



THE POLICE DEPARTMENT OF THE CITY OF NEW YORK

**TESTIMONY OF RAYMOND W. KELLY
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BEFORE THE NATIONAL COMMISSION ON TERRORIST ATTACKS
UPON THE UNITED STATES**

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Governor Kean, members of the 9-11 Commission, I am pleased to have this opportunity to testify before you today.

The Commission's ongoing work to account for the circumstances leading up to the terrorist attacks of September 11th is of tremendous importance to our national security and our capacity to deter future attacks. Nowhere is the effort to prevent another terrorist strike being undertaken with greater urgency than New York City, where close to three thousand lives were lost in the destruction of the World Trade Center. Those victims included twenty-three members of the New York City Police Department.

In addition to the terrible loss of lives, September 11th demonstrated the massive impact of a terrorist strike upon key components of our infrastructure. The significance of the Twin Towers as symbols of American might was matched only by their importance as a nexus of communications for the world's financial capital. Their destruction had devastating effects upon our local, national, and global economies from which we have only recently begun to recover.

The costs of another terrorist attack upon New York could have equally dire consequences upon lives and livelihoods across our nation. Accordingly, the New York City Police Department has made the defense against the terrorist threat our number one priority. This has required the deployment of substantial resources and personnel to counter terrorism duties on a daily basis, as well as extensive training and preparation for the myriad of potential attack scenarios we face.

All of our intelligence continues to point to the fact that New York City remains the number one target for terrorists. This was underscored in June of 2003, when the federal government announced the arrest of Lyman Faris. Faris was the Al Qaeda-trained terrorist tasked by Osama bin Laden to develop a plan to take down the Brooklyn Bridge. He had assumed an identity as a commercial

truck driver living in Ohio -- with a license, incidentally, to transport hazardous materials.

Faris stayed at a motel in New Jersey. He rented a car there and drove into Manhattan. He designed a plan to destroy the Brooklyn Bridge. After conducting surveillance of the bridge and observing the intense police coverage there, Faris reported back to his commanders that, "the weather is too hot." This was coded language that the plot could not succeed with all of the heightened security in place.

I want to stress, again, that an Al Qaeda operative was plotting against New York City just last year. Faris had fought in Afghanistan with bin Laden. His arrest was important for two reasons: first, for the obvious threat he posed, and second, as confirmation that high police visibility works as a deterrent.

In the spring of 2003, NYPD detectives assigned to the Joint Terrorism Task Force (JTTF) took part in foiling a potential Al Qaeda plan to utilize shipping containers owned by a Manhattan garment district business to smuggle weapons and other material support for terrorists into New York.

As I discussed in my appearance before the Commission last year, we have taken a number of dramatic steps to defend the City against terrorist threats like the ones I just described. I would like briefly to revisit these changes in my testimony today, and elaborate on other reforms we have made over the past year.

Beginning in January 2002, we created a new Bureau of Counter Terrorism and we expanded our Intelligence Division. We dedicated over 1,000 police officers to counter-terrorism duties.

In part, because our counter terrorism efforts are so closely involved with those

of the Federal government, we named deputy commissioners with extensive federal experience to lead our intelligence and counter terrorism functions.

Our Deputy Commissioner of Intelligence, David Cohen, is the former Director of Operations at the CIA and the former Deputy Director for Intelligence there. He brings thirty-five years of CIA experience and worldwide contacts to the table for us.

Our Deputy Commissioner for Counter Terrorism, Michael Sheehan, succeeds Lieutenant General Frank Libutti, who left the Police Department last year at the request of the White House to assume a leadership post at the Department of Homeland Security. Commissioner Sheehan served both the first President Bush and President Clinton in senior national security posts. He was also the American ambassador-at-large for counter terrorism at the State Department. More recently, he was responsible for support of United Nations peacekeeping operations worldwide.

Commissioner Sheehan also oversees the Counter Terrorism Division and Regional Training Center, which were established as sub-units of the Counter Terrorism Bureau. Among the core responsibilities of these divisions are to train and equip all 36,000 uniformed members of the department for their counter terrorism duties.

