

November 20, 2007

Re: The Deutsche Bank Fire: Failure of FDNY  
Leadership - The UFA's Effort to Keep  
the Public and Our Membership Informed

TO ALL MEMBERS

Nearly three months have passed since the Deutsche Bank building fire of August 18, 2007. Accordingly, I thought it an appropriate time to summarize the activities of the UFA regarding that tragedy. I want to make clear our role in protecting the safety of our members. To do so, we have tried to insure that the FDNY remains accountable for its inexcusable failure in preparing for a fire at the Deutsche Bank building and its shameful resistance to any investigation that would bring to light the shoddy performance by the Fire Commissioner and Chief of Department.

Long before the August 18, 2007 fire, the Department should have been aware of the uniquely difficult firefighting problems that the Deutsche Bank building posed. There were hundreds of articles in local newspapers discussing the toxic mess within the building. Its very unique and dangerous problems created the need to demolish the building. The City and State, through the Lower Manhattan Development Corporation, had to actually purchase the building to get the demolition project started. If that weren't enough, we now know that as far back as three years before the fatal fire, Chief William Siegel had recommended a fire and inspection plan pointing out the unique dangers of the Deutsche Bank building. Chief Siegel's

recommendations were totally ignored by the FDNY "leadership" at 9 Metro Tech. Yet, no one had the foresight to develop an alternate plan to protect our firefighters should a serious fire take place in the building.

Then on May 18, 2007, a 22-foot length of steel pipe fell from the Deutsche building onto the roof of Engine 10/Ladder 10. It was miraculous that no firefighters were killed by that pipe, but it again illustrated the problems created by the Deutsche Bank demolition project. The Department again failed to respond with any constructive action. Had the Commissioner, Chief of Department or the Manhattan Boro Commander Mike Wienline mandated a complete inspection of the building (as they should have) the tragedy of August 18<sup>th</sup> would have been averted.

Very soon after the August 18, 2007 fatal fire, it became apparent that firefighters from Engine 10/Ladder 10 had not been permitted to inspect the building for many months prior to the fire. As a result, on August 19, 2007, the UFA issued a statement raising our safety concerns. The statement was carried in the New York press.

It quickly became clear that the Fire Commissioner and his Staff Chiefs were disclaiming any responsibility for FDNY failures. The UFA then held another press conference on August 21, 2007 calling for the Attorney General of the State of New York to investigate the fire and the role the Fire Department took in preparing for it (see Attachment "1").

On August 21, 2007, I appeared on Channel 1's "Inside City Hall" reiterating the UFA's concerns that the Fire Commissioner and Department were not being forthcoming regarding the lack of preparedness for the Deutsche Bank fire.

On August 23, 2007, as a result of the UFA's disclosures regarding the lack of proper Fire Department inspections before the fire, the lack of a fire plan for the building, the fact that the fire resulted in approximately 20 MAYDAY's and the fact that firefighters were left in the building for more than an hour without water, *The New York Post* issued the first of several editorials calling for the resignation of Commissioner Scoppetta (see Attachment "2").

On that same day, I also wrote a letter to Commissioner Scoppetta requesting that he rescind the Department Order directing that members speak only to Safety or the Commissioner's office about the Deutsche Bank fire. I argued that the Order was not only a violation of our free speech rights, but would impair the search for the truth (see Attachment "3"). That Order was rescinded on September 5, 2007.

Keeping up the pressure, on Sunday, August 26, 2007, my Op-Ed Statement appeared in *The Daily News* demanding an expedited investigation to establish accountability for the tragedy (see Attachment"4").

Shortly, thereafter, it was publicly revealed that Chief Siegel had written a memo three years before the fire outlining a specific fire plan for the building and that the memo had been ignored by the Department.

