

MEMORANDUM FOR THE RECORD

Event: Bernard Kerik, Former Commissioner, New York City Police Department

Type of event: Interview

Date: Tuesday April 6, 2004

Special Access Issues: none

Prepared by: Sam Caspersen

Team Number: 8B

Location: Offices of Giuliani LLC, 5 Times Square, New York, NY 10036

Participants - Non-Commission: Bernard Kerik, Giuliani LLC Attorney and additional staff,
NYC Attorney

Participants - Commission: John Farmer, Sam Caspersen, George Delgrosso

This MFR is in first person, but it is not a transcript, and the diction and sentence structure are mine – not the interviewee's, though of course the content is 100% accurate. When I actually am quoting the interviewee, I use quotation marks. I use brackets when adding in my thoughts, and use third person when doing so.

Background:

I began in U.S. military as police officer (MP) for three years. I then worked for one year on federal task force re illegal transportation. I then went to Saudi Arabia in a security position which provided security for a U.S. military base. I returned to U.S. and worked for sheriff's office in North Carolina. I then became a training officer in Passaic County, NJ Corrections. I then went back to Saudi Arabia as chief investigator for a Saudi Hospital. And back to Passaic County, NJ Corrections, where I eventually became warden of the corrections facility.

In 1986 I accepted a position with NYPD as a police officer. Eventually I worked narcotics as an undercover agent for two years. Then I joined drug task force in 1990. Then in 1994 I transferred to intelligence division. In May of '94 at request of mayor I took over corrections investigations for NYPD. The Mayor was aware of my corrections background, and wanted improvements, because there were problems in NYC jail system with issues of violence and internal management. I was promoted several times within Corrections, eventually to

Corrections Commissioner. Then in August of 2000 I promoted to Police Commissioner, which I was until 12/31/2001.

Comments on Quality of Terrorism Intelligence When Commissioner:

When I took over police department, I was not happy with NYPD's intelligence in general. This had more to do with fighting criminal activity than terrorism. So within 3-4 months I directed total merger of NYPD intelligence – everything from patrol to everything else. As far as terrorism intelligence, I didn't have a problem; I don't recall a problem with anything internal. I had a very good relationship with John O'Neill of FBI. We had NYPD presence in Yemen, on Cole investigation. We had people involved in African embassy bombings (they were on JTTF). "I never had a problem with FBI, because John O'Neill" and I had a very good relationship

Relationship with FDNY:

Having been an NYPD cop, I had a lot of insight into how NYPD cops feel about FDNY. In my opinion, it was good to have healthy competition. I didn't want public battles between Emergency Services Unit and any fire fighters. When I took over, Bill Morange was the head of SOD (Special Operations Division), and he did a good job of holding ESU (Emergency Services Unit) guys accountable. I had a good relationship with FDNY Commissioner Tom Von Essen, and it never even rose to the level where I felt I had to call Tom and discuss it with him.

There were protocols established before I was Commissioner within NYPD and FDNY about incident specific things and who would be doing what. I never discussed new protocols with Tommy.

There were joint drills with FDNY when I was commissioner – mock drills involving rescue.

Comment on OEM:

You can call it the primary coordinator for emergencies for the city. "I had a great relationship with OEM." OEM's EOC gave the city the ability to instantly coordinate with other agencies, whereas I would imagine in the past it would be difficult to do. "I think it is essential today in crisis management." OEM was very useful in lead-up to millennium. "OEM was probably one of mechanisms which gave us the ability to keep an eye on everything." OEM played a role in

response to West Nile, other crises. A lot of what we planned and prepared for, OEM was involved with.

Respective roles of NYPD Commissioner and NYPD Chief in General and in Major Incident:

Chief of Department is senior ranking uniform member. Commissioner depends on him to make recommendations as to operations, but commissioner has power to over-rule. However, if commissioner is smart, he would not over-rule, because the chief typically is more informed on operations, as much of Commissioner's time spent on administration.

Day of 9/11:

I was in my office at 1 Police Plaza – police headquarters, having just finished exercising, when two members of my staff came yelling into my office and advised me that a plane had just hit tower 1. I looked up at the TV over my treadmill, and I saw huge damage to 1 WTC. I looked out window and saw massive damage on the upper floors of 1 WTC. I asked who said this was a plane, and my two aides responded that NYPD Aviation had so advised, giving it credence. I called the Mayor and we spoke very briefly. He was aware of the incident, and we agreed to meet at the OEM command center at 7 WTC. I got dressed in two minutes, and we barreled down there. We stopped at West Broadway between Barclay and Vesey. Someone said you can't get onto Vesey, because of jumpers, whom I witnessed jumping, some times in groups. I told my guys to back the car further north. I was worried about mayor and making sure we didn't put him in harm's way. So I told someone to get a hold of mayor's people and get a bus to West Broadway and Barclay (an NYPD bus), because we couldn't bring mayor to OEM.

