



**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**COURT OFFICERS AS CERTIFIED FIRST RESPONDERS
ASSISTING IN HOMELAND SECURITY AND
COMMUNITY EMERGENCY PREPAREDNESS**

by

Jewel E. Williams

June 2005

Thesis Advisor:
Second Reader:

David Brannan
William V. Pelfrey

Approved for public release; distribution is unlimited

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE June 2005	3. REPORT TYPE AND DATES COVERED Master's Thesis		
4. TITLE AND SUBTITLE: Court Officers as Certified First Responders Assisting in Homeland Security and Community Emergency Preparedness			5. FUNDING NUMBERS	
6. AUTHOR(S) Jewel E. Williams				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE	
13. ABSTRACT (maximum 200 words) This thesis tests the proposition that training New York State Court Officers to be first responders will add needed resources to the emergency response capabilities of the court system and state and local homeland security. New York State Court Officers have been exposed to a number of terrorists' attacks, including the latest at the World Trade Center in September 2001. In the <i>National Strategy for Homeland Security</i> , it notes that even best-prepared states do not have an adequate amount of resources to respond to terrorist threats. The New York State Courts can add 3,700 new certified first responders an event that occurs in what is arguably the most likely target jurisdiction. The thesis shows that the added value of these officers on a state and local level would be extremely valuable. In light of this identified need for additional trained first responders, this thesis test the proposition that training these officers to become certified first responders will enhance and improve the number of available resources to respond to terrorist incidents.				
14. SUBJECT TERMS Court Officer, Certified First Responder, New York State Courts, Training, Law Enforcement			15. NUMBER OF PAGES 93	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL	

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release; distribution is unlimited

**COURT OFFICERS AS CERTIFIED FIRST RESPONDERS
ASSISTING IN HOMELAND SECURITY AND COMMUNITY
EMERGENCY PREPAREDNESS**

Jewel E. Williams
Civilian, First Deputy Chief, New York State Courts
Bachelor of Arts, College of New Rochelle, 1988

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY
(HOMELAND DEFENSE AND SECURITY)**

from the

**NAVAL POSTGRADUATE SCHOOL
June 2005**

Author: Jewel E. Williams

Approved by: David Brannan
Thesis Advisor

William V. Pelfrey
Second Reader

Professor Douglas Porch
Chairman, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

This thesis tests the proposition that training New York State Court Officers to be first responders will add needed resources to the emergency response capabilities of the court system and state and local homeland security. New York State Court Officers have been exposed to a number of terrorists' attacks, including the latest at the World Trade Center in September 2001.

In the *National Strategy for Homeland Security*, it notes that even best-prepared states do not have an adequate amount of resources to respond to terrorist threats. The New York State Courts can add 3,700 new certified first responders an event that occurs in what is arguably the most likely target jurisdiction. The thesis shows that the added value of these officers on a state and local level would be extremely valuable.

In light of this identified need for additional trained first responders, this thesis test the proposition that training these officers to become certified first responders will enhance and improve the number of available resources to respond to terrorist incidents.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	NEW YORK STATE COURTS AND HOMELAND SECURITY	1
B.	COURT MANAGEMENT INITIATIVES AFTER SEPTEMBER 11, 2001.....	4
C.	THE NEED FOR INCREASED COURT SECURITY.....	6
D.	EXPECTION OF COURT OFFICERS RESPONDING TO AN EVENT PRIOR TO SEPTEMBER 11, 2001	7
E.	COURT OFFICERS' ABILITY TO RESPOND TO AN EVENT POST-SEPTEMBER 11, 2001	8
F.	DOMESTIC PREPAREDNESS GUIDELINES.....	9
G.	OTHER COURT JURISDICTIONS	10
H.	RESEARCH METHODOLOGY	11
II.	RESPONSE TO A TERRORIST INCIDENT	13
A.	TYPES OF THREATS	14
B.	LESSONS LEARNED.....	16
C.	CATEGORIES OF RESPONDERS AND TRAINING NEEDS	20
D.	NEW YORK STATE COURTS' EXPERIENCE.....	20
E.	ROLE OF THE COURT OFFICER IN A WMD INCIDENT.....	22
III.	COURT SECURITY PERSONNEL IN NEW YORK.....	25
A.	HISTORY – COURT MANAGEMENT	25
B.	COURT SECURITY PERSONNEL.....	26
C.	NEW YORK STATE COURT OFFICER SELECTION PROCESS.....	29
D.	TRAINING	29
1.	Recruits	29
2.	In-Service Training.....	34
IV.	DELPHI TECHNIQUE.....	37
A.	THE DELPHI TECHNIQUE	37
B.	THE USE OF THE DELPHI TECHNIQUE TOWARDS DEVELOPING A MODEL.....	38
C.	THE PANEL.....	38
D.	THE FIRST QUESTIONNAIRE	38
E.	SUMMARY OF.....	39
F.	THE SECOND QUESTIONNAIRE	41
G.	SUMMARY OF RESULTS OF THE SECOND QUESTIONNAIRE.....	42
H.	THE MODEL	45
1.	Summary of Proposed Model	45
2.	Discussion of Proposed Model	45
3.	Barriers to Implementation	46
V.	RECOMENDATIONS AND CONCLUSION.....	49
A.	RECOMMENDATIONS.....	49

1.	Develop Curriculum for the Court Officer Academy	49
B.	REVISE COURT OFFICER MANUAL	49
C.	ORIENT COURT SYSTEM AND UNION LEADERSHIP WITH THE MODEL	49
D.	PRESENT MODEL TO OUTSIDE LAW ENFORCEMENT, HOMELAND SECURITY, AND DISASTER PREPAREDNESS AGENCIES AND DEVELOP COOPERATIVE RELATIONSHIPS	50
E.	IMPLEMENTATION	50
F.	CONCLUSION	50
APPENDIX A.	FIRST QUESTIONNAIRE.....	53
APPENDIX B.	SECOND QUESTIONNAIRE.....	61
APPENDIX C.	ENDNOTES.....	69
	BIBLIOGRAPHY.....	75
	INITIAL DISTRIBUTION LIST	79

ACKNOWLEDGEMENTS

The preparation of this thesis was a long journey. The successful completion of this thesis would not have been possible without the understanding and support of my daughter, Tinequa Ivy Hunt. I am forever in her debt. To my many family and friends I would like to extend my gratitude for all the help offered during the school quarters.

The opportunity to attend the Naval Postgraduate School was afforded to me by Ann Pfau, the First Deputy Chief Administrative Judge of the New York State Courts. Her counsel and encouragement enabled me to complete the program while maintaining my full time position with the courts. Thanks to all the instructors at the New York State Court Officer's Academy (especially Juanita Norman, Director and Joseph Baccellieri, Chief) and Fern Fisher, Administrative Judge for the New York City Civil Court for coming to my rescue on more than one occasion and at a moments notice.

I sincerely appreciate all the support, guidance and patience the staff at NPS has shown me throughout the school term. Special thanks to Bill Pelfrey for agreeing to be my second reader. His knowledge and experience in the homeland security and criminal justice fields proved to be invaluable.

I cannot express enough thanks and appreciation to Dave Brannan for stepping in and ensuring my successful completion of this thesis.

THIS PAGE INTENTIONALLY LEFT BLANK

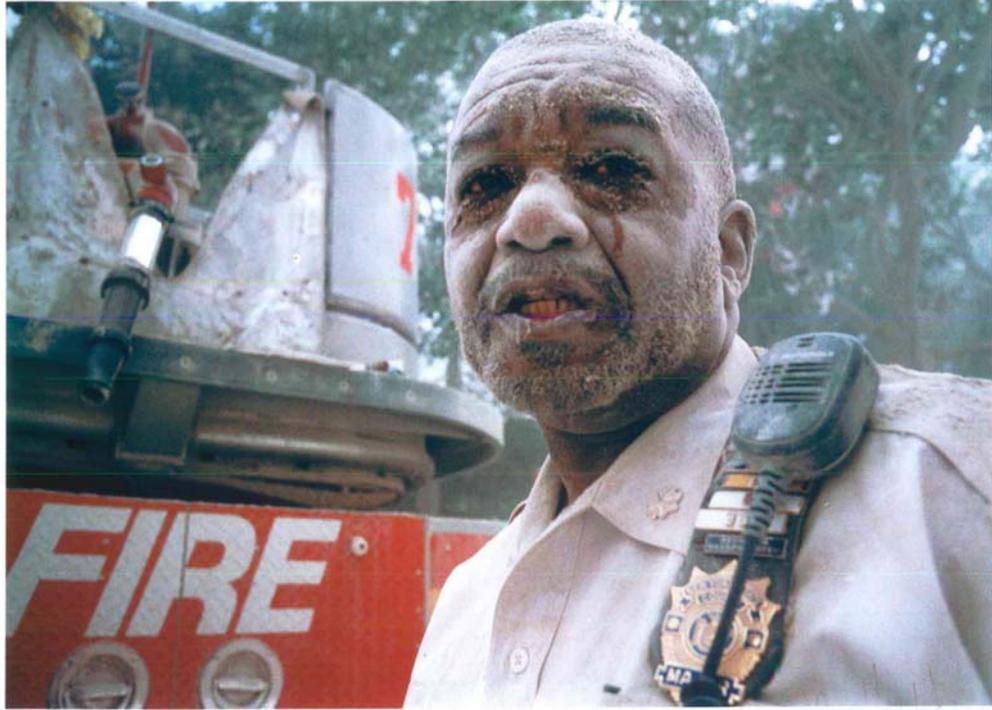
EXECUTIVE SUMMARY

This thesis shows how a change in the protocols of the New York State Courts was necessitated by the results of the terrorist attacks on New York City and the continued threats of future attacks. Therefore it is necessary to prepare our emergency responders to deal with encountering mass casualties, contamination, hazardous materials, trapped victims, a crime scene, and the dreaded secondary device targeted at responders. The goal is to enable our emergency responders to be trained, equipped, and ready to respond when a terrorist attacks occurs.¹ The findings in this thesis will be presented to the Uniform Issues Committee established by the New York State Courts in January 2002. The committee will determine the viability of a certified first responder training for New York Court Officers.

In the immediate aftermath of the events of September 11, 2001, the security action of choice was to place armed officers virtually everywhere. Uniformed police were suddenly besieged to protect so-called critical facilities and infrastructures of every description. The country asked these officers to protect valuable assets with little or no training. ...It soon became clear that the nation could not afford full-time police officers at every critical facility and without special training the only thing the officers were truly providing was a method to evacuate a facility and the timely contacting of response teams such as hazmat personnel....Courts must move from the traditional reactive security mode to the proactive mode. Indeed with the increasing incidence of sophisticated and complex security threats, it is imperative that security operations focus their energies on preventing, policing and remedying threats and attacks from both external and internal threats.”²

This thesis outlines a possible security action which can result in maximizing the deployment capabilities of its available resources while contributing to overall increased homeland security. The New York State Courts (and other jurisdictions) can evaluate this research to determine the practicability of a training program for court officers to become certified first responders. The research for this thesis revealed the necessity for first responders to be properly trained and equipped to respond to Weapons of Mass Destruction (WMD) incidents.

Acknowledging this defined need, the thesis incorporates accepted homeland security expert guidelines and recommendations for training law enforcement and emergency responders in response to WMD incidents.³



9-11

MAJOR MCBANE

9-11-01

Major Reginald McBane, New York State Courts September 11, 2001, at the World Trade Center.

I. INTRODUCTION

A. NEW YORK STATE COURTS AND HOMELAND SECURITY

The New York State Courts were thrust into the homeland security and emergency preparedness arena when the terrorist attack of September 11, 2001 destroyed the New York State Court of Claims at the World Trade Center. The attack counted the deaths of three New York State court officers who responded to the rescue effort among the nearly 3000 killed at the scene that day.

The Department of Homeland Security has repeatedly claimed that it is necessary for state and local agencies to take an assertive role in defending our homeland. The National Strategy for Homeland Security describes the essential ingredient to protect our homeland on the state and local level:

One fact dominates all homeland security assessments: terrorists are strategic actors. They choose their targets deliberately based on the weaknesses they observe in our defenses and our preparedness. We must defend ourselves against a wide range of means and methods of attack. Our enemies are working to obtain chemical, biological, radiological, and nuclear weapons for the purpose of wreaking unprecedented damage on America...State and local levels of government have primary responsibility for funding, preparing and operating the emergency services that would respond in the event of a terrorist attack. Local units are the first to respond, and the last to leave the scene. All disasters are ultimately local events.⁴

In New York State, the State Office of Homeland Security is responsible for the deterrence, prevention and mitigation of terrorist threats and attacks:

The Office coordinates with all agencies and resources of State government on matters relating to terrorism prevention, response, and recovery. These resources include the Division of the State Police, Division of Naval and Military Affairs, State Emergency Management Office, Department of Health, Department of Environmental conservation, Division of Criminal Justice Services, Department of State, Office of Technology, and the Department of Transportation. The Office is New York State's primary contact with the national Office of Homeland Security. Maximum preparedness for a possible terrorist act or threat will be the result of the coordination strategy and effort.⁵

The New York State Courts are not included among the listed recourse agencies. This thesis examines the feasibility and utility of including The New York State Courts into the community of emergency preparedness and homeland security. The 1993 and 2001 World Trade Center attacks demonstrated how necessary it is to maximize the number of effective and trained first responders to the scene of a terrorist attack. An effective method of deepening the effective resource pool is to include the courts into this arena. In addition to the added numbers of effective responders to a given incident, the thesis evaluates the training proposed by subject matter experts to determine its effectiveness in protecting and ensuring the continuity of the judiciary before, during and after a terrorist attack.

The research for this thesis analyzes the suitability of expanding the training of New York State Court Officers. The training would include certified first responders duties and will show whether or not the training of these officers will enhance the state and local homeland security effort. “A certified first responder is a person who has completed forty to sixty hours of training in providing care for medical emergencies. They have more skill than someone who is trained in first aid but are not an emergency medical technician.”⁶ Appropriately trained and equipped certified first responders are a valuable resource to community emergency preparedness and homeland security. In the event of another terrorist attack or natural disaster affecting the courts and/or the surrounding community, certified first responders offer a needed layer of professional, emergency response presence. The national strategy for homeland security explains the need for this training explicitly:

America’s first line of defense in any terrorist attack is the ‘first responder community – local police, firefighters, and emergency medical professionals. Properly trained and equipped first responders have the greatest potential to save lives and limit casualties after a terrorist attack. Currently, our capabilities for responding to a terrorist attack vary widely across the country. Many areas have little or no capability to respond to terrorist attack using weapons of mass destruction. Even the best prepared States and localities do not possess adequate resources to the full range of terrorist threat we face.⁷

New York State Court Officers are peace officers with jurisdiction throughout the state. There are approximately 3,700 court officers statewide who are available with

proper training to assist in a coordinated response to a terrorist attack. In New York City, there are approximately 2,200 court officers assigned to thirty court facilities. Article 2 §2.20 of the New York State Criminal Procedure Law delineates the powers of peace officers. Essentially, New York State court officers have the same powers on duty within their jurisdiction as police officers with the exception of executing arrest warrants.

The New York State Court's Title Standards delineates the various duties of a court officer. Among the duties outlined, particular attention is given as it explains how the officers are to "administer first aid and assistance to individuals during emergencies, accidents or illnesses and provides assistance in emergency situations." While it is clear that the spirit of the standards are to allow the officers to provide emergency medical assistance, the stated mandate is inadequate for the type of emergency response generated by an attack involving WMD.

