

NYC

Emergency Management

Testimony of Calvin Drayton
First Deputy Commissioner
New York City Emergency Management
Before the New York City Council
November 12, 2014

Good afternoon Speaker Mark-Viverito, Chairpersons Crowley and Gibson, members of the Committees on Fire and Criminal Justice and Public Safety. I am Calvin Drayton, First Deputy Commissioner of New York City Emergency Management.

As my counterparts from the New York City Police Department and the New York City Fire Department have touched on, it is critical to understand the terror threat to the city as well as how our agencies are prepared to address these events. As you know, the mission of NYC Emergency Management is to plan and prepare for emergencies, to educate the public about preparedness, to coordinate the City's response and recovery operations, and to collect and disseminate critical information to key stakeholders and the public during emergencies. I'm happy to speak to you today to focus on several aspects of our mission – consequence management, interagency coordination and citizen preparedness.

Let me begin by discussing interagency coordination. The key to this concept is CIMS. CIMS stands for 'Citywide Incident Management System' and this is the protocol that the City uses to define the way emergencies are managed. CIMS was created in 2004 with the input and coordination of City agencies such as NYPD, FDNY, Department of Buildings, Department of Health and Mental Hygiene, Department of Environmental Protection, and many more. It is fully interoperable with the US Department of Homeland Security's *National Incident Management System*, also known as NIMS, as well as with New York State's *Incident Command System* which means that state and federal agencies can be – and are – integrated into the City's command structure.

As we know, every emergency creates new and unforeseen conditions that require improvised procedures; so... how does this plan help the City coordinate its response? First, CIMS establishes a command structure for a range of incidents by assigning a lead agency. This designates which agency or agencies, based upon their core competencies, are in charge and it sets forth roles and responsibilities for agencies involved in emergency response. By doing so, the City establishes clear lines of authority for prompt decision-making.

The CIMS guidelines and charts are available on our website: nyc.gov/oem. Incidents can be managed by either Unified Command or Single Command. Some examples of Single Command

are fires, led by FDNY or explosive device/bomb threats, led by the NYPD. In Unified Command, multiple agencies share command responsibilities. For example, an aviation incident is led by both FDNY and NYPD as are rail incidents and utility incidents. In suspected terrorism events, including chemical, biological, radiological, nuclear, and haz-mat incidents, NYPD is designated the primary agency – Incident Commander – until it has been determined that there is no actual or suspected criminal activity or terrorism, in which case a Unified Command with FDNY will be implemented. The City’s planning for and response to Ebola is also an example of Unified Command led by the Department of Health, NYPD and FDNY as well as NYC Emergency Management.

NYC Emergency Management is responsible for the development, maintenance, and oversight of over 40 emergency plans, protocols and playbooks for the City. Emergency plans help prepare the City to respond effectively during an incident in order to reduce disruptions to people and services. We create and update the City’s emergency plans for a range of natural and man-made hazards. The plans focus on citywide coordination and operations. These plans are either operation-specific, such as debris management, or hazard-specific, such as the Radiological Response Plan.

Plans outline the decision-making process and operational strategies during a hazardous event. This includes coordinated roles and responsibilities of key stakeholders for these events, primarily City agencies. Plans may also include citywide objectives for managing the incident, templates for interagency coordination and data management, and checklists for key tasks and actions.

Training and exercising the City’s plans and protocols is an important part of maintaining readiness and understanding CIMS and citywide response and operations. We have a robust training and exercises program that includes both online and classroom training in areas such as logistics, emergency operations, and field response, all components of a terrorism response. NYC Emergency Management also hosts regular exercises with all agencies focused on specific areas of plans. These efforts, combined with a continual emphasis on public and private sector preparedness, are the keys to success in responding to hazards.

We use a Multi-year Exercise Plan, a roadmap that explains exercise methodology, identifies priorities, and outlines an exercise schedule. Recent past exercises have included interagency exercise series such as the Mass Casualty Incident/Family Assistance Center, the Radiological Dispersion Device, the Regional Improvised Nuclear Device Tabletops, and the upcoming Staging Area and Commodities Distribution. Each series consists of a tabletop exercise, drill, and full-scale exercise that includes all relevant agency stakeholders and concludes with an after-action review to determine what needs to be improved and how to operationalize the improvements.

In all this, NYC Emergency Management is the City’s coordinating agency during large-scale incidents, with a focus on consequence management. We coordinate by activating the City’s Emergency Operations Center, co-located at our headquarters, to bring in the Mayor and representatives from agencies involved in the response. We coordinate all players, from the largest to smallest agencies, including city, state, federal, private and non-profit partners. Coordination includes identifying emerging issues that may require improvised procedures for

rapidly changing conditions, task-sharing between agencies, or the assignment of new tasks for which no agency has designated responsibility. It is here that the City gathers information, facilitates communication, provides logistics and resource management, and handles mutual aid requests.

The EOC is where situational awareness and updated information is gathered to relay to City Hall, the public and other agencies and I would like to give you some background on our role in emergency public messaging. We have several tools we use to disseminate information to the public. When an emergency happens, we work with the Mayor's Office to issue media releases, provide updates to 311, Notify NYC subscribers, nyc.gov, our own website, and social media. We also send messages to corporate partners through Corp Net and to non-profit partners through Citizen Corps and the Advance Warning System. For serious and large-scale events, we can consider sending out wireless emergency alerts.

During an emergency, we manage the City's Joint Information Center, which is a one-stop shop for information related to an incident. It's important that, in any emergency, the City speaks with one voice and with consistent messaging for the public. New York City's efforts have focused on the operations piece of notification with a high degree of detail.

Take, for example, the most recent activation for Ebola. Information has been passed on to the public via press conferences with the Mayor, scripts for 311, social media messaging through Twitter and Facebook, regular elected officials calls to assist in passing information to their constituents, conference calls with the private and non-profit sectors, involvement with local CERT teams to assist in messaging, and numerous town halls and public forums. While a terrorist attack is not known before, the pre-planning for communication and outreach is scalable and the necessary channels -- both within City agencies and partners throughout the city -- stand ready to assist in messaging and pushing messages once we say go.

Now I would like to talk about citizen preparedness. NYC Emergency Management works to ensure that the entire city's residents, businesses and community organizations are prepared for whatever emergency may occur, small or catastrophic. The more prepared our citizenry is, the better off we all are. Through the Ready New York program, our staff and volunteers speak to more than 1,000 civic organizations, schools, senior centers and other groups each year about how to prepare for emergencies, be they acts of terrorism, power outages or transportation disruptions. We partner with you and other elected officials to bring this important message to your constituents and we cast a wide net in private sector preparedness through our Partners in Preparedness program, which results in trained private sector partners that play a critical role in providing information during an emergency.

We are often asked by elected officials and their constituents how they can receive information from us in real-time. Please, if you have not yet done so, sign up for Notify NYC. This is the City's official source for real-time information about emergency events and important City services. This free service allows subscribers to receive updates via email, text, phone, or Twitter about incidents including road closures, subway delays, fires, weather advisories, power outages, and school closures. We also have a large social media presence on Facebook and through Twitter.

We are proud of the NYC Community Emergency Response Team (CERT) program, which began in 2003 with seven teams and 106 volunteers. Today, the City has 54 CERT teams with more than 1,800 active, credentialed volunteers and we are active in backfilling teams, ensuring that they are up to readiness through extensive training, and maintaining contact and communication between team leaders and our agency. CERT volunteers play an important role in community events and preparedness training and I urge you to join your local CERT team.

As the Mayor said recently, “As New Yorkers, we know our city is the number one terror target in this country. We are undaunted in the work we do every day, the work we do together – to ward off these threats, to always be vigilant, to always apply the resources we need...how we address that is with extraordinary collaboration and teamwork, and with the kind of support at the federal government that is exemplary for the times we're living in.”

The purpose of planning is to minimize the effects of hazards on New York City and, following a disaster, to return residents to their daily routines as quickly as possible. I can assure you that the city takes this responsibility seriously. Our agency will continue to coordinate with our partners to build plans, train representatives, and bring to bear the best thinking and resources to the benefit of New York City.

Thank you for your time today. Along with Deputy Commissioner Miller and Chief Pfeifer, I am happy to take your questions.

