCIL MEMBER IGNIZIO:
[Interposing] And that's even--

COMMISSIONER KELLY: --and MOU with the Port Authority that we worked out about five months ago now. So we'll be the agency in charge of security at the World Trade Center site. The Port Authority and Port Authority Police well be

1
2 present. They'll be primarily focused on the
3 transportation hub that's there.

4 Now in our plans, plans for the
5 Lower Manhattan Security Initiative, we had
6 initially called for almost 800 additional
7 officers in the Lower Manhattan Security Area.
8 Now obviously that number, right now, has been
9 reduced, the headcount has been reduced. But
10 built into our headcount, 37,838 which was a
11 couple of funding cycles ago, there were 800
12 officers there for the Lower Manhattan Security
13 Initiative. That has been put on hold. But we
14 envision a significant number of officers assigned
15 to the Lower Manhattan Security Area.

16 COUNCIL MEMBER IGNIZIO: Thank you
17 very much Commissioner. And to those that do, I
18 appreciate your candor as always, but, you know,
19 here we're seeing it first hand. Upon the
20 lowering of headcount below levels that I believe
21 and that I know the Chairman agrees that we should
22 be at, you have to start making corrections on the
23 other end. So whereas there potentially would
24 have been 800 you have no other choice but to
25 lower the number on the Lower Manhattan Security

1 Initiative because you don't have the headcount.
2 So you know when we go into the budget cycle, we
3 still--the City is still going to spend
4 \$61,000,000,000 or somewhere north of that this
5 year. All agencies are not created equal. And we
6 have learned that. I thought we learned that
7 lesson and lo we're going to have to revisit it
8 yet again. Mr. Chairman, thank you very much. As
9 always thank you Commissioner.
10

11 COMMISSIONER KELLY: Thank you.

12 CHAIRPERSON VALLONE: I couldn't
13 agree more. Commissioner you mentioned then a
14 number, somewhere around 37,000, that's just a
15 number that you attempt to hit occasionally during
16 the year but which we don't. Now with these 2 new
17 classes being only 250 officers, what is the low
18 that you foresee the Police Department manpower
19 counts reaching?

20 COMMISSIONER KELLY: Well the low
21 is difficult to predict. I can tell you what the
22 targeted high will be. We've moved to, with these
23 reductions that I spoke about, and in Fiscal Year
24 2010, assuming that there is no class in January
25 of 2010, the targeted high would be 34,771.

CHAIRPERSON VALLONE: And what in your estimation would be the low that we would hit in June before the new class, if it's hired, of 2010?

COMMISSIONER KELLY: Well it's difficult to say. It depends on attrition. The economy that we find ourselves in is certainly going to have an impact on the level of attrition. So it's difficult to say what that would be. But again we'd be authorized to hire up to the number that I mentioned.

CHAIRPERSON VALLONE: Well if someone say such as myself with a background in this, estimated that the number in June 2010, if these cuts go through, be somewhere around 32,000, 33,000?

COMMISSIONER KELLY: I think that would be pretty low.

CHAIRPERSON VALLONE: Hum.

COMMISSIONER KELLY: I think that would be probably too low. Based on--and some of it has to do with hires that we did 20 years before because people become eligible to retire and police officers retire at about an 80% rate

1
2 when they reach their 20th anniversary. We slowed
3 down in hires in the last 80's because of a fiscal
4 crisis then, so that impacts on attrition and
5 impacts in retirement. And as I say, the economy
6 will also have an impact on the attrition rate.

7 CHAIRPERSON VALLONE: What is the
8 annual average attrition?

9 COMMISSIONER KELLY: Well it--there
10 is no easy answer to that. It depends on the
11 hires that we've had, as I say, 20 years before.
12 We've attritted here under this Administration as
13 much as 3,400, 3,500 a year.

14 CHAIRPERSON VALLONE: That's from...

15 COMMISSIONER KELLY: Yes. About
16 3,500 a year.

17 CHAIRPERSON VALLONE: And if we're
18 replacing those this year with 500 and in 2010
19 with no one and we're down at around 36,000
20 operating strength now--

21 COMMISSIONER KELLY: [Interposing]
22 That's our highest attrition rate though--

23 CHAIRPERSON VALLONE: [Interposing]
24 Right.

COMMISSIONER KELLY: -- you know, I don't believe we'll be experiencing an attrition rate that high.

CHAIRPERSON VALLONE: I unfortunately, I agree with you about attrition, but I do believe we're going to be somewhere between 32,000 and 33,000 if these decimating cuts are allowed to happen. And that either your anti-terrorism capabilities are affected or you've basically wiped out the precincts of the ability to continue to win the war against crime. But that's a different hearing for a different day which we've had and will continue to have in the future. Council Member Simcha--we've been joined by Council Member Foster and Council Member Simcha Felder has questions.

COUNCIL MEMBER FELDER: Thank you. This is a--good morning, a very serious matter. But just for a moment, I wanted to know whether you'd be willing to make a commitment publicly now that you will continue to serve as Police Commissioner. I understand that you serve at the pleasure of the Mayor whoever that may be, but I tell you I think that a lot of people feel good or

comfortable with the fact that you're running security, the Police Department in this City, and I don't usually give out compliments.

COMMISSIONER KELLY: [Chuckles].

COUNCIL MEMBER FELDER: So I want to know whether you'd be willing to give me that commitment now.

COMMISSIONER KELLY: [Chuckling]
Well I serve at the pleasure of the Mayor.

COUNCIL MEMBER FELDER: Yeah but
you--

COMMISSIONER KELLY: [Interposing]
As you said, you gave me--

COUNCIL MEMBER FELDER: --didn't
answer my question.

COMMISSIONER KELLY: -- my answer
already.

COUNCIL MEMBER FELDER: What? I'm
talking about the next term.

