

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL  
JUSTICE SERVICES

Jointly with

COMMITTEE ON PUBLIC SAFETY

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November 12, 2014  
Start: 1:10 p.m.  
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HELD AT: Council Chambers - City Hall

B E F O R E: Vanessa L. Gibson  
Chairperson

Elizabeth S. Crowley  
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile  
James Vacca  
Julissa Ferreras  
Jumaane D. Williams  
Robert E. Cornegy, Jr.  
Chaim M. Deutsch  
Rafael Espinal, Jr.  
Rory I. Lancman  
Ritchie J. Torres  
Steven Matteo

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

## Council Members:

Mathieu Eugene  
Fernando Cabrera  
Paul A. Vallone

Speaker Melissa Mark-Viverito

John Miller  
Deputy Commissioner at NYPD

Joseph Pfeifer  
Chief of Counter Terrorism and Emergency  
Preparedness of NYFD

Calvin Drayton  
First Deputy Commissioner of NYC Office of  
Emergency Management

Richard T. Napolitano  
NYPD Communications Division

Christina Farrell  
NYPD

Bryant Stevens  
New York State Division of Homeland Security

William Davis, Jr.  
Director of New York State Office of Emergency  
Management

Stephen Cassidy  
President of Uniformed Firefighters Association

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

Jim Slevin  
Uniformed Firefighters Association

Vincent Variale  
Local 3621 Uniformed EMS Officers

José Soegaard  
Metropolitan Waterfront Alliance

Ryan Baxter  
Real Estate Board of New York

Matthew Washington  
New York Water Taxi

Louis Trimboli  
Building Owners and Managers Association of  
Greater New York

Michael German  
Brennan Center for Justice



2 CHAIRPERSON CROWLEY: Good afternoon.

3 My name is Elizabeth Crowley and I am the Chair of  
4 the Fire and Criminal Justice Services Committee.

5 Today, along with the Speaker of the City Council,

6 Melissa Mark-Viverito, and the Chair of the Public

7 Safety Committee, Council Member Vanessa Gibson, we

8 are conducting an oversight hearing on the city's

9 terrorism preparedness efforts. Although there are a

10 vast number of city, state and federal agencies that

11 would be involved in addressing an act of terrorism,

12 the immediate emergency response comes from our

13 city's emergency workers in our Fire Department,

14 Police Department and Office of Emergency Management.

15 As our country faces renewed threats to our homeland

16 from Islamic State Militants in Iraq and Syria, New

17 York remains a number one target for those who wish

18 to undermine our freedom and our principles. Nearly

19 a year into our city's new Administration, it is time

20 to reassess New York's preparedness for any terrorist

21 attack, whether it be in our subways, in a high rise

22 building or any of our public spaces. Since

23 September 11<sup>th</sup>, our city has been successful in

24 stopping several terror plots including a 2010 active

25 attempt in Times Square, during which the Fire

2 Department and NYPD demonstrated exceptional skill  
3 and professionalism in evacuating surrounding  
4 buildings and diffusing a live bomb. We also face  
5 significant threats from home grown terrorist such as  
6 a self-radicalized man who recently attacked two NYPD  
7 officers last month in Queens. The people of New  
8 York City need assurance that we are adequately  
9 prepared and that the Administration is proactively  
10 taking steps to combat the diverse threats we face.  
11 The FDNY is one of the city's first lines of response  
12 in the event of a terrorist attack. We are looking  
13 for information on updates made to the city's  
14 communication infrastructure, particularly in  
15 troublesome areas such as our subway tunnels and high  
16 rise buildings. We must address any radio  
17 communication failures between the FDNY and NYPD that  
18 still exist. I'm also interested in learning what  
19 new training has been conducted and what equipment is  
20 still needed to effectively respond to a terror  
21 attack. The Office of Emergency Management for  
22 coordinating multi-agency responses to events such as  
23 a terrorist attack and for communicating with the  
24 public about the proper response to such an attack.  
25 During super storm Sandy, our most recent major

2 emergency, our city was critically delayed in  
3 executing mandatory evacuations. OEM has a  
4 significant infrastructure to facilitate public  
5 communication during emergencies. It is imperative  
6 that OEM and all relevant agencies have staffing  
7 levels compliant with the federal homeland security  
8 guidelines to properly respond. In the event that  
9 terrorists attack New York City once again, we must  
10 be assured that our response will be seamless and  
11 effective. Before we hear from the Administration,  
12 I'd like to invite my Co-Chair Council Member Vanessa  
13 Gibson to give her opening remarks, followed by the  
14 Speaker of the City Council, Melissa Mark-Viverito.

15 CHAIRPERSON GIBSON: Thank you very much,  
16 Chair Crowley, and good afternoon to each and every  
17 one of you. Good afternoon to all my distinguished  
18 Council Members and our Speaker, Melissa Mark-  
19 Viverito. It's great to be here. My name is Council  
20 Member Vanessa Gibson and I am the Chair of the City  
21 Council's Committee on Public Safety. I want to  
22 thank my fellow Co-chair, Co-Chair Crowley for  
23 helping to launch this very important hearing. I'd  
24 also like to thank the members of the Public Safety  
25 who are here, and of course, our Speaker of the New

2 York City Council, and thank everyone for their  
3 leadership. As Chair Crowley has mentioned, we're  
4 here to examine the city's emergency planning and  
5 preparedness for terrorist attacks. These attacks  
6 may come in various forms and in a variety of  
7 locations. We intend to focus on chemical,  
8 biological, radiological, nuclear and explosive  
9 attacks as well as Mumbai [sic] style attacks, active  
10 shooter and a tax on vulnerable areas in our city  
11 such as high rise, residential buildings and our  
12 subway system. I recognize that the city's ability  
13 to effectively and efficiently respond to these type  
14 of attacks is among its most important functions. I  
15 want to have a greater understanding regarding how  
16 the Police Department, Fire Department and Office of  
17 Emergency Management cooperate and work together in  
18 ultimately responding to terrorist attacks, and in  
19 the unfortunate event that we should be attacked  
20 again. I am interested in learning how the city has  
21 responded to recent terror activities abroad, and  
22 whether these activities have necessitated an  
23 increase in preparedness or changes in our city's  
24 response plans. I want to make sure that every first  
25 responder who is called upon to serve our great city



2 has the necessary equipment. I want to be sure that  
3 our first responders are able to communicate with  
4 each other and with other terror response partners,  
5 particularly in our high rise buildings and in our  
6 subway system. I'm equally interested in the  
7 improvements that are being made to those  
8 communication systems, including our federal efforts  
9 to establish a first responder radio frequency. I  
10 also want to know about any new initiatives that are  
11 being undertaken or are anticipated for the future  
12 that will enhance the city's terrorism preparedness  
13 and what funding is available to help move those  
14 initiatives forward. I'm also interested in what  
15 training and equipment issues still need to be  
16 addressed, the challenges we face, and what funding  
17 is needed to address them. Finally, it is our duty  
18 to make sure that the public is informed of what is  
19 expected of them, where they need to go, evacuation  
20 preparedness and what is needed should a terror  
21 attack happen again, whether they're in their home,  
22 they're in their jobs, or they're walking and  
23 traveling throughout our city. I know we have a lot  
24 to deal with it, a lot to address, so I first want to  
25 thank our first responders and all of our public and

2 city officials and everyone who is here today for  
3 their commitment, their investment, their  
4 collaboration, their partnership in working with each  
5 and every one of us here at the City Council. I also  
6 want to thank all of the staff on the Public Safety  
7 Committee who was very instrumental in this hearing  
8 happening. I want to make sure that I recognize Beth  
9 Goleb [sp?], Ellen Ang [sp?]. I also want to  
10 acknowledge Rob Calandra [sp?] and all the other  
11 staff who really made this hearing happen, and thank  
12 you all for being here today. And now I like to pass  
13 this hearing back over to our Chair, Chair Crowley.

14 CHAIRPERSON CROWLEY: I now like to  
15 recognize Speaker Melissa Mark-Viverito for opening  
16 remarks.

17 SPEAKER MARK-VIVERITO: Thank you, Chair  
18 Crowley and Chair Gibson, and thanks everyone that is  
19 here for this important hearing in which the council  
20 will examine the city's efforts to plan, prepare, and  
21 respond to a variety of possible terror attacks. I  
22 want to thank Deputy Commissioner Miller from the  
23 NYPD, Chief Pfeifer from the FDNY, and Deputy  
24 Commissioner Drayton from OEM and all those who have  
25 come here to testify today. As New Yorkers, we all

2 know--we know all too well the impact that a terror  
3 attack can have, and nobody knows that better than  
4 our first responders. We're very fortunate that our  
5 city, state and federal officials have been able to  
6 prevent a major terror attack in New York City since  
7 9/11. However, as we know from the terror attempts  
8 made since then, such as the Times Square car bomb in  
9 2010, New York City remains a terror target. It is  
10 vitally important that our first responders are  
11 prepared to respond to various types of terror  
12 attacks and are being given the appropriate training,  
13 equipment, support and cooperation to respond with  
14 the expertise to which they respond to other  
15 emergencies. As technology and equipment evolve, we  
16 also must ensure that the city is taking advantage of  
17 the latest cutting edge techniques to respond to  
18 terror threats. We expect a great deal from our  
19 first responders on a daily basis, whether it is  
20 responding to medical emergencies, fires, crimes or  
21 natural disasters. We have no lesser expectations of  
22 them should they be called on to respond to terror  
23 attacks. And as we all know, this March there was a  
24 deadly gas explosion in East Harlem. While it wasn't  
25 a terror attack, this was a volatile incident with an

2 unclear cause and potential for peril to our first  
3 responders. I watched first hand as they responded  
4 the explosion with selflessness and professionalism  
5 in a way that made their preparedness evident. I can  
6 only imagine how the complexity of emergency response  
7 operations will increase if the response were to a  
8 multifaceted ongoing terror attack. We must all work  
9 to ensure our first responders are prepared to  
10 respond to even the most complex terror attack with  
11 efficiency and effective coordination. We know from  
12 the 9/11 attacks and from disasters such as super  
13 storm Sandy that our first responders can be pushed  
14 to and beyond their limits. We want to make sure  
15 lessons have been learned from past experiences, and  
16 that everything that can be done to prepare is being  
17 done. So again, I want to thank both these Committee  
18 Chairs, and I'll be turning this back over to Chair  
19 Crowley.

20 COUNCIL MEMBER CROWLEY: I'd like to now  
21 recognize my colleagues who have joined us for the  
22 hearing today. We have Council Member Lancman,  
23 Council Member Matteo, Council Member Vallone,  
24 Council Member Ferreras, Council Member Williams,  
25 Council Member Vaca, Council Member Landez [sic]--

2 sorry, Council Member Lander, Council Member Torres,  
3 Council Member Eugene, Council Member Williams--I  
4 said twice. And now I want to thank the  
5 Administration for being here today, and in which  
6 ever order you are prepared to testify, you can begin  
7 your testimony as soon as you are sworn in. And I  
8 could now would like to ask all the members at dais  
9 to please raise your right hand and affirm that you  
10 will be telling the truth in your testimony and in  
11 any questions that you answer today before this  
12 hearing on Public Safety and Fire Criminal Justice.  
13 Thank you.

14 COMMISSIONER MILLER: First of all I want  
15 to say thank you on behalf of the Police Commissioner  
16 and the Police Department of the City of New York for  
17 the opportunity to address the Council on these  
18 critical issues, particularly the Speaker and the Co-  
19 Chairs of this committee who have shown extraordinary  
20 interest in these matters and we appreciate that  
21 interest. Ironically, as we sit here talking about  
22 the coordination between agencies and emergency  
23 management procedures within the city of New York, at  
24 the World Trade Center on the 69<sup>th</sup> floor, two workers  
25 are hanging at a 65 degree angle from a scaffold that

2 has partially collapsed, which has--if you heard the  
3 sirens outside the window, the response of the NYPD's  
4 World Trade Center Command, the Port Authority Police  
5 World Trade Center Command, the New York City Fire  
6 Department and OEM working together to resolve this  
7 in the safest way possible for the lives that both  
8 literally and figuratively hang in the balance. It  
9 is an example of a relationship that has existed  
10 between multiple agencies, primarily between police,  
11 the fire department, OEM and the Port Authority in a  
12 spirit of cooperation and coordination, but I would  
13 opine personally, that I have never seen that  
14 cooperation and coordination be effected at this  
15 level in a long time, and I think that is largely  
16 owed to the collaborative spirit of some of the new  
17 leadership of those organizations, which makes a  
18 difficult job easier in moments like this. New York  
19 City is no stranger to this kind of crisis. It has  
20 been the target of two dozen prior terrorist attacks  
21 or plots, literally stretching from the 1970's  
22 through the world trade center attack in 1993 to  
23 September 11<sup>th</sup>, 2001, with many in between. Since  
24 the horrific events of September 11<sup>th</sup>, there have  
25 been 17 plots targeting New York City, the most

2 recent of which is the hatchet assault on four police  
3 officers in Queens in October of this year. To  
4 respond to this persistent threat, the NYPD has  
5 incorporated a whole of department approach in  
6 addition to strengthening our relationship with  
7 federal partners and the community to mitigate the  
8 risks before, during and after a possible attack in  
9 the city. To do this, we utilize a diverse range of  
10 resources including the diversity in our ranks,  
11 reflecting the ethnic makeup of the city. Foreign  
12 linguist programs in the NYPD with over 1,200  
13 registered foreign language speakers from 85  
14 different languages, our International Liaison  
15 program which combines police officers from the NYPD  
16 stationed in 11 cities across the globe who analyze  
17 and report on international terrorist attack and  
18 terrorist activities to help the city incorporate  
19 lessons learned from overseas. Cutting edge  
20 technology like the DAS, or the Domain Awareness  
21 System, which is a network that combines over 6,600  
22 cameras across the city as well as 500 license plate  
23 readers, chemical and radiological sensors. It's a  
24 system that's able to provide real time alerts, and  
25 it is one that we leverage every day. We also have

2 deployed hand held chemical, biological,  
3 radiological, nuclear detectors. There are 3,000  
4 radiological pagers in the street, and nearly 4,000  
5 radiological dosimeters. Training is key to this.  
6 We train officers in suspicious activity detection,  
7 hostile surveillance detection. We conduct exercise  
8 on chemical, biological, radiological, nuclear. We  
9 conduct securing the cities exercises, not just  
10 within the NYPD but within the partnered  
11 jurisdictions that are part of the securing the  
12 cities regional program as funded by the Department  
13 of Homeland Security. We have gamed out IED attacks,  
14 shopping mall attacks, Times Square gunman, every  
15 dark scenario you can imagine we have either  
16 practices in the field in real exercises or in table  
17 top to gain interagency cooperation and response. I  
18 would say notably in the most recent past I would  
19 point to the Super Bowl tabletop exercise, which we  
20 did in coordination with the Fire Department, OEM,  
21 the FBI and other agencies, the UN General Assembly  
22 tabletop exercise and pre-incident training that we  
23 did for the Unga [sic] event, as well as what we did  
24 just a couple of weeks ago before the New York City  
25 Marathon. Each one of these is a different scenario,



2 but it involves attacking the event from a number of  
3 different ways with a number of different scenarios  
4 to stress the system and to look for areas of  
5 improvement. Strengthening the partnerships with the  
6 community has been another effort that has been  
7 department wide. This is led not by the Intelligence  
8 Bureau, the Counter Terrorism Bureau, but our  
9 Community Affairs Bureau Liaisons. One of the things  
10 that I felt is important, though, is beyond Community  
11 Affairs, that that bureau is able to produce myself,  
12 Chief Galati, Chief Waters or whomever the community  
13 members are advocate, are interested in meeting with.  
14 We have done meetings with religious leaders, with  
15 community leaders. We did a table top exercise with  
16 community leaders sponsored by DHS at Fordham  
17 University along with partners from the NCTC in  
18 Washington. We've also sought to strengthen  
19 significantly our partnerships with other agencies.  
20 The JTTF, or the Joint Terrorism Task Force, between  
21 the NYPD, the FBI and more than 50 other agencies  
22 information sharing liaisons to other federal  
23 agencies, the Drug Enforcement Administration,  
24 Customs and Border Patrol, Homeland Security  
25 Investigations, particularly the US Secret Service

2 given the number of times and frequency with the  
3 President and other world leaders visit New York  
4 City. Operation Century is a network of 150 law  
5 enforcement agencies that encompass and surround the  
6 New York area, but also some of the eastern seaboard.  
7 Last week we had our Operation Century Conference  
8 where we brought in the Assistant Director of the FBI  
9 in charge of the New York Office, the Commissioner of  
10 the London Metropolitan Police or Scotland Yard as  
11 well as the Commissioner or the Chief of the  
12 Washington D.C. Metropolitan Police, Cathy Lanier;  
13 each one had a different perspective to brief our  
14 member agencies from Century on, whether that was the  
15 developing lone wolf terrorist threat in the streets  
16 of London, the findings of lessons learned from the  
17 Washington Navy Yard shooter, or other aspects that  
18 were critical to share among law enforcement  
19 agencies. As we innovate and adapt to the changing  
20 nature of terrorism, do so our adversaries. They are  
21 constantly evolving and redefining their training  
22 tactics and procedures. Today, just to frame history  
23 and most important, context, I'd like to focus on  
24 five specific plots of the more than two dozen that  
25 we've seen in New York City since the 70's. These

2 would be the much more recent ones, including  
3 Najibullah Zazi, Faisal Shahzad, Jose Pimentel, Quazi  
4 Nafis, and finally Zale Thompson, which reflect how  
5 the terror threat against New York City has more  
6 since September 11<sup>th</sup>, 2001. In September of 2009, 24  
7 year old Najibullah Zazi, an Afghan-born legal  
8 permanent resident of the United States raised in  
9 Queens, who attended our public school system was  
10 arrested for plotting with two high school friends to  
11 detonate several bombs contained in backpacks on the  
12 New York City subway system. The Zazi plot was  
13 conceived and directed by core Al Qaeda. Zazi, who  
14 had originally intended with his friends to travel to  
15 Afghanistan to join the Taliban was redirected to Al  
16 Qaeda when they realized they had a US person with a  
17 good passport who was flying under the radar and  
18 could access the United States. Zazi operated on an  
19 extremely high level of contact within Al Qaeda.  
20 Here's a kid from Queens who finds his way overseas  
21 and is literally taken to Saleh al-Somali, the Chief  
22 of External Operations and Military Operations for Al  
23 Qaeda at the time, and then personally trained under  
24 the tutelage of Rashid Rauf, who was Al Qaeda's  
25 senior bomb making expert at that time and the--

2 regarded to be the architect of the British planes  
3 plot, which would have been the second 9/11 had it  
4 succeeded in the summer of 2006. It demonstrates  
5 that eight years after 9/11, Al Qaeda was still  
6 plotting, still recruiting and still looking for  
7 Americans to attack the homeland. The Faisal Shazad  
8 case teaches us other lessons. In May of 2010, 30  
9 year old Faisal Shazad, a Pakistani-born American  
10 citizen attempted to detonate a large car bomb in  
11 Times Square. The attempt was unsuccessful. Shazad  
12 was detained days later as he attempted to flee the  
13 country. But the Shazad plot demonstrated to us the  
14 proliferation and evolution of the terror threat to  
15 Al Qaeda's allies, as the plot was directed by the  
16 Pakistani Taliban, or TTP, which previously  
17 demonstrated only a limited access or ability or  
18 desire to attack within the United States. Shazad  
19 raised a number of questions. In many ways, he was a  
20 picture of the American dream. He had come here. He  
21 had been educated here. He found work. He had a  
22 home. He had a family. He had a job in tech and in  
23 finance, yet he found his way after spending a lot of  
24 time on the internet to a foreign designated  
25 terrorist organization and was turned around to

2 attack the country that he called home. Shazad  
3 trained in Pakistan at a training camp, returned to  
4 the United States to execute his deadly mission with  
5 funding from Tehrik-e-Taliban and coconspirators.  
6 Just this month, a Pakistani Taliban off shoot,  
7 Jamaat-ul-Ahrar released its first English language  
8 publication targeting a western audience. The move  
9 seemingly informed by ISIS's successful strategy in  
10 attracting global recruits through the use of the  
11 internet. In an interview with NBC News, the group's  
12 spokesman stated it hopes the magazine will encourage  
13 English speakers abroad to come join the Taliban's  
14 cause. In November of 2011, 27 year old Jose  
15 Pimentel, a Dominican-born American citizen was  
16 arrested in the process of assembling three pressure  
17 cooker bombs to target members of the United States  
18 Armed Forces returning from Afghanistan and Iraq. He  
19 received his bomb making instructions from Al Qaeda  
20 in the Arabian Peninsula's English language  
21 publication Inspire Magazine. It's the same  
22 magazine, the same instructions that were used  
23 successfully by the Boston Marathon bombers to  
24 execute their plot. In the Pimentel case, unlike  
25 previous cases, Pimentel was self-radicalized and

2 autonomous, acting without consultation or direction  
3 from the larger terrorist organization. He found his  
4 bomb making instructions on the internet and began to  
5 assemble his weapons himself. Pimentel represents  
6 the further diversification of the terrorist threat  
7 to home grown violent extremists acting alone and  
8 without direction. Jose Pimentel plead guilty in  
9 State Supreme Court to charges in the case and has  
10 now been sentenced to 14 and a half years. Quazi  
11 Nafis: In October of 2012, this 21 year old Quazi  
12 Mohammed Rezwanul Ashan Nafis, a Bangladeshi citizen  
13 in the United States on a student visa was arrested  
14 as he attempted to remotely detonate a massive bomb  
15 in the back of a truck in front of the Federal  
16 Reserve Bank in New York. Like Pimentel, Nafis was  
17 largely self-radicalized online. However, he was  
18 born and raised in Bangladesh, came to the country in  
19 January with plans to carry out a terrorist attack.  
20 Like Pimentel, Nafis was influenced by Al Qaeda of  
21 the Arabian Peninsula's Inspire Magazine and the  
22 lectures of Anwar al-Awlaki. The magazine has said  
23 several times in different additions that New York is  
24 a top terror target for home grown and violent  
25 extremist from disparate corners of the globe. Nafis

2 showed significant sensitivity to target selection.

3 He deliberately chose to avoid the well-guarded New

4 York Stock Exchange because he thought the physical

5 security around the building and the presence of both

6 private security and NYPD limited the potential

7 success of his attack, but he shifted his plans to

8 the Federal Reserve building several blocks away on

9 his stated theory that attacking the Federal Reserve

10 or the Stock Exchange or any target on Wall Street

11 would not just cause death and destruction at the

12 site of the attack, but would injure the United

13 States economy, which is another goal called for by

14 Al Qaeda and other groups in their publications and

15 propagandas. In recent years, Al Qaeda and groups

16 that share its violent ideology have encouraged their

17 sympathizers in the west to take the initiative and

18 execute violence in their home countries without

19 specific direction. AQAP extorted its Inspire

20 readers to carry out terrorist attack in their own in

21 publications such as the Long [sic] Mushahadeen [sp?]