**TESTIMONY OF DEPUTY COMMISSIONER OF INTELLIGENCE AND
COUNTERTERRORISM JOHN J. MILLER
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON PUBLIC SAFETY
AND FIRE AND CRIMINAL JUSTICE SERVICES**

NOVEMBER 12, 2014

Good afternoon, Speaker Mark-Viverito, Chairpersons Crowley and Gibson, and members of the Council. My name is John Miller, Deputy Commissioner of Intelligence and Counterterrorism at the NYPD. Today I am joined by Joseph Pfeifer, Chief of Counterterrorism and Emergency Preparedness for the Fire Department of New York (FDNY), and Calvin Drayton, First Deputy Commissioner of NYC Emergency Management. As you know, over the past 13 years, the mission of the NYPD has expanded dramatically to address the evolving threat of terrorism. On behalf of Commissioner Bratton, I am pleased to provide an overview of the current terrorism threat environment and measures that the NYPD has put in place to counter it.

More than any other place in the world, New York City remains in the crosshairs of al Qaeda and those that share its violent ideology. That is the consensus of the global intelligence community. Since September 11, 2001, there have been 18 terrorist plots against New York City, targeting the New York Stock Exchange, Citigroup headquarters, the Brooklyn Bridge, John F. Kennedy Airport, Times Square, Ground Zero, the subway system, major synagogues, and other sites, and most recently, NYPD personnel. But so far, they have been thwarted at nearly every turn by the efforts of the NYPD and our local and federal partners. We have been able to build a deterrent that has kept this city safe while protecting and upholding the constitutional rights and liberties accorded to those who live, work, and visit New York City.

September 11th forever changed how the NYPD views its mission and the world around us. Building upon efforts first launched during the previous administration, we continue to prioritize this ever-evolving menace. To its credit, the previous administration recognized that we could not defer this responsibility to others and set about reorganizing the Department accordingly.

Soon after 2001, the NYPD became the first police department in the country to develop its own robust counterterrorism capacity. We established a division responsible for training and equipping every one of our police officers for counterterrorism duties. We charged our intelligence operations with a new, international focus. While Intelligence and Counterterrorism Bureau personnel continue to coordinate and support the protection of diplomats and world leaders – most recently during the United Nations General Assembly in September – our mission now includes gathering and analyzing intelligence with global implications.

Our commitment to ensuring that sufficient resources are dedicated to this critical mission has not changed. Since 2002, the Department has been awarded \$1.4 billion in federal counterterrorism funds, which have been used for mission-critical equipment, training, and salaries, which I will discuss later in my testimony.

One of our premier resources is our personnel. Over the years, the caliber of people we have been able to attract has played a major role in our ability to protect New York.

We have hired civilian intelligence analysts who are experts in intelligence and foreign affairs. They study terrorist groups, trends, and methods of attack.

We have assigned police officers to serve as liaisons in 11 cities around the world: London, Madrid, Paris, Tel Aviv, Abu Dhabi, Amman, Lyon, Montreal, Toronto, Singapore, and Santo Domingo. From these locations, and in coordination with our federal and international partners, our liaisons can travel to the scenes of terrorist attacks that occur throughout Europe, the Middle East, and Asia to help analyze the specific tactics used, the type of weaponry and explosives involved, where the planning was conducted, and the nature of the targets – all to better learn how best to defend New York City against a similar attack.

This investment has paid dividends. In response to the 2012 deadly bus attack at the airport in Bulgaria, our liaison officer stationed in Tel Aviv was able to supply us with critical information on the tactics used by the attackers. Last year, our detectives also deployed to the scene of the Westgate Mall in Kenya following the heinous attack by al Qaeda's Somalia-based affiliate al-Shabaab. NYPD uses the information gathered from such assignments to adapt its tactics, techniques, and procedures to deter and/or thwart potential similar attacks in New York City.

One of our most important institutional strengths is the remarkable diversity in our ranks. The NYPD is fortunate to have a deep pool of foreign language-speaking officers. This has allowed us to build a foreign linguist program with more than 1,200 registered speakers of 85 different languages – Arabic, Dari, Farsi, Mandarin, Pashto, Russian, Spanish, and Urdu, to name just a few.

Our diversity has bolstered every aspect of our mission, from counterterrorism to crime-fighting to community relations. Through our Community Affairs Bureau, we have assigned liaisons to the Arab and Muslim, Chinese, Eastern European, Hispanic, and West African communities. They help connect immigrants to needed services and build stronger connections between police and community.

The department strongly believes that the vigilance of all New Yorkers serves as a force multiplier in keeping the city safe. We established New York City Safe, a terrorism threat hotline, where concerned citizens could report suspicious activity. I assure you that we take all leads seriously, and follow up on them diligently and calibrated to the facts and circumstances of the particular lead.

Toward the goal of continually improving trust with communities most affected by the issues of terrorism, we regularly meet with religious leaders to discuss potential threats, concerning trends, or fears that their communities may share. In conjunction with the Department of Homeland Security and the National Counter Terrorism Center, the NYPD hosted a Countering Violent Extremism exercise to foster partnership and mutual understanding. The event, held in September 2014, was the first of what we hope are many in a new initiative to partner with local groups to bring police and community together in security and assurance.

In addition to our community outreach efforts, we also coordinate closely with outside partners, including the federal government, regional law enforcement agencies, and the private sector.

One of the most vital of these partnerships is with the Joint Terrorism Task Force, or JTTF. We work hand in glove with the JTTF, sharing information and following up on terrorism-related leads.

Our collaborative efforts include assigning personnel to other federal agencies. These include the Drug Enforcement Administration's Special Operations Division, the High Intensity Drug Trafficking Area Task Force, the National Intelligence Council, and U.S. Customs and Border Protection.

We also share information with more than 150 law enforcement agencies throughout the Northeast and Mid-Atlantic in a program called Operation Sentry. We do this knowing that it is often easier for terrorists to develop a plot outside the target area. We took note that the suicide bombers that struck the London transit system in 2005 built their bombs in the city of Leeds, 180 miles north of the target. Closer to home, the plan to bomb the World Trade Center in 1993 was hatched across the Hudson River, in New Jersey. And Faisal Shahzad, who attempted to detonate a car bomb in Times Square in 2010, assembled his explosives in Connecticut. We conduct various types of training with our Sentry partners, hold video-conferences on emerging threats, and exchange best practices with respect to terrorist and traditional crime matters.

Following the London transit attacks in 2005, the NYPD convened the Amtrak Security Coalition, a public-sector partnership made up of law enforcement agencies along Amtrak's Northeast Corridor. The purpose of the Coalition is to bolster security and improve cooperation along the rail route, which is one of the most sensitive and heavily-traveled in the nation. We know transit systems nationwide are a vulnerable target, and in New York City they have been a target on more than one occasion. In September 2009, former Queens resident Najibullah Zazi and two of his friends plotted to conduct a multiple suicide attack on the New York City subways. In 2008, former Long Island resident Bryant Neal Vinas spoke to members of al Qaeda about how to target the Long Island Railroad for an attack. The Herald Square subway station and the PATH train have also been targets in foiled terrorism plots.

In an unprecedented initiative supported by the Department of Homeland Security, we have installed radiation detection equipment throughout neighboring jurisdictions and at key points of entry into the five boroughs so that the city is virtually ringed with an alarm system. This program, called Securing the Cities, includes 150 law enforcement agencies in dozens of nearby cities and towns. The NYPD is responsible for distributing all of the radiation detectors used by our partners.

When it comes to the private sector, we collaborate with nearly 13,000 members of the region's private security industry through a program called NYPD Shield. The membership consists of security professionals tasked with protecting critical infrastructure and sensitive buildings in the New York metropolitan area. Through the Shield program, we regularly host conferences, sector specific briefings, and training seminars as well as share NYPD strategic assessments on terror

trends. Under another initiative, Operation Nexus, our detectives have made over 55,000 visits to businesses that make, sell, or inventory products, services, or materials that might be exploited by terrorists, such as truck rental outfits, fertilizer stores, and chemical supply companies. We ask them to contact us if they see anything unusual, anything that gives them pause.