COMMISSIONER KELLY: Well, as I
say, I serve at the pleasure of the Mayor. I
certainly - - my job.

COUNCIL MEMBER FELDER:

[Interposing] All right. You don't want to answer the question. I'll ask you the regular stuff.

COMMISSIONER KELLY: [Chuckles].

COUNCIL MEMBER FELDER: There is a proposal I think about putting blueprints of buildings online throughout the City. I was wondering, certainly schools, places of worship, institutions of that sort, I haven't--when I read the details, I haven't seen any exemption and I may have missed it. I was wondering your feelings about that in terms of security.

COMMISSIONER KELLY: Well there are exceptions. And I think we're still trying to work out the details with the Department of Buildings. But there are security exceptions as I understand it. And it's still very much a work in progress.

COUNCIL MEMBER FELDER: Okay. So I, again I'm happy that you're on top of things. Now in terms of the nonpublic schools, as you know at this time, nonpublic school do not receive any sort of funding for security at all. And I'm talking about the most basic elements such as a

1
2 camera, buzzer or anything like that. I know it's
3 not under your jurisdiction but I want to put you
4 on the spot again on a more serious issue.

5 Years ago the State passed laws to
6 obligate localities to provide lunches, textbooks
7 and transportation. At that point in time there
8 was no threat of terror. Now there is. And yet,
9 localities such as New York City do not want to
10 provide money for the most basic protections let
11 alone security officers in nonpublic schools. And
12 that has nothing to do with religious education of
13 any sort. So I'm wondering what your feelings
14 about that are.

15 COMMISSIONER KELLY: Well we
16 provide services to schools, for instance,
17 security surveys that we do readily. Each one of
18 our precincts have Crime Prevention Officers. We
19 make that service available. I know in Borough
20 Park we have done this periodically. Perhaps we
21 would refocus on that. We work with Co-Jo
22 [phonetic], had a program of educating private
23 schools as to how they can better protect
24 themselves. We certainly would be willing to, you

1
2 know, augment that with our Crime Prevention
3 Services.

4 COUNCIL MEMBER FELDER: Well
5 there's no question that we appreciate the work
6 that you are doing. And again my purpose in
7 questioning you is to make trouble--

8 COMMISSIONER KELLY: [Interposing]
9 [Chuckling].

10 COUNCIL MEMBER FELDER: --I'm
11 trying to force the issue. I'm being blatant
12 about it, is that, again, that what you're doing,
13 you're doing under the constraints that you have.
14 I am not giving you a hard time. All I'm saying
15 is that this issue, you brought up Mumbai and
16 other places like that, I don't see, I don't see
17 the ability for any police department to be able
18 to provide security every where, every time. But
19 when we're talking about educating children and
20 the State law as it exists now obligates
21 textbooks, lunches and transportation. It seems
22 that without having to get it into law, the City,
23 this City and others should be providing at least
24 the most basic forms of security for nonpublic
25 schools whether they're Catholic, Jewish, Muslim

1
2 or any other. That's all. That's not a question.
3 That's a statement.

4 And finally years ago, I remember
5 we had programs where you had officers when crime
6 was not at the levels, thank God, that we have
7 today, it's much better. It's no comparison. But
8 you had officers out in disguise. I remember
9 seeing people in Borough Park dressed in Hassidic
10 garb to try to prevent criminals... let me just tell
11 you the Hassidim knew who they were. They
12 weren't--

13 [Audience laughter]

14 COUNCIL MEMBER FELDER: --it's the
15 others that didn't know. But in terms of security
16 for terrorism, I'm curious whether you, whether
17 the Department has used that, we see, I mean
18 there's a level of comfort and confidence seeing
19 police officers in uniform all over the place,
20 stopping people any time anyplace which is
21 phenomenal. Phenomenal. I'm just wondering
22 whether you're using undercover, well I don't
23 know, in disguise, cops in general, in the subways
24 or other places at this time.

COMMISSIONER KELLY: The answer is yes. We use, obviously, people in plain clothes. And we use them in the subways and we use them on the streets. It's part of our tactics, strategies, it has been for a long time.

COUNCIL MEMBER FELDER: Thank you very much. And I want to again thank the Chairman for being so diligent on these issues.

COMMISSIONER KELLY: Thank you Sir.

CHAIRPERSON VALLONE: Thank you.
Council Member Foster.

COUNCIL MEMBER FOSTER: Good morning.

COMMISSIONER KELLY: Good morning.

COUNCIL MEMBER FOSTER: A few quick questions. Has there been discussion, I know this is a robbing Peter to pay Paul type of budget, but has there been discussions that if we get Federal stimulus money for one area than we can reallocate money to the Police Department to, you know, maybe get the class in 2010 or have we had those discussions?

COMMISSIONER KELLY: Well there has been some discussion in Washington about a stimulus for law enforcement--

COUNCIL MEMBER FOSTER:
[Interposing] Okay.

COMMISSIONER KELLY: --and the number keeps changing. It's difficult to pin it down. But I've heard anywhere from money being potentially made available for New York for 400 additional police officers up to 1,000. I don't know where that stands. Obviously we're very supportive of it. The Vice President has spoken about it. Congressman Weiner has spoken about it. We, you know, we're very supportive of--

COUNCIL MEMBER FOSTER:
[Interposing] Have--

COMMISSIONER KELLY: --that movement.

COUNCIL MEMBER FOSTER: --have we been able to get the message, I know for a long time it appeared that the rest of the world was looking at 9/11 as though it was an attack on New York and not an attack on the United States. Have we been able somewhat, and I know the new

1
2 administration is very new, but to change those
3 attitudes that when we look for money to fight
4 terrorism it's not per se, just New York City,
5 whereas we are looking to protect the United
6 States?