22 pocket book which provides a plethora of ideas from

23 vehicular homicide to causing road accidents to

24 starting forest fires that an autonomous individual

25 without support from an outside organization could do

2 in the name of terrorism. Similarly this year, Al  
3 Qaeda's former affiliate now rival ISIS directed its  
4 supporters in the west to take up arms and kill its  
5 enemies. While ISIS has thousands of foreign fighters  
6 at its disposal, it has also begun to encourage  
7 westerners to take action in their homeland in the  
8 name of ISIS. We have looked at a video, which I  
9 have shared with members of the Council leadership  
10 that carries the ISIS message that you should do what  
11 you can with what you have without seeking further  
12 direction from the leadership of the terrorist  
13 organization. It talks about "if you can't come  
14 fight with us, and if you can't get one of these,"  
15 the speaker says on the video holding up a weapon,  
16 "simply go to your local store and get a knife or  
17 another weapon or use your automobile and so on." We  
18 have seen with the recent attacks in Canada, the use  
19 of an automobile to run over Canadian Soldiers, the  
20 attack on the War Memorial that then extended into  
21 the Canadian Parliament building with an individual  
22 with a rifle to the incident here in Queens with 32  
23 year old Zale Thompson, the potential indicators that  
24 this message is penetrating from theory to action.  
25 We have also observed the recent arrest in London



2 ahead of their Remembrance Day Parades and  
3 celebrations where they honor the military of  
4 individuals who were plotting to launch attacks  
5 against those events. So, based on an analysis of  
6 the Queens event, looking into the computer of Zale  
7 Thompson, it appears he was motivated by multiple  
8 influences and more than one cause from Black  
9 Nationalism to Separatism to extremism. However, in  
10 the days and weeks leading up to the attack against  
11 New York City Police Officers, the events that  
12 sustained interest in executing what he called "Jihad  
13 against law enforcement and the United States," he  
14 appears at this point to be a lone actor, to be self-  
15 motivated and also to be self radicalized and acted  
16 precisely in the manner that ISIS was encouraging.  
17 The latest statement from ISIS that came from the  
18 ISIS spokesman in writing extoiled followers in Great  
19 Britain, in Australia, in Europe and France and the  
20 United States to attack their police, their  
21 intelligence officials and their military in the name  
22 of ISIS's cause. As we've seen them develop these  
23 products, the videos, the audio messages, the  
24 magazines, the online productions, we've seen an  
25 increasing level of sophistication both in terms of

2 the production values of the actual products, as well  
3 as the sophistication of message, and that  
4 particularly given the recent events in Canada,  
5 London and in Queens has given us some acute concern.  
6 That would be the end of my prepared testimony. You  
7 have a more detailed written testimony for the record  
8 for your review, and I would be happy to answer your  
9 questions after my colleagues.

10 CHAIRPERSON CROWLEY: Chief Pfeifer, once  
11 you're ready, please begin your testimony.

12 JOSEPH PFEIFER: Okay, good afternoon  
13 Speaker Mark-Viverito, Chairwoman Crowley and  
14 Chairwoman Gibson, members of the Fire and Criminal  
15 Justice Service and Public Safety Committees. My  
16 name is Joseph Pfeifer, I'm the Chief of Counter  
17 Terrorism and Emergency Preparedness for the New York  
18 City Fire Department. Thank you for this opportunity  
19 to speak to you today about the New York City Fire  
20 Department's level of preparedness and our response  
21 system, especially when it deals with terrorism, but  
22 I'll hope you'll also get a sense today is the  
23 collaboration between the Fire Department, the Police  
24 Department and OEM, because any terrorist event is a  
25 complex interest that cannot be handled by one

2 agency, but needs the work of multiple agencies, and  
3 I think you'll see a substantial difference over the  
4 last decade of what we're doing together. The FDNY's  
5 primary mission is to protect life and property. The  
6 Department carries out this mission through  
7 firefighting, search and rescue, pre-hospital patient  
8 care and hazardous material mitigation. I'd like to  
9 emphasize that the planning, training equipment  
10 mentioned below can be applied to any mass casualty  
11 situation, whether it's a terrorist attack, a natural  
12 disaster, industrial accident, or a biological event.  
13 We have seen in this recent weeks in preparing for  
14 and safely responding to the Ebola Virus Disease that  
15 the level of preparation and preparedness for  
16 chemical, biological and radiological threats  
17 including operating in chemical protective clothing  
18 that we're able to support the city's response to  
19 this threat, and by doing so have helped calm the  
20 public fear and restore a measure of confidence in  
21 government. I'd like to briefly mention a few core  
22 values of preparedness program. The Fire Department  
23 builds systems like our tiered response system. This  
24 can be scaled and adapted to ensure the right mix of  
25 resources and expertise depending on the situation

2 respond to the scene. The department also builds  
3 systems of collaboration, partnering with other city  
4 agencies and regional responders to share lessons  
5 learned and to develop interagency plans, protocols,  
6 and drills. Members of the department have acquired  
7 tremendous amount of knowledge and how-to since 9/11,  
8 and this knowledge helps the city to plan and prepare  
9 for extreme hazards and emergencies. The department  
10 has also invested in specific training facilities  
11 like our shift board simulator, our subway simulator,  
12 our high rise simulator. These tools do not just  
13 serve the Fire Department, but also is part of city  
14 preparedness and a regional resource. At the core of  
15 this preparedness effort is the Fire Department's  
16 Center for Terrorism and Disaster Preparedness. We  
17 created this center in 2004 to be the focal point for  
18 the department's strategic preparedness creating  
19 dynamic and practical approaches to counter  
20 terrorism, disaster response and consequence  
21 management. The center's core competencies include  
22 intelligence sharing, weapons of mass destruction and  
23 security preparedness, exercise design, emergency  
24 response planning, education and strategy and  
25 technology. And please allow me to elaborate briefly

2 on just a few of these. Intelligence and information  
3 sharing: The intelligence branch of the center has  
4 expanded the FDNY's role to become an active producer  
5 of intelligence tailored to the needs of fire  
6 fighters and responders. The department uses a PC  
7 and web-based communication tool we call Diamond  
8 Plate to deliver a critical training and situational  
9 awareness content directly to every firehouse and EMS  
10 station, and we do it in real time. In the recent  
11 weeks, this platform became the key resource for  
12 disseminating information to our first responders on  
13 Ebola. Video information, safety protocols, as well  
14 as messages were shared with the entire workforce.

15 WMD and Security Preparedness: The primary mission of  
16 the center's WMD branch is to coordinate strategy and  
17 tactics and to share chemical, biological and  
18 radiological, nuclear and explosive research. For  
19 example, we currently work with the Department of  
20 Health and Mental Hygiene to collect, share and map  
21 radiological data during a radiological emergency.  
22 This will allow commanders in the field and the Fire  
23 Department Operations Center to visualize  
24 contaminated areas. We also strategically deploy WMD  
25 chem packs in EMS stations and hospitals. We also

2 train and carry WMD antidote on every 9/11 ambulance  
3 and hazardous material fire apparatus. Exercise  
4 design: The center conducts workshops, table tops,  
5 functional and full scale exercises to test the  
6 knowledge and efficiency of the Department's all  
7 hazard response protocol after which it makes  
8 recommendations on improvements in detailed after  
9 action reviews. The center has partnered with the  
10 Department of Homeland Security with the NYPD with  
11 New York City's Office of Emergency Management, West  
12 Point's Combatting Terrorism Center, the Center for  
13 Disease Control to plan and prepare exercises for  
14 natural, accidental and terrorist events. Emergency  
15 preparedness: The center creates and updated  
16 emergency response plan to provide both general and  
17 detailed tactical directions for units responding to  
18 terrorist events and natural disasters. As part of  
19 the planning, the center helps develop and maintains  
20 FDNY's continuity of operations plan. The team has  
21 developed plans for the following events, hazardous  
22 material releases, subway chemical attacks, bio-  
23 response and provide explosive devices, collapsed  
24 [sic] rescues and hurricanes. As mentioned above, it  
25 also builds systems of collaboration. A perfect

2 example of this is the work that FDNY and NYPD are  
3 doing to respond to a large scale active shooter mass  
4 casualty incident. FDNY and NYPD have worked  
5 together to develop a joint emergency response plan  
6 for active shooter incidents and have begun  
7 conducting drills on this particular plan. But one  
8 of the concerns that I have and one of the concerns  
9 that we discussed at length between the Fire  
10 Department and NYPD is the use of fire as a weapon.  
11 The devastating 2008 attacks in Mumbai represent a  
12 game changer. Over three days, a city of nearly 14  
13 million people were held hostage while 166 people  
14 were murdered in multiple locations, introducing a  
15 new model of terrorist attack. The sailing [sic]  
16 feature of a Mumbai style attack includes multiple  
17 terrorists, multiple targets and multiple modes of  
18 attacks deployed over prolonged operational period to  
19 amplify media attention. Despite all the violence,  
20 the most iconic images from that event remains those  
21 of the Taj Mahal on fire. The pictures of people at  
22 the window of the hotel trying to escape the flames  
23 are reminiscent of 9/11. Despite the striking images  
24 from that major attack interest in using fire as  
25 either a strategic or tactical weapon has not been

2 well understood and largely ignored to date.

3 However, it is a weapon that could significantly  
4 alter the dynamics of a terrorist attack. FDNY is  
5 working closely with NYPD, with the FBI, with the  
6 Department of State Diplomatic Services to develop  
7 procedures of joint tactical teams, teams comprised  
8 of fire personnel and security forces operating  
9 together in an environment of armed terrorists, fire  
10 and smoke, and mass casualties. All these agencies  
11 have been working with us in a full scale exercise at  
12 the Fire Academy and more are being planned. In  
13 addition to the excessive planning discussed above,  
14 the FDNY has significantly enhanced our special  
15 operations command capabilities so that we are more  
16 prepared than ever to deal with incidents involving  
17 biological, chemical or radiological releases, major  
18 collapses, maritime operation and other major  
19 incidents with mass casualties. The underpinning of  
20 these enhancements is a tiered response system that  
21 we establish to ensure optimal availability and  
22 distribution of resources to respond. The tiered  
23 response framework entails training FDNY units in a  
24 variety of response capabilities at incremental  
25 proficiency levels and strategically locating them



2 across the city. Let me illustrate this tiered  
3 response structure for our hazardous material  
4 incidents. At the highest level, the specialist  
5 level, we have our hazardous material unit and hazmat  
6 battalion chiefs who have over 500 hours of  
7 professional training and carry advanced  
8 instrumentation. The next level comprises of 16  
9 hazmat tech units to the technician two level, 36  
10 hazmat tech ambulances, and at the next level we have  
11 25 hazmat tech ones, 25 DCON engines and 33 chemical  
12 protection ladder companies. All these units can  
13 operate in hazardous material environments, but at  
14 the foundation of all is that every firefighter and  
15 EMS personnel are trained to the hazardous material  
16 level. As you can see, our tiered response system  
17 provides a very robust structure for our hazardous  
18 material response and mitigation. Our collapse  
19 search and rescue members are similarly trained.  
20 They receive the highest level of training that the  
21 department can offer, which includes 280 hours of  
22 specialized search and rescue training in a collapse  
23 environment. Our emergency medical system, the  
24 largest in the United States is also tiered, starting  
25 with the certified first responders, EMT's,

2 paramedics and specialized rescue medics. The FDNY's  
3 tiered response system allows the department to adapt  
4 to extreme events by creating task force to give the  
5 city and the region highly trained teams that can be  
6 rapidly respond to large scale events. Of course,  
7 enhancing the capabilities is only part of one  
8 component of preparedness. The department also has  
9 taken steps to improve our organizational and  
10 communicational infrastructure. The department has  
11 developed a fully staffed incident management team  
12 who played a significant role in the Harlem explosion  
13 earlier this year. We launched automatic recall  
14 program that can target off duty members to ensure  
15 resources are available to maintain coverage  
16 throughout the city during an emergency. We  
17 implemented a communication channel between our on-  
18 scene firefighters and EMS command. We implemented a  
19 second EMS citywide channel for multiple casualty  
20 incidents. We developed and launched a suspicious  
21 activity reporting program for firehouses and EMS  
22 stations to report possible terrorist activity to law  
23 enforcement. We implemented a fire ground  
24 accountability program which consists of a number of  
25 inter-related applications to enhance fire ground

2 safety. One of those programs is the radio frequency  
3 identification program. RFID tags are sewn into the  
4 firefighter's bunker gear and these tags give the  
5 incident commander the capability to track the  
6 location of firefighters that are responding on  
7 apparatus. The department has successfully deployed  
8 a three-part communication system that represents a  
9 critical step in improving fire ground communication.  
10 The system consists of 13 vehicle-based cross band  
11 repeaters, which allow radio communication to be  
12 transmitted into dense building environments as high  
13 rise buildings. We have 75 high powered audible  
14 command post radios and we preprogram handy talky  
15 [sic] radios with several customized features to  
16 improve on scene tactic and command communication for  
17 firefighter safety. The FDNY has built a state of  
18 the art emergency operation center at FDNY  
19 headquarters to enhance information sharing, command  
20 to the control communication and on-scene situational  
21 awareness. The department is also--is completing a  
22 redundant back up system on Staten Island. This will  
23 serve as a fully functional back up operational  
24 center where command and control personnel within the  
25 FDNY and first responders can plan, coordinate, and

2 share relevant information with each other and with  
3 other public agencies. An element of these systems  
4 is what we call a network command, the ability to  
5 link on scene situational awareness capability with  
6 command and control operations at emergency  
7 operations centers. I want to just take a couple  
8 moments to talk about funding and to reinforce how  
9 critically important federal funds have been to  
10 supporting these initiatives that I've outlined this  
11 afternoon. Since 9/11 FDNY has worked to build  
12 partnerships with key funders, particularly the US  
13 Department of Homeland Security and New York State  
14 Division of Homeland Security and Emergency Services.  
15 To these agencies, we have communicated FDNY's unique  
16 role in preparing for, responding to and recovering  
17 from acts of terrorism, natural disasters and other  
18 complex emergencies. To date, the FDNY has been  
19 awarded over 560 million dollars in federal funding  
20 through DHS. The FDNY has utilized DHS funding to  
21 rebuild after 9/11 and to prepare our first  
22 responders to manage the potential threats and  
23 hazards that we face each day in the field. Grant  
24 funding supports equipment and supports planning,  
25 drills, technology, training that is so needed to

2 prepare and respond to these threats, and  
3 particularly to the threats that Commissioner Miller  
4 has outlined. The example of whether this is working  
5 we can see in the Times Square attempted bombing of  
6 Faisal Shazad. Through training, first responders  
7 from Engine 54 and ladder four immediately recognized  
8 that the threat potential of the smoking vehicle. To  
9 quote the officers at the scene, they said,  
10 "Something did not look right." And they worked with  
11 NYPD and together they took actions that reduced  
12 injuries, protect property and saved lives. By  
13 investing in core areas of planning, incident  
14 management, communication, patient triage and  
15 treatment, hazardous material, marine firefighting,  
16 search and rescue, and we are better to prepare,  
17 we're better to respond to these disasters. These  
18 capabilities serve the department and the city during  
19 Times Square, during the building collapse in East  
20 Harlem, during the train derailment of Metro North,  
21 and as I mentioned earlier, during the recent  
22 incidents with Ebola, these capabilities are  
23 resources for the New York area. Again, I want to  
24 thank the Chair people and these committees to giving  
25 me and opportunity to speak about these key topics

2 and to reiterate the FDNY's resources can adapt to  
3 changing environment. We have structured our core  
4 competencies to respond to both routine and extreme  
5 events and especially to those of acts of terrorism.  
6 Thank you.

7 CHAIRPERSON CROWLEY: Before we hear  
8 testimony from OEM, I'd like to mention that we've  
9 been joined by Council Member Espinal, Council Member  
10 Cabrera, and we were--and we are joined by Council  
11 Member Gentile. Now, representative from OEM.

12 CALVIN DRAYTON: Good afternoon,  
13 Chairpersons Crowley and Gibson, members of the  
14 Committees on Fire and Criminal Justice and Public  
15 Safety. I am Calvin Drayton, First Deputy  
16 Commissioner of the New York City Office of Emergency  
17 Management. As my counterparts from the New York  
18 City Police Department and the New York City Fire  
19 Department have touched on, it is critical to  
20 understand the terror threat to the city as well as  
21 how our agencies are prepared to address these  
22 events. As you know, the mission of the New York  
23 City Office of Emergency Management is to plan and  
24 prepare for emergencies, to educate the public about  
25 preparedness, to coordinate the city's response and

2 recovery operations and to collect and disseminate  
3 critical information to key stakeholders and the  
4 public during emergencies. I am happy to speak to  
5 you today to focus on several aspects of our mission,  
6 consequence [sic] management, interagency  
7 coordination and citizen preparedness. Let me begin  
8 by discussing interagency coordination. The key to  
9 this concept is CIMS. CIMS stands for Citywide  
10 Incident Management System and this is the protocol  
11 that the city uses to define the way emergencies are  
12 managed. CIMS was created in 2004 with the input and  
13 coordination of city agencies such as PD, FDNY,  
14 Department of Buildings, Department of Health and  
15 Mental Hygiene, Department of Environmental  
16 Protection and many others. It is fully interoperable  
17 with the US Department of Homeland Security's  
18 National Incident Management System, also known as  
19 CIMS, as well as with the New York State Incident  
20 Command System, which means that the state and the  
21 federal agencies can be and are integrated into the  
22 city's command structure. As we know, every  
23 emergency creates new and unforeseen conditions that  
24 require improvised procedures. So, how does this  
25 plan help the city coordinate its response? First,

2 CIMS establishes a command structure for a range of  
3 incidents by assigning a lead agency. This  
4 designates which agency or agencies based upon their  
5 core competencies are in charge and it sets forth  
6 roles and responsibilities for agencies involved in  
7 emergency response. By doing so, the city  
8 establishes clear lines of authority with prompt  
9 decision making. The CIMS guidelines and charts are  
10 available on our website, NYC.gov/oem. Incidents can  
11 be managed by either unified command or single  
12 command. Some examples of a single command are fires  
13 led by FDNY or explosive device/bomb threats led by  
14 the NYPD. In unified command, multiple agencies  
15 share command responsibilities. For example, an  
16 aviation incident is thereby both FD and PD as are  
17 rail incidents and utility incidents. In suspected  
18 terrorism events including chemical, biological,  
19 radiological, nuclear and hazmat incidents, NYPD is  
20 designated the primarily agency, incident commander,  
21 until it has been determined that there is no actual  
22 or suspected criminal activity or terrorism, in which  
23 case a unified command with FDNY will be implemented.  
24 The city's planning for the response to Ebola is also  
25 an example of unified command led by the Department



2 of Health, NYPD, FDNY, as well as OEM. OEM is  
3 responsible for the development, maintenance and  
4 oversight of over 40 emergency plans, protocols and  
5 playbook for the city. Emergency plans help prepare  
6 the city to respond effectively during incident in  
7 order to reduce disruptions to people and services.  
8 We create and update the city emergency plans for a  
9 range of natural and man-made hazards. The plans  
10 focus on citywide coordination and operations. These  
11 plans are either operational specific and such as a  
12 degree management, or hazard specific such as a  
13 radiological response plan. Plans outlined of the  
14 decision making process and operational strategies  
15 during a hazardous event. This includes coordinated  
16 roles and responsibilities of key stakeholders for  
17 these events, primarily city agencies. Plans may  
18 also include citywide objectives for managing the  
19 incident, templates for interagency coordination and  
20 data management and check lists for key tasks and  
21 actions. Training and exercising the city's plans and  
22 protocols is an important part of maintaining  
23 readiness and understanding CIMS and citywide  
24 response and operations. We have a robust training  
25 and exercise program that includes both online and

2 classroom training in areas such as logistics,  
3 emergency operations and field response, all  
4 components of a terrorism response. New York City  
5 Emergency Management also hosts regular exercises  
6 with all agencies, focused on specific areas of  
7 plans. These efforts, combined with the continue of  
8 emphasis on public and private sector preparedness  
9 are the keys to success in responding to hazards. We  
10 use a multiyear exercise plan, a road map that  
11 explains exercise methodology, identifies priorities  
12 and outlines an exercise schedule. Recent past  
13 exercises have included interagency exercise series  
14 such as the mass casualty incident family assistance  
15 center, the radiological discretion device and the  
16 regional improvised nuclear device table tops and the  
17 upcoming staging area in commodities distribution.  
18 Each series consists of a table top exercise, drill,  
19 a full scale exercise that includes all relevant  
20 agency stakeholders and concludes with an after  
21 action review to determine what needs to be improved  
22 and how to operationalize the improvements. In all  
23 this, the New York City Emergency Management is the  
24 city's coordinating agency doing large scale  
25 incidents with the focus on consequence management.

2 We coordinate by activating the city's emergency  
3 operation center co-located at our headquarters to  
4 bring in the Mayor and representatives from agencies  
5 involved in the response. We coordinate all players  
6 from the largest to the smallest agencies, including  
7 city, state, federal, private and non-profit  
8 partners. Coordination includes identifying emerging  
9 issues that may require improvised procedures for  
10 rapidly changing condition, task sharing between  
11 agencies, or the assignment of new tasks for which no  
12 agency has designated responsibility. It is here  
13 that the city gathers information, facilitates  
14 communications, provides logistics and resource  
15 management and handles mutual aid requests. The EOC  
16 is where situational awareness and updated  
17 information is gathered to relate to city hall, the  
18 public and other agencies, and I would like to give  
19 you some background on our role in emergency public  
20 messaging. We have several tools we use to  
21 disseminate information to the public. When an  
22 emergency happens, we work with the Mayor's Office to  
23 issue media release, provide updates to 311, notify  
24 NYC subscribers, NYC.gov and our own website and  
25 social media. We also send messages to corporate

2 partners through Corp [sic] net, and to nonprofit  
3 partners through Citizen Cores [sic] and the advance  
4 warning system. For serious and large scale events,  
5 we could consider sending out wireless emergency  
6 alerts. During an emergency we manage the city's  
7 joint information center which is a one stop shop for  
8 information related to an incident. It's important  
9 that in any emergency the city speaks with one voice  
10 and with consistent messaging for trhe public. Take  
11 for example the most recent activation for Ebola.  
12 Information has been passed on to the public via  
13 press conferences with the Mayor, scripts for 311,  
14 social media messaging through Twitter and Facebook,  
15 regular elected official calls to assist in passing  
16 information to the constituents, conference calls  
17 with the private and nonprofit sectors, involved with  
18 local CERT [sic] teams to assist in messaging, and  
19 numerous town halls and public forums. While a  
20 terrorist attack is not known before, the preplanning  
21 for communication and outreach is scalable in the  
22 necessary channels both within city agencies and  
23 partners throughout the city stand ready to assist in  
24 messaging and pushing the message once we say go.  
25 Now, I would like to talk about citizen preparedness.