We also partner with the private sector to secure areas of the city known to be terrorist focal points. We do this through our Domain Awareness System (DAS), a centralized network of security cameras, license plate readers, and chemical and radiological detectors. Using an advanced graphical interface and mapping capability, the DAS is able to retrieve and display information to provide real-time alerts and the means to quickly call up relevant information to guide police action. This makes it possible for us to scan recorded footage for specific objects and behaviors. We can also program the system to alert us to potentially suspicious scenarios: a bag left unattended; a car driving against the flow of traffic, or a person walking through a restricted area. The program is continuously expanding and currently receives data from more than 6,600 cameras, nearly 500 license plate readers, and scores of strategically-placed chemical and radiation detectors throughout the city, which provide instant alerts on possible threats in the city.

Across the city, we have distributed approximately 3,000 radiation pagers to units throughout the department and nearly 4,000 radiological dosimeters to each Patrol Borough's counterterrorism trailer. We continue to invest heavily in acquiring and maintaining state-of-the-art equipment to identify, prevent, or disrupt threats. From sonar systems to thermal imaging cameras, we have installed highly sensitive detection equipment on the boats and helicopters we use to patrol New York Harbor. Police vehicles are also outfitted with similar detection capabilities.

Equipment accounts for over \$920.5 million of federal counterterrorism funds since 2002. Beyond equipment for the Domain Awareness System and explosive and radiological detection, these funds helped us purchase communications equipment for the World Trade Center; personal protective equipment; fixed wing aircraft, helicopters, vehicles, and boats for emergency response and rescue; and computer systems for intelligence gathering, network security, and disaster recovery.

We are also constantly looking to disrupt any budding plots. Every day, through Operation Hercules, we deploy teams of heavily armed officers to make unannounced visits to iconic locations. We stage multiple Critical Response Vehicle deployments throughout the day of up to 100 patrol cars that proceed in formation, lights flashing, to prearranged locations. We have similar units that focus on ferry terminals, regional transport lines, and the subways.

We place particular emphasis on the subway system in light of its primacy as a target and because it is a vital artery that keeps this city running. In excess of five million New Yorkers use the subways every day. Protecting this system is one of our top priorities and greatest challenges. That is because the entire system is designed to be open, 24 hours a day, every day of the year. Its very strengths as mass transit leave it vulnerable to attack. After the bombing of the London transit system in 2005, we began screening the bags and backpacks of subway passengers. Every day, we maintain posts at each of the 14 underwater subway tunnels. Thanks to a federal grant, we were able to hire over 100 police officers for our Transit Impact Program and re-assign an equal number of veteran officers to our transit-based Anti-Terrorism Unit. They conduct mobile

screenings, transit order maintenance sweeps, surges, and counter-surveillance. We have heightened uniformed patrols underground and conduct regular security sweeps of subway cars.

The salaries and overtime for all of the specialized counterterrorism teams described above, including those for detectives and analysts in the Intelligence Bureau and on the Joint Terrorism Task Force, accounted for \$423.2 million of the federal funds allocated to NYPD since 2002.

We also prioritize counterterrorism training. Since 2002, we have dedicated \$101.7 million of federal counterterrorism funds to training programs, including Behavioral Observation and Suspicious Activity Recognition; Hostile Surveillance Detection; Initial Law Enforcement Response to Suicide Bomber Attacks; Advanced Explosive Trace Detection; Awareness and Response to Biological Events; Chemical Ordinance, Biological and Radiological Awareness Training; and Maritime Incident Response Team Training.

The Department conducts and participates with other New York City and government agencies in counterterrorism exercises including tabletop, functional, and full-scale (i.e. "boots on the ground") drills. For example, the Department hosts Executive Tabletop Exercises that includes senior leaders from various City and government agencies (e.g. FDNY, NYC Emergency Management, NYC Department of Health and Mental Hygiene, Con Edison, and the Metropolitan Transportation Authority).

In addition, the NYPD participates in full-scale exercises conducted by NYC Emergency Management. The most recent exercise was conducted last November and was based on a scenario involving the detonation of a radiological dispersal device at Coney Island's MCU Park in Brooklyn. In addition to NYPD, this exercise included the operational response of members of FDNY, NYC Department of Environmental Protection, and the NYC Department of Health and Mental Hygiene to the initial response phase of the incident.

The Department has taken part in dozens of major exercises to plan for and safeguard against chemical, biological, radiological, or nuclear attacks, in addition to another dozen workshops with our Securing the Cities regional partners. Utilizing lessons learned from previous terror attacks, including those garnered from our liaisons abroad, the Department holds regular exercises to examine potential threat scenarios and capabilities that will be required to successfully respond to and mitigate the threat.

In addition to those mentioned above, in the past year we have held active shooter exercises, simulated IED attacks, staged various attack scenarios at high-profile events; and conducted exercises involving dirty bomb detonations at subway stations and platforms. These exercises inform our special event planning and response. For example, based on lessons learned the Department may deploy physical security measures such as temporary barriers; Critical Response Vehicles; heavy weapons teams; canine assets; bag screening; explosive trace detection; hostile surveillance detection; or radiation detection.

These are some of the tools we are using to keep pace with the evolving threat of terrorism. The philosophy behind them is simple: we have to develop the best intelligence available, expand our

partnerships, and take protective measures to defeat whatever our adversaries might be planning next.

Unfortunately, our adversaries have multiplied in recent years. What was once the domain of only a few, top-down groups operating from the safe havens of failed or hostile spaces has over time devolved into regional affiliates and local upstarts dispersed across the globe, as well as entrepreneurial lone-wolves within our shores dedicated to actualizing our adversaries' goals.

In 2014 alone, there have been multiple calls for violence against New York City. The 12th issue of *Inspire*, the prominent English-language magazine of al-Qaeda's Yemen-based affiliate, al-Qaeda in the Arabian Peninsula, urged lone-wolf car bomb attacks in U.S. cities, while specifically mentioning the Queens-based U.S. Open as a desirable target. There are also reports that al-Qaeda operatives in Syria and Iraq have continued to plot against the homeland. And in September 2014, members of a web forum belonging to former al-Qaeda affiliate and now rival the Islamic State of Iraq and al-Sham, or ISIS, posted a call for supporters to attack Times Square complete with bomb-making instructions to help them do it.

In addition to monitoring potential threats from abroad, we have to be concerned about threats originating at home. Last month we witnessed a horrifying terrorist attack on two police officers by a Queens man who charged at them with a hatchet. The attacker's internet activity suggests that he sought to "terrorize" the Police Department and focused on "jihad" against the police and the United States. The quick response by their fellow officers enabled them to both eliminate the threat and tend to their wounded colleagues. We are fortunate that both Officer Kenneth Healey and Officer Joseph Meeker survived and hope for Officer Healey's speedy recovery.

In the past year alone, NYPD and its federal partners have arrested and successfully prosecuted several homegrown violent extremists who desired to join or support those who would kill Americans. Two young men from Long Island, Justin Kaliebe and Ali Zea, plotted to travel to Yemen to join al-Qaeda in the Arabian Peninsula. They were arrested and later pleaded guilty to federal terrorism charges. Both await sentencing. Two other men, Humayoun Nabi and Ismail Alsarabi, were arrested on New York state-level terrorism charges for seeking to send cold weather gear and electronics to support terrorist organizations in Afghanistan and Pakistan. Both defendants pleaded guilty, marking the first ever state-level material support charge successfully applied in New York State.

Abdel Hameed Shehadeh, who plotted to join the U.S. Army for an opportunity to kill fellow American service members, and when that failed, to join the Taliban, was sentenced to 13 years in prison for making false statements in a matter involving international terrorism. Jose Pimentel was sentenced to 16 years in prison for constructing three IEDs intended for use against U.S. military personnel and civilians. And Yousef al-Khattab, who urged assaults on Jews and Jewish organizations in New York City via the internet, was sentenced to 2.5 years in federal prison after pleading guilty to using the Internet to place others in fear of serious bodily injury. To date, NYPD suspects arrested on terrorism-related charges have been convicted at an extraordinarily high rate.

The threat posed by Americans traveling to join militant groups abroad in order to gain military and terrorist training has metastasized in the wake of the Syrian civil war which is now in its fourth year. The CIA estimates that 12,000 foreigners and at least 100 Americans have traveled to Syria to join militant groups, including ISIS. Given the chaos and fluidity of the situation in Syria, where individual fighters and entire groups change affiliation with regularity, we remain concerned with all New Yorkers who take steps to fight in Syria. Already the story of one New Yorker who traveled to Syria to join a militant group was cited in the media. An investigation into a Brooklyn resident who trained with a militant group in Syria led investigators to uncover an unrelated international drug ring and resulted in the arrest of 16 individuals across four states for the illegal importation and distribution of khat. Three of those individuals now face prison terms of up to 25 years.