7 COMMISSIONER KELLY: We make that
8 argument all the time when we go to Washington,
9 obviously there's a new administration, we'll be
10 making that argument. What we say is we're
11 protecting America's assets here. We're not just
12 protecting New York--

13 COUNCIL MEMBER FOSTER:
14 [Interposing] Right.

15 COMMISSIONER KELLY: --we're
16 protecting national icons. We're protecting the
17 national economy. God forbid something happens
18 here. It will have a ripple effect throughout the
19 world, let alone the nation. So yes. That's
20 something that we say all the time but--

21 COUNCIL MEMBER FOSTER:
22 [Interposing] You think they're getting it?

23 COMMISSIONER KELLY: --what happens
24 is all, huh, you know, all politics in Washington,
25 I spent five years there as a local--

COUNCIL MEMBER FOSTER:

[Interposing] Local.

COMMISSIONER KELLY: --and, you know, it's amazing how--the rationale that they can come up with. We, you know, when the Urban Area Security Initiative started in 2002, there were 7 urban areas in the country that obviously you could make a reasonable, rational argument for that they needed additional funding to protect themselves from a terrorist event. Well now that number is well over 50 and it's growing. There's different variations of it. It's been watered down tremendously. We'd love to go back to that, you know, that basic common sense approach. But it's difficult to, has been up until now, difficult to move in that direction in Washington.

We hope that we can work with the new administration to convince them. We understand that, you know, not naïve, we understand that people are sent to Washington to get resources for their District. But as you say, Councilwoman, that we're protecting America here. You make an investment here; you're protecting your own community because as I say, God forbid,

another event is going to affect every community in this country.

COUNCIL MEMBER FOSTER: Yes. I'll revisit this once we get further in the administration 'cause I think that's very important. When you talk about 32,000 to 33,000, right, the number of officers.

COMMISSIONER KELLY: The Chairman's used that number.

COUNCIL MEMBER FOSTER: Yes. The Chairman. What would that be based on in terms of what budget year, like when's the last year we've seen a number of 32,000 or 33,000 officers--

COMMISSIONER KELLY: [Interposing]
Well again--

COUNCIL MEMBER FOSTER: --do you know? Based on--

COMMISSIONER KELLY: --I don't--

COUNCIL MEMBER FOSTER: --what the--
-

COMMISSIONER KELLY: --I'm not saying that that's where we're going.

COUNCIL MEMBER FOSTER: Right.

COMMISSIONER KELLY: But we'd have to go back many years, you know. We had three Police Departments at one time--

COUNCIL MEMBER FOSTER:
[Interposing] Hum.

COMMISSIONER KELLY: --of course we've, you know, we've been merged. But the Safe Street/Safe City number was 38,200. That was the target number under Safe Street/Safe City. That's when we had 3 departments. So, you know, we--the numbers the Chairman used are significantly below that.

COUNCIL MEMBER FOSTER: What can, I think the concerns are across the board in every community in terms of terrorist attacks and there is no community that isn't concerned about crime. What can a lay person do to, you know, other than, you know, we see the Be Aware on the subways and things like that, but I know sometimes and, you know, your imagination gets the best of you because of movies that you're like oh what is this, what is that? But is there anything that we need to be looking out for without, you know, sometimes I think press conferences, we end up

1
2 giving too much information and I don't know if
3 that's true, but what can we be aware of that
4 maybe we're not, and it wasn't even entered our
5 head to be aware of?

6 COMMISSIONER KELLY: Well there's a
7 lot of things. Identity theft, you know--

8 COUNCIL MEMBER FOSTER:
9 [Interposing] Hum.

10 COMMISSIONER KELLY: --protecting
11 your Social Security number. You should never
12 give that out, those sorts of basic things that
13 perhaps we should do a better job of getting that
14 information out. We like people to join the
15 Community Council--

16 COUNCIL MEMBER FOSTER:
17 [Interposing] Um-hum.

18 COMMISSIONER KELLY: --it is a very
19 important vehicle for the Department. Precinct
20 Commanders are required to meet with their
21 Community Council once a month. And it is a
22 vehicle for feedback. And they react to
23 information that they get from the Community
24 Council venue or meetings. And some communities

1 have very strong, vibrant Community Councils.

2 Others do not--

3 COUNCIL MEMBER FOSTER:

4 [Interposing] Um-hum.

5 COMMISSIONER KELLY: --it's almost
6 tradition. 'Cause Commanders will go out and try
7 to increase membership but it's difficult to do.
8 But for us, you know, information is the breakfast
9 of champions. We have to know what's going on for
10 us to react. And it's a very important vehicle
11 for us to get information. We're looking to
12 revitalize our Block Watcher program. It's
13 something, when I go to community meetings, people
14 talk about it. And we have let it, we have let it
15 slip. So we're going to reenergize that then.
16 That program because it gives people a sense of--

17 COUNCIL MEMBER FOSTER:

18 [Interposing] Community. Yeah.

19 COMMISSIONER KELLY: --community
20 involvement, so those sorts of things. Letting us
21 know what's going on. Well people say well
22 everybody knows that, well, no we don't always
23 know it. We need citizens to tell us what's going
24 on in their community. Community Council is a
25

1
2 good way of doing it. Of course, Auxiliary
3 Police, we like, you know, we have about a cadre
4 of a little over 4,000 men and women who function
5 in Auxiliary Police program. It's important. We
6 use them more and more for parades, for major
7 events. They're a real force multiplier for us.
8 I would say some of those things are--

9 COUNCIL MEMBER FOSTER:

10 [Interposing] Um-hum.

11 COMMISSIONER KELLY: --important
12 for us. And we're going to continue to emphasize
13 them or reenergize some of those programs.

