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**BEFORE THE U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND
COMMUNICATIONS OF THE COMMITTEE ON HOMELAND SECURITY**

COLLEGE OF STATEN ISLAND

APRIL 23, 2018

Good morning Chairman Donovan, Ranking Member Payne, Congressman King and Members of the Subcommittee on Emergency Preparedness, Response and Communications. We are pleased to testify before you today as representatives of the New York City Department of Emergency Management (NYCEM), the New York Police Department (NYPD) and the New York City Fire Department (FDNY) to discuss how essential federal funding is to support efforts to secure New York City, the surrounding region and high risk urban areas across the nation.

To begin, let us provide a sense of the scale and complexity of the mission in New York City. Homeland security in an urban setting is an immense challenge for first responders. With a population of over eight and a half million people, New York City has the highest population density of any major city in the country. Our region also includes a large number of high profile locations. The most recent addition, the Trump Tower, aside from a Presidential residence was recently was the site of a fire. The greater Tri-State region faces an ever-evolving landscape of security and disaster threats.

This post 9/11 environment has greatly expanded the role that the City's police, fire, and emergency management agencies do each day to keep people safe. For example, the mission of the FDNY is not only to respond to fires, but also respond to medical emergencies, public safety incidents, natural disasters and acts of terrorism. For the NYPD, this means constant vigilance given that New York City remains in the crosshairs of violent terrorists, more so than any other place in the world. In 2017 alone, NYCEM activated the City's Emergency Operations Center 14 times for a total of 107 days. That includes five winter weather events, two building vacates due to fires, two flash floods, an active shooter at Bronx Lebanon hospital, a heat emergency, the Port Authority explosion, and Hurricanes Jose and Maria.

In the past 15 years, there have been approximately two dozen terrorist plots against New York City, with targets such as Times Square, the Brooklyn Bridge, John F. Kennedy Airport, the New York Stock Exchange, the subway system as well as major synagogues and other sites. In most cases, they have been thwarted by the efforts of the NYPD and our local and federal partners. Tragically, in the last two years, four attacks have succeeded in striking our city; an explosion in Chelsea in which no one was killed; a white supremacist who murdered an African –American man with a sword as a “practice run” to a larger plot; a terrorist who drove a van into the West Side Highway Running Path which sadly killed 8 individuals; and an ISIS-inspired suicide bomber who set off a homemade explosive device at the Port Authority Bus Terminal subway station that injured three individuals and himself.

Working with our federal, state, and local partners, we meet these challenges through a matrix of specialized training, planning, equipping, preparedness programming, and information and intelligence sharing, all of which are made possible by federal Homeland Security funding. We have worked diligently to build and execute a protective strategy that has kept this City safe while protecting and upholding the constitutional rights and liberties accorded to those who live, work, and visit New York City.

September 11th forever changed how NYCEM, NYPD and FDNY view their missions and the world around us. Following that tragedy, NYPD recognized that we could not defer the responsibility of protecting this City from terrorist attacks to others, and we have continued to prioritize this ever-evolving peril. Soon after 2001, the NYPD became the first police department in the country to develop its own robust counterterrorism capacity. We have expanded our efforts to include international events, gathering intelligence far beyond our borders. Our work, however, cannot happen without the assistance and aid of the federal government.

Following the recommendations of a 9/11 Commission Report, the Fire Department leveraged Homeland Security grant funds to create and staff a state of the art Emergency Operations Center (EOC) at FDNY Headquarters. Today, this EOC serves as part of a network to manage complex emergencies and to share information by connecting with local partners like the NYPD and NYCEM, as well as the National Operations Center. Members of FDNY’s Rescue operations train with fire departments and first responder agencies from around the country, passing along specialized knowledge that we’ve developed here in New York. Urban Search and Rescue Team Task Force-1 and FDNY’s IMT have provided mutual aid after a number of natural disasters, including New Orleans after Hurricane Katrina, Broome County, New York after Hurricane Irene, Florida after Hurricane Irma, Texas after Hurricane Harvey, and Puerto Rico after Hurricane Maria.

Federal grant funding represents roughly 50% of NYCEM’s annual operating budget and is vital to our ability to run many of our finest initiatives, including the Ready New York public education program, CERT program, Continuity of Operations Program, Geographic Information Systems, Training and Exercises, Watch Command and Response, and Citywide Incident Management Systems planning. It also funds the Emergency Supply Stockpile, which provides supplies and services to support emergency sheltering for adults, people with special medical

needs, people with disabilities and accessibility and functional needs, children, infants, and companion animals. During a coastal storm, the stockpile can meet the needs of 70,000 individuals in designated evacuation shelters across NYC for up to seven days.