Of course, while conducting our sensitive counterterrorism operations, the value we place on privacy rights and other constitutional protections is foremost on our minds. The protection of civil liberties is as important to the Police Department as the protection of the city itself. After all, it is these very freedoms that we seek to defend against our adversaries. Our terrorism-related investigations are treated with particular care because we recognize that they may, at times, implicate the First Amendment and other important issues. Accordingly, we abide not only by the U.S. Constitution and other applicable law, but also a federal consent decree that imposes additional checks on our counterterrorism investigations to ensure that the Police Department appropriately balances security concerns with our need to protect civil liberties.

A decade after 9/11, New York enjoys the distinction of being the safest big city in America. It is also commercially vibrant, culturally diverse, and free. We can claim these successes are due, in no small measure, to the 50,000 uniformed and civilian members of the New York City Police Department, in cooperation with the FDNY, NYC Emergency Management and other partners, who have demonstrated initiative and perseverance in face of varied and persistent threats.

Thank you again for this opportunity to testify. I would be happy to answer any of your questions.



Metropolitan Waterfront Alliance

Testimony of Roland Lewis, President & CEO
New York City Council Committee on Public Safety
Oversight Hearing
re: Examining New York City's Emergency Planning & Preparedness for Terrorist Attacks
November 12, 2014

The Metropolitan Waterfront Alliance (MWA) is a bi-state coalition of over 800 community and recreational groups, educational institutions, businesses, and other stakeholders committed to restoring and revitalizing the New York and New Jersey waterways. Our waterways are alive with economic activity, active recreation, environmental education, and waterborne transportation, particularly critical to our region's emergency preparedness on our island metropolis.

When catastrophe strikes, ferries have provided a crucial first response. Ferries have consistently proven to be the most resilient mode of transit and evacuation during and after emergencies, lacking reliance on either a fixed route or the electrical grid. On September 11, 2001, the largest maritime evacuation in history safely rescued 500,000 people out of Manhattan. In August 2003, hundreds of thousands more returned home by ferry following the largest blackout in American history. And in the wake of Superstorm Sandy, which crippled our transportation infrastructure, ferries provided immediate relief. With roads, tunnels, subways, and commuter rails out of commission, ferries quickly became a critical component of urban mobility, restoring service soon after Sandy. NY Waterway restored trans-Hudson service on the day after the storm tore through the region, while the Staten Island Ferry came back online two days later. Most commuter rails did not resume service for another week and the subway was not fully restored for over two weeks, though various lines had resumed service gradually.

New York City is the third most vulnerable major American city to the impacts of climate change. A functional post-emergency transportation system is a critical part of our preparedness. As climate change continues to fuel increasingly volatile weather patterns, New York City is likely to experience extreme weather events with greater frequency and severity, resulting in recurrent disruptions to safe and efficient transportation in New York City. The redevelopment of our city's waterfront must consider and accommodate future high volumes of passengers and commuters as well as a contingency plan to move goods. This means not only keeping current infrastructure in a state of good repair but also expanding our shoreline's capacity to allow for the berthing of a wide variety of vessels.

A redundant transit system is a resilient transit system. These weeks after Sandy reminded us that, in spite of the MTA's remarkable capacity to revive our flooded transit system, ferries are the mode of transit naturally most resilient to extreme flooding. And, owing to the critical transit redundancy they provide, they managed to get parts of the region moving again almost seamlessly. Ferry service brought a lifeline to the Rockaway peninsula, devastated by the storm, and provided a link to job centers in Manhattan during extended A train service outage. This year, when G train service was suspended in Greenpoint and Long Island City, the East River Ferry provided additional relief for thousands of commuters.

As the de Blasio administration considers a plan for a citywide ferry network, expanding year-round ferry service—in addition to providing a quick, comfortable, and scenic commute—will arm the city for emergency situations, both evacuating those in need from inaccessible neighborhoods, and providing uninterrupted service in the absence of other transportation options. While the City must be commended for responding to transit paralysis with new ferry service, imagine if these routes had already existed: rather than taking time to secure FEMA funding, plan new routes, and construct temporary landings—an interconnected, five-borough ferry network could have provided virtually uninterrupted transit service to residents across the city.

Coordinated oversight is not unprecedented. In California's Bay Area, the Water Emergency Transportation Authority (WETA) was established to unify all regional ferry service. Spurred by the threat of earthquakes, and supported with dedicated revenue from bridge surcharges, WETA now operates as San Francisco Bay Ferry, and is authorized by the State of California to operate a "comprehensive San Francisco Bay Area public water transit system." This consolidation has helped the region not only improve service and coordinate better inter-modal and upland connections, but also strengthen emergency response plans. A generation ago, one massive city agency, the Department of Ports and Terminals was in charge of the maintenance of the docks and bulkheads of much of our shores. Now these responsibilities have been balkanized across more than a dozen agencies. A Department of the Waterfront—a new city agency—with a Waterfront Emergency Management division would be best equipped to coordinate maintenance issues as well as long-term planning and preparedness efforts.

We cannot wait until disaster strikes again. Ferries can and should be seamlessly integrated into the region's mass transit system. We must work now to deepen our ties between the ferry network and the city's rail and road transit systems. The good news is that the most critical infrastructure, the water, is in abundance. These "Blue Highways" are attractive because they are provided by nature, and do not require costly capital investment, to dig tunnels, lay tracks or build bridges. As we continue to re-engage with all the cultural and economic benefits the waterways that surround us can offer, we urge this Committee and the City Council to look to the Blue Highways as a vital component of our emergency preparedness.

**New York State Division of Homeland Security and Emergency Services
testimony before the NYC City Council Oversight Board on New York City's
Emergency Planning and Preparedness for Terrorist Attacks**

November 12, 2014

Good Afternoon, my name is William Davis and I am the Director of the Office of Emergency Management within the New York State Division of Homeland Security and Emergency Services. I am pleased to appear here today on behalf of Commissioner Jerome Hauer to provide you with additional information regarding the planning and preparedness steps that have occurred within New York City and on behalf of New York City to address the constant terrorist threats within our world.

We all know that the events of September 11, 2001 changed our world and significant resources and efforts at all levels of government are committed to doing all that can be done to prevent a similar occurrence as well as being better prepared to address catastrophic events such as this in the future.

In 2001, it was a known fact that New York City was a prime target of terrorists groups due to its world prominence. This fact remains unchanged to this day as numerous terrorists groups have indicated that they desire to do their evil deeds here.

Public safety entities at all levels of government recognize this fact and a continued emphasis to address the threat to New York City exists to this day.

Before I begin to discuss the many broad programs and initiatives that have been established to address this threat, I want to take a second and recognize the public safety entities within the city of New York for their outstanding work in preparing and planning to protect the citizens of this city. NYPD, FDNY, OEM and many others have developed innovative and comprehensive programs to address the threat, but one of their greatest achievements is that these agencies have been able to come together and communicate and coordinate their efforts to develop a comprehensive approach. Each entity recognizes terrorism as a common threat and as New Yorkers do, they have worked together to defeat the enemy.

This testimony will focus less on the specific preparedness and prevention programs that city agencies have initiated as I am sure each of them will discuss these. This testimony will focus more on state level programs and programs which may have their basis outside of NYC, but provide benefits to the city and its residents. There is a very real possibility that a terrorist will do their planning and preparing outside of the City where they believe they will go undetected. This means that due diligence is necessary and both preparedness and planning efforts must occur beyond the City's boundaries as well as within.

Shortly after the events of 9/11 occurred. NYS took definite steps to protect its citizens. In those few months after the attack: a state level agency to focus on this new threat was established; a network of public safety entities was established (counter terrorism zones) to begin to share information and efforts; a state wide strategy was initiated that provided comprehensive guidance in all facets (law enforcement, fire protection, public health, emergency management, communications, critical infrastructure, border protection, and others).

It quickly became evident that significant funding will be needed to address the threat and allow responders and governments to address the problem. In 2004,

the Federal Government began grant funding programs to address this critical need. A number of grant programs were established with the two most prevalent being the State Homeland Security Grant Program (SHSP) and the Urban Area Security Initiative (USAI). Since their inception, over 2.8 billion have come to New York State to address the terrorist threat with 2.3 billion of that amount specifically going to New York City. Over time, the dollar amounts dedicated to these programs have diminished nationally, however, the threat based formulas which are currently used to determine funding amounts take into account that NYC and NYS are the biggest targets and funding for NYS and NYC have actually increased.