14 COUNCIL MEMBER FOSTER: And I would
15 assume that those are things as a Council Member,
16 I have five monthly meetings in my office a month.
17 Different, you know, youth, my seniors, I have
18 seniors that can tell you everything that's
19 happening on a block in a community. Who belongs
20 there, who doesn't, da-da-da. We can get the
21 information out in terms of identify theft and
22 things that you would think might just have to do
23 with someone taking your identity, you know, your
24 identify to use, take your money, but could be
25 using it to get fake IDs and everything else.

COMMISSIONER KELLY: Yeah.

COUNCIL MEMBER FOSTER: We can be more helpful in that. The last thing, the last question I have, and I'm not looking for specifics, I'm just wondering, do we have, the term that came into my head are season attacks, like when it gets warmer, are there areas that we are more prone to cover as officers looking for terrorism as opposed to the winter or, you know, automatically I think of Opening Day at both the new stadiums. Would that make us more heightened to be aware and are there--so seasonal, when it gets warmer, when it, you know.

COMMISSIONER KELLY: Well we have what we call a counterterrorism overlay that we put in place any time large numbers of people get together. Obviously Opening Day would be one of those events. But it also happens in the colder weather too. We'll have major parades--

COUNCIL MEMBER FOSTER:
[Interposing] Um-hum.

COMMISSIONER KELLY: --New Year's Eve. We put in now, since September 11th, additional coverage, different, additionally

1
2 observation posts, detection equipment, that
3 before September 11th we never used. So it's not
4 so much seasonal, it's event driven--

5 COUNCIL MEMBER FOSTER:

6 [Interposing] Okay.

7 COMMISSIONER KELLY: --but we do
8 put additional resources in place in a post-9/11
9 world to fend of or to, you know, observe and do
10 everything we can to ward of a terrorist event.

11 COUNCIL MEMBER FOSTER: And I would
12 just end with please reach out to the Council
13 Members and let us know what we can do to help you
14 in getting the money you need to get the officers
15 up. And then we can continue to work on some of
16 the issues that are underlying with communities.
17 But the bottom line is we need the officers.

18 COMMISSIONER KELLY: Um-hum.

19 COUNCIL MEMBER FOSTER: Thank you.

20 COMMISSIONER KELLY: Yes Ma'am.

21 CHAIRPERSON VALLONE: Thank you
22 Council Member. Council Member Foster brought up
23 some interesting points about Federal funding.
24 Now that the 400 cops that I read about was for
25 the Cops Program, through a reinvigoration of that

1
2 program. Can you break down for us the situation,
3 the ongoing situation between yourself and the
4 Federal government when it comes to Federal and
5 Homeland Security money, whether it--when it comes
6 to this new stimulus package whether you or the
7 counterterrorist stands to benefit from that? And
8 the Cops program, I guess you already discussed,
9 but those two other areas of potential funding.

10 COMMISSIONER KELLY: Well as far as
11 the stimulus program, that's, you know, unknown
12 right now. We certainly are supportive of it as
13 far as, you know, parochially as far as any
14 additional resources that we can get. Homeland
15 Security, we just still have that sort of
16 philosophical debate about whether or not we can
17 get money for personnel costs. They had eased up
18 on that somewhat in the previous administration.
19 We're already making the argument that we want to
20 see that eased up on, in this administration, as
21 well.

22 There is the resistance in
23 Washington, when I worked there, there was in
24 place, and certainly during the last
25 administration, against giving direct funding for

1
2 personnel costs. They have a bias towards giving
3 you equipment as opposed to paying for personnel.
4 What we say is, you know, we've got a lot of
5 equipment. And, you know, we always can use some
6 more. But our major cost, major expense,
7 personnel, boots on the ground. And we are
8 certainly going to carry that discussion into this
9 new administration.

10 CHAIRPERSON VALLONE: We've been
11 hearing about that philosophical discussion for
12 some time now--

13 COMMISSIONER KELLY: [Interposing]
14 Right.

15 CHAIRPERSON VALLONE: --so I hope,
16 again, things change. Just for planning purposes,
17 the Commissioner will be here no later than 11:30.
18 If other Council Members show up, they may or may
19 not have questions but we'll get it done before
20 then. We have been joined by Council Member,
21 we're kind of audited by Council Member Gennaro.
22 I think Councilman Yassky stopped by. One of the
23 people we'll be hearing from next, Commissioner,
24 oh again, after the Commissioner leaves at 10:30
25 [sic], we will take a 5 minute break and come back

1
2 with a representative from a major security,
3 private security company and a representative from
4 the wireless phone companies.

5 But, and we've had hearings with
6 this Committee about private security and the fact
7 that they're responsible, they are our first lines
8 of defense at many, many potential terrorist
9 targets such as hotels. And we, years ago, had a
10 hearing about their complete lack of training.
11 The fact they only received eight hours of
12 training. There was a private security guard who
13 testified that he was the guy responsible at a
14 major building, I think it was one of the Federal
15 buildings actually, for checking to see if cars
16 had car bombs and he was the guy with the mirror.
17 And he said he wouldn't know a bomb from a
18 carburetor but he was the guy that had to go check
19 to see if these, you know, there were bombs in
20 cars.

21 So it was a cause for concern.
22 Some improvements have been paid. I think 32BJ
23 took over most of the private security situation,
24 gave them more training. You've obviously been
25 doing as much training as you can. But there are

no Federal mandates when it comes to training, especially when it comes to anti-terror or--and there is some very kind of weak State mandates.

Do you support or would you suggest any more training when it comes to private security or any Federal mandates when it comes to that?

COMMISSIONER KELLY: I certainly support the concept of it. I think we need, generally speaking, better training in the private sector. If the Federal government wants to do it, provide money, that would be great. We attempt to do some of it ourselves. And the vehicle in a way is also our Shield program, as I say, we now have over 6,000 members. We impart I think some very valuable information to them. We do training under the Shield rubric for units in some of these private security entities. But it's spotty.