The Federal Bureau of Investigation (FBI) issued a law enforcement sensitive document entitled *Terrorism and Civil Disturbance Threat Assessment*, January 2004. It was prepared by the Counter-terrorism division of the department and said,

Threatened use of biological or chemical agents could represent a likely terrorist scenario and would be consistent with a recent nationwide increase in the number of reports involving use or threatened use of weapons of mass destruction...Since October 1, 2001, the FBI has responded to more than 12,000 reports of use or threatened use of the bacterial agent anthrax or other hazardous materials.⁸

The FBI document illustrates the need for specialized training in responding to an incident involving weapons of mass destruction. After the terrorist attack of September 11, 2001, court officers responded to a number of incidents involving the possibility of exposure to the bacterial agent, Anthrax in court buildings. Court officials immediately contacted the local health department for assistance. Appropriately trained court officers as certified first responders would provide an immediate response that could minimize injury and/or save lives. The officers would be trained to recognize, detect and mitigate the damage to potential victims. This training would enhance the court's ability to protect court employees and court users.

B. COURT MANAGEMENT INITIATIVES AFTER SEPTEMBER 11, 2001

In September 2002, Judith Kaye, Chief Judge of the State of New York and the Center for Court Innovation sponsored a national summit entitled “Courts in the Aftermath of 9-11.”⁹ The summit addressed: What should state courts be doing to enhance their ability to manage crises and prepare for the logistical and legal challenges that emergency situations create? One portion of the summit, emulated the mission of the Department of Homeland Security indicating the need for the Courts to be able to sustain operations during disasters and emergencies and form partnerships that would save time and resources responding to emergency situations.¹⁰

The courts responded in November of 2002, by creating The Department of Public Safety (DPS) to oversee court safety and security operations. Previously, overseeing court security was the responsibility of three different departments. The department utilized the court security personnel to partner with local law enforcement, city and state agencies to increase support to the courts in responding to emergencies.

DPS was successful in partnering with the New York City Office of Emergency Management (OEM) and the New York City Police Department’s Counter-terrorism unit and is a member of the New York State Counter-terrorism zone.¹¹ The partnership between the courts, OEM and the counter-terrorism unit proved successful during the August – September 2004 Republican National Convention. The Republican National Convention was the catalyst for establishing a twenty-four hour, seven-day-a-week command center for the New York City courts. The command center allowed the courts to communicate and share intelligence information with the Multi-Agency Command Center (MACC) established by the New York City Police Department and OEM operations. Intelligence sources filtered through the MACC and OEM informed the courts of protest activity throughout the city before the commencement of and during the convention. This information proved invaluable to courts in preparing for the possibility of mass arrests that would adversely effect court operations. Information from the MACC led DPS to deploy officers trained as emergency medical technicians (EMT) in and around the perimeter of the New York City courthouses affected by protest activity. The information said that these protestors were potentially violent and not adverse to giving or sustaining injuries. These officers were a valuable asset to the courts and

allowed the city's emergency medical technicians to respond to other areas where protestors were gathered. DPS also instituted new mandates that required expansion of court officer training and duties to include:

- Learning the basics of responding to attacks with weapons of mass destruction;
- Introduction of a Mobile Security Patrol (a new unit of court officers assigned to vehicles with patrol responsibility for court facilities);
- Conducting annual full building evacuations;
- Intelligence sharing with other law enforcement agencies;
- Participating in drills, simulations and exercises with other state and local agencies.

There are a small number of court officers remaining in New York City who are trained as emergency medical technicians. The numbers have been steadily declining for a number of reasons. New officers were not able or willing to pay for the training, some officers already trained promoted to other titles or locations and still others did not or could not maintain current credentials. An emergency incident of the magnitude of a terrorist attack affecting the courts and/or the community require increased medical assistance beyond administering first aid.

The following statistics are provided by Ed Gabriel, Deputy Director of Preparedness of the New York City Office of Emergency Management and supplies the number of emergency medical providers in New York City:

- 1,290 Paramedics (EMTP)
- 9,297 Emergency Medical Technician with Defibrillation (EMTD)
- 34 EMT Critical Care (EMTCC)
- 4,391 Certified First Responders
- 15 EMT Intermediates (EMTI)
- 15,027 Emergency Medical Technicians in the Emergency Medical System

Adding court officers to the number of certified first responders serves a twofold purpose. It increases the level of medical assistance provided to court employees and the public and in the event of a mass emergency requiring medical assistance court officers

may be utilized, drastically reducing the need for other emergency medical services to respond to court medical needs. Court Officers have responded to a growing number of aided cases in the court environment. The courts will be able to achieve a measure of self-sufficiency during a time of crisis. In 2003 the number of court aided cases was 2,211; and in 2004 the number of aided was 2,602.

Furthermore, the nature of today's threat involving weapons of mass destruction makes it prudent to educate and train court officers to recognize and effectively respond to these deadly threats. This training would enable court officers to provide preliminary medical assistance until more specialized, qualified medical personnel can respond. In situations where weapons of mass destruction are utilized, responders may be overwhelmed by the enormity of the event and not able to respond to all situations. "They (Agencies) need to be self-sufficient because the resources may be overwhelmed in a disaster...The groups may have to be on their own for a matter of hours up to days, depending on the situation." ¹²

C. THE NEED FOR INCREASED COURT SECURITY

The New York State Courts are comprised of 360 court facilities located in sixty-two counties. There are court facilities located throughout the state (including New York City) that house private business, other state and local agencies and community outreach programs. The courts may not be the primary target of domestic and foreign terrorist, but may inadvertently become a target because of location. Recently, Condoleeza Rice, the Secretary of State, testified to the 9/11 Commission that the "Bush administration was aware of al-Qaida's surveillance of buildings including the federal courthouse in lower Manhattan and threats that the building could be a target of a possible terrorist attack. Law enforcement officials...said the courthouse has long been perceived as a target because more than a dozen of Osama bin Laden's cohorts have been tried there...These offenders are participants in worldwide terrorist activities operating in our country and in all likelihood will become defendants in state and federal courts."¹³ The state courts in New York City may have become a target if the terrorist El Sayyid Nosair had not been apprehended for another crime.

In November of 1990, an Egyptian born immigrant, El Sayyid Nosair assassinated a well-known Rabbi, Meir Kahane at the Marriott Hotel in midtown Manhattan. Files obtained from the residence of Nosair indicated he was associated with the radical sheik, Omar Abdel-Rahman convicted in the 1993 bombing of the World Trade Center. “Around 1988, he began to ingratiate himself with a blind Egyptian sheik named Omar Abdel Rahman, arguably the most influential cleric among Islamic extremist worldwide.”¹⁴ At the time of his arrest, Nosair had been working as a heating and air-conditioning repairman in the Criminal Courts building in New York City. More startling was the revelation that Nosair was “experimenting with explosives in a workshop in the basement of the courthouse.”¹⁵

In 1981, Croatian extremists planted a bomb in the stairwell of the New York State Supreme Court, located at 60 Centre Street, which detonated. The intended target was the Federal Court adjacent to the state court at 40 Centre Street. No injuries were sustained in that incident. “As soon as the explosion went off, uniformed court officers rushed from room to room ordering an evacuation. Reports of the explosion brought police and fire units and members of a special anti-terrorism unit to the scene.”¹⁶

When the World Trade Center (WTC) was attacked, the primary target was not the Court of Claims located in 2 World Trade; but the court was destroyed as a result of this attack and three court officers lost their lives.

D. EXPECTATION OF COURT OFFICERS RESPONDING TO AN EVENT PRIOR TO SEPTEMBER 11, 2001

Court Officers responded to the WTC tragedy according to the Court Officer’s Rules and Procedures Manual, which sanctioned their response. The relevant portions of the manual stated:

Court Officers are responsible for responding professionally to any emergency situation that occurs in or about a court facility. Failure of a court officer to respond could have serious consequences, including loss of life, personal injury and extensive property damage.

The application of the rules and procedures contained herein, together with a court officer's experience and common sense, will provide the basis for a reasonable and appropriate response to all emergency situations. The primary objective of any response shall be the safety and well being of all persons and the good order of the Unified Court System.¹⁷

E. COURT OFFICERS' ABILITY TO RESPOND TO AN EVENT POST-SEPTEMBER 11, 2001

The rules have been revised (12/15/03) to read:

1. Section 810.A

Court Officers are responsible for responding professionally to any court-related emergency incident within or surrounding court facilities, as well as to public emergencies directly affecting court operations or personnel.

2. Section 810.B

The primary objective of any response shall be the safety and well-being of all persons (emphasis added) and the good order of the Unified Court System.

3. Section 810.C

The response and assignment of uniformed personnel to any public emergency directly affecting court operations or personnel must first be authorized by the Chief Administrative Judge or the First Deputy Chief Administrative Judge. The deployment and assignment of personnel to public emergency responses will be supervised by the Chief of Public Safety.¹⁸

Court Officers are required to respond to court-related and public emergencies directly affecting court facilities and operations and therefore need to be properly educated, trained and equipped to effectively respond especially to an attack involving weapons of mass destruction. ... "Without appropriate equipment and training, emergency response personnel such as police, firefighters, and paramedics may well end up among the first casualties of an NBC incident."¹⁹ This was the case on September 11, 2001 where an unprecedented number of rescue personnel were killed including three New York State Court Officers. The change in the rules and procedures for the courts is directly related to the World Trade Center tragedy, however the rules are now vague and allow officers to respond to any incident to offer some form of assistance. Presently, all

court officers are trained in cardiopulmonary resuscitation (CPR) and first aid. A basic awareness course in Weapons of Mass Destruction has been added to the recruit curriculum. This type of training and response to a weapon of mass destruction incident is woefully inadequate to prepare court officers for potential WMD attacks or even natural disasters.

F. DOMESTIC PREPAREDNESS GUIDELINES

In *Training Strategy*, the Office for Domestic Preparedness booklet, subject matter experts for personnel in the emergency medical service performed a task analysis for prevention and deterrence of weapons of mass destruction. The results were “the preferred method of training was ‘Projects and Exercises’ (recommended in 62.5% of the tasks) with on-site training in the agency the most appropriate location for 89% of the tasks...Several gaps were identified where the criticality levels were high and the degree to which the tasks were accommodated by existing training was low. For example, administering treatment in a WMD incident was given an average criticality of 5.0, the highest possible, and the rate to which it is accommodated by existing training averaged 30%. This discipline provides a good example of the need for focused modules to address critical issues, integrated into existing training on those issues.”²⁰ Essentially, the study conducted by the Office of Domestic Preparedness revealed training in prevention and deterrence of weapons of mass destruction is best delivered by projects and exercises. Additionally, the delivery of the training should be done by the host agency. It also found that the ratio of existing training for administering treatment in a WMD incident needs improvement.

In addition to the proper equipment court officers should possess the necessary knowledge and skills outlined in the ODP booklet to prepare for response to WMD incidents. A dual role of EMS and law enforcement functions can be added to the role of the court officer. The EMS tasks listed are: “participate in ‘risk assessment’ knowledge of WMD agents, knowledge of public and private sector resources, know special dangers of WMD site, administer treatment, identify agents based on signs and symptoms, identify and preserve evidence, perform victim rescue, perform triage, support medical monitoring and personnel safety of fire, HAZMAT, and police personnel (sic), transport

victims to appropriate health care facility and recognize the need to decontaminate victims properly prior to transport.”²¹ Except for transporting victims, court officers with proper training can perform all of these EMS tasks. The skills for law enforcement personnel include but are not limited to: “intelligence collection, direct threat assessment, joint regular training with other agencies, know and recognize types of agents, know how and when to operate diagnostic equipment, know self-protection strategies, know when to perform the ‘hand-off’ within the ICS system, maintain certifications and training in compliance with OSHA and other regulations, understand special hazards of a terrorism incident, know how and when to contain victims, collect and preserve evidence, perform limited mitigation, provide site security, recognize a terrorist incident, recognize the need to decontaminate people and animals, search for additional devices.”²² New York State Court Officers are already trained in some of these skill sets; however the application of these skills sets by court officers would depend upon the locality of the incident and whether the court officer is the first on the scene to perform some of the tasks.

G. OTHER COURT JURISDICTIONS

Research for this thesis revealed little literature on court officers, their role in society or their potential use in homeland security. It can be surmised that the paucity of material may be due to the fact that court officers in many other jurisdictions do not have the same status, responsibilities or training as court officers in New York State and are not prepared to participate in homeland security. A survey was sent to members of the Court Officers and Deputies Association, formerly known as the International Association of Court Officers.²³ The survey revealed officers providing security for court facilities throughout the country have varied titles, duties and training. In the city of Boston, the title is Court Officer; they are peace officers and have similar responsibilities as officers in New York. However, they are unarmed and are also responsible for correctional duties in the temporary holding areas for prisoners awaiting court hearings. In Ohio, the title is Bailiff, they are armed peace officers and the job is almost identical to New York. In Texas the title is also Bailiff, these peace officers however may work for an individual judge, the prosecutor’s office or directly for the Sheriff’s Department. In Michigan, the title is Court Officer but the officers may serve an individual judge as an

appointment. A major difference among officers in other states providing security to the courts is their jurisdiction is restricted to the locality where they are assigned. Local authorities may have rules and regulations that vary from locale to locale. Therefore, court officers assigned to one county may have authority to respond to a terrorist incident and another county may not allow such a response. New York State court officers, who are peace officers with powers equal to police officers with the exception of executing warrant-less arrest, are unique because these officers enjoy statewide jurisdiction. Officers assigned to the New York City courts can transfer to any court facility in the state staffed by court officers. Those courts outside the New York City that are still staffed by Sheriff Deputies are slowly converting to court officer status. Having all the court officers under one jurisdiction gives the Office of Court Administration the ability to expand training, deploy officers where needed while maintaining uniformity of officer's duties and responsibilities. Also the cost for training initiatives and expansion of duties are more easily absorbed by the larger state budget than local budgets.

H. RESEARCH METHODOLOGY

This research was developed using the available literature, interviews with New York law enforcement personnel in the court and other outside agencies. Further, in order to determine the extent court officers should be trained and utilized in emergency response a Delphi Questionnaire was distributed to relevant court officials to determine their view of court officers training to become first responders. The Delphi technique has been employed to develop a model using court officers as certified first responders. This paper will address the concerns of a changing court environment that is vulnerable to terrorist threats and attacks and how to respond to these events. The research involved in this paper will answer whether court officers should be elevated and trained to this level and if the jurisdiction should be expanded beyond the court facility and environs. This paper seeks to offer an additional option for expansion in the homeland security response.

Chapter II discusses the types of threats society is facing, the categories of responders, the training necessary to adequately respond to the threats, and the lessons that have been learned to date regarding responses to threats including the experience of New York court officers during the World Trade Center incident. Chapter III sets forth

the evolution of training and professionalism of court officers in New York State and supports the argument that these officers are ripe for becoming certified first responders. Chapter IV sets forth the Delphi method employed, panel results and compares the model from the results to the existing training of New York court officers. Chapter IV also discusses what policies and training must be implemented to employ the model. Chapter V summarizes and sets forth conclusions and avenues of further research and evaluation.

II. RESPONSE TO A TERRORIST INCIDENT

Chapter II explains the types of weapons of mass destruction first responders may face responding to a terrorist incident and the equipment and training necessary to respond effectively. This chapter elucidates the lessons learned from past terrorist incidents and how the New York State Courts have incorporated these lessons into a plan for responding to future incidents.