Governor Cuomo and Commissioner Hauer recognize the critical need for this federal funding to be sustained and continue to communicate this need to legislative and executive agencies at the federal level.

In order for us to successfully combat the terrorist threat, we must incorporate a comprehensive approach to the problem. We can't and won't "put all of our eggs in one basket" but rather look at all aspects and vulnerabilities simultaneously. The NYS State Strategy utilizes this approach and identifies 10 broad based priority areas in terms of homeland security and emergency management. These areas are:

- Strengthen Chemical, Biological, Radiological, Nuclear, and Explosive Preparedness and Response Capabilities
- Protect Critical Infrastructure and Key Resources
- Strengthen Intelligence and Information Sharing Capabilities
- Strengthen Counter-Terrorism and Law Enforcement Capabilities
- Enhance Emergency Management and Response Capabilities
- Advance Interoperable and emergency Communications
- Promote Citizen and Community Preparedness

- Build Back Better from Disasters and become More Resilient against future events
- Support Health Emergency Preparedness'
- Enhance Cyber Security Capabilities

As indicated by these goals, the overall approach to fighting terrorism is a multi-faceted effort which focuses on:

- Interdiction and prevention;
- Hardening of targets to lessen the impacts; and
- Developing greater capabilities to respond to and address the event.

Each of these efforts are equally important if we are truly going to be able to address the terrorism threat.

Because of the prominent threat there have been and continue to be specific programs targeted to protect NYC. Examples of these programs include:

- Lower and Midtown Security Initiative which increased cameras, license plate readers and hardened "targets" in these areas;
- "Ready New York" Citizen Preparedness and Awareness Educational Programs;
- Advanced Hazardous materials and technical rescue training programs;
- Regional catastrophic planning including surrounding States and other governmental entities;
- "Securing the Cities Program" which significantly increases radiologic and nuclear detection and interdiction capabilities;
- "Joint Task Force Empire Shield" which incorporates the use of Army and Air National Guard troops to increase patrol capabilities at critical

transportation hubs and waterways in the City and provide surge capabilities during heightened threats;

- Development of a coordinated Regional Public Safety Communications Structure;
- Terrorist focused planning for major events
- Increased transit security.

While the programs previously mentioned focus on the City, additional programs are in place at the State level which also benefits City residents and responders.

These programs include:

- Establishment of the multi-agency New York State Intelligence Center to coordinate intelligence gathering and sharing efforts;
- Drivers License Security initiative to reduce the ability of utilizing licenses and other identification process to foster terrorist activities;
- Ammonium Nitrate Security which tracks and monitors product use because of its common use in bomb building processes;
- Northern Border Security to enhance security of the border between New York and Canada;
- Specialty Response Team Support and capability enhancement, including
 - Bomb Squads,
 - Tactical Teams,
 - Hazardous Materials Teams,
 - Technical Rescue teams;
- Communications and emergency alerting;
- Improved mutual aid processes;
- Establishment of the NYS Emergency Stockpile Program;
- Establishment of a Medical Emergency Response Cache;
- Enhanced and increased emergency management and emergency responder training opportunities;

- Incorporation of the National Incident Management System concepts and principles;
- Citizen Preparedness and Awareness education programs;
- Increased Cyber Security efforts;
- Coordination with the Business Community (Operation Safeguard);

These programs have proved beneficial in thwarting other terrorist attempts but our vigilance and efforts must be sustained.

We must also continue to evaluate world events so we may plan for new threats that may confront us. Several examples of these “new” threats include various active shooter scenarios, the Boston Marathon bombing, and the increased use of fire as a weapon. Further complicating these situations is the emergence of the “lone wolf” terrorist. Operating independently and not part of a larger terrorist organization, the lone wolf is much harder to identify using traditional intelligence methods and often flies under the radar. These new threats require us to expand our intelligence and information gathering capacities while still protecting individual freedoms and constitutional rights. This is a very delicate balance. It will also require greater intelligence and prevention related activities at the grass roots response levels in addition to the current centralized models. Responders also need to learn more about the “signs” associated with the lone wolf so that interdiction can occur at an early stage.

The lone wolf is just one example of new and emerging threats. There have been and will continue to be others. We must be diligent in our efforts to be one step ahead of these threats and, as a society, we cannot let ourselves become complacent and think that the threat is past us. Unfortunately, these threats are now part of our society and government needs to understand and address these threats for the safety of its citizens.

Thank you for the opportunity to speak here today. I would be happy to entertain any questions you may have.

UNIFORMED FIREFIGHTERS
ASSOCIATION OF GREATER NEW YORK
IAFF LOCAL 94, AFL-CIO, CLC

OVERSIGHT - EXAMINING
NEW YORK CITY'S
EMERGENCY PLANNING &
PREPAREDNESS FOR
TERRORIST ATTACKS.

By

STEPHEN CASSIDY

President

November 12, 2014

Good Afternoon, Chairwoman Crowley, Chairwoman Gibson and members of the committees. Thank you for inviting me to testify on this important topic that affects safety of all New Yorkers. The world is a different place after September 11, 2001. The challenges Firefighters face in protecting the public continue to evolve on an almost daily basis. Terrorism is still front and center for New York City. People in the intelligence community continue to say that NYC continues to be a likely target. Recently directives from that community have alerted first responders that they could be targeted in terrorist attacks. However unlike September 11th, these new type of attacks could be in the form of "lone wolf" and "active shooter" style attacks. While we have heard of all the great things that have gone on to try and prevent these attacks, they have and will continue to happen. This was evidenced by the recent hatchet attack on a NYC Police Officer. There is one glaring deficit we face in making sure that our Firefighters and Police Officers have all the resources they need to respond to attacks.

Since July 1, 2009 all new Firefighters and Police Officers are no longer covered by accidental disability benefits. They have substandard benefits that will not protect them and their families should they get injured from a terrorist attack. This is simply unacceptable and must be addressed by the administration and this council. There is a moral obligation to protect those that protect us. This council should not delay granting a Home Rule message any longer on the bills currently pending in Albany to restore disability benefits for all recently hired Firefighters and Police Officers. First responders are on the front line of protecting New Yorkers and they need to know that they will be protected if they get injured in a terrorist attack. All the equipment, resources and training can't protect them if they are injured. This council should immediately grant the Home Rule request so that Firefighters will know they and their families will be protected.



Wednesday, November 12, 2014

Testimony of Chief Joseph Pfeifer, head of FDNY Counterterrorism and Emergency Preparedness
Joint Hearing of the NYC Council Fire and Criminal Justice and Public Safety Committees

Good afternoon, Speaker Mark-Viverito, Chairwoman Crowley, Chairwoman Gibson, members of the Fire and Criminal Justice Services and Public Safety Committees. My name is Joseph Pfeifer and I am Chief of Counterterrorism and Emergency Preparedness for the New York City Fire Department. Thank you for the opportunity to speak with you today about the New York City Fire Department's preparedness and emergency response systems, with a specific focus on terrorism.

The FDNY's primary mission is to protect life and property. The Department carries out this mission through firefighting, search and rescue, pre-hospital patient care, and hazardous materials mitigation. I'd like to emphasize that the planning, training, and equipment mentioned below can be applied in any mass casualty situation, whether a terrorist attack, natural disaster, industrial accident, or biological event.

We've seen this in recent weeks in preparing for, and safely responding to, the Ebola Virus Disease. By leveraging the Department's preparedness efforts for chemical, biological, and radiological threats - including operating in chemical protective clothing - we've been able to support the City's response to this threat, and in doing so, have helped to calm the public's fears and restore a measure of confidence in government.

Preparedness Core Values

I'd like to briefly mention a few core values of our preparedness programs. The Department builds systems—like our Tiered Response System, which can be scaled and adapted to ensure the right mix of resources and expertise, depending on the type of incident or emergency. The Department also builds systems of collaboration, partnering with other City agencies and regional responders to share lessons learned, and to develop interagency plans, protocols, and drills. Members of the Department have acquired a tremendous amount of knowledge and know-how since 9/11, and this knowledge is helping the City plan and prepare for extreme hazards and emergencies. The Department has also invested in specialized training facilities and environments, like our Shipboard Simulator and our Subway Simulator. These tools not only serve the FDNY, but are considered City and regional resources.

