

**COURTS IN THE AFTERMATH OF SEPTEMBER 11TH**  
**NINE-ELEVEN SUMMIT SESSIONS**  
**"SAFETY AND SECURITY POLICY ISSUES**  
**FACING COURT ADMINISTRATORS"**

**MARRIOTT FINANCIAL CENTER**  
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1 UNIDENTIFIED SPEAKER: -- safety and security policy  
2 issues [inaudible]. It's my pleasure and great privilege to  
3 introduce the moderator, John Timoney, [inaudible]. He's  
4 presently the Chief Executive Officer of Beau, Dietl &  
5 Associates. He was previously, as most of you know, the  
6 enormously popular police [inaudible] police department which  
7 he joined in 1998, and had a distinguished career [inaudible]  
8 1969.

9 In 1994, [inaudible] and most of the people in this  
10 room, or a great number of them, know [inaudible] police  
11 commanders, but one of the real [inaudible] in this area. And  
12 it's my pleasure to turn [inaudible].

13 MR. TIMONEY: Thank you very much, Judge [inaudible].

14 [Tape is inaudible at this point.]

15 MR. MCCANN: Michael McCann on the [inaudible]  
16 security of [inaudible].

17 MR. VOELKER: My name is John Voelker. I'm the  
18 Executive Assistant to Chief Justice [inaudible] last two to  
19 three years [inaudible] draft of security measures for use in  
20 our court and provide training throughout the state for  
21 individuals [inaudible].

22 MR. O'REILLY: My name is Matthew O'Reilly. I'm the  
23 Chief of Public Safety for the New York State Unified Court  
24 System [inaudible] and I oversee court security policies  
25 [inaudible].

1 MS. ROWE: I'm Tina Rowe and I have a long law  
2 enforcement career with my last eight years [inaudible] United  
3 States Marshal in Colorado. [Inaudible.]

4 [Tape inaudible at this point.]

5 MR. FEINER: Hi, my name's Ed Feiner. I'm Chief  
6 Architect of the United States General Services Administration.  
7 Although my [inaudible] live in the Washington area for  
8 thirty-five years, [inaudible] very quickly, and our office is  
9 responsible for [inaudible] for the GSA [inaudible]  
10 construction program [inaudible].

11 [Tape inaudible at this point.]

12 UNIDENTIFIED SPEAKER: -- director of security and  
13 life safety for [inaudible].

14 [Tape inaudible at this point.]

15 UNIDENTIFIED SPEAKER: [Inaudible] We had a  
16 hazardous material section [inaudible] fire drills, but we  
17 decided to do evacuation drills. We stressed a lot of the  
18 [inaudible] court security issues, but the one area that has to  
19 be focused on is on [inaudible] preparedness and what we have  
20 done since then -- since 911 [inaudible].

21 UNIDENTIFIED SPEAKER: [Inaudible], I think -- the  
22 big thing that happened is we -- we probably had all the -- the  
23 rules in place to be prepared. We had a [inaudible] that  
24 mandated that we had court security, I had a facility committee  
25 in place made up of a very good mix of people. We got

1 everybody's opinion on the table. They should meet -- they  
2 were supposed to meet quarterly and they used to call and say  
3 what's the [inaudible] going to do if we don't meet quarterly.  
4 We can't think of what to talk about.

5 [Tape inaudible at this point.]

6 UNIDENTIFIED SPEAKER: [Inaudible] I think we talked  
7 this morning about the window of opportunity, and the window of  
8 opportunity is allowed [inaudible] people to remember after we  
9 completed this training [inaudible]. So you know what  
10 [inaudible] so you know who to talk to about who's putting the  
11 emergency plan together and it involves the whole courthouse,  
12 it involves, you know, the -- the county clerk as well as  
13 [inaudible], and before that [inaudible].

14 [Tape inaudible at this point.]

15 UNIDENTIFIED SPEAKER: [Inaudible] Is it the  
16 administrative judge? Is it the senior court officer? Is it  
17 the sheriff? Is [inaudible]?

18 [Tape inaudible at this point.]