We developed a counter-terrorism training curriculum for all ranks of the Department, from recruit training, through supervisory instruction, to executive development. In addition, we procured and distributed personal protective equipment kits for every one of our police officers to use in the event of a chemical, biological, or radiological attack.

We placed our Counter Terrorism Division in a new, state-of-the-art, secure facility equipped with the latest computer and communication technology. We

staffed that center with police officers who speak foreign languages including Arabic, Persian, Pashto, and Urdu. Their job is to help monitor the latest intelligence and to translate news and information received from overseas.

As part of our need to broaden our international perspective, we also went out and tested the foreign language skills of our workforce. As a result, we registered approximately 275 certified interpreters of 45 different foreign languages among our uniformed and civilian personnel. We offer the services of these employees to federal investigators and the intelligence community.

In addition, we established a medical directorate within the Bureau of Counter Terrorism to help us protect our officers and to advise us on our preparations for responding to a chemical, biological or radiological attack. We appointed a team of experienced physicians with extensive backgrounds in this subject to serve as our counter terrorism medical advisors.

We have assigned 250 officers full-time to the Counter Terrorism Bureau. Over 130 of them have been posted to the Joint Terrorism Task Force with the FBI, including one detective assigned to the FBI National JTTF in Washington D.C. That compares to just 17 officers assigned to the JTTF on September 11th of 2001. We have also posted a New York City detective to Washington to serve as our liaison to the Department of Homeland Security. NYPD detectives assigned to the JTTF have taken part in important, terrorist-related investigations in Jordan, Germany, Kuwait, and Bali.

As a result of our enhanced presence on the JTTF and joint operations in other areas, we are benefiting from an improved level of cooperation and intelligence sharing with our federal counterparts. We look forward to further improvements as the FBI implements the reforms outlined by Director Mueller in his testimony before this commission last month.

In addition to enhancing our domestic law enforcement partnerships, we have established a new international liaison program. We have posted New York City detectives to Interpol headquarters in Lyon, France; Tel Aviv, London, Toronto, Montreal and Singapore. We have also sent our detectives to Guantanamo Bay, Cuba, and to Afghanistan to interrogate terrorist suspects there.

We have three objectives in mind with all of these foreign postings: first, to uncover any information pointing to another terrorist attack against New York City; second, to uncover any terrorists or their supporters residing in the New York metropolitan area; and third, to develop information on the terrorists' tactics and methods, and the best practices we can use to defeat them.

We are also developing our own direct relationships with foreign law enforcement agencies for the specific purpose of gathering terrorist-related information that is generated overseas. Again, we are being very proactive internationally in a way the Police Department never was before.

After the recent terrorist train bombings, the first in a Moscow subway in February, and then the March 11th attacks in Madrid, we sent New York City police officers to both cities to learn more about those attacks. That group included detectives from our Intelligence Division and Counter-Terrorism Bureau as well as senior officers from our Transit Bureau. The information they collected and sent back to the Department was critical in our efforts to implement new, protective measures in New York's subway system.

Members of the Counter Terrorism Bureau also continue to carry out risk threat assessments for sensitive facilities and locations throughout the City. Over the past two years, we have conducted hundreds of risk assessments of strategic and high-visibility sites. The goal of these assessments is to work with the private sector and other City agencies to improve the security of their facilities against terrorist attacks.

Last year, at the beginning of the war in Iraq, we implemented a comprehensive security plan to protect the City known as “Operation Atlas.” Given the ongoing terrorist threat, “Atlas” remains in effect today.

Broadly speaking, we have tightened the protective net around the City. We have increased our vigilance at all entry points into New York, and we’ve placed mass transit and other potential targets under much greater scrutiny.

We’ve established permanently staffed posts, and special patrols, for popular landmarks throughout the five boroughs. These include such visible icons as the Empire State Building and, as I discussed earlier, the Brooklyn Bridge.

In addition, the Financial District has received strengthened, 24-hour protection. Protection of this area must remain a top priority for the Police Department. As we saw on September 11th, any disruptions to operations in the Financial District have the potential to generate economic consequences felt around the globe.