And we also have involved the private sector in our Lower Manhattan Security Initiative. Now one of the plans down the road is to have a training component in the Lower Manhattan Security Initiative where we would do a lot more proactive training for security in that

1
2 area. It's not unlike the training that's done in
3 London. We met with the London authorities a
4 couple of years ago. They have a program called
5 Griffon. And it is specifically in their so-
6 called Ring of Steel. So we are looking to do
7 that as well, as the Lower Manhattan Security
8 Initiative gets rolling. We opened up our
9 Coordination Center but we've got a long way to go
10 in that program. So yes, we are committed to
11 improved training of the private sector.

12 CHAIRPERSON VALLONE: What is the
13 statue of the Lower Manhattan Security Initiative?

14 COMMISSIONER KELLY: We opened up
15 our coordination center. It is functioning and we
16 invite you to visit it. It's state of the art
17 equipment there. We are still hopeful of getting
18 additional funding from Homeland Security. I'm
19 optimistic about that. We have City funds as well
20 that will enable us to put in more cameras, public
21 area, public sector cameras, tied in with the
22 private sector cameras, all in public spaces. We
23 are putting in license plate readers. We have
24 license plate readers now mobile license plate
25 readers that are deployed in the Lower Manhattan

1
2 Security Area. We'll be putting in some more
3 fixed locations license plate readers as well. So
4 Lower Manhattan Security Initiative is moving
5 along.

6 We will shortly be training the
7 private security representative who will be
8 working in our Coordination Center. The concept
9 has always been to have a public/private
10 partnership in that Coordination Center where
11 they're helping us man the facility 24 hours a
12 day, 7 days a week. And we'll be kicking off a
13 training component for them probably in the next
14 month.

15 CHAIRPERSON VALLONE: So you've got
16 the Center open, you said you had some mobile
17 readers and some cameras up. What percentage of
18 the cameras are up and how much more needs to be
19 done?

20 COMMISSIONER KELLY: We have about
21 300 cameras up. And we hope to have ultimately
22 3,000 cameras in.

23 CHAIRPERSON VALLONE: And when do
24 you foresee completion?

COMMISSIONER KELLY: I would say 2011.

CHAIRPERSON VALLONE: And my last question, regards a kind of a highly publicized situation between you and the Justice Department when it came to intelligence and warrants. And obviously as you ended your testimony, your preference is stop and attack at the earliest planning stage. You've been very successful in the way that you do that, is by intelligence and observation.

You made the complaint that your applications for warrants and wiretapping were being delayed and were being held to standards which you thought were too high and the Federal government disagreed. Has there been any resolution to that conflict?

COMMISSIONER KELLY: Well first let me say that I have the utmost respect for Michael Mulkasey [phonetic], he was an outstanding jurist, sat on the Federal bench here for 18 years and did a terrific job. We did have a discussion, let me say that some of this is classified information, I want to be a little cryptic with this, but there

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2 were two correspondence, two letters made public,
3 there was more than that, but one of them is
4 classified. Our complaint in essence was that the
5 process was too slow. And this is a process
6 that's done through the FBI, it's not--NYPD does
7 not on its own go forward and make an application
8 for a FISA [phonetic] warrant. We thought that
9 the process was too slow. And some other issues
10 as well. But let me say that since those exchange
11 of letters, that the process has accelerated
12 significantly. So if the exchange of letters
13 brought that about, then fine. I'm happy with the
14 result.

15 CHAIRPERSON VALLONE: And I won't
16 ask anything further about that, since it doesn't
17 sound like you can go into any more detail. But
18 so we'll be seeing you again in March and then
19 again in May for updates, especially regarding the
20 manpower situation and the new class, which we're
21 just finding out the class in January may not
22 happen, if these budget cuts go through.

23 Let me again thank you. After 9/11
24 I don't think there's anyone in this room who did
25 not think that New York City would suffer another

1
2 attack of some sort in the near future and yet
3 that did not happen and has not happened. And
4 that's due to your actions under Mayor Bloomberg's
5 stewardship. And for that we owe you and everyone
6 who works with you a huge debt of gratitude. And
7 anything this Committee can do to assist you in
8 your fight, you let us know. And we look forward
9 to hearing from you again.

10 COMMISSIONER KELLY: Thank you very
11 much.

12 CHAIRPERSON VALLONE: Again we'll
13 take a five minute break and be back with private
14 industry and the cell phone industry.

15 [Pause]

16 [Gavel banging]

17 CHAIRPERSON VALLONE: Okay. Please
18 find seats and turn off cell phones.

19 [Pause]

20 CHAIRPERSON VALLONE: Okay.
21 Welcome back. We will, I guess, have two panels,
22 since one of our panelists is doing an interview.
23 We'll begin now with Christopher Guttman-McCabe
24 who is from CTIA, The Wireless Association. Thank

you for joining us Mr. McCabe and we look forward to your testimony.

MR. CHRISTOPHER GUTTMAN-McCABE:

Thank you. I appreciate it. Good morning Mr. Chairman. Thank you for the opportunity to testify before you today on behalf of CTIA, The Wireless Association. CTIA is the international organization that represents all sectors of the wireless communications industry, carriers, manufacturers, and data companies.

Wireless is a growing and evolving service. Today there are more than 271,000,000 subscribed in the United States who use in excess of 2,000,000,000,000 minutes of use per year. Wireless subscribers sent 385,000,000,000 text messages in the first 6 months of 2008 alone. And wireless is essential for emergency 911 calls with as many as 1/2 of all 911 calls made from wireless devices. Conservative estimates reveal that 300,000 911 calls per day are made from wireless phones. Wireless is becoming a key safety tool for American citizens.

Wireless carriers are deeply concerned over the use of wireless technology by

1
2 perpetrators of violence. However while wireless
3 devices were used by the terrorists during their
4 attack to communicate, we also understand that
5 wireless devices were used to pass information to
6 both public safety as well as to the public at
7 large including details on the location of
8 terrorists, the location of victims and the
9 locations of hostages. As we consider what to do,
10 as we try to learn from the horrible attack in
11 Mumbai, that balance must be understood.

