

Testimony of Anthony Pizighelli

President IBPO Local 731

Judiciary Committee

February 28th, 2007

House Bill - 6674

Greetings Ladies and Gentlemen of the Committee,

First let me thank you for allowing me the opportunity to speak today.

I am Anthony Pizighelli, President of the International Brotherhood of Police Officers, Local 731. We represent over 700 Judicial Marshals within the State of Connecticut. I am here today to speak on behalf of House Bill 6674, a Bill that would transfer responsibility for court security and prisoner transportation from the Judicial Branch to the Department of Public Safety.

Before I begin, I would like to tell you a little about my qualifications, I have over 26 years of training and experience as a Law Enforcement officer, I am a former Corrections Officer, and a Fairfield Special Police Officer. I am a founding member of the Department of Homeland Security and a member of the US Coast Guard Auxiliary, where I served for two years as Flotilla 24-02 Marine Safety Officer; it was my responsibility to coordinate and plan with state, local and federal authorities the participation and response for Coast Guard Auxiliary members in Flotilla's 24-02's area of responsibility in the event of an emergency, natural disaster or terrorist incident. Upon assuming responsibility as the Business Agent for Local 731, in 2004 I enrolled in, and completed a paralegal training course specializing in the field of litigation. I tell you this, because I want you to understand, that when I speak today I am speaking from the life experience of a

well trained law enforcement oriented individual, trained in emergency response, with a working understanding of the functions of the court system, labor relations and labor dispute process.

In December of 2006 I was elected president of this local, shortly after I met with Judicial Branch's upper management, they offered to work with us to resolve labor issues and security matters informally, they also told me they were opposed to my long term goal of moving the Judicial Marshals out of the Judicial Branch, I agreed that as long as they were willing to work with us in a meaningful manner to resolve labor issues and security matters, we would not pursue the issue of moving responsibility for prisoner transportation and court security from the Judicial Branch. Since that meeting this local has repeatedly tried to resolve issues of safety and labor with the various departments within the Judicial Branch. Being unsuccessful in addressing what we feel are key safety issues which directly affect public safety in court houses and to the public at large, we believe we have no alternative but to seek legislatively the removal of court security functions and prisoner transportation from the Judicial Branch and place under an agency which the primary responsibility is public safety.

Let me say I am not here today to condemn or bash the Judicial Branch. I have a great respect for the court system and the men and woman who serve as Judges. They do an outstanding job of interpreting the law and handling the already overworked judicial system. I do however believe very strongly that as stated in our laws the Judicial Branch's primary function is the interpretation of law. They have tried to manage court security, but just as you would not ask a lawyer to patrol the streets of your city, it is unfair to ask the Judicial Branch to run a law enforcement agency, and statutorily it is a fundamental function of Judicial Marshals to enforce the law.

Why transfer to the Department of Public Safety? Perhaps we should first ask what the question public safety involves. Public Safety involves the protection

and the prevention of the general population from all manner of significant danger, injury, damage or harm. This protection is typically provided by emergency services organizations such as police agencies, fire and EMS personell, these are also the core functions of a Judicial Marshal.

Judicial Marshals are currently governed by several divisions within the Judicial Branch; Judicial Marshal Services, Human Resource Management and Court Operations with Judicial Marshal Services, Human Resource Management answering to Court Operations. On December 1, 2000 the Judicial Branch assumed responsibility for court security; Judicial Marshal Services has spent 6 years under the administration of the Judicial Branch, what have they achieved over that time period?

Are the courts actually any safer now, than they were under the Sheriff's Department? No, I don't believe they are. In fact when this local was founded in 1999 we had 975 Special Deputy Sheriff's, today that number has dwindled to just over 700 Judicial Marshals. Honorable Judge Lavery made an outstanding case for more Judicial Marshal's last week, I found him to be both genuine and sincere in his concern for the safety of the courthouses. I only wish what he now deems "critical" staffing problems, were addressed three years ago when the local filed a prohibited practice complaint at the labor board on the matter, yet the situation has not improved. Staffing has been a major concern of this local's for the past three years, we are told there is no money to hire new judicial marshals to staff the courts, and there is no money for new equipment. Fortunately funding does exist to create seven (7) new Court Planner positions with an annual salary of \$75,000.00 each.

One thing the Judicial Branch has excelled in is training of Judicial Marshals, our membership receives very good training, but they have become apprehensive of using that training and their equipment for fear of extreme discipline as a result of court operations investigating the matter. The Judicial

Marshals I represent believe if they use their equipment and training they will either lose their job or be suspended without pay. This belief stems from a very real understanding of the past history of discipline in these matters. Because of belief and understanding, Judicial Marshals have nicknamed their equipment suspension spray and termination sticks. When the security force is afraid of excessive abuse of discipline, they hesitate, that delay that split second of hesitation could cost someone their life. They need to know when they act under the color of law, the agency they work for will support them, the Judicial marshals I represent have no faith the Judicial Branch will support them. The threat of discipline extends beyond the regular duties of a Judicial Marshal, I understand yesterday a directive was issued to all the Chief's that no union official was to wear their uniform to attend this hearing today; if they did they would be disciplined for disobeying a direct order. Why? How could their presence here harm the Judicial Branch? Because you would see that I am not here today alone in support of this bill.