Over the years, the caliber of people we have been able to attract has played a major role in our ability to protect New York. We have hired civilian analysts who are experts in intelligence and foreign affairs. They study terrorist groups, trends, and methods of attacks. One of our most important institutional strengths is the remarkable diversity in our ranks. The NYPD is fortunate to have a deep pool of foreign-speaking officers. This has allowed us to build a foreign linguist program with more than 1,200 registered speakers of 85 different languages – Arabic, Dari, Farsi, Mandarin, Pashto, Russian, Spanish, and Urdu, to name just a few.

Before concluding, we would like to briefly discuss potential federal actions that would impact our emergency communications. As you know, the NYPD is the nation's largest police agency with law enforcement responsibility across the five boroughs. The Department receives nearly 10 million 911 calls annually and patrols approximately 306 square miles – which accounts for some of the most densely populated geography in the nation.

Since September 11th, we have greatly improved our radio communications for our personnel, many of whom are responding to crimes in progress. Losing the T-band spectrum would require significant financial investments to replace our existing radio infrastructure. Moreover, alternative spectrum has not been identified to facilitate this relocation, and it is not clear as to whether there is enough spectrum available to accommodate the largest metropolitan areas. The continuity for interoperable and operable communications is essential, and changes to the T-band system will impact Department operations and the risk of disruption will endanger public safety.

Additionally, while we certainly are encouraged by steps taken by the FCC to improve the Wireless Emergency Alert (WEA) system, we urge the FCC to adopt rules that better allow us to respond to the full range of 21st Century emergencies. When the city issued a wireless emergency alert regarding the Chelsea Bomber in 2016 to every phone in the five boroughs, the millions of New Yorkers who wanted to help were given several lines of text with no picture. In this age of instant access to visual information via social media applications, we need to enhance our country's ability to rapidly, efficiently, and securely deliver comprehensive emergency information, including images, to the public. Pictures provide instant recognition and speak a universal language. They enable rapid response from every potential witness who could save countless lives through fast action. The lack of photographs and other multimedia highlights a weakness in the system and, in the face of emerging threats, the City needs to remain on technology's cutting edge by using public information systems to their fullest capacity to advance its emergency services and capabilities.

In closing, it cannot be emphasized enough how critically important federal grants are to empowering cities across the nation, New York City included, to evolve and stay ahead of emerging threats. Preparedness is a race against time to be ready for the next attack or extreme event. For context, understand that the events of 9/11 took place in 102 minutes, less time than this hearing. Every Federal dollar that flows to New York City improves our response so we can save the greatest number of people and pays dividends across the United States. We look forward

to a continued partnership with members of this committee and the Congress so that we are able to sustain existing capabilities and continue to adapt to new threats in order to protect the people of the New York City Urban Area.

Our philosophy is simple: we have to develop the best intelligence available, expand our partnerships, take protective measures to defeat whatever our adversaries might be planning next, react to neutralize all threats and prevent the loss of life.

New York enjoys the distinction of being the safest big city in America. It is also commercially vibrant, culturally diverse, and free. We can claim these successes are due, in no small measure, to the uniformed and civilian members of the New York City Department of Emergency Management (NYCEM), the New York Police Department (NYPD) and the New York City Fire Department (FDNY), and the assistance we have received from the federal government, which has been a vital partner in the face of an ever present threat.

We look forward to a continued partnership with members of this committee and Congress so that we are able to sustain existing capabilities and continue to adapt to new threats in order to protect the people of the New York City Urban Area. Attached to this joint statement are individual opening statements for NYCEM, NYPD and FDNY. Thank you again for this opportunity to testify today. We are happy to answer any questions you may have.

**STATEMENT OF JOHN MILLER
DEPUTY COMMISSIONER, INTELLIGENCE AND COUNTERTERRORISM
NEW YORK CITY POLICE DEPARTMENT**

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APRIL 23, 2018**

Good morning Chairman Donovan, Ranking Member Payne, Congressman King and Members of the Subcommittee. I am John Miller, Deputy Commissioner of Intelligence and Counterterrorism for the New York Police Department (NYPD). On behalf of Police Commissioner James P. O’Neill, I am pleased to testify before your subcommittee today to discuss how federal funding has supported the NYPD’s efforts to secure New York City.

More than any other place in the world, New York City remains in the crosshairs of violent terrorists. That is not speculation – it is the consensus of the global intelligence community. Since September 11, 2001, there have been approximately two dozen terrorist plots against New York City, with targets such as Times Square, the Brooklyn Bridge, John F. Kennedy Airport, the New York Stock Exchange, the subway system as well as major synagogues and other sites. In most cases, they have been thwarted by the efforts of the NYPD and the FBI-NYPD Joint Terrorist Task Force. Tragically, in the last two years, four attacks have succeeded in striking our city; an explosion in Chelsea in which no one was killed; a white supremacist who murdered an African – American man with a sword as a “practice run” to a larger plot; a terrorist who drove a van into the West Side Highway Running Path which sadly killed 8 individuals; and an ISIS-inspired suicide bomber who set off a homemade explosive device at the Port Authority Bus Terminal subway station that injured three individuals and himself.