12 The wireless industry would like to
13 do its part to ensure that New Yorkers and
14 Americans are safe in the event of a terrorist
15 attack. Mr. Chairman you had asked earlier what
16 wireless carriers were willing to do as part of
17 their role in making America safe. In the
18 aftermath of the London and Madrid bombings, the
19 wireless industry along with representatives from
20 the New York Port Authority, the New York Police
21 Department, the Transit Police and other Federal
22 government agencies met in New York to talk about
23 wireless networks.

24 The outcome of that meeting is the
25 Emergency Wireless Protocol. The Emergency

1
2 Wireless Protocol is a national protocol designed
3 for requests to shut down and ultimately restore
4 wireless services in emergency situations. It is
5 simple to use. The reason is that the work has
6 been done ahead of time. This backend work
7 includes information gathering, use of the
8 authentication capability of the Department of
9 Homeland Security's National Communication System,
10 and access to the NCC's existing National
11 Emergency Communications Network, into which the
12 commercial wireless industry has been connected.

13 The process begins with a call to
14 the NCS 24 hour watch desk with a request to shut
15 down the network. At the same time officials must
16 recognize that wireless has become an intrinsic
17 part of our critical infrastructure. Just like
18 banking, finance, power, energy, transportation
19 and other essential services, to be protected as a
20 national priority. In the event of an emergency
21 it is perhaps even more vital. People expect
22 wireless service to work as well as their water
23 and their electrical services.

24 Perhaps most important, people
25 caught in emergency situations need to

1
2 communicate, with law enforcement, with hospitals,
3 with family. Disabling wireless networks will
4 delay or prevent the public from contacting public
5 safety and law enforcement to report emergencies,
6 injuries, suspects or give updates on developing
7 situations.

8 Further many public safety
9 communications applications literally work over
10 commercial wireless networks, whether it be
11 laptops in squad cars, fire and emergency medical
12 service providers receiving dispatch information,
13 relaying patient data or retrieving updated floor
14 plans from the Buildings Department, while in
15 transit to an incident, responders using
16 commercial networks for interoperability or for
17 backup communications.

18 Additionally our City, State and
19 Federal leaders now use a service developed after
20 September 11th called Wireless Priority Service to
21 place wireless calls during times of congestion by
22 accessing the next available wireless channel over
23 their existing wireless devices. And going
24 forward, shutting down the wireless network will
25 disrupt the availability and delivery of wireless

1
2 emergency alerts, the exact service that is
3 designed to protect citizens in times of crisis,
4 delivering timely information on events including
5 where to go and what areas to avoid.

6 Going forward, the balances between
7 keeping the critical wireless networks up and
8 running must be understood. While we all hope
9 that we are never faced with this decision, the
10 Emergency Wireless Protocol was designed to
11 recognize this balance when a decision is made.
12 Thank you for this opportunity to speak. I look
13 forward to any questions you might have.

14 CHAIRPERSON VALLONE: Okay. I
15 apologize if you said some of this but it's tough
16 to do two or three things at the same time. We
17 did discuss before you testified what your options
18 would be as opposed to the police forcibly
19 shutting down any area of communications. What
20 does the technology allow you to do now and what
21 are you hoping to move to in the future when it
22 comes to being able to pinpoint a location and
23 stop communications from there?

24 MR. McCABE: Well as it stands
25 right now, as I said earlier, when, after the

1
2 London and Madrid bombings we did meet with a good
3 cross-section of the New York public safety
4 community as well as the Federal public safety
5 community. And we developed this emergency
6 wireless protocol. It begins with a call from a
7 State, a Homeland Security Director or someone
8 else to a 24 hour watch desk. In terms of
9 wireless we actually have a number of our carriers
10 have people who are present, actually physically
11 present at the watch desk, similar to the public-
12 private partnership that the Commissioner
13 mentioned in Lower Manhattan. We actually have
14 some of our member companies have employees in
15 residence at this watch desk.

16 And the idea would be a call would
17 come in. It would be authenticated and then a
18 request would go out to the carriers to shut down
19 their networks. The request would be as targeted
20 as possible. And as we had spoken earlier, it's a
21 matter of, you know, of what type of area you
22 want, you know, would be asked to be brought down.
23 And, you know, that's sort of a real-time
24 decision. It's hard to understand how pinpointed
25 it could be based on--it's based on different

1
2 carriers' networks configuration or if they have
3 large cell sites in the area or smaller PICO or
4 smaller cell sites. But the idea would be to
5 target it to as tight an area as possible based on
6 the request from public safety.

7 CHAIRPERSON VALLONE: Without you
8 being able to tell us exactly how pinpointed it
9 would be, what are we talking about? An entire
10 Borough? A few blocks? What do you estimate
11 being the smallest area that we could shut off?

12 MR. McCABE: Very rapidly you're
13 going beyond my technological capability. I'm a
14 lawyer by trade. But having dealt with this, it
15 is to be--I'm not trying to be obstinate, it's
16 going to be different from carrier to carrier
17 depending on that area's network. I don't think
18 it's as small as a few blocks but I think it's
19 possible probably to be smaller than a Borough.

20 CHAIRPERSON VALLONE: Now obviously
21 even if that were possible, shutting down an
22 entire network would also shut down the ability
23 for people who weren't--for people to get help or
24 in fact assist the police. Do you have the
25 capability or are you working towards being able

1
2 to shut down specific units and specific cell
3 phones or devices?

4 MR. McCABE: You know, I was
5 encouraged by the Commissioner's mention of trying
6 to hone in on a single instrument. I'm not aware
7 of a technology yet but I, you know, I think
8 obviously it would make sense if we could develop
9 such a technology to be able to identify that.
10 You know, you mentioned the balance Mr. Chairman.