2 NYC Emergency Management works to ensure that the  
3 entire city residents, businesses and community  
4 organizations are prepared for whatever emergency may  
5 occur, small or catastrophic. The more prepared our  
6 citizenry is the better off we all are. Through  
7 Ready New York Program, our staff and volunteers  
8 speak to more than 1,000 civic organizations,  
9 schools, senior centers and other groups each year  
10 about how to prepare for emergencies be there acts of  
11 terrorism, power outages or transportation  
12 disruptions. We partner with you and other elected  
13 officials to bring this important message to your  
14 constituents and we cast a wide net in private sector  
15 preparedness through our partners that prepare this  
16 program, which results in trained private sector  
17 partners that play a critical role in providing  
18 information during emergency. We are often asked by  
19 elected officials and their constituents how they can  
20 receive information from us in real time. Please, if  
21 you have not yet done so, signup for Notify NYC.  
22 This is the city's official source for real time  
23 information about emergency events and important city  
24 services. This free service allows subscribers to  
25 receive updates via email, texts, phone or Twitter

2 about incidents including road closures, subway  
3 delays, fire, weather advisories, power outages and  
4 school closures. We also have a large social media  
5 presence on Facebook and through Twitter. We are  
6 also very proud of the New York City Community  
7 Emergency Response Team better known as CERT. The  
8 program which began in 2003 with seven teams and 106  
9 volunteers. Today, the city has 54 CERT teams with  
10 over 1,800 active credential volunteers and we are  
11 active in backfilling teams, assuring that they are  
12 up to readiness through extensive training and  
13 maintaining contact and communication between team  
14 leaders and our agency. CERT volunteers play an  
15 important role in the community events and  
16 preparedness training and I urge you to join your  
17 local CERT team. As the Mayor recently said, "As  
18 New Yorkers, we know our city is the number terror  
19 target in this country." We are undaunted in the  
20 work we do every day, the work we do together to ward  
21 off these threats, to always be diligent, to always  
22 apply the resources we need. How we address that is  
23 with extraordinary collaboration and teamwork, and  
24 with the kind of support at the federal government  
25 that's exemplary for the times we are living in. The

2 purpose of planning is to minimize the effects of  
3 hazards on New York City and following with disaster  
4 to return residents to their daily routines as  
5 quickly as possible. I can assure you that the city  
6 takes this responsibility seriously. Our agency will  
7 continue to coordinate with our partners to build  
8 plans, train representatives and bring to bear the  
9 best thinking in resources to the benefits of New  
10 York City. Thank you for your time today. Along  
11 with Deputy Commissioner Miller and Chief Pfeifer, I  
12 am happy to take your questions. Thank you.

13 CHAIRPERSON CROWLEY: Thank you to all  
14 three agencies for being here today to testify about  
15 the work that you do. I'm going to begin with some  
16 questions and then my Co-Chair will have some  
17 questions and then a number of Council Members may  
18 come back a number of times for questions. My first  
19 question, and you know, in an effort to understand if  
20 we're really ready as a city for a Mumbai style  
21 attack, which is multiple attacks at one time, at  
22 what capacity does the city have to call on emergency  
23 workers to come in to what you would call a surge  
24 that you would need x number more? How quickly can  
25 you get those emergency workers to work on the

2 various different situations happening in various  
3 different areas? And who, you know, it may be OEM.  
4 I'm sure every single agency can answer this, but I'm  
5 looking at, you know, what did you do on September  
6 11<sup>th</sup>? I know when super storm Sandy happened there  
7 wasn't a surge. You know, I know the Fire Department  
8 was fully extended and working and without the proper  
9 emergency staff in various different situations where  
10 I can get into later, but at what point do you say as  
11 a city we need to call in more emergency workers  
12 because what we have right now isn't sufficient? I'm  
13 sure even do some type of table top experiments where  
14 you have a situation such as multiple attacks  
15 happening at one time.

16 JOHN MILLER: We've already recently in  
17 the Super Bowl table top ran a suspicious package  
18 which turned out to be something we rendered safe. We  
19 had an actual bomb go off within the confines of the  
20 table top at a mid town hotel on the other side of  
21 town from this suspicious package. So as we had  
22 drawn resources, both police, fire and OEM in two  
23 different directions, we then laid on the active  
24 shooter scenario at another location further up town  
25 and we added in the element of fire. It was meant to



2 stress the exercise about how are we going to cover  
3 the post-blast incident, the suspicious package, and  
4 still be able to maintain command, control,  
5 coordination and response to the active shooter thing  
6 and also deal with the fire overlay. The work that  
7 Joe Pfeifer from FDNY's Counter Terrorism Bureau has  
8 done since the Mumbai attack became critical in this  
9 scenario. The coordination between Joe Pfeifer's  
10 team, the training they've developed, helped us kind  
11 of move forward the training between the Fire  
12 Department and our Emergency Service Unit about how  
13 to work together in an active shooter situation with  
14 fire. So, we have gamed it tactically and  
15 strategically. By the grace of God we haven't had to  
16 exercise it in real life in this particular period,  
17 but after Mumbai, aside from the level we've brought  
18 it to between the PD and the Fire Department, a  
19 couple of things happened immediately. One is the  
20 Emergency Service Unit of the NYPD, which is the  
21 largest of its kind in any police department,  
22 numbering in excess of 400 emergency service people  
23 who are not called out for emergency, but are  
24 actually on patrol in the streets 24/7, developed a  
25 call back system where they expect to be able to

2 notify the entire command in the event of, for  
3 example although not limited to a Mumbai style attack  
4 where they could bring everybody in from home within  
5 a two horu window. That's the goal set there.

6 Beyond that, one of the challenges of Mumbai was  
7 having the heavy weapons capability across multiple  
8 locations simultaneously and perhaps for a sustained  
9 period of time. When that occurred I was with the  
10 FBI, took the briefings from the Mumbai attack and  
11 the lessons learned, talked to police departments,  
12 including the Los Angeles police department and we  
13 helped them kind of reform their responses to active  
14 shooter situations when you add in the dynamic  
15 multiple locations over a sustained period of time.

16 CHAIRPERSON CROWLEY: Sorry, Commissioner  
17 Miller, I hate to cut you in the middle of your  
18 answering the question.

19 JOHN MILLER: Sure.

20 CHAIRPERSON CROWLEY: I just want to  
21 clarify. You said you have 400 officers, and I'm  
22 trying to figure out, at any given time. Now these  
23 are just regular police officers?

24 JOHN MILLER: No, these are Emergency  
25 Service Unit Officers who already are equipped and

2 extraordinarily highly trained in rescue missions,  
3 self-contained breathing apparatus, heavy weapons--

4 CHAIRPERSON CROWLEY: Chemical weapons?

5 JOHN MILLER: chemical weapons, the full  
6 array of response. The old saying is, "When a  
7 citizen needs help they call the police. When the  
8 police need help they call ESU." These are the best  
9 of the best. Understanding that over a long period  
10 of time you might need even to augment that force.

11 After Mumbai under the direction of Police

12 Commissioner Ray Kelley [sp?], the Organized Crime  
13 Control Bureau which encompasses a couple of thousand  
14 people in narcotics, gangs and organized crime units  
15 were trained in the mini [sic] '14 long weapon.

16 We're given access to the heavy vests, and would be  
17 an entire second wave if you will in an active  
18 shooter situation. We are currently looking at  
19 additional plans to figure out ways to streamline and  
20 increase that response and it's--and our geographical  
21 ability to move quickly in that the new model of the  
22 active shooter situation has distinguished from the  
23 old model of the barricaded individual possibly  
24 holding hostages, looking to talk their way out of  
25 the situation in some cases has involved rapid

2 killing until they are stopped by the police. So  
3 increasing the speed of reaching that threat with  
4 police officers who are properly protected and  
5 properly armed is critical.

6 CHAIRPERSON CROWLEY: Let's say that  
7 there is an attack, you know, there's an attack on  
8 our subway systems and in multiple boroughs. Now OEM  
9 will set up the emergency management and now how will  
10 you interact with FDNY and NYPD?

11 CALVIN DRAYTON: Well, first of all, the  
12 scenario that you just described, that will be taking  
13 place in the field, and the NYPD and FDNY will be  
14 standing together in a unified command structure and  
15 also in a unified operation section. More  
16 importantly, on the event that you just described, we  
17 would begin to mobilize and activate our EOC in our  
18 headquarters in Brooklyn, and by that I mean we would  
19 be bring in the necessary agencies to come in and  
20 make sure that we could support the operations that  
21 are going on in the field. And going back to your  
22 original question, just so that you know, when you  
23 say calling staff back in, we at OEM do what we call  
24 "no notice drills" probably two or three times a  
25 month in which we are reaching out to our staff to

2 find out how much time it would take for you to get  
3 back to our headquarters for an unannounced event,  
4 but more importantly, we also have no notice  
5 exercises or drills, table top exercises and we use  
6 the Mumbai event as one of our examples of a no  
7 notice event. What would we, OEM, but more  
8 importantly, what are challenging on charging our  
9 agencies to do to support the Fire Department and the  
10 Police Department in the field.

11 CHAIRPERSON CROWLEY: OEM during super  
12 storm Sandy decided not to bring in additional  
13 workers or, you know, situations such as the Fire  
14 Department having 150 fires going on at one time, not  
15 even including the major fire in Breezy Point, but  
16 you had a department was fully extended, but at the  
17 same time there were fire fighters emptying and  
18 evacuating senior housing and hospitals. You know, so  
19 just looking at an emergency situation that we  
20 already were getting prepared for, you know, I have  
21 concerns that if we had a massive terror attack in  
22 multiple locations, I want to make sure that OEM is  
23 ready to call in the additional emergency workers  
24 that the city needs.

2 CALVIN DRAYTON: I'm trying to connect  
3 the Superstorm Sandy to terrorism. So let me see if  
4 I understand your question. Your question to me is  
5 do we have the capacity to bring back staff for the  
6 event?

7 CHAIRPERSON CROWLEY: Did you work for OEM  
8 during Superstorm Sandy?

9 CALVIN DRAYTON: Did we do what? I'm  
10 sorry.

11 CHAIRPERSON CROWLEY: Were you employed  
12 by OEM and were you working with the Emergency  
13 Incident Management during that time?

14 CALVIN DRAYTON: I've been employed by OEM  
15 for 21 years.

16 CHAIRPERSON CROWLEY: Alright, very good.  
17 So were you in leadership role?

18 CALVIN DRAYTON: Yes, I was.

19 CHAIRPERSON CROWLEY: Did you see  
20 problems in the response afterwards when evaluating?

21 CALVIN DRAYTON: Well, we were activated.  
22 Our EOC was activated because we began monitoring  
23 Superstorm Sandy about two weeks before it even hit  
24 New York City.

25 CHAIRPERSON CROWLEY: Right.

2 CALVIN DRAYTON: And that's what we do  
3 with a hurricane. When it comes off the coast of  
4 Africa we continue to monitor it until it's declared  
5 a hurricane. We activated our EOC at least about a  
6 week, maybe about a week before, maybe two weeks  
7 before, the planning session, and as the storm got  
8 closer and closer to the city we brought in  
9 additional agencies. I can't speak on behalf of the  
10 Fire Department and their resources, but Chief  
11 Pfeifer can do that.

12 CHAIRPERSON CROWLEY: But just answer a  
13 question for OEM. When it comes to the national  
14 management response in MIMS or in the city's incident  
15 management system of response, were we following  
16 those protocols during that emergency?

17 CALVIN DRAYTON: Absolutely, absolutely.

18 CHAIRPERSON CROWLEY: I don't believe you  
19 were. We saw situations in our hearings afterwards  
20 that you didn't have the level of span of control.  
21 You didn't have the number of managers to frontline  
22 staff workers.

23 CALVIN DRAYTON: If you could site--if  
24 you or your staff could site me on example, I'd be  
25

2 more than glad to offline to discuss that with you.

3 But--

4 CHAIRPERSON CROWLEY: My example was EMS  
5 on any given day in New York. Emergency can happen  
6 and you know, it's a problem I've been working on  
7 with the Fire Department, but when you have EMT's  
8 running to emergencies you often have situations  
9 where if it's life threatening it could take 10  
10 minutes. I mean, our department is stretched with  
11 the resources we have on any given day. So, in  
12 getting at the heart of an emergency on that  
13 particular day we didn't call in more tours. We knew  
14 we were approaching emergency situations and there  
15 weren't additional managers brought in. When you  
16 look at span of control you look at the frontline  
17 number of emergency workers as it relates, their  
18 lieutenants or their first superior officer which  
19 will help in direction. When you look at national  
20 and city models that Homeland Security wants you to  
21 follow, you are supposed to increase the number of  
22 managers per frontline workers, and that didn't  
23 happen that day. And so my question also, you know,  
24 as we are preparing for emergency terror attacks, are  
25 we prepared? Do we plan to ring in additional



2 management to help the front line emergency workers  
3 deliver the emergency care and rescue that we expect  
4 them to do?

5                   JOSEPH PFEIFER: Supervision is  
6 critically important, but let me just give you a  
7 quick update. I just received that at the World  
8 Trade Center incident, the windows, they were able to  
9 remove the window and the workers have been removed.  
10 So another successful operation amongst the agencies,  
11 FDNY, NYPD and the Port Authority. But to your  
12 question on supervision, we take supervision very  
13 very serious. On 9/11 we sent Chiefs up into the  
14 building with the fire fighters and out of the 23  
15 chiefs that responded to the scene, including me,  
16 only four of us survived. And yes, supervision  
17 during an emergency is critically important, and  
18 we're working to do that more and more, especially on  
19 the EMS side, and we support that fully for more  
20 supervision. But moving to some of my questions on  
21 the Mumbai type incident that John just explained,  
22 speed is of the essence. Not only do you have  
23 someone shooting people in a Mumbai, you also have  
24 fire spreading, spreading at a rate of doubling every  
25 90 seconds, and you have people bleeding out. So the

2 exercise we've worked with NYPD ESU is we have a  
3 saying, "Get the red out." We want to get those  
4 people that are bleeding or as EMS puts it, the red  
5 tag persons, people, the most critically injured to  
6 get them out quickly and get them to a hospital so  
7 they could be operated on. To do that takes  
8 coordination, and that's why we've done an exercise,  
9 we've done tabletops and now we're going to continue  
10 to do that, to work with the counter terrorism and  
11 ESU and we talk to each other on a very regular  
12 basis, almost every day at times. But for the  
13 Council, the question that you continue to challenge  
14 us like you're doing, is how quickly can we do this,  
15 because time is important. On your other question on  
16 command and you gave the subway incident, how do we  
17 do that? And I think the essence of your question is  
18 have we changed anything over the years? Are we  
19 better at it? So let me give you what we've done and  
20 a real example. So working with NYPD and OEM, we  
21 made one change to the SIMS document and the only  
22 change that's been made since it was created. And  
23 together we said that incident commanders must be  
24 within arms distance of each other, within in voice  
25 and verbal contact, something like you see here. And

2 we stuck to that. We sent it out on the department  
3 orders in FDNY, and I know NYPD did the same the  
4 first time joint thing went out. Now, does it work?  
5 Well, on December 1<sup>st</sup> last year we stood together at  
6 the Metro North derailment, fire, police, OEM, MTA  
7 and it works. When we stand together we manage an  
8 incident really well. So we have examples of doing  
9 that, and the Council's constantly asking questions--

10 CHAIRPERSON CROWLEY: [interposing] Not  
11 to interrupt you--

12 JOSEPH PFEIFER: to really make that  
13 happen.

14 CHAIRPERSON CROWLEY: That absolutely  
15 makes sense, and I'm-- you know, it is good that the  
16 departments have improved their practice, but I also  
17 want to make sure that command at arm's length  
18 happens in the, you know, not only at the post where  
19 you're managing, but also Homeland Security asks that  
20 you have supervision staff working with emergency as  
21 closely to the incident. So if it's, you know, a  
22 rescue in a high rise building in multiple areas that  
23 you have enough supervision in addition to the  
24 emergency workers in those locations as well.

2 JOSEPH PFEIFER: So for every fire unit  
3 we have a supervisor, lieutenant or a captain.

4 CHAIRPERSON CROWLEY: Sorry, to interrupt  
5 again. And so just to further my point, when you're  
6 talking about a multiple situation, you know, could  
7 be an active shooter with fire happening at the same  
8 time, you want to get the red out. You want to get  
9 those who need emergency medical care getting the  
10 attention they deserve. And so that's why I am  
11 harping on EMT's and the level of supervision because  
12 I know you're department is not within the span of  
13 control that the Homeland Security would require in  
14 emergency situations or in everyday situations. So,  
15 basic question is, is the department moving towards  
16 meeting those federal guidelines? Do you have a plan  
17 to hire more EMT lieutenants and supervisors? And  
18 something that I've discussed with the previous  
19 Commissioner and the current Commissioner is like  
20 this level of management within the emergency medical  
21 service area of the Fire Department isn't protected  
22 in terms of certain tests or certain exams or  
23 promotional activity that you have within the fire  
24 services division of the Fire Department. So I'm  
25 trying to get to the heart--a more professional way

2 of graduating through your levels of supervision  
3 within EMS. Because they're relied upon heavily in  
4 these emergency situations, I mean, to make sure that  
5 they're getting the guidance and the supervision  
6 along with the training that we as New Yorkers depend  
7 on them to have.

8 JOSEPH PFEIFER: And we support that,  
9 that the supervision is so important within EMS and I  
10 know they're looking at that and looking at budgets  
11 at how to do it. But let me mention another point,  
12 EMS doesn't operate alone, so during those disasters  
13 that you described, we will have a fire officer in a  
14 geographical area, a fire chief supervising both the  
15 fire and the medical side, and especially when we  
16 talk a Mumbai style incident we got to take it to  
17 another level, and that's fire officer, an EMS  
18 officer and a police supervisor all working together,  
19 because in complex incidents you need all three  
20 supervisors to make it safe.

21 CHAIRPERSON CROWLEY: If this was  
22 happening in lower Manhattan or anywhere in our city,  
23 we are a unique city in that we're islands and  
24 peninsula, so that we have to look at our marine  
25 rescue ability. I know on September 11<sup>th</sup>, I mean, I

2 believe that there were half a million people rescued  
3 or taken out of lower Manhattan area via ferry or  
4 some type of emergency boat by the Coast Guard. What  
5 is our ability to tap into resources like that? Do  
6 we look to the federal government for funding to  
7 improve or to build upon areas where we could make  
8 parts of the city more accessible to a ferry or a  
9 boat to evacuate people if there was, you know, an  
10 emergency in that particular area?

11 CALVIN DRAYTON: Yeah, that's a very good  
12 question Madam Chair, Chairperson. The Office of  
13 Emergency Management in conjunction with New Jersey  
14 and NYPD and FD and a number of other partners  
15 develop a maritime evacuation plan with an emphasis  
16 on getting people off the lower Manhattan into New  
17 Jersey or other points. We've designated to points  
18 along the--on the island that in Manhattan where we  
19 could direct the citizens to where they would be  
20 transported by ferry or other means to areas in New  
21 Jersey.

22 CHAIRPERSON CROWLEY: Is that--you just  
23 have that capability in lower Manhattan? I know  
24 that, you know, Brooklyn has points--

2 CALVIN DRAYTON: I only referenced lower  
3 Manhattan because you mentioned lower Manhattan, but  
4 yes, we could do that anywhere in the island, going  
5 even to Brooklyn, Staten Island or New Jersey.

6 CHAIRPERSON CROWLEY: Do we use federal  
7 resources for that? Do we have ability to, you know,  
8 expand upon that? Is it reliable way to evacuate a  
9 large quantity of people?

10 CALVIN DRAYTON: Let me try to answer  
11 your question. Do we use federal? Yes, we use  
12 federal resources to assist us in developing the  
13 plan. We do do that. If there is a need for  
14 additional federal resources to assist us, I don't  
15 think they would get here in time. In an emergency  
16 that we're describing right now, the city owns that  
17 emergency for the 24 to 48 hours before state or  
18 federal resources could come into the city. So, if  
19 it is an emergency dealing directly with evacuation,  
20 we, the city of New York has to figure that out.

21 CHAIRPERSON CROWLEY: I guess you didn't  
22 understand the question or maybe I didn't pose it in  
23 the correct manner. But if you looked at what  
24 happened in lower Manhattan, in lower Manhattan we  
25 have this Staten Island ferry, which is an access

2 point that many people were able to get on to  
3 evacuate lower Manhattan. But if we look at our  
4 whole city, we are islands and we are surrounded a  
5 lot by water, certainly Manhattan, and you know,  
6 Brooklyn, we can have an attack in multiple areas.  
7 It may not just be Manhattan. What is our capability  
8 to evacuate people via boats, ferries, and do we have  
9 a plan to build on that? Is it part of OEM's  
10 management if you know, if it worked on September  
11 11<sup>th</sup>, could it have worked better and where are we  
12 with that?

13 CALVIN DRAYTON: Okay, to respond to your  
14 question, there's two different plans. One is a  
15 maritime plan, which I just discussed and the other  
16 plan is what we call the area evacuation plan. So  
17 for example, if something was to take place in lower  
18 Manhattan and didn't have any involvement with the  
19 waterways, we would try to encourage people via media  
20 or via loudspeakers if you will, that if you're  
21 living in this area, if you're working in this area,  
22 here's what the city is suggesting that you do. You  
23 either go north away from the area or you go to these  
24 predestinated areas that we have in our area  
25 evacuation plan to get you out of the affected area,



2 whether it's via subways or buses. It just depends  
3 on the scenario and the event we're trying to  
4 describe here.

5 CHAIRPERSON CROWLEY: So if it was in  
6 Queens, you have evacuation areas via marine?

7 CALVIN DRAYTON: Yeah, the area  
8 evacuation plans for the entire city of New York,  
9 that's correct.

10 CHAIRPERSON CROWLEY: Alright, if you  
11 could provide the committee with a map that'd be  
12 great. I'm going to recognize my colleague Council  
13 Member Gibson for questions.

14 CHAIRPERSON GIBSON: Thank you very much,  
15 Chair Crowley, and thank you Deputy Commissioners and  
16 Chief. I appreciate all of your testimony. I just  
17 have a couple of questions that I wanted to focus on  
18 and probably Deputy Commissioner Miller. The NYPD  
19 recently updated its radio network allowing for  
20 street level and transit cops to communicate better.  
21 So I'd like to know has the system to date been  
22 effective? Are there any areas where we can improve?  
23 And being that we represent the largest, you know,  
24 mode of public transportation in the metropolitan  
25

2 area, has there been any response plan created that's  
3 specific to a subway specific terror attack?

4 JOHN MILLER: Let me introduce my  
5 colleague, Inspector Richard Napolitano from the  
6 NYPD's Communications Division who can address  
7 questions about the radio communications.

