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### **F44 Look! Up in the Sky! It's a Bird — It's a Plane — It's a BASE (Building, Antenna, Span, and Earth) Jumper?**

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After attending this presentation, attendees will understand how law enforcement was able to use license plate readers, videotapes from surveillance cameras, social media pages, cell phone records, and cell site information to ascertain the identity of everyone involved.

This presentation will impact the forensic science community by detailing the forensic trail of evidence that three BASE jumpers and a lookout left behind, which foiled their “perfect jump” from the newly built and iconic One World Trade Center in Lower Manhattan. A case study will be presented of an intense investigation to learn the identity of the reckless BASE jumpers who penetrated the security of New York City’s most sensitive and iconic landmark, which replaced the Twin Towers destroyed in the terror attacks of September 11, 2001.

One World Trade Center, also known as the Freedom Tower, overlooks the 9/11 Memorial Pool in Lower Manhattan. It is a stunning edifice, visible for miles, whose beauty will always be tinged with sadness for all Americans who witnessed the terrorist attacks on the Twin Towers in 2001. Imbued with this historic mantle, the Freedom Tower stands on sacred ground; however, to four young men on September 30, 2013, the building represented a challenge: to be the first people to jump from the top. Extreme sports aficionados and thrill seekers have developed cult followings for this very dangerous behavior called BASE jumping (with parachutes). Whether performed by semi-pros or amateur copycats, these acts are surreptitious and potentially dangerous, even lethal, in an urban setting. New York State has enacted a statute prohibiting this most extreme of extreme sports, but some jumpers feel it is worth the risk.

The evidence overwhelmingly established that the defendants made elaborate plans to enter the still unfinished Freedom Tower (enlisting a fellow jumper who worked there to help gain entry). The 1,784 foot Freedom Tower has five below-grade levels, 104 stories, and a spire on the roof that projects more than 400 feet above the roof level. The Tower narrows toward the top, and there are three communications rings at the base of the spire. They have no railings or walls, which would impede broadcasting and reception, but they are not meant to be traversed other than to install or monitor equipment. Those rings are the equivalent of levels 106, 108, and 110. They are concentric, supported by steel struts and guide wires to protect the spire from the ferocious 50mph-60mph winds that occur at the top, and share the same vertical plane as the narrowest part of the Tower. The jumpers leapt from the communications crown above the top of the 104-story building, wearing hand-packed parachutes and armed with helmet cameras to record the jump. They landed on the 8-lane highway below at 3:00 a.m. A lookout, stationed below, also tried to record the jump.

After reviewing security footage after the fact, Goldman Sachs notified police that two men dressed in black had landed in front of their building in the dead of night on West Street.

Still smarting from bad publicity generated by a teenage trespasser’s entry into the Freedom Tower a week before, law enforcement executives from the New York Police Department (NYPD), Port Authority Police Department, and other agencies were livid at the ease with which the jumpers had penetrated security, and a manhunt began.



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Investigators sought and found witnesses to the jump, and surveillance tapes were pulled from every nook and cranny of the area. High-tech forensics and good old-fashioned detective work soon nabbed the lookout, who gave up his cohorts, one of whom was an iron worker on the site with an access pass. The defendants were tried and convicted by a jury in June of 2014 and sentenced to 200-300 hours of community service.

Lawyers may be surprised to learn that such a dangerous act constituted only the misdemeanor level of reckless endangerment. Although the prosecutors also charged the perpetrators with burglary, the judge determined that since the defendants' crime was committed from atop the Freedom Tower, and a necessary element of the crime of burglary was that they "enter a building with the intent to commit a crime therein," he would not instruct the jury that thereon was the same as therein. The defendants were convicted of BASE jumping and misdemeanor reckless endangerment.

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### **BASE Jumping, Freedom Tower/WTC, Reckless Endangerment**