

## Police Vs. Fire

by {ga=jvitullomartin}

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The bodies of 250 firefighters still lie beneath the rubble of the World Trade Center. The sadness of the Bravest seems nearly unendurable. So when New York firefighters attacked New York cops at Ground Zero on November 2, injuring five of them, their assault was covered by newspapers and television around the world--but with restraint. The media chose to be subdued about what would have been a sensational front-page tabloid story at any other time.

But what's going on?

Firefighters had mounted a peaceful mid-morning march to protest City Hall's decision to reduce the fire, police, and emergency crew members who spot possible human remains in the debris. When the spotters identify remains, construction crews halt their work and rescue teams come in. Firefighters drape the remains in mourning and pray before carrying them out. The debris with no known remains is shipped off to the Fresh Kills Landfill on Staten Island.

You can see the problem immediately: remains that are not identified are dumped on one of the most infamous garbage heaps in the world--no mourning, no prayers, no mass. The drive of firefighters to keep that from happening to the bodies of their brothers is unrelenting. The fire union called the site sacred ground. And of course it is--New York's own Gettysburg.

City Hall had said the unstable site was dangerous. The 200 firefighters on the site were in harm's way--and impeding the clean-up. City Hall is almost surely right, but emotions are raw.

Chanting "Bring our brothers home," firefighters broke through police barriers and started fighting with cops. Cops called in reinforcements, and mounted officers and cops in riot gear appeared. The photos were shocking.

The sorrow of the times, however, should not keep city officials from pondering what this event means or its origin in earlier times.

### **HISTORIC ANTAGONISMS**

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The fire and police departments have been historic antagonists. Both are uniformed services engaged in dangerous work, though the firefighters have always held a glamour edge. Both have elite units that are sent into the most difficult situations. And both have long been over-staffed for everyday work though under-staffed for emergencies.

Indeed, the routine over-staffing of the fire department was one of the most serious management problems facing the incoming Giuliani administration in 1994. Fires of all kinds had been decreasing locally and nationally, due to a combination of technology (including sprinklers, smoke detectors and fire-resistant products), revived neighborhoods, regulation, and stringent codes. Superior prevention has forestalled much of the need for traditional fire fighting everywhere in the country. No city needed as many firefighters as before--and certainly not New York.

Mayor Giuliani could have simply closed fire houses, as many budget experts urged. But some mixture of gut instinct and a romantic attachment to the Bravest prompted him to look for other solutions. The most obvious was to find new work for firefighters to justify their numbers.

In many jurisdictions, including New York, firefighters found it in emergency services--ambulance work. The rationale was that the fire department would be in charge of rescues and emergencies, including medical ones. In February 1998, City Hall worked out a generous deal with the Uniformed Firefighters Association by which engine-company firefighters who became certified to respond to medical emergencies would earn an additional \$1,500 a year.

The police union, the Patrolmen's Benevolent Association, was furious, charging that the historic police-fire pay parity had been breached by a hostile mayor. The mayor responded contemptuously that the PBA had refused all incentive discussions.

But incentive pay was not the end of the dispute.

Firefighters also argued for jurisdiction over the rescue work that had historically been handled by the police department's special services unit. They urged that the fire department be in charge of rescues, with the police having a secondary role subject to fire command.

Something close to this argument was implemented in the resolution of another bitter fire-police dispute on the scene: the protocol for police helicopter rescues drawn up by the Giuliani administration in 1994. The protocol directs police pilots to land at designated Manhattan heliports and await firefighters, who would then be flown to burning buildings. This cumbersome procedure has never actually been implemented. It may never have even been tried.

This is a shame. In many respects the protocol is a good one. The police need helicopters beyond emergency use, and therefore can manage a unit of skilled pilots and maintain a fleet. The fire department has little routine use for helicopters, and therefore cannot easily maintain a fleet. Better all around for the fire department to draw on the police in an emergency. Neither department has seemed prepared to allow that to happen.

This entire questionable scenario recently made the front page of the Wall Street Journal in a piece suggesting that the inter-agency dispute may have cost some New Yorkers their lives on September 11.

### **HELICOPTER RESCUES**

Grandstanding. An ugly word. But that, according to a front-page Oct. 23 Wall Street Journal story, is exactly how the daring February 1993 police helicopter rescue of 28 people from the top of the World Trade Center was characterized at the time by officials of the fire department.