8 CHAIRPERSON GIBSON: Okay. Please just  
9 say your name again for the record.

10 RICHARD NAPOLITANO: Sure, good  
11 afternoon. I'm Richard Napolitano, Commanding  
12 Officer to Communications Division, and I cover our  
13 911 system. In--

14 CHAIRPERSON GIBSON: [interposing] Wait,  
15 before you begin we have to swear you in. Sorry.

16 RICHARD NAPOLITANO: Sure.

17 CHAIRPERSON GIBSON: Could you just raise  
18 your right hand please? Do you affirm to tell the  
19 truth, the whole truth and nothing but the truth in  
20 your testimony before this committee and to respond  
21 honestly to Council Member questions?

22 RICHARD NAPOLITANO: I do.

23 CHAIRPERSON GIBSON: Thank you very much.  
24 You may proceed.

2 RICHARD NAPOLITANO: Okay. In regards to  
3 radios, the Department has a dual band radio, over  
4 2,500 of them that work below and above ground. VHF  
5 is what they use below ground and UHF is above  
6 ground. So we have over 2,500 radios. The entire  
7 transit bureau is equipped with those as well as  
8 specialty units such as emergency services unit as  
9 Commissioner Miller spoke about them earlier, and  
10 they're on the scene of these incidents and we work  
11 in tandem, meaning the NYPD patrol units and transit  
12 units, anything that occurs below the ground.

13 CHAIRPERSON GIBSON: So, in terms of any  
14 potential terrorist threats, you know, a couple of  
15 weeks ago when we had the UN General Assembly, there  
16 was, you know talk of something that was not  
17 confirmed. The type of collaboration with the feds,  
18 how does that work in terms of the subway system?

19 RICHARD NAPOLITANO: Okay. With any  
20 agency we have what's called an interoperability  
21 channel. The federal agencies have access to it, the  
22 Fire Department does, EMS does, and in any major  
23 incident, the communication section opens up that  
24 frequency. Just to explain, we basically put a  
25 dispatcher at a position and we open up that

2 frequency for all of the outside agencies so we could  
3 all communicate. This was done after 9/11. It was  
4 created. We use this function quite often, and an  
5 example of is we even used it today for the scaffold  
6 incident. So this way, the federal agencies, the  
7 Fire Department, EMS and the Police Department could  
8 all communicate with each other over this frequency.

9 CHAIRPERSON GIBSON: Okay.

10 RICHARD NAPOLITANO: We've used that  
11 interoperability channel approximately 140 times so  
12 far this year.

13 CHAIRPERSON GIBSON: So far?

14 RICHARD NAPOLITANO: So far this year,  
15 yes.

16 CHAIRPERSON GIBSON: Okay. And I'm glad  
17 you brought that up. I just want to, since  
18 Commissioner Miller mentioned it, that the window  
19 workers have been rescued safely right?

20 JOHN MILLER: That's right.

21 CHAIRPERSON GIBSON: Okay, great. We're  
22 very happy for that and thank you for responding.  
23 Are you aware last summer the MTA working with the  
24 Brookhaven National Laboratory did some sort of a  
25 subway surface air flow exchange testing where there

2 was harmless colorless gas that was emitted at  
3 several subway stations? Are you familiar with  
4 that?

5 JOHN MILLER: Yes, that was sponsored or  
6 coordinated through the NYPD's Counter Terrorism  
7 Bureau.

8 CHAIRPERSON GIBSON: What were the  
9 results?

10 JOHN MILLER: It broke some of what we  
11 thought. It rearranged some of what we'd been  
12 trained on, but the--and I want to be measured in my  
13 answer Madam Chairwoman only because I want to be  
14 informative to the Council without being informative  
15 to the bad guys.

16 CHAIRPERSON GIBSON: Okay.

17 JOHN MILLER: But what I would say  
18 critical lessons learned were that a release on the  
19 street will find its way into the subway system and  
20 that release in the subway system may find its way  
21 into the streets so that the cross-flow was an issue  
22 that we learned more about. Other things we learned  
23 more about based on the study and the study taught us  
24 a number of things, and at the same time raised some  
25 critical questions that require further study is

2 lessons about how fast and how far the agent that was  
3 released traveled between stations and even boroughs.

4 CHAIRPERSON GIBSON: Did that particular  
5 study stimulate any changes to evacuation or  
6 sheltering plans in the subway system in the event of  
7 an attack?

8 JOHN MILLER: We have not done a full on  
9 tabletop based on that study. What we did instead is  
10 we did a presentation about the study, the study's  
11 methodology, the limitations of the study to  
12 officials from the MTA, DEP, Department of Health and  
13 Mental Hygiene, Fire Department, EMS, FBI and other  
14 partners to really try to press down about here's the  
15 study, here's its parameters, here's the results. What  
16 questions does this raise? What lessons can be  
17 learned, particularly about which agents that act  
18 differently from the one that we used to test might  
19 engender different results ranging from that to well,  
20 if we've learned that in this scenario the agent  
21 traveled this way, up, down or further, or in that  
22 scenario traveled that way, what lessons could we  
23 take from that in terms of whether to shut down a  
24 system in both directions, in one direction, whether  
25 to evacuate stations north or south. So, I wouldn't

2 say that this is a brave new world in that other  
3 studies have been done before in the subject matter,  
4 but I think that the techniques that were used in the  
5 study and the science applied to it may be more  
6 sophisticated than what we've seen before. So we are  
7 still evaluating what we can take from that in terms  
8 of, and I think this goes to the heart of your  
9 question, in terms of decision-making in the event of  
10 a chemical or biological release in the system or on  
11 the street.

12 CHAIRPERSON GIBSON: Okay. My next  
13 question I wanted to focus on is training and I know  
14 that there have been new training programs related to  
15 subway platform patrol, counter terrorism deployment  
16 teams, home explosives training and several others  
17 around hostile surveillance detection, rescue boat  
18 operations, port awareness, search planning and MTA  
19 bus patrols training and bio awareness. What I'd  
20 like to know is how much of the police force is  
21 devoted to counter terrorism and intelligence, and  
22 then also, these trainings, who gets the training,  
23 the frequency, who's administering the training  
24 itself, and do we see more training coming down the  
25

2 line as, you know, we get more technologically  
3 advanced?

4 JOHN MILLER: This is a multilayer--

5 CHAIRPERSON GIBSON: [interposing] It's a  
6 lot of training.

7 JOHN MILLER: It's a multilayered  
8 question, but let me take it backwards. Within the  
9 NYPD there are slightly and excess of a thousand  
10 people who do counter terrorism or intelligence every  
11 day. That would be the combined forces of the  
12 Intelligence Bureau and the Counter Terrorism Bureau  
13 under the Deputy Commissioner for Intelligence and  
14 Counter Terrorism. That's their job all the time.  
15 The concept that I talked about in my prepared  
16 remarks of a whole department approach really means,  
17 and I think if you reflect back on Commissioner  
18 Bratton's Statements about trying to get the smart  
19 phone devices to every police officer is you want  
20 37,000 counter terrorism officers, particularly when  
21 you need them, which is the ability to have that  
22 training, have that awareness and to be able to push  
23 the information to those officers. In that regard,  
24 speaking, now I'm going back to the front of the  
25 question, speaking in regard to transit, every patrol



2 borough has a Transit Bureau Counter Terrorism  
3 Coordinator who is at the rank of inspector, who is  
4 in charge of coordinating those resources. That  
5 includes the critical response vehicles. Now, these  
6 can be two police officers from numerous precincts,  
7 almost every precinct around the city that contribute  
8 a car, and we look at what are the locations that are  
9 in the threat stream today, and that can shift all  
10 the time. So rather than putting a police officer in  
11 a booth outside some place that's in the threat  
12 stream for six months and then it changes to  
13 somewhere else, this gives us mobility. The officers  
14 in the Critical Response vehicles are regular  
15 precinct police officers, yet while we have them on  
16 the CRV assignment we train them in disorder control.  
17 We train them in the response to hazmat things. We  
18 train them in the active shooter training. We train  
19 them in an array of different disciplines so that  
20 they become over time de facto counter terrorism  
21 officers. Then there are the CTO's or Counter  
22 Terrorism Officers assigned to every precinct and  
23 their job is to deliver the awareness bulletins, to  
24 coordinate the training of precinct officers to have  
25 that heightened awareness on their own. That's a

2 two-fold mission. One, they become our point of  
3 contact from a counter terrorism information  
4 standpoint of pushing that information out to the  
5 patrol force. Second, they become a force  
6 multiplier. If you look at yesterday's Veterans Day  
7 parade, we took all the CTO's we could get our hands  
8 on, which was most of them, and had them walking that  
9 parade line. If you are receiving a sustained drum  
10 beat of messages from groups like ISIS saying "attack  
11 your police, your military and intelligence" and you  
12 have a Veterans Day parade marching up Fifth Avenue,  
13 that is a potentially serious target of opportunity.  
14 So the CTO's were walking those building lines along  
15 the parade route where the barriers, where the crowds  
16 are, where the buildings are looking for that Boston  
17 Marathon bombing scenario. Who owns this package?  
18 Does that bag belong to you? What about this giant  
19 duffle bag? Who's that? Okay, can we look inside  
20 there? Okay, we're good to go. But they kept that  
21 sweep going as the marchers went along with vapor  
22 wake and explosive detection dogs that can detect a  
23 package on the move. Within the transit system, you  
24 have the Train Order Maintenance System or the TOMS,  
25 they're doing sweeps of trains on the move. They'll

2 go through the cars looking for suspicious packages,  
3 unusual activity, also addressing quality of life  
4 conditions. We certainly have the Torch Teams.

5 You're probably familiar with the Hercules Teams,  
6 which is the emergency service unit, heavily armed  
7 people who go to high profile threat locations above

8 ground. The Torch Teams are the transit version of  
9 that. They do high profile patrols within the  
10 transit system, teams working with the Department of

11 Homeland Security that do explosive detection swabs  
12 on packages during random checks in the system.  
13 Under water tunnel inspections posts in bullet proof

14 booths at the entrances to underwater entrances and  
15 tunnels. So it's a--I won't go through all of it, but  
16 I think we wanted to get out the idea that within

17 mass transit it's quite extensive. We coordinate on  
18 the idea that an attack on the New York City subway  
19 system may not be the only note, so within the mass

20 group, which is the mass transit security sector  
21 group we have Amtrak. We've got the MTA. We've got  
22 the eastern seaboard, and we come up and we either

23 meet and exchange information and intelligence or we  
24 drill down on current threat pictures. So it's a  
25 major focus.

2 CHAIRPERSON GIBSON: So, how is the  
3 curriculum developed? Is it developed in  
4 consultation with the various agencies or is that  
5 something that comes directly out of PD?

6 JOHN MILLER: We don't subscribe to the  
7 idea that if it wasn't invented here it's no good. So  
8 we're always looking at everybody else's training  
9 with an eye towards what to steal, but by in large  
10 over the last decade our trainers have been on the  
11 cutting edge of this. So, within the Counter  
12 Terrorism Bureau there is a video production unit  
13 because we're trying to reach, and I think this part  
14 of the root of your question, we're trying to reach  
15 as many people in the Police Department with the  
16 critical information as possible that has developed  
17 over 200 training videos from basic awareness to  
18 training tactics and techniques as well as a training  
19 entity within the Counter Terrorism Bureau that  
20 trains NYPD resources from command staff to police  
21 officers to other city's police officers to other  
22 country's police officers.

23 CHAIRPERSON GIBSON: Okay. Being that we  
24 have a need to stay up in terms of technological  
25 advances, social media, I see a real possibility that

2 we could possibly be attacked by drones. We've seen  
3 a number of drone incident in New York City as you  
4 know, and I'd like to know are we prepared to combat  
5 an attack in which drones could be used to carry out  
6 an air assault using any chemical weapons or  
7 firearms, and also are we equipped to scan the sky  
8 over, you know, major events that happen around the  
9 city?

10 JOHN MILLER: We have had an excess of  
11 half a dozen drone encounters, including one over  
12 Super Bowl Boulevard in Times Square.

13 CHAIRPERSON GIBSON: Right.

14 JOHN MILLER: One over the US Open Tennis  
15 Stadium in progress, one outside City Field that was  
16 recovered during a non-game event, another recovered  
17 on the roof of a Con-Ed facility which we've studied,  
18 and two encounters with our aviation, our helicopter,  
19 police helicopter assets in the air as well as a  
20 couple that are a little--that are still question  
21 marks in that the drones encountered our aircraft and  
22 other aircraft and managed to evade detection by  
23 rapidly moving away. I say that in that when it comes  
24 to the subject of drones there are currently from a  
25 standpoint of tactics more questions than there are

2 answers. This is a device, the commercially  
3 available drone that has really proliferated over the  
4 last year, year and a half, because of the mass  
5 production of them and the relatively accessible  
6 price, and it's something we've studied. I believe  
7 that we completed through the Counter Terrorism  
8 Bureau's intelligence analysis section the first  
9 drone based threat assessment document raising these  
10 questions and examining them. As you point out, one  
11 of the concerns is who's controlling this drone and  
12 why is it here? The second level of concern is what  
13 is this drone's capability, meaning is it weaponized  
14 or is it carrying a GoPro? Is it somebody's toy or is  
15 it posing a threat? Counter measures, this is  
16 something that we've discussed on a classified level  
17 with other government agencies that are looking at  
18 the same problem in their threat spectrum about  
19 counter measures, and outside of the idea that we're  
20 not the only people working on that. I can't go into  
21 their answers, but we are looking at tactics, which  
22 is how do you trace from the drone back to the person  
23 controlling it? How do you disable the drone and put  
24 it down, and third, once you put it down depending on

2 where it lands, how do you treat it? As a suspicious  
3 package? As a found property and so on?

4 CHAIRPERSON GIBSON: Are you also  
5 consulting with any military experts on, you know,  
6 how we can possibly train and prepare to counter  
7 weaponized drones?

8 JOHN MILLER: Yes, and I can tell you  
9 having been a part of those consultations, including  
10 on the classified level, that they have the same  
11 questions we have and they are working hard to  
12 develop the counter measures.

13 CHAIRPERSON GIBSON: Okay.

14 JOHN MILLER: Beyond that I can't  
15 describe what those counter measures are or how they  
16 work.

17 CHAIRPERSON GIBSON: Okay. So I guess my  
18 last question before I turn it back over to my Co-  
19 Chair, is just last week there was an announcement  
20 about the Police Department increasing its monitoring  
21 of social media in an effort to counter the threat  
22 from ISIS. I'd like to know if there's been a shift  
23 in the threat assessment. Will the Police Department  
24 be shifting resources away from surveilling Muslim  
25 institutions and Mosques? There's been a lot of talk

2 and I know that Commissioner Bratton fairly recently  
3 announced the defunct of the demographics unit and  
4 the zone assessment unit, which is a good step, but  
5 as we continue to have conversations about any  
6 potential threat from ISIS, are there any changes  
7 that you are looking to make around social media and  
8 around surveillance?

9 JOHN MILLER: So, the New York City  
10 Police Department does not surveil [sic] religious  
11 institutions or Mosques. We operate within the  
12 Intelligence Bureau under the Handschu guidelines  
13 which specifically promulgate how an investigation  
14 can be launched and what rules it should operate  
15 under for political activity, because it's there and  
16 it's enforced, we use it as a way to organize  
17 investigations into potential terrorist activity as  
18 well. Secondly, an increasing surveillance of social  
19 media, that was not a statement made by the NYPD.  
20 That was something that was in a newspaper article  
21 from sources. I don't know who those sources are or  
22 what they base that on, but I would say, and this  
23 falls into briefings that we've done on a higher  
24 level with yourself and your Co-Chair, that given the  
25 increased presence and use of social media by



2 terrorist organizations we are certainly watching the  
3 output of those terrorist organizations, whether that  
4 is Inspire Magazine, videos from ISIS, from Al  
5 Shabaab and Somalia from Al Qaeda in Yemen, from Al  
6 Qaeda core in Pakistan or Afghanistan, as we see that  
7 increase it is incumbent upon us to follow that and  
8 we do. ISIS has its own Twitter feed. We read that.  
9 ISIS has a daily newspaper. We read that. ISIS has  
10 a magazine. We read that. Al Qaeda has a magazine.  
11 We read that. Those are the social media entities  
12 that we pay very close attention to.

13 CHAIRPERSON GIBSON: So, I guess, and the  
14 reason why I raise that question is because there's  
15 been so much conversation, you know, since  
16 Commissioner Bratton took over about surveillance.  
17 And so I appreciate you saying on the record under  
18 oath that the Police Department does not surveil.  
19 It's something that I certainly want to--

20 JOHN MILLER: [interposing] The Police  
21 Department, Madam Chair, most certainly does surveil.  
22 It's why we have a surveillance unit. The question  
23 was framed, and I beg your forgiveness for  
24 interrupting--

2 CHAIRPERSON GIBSON: [interposing] That's  
3 fine.

4 JOHN MILLER: I want to stay accurate.  
5 The question was framed, are we increasing our  
6 surveillance on Mosques or religious institutions,  
7 which we do not do. There may be in the course of an  
8 investigation, a Mosque or religious institute that  
9 is--an investigation that has properly begun under  
10 the Handschu Rules that may become an element of that  
11 investigation because a person or persons go there,  
12 but we do not begin an investigation against anything  
13 that would be purely constitutionally protected  
14 activity like the engagement of a house of worship of  
15 any faith.

16 CHAIRPERSON GIBSON: So the information  
17 that was gathered and, you know, remains on file in  
18 the Demographics Unit that we no longer use, what  
19 happens to that information?

20 JOHN MILLER: The information that was  
21 gathered by the Demographics Unit for the most part  
22 was information that's available from public sources.  
23 That would be I95 data, US census data, interaction  
24 with precincts concerned and so on. I think the most  
25 controversial aspects of that were its packaging,

2 which is these documents were created. They were  
3 stamped and read "NYPD secret for the eyes of the  
4 Deputy Commissioner and the Police Commissioner  
5 only." I think there was a lot more cloak and dagger  
6 than was required, because when you flipped up--when  
7 you flipped open those documents, what was available  
8 was largely available to anybody who could buy  
9 Zagat's Guide for restaurants in a neighborhood. So  
10 what we have sought to do is a couple of things. One,  
11 the dissolving of the Demographics Unit, or in its  
12 later name, the Zone Assessment Unit was actually  
13 done before we got here. The unit had gone from 14  
14 people under the supervision of a sergeant to three  
15 people, one of whom had been assigned somewhere else  
16 and the other of whom was also on another assignment.  
17 So the Demographics Unit was down to one active  
18 investigator. It had also been, I believe,  
19 compromised in that it had become the subject of so  
20 much attention, so much reporting and a good deal of  
21 misreporting that it could no longer be effective.  
22 The most important point here is that the information  
23 sought by the Demographics Unit in its old form was  
24 widely available in other ways, not just from the  
25 public data sets that could tell us where certain

2 neighborhoods were and their makeup, which is  
3 important, but also by going to the precinct  
4 community affairs officer, by going to precinct  
5 community contacts and saying, "What can we learn  
6 about aspects of this neighborhood?" It would be  
7 more effective than running it as something that had  
8 the appearances of a secret operation, since there  
9 was no reason to keep it secret. Let me expand on  
10 that just for one more minute. When we had the  
11 turmoil in the Ukraine, and they said, you know, they  
12 call on the Ukrainian community from the Greater  
13 Metropolitan area to show up in mass at the Ukrainian  
14 mission to the United Nations, I had an operational  
15 question as an intelligence officer which is how do  
16 we advise patrol to prepare for this? Do we need 800  
17 cops? Do we need eight million cops? Is that going to  
18 be a thousand people? Is it going to be 10,000? And  
19 we were able to look at the Ukrainian demographic  
20 within New York City and say, okay, so at most it  
21 could be a few thousand people, but it's probably  
22 going to be this number. More recently when the  
23 Ebola issue came up and we said, "Well, how do we  
24 know in terms of travelers coming back, what are the  
25 Liberian communities of New York City?" And you

2 know, they are located in three places in three  
3 boroughs. It was important to know that in terms of  
4 being able to prepare for outreach. So from an  
5 intelligence standpoint as well as a basic policing  
6 standpoint, understanding demographics is important  
7 and the work of that unit had some value. I think the  
8 packaging of it as an intelligence operation is  
9 something that if the NYPD had it to do over would  
10 probably have done it differently.

11 CHAIRPERSON GIBSON: So when you were  
12 here in March there was conversation about developing  
13 an Intelligence Bureau handbook, like a guideline--

14 JOHN MILLER: [interposing] Guidelines--

15 CHAIRPERSON GIBSON: [interposing] Is  
16 that still--

17 JOHN MILLER: Intelligence Operations  
18 Guide.

19 CHAIRPERSON GIBSON: going on and would  
20 there be any guidelines that would come out of that?

21 JOHN MILLER: Yes, we have somewhat of a  
22 draft and because within the three sets of litigation  
23 going on where the New York City Police Department  
24 and its Intelligence Bureau are the defendants  
25 working with Zach Carter [sp?] and the city's law

2 department as well as the Deputy Commissioner for  
3 legal matters within the New York City Police  
4 Department, we are engaged with discussions with the  
5 plaintiffs in this time that I can't get into in  
6 detail because it's covered by a protective order  
7 about those discussions enforced by the court.  
8 However, the guidelines as well as a couple of other  
9 elements are material to those discussions in some  
10 way. So basically, we are working through that  
11 process within the scope of that litigation.

12 CHAIRPERSON GIBSON: Okay. Well, I just  
13 ask if you could keep us posted as you develop and  
14 finalize some of those details. Thank you.

15 JOHN MILLER: I would, and we also have  
16 received input from community organizations, some of  
17 which are here today, about what they'd like to see  
18 in those guidelines, and we have been able to look at  
19 that and include that in our thinking.

20 CHAIRPERSON GIBSON: Okay, thank you.

21 CHAIRPERSON CROWLEY: Now I'd like to  
22 recognize Council Member Lancman for questions.

23 COUNCIL MEMBER LANCMAN: Good afternoon.  
24 Well, let me ask you a quick question regarding the  
25 Ready New York Program and maybe Commissioner Miller

2 you would be in the best position to answer this or  
3 maybe OEM. This was brought to my attention by an  
4 Assemblyman from Queens, a colleague Michael  
5 DenDekker who had done work with the Ready New York  
6 Program, and one of the issues that came to his  
7 attention and I've heard it elsewhere is just making  
8 sure that the first responders themselves are ready  
9 and have their go bag ready to go and everything else  
10 so that in the event of an emergency they aren't  
11 scrambling to make sure that their family is secure,  
12 well more than what one would expect to be  
13 reasonable. What does the Department or OEM across  
14 the range of emergency responders do to just make  
15 sure that those folks are as ready to go as possible  
16 so that they can focus on their responsibility?

17 CALVIN DRAYTON: We encourage all New  
18 Yorkers, not just first responders, but all New  
19 Yorkers to participate in the Ready New York Program.