The Center for Terrorism and Disaster Preparedness

At the core of these preparedness efforts is the Center for Terrorism and Disaster Preparedness (CTDP). We created the Center in 2004 to be the focal point for the Department's strategic preparedness, creating dynamic and practical approaches to counterterrorism, disaster response, and consequence management. The Center's core competencies include: intelligence sharing, weapons of mass destruction (WMD) and security preparedness, exercise design, emergency response planning, education, and strategy and technology.

Allow me to elaborate briefly on a few of these:

- **Intelligence-sharing:** The intelligence branch of the Center has expanded the FDNY's role to become an active producer of intelligence tailored to the needs of firefighters and emergency responders. The Department uses a PC and web-based communication tool - Diamond Plate - to deliver critical training and situational awareness content directly to firehouses and EMS stations in real-time. In recent weeks, this platform has been a key resource to disseminate information to our first responders on Ebola—videos, information, and safety protocols—and to share messages with our entire workforce.
- **WMD and Security Preparedness:** The primary mission of the Center's WMD branch is to coordinate strategy and tactics, and share chemical, biological, radiological, nuclear and explosive research. For example, we are currently working with the Department of Health and Mental Hygiene to collect, share, and map radiological data during radiation emergencies, which will allow our commanders in the field and at the FDOC to visualize contaminated areas. We have also strategically deployed WMD stock in EMS stations and hospitals, and we also train and carry WMD antidote kits on every 911 ambulance and fire apparatus.
- **Exercise Design:** CTDTP conducts workshops, tabletops, functional, and full-scale exercises to test the knowledge and efficacy of the Department's all-hazard response protocols, after which it makes recommendations on improvements in detailed after-action reports. The CTDTP has partnered with the Department of Homeland Security (DHS), NYPD, NYC Office of Emergency Management, the West Point Combating Terrorism Center, and the Centers for Disease Control to plan and prepare exercises for natural, accidental, and terrorist events.
- **Emergency Preparedness:** The Center creates and updates emergency response plans to provide both general and detailed tactical direction for units responding to terrorist events and natural disasters. As part of this planning, the Center helps develop and maintain the FDNY's continuity of operations plans. This team has developed the plans for the following events: Haz-Mat release, subway chemical attack, bio-response, improvised explosive device, collapse rescue, and hurricanes. As mentioned above, the Department is also building systems of collaboration. An example of this is the work that the FDNY and the NYPD are doing to respond to a large-scale Active Shooter Mass Casualty Incident (MCI). The FDNY/NYPD have worked together to develop a "Response to Active Shooter Incidents" emergency response plan, and have begun conducting drills on the plan.
 - One of our concerns is the use of fire as a weapon. The devastating 2008 attacks in Mumbai represent a game-changer. Over three days, a city of nearly 14 million was held hostage while 166 people were murdered in multiple locations, introducing a new model for terrorist attacks. The salient features of a Mumbai-style attack include multiple terrorists, multiple targets, and multiple modes of attack deployed over a prolonged operational period to amplify media attention. Despite all of the violence, the most iconic images from that event remain those of the Taj Mahal Hotel on fire. The pictures of people at the windows of the hotel trying to escape the flames are reminiscent of 9/11. Despite the striking images from that major attack, interest in using fire as either a strategic or a tactical weapon has not been well understood and largely ignored to date. However, it is a weapon that could significantly alter the dynamics of a terrorist attack. FDNY is working closely with NYPD, the FBI, and The Department of State's Diplomatic Security Services to develop the procedures for joint tactical teams – teams comprised of fire personnel and security forces operating together – in an environment with armed terrorists, fire and smoke, and mass casualties. All three agencies have been working with us in full scale exercises at the Fire Academy and more are being planned.

Special Operations Command

In addition to the extensive planning discussed above, the FDNY has significantly enhanced our Special Operations Command (SOC) capabilities, so that we are more prepared than ever to deal with incidents involving biological, chemical or radioactive releases, major collapse, maritime operations, and other major incidents with mass-casualty potential.

The underpinning of these enhancements is the "tiered response system" that we established to ensure the optimal availability and distribution of response resources. This tiered-response framework entails training FDNY units in a variety of response capabilities at incremental proficiency levels and strategically locating those units across the City.

Let me illustrate this Tiered Response structure for hazardous material incidents. At the highest level - the Specialist Level - is our Hazardous Material Unit and Haz-Mat Battalion Chiefs who have over 500 hours of professional training and carry advanced instrumentations. The next level is comprised of 12 Haz-Mat Tech II Units and 36 Haz-Tac Ambulances. At the next level down we have 25 Haz-Mat Tech I Units, 25 Decontamination Engines and 33 Chemical Protective Clothing Ladder Companies who can operate in hazardous environments. At the foundation level, all fire and EMS personnel are trained on Haz-Mat operations. As you can see, our tiered response system provides a very robust structure for Haz Mat response and mitigation.

Our collapse search and rescue members are structured in a similar manner and receive the highest levels of training the Department offers in technical rescue and victim-removal, including more than 280 hours of specialized rescue training in collapse response and rescue operations.

Our Emergency Medical System, the largest in the US, is also tiered, starting with certified first responders, EMTs, paramedics, and specialized rescue medics.

The FDNY's Tiered Response System allows the Department to adapt to extreme events by creating Task Forces to give the City and the region highly trained teams that can rapidly respond to large-scale hazards and emergencies.

Organizational and Communications Infrastructure

Of course, enhanced capabilities are only one component of our preparedness goals. The Department has also taken steps to improve our organizational and communications infrastructures as well. The Department has:

- Developed a fully staffed Incident Management Team (IMT), who played a key role in the Harlem explosion earlier this year.
- Launched an automated recall program that can target off-duty members to ensure resources are available to maintain coverage throughout the City during any emergency.
- Implemented a communications channel between on-scene firefighters and the EMS command.
- Implemented a second EMS citywide channel for Multiple Casualty Incidents.
- Developed and launched a Suspicious Activity Reporting (SAR) information and awareness campaign in firehouses and EMS stations.
- Implemented The Fire-ground Accountability Program (FGAP), which consists of a number of inter-related applications to enhance fire-ground safety and accountability. One program is the

Radio Frequency Identification program. RFID tags are sewn into each firefighter's bunker coat. This will give the Incident Commander the capability to track the location and status of a firefighter riding on an apparatus or responding to an incident.

The Department has successfully deployed a three-part field communication system that represents a critical step in improved fire-ground communications. The system consists of 13 vehicle-based, cross-band repeaters, which allow radio signals to be transmitted into dense building environments; 75 high-powered portable command post radios; and pre-programmed handie-talkie radios with several customized features that have improved on-scene tactical and command communications and firefighter safety.

The FDNY has also built a state-of-the-art Emergency Operations Center at FDNY Headquarters to enhance information sharing, command and control communications, and on-scene situational awareness capabilities. The Department is also completing a redundant back-up facility on Staten Island, which will serve as a fully functional back-up operations center where command and control personnel within the FDNY and first responders can plan, coordinate, and share relevant information with each other, and with other public safety agencies.

An element of this system is the concept of a Networked Command: Linking on-scene situational awareness capabilities with command and control-level operations at Emergency Operation Centers (EOC).

Homeland Security Grant Funding

I want to take this opportunity to reinforce how critically important federal funding has been in supporting the initiatives I've outlined this afternoon. Since 9/11, the FDNY has worked to build partnerships with key funders—notably the U.S. Department of Homeland Security (DHS) and the New York State Division of Homeland Security and Emergency Services (DHSES). To these agencies, we have communicated the FDNY's unique role in preparing for, responding to, and recovering from acts of terrorism, natural disasters, and other complex emergencies. To date, the FDNY has been awarded over \$560 million in federal funding through DHS.

The FDNY has utilized DHS funds to rebuild after 9/11 and to prepare our first responders to manage the potential threats and hazards they face each day in the field. Grant funds support the equipment, planning, drills, technology, and training they need to prepare for and respond to these threats.

An example is the Times Square Car Bomb. Through their training, first responders from Engine 54 and Ladder 4 immediately recognized the threat potential of the smoking vehicle. They took actions that day that reduced injuries, protected property, and saved lives.