On September 11, 2001, America realized that terrorism was no longer something that happened in other countries but is a continuing threat to the United States:

...the ruthlessness and devastation of the attacks (September 11, 2001) convinced us that terrorists targeting the United States would in fact use weapons of mass destruction (WMD) including nuclear and biological weapons, if they could obtain and deliver them.²⁴

A coordinated response to mitigate the effects of a terrorist incident by federal, state and local response teams would require interagency cooperation through the National Incident Command System (NIMS is a comprehensive, national approach to incident management that is applicable to all jurisdictional levels and across functional disciplines) or the more local Incident Command System (ICS); integrated resource allocation to the scene and most importantly trained response teams. Subject matter experts agree that emergency responders must be properly trained and equipped to respond to a terrorist incident:

One cannot expect all potential first responders in the United States to have a deep understanding of nuclear, biological, and chemical weapons. But the United States should establish a system of layered capabilities to respond to NBC attacks. All state and local response personnel (police, fire, emergency medical, inspectors) should receive basic NBC awareness training. This awareness training should become an integral component of the professional education of all law enforcement, fire, and emergency personnel...²⁵

In a Report to Congress dated January 3, 2003, Canada recommended that “state and local governments should be held to established standards for terrorism preparedness.”²⁶ Canada argues that standards could improve the capability of first

responders to deal with terrorist attacks, particularly those involving weapons of mass destruction. The report also recommended that local first responders achieve an ‘awareness’ level of training to respond to weapons of mass destruction.

A. TYPES OF THREATS

The generally accepted definition of weapons of mass destruction by experts is found in 18 USC 921 and described as: “any destructive device; any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; any weapon involving a disease organism; or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life. (Source: 18 USC 2332a). In 18 USC 921, a destructive device is defined, with certain exceptions, to mean explosive, incendiary, or poison gas, bomb, grenade, or rocket having a propellant charge of more than 4 ounces, or a missile having an explosive incendiary charge of more than 0.25 ounce, or mine, or a device similar to the above; any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than 0.5 inch in diameter; any combination of parts either designed or intended for use in converting any device into any destructive device describe above and from which a destructive device may be readily assembled.”²⁷

The types of threats identified as weapons of mass destruction (WMD) are chemical, biological, radiological, nuclear and explosive (CBRNE). Any of these agents are capable of inflicting mass casualties. Research from numerous authorities and experts provided the following technical definitions and explanations of these weapons:

Chemical Weapons: are chemical compounds that have a strong, deleterious effect on the human body, even when encountered in small doses. There are four classes of chemical agents known as lethal agents: nerve agents affect the nervous system – usually producing respiratory paralysis at high doses; vesicants produce extremely painful fluid-filled blisters on all exposed tissues, cell disruption, and systemic poisoning; choking agents affect the lungs – causing them to fill with fluid and resulting in asphyxiation; and blood agents interfere with the body’s ability to metabolize oxygen.

Biological Weapons: are pathogens that cause disease and illness in infected humans. Because the pathogens multiply within the victim, a small initial amount of pathogen is sufficient to cause infection. Some biological weapons are contagious pathogens, such as smallpox and have the potential to spread the effects of an attack by traveling from victim to victim. The symptoms from a biological weapon attack would require some time to develop, so a covert biological attack might not be recognized for several days. Biological organisms can produce poisonous chemical substances. These substances are called toxins. Although a toxin is a chemical, because it is produced by a biological organism, it is called a biological agent.

Nuclear Weapons: can be divided into at least three classes: fission weapons (atomic bombs), fusion weapons (hydrogen bombs), and enhanced radiation weapons (neutron bombs). Many nuclear weapons produce radiological weapon effects.

Radiological Weapons: are commonly confused with nuclear weapons which disperse radioactive substances but do not produce a nuclear explosion. The simplest radiological weapon would consist of a conventional explosive surrounded by a quantity of any radioactive material. Crude radiological weapons are far more accessible than nuclear weapons, and are therefore more likely to be used by potential terrorist. However, although a radiological weapon could contaminate an area and be costly to clean up, building and using such a weapon is not an easy way to produce mass casualties.

Radiological weapons come in two distinct types: radiological exposure devices (RED) and radiological dispersal devices (RDD). REDs are strong radiation sources that are typically hidden near areas where large numbers of people congregate or pass by. Any individual who remains close to the source for a sufficiently long period of time (in single or multiple exposures) will be affected by acute radiation syndrome. RDDs typically attempt to mimic the effects of radioactive fallout. A quantity of radioactive material is dispersed over the area of interest. This is perhaps the most likely form of radiological weapon.

Explosive devices: can be considered weapons of mass destruction. Aircraft-delivered bombs (<100 kg), artillery projectiles, and ballistic missiles (with explosive warheads) are common military weapons that can be classified as WMD.²⁸

These weapons were used in the following incidents; the Oklahoma City bomb was equal to about two tons of TNT, about one five-thousandth as powerful as a small nuclear weapon. To date, terrorists have not been successful in attempts to disperse chemical, biological or toxin agents to produce mass casualties. In 1995 the terrorist group Aum Shinrikyo released deadly sarin gas in a Tokyo subway by puncturing holes in the plastic pouches where the gas was secreted. The relatively low number of fatalities was due to the ineffective method in which the gas was released.²⁹ If the terrorist group had released the gas through an aerosol method many thousands of people would have died. In the United States, the biological agent Anthrax was sent through the mail to members of the Senate, media and others. This caused 22 cases of anthrax infection.³⁰ Ricin, a deadly toxin was mailed to the White House in 2003 and Congress in 2004.³¹ Emergency responders that encounter these deadly agents when responding to an incident would need the proper training and equipment to affect a successful rescue:

The Department of Homeland Security would ensure the readiness of our first responders to work safely in an area where chemical, biological, radiological, or nuclear weapons have been used. The Department would begin requiring annual certification of first responder preparedness to handle and decontaminate any hazard. This certification process would also verify the ability of state and local first responders to work effectively with related federal support assets.³²

B. LESSONS LEARNED

Attacks on United States interests abroad, the 1993 World Trade Center bombing, and the 1995 bombing of the Oklahoma City Federal Building did not sufficiently alarm the country to possible WMD attacks on our soil. However, “evidence gathered by the Federal Bureau of Investigation indicated the lethality of domestic terrorism is rising (e.g., the 1995 Oklahoma City bombing, the series of bombings of women’s health clinics). The 1995 FBI report on terrorism noted that ‘large-scale attacks designed to inflict mass casualties’ appear to be a new terrorist method in the United

States.”³³ Congress began paying attention and in 1996 the Defense Against Weapons of Mass Destruction Act (Nunn-Lugar-Domenici amendment) was passed to address the lack of domestic preparedness against the threat of a nuclear, biological and chemical attack. This law assigned responsibility for domestic preparedness to the Department of Defense, to train and equip state and local emergency services personnel who would be the first responders to a domestic terrorist incident.³⁴ After the September 11, 2001 World Trade Center attack, the responsibility for domestic preparedness against weapons of mass destruction was assigned to the newly created Department of Homeland Security. (The Homeland Security Act of 2002 (P.L. 107-296) made the new Department of Homeland Security (DHS) responsible for providing assistance to state and local governments to ensure adequate preparedness for all disasters, including terrorist attacks.³⁵ The Department of Homeland Security has instituted measures to improve our country’s capabilities to prevent and respond to terrorist incidents. However “state and local governments have primary responsibility in planning for and managing the consequences of a terrorist incident using available resources in the critical hours before Federal assistance can arrive”.³⁶

Government authorities and experts agree that before and after a terrorist attack, state and local authorities will play a primary role in deterrence, prevention and minimizing damage to humans and property. A crucial role of the federal government is to provide the necessary aid and assistance to enable state and local government to accomplish this.

In the planning guide issued by the Federal Emergency Management Agency (FEMA) it was determined that potential targets must prepare themselves for a possible WMD attack. FEMA suggests this can be accomplished through emergency preparedness and consequence management. In addition the planning guide outlined what local and state planners should do towards preparation and response to a terrorist incident:

The consequences of a terrorist act have the potential to overwhelm local resources, which may require assistance from State or Federal governments. The response by State and local governments to a terrorist act, as well as the types of support and assistance from the Federal government will be different than the response to and support for other

natural and technological emergencies. Because of this, not only must the plans be upgraded to include response to terrorist acts, but training and exercising must be expanded to ensure that the unique aspects of response to terrorist incidents can be carried out in a coordinated, effective manner. Training needs to be planned for State, local, and Federal staff involved in the response. State and local planners should identify their training needs, establish budgets for the training, and determine what funding resources will be required to implement the training. Periodic integrated exercises must also be conducted to ensure that the emergency response to a terrorist incident at the local, State, and Federal levels can be adequately coordinated. Local emergency responders, local fire departments, law enforcement personnel, HazMat teams, and EMS will be among the first to respond to terrorist incidents, especially those involving WMD.³⁷

The September 11, 2001 tragedy highlighted for the Mayor of the City of New York at the time (Rudolph Giuliani), New York City police officers, and firefighters the necessity through interagency coordination and cooperation to practice drills, simulations and exercises. Although Mayor Rudolph created the Office of Emergency Management in 1996 and spent nearly \$25 million to coordinate emergency response, Trade Center officials said the agency had not conducted an emergency exercise there that included the Fire Department, the police and the Port Authority staff.³⁸ An analysis performed by the New York Times one year after the September 11, 2001 tragedy found that at least 121 firefighters did not have to perish in the towers. “Minutes after the south tower collapsed at the World Trade Center, police helicopters hovered near the remaining tower to check its condition. ‘About 15 floors down from the top, it looks like it’s glowing red,’ the pilot of one helicopter, Aviation 14, radioed at 10:07 a.m. ‘It’s inevitable.’ Seconds later, another pilot reported: ‘I don’t think this has too much longer to go. I would evacuate all people within the area of that second building.’ Those clear warnings, captured on police radio tapes, were transmitted 21 minutes before the building fell, and officials say they were relayed to police officers, most of whom (sic) managed to escape. Yet most firefighters never heard those warnings, or earlier orders to get out. Their radio system failed frequently that morning. Even if the radio network had been reliable, it was not linked to the police system. And the police and fire commanders guiding the rescue efforts did not talk to one another during the crisis.³⁹

In a study conducted by the RAND Corporation, firefighters and emergency service responders emphasized the importance of the appropriate personal protective equipment (PPE) to respond to chemical and biological incidents. “Develop guidelines for the appropriate protective personal equipment ensembles for long-duration disaster responses involving rubble, human remains, and a range of respiratory threats.”⁴⁰

A consensus opinion among the participants in the RAND study revealed the importance of establishing perimeter control at the incident site. “The lack of perimeter control at the World Trade Center site made it difficult to monitor the extent of injury and illness. The main lesson from Oklahoma City... related to the importance of perimeter control. Until a scene is under control, no one can enforce rules for PPE.”⁴¹

The research compiled for this paper has determined that improved intelligence gathering and dissemination, state and local emergency preparedness planning, interagency coordination of participation in drills and exercises, standardization of emergency responder training at the macro (national) and micro (state and local) level and properly equipped responders will improve our efforts to effectively respond to future terrorist incidents. The Republican National Convention was an example of intelligence sharing and emergency preparedness planning. The Department of Public Safety represented the courts at the Multi-Agency Command Center (MACC). DPS also assigned court officers to participate in drills with the New York City Office of Emergency Management in responding to weapons of mass destruction scenarios. “Preparation is the key to protecting the health and safety of emergency responders and valuable lessons can be learned from previous responses.”⁴²

The International Association of Chiefs of Police have determined for law enforcement the need to train personnel, rehearse possible events, acquire equipment, establish mutual-aid agreements and multi-jurisdictional protocols, establish multidiscipline community service teams. A well-maintained and –trained department will be prepared to respond to any type of situation and implement with skill and efficiency the policies and procedures that are in place, thus saving lives, maintaining safety, and calming fears—the true goal of the front line of any emergency situation.⁴³

C. CATEGORIES OF RESPONDERS AND TRAINING NEEDS

There are a variety of professions considered first responders. For the purpose of this paper the definition of a certified first responder offered by the International Association of Fire Chiefs is useful: “an emergency worker who responds to an incident within a set amount of time. The term is usually specific to fire, law enforcement and emergency medical service providers who respond to an emergency; includes emergency management.”⁴⁴

The Office for Domestic Preparedness Training Strategy identified ‘disciplines’ that should be trained to respond to WMD incidents. Included in the disciplines are the first responder categories listed by the International Association of Fire Chiefs. The recommendations of the Domestic Preparedness Training Strategy for providing training to response to WMD incidents is to incorporate projects and exercises as part of the training curriculum.

Consequently, ‘projects and exercises’ connote training emphasizing application, which can be conducted in any several domains; e.g., the classroom and the field. Simulations, games, and exercises represent far more than an opportunity to display readiness. These are viable training methods in which the learner recognizes deficiencies, repairs the deficiencies, and ‘learns’ to perform the task.”⁴⁵ This training strategy also emphasizes the need for interagency coordination and cooperation. “For agencies, organizations, and disciplines to come together during a crisis situation and function as one, each with their own expertise and responsibility but coordinated in their accomplishment of the goal of public safety, requires a coordinating force. At the federal level, ODP is that force.”⁴⁶

D. NEW YORK STATE COURTS’ EXPERIENCE

On that fateful day, approximately thirty of our court officers, most of whom were trained in EMS rushed to Ground Zero to help in the rescue efforts. Most made their way to 5 World Trade Center, which housed the Manhattan branch of the State Court of Claims. Our judges and personnel in that courthouse evacuated safely, and the court officers then joined in the general rescue effort. Three of those court officers, assisting in the evacuation of 5 World Trade Center, turned toward a group of stranded people. That selfless act proved fatal when areas of the building above

them collapsed... What is so remarkable is that each of the court officers was there by choice, not because they were directed to be there. They gave their lives voluntarily to save the lives of others in danger.⁴⁷

The court officers who responded to the World Trade Center terrorist attack encountered chaos, and they lacked the proper equipment, training and direction. The loss of communication experienced by most of the responders enhanced the chaotic atmosphere that confronted our officers. Among other pressing issues there was no coordination among responding agencies and the lack of protective gear and equipment contributed to the loss of many rescuers including three of our court officers. An interview with Sergeant Frank Barry from the New York State Court Officer's Academy who responded with other officers from the Academy: Sgt. Barry concurred with the findings from the RAND Study of the Oklahoma City Federal Building bombing which noted that an established perimeter command post would have mitigated some of the chaos and confusion that was prevalent that day.⁴⁸ In an interview with Deputy Chief Joseph Baccellieri, Chief of the New York State Court Officer's Academy he witnessed the result of inadequate communication equipment when he and two other court officers, Sergeant Alfred Moscola and Sergeant Andrew Wender reached the 51st floor of the north tower to assist in evacuating the tower. Chief Baccellieri heard radio transmissions to 'get out of the tower now' and then felt the building violently shake. The three court officers immediately began evacuating with as many civilians as possible. They encountered firefighters who were continuing up the tower and did not seem bothered by urgent prompts to evacuate. The firefighters did not know the south tower had already collapsed and the north tower was minutes from collapsing. Chief Baccellieri states that if the firefighters had knowledge of the south tower collapsing they may have recognized the danger and evacuated the north tower when others did.⁴⁹ State and local agencies have determined that the presence of an Incident Command Station and interoperability of communication with responding agencies would have prevented the high number of firefighter deaths.