20 COUNCIL MEMBER LANCMAN: Just a little  
21 louder.

22 CALVIN DRAYTON: I'm sorry. Can you hear  
23 me?

24 COUNCIL MEMBER LANCMAN: Yes.  
25

2 CALVIN DRAYTON: We encourage all New  
3 Yorkers to be ready. We encourage all New Yorkers,  
4 not just first responders to take their pamphlet and  
5 put their go bag together. So I don't want to just  
6 focus on the first responders. We encourage everyone  
7 to be--

8 COUNCIL MEMBER LANCMAN: [interposing] I  
9 know, but I want to focus on the first responders.

10 CALVIN DRAYTON: Okay. Well, I'm  
11 assuming that the first--I'm assuming that the Fire  
12 Department and the Police Department encourage their  
13 members to do just that, but I would have the Chief  
14 and Commissioner speak to that.

15 JOSEPH PFEIFER: Sure. As Commissioner  
16 Drayton says, we encourage our members to do that,  
17 but we have a couple other systems in place. So one  
18 is a recall system that we're able to recall our  
19 members at a moment notice. So either through text  
20 messaging or phone calls we can bring people in, and  
21 that's a part of being ready. The other thing is for  
22 our organization to care for the responders, and what  
23 we're doing actually this Saturday, we're having a  
24 Bio Pod exercise. So if there is was a biological  
25 terrorist event or pandemic where we had to medicate



2 our members, the most difficult part is medicating or  
3 providing medication to our members on duty because  
4 we want to protect them, being ready and still be  
5 able to respond to major incidents. So what you'll  
6 see and you're welcome to come by on Saturday, we're  
7 running it for the entire day in every part of the  
8 city, 15 locations, is the ability to bring people  
9 in, our members, fire and EMS, to provide them with  
10 the flu shot, which will be a simulation but is a  
11 real flu shot. So we can simulate to our people to  
12 be ready, that the department's ready in that  
13 particular type of incident. So I think part of your  
14 question is what is the department doing, and that's  
15 one particular example.

16 COUNCIL MEMBER LANCMAN: Is that  
17 something you can speak to from the Police  
18 Department? That's not your area?

19 JOHN MILLER: Simply that police--I mean,  
20 in a earlier question we discussed the emergency  
21 service unit's ability to bring in the entire  
22 division within two hours, but there are our first  
23 responder's first responder. Department-wide police  
24 officers understand that they are first. The on-duty  
25 people are going to be held over. So that's not a go

2 back situation. That's a stay situation. Every  
3 police car is equipped with our version of the go  
4 back for that kind of emergency, which is first aid,  
5 scape [sic] mask, and the clothing that goes with  
6 that. From their family's standpoint, you know, we  
7 leave that to the members of the department to put in  
8 their family plans, but it's certainly a message  
9 we've reinforced.

10 JOSEPH PFEIFER: I just wanted to add, my  
11 colleague just gave me a note here that we're  
12 actually doing a series of hurricane preparedness  
13 training for the FDNY next week at Randall's Island.

14 COUNCIL MEMBER LANCMAN: So, now let me  
15 just ask you two questions that relate to the other  
16 hat that I wear, which is Chair of Committee on  
17 Courts and Legal Services. We all know that the  
18 courts in New York City, state court, federal court  
19 are sometimes are targets, potential targets of  
20 terrorism, particularly if there's a trial going on  
21 of a terror suspect. And then another aspect of the  
22 courts and legal services system is in the event of a  
23 terrorist attack, a debilitating terrorist attack,  
24 plans that might be in place to ensure the continuity  
25 of the legal system. There are folks who have--going

2 to get arrested. They need to be arraigned in a  
3 certain period of time, etcetera, etcetera. So two  
4 questions. Can you talk about what collaboration and  
5 cooperation you have with the entities that are  
6 involved in running the courts, the New York State  
7 Office of Court Administration, their counterpart at  
8 the federal level, and the security services that  
9 maintain and protect those courthouses and our  
10 preparedness for a potential terrorist attack on our  
11 courts, and then I'll ask you about plans in place to  
12 ensure some continuity of operations of the legal  
13 system.

14 CALVIN DRAYTON: Well, let me take a stab  
15 at it first. First of all, our office what we call  
16 our CIC's, our Citywide Incident Coordinators, we  
17 attended over the last couple of years approximately  
18 75 to 100 of their evacuation drills at the court  
19 system. That's number one. Number two, with regards  
20 to the continuity of operation planning, the city  
21 back in 2007 there was an executive order that said,  
22 that gave OEM [sic] as the administrators of the  
23 continuity operation of planning, of the COOP  
24 planning if you will. So city agencies, for example,  
25 the court systems would be Department of Corrections,

2 DCAS and OATH [sic]. They have their COOP plan. Now,  
3 I can't speak for the state, because that's not one  
4 of our agencies that we're working with, but my gut  
5 tells me they have COOP plans also, and we've offered  
6 them on numerous occasions if they need any  
7 assistance of the developing of those plans, we'll  
8 provide that help to them.

9 COUNCIL MEMBER LANCMAN: So when you say  
10 your gut, does that mean to say they're not OCA and  
11 those organizations they're not--the state level  
12 organizations they're not at the table when you're  
13 making your plans?

14 CALVIN DRAYTON: No, the city agencies  
15 are our responsibility at the Office of Emergency  
16 Management. So we have to ensure to the Mayor that  
17 those city agencies have a COOP plan. I can't speak  
18 on behalf of the state. I do know there's a state  
19 representative here today, but I would imagine that  
20 the state has a COOP plan also for their agencies  
21 that are here in the city of New York.

22 JOHN MILLER: From the standpoint of a  
23 terrorist attack on the courts, we work with the  
24 Office of Court Administration. I've talked about it  
25 in the--in kind of the high level terms with Chief

2 Judge Johnathan Lippman from the State of Court of  
3 Appeals. We work with the court officers. The  
4 courthouses themselves are not a soft target.  
5 They're guarded by a highly competent force, the  
6 court officers. People are screened going in through  
7 metal detectors. However, there are times and  
8 circumstances as you referenced, Council Member,  
9 where that threat will increase inside and outside.  
10 One of the things we looked at was in the Jose  
11 Pimentel case, which I described in my testimony,  
12 when it appeared he might be going to trial in State  
13 Supreme Court in Manhattan, we looked at the counter  
14 terrorism overlay that would be required for that  
15 case. More--he plead guilty so that in some measure  
16 became unnecessary. Moreover, in the federal court  
17 system where you had the three most significant  
18 trials of Al Qaeda leadership people since September  
19 11<sup>th</sup>, we engaged with the United States Marshall as  
20 well as the Chief Judge for the southern district of  
21 New York as well as the marshal and the judge in the  
22 eastern district where the Zazi trial took place.  
23 I've done the complete walk through of the courthouse  
24 and been walked through their emergency plans,  
25 everything from where to put prisoners in the event

2 of a terrorist attack in progress or a bombing in the  
3 courthouse, how to move people, how to lock down and  
4 so on. For the terrorist trials we move CRV's into  
5 that area. We put up our own cameras to cover gaps.  
6 We use the Hercules teams. We deploy the Trips [sic]  
7 team, the Threat Reduction People to go do everywhere  
8 from the delicatessens to the coffee vendors and so  
9 on to increase awareness and make sure if they saw  
10 something they not only knew to say something but who  
11 to call or what to email or how to say something.  
12 So, it has been a focus. The other part of your  
13 question has to do with the infrastructure piece,  
14 which we had a taste of in Sandy and we have looked  
15 at from the northeast blackout of several years ago  
16 to other scenarios. Let's assume that there is a  
17 system collapse. How do we move arrest data? Where  
18 do we process prisoners? How do we get information  
19 from Albany? And we do have a plan through the  
20 office of the Chief of Criminal--the Criminal Justice  
21 Bureau of the NYPD, and so far as it evolves, our  
22 arrest records, checks, warrant checks and so on in  
23 coordination with OCA and also the New York State  
24 Police in terms of helping them move that data.

2 COUNCIL MEMBER LANDER: Well, I  
3 appreciate that, and that might be something we want  
4 to explore in more detail. Did you want to also  
5 answer?

6 JOSEPH PFEIFER: Yeah, I just want to add  
7 we've done table tops in Manhattan courts, Brooklyn  
8 and the Bronx. So we've been working with them on a  
9 tabletop exercise for evacuation.

10 COUNCIL MEMBER LANCMAN: Well, that's  
11 comforting to hear, and like I said, at another  
12 opportunity we might delve into that in more detail.  
13 Let me just ask this one last question and I don't  
14 mean to put you on the spot, but it did just occur to  
15 me. You know, from time to time there is the  
16 prospect of a very high profile terrorism trial being  
17 brought to New York, including potentially with  
18 people who are detained at Guantanamo. I'm of the  
19 view, for what it's worth, particularly for terrorist  
20 attacks that were against us here in New York City,  
21 that our Police Department, our emergency service  
22 providers, Office of Emergency Management have the  
23 ability and the skill to keep us safe while those  
24 trials are being conducted, and where New Yorkers can  
25 see justice being done for very serious crimes that

2 were committed against our city. do you share my  
3 confidence that these kinds of high profile terror  
4 trials can be conducted here in New York City while  
5 the city is kept safe?

6 JOHN MILLER: I do, and I base that not  
7 on opinion but the experience of the NYPD, the FBI,  
8 the United States Marshal and the southern district  
9 of New York and the eastern district of New York in  
10 that. The most significant terror trials, including  
11 senior Al Qaeda people behind the Embassy bombings,  
12 Somali pirates, the trial of the organizers of the  
13 Embassy bombing from Al Qaeda's command as well as  
14 the bombers either have been carried out successfully  
15 and fairly through the US court system right here in  
16 New York City and more are scheduled to go. It's  
17 something we practiced. It's something that few  
18 judicial districts within the federal court system  
19 have more experience at than this judicial district,  
20 and I would say as someone who has worked in counter  
21 terrorism in Los Angeles, in New York City and in the  
22 nation's intelligence community it is vastly more  
23 efficient and incredibly faster than the systems  
24 being used in military tribunals and Guantanamo.  
25 People who are still in hearings about whether or not



2 they will be required to shave their beard or  
3 documents will be classified or unclassified in the  
4 military justice system would have been and should  
5 have been brought to trial fairly and all likelihood  
6 based on the evidence, convicted in a US court, and  
7 justice would have been swifter and served better.

8 COUNCIL MEMBER LANCMAN: But we are of  
9 like mind. Thank you very much for your testimony.

10 CHAIRPERSON CROWLEY: Thank you, Council  
11 Member Lancman. Follow up on Council Member  
12 Lancman's questions has to do with emergency workers  
13 themselves being prepared to go into emergency  
14 situations which is important. In the event of a bio  
15 or chemical attack, Chief Pfeifer, earlier you  
16 mentioned that we have only one hazmat company and we  
17 have a number of haz tack [sic], but do the  
18 individual firefighters and emergency medical  
19 technicians have proper protection and do they go  
20 through training at their fingertips? Like, in the  
21 fire house can they just grab that hazmat protection,  
22 the suit, and if you could just expand on that more?

23 JOSEPH PFEIFER: Sure. We have, as I  
24 mentioned earlier, we have this tiered response  
25 system where we have about a third of the Fire

2 Department that have special skills at a technician  
3 level or higher or within that level how to DCON. So  
4 we have that at a higher level, but at the  
5 firefighter and EMT level, everyone has been trained  
6 to an operational capability. Fire fighters because  
7 we carry self contained breathing apparatus and  
8 bunker gear, we have a level of protection. We're in  
9 the process of ordering and should receive in  
10 December something like 35,000 protective equipment  
11 to deal with an Ebola type incident or a chemical,  
12 and we're going to start training across the  
13 Department on those protective equipment. But we  
14 have a robust system. It's not dependent on just a  
15 single hazmat unit. That was the problem we had  
16 before 9/11, and when we saw 9/11 and people losing a  
17 lot of those members, we've structured the department  
18 totally different that we have our highest level, the  
19 immediate level and then the entire department. So  
20 what we want to do is get a hazmat asset to the scene  
21 as quickly as possible, our first responders, our  
22 operational people and then a technician level as  
23 quickly as we can. If we only had one or two hazmat,  
24 that's going to take time just traveling around the

2 city. So we structured it a lot differently and we  
3 have more capabilities than we've had in the past.

4 CHAIRPERSON CROWLEY: Do you have plans?  
5 You mentioned 35,000. I'm not sure what that number  
6 was connected to. What is that?

7 JOSEPH PFEIFER: So because of what we're  
8 seeing with the Ebola we're ordering more protective  
9 equipment.

10 CHAIRPERSON CROWLEY: So each firefighter  
11 will have at their fingertips if need be, that type  
12 of protection material.

13 JOSEPH PFEIFER: Well, we need to train  
14 people first and then provide them with the  
15 equipment. So, it will take a period of time.

16 CHAIRPERSON CROWLEY: But your department  
17 has plans to train?

18 JOSEPH PFEIFER: We've ordered it. It's  
19 supposed to arrive sometime in December, and we're  
20 going to continue to train people. We've done a lot  
21 of training already and we'll continue to train.

22 CHAIRPERSON CROWLEY: Your engine  
23 companies have the ability to detect whether there's  
24 a chemical agent in the air or bio agent?

2 JOSEPH PFEIFER: The engine companies,  
3 every engine company and every ambulance has the  
4 ability to detect a radiological. But to your  
5 question on the chemical, chemical detection  
6 equipment is a sophisticated piece of instrument that  
7 we give to our hazmat unit, the specialists, and to  
8 our haztech units, the next level down. It would not  
9 be practical to give it to every unit because there's  
10 perishable skills. If you don't use it enough,  
11 you're not going to know how to use it when the time  
12 comes. So we were very strategic that we can provide  
13 that technical expertise to the scene very, very  
14 quickly. Bio's a whole 'nother problem. With a bio  
15 event you cannot get the results back  
16 instantaneously, and we've been working to make sure  
17 we don't have those false positives.

18 CHAIRPERSON CROWLEY: Who has the ability  
19 to, if there was a chemical agent released in the  
20 subways, and it traveled throughout the system or  
21 through a large portion of the system, who has the  
22 capability of testing at any given time, you know,  
23 how far that gas has traveled?

24 JOSEPH PFEIFER: So we have hazardous  
25 material technician units that have that ability to

2 test for chemical, and we would get them there  
3 quickly. Because we have a good number of those  
4 units, at a tier two level we have 16 units, we're  
5 able to get them to multiple locations--

6 CHAIRPERSON CROWLEY: [interposing] But  
7 sorry, so those are different than the one hazmat  
8 company? There's 16 others?

9 JOSEPH PFEIFER: We have one hazmat  
10 company at the specialist level and that has the  
11 highest level of training, as I mentioned earlier,  
12 over 500 hours. Then we have 16 hazardous material  
13 technician level two. We have 36 haztech ambulances,  
14 25 hazardous material technicians at level one. We  
15 have 25 DCON engines. We have 33 chemical  
16 protection--

17 CHAIRPERSON CROWLEY: [interposing] Is  
18 that enough in an event of a large scale biological  
19 or chemical attack?

20 JOSEPH PFEIFER: You know, the question  
21 is that enough is always a question in retrospect.  
22 What we've done was train our people, provide them  
23 with equipment and to decentralize. Instead of  
24 having all this in one area we decentralize to have  
25

2 it throughout the city so our response time will be  
3 decreased.

4 CHAIRPERSON CROWLEY: Do you have  
5 training like that in the academy?

6 JOSEPH PFEIFER: Yes, there's a training-  
7 -

8 CHAIRPERSON CROWLEY: [interposing] So  
9 you're changing the training protocol?

10 JOSEPH PFEIFER: We're training. We're  
11 going to start another round for all units on  
12 emergency response training which has to do with  
13 CBRN, has to do with active shooter, IED's. We're  
14 constantly training and we're pushing that forward as  
15 hard as we can.

16 CHAIRPERSON CROWLEY: One last question  
17 on communication. Now, if there's a high rise fire,  
18 there's a problem with the radios that firefighters  
19 currently have, correct? They can only go to a  
20 certain floor without additional help?

21 JOSEPH PFEIFER: So, let me explain. The  
22 point to point radios that we have go locally. So  
23 within the high rise fire, point to point throughout  
24 the whole building would be difficult.

2 CHAIRPERSON CROWLEY: Sorry, is that true  
3 to NYPD's radios as well?

4 JOHN MILLER: The NYPD radios operate on  
5 a repeater system, although there are a set of  
6 tactical frequencies that are point to point and--

7 CHAIRPERSON CROWLEY: [interposing] So, it  
8 is a problem for high rise as well, because you need  
9 repeaters in certain areas of a building and there's  
10 no guarantee that buildings have these repeaters.

11 RICHARD NAPOLITANO: The radios with the  
12 NYPD, they do work in high rise buildings. Certain  
13 areas such as elevators, basements of heavily  
14 fortified buildings it may be difficult, and the  
15 officers are trained to move their positions so they  
16 would be able to transmit over the air.

17 CHAIRPERSON CROWLEY: So why does it work  
18 for one agency and not the other?

19 JOSEPH PFEIFER: They're two separate  
20 systems, and when you have a lot of people talking,  
21 going through a repeater system would have meant  
22 dropped calls, dropped radio messages, dropped mayday  
23 messages. So instead what we've done is we've--we  
24 have cross band repeaters in the cars to be able to  
25

2 penetrate the building. We have portable, and it  
3 looks like little computer case--

4 CHAIRPERSON CROWLEY: [interposing] Who  
5 carries that?

6 JOSEPH PFEIFER: The battalion chiefs  
7 carry it. So we have--

8 CHAIRPERSON CROWLEY: [interposing] So  
9 when a fire happens in a--or your emergency members  
10 are in a high rise building they don't do evacuation  
11 or any type of work until the--

12 JOSEPH PFEIFER: [interposing] Correct.

13 CHAIRPERSON CROWLEY: the chief gets  
14 there.

15 JOSEPH PFEIFER: The chief gets there and  
16 at a big fire the chief will give the orders. What  
17 we have are these portable high powered command post  
18 radios that's able to penetrate through the building  
19 because it's putting out a lot of wattage, and that  
20 has seemed to work really well and has worked in  
21 tunnels as well.

22 CHAIRPERSON CROWLEY: Now, on September  
23 11<sup>th</sup> there was a problem with the firefighter's  
24 communication, the building was coming--the buildings  
25 were coming down, and for some reason NYPD's radios



2 were telling NYPD officers to evacuate and there was  
3 a problem with the FDNY communication. Is that still  
4 a problem today if there was another attack on a  
5 large building?

6 JOSEPH PFEIFER: So let me clarify with  
7 9/11. We did give evacuation order. Matter of fact,  
8 I gave the order and it was relayed up and people  
9 started to come down. What we didn't know at the  
10 time was that an entire 110 story building collapsed  
11 to the ground. So we didn't have that sense of  
12 urgency. Certainly if we knew that, we would have  
13 given a different message. So the message was to  
14 evacuate, not to run out of the building. As people  
15 had that information they were able to move quickly.  
16 We've addressed that situation where we have--where  
17 we're able to provide communication from outside the  
18 building. Those cross band repeaters, the ability to  
19 have, and this is an important point, the ability to  
20 have a fire chief up in a police helicopter. So when  
21 NYPD saw something on 9/11 and transmitted that  
22 information to their members, well now, we will have  
23 sitting right behind the pilots, an FDNY chief  
24 officer that also can transmit the information. So  
25 we've changed our technology, but we've also changed

2 our behavior. We're collaborating. We're talking to  
3 each other. We're going to have a command post where  
4 people, as I've said--

5 CHAIRPERSON CROWLEY: [interposing] And  
6 at no point will a firefighter go beyond the  
7 repeater? You'll always have a firefighter  
8 responding to a fire in a high rise building with the  
9 repeater nearby to hear the radio and to keep radio  
10 communications?

11 JOSEPH PFEIFER: We have redundant  
12 systems. They'll be repeater as one tool that's an  
13 option for the incident commander to choose to use.  
14 We'll have a post radio, which is another option, and  
15 I can tell you there is no perfect radio system.  
16 There isn't a perfect system anywhere. We are  
17 better, but will it be perfect in the next event,  
18 probably not. Probably no radio is perfect.  
19 However, we are making strides to make the technology  
20 better and to have people in a unified command where  
21 messages get through quickly. We're very, very  
22 conscious of the radio issue.

23 CHAIRPERSON CROWLEY: You mentioned your  
24 ability to track firefighters or emergency workers as  
25 they're entering the scene of emergency, something

2 remotely about some technological equipment within  
3 their clothing that you can track. Can you expand  
4 upon that?

5 JOSEPH PFEIFER: Yeah. What we're doing  
6 now is knowing what firefighters get on the  
7 apparatus. So a little chip, a RFID tag gets put into  
8 a turn out gear or into a helmet. There's a sensor  
9 on the apparatus, and the sensor will say Joe  
10 Pfeifer's on this apparatus. So we want to know  
11 who's going to the scene. Can we track firefighters  
12 or anyone on the scene yet? That technology is not  
13 there. We've asked many times government officials  
14 and we've asked the private sector. We want to be  
15 able to track people within buildings. What you see  
16 in the military is tracking people in an open area,  
17 their blue force tracking, but once you go into the  
18 buildings it's much more difficult. So we're asking  
19 the private sector. We want you to be able to track  
20 people within buildings. We think there's a  
21 commercial application. So instead of me sitting in  
22 my office and wondering if one of my colleagues are  
23 in their office on the next floor, I might be able to  
24 just go to a smart phone app. So I think there's a  
25 comp--there's an application for it. I think there's

2 an application for an emergency. So if I'm stuck in  
3 a high rise building, and this is what I've asked the  
4 industry, I want to be able to turn on my smart phone  
5 and have that building track me so that firefighters  
6 coming in, so the police officer coming in, that the  
7 medical personnel are coming in know where I am if  
8 I'm in trouble. That technology doesn't exist, but I  
9 think we're pushing it forward, and whoever figures  
10 that out will be very rich.

11 CHAIRPERSON CROWLEY: But the Department  
12 is on top of any new technology and will utilize any  
13 such technology that will help with evacuation and  
14 rescue and safety of--

15 JOSEPH PFEIFER: [interposing] We are. We  
16 have our own RND unit. We're with contact with  
17 science and technology which is part of DHS, and we  
18 have an actually MOU of exchanging ideas and best  
19 practices.

20 CHAIRPERSON CROWLEY: Does DHS give you  
21 capital dollars for that type of equipment?

22 JOSEPH PFEIFER: They've pushed that  
23 forward. Also, Tizwick [sp?], another government  
24 agency is pushing that forward. Certainly more  
25 dollars the better off we are.

2 CHAIRPERSON CROWLEY: I know that you get  
3 a significant number from Homeland Security for  
4 training costs, do you get money for capital such as  
5 equipment?