Commissioner Scoppetta and Chief of Department Cassano, however, continued to avoid their responsibility for the Department's dismal performance by publicly attempting to scapegoat three officers for the August 18, 2007 tragedy. They relieved Division Commander Feurch, Battalion Chief McDonald and Captain Bosco from their commands and assigned them to desk duty at headquarters. The Department cared little that these officers were being publicly blamed for the Department's failures when, in fact, the blame belonged squarely at the feet of Nick Scoppetta.

The UFA immediately issued a statement decrying that maneuver and pointing out that it was a thinly veiled attempt to divert attention from the Department's mistakes.

Once again, apparently feeling the heat of public exposure, the Fire Department despicably leaked a story to the press on September 2, 2007 stating that Firefighter Beddia died with approximately five minutes of air left in his tank.

We immediately reacted with a letter dated September 4, 2007 to the Mayor blasting the leak and making clear that the Fire Department was incapable of investigating itself (see Attachment "5").

We then publicly, at a press conference on September 5, 2007, called for an investigation of the Department's actions by the New York City Department of Investigation. I asked that it use its subpoena power to get answers. We asserted that the Fire Department was engaging in a "whitewash" of the tragedy and the omissions of the Department that led to the disaster.

On September 7, 2007, I wrote the head of DOI asking that she investigate the "leak" by the Fire Department concerning the air left in Firefighter Beddia's tank (see Attachment "6").

On September 12, 2007, we held another press conference informing the public of a recommendation by former Chief of Department Peter Hayden made in March 2005 that the Department acquire a helicopter to help fight hi-rise fires. Such a helicopter may have saved lives at the Deutsche Bank.

By then, the Manhattan District Attorney had initiated a probe of the fire and directed the Fire Department to provide several witnesses for interviews. The City of New York's Corporation Counsel attempted to represent and "prepare" those firefighters for the interviews. However, when the UFA learned of that attempt, we correctly prevented it and supplied counsel through the UFA for our members.

Shortly thereafter, *The New York Post* again called for Commissioner Scoppetta to leave in an editorial of October 8, 2007.

The UFA then learned of an attempt by Chief Cassano to continue the Department's cover-up by directing the Chiefs at headquarters to cease use of any e-mails concerning the Deutsche Bank fire. I publicly blasted this maneuver as further evidence of a Department cover-up.

Thereafter, Commissioner Scoppetta claimed that the Department was fully cooperating with the District Attorney's investigation. Nevertheless, we understand that even as of today, Commissioner Scoppetta or any of his staff has voluntarily appeared to be interviewed by the District Attorney's Office in connection with their probe.

This is the Commissioners idea of cooperation. What are they trying to hide?

In response to the pressure put on the administration by the UFA's quest for answers, Chief Cassano shamelessly used the forum of the FDNY Memorial Day ceremony to criticize the UFA's efforts.

Now, in an obvious attempt to gloss over their failures, the Department leadership has decided to add a third day of building inspections to an already overburdened firefighter's workload. This fiasco is called "Building Inspection Safety Program (BISP)". It is clear that a separately trained and staffed Task Force is necessary to effectively address the need for proper fire inspections. Not only is this so-called "new" program an inadequate response to the need for better and thorough building inspections, it will also most certainly increase response times to fires and other emergencies. Although Chief of Department Cassano has incredibly claimed that the extra day of inspection will diminish response times, no one could honestly believe this assertion. A thorough investigation by the District Attorney's Office is the only way the Fire Department's role in the Deutsche Bank tragedy will come to light, then and only then responsibility and accountability will be placed where it belongs. We expect a special Grand Jury to be convened shortly.

I want to make it clear that nothing will stop the UFA from continuing to seek the truth about the Department's lack of preparedness for the Deutsche Bank fire and its attempt to hide its failures. We need to expose and confront those who have performed so poorly in their leadership roles at Metro Tech. Our fallen brothers deserve nothing less.

Fraternally,

A handwritten signature in black ink, appearing to read "Stephen J. Cassidy". The signature is written in a cursive, somewhat stylized font.

STEPHEN J. CASSIDY  
President