We have worked diligently to build a deterrent that has kept this City safe while protecting and upholding the constitutional rights and liberties accorded to those who live, work, and visit New York City—but the specter of an attack is forever present.

This work, however, cannot happen without the assistance and aid of the federal government.

September 11th forever changed how the NYPD views its mission and the world around us. Following that tragedy, the Department recognized that we could not defer the sole responsibility of protecting this City from terrorist attacks to the federal government, and we have continued to prioritize this ever-evolving peril. Soon after 2001, the NYPD became the first police department in the country to develop its own robust counterterrorism capacity. We have expanded our efforts to include international events, gathering intelligence far beyond our borders.

Federal funding is critical to our efforts. Over the last five years, the NYPD has received an average of \$156 million a year in federal funding. Notably, on average, \$113 million of that funding each year comes from Department of Homeland Security (DHS) grants. Much credit and thanks goes to you, Chairman Donovan, and the entire New York Congressional delegation for their advocacy over the years to secure these funds. The NYPD relies on this funding to protect New Yorkers

against terrorist attacks and strengthen homeland preparedness, including the security of critical transportation and port infrastructure.

Over the years, the caliber of people we have been able to attract has played a major role in our ability to protect New York. We have hired civilian analysts who are experts in intelligence and foreign affairs. They study terrorist groups, trends, and methods of attacks. One of our most important institutional strengths is the remarkable diversity in our ranks. The NYPD is fortunate to have a deep pool of foreign-speaking officers. This has allowed us to build a foreign linguist program with more than 1,200 registered speakers of 85 different languages – Arabic, Dari, Farsi, Mandarin, Pashto, Russian, Spanish, and Urdu, to name just a few.

Our personnel also includes our trained vapor wake dogs. Our vapor wake dogs are often deployed at large-scale events in the city. They are adept at sensing mobile threats and explosive particles, and they are trained to avoid the distractions of large crowds and loud noises. They are an invaluable component to our policing strategy.

The NYPD provides comprehensive training to our officers in responding to explosive, chemical, biological, and radiological incidents. There are a multitude of possible forms a terror attack could take, and the Department has to be ready for any scenario. Federal funds are vital in training officers to respond to active shooter scenarios, allowing them to engage and end a coordinated terrorist attack like the Mumbai attack. It also provides critical instruction to officers in life-saving techniques that can be implemented before it is safe enough for medical personnel to enter an active crime scene.

In addition to staffing our counterterrorism and intelligence units and training our officers, this funding has helped the NYPD create the security infrastructure that has prevented potential attacks. For instance, in an initiative supported by DHS, we have installed radiation detection equipment in neighboring jurisdictions and at key points of entry into the five boroughs so that the City is virtually ringed with an alarm system. This program, called Securing the Cities, includes 150 law enforcement agencies in dozens of nearby cities and towns.

Across the City, we have distributed approximately 3,000 radiation pagers to units throughout the department and nearly 4,000 radiological dosimeters to each Patrol Borough's counterterrorism post. We continue to invest heavily in acquiring and maintaining state-of-the-art equipment to identify, prevent, or disrupt threats. We have installed highly sensitive detection equipment on the boats and helicopters we use to patrol New York Harbor, as well as vehicles we use to patrol our streets.

Our Domain Awareness System (DAS), a centralized network of security cameras, license plate readers, and chemical and radiological detectors is only possible thanks to help from the federal government. DAS makes it possible to scan recorded footage for specific objects and behaviors; an unattended bag; a car driving against the flow of traffic, or a person walking through a restricted area. Using an advanced graphical interface and mapping capability, the DAS retrieves and displays information, providing real-time alerts and the means to quickly utilize relevant information to prevent incidents from occurring or guide our response once an attack has been complete, enabling the NYPD to quickly identify attackers and stop them before they can strike

again. The program receives data from more than 14,000 cameras, nearly 700 license plate readers, and strategically-placed chemical and radiation detectors throughout the City, providing instant alerts on possible threats in the City. Since it is available as an application on their Department smartphone, the features of the DAS are available at the fingertips of all of our officers.