19 UNIDENTIFIED SPEAKER: [Inaudible] high-ranking court  
20 officer or a deputy sheriff or a [inaudible] local fire or law  
21 enforcement personnel. So [inaudible] may not have all the  
22 experience of those of us in uniform do, generally decisions  
23 are very good [inaudible].

24 [Tape inaudible at this point.]

25 MS. ROWE: [Inaudible] I personally prefer to have

1 the chief judge make the decisions. My feeling is, is that you  
2 always -- the judge always asked about my thoughts. I have  
3 developed the template for him to use about a number of things,  
4 so [inaudible] document the decision-making process. But  
5 frankly, there's so many issues involved with the legalities of  
6 the court process that I'm not familiar with that I would much  
7 rather it be the chief judge that would do it.

8 [Tape inaudible at this point.]

9 UNIDENTIFIED SPEAKER: [Inaudible]. I think the key  
10 on this is that there's a plan [inaudible]. The decision on  
11 when to evacuate, who makes that decision, who [inaudible],  
12 etc., as long as it -- you have a plan to act on, you know  
13 who's in charge and how to [inaudible], not necessarily who  
14 that person is --

15 UNIDENTIFIED FEMALE SPEAKER: [Inaudible -  
16 simultaneous speakers.]

17 UNIDENTIFIED SPEAKER: -- so there is still  
18 [inaudible].

19 [Tape inaudible at this point.]

20 MS. ROWE: [Inaudible] and this is something that  
21 people just don't seem to do, even though we're talking about  
22 [inaudible], but what [inaudible] decision makers and let's say  
23 -- [inaudible] -- but let's say there's a clear chain of  
24 command, but he's not available or out of the picture  
25 [inaudible]. But what we did in Denver was we actually had

1 [inaudible] with the judges to talk about if something comes  
2 up, here's what we're going to be doing, here are the resources  
3 and so forth, and some of the judges [inaudible] did not feel  
4 real comfortable with just having a training session like that,  
5 but once they did, they said, hey, this [inaudible].

6 [Tape inaudible at this point.]

7 UNIDENTIFIED SPEAKER: [Inaudible] and our focus  
8 primarily is --

9 [Tape inaudible at this point.]

10 -- because it's very hard to predict whether everything you try  
11 to do will --

12 [Tape inaudible at this point.]

13 UNIDENTIFIED SPEAKER: [Inaudible]. Some of the  
14 difficulties we had which we're just talking about now is the  
15 U.N. is -- is a -- is a place where people talk a lot but they  
16 don't make decisions for weeks, months, years later, if ever.  
17 [Inaudible] cannot make decisions like in Texas, and that's  
18 what I found myself in a position where I had thirty -- thirty-  
19 five [inaudible] U.S. officials and briefing them, and they  
20 wanted to discuss decisions [inaudible] this is not -- this is  
21 not one of those areas they were going to make decisions like  
22 the [inaudible].

23 We've tried to divide it into two areas. One is an  
24 operational area where we [inaudible] operational decisions, so  
25 if something starts to happen [inaudible] operational level,

1 that the building's going to be evacuated, people are going to  
2 be relocated, where they're going to be relocated [inaudible].

3 Those decisions are made by operational people; people who are  
4 experts in their fields and we can have committee people  
5 personnel [inaudible].

6 But there are [inaudible] that political decisions  
7 have to be made and there has to be a relationship, so if you  
8 have [inaudible] operational decisions, you have another group  
9 that's making what I refer to as [inaudible] decisions, and  
10 I'll give you an example at the U.N. I'm sure there's examples  
11 in the court system.

12 Right after September 11th, there was a need to put a  
13 security council --

14 [Tape inaudible at this point.]

15 -- we were still getting more press, there were other things  
16 that were coming to our attention, but to avoid [inaudible] --

17 [Tape inaudible at this point.]

18 -- sit down with the political people and worked out a plan,  
19 where the security council was going to meet, when, how we were  
20 going to coordinate it, how we were going to work out  
21 [inaudible] police and the other law enforcement authorities.

22 [Inaudible] two groups, it has to be written, it has  
23 to be [inaudible], the people have to know what their role is  
24 through training and through table-top exercises. And -- and  
25 then as decisions are going to be made, the process has to take

1 place where [inaudible] operational group is meeting with  
2 somebody that's in charge of the -- the policy-making group.