The Office of Court Administration (OCA), the administrative arm of the New York State Courts, through its Department of Public Safety has started to correct the conditions pertinent to our ability to respond to terrorist incidents in the future. The court

system's command center is now operational on a twenty-four hour-seven-day-a-week basis and is capable of communicating with a number of law enforcement and state and local agencies. (NYPD, OEM, State Police) There are rules and procedures in place directing who should respond to any emergency incidents. DPS has purchased a limited supply of protective gear, (escape hoods) and equipment (radiation detective devices and explosive detection devices for court facilities). The courts conduct full building evacuation drills with input and evaluation from OEM, NYPD and the Fire Department. Court officers are currently participating in training courses indicated in Chapter I sponsored through the New York City Office of Emergency Management and the State Office of Emergency Management. These courses include but are not limited to ICS, intelligence collection, direct threat assessment, recognize types of agents, know self-protection strategies, maintain certifications and training in compliance with OSHA and other regulations, understand special hazards of a terrorism incident, know how and when to contain victims, collect and preserve evidence, provide site security, recognize a terrorist incident, recognize the need to decontaminate people and animals, search for additional devices.

These courses are modeled after the ODP Training Strategy and incorporate the training method of simulations, drills and exercises with other agencies.

E. ROLE OF THE COURT OFFICER IN A WMD INCIDENT

Presently, the Rules and Procedures Manual for Court Officers call for extreme caution and securing the scene by isolating and detaining any one who may have been exposed to hazardous materials: "Establish an on-site command presence, and ensure that adequate communication capability is available; establish an Inter-Agency Command Center as close to the incident as safety permits."⁵⁰ This policy is designed to safeguard officers and others until the HAZMAT team arrives and is similar to many other law enforcement departments' policies for first responders to a possible HAZMAT scene.

In the event of a WMD attack on a court facility, court officers will be the first to respond. Falkenrath, advised in America's Achilles' Heel that a 'layered response to WMD' is needed. Court officers would provide the first layer of response until the

arrival of specialized responders. The goal is to expand the court officer's role to include a level of expertise commensurate with law enforcement response and certified first responder. The Training Strategy concluded that there is a clear and present need for the standardization of expectations and performance measures for tasks associated with the response to WMD threats.

THIS PAGE INTENTIONALLY LEFT BLANK

III. COURT SECURITY PERSONNEL IN NEW YORK

This chapter traces the evolution of New York State court officers from unsupervised, untrained personnel to trained and well-supervised law enforcement professionals. The chapter concludes with assessing the present skills of New York State court officers that places them in a position to assist in homeland security and community emergency preparedness.

A. HISTORY – COURT MANAGEMENT

In 1940, Roscoe Pound, a legal scholar concerned with court personnel management, lamented the lack of supervision and judicial oversight in the courtrooms across America:

Decentralization of the courts in the states was carried so far in the last century that the clerks were made independent functionaries, not merely beyond effective judicial control, but independent of any administrative supervision and guided only by legislature provisions and limitations. No one was charged with supervision of this part of the work of the courts. It was no one's business to look at it as a whole, seek to find how to make it more effective and to obviate waste and expense, and promote improvement. There is much unnecessary duplication, copying and recopying, and general prolixity of records in the great majority of our courts. In the clerical no less than on the judicial side most of our courts are like Artemis Ward's proposed military company in which every man was to be an officer and the superior of every other. The judiciary is the only great agency of government which is habitually given no control of its clerical force. Even the pettiest agency has much more control than the average state court.⁵¹

During this time in New York State, the clerk of each court part was considered the supervisor of the part and court personnel of various titles including officers were under their authority. The lack of control or uniformity produced at the very least an inefficient and ineffective operation. The absence of standardization, consistency and uniformity in courtroom protocols continued until President Lyndon Johnson in 1965 commissioned a task force to report on the failings of each part of the "justice system" including the judiciary operations:

The Task Force reports were extremely critical and influential. They provided a model for the overhaul of the criminal justice system, in fact, the only model, since no one had ever created one before. It was the "gun" model found in the opening pages of every criminal justice textbook even today. The reports popularized the phrase "criminal justice system" and provided such a body of knowledge that colleges and universities soon began creating (by 1974 at least) 2-year and 4-year programs in criminal justice.⁵²

As a result of the Task Force reports the move towards court reform and unification gained momentum. Organizations such as the Fund for Modern Courts and the National Commission on State Courts strongly urged local and state legislatures to implement state court unification and reform bills. In 1974, Gazell offered the following benefits for court unification:

Court employees at all levels should belong to one state judicial department.

The management of such personnel within a unified state court system should center on the establishment of procedures for a title structure, job definition, classification system, qualifications, appointments, promotions, transfers, leaves of absence, resignations and reinstatements, performance ratings, sick leave, vacations, time allowances and removal.⁵³

At the same time, a separate entity, the Institute of Judicial Administration, was proposing that, "A separate judicial personnel system is desirable,... because it insures that employees of the judicial branch will not be under the control of or subject to the rules and regulations of another coordinate (sic) branch of government, thus helping to maintain judicial independence."⁵⁴

B. COURT SECURITY PERSONNEL

Conversations with court officials established that in the early 1970's the New York State Courts were still operating under a decentralized system where court security employees were recruited, hired and terminated by local municipalities. It was possible to become a court officer with previous experience as a New York City Police Officer or by taking the civil service test required by law. To take the exam applicants were required to have certain qualifications including, having at least 60 college credits and meeting height requirements of 5'8" for men and 5'6" for women. Men and women were

hired off separate lists. The municipalities found ways to circumvent mandated hiring requirements by hiring “provisional” titled court officers. Provisional employees were temporary hires who were not required to take or pass a civil service exam pertaining to that title. These employees were not protected with civil service status and could be terminated or demoted without protection. This hiring practice however, did not aid in minority hiring and subsequent law-suits were filed on behalf of perspective minority applicants. Around this time, as a result of discriminatory hiring practices by government agencies, the Equal Employment Opportunity Commission (EEOC) was formed to discourage and eliminate such practices:

The validation process consists of determining whether a particular standard measures the quality it is designed to measure. The EEOC Uniform Guidelines on Employee Selection Procedures indicate that the first step in the validation process is conducting a job analysis to define the job domain; that is, the tasks which constitute the job and the knowledge, skills and abilities which an individual must possess to perform the job effectively. Once the critical tasks, knowledge, skills, and abilities are identified for a particular job, educators and trainers have an empirical base from which to develop job-related curricula and testing instruments.⁵⁵

Employers were more closely scrutinized regarding their hiring practices and were forced to validate the process by which they selected and trained employees. The practice of hiring New York court officers from two lists (one for men and one for women), as well as the height requirements, were abolished by the New York Administrative Board of the Judicial Conference in 1974.

On December 27, 2004, I conducted an interview with John McKillop, president of the Supreme Court Officers Association of New York State, regarding the duties and responsibilities of court officers working the courts in the early 1970s:

I became a court officer on July 2, 1973 and was assigned to the Kings County Criminal Court. In New York City, court officers were hired by the Judicial Conference Board City of New York, and individual counties employed officers working outside of New York City. Officers were expected to perform courtroom security with little or no courtroom training. Without the existence of standardized rules and procedures the delivery of these services varied greatly. For example in 1974, during the Black Panther Case in New York City there was a court officer positioned

behind each of the thirteen defendants in the case. The City Bar Association deemed the staffing deployment as “a bit excessive.” Today there are written rules and regulations regarding the amount of court officers needed for security of incarcerated defendants appearing in the courtroom; the rule calls for one officer for every two incarcerated defendants.⁵⁶

Mr. McKillop went on to say it was the unions who pushed for professional training recognizing the benefit of this training for members and court administrations. Mr. Dennis Quirk, President of The Court Officer Association, which represents court officers in the city-wide lower trial courts in New York City, sent letters in 1974 to local and state legislators and city officials in an effort to establish a training academy for court officers.⁵⁷

However, the unions’ efforts did not come to fruition until 1981 when formal training for peace officers was implemented in the courts. In 1978, the U. S. Supreme Court held for the first time that a municipality could be held liable for violating a person’s constitutional rights under 42 USC, section 1983 of the Civil Rights Act of 1974. As a result of the ruling, courts could be susceptible to lawsuits of potential consequence by failing to provide the necessary professional training for its law enforcement personnel. The court’s dilemma was the language of the Criminal Procedure Law for New York State which stated that any official of the Court, regardless of lack of training was a peace officer, such as, judges, court interpreters and court reporters. The court’s liability was doubly enhanced because the state statute did not require mandatory training. When the New York State Office of Court Administration “OCA” was established in 1977 it lobbied for the elimination of peace officer status for all official court titles. In 1981, the New York State Legislature modified its peace officer laws designating court clerks and court officers as peace officers and The New York State Division of Criminal Justice “DCJS” established mandatory training standards for these titles and other law enforcement personnel such as New York City Police Officers, New York State Police Officers and New York State Park Police.

C. NEW YORK STATE COURT OFFICER SELECTION PROCESS

The present process for selecting officers conforms to EEOC criteria using New York State Criminal Justice standards for minimum hiring requirements and training. The New York State Office of Court Administration established the following requirements in compliance with the standards set by EEOC and DCJS:

- Minimum eligibility – Applicants must be 18 years of age or older, possesses a high school diploma or equivalency, be a citizen of the United States and a resident of New York, and eligible to carry firearms. A convicted felon who has not received a Certificate of Relief from Disabilities is ineligible to carry firearms under federal law.
- Qualification requirements- Successful completion of several tests, a written entry level test, medical exam, physical and psychological exam. After completion of these exams the highest score from the written test then ranks individuals in order to enter a recruit class.⁵⁸

To ensure compliance with EEOC mandates and increase diversity, OCA implemented specific recruitment policies. An announcement from the Personnel Division of OCA is circulated statewide through various newspaper publications, civil service bulletin boards, the court web site and advertisements. This announcement appraises individuals, meeting the minimum eligibility requirements, of the next scheduled written civil service test. A fee is required but can be waived if the individual meets the criteria.

D. TRAINING

1. Recruits

Training of recruits has evolved from an afternoon session with six to ten officers in a make shift classroom in any available court room in the Criminal Court facility, to a suite of rooms at another court facility designated as the Court Officers Academy and finally an actual Academy established by OCA in 2000 designed to host up to 100 recruits with ten-weeks of formal classroom instruction.⁵⁹ Recruit classes are usually held three to four times a year depending upon the needs of the courts.

Recruit training prior to September 11, 2001 focused on the escalation of violence committed in the courthouse setting. In the training guidelines authored by Petersen and Smith, the increase in violence in the courtroom is examined.

There was some evidence during the period 1979 through 1989 that the nature of court violence and the perpetrators were changing. Racial, political and nationalist activist organizations have been employing terrorist methods of intimidation and violence; trials involving organized crime, racketeering and narcotics have presented increasingly higher risk of violence; and demonstrations to influence the courts have become commonplace in trials involving sensitive social and environmental issues.⁶⁰

The Court Officer Academy's initial training syllabus reflected court security needs as well as community safety needs. Emphasis was placed on physical training and defensive tactics to ensure recruits were able to perform their duties and responsibilities in a safe professional manner. Physical training continues to consist of the ability to complete a three-mile run; standard fitness exercises (push-ups, sit-ups and cardiovascular exercises). Classes on metal detector and x-ray procedures, securing high profile/high priority cases, crowd control, security posts and courtroom posts are some of the training modules involving the specific duties of a court officer directly related to courthouse safety. Recruits are also certified in First Aid and Safety, automatic external defibrillation, adult cardio-pulmonary and child and infant cardio-pulmonary resuscitation. Rounding out the syllabus is training for officers assigned to specific courts. Pertinent statutes, laws, rules and procedures for Family, Civil and Criminal Courts comprise a good portion of the training. The Office of Court Administration in an effort to balance safety concerns with public access introduced a "Quality Service" component to the training. The goal of this training was to offer prompt, professional and courteous service to the public and maintain a safe and secure environment. Guest lecturers with expertise in various law enforcement fields continue to give seminars throughout the training cycle. The syllabus offered by the New York State Court Officers Academy goes well beyond the requirement of New York State Division of Criminal Justice, the governing body for training of law enforcement personnel.

The Office of Court Administration established the Uniform Issues Committee comprised of court administrators and uniform supervisory personnel to determine among other issues appropriate curricula for the Court Officers' Academy and whether the curriculum is in compliance with state requirements. When the committee identified the need to address the changing population of court users and the landscape of the community, a new component was added to the recruit's curriculum called the "Gang Awareness" segment.⁶¹ Illegal gang activity (trafficking in narcotics, drive-by shootings and armed robberies) began to steadily increase beginning in the 1990s. The courts began to work closely with the New York City Department of Corrections "NYCDOC" and the New York City Police Department "NYPD" to gather intelligence on gang members and their activities. Intelligence reports from these agencies indicated gang members began appraising the vulnerabilities of court facilities to plan interruptions of court proceedings and attempt possible escapes for their incarcerated members. Initially members of NYCDOC and the NYPD gang unit lectured the recruits in this area. Subsequently, the courts allowed Academy instructors to assume this role after the proper training.

The New York City Police Department in cooperation with the court system agreed to provide experts from the Bomb Squad to explain proper bomb protocols to new recruits while the Federal Bureau of Investigation provides experts in organized crime and racketeering. This forging of the relationship between the courts and other law enforcement agencies serves as a precedent for future agency coordination and cooperation toward enhancement of public safety.

After September 11, 2001, new training objectives were approved by the Uniform Issues Committee and court administrators concerned with possible terrorist attacks to court facilities or in the immediate vicinity, mobile security patrol training, counter-terrorism, building evacuation procedures, threat assessment and fire safety training.

Academy instructors and the DPS are presently reviewing the basic course on weapons of mass destruction. Academy instructors and DPS personnel receive continued education in WMD training, court security and counter-terrorism from our law enforcement partner agencies. An expansion of the WMD course is being considered to

ensure court officers are equipped to respond to these types of incidents. This type of review reflects the concern court administrators have expressed since the terrorist attack of 2001. The syllabus is constantly under review to ensure all aspects of court security needs are covered as well as the necessary training to participate in community emergency preparedness.

Some of the key features of the current court officer training syllabus in comparison to the New York City Police Department training is as follows:

- In addition to the curriculum outlined above, Phase I of the training consists of 350 hours of classroom instruction and 56 hours of firearms training. Recruits must pass a firearms proficiency test. The test conforms to DCJS standards for peace and police officer recruits. Consequently, New York City Police Officers and Court Officers receive the same firearms training. Recruit training for court officers is designed to introduce the recruit to the criminal justice field and the rules and procedures of the New York State Courts. Recruit training for police officers is also designed to introduce the recruit to the criminal justice field, however, Police Officers receive six months of classroom time that emphasizes the penal and criminal procedure laws of New York but also includes physical and defensive tactics and first responder/first aid training. The Police Academy's training objective is the prevention of and quick response to crime. Police Officers are committed to safeguarding and protecting lives and property for all of New York City.⁶²

The terrorist attack of September 11, 2001 prompted new training objectives focusing on terrorism awareness and counter-terrorism measures for police and court officers. In a study conducted at the request of the New York City Police Department, the study found that NYPD needed to improve its' counter-terrorism training.⁶³ However, the difference between police and court officer training persists. The police department as a separate administrative structure focuses only on the role of the police officer in

society, while court security is only one function of the court system and does not command unilateral attention. Therefore, the court system is just beginning to understand and focus on the need for heightened security awareness and training in these dangerous times.