6 JOSEPH PFEIFER: Yes. Yes, we do get  
7 money for equipment.

8 CHAIRPERSON CROWLEY: I'm going to  
9 recognize Council Member Gentile for questions.

10 COUNCIL MEMBER GENTILE: Thank you, Madam  
11 Chair. I just want to follow up on that issue, Chief  
12 Pfeifer, on communications, fire ground  
13 communications. So, you testified about improved  
14 fire ground communications. So the problem hasn't  
15 been solved, that you--it's improved, but not  
16 resolved, but you still have problems with fire  
17 ground communications. You've said that, right?

18 JOSEPH PFEIFER: There's different types  
19 of communications. So if I would try to use my point  
20 to point radio, yes, it doesn't work, but we don't  
21 want it to work. You can't bring 300 firefighters to  
22 a scene, so a third alarm typical major high rise  
23 fire, and have everybody in close proximity on the  
24 same channel. That won't work. So what we've done  
25 is have a layering effect where we have supervisors

2 on one channel. We have firefighters on other  
3 channels. We have repeaters that could reach out to  
4 those fire fighters to give an emergency message. We  
5 have the ability to have a merging device that not  
6 only could talk to FDNY but also would talk to NYPD.  
7 We put all the channels together. What we want is  
8 the ability to push out an emergency message to  
9 evacuate the building, to abandon the building, and  
10 we've worked very hard on that technology. And as I  
11 outlined before, we have a number of redundancies  
12 with that technology.

13 COUNCIL MEMBER GENTILE: Let me ask you  
14 this, and I think this was a hearing we did in 2010,  
15 a similar hearing that we did back in 2010, and there  
16 was the chiefs that were testifying then said that  
17 there was a consultant that was doing a study to  
18 identify the gaps that were present at that time in  
19 2010 in terms of communications. Has that study been  
20 published, seen, acted upon? Does it exist?

21 JOSEPH PFEIFER: Okay, the whole  
22 communication--

23 COUNCIL MEMBER GENTILE: [interposing]  
24 I'm sorry, yes. He just reminded me specific to the  
25 subway. I'm sorry, not--specific to the subway.

2 Because I have another question about the subway, the  
3 subway issue.

4 JOSEPH PFEIFER: Again, this is not my  
5 expertise but I'll give you the answer that I know.  
6 The subway system has a bunch of repeaters throughout  
7 the system, and the Fire Department's able to turn  
8 their radio to that channel and talk on their  
9 repeater system throughout the subway. We also have  
10 the ability to stretch a sound powered phone, a wired  
11 phone and we've designated special engine companies  
12 to be able to stretch that equipment into the tunnel.  
13 So we're not depending on any one particular  
14 technology. We're adding a layer effect to  
15 technology.

16 COUNCIL MEMBER GENTILE: So, and I assume  
17 then you're not aware of that report from 2010?

18 JOSEPH PFEIFER: I don't have the  
19 details.

20 COUNCIL MEMBER GENTILE: Right, okay.

21 JOSEPH PFEIFER: Certainly we could have  
22 somebody--

23 COUNCIL MEMBER GENTILE: Let me ask the  
24 panel just another question about subway incidents  
25 should there be a terrorist attack or some kind of

2 incident in the subways and you have to go in or you  
3 have to get people out quickly. Who decides, is it  
4 OEM, NYPD, FDNY, the transit authority, who decides  
5 to cut the power in a subway tunnel?

6 JOSEPH PFEIFER: That's an easy question.  
7 Certainly the transit authority can cut the power.  
8 They're trained. If we have an emergency in the  
9 tunnels and we believe that the power needs to be cut  
10 for the safety of our responders, we will get on the  
11 department radio and radio to the dispatchers we want  
12 power cut to a particular area. So it's recorded.  
13 We're doing that on purpose, that it's recorded.  
14 They will call the MTA or whatever railroad and on a  
15 recorded messages, on a recording tell we want power  
16 cut. It would be relayed back that the power is  
17 removed from a particular area of track.

18 COUNCIL MEMBER GENTILE: But if the TA  
19 disagrees with you and said they want to take the  
20 train to the next station, who has the authority in  
21 that case?

22 JOSEPH PFEIFER: If we say--it depends on  
23 the situation. If we say we need the power cut  
24 immediately, and they say, "Well, we'd like to bring  
25 the train to the next station." We'll tell them no,



2 you can't do that. This is a life or death  
3 situation. But we work with the Transit Authority.  
4 We understand its best to get a train to a station,  
5 but I'm not going to put firefighters, police  
6 officers, our medical people, or the civilian  
7 population at risk, and we make that decision every  
8 day.

9 COUNCIL MEMBER GENTILE: So OEM doesn't  
10 have a say in what happens in this situation?

11 CALVIN DRAYTON: No, we do not.

12 COUNCIL MEMBER GENTILE: You do not, and  
13 obviously NYPD. Let me ask NYPD Commissioner Miller.  
14 The other day, I think it was a week or two ago that  
15 Notify NYC put out an alert that said something to  
16 the effect that helicopter aerial photo shoots of  
17 multiple neighborhoods were taking place in the next  
18 day with no attribution, no explanation, no  
19 attribution of who's doing it or anything. That's  
20 all Notify NYC said. What are we supposed to do with  
21 an announcemen like that?

22 JOHN MILLER: The purpose of those  
23 announcements, usually they have to do with either  
24 photo shoots, aerial surveys, movie filming; people  
25 have been very good at responding to the if you see

2 something say something mantra. So when they see a  
3 low flying aircraft or an aircraft hovering over a  
4 critical location or an aircraft that's acting  
5 unusually, which means not like every other aircraft  
6 flying back and forth, we will get calls. Part of  
7 putting those things out and, you know, I'll have to  
8 take a look at the one you're talking about and see  
9 what the lack of specificity was. But we've had ones  
10 that have said, "You'll see a low flying helicopter  
11 and the drop of a banner or a plan or explosions  
12 going on at the Statue of Liberty. That's almost  
13 always a movie, but it's so that people get the word  
14 for two reasons. So, one, when they see it they know  
15 it's not a threat, not a problem, and that they  
16 probably don't need to call us. Or two, when they  
17 call we're able to relay to them here's what you're  
18 seeing and here's what it's about.

19 COUNCIL MEMBER GENTILE: The gap comes if  
20 they're not calling you, but they're calling us  
21 trying to find out what's going on, and we don't know  
22 the answer to that either.

23 JOHN MILLER: I would appreciate if you  
24 would shoot me the one you're talking about and I  
25 could kind of track back to where it came from and

2 say, "Next time, you know, you might want to add in  
3 not just that it's happening, but why it's happening  
4 unless there was some specific reason not to.

5 CALVIN DRAYTON: And I would ask you to  
6 do the same things, forward that message to me also.

7 COUNCIL MEMBER GENTILE: so, forward to  
8 you?

9 CALVIN DRAYTON: Exactly, please.

10 COUNCIL MEMBER GENTILE: Right, okay.  
11 And that brings up the issue and you may do this to  
12 some extent, but do you ever do intelligence  
13 briefings with different aspects of city government  
14 whether it be agencies or the council or to the  
15 extent that you can share information with us?

16 JOHN MILLER: We've done obviously  
17 intelligence briefings with the Fire Department and  
18 they've shared intelligence with us as well as OEM,  
19 NOAM [sic] leadership.

20 COUNCIL MEMBER GENTILE: But it's all may-  
21 -mayoral agencies. Do you do anything with--for  
22 example, there has been talk about doing regular  
23 briefings with the council.

24 JOHN MILLER: We have proposed much on the  
25 model that we used when I was in Washington either

2 with the FBI or the Director of National Intelligence  
3 with oversight committees in congress. We have  
4 proposed through the mayor's office and the council  
5 leadership to do briefings, periodic briefings,  
6 either based on exegen [sic] circumstances which is  
7 the threat picture has changed dramatically, and this  
8 is something the council should really be briefed on.  
9 Or periodically, because it's been this long since  
10 our last briefing, we have proposed briefing the  
11 leadership and/or the relevant oversight committees,  
12 and that's something that I have discussed in some  
13 measure with the leadership and leave to them to work  
14 out at their pleasure.

15 COUNCIL MEMBER GENTILE: To work out?

16 I'm sorry.

17 JOHN MILLER: To work out at their  
18 pleasure. How do they want to structure it? Let us  
19 know. And we'll provide it. I think it is a useful  
20 venture. You know, to steal a line from a commercial,  
21 "An educated consumer is our best customer." I think  
22 keeping our oversight committees in the loop and up  
23 to do date with the current threat stream is useful  
24 for both of us.

2 COUNCIL MEMBER GENTILE: Right. Just one  
3 more question, Madam Chair. You mentioned the CERT  
4 teams and how they've grown over the years. I'm just  
5 curious, we have actually a CERT team leader in the  
6 audience today, Lou Tramboli [sp?] from Bensonhurst.  
7 He's based at the 62 precinct. I'm curious who gives  
8 them their direction? Is that through--I'm sorry you  
9 mentioned through--

10 JOHN MILLER: Yeah.

11 CALVIN DRAYTON: Yes, OEM.

12 JOHN MILLER: I have a CERT team drill in  
13 Staten Island tomorrow, I think, and that's Cal's  
14 shop.

15 CALVIN DRAYTON: Yep, OEM. Yes, we do.  
16 Okay. Coordination training, Christina, what am I  
17 missing? Why don't you come to the mic.

18 CHRISTINA FARRELL: Hi. They're--

19 COUNCIL MEMBER GENTILE: [interposing]  
20 just give us you're a name.

21 CHRISTINA FARRELL: Christina Farrell.

22 CHAIRPERSON CROWLEY: Christina you have  
23 to raise your right hand and swear that what you will  
24 testify will be the whole truth and answering the  
25 question of the Council Member.

2 CHRISTINA FARRELL: I do. So the CERT  
3 teams are managed and trained by OEM, but the  
4 trainers come from the Police Department and the Fire  
5 Department.

6 COUNCIL MEMBER GENTILE: Just give us  
7 your name.

8 CHRISTINA FARRELL: Christina Farrell.  
9 And they are deployed through OEM mostly so we can  
10 keep track of them and also for liability. But all  
11 the--they either call us and say something's  
12 happening our community, can we deploy? OEM will  
13 request them to deploy our partner agencies such as  
14 police, fire, Con-Eddison, the Mayor's Office will  
15 call and say, "Can we deploy them or can we use them  
16 for this purpose?" So we get requests from it. They  
17 were at the Veteran's Day parade working. They're at  
18 a lot of different events, but the actual deployment  
19 comes through OEM, a lot of times through our  
20 partners.

21 COUNCIL MEMBER GENTILE: And the training  
22 is through OEM?

23 CHRISTINA FARRELL: OEM coordinates the  
24 trainings. The lead instructors are from Fire, and  
25 then we have topic instructors from EMS, from the

2 Police Department, from OEM based on the topic at  
3 hand.

4 COUNCIL MEMBER GENTILE: Right. And  
5 generally their role is whatever you make it to be at  
6 the particular incident or do they have a set  
7 perimeter?

8 CHRISTINA FARRELL: They have a set of  
9 roles and responsibilities which we can send to you  
10 based on what they've been trained on what they're  
11 covered for. And it's always a support role, to  
12 support the first responders, and you know, they work  
13 at planned events, so parades or, you know, 5K's,  
14 marathons. They were at the New York City marathon  
15 on those things. In an emergency incident there are  
16 things as they'll support traffic management. They  
17 help a lot with police escorts if we need to get  
18 people back into buildings to get belongings. They  
19 help with interpretations since they have great  
20 language skills. So we have a very prescriptive list  
21 of what they can help with. Obviously, as everyone  
22 has said, every emergency is different, so we're  
23 constantly revising that list and looking and seeing  
24 what advanced training, what other resources we can  
25

2 give them to make them more responsive and more  
3 helpful.

4 COUNCIL MEMBER GENTILE: Well, as I've  
5 said, I've seen the CERT one team operate in good  
6 times and in bad times and they do a great job. So I  
7 was curious about the level of training. So  
8 congratulations on that. Thank you. Thank you,  
9 Madam Chair.

10 CHAIRPERSON CROWLEY: Thank you, Council  
11 Member Gentile and thank you to the panel. Thank you  
12 to your members for keeping us safe, and we'll be  
13 following up with some answered questions. We didn't  
14 realize how late the hearing was running and we have  
15 a number of other people who are here today to  
16 testify, but we do appreciate you being here and your  
17 testimony and what you do in keeping New Yorkers  
18 safe. Thank you. The next panel we have is from New  
19 York State Division of Homeland Security. We have  
20 Bryant Stevens and William R. Davis, Junior. To our  
21 representatives from the State's Department of  
22 Homeland Security, if you could raise your right  
23 hand. And will you affirm that all the questions  
24 that you'll be answering today will be truthful?

25 UNIDENTIFIED: I do.



2 CHAIRPERSON CROWLEY: Alright, and all  
3 the testimony that you'll be giving?

4 UNIDENTIFIED: I do.

5 CHAIRPERSON CROWLEY: Thank you. Any  
6 written testimony you have, please submit a copy for  
7 the record, and begin your testimony as soon as  
8 you're ready.

9 WILLIAM DAVIS: Good afternoon. My name  
10 is Bill Davis. I'm the Director of the New York State  
11 Office of Emergency Management and we're here on  
12 behalf of the Division of Homeland Security and  
13 Emergency Services Commissioner Jerry Howard and  
14 provide testimony regarding planning preparedness  
15 steps for New York City and within New York City on  
16 behalf of New York City. We all know that the events  
17 of 2001, September 11<sup>th</sup>, 2001 changed our world and  
18 significant resources and efforts at all levels of  
19 governments are committed to doing all that we can do  
20 be done to prevent similar occurrences as well as  
21 being better prepared for other catastrophic events.  
22 In 2001 we know that New York City was a prime target  
23 for terrorist groups and we know that's true today as  
24 well. Public safety entities at all levels of  
25 government recognize this fact and continue to work

2 hard to address the threats here in New York City and  
3 across New York State. Before I begin I'd like to  
4 just say that--talk about some of the broad programs  
5 and initiatives that we take seriously. We just  
6 wanted to mention our members of public safety in New  
7 York City, New York City Police Department, New York  
8 City Fire Department, the Office of Emergency  
9 Management of whom we work very closely, and we  
10 appreciate the fact that they've developed a  
11 comprehensive and innovative programs to address the  
12 threat, but I think their biggest achievement is the  
13 collaboration in working together in communications  
14 between those agencies, the better respond to  
15 emergencies here in New York City. This testimony's  
16 going to address less the preparedness that New York  
17 City agencies are undertaking as you've just heard  
18 extensively what they're doing. It's going to focus  
19 more on what New York State and the state level  
20 programs that we have their bases outside of New York  
21 but can provide benefits to the city and its  
22 residents. There are very real possibility that the  
23 terrorists will do their planning and preparing  
24 outside the city where they believe they can go  
25 undetected. This means that due diligence is

2 necessary for both preparedness and planning efforts  
3 and most go beyond the city's borders. Shortly after  
4 the events of 2011, New York State took definitive  
5 steps to protect the citizens. In those few months  
6 after the attack, the state level agency who was  
7 focused on a new threat was established. A network  
8 of public safety entities was established through  
9 counter terrorism zones to being sharing information  
10 in a statewide strategy was initiated to provide  
11 comprehensive guidance in all facets, including law  
12 enforcement, fire protection, public health,  
13 emergency management communication, critical  
14 infrastructure, border protection and others. It  
15 quickly be evident that significant funding would be  
16 needed to address the threat to allow responders in  
17 governments to address the problem. In 2004, the  
18 federal government began grant funding programs to  
19 address the critical need. A number of those  
20 programs were established. Two of the more prominent  
21 ones was the State Homeland Security Grant Program  
22 and the Urban Area Security Initiative. Since their  
23 inception, over 2.8 billion dollars has been sent to  
24 New York State to address terrorist threats with 2.3  
25 billion dollars of that money significantly

2 specifically going to the New York City area. Over  
3 time, the dollar amounts dedicated to those programs  
4 have diminished nationally. However, the threat  
5 based formulas which are currently used to determine  
6 funding amounts take into account New York City and  
7 New York State still remain the largest terror  
8 targets. Governor Cuomo and Commissioner Howard  
9 recognize the critical need for this federal funding  
10 to be sustained and continue to communicate this need  
11 legislatively to executive agencies at the federal  
12 level. In order for us to successfully combat the  
13 terrorist threat, we must cooperate. We must  
14 incorporate a comprehensive approach to the problem.  
15 The New York State strategy utilizes this approach  
16 and identifies 10 broad based priorities, and I'll go  
17 over those priorities in just one second. I just do  
18 want to mention that this is a statewide strategy.  
19 This is not a New York State push down strategy. We  
20 had tremendous cooperation with all the state's  
21 counties, including New York City, develop this  
22 strategy and the ten major areas are as follows:  
23 Strengthening chemical, biological, radiological,  
24 nuclear explosive preparedness and response  
25 capabilities. Protect critical infrastructure and

2 key resources. Strengthen intelligence and  
3 information sharing capabilities. Strengthen counter  
4 terrorism and law enforcement capabilities. Enhance  
5 emergency management and response capabilities.

6 Advance interoperable and emergency communications.

7 Promote citizen and community preparedness. Build

8 back better from disasters and become more resilient

9 against future events. Support health emergency

10 preparedness and enhance cyber security capabilities.

11 As indicated by those goals, the overall approach to

12 fighting terrorism is a multifaceted effort which

13 focuses on interdiction and prevention, hardening of

14 targets to lessen the impacts, and developing greater

15 capabilities to respond to and address the event.

16 Each of these efforts are equally important if we are

17 truly going to be able to address the terrorism

18 threat. Because this is recognized there have been,

19 continue to be specific programs targeting New York

20 City. And I think the gentleman that were at the

21 table before did an excellent job of going over all

22 the initiatives that are here in New York City. So I

23 won't elaborate on those. While the programs

24 previously mentioned by the city, additional programs

25 are in place across the state to support and that

2 will also benefit the city residents and the  
3 responders. These programs include the establishment  
4 of a multiagency New York State Intelligence Center  
5 to coordinate intelligence gathering and sharing  
6 efforts, the driver's license security initiative to  
7 reduce the ability of utilizing licenses and other  
8 identification process to foster terrorist  
9 activities, Imodium nitrate security which tracks and  
10 monitors the product use, because of its common use  
11 in bomb making materials, border security initiative  
12 to enhance border security and the border between New  
13 York and Canada, and specialty response team support  
14 and capability enhancements which includes support  
15 the bomb squads, tactical teams, hazardous materials  
16 teams and technical rescue teams. And there's  
17 another other programs that are involve with that as  
18 well. We must continue to evaluate the world events  
19 as we plan for new threats that may confront us.  
20 Several examples have been mentioned here before.  
21 We've talked about Mumbai. We talked about the  
22 Boston bomber. We've talked about fire as a weapon,  
23 the lone wolf, independent actors that all are  
24 interested in doing harm to New York City and New  
25 York State, and we're doing everything we can to

2 support New York City to respond to these events.

3 The lone wolf is just one example of the new emerging  
4 threats there's been and will continue to be others.

5 We must be diligent in our efforts to be one step  
6 ahead of these threats as society and we cannot let  
7 ourselves become complacent and think that the threat  
8 has passed us. Unfortunately, these threats are now  
9 part of our society and government needs to  
10 understand and address these threats for safety of  
11 the citizens. That's all I have for prepared  
12 statements, and if you have any questions we're more  
13 than happy to answer them.

14 CHAIRPERSON CROWLEY: Is your colleague  
15 testifying today?

16 BRYANT STEVENS: Hi, Bryant Stevens, New  
17 York State Fire [sic] Administrator. We're providing  
18 this jointly.

19 CHAIRPERSON CROWLEY: Okay.

20 BRYANT STEVENS: This testimony jointly,  
21 and then certainly we're available for questions.

22 CHAIRPERSON CROWLEY: I have one quick  
23 question. It has to do with evaluating the funding  
24 that you give to the various different city agencies.  
25 You know, do you feel that there are areas that need

2 more funding? Do you feel that you've received  
3 resistance from the federal government in achieving  
4 those amounts needed to expand on those projects?

5 WILLIAM DAVIS: New York State, we take a  
6 strong view of recognizing what the city, what the  
7 local government decides they need to best prepare  
8 for the threats that they're faced with. We're in  
9 close conversation with not only city OEM, but the  
10 Fire Department as well as the Police Department to  
11 talk about any additional funding needs that are not  
12 within the grant funding, you know, program. That  
13 said, we have before and I imagine we will again as  
14 times change, petition the federal government to  
15 accept, expand or in some way alter what's allowable  
16 in grant funding programs, but we certainly rely on  
17 the expertise or the panel of the individuals that  
18 were sitting here just before us for those  
19 recommendations.

20 CHAIRPERSON CROWLEY: I have no further  
21 questions. We are running late on time here, but we  
22 will listen to the members of the public who have  
23 questions about funding and the work that you do in  
24 consort with our various city agencies, and we will  
25



2 likely follow up. So I thank you for being here  
3 today and testifying of the work that you do.

4 WILLIAM DAVIS: Alright, thank you.

5 CHAIRPERSON CROWLEY: Our first member  
6 from the public is Steve Cassidy, President of the  
7 Uniformed Firefighters Association and Jim Slevin,  
8 Vice President of the Uniform Firefighters  
9 Association.

10 JAMES SLEVIN: Ready when you are.

11 CHAIRPERSON CROWLEY: We don't need to  
12 swear you in.

13 JAMES SLEVIN: Okay. We always tell the  
14 truth anyway.

15 CHAIRPERSON CROWLEY: We only swear in  
16 the city and state agencies, but please begin once  
17 you're ready.

18 JAMES SLEVIN: Good afternoon, Chairwoman  
19 Crowley, Chairwoman Gibson. Thank you for the  
20 opportunity to speak here today, and I certainly wish  
21 there were more members of the council here to hear  
22 this testimony, because I think it's important. It's  
23 important for our members. It's important for the  
24 people of New York City to understand what's going  
25 on. Our members are ready to do whatever it takes to

2 protect the people of New York City. They will  
3 respond. They will put their life on the line to  
4 protect the people of New York City in the event of a  
5 terrorist attack, but we can give them all the  
6 training, we can give them all the equipment, we can  
7 give them all the resources that the city thinks they  
8 need to respond, but we also have to ensure that they  
9 have the proper disability benefits should they get  
10 injured in an attack. We saw 343 firefighters die on  
11 9/11. Thousands and thousands of rescue workers are  
12 sick and injured as a result of 9/11. They  
13 rightfully deserve disability benefits, and I fear if  
14 there is another attack, or I should say when there  
15 is another attack in New York City, these same  
16 members, the new members will not get treated in the  
17 same manner. This is the number one issue for our  
18 members. I have a membership meeting tomorrow. It  
19 again will be the number one topic they will raise.  
20 What is the City Council doing to protect our  
21 members? We have a home row request in with the City  
22 Council to pass disability benefits up in Albany. It  
23 is imperative that the City Council takes it up with  
24 leadership, gets this home rule [sic] passed. It is  
25 a moral obligation. I've heard that word over and

2 again in various measures the City Council has passed  
3 over the past few months. We have a moral obligation  
4 to protect our firefighters, protect our police  
5 officers that are putting their life on the line for  
6 the people of New York City. So, I would urge you to  
7 speak to your colleagues, let them know how important  
8 this is. I wish there was more here today to hear it  
9 from me, but this is our number one issue. My  
10 members will respond to the terrorist attacks, but  
11 they need to know that they will be taken care of,  
12 their families will be taken care of. And that's all  
13 I have to say today. Thank you.