11 I think that's the one element of
12 our testimony we wanted to make sure we got across
13 is that you want to make sure that you're not
14 bringing down the beneficial elements. And again
15 it's, you know, emergency alerts, it's 911 calls,
16 it's really at times the wireless, in some of
17 these horrible events, the wireless devices have
18 been used to direct police resources by, you know,
19 by those that were at risk, whether they were
20 injured or locked up or held hostage. There was a
21 real benefit to making sure that the networks were
22 operational.

23 CHAIRPERSON VALLONE: Okay. I mean
24 you've answered all of my questions but you've
25 heard the Police Commissioner state now at two

1
2 separate public locations that he thinks it's
3 important to have the capability to do that. So I
4 guess it would behoove your industry to have that
5 capability to do it voluntarily before, you know,
6 it's forced upon you--

7 MR. McCABE: [Interposing] Well and
8 certainly, and again, the wireless protocol was
9 our voluntary effort to try to address that
10 evolving situation after the London event. And,
11 you know, the industry's willing to work in these
12 areas voluntarily. It makes sense. We've got
13 very good corporate citizens running our
14 companies. And they understand the desire and the
15 need to protect.

16 CHAIRPERSON VALLONE: If we can be
17 of any assistance, you let us know. Thank you--

18 MR. McCABE: [Interposing] Okay.

19 CHAIRPERSON VALLONE: --Mr. McCabe
20 for your testimony.

21 MR. McCABE: Thank you.

22 CHAIRPERSON VALLONE: Our last
23 person testifying will be Michael Montemarano, a
24 former police officer who's now with FJC Security

Services, which provides private security to some of our largest locations. I'll take that, thanks.

[Pause]

CHAIRPERSON VALLONE: Hold on one second.

MR. MICHAEL MONTEMARANO:

[Interposing] After speaking with Rose yesterday and finding out that the Police Commissioner was going to speak before me, I was able to cut out a lot of the fat.

CHAIRPERSON VALLONE: Okay. That's what we're all trying to do here in the City.

Okay. Thank you for joining us. And--

MR. MONTEMARANO: [Interposing]

Thank you.

CHAIRPERSON VALLONE: --thank you for the help prior to the hearing. And we look forward to your testimony.

MR. MONTEMARANO: Thank you Sir. I would like to give you a brief description of my background. I am a retired Sergeant from the NYPD now employed by FJC Security Services. My first experience with terrorism was in January 1983 the day I was sworn in as a Police Officer. Not 72

1
2 hours before 3 police officers were injured by
3 explosive devices placed by the FALN some of which
4 are here right at Police Headquarters. I spent 18
5 and a half years of my career here in Patrol
6 Borough Manhattan South. The Patrol Borough is
7 the home of the United Nations, Wall Street, the
8 then World Trade Center and City Hall. Events
9 occurring throughout the world have a direct
10 impact on policing in this area of the City.

11 In the fall of 1999 I was asked to
12 design and coordinate training for over 2,000
13 members of the NYPD in preparation of the
14 Millennium News Year's Eve celebration.
15 Subsequent to the 911 attack on the WTC, I was
16 asked to take part in creating the first counter
17 terrorism training and the method of delivery to
18 the members of the NYPD.

19 During these sessions, we were
20 introduced to the vision of the department for
21 combating--

22 CHAIRPERSON VALLONE: [Interposing]
23 I'm sorry to interrupt--I'm sorry to interrupt but
24 before you go any further--

MR. MONTEMARANO: [Interposing]

Yes.

CHAIRPERSON VALLONE: --could you just tell us what you do, why you're asked to do these things and what--

MR. MONTEMARANO: [Interposing]

Sure.

CHAIRPERSON VALLONE: --how you got--what you actually do right now?

MR. MONTEMARANO: I'm the Senior Director of Operations for the private client sector for FJC Security.

CHAIRPERSON VALLONE: And how, and FJC Security does what?

MR. MONTEMARANO: We provide security at ports, transportation facilities, colleges and universities as well as residential facilities.

CHAIRPERSON VALLONE: Okay. And you were asked to design and coordinate training for 2,000 NYPD officers. How did that occur?

MR. MONTEMARANO: My position at the time was Borough Training Coordinator for Patrol Borough Manhattan South.

CHAIRPERSON VALLONE: You worked for the police at the time, okay.

MR. MONTEMARANO: [Interposing]
That was--I was at the police Department, correct.
During the sessions regarding the World Trade Center we were introduced to the vision of the Department for combating terrorism and the tools to be used to in this endeavor. Satellite communications, flat screen monitors and text messaging all seemed improbable if not impossible.

While attending the NY Shield Conference regarding the Mumbai Attacks, it was quite evident that the vision had been realized. The methods used to convey the circumstances leading up to the attacks and the attacks themselves far exceeded my expectations.

Information and communication are the key components to effective terrorism awareness and response to attacks if necessary. The Conference addressed both of these components. This information was provided to a large number of law enforcement and private security professionals simultaneously and most importantly, was clear, concise and accurate. Using traditional

investigative techniques enhanced by modern technology enabled participants to view the scene of the attacks and communicate with the NYPD Investigative team in Mumbai.

The type and method of the attacks exhibited a change in tactics from what we've seen in the past. But once again the targeted locations were similar to those in the past, unprotected, highly populated areas are easy targets to say the least

The conference was representative of the relationship between the NYPD, other law enforcement agencies and private security. Although our scope of authority is narrow our mission is the same, to protect life and property.

At FJC, our officers are trained to observe and report. Currently FJC employs over 4,000 Officers. By providing the Private Security Industry with all of the pertinent information we can properly inform and train our officers as needed.