The court officer recruit learns the powers of a peace officer and the requirements and expectations that are part of the position. Recruits also receive instruction on the criminal procedure and penal law, however, to a lesser degree than police officers. Court officer recruits get the opportunity to visit and observe each citywide court, family, civil and criminal and its Supreme Court counter-parts in operation. The training objectives outlined for new recruits in the Court Officer's Training Syllabus is as follows:

1. To provide the training curriculum mandated by law for all New York State peace officers.
2. To develop skills and knowledge necessary for Court Offices to perform their duties in a competent manner.
3. To develop in the trainee a basic understanding of the role of the Court Officer as a public servant and as an officer of the court.
4. To develop ideas and attitudes that will result in greater understanding and cooperation between Court Officers and the multi-cultural community they serve.
5. To enhance the capacity of Court Officers to recognize, understand and solve problems they will encounter in the courtroom and its surroundings.

The successful completion of Phase I certifies the recruit as a peace officer as required by New York State Law and is followed by Phase II of the training.

- Phase II is a thirty-five hour unit training at the command assignment, and 560 hours of field training under the supervision of a Unit Training Officer (UTO). This "hands on" technique allows the recruit to translate classroom training to on the job training. The court officer is immediately acclimated to the emergency plans, bomb threat procedures and building evacuation plans for the facility they are assigned to. This is the "probationary" period for the new officer and represents a learning

opportunity as well as a structured observational period by the UTO to determine if the recruit is appropriate for the position. At the completion of Phase II, the recruit is removed from “probationary” status.⁶⁴

2. In-Service Training

In-service training for court officers and uniformed supervisors is required for court officers, sergeants and lieutenants after one year of service. These titles must cycle through training once every three years. In-service training for officers and Sergeants began in 1999. In-service training for officers is a five-day program and a two-day program for Sergeants. The curriculum is designed to re-enforce what officers learned in the Academy and introduce changes in laws, rules and regulations that affect the officers’ duties and responsibilities. For example the in-service training module was used to introduce the concept of force continuum; this training is an alternative to the immediate use of deadly physical force and was introduced to officers and Sergeants through in-service training. These groups receive training in oleoresin capsicum (o/c) and baton and must be re-certified once a year. Strict limitations on when and where these chemicals can be used are enforced.⁶⁵

Court mandated lieutenant positions were created in 2004. Previously, Sergeants earned the in-house title of Lieutenant that was not recognized by the Office of Court Administration. The newly created Lieutenants’ position began in-service training in September of 2004. This module is also a two-day training program.⁶⁶

Uniformed supervisors above the rank of Lieutenant are mandated to attend a professional development seminar once a year. These seminars provide a forum for supervisors to express their security concerns and most recently be briefed on community emergency preparedness. The supervisors also make recommendations and suggestions for improving officer recruit and in-service curricula. Guest lecturers are of the same or higher rank from other law enforcement agencies and provide a measure of inclusiveness in the law enforcement arena.

The present skills and training of New York State court officers exemplifies OCA’s commitment to continuous training for court officers to meet the needs and

challenges presented by a changing society. The Office of Court Administration has agreed to deploy court officers to other state and local agencies in an effort to remain in then mainstream of current community events. Through its Department of Public Safety, OCA has assigned an officer to the New York City Office of Emergency Management and the NYPD Counter-terrorism unit. These officers report directly to the Department of Public Safety (DPS) and provide the court with timely, crucial information that may effect court operations:

The blackout and blizzard of 2003 demonstrated the success of this arrangement, which helped the courts quickly collaborate with New York City's first responders and facilities personnel, security agencies and the Mayor's Office. To this day, however, key emergency response links are tenuous or absent elsewhere in the State.⁶⁷

The legislature in recognition of the important role the courts played on September 11, 2001 passed a mandate directing New York State's Disaster Preparedness Commission (DPC) to include the judiciary in "drafting and preparing a State disaster plan and coordinating disaster preparedness and responses with Federal and local governments; the measure would amend paragraphs (c) and (i) of section 21 (3) of the Executive Law to require that, in addition to reporting annually to the Governor and Legislature, the DPC must file its reports with the Chief Judge of the State as well. This change will keep the judiciary in the planning loop and help to promote better inter-branch coordination."⁶⁸ DPS is currently in talks with the New York State Office of Homeland Security and the New York State Emergency Management Office in an effort to smoothly incorporate the judiciary into the commission.

Local government and the state legislature have recognized the role court officers and the court system must play in emergency preparedness.⁶⁹ The court system is focused on preparing court officers to respond to incidents involving natural disasters and weapons of mass destruction. The stage is set for court officers to move to the next level as certified first responders.

THIS PAGE INTENTIONALLY LEFT BLANK

IV. DELPHI TECHNIQUE

Chapter IV discusses the methodology followed in order to develop a model for the use of court officers in homeland security and disaster preparedness and sets forth the model that resulted from the process followed.

A. THE DELPHI TECHNIQUE

The Delphi Technique was developed by the RAND Corporation in the late 1960s as a group forecasting tool. Thereafter, the United States government modified the technique as a group decision-making method. The Delphi technique has come to be recognized as a method through which a group of experts on a particular subject can reach a consensus of opinion when contributing factors are subjective rather than knowledge-based.⁷⁰ The primary goal of the Delphi Technique is to “obtain input from “expert” individuals concerning problems or future directions or needs.”⁷¹ The use of the technique improves the quality of decision-making.⁷²

The Delphi technique has its advantages. It allows for the anonymous collection of opinions without their physically being together. Moreover, expert involvement bolsters the validity of the information that is synthesized.⁷³

The Delphi technique requires the following steps:

1. Develop the question
2. Select a panel of experts
3. Develop the first questionnaire and send out to the panelists
4. Analyze the responses to the first questionnaire
5. Prepare and distribute a second questionnaire that builds upon the responses to the first questionnaire
6. Analyze the responses to the second questionnaire. Distribute subsequent questions if more refinement is needed
7. Prepare report or model based on the answers.⁷⁴

B. THE USE OF THE DELPHI TECHNIQUE TOWARDS DEVELOPING A MODEL

As court officers have yet to be used in this country as certified first responders, there is no literature or model in existence. The Delphi technique provided the ability to gather information from experts in court administration and court security to answer the thesis' central question, "Should court officers be used as certified first responders?" The responses of the experts served to develop the model this thesis supports.

C. THE PANEL

As required by the Delphi technique, a panel of experts was selected to participate anonymously. Members were selected based on their years of experience and expertise in court administration or court security. The panel members hold various titles within the court system. Representation includes individuals from courts both inside and outside New York county and judicial and non-judicial personnel. The members of the panel include the Chief of the Court Officers Academy who is a court officer with 26 years of experience, the Presidents of two court officer unions each having over 30 years experience each, a Major who is a court officer with over 30 years of experience, a Lieutenant who is a court officer with 28 years of experience, a Sergeant who is a court officer with approximately 17 years of experience, a Chief Clerk of a court of general jurisdiction with--- years of experience, two Chief Clerks of city-wide courts, a Judge in charge of a city-wide court, and a Judge in charge of a New York State court of general jurisdiction located inside of New York City, but not in Manhattan.

The use of this cross section of experts was intended to solicit opinions from a variety of viewpoints.

D. THE FIRST QUESTIONNAIRE

The first questionnaire set forth the question in pointed broad terms: "The proposal is to train court officers to become certified first responders." Six questions flowed from the broad statement. Each question was designed to elicit general thoughts about the issue. The six questions asked are as follows (see Appendix A):

1. Should Court Officers be trained to function as certified first responders?
2. How operational should the response training be? (Consistent with other law enforcement? Consistent with Fire, EMS or EMT?)
3. What value would this provide to the New York State Courts?
4. How critical is it that officers be trained to this level?
5. What are the implications to the budget?
6. What is your view on officers responding to an emergency outside of court jurisdiction?

E. SUMMARY OF RESULTS OF THE FIRST QUESTIONNAIRE

Question	Affirmative or Supportive of the issue in question	Negative or non-supportive of the issue	Comments and Context
1. Should Court Officers be trained to function as certified first responders?	10 answered "Yes"	1 answered "No"	
2. How operational should the response training be? (Consistent with other law enforcement? Consistent with Fire, EMS or EMT?)	10 responded that the training should be consistent with Fire, EMS and EMT	1 Responded that training should be included in Court Officer academy and in-service training	
3. What value would this provide to the New York State Courts?	10 responded that such training would be valuable to NY State Courts	1 responded that the training would only benefit order in the courtroom and court buildings but not beyond	
4. How critical is it that officers be trained to this level?	8 responded that the training is critical	2 responded that the training was not critical but was important	
5. What are the implications to the budget?	9 responded that supporting the training would have	2 responded that the impact on the	Of the two who viewed the budgetary impact as

	little impact on the budget	budget would be significant	significant, one thought the cost was justified in light of the criticality of the training. The other who viewed the budget impact to be great, thought the training not worth the costs.
6. What is your view on officers responding to an emergency outside of court jurisdiction?	10 respondents said the court officers should be able to respond to incidents outside the court jurisdiction, with 6 stating that there should be no limitations on the response.		

Ten of the eleven responded positive to the central question of whether court officers should be trained to function as certified first responders. One person did not agree with the majority.

Ten of the eleven responded that the training should be consistent with other law enforcement, Fire Department, EMS or EMT. The eleventh response did not specify what type of training, however wanted training for in-service officers and recruits.

Ten of the eleven responders believed training of court officers to be certified first responders would have value to the court system. The ten responses included beliefs that time would be saved, thereby saving lives, better service would be given to the public creating more safety, and that the training would allow court officers to respond to all types of emergencies. The eleventh response stated the training would officers to better respond to emergencies on court property.

On the issue of whether certified first responder training was critical, eight (a majority) responded affirmatively, one response was non-responsive and two believed that the training was not critical.

Nine of the responders believe that there would be an insignificant impact on the budget. One responder believed the impact on the budget would be significant, but viewed any expense as critical. One responder believed the expense would be enormous and would give little return.

Six responders were in favor of court officers responding to outside court facility emergencies without limitations. Of those responses many mentioned the court officers' peace officer status and duty to "protect and serve". Two of the six mentioned that lives were saved during 9/11 because court officers went to the World Trade Center and assisted. Three responses indicated that court officers should respond to outside emergencies after courthouses are secure. One response stated that court officers should respond when other certified first responders are overwhelmed and one response indicated that court officers should not respond to emergencies outside of the courthouse.

F. THE SECOND QUESTIONNAIRE

The ten of the eleven experts responded in support of court officers being trained as certified first responders. Therefore, the six questions on the second questionnaire listed below were designed to discern the boundaries of the ten responses in order to refine a model (see Appendix B):

1. Should all Court Officers (statewide) be trained as Certified first responders?
 - a) If no, who should receive the training and why?
 - b) Should the training be an extension of the present Academy curriculum or provided by an outside Agency (such as the American Red Cross)
2. The Court Officers Academy has included in its curriculum topics on Weapons of Mass Destruction. Is the current training and expertise appropriate? If not –
 - a) Should the training be expanded to include preparing for and responding to threats and attacks involving weapons of mass destruction?
 - b) Should all Court Officers receive the training involving weapons of mass destruction even if not trained as Certified first responders?
3. What are the expectations of court officers responding to an event involving weapons of mass destruction?
4. Would present policy (responding to emergencies) be enhanced or conflicted?
5. Is there an operational/staffing impact to consider?

<p>2b) Should all Court Officers receive the training involving weapons of mass destruction even if not trained as Certified first responders?</p>	<p>7 responded "Yes"</p>		<p>1 responded only officers assigned to Security Posts</p> <p>2 failed to respond to the question</p>
<p>3. What are the expectations of court officers responding to an event involving weapons of mass destruction?</p>			<p>The responses to this question proved not to be useful in the development of a model. The responders interpreted in too many different ways and no consensus was achieved.</p>
<p>4. Would present policy (responding to emergencies) be enhanced or conflicted?</p>	<p>7 responded policy would be enhanced</p>	<p>2 responded that present policy would not be enhanced or conflicted</p>	<p>1 response was non-responsive</p>
<p>5. Is there an operational/staffing impact to consider?</p>	<p>9 responded that operational/staffing impact would be minimal</p>	<p>1 responded that staffing was presently inadequate to respond to WMD incidents</p>	<p>The nine responders voiced either minimal time would be lost when training or court operations would be curtailed to allow for the response.</p>
<p>6. What, if any implementation barriers (labor relations) do you foresee?</p>			<p>The consensus of the responders believed that unions might seek additional compensation.</p> <p>One responder felt that only volunteers should be used to avoid union issues.</p> <p>One responder mentioned liability and immunity issues</p>

Only ten of the eleven responders returned the second questionnaire. All ten believed that court officers should be trained statewide. There were various suggestions as to which court officers and what percentage of court officers statewide should be trained. One responded that it should be a statewide pilot project, training three per courthouse facility, one suggested that we should start with new officers first, one suggested training new recruits and a percentage of in-service officers, one suggested that only patrol security and supervisors receive training, and one suggested that only officers assigned to security posts receive the training. All ten believed that the training should be part of the Academy curriculum.

Four responders believe that the current training should be expanded to include preparing for and responding to threats and attacks of weapons of mass destruction. Two responders felt the training was already adequate and three answers were non-responsive.

Seven responders believed that all officers should receive training on weapons of mass destruction regardless if trained as certified first responders. Two failed to respond to the question and one felt that only security officers should be trained to respond to weapons of mass destruction.

The responses to the third question proved not to be useful in the development of a model. As the responders interpreted the question in too many different ways, no consensus was achieved.

Seven responders believed that the present policy of court officers responding to emergencies would be enhanced. Two responders believed that present policy would neither be enhanced nor conflicted and one response was non-responsive.

All but one responder felt the operational/staffing implications would be minimal. Either these responders felt that minimal time would be loss when training officers or the impact when responding to an emergency would be minimal because court operations would be curtailed. One responder felt that staffing was presently inadequate to respond to WMD attacks and that substantial resources would be needed to deal with such emergencies.

Finally, the consensus of the responders believed that unions might seek additional compensation and that would have to be addressed as a potential barrier. One

responder felt that only volunteers should be used to avoid union issues. Significantly, one of the union presidents only mentioned liability and immunity issues and no compensation issues. The other union did not respond to this question.

H. THE MODEL

1. Summary of Proposed Model

The key features of the proposed model are as follows:

1. Statewide implementation of certified first responders program
2. Training of all court officers as certified first responders
3. Immediate training of all new recruits
4. Phased in training of in-service officers
5. Inclusion of requisite training in certified first response in the Academy curriculum; training to be carried out by Academy staff
6. Inclusion of additional training of WMD in the Academy curriculum

2. Discussion of Proposed Model

Based on the findings, a proposed model has been developed. Recommendations on the implementation of the proposed model are contained in Chapter V. The responses indicated that court officers statewide should be trained as certified first responders. While the majority of the expert responses indicated that all court officers regardless of title or responsibility should be trained, the divergent views that only some officers should be trained have been considered in light of prevailing expert opinions on homeland security. Those experts support the position that localities must be prepared to respond to local attacks. “Domestic extremists adhering to various right-wing ideologies continue to pose a serious threat in the United States. However, special interest terrorists - most notably extremist elements of the animal rights and environmental movements – have carried out the vast majority of terrorist acts committed in the United States during the past several years and currently pose the most pressing domestic terrorist threat.”⁷⁵ The New York experts' responses recognize that terrorism can strike in areas other than New York City as indicated by their consensus that training should be statewide. However, the questionnaire experts who suggested a pilot project or that only certain officers receive training are not supported by homeland security experts. Prevailing

expert thought on homeland security would indicate that the need to be prepared for terrorism is imminent and that in the event of attack we will be in need of many more certified first responders than exist presently in New York: “Even the best prepared States and localities do not possess adequate resources to the full range of terrorist threat we face.”⁷⁶

Moreover, natural or man-made disasters also require certified first responders to respond. It is noted that court officers change location, are often rotated in assignments and are peace officers even when off duty, therefore cross training of all officers would insure proper response from any officer whenever and wherever required. Accordingly, the proposed model calls for training all New York court officers regardless of responsibility as certified first responders.