By investing in core areas—planning, incident management, communications, patient triage and treatment, Haz-Mat, marine firefighting, and search and technical rescue—we are better prepared today when disaster strikes. These capabilities served the Department and the City during the Times Square incident, during the building collapse in East Harlem, and during the train derailment along the Metro North commuter rail line. As mentioned above, we've also seen how these capabilities and systems are transferrable in preparing for and safely managing the Ebola threat.

These capabilities are a resource to the City, and when called upon, the entire New York region.

11/12/14

Joint Hearing of the NYC Council Fire and Criminal Justice and Public Safety Committees

Again, I want to thank you for the opportunity to speak on these key topics, and reiterate that Fire Department resources can adapt to a changing threat environment. We have structured our core competencies to respond to routine and extreme events - including acts of terrorism.



November 12, 2014

**HEARING TESTIMONY FROM
LOUIS TRIMBOLI
CO-CHAIR, PREPAREDNESS COMMITTEE OF THE
BUILDING OWNERS & MANAGERS ASSOCIATION OF
GREATER NEW YORK**

**Oversight - Examining New York City's Emergency Planning &
Preparedness for Terrorist Attacks.**

Good afternoon, Chairpersons Crowley and Gibson and the esteemed members of the two committees. I thank you for this opportunity to testify today.

My name is Louis Trimboli. I represent the Building Owners and Managers Association (BOMA) of Greater New York as Co-Chair of the Preparedness Committee. The BOMA NY Preparedness Committee is the largest and most active in the country. The structure is a standing committee with Intelligence, Weather and Lessons Learned sub-committees. The Committee is comprised of owners, managers, and subject matter experts from the industry. Additionally, the Department of Homeland Security, New York State Homeland Security, Port Authority of New York and New Jersey, and New York City Police, Fire and Office of Emergency Management are all critical agency Committee members. Our members safeguard over 3.5 million building occupants a day, which encompasses 400,000,000 square feet of space.

Since September 11, 2001, the challenges facing the real estate industry have required us to develop new security, operating and safety plans. To meet these challenges BOMA New York, along with the Real Estate Board of New York, has worked with the Fire Department in developing Local Law 26, revised codes, and developed training and licensing requirements. We actively conduct exercises with The Police and Fire Departments. We have a 24 x 7 trained team which responds to the OEM Emergency Operations Center.

The Key to our success is the City Agencies. In particular the FDNY Counter Terrorism Unit, NYPD Shields Unit and the OEM Private / Public Initiative Unit. The FDNY Counter Terrorism Unit provides the industry with critical data and conducts exercises. The NYPD Shields Unit provides the industry with critical information on world events and their implications on New York City via emails and conferences. Equally important is the training they provide to buildings staff in a host of specialized areas which are invaluable to the buildings and the city overall. OEM provides the industry with a seat at the emergency operations center, training and an unending stream of critical information to assist and help us navigate through numerous neighborhood and citywide events. They have assisted the industry in developing the Preparedness Committee into the force which it is today. Additionally, with OEM help, BOMA NY, is spearheading a regional Real Estate Industry Preparedness Committee in the mid-Atlantic region.

In closing, it is critical that the Administration and your two Committees understand the vital role the first responder community plays in protecting New Yorkers and that you continue to properly fund and staff their agencies accordingly. It is also of critical importance that they continue in their role of actively working with the private sector in the ways described in this testimony. The Real Estate Industry thanks the City of New York and all the agencies mentioned in my comments today. Thank you.

**Testimony before the Committees on Public Safety and Fire & Criminal Justice Services
of the New York City Council
By Ryan J. S. Baxter, Senior Policy Analyst
Real Estate Board of New York
November 12, 2014**

Good afternoon Chairperson Gibson, Chairperson Crowley, and members of the Committees on Public Safety and Fire & Criminal Justice Services. The Real Estate Board of New York, representing over 16,000 owners, developers, managers, and brokers of real property in New York City, thanks you for the opportunity to testify regarding the City's Emergency Planning and Preparedness.

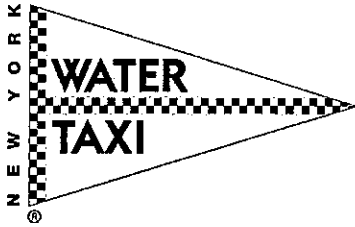
Our community has always worked tirelessly to prepare and protect our buildings and tenants for both natural and man-made acts of tragedy and terrorism. Since the tragic events of September 11th, it has been of particular importance to coordinate our response with the City.

The Real Estate Board, along with the Building Owners and Managers Association of Greater NY (BOMA/NY), has dedicated thousands of hours to assisting the City in developing new local laws, Construction Code requirements, security protocols, and response plans. Our relationships with the FDNY, NYPD, Office of Emergency Management, the City Council and these committees under the leadership of Chairpersons Crowley and Gibson, the Department of Homeland Security, among others, have all proved invaluable in these efforts.

The real estate industry within New York City employs, directly or indirectly, more than half a million people. In many instances, these employees are the City's first line of defense, responsible for safeguarding millions of building occupants each day prior to the arrival of the City's emergency first responders. That is why we are particularly thankful for the FDNY Counter Terrorism, NYPD Shields, and OEM Public/Private Initiative units. Each of them provides our industry critical information that enables appropriate, efficient, coordinated responses.

It is imperative that these lines of communication continue to be improved if the City hopes to utilize the private sector in emergency response. We ask that you please keep this in mind as you examine the City's emergency planning and preparedness for terrorist attacks.

Thank you again for the opportunity to comment. We look forward to continuing our conversations with the Council to continue improving safety throughout the City for all New Yorkers.



**New York City Council
Committee on Fire and Criminal Justice Services
Committee on Public Safety
Oversight – Examining New York City’s Emergency Planning
& Preparedness for Terrorist Attacks
Testimony of Matthew S. Washington
November 12, 2014 @ 1:00pm**

Good afternoon, my name is Matthew Washington and I serve as Director of Communications & Government Relations at New York Water Taxi. Thank you very much to Chair Crowley, Chair Gibson, and the members of the Fire and Criminal Justice and the Public Safety committees for holding this important hearing.

Some may wonder why New York Water Taxi is joining the conversation about planning and preparation for terrorist attacks. The answer to that question is directly related to the founding of New York Water Taxi back in 2002.

September 11, 2001 will always be known as the day of the worst attack on U.S. soil, a day that devastated New York City and the nation as a whole. What may be less known is that it was also the day of the largest sea evacuation in history. Nearly a half a million people were evacuated from Lower Manhattan by boat over the course of nine hours that day.

As impressive as that evacuation was, it was not without many difficulties and perils. People had to climb over gates to get onto boats. Piers were put into use that had not been used for quite a while, and were in questionable shape. Conditions were far from ideal, but when pressed into service performed adequately. But we should be better prepared and take lessons from this experience. One lesson is that an active, vibrant and widely-used ferry infrastructure is a critical part of emergency planning and preparedness, as people will look to the water to evacuate.

New York Water Taxi was founded in 2002, partly in response to this exact need. We take pride in being part of an industry that is a critical piece of the evacuation plan for the city, and we are proud to have assisted New York City in recovering from Hurricane Sandy by putting new routes in service. We helped the region prepare for a possible Long Island Rail Road strike earlier this year which did not come to pass, but we were ready to assist. This industry stands ready to deploy, and if that moment comes, we will be a critical component of the region’s evacuation plan. But the ferry infrastructure must be well-used and well-maintained in order to be available and dependable for emergency use.

As this committee considers what is needed to be sufficiently prepared for emergency situations, please consider the elements of an effective evacuation, which includes ferries and the necessary investment in the infrastructure and service to ensure that our city is ready to respond quickly and safely if the need arises.

Thank you very much for your time and your consideration of this issue.



UNIFORMED EMERGENCY MEDICAL SERVICE OFFICERS UNION, FDNY

Local 3621, DC-37, AFSCME, NYSPEC, EMSLA, AFL-CIO

President

Vincent A. Variale

This is the testimony of Vincent Variale before the New York City Council Joint Fire, EMS & Criminal Justice, Public Safety Committee Hearing on the New York City Planning and Preparedness for Terrorist Attacks, November 2014.