3 [Tape inaudible at this point.]

4 UNIDENTIFIED SPEAKER: [Inaudible] we have identified  
5 some vulnerabilities and what we did is we put in place to  
6 reduce those vulnerabilities. Clearly, [inaudible] right now  
7 wholly responsible for the ultimate decision. [Inaudible]  
8 circumstances that lead to that decision-making position or  
9 will dictate who is, but ultimately [inaudible], I will make  
10 the ultimate decision to move people in and out of the facility  
11 itself.

12 [Tape inaudible at this point.]

13 Therefore, we put it on the shoulders of myself as  
14 the director of security.

15 [Tape inaudible at this point.]

16 UNIDENTIFIED SPEAKER: I can respond to that. One  
17 thing we did after nine-eleven was to review our evacuation  
18 protocols and [inaudible] evacuation is mandatory. [Inaudible]  
19 is mandatory for court employees. The problem we face in  
20 multi-[inaudible] and multi-agency facilities [inaudible].  
21 What we tried to do is [inaudible] train those folks and meet  
22 with them and get them all on board so that once a decision is  
23 made, everybody [inaudible] all the other agencies.

24 The only exception to that [inaudible] actually done  
25 a series of -- actual building evacuations throughout New York





1 UNIDENTIFIED SPEAKER: Absolutely. I mean, any time  
2 you [inaudible] security, you're -- you're bound to at some  
3 point provide inconvenience to someone, either people coming in  
4 the building or staff coming in, the judges, etc., so at times  
5 there's going to be knocking of heads.

6 [Inaudible] most recent incident for us [inaudible]  
7 providing our last security screening [inaudible]. Now talk  
8 about a window of opportunity [inaudible], but the issue was  
9 that the individual defendant was [inaudible] gun out of a  
10 court officer's holster and shot [inaudible] and a detective  
11 from the [inaudible] police department happened to be in the  
12 audience to investigate the case, stopped the defendant.

13 [Inaudible], but when a decision needs to be made  
14 [inaudible].

15 [Tape inaudible at this point.]

16 UNIDENTIFIED SPEAKER: [Inaudible] Marshal Service  
17 and with the administrative office of the court --

18 [Tape inaudible at this point.]

19 The issue that we are trying to [inaudible] touched  
20 on very briefly is that the [inaudible] speaks to [inaudible]  
21 and openness and security is a very critical point, and  
22 particularly in the federal system, we don't have family court  
23 [inaudible] courthouses. Our criminals are of a higher  
24 cultural level perhaps --

25 [Inaudible - laughter]

1 -- so, you know, it's another level. But I think the  
2 [inaudible] of the program [inaudible] personal security issues  
3 like getting gun [inaudible], I think that's well under  
4 control. Most of the courthouses that cannot be retrofitted  
5 are being replaced, and that's very good. Some of them we have  
6 [inaudible] going into and we [inaudible].

7           But, Ed, the big issue for us really at the federal  
8 level is how to balance that accessibility because these  
9 buildings, particularly in the federal system are --

10                   [Tape inaudible at this point.]

11 -- present ourselves in the community so that we don't create a  
12 [inaudible] type of building. It's really very critical  
13 [inaudible]. So it's a [inaudible] working with the Marshal  
14 Service and the administrative office of the courts to maintain  
15 that balance [inaudible] security.

16                   [Tape inaudible at this point.]

17           MS. ROWE: I guess I would say [inaudible] is that we  
18 do all of our planning with the idea of when it happens, not if  
19 it happens, and so we were -- I think many of the courts are  
20 the same way -- we will focus on simply being prepared for a  
21 whole lot of a variety of things, for natural disasters and --  
22 and system failures and -- so when you've done that, then  
23 everything else falls into place.

24           And so [inaudible] likely to happen, the issue -- but  
25 whether it's likely to happen or not, we have plans in place,

1 and I think that's the focus [inaudible].

2 [Tape inaudible at this point.]

3 UNIDENTIFIED SPEAKER: [Inaudible] stationed at the  
4 doorway today [inaudible].

5 [Tape inaudible at this point.]