The concerns of a few questionnaire experts that training of in-service officers in certified first responding will be disruptive to court operations and the reality that a court system can never shut down or be inadequately staffed with security personnel have been assessed. The model proposes that all new recruits immediately receive requisite training. The additional week of training for new recruits will have little or no impact on court operations. In-service officers will receive training on a phased in basis. The numbers of in-service officers trained initially will insure that each courthouse will have certified first responders as soon as possible and future training will be based on an assessment of the security needs on an individual courthouse or jurisdiction basis. The clear goal is to insure that every court officer in the State of New York be fully prepared to assist with homeland security.

The findings of this research and in particular the responses of the panel suggest that the present Academy should conduct the certified first response training and that this training be included in the curriculum. Present Academy staff must be prepared to teach this new portion of the curriculum and appropriate written materials must be defined. Additionally an expanded segment on WMD must be added to the Academy curriculum. The recommendations to implement the curricula changes are embodied in Chapter V.

3. Barriers to Implementation

Three possible barriers to implementation have been identified by some of the expert panel. The first, the budget, raises minimal implications. In an interview with

Juanita Norman, Deputy Director of the Unified Court System's Professional Development Center, who is responsible for the budget for the Court Officer's Academy, insisted the cost to implement a certified first responder program would be minimal."⁷⁷ Also Chief Baccellieri, Deputy Chief of the Court Officers' Academy in his response to the questionnaire indicated "if properly phased in the impact on the budget is certainly manageable... After the initial startup costs which would run about \$20,000 the cost per student would be less than \$100.00."⁷⁸

The second barrier, court officer unions' opposition or demands for unreasonable compensation for the additional job responsibility will prove not to be a barrier to the proposed model. Approximately six years ago the courts developed and implemented a program to train all court officers in the use of automatic external defibrillation (AED). Union leaders sought additional compensation for this new responsibility. An agreement was reached between labor and management that new training initiatives would be discussed with union officials before implementation and any request for additional compensation becomes subject to contract negotiations. This precedent is applicable to the proposed certified first responder training."⁷⁹

The two union presidents, representing all officers in New York City, who participated in the Delphi questionnaire fully support court officers becoming certified first responders."⁸⁰ Court officers state wide are proud of the role they played in saving lives at the World Trade Center and are anxious to continue to "serve and protect" while assisting in homeland security efforts.

The third possible barrier would be concerns regarding liability of the court system and the officer for actions taken as a first responder. This model would not increase the liability of the court system in any fashion and court officers would be fully indemnified by the State of New York for any emergency medical treatment provided as a first responder as the response would be within the scope of the court officer's job responsibilities.⁸¹

THIS PAGE INTENTIONALLY LEFT BLANK

V. RECOMENDATIONS AND CONCLUSION

This chapter sets forth recommendations for the implementation of the proposed model discussed in Chapter IV and ends with conclusions which are supported by the balance of this paper.

A. RECOMMENDATIONS

1. Develop Curriculum for the Court Officer Academy

The Delphi Panel clearly recommended the Court Officers' Academy to train officers to function as certified first responders. In addition to the emergency responder training a new detailed component on recognizing and preliminary treatment of victims of WMD should be added to the Academy curriculum. The ODP training strategy also concluded "the preferred location for training for most tasks was "on-site" in the agency receiving the training."⁸²

B. REVISE COURT OFFICER MANUAL

The present Court Officer Manual should be amended to establish clearer protocols for Court Officers responding to emergencies outside of the courthouse and court environs. This will be determined by the Chief of Public Safety and court administrators.

C. ORIENT COURT SYSTEM AND UNION LEADERSHIP WITH THE MODEL

Smooth implementation of the model will require approval from the Uniform Issues Committee to Court leadership. Prior to implementation the model must be presented and explained to the Administrative Judges who run each court, the Chief Clerks who assist the Judges in running the courts and uniform supervisors who are in charge of officers. Included in the presentation of the model should be a review of the officers' duties in an emergency inside and outside of the court. Such an orientation will avoid any misunderstanding of court policy by those that are in charge on a day to day basis and that there will be uniformity throughout the state.

While objections from unions are not anticipated, including union leadership in planning early in the process will circumvent any reticence.

D. PRESENT MODEL TO OUTSIDE LAW ENFORCEMENT, HOMELAND SECURITY, AND DISASTER PREPAREDNESS AGENCIES AND DEVELOP COOPERATIVE RELATIONSHIPS

Prior to launching the model, the court system should work with the New York State Office of Emergency Management and the New York City Office of Emergency Management to insure coordination of efforts and that other first responder entities are aware that the court system is ready willing and able to assist first with courthouse emergencies and also with other homeland security and disaster emergencies.

E. IMPLEMENTATION

Once the Academy is ready to train and equipment is obtained, then all new recruit classes will receive the training immediately. Each new class generally averages 60 to 70 recruits so that with the first class receiving training, approximately 65 new certified first responders will be available in the event of attack or other emergency. With each new recruit class there will be more trained. Veteran officers will be phased in for this training during the in-service training cycle. Extending recruit and in-service training to include the emergency responder curriculum will avoid disrupting normal court security operations. It will take three years to train all in-service officers in the state. All responders must recertify every three years which coincides with the in-service training cycle.

F. CONCLUSION

Prior to September 11, 2001, the Courts' primary security concerns involved protection of the judiciary from domestic criminal acts. The training of its court officers was basic: securing the court facility with magnetometers and responding to disruptions and criminal acts within the court facility. Interaction by the courts with other federal, state and local agencies generally concerned criminal justice matters and the rule of law. The Courts relied heavily on local agencies to provide assistance when incidents occurred:

Court operations are essential to an orderly society. An extended disruption in court business can have ‘disastrous’ consequences. Because statutes and court rules set time limits for many court actions, delay is the court’s enemy. Disaster or not, a court must continue to support local justice systems by holding mandated hearings, issuing warrants and court orders.⁸³

After the September 11, 2001 attack which directly affected New York State Courts, court administrators looked for ways to insure continuity of court operations during and after an emergency or disaster. The courts formed partnerships with other state and local agencies that allowed for a comprehensive, coordinated response to terrorist threats and attacks by pooling resources and adopting similar homeland security protocols and practices.

At the start of this thesis approximately twelve months ago, the court was just beginning to make strides into state and local emergency preparedness. The creation of the Department of Public Safety was to ensure inclusion in the emergency preparedness arena which allowed for inclusion in the state and local homeland security efforts. DPS has taken the recommendations from homeland security experts and incorporated them into agency protocols. The courts have formed partnerships with state and local emergency management offices which allow the courts to participate in drills, exercises and simulations with these agencies. For example, the Nassau county courthouse will be the site for a WMD drill sponsored by the Department of Homeland Security and our officers will be a part of the law enforcement response. Other court locations are being considered for future WMD drills and simulations. This arrangement has been formalized by state legislation with the passage of the bill to include the judiciary in disaster planning; and opens the door for the courts to be full partners with federal, state and local agencies in all aspects of homeland security. Court officers have communication interoperability with local and state law enforcement agencies. (NYPD and the New York State Police) The courts have developed a disaster recovery plan for continuity of court operations during and after an emergency.

The New York State Courts have consistently demonstrated a willingness to respond to changing court and community needs. When the ‘gang’ problem threatened court security and community safety, the courts responded by developing and

implementing a gang awareness program. The courts have been indirectly targeted and may possibly be a direct target by domestic or foreign terrorist. Homeland security experts agree that appropriate equipment and training is necessary to properly respond to a WMD incident. The next step is the courts' implementation of a certified first responder training program to enhance the courts' ability to protect and serve. This measure would also aid the homeland security effort by providing the community with additional emergency medical assistance when needed:

Every day across the nation, emergencies occur that threaten our lives, well-being, property, peace, and security. Every day, we rely upon our local police officers, firefighters, emergency medical technicians, public health professionals, and others to arrive quickly and do what needs to be done to restore the safety, the security, the peace, and the routine to our lives. These emergency responders are trained to handle such emergencies that occur day by day in our cities, towns, villages, and countrysides (sic).

On rare occasions, emergencies occur that are so large in scale and so severe that local responders may not have the resources – people, equipment, expertise, funds – to effectively and safely respond. Even in such cases, local responders do not hesitate to do what they have been trained to do – go to the site prepared to save lives, protect property, and remove the threat.⁸⁴

This thesis provides support that court officers need the certified first responder training to ensure the safety and security of the population they are entrusted to protect. New York State Court Officers did not hesitate to respond on September 11, 2001.

APPENDIX A. FIRST QUESTIONNAIRE

January 3, 2005

As part of my thesis research I am exploring the feasibility of training court officers to become certified first responders. The methodology I'm using is known as the Delphi Technique. This technique involves the participation of an anonymous panel of experts (in court security) to respond to a set of structured questions relevant to the proposal. The panel members and their responses will be known to only me.

I will review and synthesize your responses from the first set of inquiries to formulate the second set of inquiries. After review and synthesizing of the second set of responses I will forward to you the result of the project.

First Set of Inquiries – Responses due by January 14, 2005.

The proposal is to train court officers to become certified first responders.

1. Should Court Officers be trained to function as certified first responders?
2. How operational should the response training be? (Consistent with other law enforcement? Consistent with Fire, EMS or EMT?)
3. What value would this provide to the New York State Courts?
4. How critical is it that officers be trained to this level?
5. What are the implications to the budget?
6. What is your view on officers responding to an emergency outside of court jurisdiction?

I appreciate your time and subject matter expertise in responding to this project.

Panel Member 1

1. Yes. We learned during 9/11 that our officer were left on their own to secure the courts and to respond to the potential threat to the courts which are very close to the World Trade Center site. The courts are particularly vulnerable for a subsequent terrorist attack as well as attack from a deranged public member.

2. The training should be equal to the training that other law enforcement agencies receive. Should a disaster or violence strike numerous sites in the City, our

officer would possibly be solely (sic) responsible for responding to an emergent situation in the courts.

3. Training our officers as certified first responders would add to the safety of the court and the security of justice.

4. Extremely.

5. Our budget would increase significantly. However, the risk of not expending necessary funds would be more significant.

6. Our officers first responsibility should be to secure the courts. However, if properly trained and the court secured, then assisting outside the court is a responsible and possibly vital effort.

Panel Member 2

1. Yes

2. Yes

3. It would allow the courts to respond instantly to an emergency in their facility.

4. In the climate that we live in now, it is very critical.

5. In starting a pilot project it should be very minor.

6. They should only respond as a peace officer when they are off duty.

Panel Member 3

1. Court Officers should be trained as certified first responders. A courthouse is a microcosm of society and Court Officers must be prepared to handle emergency situations.

2. The training should be incorporated into Recruit Training and In Service Training. This is consistent with Fire, EMS and some police departments. Residents of rural and isolated towns rely heavily on local police officers being trained as certified first responders.

3. Certified First Responders provide enumerable benefits to the thousands of people and employees who occupy our courthouses each day. The most critical factor

effecting survival rates for incidents and illnesses is time. Court Officers are able to respond faster than any other emergency service due to the number of officers assigned and the close proximity to the emergency. A safe atmosphere must exist in order for the courts to fulfill its mission of administering justice. The public has a reasonable expectation that the uniformed personnel assigned to a courthouse can protect and assist them in all emergencies.

4. In the post 9/11 environment it is essential that as many officers as possible be trained and certified as first responders. The lesson learned from the September 11th attack is that you cannot have enough certified first responders. The theory of having too many first responders is flawed. We did not have enough properly trained first responders on September 11th.

5. If properly phased in the impact on the budget is certainly manageable. Certified First Responder Training is approximately 56 hours in length. After the initial startup costs which would run approximately \$20,000, the cost of per student would be less than \$100. Each courthouse would provide a limited amount of equipment that would be available to all CFR's.

6. Court Officers are public servants who are sworn to protect the public. That responsibility does not and should not end at the courthouse steps. Many lives were saved on September 11th because of the quick actions of NYS Court Officers. Court Officers were on the scene before every other emergency response agency except the Port Authority Police. As law enforcement officers, public servants, citizens and Americans, court officers have a responsibility to respond to emergencies no matter the location.

Panel Member 4

1. Yes
2. The training should at least be consistent with other law enforcement, however, the more training given, the better service we can give to the public and employees.
3. Better medical service to employees and visitors of the UCS. Possible, federal and/or state monies for training and equipment.
4. Due to the volume of visitors and the number of employees, it is very critical that officers receive this training. Even if only one individual is better medically aided – then the training is worthwhile.
5. Training and equipment costs –possibly federal and/or state monies for training and/or equipment.

6. Even though our primary mission is “To protect and serve the courts” as sworn peace officers, we should assist as long as the courts are secure, whenever we can. We should always offer assistance.

Panel Member 5

1. Yes
2. After Red Cross & Heart Assoc. CPR certification – officers assigned to security posts & patrol duties with radios will respond to calls for assistance.
3. Any medical emergency requires quick action to be life saving – having trained officers able to respond within a minute will make a difference in saving life.
4. A large number of officers should have this training and backed up by EMT’s to assist with other tools to await transport to hospitals.
5. Most medical equipment would be placed in areas easily obtained by officers cutting cost of supplies.
6. Any training officer must respond when called upon to respond to emergency wherever it is.

Panel Member 6

1. Yes
2. It should be consistent with other law enforcement training.
3. It would enable trained & certified first responders from the courts to more fully serve those who visit our courts, as well as our fellow employees. Time, which is a critical factor in most, if not all, emergencies would be saved by having an available first responder from within our courts.
4. By having all court officers trained to this level, it enables any and all to respond. (Often, the 1 or 2 certified EMT’s in a facility are unavailable to respond due to leave, lunch hours, or assignment.)
5. Although unfamiliar with the expense of training, the service provided to those mentioned above should outweigh the cost factor of training. (Are federal funds or grants available to help offset the expense?)
6. I believe officers would be duty-bound to respond in public settings, such as mass transit, arenas, movie theaters, etc.

Panel Member 7

1. Yes
2. Consistent with the American Red Cross Standard
3. Currently as uniformed officers we automatically respond to all emergencies in and around the courthouse. Having trained personnel available at all times would allow us to provide better service to our court users as well as the community at large. The training would also serve to limit our liability in many cases.
4. In Jamaica Sup. Ct. alone, our officers responded to 71 aided cases in 2004. Many of which were removed to a hospital. Certainly having trained personnel on the scene immediately would be a great advantage to those people.
5. The initial investment would be easily offset by the advantages reaped. This could be accomplished by making the training available at our own Academy or by simply granting officers time off to attend training given by another agency, or by paying O.T. for officers to attend training on their own time. The union would argue that these trained officers should be paid additional money. Most of the equipment necessary is already in inventory.
6. As sworn peace officers we are morally bound to respond to all emergencies regardless of the time or place. Therefore it would make sense to provide this particular type of training.