Presently, we provide security at numerous transportation facilities, ports, hospitals and educational institutions. The

1
2 events that unfolded in Mumbai have had a direct
3 impact on all the services we provide. These
4 services in many instances, directly or
5 indirectly, support law enforcement in combating
6 terrorism as well as routine concerns. Programs
7 such as Operation Nexus and the Lower Manhattan
8 Security Initiative are examples of how the NYPD
9 and private security can work together to
10 accomplish our common goal.

11 Thank you.

12 CHAIRPERSON VALLONE: Thank you and
13 I realize you don't want to give up specific
14 clients, that's why you haven't mentioned any.

15 MR. MONTEMARANO: Yes.

16 CHAIRPERSON VALLONE: Do you
17 represent or provide security at any hotels?

18 MR. MONTEMARANO: No Sir.

19 CHAIRPERSON VALLONE: Okay. I do
20 see you have hospitals here though which is very
21 similar to a hotel. You--just, in what ways as
22 your training changed and what actions have you
23 taken since Mumbai when it comes to your security?

24 MR. MONTEMARANO: We've actually
25 brought on staff, retired members of the Police

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2 Department from Counterterrorist and the Police
3 Academy to utilize the experience and the
4 knowledge that the Police Department has gained
5 over the years, including the incidents in Mumbai.
6 We're developing a program where we are teaching
7 our officers behavioral science type information
8 where they can look at people, determine who fits,
9 who doesn't fit, who's an authorized person, who
10 may be an unauthorized person. We're teaching
11 them to be familiar with their surroundings. And
12 simple things like being able to make a 911 phone
13 call where the information can be relayed to the
14 Police Department or our own 24 hour operations
15 desk in a clear and concise manner.

16 CHAIRPERSON VALLONE: How much
17 training to do you provide to your officers?

18 MR. MONTEMARANO: Presently about
19 eight to ten hours additional training over and
20 above what's required by law. We're in the
21 process of developing specific training for our
22 hospitals, our colleges and universities and our
23 transportation facilities.

24 CHAIRPERSON VALLONE: You heard the
25 Police Commissioner testify about the, his support

1
2 for Federal standards or mandatory standards,
3 let's say, increased standards for security
4 guards. Do you have a position on that?

5 MR. MONTEMARANO: The problem with
6 increased standards, it goes to money. As in the
7 entire conversation today, when we approach our
8 clients and tell them that we are required to do a
9 certain amount of training, there is a financial
10 component. As a professional I would like to see,
11 I would like to be able to provide as much
12 training as we can. Since 9/11 private security
13 has become a completely different component and
14 partner with the Police Departments and law
15 enforcement agencies in general around the world.
16 So training is a key component to raising that
17 professionalism.

18 CHAIRPERSON VALLONE: How ongoing
19 is the training you provide? And how ongoing is
20 the training you receive from the Police
21 Department through Shield?

22 MR. MONTEMARANO: The Shield
23 training basically is done on a fairly regular
24 basis, three to four months at a time. But we
25 have constant contact with the Police Department.

1
2 And through the Nexus program they can provide
3 additional training to our clients and/or or
4 officers. In addition to training our officers,
5 believe it or not, we have to kind of train our
6 clients to be aware, and of the potentials of
7 threats against their facilities. Americans have
8 a short memory. And it's our job to keep them
9 aware of the potential.

10 CHAIRPERSON VALLONE: When it comes
11 to training or preparedness, is there anything
12 other than learning to be aware of their situation
13 and their surroundings and who should be there and
14 who should not, that you've learned from Mumbai
15 and that you're training your employees?

16 MR. MONTEMARANO: Believe it or
17 not, we're going back to basics. Simple things
18 like CPR training, AED training, primary first
19 care, things of those nature, not only can be
20 useful in a terrorist type attack but--

21 CHAIRPERSON VALLONE: [Interposing]
22 What is ADD training?

23 MR. MONTEMARANO: AED training is
24 the Automatic Electric Defibrillator. So those
25 type of things although we use the terrorist

1
2 training as the impetus, they can be used for
3 routine type events.

4 CHAIRPERSON VALLONE: Well I mean I
5 have no problem with that but that's all, you
6 know, reaction to an injury or after an event
7 happens. Other than, again, being aware of the
8 situation, what training does private security
9 receive with regard to a heavily armed attack by
10 terrorist such as occurred in Mumbai?

11 MR. MONTEMARANO: Basically we just
12 reinforce, observe and report. These officers are
13 not armed. They really have no standing in
14 confronting someone, you know, who may be armed
15 like that. And most importantly if we can--if
16 they can get us information and we can get that
17 information to the Police Department, I think
18 that's a key component to private security.

19 [Pause]

20 CHAIRPERSON VALLONE: is there
21 anything else you wanted to add Mr. Montemarano?

22 MR. MONTEMARANO: No, I'm done.

23 CHAIRPERSON VALLONE: All right.
24 Well we thank you for coming down here today--

MR. MONTEMARANO: [Interposing]

Thank you.

CHAIRPERSON VALLONE: --and we will most likely be working with you as we progress--

MR. MONTEMARANO: [Interposing]

Very good.

CHAIRPERSON VALLONE: --in our oversight. So thank you very much.

MR. MONTEMARANO: Thank you Sir.

CHAIRPERSON VALLONE: Okay. That concludes this Anti-terror Oversight Hearing. Thank you all for coming.

[Gavel banging]

[END TAPE 1002]

[START TAPE 1003]

CHAIRPERSON VALLONE: Okay the Public Safety Committee is reopening and recognizing the presence of Erik Dilan and then adjourning again. Thank you.

[END TAPE 1003]

[START TAPE 1004]

CHAIRPERSON VALLONE: Okay the Public Safety Committee is once again reopening to

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recognize the presence of Elizabeth Crowley and

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then once again adjourning.

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[END TAPE 1004]

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C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____February 18, 2009_____