6 UNIDENTIFIED SPEAKER: [Inaudible]. We were also  
7 going to launch a [inaudible] cameras, which will possibly  
8 replace the traditional CCTV concept and we will be able to run  
9 them [inaudible] and then access it off site [inaudible] motion  
10 detection alarm activation [inaudible].

11 [Tape inaudible at this point.]

12 UNIDENTIFIED SPEAKER: I think we don't have as many  
13 people --

14 [Tape inaudible at this point.]

15 In fact, one of our statewide training [inaudible] included the  
16 county board members [inaudible].

17 [Tape inaudible at this point.]

18 UNIDENTIFIED SPEAKER: No, not at all. Quite the  
19 contrary. Actually, [inaudible] are now going to encourage  
20 that the public reception areas are outside the envelope of the  
21 building so when you enter the building and you are in a public  
22 space, then after you proceed through that, you actually get to  
23 the body of the building where you have all these [inaudible]  
24 courthouse or any other federal building that [inaudible] or  
25 something like that.

1           No, actually the new courthouses are -- the tradition  
2 of the federal courthouse is being a representation of the --  
3 the third branch [inaudible] branch of government and -- and  
4 representing all three branches [inaudible] of what their  
5 government is about.

6                           [Tape inaudible at this point.]

7 -- but if you went back to nine-eleven and you know what caused  
8 the problem [inaudible] that what's very encouraging is, for  
9 example, [inaudible] that they're experimenting in Los Angeles  
10 with not having the secondary screening at the -- at the gate.

11 How many of you fly? You probably all fly and that's probably  
12 the biggest fear [inaudible] am I going to have to go through  
13 -- they can go through everything, my underwear, and you know,  
14 [inaudible] get on the airplane, you're counting to figure out  
15 how you can be the lucky one or not.

16           And the other thing is that [inaudible] bomb in my  
17 suitcase. [Inaudible] some of the things that we react to are  
18 really [inaudible], and I think we do have to strike a balance  
19 of what makes sense and what doesn't make sense, and that's  
20 really how [inaudible] you can spend [inaudible] of the United  
21 States Treasury to secure facilities and you will get nothing  
22 [inaudible] United States Treasury and you have to come to a  
23 point where we say we should be prudent, we cannot be  
24 negligent, but we have to have an honest dialogue and  
25 [inaudible] talk about this in national symposium on security

1 [inaudible], and after nine-eleven, we had another symposium  
2 thinking [inaudible] the issue in Oklahoma City and we reacted  
3 to it [inaudible] represent government in some form.

4           Well, the government -- my analysis of government is  
5 that you have basic trigonometry, you have the sign wave and  
6 the cosign wave and they're out of sequence by ninety degrees,  
7 the government very often [inaudible], but sometimes it gets so  
8 far behind [inaudible - laughter] -- security area -- physical  
9 security for things like [inaudible]. Actually, we had five  
10 years before nine-eleven -- nine-eleven was just a reminder  
11 that these kinds of [inaudible] happen, but the reality is that  
12 we've been planning for certain issues on the security of  
13 building design back from the Oklahoma City experience. So  
14 we're sort of ahead of the -- of the curve on a lot of these  
15 issues.

16           [Tape inaudible at this point.]

17           UNIDENTIFIED SPEAKER: [Inaudible] we reach the point  
18 [inaudible]. Where we want to go in the future is up to us. I  
19 just think that we learn from experience, let's move forward in  
20 the right direction whether it's a cause-effect measure,  
21 [inaudible] measure, we know what we've [inaudible], we know  
22 how to [inaudible] in the future [inaudible] let's just move  
23 and do the right thing.

24           [Tape inaudible at this point.]

25           UNIDENTIFIED SPEAKER: [Inaudible] you have about

1 fifteen minutes for questions [inaudible].

2 [Tape inaudible at this point.]

3 UNIDENTIFIED SPEAKER: [Inaudible] resources that you  
4 have available to you [inaudible]. We find somewhere in the  
5 vicinity of [inaudible] incidents a month -- I mean, excuse me,  
6 a year [inaudible]. Some of those are medical emergencies.  
7 [Inaudible]. We find that while thirty-seven percent  
8 [inaudible] training that goes with that.