Panel Member 8

1. Yes I would support training Court Officers to become first responders.
2. If the training can be adapted, as your question seems to apply, then we should focus on our role as a law enforcement officer.
3. As an organization which has thousands of people enter its facilities daily, this training you enable all of our officers to provide some initial care to those in need. As we know, timing in emergency situations is critical. Most of our buildings in NYC have at least one EMT, but securing their service usually takes time, with a Court Officer waiting for them, along with the patient. Any quick and capable care given will often prove invaluable. As you may know, I was an early advocate for providing defibrators (sic) in all of our large court houses, and have even sought official support (time off, course re-imbursement) for those willing to maintain EMT licenses. While this latter request was not well received, I still believe that we should provide capable care for those who enter our doors.

4. While this extra training would be useful on many levels, our experience on serious incidents in our facilities does not support a comment of “critical”.

5. We could keep the budgetary impacts limited by extending the time that officers are in the Academy. As with any training, we will have lost hours of service, but I suspect the vast majority of managers would surrender the time of newly appointed COs for a better trained employee.

6. While we have had some difficult experiences with our officers being active as peace officers outside of work, we have had many more constructive results. Also, as officers are peace officers in the first and second departments, we are, in essence, responsible to respond at times of need 24/7. If required to respond, it would be desirable that our officers be as well prepared as possible.

Panel Member 9

1. All court officers should be trained as certified first responders.
2. The certified first responder training should be included in the new recruit training and for current court officers it should be included in the ongoing inservice training.
3. Court Officers would be able to handle all types of emergencies in and around the court building and also respond as they did on 9-11-01.
4. In this day and age that we all live in it is critical. Let’s not forget the rescue work of court officers on 9-11-01.
5. The budget implications are minimal.
6. Rather than answer your question, I will ask you whether our court officers should have not responded on 9-11-01.

Panel Member 10

1. I definitely think Court Officers should be trained to be certified first responders. I think it is almost impossible, in the world we now live in, to have too many people trained in this lif-saving (sic) activity. They would be a valuable resource, already located in urban and suburban environments.
2. Should the effort be made at all, then the training must be consistent with training given to all law enforcement and fire personnel, so that Court Officers would have the ability to interact efficiently with other first responders.

3. The New York State Courts would have, on site a well trained, dedicated, first responder group that would already be aware of the geography and layout of court facilities in the event of a disaster, or even individual illness or injury. The staff would already have communications, trained staff and needed supplies on site to provide assistance in situations in which minutes saved translates to lives saved.

4. A high level of training makes sense on all levels keeping up to date on skills and equipment has a direct correlation to the level of aid that can be provided. Once the basic skills are learned, maintenance and refresher training are far easier to provide.

5. Budget implications, relatively speaking, would be fairly small. Much of the training could be provided at either local facilities or at the Academy, by Academy staff. There would be initial expenses for needed equipment and to certify our Academy staff in all areas neede yo (sic) provide certification to Court Officers.

6. Officers should respond to emergency situations outside Court facilities only in a very controlled manner. High ranking supervisors should make these determinations on a case by case basis. The standard should be that Court Officers would respond outside court facilities only when it apparent that the customary first responders may be overwhelmed by the magnitude of the emergency.

Panel Member 11

Jewel – I am not that familiar with security terminology, protocols, or inner workings. My assumption of first responders would mean CO leaving court posts and responding to emergencies outside the court bldg. Based on that here goes.

1. No. CO's should not be trained as first responders. In the event of some major catastrophe, attack or threat outside court property, I would prefer for Cos to remain on court posts and protect court personnel and property. Any incident to draw Cos from our buildings will leave the court personnel and property vulnerable. The likelihood of any such occasions to use Cos as first responders seems quite limited. Given the number of employees and visitors doing business in the court at any given time, it would be more prudent to have officers available to protect court operations, which go to the heart of and represent our democracy and right to freedoms. Our operations should not be abandoned.

2. If there were such training, it should be extensive as possible to meet the demands of whatever emergency to which they may be responding. It should be consistent with NYPD and EMT.

3. It would enhance the Cos ability to respond to emergencies on our own property.

4. Not critical at all as I believe the likelihood of any such use is small.

5. It would place an enormous strain on our budget, if trained properly, with little return.

6. I know the officers could provide relief and aid outside of our buildings, but I believe it would leave the courts vulnerable to whatever caused the outside emergency or vulnerable to some unforeseen reaction in our courts to the outside emergency.

APPENDIX B. SECOND QUESTIONNAIRE

January 29, 2005

Dear Panel Members,

Thank you for your prompt response to the first set of inquiries for this project. Below please find the second set of inquiries to complete the second phase. I apologize for the rushed time line; however I do need your responses by Wednesday, February 2, 2005.

Answer the following questions based on the consensus of the first set of inquiries in which a majority panel agreed that Court Officers should be trained as Certified First Responders.

Second Set of Inquiries – Response due by February 25, 2005

Questions:

1. Should all Court Officers (statewide) be trained as Certified First Responders?
 - a) If no, who should receive the training and why?
 - b) Should the training be an extension of the present Academy curriculum or provided by an outside Agency (such as the American Red Cross)
2. The Court Officers Academy has included in its curriculum topics on Weapons of Mass Destruction. Is the current training and expertise appropriate? If not –
 - a) Should the training be expanded to include preparing for and responding to threats and attacks involving weapons of mass destruction?
 - b) Should all Court Officers receive the training involving weapons of mass destruction even if not trained as Certified first responders?
3. What are the expectations of court officers responding to an event involving weapons of mass destruction?
4. Would present policy (responding to emergencies) be enhanced or conflicted?
5. Is there an operational/staffing impact to consider?
6. What, if any implementation barriers (labor relations) do you foresee?

Panel Member 1

1. Yes
- 1a. No response.
- 1b. It should be part of the academy.

2. I don't know
- 2a) Yes
- 2b) Yes

3. I am not sure what you mean

4. Enhanced

5. If the training is part of the Academy training of recruits then there will be no impact.

6. Unions might seek additional compensation.

Panel Member 2

- 1a. The court should start with a pilot project where each facility should have a minimum of three Certified First Responders assigned to the location. This would assure that there will always be one person on site at all times. After a year there should be an evaluation of the pilot project.
- 1b. The Academy should have Certified First Responders on their staff who should be trained in certifying others. This would allow the Academy to do the 6 hour recertification training yearly.

- 2a. OCA needs to review its curriculum and compare it with other Law Enforcement agencies and decide if it is adequate.
- 2b. OCA after doing its review, can decide if it wants to expand the program.

3. Saving lives, recognizing unsafe scenes and hazardous materials, emergencies and know who to call for more advance medical help.

4. Having Certified First Responders would enhance the present policy in responding to emergencies.

5. No, not in the pilot program.

6. We would have to do the same thing we did when we bought emergency defibrillation to the court.

Panel Member 3

1. Yes

1a. No response

1b. First Responder Training should be part of the Academy Curriculum. Experience has taught us that we need to be as self-sufficient as possible in the area of training. Doing so enables the UCS to tailor training programs to our explicit needs.

2a. The current level of training and expertise on Weapons of Mass Destruction is more than appropriate. Academy instructors are highly trained in the subject matter. They are highly motivated and have the necessary skills to effectively impart the information to trainees.

2b. All Court Officers should be trained in Weapons of Mass Destruction. Doing so enables the officer to identify potential threats. Trained personnel pro-active personnel is the most effective way to protect our facilities and the people who visit and work in them.

3. Court Officers expect to be part of a team of trained personnel who can assist the public and each other in the event of WMD attack. There is also an expectation that management will have provided the officers with the necessary equipment and support to effectively provide assistance.

4. Present policy would be enhanced. Court Officers are a vital part of the law enforcement community.

5. Operation/Staffing impact becomes critical when attempting to provide necessary training. Staffing shortages prevent commands from sending personnel to required training courses. Staffing and operations would not be an issue in the event of an actual emergency because normal court operations would cease or be severely limited due to the emergency.

6. Employees will want assurances that they will be supported and provided with the necessary training and equipment. Management would need to acknowledge the value of trained personnel and may face pressure to increase salaries. Ultimately it is imperative that labor and management work together in order to protect the sanctity of our court facilities.

Panel Member 4

1. I believe it would be impractical, with current staffing levels and resources, to train ALL Court Officers as Certified First Responders.

1a. It might be feasible to include this training as part of the curriculum for all new Court Officers in the Academy. Additionally, a percentage (10%-20%) of those officers currently working in commands statewide should be considered for the training. The initial training in the Academy of new officers would continually add Certified First Responders to the ranks (even if on an irregular basis).

Training a percentage of officers already working in the courts would be prudent to permit officers with extensive court knowledge and expertise to work side-by-side with the new Academy recruits. (It's possible that not all of the officers currently working in the courts would be eligible for training due to certain restrictions e.g., health conditions, etc.

1b. The training should definitely be an extension of the present Academy curriculum.

2. Although not specifically familiar with the current WMD curriculum, I believe it is probably sufficient. I'm sure it is an awareness-level training program that gives officers the knowledge and expertise needed to safeguard themselves and those individuals for whom they are immediately responsible.

2a. n/a

2b. n/a

3. Court Officers responding to an event of WMD would be willing to lend any assistance as directed by the lead agency (assuming the event is not directed at a court location.) They are at a disadvantage for not having certain personal protective equipment, and are probably insufficiently trained or prepared for most types of incidents.

4. Having Court Officers trained as First Responders would enhance present policy with regard to response to emergencies. Current evacuation procedures and emergency preparedness would be greatly aided by the availability of these trained officers.

5. There would be operational/staffing impact during training of current officers, as well as during the re-certification process of all First Responders upon expiration of their original certifications.

6. Implementation barriers such as funding and the above mentioned staffing concerns need to be discussed. Collective bargaining units would probably seek additional monetary compensation for these trained "specialists". This would necessitate a policy which specifically outlines the prerequisites for training considerations.

Panel Member 5

1. Yes, (b) the Academy staff should be able to increase their training to certify all.
- 2a. Yes
- 2b. Security staff not normally assigned to parts should be given training only after First Responder training to assist with aided involved.)sic
3. Court officers will respond to any event with or with supervisor.
4. Present policies should be enhanced to schedule in case of emergencies who stays and responds including supervision.
5. After a decision to close courthouses, after and emergency a number of staff should be decided? to remain and others to respond if possible.
6. Training should be on a volunteer basis. Forcing officers to train and respond may include union issues.

Panel Member 6

1. Yes
- 1b The training should be an extension of the Academy curriculum thereby insuring that the officers receive the training as prescribed by OCA.
2. No
- 2a. Yes
- 2b. Yes
3. To have the training, knowledge, expertise and equipment to respond in a manner that will guarantee their safety and ultimately save lives.
4. Emergency response policy would be neither enhanced nor conflicted. Policy can remain unchanged.
5. There is always the need to consider operational/staffing impact, but the importance of the training outweighs the minimal operational/staffing impact.
6. Implementation barriers might come from the various associations desiring additional compensation for officers who receive the training.

Panel Member 7

1. No
 - 1a. Officers working patrol and security details along with all supervisory personnel should be trained because the likelihood of other personnel responding in a timely fashion is remote.
 - 1b. Yes. The training should be provided by our Academy staff. This would give us scheduling flexibility. We could incorporate the training in In Service Training, during holidays and other more convenient times.

2. It is appropriate. It is important for our officers to have rudimentary knowledge of WMD and be familiar with the circumstances involved with a attack.
 - 2a. I can't possibly imagine OCA would devote the appropriate resources to properly train and equip and staff our uniformed force to respond to these types of attacks.
 - 2b. Yes. Being a first responder should not be a prerequisite for receiving training that might otherwise save lives in a WMD situation.

3. I feel that we would be looking for guidance from other better staffed, equipt (sic) and trained agencies. (NYFD, NYPD, US Military) Our participation would be ancillary to the main responders.

4. I don't think that present policy is "Clear Cut". I certainly don't think that any conflict would arise in officers responding to incidents less serious than WMD events. Receiving training with regard to WMD would provide the knowledge an officer needs to distinguish between the two.
5. Yes. Current staffing is insufficient to staff existing responsibilities. In order to expect our officers to respond to WMD attacks would require much additional staffing with the ability to mobilize and respond to these incidents. It would involve a tremendous dedication to increase resources including personnel before even considering this undertaking.

6. The Union I'm sure would seek additional compensation for officers involved in this type of detail.

Panel Member 8

1. Yes they should be trained state-wide. Potential threats are state-wide.
 - 1b. The training should be part of the Academy.

2. I am not sure of present training.
 - 2a. Definitely
 - 2b. Yes

3. Secure the courthouses first and then assist the public otherwise.
4. Neither conflicted or enhanced.
5. No. It would be limited to the time in-service officers are off their posts to receive training.
6. The unions may seek additional compensation, but that would not be unsurmountable (sic). I believe the unions will be willing to add the training and new responsibilities based on their response during 9/11.

Panel Member 9

1. Yes
 - 1b. Part of the Academy
2. No
 - 2a. Yes
 - 2b. Yes
3. Under the direction of a uniformed supervisor.
4. Enhanced
5. Very little.
6. None

Panel Member 10

1. I believe that for both economic and tactical reasons, all court officers should be certified as first responders.
 - 1a. See above
 - 1b. the training should be part of the Academy curriculum. Training from outside agencies should be given to Academy staff, who in turn, would provide training to Court Officers.
2. I believe the training and expertise is not yet at the appropriate level.
 - 2a. Training from either expertly trained Academy staff and outside experts in the field should be used to train Officers in specific skills to carry out WMD first responder duties should be provided.

2b. I believe all Court Officers should be certified First Responders, therefore I believe all Officers should be trained – if not, WMD training would not translate into effective response by Officers.

3. The expectations of Court Officers responding to such an event should be to expect to function under the supervision of their own trained supervisors, who in turn should be able to coordinate effectively with other primary police, fire, and medical personnel.

4. I believe that present policy would be greatly enhanced by this training because Court Officers would be equipped to provide much greater levels of assistance to Court Officers primary areas of concern in and around Court Facilities.

5. I don't believe that operational/staffing would be impacted by this training.

6. In the area of labor relations, I believe that appropriate agency regulations and legislation would be required to insure that officers involved in these responses would be guaranteed that any and all injuries or illnesses or liabilities resulting from such responses would be covered.

Panel Member 11 – Did not respond.

APPENDIX C. ENDNOTES

1. Office of Domestic Preparedness, *Emergency Response to Terrorism Training for Emergency Responders* (DVD, NCJ #205243).
2. Tony L. Jones, *Court Security: A Guide for Post 9-11 Environments* (Springfield, Ill: Charles C. Thomas Publisher, Ltd, 2003). Ix.
3. See Gregory D. Koblenz, *Overview of Federal Programs to Enhance State and Local Preparedness for Terrorism with Weapons of Mass Destruction*, BCSIA Discussion Paper (2001-5), (John F. Kennedy School of Government, Harvard University, April 2001). p. 3. Ben Canada, *Report to Congress, "State and Local Preparedness Issues"*, (U.S. Department of Homeland Security May 5, 2003), crs1.
4. U. S. Office of Homeland Security, *National Strategy for Homeland Security* (Washington, D.C., July 2002), vii.
5. New York State Office of Public Security, "Mission Statement", <http://www.state.ny.us/security/>.
6. Wikipedia, The Free Encyclopedia, "Certified First Responders," [http://en.wikipedia.org/wiki/certified_first_responder].
7. U. S. Office of Homeland Security, *National Strategy for Homeland Security* (Washington, D.C., July 2002), 41.
8. Federal Bureau of Investigation Counterterrorism Unit, *Terrorism and Civil Disturbance Threat Assessment* (January 2004), n.p.
9. National Center for State Courts, "Courts in the Aftermath of September 11th," *Nine Eleven Summit* (Williamsburg, VA: National Center for State Courts, September, 2002), CD Rom.
10. Ibid.
11. The Office of Public Security, in conjunction with the New York State Police, New York State Chiefs of Police Association, and New York State Sheriff's Association formed the first Counter-Terrorism Network. Linking local and county police chiefs and sheriffs as well as State Police troop commanders, the State was divided into 16 Counter-Terrorism zones for the purpose of disseminating terrorism-related advisories and information and sharing counter-terrorism intelligence to law enforcement on a regional basis. See <http://www.state.ny.us/security>.
12. Dr. Mark A. Friend, "What Can Responders Learn From September 11?" *Occupational Hazards* (Cleveland, OH: Penton Media, Inc., 2002).
13. Patricia Hurtado, "Federal Courthouse Long Seen as a Target," *New York Newsday*, May 2004. (News Section) A32.
14. John Miller, Michael Stone, and Chris Mitchell, *The Cell* (New York: Hyperion books, 2003) 50.
15. Ibid, 52.

