

The Public Ought to Know: Queens fire services must not get burned in budget

By Corey Bearak

02/12/2004



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One year ago I drove my wife's car to Reaction in Whitestone for an inspection. There I found my friend, Gene Kelty, chairman of Community Board 7 and a New York City Fire Department battalion chief. Since I had worked for a decade as counsel/chief of staff to the chair of the Council's Public Safety Committee, we discussed FDNY issues.

In that former life, I worked with the Fire Marshals Benevolent Association, then headed by Gene's brother, Jim, to prevent a misguided consolidation of fire marshals to one site and to maintain, if not increase, their number.

This important FDNY unit lacks the resources to investigate fires. New Yorkers recall arson fires once plagued our city. Many believe a large number of fires were set to collect insurance so an owner could walk away from property obligations. Our city lost housing and tax revenues, and neighborhoods declined. The value of fire marshals and their reduced number should concern all New Yorkers.

The city boasts dramatic crime reduction to 1960s levels. But arson clearance rates, case timeliness, circumstantial evidence and numbers tell a different story. The Mayor's Management Report indicates that of 6,292 fires investigated in fiscal year 2003, 2,340, or 37 percent, were arson. For the first four months of fiscal year 2004, the MMR reports 619 of 2,032 were arson, which suggests 21 percent less arsons will be detected this year.

Fewer fire marshals investigating fewer fires leaves arsons undetected and indicates large insurance payouts. A decade ago, fire marshals detected 4,274 arsons (46 percent) out of 9,377 fires investigated.

No one wants a repeat of that, yet Fire Commissioner Nicholas Scoppetta and Mayor Michael Bloomberg continue a Giuliani administration mistake and reduce fire marshals, who played a key role in addressing wanton arsons that contributed to the deterioration that besets our city's lower-income neighborhoods — virtually all of color.

Despite this (and cuts to firehouses, including one in Long Island City), the FDNY incredulously assures New Yorkers it can provide sufficient fire protection, including fire investigation and prevention. Who's kidding whom?

The Bloomberg FDNY consolidated fire marshals to one site in Brooklyn; the Manhattan site now only investigates auto fires. The FDNY did not cut the overall number of fire marshals but shifted many to work as firefighters in firehouses; thus, the number of fire marshals performing as fire marshals dropped significantly.

Bloomberg and his fire commissioner failed to disclose any plans to close the fire marshal bases, including in Fort Totten, Bayside, during the budget process last spring. In fact, the budget included no references to savings from base closings.

It is not unreasonable to expect the City Council, particularly its Committee on Fire and Criminal Justice Services chaired by Yvette Clarke (D-Brooklyn), to review these closings and their impact.

Under a policy initiated during the second Giuliani term, the FDNY no longer routinely investigates car fires. This remains troubling and should outrage insurance companies and all who pay car insurance. After this policy occurred, a source who contacted me when I worked for the public safety chair advised that as many as 80 percent of car fires are arson.

This policy allows car fire investigations only if a witness is at the scene. It also impacted our insurance rates since investigations that may not reveal enough evidence for a criminal conviction or indictment may still provide the preponderance of evidence which would allow an insurer to halt payments through a civil proceeding.

In the late 1990s, that policy shift enabled a fire commissioner to testify to the Public Safety Committee that “better management” reduced a backlog in fire investigations. The source, in writing, contradicted the city official’s unsworn statement; the source wrote the non-existence of any backlog in fire investigations results from a change in fire marshal response policy.

In a 1998 memo, I wrote: “Further, I am advised that all-hands fires (one alarm) and two-alarm fires no longer receive an automatic response by a fire marshal. The FDNY now seeks to rely on its chiefs to determine whether a fire merits investigation.

“Effectively, this appears to mean that many fires may no longer be investigated. According to our source, about 30 percent of these fires were found to be incendiary. As a result, it appears that just under one-third of one- and two-alarm fires which are found to be set intentionally will now go without investigation. Thus for every 100 of this kind of fire, some 30 felony arsons escape attention.”

Council hearings should pursue the issue of cuts in fire marshals and their bases. Hearings next month review the mayor’s preliminary budget released last month. More hearings follow the release of the mayor’s executive budget. The Council

can — and should — hold an oversight hearing on this essential service.

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