In partnership with Mayor Bloomberg’s office and the Lower Manhattan Development Corporation, we have been working on a security plan to enhance the protection of Wall Street and surrounding blocks. The Police Department’s objective is to assume a greater role in perimeter security of the Financial District. Our challenge right now is to find a way to pay for the overtime costs to do this.

Our high visibility deployments also include a stepped-up presence of our “Hercules” teams. These are specially trained officers, with heavy weapons, who appear unannounced at sensitive locations, including the New York Stock Exchange. They are there to deter an attack, and to prevent the sort of reconnaissance we know terrorist groups engage in.

We have also deployed our COBRA teams, which specialize in chemical,

biological, and radiological events. These and other more advanced Chemical, Biological, Radiological and Nuclear (CBRN) teams are in place citywide.

In addition, we are currently in the process of conducting COBRA cohort training for 10,000 additional, precinct-based officers. Cohort training involves taking squads of officers who work together in their normal course of duties and training them in teams to respond to a chemical, biological, or radiological attack. The military does this easily by just taking units off-line and training them. But we can't take entire squads off-duty for training and still adequately protect the City. We have to backfill those positions, and cover the costs through overtime. For that reason, we requested and received a federal grant of nine million dollars to help pay for the overtime costs of cohort training.

We expect all of this training to be completed in time for the Republican National Convention (RNC) this August. It is a key part of our convention preparation, which we have been deeply engaged in for over a year.

The RNC is a major undertaking for us, one that will demand a great deal of our resources. We have to provide for all of the regular convention security needs while maintaining the same high level of police protection throughout the City.

The New York City Police Department is accustomed to handling security for big, public events. Our large size allows us to handle them and still police the rest of the City. But in the era of global terrorism, the Republican National Convention, or even a concert in Central Park, takes on a special significance and concern. For the Police Department it means that now, in addition to conventional crime, we have to pay close attention to the ongoing terrorist threat.

Defending the City against the threat of global terror comes at a steep price. We estimate the annual costs of our counter terrorism efforts to be over \$200 million. Currently, Operation Atlas is costing the City approximately \$1 million per week

in overtime. Such expenses could not come at a worse time in terms of New York's fiscal recovery. But these expenditures are dwarfed by the potential cost of not doing enough to defend ourselves.

If there is one key tactical lesson the war on terror has taught us so far, it is that we are faced with an enemy who is highly flexible and adaptable. Recent terrorist strikes have taken varied forms: from truck bombs in Iraq and Saudi Arabia, to the Madrid train attacks, to the use of individual suicide bombers in Morocco. We also recently witnessed the dismantling of a large-scale plot in Jordan that involved the potential use of a combination of explosives and chemical weapons.

For the New York City Police Department, all of this means that we must be prepared to face any scenario, and structure our organization to be ready to survive and respond to multiple forms of attack. Accordingly, we have made significant changes to our practices in four key areas: our command and control structure; the training of our personnel for counter terrorism duties; the equipment we provide to our officers; and our cooperation with other City agencies charged with emergency response.

With respect to our command and control structure, we are adopting the Incident Command System, utilizing a unified command element that is compliant with the standards of the National Incident Management System (NIMS). Those standards were issued by the Department of Homeland Security on March 1st of this year. We are currently revising our procedures and training to fit that system's requirements.

Our Counter Terrorism Bureau has developed operational contingency plans to ensure continuity of command in the event of catastrophic incidents. It has refined an emergency incident command response plan to clearly delineate roles and responsibilities of key NYPD executives. A citywide security alert plan has

also been developed based on the United States Homeland Security Advisory System.

In the event of a crisis, we have developed plans for each borough command to function autonomously, as its own Police Department. We have also established backup executive command centers in remote locations.

One of the lessons we learned from September 11th was that some Police Department personnel who responded to the World Trade Center should not necessarily have done so. We have since issued procedures to provide for a controlled response to large-scale emergencies, to ensure ample police resources for the entire City during a crisis.