I believe it is only because the Judicial Marshals on the job today are extremely good at their profession that that no major incident has occurred inside a Connecticut courthouse.

The tragic shooting in Middletown of Attorney Julie Porzio, who's life was actually saved by Judicial Marshal Charles Epstein is but the most recent example of the system breaking down. Epstein along with other Judicial Marshals responded to the shooting, stepping into harms way without hesitation, to protect the public and aide the wounded. Fortunately, this tragedy unfolded outside the courthouse, but it could have just as easily happened inside the court house. When her client's estranged husband tried to smuggle his firearm into the building, the Marshal at the front door caught it. Let us ask ourselves what would have happened to that Marshal if Mr. Bocchicchio refused to take the gun outside? What if he pulled it out of his brief case and opened fire? Would the Marshal at the front door even survived long enough to call for help? The Marshal at the front

door doesn't even have a bullet proof vest to give them an opportunity to survive, let alone fend off an armed assault. When we asked judicial for bullet proof vests for marshals assigned to front doors and prisoner transportation, Judicial Marshal Services thought it was humorous we wanted bulletproof vests. They told us they didn't have any money to buy them, if we bought them our people could wear them, provided they met their specifications. That was two (2) years ago, we are currently holding a fund raiser to try and buy those vests, yet the Judicial Branch has not allocated any money to provide such an essential tool for our members. Judicial Marshals Services could not purchase bullet proof vests, but they were able to acquire thousands plastic bags, forms and tags so that we could hold cell phones at the front door, perhaps its because we see more cell phones than guns, but when that gun does come through the first line of defense is the Judicial Marshal. We are not allowed non-lethal defensive weapons like tasers because they have been deemed to intimidating by Judicial Marshal Services. We asked for safer working uniforms with embroidered badges and name tapes like many law enforcement agencies are changing to, we were told the Judges don't want that para-military look in the courthouses, to intimidating. In fact I understand a Judge in Stamford ordered two Corrections Officers who were dress in that fashion to dress in judicial marshal uniforms so they wouldn't taint the jury in the case.

I would just like to point out that two weeks ago in the Derby Courthouse a judicial marshal disarmed a man carrying a loaded 22. cal handgun inside his coat. This man was arrested for carrying a weapon without permit, it was later determined he had several federal warrants as well.

In 2005 we raised concerns over unsafe worn-out transportation vehicles; to date none of the transport vehicles we complained about have been replaced. In fact the Judicial Marshal Services believed it is perfectly acceptable to transport prisoners in an ordinary rental car, when we complained about that, Judicial Marshals Services obtained an run of the mill station wagon which has no security

features, such as doors that can not open from the inside of the vehicle, a screen separating the prisoner from the driver, it doesn't even have a two-way radio..

Several years ago, Judicial Marshals Services created a centralized transportation unit, to "reduce" overtime. The outcome of this was, increased mileage, poor maintenance of vehicles, increased spending on fuel and overtime. The removal of transportation vehicles from individual courthouses. Leaving many courts without a prisoner transport vehicle to evacuate the building in an emergency. During the 2005 statewide bomb scare at least one courthouse reported to me they had no vehicle for evacuation and had to handcuff their prisoners outside the courthouse to a fence.

Has Judicial ever tested their security system, or practiced emergency plans and protocols? To my knowledge no. I know for a fact we have never conducted a practice mass casualty incident or courthouse evacuation. We did however have a Chief who would go around and hide keys in courtrooms to see if Marshals would find them, he also took it upon himself to create a facsimile explosive device, bring it into a courthouse hide it, unfortunately he neglected to tell anyone he was planning to do this. Fortunately the courtroom he hid it in was closed that day. He received a written warning and promotion to court planner.

One matter of issue with the former Sheriff's Department was there was no uniformed statewide policy to dictate security measures. Judicial Marshals Services will tell you there is a uniform statewide policy system in place, to govern security procedures Judicial Marshals will use in the day to day operations within the facility they service. What they won't tell you is that the Administrative Judge has the authority to override those policies; in fact it is the Administrative Judge who determines if an inmate should be restrained in court, if so should they be cuffed in the front or the rear? These are clearly security related matters, that an administrative judge should not be burdened with.

The decision to evacuate a courthouse doesn't lie with the security force; it lies with the with the Department of Public Safety (State Police) who coordinate with the Administrative Judge, Chief Judicial marshal and Head Clerk. Coincidentally in that matter in Hartford one judge actually refused to leave when the Marshals tried to evacuate the building and demanded he finish his docket. The Branch's explanation, the Judge knew he had a certain time frame to work with in. Again when the security force of the building says its time to leave they are doing so for a reason, to protect the safety of the people in that building.