Vice President

Michael A. Talletti

Secretary Treasurer

Manny Ramos

Recording Secretary

Bonnie Regan

Good afternoon, Chairwoman Elizabeth Crowley, Chairwoman Vanessa Gibson and distinguished members of the New York City Council Committee.

My name is Vincent Variale and I am President of Local 3621, The Uniformed EMS Officers Union representing 500 EMS Lieutenants and Captains of the New York City Fire Department. I thank you for this opportunity to testify here today.

Executive Board

Joseph McWilliams

William Rich

Jose Gonzalez

Eric Fay

Frank Borello

The inevitable severe weather, including blizzards, hurricanes and heat waves, when combined with acts of terror and the specter of pandemic biological outbreaks presents a truly unique response requirement. The EMS Bureau of the FDNY has a myriad of contingency plans that address each of these scenarios. However, the ability of the EMS Command to adequately implement these contingencies has historically been severely lacking.

Trustees

John Carrerio

Steven Goldstein

Shari Landsberg

In past testimony I have spoken with regard to the debacle that was the response to Hurricane Sandy. I have also previously testified about the ongoing response to blizzards and heat waves, yet the inherent difficulty in implementing these disaster plans remains ignored and unaltered by the EMS Command.

UEMSOU Delegates

Lawrence Difiore

Michael Kaiser

David Burke

Craig Wing

Shari Landsberg

Gary Miller

Steven Goldstein

Ralph Mustillo

Other civil service agencies such as police department and fire suppression maintain several officer ranks that require a civil service test for competency. These officers because of their civil service status can manage in ways that provide the most benefit to the community without fear of reprisal. In EMS the rank of Lieutenant is the first and only civil service rank. All other EMS officer titles are chosen by the "good old boys club". There is no competency test and no civil service protection for these titles. Ergo these officers have their decision making ability impaired by fear of reprisal or retaliation. The constant specter of the notion is good incentive to maintain the status quo, even if maintaining the status quo endangers the lives of EMS providers and the public.

Administrative Staff

Andy Perez

Alison D'Angelone

Jack Schaefer

DC-37 Representative

Tracey Ziemba

The FDNY Incident Command System in regards to span of control is based on the National, State and City standards and exceeds these standards for fire suppression, which is one fire officer for every five firefighters. However, in EMS the FDNY fails to comply with the minimum standard, maintaining a ratio of one EMS officer for every twenty EMS providers. That ratio makes it virtually impossible for the EMS line officer to adequately manage the severity and scope of an incident or multiple incidents and thus the command structure is broken at the first and most important level.

The resolution to correct the systemic institutionalized command failures is to promulgate civil service testing for all ranks in FDNY EMS. This will insure that only the most qualified personal are promoted to positions of authority and then their decisions can be based on a given situation and not the hope of a promotion.

The promulgation of civil service test when coupled with the corrective action on span of control will provide a clearly delineated command structure from incident command scene to overall command operations. This translates into decision making process based on ability and accurate scene assessment. The overall implementation of these changes will insure a safer city through an efficient and competent EMS Command. Thank you.

A handwritten signature in black ink, appearing to read 'Vincent Variale', written in a cursive style.

Vincent Variale

BRENNAN
CENTER
FOR JUSTICE

November 12, 2014

Brennan Center for Justice
at New York University School of Law

161 Avenue of the Americas
12th Floor
New York, NY 10013
646.292.8510 Fax 212.463.7308
www.brennancenter.org

Written Statement of Michael German, Fellow

Brennan Center for Justice at New York University Law School

Before the

New York City Council Committee on Public Safety and

Committee on Fire and Criminal Justice

Good afternoon Chairwoman Gibson, Chairwoman Crowley, and members of the Committees. My name is Michael German and I am a fellow with the Brennan Center for Justice at New York University Law School. As a former FBI Special Agent who worked undercover in domestic terrorist groups, I understand the difficult job law enforcement has in trying to prevent acts of terrorism. We all want the NYPD to protect us from criminals and terrorists, using all legal and effective means. In order to succeed, however, law enforcement has to be thoughtful in how it approaches its counterterrorism mandate, so as not to engage in activities that harm individual rights, undermine its relationships with communities, or waste security resources.

The NYPD has made substantial investments in counterterrorism programs since the attacks on September 11, 2001, which is appropriate. But more than 13 years later, we have very little evidence demonstrating whether the methods the NYPD chooses to implement are actually making the city safer. And unfortunately, we know a cost has been imposed on all who live in or visit New York City in terms of our privacy. Suspicionless surveillance and infiltration of communities of Muslim, Arab, and South Asian descent have sown dissension and fear instead of security. These New York communities speak out against terrorism, and the NYPD should be empowering, rather than marginalizing them.

It is critically important to evaluate the effectiveness of NYPD counterterrorism programs, just as any other government activity, to ensure public resources are being used wisely. Unfortunately this is rarely done. In conducting research for their book, *Evidence Based Counterterrorism Policy* (2012), Professors Cynthia Lum and Leslie Kennedy examined over 20,000 research articles on terrorism and counterterrorism, and found only seven rigorous evaluations of counterterrorism tactics. Especially as new threats emerge, we must ensure that the NYPD has objective intelligence to evaluate and address the risks without raising undue public fear, or unfairly imposing on innocent New Yorkers.

Too often law enforcement at all levels have resorted to mass surveillance and bulk data collection, though there is little evidence these are effective methodologies for finding terrorists. Media reports have speculated that NYPD may increase its surveillance of social media, but again, existing research questions

whether this could be helpful. Despite significant effort over several decades, studies still show that it is extremely difficult to accurately predict who might become violent in the future, even for trained law enforcement and mental health professionals. There is simply no good model or profile for predicting who might become a terrorist. Indeed, the cases of Martin Rouleau in Canada, Tamerlan Tsarnaev, David Headley, Maj. Nadal Hasan, and Carlos Bledsoe here in the United States reveal that even when individuals are identified as potential threats to law enforcement and subject to close investigation, it is exceedingly difficult to determine who may become violent at some future date.

Rather than initiate new, or more aggressive surveillance programs, the NYPD should focus on solving violent crimes that continue to impact our communities. The good news is that New York City is a far safer city than it had been in decades past, and the NYPD can no doubt take some credit for this fact. But as the *New York Daily News* reported at the beginning of this year, far too many homicides in the City remain unsolved, which leaves all of us at greater risk but unfortunately impacts underserved minority communities most severely.¹ Former NYPD Detective and John Jay College professor Eugene O'Donnell wrote in a companion piece to the article that,

“New Yorkers will be troubled to find out that in some police precincts in the city more than half of those who kill are not caught, leaving them free to kill again... The victims of these killings rarely capture public attention. They are mainly young minority men killed in the outer boroughs. The *Daily News* report strongly suggests that there is an equal-protection gap: Killings in Manhattan generate a full-court press by police while in other lower-income parts of the city police efforts are much less robust, with fewer detectives working a larger number of homicides... Is the NYPD's anti-terrorism apparatus, erected while the World Trade site still smoldered in 2002, fit for purpose in its current shape and size, or should some investigators be redeployed to fight violent crime?”

Before employing untested methods that lack a research basis to believe they will be effective in predicting and preventing future violence, the NYPD should ensure its resources are employed in a manner to protect all New Yorkers from violence. Implying that the desperate acts of troubled individuals are part of a global terrorist conspiracy only aggrandizes their criminal behavior, and risks inspiring imitators.

Terrorists can only succeed when they make our fear overcome our reason. Their tactics are designed to divide us along the racial, religious, ideological, and sectarian lines they dictate. When we stand united in the faith that we can protect ourselves without infringing on the rights of any New Yorkers, we can truly say our city is more secure.

¹ Sarah Ryley, Barry Paddock, Rocco Parascandola, and Rich Shapiro, *Tale of Two Cities: Even as Murders Hit Record Low in NYC, a Mountain of Cases Languishes in Outer Boroughs as Cops Focus More Manpower on Manhattan Cases*, NEW YORK DAILY NEWS, Jan. 5, 2014, at: <http://www.nydailynews.com/new-york/nyc-crime/forgotten-record-murder-rate-cases-unsolved-article-1.1566572>

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Name: Dep. Comm. John Miller

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I represent: NYD

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I represent: BRENNAN CENTER FOR JUSTICE AT NYU LHW
Address: 161 AVE OF THE AMERICAS, 12th FLOOR

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Address: \$ Emergency Ser

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