14 CHAIRPERSON CROWLEY: Mr. Slevin, can you  
15 tell us how many of your members are not protected  
16 right now and at what point does their disability  
17 benefits kick in with the current contract that they  
18 have?

19 JAMES SLEVIN: This is separate and apart  
20 from the contract. This has to do with the new  
21 pension tier that was instituted by Governor  
22 Patterson in 2009, and additionally changed again by  
23 Albany two years ago. And new members do not get  
24 presumptive bills. They do not get three-quarters  
25 disability benefits, and there was a recent attack on

2 New York City police officer. There was an article  
3 in the paper that police officer would be entitle to  
4 27 dollars a day for protecting the people of New  
5 York City. That's outrageous.

6 CHAIRPERSON CROWLEY: No, I agree with  
7 you, and I'm going to work with my colleagues here in  
8 the City Council to change the pension rules, and  
9 that so the members of not only the FDNY but the  
10 NYPD, any uniformed services in the city, if they're  
11 hurt in the line of duty, the minimum we could extend  
12 is a three-quarter pension disability, and so we'll  
13 make sure the members who are not here get a copy of  
14 your testimony and know that we're supportive, at  
15 least I can speak for myself and I'll let Council  
16 Member Gibson speak next, of your measure to increase  
17 this disability that your members deserve.

18 JAMES SLEVIN: Thank you.

19 CHAIRPERSON GIBSON: Thank you very much.  
20 I appreciate your testimony and I share my  
21 colleague's sentiments. I am a supporter of the  
22 resolution. I was a member of the New York State  
23 Assembly at the time when the legislature tier six,  
24 which I did not support. And so I recognize what  
25 needs to happen, and you know, not just after 9/11

2 with so many fire officers and police and first  
3 responders who were killed, but also recently with  
4 the fire in Brooklyn that killed Officer Guerero  
5 [sp?] and injured Officer Rosa Rodriguez. So I  
6 recognize, you know, what needs to happen, what's at  
7 stake and I am committed to working with all of you  
8 and certainly encouraging all of my colleagues in  
9 January when the new session starts to really make an  
10 aggressive campaign and get as many members on board  
11 as possible to support the legislation before Albany.

12 JAMES SLEVIN: Thank you.

13 CHAIRPERSON GIBSON: So you have my  
14 support. Thank you.

15 JAMES SLEVIN: Thank you.

16 CHAIRPERSON CROWLEY: Also there's a  
17 resolution that I've drafted. It hasn't been  
18 introduced yet, and as soon as it gets introduced  
19 we'll work together to make sure that we have more  
20 members sign onto this resolution that supports your  
21 measure exactly.

22 JAMES SLEVIN: Thank you, we appreciate  
23 your support.

24

25

2 CHAIRPERSON CROWLEY: Next representative  
3 from the public we have here today to speak is  
4 Vincent Variale, Local 3621 Uniformed EMS Officers.

5 VINCENT VARIALE: Should I begin? Good  
6 afternoon Chairwoman Elizabeth Crowley, Chairwoman  
7 Vanessa Gibson and distinguished members of the New  
8 York City Council Committee. My name is Vincent  
9 Variale. I am president of Local 3621, the Uniformed  
10 EMS Officers Union representing 500 EMS lieutenants  
11 and captains of the New York City Fire Department. I  
12 thank you for this opportunity to testify here today.  
13 The inevitable severe weather including blizzards,  
14 hurricanes and heatwaves, when combined with acts of  
15 terror in the specter of pandemic biological  
16 outbreaks presents a truly unique response  
17 requirement. The MS Bureau of the FDNY has a myriad  
18 of contingency plans that address each of these  
19 scenarios. However, the ability of the EMS command  
20 to adequately implement these contingencies has  
21 historically been severely lacking. In past  
22 testimony I've spoken with regard to the debacle that  
23 was the response to hurricane Sandy. I have also  
24 previously testified about the ongoing response to  
25 blizzards and heat waves, yet the inherit difficulty

2 in implementing these disaster plans remains ignored  
3 and unaltered by the EMS command. Other civil  
4 service agencies such as Police Department and fire  
5 suppression maintain several officer ranks that  
6 require a civil service test for competency. These  
7 officers, because of their civil service status can  
8 manage in ways that provide the most benefit to the  
9 community without fear of reprisal. In EMS the rank  
10 of Lieutenant is the first and only civil service  
11 rank. All other EMS officer titles are chosen by the  
12 good old boys club. There is no competency test and  
13 no civil service protection for these titles. Ergo,  
14 these officers have their decision making ability  
15 impaired by fear of reprisal or retaliation. The  
16 constant specter of the notion is good incentive to  
17 maintain the status quo, even if maintaining the  
18 status quo endangers the lives of the EMS providers  
19 and the public. The FDNY incident command system in  
20 regards to span and control is based on the national,  
21 state and city standards, and exceeds these standards  
22 for fire suppression, which is one fire officer for  
23 every five firefighters. However, in EMS the FDNY  
24 fails to comply with the minimum standard,  
25 maintaining a ratio of one EMS officer for every 20

2 EMS providers. That ratio makes it virtually  
3 impossible for the EMS line officer to adequately  
4 manage the severity and scope of an incident or  
5 multiple incidences, and thus the command structure  
6 is broken at the first and most important level. The  
7 resolution to correct the systemic institutionalized  
8 command failures is to promulgate the civil service  
9 testing for all ranks in the FDNY EMS. This will  
10 ensure that only the most qualified personnel are  
11 promoted to positions of authority and then their  
12 decisions can be based on the given situation and not  
13 the hope of a promotion. The promulgation of civil  
14 service tests when coupled with the corrective action  
15 on span of control will provide a clearly delineated  
16 command structure from incident command scene to  
17 overall command operations. This translates into  
18 decision making process based on ability and accurate  
19 scene assessment. The overall implementation of  
20 these changes will ensure a safer city throughout an  
21 efficient and competent EMS command. I thank you,  
22 and I'm available for any questions you may have.

23 CHAIRPERSON CROWLEY: Mr. Variale, do you  
24 believe that the FDNY has a commitment to fixing the  
25 areas of climbing that career ladder that you



2 mentioned? There's only one civil service exam. Has  
3 the FDNY given you any indication that the levels  
4 that they're promoting based on merit, merit rather  
5 than a performance on a test and the protection that  
6 comes with that?

7 VINCENT VARIALE: As of right now, I  
8 have--with the new Administration I knows there's  
9 been conversation about it, but there's been no  
10 action taken to correct it. We currently, my local  
11 has two lawsuits pending against the city. We  
12 believe there is violations that occurred. They  
13 broke the city, the law as it pertains to the city  
14 constitution in regards of civil service testing.  
15 So, at this time there's nothing being done to  
16 correct this.

17 CHAIRPERSON CROWLEY: I asked Chief  
18 Pfeifer a number of questions in regard to how the  
19 Department responded to Superstorm Sandy, but I'm  
20 trying to compare that to possible Mumbai type terror  
21 attack or attack where you have a number of shooters  
22 in various different areas and you want to get those  
23 that are hurt out, and so do you feel that there's a  
24 problem with the current system not having enough  
25 oversight in terms span of control with your members?

2 VINCENT VARIALE: Yes, I found it  
3 interesting that the Commissioner from OEM brought up  
4 the fact that the citywide incident management  
5 system, which is the same as the state and federal  
6 management systems. The FDNY calls it the Incident  
7 Command System as far as the FDNY procedures.  
8 Currently they are not in compliance with the span of  
9 control as it applies to EMS. We have an independent  
10 arbitration decision that states that. The former  
11 Fire Commissioner Salvatore Cassano admitted to that  
12 at a prior City Council hearing. We are not  
13 prepared, frankly, for a terrorist attack in EMS.  
14 Actually, today something as simple as a lieutenant  
15 being injured during, while working, that left  
16 another lieutenant to watch three battalions, a total  
17 of six communities by himself for a total of 40 units  
18 in the city of New York, and that's just a simple  
19 person got injured. If we had a terrorist attack  
20 that required several officers, lieutenants to  
21 responds to manage that one particular scene, you  
22 will be basically be leaving boroughs of the city  
23 unsupervised and without lieutenants or captains able  
24 to respond.

2 CHAIRPERSON CROWLEY: [off mic] that the  
3 Police Department, police officers and fire officers,  
4 fighters have when it relates--as it relates to the  
5 three-quarters pension, does that extend through your  
6 membership?

7 VINCENT VARIALE: No, it does not. We  
8 were--when tier six came out, EMS members maintained  
9 their--retained their 25 an hour and three-quarter  
10 pension.

11 CHAIRPERSON CROWLEY: So any members new  
12 or established in your union and any EMT's, they're  
13 protected with three-quarter disability pensions if  
14 they get hurt in the line of duty?

15 VINCENT VARIALE: That's correct. We,  
16 EMT paramedic or EMS officer injured in the line of  
17 duty will get three-quarter pension, correct.

18 CHAIRPERSON CROWLEY: What would be the  
19 span of control ratio that you believe is safe in a  
20 regular situation day to day, and then what would  
21 that be heightened to in an incident where you have  
22 emergency response to a disaster such as a terror  
23 attack?

24

25

2 VINCENT VARIALE: Well, the current  
3 standard is one officer for every six, I mean, every  
4 seven individuals, every seven responders.

5 CHAIRPERSON CROWLEY: In any day?

6 VINCENT VARIALE: In any day, correct.  
7 For law enforcement it's one in ten. A fire  
8 currently follows a one in four, a one in five ratio.  
9 Police officers currently follow one in eight, one in  
10 10 ratio. As I stated in EMS, it's one in 20, many  
11 times going up to one in 40.

12 CHAIRPERSON CROWLEY: Now, shouldn't that  
13 increase when you have an emergency situation?  
14 Shouldn't you have more officers working on call,  
15 sort of like a surge staffing?

16 VINCENT VARIALE: Well, that's why  
17 overall you should have a good span of control so  
18 that when a major emergency does arrive, like for  
19 instance today, one person was injured, now you're  
20 left half of a borough without supervision. The  
21 reason why you need a one in seven span of control is  
22 so that if that emergency does come and you have to  
23 utilize two or three officers for that emergency, you  
24 don't leave a whole borough uncovered. You still  
25

2 have a lot of extra officers to watch what's going on  
3 for regular emergencies and every day emergencies.

4 CHAIRPERSON CROWLEY: Do you know how  
5 much it would cost the city to become compliant with  
6 the Homeland Security and national and state  
7 management protocols?

8 VINCENT VARIALE: I remember that was  
9 added to the budget, the City Council budget  
10 actually. It was approximately 76 officers at an  
11 amount around six million dollars.

12 CHAIRPERSON CROWLEY: How much?

13 VINCENT VARIALE: Six million dollars.

14 CHAIRPERSON CROWLEY: Only six million  
15 dollars in a 75 billion dollar budget. So I will  
16 focus on bringing more attention to this and continue  
17 the conversation that I've had with the fire  
18 Commissioner and make sure that our Mayor knows the  
19 need and continue to work with Council Members to do  
20 what we can to make sure that that's in the next  
21 budget.

22 VINCENT VARIALE: I appreciate that.

23 Thank you.

24 CHAIRPERSON CROWLEY: We have no  
25 questions further. Thank you.

2 VINCENT VARIALE: Thank you very much.  
3 Have a good day.

4 CHAIRPERSON CROWLEY: Alright, we have  
5 the next person testifying for Metropolitan  
6 Waterfront Alliance, Roland Lewis. Okay, and then  
7 we're going to share the panel with Ryan Baxter of  
8 REBNY and Matthew Washington from New York Water  
9 Taxi. Those members from the public are not here?  
10 Please, we're going to ask you to share the panel.  
11 Each will testify and then we'll ask questions in an  
12 effort to move the hearing along a little quicker.

13 JOSÉ SOEGAARD: May I begin?

14 CHAIRPERSON CROWLEY: Yes, please identify  
15 yourself for the record.

16 JOSÉ SOEGAARD: My name is José Soegaard  
17 from the Metropolitan Waterfront Alliance. I'm  
18 testifying on behalf of Roland Lewis. He sends his  
19 regards. The MWA is a bi-state coalition of over 800  
20 stakeholders committed to restoring and revitalizing  
21 the New York and New Jersey waterways, and I want to  
22 speak this afternoon specifically to your point  
23 earlier in the hearing, Madam Chair, about our  
24 preparedness for waterborne evacuation across the  
25 city in the event of emergency and provide a little

2 detail on how an expanded citywide ferry system could  
3 and should be an integral part of our emergency  
4 preparedness. When catastrophe strikes, ferries have  
5 provided a crucial first response. They have  
6 consistently proven to be the most resilient mode of  
7 transit and evacuation during and after emergencies,  
8 lacking reliance on either a fixed route or the  
9 electrical grid. On 9/11 and during the blackout  
10 August 2003, hundreds of thousands were safely  
11 evacuated from Manhattan and returned home safely by  
12 ferry. In the wake of Superstorm Sandy which  
13 crippled our transportation infrastructure, ferries  
14 provided immediate relief with roads, tunnels,  
15 subways and commuter rails out of commission, ferries  
16 quickly became a critical component of urban mobility  
17 restoring service soon after the storm. New York  
18 City's the third most vulnerable major American city  
19 to the impacts of climate change. As climate change  
20 continues to fuel increasingly volatile weather  
21 patterns, this means that New York is likely to  
22 experience extreme weather events with greater  
23 frequency and severity, resulting in recurrent  
24 disruptions to safe and efficient transportation.  
25 Our city's waterfront must be able to accommodate

2 high volumes of passengers and commuters as well as a  
3 contingency plan to move goods. This means not only  
4 keeping current infrastructure in a state of good  
5 repair, but also expanding our shoreline's capacity  
6 to allow for the birthing of a wider variety of  
7 vessels. A redundant transit system is a resilient  
8 transit system. The weeks after Sandy reminded us  
9 that in spite of the MTA's remarkable capacity to  
10 revive our flooded transit system, ferries are the  
11 mode of transit naturally most resilient to extreme  
12 flooding and able to get parts of the region moving  
13 again almost seamlessly. Ferry service brought a  
14 life line to the Rockaway peninsula in Queens  
15 devastated by the storm and provided a link to job  
16 centers in Manhattan during extended A Train service  
17 outage. As the de Blasio Administration considers a  
18 plan for a citywide ferry network, expanding year  
19 round ferry service in addition to providing quick,  
20 comfortable and scenic commute will arm the city for  
21 emergency situations, both evacuating those in need  
22 from inaccessible neighborhoods and providing  
23 uninterrupted services in the absence of other  
24 transportation options. Coordinated oversight is not  
25 unprecedented. In California's bay area, the Water



2 Emergency Transportation Authority or WETA was  
3 established to unify all regional ferry service.  
4 Spurred by the threat of earthquakes and supported  
5 with dedicated revenue from bridge surcharges, this  
6 consolidation has helped that region not only improve  
7 service and coordinate better upland connections but  
8 also strengthen their emergency response plans. A  
9 generation ago, here in New York, one massive agency,  
10 the Department of Ports and Terminals was in charge  
11 of the maintenance of docks and bulkhead in much of  
12 our shores. Now these responsibilities have been  
13 balkanized across more than a dozen agencies. A  
14 department of waterfront, perhaps a new city agency  
15 with a Waterfront Emergency Management Division would  
16 be best equipped to coordinate maintenance issues as  
17 well as long term planning and preparedness efforts.  
18 We cannot wait until disaster strikes again. Ferries  
19 can and should be seamlessly integrated into the  
20 region's mass transit system. As we continue to  
21 reengage with all the cultural and economic benefits  
22 the waterways that surround us offer, we urge this  
23 committee and the City Council at large to look to  
24 the blue highways as a vital component of our  
25 emergency preparedness. Thank you for your time this

2 afternoon, and I am happy to answer any questions you  
3 have.

4 CHAIRPERSON CROWLEY: Just before we hear  
5 from the next person, we'd like to keep the water  
6 people talking about, you know, water transportation  
7 and evacuation. So we do have a representative from  
8 the Water Taxis, and then once we hear from yourself  
9 then we'll hear from BOMA. So, Building Officers  
10 Managers, when we hear from REBNY at the same time.  
11 So, we'll ask the questions of the water people and  
12 then we'll go to the building people.

13 MATTHEW WASHINGTON: Good afternoon. My  
14 name is Matthew Washington. I serve as the Director  
15 of Communications and Government Relations for the  
16 New York Water Taxi. Thank you Chair Crowley and  
17 Chair Gibson as well as the members of the Fire and  
18 Criminal Justice and Public Safety Committees for  
19 holding this important hearing. Some may wonder why  
20 New York Water Taxi is joining the conversation about  
21 planning and preparation for terrorist attacks. The  
22 answer to that question is directly related to the  
23 founding of New York Water Taxi back in 2002.  
24 September 11<sup>th</sup>, 2001 will always be known as the day  
25 of the worst attack on US soil, a day that devastated

2 New York City as well as the nation. What may be  
3 less known is that it also was the day of the largest  
4 sea evacuation in history. Nearly half a million  
5 people were evacuated from lower Manhattan by boat  
6 over the course of nine hours that day. As  
7 impressive as that evacuation was, it was not without  
8 many difficulties and perils. People had to climb  
9 over gates to get onto boats. Piers were put into  
10 use that had not been in use for quite a while and  
11 were in questionable shape. Conditions were far from  
12 ideal, but when pressed into service performed  
13 adequately. We should be better prepared and take  
14 lessons from this experience. One lesson is that an  
15 active, vibrant and widely used ferry infrastructure  
16 is a critical part of emergency planning and  
17 preparedness as people will look to the water to  
18 evacuate. New York Water Taxi was founded in 2002  
19 partly in response to this exact need. We take pride  
20 in being a part of an industry that is a critical  
21 piece of the evacuation plan for the city and we are  
22 proud to have assisted New York City in recovering  
23 from Superstorm Sandy by putting new routes in  
24 service. We helped the region prepare for a possible  
25 Long Island Railroad strike earlier this year, which

2 did not come to pass, but we were ready to assist.

3 This industry stands ready to deploy, and if that

4 moment comes, we will be critical component to the

5 region's evacuation plan. But the ferry

6 infrastructure must be well used and well maintained

7 in order to be available and dependable for emergency

8 use. As this committee considers what is needed to

9 be sufficiently prepared for emergency situations,

10 please consider the elements of an effective

11 evacuation, which include ferries and the necessary

12 investment in the infrastructure and service to

13 ensure that our city is ready to respond quickly and

14 safely if the need arises. Thank you very much for

15 your time and your consideration on this issue.

16 CHAIRPERSON CROWLEY: So, excuse me.

17 Those two representatives from the water industry, do

18 you think that OEM is looking at improvement in our

19 ferry system as ways to evacuate in terms of

20 emergencies?

21 JOSÉ SOEGAARD: I think it's certainly

22 something that's under consideration, but OEM does

23 not have the mandate to expand the ferry system as it

24 currently exists, and so the argument that we're

25 making is that by expanding and improving the

2 existing commuter ferry transit system and by  
3 creating better connection between that system and  
4 between other upland modes like buses and subways,  
5 the city will be more prepared.

6 MATTHEW WASHINGTON: I think to that one  
7 of the challenges with ferry infrastructure is there  
8 hasn't been a single place to understand how to get  
9 things done on the waterfront. There was a hearing  
10 with the Waterfront Committee held simultaneously  
11 about one stop permitting, and I think that's a step  
12 in the right direction. Once we have a consolidated  
13 focus and thoughtful process about the waterfront we  
14 can begin using that as a launch pad to engage OEM at  
15 a more thoughtful way, in a more thoughtful way. And  
16 so understanding the entirety of the waterfront  
17 instead of each agency, city, state or federal  
18 looking at its own piece of the waterfront, but  
19 looking at the waterfront as a single 520 mile entity  
20 and really beginning to pull those pieces together, I  
21 think engagement of OEM becomes a lot more seamless  
22 and a lot easier once we have someone who's thinking  
23 about it holistically. And José talked about WETA  
24 out in San Francisco and what they've been able to  
25 do, and so using models that are already out there to

2 be thoughtful about current use and preparedness is  
3 extremely critical.

4 CHAIRPERSON CROWLEY: Council Member  
5 Gibson.

6 CHAIRPERSON GIBSON: Thank you for your  
7 testimony. I just had one question. To what extent  
8 is the New York City Water Taxi a part of any of the  
9 conversations that the multiple agencies, PD, FD, OEM  
10 are having around disaster preparedness and really  
11 the public message to all New Yorkers on evacuation  
12 plans? You know, what type of education are we  
13 really, you know, providing to the public so that in  
14 the event of an attack, you know, we use our water  
15 system in an efficient way? So, I know in your  
16 testimony you talked about, you know, the LI double  
17 law [sic], the potential strike, and you were ready  
18 to come in and help. So while that did not happen,  
19 are you a part of any conversations to develop an  
20 evacuation plan using our waterways?

21 MATTHEW WASHINGTON: You know, I think  
22 when instances have come up we, you know, we have  
23 been called on or we have been many times proactively  
24 reached out. We haven't had substantive  
25 conversations with the NYPD, with FDNY about the

2 overall emergency plan. We would welcome those  
3 conversations and would happily work with them to  
4 determine and discuss how we create a very thoughtful  
5 evacuation plan. It's necessary and it's also  
6 important for people to understand where ferries can  
7 land. In 9/11, jumping over gates is not what we  
8 want people to do. We want them to be able to go  
9 onto a safe landing to get onto the boat. So we  
10 welcome those conversations. We have not had them,  
11 but we have engaged the MTA in times of you know,  
12 concerns about disruption of service and how we  
13 provide those opportunities. So we'd be happy to have  
14 those discussions.

15 CHAIRPERSON GIBSON: Okay, well no, I  
16 think it's a good approach. I don't live too far from  
17 where the Metro North Train derailed in Riverdale in  
18 the Bronx, and I also live right next to the Harlem  
19 River. And so, you know, I think a lot of times  
20 people don't recognize the value we have in our  
21 waterways, and you don't have to be an  
22 environmentalist to understand that it's an untapped  
23 resource, certainly that we can use in a more  
24 productive way. And so I would love, you know, and  
25 certainly encourage you to work with the council in

2 terms of future conversations, because you know, we  
3 can't be reactive. We should really try to be, you  
4 know, proactive in preventative measures and really  
5 developing creative ways to use our water system in,  
6 you know, a significant way.