Judicial marshals are sworn peace officers with powers of arrest but they are restricted by policy from using their powers of arrest. If a marshal affects an arrest, they must take the person into custody, read them their rights, and search them. Then call the Department of Public Safety (State Police), have a State Trooper pulled off the road to come to the courthouse to process the arrest. This in most cases is only requiring of a misdemeanor summons. Pulling a State Trooper off the road to process our arrests is embarrassing, demeaning and is actually counter productive, since public safety is being sacrificed because the Troopers visibility is reduced, their ability to respond to more pressing public safety matters is delayed while they are at the courthouse. There is a reason we are made to utilize State police to process our arrests, it's called a conflict of interests, and we face it everyday. Should a Judicial Marshal affect an arrest and processed the arrest themselves, the next step would be to arraign the prisoner. The Judge, who must remain neutral, is deciding if the Judicial Marshal had probable cause to make the arrest. The Judge has full authority over the Judicial Marshal, so in essence the person deciding probable cause is in fact the Marshals boss, so I do understand why we are not allowed to process our own arrests.

In August of 2006 I presented the Judicial Branch a list of ninety (90) issues we have been trying resolved, this list included security issues. To date not one issue has been resolved, the Judicial Branch is always willing to talk to us about any concerns we have, and it is just very rare that anything is ever resolved

until it becomes a major issue or embarrassment. In August of 2006 after exhausting all other options, we sent a letter to Governor Rell and Attorney General Blumenthal asking for an investigation into inappropriate and possibly illegal conduct during investigations by the staff in Court Operations, and we asked for the removal of Judicial Marshals from the Judicial Branch. The Branch responded by filing a prohibited practice complaint at the state board of labor relations.

The problems I describe are just examples of the many reasons why the Judicial Branch put simply not equipped to handle a paramilitary law enforcement agency. I along with many other Special Deputy Sheriff had supported the abolishment of the Sheriff's Department because it offered hope, Hope for a chance to show we were more than political appointees and flunkies. That we were skilled law enforcement professionals; we wanted to protect the courts of Connecticut with pride and honor, and be paid a decent wage for our work. Sheriff's reform promised us hope, hope of promotional testing, strict hiring standards, and finally the end to the "buddy system". Not much has changed, I'm afraid, promotions to date are not based on merit, and no testing is involved. You can start as a new Judicial Marshal today and in three weeks be an acting lead or supervisor. There is no prerequisite training program for leads or supervisors prior to taking charge of a multi-billion dollar facility and the lives of countless civilians and state employees. There is an in-service program taught by court operations after you have been in the position for a while As for hiring, I believe the court planners have pretty much replaced the high sheriff's when it comes to hiring relatives and friends, at least two court planner have relatives on the job today and one starting in the next class. Basically we traded eight High Sheriff's for a system that rife with patronage, pre-selection and favoritism.

We support moving oversight of court security and prisoner transportation to the Department of Public Safety because we believe they are correct agency to supervise administration, training, prisoner transportation and securing the

courthouses of Connecticut. Now more than ever the need for proper security is imperative, with the threat of terrorism and the rise in violent crimes, why the State of Connecticut would not want the ability to utilize 700 more law enforcement officer to their fullest extent is beyond me.

Just as Judges, Lawyers and doctor train to perform specific functions law enforcement / security and is a specialized field which requires not only special training, but a special mind set. The more you work in this field the more you become aware of your surroundings, I would notice things like a bulge undersomeones jacket, or how the cellblock was unusually quite. Both are warning signs an average person wouldn't think twice about. The people currently making the decisions on court security and prisoner transportation do not have the training or mind set required to properly carry out their statutorily charged responsibilities. By their own actions Judicial Marshals Service has proven time and time again that their mind set is to please the courts, even if it means jeopardizing security, there argument is when is the last time someone was killed in courthouse? Security should not be reactive it should be proactive.

If I may be so bold, we are in support of Julie's Law, a Bill which calls for hiring more Judicial Marshals and a comprehensive study of court security. I believe that study can be an effective tool in making a recommendation to move control of court security away from the Judicial Branch. I am willing to make myself available to you to answer any questions you may have about how court security and prisoner transportation are actually being managed by he Judicial Branch.

You should know that I do believe in the collective bargaining process, I can also tell you today as I stand here today I know the Judicial Branch does not want to relinquish control of Judicial Marshals, but you must believe me when I tell you if we keep going the way we are going, it is just a matter of time before

someone is seriously injured or killed in a courthouse because the people who need to run security weren't allowed to do their jobs.

In an effort to respect my allotted time, I will close by thanking you for granting me the time to speak today; I ask you all not only for your support today but that you continue to support this bill throughout the course of its life and help us assure it is passed into law.

I will gladly take any questions you may have.

Anthony Pizighelli

President

IBPO Local 731