We have assigned a senior officer responsible for counter-terrorism, at the rank of Inspector, to each patrol borough. These executives are responsible for all counter-terrorism related issues within the borough command. They also ensure that all counter terrorism training and equipment mandates are complied with by every precinct within the borough command.

We also routinely conduct counter terrorism mobilization drills involving members of our patrol and special task forces to discern who should, and who should not respond to major disaster scenes. These drills are conducted at high visibility sites such as the Brooklyn Bridge, the U.S. Open Tennis Stadium in Flushing Queens, and Shea and Yankee Stadiums. In addition, we consistently run tabletop exercises for our senior executives to practice our decision-making in response to mock attacks.

Every uniformed member of the service, from the recruit level through our executive ranks, has now received an introductory cycle of counter terrorism training. However, beginning in 2004, both recruit training and in-service training for veteran police officers were modified substantially to account for the evolving

terrorist threat we face.

Whereas our introductory training focused heavily on informing members of the service about the nature and history of the terrorist threat, our current training incorporates many more elements of mobilization and response. Our recruit and in-service curriculum now includes simulations and exercises in which officers practice responding to a terrorist-related incident – for example, the discovery of a rocket launcher or explosive materials hidden inside a car.

In addition, all recruits in the Police Academy now undergo mandatory COBRA training. As I mentioned earlier, we have also received federal funding to conduct cohort COBRA training for 10,000 precinct-based officers. This training will help ensure a proper balance of experienced COBRA-trained police officers and new recruits.

The Department also routinely hosts executive seminars for members of the service at the rank of captain and above on key counter terrorism issues. Our executive development courses include a lecture series by distinguished experts on counter terrorism and global affairs. Speakers to date have included former Secretary of State Henry Kissinger, Al Qaeda expert Rohan Gunaratna, and King Abdullah II of Jordan.

Ensuring a steady flow of quality, real-time intelligence on the terrorist threat to officers in the field is also a top priority of the Department. The Counter Terrorism Bureau consistently provides Terrorism Awareness Bulletins to every precinct and command in the City. These are read at every roll-call and posted conspicuously for all officers to see.

The Department's Counter Terrorism Division has completed the distribution of basic personal protective equipment kits to over 33,000 members of the Police Department, covering every officer who serves on patrol. The Division has also

distributed advanced COBRA protective kits and provided COBRA training to several thousand police recruits, the Police Department's Special Operations Division, and the Transit Bureau's Special Operations Division. COBRA training has also been provided by the Department's Disorder Control Unit to borough task forces.

I also want to emphasize the fact that part of our new recruit and in-service training curriculum involves repeated practice in deployment of personal protective equipment. It is not enough simply to issue members of the service with protective gear. They must be also be skilled and knowledgeable about how and when to use it.

The Police Department has acquired approximately 700 hand-held gamma monitors, otherwise known as radiation pagers, and 120 gamma neutron detectors to detect potential radiological weapons of mass destruction. The pagers have been distributed throughout the Department to the key elements of patrol. Over 200 pagers have been designated for precincts, with the requirement that every sergeant on patrol carry one at all times while on duty.

Radiation pagers have also been issued to our Special Operations Division, our specialized units including task forces, the Shea and Yankee Stadium details, members of the service stationed at ferry terminals, headquarters security, and other commands. The Housing and Transit Bureaus have distributed pagers among key patrol posts.

In addition to the smaller radiation pagers, more advanced gamma detectors and geiger counters have been assigned to other specialized units such as the Emergency Service Unit and the Bomb Squad. The Department continues to seek out and acquire new technologies to aid us in the war on terror. In the upcoming months, we plan to procure additional nuclear, biological, and chemical detection and monitoring devices.

Interagency cooperation is another area in which we have implemented substantial changes. In my testimony last year, I discussed a number of new initiatives between the Police and Fire Departments that emerged from a comprehensive study we commissioned by McKinsey and Company on the NYPD's response to September 11th.