Then I heard a huge explosion, and we ran north a bit, until the initial phase of debris was finished. At first I thought it was a bomb explosion, but I heard aviation pilots on radio talking about second commercial plane hitting the other tower.

I tried to reach mayor on cell phone at this time, but I couldn't get through.

I called for level 4 mobilization, which is the NYPD's highest level of mobilization, and I further said go to Omega, which resulted in the Department taking steps to secure the 1,200 sites in the city deemed to be the most sensitive targets (e.g., the Empire State Building)

I take issue with the McKinsey report's suggestion that we did not adequately anticipate secondary and third attacks. We have SOPs for enhancing security around crucial sites – Omega, and it was activated. In addition probably within 15 minutes all bridges and tunnels were closed.

Radios:

My security detail had the radios; I didn't have one on my person. My security detail had point to point, and we were monitoring the SOD (Special Operations Division) channel. Communication on SOD was not great, due to the fact that there were so many people attempting to talk at once. There was a "stepping" problem. Some people say we need to have the FDNY and the NYPD on the same radio – interoperability – but this would just exacerbate the stepping problem at major incidents.

I am screaming that we need to evacuate Empire State Building. I didn't know what next target would be. Either Joe Dunne (who was not with me) or I called for 1 Police Plaza to be evacuated.

Our cell phones were not working. One of my security details went into 75 Barclay in order to secure phones there, upon ascertaining that the security guard there was retired NYPD.

Within 2-3 minutes after 2 WTC being hit, mayor pulled up at West Broadway and Barclay. I told him second plane hit the building. The mayor said something to the effect of us being in "un-chartered territory."

I immediately briefed mayor on situation. Mayor asked about air space. I yelled about that, but bottom line was that aviation was all over that, following SOPs.

Mayor asked how bad the buildings were on other side; he wanted to see damage from west side and wants to go to FDNY command post. So the mayor and several of his staff joined myself, my aides, my security detail, and we all walked down West St. to the FDNY Command post in front of 2 WFC. The Mayor had a conversation with FDNY Chiefs Ganci and Downey. I think

COMMISSION SENSITIVE
UNCLASSIFIED

Ganci said we are going to lose everything above the hit zone, but we'll be all right – something to that effect. I spoke with John Cogan, whom I knew personally. I think Cogan was the ESU liaison to FDNY command post [wrong; he died in 2 WTC]. He gave me a briefing on ESU operations. There was a PD inspector or maybe a deputy inspector there as well [not sure about this]. I also was trying to listen to mayor and Ganci.

We needed communications – hard lines. We went back to 75 Barclay. As we go up West Street, we hear jet coming, and someone yelled, “Incoming.” But we realize it's a friendly [this happened just after 9:30 AM].

We set up shop at 75 Barclay. The mayor got on phone to White House. The president was not available, and mayor was told said he'd speak to vice president, but then told VP not available, and pentagon had been hit and white house being evacuated. Mayor also told that there were a total of 7 unaccounted for planes, (2 in WTC; 1 in pentagon and 4 still out there). So we are very concerned about additional attacks.

Then the door slams open, I think its Esposito, and he says “Hit the deck!” Then it's totally dark. Security guys are running us through back doors, and building is filling with smoke/debris, and we're trying to find door which is not locked. Fortunately two maintenance guys were there, and they opened a door, and we enter lobby of 100 Church, and you can't see anything outside. Someone walks in and he is covered in dust/debris. It's one of my deputies. I think he told us the south tower had collapsed, but we were getting conflicting reports re how much of building had collapsed. We certainly had no idea that south tower had collapsed while we were in 75 Barclay; it was impossible to know what had happened. We were not getting radio reports on this. We come out of this building and start walking north on Church St. I did hear over radio that Tower 1 came down while we were walking, but we were far enough north that we were not running for our lives.

The mayor and I are talking about need getting a command center up and running. We proceeded to Tribeca Grand Hotel, which I wanted to use as command post, until 1 PP up and running. However, the lobby ceiling was all glass; so we dismissed that, and we continued walking north. We ended up at the firehouse on Houston and 6th Ave. Von Essen had joined us

at some point on the walk up Church Street. So it is mayor and his staff, myself and my staff and security detail, and Von Essen.