A bomb that exploded in the garage beneath the towers, killing 6 people and injuring 1,042, had sent smoke up through both towers. People who fled up the towers, rather than down, were successfully rescued after police helicopter crewmen chopped up roof-top antennae and broke through locked doors.

Yet instead of becoming a model for rooftop rescues, the police helicopter rescue was dismissed as dangerous and unnecessary, says the journal. The Association of Fire Chiefs harshly denounced the rescue as a "cheap publicity stunt" in a letter to the mayor.

Standard firefighting rationale is with the chiefs. Whenever possible, firefighters fight up to a fire, while always securing a line of retreat. The most dangerous fire is the one that is below the

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firefighter, such as a basement fire. Thus in normal firefighting experience, encouraging people to move to the roof--especially one reachable only by helicopter--is directing them in exactly the wrong direction. And the firefighters below would be concerned that a helicopter, caught in the wild updrafts of an intense fire, might itself crash, compounding the danger to anyone below.

Officials of the Port Authority of New York and New Jersey, then-owner of the World Trade Center, agreed with fire chiefs and officials not to plan for future helicopter rescues. Indeed, for security reasons the Port Authority chose to lock the two sets of heavy metal doors leading to the building's only roof exit--a violation of city building codes. As a state agency, the Port Authority is exempt from code.

Could some people have been rescued from the roof of the north tower on September 11? (The south tower held no hope. It was hidden in a 100-foot layer of dense smoke.) No one knows for sure. Fire department officials are certainly right that smoke and flames usually rise, and that people are generally best off going down rather than up. But 700 people were trapped above the 93rd floor, the point of impact where the jet hit the tower. They had no prospect of being rescued by going down.

Veteran helicopter-rescue pilots quoted by the journal say a rescue of a few dozen people would have been difficult but possible. Police helicopters hovered nearby, but were ordered away.

Fire Commissioner Thomas Van Essen called the Wall Street Journal story--and its implication that some people might have been rescued--"hurtful."

New York's refusal to plan for helicopter rescues is not unusual. Among American cities, only Los Angeles--whose fire department owns six helicopters--requires high-rise buildings to build helipads. Conventional wisdom says people are better off heading down and not up.

And conventional wisdom may well be right. But September 11 should be forcing all uniformed services to rethink their procedures. Bureaucratic wrangling is unseemly in terrible times, and both police and fire officials have been careful to refrain from criticizing one another. Yet serious issues of command and authority underlie some of the historic tensions between the two departments. The next mayor is going to have to resolve them.

### **A NEW FEDERAL INTEREST IN NEW YORK**

Even as the police and fire departments work out their procedures, a third party looms on the horizon--the federal government. Bush administration rhetoric about downsizing and decentralizing government has disappeared as new money and powers are distributed among federal agencies. The new cabinet office of homeland security has been given enormous but vague authority to combat terrorism. The Immigration and Naturalization Service is expanding its reach and reactivating latent powers. The Federal Bureau of Investigation is asserting its authority over many investigations in New York. Federal agencies are not by nature inclined to share. The FBI garnered unwanted headlines when it failed to inform the mayor's office of the anthrax threat at NBC News, headquartered in New York.

Meanwhile, Police Commissioner Bernard Kerik set up a counterterrorism committee of federal and local law enforcement officials to strengthen security in New York. Called the New York Metropolitan Committee on Counter-Terrorism, its mandate is to enlist counterterrorism experts from Israel and Europe to help develop training programs for police officers.

That's fine, but it doesn't address the real problem: What agency is responsible for keeping us safe? That has always been the NYPD. Is it still the NYPD's job or is it the federal government's?

What seems clear is that there are far too few federal agents to carry out an effective national anti-terrorism response--and ludicrously few to fight the two-front war of bio-terrorism and bombing. It is also clear from ongoing national news stories that the FBI has not engaged local authorities in any effective cooperative effort. The NYPD remains New York's front-line of defense.

Julia Vitullo-Martin, a long-time editor and writer on urban affairs, is the former director of the Citizens Jury Project at the Vera Institute of Justice. She is now writing a book entitled *The Conscience of the American Jury*.