9 So I think when we -- we talk about planning and we  
10 talk about these major events, we -- we -- we don't want to  
11 lose sight of these everyday occurrence, which seems to be the  
12 more common denominator, and [inaudible] and the resources that  
13 go with that, and the resources for us at least are very, very  
14 difficult to come by.

15 [Tape inaudible at this point.]

16 UNIDENTIFIED SPEAKER: [Inaudible]. One thing we  
17 worked together on is [inaudible] members of the judiciary  
18 which has existed for years, but after nine-eleven we did  
19 increase our level of discussion to deal with possible  
20 terrorist activity [inaudible].

21 [Tape inaudible at this point.]

22 UNIDENTIFIED SPEAKER: I'd like to ask the experts  
23 what --

24 [Tape inaudible at this point.]

25 MS. ROWE: [Inaudible] and it would be -- and that





1 UNIDENTIFIED SPEAKER: [Inaudible] we do not search  
2 court employees in most of our courts, and -- and the rule for  
3 us is judges --

4 [Tape inaudible at this point.]

5 UNIDENTIFIED SPEAKER: [Inaudible] over sixteen  
6 thousand state courthouses in this country and given the  
7 limited resources, do you have any thoughts about what policy  
8 should be in terms of [inaudible] of which courthouses  
9 [inaudible]?

10 [Tape inaudible at this point.]

11 UNIDENTIFIED SPEAKER: [Inaudible] over the past five  
12 years decreasing the number of [inaudible] that we have in the  
13 courthouse. We do have some [inaudible] and we're also  
14 encouraging our local [inaudible] judges to come up with a  
15 [inaudible] purchase x-ray machines which were then installed.  
16 So we still don't have a universal approach to this issue.

17 UNIDENTIFIED SPEAKER: [Inaudible] the federal  
18 government -- and I can't remember all the parameters -- but  
19 after Oklahoma City, the federal government did survey and  
20 based on all the U.S. government facilities, came up with a  
21 number of parameters [inaudible] baseline security for every --  
22 every government building, but depending on these factors,  
23 [inaudible], and I'm sure the State Department does the same  
24 thing at facilities throughout the world [inaudible].

25 Some of the parameters would be location, the number

1 of people in the building, the number of exits that you may  
2 have had in the past [inaudible] and based on the assessment  
3 [inaudible] should be provided --

4 [Tape inaudible at this point.]

5 UNIDENTIFIED SPEAKER: [Inaudible]. And I think that  
6 there is something that we have to be very careful about that  
7 we have to go [inaudible] every product you can think of that  
8 will protect you from a risk that may not [inaudible]. The  
9 thing that I think that we have to look at is the progression  
10 from Oklahoma City to nine-eleven and, God forbid, the next  
11 [inaudible]. Oklahoma City was a federal installation and  
12 [inaudible]. Nine-eleven was two buildings [inaudible] having  
13 to protect the courthouse, having to protect it from -- from  
14 being attacked.

15 I think that we have to become much more realistic  
16 about the future. I think today [inaudible] methods of getting  
17 to some of these people before they get even near the public is  
18 probably the most critical [inaudible], but again there are  
19 [inaudible] of a lot of money for things that may never happen  
20 and probably did not happen -- thank God they probably did not  
21 happen [inaudible] the money to spend on many of the other  
22 issues that we have to deal with.

23 These security issues are coming [inaudible]. In the  
24 federal system, in the [inaudible] spending per square foot on  
25 security [inaudible], and that is only a period of two to three

1 years. At what point do you say that are we spending money  
2 wisely and prudently? There's no way to [inaudible], but I  
3 think that we have to take a very [inaudible] reasonable  
4 approach to providing what has been proven [inaudible].

5 [Tape inaudible at this point.]

6 UNIDENTIFIED SPEAKER: [Inaudible] any recommended  
7 for parking for those vehicles and/or the people in those  
8 vehicles?

9 MS. ROWE: We have -- most federal courthouses, the  
10 [inaudible]. My personal preference is that they [inaudible]  
11 that their car might [inaudible] -- you know, might be unsafe  
12 and then I do like the idea [inaudible]. I don't like the idea  
13 of a car [inaudible].

14 [Tape inaudible at this point.]

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