We place particular emphasis on the subway system in light of its attractiveness as a target and because it is a vital artery that keeps this City running. In excess of five million New Yorkers use the subways every day. Protecting this system is one of our top priorities and greatest challenges. The strength of the system, open, 24 hours a day, every day of the year, makes it an appealing target for attackers. After the bombing of the London transit system in 2005, we began screening the bags and backpacks of subway passengers. We maintain posts at each of the 14 underwater subway tunnels. We have expanded uniformed patrols underground and regularly conduct security sweeps in subway cars.

Federal funding also helps ensure that each officer responding to a terror incident has the proper equipment so that they can respond to active shooters or radiological attacks in as safe a manner as possible. The support we receive from the federal government in the form of funding and our relationships with our federal law enforcement partners has been and continues to be invaluable. However, we continue to seek greater funding levels that are commensurate with the severity of the ever present threat to our City, which unfortunately consistently finds itself atop the terror target list. With additional funding above and beyond the current levels, the NYPD would further increase deployments in critical areas of the City as well as continue to expand the DAS in order to retrieve critical information and elevate situational awareness.

On the topic of federal government support of information sharing, I would like to note that the Department of Homeland Security Office of Intelligence and Analysis (“I&A”) certified a Sensitive Compartmented Information Facility (SCIF) at NYPD Headquarters which supports classified information sharing integral to the NYPD mission. We also have three I&A personnel assigned to New York City to support NYPD in addition to a DHS Special Security Officer (SSO) assigned full time to manage SCIF operations. The DHS Intelligence Analyst assigned to NYPD sits with our Intelligence Division and he proactively shares DHS and Intelligence Community information with NYPD that has resulted in leads for existing investigations, new investigations being opened, and two joint finished intelligence products over the past year.

We are also eager to engage with our federal partners on possible legislation. Federal and local law prohibit the recreational use of drones, or unmanned aircraft systems (UAS), but most drone owners either do not know or do not abide by those restrictions. Consequently, there has been an increase in illegal drone usage in the City, especially at high-profile, mass gathering events. While hobbyists are often times using drones for photography and filming, more evidence is found daily that terrorist groups are encouraging active members and lone-wolves to embrace drones as a mass casualty tool. Currently, federal law prohibits state and local governments from purchasing, owning or operating technology that would jam any form of authorized radio communications and provides no pathway for state or local governments to apply to the Federal Communications Commission (FCC) for an exception from this prohibition. Working with our partners in Congress, the Department recommends amending Title 47 of the Federal Code to allow state and local

governments to purchase jamming technology to use against unmanned aircraft systems in select circumstances with proper oversight.

Our philosophy is simple: we have to develop the best intelligence available, expand our partnerships, take protective measures to defeat whatever our adversaries might be planning next, react to neutralize all threats and prevent the loss of life.

Before concluding, I would like to briefly discuss potential federal actions that would impact our emergency communications. As you know, the NYPD is the nation's largest police agency with law enforcement responsibility across the five boroughs. The Department receives nearly 10 million 911 calls annually and patrols approximately 306 square miles – which accounts for some of the most densely populated geography in the nation.

Since September 11th, we have greatly improved our radio communications for our personnel, many of whom are responding to crimes in progress. I want to comment on the potential relocation of public safety land mobile radio systems from the “T-band.” Losing the T-band spectrum would require significant financial investments to replace our existing radio infrastructure. Moreover, alternative spectrum has not been identified to facilitate this relocation, and it is not clear as to whether there is enough spectrum available to accommodate the largest metropolitan areas. The continuity for interoperable and operable communications is essential, and changes to the T-band system will impact Department operations and the risk of disruption will endanger public safety.

Additionally, while we certainly are encouraged by steps taken by the FCC to improve the Wireless Emergency Alert (WEA) system, we urge the FCC to adopt rules that better allow us to respond to the full range of 21st Century emergencies. When the city issued a wireless emergency alert regarding the Chelsea Bomber in 2016 to every phone in the five boroughs, the millions of New Yorkers who wanted to help were given several lines of text with no picture. In this age of instant access to visual information via social media applications, we need to enhance our country's ability to rapidly, efficiently, and securely deliver comprehensive emergency information, including images, to the public. Pictures provide instant recognition and speak a universal language. They enable rapid response from every potential witness who could save countless lives through fast action. The lack of photographs and other multimedia highlights a weakness in the system and, in the face of emerging threats, the City needs to remain on technology's cutting edge by using public information systems to their fullest capacity to advance its emergency services and capabilities.

Over sixteen years after 9/11, New York enjoys the distinction of being the safest big city in America. It is also commercially vibrant, culturally diverse, and free. We can claim these successes are due, in no small measure, to the 50,000+ uniformed and civilian members of the New York City Police Department, and the assistance we have received from the federal government, which has been a vital partner in the face of an ever present threat.

Thank you again for this opportunity to testify today. I am happy to answer any questions you may have.