7 MATTHEW WASHINGTON: Certainly. Madam  
8 Chair, that's one of the purposes we're here, because  
9 we would like to work with the council as a part of  
10 your planning and figure out how we can help, how we  
11 can be an asset in the work that the both of you as  
12 the Chairs of the respective committees are doing.  
13 We want to be an asset to you and by extension, the  
14 entirety of the city.

15 CHAIRPERSON GIBSON: Great, thank you.

16 JOSÉ SOEGAARD: May I just add one brief  
17 point building off of your question and what Matthew  
18 provided previously is New York Water Taxi is just  
19 one of five private companies that operates ferry  
20 transit service in New York City which is rather  
21 unprecedented throughout the US and the world. Most  
22 other cities with large robust ferry networks have  
23 more coordinated oversight over that network and more  
24 integration with the rest of the transit system than  
25 we have in New York City. So that's something that



2 we'd like to see and to work with the city to help  
3 develop.

4 CHAIRPERSON CROWLEY: Do you, either of  
5 you, think that Homeland Security funds could be used  
6 to strengthen our access points to our waterways?

7 MATTHEW WASHINGTON: Absolutely. I think  
8 there's a lot of opportunity to bring those resources  
9 in as we think about infrastructure for ferries and  
10 really taking the time to identify the locations  
11 where we would need points of access. As we look at  
12 what's happening along the waterfronts throughout the  
13 city, additional--more and more development happening  
14 closer to our waterfronts.

15 CHAIRPERSON CROWLEY: Were both of you  
16 present when I asked the representative from OEM  
17 about their map or their specific locations?

18 MATTHEW WASHINGTON: I was.

19 CHAIRPERSON CROWLEY: Do you work with  
20 OEM?

21 MATTHEW WASHINGTON: Not directly.

22 CHAIRPERSON CROWLEY: Once we get the map  
23 we'll share it with you, and then we should discuss  
24 how we could work together to strengthen these access  
25

2 points. You know, if need be, we can move a big  
3 ferry up to the Bronx or throughout Queens, Brooklyn.

4 MATTHEW WASHINGTON: Absolutely.

5 CHAIRPERSON CROWLEY: It makes sense to  
6 utilize our waters.

7 JOSÉ SOEGAARD: I don't believe--there  
8 was federal funding announced earlier this year for  
9 improving infrastructure at I believe two or three  
10 ferry landings in Brooklyn and Queens so that in the  
11 event of emergency they would be able to receive much  
12 larger vessels than they can accommodate now such as  
13 those that are operated by the Staten Island ferry,  
14 for instance, and that was federal funding. I don't  
15 think it was Homeland Security. It may have been the  
16 federal transit authority, but we can work with your  
17 office to explore that further.

18 CHAIRPERSON CROWLEY: Great, okay, thank  
19 you. No further questions for the two representatives  
20 from the water industries, and you both can leave the  
21 panel. Yeah. And now we'll hear from REBNY and  
22 then BOMA.

23 RYAN BAXTER: Good afternoon, Chairperson  
24 Gibson, Chairperson Crowley and the members of the  
25 Committees on Public Safety and Fire and Criminal

2 Justice Services. My name is Ryan Baxter, I'm the  
3 Senior Policy Analyst for the Real Estate Board of  
4 New York. The Real Estate of Board of New York  
5 representing over 16,000 owners, developers, managers  
6 and brokers of real property in New York City thanks  
7 you for the opportunity to testify regarding the  
8 city's emergency planning and preparedness. Our  
9 community has always worked tirelessly to prepare and  
10 protect our buildings and tenants for both natural  
11 and manmade acts of tragedy and terrorism. Since the  
12 tragic events of September 11<sup>th</sup> it has been of  
13 particular importance to coordinate our response with  
14 the city. The Real Estate Board, along with the  
15 Building Owners and Managers Association of Greater  
16 New York has dedicated thousands of hours to  
17 assisting the city in developing new local laws,  
18 construction code requirements, safety protocols and  
19 response plans. Our relationship with the FDNY,  
20 NYPD, Office of Emergency Management, the City  
21 Council and these committees under the leadership of  
22 Chairpersons Crowley and Gibson, the Department of  
23 Homeland Security among others have all proved  
24 invaluable in these efforts. The real estate industry  
25 within New York City employs directly or indirectly

2 more than half a million people. In many instances,  
3 these employees are the city's first line of defense,  
4 responsible for safeguarding millions of building  
5 occupants each day prior to the arrival of the city's  
6 emergency first responders. That is why we are  
7 particularly thankful for the FDNY counter terrorism  
8 NYPD shields and OEM public/private initiative units.  
9 Each of them provides our industry with critical  
10 information that enables appropriate, efficient and  
11 coordinated responses. It is imperative that these  
12 lines of communication continue to be improved if the  
13 city hopes to utilize the private sector in emergency  
14 response. We ask that you please keep this in mind  
15 as you examine the city's emergency planning and  
16 preparedness for terrorist attack. Thank you again  
17 for the opportunity to comment. We look forward to  
18 continuing our conversations with the council to  
19 continue improving safety throughout the city for all  
20 New Yorkers.

21 LOUIS TRIMBOLI: Good afternoon

22 Chairpersons Crowley and Gibson and the esteemed  
23 members of the two committees. I thank you for this  
24 opportunity to testify today. My name is Louis  
25 Trimboli. I represent the Building Owners and

2 Managers Association of Greater New York as the Co-  
3 Chair of the Preparedness Committee. The BOMA New  
4 York Preparedness Committee is the largest and most  
5 active in the country. The structure is a standing  
6 committee with intelligence, weather and lessons  
7 learned subcommittees. The committee is comprised of  
8 owners, managers, and subject matter experts from the  
9 Committee. Additionally, the Department of Homeland  
10 Security, New York State Homeland Security, Port  
11 Authority of New York and New Jersey and the New York  
12 City Police, Fire and Office of Emergency Management  
13 are critical agency committee members. Our members  
14 safeguard over 3.5 million building occupants a day  
15 which encompass 400 million square feet of space.  
16 Since September 11, 2001, the challenge facing the  
17 real estate industry have required us to develop new  
18 security, operating and safety plans. To meet this  
19 challenge, BOMA New York along with the Real Estate  
20 Board has worked with the Fire Department in  
21 developing Local Law 26, revised codes, and developed  
22 training and licensing requirements. We have  
23 conducted extensive exercises with the police and  
24 Fire Department. We have a 24/7 train team which  
25 responds to the OEM Emergency Operations Center. The

2 key to our success is the city agencies, in  
3 particularly, FDNY counter terrorism, NYPD Shields,  
4 and OEM private/public initiative units. The FDNY  
5 counter terrorism unit provides the industry with  
6 critical data and conducts exercises. The NYPD  
7 Shields Unit provides the industry with critical  
8 information on world events and their implications on  
9 New York City via email and conferences. Equally  
10 important is the training they provide to building  
11 staff and a host of specialized areas which are  
12 invaluable to the buildings and the city overall.  
13 OEM provides the industry with a seat the Emergency  
14 Operations Center, training and an unending stream of  
15 critical information to assist and help us navigate  
16 through numerous neighborhood and citywide events.  
17 They have assisted the industry in developing the  
18 preparedness committee in to the force which it is  
19 today. Additionally, with OEM help, BOMA New York is  
20 spearheading a regional real estate industry  
21 preparedness committee in the mid-Atlantic region.  
22 In closing, it is critical that the Administration  
23 and your two committees understand the vital roles  
24 the first responder community plays in protecting New  
25 Yorkers and that you continue to properly fund and

2 staff their agencies accordingly. It is also of  
3 critical importance that they continue in their role  
4 of actively working with the private sector in the  
5 ways described in this testimony. The real estate  
6 industry thanks the city of New York and all the  
7 agencies mentioned in my comments today. Thank you.

8 CHAIRPERSON CROWLEY: I just have one  
9 question as it relates to the coordination between  
10 the Department of Buildings and the FDNY, and you  
11 know, buildings, building owners, building  
12 representatives. The more information they have  
13 about layouts in the building, the better prepared  
14 they are when responding. So, are you working with  
15 the city, and this goes to both of you, to get the  
16 schematic layouts of buildings to the department so  
17 they know?

18 LOUIS TRIMBOLI: Yeah, what we've done  
19 right now, and Ryan can add to this, we've actually  
20 been working with Chief Pfeifer, and the goal is to  
21 attempt to do some kind of moment with building floor  
22 plans. The problem that we encounter is that the  
23 floor plans routinely change and the process by which  
24 plans are approved, and REBNY did a very extensive  
25 survey, which Ryan may have the information on, where

2 in order to make the plans meaningful, you'd have to  
3 really change a whole lot of processes within the  
4 Department of Buildings and perhaps a few other  
5 agencies. Ryan, you want?

6 RYAN BAXTER: The only thing I'll add is  
7 that we believe we spoke at length at this particular  
8 matter in regards to the updates to the fire code in  
9 which the emergency action plans were looking to  
10 incorporate a similar proposal. However, our  
11 investigation revealed that it would cause upwards of  
12 100,000 dollars per building to update these plans,  
13 and as Lou pointed out, given tenant's ability to  
14 change their space with some regularity without the  
15 building owners ability to accommodate that in the  
16 schematics they submit to Department of Buildings and  
17 FDNY, it is immensely problematic if not functionally  
18 impossible to keep up with what occurs.

19 CHAIRPERSON CROWLEY: Functionally  
20 impossible?

21 RYAN BAXTER: I apologize, that was an  
22 exaggeration.

23 CHAIRPERSON CROWLEY: But it's difficult  
24 for your, for the companies you represent to give  
25 multiple documents to multiple city agencies?



2 RYAN BAXTER: In addition to that  
3 difficulty as Lou alluded to there is a substantial  
4 in the approval side from those agencies that makes  
5 it difficult to revise what you've submitted.

6 LOUIS TRIMBOLI: At the meeting--I'm  
7 sorry. At the meeting with the Fire Department it  
8 was pointed out by multiple people that the process  
9 to get a sign-off, for example, would take so long  
10 that the information would be submitting to the Fire  
11 Department--I mean, as long as it's not signed off by  
12 the Department of Buildings, I mean, you really can't  
13 be putting those plans into Local Law 26 plans, and  
14 there was a structural, an inherent structural  
15 problem with doing that, and then there are process  
16 where you may not need permits to do the work you're  
17 doing. Someone can simply come in and create a  
18 little soffit and create an opening between two  
19 offices in lieu of a door. So, the detail, the devil  
20 was kind of in the details. Now, there's ongoing  
21 conversation with Chief Pfeifer and Chief Jensen  
22 [sp?] about this, and the cost, putting the cost as  
23 secondary, the quality of the information and the  
24 accuracy of the information is really what was  
25 becoming problematic. I mean, we wouldn't know what

2 the cost was until we figured out exactly what the  
3 criteria was for the drawings. But again, it's  
4 something that's ongoing. No one is shying away from  
5 it, but it's something that's very difficult to do.

6 CHAIRPERSON CROWLEY: I understand. I  
7 think that we'll work together with the future  
8 technology that's available and make sure that the  
9 city agencies are informing one another of building  
10 changes and schematics. I have no questions further.

11 CHAIRPERSON GIBSON: Quick question.  
12 When Chief Pfeifer was here he talked a little bit  
13 about the plan of action for a possible attack and  
14 how it would relate to high rise residential  
15 buildings. Knowing that you represent many of the  
16 property owners and landlords in the city that, you  
17 know, represent thousands of residential tenants,  
18 what type of collaboration do you have with your  
19 members of REBNY as it relates to the information  
20 getting to the ground? So, my landlord is in REBNY,  
21 and I live in a high rise building in the Bronx, and  
22 I'm interested to know like the landlords that are  
23 members, how does that information translate to  
24 tenants so the tenants know, for instance, you know,  
25 high rise buildings have elevators, seniors, people

2 with disabilities. So in the event of an attack, the  
3 elevators are likely to be shut down. So how is it  
4 that we're working with FD and PD to get many of  
5 those residents on high floors out of the building in  
6 an expeditious way?

7 RYAN BAXTER: Unfortunately, I can't  
8 speak to how our members communicate to their  
9 tenants. I believe it varies greatly based on a  
10 number of factors, but I can share with you that we  
11 very frequently will send email blasts which go to  
12 the entirety of our 16,000 members containing  
13 pertinent information that would presumably help them  
14 advise their tenants on how to exit--

15 CHAIRPERSON GIBSON: [interposing] Yeah,  
16 that was what I was getting at. I mean, I know, you  
17 know, you have lots of members, but in terms of the  
18 overall message coming from REBNY in terms of sharing  
19 information on what members should be aware of, new  
20 codes, new information, new evacuation plans? You  
21 know, like the CERT program that OEM has, how we  
22 prepare all New Yorkers in the event of an attack?  
23 That was my question in terms of how that information  
24 is disseminated to your members.

2 RYAN BAXTER: So, we definitely make use  
3 of emails primarily. However, we will call meetings  
4 if the topic requires.

5 CHAIRPERSON GIBSON: So do city agencies  
6 work with you in terms of briefings for members so  
7 that you can be kept up to speed.

8 RYAN BAXTER: Absolutely.

9 CHAIRPERSON GIBSON: Okay.

10 RYAN BAXTER: In the past few weeks OEM  
11 has been invaluable in terms of providing us with  
12 information regarding a bold [sic] response, for  
13 instance.

14 CHAIRPERSON GIBSON: So we're flooded  
15 with information? It's a good thing.

16 RYAN BAXTER: Indeed.

17 CHAIRPERSON GIBSON: Okay, thanks.

18 LOUIS TRIMBOLI: Yes, just the only thing  
19 I wanted to add to your OEM is very, very valuable to  
20 us is New York City has a very unique position. New  
21 York City from 34<sup>th</sup> Street to 125<sup>th</sup> Street, from river  
22 to river, is the highest concentration of high rise  
23 buildings in the world. There is nothing that--and  
24 that's not even including parts of mid--anything  
25 south of 34<sup>th</sup> Street. OEM is incredibly useful when

2 they do their Ready New York presentations, which  
3 also cover fire. I think it's a wonderful resource.  
4 We use it quite a bit on the commercial side on  
5 brining it in to our tenants and doing the Ready New  
6 York presentations, and it's a resource that, you  
7 know, I think if you just go through their  
8 information you'll see fire is hi--it's all there.  
9 It's all there and it's very simple. It's a 22  
10 minute presentation. I've been doing them for years  
11 for OEM, and it's very informative, and it'll also  
12 tell people who live in buildings where they should  
13 be looking for information, like in your high rise  
14 residential building, as you walk in there should be  
15 a small card that kind of outlines what goes on in  
16 the building and what you should be doing. That  
17 information is already code and it's already out  
18 there. So, it sounds like a lot of a problem on the  
19 residential side, but there was just so much out  
20 there that if buildings, if tenants, the tenant  
21 associations avail themselves a bit, OEM would be  
22 more than happy to work with them.

23 CHAIRPERSON CROWLEY: Thank you both for  
24 being here today for your testimony. We have no  
25 further questions. Our last person from the public

2 here today to testify is Michael German of the  
3 Brennan Center for Justice.

4 MICHAEL GERMAN: Good afternoon Chair  
5 Crowley and Chair Gibson and members of the  
6 committee. Thanks. My name is Mike German. I'm a  
7 fellow with the Brennan Center for Justice at NYU Law  
8 School. As a former FBI Special Agent who worked  
9 undercover in domestic terrorist groups, I understand  
10 the difficult job that law enforcement has in trying  
11 to prevent acts of terrorism. We all want the NYPD  
12 to protect us from criminal and terrorists using all  
13 legal and effective means. In order to succeed,  
14 however, law enforcement has to be thoughtful in how  
15 it approaches its counter terrorism mandate so as not  
16 to engage in activities that harm individual rights,  
17 undermine relationships with communities, or wastes  
18 security resources. The NYPD had made substantial  
19 investments in counter terrorism programs since the  
20 attacks of September 11<sup>th</sup>, 2001 which is appropriate.  
21 But more than 13 years later we have very little  
22 evidence demonstrating whether the methods the NYPD  
23 chooses to implement are actually making the city  
24 safer. And unfortunately, we know a cost has been  
25 imposed on all of us who live in or visit New York

2 City in terms of our privacy. Suspicion less  
3 surveillance and infiltration of communities of  
4 Muslim, Arab, and South Asian descent have sewn  
5 dissent and fear instead of security. These New  
6 York communities speak out against terrorism, and the  
7 NYPD should be empowering rather than marginalizing  
8 them. Too often law enforcement at all levels have  
9 resorted to mass surveillance and bulk data  
10 collection. Though there is little evidence that  
11 these are effective methodologies for finding  
12 terrorists. Media reports have speculated that the  
13 NYPD may increase its surveillance of social media,  
14 but again, existing research questions whether this  
15 could be helpful. Before employing untested methods  
16 that lack a research basis to believe they will be  
17 effective in predicting and preventing future  
18 violence, the NYPD should ensure its resources are  
19 employed in a manner to protect all New Yorkers from  
20 all kinds of violence, including 1,500 unsolved  
21 homicides over the last decade. Implying that the  
22 desperate acts of troubled individuals are part of a  
23 global terrorist conspiracy, only aggrandizes their  
24 criminal behavior and risks inspiring imitators.

25 Thank you for your time.

2 CHAIRPERSON CROWLEY: You have  
3 recommendations that you believe the various agencies  
4 that were here today what they could do better in  
5 responding to terrorist attack or preventing  
6 terrorist attacks from happening?

7 MICHAEL GERMAN: Sure. And we've had very  
8 productive meetings with the NYPD regarding their  
9 guidelines and we're hopeful to see more progress on  
10 those in the near future.

11 CHAIRPERSON CROWLEY: And you heard the  
12 testimony from the various people in the public. Do  
13 you have comment on any of the testimony?

14 MICHAEL GERMAN: To the extent that there  
15 was a lot of mention of the see something say  
16 something. That's a program that's been instituted  
17 nationally, and I'm not aware of any studies of the  
18 NYPD's use of that, but national studies by the  
19 Government Accountability Office have shown that  
20 there's very little efficacy in those programs. So  
21 to the extent that they are diverting resources away  
22 from real crime problems in different parts of the  
23 city, I think it's very important that we make sure  
24 that when these agencies employ new methods,  
25 particularly methods that have an impact on the



2 privacy and civil liberties of innocent people, that  
3 they should make sure that we're not sacrificing our  
4 liberty in exchange for no benefit in security.

5 CHAIRPERSON CROWLEY: Are there  
6 procedures that you did when you were at the FBI that  
7 we need to--that you would recommend?

8 MICHAEL GERMAN: Certainly. When I was  
9 doing my undercover work within terrorist groups we  
10 had a requirement then under the Attorney General  
11 guidelines that I had a reasonable evidentiary basis  
12 for believing that the people I was engaging with  
13 were actually involved in illegal activity, and what  
14 I found was that actually a very effective  
15 methodology, not only in protecting the innocent but  
16 in making sure I was focused on the appropriate  
17 people. It's not a high standard. It just required  
18 me to be able to articulate why I believed this  
19 person was potentially violating or would violate the  
20 law, and I think that's unfortunately a standard we  
21 have moved away from into many of our counter  
22 terrorism programs that actually serves a benefit,  
23 not just in protecting liberty, but in actually  
24 making the agencies more efficient.

2 CHAIRPERSON CROWLEY: Do you think there  
3 are more ways that we can track people on the  
4 internet who are visiting certain sites or create  
5 sites that are similar?

6 MICHAEL GERMAN: So that's where a big  
7 part of the problem is. Unfortunately, although  
8 there have been significant efforts in very different  
9 fields, it's very difficult for even professional law  
10 enforcement and mental health officials to determine  
11 who is later going to commit crimes. Unfortunately,  
12 there aren't good markers for determining why this  
13 person who said these things or went to these  
14 websites did nothing wrong, while somebody else who  
15 maybe didn't even do as significant research as the  
16 other did. So, unfortunately, those sorts of mass  
17 surveillance programs tend to raise more false alarms  
18 than they do identify real problems. And if you look  
19 at some of the cases, for example, the incident at  
20 Fort Hood involving Major Nidal Hassan, when the  
21 Webster Commission reviewed the FBI's previous  
22 investigation, he was somebody who had been raised as  
23 a potential problem and they investigated that  
24 person, but what they found was that the data  
25 explosion within the FBI was creating such a workload

2 for the agents that they were not able to keep up  
3 with the important cases. So that's something I think  
4 we have to keep in mind, that we don't want to be  
5 creating programs that collect so much information it  
6 actually becomes a burden. It makes it harder to  
7 identify threats.

8 CHAIRPERSON CROWLEY: I understand. I have  
9 no further questions. Council Member Gibson has no  
10 questions. Thank you for being here today and  
11 waiting to testify. It's been a long hearing.

12 MICHAEL GERMAN: Thank you.

13 CHAIRPERSON CROWLEY: I want to thank  
14 everybody else who stayed around for the length of  
15 the hearing, especially fire committee justice--Fire  
16 and Criminal Justice Committee staff, Bryan Crow  
17 [sp?] and Rob Calancha [sp?]. Thank you for your  
18 work. And I'm going to now turn it over to Vanessa  
19 Gibson my Co-Chair for her closing remarks.

20 CHAIRPERSON GIBSON: Thank you. I want to  
21 thank everyone who was here today. I know it was a  
22 very long but very productive and interesting hearing  
23 on New York City's emergency planning and preparation  
24 for any potential terrorist attacks. It is obvious  
25 that from 9/11 we have come an extremely long way,

2 and you know, with all progress we find challenges.

3 We find ways in which we can be more creative to meet

4 technological advances and really collaboration with

5 multiple agencies at the city, state and federal

6 level. And so as Chair of Public Safety, I remain

7 committed to working with my colleagues, Council

8 Member Crowley, the Fire and Criminal Justice

9 Committee as well as our Speaker and all of our

10 agencies as we continue to be prepared to help

11 educate all New Yorkers in terms of how we can always

12 be aware of what is going on and be prepared for any

13 potential attack whether it's our homeland, our

14 transit system, our waterways or our public

15 transportation system. I too want to recognize and

16 thank all of the staff who have done an incredible

17 job in putting this very good hearing together. I

18 want to recognize Beth Goleb [sp?], the Legislative

19 Assistant. I want to thank Ellen Ang [sp?] from the

20 Finance team, and I also want to thank the Speaker's

21 staff, Theo and Fisa [sp?] and Pascal, and all of the

22 Committee members who came this afternoon. And I

23 thank you again, Co-Chair, Chair Crowley for your

24 leadership and for your work. And thank you all for

25 being here this afternoon.

2 CHAIRPERSON CROWLEY: This concludes the  
3 Fire, Criminal Justice and Public Safety hearing of  
4 November 12<sup>th</sup>, 2014.

5 [gavel]

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1 COMMITTEES ON FIRE AND CRIMINAL JUSTICE SERVICES & PUBLIC SAFETY 174

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 18, 2014