16. Leonard Buder, "Bomb Shatters Windows in Courthouse Downtown," *New York Times*, 24 January 1981, (News Section), 25.
17. State of New York, Unified Court System, *Court Officers Rules and Procedures Manual*, 15 December 2003, 116.
18. Ibid.
19. R.A. Falkenrath, R.D. Newman, and B.A. Thayer, *America's Achilles' Heel* (Cambridge, MA: MIT Press, 2001), 6.
20. William V. Pelfrey, William Kelly, and John May, Jr., *Office for Domestic Preparedness Training Strategy* (Washington, D.C.: Office for Domestic Preparedness, Office of Justice Programs, U.S. Department of Justice, 2002), np.
21. Ibid.
22. Ibid.
23. Survey sent via e-mail from Department of Public Safety, New York State Courts, to members of the Court Officers and Deputies Association, March 2005.
24. Philip B. Heymann, *Terrorism, Freedom and Security: Winning Without War* (Cambridge, MA: MIT Press, 2003), 7.
25. Falkenrath, Newman, and Thayer, *America's Achilles' Heel*, 302-304.
26. Ben Canada, *Homeland Security: Standards for State and Local Preparedness*, Report to Congress (Washington, D.C.: U.S. Department of Homeland Security, May 5, 2003), crs1.
27. Federal Emergency Management Agency, *Interim Planning Guide for State and Local Governments, Managing the Emergency Consequences of Terrorist Incidents*, July 2002, J-3.
28. Falkenrath, Newman, and Thayer, *America's Achilles' Heel*, 160-165, 5, 15-17, 152-153; CRS Report for Congress, "Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact," updated December 1, 2004, 17; CRS Report for Congress, "Weapons of Mass Destruction: The Terrorist Threat," March 7, 2002; International Association of Fire Chiefs, *Leading from the Front: Law Enforcement's Role in Combating And Preparing for Domestic Terrorism, Response to the Attacks on the United States of America on September 11, 2001*, 5; Model Procedures for Responding to a Package with Suspicion of a Biological Threat, January 2004, 15; United States General Accounting Office, *Combating Terrorism: Observations on the Threat of Chemical and Biological Terrorism*, October 20, 1999, 4-5; Ron Purver, *Chemical and Biological Terrorism, New Threat to Public Safety?* (Conflict Studies 295, London: Research Institute for the Study of Conflict and Terrorism, 1997, 2-3.
29. CRS Report for Congress, *Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact*, updated December 1, 2004, CRS-2.
30. Ibid.
31. Ibid.

30. "President Bush Signs Homeland Security Act," www.whitehouse.gov, 25 November 2002.
33. Federal Bureau of Investigation, *1995 Terrorism Report*, 180.
34. Koblentz, *Overview of Federal Programs*, April 2001, 3.
35. Canada, *State and Local Preparedness Issues*, May 5, 2003, summary.
36. Federal Emergency Management Agency, *Interim Planning Guide for State and Local Governments, Managing The Emergency Consequences of Terrorist Incidents*, July 2002, p. 7.
37. Federal Emergency Management Agency, *Interim Planning Guide*, 31-32.
38. Jim Dwyer, Kevin Flynn, and Ford Fessenden, "Fatal Confusion: A Troubled Emergency Response; "9/11 Exposed Deadly Flaws in Rescue Plan," *New York Times*, July 7, 2002, Section 1, p 1.
39. Ibid.
40. Brian Jackson and others, "Protecting Emergency Responders, Lessons Learned from Terrorist Attacks," (Santa Monica: RAND Science and Technology Policy Institute, n.d.), xiv.
41. Ibid, 88-89.
42. Ibid., 1.
43. International Association of Chief's of Police Project Response, "Leading From the Front: Law Enforcement's Role in Combating and Preparing for Domestic Terrorism", *The International Association of Chief's of Police Response to the Attacks on the United States of America on September 11, 2001, IACP*, (Alexandria, VA, n.d., 7.
44. International Association of Fire Chiefs, "Model Procedures for Responding to a Package with Suspicion of a Biological Threat," (In cooperation with FBI Hazardous Materials Response Unit, FBI Laboratory Division, January 2004, 4.
45. Pelfrey et al, *Office for Domestic Preparedness Training Strategy*, n.p.
46. Ibid.
47. Jonathan Lippman, "September 11th: The New York Experience," Speech delivered to the Conference of State Court Administrators, St. Simon, Georgia, 30 November 2001. (Document provided by author).
48. Sergeant Frank Barry (New York State Courts), interview by author, 21 February 2005.
49. Deputy Chief Joseph Baccellieri (New York State Court Officer's Academy), interview by author, 21 February 2005.
50. State of New York Unified Court System, *Court Officers Rules and Procedures Manual*, December 15, 2003, 136.

51. Roscoe Pound, "Principles and Outline of Modern Unified Court Organization," quoted in "A Taxonomy of State Court Personnel Management," *St. John's Law Review* 49, 1974, 74.
52. Tom O'Connor, "Lecture Notes", Police in Society, Wesleyan College, North Carolina, <http://faculty.ncwc.edu/toconnor/205>, accessed December 2004
53. James A. Gazell, "A Taxonomy of State Court Personnel, Management," *St. John's Law Review* 49 (1974), 94.
54. Institute of Judicial Administration, *A Study of the Louisiana Court System*, Vol. 69 (1972), 42-43.
55. Equal Employment Opportunity Center, *Guidelines on Employment Testing Procedures*, Title 29, Code of Federal Regulations, Section 1607.1 et seq. (Washington, D.C., U.S. Government Printing Office, July 31, 1970); Equal Employment Opportunity Commission, *Testing and Selecting Employee Guidelines*, (Washington, D.C.: Department of Justice, Commerce Clearinghouse, Inc., 25 August 1978), Section 4010.05, 2223-2--2223-4.
56. John McKillop, (President of the New York State Supreme Court Officers Association), interview by author, December 30, 2004.
57. Letters from Ronald E. Stringer, Counsel to the Mayor, T.N. Hurd, Secretary to the Governor and Ronald W. Velde, Administrator, United States Department of Justice to Dennis Quirk, October 1974, (Document provided by addressee).
57. Office of Court Administration, *Court Officer Exam Announcement*, 2001, 1-4.
59. Deputy Chief Joseph Baccellieri, interview (see n.49 above).
60. William H. Petersen and Barbara E. Smith, *Court Security Training Guidelines and Curricula*, National Sheriffs Association, Alexandria, Va., May 1991, 2.
61. New York State Court Officers Academy Training Syllabus, undated (circa 1999), n.p.
62. New York City Police Department Patrol Guide. vi. 1999
63. McKinsey and Co., "Improving NYPD Emergency Preparedness and Response," August 19, 2002, 29.
64. New York State Court Officers Academy Training Syllabus, n.p.
65. Ibid.
66. New York State Courts Lieutenants Training Memorandum, circa 2004.
67. Letter from Michael Colodner, Counsel for New York State Courts, to Richard Platkin, Counsel to the Governor, 14 April 2004. (Document provided by author).
68. New York State Assembly, Bill Number A8130A, 2004.
69. New York State Assembly, Bill Number A8130A, 2004.

70. Cornell University Cooperative Extension
www.cce.cornell.edu/admin/program/documents/delphi.html.
71. Ibid.
72. Ibid.
73. Ibid.
74. Ibid.
75. Federal Bureau of Investigation, "Terrorism and Civil Disturbance Threat Assessment," Prepared by FBI Counterterrorism Unit, January 2004, n.p.
76. U.S. Office of Homeland Security, *The National Strategy for Homeland Security*, Washington, D.C., July 2002, 41.
77. Juanita Norman (Deputy Director, Professional Development Center, New York State Courts), interview by author, 22 February 2005.
78. Questionnaire 2, Response of Deputy Chief Joseph Baccellieri (see Appendix B).
79. I participated in the labor/management contract negotiations covering this period.
80. Questionnaire responses by John McKillop, President of the Supreme Court Officers Association and Dennis Quirk, President of the Court Officers Association. See Appendix A.
81. Pedro Morales, Memorandum to Michael Colodner, General Counsel of the New York State Court system regarding a first responder training program, 12 May 2003. (Document provided by author).
82. Pelfrey et al., *Training Strategy*, n.p.
83. Brian Tracy, Disaster Recovery Planning for Courts: "A Guide to Business Continuity Planning", National Association for Court Management Mini-Guide, Summer 2000, 1-2.
84. Brian Jackson and others, "Protecting Emergency Responders," iii.

THIS PAGE INTENTIONALLY LEFT BLANK

BIBLIOGRAPHY

- Baccellieri, Joseph. Interview by Jewel Williams. New York State Courts, 21 Feb. 2005.
- Barry, Frank. Interview by Jewel Williams. New York State Courts, 21 Feb. 2005.
- Buder, Leonard. "Bomb Shatters Windows in Courthouse Downtown." *New York Times*, 25 Jan. 1981, News section.
- Bush, George W. "U.S. Government." <http://www.whitehouse.gov> (accessed November 2002.) President Bush Signs Homeland Security Act.
- Canada, Ben. "State and Local Preparedness Issues." *Report to Congress* (2003) U.S. Department of Homeland Security.
- "Certified First Responder." http://en.wikipedia.org/wiki/certified_first_responder.
- Colodner, Michael. General Counsel, New York State Courts. Letter to Richard Platkin, 14 Apr. 2004. Provided by author.
- Conrad, Gregory. "Court Security Jurisdictions." March 2005. Personal e-mail survey sent to members of the Court Officers and Deputies Association. "Cornell University Cooperative Extension." n.d. <http://www.cce.cornell.edu/admin/program/documents/delphi.html>. (accessed March 2005).
- Courts in the Aftermath of September 11th, Nine Eleven Summit*. National Center for State Courts, 2002.
- Dwyer, Jim, Kevin Flynn, and Ford Fessenden. "9/11 Exposed Deadly Flaws in Rescue Plan." *New York Times*, 7 July 2002, sec. 1.
- Emergency Response to Terrorism Training for Emergency Responders*. Office of Domestic Preparedness, n.d. DVD. NCJ#205243.
- Equal Opportunity Commission. *Testing and Selecting Employee Guidelines*. Washington, D.C.: Department of Justice, 1978.
- Falkenrath, Richard A, Robert D. Newman, and Bradley A. Thayer. *America's Achilles' Heel*. Cambridge, MA: MIT Press, 2001.
- Federal Bureau of Investigation. *1995 Terrorism Report*, Washington, D.C.: Federal Bureau of Investigation, 1995.

- Federal Bureau of Investigation. *Model Procedures for Responding to a Package with Suspicion of a Biological Threat*. International Association of Fire Chiefs, 2004.
- Federal Bureau of Investigation. *Terrorism and Civil Disturbance Threat Assessment*, Washington, D.C.: Counterterrorism Unit, 2004.
- Federal Emergency Management Agency. *Interim Planning Guide for State and Local Governments, Managing the Emergency Consequences of Terrorist Incidents*, Washington, D.C., 2002.
- Friend, Mark A. "What Can Responders Learn From September 11?" *Occupational Hazards*, 2002.
- Gazell, James A. "A Taxonomy of State Court Personnel Management." *St. John's Law Review* (1974).
- Heymann, Philip B. *Terrorism Freedom and Security, Winning Without War*. Cambridge, MA: MIT Press, 2003.
- Hurtado, Patricia. "Federal Courthouse Long Seen as a Target." *New York Newsday*, May 2004, A32.
- Improving NYPD Emergency Preparedness and Response*. McKinsey and Company, 2002.
- Jackson, Brian A. and others, *Protecting Emergency Responders, Lessons Learned from Terrorist Attacks*. Santa Monica, CA: RAND Science and Technology Policy Institute, n.d.
- Jones, Tony L. *Court Security: A Guide for Post 9-11 Environments*. Springfield, IL. Charles C. Thomas Publisher, Ltd., 2003.
- Koblentz, Gregory D. *Overview of Federal Programs to Enhance State and Local Preparedness for Terrorism with Weapons of Mass Destruction. BCSIA Discussion Paper 2001-5*. Harvard University: John F. Kennedy School of Government.
- "Leading From the Front: Law Enforcement's Role in Combating And Preparing for Domestic Terrorism, Response to the Attacks on the United States of America on September 11, 2001." *International Association of Fire Chiefs* (n.d.): 5.
- Miller, John, Stone Michael, and Chris Mitchell. *The Cell*. New York: Hyperion Books, 2003.

- Morales, Pedro. Letter to Michael Colodner. New York, 2003. Provided by author.
- New York City Police Department. *Patrol Guide*. New York, 2000.
- New York State Legislature. *New York State Assembly Bill A8130A*, Albany, NY, 2004.
- “*New York State Office of Public Security*.” <http://www.state.ny.us/security> (accessed Sept., 2004).
- O’Connor, Tom. “*Police History*.” <http://faculty.ncwc.edu/toconnor> (accessed Dec., 2004).
- Norman, Juanita. Interview by Jewel Williams. New York State Courts, 22 Feb. 2005.
- Office of Court Administration. *Court Officer Exam Announcement*. New York: Unified Court System, 2001.
- Office of Court Administration. *Lieutenants Training Memorandum*. New York: Unified Court System, 2004.
- Office of Court Administration. *New York State Court Officers Academy Training Syllabus*. New York: Unified Court System, n.d.
- Office of Court Administration. *New York State Court Officers Rules and Procedures Manual*. New York: Unified Court System, 2003.
- Pelfrey, William V, William Kelly, and John May. *Office for Domestic Preparedness Training Strategy*. Washington, D.C.: U.S. Department of Justice, 2002.
- Petersen, William H. and Barbara E. Smith. *Court Security Training Guidelines and Curricula*. Alexandria: National Sheriffs Association, 1991.
- Tracy, Brian. “Disaster Recovery Planning for Courts, A Guide to Business Continuity.” *National Association for Court Management* (2000): 1-2.
- U. S. Department of Homeland Security. *Weapons of Mass Destruction: The Terrorist Threat*, Washington, D.C.: Report to Congress, 2002.
- U.S. Department of Homeland Security. *National Strategy for Homeland Security*, Washington, D.C., 2002.
- U.S. Department of Homeland Security. *Terrorism: Background on Chemical, Biological, and Toxin Weapons and Options for Lessening Their Impact*, Washington, D.C.: Report to Congress, 2004.

THIS PAGE INTENTIONALLY LEFT BLANK

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center
Ft. Belvoir, Virginia
2. Dudley Knox Library
Naval Postgraduate School
Monterey, California
3. Professor Dave Brannan
Naval Postgraduate School
Monterey, California
4. William Pelfrey
Naval Postgraduate School
Monterey, California