We get to firehouse and have to break in, because it's locked, due to all of its firefighters had gone to WTC. We were going to use this as a command center, but I convinced Mayor that police academy would be better location, and we headed there. Some press members are with us, and we tell them not to disclose location. "We've got to make sure this is secure." I am worried about planes but also debris on the ground. I didn't want the press to even take video which would disclose the cross streets.

We set up at the academy [which is in the East 20s; I had good communication with Chief of Department Esposito and Morange and Maureen, who were running things at WTC, and Dunne, who was running things at 1 PP. The mayor called for all city commissioners to come to the academy. We had our first cabinet meeting probably within an hour of arriving at academy. Tech service of NYPD was loading the place up with as many phone lines as possible,

At the academy, I was constantly talking to Esposito about what going on at scene. We were worried about body count, about rescue. Under protocols, FDNY would be in charge of rescue/recover, and we wanted to have the correct liaison, who would be inspector or above.

At this point there was good communication between FDNY and NYPD, because Tommy was sitting right next to me.

I was in constant touch with Joe Dunne, who giving me updates about rest of the city. So we're running the rest of the city from 1 PP and police academy, We have first press conference at about 2 PM, although Giuliani already had spoken to press on the run earlier that day, and he gave a great message about serious tragedy, but stay calm. We'll get through this. That was a key element in calming city.

After 2 PM press conference the mayor and I went to St. Vincents hospital, and there didn't seem to be many patients. "This is not good." - all this damage few injured people. Go to Belvue hospital; go to Ground zero briefly; then back to academy. The mayor was making a list of

things he wanted to do. He says he wanted to open stock exchange, so that we can send a signal that the terrorists are not going to stop our economy. He constantly was on phone; was making a list of what needed to be done.

I was focusing on information which coming to me from 1 PP. Later that afternoon I went to 1 PP. That night we sent up temporary housing on 14th floor of 1 PP. I was being briefed on 1,200 posts citywide which have to be covered as a result of Omega activation.

Back at the police academy we had another meeting that night with mayor and all commissioners at about 8 PM.

Then I spoke with families of missing at about midnight at 1 PP. We had 22 of 23 fatalities by 10 PM (only John Perry not accounted for). I went back to academy, and left academy at about 2:30 AM and went to Ground Zero, and I saw Giuliani there. We both were trying to motivate the troops while taking in the scene.

Site Security:

I think I was briefed that day on site security several times. Atta's passport was found very early on. The governor brought in National Guard eventually. That evening the State Police were handling site security.

Re being briefed by JTTF:

Communications were difficult with the FBI, but I had a liaison with the JTTF, and the mayor and I were briefed very early Wednesday morning.

Command Post at Pier 92 which opened within 72 hours:

Within a few hours of arriving at Academy the mayor said we would need a bigger command center. Pier 92 was suggested, and the Mayor said do it. Looking back, thinking of what OEM was created for and what it did, all the planning and preparation allowed us to create a new command center very quickly. And it was more robust than EOC at 7 WTC. You had to have military, salvation army, etc., etc. This was all set up within three days.

Impact of loss of OEM:

We lost the 45 minutes it took us to get to police academy. "The purpose of OEM is to have a coordinating base, and that we didn't have until we got into police academy." The key thing for us was mechanism for us to communicate with other agencies, and that was lost until we had a new location. Knowing what I know now, OEM's EOC was far ahead of its time.

"OEM was a mechanism for greater efficiency," [note that Kerik's business partners include Giuliani and Richard Shierer.]

Lesson of 9/11 "Expect the unexpected."

Lessons Learned:

Overall preparedness; emergency operations center; terrorism not restricted to NYC; that intelligence is what combats terrorism; that integrated intelligence sharing is crucial; that Homeland Security was a huge positive for coordination. Patriot Act is essential, allowing FBI and CIA to communicate and share.

State of Preparedness in United States outside of NYC:

Very poor. People outside NYC don't think it can happen to them. Las Vegas is a huge target, and you can pull a truck right up to a hotel/casino. New York City could deal with 9/11 because we had OEM and we have the numbers and manpower in public safety agencies. But, what if a mid-west town is hit? Who is going to respond? Shanksville had one fire truck, and single digit fire-fighters. Tied into homeland security, there should be a mechanism for a state to provide a response to an incident.

"We have got to create a mechanism to hold countries accountable which promote hatred of our country." We have to stop being friends with these countries.

Homeland Security funding local first responders:

The department is still integrating, setting its foundations. And part of that is setting standards for local first responders. One of my pet peeves is performance driven metrics. "I promise you that a governor of one party is going to screw a mayor of another."

As for NYC's current level of preparedness:

We're in much better shape, due to far superior intelligence sharing. I think Ray Kelly has done a good job with Atlas Teams on what could be principal targets.