Those reforms included establishing radio inter-operability with Fire Department communications, which we have further enhanced over the past year. Fire Department commanders ride in police helicopters to help them better coordinate operations at major fires. A police captain is now required to respond to any two-alarm fire. In addition, the Police and Fire Departments have senior staff assigned to one another's headquarters to address any issues that may arise.

We have also initiated regular interagency practice drills with the Fire Department to enhance our joint response. And we are expanding our capability to provide live video feed from our helicopters to the Fire Department.

In addition, I wish to cite our ongoing cooperation with other City agencies involved in counter terrorism issues, notably the Office of Emergency Management (OEM), which coordinates the citywide response. We also work closely with the Department of Environmental Protection and the Department of Health and Mental Hygiene on issues related to weapons of mass destruction; and with the Department of Education on school safety and evacuation in the event of a terrorist attack.

As much as the Police Department is doing internally and with our fellow first responders, we realize that our greatest ally in the fight against terrorism is a vigilant public. And so we have been engaged in a major outreach effort to our communities to enlist their support.

As I mentioned earlier, police assessment teams are working closely with

building managers to conduct security surveys on high visibility sites. In addition, when we obtained Al Qaeda training manuals, we found they had specific instructions as to how their operatives should rent apartments in foreign countries. So we held training sessions for members of the real estate industry and passed that information directly to them.

Through our NEXUS program we are also reaching out to businesses that terrorists might seek to exploit. These include everything from scuba shops, to fuel and oil supply companies, to importers and exporters. We want the owners of these and other types of businesses to be aware of any unusual requests for goods and services they receive. Members of our Intelligence Division have paid thousands of visits to businesses throughout the City to increase their counter terrorism awareness.

We have also worked extensively with private security professionals from major facilities and corporations under the Area Police Private Security Liaison Program, otherwise known as APPL. APPL gives us an instant communications network through which we can send out terrorism bulletins and security updates. We do this primarily through an e-mail network that is made up of thousands of APPL members.

We have also instructed our community affairs officers in every police precinct to brief members of the public on terrorism awareness, and how they can report anything suspicious to a new police hotline: 1-888-NYC SAFE. Approximately 20,000 calls have been received through that hotline since its inception two years ago.

The Police Department is taking all of the steps I have discussed above and more to deter another terrorist attack. In the last decade alone, New York City has been the target of six terrorist conspiracies that we know of, two of them successful: the World Trade Center bombing in 1993 and, of course, the horrific

attack of September 11th.

Regrettably, the influx of federal support one would expect to flow to New York as a result of living in the crosshairs has not yet materialized. The Police Department, practically alone, is defending New York's people, its corporate assets and its infrastructure from another terrorist attack. And we are bearing the overwhelming majority of the cost of doing so.

I testified before the House of Representatives last November about the need to change the traditional, population-based formulas under which Homeland Security funds were being disbursed to ones that focus more heavily on risk. Under the old method of distribution, New York just wasn't receiving its fair share. Over time, the administration and the Congress came to agree with that assessment.

The President's 2005 budget request shifts more funding to "high risk threat areas" like New York. However, the list of these areas has been expanded dramatically, from seven to eighty. This means that New York would receive an even smaller percentage of overall Homeland Security funds than in the past.

We don't believe this approach conforms to reality. As the most significant target, New York merits more federal support. In addition to the annual \$200 million personnel and overtime-related costs I mentioned earlier, we have estimated our total counter-terrorism training and equipment needs to be \$261 million. While we appreciate all of the federal funding we have received to date, it has totaled less than half of that amount. We need more federal resources to prepare and equip the Police Department for its counter-terrorism responsibilities. And we need the federal government to lessen its traditional resistance to funding overtime, which is by far the most significant expense involved in keeping the City safe.

Mr. Chairman, I know that in addition to examining the causes and circumstances leading up to September 11th, the Commission is mandated to provide recommendations to guard against future attacks. If I could offer one suggestion from the vantage point of the New York City Police Department, it is this: the federal government must invest realistically in protecting those areas that terrorists are likely to try to hit again. Along with a few other major cities, New York tops that list. Everything we know about Al Qaeda tells us this is true. It is a lesson from our history we simply cannot afford to ignore.